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Chapter Authority: 1 CMC § 2507.

Chapter History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: PL 1-8, tit. 1, ch. 10, codified as amended at 1 CMC §§ 2501-2507, creates the Department of Public Safety (DPS) within the Commonwealth government, composed of a police force. See 1 CMC § 2501; see also PL 14-25 § 3 (effective Aug. 20, 2004) (amending 1 CMC § 2501). 1 CMC § 2507 directs the Department to adopt rules and regulations regarding activities over which it has jurisdiction.

On May 4, 1987, DPS promulgated emergency “Rules and Regulations Governing the Conduct of Police Academy Trainees.” See 9 Com. Reg. 4977 (May 15, 1987) (effective for 120 days from May 4, 1987). A notice of permanent adoption was never published.

On June 3, 1993, DPS promulgated emergency “Traffic Signal Regulations Authorizing Erecting Official Traffic Signs Prohibiting Right Turns on Red Traffic Light Signals.” See 15 Com. Reg. 10655 (June 15, 1993) (effective for 120 days from June 3, 1993). A notice of permanent adoption was never published.

On April 15, 1995, DPS published proposed “Uniform Regulations for Sworn Police Officers, Corrections Officers and Firefighters.” See 17 Com. Reg. 13245 (Apr. 15, 1995). A notice of adoption was never published.

Part 001 - General Provisions

§ 150-10-001 Law Enforcement Code of Ethics

(a) As a law enforcement officer, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

(b) I will keep my private life unsullied as an example to all; 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, in both my personal and official life, I will be exemplary in obeying the laws of the land 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.

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(c) I will never act officiously or permit personal feelings, prejudices, 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.

(d) 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: In subsection (b), the Commission corrected the spelling of “ridicule.”

§ 150-10-005 Definitions

(a) “Employee” includes persons holding sworn or non-sworn positions within the Department of Public Safety (DPS).

(b) “Sworn personnel” are employees of the department who have taken the oath of office as a peace officer.

(c) “Non-sworn personnel” are employees of the department who are not peace officers.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission inserted quotation marks around terms defined.

§ 150-10-010 Oath of Office

New sworn employees of the department shall take the following oath of office: “I, (your name), do solemnly swear that I will uphold and comply with the Constitution of the United States of America; the Constitution and laws of the Commonwealth of the Northern Mariana Islands; the rules and regulations and orders of the Department of Public Safety; and the Law Enforcement Code of Ethics; and that I will faithfully discharge the duties of my office as peace officer to the best of my ability.”

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Part 100 - Conduct and Responsibilities

§ 150-10-101 Standard of Conduct

Employees both sworn and non-sworn shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-102 Loyalty

Loyalty to the department and employees of the department is an important factor in departmental morale and efficiency. All employees shall maintain a loyalty to the department and their associates as is consistent with the law and personal ethics.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-104 Unwholesome Association

Employees of the department, most particularly sworn personnel, are forbidden from maintaining an association with known criminals or prostitutes, or with any person the association of which will cast doubt in the mind of the public as to the honesty and integrity of the employee, except in pursuit of a legitimate government interest.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-106 Cooperation

Cooperation between the ranks and units of the department is essential to effective law enforcement. Therefore, all employees are strictly charged with establishing and maintaining a high spirit of cooperation within the department.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-108 Assistance

All sworn employees are required to take appropriate police action towards aiding a fellow peace officer exposed to danger or in a situation where danger might be impending.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-110 General Responsibilities

Sworn employees shall at all times take appropriate action to:

- (a) Protect life and property
- (b) Preserve the peace
- (c) Prevent crime
- (d) Detect and arrest violators of the law
- (e) Enforce all federal and Commonwealth laws coming within departmental jurisdiction
- (f) Assist a person in need.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: In subsection (f), the Commission inserted the final period.

§ 150-10-112 Duty Functions

Sworn employees of the department are subject to duty at all times. Although periodically relieved of their routine performance, they 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. Proper police action must be taken whenever required. The administrative delegation of the enforcement of certain laws to particular units of the department does not relieve members of other units from the responsibility of taking prompt, effective police action when the occasion requires. Sworn employees assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-114 Performance of Duty

All employees shall perform their duties as required or directed by law, departmental rule, policy or order, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-116 Insubordination

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

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-118 Questions Regarding Assignment

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.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-120 Knowledge of Laws and Regulations

Every sworn employee is required to establish and maintain a working knowledge of all laws enforced in the Northern Mariana Islands, the rules and policies of the department and the orders of the department and divisions thereof. In the event of improper action or breach of discipline, it will be presumed that the sworn, employee was familiar with the law, rule, or policy in question.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-122 Obedience to Laws and Regulations

Employees shall observe and obey all laws, all rules and regulations of the department, and all general and special orders of the department.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-124 Reporting Violations of Laws, Rules, or Orders

Employees of the department knowing of other employees violating laws, or rules of the department, or disobeying orders, shall report same in writing to the Director of Public of Safety, official channels may be by-passed.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-126 Establishing Elements of Violations

Existence of facts establishing a violation of a law or rule is all that is necessary to support any allegation of such as a basis for a charge under this section. It is not necessary that a formal complaint be filed or sustained. Nothing in the manual of rules codified in this chapter prohibits

disciplining or charging members or employees merely because the alleged act or omission does not appear herein, in departmental, orders, or in laws within the cognizance of the department.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-128 Conduct Toward Superior and Subordinate Officers and Associates

Employees shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and particularly in the presence of other employees or the public, sworn employees should be referred to by their proper rank.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-130 Criticism of Orders

Employees shall not publicly criticize instructions or orders they have received.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-132 Manner of Issuing Orders

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

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-134 Unlawful Orders

No command shall knowingly issue any order which is in violation of any law or departmental rule or policy.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-136 Obedience to Unlawful Orders

Obedience to an unlawful order is never a defense for an unlawful action; therefore, no employee is required to obey any order which is contrary to federal or Commonwealth law. Responsibility for refusal to obey rests with the individual employee. He shall be strictly required to justify his action.

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Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission corrected the spelling of “action.”

§ 150-10-138 Obedience to Unjust or Improper Orders

Members or employees who are given orders which they feel to be unjust or contrary to rules and regulations must first obey the order to the best of their ability and then proceed to appeal as provided below.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-140 Conflicting Orders

Upon receipt of an order conflicting with any previous order or instruction, the employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanded or conflicting orders will be issued only when reasonably necessary for the good of the department.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-142 Reports and Appeals; Unlawful, Unjust, Improper Orders

An employee receiving an unlawful, unjust or improper order shall, at first opportunity, report in writing to the Director of Public Safety through chain-of-commands. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra-departmental action regarding such an appeal shall be conducted through the Office of the Director of Public Safety.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-144 Soliciting of Gifts, Gratuities, Fees, Rewards, Loans, Etc.

Employees shall not under any circumstances solicit any gift, gratuity, loan or fee where there is any direct or indirect connection between the solicitation and their departmental employment.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-146 Acceptance of Gifts, Gratuities, Fees, Loans, Etc.

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Employees shall not accept either directly or indirectly any gift, gratuity, loan, fee or any other thing of value arising from or offered because of police employment of any activity connected with said employment. Employees shall not accept any gift, gratuity, loan, fee, or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of said employee or any other employee in any matter of police business; or which might tend to cast an adverse reflection on the department or any employee thereof. No employee of the department shall receive any gift or gratuity from other employees junior in rank without the express permission of the Director of Public Safety.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-148 Rewards

Employees shall not 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 and that which may be authorized by law.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-150 Disposition of Unauthorized Gifts, Gratuities, Etc.

Any unauthorized gift, gratuity, loan, fee, reward or other thing falling into any of these categories coming into the possession of any employee shall be forwarded to the Office of the Director of Public Safety together with a written report explaining the circumstances connected therewith.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-152 Free Admissions and Passes

Employees shall not solicit or accept free admission to theater and other places of amusement for themselves or others except in the line of duty.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-154 Other Transactions

Employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their departmental employment except as may be specifically authorized by the Director of Public Safety.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-156 Debts; Incurring and Payment

- (a) No employee shall borrow any money or otherwise become indebted to any other employees, who is* not a father, mother, sister or brother of the employee.
- (b) Employees shall not solicit other employees to co-sign or endorse any promissory note or other loan, unless the person is a father, mother, sister, or brother of the employee.
- (c) No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee, unless the person is a father, mother, sister or brother of the employee.
- (d) Employees shall pay all just debts and legal liabilities incurred by them.

* So in original.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-158 Desertion of Post

It shall be a gross misconduct for a sworn personnel to leave his assigned post, beat area or zone without proper authorization by a competent supervisor or commander. It shall also be a gross misconduct if a sworn personnel fails to arrive at his given assignment, post, beat area or zone when instructed to by a competent supervisor or commander.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Part 200 - General Conduct on Duty

§ 150-10-201 Prohibited Activity on Duty

Employees are prohibited from engaging in the following activities while on duty with the exceptions as noted:

- (a) Sleeping, loafing, idling
- (b) Recreational reading (except at meal time)
- (c) Conducting private or personal business
- (d) Carrying newspapers or other articles (except in the performance of police duty)
- (e) Drinking intoxicating beverages (except in performance of a police duty, and then, only with the specific, consent of a commanding officer and never in uniform)

(f) Gambling, unless to further a police purpose.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-202 Loitering

All sworn personnel on duty or in uniform shall not enter taverns, theaters or other public places except to perform a police task. Loitering and unnecessary conversation in such locations are forbidden. Eating in a licensed liquor establishment, although not forbidden, is discouraged. Employees off-duty and not on any official standby shall not loiter in department areas.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-204 Military Courtesy

When meeting in public, sworn, personnel shall conform to normal courtesy standards and refer to each other by proper rank.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-206 National Colors and Anthem

Uniformed sworn personnel will render full military honors to the national colors and anthem at appropriate times. Employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-208 Roll Call

Unless otherwise directed, sworn personnel shall report to daily roll call 30 minutes prior to assuming duty at the place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions avoiding unnecessary talking or movement.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-210 Relief from Duty

All employees are to remain at their assignment and on duty until properly relieved by another employee, or until dismissed by competent authority.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com.

Reg. 2747 (May 15, 1984).

§ 150-10-212 Meals

Sworn personnel may suspend their police duty for a lunch period to be taken within their assigned areas, subject to modification by the commanding officer. Meals shall be eaten with reasonable dispatch when in public view.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-214 Submission of Report

Employees shall promptly submit such reports as are required by the performance of their duties or by competent authority.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-216 Absence from Duty

Every employee who fails to appear for duty at the date, time and place specified and so doing without the consent of competent authority is “absent without leave.” Such absences within the period of one day must be reported in writing to the commanding officer. Absences without leave in excess of one day must be reporting in writing to the Director of Public Safety or Chief of Police.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission moved the period after “leave” inside of the closing quotation mark.

§ 150-10-218 Inspections

From time to time the Director of Public Safety may call for full dress inspections of the department of any part thereof. Sworn personnel directed to attend such inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection is chargeable as “absence without leave.”

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission moved the period after “leave” inside of the closing quotation mark.

§ 150-10-220 Training

All employees shall attend in-service training at the direction of the Director of Public Safety or commanding officer. Such attendance is considered a duty assignment.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-222 Physical Fitness for Duty

All sworn personnel of the department shall maintain good physical condition so that they can handle the strenuous physical contacts often required of a law enforcement officer.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-224 Consumption of Intoxicants

Employees shall not consume intoxicants while off-duty to the extent that evidence of such consumption is apparent when reporting for duty or to the extent that ability to perform duty is impaired.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-226 Intoxication

Employees shall not at anytime be intoxicated while on-duty. They shall not at anytime, on or off-duty, be intoxicated in public view. The supervisor has the authority and responsibility to immediately secure the personnel from duty without leave.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-228 Intoxicants on Departmental Premises

(a) Employees shall not bring into or keep any intoxicating liquor on departmental premises except:

- (1) When necessary in the performance of a police task.
- (2) Packaged goods for temporary storage when the seals are unbroken.

(b) Liquor brought into departmental premises in the furtherance of a police task shall be properly identified and stored according to current departmental policy.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 150-10-230 Smoking While on Duty

Employees shall not smoke on duty while in direct contact with the public or when in uniform in public view, except that smoking is permitted in public view at mealtimes and while patrolling police vehicles at which times it shall be as inconspicuous as possible.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-232 Possession of Keys

Unless authorized by his commanding officer, no sworn personnel shall possess keys to any premises not his own, or near his beat.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-234 Address and Telephone Numbers

Immediately upon reporting for duty in a new unit, employees shall record their correct residence address and telephone number with the commanding officer. Employees are required to have available a telephone in the place here they reside. Changes in address or telephone number shall be reported to the commanding officer within 24 hours of the change.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-236 Chewing of Betelnut

Chewing of betelnut in any form is prohibited while on-duty or in uniform.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-238 Chewing of Tobacco

Chewing of tobacco products and gum is prohibited while on-duty or in uniform.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-240 Absence from Duty

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A member shall not, under any circumstances, be absent from duty without first obtaining permission.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Part 300 - Uniforms, Equipment and Appearance

§ 150-10-301 Introduction

All sworn personnel of the department shall maintain in good order a regulation uniform. Sworn personnel shall be neat appearing and well-groomed while in uniform. All articles of uniform shall conform to the departmental uniform regulations. Civilian clothing will not be worn with any distinguishable part of the uniform.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: This section was originally the introduction to part F, codified in part 300. The Commission created the section title.

§ 150-10-305 Wearing the Uniform

Uniform shall be kept neat, clean and well pressed at all times. While wearing the uniform, sworn personnel shall maintain a military bearing avoiding mannerisms such as slouching, shuffling and keeping hands in pockets. A member shall wear his uniform completely buttoned. Every member when dressed in uniform shall wear the insignia of his rank. The uniform cap shall be worn out of doors, unless otherwise directed by competent authority.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission corrected the spelling of “times.”

§ 150-10-310 Manner of Dress on Duty

Normally sworn personnel will wear the duty uniform on a tour of duty; however, commanding officers may prescribe other clothing as required by the nature of the duty to which a particular sworn person is assigned. Civilian employees will wear and maintain an employee uniform when so directed by the Director of Public Safety. Civilian employees who are not required to wear any kind of uniform are required to wear clothing consonant with their assignment.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-315 Equipment

All equipment must be clean, in good working order and conform to department specifications.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-320 Registering Equipment with the Department

Employees are required to register with the department the description and serial numbers of all personal police equipment they may own or carry.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-325 Firearms Display and Discharge

Sworn personnel shall never display firearms unnecessarily or draw them in public place except for inspection or official use. Sworn personnel are required to report any deliberate or accidental discharge of firearms (except routine target practice). This report is to be made according to current departmental procedures. Sworn personnel shall exhaust every other means of apprehension before resorting to the use of firearms; they shall consider and attempt to use other means to save a life before resorting to the use of firearms.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-330 Uniform and Equipment Damage Claim

Any claims for damage to clothing, equipment, and eye glasses caused by performance of duty shall be made in accordance with current departmental directives.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-335 Compensation for Other Damages Sustained on Duty

Employees shall not seek in any way, nor accept from any person, money or other compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Director of Public Safety in writing.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-340 Compensation for Damages Off-duty

Employees who have received salary from the Commonwealth for injury sustained off-duty or illness shall notify the Director of Public Safety in writing on any intent to seek, sue, solicit or accept compensation as damages for such illness or injury. This notice shall be filed before any action is taken. It shall include the fact of the claim and the name of the respondent.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission corrected the spelling of “action.”

§ 150-10-345 Wearing of Uniform While Off Duty

Sworn employees are prohibited of wearing police uniforms either in full or any part thereof, while off-duty except when traveling to and from work.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission corrected the spelling of “traveling.”

§ 150-10-350 Pins and/or Insignias

Members shall not wear on their uniform any insignia of a fraternal organization or association. Pins or insignia, denoting contribution to charitable organizations, may be worn on uniform for the duration of the solicitation campaign. Authorized insignia for service or achievement. in the police division may be worn.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission changed “member” to “members” to correct a manifest error.

§ 150-10-355 Carrying of Badge and I.D.

Every member shall, at all times carry his badge and identification card. Every non-sworn member shall display on the chest a police identification card while on-duty only.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Part 400 - Department Property and Equipment

§ 150-10-401 Introduction

Employees are responsible for the proper care of department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: This section was originally an introduction to part G, codified at part 400. The Commission created the section title.

§ 150-10-405 Damaged/Inoperative Property or Equipment

Employee shall immediately report to their commanding officer any loss of or damage to departmental property assigned to or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any department equipment or property.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-410 Care of Department Buildings

Employees shall not mar, mark or deface any surface in any departmental building. No material shall be affixed in any way to any wall in departmental building without specific authorization from a commanding officer.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-415 Notices

Employees shall not mark, alter, or deface any posted notice of the department. Notices or announcements shall not be posted on bulletin boards without permission of a commanding officer. No notice of a derogatory nature will be posted at any time.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-420 Manuals Maintenance

All employees who are issued manuals are responsible for their maintenance and will make appropriate changes or inserts as they arise.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-425 Surrender of Department Property

Employees are required to surrender all department property in their possession upon separation from the service. Failure to return non-expendable items may cause the person to reimburse the department for the fair market value of the article(s).

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History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-430 Department Vehicles; Use

Employees shall not use any departmental vehicle without the permission of a commanding officer. Departmental vehicles shall never be used for personal business or pleasure. A member shall not operate any police equipment, unless he is qualified and authorized to do so.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-435 Transporting Citizens

Citizens will be transported in departmental vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with departmental policy or at the direction of a commanding officer, immediate supervisor or communication center.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-440 Reporting Accidents

Accidents involving personnel property and/or equipment must be reported in accordance with adopted procedures.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-445 Presumption of Responsibility

In the event that property is found bearing evidence of damage which has not been reported, it shall be prima facie evidence that the last person using the property or vehicle was responsible.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-450 Vehicles Equipped with Emergency and First-aid

All police vehicles shall be fully equipped with emergency and first-aid equipment. Operator is responsible for reporting all defects and/or lack of equipment.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Part 500 - Communications, Correspondence

§ 150-10-501 Restrictions

Employees shall not:

- (a) Use departmental letter heads for private correspondence.
- (b) Send correspondence out of the department over their signatures without the general permission of the Director of Public Safety.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-505 Forwarding Communications to Higher Commands

Any employee receiving a written communication for transmission to a higher command shall in every case forward such communication. Sworn personnel receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval or acknowledgment and then forward same to addressee.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission corrected the spelling of “acknowledgment.”

§ 150-10-510 Department Address (Private Use of)

Employees shall not use the department as mailing address for private purpose without specific permission of the Director of Public Safety. The Department address shall not be used on any motor vehicle registration, operator’s chauffeur’s license.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-515 Telephones

Departmental telephone equipment may not be used for the transmission of private messages without the express approval of a commanding officer. It is prohibited to deliberately listen to another’s phone conversation.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-520 Radio Discipline

All employees of the Department operating the police radio either from a mobile unit or in the

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communications center shall strictly observe regulations for such operations as set forth in departmental orders and by the Federal Communications Commission.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Part 600 - Death and Injury Notification

§ 150-10-601 Death or Serious Injury

When an employee is killed or seriously injured on or off duty, immediate verbal notification will be made to the Director of Public Safety or to the Officer acting in the Director's absence. This will be followed by a written report no later than the following work day. Information shall include the date, location, cause, extent of injuries and property damage. Serious injury in this instance means an injury which could result in death or disability.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-605 Non-serious Injury

In cases where the injuries are other than of a serious nature, a written report will be submitted on the first work day following the incident including all information required above. These reports are in addition to those accident and sick reports otherwise required.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-610 Death of Employee

Any employee receiving notice of death of any employee or retired employee, during regular business hours, shall notify the Director of Public Safety and the commander of the deceased. At other times, the duty officer shall be notified and he shall relay such information to the Director of Public Safety.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-615 Notification of Family

The family of an employee injured or dying on duty shall be notified immediately by the senior available sworn officer.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Part 700 - Investigation, Arrests, and Detentions

§ 150-10-701 Command at Scene

At the scene of any crime, accident or other police incident the ranking officer present shall assume command and direction of police personnel in such a manner as to assure the most orderly and efficient accomplishment of the police task. When two or more officers of the same rank are present and one of them is assigned to the investigation that ranking officer will be in charge. This provision is intended to provide for the coordination of the efforts of the several subordinate members who maybe assigned to the incident; therefore, it is incumbent upon the ranking officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-705 General Responsibilities of Sworn Personnel at Crime Scenes

The first sworn officer to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situations.

- (a) Summoning medical assistance and administering first aid as required to prevent further injury or loss of life.
- (b) Arrest of violator(s).
- (c) Security of the scene.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-710 Responsibilities of Assigned Sworn Personnel at Crime Scene

The sworn personnel officially assigned to perform the preliminary or other investigations of an alleged crime or other incident are responsible for the completion of the preliminary or other investigation as directed. This shall include (but is not necessarily limited to) securing statements and other information which will aid in the successful completion of the investigation and locating collecting and preserving physical evidence material to the issue.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-715 Relief of Sworn Personnel Conducting Preliminary Investigation

Upon completion of the preliminary investigation, the assigned officer shall stand relieved unless otherwise directed by a superior, or unless required by department procedure to perform the follow-up investigation.

Modified, 1 CMC § 3806(f).

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History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-720 Identification as Police Officer

Except when impractical or unfeasible, or where the identity is obvious, officers shall identify themselves by displaying the official credentials or identification card before taking police action.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-725 Arrests

In making arrests, sworn personnel shall strictly observe the laws of arrest and the following provisions:

- (a) Only necessary restraint to assure safe custody and the safety of the officer shall be employed.
- (b) The arresting officer is responsible for the safety and protection of the arrested person while in his custody. He shall notify the watch commander of any injury apparent illness or other conditions which indicate that the arrested person may need special care.
- (c) The arresting officer is responsible for the security of the personal property in the possession of the arrested person or under his control at the time of arrest.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: In subsection (b), the Commission inserted the final period.

§ 150-10-730 Custody of Prisoners

Officers charged with the custody of prisoners shall observe all laws and departmental orders regarding this activity. Prisoners shall be kept securely, treated firmly and humanely, and shall not be subjected to unnecessary restraint.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-735 Transportation of Prisoners

Officers transporting prisoners shall do so in accordance with departmental policy.

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(a) Prisoners requiring medical attention shall be taken to the appropriate emergency hospital and the transporting officers shall be responsible for the security of the prisoner until property relieved by a guard officer unless otherwise directed by a superior officer.

(b) Prisoners and their property shall be surrendered at the jail to custodial officers or as otherwise directed by competent authority.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-740 Use of Physical Force

Malicious assaults or batteries committed by sworn personnel constitute gross misconduct. The use of physical force shall be restricted to circumstances specified by law when necessary to accomplish a police task successfully. Whenever a sworn personnel either on or off-duty, is required to strike or use considerable physical force against another person, they shall immediately call a superior officer to the scene, or, if not practical, contact him as soon as possible following the incident and submit a written report to the Director of Public Safety through normal channels. Failure to adhere to this policy can be presumed that there was a deliberate attempt to keep the incident secret.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-745 Reports and Bookings

No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate false or improper information on records of the department. All complaints received by any sworn personnel on or off-duty, shall be given a case number and a report submitted.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-750 Press Relations at Crime Scenes

Insofar as is consistent with sound police practice, members in control of a crime scene shall grant access and supply information regarding the incident to the working press. Whenever a member feels that release of information or access to the scene is contrary to sound police practice, he shall refer the press to his immediate supervisor for further decision.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-755 Security of Departmental Business

Employees shall not reveal police information outside the department except as provided

elsewhere in the manual in this chapter or as required by law or competent authority. Specifically, information contained in police records, other information ordinarily accessible only to members and employees, and names of informants, complainants, witnesses and other persons known to the police are considered confidential. Silence shall be employed to safeguard confidential information. Violation of the security of this type of information reflects gross misconduct.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-760 Compromising Criminal Cases

Employees shall not interfere with the proper administration of criminal justice.

(a) Employees shall not attempt to interrupt legal process except where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity which might interfere with the process of law.

(b) Except in the interest of justice employees shall not attempt to have any traffic citation or notice to appear reduced, voided or stricken from the calendar.

(c) Any employees having knowledge of such action and failing to inform his superior officer thereof shall be subject to charges.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: In subsection (b), the Commission corrected the spelling of “stricken.”

§ 150-10-765 Assisting Criminals

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 secrete evidence of unlawful activity or money, merchandise or other property unlawfully obtained.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-770 Recommending Attorneys and Bail Bond Brokers Prohibited

Employees shall not suggest, recommend, advise or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business.

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- (a) This does not apply when the immediate family of the member seeks such service.
- (b) In no case may such advice be given where a fee, gratuity or reward is solicited, offered or accepted from the attorney or bail bondsman.
- (c) Soliciting business for an attorney or bail bondsman is gross misconduct.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: In subsection (b), the Commission corrected the spelling of “advice.”

§ 150-10-775 Acting as Bailor Prohibited

Employees cannot act as bailors for any person in custody except relatives, and in no case where any fee gratuity or reward is solicited or accepted. No employee shall make payment, for any person including relatives for a traffic citation.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Part 800 - Public Activities

§ 150-10-801 Publicity

Employees shall not seek personal publicity in the course of their employment.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-805 Commercial Testimonials

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 Director of Public Safety, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with the department.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-810 Public Appearance Requests

All requests for public speeches, demonstrations and the like, will be routed to the Director of Public Safety for approval and processing. Employees directly approached for this purpose shall suggest that the party submit his request to the Director of Public Safety.

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History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-815 Outside Employment

Prior to engaging in any outside business or employment, the employee shall submit a request for a permit to do so to the Director of Public Safety.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-820 Issuance of Permit

The decision of the Director of Public Safety to issue or deny a permit to work outside of the department is final and appeal to higher or other levels will not be considered. Departmental general orders will govern the issuance or denial of the permit and its use.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-825 Membership in Organizations

Except for the Armed Forces Reserve components, employees shall not affiliate themselves with any organization or group, the constitution or by laws of which in any way exacts prior consideration or which would prevent its members from rendering proper and efficient service to the department.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-830 Subversive Organizations

No employee shall knowingly become a member of or connected with any subversive organization, except when necessary in the performance of duty and then only under the direction of the Director of Public Safety.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-835 Political Activity

Political activity by employees shall be restricted to voting and activities affecting working conditions of employees. Employees shall not solicit or make contributions in money or other things directly or indirectly on any pretext to any person, committee or association for political purposes not directly affecting working conditions of employees. They shall not use the influence of their office.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com.

Reg. 2747 (May 15, 1984).

§ 150-10-840 Personal Preferment

No employee may seek the influence or intervention of any person outside the department for purposes of personal preferment, advantage, transfer or advancement.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-845 Conduct Toward the Public

Employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane or insolent language, and shall always remain calm regardless of provocation to do otherwise. Upon request, they are required to supply their name and badge number in a courteous manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-850 Impartial Attitude

All sworn personnel, even though charged with vigorous and unrelenting enforcement of the law, must remain completely impartial towards all persons coming to the attention of the Commonwealth government. All citizens are guaranteed equal protection under the law. Exhibiting partiality for or against a person because of race, color, creed or national origin, or influence is conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interest of justice is conduct unbecoming an officer.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-855 Caring for Lost, Helpless, Injured or Ill Persons

Sworn personnel should always be alert to assist lost, helpless, or ill persons. Sworn personnel are strictly charged with maintaining a proficiency in first aid techniques authorized by the American Red Cross and taught in a police training school. Failure or inability to render first aid competently is considered a serious neglect of duty.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-860 Availability When on Duty

Sworn personnel on duty shall not conceal themselves except for some police purpose. They

shall be immediately and readily available to the public during duty hours.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-865 Responding to Calls

Sworn personnel of the department shall respond without delay to all 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 vehicle laws. Failure to answer a call for police assistance promptly, without justification, is misconduct. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no sworn personnel shall fail to answer any landwire or radio call directed to him. The communications center will be informed when leaving the air and when returning to the air and to the duty station.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission corrected the spelling of “radio.”

§ 150-10-870 Unnecessary Use of Lights and Siren

Unnecessary use of lights and siren is prohibited.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Part 900 - Judicial and Investigative Actions, Appearance and Testifying

§ 150-10-901 Court Appearances

Attendance at a court or quasi judicial hearing as required by subpoena is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, either the official uniform or clothing conforming to standard imposed on officers working in plain clothes shall be worn. Weapons will not be displayed unless wearing the uniform. Employees shall present a neat and clean appearances avoiding any mannerism which might imply disrespect to the court, such as gum-chewing and smoking.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-905 Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial or hearing, or against the Commonwealth or department in any hearing or trial, shall notify his commander upon receipt of the subpoena. He shall notify the governmental attorney.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-910 Refusal to Testify

Any employee appearing as a witness before

- (a) Any competent investigative body,
- (b) A judicial tribunal,
- (c) A hearing board,
- (d) A person authorized to take testimony, who invokes his constitutional privilege and refuses to testify shall be subject to disciplinary action.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-915 Departmental Investigations; Testifying

Employees are required to answer questions by or render material and relevant statements to a competent authority in a departmental personnel investigation when so directed.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-920 Truthfulness

Employees are required to be truthful at all times whether under oath or not.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-925 Civil Action Interviews

Civil action interviews involving employees which arise out of departmental employment shall be conducted according to current departmental directives.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-930 Civil Action, Court Appearances; Subpoenas

An employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Employees will accept all subpoenas legally served. If the subpoena arises out of departmental employment or if the employee is informed that he is a party to a civil action arising out of departmental employment, he shall immediately notify his commanding officer and the governmental attorney of the service or notification, and of the testimony he is prepared to give. Employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with current directives.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-935 Civil Depositions and Affidavits

Employees shall confer with their commander before giving a deposition or affidavit on a civil case. If the commander determines that the case is of importance to the Commonwealth, he shall inform the Director of Public Safety before the deposition or affidavit is given.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-940 Civil Cases

Sworn personnel shall not serve civil process or assist in civil cases unless the specific consent of the Director of Public Safety is obtained. They shall avoid entering into civil disputes particularly while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Commission Comment: The Commission corrected the spelling of “disputes.”

§ 150-10-945 Administrative Investigation

All sworn and non-sworn personnel are subject to an administrative investigation and the following shall be adhered to:

- (a) Does not have the right to refuse to make a statement regarding any allegation.
- (b) Is not entitled to Miranda rights warning.
- (c) Any information obtained cannot and shall not be used in any criminal charges.

- (d) Any refusal to the above is insubordination.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

Part 1000 - Miscellaneous Provisions

§ 150-10-1001 Penalties

(a) Oral and written reprimands can be the result of violation of departmental rules, regulations, and other departmental general and special orders, instruction memorandum, procedures and other forms of order and instructions.

(1) Oral and written reprimands can be appealed by submission of such an appeal in writing through channels to the Director.

(2) The decision of the Director concerning oral and/or written reprimands will be final.

(b) Violation of departmental rules, regulations, and other departmental orders, instruction memorandum, procedures, and other instructions having the force of a directive can result in more serious disciplinary action than an oral or written reprimand. Such disciplinary action will follow the current disciplinary procedures established by law and regulations for all employees of the Commonwealth government.

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-1005 Severance Clause

If any provisions of this order or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions or application of this order which can be given effect without the invalid provisions or application, and to this end the provisions of this order are severable.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).

§ 150-10-1010 Scope of Application

This general order shall supersede, in whole or in part all other orders and directives which are contrary to this order. Those orders and directives not inconsistent with this order shall remain in force unless superseded or cancelled by equivalent order or directive.

Modified, 1 CMC § 3806(f).

TITLE 150: DEPARTMENT OF PUBLIC SAFETY

History: Adopted 9 Com. Reg. 4918 (Mar. 16, 1987); Adopted 6 Com. Reg. 2941 (June 15, 1984); Proposed 6 Com. Reg. 2747 (May 15, 1984).