

GENERAL ORDER I

SUBJECT: ORGANIZATION OF MANUAL;
DEFINITIONS

EFFECTIVE DATE: 02-01-96

REVIEW DATE: 01-13-12

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: organization of manual; policy; procedure; rule;
general order; memorandum

I. POLICY

Both professional law enforcement administration and the management of liability require a manual which governs the activities of a police department. A manual of policies, rules, and procedures guides the day-to-day legal and ethical functioning of a police department. To that end, the Mountain View Police activities shall be reflected in this manual.

II. PURPOSE:

This regulation outlines the organization of the manual, its authority, and defines the terms, policies, rules, and procedures.

III. DEFINITIONS:

A. A policy is a statement of the department's philosophy on a given issue. Policy consists of principles and values which guide the performance of department employees. Further, policy is based upon ethics, experience, the law, and the interests and desires of the community.

1. Each rule or regulation or general order will begin with an agency policy statement.

2. Only the chief of police determines policy.

B. A rule is a specific prohibition or requirement governing the behavior of employees.

1. Rules permit little if any deviation there from. Violations of rules normally result in administrative discipline.
 2. Only the chief of police devises the rules.
- C. A regulation, which may contain one or more rules, is an administrative order governing organizational matters, e.g., leave policy, off-duty employment, promotions.
1. Similar to rules, regulations permit little if any deviation there from. Violations of regulations normally result in administrative discipline.
 2. Only the chief of police devises regulations.
- D. A procedure defines a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy.
1. All procedures in this manual will be labeled general orders. General orders govern police operations.
 2. Unlike rules and regulations, violations of general orders may result in administrative discipline. General orders constitute a guide to behavior in given situations. Officers may depart from general orders if, in their professional judgment, the situation warrants. Officers must be prepared to justify their actions. In this manual, "directive" is synonymous with "general order".
 3. Only the chief of police authorizes general orders.
- E. A memorandum either (1) provides useful, specific information to officers not amounting to a formal order or (2) constitutes a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling.
1. Memoranda are not part of this manual. Memoranda may be issued by the chief of police but may be issued by other police officers or agencies.
- F. The manual is a collection of rules, regulations, and general orders of the department.

- G. The chief of police authorizes any rule, regulation, or general order.
No rule, regulation, or general order is valid unless signed by the chief of police.
- H. Within the context of any rule or directive, the use of the word "shall" connotes any action or behavior that is mandatory and unequivocal. The words "may" or "can" connote an action or behavior that is optional.
- I. Any officer or civilian member of the department may suggest or recommend changes to the chief of police concerning the policy manual.
- J. Annually, the Police Chief shall review policies for any revisions or updating that may need to be done.

AUTHORITY

- A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

Charles Brotherton, Jr.. Chief of police