

NEGLECT OF DUTY

Directive: 7.6

A. Absent Without Leave (More Than Five Days)

Any member who fails to appear for duty at the date, time, and location specified without consent of a competent authority is "absent without leave." If the officer continues to be A.W.O.L., without contacting the Department of Police, for a period of more than five working days, the officer will be charged as a class A violator. In addition to the specified punishment for a class A violation, members may be subject to a withholding of their pay, equivalent to the amount of time they were absent without leave.

B. Failure to Assist an Officer in Trouble

An officer's call for assistance is one of the most serious situations encountered in the field of law enforcement. It is the position of our department that the "officer in trouble" broadcast must be treated as an immediate life threatening situation and, therefore, will receive the highest priority. Only the most exceptional circumstances would permit an officer to disregard an "officer in trouble" broadcast. Officers are reminded, however, that response to a call of this nature must be approved by the dispatcher (when feasible) in accordance with the guidelines set forth in the directive entitled "PROCEDURES FOR RESPONDING TO EMERGENCY CALLS, MAKING VEHICLE STOPS, AND CONDUCTING HIGH SPEED PURSUITS", keeping the safety of innocent bystanders paramount in mind. Violation of this regulation will result in disciplinary action as specified for a class B violation.

C. Sleeping on Duty

Members of the department, while on duty, are prohibited from sleeping. Should an officer feel drowsy due to medication or some other ailment, his supervisor should be contacted immediately, and a decision will be made regarding the officer's continued tour of duty. Under no circumstances will an officer sleep while on duty. Violation of this regulation will result in disciplinary action as specified for a class C violation.

D. Failure to Supervise

Members of the department in supervisory positions are responsible for the overall proficiency of the department. It is the duty of a supervisor to monitor and/or evaluate the performance of subordinates to ensure their compliance with laws, ordinances, directives, and department procedures. Failure to report and correct the faults of a subordinate will result in disciplinary action as specified for a class D violation.

NOTE: In addition to the established punishment for a Class "D" violation, supervisors may be subject to demotion in rank for Failure to Properly Supervise.

E. Failure to Devote Time and Attention to the Business of the Department While on Duty

Members of the department will refrain from all activity while on duty that is not consistent with the public safety objectives. This rule can be interpreted to include participation of any kind in any business owned or operated by a relative. Violation of this regulation will result in disciplinary action as specified for a class D violation.

F. Failure to Take Appropriate Police Action When Necessary

Members of the department shall provide without delay police assistance to citizens and visitors of the City of Wilmington. Except under extraordinary circumstances and only when directed by a competent authority no member shall fail to answer a radio call for service or ignore a hazardous situation or crime in progress. Violation of this regulation will result in disciplinary action as specified for a class D violation.

G. Failure to Properly Respond to Calls for Service

Members of the department shall answer without delay 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 laws. Violation of this regulation will result in disciplinary action as specified for a class E violation.

H. Failure to Report Hazardous Conditions

Members of the department while in the performance of their duties will report their findings of hazardous conditions to the Communications Center or by filing a report for an additional follow-up investigation. Hazardous conditions will be defined as any condition which would cause public alarm or reduce safety standards acceptable to the City of Wilmington. Violation of this regulation will result in disciplinary action as specified for a class E violation.

I. Failure to Report as a Witness When Duly Notified or Subpoenaed

Attendance at court or other judicial hearing as required by subpoena is an official duty assignment. Permission to be excused from this duty must be obtained from a competent court official.

Violation of this regulation will result in disciplinary action as specified for a class "D" violation.

J. Failure to Properly Patrol

Members of the department who are assigned to a sector or beat are to remain at their assignment and on duty until properly relieved by another member, or until dismissed by a higher authority. Members will ensure that all pertinent information regarding their sector or beat is related to the relief officer(s) and that all effort was undertaken to deter crime during their tour of duty. Violation of this regulation will result in disciplinary action as specified for a class E violation.

K. Reading Newspapers, Books, and Periodicals While in Public View

Members of the department, while on duty, will not read newspapers, books and/or periodicals while in public view. Because the nature of our work is to provide public safety to the community, reading of this nature would not be conducive to our law enforcement objective. Violation of this regulation will result in disciplinary action as specified for a class E violation.

L. Failure to Serve Warrants

Members of the department are to make every effort to serve court ordered arrest warrants as often as time permits during their tour of duty. When a warrant is tried and the result is negative, officers will make their comments on the cover sheet in the police vehicle. Violation of this regulation will result in disciplinary action as specified for a class E violation.

M. Failure to assist a Fellow Officer in the Performance of Police Duties

Members of the department when called upon by other members for police assistance will make every effort to comply with the request and assist in every possible way. Violation of this regulation will result in disciplinary action as specified for a class E violation.

N. Absent Without Leave (AWOL) For Five Days or Less

Any member who fails to report for duty at the date, time, and place specified without the consent of competent authority is "absent without leave." Absent without leave must be reported in writing to the Chief of Police by the absentee's immediate supervisor through the chain of command immediately. Violation of this regulation will result in disciplinary action as specified for a class E violation.

Note: In addition to the specified punishment for a class "E" violation, members may be subject to withholding of their pay equivalent to the amount of time they were absent without leave.

O. Failure to Properly Secure Departmental Vehicle

Members of the department when leaving a departmental vehicle will ensure that the vehicle is properly parked, keys removed, doors locked, windows up, and all lights off. Violation of this regulation will result in disciplinary action as specified for a class E violation.

P. Failure to Report an Accident

Accidents involving departmental personnel, property and/or equipment must be reported in accordance with adopted procedures. In the event that departmental property is found bearing evidence of damage which has not been reported, an

investigation will be made in order to establish the identity of the person responsible, when possible. Violation of this regulation will result in disciplinary action as specified for a class E violation.