

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Missoula Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (Mont. Const. art. III, § 3; § 2-16-211, MCA; § 7-32-303, MCA; § 7-1-4137, MCA).

The form of the oath should be as follows:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of police officer with fidelity (so help me God)."

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear," and the words "so help me God" may be omitted.

102.3.1 CODE OF ETHICS

Officers shall abide by the public safety officers' code of ethics as specified in ARM 23.13.203:

My fundamental responsibility as a public safety officer is to serve the community, safeguard lives and property, protect the innocent, keep the peace, and ensure the constitutional rights of all are not abridged.

I will perform all duties impartially, without favor or ill will and without regard to status, sex, race, religion, creed, political belief or aspiration. I will treat all citizens equally and with courtesy, consideration, and dignity. I will never allow personal feelings, animosities, or friendships to influence my official conduct.

I will enforce or apply all laws and regulations appropriately, courteously, and responsibly.

I will never employ unnecessary force or violence, and will use only such force in the discharge of my duties as is objectively reasonable in all circumstances. I will refrain from applying unnecessary infliction of pain or suffering and will never engage in cruel, degrading, or inhuman treatment of any person.

Whatever I see, hear, or learn, which is of a confidential nature, I will keep in confidence unless the performance of duty or legal provision requires otherwise.

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I will not engage in nor will I condone any acts of corruption, bribery, or criminal activity; and will disclose to the appropriate authorities all such acts. I will refuse to accept any gifts, favors, gratuities, or promises that could be interpreted as favor or cause me to refrain from performing my official duties.

I will strive to work in unison with all legally authorized agencies and their representatives in the pursuit of justice.

I will be responsible for my professional development and will take reasonable steps to improve my level of knowledge and competence.

I will at all times ensure that my character and conduct is admirable and will not bring discredit to my community, my agency, or my chosen profession.

102.3.2 CANNONS OF ETHICS

Article 1 - Primary Responsibility Of The Service: The primary responsibility of the 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 it's 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 them in enforcing it. Because they represents the legal will of the community, be it local, state or federal, they must be aware of the limitations and restrictions which the people, through law, have placed upon them. They must recognize the genius of the American system of government, which gives to no person, groups of people, or institution, absolute power, and they must insure that they, as prime defenders 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: Law enforcement officers shall diligently apply themselves to the study of the principles of the law which they are sworn to uphold. They will make certain of their responsibilities in matters of technicality or principle when these are not clear to them, they 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 legally.

Article 4 - Utilization Of Proper Means To Gain Proper Ends: Law enforcement officers shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violation of law or disregard for public safety and property on the part of an officer are in their nature 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 Discharging Of Their Authorized Duties: Law enforcement officers shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. They shall be meticulous, however, in assuring themselves 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 they shall seek authority from their superior officer, giving them a full report of the proposed service or action.

Article 6 - Private Conduct: Law enforcement officers 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 the special privileges, cannot but reflect upon the police officer and the police service. The community and the service require that the law

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enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no person special privileges. 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 lives in a manner that the public will regard them as examples of stability, fidelity and morality.

Article 7 - Conduct Toward The Public: Law enforcement officers shall be mindful of their responsibility to the whole community shall deal with the 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, They will be neither overbearing nor subservient as no individual citizen has an obligation to greatly admire them nor a right to command them. The officer will give service when they can and require compliance with the law. They will do neither from personal preference or 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. Their office gives them no right to prosecute the violator or to mete out punishment for the offense. They 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, they 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 their government, bears the heavy responsibility of maintaining, in their own conduct, the honor and integrity of all government institutions. They shall, therefore, guard against placing themselves in a position in which any person can expect special consideration is being given. Thus, they 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 his 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. They 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.

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, they 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. They 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.

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (§ 7-4-101, MCA; § 7-1-4137, MCA).