



ADMINISTRATIVE GUIDE

Procedure No. 2.223

FRATERNIZATION AND NEPOTISM POLICY			Page 1 of 7
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I. POLICY

1. **Conflict of Interest.** It is the policy of the Mount Vernon Police Department (“MVPD” or “Department”) to ensure that Members of the Department (“Members”) avoid any perceived or actual conflicts of interest between their MVPD responsibilities and interests arising from business, familial, spousal, and/or romantic relationships which one Member might have with another Member.
2. **Gender Neutral.** The MVPD recognizes that fraternization is gender neutral. Fraternization as discussed in this Policy can be a reference to interactions between Members of different, or the same, genders.
3. **Limited Scope.** The Policy described herein is intended to address the actual or perceived adverse impacts of business, familial, spousal, and/or romantic relationships, not the actual relationships. Except for the limited circumstances described in the section entitled “PROHIBITED ACTIONS,” nothing in this Policy is intended to control or examine the relationships that may exist or develop between Members of the Department.

II. DEFINITIONS

Applicant — Any person who has initiated an application for employment (in any capacity) with the MVPD.

Business Relationship – A Member who owns and/or operates a business for profit with another Member of the Department, or has an investment or other monetary interest in the same business as another Member of the Department.

Direct Report — A Member of the MVPD who reports to or takes orders directly from a higher-ranking Member of the MVPD, without the intervention or involvement of another Supervisor.

Fraternization — Relationships between Members, or Members and certain individuals (*e.g.*, applicants, Probationary Police Officers, etc.), that are prejudicial to good order and discipline and may result in an actual or reasonably perceived adverse impact on matters including but not limited to:

1. The chain of command;
2. The authority or objectivity of a Supervisor;
3. The impartial participation in and application of Departmental activities; or
4. The good order and morale of all members of the Police Department.

Materially Adverse Effect - An effect, including, but not limited to those which:

1. Appreciably or significantly compromise the MVPD related work performance, objectivity, judgment, professionalism, business reputation or the business manner which a Member may conduct himself or herself, or
2. Cause the MVPD to suffer significant public disdain and/or a loss of public trust.

Member — All employees of the MVPD, whether sworn, civilian or contractual.

Nepotism — Patronage bestowed or favoritism shown based on family relationship or kinship.

Police Commissioner — The MVPD’s Police Commissioner, or his/her designee.

Probationary Police Officer — Any Member who has been hired for the position of a sworn Police Officer, but has not yet completed Entry Level Training, the Field Training and Evaluation Program (FTEP), and his/her entire probationary period.

Reasonable Perception — Within this Policy, the phrases “reasonable perception,” “reasonably perceived,” and similar variations shall mean that an allegation of fraternization or nepotism may be investigated regardless of whether or not the accused Members believe their conduct to be fraternization or nepotism; as long as the allegation is supported by a reasonable and impartial interpretation of relevant facts and circumstances.

Relative (Familial Relationship) — Regardless of whether appearing in the singular or plural, a spouse, father, mother, son, daughter, uncle, aunt, first cousin, nephew, niece, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepsister, stepson, stepdaughter, half-brother, half-sister, and Members who are the biological or adoptive parents of the same person.

Romantic Relationship — For the purposes of this Policy, a “romantic relationship” shall be one characterized by a level of personal affection and familiarity involving, but not limited to, dating, physical intimacy, sexual activity, or other similar behavior(s).

III. PROHIBITED ACTIONS

The prohibited actions described in this section are directed at circumstances involving Members, as well as persons for whom employment (or continued employment) with the MVPD is conditional and/or subject to some form of performance review, including but not limited to applicants, Probationary Police Officers, direct reports and civilian employees. Since the likelihood of an adverse impact from fraternization and/or nepotism in any of these circumstances is foreseeable, the MVPD shall, in its efforts to provide a fair and impartial work environment, set a stricter standard of conduct.

1. Members may not enter into business or romantic relationships with any applicant. If such relationship exists at the time the applicant applies for employment with the MVPD, it must be disclosed by the applicant and the Member to the Police Commissioner during the application process using an MV-5.

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2. Members may not enter into business or romantic relationships with any Probationary Police Officer. If such a relationship exists at the time the Probationary Police Officer began employment with the MVPD, it must be disclosed by the Probationary Police Officer to the Police Commissioner on an MV-5 as soon as possible.
3. Members, including civilian employees, may not work as a direct report to a higher-ranking Member of the MVPD to whom he/she is related to, or with whom he/she is involved in a romantic relationship, or has a business relationship. In the event, this can't be achieved, then both members involved are reminded to conduct themselves in a manner that will not violate this Policy or bring discredit to themselves or the Department.
4. Romantic and business relationships between Supervisor(s) and subordinate Members of the Department are prohibited to avoid impropriety, or the appearance of impropriety or favoritism, and to protect the City from any potential claims of harassment.
5. No Member of the MVPD who is legally married, or is in a domestic partnership recognized or registered through the county or state, shall enter a romantic relationship with another married or unmarried Member. An unmarried Member shall not enter into a romantic relationship with a married Member.
6. Members may not select or apply for assignments that will place them under the direct supervision or management of a higher-ranking Member of the Department to whom he/she is related to, or with whom he/she is engaged in a romantic relationship, or has a business relationship with. This includes working overtime. In the event, this is unavoidable; both members are encouraged to refrain from any conduct that will violate this Policy.
7. Members shall not participate in any way with the appointment, assignment, employment, promotion, approval of overtime, approval of vacation or other paid leave, change of tour or hours of work, excusal for absence from work, or advancement of another Member of the Department to whom he/she is related to, or with whom he/she is engaged in a romantic relationship, or has a business relationship with.
8. During the selection process for promotion and assignment (including, but not limited to that occurring as Members request assignments to specific work shifts) all Members are required to disclose to their Supervisors on an MV-5 the identity of any relative, and/or romantic partner, or anyone whom they have a business relationship with, who is employed by the Department and who meaningfully participated, in any way, in the selection process.
9. Upon discovery, Members shall notify their immediate Supervisor that they are working in substantially direct contact with a relative, romantic partner, or someone they have a business relationship with.

IV. REQUIRED ACTIONS

A. All Members

1. If a Member is related to, married to, or maintains a romantic relationship with, a higher-ranking Member of the Department, Members shall not:

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- a) Use that relationship to seek special treatment or consideration for themselves or another Member;
 - b) Accept or pursue any assignment that would make one Member in the relationship subordinate or a direct report to another; or
 - c) Conduct themselves in any manner that, in a public or on duty settings, diminishes a Member's authority or rank.
2. All allegations of fraternization and/or nepotism shall be reported to your Commanding Officer or directly to the Internal Affairs Division ("IAD") on a MV-5.
 3. All allegations of fraternization and/or nepotism reported by a subordinate shall be investigated by the unit command and a copy of the investigation report must be forwarded to the Internal Affairs Division ("IAD").

B. Administrators & Supervisors

1. Supervisors shall not knowingly assign a Member in any way that will foreseeably foster or likely result in the creation of a "materially adverse effect" on the Department due to the nature of a relationship that exists between Members who are relatives, romantically involved or who have a business relationship. Circumstances that will foreseeably foster or likely cause a "materially adverse effect" on the Department include, but are not limited to, the following:
 - 1.1. A Member, who is a relative, or romantically involved and serves as the Supervisor and/or Field Training Officer and/or Administrator to another Member of the Department;
 - 1.2. A Member who is related to or romantically involved with another Member, while both serve on the same squad or in the same unit;
 - 1.3. A Member, who serves as a Supervisor, Administrator and/or responsible party over the care, custody or activity of volunteers or non-Member program participants (*e.g.*, Explorers) while a relative or in a romantic relationship with a non-Member volunteer or program participant; or
 - 1.4. A Member, who is related to or in a romantic relationship with another Member, while serving together in a stakeout, undercover or tactical operation.
2. A Member, who is a relative of another Member, may be assigned to the same squad, division or bureau if substantial direct contact and a "materially adverse effect" in the MVPD is avoided. "Substantial direct contact" does not necessarily include working portions of the same shift with overlapping supervision or working overtime duty in another unit where Members are assigned separate posts.
3. Upon learning of a job assignment that causes one Member to work with another Member in violation of this written directive, a Supervisor shall disclose the relationship in writing, via

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official channels, to their Division Commanding Officer or immediate Supervisor depending on their assignment. The Division Commanding Officer or designee shall prepare and forward a written memorandum to the Office of the Chief of Police, who will inform the Police Commissioner in which all relevant facts are provided. The Police Commissioner will review the relevant facts and/or memorandum for the purposes of determining whether the circumstance appears to violate this written directive or other policies of the Department, and resolving Member assignments to avoid/eliminate potential and existing conflicts of interest and assignments that appear to have a “materially adverse effect” on the MVPD, supervision, safety, or Member morale.

4. In any and all relationships with a subordinate, the higher-ranking Member:
 - 4.1. Bears primary responsibility for ensuring those appropriate standards of mutual conduct and respect are observed; and
 - 4.2. Must avoid even the reasonable perception that fraternization and/or nepotism is occurring.
5. Supervisors shall not allow, or arrange for, a subordinate to whom they are related or with whom they are engaged in a romantic relationship, to become their direct report.
6. Any complaint brought to a Supervisor’s attention alleging fraternization and nepotism shall be documented and investigated:
 - 6.1. In the same fashion as any other complaint of misconduct or wrongdoing; and
 - 6.2. In accordance with the Department manual Code of Conduct.

C. City of Mount Vernon Department of Human Resources (HR) and Support Services Division (SSD) Member(s)

1. Every interaction between a Member, a member of HR and an applicant shall be strictly professional.
2. If a Member is assigned to conduct any portion of a background investigation on an applicant with whom the Member has a familial, business or romantic relationship, the Member must:
 - 2.1. Submit an MV-5 Report, via “Chain of Command” to the Police Commissioner describing the nature of their relationship with the applicant.
3. If a Member of the training unit is assigned to conduct a background investigation of an applicant with whom the Member has a familial, business or romantic relationship, the Member must:
 - 3.1. Submit to his/her Supervisor an MV-5 Report documenting the nature of their relationship with the applicant;
 - 3.2. The Member’s Supervisor will then notify the Office of the Chief of the Department; and

- 3.3. The Office of the Chief will provide a recommendation as to the current Member’s ability to investigate in a fair and impartial fashion.

D. Support Services Division (SSD) -Training Department

1. Every interaction between a Member of SSD/Training Department and a Probationary Police Officer (“PPO”) shall be strictly professional.
2. Unless specifically approved by the Police Commissioner, off-duty, social interaction with any Probationary Police Officer(s) is prohibited. The only exception is if the Member and Probationary Police Officer are related.
3. One-on-one training sessions (*i.e.*, one in which only a Police Instructor and a Probationary Police Officer participate) must be pre-approved by the Police Commissioner.
4. If a Probationary Police Officer has a familial, business, or romantic relationship with a Member of SSD/Training Department, and the Member is assigned to the Police Academy for any reason, the Member must:
 - 4.1. Submit an MV-5 Report, via “Chain of Command,” to the Police Commissioner describing the nature of their relationship with the Probationary Police Officer;
 - 4.2. Notify IAD; and
 - 4.3. IAD will provide a recommendation to the Commissioner as to the Member’s ability to carry out his/her duties as an instructor in a fair and impartial fashion and that the Probationary Police Officer will not receive preferential treatment during training.

E. Field Training Officer (FTO)

1. Every interaction between an FTO and his/her assigned Probationary Police Officer (“PPO”) shall be of a strictly professional nature.
2. Off-duty, one-on-one personal social interaction with any Probationary Police Officer (“PPO”) is prohibited unless the PPO and FTO are related, conducting official police related functions, or attending social gatherings with other Members of the Department.
3. FTO Supervisor – No Probationary Police Officer shall be assigned to an FTO with whom the Probationary Police Officer has a familial and/or romantic relationship.

F. Investigation by IAD

1. Upon approval of the Police Commissioner, allegations of fraternization and/or nepotism resulting in criminal misconduct shall be:
 - 1.1. Investigated in the same fashion as any other complaint of misconduct or wrongdoing; and

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- 1.2. Based on the actual or reasonably perceived adverse impact(s) created by the alleged fraternization and/or act of nepotism, not the existence of any particular relationship in and of itself (unless the relationship is of a type described in the section entitled “PROHIBITED ACTIONS”).
2. Prepare and forward a written memorandum to the Police Commissioner in which all relevant facts are provided upon learning of the allegation by the Member(s).
3. When designated by the Police Commissioner, the exercise of discretion in the applicability of the “PROHIBITED ACTIONS” section shall occur on a case-by-case basis. Include an analysis of the facts and circumstances surrounding the relationship in question; and consider the recommendation made by the current Member’s Commanding Officer(s)/Supervisor(s).

V. EXCEPTIONS

Only the Police Commissioner may make exceptions to the directives in this Policy, such that the Members may be assigned or reassigned to best serve the Department, fulfill and support the mission of the Department, promote safety and welfare, avoid the creation or continuation of conflicts of interest, and enhance the quality and efficiency within the Department.

VI. EFFECTIVE DATE OF POLICY

This Policy is effective on the date listed herein. Division Commanders are responsible for informing their subordinates of this Policy when necessary and ensuring its compliance.