

**POLICY
101**

**EFFECTIVE
DATE
02-27-15**

**Eugene
Police Department**



Command Authority

101.1 PURPOSE AND SCOPE

The department has clearly defined levels of responsibility. In general, supervisors are encouraged to involve others in the decision-making process where appropriate. However, in tactical situations, immediate and unquestioning obedience to lawful orders is necessary in order to safely and effectively accomplish our mission. This policy outlines the authority of the Chief of Police and other command personnel, and sets standards for accountability and compliance with lawful directives.

101.2 SOURCE OF AUTHORITY

(a) The City Manager is designated by Chapter IV, Section 16 of the Eugene Charter of 2002 as the administrative head of the city, with the authority to appoint and remove all employees except as otherwise specified in the charter, and to organize, disband, and reorganize city departments.

(b) The City Manager, by administrative order, has designated the Chief of Police as the executive manager of the Police Department (reference Administrative Order 21-07-01 or its successor.) *EC 2.655* provides that the Chief of Police shall direct and control all other police officers.

(c) *EC 2.660* provides that all city police officers shall have all powers of arrest permitted a peace officer under state law, and directs that they shall perform duties directed by the charter, city code, or City Manager.

101.3 ORDER OF RANK

The order of rank of members of the department will be as follows:

Chief of Police
Assistant Chief of Police
Captain/Division Manager
Lieutenant/Section Manager
Sergeant/Supervisor
Agent/civilian lead workers
Officer/civilian line-level employees

101.4 CHAIN OF COMMAND

The chain of command is the clear line of authority from the Chief of Police to every member of the department that facilitates effective decision-making and organizational communication. Employees should utilize, recognize, and respect the chain of command, as designated by order of rank, in all official actions.

In certain situations, the chain of command may need to be bypassed. In such situations, the person doing so must be prepared to justify the departure from normal procedure.

101.5 UNITY OF COMMAND

Each employee is normally accountable to only one supervisor at a given time. When the employee is working on a special assignment or incident, or is temporarily assigned to another unit, he or she will be responsible to the supervisor in charge of that incident, assignment, or unit.

A command officer may need to issue an order to a person outside his/her normal chain of command. In such cases, rank will be respected and any lawful order obeyed.

101.6 SUCCESSION OF COMMAND

The Chief of Police, if unavailable to perform his or her duties, will appoint the Assistant Chief of Police to the role of Acting Chief of Police. In the event that the Assistant Chief of Police is unable to assume the office, or becomes incapacitated and cannot fulfill the duties of that position, the senior police captain will become the Acting Chief of Police until either the Assistant Chief or the Chief of Police returns to duty or another Acting Chief of Police is appointed by the City Manager. In the case where a civilian division manager is appointed to be AIC Executive Director of the Police Department, a captain will be designated as Acting Chief of Police for those issues requiring a decision or action by a sworn officer.

Similarly, a division manager who is unavailable to perform his or her duties may appoint an acting division manager. With approval of the affected division manager, other AIC supervisors may be appointed as needed.

AIC staff-level officers will be designated by Administrative Directive. Other AIC appointments will be designated by divisional directive or memo.

101.7 OFFICER IN CHARGE

Command authority, unless preassigned, rests with the first sworn officer to arrive on the scene of a given incident until s/he is relieved by a person of higher rank. The arrival of a sworn supervisor who begins to give direction will constitute relief of command from non-supervisory personnel. In emergency situations involving personnel from different functions of the department, the highest ranking officer on the scene will be in charge until relieved by higher authority. In the event two persons of the same rank are present on scene, command authority will rest with the one more senior in grade. If the two persons have the same time in grade, command authority will rest with the one with a higher assigned seniority. Delegation of on-scene rank structure will be consistent with the Incident Command System (ICS) and the National Incident Management System (NIMS), and any officer or supervisor who arrives at a scene with the intention of assuming duties as Incident Commander will notify the current officer in charge that he or she is assuming that role.

101.8 DELEGATION OF AUTHORITY

All department personnel will be given the authority needed to effectively complete all assigned functions. Personnel may not be given responsibility for a function without the commensurate authority to carry it out.

Department members are accountable to use the authority delegated to them, as well as for failure to use delegated authority, while carrying out their assigned duties and responsibilities.

While a supervisor may delegate responsibility and authority to other employees, he or she is accountable for the performance of employees under his or her supervision, and he or she may not delegate the ultimate responsibility for proper accomplishment of required tasks or objectives.

101.9 ORDERS

101.9.1 COMPLIANCE WITH ORDERS

Employees will promptly obey any lawful order from a higher ranking employee, including those relayed from a higher ranking employee by an employee of the same or lesser rank.

Disciplinary action will be taken where there is a willful disregard of lawful orders, commands, or directives.

If an employee is given an order which is in conflict with a previous order, rule, procedure, or directive, he or she should respectfully tell the employee issuing the order of the conflict. If that higherranking employee does not alter or rescind the conflicting order, the more recent order will stand, and employee following that more recent order will not be held responsible for disobedience to the order with which it conflicts.

101.9.2 UNLAWFUL ORDERS

An employee may not issue an order directing an unlawful act, or one which would unnecessarily endanger the safety of another employee.

An employee will not obey any order which he or she knows (or should know) would require commission of an unlawful act.

If an employee doubts the legality of an order, he or she should request clarification of the order from the person issuing it, or confer with higher authority.

If an employee receives an unlawful order, the employee must advise his or her supervisor. If that supervisor is the person who issued the unlawful order, then someone above him or her in the chain of command will be notified.