

POLICY AND PROCEDURES MANUAL

Fergus Falls Police Department

Policy Title	Policy Statement Relating to Standards of Conduct
Policy Number	210 (Formerly 30.09)
References	Minnesota State Statute 626.89 Minnesota Rules 6700.0100-6700.2704 City of Fergus Falls Drug and Alcohol Policy, Fergus Falls Police Department Policies on: Off Duty Employment and Complaints of Misconduct
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Distribution	All Personnel
Rescinds	July 1996

PURPOSE

The reputation of the city rests heavily on the integrity and ethics of its employees. Certain safeguards concerning these qualities are required to maintain the confidence and respect of those we serve. This is particularly important for those of us whose responsibility it is to enforce the law.

POLICY

All Police Department employees shall conduct themselves, whether on or off duty, in accordance with the constitution of the United States, the Minnesota Constitution, and all applicable laws, policies and directives of this agency, ordinances, and rules enacted or established pursuant to legal authority. While this general requirement is held for all department employees, a more specific code of conduct is mandated for those employees who hold a Minnesota Peace Officer's License. Those individuals will be bound by a set of rules mandated by the licensing authority. This authority is the Minnesota Peace Officer Standards and Training Board. This policy is, therefore, divided into a set of rules for employees who do not hold a Minnesota Peace Officer License and into a set of specific rules setting standards of conduct for peace officers.

I. Rules of Conduct: Non-Licensed Department Employees

- A.** Employees of the Police Department shall not use their position as a member of the department to solicit any special privileges, nor accept any favors or gratuities which would not ordinarily be accorded a private citizen.
- B.** Employees of the Police Department shall treat as confidential the official business of this department. They are not to discuss or disclose confidential or sensitive information to anyone except those for whom it is intended and are authorized to receive it, or as directed by their supervisor, or under due process of law.
- C.** Each employee is personally responsible for the items of identification and equipment issued to him/her as a member of the Police Department. A member shall not permit any other person to borrow or use those items of identification and equipment. The loss of same shall

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be immediately reported to the employee's supervisor together with a report on the circumstances leading to such a loss.

- D.** Any monies or property coming into the possession of any member of the department which is not his/her own shall be delivered to the proper person and a report made of the transfer.
- E.** Members of the Fergus Falls Police Department must always remember that in their official capacity they act not for themselves, but for the people they serve. Personal beliefs or sympathies cannot be permitted to seduce one to illegal acts or neglect of duty.
- F.** Because of the serious consequence resulting from certain types of conduct, employees of the department must refrain from the following:
 - 1. Neglect of duty assignments.
 - 2. Violation of a criminal law.
 - 3. Failure to follow lawful orders or the reasonable direction of a supervisor.
 - 4. Insubordination through overt acts, gestures, or comments made in defiance of a supervisor or other person in authority.
 - 5. Failure to cooperate with other members of the department in the performance of official duties.
 - 6. The use of coarse, profane, belittling or insolent language to any member of the department or the public.
 - 7. Failure to discharge all personal debts and legal obligations in a timely manner.
- G.** Under the provisions of the Drug Free Workplace Act of 1988, employees of the Fergus Falls Police Department shall abide by the following rules:
 - 1. No employee shall be under the influence of any drug or alcohol while the employee is working or operating City vehicles, machinery or equipment, except pursuant to a valid medical prescription.
 - 2. No employee shall use, possess, manufacture, distribute, dispense, sell or transfer drugs, alcohol, or drug paraphernalia while the employee is working or operating city vehicles, machinery or equipment, except pursuant to a valid medical prescription or unless specifically authorized as part of the employee's work related duties.
 - 3. An employee shall notify the Chief of Public Safety in writing of any criminal, drug, or alcohol statute conviction or plea agreement for a drug or alcohol conviction within five (5) days after such conviction. The city shall notify the appropriate federal agency of such conviction within ten (10) days of receiving notice from the employee.

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4. Employees of the Fergus Falls Police Department are bound by the requirements concerning testing for Drug and Alcohol use as written in the City of Fergus Falls Policy entitled City of Fergus Falls Drug and Alcohol Policy. A complete copy of this policy is available for review at any time in the administrative offices of the Fergus Falls Police Department or in the Fergus Falls Human Resource Director's office.

II. Rules of Conduct: Licensed Peace Officers

A. Scope

Historically, law enforcement officers have followed a set of standards incorporated into the Law Enforcement Code of Ethics. The following rules of conduct supplement those ethical standards.

The following rules apply to all Fergus Falls licensed police officers engaged in official duties, whether within or outside of the territorial jurisdiction of the City of Fergus Falls. Unless otherwise noted, these rules also apply to off duty conduct as well. Conduct which is not specifically mentioned under a rule, but violates a general rule, is prohibited. Minnesota Peace Officer conduct is based on eight (8) principles which, together, are backed by 37 specific rules of conduct. The eight principles and 37 rules are as follows:

1. Principle One

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

a. Rules

- 1.1 Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- 1.2 Peace officers should not knowingly disobey the law or rules of criminal procedures in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence.
- 1.3 Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitution and laws of the United States and the State of Minnesota.
- 1.4 Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction in which the officer is present, except where permitted in the performance of duty under proper authority.

2. Principle Two

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

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a. Rules

- 2.1** Peace officers shall carry out their duties with integrity, fairness, and impartiality.
- 2.2** Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- 2.3** Peace officers shall truthfully, completely, and impartially report, testify, and present evidence, including exculpatory evidence, in all matters of an official nature.
- 2.4** Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- 2.5** Peace officers must obey lawful orders, but must refuse to obey any orders the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order, the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
- 2.6** Peace officers learning of conduct or observing conduct which is in violation of any law or policy of this department shall report the incident to the officer's immediate supervisor, who shall forward the information to the Chief of Public Safety. If the misconduct is committed by the officer's immediate supervisor, the officer shall report the incident to the immediate supervisor's superior.

3. Principle Three

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

a. Rules

- 3.1** Peace officers shall provide every person in our society with professional, effective, and efficient law enforcement services.
- 3.2** Peace officers shall not express, whether by act, omission or statement, prejudice concerning race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.
- 3.3** Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

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4. Principle Four

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their department or otherwise impairs their ability or that of other officers or the department to provide law enforcement services to the community.

a. Rules

4.1 Peace officers shall not consume alcoholic beverages or chemical substances while on duty, except as permitted in the performance of official duties or as allowed in section 4.3 below. Under no circumstances should alcohol be consumed while in uniform unless authorized by the Chief of Public Safety.

Peace officers are bound by the stipulations outlined in the City of Fergus Falls written policy entitled City of Fergus Falls Drug and Alcohol Policy. This is with regard to the definition of "reasonable suspicion and the circumstances for drug and alcohol testing." A complete copy of this policy is available for review at any time in the office of the Human Resource Director.

4.2 Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A Peace Officer shall not report for work with the odor of an alcoholic beverage on the officer's breath or person.

4.3 Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.

4.4 Peace officers, while on duty, shall not commit any act which, as defined under Minnesota law, constitutes sexual harassment, including, but not limited to, making unwelcome sexual advances, physical contact or other verbal or physical conduct or communication of a sexual nature.

4.5 Peace officers, while off duty, shall not engage in any conduct which the officer knows, or reasonably should know, constitutes unwelcome sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature.

4.6 Peace officers shall not commit any acts which, as defined under Minnesota law, constitute sexual assault or indecent exposure. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

4.7 Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact

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with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

4.8 Peace officers shall not, in the course of performing their duties, engage in any sexual contact or conduct constituting lewd behavior, including but not limited to, receiving a massage in the nude, exposing themselves or otherwise making physical contact with the nude or partially nude body of another person.

4.9 Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or department. This rule does not prohibit those associations that are necessary to the performance of official duties, or where such associations are unavoidable because of the officer's personal or family relationships.

5. Principle Five

Peace officers shall treat all members of the public courteously and with respect.

a. Rules

5.1 Peace officers shall exercise reasonable courtesy in their dealings with the public, fellow officers, superiors, and subordinates.

5.2 No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person or do anything reasonably calculated to incite a person to violence.

5.3 Peace officers shall promptly advise any inquiring citizen of the department's complaint procedure and shall follow the established departmental policy for processing complaints.

6. Principle Six

Peace officers shall not compromise their integrity, or that of their department or profession, by accepting, giving, or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments, or by using their status as a peace officer for personal, commercial, or political gain.

a. Rules

6.1 Peace officers shall not use their official position, identification cards or badges: (1) for personal or financial gain, for themselves or another person; (2) for obtaining privileges not otherwise available to them except in the performance of duty; and (3) for avoiding consequences of unlawful or prohibited actions.

6.2 Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the Chief of Public Safety.

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6.3 Peace officers shall refuse favors or gratuities which could be reasonably interpreted as capable of influencing official acts or judgments.

6.4 Unless required for the performance of official duties, peace Officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually-oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of regular assigned duties.

6.5 Peace officers shall:

- a) not authorize the use of their names, photographs, or titles in a manner that identifies the officer as an employee of this department in connection with advertisements for any product, commodity, or commercial enterprise;
- b) maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
- c) not make endorsements of political candidates, while on duty, or while wearing the department's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed, or pending criminal justice legislation in their official capacity.

None of these rules shall prevent officers from engaging in the free expression of political speech in their capacities as private citizens, or the rights of police fraternal or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.

7. Principle Seven

Peace officers shall not compromise their integrity, or that of their department or profession, by taking or attempting to influence actions when a conflict of interest exists.

a. Rules

7.1 Peace officers shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other peace officers in official matters, impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.

7.2 Peace officers shall, unless required by law or policy, refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.

7.3 Peace officers shall not use the authority of their position as peace officers, or

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Information available to them due to their status as peace officers, for any purpose of personal gain including, but not limited to, initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.

7.4 Peace officers shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

8. Principle Eight

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

a. Rules

8.1 Peace officers shall not knowingly violate any legal restriction for the release or distribution of information.

8.2 Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses, or complainants.

8.3 Peace officers shall not disclose the identity of persons giving confidential information except as required by law or department policy.