

 <p>CHAMPLIN POLICE DEPARTMENT POLICY AND PROCEDURES</p>	<p><b>Segment:</b> <b>3 – Departmental Procedures</b></p> <p><b>Section Title:</b> <b>Professional Conduct of Police Employee</b></p>	<p><b>Section:</b> <b>300</b></p> <p><b>Total Pages:</b> <b>9</b></p> <p><b>Revised Date:</b> <b>10/06/2008</b></p>
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## POLICY

Law enforcement effectiveness depends upon community respect and confidence. Conduct which detracts from this respect and confidence is detrimental to the public interest and should be prohibited. The policy of this department is to investigate circumstances which suggest police employee has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

300.01

### SCOPE

This policy applies to all employees whether full-time, part-time or volunteer (Officers, Community Service Officers, Clerical, Reserves and Explorers) of this agency engaged in official duties, whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted, this policy also applies to off duty conduct as well. Conduct not mentioned under a specific rule, but which violates a general principle is prohibited. This policy is organized into eight principles governing police employee misconduct. Each principle is followed by the rationale explaining the principle and a set of rules.

300.02

### PRINCIPLE ONE – LEGAL AUTHORITY

Police 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, ordinances and rules enacted or established pursuant to legal authority.

#### **Rationale**

Police employees conduct their duties pursuant to a grant of limited authority from the community. Therefore, police employees must understand the laws defining the scope of their enforcement powers. Police employees may only act in accordance with the powers granted to them.

## **Rules**

- 1) Police employees shall not knowingly exceed their authority in the enforcement of the law.
- 2) Police employees shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants and preservation of evidence. Except where permitted in the performance of duty under proper authority.
- 3) Police employees 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.
- 4) Police employees, 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 police employee is present.

300.03

## **PRINCIPLE TWO - INTEGRITY**

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

### **Rationale**

Community cooperation with the police is a product of its trust that police employees will act honestly and with impartiality. The police employee, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

## **Rules**

- 1) Police employees shall carry out their duties with integrity, fairness and impartiality.
- 2) Police employees 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.
- 3) Police employees shall truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

- 4) Police employees shall take no action knowing it will violate the constitutional rights of any person.
- 5) Police employees must obey all lawful orders, verbal directives, or commands by a supervisor, but must refuse to obey any orders the police employee knows would require him/her to commit an illegal act. If in doubt as to the clarity of an order, the police employee shall, if feasible, request the issuing supervisor to clarify the order. A police employee refusing to obey an order shall be required to justify his or her actions
- 6) Police employees learning of conduct or observing conduct which is in violation of any law or policy of this department shall take necessary action and report the incident to the employee's immediate supervisor, who shall forward the information to the chief. If the misconduct is committed by the employee's immediate supervisor, the employee shall report the incident to the immediate supervisor's supervisor.

300.04

### PRINCIPLE THREE - DISCRIMINATION

Police employees shall perform their duties and apply the law impartially and without prejudice or discrimination.

#### **Rationale**

Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Police employees must refrain from fostering disharmony in their communities based upon diversity, and perform their duties without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age.

#### **Rules**

- 1) Police employees shall provide every person in our society with professional, effective and efficient law enforcement services.
- 2) Police employees 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.

300.05

### PRINCIPLE FOUR – INTOXICANTS/CONTROLLED

## **SUBSTANCE ABUSE, SEXUAL MISCONDUCT**

Police employees 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 police employees or the department to provide law enforcement services to the community.

### **Rationale**

A police employee's ability to perform his or her duties is dependent upon the respect and confidence communities have for the police officer and law enforcement employees in general. Police employees must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

### **Rules**

- 1) Police employees shall not consume alcoholic beverages or chemical substances, while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in 3) below.
- 2) Police employees shall not consume alcoholic beverages to the extent the employee would be rendered unfit for their next scheduled shift.
- 3) Police employees shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the employee shall inquire of the prescribing physician whether the medication will impair the employee in the performance of their duties. The employee shall immediately notify their supervisor if a prescribed medication is likely to impair their performance during their next scheduled shift.
- 4) Police employees shall not report for work with the odor of an alcoholic beverage on their breath, or perform any on-duty work with any measurable level of alcohol or any controlled substance in the body.
- 5) Police employees shall, at the request of a supervisor, be required to submit to a chemical breath, blood or urine test for the purpose of determining the presence of alcohol or controlled substance. The appropriate test(s) shall be determined and administered at the direction of a supervisor.
- 6) Police employees shall not use or consume any intoxicants or controlled substances when armed with a weapon while off-duty.

- 7) Police employees shall not use or consume intoxicants or controlled substances in public when they are identifiable by uniform or other clothing bearing the department name or logo.
- 8) Police employees shall not report for duty, or perform any on-duty work, when his/her judgment or physical condition is impaired by medication or other substances.
- 9) Police employees, 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, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- 10) Police employees, while off duty, shall not engage in any conduct which the employee knows, or reasonably should know, constitutes an unwelcome sexual advance or request for sexual favor or unwelcome sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature.
- 11) Police employees 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.
- 12) Police employees 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 employee from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the police employee from the petitioner's home or workplace.
- 13) Police employees shall not, in the course of performing their duties, engage in any sexual contact or conduct constituting lewd behavior, including but not limited to, showering or receiving a massage in the nude, exposing themselves or otherwise making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the department.
- 14) Police employees 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 employee 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 employee's personal or family relationships.

300.06 PRINCIPLE FIVE - COURTESY

Police employees shall treat all members of the public courteously and with respect.

**Rationale**

Police employees are the most visible form of local government. Therefore, police employees must make a positive impression when interacting with the public and each other.

**Rules**

- 1) Police employees shall exercise reasonable courtesy in their dealings with the public, fellow employees, superiors and subordinates.
- 2) No police employee shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, shame any person or do anything reasonably calculated to incite a person to violence.
- 3) Police employees shall promptly advise any inquiring citizen of the department's complaint procedure, and shall follow the established departmental policy for processing complaints.
- 4) Rudeness, abusive language, racial or ethnic slurs, sexual references disrespect and lack of proper attention or concern may constitute a valid charge.

300.07 PRINCIPLE SIX - GRATUITIES

Police employees 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 judgements, or by using their status as a police employee for personal, commercial, or political gain.

**Rationale**

For a community to have faith in its police employees, employees must avoid conduct that does or could cast doubt upon the impartiality of the individual

employee or the department.

## **Rules**

- 1) Police employees shall not use their official position, identification cards or badges; (1) for personal or financial gain, for themselves or other persons; (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.
- 2) Police employees 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 law enforcement officer.
- 3) Police employees shall refuse favors or gratuities, which could be reasonably interpreted as capable of influencing official acts or judgments.
- 4) Unless required for the performance of official duties, police employees 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 employees from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- 5) Police employees shall: not authorize the use of their names, photographs or titles in a manner that identifies them as an employee of this department in connection with advertisements for any product, commodity or commercial enterprise; 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; not make endorsements of political candidates, while on duty, or while wearing the department's official uniform.

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

300.08

## **PRINCIPLE SEVEN – ABUSE OF AUTHORITY**

Police employees 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.

### **Rationale**

For the public to maintain its faith in the integrity and impartiality of police employees and their departments, employees must avoid taking or influencing official actions where the employee's actions would or could conflict with the employee's appropriate responsibilities.

### **Rules**

- 1) Police employees shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other police employees in official matters, impacting the employee's immediate family, relatives, or persons with whom the employee has or has had a significant personal relationship.
- 2) Police employees shall, unless required by law or policy, refrain from acting or influencing official actions of other police employees in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- 3) Police employees shall not use the authority of their position as police employees or information available to them due to their status as police employees, for any purpose or personal gain including, but not limited to, initiating or furthering personal and/or intimate interactions of any kind with persons with whom the employee has had contact while on duty.
- 4) Police employees shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the employee's ability to impartially perform their official duties.

300.09

### **PRINCIPLE EIGHT – DISSEMINATION OF INFORMATION**

Police employees shall observe the confidentiality of information available to them due to their status as police employees.

### **Rationale**

Police employees are entrusted with vast amounts of private and personal information, or access thereto. Police employees must maintain the confidentiality of such information to protect the privacy of the subjects of that information, and to maintain public faith in the employee's and department's commitment to preserving such confidences.

### **Rules**

- 1) Police employees shall not knowingly violate any legal restriction for the release or dissemination of information.
- 2) Police employees 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.
- 3) Police employees shall not divulge the identity of persons giving confidential information except as required by law or department policy.

300.10 APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with Minnesota Statute 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on allegations of Misconduct as required by POST Board Rules, Minn.R. pt. 6700.2000 to 6700.2600.

Date Implemented: March 1, 2002