

Perham Police Department

Policy & Procedures Manual

TITLE: PROFESSIONAL CONDUCT OF OFFICERS
Minnesota Statutes 626.8457

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I. POLICY

It is the policy of the Perham Police Department to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

This policy applies to all officers 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. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. 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.

1. **Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. Rules

- a. Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- b. Peace officers 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.
- c. Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
- d. 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.
- e. Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. 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.

1. **Rationale:** Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. Rules

- a. Peace officers shall carry out their duties with integrity, fairness and impartiality.
- b. 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.
- c. Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- d. Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- e. Peace officers must obey lawful orders from superior officers but a peace officer must refuse to obey any order 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.
- f. Should any lawful order conflict with a previous order, with any regulation, policy or procedure of the Department, the member to whom such order is given shall respectfully call attention to such conflict or any other conflict which may arise from such order. If the supervisor giving the last order does not change the order, so as to correct the conflict, the order shall stand and the responsibility for the conflict shall rest with the supervisor. The person obeying the order will not be held in any way responsible for disobedience of any orders previously issued.
- g. Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

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

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

2. Rules

- a. Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
- b. Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

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

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

2. Rules

- a. Peace officers 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 c.
- b. 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.
- c. 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.
- d. Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, 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.
- e. Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- f. 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 with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
- g. Peace officers, in the course of performing their duties, shall not 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 making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

- h. 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 agency. 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.

E. PRINCIPLE FIVE

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

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.
2. **Rules**
 - a. Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.
 - b. No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
 - c. Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency 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.

1. **Rationale:** For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.
2. **Rules**
 - a. Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
 - b. 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 law enforcement officer.
 - c. 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 their regularly assigned duties.
 - d. Peace officers shall:
 - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency 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 agency'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.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions where those actions would or could conflict with the officer's appropriate responsibilities.

2. Rules

- a. Unless required by law or policy a peace officer shall 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.
- b. Unless required by law or policy a peace officer shall 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.
- c. A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer 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.
- d. A peace officer 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.

H. PRINCIPLE EIGHT

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

1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. Rules

- a. Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- b. 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.
- c. Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

IV. RULES OF CONDUCT**A. PERFORMANCE OF BASIC DUTIES IN A COMPETENT MANNER**

1. Officers will perform their basic duties: preserve the public peace, prevent crime, detect and arrest law violators, protect life and property and enforce the criminal laws of the City of Perham, the State of Minnesota, and the United States, to the best of their ability and in accordance with the directives of this manual.
2. Employees will perform assigned duties in a competent manner. Incompetence may include but not be limited to the following examples: (a) a lack of knowledge of the laws to be enforced; (b) an unwillingness to perform assigned tasks; (c) the failure to conform to work standards established for the employee's rank or position; (d) the failure to take appropriate action on the occasion of a crime, instance or disorder, or other incident; (e) repeated work evaluations showing substandard performance. Incompetent work performance may be grounds for disciplinary action up to and including discharge; (f) committing an violation of Federal laws, State Statues, or City Ordinances.

B. REPORTING FOR DUTY

1. Officers/members shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. Employees are required to notify their Supervisors prior to their normal starting times if they are unable to come to work or if they will be late getting to work.

C. PUBLIC STATEMENTS

1. Department employees share the individual rights to engage in free speech and other protected first amendment activity. However, employees shall not use their authority or symbol of office, such as uniform, title, or employment by the City of Perham for this purpose.
2. Employees will not make statements on behalf of the Department for publication or broadcast concerning the plans, policies, or administration of the Department unless authorized to do so. Employees who plan to deliver an address at any public gathering concerning the work of the Department will notify and obtain pre-approval of their supervisor prior to speaking. Any public statement concerning Department policy must accurately represent that policy. Any statement about the Department or its function which reflects an employee's personal opinion will be clearly presented as such.
3. None of these rules shall prevent officers from engaging in the free expression of political speech in their capacities as private citizens.
4. The Chief of Police may authorize exceptions.

D. PERSONAL APPEARANCE

1. Employees on duty shall wear uniforms or other clothing in accordance with established departmental regulations.
 - a. Short Sleeve uniform shirts are dark blue

- b.** Long sleeve uniform shirts are dark blue with a dark blue tie or black/dark blue turtle neck/mock turtleneck.
 - c.** Uniform pants are dark blue, dress style pants or cargo style/BDU pants, jeans are unacceptable when worn with the uniform shirt.
 - d.** Uniform boots/shoes should be kept in good repair and predominately black in color.
 - e.** Approved lapel pins are gold in color displaying: "PPD" "PD" "Chief" "Police" or rank insignia. Additional pins may be approved by the Chief of Police.
 - f.** Name plates, when worn, will be worn above the right chest pocket of the uniform shirt. Officers may wear "serving since" plates in addition to the name plate. The year displayed will show the officer's years in law enforcement. If nameplates are not worn, an officer of this department will give their name and badge number to a citizen requesting it.
 - g.** Other pins or decorations may be worn with the approval of the Chief of Police.
- 2.** Sworn officers on duty shall maintain a neat, clean, professional and well-groomed appearance. Sworn officers shall comply with the following grooming standards unless excluded by the Chief of Police due to special assignment:
- a.** Uniformed officers shall wear their hair back off the face, and not in a style which interferes with the officer's vision, and not in a style that interferes with the uniform, and not be excessive in length, color or style, and not interfere with wearing of department issued headgear. Hairstyling shall conform to contemporary prevailing professional and local community standards as determined by the Chief of Police.
 - 1. The Chief of Police shall retain the right to determine the suitability of a particular hairstyle for uniformed personnel.
 - 2. When an officer is representing Perham Police Department at an event requiring the Class A Uniform, hair shall be worn close to the head and not extend lower than ½ inch below the top of the back collar.
 - b.** Wigs or hairpieces are permitted if they conform to the above standards for natural hair.
 - c.** Sideburns will be neatly trimmed and tapered.
 - d.** If an individual chooses to wear a beard, mustache and/or goatee, it shall be neatly trimmed.
 - e.** Facial and/or eye makeup, if worn, shall be worn in a conservative fashion which does not detract from the professional appearance of the officer.
 - f.** Jewelry may be worn which is not gaudy and does not present a hazard to the officer; however, jewelry lost or damaged will not be replaced or repaired by the City. The number and type of jewelry items allowed may be set by the Chief.

- g. On-duty sworn uniformed personnel shall keep their nails trimmed so as not to extend more than 1/8" beyond the end of the finger and shall be rounded (i.e., not trimmed to a point). No ornament associated with the nails may be employed. No nail color may be worn if the appearance that results is so gaudy, pretentious, or unusual as to attract undue attention.

E. NEGLECT OF DUTY

- 1. While on duty, officers will remain attentive to their assigned responsibilities. An officer shall not mangle or shirk their duties in the areas of law enforcement, peacekeeping or public safety. To do so will be deemed neglect of duty. An officer shall not enter taverns, theaters, or other establishments or attend public entertainments except in furtherance of their duties or in availing themselves of authorized break time. Any officer who is subpoenaed, or notified by the Department or City/County Attorney, to testify in court regarding cases growing out of official duties will appear at the time and date indicated. Failure to appear may constitute neglect of duty.

F. PROMPT RESPONSE TO ORDERS

- 1. Employees are expected to obey lawful orders from supervisors as promptly and completely as possible. Failure to obey orders promptly may be considered insubordination or neglect of duty.

G. PROMPT RESPONSE TO CALLS

- 1. Officers will respond in a prompt manner appropriate to the circumstances when dispatched or ordered to respond to a situation. Postponing response or failure to respond may be considered neglect of duty.

H. DEPARTMENT EQUIPMENT

- 1. Officers/Members shall utilize department equipment only for its intended purpose, in accordance with established procedures. Officers/Members shall not abuse, damage or lose department equipment. All department equipment shall be maintained in proper order. Any officer/member that discovers department equipment damaged or missing will immediately notify their supervisor.

I. PERSONAL BUSINESS ON DUTY

- 1. Employees, while on duty, shall not engage in prolonged personal business, read for personal purposes, play games, watch television or movies or otherwise engage in entertainment, except as may be required in the performance of duty or approved by a supervisor. This section does not apply to authorized break time.

J. SEEKING OR ACCEPTING GIFTS, GRATUITIES, BRIBES OR REWARDS

- 1. No employee shall accept a bribe, reward, fee, gratuity, or gift for services rendered as a member of the Department.
- 2. Employees shall not solicit or accept from any person, business, or organization any gift for the benefit of any of the employees or the Department, if it may reasonably be inferred that the person, business, or organization:

- a. seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty; or
 - b. has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.
 - c. is an “interested person” pursuant to Minn. Stat. 471.895(c) in that the person, business or organization has a financial interest in a decision that the officer is authorized to make.
3. For the purposes of this regulation, the word “gift” shall include money, food, tangible or intangible personal property, loan promise, service, or entertainment.
 4. This regulation does not prohibit accepting a beverage or food from an individual when refusing could be viewed as rude or an insult to the person making the offer, when accepting the offer would not constitute a violation of sections 1 or 2 above. Employees may solicit for bona fide charities or organizations in fund raising capacities if off duty and under the condition that they not identify or represent themselves as Perham police officers or solicit in such a manner so that it could be easily inferred they are sponsored by, representing, or working for the Department. Employees may only solicit on behalf of the Department if authorized by the Chief of Police for approved departmental projects.
 5. Employees shall not accept rewards from any person, business, or organization for any acts done in the performance of their duties without approval of the Chief of Police.
 6. This regulation does not prohibit the receipt of anything of value from another governmental agency or public service organization.

K. CONDUCT TOWARD OTHER OFFICERS

1. All employees shall treat supervisors, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. Officers/Members of this department shall not publicly criticize or ridicule the department, its policies or other officers/members by speech, writing or other expression which is defamatory, obscene and unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline or is made with reckless disregard for truth or falsity.

L. SLEEPING, IDLING OR LOAFING ON DUTY

1. Employees shall report to work well rested and ready for duty. Employees of the Department shall not sleep, idle or loaf while on duty. If an employee is unable to stay in a properly alert, conscious frame of mind, the employee shall report to a supervisor, who shall determine the proper course of action. Supervisors shall have the discretion to authorize a short rest period to return an employee to fitness for duty under unusual circumstances.

M. MEALS/BREAKS

1. Officers/Members may suspend patrol for a lunch period and break time which will be a reasonable amount of time. Officers will be subject to call during this period.

N. COOPERATION REQUIRED

1. Employees of the Department must cooperate in any official internal investigation of alleged misconduct, illegal activity or impropriety. Failure to answer questions or submit to proper investigative techniques constitutes insubordination.

O. UNTRUTHFULNESS/DISHONESTY

1. Members of the Department are required to speak the truth at all times and under all circumstances, whether under oath or otherwise.
2. This regulation prohibits withholding of evidence from a judicial proceeding or internal investigation, perjury, untruthful statements made within the Department, false public statements, falsified or deliberately misleading reports, and any other misrepresentations by members of the Department.
3. Deception, when practiced as an investigative technique in a lawful manner, does not constitute a violation of this section.

P. UNDERCOVER OPERATIONS

1. Employees of the department will not initiate or participate in undercover operations without the knowledge and approval of a supervisor.

Q. OFF-DUTY ARREST POWERS

1. Off-duty officers within jurisdiction of the City of Perham have the same arrest powers as on-duty. Off-duty officers out of jurisdiction of the City of Perham have citizen's arrest power only, except in instances where deadly force is authorized.

R. OUT OF JURISDICTION

1. When outside normal jurisdictional limits, an officer must first give consideration to causing appropriate action to be effected by the responsible police agency. Normally, unless an officer witnesses a serious crime, or there is an immediate danger to person or property, the officer should defer to the local agency.

S. TRAFFIC VIOLATIONS OUT OF JURISDICTION

1. Off-duty officers out of their jurisdiction may make a Citizen's Arrest for traffic violations on sight when the violation is especially flagrant or involves an accident or driving under the influence of intoxicating liquor.

T. OFFICER SAFETY

1. Off-duty officers must realize the risk faced when initiating police action without essential communications. The officer shall weigh the risk of taking action against the issue of officer safety. The officer shall err on the side of officer safety.

U. OFF-DUTY WEAPONS

1. Officers may carry weapons off-duty.

- a. Officers, when off-duty, shall carry Official Identification when they are in possession of a concealed firearm.
- b. The City of Perham assumes no liability for an officer using a handgun off-duty that is not authorized. Officers carrying off-duty weapons shall qualify with them on an annual basis. Failure to qualify will rescind the officer's authorization to carry the weapon until a successful qualification is completed. All personally-owned weapons carried off-duty will be inspected annually by a Department firearms instructor to guarantee that the weapon's specifications are in compliance with Department standards and that the weapon is in proper working order. The cost of any required repairs or maintenance shall be the responsibility of the weapon's owner.

V. INITIATING SUITS

1. No employee will bring a civil suit against a citizen for damages sustained in the line of duty without first reporting the case in writing to the Chief. No action will be taken before the Chief is so advised.

W. BEING NAMED AS A RESPONDENT

1. Any employee who is named as a respondent in a civil suit growing out of the employee acting in an official capacity---whether on or off-duty---will immediately notify their supervisor.

X. SUBPOENAS RELATING TO DEPARTMENT'S BUSINESS/OPERATIONS

1. Any employee served with a subpoena or other legal process relating to the business, operations, policies, or procedures of the department will inform their supervisor immediately. This requirement does not apply to subpoenas relating to the prosecution of a routine criminal case.

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by MN RULES 6700.2000 to 6700.2600.