300.39.1 PROFESSIONAL CONDUCT OF PEACE OFFICERS

POLICY

It is the policy of the Janesville Police Department to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate. A criminal conviction is not required for the agency to impose disciplinary action on an officer who engages in conduct prohibited by this policy.

PROCEDURE

This policy applies to all agency personnel 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.

PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota State Constitution, and all applicable laws, ordinances, and rules enacted or established by a legal authority. Peace officers must understand and obey the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them. Peace officers shall obey the same laws they are entrusted to enforce.

- Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- 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 when permitted in the performance of duty under proper authority.
- 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.
- 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.
- Peace officers will not, according to MN Statute 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.

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. Community cooperation with the police is a product of its trust that peace 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.

- Peace officers shall carry out their duties with integrity, fairness, and impartiality.
- 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.
- Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- Peace officers must obey lawful orders, 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.
- 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 an immediate supervisor who shall forward the information to the CLEO. If the peace officer's immediate supervisor committed the misconduct the peace officer shall report the incident to the immediate supervisor's supervisor.

PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination. 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 regarding public assistance, disability, sexual orientation, or age.

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

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. A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the peace 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.

- 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.
    - 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.
- 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.
- 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.
- 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 procedures.
- Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting obscene behavior, except as permitted by department policy.
- 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.
- 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.

PRINCIPLE FIVE

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

- Peace officers shall exercise reasonable courtesy in their dealings with the public, other peace officers, superiors, and subordinates.
- 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.
- Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

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. 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.

- 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.
- 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.
- Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- 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 peace officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- Peace officers shall not authorize the use of their names, photographs, or titles in a manner that identifies them as an employee of this agency in connection with advertisements for any product, commodity, or commercial enterprise.
- Peace officers shall 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.

- Peace officers shall not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

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

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. 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.

- 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.
- 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.
- 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.
- 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.

PRINCIPLE EIGHT

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

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

- 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.
- Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN Statute 626.89 and MN Rules 6700.2000 to 6700.2600.

STATUTORY REFERENCES

- MN STATUTE 609.43 – Misconduct of Public Officer or Employee
- MN STATUTE 626.8457 – Professional Conduct of Peace Officers
- MN STATUTE 626.863 – Unauthorized Practice
- MN STATUTE 626.89 – Peace Officer Discipline Procedures Act
- ADMINISTRATIVE RULE 6700.1600 – Standards of Conduct
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies
- ADMINISTRATIVE RULE 6700.2000 – Definitions
- ADMINISTRATIVE RULE 6700.2100 – Scope
- ADMINISTRATIVE RULE 6700.2200 – Development of Written Procedures
- ADMINISTRATIVE RULE 6700.2300 – Affirmation of Compliance
- ADMINISTRATIVE RULE 6700.2400 – Copies of Procedures
- ADMINISTRATIVE RULE 6700.2500 – Documentation of Complaints
- ADMINISTRATIVE RULE 6700.2600 – Processing of Complaints