

TO: Kate Thunstrom, City Administrator
FROM: Todd Schwieger, Police Chief
SUBJECT: Police Department Policy Manual
DATE: January 16, 2024

OVERVIEW:

The St. Francis Police Department has adopted Lexipol policy 307, Officer Response to Calls which is a new policy. The department has also replaced its current Rules and Regulations and Conduct Unbecoming a Police Officer policies with Lexipol policy 318, Standards of Conduct.

ACTION TO BE CONSIDERED:

St. Francis City Council to review and approve St. Francis Police Department policies 307, Officer Response to Calls and 318, Standards of Conduct. Both policies have received legal review.

BUDGET IMPLICATION:

No direct budget impact as a result of the policy updates.

Attachments:

- St. Francis Police Department Lexipol Policies, Officer Response to Calls and Standards of Conduct.
- Former department policies Rules and Regulations and Conduct Unbecoming a Police Officer.

Officer Response to Calls

307.1 PURPOSE AND SCOPE

The State of Minnesota finds that emergency vehicle operations are an integral part of law enforcement's commitment to public safety. This policy provides for the safe and appropriate response to all emergency and non-emergency situations (Minn. Stat. § 626.8458, Subd. 1).

307.2 POLICY

It is the policy of this department to appropriately and promptly, without undue delay, respond to emergency and nonemergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

307.3 RESPONSE TO CALLS

307.3.1 RESPONSE TO EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately as appropriate. Officers responding to an emergency call shall sound the siren or display at least one lighted red light to the front of the vehicle. Whenever practicable, during an emergency call response the officer should continuously operate emergency lighting equipment and sound the siren (Minn. Stat. § 169.03 et seq.; Minn. Stat. § 169.17).

Responding with a red light, emergency lighting and/or siren does not relieve the operator of an authorized emergency vehicle or a law enforcement vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others. The use of any other warning equipment without emergency lights and siren does not provide an exemption under Minnesota law (Minn. Stat. § 169.17).

Officers should only respond with a red light, emergency lights and/or siren when so dispatched or when circumstances reasonably indicate an emergency response is appropriate. Officers not responding with a red light, emergency lights and/or siren shall observe all traffic laws.

307.3.2 LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES

An officer may operate a vehicle without lights as otherwise required while performing law enforcement duties when the officer reasonably believes that operating the vehicle without lights is necessary to investigate a criminal violation or suspected criminal violation of state laws, rules or orders, or local laws, ordinances or regulations. The operation of a vehicle without lights must be consistent with the standards adopted by Minnesota Peace officer Standards and Training Board (POST) (Minn. Stat. § 169.541).

307.4 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. Where a situation has stabilized

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and emergency response is not required, the requesting officer shall promptly notify Central Communications.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required (if known)

307.4.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

307.5 RESPONSIBILITIES OF RESPONDING OFFICERS

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call officers may (Minn. Stat. § 169.03; Minn. Stat. § 169.17):

- (a) Proceed cautiously past a red or stop signal or stop sign but only after slowing down and utilizing a red light or siren as may be necessary for safe operation.
- (b) Exceed any speed limits, provided this does not endanger life or property.
- (c) Disregard regulations governing direction of movement or turning in specified directions as authorized by law.
- (d) Disregard regulations governing parking or standing when using a warning lamp.

The decision to continue an emergency call response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Central Communications. An officer shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

When emergency vehicles are on the scene of an emergency and pose any hazard, or when the vehicle operators seek exemption to park, stop or stand contrary to any law or ordinance pursuant to Minn. Stat. § 169.541, adequate warning lights shall be operated whenever practicable.

307.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the supervisor shall verify the following:

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- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency call response, the supervisor should consider the following:

- The type of call or crime involved.
- The necessity of a timely response.
- Traffic and roadway conditions.
- The location of the responding units.

307.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency call response and respond accordingly. The officer shall notify a supervisor or Central Communications of the equipment failure so that another unit may be assigned to the emergency response.

307.8 TRAINING

The Instructor shall ensure the frequency and content of emergency vehicle operations training meets or exceeds that required by law (Minn. Stat. § 626.8458).

Standards of Conduct

318.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the St. Francis Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

318.1.1 STANDARDS OF CONDUCT FOR PEACE OFFICERS

The St. Francis Police Department adopts the Professional Conduct of Peace Officers model policy established and published by the Minnesota Board of Peace Officer Standards and Training Board (POST) (Minn. Stat. § 626.8457). This model policy applies to all peace officers of this department.

See attachment: MN POST Professional Conduct of Peace Officers Model Policy.pdf

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law.

The Department shall report to POST any data regarding the investigation and disposition of cases involving alleged misconduct of officers (Minn. Stat. § 626.8457, Subd. 3).

318.2 POLICY

The continued employment or appointment of every member of the St. Francis Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

318.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

318.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or

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shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

318.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

318.4 GENERAL STANDARDS

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

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

318.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action

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for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient department service.

318.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

318.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the St. Francis Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

318.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

318.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

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- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this department.
- (f) Supporting or participating in the activities of a hate or extremist group (Minn. Stat. § 626.8436).

318.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

318.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

318.5.7 EFFICIENCY

- (a) Neglect of duty.

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- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

318.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department--related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:

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1. Unauthorized attendance while on-duty at official legislative or political sessions.
 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

318.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

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318.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

318.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Attachments

MN POST Professional Conduct of Peace Officers Model Policy.pdf

PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the _____ (law enforcement agency) 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 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) 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) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- d) 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.
- e) 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.

I. APPLICATION

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.

PB Rev 01/2011



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| TITLE: RULES AND REGULATIONS | NUMBER: 300 |
| EFFECTIVE DATE: 01/01/2020 | REVIEW DATE: 01/01/2023 |

300.01 PURPOSE AND APPLICATION-

The purpose of these regulations is to provide a basis for the orderly and discipline performance of duty. Their publication will promote a surer knowledge of what is expected of personnel generally and of all ranks and assignments specifically. This should result in a greater degree of self-assurance in all positions. In relationships between the ranks, it should be our individual aim to building continuously mutual respect and confidence, which is essential to police operations. These regulations are a supplement to the City Personnel Rules and, if applicable, union contract. Employees are required to observe the requirements of the personnel policies, union contract and these regulations.

300.02 LOYALTY - Loyalty to the City, the department and to associates is an important factor in departmental morale and efficiency. Members and employees should maintain a loyalty to the City, to the department and their associates as is consistent with law, personal ethics and professional standards.

300.03 GENERAL RESPONSIBILITIES - Members of the department shall, within the boundaries of the City of St. Francis, preserve the public peace, prevent crime, detect and arrest violators of the law, protect life and property, and enforce the Criminal Law of the United States, State of Minnesota, and the Ordinances of the City of St. Francis.

300.04 DEPARTMENT - All employees of the department shall be governed by the ordinary and reasonable rules of good conduct and behavior in their private and professional lives.

300.05 COORDINATION - In carrying out the functions of the department, members shall direct and coordinate their efforts in such manner as will tend to establish and maintain the highest standards of efficiency.

- 300.06 COOPERATION BETWEEN THE RANKS** - The cooperation between the various ranks and between patrol and other divisions is essential to effect law enforcement.
- 300.07 COOPERATION WITH OTHER AGENCIES** - Officers shall cooperate with all law enforcement agencies, other city departments and public service organizations and shall give aid and information as such organizations may be entitled to receive consistent with departmental orders.
- 300.08 VIOLATION OF RULES** - Officers shall not commit any other acts or omit any other acts, which constitute a violation of any of the rules, regulations, directives, orders or policies of the department. Ignorance of the rules, regulations, directives, orders or policies shall not be considered as a justification for any such violations. Officers shall be responsible for their own acts and they shall not shift to others the burden of responsibility for executing or failing to execute a lawful order or police duty.
- 300.09 COURTESY** - Officers shall be courteous to the public. Officers shall be tactful in the performance of their duties, shall control their tempers and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, officers shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics.
- 300.10 KNOWLEDGE OF ORDINANCE AND REGULATIONS** - Every member is required to establish and maintain a working knowledge of municipal ordinance currently in force, the rules and policies of the department and the general and special orders of the department.
- 300.11 CONFORMANCE TO LAWS** - Officers shall obey all laws of the United States, of this state and of the local jurisdiction. A conviction of the violation of any law excluding petty misdemeanors shall be cause for disciplinary action.
- 300.12 REPORTING FOR DUTY** - Members of the department shall be punctual in reporting for duty at the time designated by their commanding officer. Failure to report promptly at the time directed may be deemed neglect of duty and made the subject of charges. A member should report sickness or illness at least two hours prior to the time he/she is due to report for duty. Once having reported off sick, the member shall keep the department advised as to his/her status and expected return to duty.

- 300.13 MAINTAINING OF COMMUNICATIONS** - Officers on duty or when officially on call shall be available by normal communications or shall keep the department or supervisor informed of the means by which they may be reached when not immediately available.
- 300.14 VISITING PROHIBITED ESTABLISHMENTS** - Officers shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the state or local jurisdiction are regularly violated, except in the performance of duty or while acting under proper and specific orders from a supervisor.
- 300.15 ASSOCIATIONS** - Officers shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are racketeers, sexual offenders, gamblers, suspected felons, persons under criminal investigation or indictment, or who have reputation in the community for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the officer.
- 300.16 GAMBLING** - Officers shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders for a superior officer.
- 300.17 PERSONAL APPEARANCE – SEE SECTION 400 - 402**
- 300.18 ABSENCE FROM DUTY** - Every member or employee who fails to appear for duty at the date, time and place specified for so doing without the consent of competent authority is "absent without leave." All scheduled time off, with the exception of justified sick leave, shall be granted only with prior permission from a Supervisor or any other person specifically given the authority to grant such leave. This will include vacation, holidays and unpaid leave. While it is preferred that normal channels with such advance notice being at least ten (10) days, days off may be granted if the Supervisor determines that such can be handled by the shift schedule, with lesser notice. At the time this general order is being put into effect, no persons other than the Chief of Police and Sergeant are authorized to approve time off requests and enter days onto the Duty Schedule.
- Any person failing to report for duty due to an unauthorized leave will be considered absent without leave.
- 300.19 LOITERING** - Officers shall not loiter in cafes, drive-ins, service stations or other public places except for purpose of transacting police business or to take regular meals and/or coffee breaks as provided for in departmental orders. When on duty, employees shall not loiter in or around the police

headquarters. If it is necessary to conduct business in these areas, it should be done as quickly as possible.

- 300.20 SLEEPING, LOAFING, OR IDLING ON DUTY** - Sleeping or loafing while on duty will be considered as neglect of duty.
- 300.21 ALCOHOLIC BEVERAGES IN POLICE INSTALLATIONS** - Officers shall not bring into or store alcoholic beverages in any police facility or police vehicle except alcoholic beverages, which are being held as evidence.
- 300.22 CITIZEN COMPLAINTS** - Officers shall courteously and promptly accept and record in writing any complaint made by a citizen against any officer or any department policy or procedure. Officers shall never attempt to dissuade any citizen from lodging a complaint against any officer or department policy or procedure. Officers shall notify their superior officer of a complaint as required by department procedures. If no superior officer is on duty when the complaint is received, the officer accepting the complaint shall notify a supervisor as soon as practical. (See Procedure 307.00).
- 300.23 RESPONDING TO CALLS** - Members of the department shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls shall take precedence; however, all calls shall be answered as soon as possible, consistent with normal safety precautions and vehicular laws. If, due to the volume of calls or shortage of personnel, there becomes a backlog of unanswered calls, officers will take calls on a priority basis.
- 300.24 IMMEDIATE ACTION** - Except where circumstances make it necessary for members to report a matter or refer a complaint to a more suitable member or agency, members shall take suitable action on reports and complaints by a private person. Proper requests for information or assistance shall be fulfilled and members shall aid the person in otherwise obtaining the requested information or assistance.
- 300.25 REFERRALS** - No officer shall refer any citizen to the Mayor or Council members. If the request cannot be handled by the officer, it shall be referred up the chain of command.
- 300.26 CONTACTING PUBLIC OFFICIALS** - No member shall contact a Council member, the Mayor, City Administrator or Assistant Administrator on police problems except through regular channels or by permission of the Chief. Any member contacted by the Mayor, Council member, City Administrator or the Assistant Administrator about police business shall immediately notify the Chief of Police through normal channels of the incident and all details involved.

- 300.27 CARE OF DEPARTMENTAL PROPERTY** - All members are responsible for the safekeeping and proper care of all property used by them and belonging to the department. Property shall only be used for official purposes and in the capacity for which it was designed.
- 300.28 DAMAGED OR INOPERATIVE PROPERTY OR EQUIPMENT** - Members and employees shall immediately report to their supervisor on designated forms the loss or damage to the departmental property assigned to or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any departmental equipment or property.
- 300.29 COURT APPEARANCE** - Attendance at a court or quasi-judicial hearing as required is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent authority. While appearing in court, either the official uniform or "dress" clothes will be worn. Weapons will not be displayed unless wearing the uniform or permitted by the court. Members shall present a neat and clean appearance avoiding any mannerisms, which might imply disrespect to the court.
- 300.30 COURT DEMEANOR** - Members of the department shall observe the utmost attention and respect toward magistrates or other officers of the courts at all times. When giving testimony, they shall speak in a distinct, clear, audible tone to be easily heard by the court and jury. They shall not chew gum or smoke in court. They shall testify with the strictest accuracy, confining themselves to the case before the court, and neither suppress or overstate the slightest circumstance with a view of favoring or discrediting any person. When cross-examined, they shall answer with the same readiness and civility as when testifying in support of a charge, remembering that the needs of justice will be promoted by showing a desire simply to tell the whole truth, whether it will be in favor or against the defendant.
- 300.31 GIFTS, GRATUITIES, AND LOANS** - No member of the department shall accept either directly or indirectly any gift, gratuity, loan or anything of value arising from or offered because of police employment or any activity connected with said employment. No member shall accept any gift, gratuity, loan or other thing of value, the acceptance of which could in any manner tend to influence directly or indirectly the action of said member to other members or employees in any matters of police business, or which might tend to cast adverse reflection on the department or any member or employee thereof. The accepting of free or reduced in price food, and/or drink, including coffee free, from establishments selling such products is expressly prohibited. No member of the department individually or collectively shall solicit any reward for the performance of duties nor shall

any member accept any reward except upon the expressed permission of the Chief of Police.

- 300.32 ABUSE OF POSITION** – All members are prohibited from using their official position, official identification cards or badges; (a) for personal or financial gain, (b) for obtaining privileges not otherwise available to them except in the performance of duty, or (c) for avoiding consequences of illegal acts. Members may not lend their identification cards or badges to another person, or permit them to be photographed or reproduced without the approval of the Chief.
Use of name, photograph or title: Members shall not permit or authorize the use of their names, photographs or official titles, which identify them as officers, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief.
- 300.33 ENDORSEMENTS AND REFERRALS** - Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to process it or requests assistance, members shall proceed in accordance with established departmental procedures.
- 300.34 ACCEPTANCE OF FEES, COMPENSATION** - No member of the department shall accept any fees or compensation of any kind from any person's agencies, courts, court officials, or any others except such fees and compensation as are specifically provided and authorized by law. Officers may charge a fee to meet with insurance companies, investigators, attorneys, or their representatives on their own time.
- 300.35 OTHER TRANSACTIONS** - Every member and employee is prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner or other person involved in any case which has come to his attention or which arose out of departmental employment except as may be officially authorized by the Chief of Police.
- 300.36 PROCESSING PROPERTY** - Property, which has been discovered, gathered or received in connection with departmental responsibilities, will be processed in accordance with established departmental procedures. Officers shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property found in connection with an investigation or with police actions except in accordance with established departmental procedures. Property shall not be kept in an officer's personal locker.

- 300.37 OFF DUTY REPORTING IN EMERGENCIES** - Members off duty shall, upon official notice, report for duty immediately upon receipt of notification and comply with instructions given at the time of notification. Members shall report immediately in the event of any major disaster.
- 300.38 OFF DUTY NEIGHBORHOOD DISPUTES** - Members shall not intentionally become involved in neighborhood quarrels or disputes when off duty. These disputes should be handled by disinterested persons or on duty officers.
- 300.39 PUBLIC APPEARANCE AND STATEMENTS** - Officers shall not publicly criticize or ridicule the department, its policies, or other officers by speech, writing or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, tends to undermine the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity. Officer shall not address public gatherings, appear on radio or television, prepare any articles of publication, act as correspondents to a newspaper or a periodical, release or divulge investigate information or any other matters of the department while holding themselves out as having an official capacity in such matters without official sanction or proper authority. Officers may lecture on "police" or other related subjects only with the prior approval of the Chief or the Chief's designee.
- 300.40 CRITICISM OF CITY AND DEPARTMENT** - Constructive criticism of any department, operation, and employee policy of local government is encouraged. Whenever there are any such constructive criticisms, they shall only be discussed with members of the department and shall be transmitted up the chain of command by appropriate action.
- 300.41 CRITICISM OF OFFICERS** - Every member shall refrain from making any statement or allusion, which discredits or disparages any member, except when reporting to superiors as required by these rules. Every member shall accord courtesy, consideration and cooperation to every member. Officers shall avoid the manifestation of any unfriendliness toward any member.
- 300.42 UNCALLED FOR REMARKS** - No officer or member of the department shall make any uncalled for remarks to any officer or member of the department, which may bring the department any officer or member thereof into disrepute, or subject it or them to any ridicule. Any such matter shall be brought to the attention of the Chief of Police through the chain of command.
- 300.43 FALSE OFFICIAL REPORTS** - No officer or member shall make a false official report, or make a false statement or gossip about any member or officer of the department, or the business of the department, to the

discredit or to the detriment of any such officer or member of the department, or the department as a whole.

- 300.44 ABUSE OF THE PROCESS/WITHHOLDING EVIDENCE** - Officers shall not convert to their own use, manufacture, conceal, falsify, destroy, remove tamper with, or withhold evidence of information, or make false accusations of a criminal or traffic charge.
- 300.45 DEPARTMENTAL REPORT, TRUTHFULNESS** - Officers shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by officers shall be truthful and complete, and no officer shall knowingly enter or cause to be entered any inaccurate, false, or improper information.
- 300.46 ASSISTANCE TO OTHER MEMBERS** - All members are required to take appropriate police action toward aiding a fellow officer exposed to danger or in a situation where danger might be impending.
- 300.47 OPERATION OF VEHICLES** - Officers shall operate official vehicles in a careful and prudent manner, and shall obey all laws of the state and all departmental orders pertaining to such operation. Officers shall set a proper example for other persons by their operation of a vehicle. Loss or suspension of a civilian-driving license shall be reported to a supervisor immediately.
- 300.48 USE OF DEPARTMENT EQUIPMENT** - Officers shall utilize department equipment only for its intended purpose, in accordance with established departmental procedures and shall not abuse, damage or lose department equipment. All department equipment issued to officers, including manuals, shall be maintained in proper order.
- 300.49 CITIZENS IN PATROL CARS** – Persons allowed to ride in police vehicles include members of the department, reserve officers, individuals detained or being transported in the course of law enforcement work and those authorized under section 319.00 (Ride Along Policy).
- 300.50 PERSONAL ADVERTISING** - Employees shall not permit the use of their photographs or names for advertising purposes; or by testimonial, recommendation, or other means participate in any advertising scheme or enterprise related to or based upon their employment with the department without approval of the Chief of Police.
- 300.51 EMPLOYMENT OUTSIDE OF DEPARTMENT** - Officers may engage in off-duty employment subject to the following limitations; (1) such employment shall not interfere with the officer's employment with the department; (2) officers shall not engage in any employment or business

involving the sale or distribution of alcoholic beverages, investigative work for insurance agencies, collection agencies, attorneys or bail bond agencies, or knowingly work for an employer who has been convicted of a felony or who associates with convicted felons; (3) officers may wear items of their St. Francis Police uniforms only upon the approval of the Police Chief; (4) officers shall not identify themselves as St. Francis Police officers as a part of their outside employment except as they would lawfully identify themselves as police officers in an emergency situation; (5) officers shall not allow such off-duty employment to cause them to report for their police duties physically and/or mentally exhausted so as to affect the performance of their duties; and (6) such employment shall not interfere with the scheduling of the officer's regular duty hours.

- 300.52 UNNECESSARY INTERFERENCE, PRIVATE BUSINESSES** - Officers shall not interfere unnecessarily with the lawful business of any person.
- 300.53 CIVIL ACTIONS** - Employees shall not institute any civil action arising out of their official duties without first notifying the Chief of Police. Officers shall not use their position with the department as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the officer.
- 300.54 PAYMENTS FOR LINE OF DUTY INJURY** - Employees or members shall not accept or agree to accept anything for personal injury incurred in the line of duty without first notifying the Chief of Police.
- 300.55 CIVIL DISPUTES** - Members shall avoid entering into civil disputes while performing their police duties, but shall prevent or abate breach of the peace or crime in all such cases.
- 300.56 TESTIFYING FOR THE DEFENDANT** - Any member or employee subpoenaed to testify for the defense in any trial or hearing or against the City or department, in any hearing or trial shall notify the Chief of Police upon receipt of the subpoena.
- 300.57 CHANGE OF ADDRESS** - Members shall notify the department within 24 hours of change of address.
- 300.58 TELEPHONE** - Officers shall immediately report any changes of telephone numbers to their superior officers and to such other persons as may be appropriate.
- 300.59 RESPECT TO SUPERIORS** - Every member shall accord respect to his commander, superior or supervisor at all times and shall refrain from critical or derogatory comment on orders received from or issued by that person.

- 300.60** **INFORMING SUPERIORS** - Members shall inform superiors of any matter coming to their attention, which may affect the welfare, or be of interest to the department or any other City service.
- 300.61** **CRITICISM OF ORDERS** - Members and employees shall not publicly criticize instructions or orders they have received.
- 300.62** **INSUBORDINATION** - Officers shall promptly obey any lawful order of a superior officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank.
- 300.63** **CONFLICTING ORDERS** - Should any order conflict with any previous order from any other superior officer, the member shall promptly and respectfully call attention to such conflict or order for the benefit of said officer. If said superior officer does not change the order to obviate such conflicts, the order shall stand.
- 300.64** **UNLAWFUL ORDERS** - No commanding or supervisory officer shall knowingly issue any order, which is in violation of any federal, state or local law or departmental order or rule.
- 300.65** **ACTING SUPERIORS** - A member temporarily filling the position of a superior, in an acting capacity, shall be vested with all the authority and responsibility of the superior.
- 300.66** **FORWARDING COMMUNICATIONS TO HIGH COMMAND** - Any member or employee receiving a written communication for transmission to a high command shall, in every case, forward such communication from a subordinate direction to a high command.
- 300.67** **OFFICER IN CHARGE** - At the scene of any occurrence, in the absence of a commanding officer, the initial Officer assigned will be in charge.
- 300.68** **RADIO DISCIPLINE** - All members of the department operating the police radio shall strictly observe regulations for such operation as set forth in departmental orders, by Anoka County, and by the Federal Communications Commission.
- 300.69** **AVAILABILITY WHEN ON DUTY** - Members on duty shall not conceal themselves except for some police purposes. They shall be immediately and readily available to the public during duty hours.

- 300.70 DUTY REQUIRED** - Employees on duty shall devote their entire time and energies to the duties and responsibilities of the rank, grade, or position to which they are assigned.
- 300.71 ORDERS** - Any order posted on the bulletin boards of the department over the signature of commanding officers shall have the same effect as, and be construed as part of, these Rules and Regulations.
- 300.72 MARKING NOTICES OR DEFACING** - Members or employees of the department shall not mark, alter or deface any printed or written notices relating to police or to other City business. All notices of derogatory character related to official transactions with the department or the City or regarding any unit or person are prohibited.
- 300.73 OFFICIAL BUSINESS** - All members shall treat as confidential the business of the department. They shall give such information only to those authorized to receive it.
- 300.74 DIVULGING CRIMINAL RECORDS** - Contents of any criminal record or report filed in the Police department shall not be exhibited or divulged to any person other than during the process of an investigation or to another duly authorized law enforcement officer or under due process of law, except as directed by a commanding officer.
- 300.75 COMPROMISING CRIMINAL CASES** - Members and employees shall not interfere with the proper administration of criminal justice. They shall not attempt to interrupt legal process except where a manifest injustice might otherwise occur; not participate in, or be concerned with, any activity, which might interfere with the process of law. Except in the interest of justice, they shall not attempt to have any traffic citations, notices to appear, or final warnings reduced, voided, or stricken from the records or files. Any member having knowledge of such actions and failing to inform his superior thereof shall be subject to charges.
- 300.76 INTERVENTION** - Officers shall not interfere with cases being handled by other officers of the department or by another agency or person unless;
1. Ordered to intervene by a superior officer; or
 2. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from non-inaction.
- 300.77 WITHHOLDING CRIMINAL INFORMATION** - Officers receiving or possessing facts or information relative to a criminal offense or case shall not retain such facts or information through ulterior motives, desire for personal credit, or aggrandizement, but shall report the facts or information in accordance with departmental procedure.

- 300.78 FALSE REPORTS OR ENTRIES** - No member of the department shall make false official reports or knowingly enter or cause to enter in any departmental book, record, or reports any inaccurate, false or improper police information or other material matter.
- 300.79 DEPARTMENTAL CORRESPONDENCE** - A member of the department may forward correspondence of a departmental nature over his signature without the permission of the Chief of Police, provided the correspondence is case related.
- 300.80 RELEASE OF INFORMATION TO NEWS MEDIA** - A member of the department will not issue any statement, copy of report, resume or any other information to representatives of the news media of any crime without the permission of the Chief of Police or his duly authorized representative.
- 300.81 DEPARTMENTAL INVESTIGATIONS - TESTIFYING** - Members or employees are required to fully and truthfully answer questions by or render material and relevant statements to a competent authority in a departmental personnel investigation when so directed.
- 300.82 MANUAL MAINTENANCE** - All members and employees issued departmental manuals and ordinance books are responsible for the maintenance and will make appropriate changes or inserts as directed.
- 300.83 ARRESTS** - In making arrests, members shall strictly observe the laws of arrest and use the following procedures: When arrests are made in certain danger areas, the arresting officer will remove the arrested person from the scene as soon as possible. Only necessary restraint to insure safe custody and the safety of the officer shall be employed. The arresting officer is responsible for the safety and protection of the arrested person while in his custody. He shall notify the transporting officers, if not himself, of any injury, apparent illness, or other conditions, which indicate the arrested person, may need special care.
- 300.84 CUSTODY OF PRISONERS** - Members charged with the custody of prisoners shall observe all laws and departmental orders regarding this activity. Prisoners shall be kept secure, treated firmly and humanely and shall not be subjected to unnecessary restraint.
- 300.85 PRISONERS OR SUSPECTS SAFEGUARDING** - Officers shall be cautious in the arrest and detention of prisoners or suspects and shall take all necessary precautions to prevent an escape, or the carrying of weapons on the prisoner's person after arrest, or injury to themselves or any other person, or damage to property.

- 300.86 SUBVERSIVE ORGANIZATION** - No member or employee shall knowingly become a member or connected with any subversive organization except when necessary in the performance of duty and then only under the direction of the Chief of Police.
- 300.87 REPORTING** - Members and employees shall promptly submit such reports as are required by the performance of their duties or by competent authority.
- 300.88 PAYMENT OF DEBTS** - Officers shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline, except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken. Officers shall not co-sign a note for any superior officer.
- 300.89 PRISONERS OR SUSPECTS, AVAILABILITY OF WEAPONS** - Officers shall not place weapons or objects adaptable for use as weapons, and capable of inflicting serious bodily injury, or permit such weapons or objects to remain unattended, in any location in the police quarters normally accessible to a prisoner or suspect. This regulation does not apply to fixtures or furnishings, which are part of the physical plant.
- 300.90 PRISONER'S PROPERTY** - The arresting officer is responsible for the security of the personal property in the possession of the arrested person or under his control at the time of the arrest. He shall see that such properties are safely delivered to the proper custodial personnel, after which the officer will no longer be responsible for such property.
- 300.91 TRANSPORTATION OF PRISONERS** - When transporting a prisoner, the prisoner shall be handcuffed. The only exception to this rule being when the health or other physical condition of the prisoner does not permit it. At no time shall any person be handcuffed to any part of a motor vehicle. Handcuffs shall be double locked and behind the back, unless a physical condition does not permit it.
- 300.92 TRANSACTIONS WITH PRISONERS** - Members shall not conduct any non-police business with, or engage in any transaction with, any person confined in the jail without the expressed permission of the Chief of Police.

300.93

ARREST, SEARCH AND SEIZURE - Officers shall not make any arrest, search or seizure which they know or ought to know is not in accordance with law and established department procedures or policies.



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| TITLE: CONDUCT UNBECOMING A POLICE OFFICER | NUMBER: 301 |
| EFFECTIVE DATE: 01/01/2020 | REVIEW DATE: 01/01/2023 |

This policy defines conduct unbecoming a peace officer. This policy supplements the ethical standard contained in the **Law Enforcement Code of Ethics**, a copy of which has been included for your reference.

301.01 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 suggesting an officer has engaged in unbecoming conduct and if such circumstances are determined to be in violation of this policy, to impose disciplinary actions.

301.02 SCOPE

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 applied 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 conduct unbecoming an officer. Each principle is followed by the rationale explaining the principle and a set of rules.

301.03 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 rule enacted to establish pursuant to legal authority.

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.

Rules:

1. Peace officers shall not knowingly exceed their authority in the enforcement of the law.
2. Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogations, arrest, detention, searches, and seizures, use of informants and preservation of evidence.
3. 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.
4. Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under the 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.

301.04

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.

Rationale:

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

Rules:

1. Peace officers shall carry out their duties with integrity, fairness and impartiality.
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.
3. Peace officers shall truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
4. Peace officers shall take no action knowing it will violate the constitutional rights of any person.

5. Peace officers must obey lawful orders, but must refuse to obey any orders the officer knows would required 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.
6. Peace officers 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 officer's immediate supervisor, who shall forward the information to the chief law enforcement officer. If the officer's immediate supervisor commits the misconduct, the officer shall report the incident to the immediate supervisor's supervisor.

301.05 PRINCIPLE THREE

Peace officer 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. 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, and sex, and marital status, status with regard to public assistance, disability, sexual orientation or age.

Rules:

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

301.06 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.

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 public.

Rules:

1. 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 circumstance while in uniform.
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.
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. 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, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
5. Peace officers, while off duty, shall not engage in any conduct which the officers 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.
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.

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

301.07 PRINCIPLE FIVE

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

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.

Rules:

1. Peace officers shall exercise reasonable courtesy in their dealings with the public, fellow officers, superiors and subordinates.
2. 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.
3. Peace officers shall promptly advise any inquiring citizen of the department's complaint procedure and shall follow the established department policy for processing complaints.

301.08 PRINCIPLE SIX

Peace officers shall not compromise their integrity, nor 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.

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 department.

Rules:

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.
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 law enforcement officer.
3. Peace officers 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, peace officers shall not, while on duty, be present at establishments that have a primary purpose of providing sexually orientated adult entertainment. This rule does not prohibit officers from conducting walk-through of such establishments as part of regular assigned duties.
5. Peace officers shall:
 - (a) not authorize the use of their names, photographs or titles in a manner that identified 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 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.

301.09 PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor 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 peace officers and their departments, officers must avoid taking or influencing official actions where the officer's actions would or could conflict with the officer's appropriate responsibilities.

Rules:

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.
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.
3. Peace officers shall not use the authority of their position as peace officers or information available to them due to their status as peace officers, for any purpose of personal gain including, but not limited to, initiating or further personal and/or intimate interactions of any kind with person with whom the officer has had contact while on duty.
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.

301.10 PRINCIPLE EIGHT

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

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 officers and department's commitment to preserving such confidences.

Rules:

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

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.