

# Inver Grove Heights Police Policy Manual

Subject:

## Standards of Conduct



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#### **I. PURPOSE:**

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its 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 member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors. This policy incorporates the elements of the Peace Officer Standards and Training Board (POST) Model Policy regarding the professional conduct of peace officers. However, this policy shall apply to all employees of this department (including volunteer, part-time and auxiliary employees).

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law (generally see MN Administrative Rule 6700.1500).

The Department shall report annually to POST data regarding the investigation and disposition of cases involving alleged misconduct of officers (MN State Statute 626.8457, Subd. 3).

#### **II. POLICY:**

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action (generally see MN Administrative Rules 6700.2000 to 6700.2600).

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties, that it may be indicative of unfitness for his/her position, or that brings discredit or harm to the professional image or reputation of the Department, its members, the City or the law enforcement profession.

Any disciplinary actions against officers arising from violations of this policy shall be investigated in accordance with the Personnel Complaints Policy and the Peace Officer Discipline Procedures Act (MN State Statute 626.89).

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### **III. LAWFUL ORDERS:**

- A. Employees shall comply with lawful directives and orders from any supervisor or person in a position of authority absent a reasonable and bona fide excuse.
- B. An employee who believes any written or verbal order to be in conflict with another order or unlawful shall:
  - 1. Immediately inform the supervisor issuing the order, the employee's immediate supervisor or the Division Commander of the conflict or error of the order.
  - 2. Provide details explaining the grounds for the belief of the conflict or error of the order.
  - 3. Request clarification, guidance, and direction regarding following the order.
  - 4. Request the order in writing should the conflict or error be unresolved.
  - 5. Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be an unlawful order.
- C. An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.

### **IV. CONDUCT THAT MAY RESULT IN DISCIPLINE:**

The following causes for disciplinary action constitute a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service.

- A. Employees shall conduct themselves, whether on-duty 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.
- B. During the performance of their duties, employees shall treat all members of the public with courtesy and respect and apply all applicable laws, ordinances, and rules impartially and without prejudice or discrimination.
- C. Employees shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.
- D. Employees shall not, whether on-duty or off-duty, exhibit any conduct which discredits themselves or the department or otherwise impairs their ability, the ability of other officers, or the department to provide law enforcement services to the community.
- E. Employees shall not compromise their integrity, 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 an officer for personal, commercial or political gain. Or by taking or attempting to influence actions when a conflict of interest exists.

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V. **GENERAL CONDUCT:**

Any of the following actions may be deemed sufficient cause for discipline of the employee.

A. Official Capacity

1. Except while engaged in undercover operations, all employees shall identify themselves by name and/or badge number when on-duty upon request. Along with the reason for the traffic stop or detention, if applicable.
2. Department employees will have on file at the Department an employee profile to include but not limited to; residential address, contact phone number, height, weight, eye color, hair color, email address (**non-work email address**).
3. Failure to notify the Department within five working days of any change in residence address or contact phone number.
4. Failure to abide by the standards of ethical conduct for employees, including fraud in securing an appointment or hire.
5. An activity that is incompatible with an employee's conditions of employment established by law or that violates a provision of any agreement or contract.
6. Failure to maintain required and current licenses (e.g. driver's license, POST license) and certifications (e.g. first aid).
7. Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities may result in criminal prosecution or discipline.
8. Failure of any employee to promptly and fully report official contact by any other law enforcement agency when they have been identified as a suspect, been arrested, or issued a citation.
9. Exceeding lawful official powers by unreasonable, unlawful or excessive conduct. Or unreasonable and unwarranted violence to a person encountered or person under arrest.
10. Willful disobedience to any legal order properly issued by any superior officer of the Department.
11. Willful neglect of duty, including failure or refusal to perform a known mandatory, nondiscretionary, official duty of the department or employment within the time or in the manner required by law to perform [MN State Statute § 609.43 (1)].
12. Violations of federal, state, local or administrative laws that are willful or inexcusable or involve moral turpitude, including violations of MN Administrative Rule 6700.1600.
13. Any unauthorized access or misuse of data, information, or reports.



14. Commits any act in an official capacity knowing it is excess of authority or forbidden by law [MN State Statute § 609.43 (2)].
15. Carelessness, negligence or inappropriate use in the handling or control of City property or equipment.
16. Unauthorized possession of City property or equipment or the property of others.
17. Under the pretense or color of official authority intentionally and unlawfully injures another in the other's person, property or rights (MN State Statute § 609.43 (3)).
18. Establishing an inappropriate social relationship with a known victim, witness, suspect or defendant of a Department case while such case is being investigated or prosecuted as a result of such an investigation.
19. Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
20. Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection, other sexual contact, or 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 or directive of the Department.
21. Engaging on-duty or off-duty, in any conduct which the employee 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.
22. 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.
23. Employees shall not, while on-duty (unless required for the performance of official duties), be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit employees from conducting walk-throughs of such establishments as part of their regularly assigned duties.
24. Engaging in any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the department member from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the employee from the petitioner's home or workplace.
25. Employees shall not make referrals to specific attorneys, bail bondsmen, towing services or other businesses, or in other ways show a preference for any business while performing on-duty services.



This does not prohibit employees from;

- a) Expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.
  - b) Engaging in the free expression of political speech in their capacities as private citizens, or the rights of police fraternal or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.
26. Engaging in unapproved off-duty employment that compromises or would reasonably tend to compromise the employee's ability to impartially perform their official duties.
  27. Employees shall not allow any person to enter a police facility to sell goods or services, to offer them for sale, or to canvas or solicit for any purpose without authorization from Command Staff.
  28. Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with this manual and each of the policies contained herein.
  29. Any on-duty or off-duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, disgraceful or that tends to reflect unfavorably upon the Department or its members.
  30. Employees are prohibited from using their influence to effect the investigation, charging, or prosecution of an individual unless they are assigned to, or involved in the case. This prohibits discussing a case in which they are not involved, with other officers or prosecutors in an effort to affect the outcome of the investigation and/or prosecution. This does not prevent officers from engaging in the free expression of speech in their capacity as private citizens.

#### B. Performance

1. Sleeping during on-duty time or assignments without permission.
2. Careless work resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
3. Unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
4. Concealing, attempting to conceal, removing or destroying defective or incompetent work.



5. Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
6. The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
7. The Department recognizes employees retain rights to expression and freedom of speech in accordance with the Constitution of the United States and the Minnesota Constitution. However, disparaging remarks or conduct concerning the established authority to the extent that such conduct disrupts the efficiency of the Department or undermines the good order, efficiency and discipline of the Department or that would tend to discredit any member thereof.
8. The falsification of any work-related records, the making of 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, a paper document (MN State Statute § 609.43 (4)).
9. Wrongfully loaning, selling, allowing unauthorized use, giving away or appropriating any Department badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.
10. The receipt or acceptance of a reward, fee or gift, bribe, or gratuity from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
11. Work-related dishonesty, failure to disclose, being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof, misrepresenting material facts, including upon or within any application, examination form or other official document, report or form, or during the course of any investigation, including failure to participate in any Department-related investigation or business. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
12. Violating a law related to employment or any misdemeanor or felony statute; involvement in any criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on-duty or off-duty, including associating with, or joining a criminal gang, organized crime and/or criminal syndicate, security threat group or persons who engage in serious violations of state or federal laws when an employee knew or reasonably should have known of the criminal nature of the organization, except as specifically directed and authorized by the Department. This does not prohibit those associations that are necessary for the performance of official duties or where such associations are unavoidable because of the employee's personal or family relationships.



13. Attempted or actual theft of Department property, misappropriation or misuse of public funds, property, personnel or services or the property of others or the unauthorized removal or possession of Department property or the property of another person.
14. Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.
15. Unlawful gambling or unlawful betting at any time or any place.
16. 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.
17. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
18. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department or City property or while in any way representing him/herself as a member of this department.
19. Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
20. Employees 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.
21. Employees shall not make endorsements of political candidates while on duty or while wearing the agency's official uniform
22. 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 nonsubpoenaed records.
23. Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity.
24. Carrying, while on the premises of the workplace, any firearm or another deadly weapon that is not required for the performance of the employee's current job duties or authorized by his/her appointing authority.
25. On-duty officers shall be armed at all times anytime they are outside of headquarters, with exceptions approved by their unit leader. Weapons must conform to Department specifications.
26. All sworn uniform patrol personnel are required to carry their badges and handcuffs, while on duty or in uniform. Plainclothes officers must carry their badges, handcuffs, and Department issued identification when on-duty. Exceptions may be made if the nature of the assignment necessitates.



27. Employees shall not authorize the use of their names, photographs or titles in a manner that identifies the department member as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise except as expressly authorized by the Chief of Police.

#### C. Attendance

1. Leaving the job to which assigned during duty hours without reasonable excuse and proper permission and approval.
2. Tardiness on scheduled day(s) of work.
3. Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.
4. Unauthorized absence from duty or abuse of leave privileges.
5. Unauthorized attendance while on-duty at official legislative or political sessions or functions.
6. Employees shall be subject to call for duty upon receiving notification from a supervisor, or from a member acting under the direction, or with the approval, of a supervisor.

#### D. Impartiality of the Law

1. Failure to carry out duties with integrity, fairness, and impartiality.
2. Discriminate against, oppress or provide favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition or intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.
3. Discourteous, disrespectful or discriminatory treatment toward any member of the public or any member of this department.
4. Intentionally subjecting another to sexual harassment.
5. Racial profiling (Minn. Stat. § 626.8471 Subd. 2).
6. Failure to truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
7. Use of obscene, profane or derogatory language to ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence while on-duty or in uniform.



#### E. Data Practice

1. Unauthorized, intentional release of designated confidential, private, non-public or protected non-public data.
2. The use of any not public data obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline.
3. Department members 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.
4. Department members shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

#### F. Safety

1. Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Department facilities or to use required protective clothing or equipment.
2. Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
3. Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
4. Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
5. Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
6. Violating Department safety standards or safe working practices.
7. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
8. Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

#### G. Intoxicants

1. When intoxicants are prescribed, the employee shall inquire of the prescribing doctor whether the medication will impair the employee's performance of the department member's duties.
  - a) The employee shall immediately notify their supervisor if a prescribed medication is likely to impair the employee's performance during the employee's next scheduled shift.

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2. Employees shall not consume alcoholic beverages to the extent the employee would be rendered unfit for the employee's next scheduled shift. An employee shall not report for work with the odor of an alcoholic beverage on their breath.
3. Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
4. Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

**VI. SUPERVISORS RESPONSIBILITIES:**

- A. If an employee's conduct is a cause of action for discipline, the supervisor shall inform the employee promptly and specifically of the improper conduct.
- B. Supervisors are required to follow all policies and procedures and may be subject to discipline for:
  1. Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this department and that the actions of all personnel comply with all laws.
  2. Failure of a supervisor to report in a timely manner any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
  3. The unequal or different exercise of authority on the part of a supervisor toward any employee for malicious or another improper purpose.