

MINNEOTA POLICE DEPARTMENT

NUMBER: M100-03 PAGES: 10 **MANDATED POLICY**

EFFECTIVE DATE: **March 10, 2023** *(This order supersedes all previous releases.)*

SUBJECT: STANDARDS OF CONDUCT

1.0 **PURPOSE:**

This policy defines conduct unbecoming a peace officer. This policy supplements the ethical standards contained in the Law Enforcement Code of Ethics.

2.0 **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 impose disciplinary action when appropriate.

3.0 **SCOPE:**

This policy applies to all officers of the Minneota Police Department engaged in official duties, whether within or outside of the territorial jurisdiction of this agency. **Unless otherwise noted, this policy also applies to off-duty conduct as well.** Conduct not mentioned under a specific rule, but which violates a general principle is prohibited.

4.0 **PRINCIPLE ONE:**

Peace officers should 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 under legal authority.

4.1 Rationale: Peace officers conduct their duties according 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 per the powers granted to them.

4.2 Rules:

4.2.1 Peace officers should not knowingly exceed their authority in the enforcement of the law.

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- 4.2.2 Peace officers should 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.
- 4.2.3 Peace officers should 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.
- 4.2.4 Peace officers, whether on or off duty, should not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction in which the officer is present, except where permitted in the performance of a duty under proper authority.

5.0 **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.

- 5.1 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.
- 5.2 Rules:
 - 5.2.1 Peace officers should carry out their duties with integrity, fairness, and impartiality.
 - 5.2.2 Peace officers should not knowingly make false accusations of any criminal, ordinance, traffic, or other law violation. This provision does not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
 - 5.2.3 Peace officers should truthfully, completely, and impartially report, testify, and present evidence, including exculpatory evidence, in all matters of an official nature.
 - 5.2.4 Peace officers should take no action knowing it will violate the constitutional rights of any person.

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5.2.5 Peace officers must obey lawful orders but must refuse to obey any orders the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order, the officer should, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order should be required to justify his or her actions.

5.2.6 Peace officers learning of conduct or observing conduct that violates any law or policy of this department should take necessary action and report the incident to the officer's immediate supervisor, who should forward the information to the chief law enforcement officer. If the misconduct is committed by the officer's immediate supervisor, the officer should report the incident to the immediate supervisor's supervisor.

6.0 PRINCIPLE THREE:

Per Minnesota State Statute 626.8469 Training in Crisis Response, Conflict Management, and Cultural Diversity.

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

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

6.2 Rules:

6.2.1 Peace officers should provide every person in our society with professional, effective, and efficient law enforcement services.

6.2.2 Peace officers should not express, whether by act, omission, or statement, prejudice concerning race, color, creed, religion,

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national origin, sex, marital status, status concerning public assistance, disability, sexual orientation, or age.

- 6.2.3** Peace officers should not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, sex, marital status, status concerning public assistance, disability, sexual orientation, or age.

7.0 PRINCIPLE FOUR:

Peace officers should 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.

- 7.1 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 should conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

7.2 Rules:

- 7.2.1** Peace officers should 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 7.2.3.
- 7.2.2** Peace officers should not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer should not report for work with the odor of an alcoholic beverage on the officer's breath.
- 7.2.3** Peace officers should not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer should inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer should immediately

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notify the officer's supervisor if a prescribed medication is likely to impair the officer's next scheduled shift.

- 7.2.4 Peace officers, while on duty, should 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.
- 7.2.5 Peace officers, while off duty, should not engage in any conduct which the officer knows, or reasonably should know, constitutes an unwelcome sexual advance or request for sexual favor, unwelcome sexually motivated physical contact, or other unwelcome verbal or physical conduct or communication of a sexual nature.
- 7.2.6 Peace officers should 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 searches done following proper police procedures.
- 7.2.7 Peace officers should 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.
- 7.2.8 Peace officers should 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 authorized by a written policy of the department.
- 7.2.9 Peace officers should 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

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associations are unavoidable because of the officer's personal or family relationships.

8.0 **PRINCIPLE FIVE:**

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

8.1 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.

8.2 Rules:

8.2.1 Peace officers should exercise reasonable courtesy in their dealings with the public, fellow officers, superiors, and subordinates.

8.2.2 No peace officer should ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything that could reasonably be expected to incite a person to violence.

8.2.3 Peace officers should promptly advise any inquiring citizen of the department's complaint procedure and shall follow the established departmental policy for processing complaints.

9.0 **PRINCIPLE SIX:**

Peace officers should 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.

9.1 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 department.

9.2 Rules:

9.2.1 Peace officers should not use their official position, identification cards or badges: (1) for personal or financial gain for themselves or another

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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.

- 9.2.2 Peace officers should not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without the approval of the chief law enforcement officer.
- 9.2.3 Peace officers should refuse favors or gratuities which could be reasonably interpreted as capable of influencing official acts or judgments.
- 9.2.4 Unless required for the performance of official duties, peace officers should 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 regular assigned duties.
- 9.2.5 Peace officers should:
 - 9.2.5.1 Not authorize the use of their names, photographs, or titles in a manner that identifies the officer as an employee of this department in connection with advertisements for any product, commodity, or commercial enterprise;
 - 9.2.5.2 Maintain a neutral position concerning the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
 - 9.2.5.3 Not make endorsements of political candidates, while on duty, or while wearing the department's official uniform.
- 9.2.6 This section does not prohibit officers in their official capacity, from expressing their views on existing, proposed, or pending legislation or executive decisions that may have a direct or indirect impact on policing and the community.
- 9.2.7 None of these rules should prevent officers from engaging in the free expression of political speech in their capacities as private citizens, or the

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rights of police fraternal or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.

10.0 **PRINCIPLE SEVEN:**

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

10.1 Rationale: For the public to maintain its faith in the integrity and impartiality of peace officers and their departments, officers should avoid taking or influencing official actions where the officer's actions would or could conflict with the officer's appropriate responsibilities.

10.2 Rules:

10.2.1 Peace officers should, 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.

10.2.2 Peace officers should, unless required by law or policy, refrain from acting or influencing the official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.

10.2.3 Peace officers should 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 furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.

10.2.4 Peace officers should 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.

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11.0 **PRINCIPLE EIGHT:**

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

11.1 Rationale: Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers should 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 department's commitment to preserving such confidence.

11.2 **Rules:**

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

11.2.2 Peace officers should 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.

11.2.3 Peace officers should not divulge the identity of persons giving confidential information except as required by law or department policy.

12.0 **PRINCIPLE NINE:**

All Peace officers will take an Oath of Office and Oath of Honor to express their commitment to the constitutional rights of others along with a commitment to never betray their badge, integrity character, or public trust.

12.1 Oath of Office - I (Officer's name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Minnesota and that I will faithfully discharge the duties of Police Chief within and for the City of Minneota and State.

12.2 Oath of Honor - On my honor, I Officer's name) will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community, and the agency I serve.

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13.0 INVESTIGATION:

Any disciplinary actions arising from violations of this policy should be investigated per 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.