

City of Baxter

Police Department Manual

PROFESSIONAL CONDUCT OF PEACE OFFICERS			
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PAGE(S):	7	AUTHORIZED BY: Chief James Exsted	

PURPOSE

This policy defines peace officer conduct. This policy supplements the ethical standards contained in the Law Enforcement Code of Ethics, which is attached to Dept. Policy.

POLICY

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

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 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. 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.

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. 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. 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, sex, marital status, 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 department or otherwise impairs their ability or that of other officers or the department to provide law enforcement services to the community.

1. 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 (below).
- 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, while on duty/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 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.

- 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 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 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. RULES

- a. Peace officers shall exercise reasonable courtesy in their dealings with the public, fellow 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, or 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. RULES

- a. 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.

- 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 be reasonably interpreted as capable of influencing official acts or judgments.
- d. Unless required for the performance of official duties, peace officers, while on duty, shall not 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, or that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. RULES

- a. A peace officer 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.
- b. A peace officer 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.
- 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. 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 Statutes, Section 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by POST Board Rules, MN Rules, Chapters 6700.2000 to 6700.2600 (Appendix A)

APPENDIX A

Minnesota Rules, Table of Chapters 6700

6700.0100 Definitions (Including Peace Officer and Part-time Peace Officer)
6700.0200 Statutory Authority
6700.0300 Professional Peace Officer Education
6700.0400 Certification of Schools.
6700.0401 Classroom discrimination: Procedures
6700.0500 Peace Officer Licensing Examination
6700.0501 Reciprocity Licensing Examination
6700.0600 Licensing Examinations
6700.0601 Examination Standards
6700.0700 Minimum Selection Standards
6700.0701 Notification of Conviction
6700.0800 Licensing of Peace Officers
6700.0900 Continuing Education
6700.0901 Definitions
6700.0902 Accreditation.
6700.1000 License Renewal
6700.1101 Part-Time Peace Officers
6700.1105 Definitions
6700.1110 Supervision of Part-Time Peace Officer
6700.1115 Hours Worked by Part-Time Peace Officer
6700.1125 Policy Distribution
6700.1130 Termination of Part-Time Peace Officers
6700.1300 Transition from Part-Time Peace Officer to Peace Officer
6700.1400 Inactive Status of Peace Officer Licenses
6700.1500 Standards of Conduct for Licensees
6700.1600 Violation of Standards of Conduct
6700.1610 Reporting Obligations and Cooperation
6700.1700 Complaint Procedures
6700.1710 Disciplinary Actions for Violations of Administrative Rules
6700.1800 Reimbursement to Local Units of Government
6700.2000 Definitions
6700.2100 Scope
6700.2200 Development of Written Procedures
6700.2300 Affirmation of Compliance
6700.2400 Copies of Procedures
6700.2500 Documentation of Complaints
6700.2600 Processing of Complaints
6700.2700 Police Pursuits
6700.2701 Establishment of Police Pursuit Procedures
6700.2702 Training Requirements
6700.2703 Copies of Procedures
6700.2704 Affirmation of Compliance