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## **Purpose**

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the law enforcement officer's code of ethics and this agency's statement of values so that officers of this agency will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

The rules of conduct set forth in this policy are not intended to serve as an exhaustive list of requirements, limitations, or prohibitions on officer conduct and activities established by this agency. Rather, they are intended to (1) alert officers to some of the more sensitive and often problematic matters involved in police conduct and ethics; (2) specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers, and (3) guide officers in conducting themselves and their affairs in a manner that reflects professionalism as required of law enforcement officers. Additional guidance on matters of conduct is provided in regard to specific policies, procedures, and directives disseminated by this agency and from officers' immediate supervisors and commanders.

## **Policy**

Actions of officers that are inconsistent, incompatible or in conflict with the values established by the Bemidji Police Department negatively affect its reputation and that of its officers. Such actions and inactions thereby detract from the agency's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of the Bemidji Police Department that officers conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy, all policies disseminated and in conjunction with the police code of ethics.

## **Definitions**

**Accountability** means; the duty of all officers to take ownership of their actions and to truthfully explain their decisions when requested to do so by supervisor without deception.

## **Procedures**

### **A. GENERAL CONDUCT**

1. OBEDIENCE TO LAWS, REGULATIONS, AND ORDERS
  - a. Officers shall obey the constitutional, civil and criminal laws of the city, state, and federal government.
  - b. Officers shall obey all lawful orders.
  - c. VIOLATIONS INCLUDE, BUT ARE NOT LIMITED TO:
    - i. Committing a willful violation of constitutional civil rights that demonstrates reckless disregard.
    - ii. Committing non-exempted infractions of traffic codes (e.g., driving over the speed limit, failing to observe traffic control devices, parking in unauthorized locations, failing to wear seat belts, etc.)
    - iii. Inflicting punishment or mistreatment (includes both physical as well as

- mental) upon a prisoner or person in custody or detention or any other member of the public.
- iv. Non-exempted violations of any local, state or federal criminal or civil codes or ordinances.
- v. Refusing or failing to protect a prisoner's civil rights when such need is made known or should have been known by a competent officer.
- vi. Publication of a false statement intending to harm the reputation of another member of this agency or any person in general (slander if done verbally and libel if put in written form).
- vii. Using excessive force to hold, affect an apprehension, arrest or detain any person.
- viii. Using prohibited devices, procedures, tactics or techniques to affect a holding, apprehension, arrest or detention of another.

## 2. CONDUCT UNBECOMING AN OFFICER

- a. Honesty, efficiency, and integrity are the first guidelines for a law enforcement officer's conduct. All law enforcement officers must remember that they are employed to serve the citizens of this jurisdiction. The public is entitled to courteous efficient response to requests for law enforcement services.
- b. Officers, whether on or off duty, shall display good conduct and behavior. They shall not commit any act which could adversely affect the department.
- c. Officers shall not make known to any person any order or information which they have knowledge of or have received, unless it is in the performance of official duty and given to a person entitled to have the information.
- d. All officers when off duty, but in uniform, shall conduct themselves as though they were on duty.
- e. Members shall conduct themselves (on duty as well as off duty) in a manner that does not damage or bringing the public image, integrity or reputation of the Bemidji Police Department into discredit, disrepute or impair its efficient and effective operation.
- f. VIOLATIONS INCLUDE, BUT ARE NOT LIMITED TO:
  - i. Consistent complaints concerning the employee's behavior as it relates to violations of law.
  - ii. Controversial conduct displayed on or off duty that brings public criticism and causes management or supervisory personnel to conduct an investigation that confirms the violations did occur and the employee is culpable of the offense.
  - iii. Failing to identify self, badge, and badge number to any member of the public while on duty. (NOTE: This does not include identifying oneself if working undercover or when the member's safety would be endangered.)
  - iv. Failing to present proper grooming, uniform or dress appearance while on duty or representing this department.
  - v. Failing to speak courteously to members of the public or treat them courteously.
  - vi. Using profane, loud and crude, or abusive language in front of members of the public.

### 3. ACCOUNTABILITY, RESPONSIBILITY, AND DISCIPLINE

- a. Officers are directly accountable for their actions through the chain of command, to this agency's chief law enforcement officer.
- b. Officers shall cooperate fully in any internal investigation conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
- c. Officers shall be accurate, complete, and truthful in all matters.
- d. Officers shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.
- e. Officers who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to a superior as soon as possible.
- f. VIOLATIONS INCLUDE, BUT ARE NOT LIMITED TO:
  - i. Covering up or purposefully failing to report damage or loss of equipment.
  - ii. Failing to conduct a professional and complete investigation.
  - iii. Falsifying a job application, activity records, activity reports, attendance records, certification records, public documents, time card etc.
  - iv. Falsifying a sick leave report, workers compensation or accident form.
  - v. Falsifying any report in part or whole or failing to provide a complete and accurate report or account when it is evident to a reasonable and prudent person that a complete report would lead to a different conclusion.
  - vi. Giving untruthful or misleading statements or partial truths during a legal proceeding, agency investigation, or administrative proceeding.
  - vii. Making untruthful or misleading statements or partial truths about any employee, supervisors, command staff or their operations.
  - viii. Providing citizens with misleading or false information to avoid performance of duties or delivery of an expected service.

### 4. CONDUCT TOWARD FELLOW EMPLOYEES

- a. Officers shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.
- b. Employees shall not use language or engage in acts that demean, harass, or intimidate another person. (Members should refer to this agency's Policy Number 180 on "Harassment and Discrimination in the Workplace" for additional information on this subject).

### 5. CONDUCT TOWARD THE PUBLIC

- a. Officers shall conduct themselves toward the public in a civil and professional manner that promotes a service orientation and that will foster public respect and cooperation.
- b. Officers shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily

delays the performance of their duty.

- c. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to this agency's use-of-force policy and shall observe the civil rights and protect the wellbeing of those in their charge.

## 6. USE OF ALCOHOL AND DRUGS

- a. Officers shall not consume any intoxicating beverage while on duty unless authorized by a supervisor.
- b. No alcoholic beverage shall be served or consumed on police premises or in vehicles owned or leased by this jurisdiction.
  - i. Exception: For example, when duly authorized by the Chief of Police or his designee in support of undercover operations.
  - ii. These types of exceptions will be determined on a case by case basis.
- c. No officer shall report for duty with the odor of alcoholic beverage on his or her breath.
- d. No officer shall report to work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by alcohol, medication, or other substances.
- e. Officers must report the use of any substance, prior to reporting for duty that impairs their ability to perform as a law enforcement officer.
- f. Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol. Such screening shall conform to this agency's policy on employee drug-screening and testing.

## 7. USE OF TOBACCO PRODUCTS

- a. A police officer shall not use a tobacco products or e-cigarettes while on duty unless in a designated area and while not conducting police business. Additionally, officers are not permitted to use tobacco products in a city or county building, city parks and any vehicle owned by this agency.

## 8. ABUSE OF LAW ENFORCEMENT POWERS OR POSITION

- a. Officers shall report any unsolicited gifts, gratuities, or other items of value that they receive that are not specifically authorized under MN statute § 471.895
- b. Officers shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to others.
- c. Officers shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
  - 2. Employee may purchase items which are made available through public auction, except as prohibited by statute.
- a. Officers shall not solicit or accept contributions for this agency or for any other agency, organization, event, or cause without the express consent of the agency

- chief executive or his or her designee.
- b. Officers are prohibited from using information gained through their position as a law enforcement officer to advance financial or other private interests of themselves or others.

## 9. OFF-DUTY POLICE ACTION

- a. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends).
- b. Officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
- c. Unless operating a police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.

## 10. PROHIBITED ASSOCIATIONS AND ESTABLISHMENTS

- a. Arresting, investigating, or custodial officers shall not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this agency.
- b. Officers shall not knowingly commence or maintain a relationship with any person who the employee knows or should have known is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in felonious activity), except as necessary to the performance of official duties, or where unavoidable because of familial relationships or with the permission of the chief of police.
- c. Except in the performance of official duties, officers shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated.
- d. Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

## **B. PUBLIC STATEMENTS, APPEARANCES, AND ENDORSEMENTS**

### 1. OFFICERS SHALL NOT, UNDER COLOR OF AUTHORITY

- a. Make any public statement that could be reasonably interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public;
- b. Divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or
- c. Unless expressly authorized, makes any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency.

### 2. ENDORSEMENTS & SOLICITATIONS

- a. Officers may not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services.
  - i. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, burglar alarm services or other technical or professional services to a citizen, victim, or prisoner. For example: Officers shall not solicit for off duty security employment from crime victims.
  - ii. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.
- b. Employees shall not solicit witness fees for responding to a legal subpoena for testimony in criminal or civil courts regarding actions taken while on duty.
  - i. If unsolicited witness fees are paid to an officer, the officer must submit those fees to the City Finance department if the officer also submits a timesheet requesting pay or per diem for the appearance
- c. No employees shall use his/her badge, uniform, identification card, or official position to solicit special privileges for him/herself or others.
- d. VIOLATIONS INCLUDE, BUT ARE NOT LIMITED TO:
  - i. Accepting gratuities from any business or person, especially when the giver has a personal service to gain from providing the gratuities.
  - ii. Engaging in an illegal work slow-down, sit-down, or strike
  - iii. Failing to perform a duty because of personal interest (e.g., cite a relative, cite an officer, investigate a case because of its incriminating effect on a friend, relative, etc.)
  - iv. Giving out unauthorized information or information in violation of policy to any person (e.g. news media, attorneys, bondsmen, parents, patients).
  - v. Incurring financial liability or obligations for the department without job authority or written permission to do so.
  - vi. Owning a business in whole or part that provides a service or product that conflicts with or jeopardizes the mission, goals or objectives of the department.
  - vii. Performing a secondary job or private work while on duty such as making business contacts, conducting follow-ups, delivering or selling items.

### **C. VIOLATIONS**

- a. Violations of any section of this policy are considered violations of ethics, conduct and trust and will be grounds for disciplinary action up to dismissal.

#### **Reference or Revision Date(s):**

REFERENCE;

A. Minnesota Statutes § MN statute § 471.895

REVISION DATE(S):