

# WILLMAR POLICE DEPARTMENT

GENERAL DIRECTIVE: 0001

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Application: All Sworn Personnel & CSOs

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**SUBJECT: PROFESSIONAL CONDUCT OF PEACE OFFICERS / RULES & REGULATIONS**

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## **PURPOSE**

General Rules hereinafter set forth were arranged and compiled under the direction of the Chief of Police. They are intended to be used as a guide for governing employees of the Willmar Police Department. These rules and regulations supplement the ethical standards contained in the [Law Enforcement Code Of Ethics](#) (a copy is included with this directive).

## **POLICY**

Law enforcement effectiveness depends upon community respect and confidence. Conduct which detracts from this respect and confidence is detrimental to public good 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.

## **PROCEDURE**

### **RULES OF CONDUCT**

1. Conformance to Laws - Police 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.

Police officers shall not knowingly:

- exceed their authority in the enforcement of the law.
- disobey the laws or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants and preservation of evidence.
- restrict freedom of individuals, whether by arrest or detention, in violation of the constitutions and laws of the United States and the State of Minnesota.

- commit any criminal offense under any laws of the United States or any state or local jurisdiction whether on or off duty, in which the officer is present, except where permitted in the performance of duties under proper authority.
  - commit any acts as defined under Minnesota law, which constitute domestic abuse.
  - violate a court order restraining the officer from committing any act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or work place.
2. Professional Conduct - Police officers shall refrain from any conduct in an official capacity that detracts from the public's faith in and the integrity of the criminal justice system.

Officers shall:

- carry out their duties with integrity, fairness and impartiality without prejudice or discrimination.
- 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.
- truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- take no action knowing it will violate the constitutional rights of any person.
- provide every person in our society with professional, effective and efficient law enforcement services.
- not allow their law enforcement decisions to be influenced by, nor express, whether by act, omission, or statement, prejudice concerning race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age.
- when learning of conduct or observing conduct, which is in violation of any law or policy of this department, take necessary action and report the incident to the officer's immediate supervisor, who shall forward the information up the chain of command. If the misconduct is committed by the officer's immediate supervisor, the officer shall report the incident to the next level in the chain of command.
- 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 the 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 family relationships.

3. Insubordination, Illegal or Conflicting Orders - Police officers shall promptly obey lawful orders of a superior officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank. The officer may 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 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.

Officers who are given an otherwise proper order, which is in conflict with a previous order, rule, regulation or directive, shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Officers shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

4. Alcohol and Drugs - Police officers shall not:

- whether on or off duty, exhibit any conduct which discredits themselves or the department, or otherwise impairs their ability or that of other officers or the department, to provide law enforcement services to the community.
- consume alcoholic beverages while on duty, except as permitted in the performance of official duties, and under no circumstances while in uniform.
- consume alcoholic beverages to the extent that the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with alcohol in his/her system – detectable on his/her breath or by alcohol detecting instruments.
- use narcotics, hallucinogens, chemical substances 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.
- store or bring into any police facility or vehicle alcoholic beverages, controlled substances, narcotics or hallucinogens except those which are held as evidence.
- while off-duty, consume intoxicating beverages, which results in impairment that leads to obnoxious or offensive behavior.

5. Conduct Relating to Sexual Behavior - Police officers:

- while on duty, shall not commit any act which, as defined under Minnesota law, constitutes sexual harassment, including, but not limited to, making unwelcomed sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- while off duty, shall not engage in any conduct which the officer knows, or reasonably should know, constitutes an unwelcomed sexual advance or request for sexual favor, or unwelcomed sexually motivated physical contact or other unwelcomed verbal or physical conduct or communication of a sexual nature.
- 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.
- shall not, in the course of performing their duties, engage in any sexual contact or conduct constituting lewd behavior, exposing themselves or otherwise making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy from this department.
- unless required for the performance of official duties, 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 a regular assigned duty.

6. Courtesy & Respect - Police officers shall:

- treat all members of the public, fellow officers, supervisors, and subordinates with reasonable courtesy and respect.
- not ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person except as is reasonably required to perform their duties.
- properly advise any inquiring citizen of the department's complaint procedure, and shall follow the established departmental policy for processing complaints.

7. Abuse of Position or Identification - Police officers shall not use their official position, uniform, departmental assignment, rank, identification cards or badges for:

- personal or financial gain, for themselves or another person.
- obtaining privileges not otherwise available to them except in the performance of their duty.
- avoiding consequences of unlawful or prohibited actions.

- lend to another person their uniform, identification cards or badges, or permit these items to be photographed or reproduced, without approval of the Chief of Police.
8. Gifts, Gratuities, Solicitations, Bribes, Rewards, or Personal Gain - For the purpose of this rule, the word “gift” shall include money, tangible or intangible personal property, loan promise, service or entertainment.

Police officers:

- shall not compromise their integrity, or 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 police officer for personal, commercial, or political gain.
- shall not solicit funds or property from any entity or organization, for personal use or on behalf of the department, without prior approval of the Chief of Police.
- shall not solicit or accept from any person, business or organization any gift for the benefit of the officers or the department, if it may reasonably be inferred that the person, business or organization:
  - seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty, or
  - has an interest which may be substantially affected, directly or indirectly, by the performance or non-performance of an official duty.
- may solicit for bona fide charities or organizations in fundraising capacities if off duty, and they do not identify or represent themselves as Willmar police officers or solicit in such a manner so that it could be reasonably inferred they are sponsored, represented or working for the department.
- shall not accept rewards from any person, business, or organization for any acts done in the performance of their duties without approval of the Chief of Police.
- shall not authorize the use of their names, photographs or titles in any manner that identifies the officer as an employee of the Willmar Police Department in connection with advertisements for any products, commodities, or commercial enterprise without the approval of the Chief of Police.
- 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.
- shall 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 political speech in their capacities as private citizens, or the rights of police fraternal/maternal or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.

- shall not compromise their integrity, or that of their department or profession, by taking or attempting to influence actions when a conflict of interest exists.
- shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other police 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.
- shall, unless required by law or policy, refrain from acting or influencing official actions of other police officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- shall not use the authority of their position as police officers, or information available to them due to their status as police officers, for any purpose or personal gain including, but not limited to, initiating or furthering personal or intimate interactions of any kind with persons with whom the officer has had contact while on duty.

#### 9. Off-Duty Employment

- Police 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.
- No employee of the Willmar Police Department shall be permitted to hold outside employment unless approved annually by the Chief of Police and the City Administrator.
- No employee of the Willmar Police Department shall receive compensation from any entity or person, other than the City of Willmar, while on duty.

#### 10. Confidentiality of Information - Police officers shall observe the confidentiality of information available to them due to their status as police officers. Officers shall not:

- Knowingly violate any legal restriction for the release or dissemination of information.
- Except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.

- Divulge the identity of persons giving confidential information except as required by law or department policy.

11. Job Performance - Officers shall:

- be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.
- remain awake while on duty. If unable to do so, they shall report to their supervisor, who shall determine the proper course of action.
- report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties.
- not engage in recreational activities involving computers, television viewing, reading, playing games, or otherwise engage in entertainment activities while on duty, except as may be required in the performance of duty.
- not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.
- not feign illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any official of the Willmar Police Department as to the condition of their health.
- not leave their assigned duty or post during a tour of duty or assignment except when authorized by proper authority.

12. Unsatisfactory Performance - Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by:

- a lack of knowledge or application of laws required to be enforced.
- an unwillingness or inability to perform assigned tasks.
- the failure to conform to work standards established for the officer's rank, grade, or position.
- failure to take appropriate action on the occasion of crime, disorder or other condition deserving police attention.
- absence without leave.

In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor

evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Willmar Police Department.

13. Meals - Officers shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time and at such time and place as established by department procedures.
14. Use of Tobacco - Officers, when in uniform, may use tobacco as long as:
  - they are not in a Willmar Police facility or vehicle
  - they are not in formation
  - they are not on city property or other property where use of tobacco is prohibited
  - they do not have to leave their assignment or post for the sole purpose of doing so, and
  - they are not engaged in traffic direction or control.

When they are in direct contact with the public, officers are discouraged from tobacco use. Officers must obtain permission to use tobacco from the public with whom they are in direct contact.

15. Endorsements and Referrals - Officers 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 an ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, the officer shall proceed in accordance with established departmental protocol.
16. Identification - While on duty, officers shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and badge number to any person requesting that information, while they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.
17. Requests for Assistance - When any person applies for assistance or advice or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be promptly and judiciously acted upon and documented, consistent with established departmental procedures.
18. 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 the local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a superior officer.



19. Public Statements and Appearances - Officers shall not publicly criticize or ridicule the Willmar Police Department, its policies, or other officers by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

Officers shall not address public gatherings, appear on the radio or television, prepare any articles for publication, act or correspond to a newspaper or periodical, release or divulge information, or any other matters of the department while holding themselves out as representing the department in such matters without proper authority.

20. Personal Appearance - Officers are required to wear uniforms as approved by the Chief of Police.
21. 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. Financial difficulty stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts has been undertaken. Officers shall not co-sign a note for any superior officer.
22. Residence - All employees will be required to reside within a 30-minute response time from the Law Enforcement Center within six (6) months after permanent employment. Response time is determined using computer mapping programs or verifying drive time while obeying all traffic laws and conditions. Exception to this rule may be granted when a written request is submitted and approved by the Chief of Police and City Administrator.
23. Telephone - Officers shall have telephones and shall immediately report any change of their telephone numbers or addresses to their superior officers and to a representative of administration.
24. Departmental Reports - 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.
25. Processing Property and Evidence - Property or evidence, 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 use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedures.

26. Use of Department Equipment - Officers shall utilize department equipment only for its intended purpose, and in accordance with established departmental procedures, and shall not abuse, damage or lose department equipment. All department equipment issued to officers shall be maintained in proper order.
27. Operating Vehicles - Officers shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all departmental orders pertaining to such operation. Loss or suspension of any driving license shall be reported to the department immediately.
28. Carrying Firearms - Officers shall carry firearms in accordance with law and established departmental procedures.
29. Truthfulness - Officers are expected to be truthful at all times. Upon the order of the Chief of Police, the Chief's designee, or a superior officer, officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operation of the Willmar Police Department which may be asked of them.
30. Use of Force - Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force in accordance with law and departmental procedures. Officers shall not mistreat persons who are in custody.
31. Registering Equipment with the Department - Officers are required to register with the department the description and serial numbers of all personal police equipment they may own or carry on duty.
32. Maintenance of Manuals - Officers who are issued manuals are responsible for their maintenance and will make appropriate changes of inserts as they arise.
33. Damage or Inoperative Property or Equipment - Officers shall immediately report to their superior on designated forms any loss or damage to department property assigned to or used by them. The immediate supervisor will be notified of any defects or hazardous conditions existing in any department equipment or property.
34. Reporting Accidents - Accidents involving city personnel, property and/or equipment must be reported in accordance with adopted procedures.
35. Communication/Correspondence - Personnel shall not:
  - use department letterhead for private correspondence.
  - send correspondence out of the department, except for official permitted use, without the permission of the Chief of Police or his/her designee.
36. Peace Officer License - Officers must maintain a valid Minnesota Peace Officer's License.

37. Continuation Education Requirement - Officers must comply with the Minnesota Peace Officers Standards and Training Board continuing education requirements and possess a valid peace officer's license at all times.

## **PENALTIES AND INVESTIGATION**

A scale of progressive penalties permitted by law and/or bargaining agreements will be used by this department to discipline officers found guilty of violating agency rules or regulations. These actions, depending upon the severity of the violation, include:

- counseling
- verbal reprimand
- letter of reprimand
- loss of vacation time
- imposition of extra duty
- transfer
- suspension without pay
- loss of promotional opportunity
- demotion
- discharge from employment
- criminal prosecution

## **ACCOUNTABILITY**

This Directive 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 Directive also applies to off-duty conduct as well. Conduct not mentioned under the specific rule, but which violates a general principle, is prohibited.

It is the responsibility of each officer to be familiar with and adhere to this directive. It is the responsibility of all supervisors to ensure this directive is followed. Failure to adhere to this directive may result in disciplinary action up to and including termination.

BY ORDER OF THE CHIEF OF POLICE

James E. Felt

JEF/sae

## **LAW ENFORCEMENT CODE OF ETHICS**

**AS A LAW ENFORCEMENT OFFICER**, my fundamental duty is to service mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation; and the peaceful against violence or disorder; and to respect the constitutional rights of all individuals to liberty, equality, and justice.

**I WILL** keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature, or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

**I WILL** never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

**I RECOGNIZE** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession....law enforcement.