

LOWRY POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL



SECTION 2 – CONDUCT AND DISCIPLINE

GENERAL ORDER 7 CONDUCT

PURPOSE

Law enforcement personnel are the most conspicuous representatives of the City of Lowry, and their conduct is closely scrutinized. If the public thinks your actions or appearance are excessive, unwarranted, or unjust, you are criticized far more severely than

other people are for comparable conduct. The public expects employees to provide reliable service while following the laws, rules, and regulations, and meeting the highest standards of law enforcement.

Excellence in service calls for you to help ensure the highest quality of life in the city. Failure to follow these rules and regulations is just a cause for disciplinary action.

This policy defines conduct unbecoming a peace officer. This policy supplements the ethical standards contained in the Law Enforcement Code of Ethics, a copy of which has been included for your reference. Also, this policy complements many of the present policies within the department operations manual.

POLICY

This code of conduct establishes appearance and behavioral standards for employees. The Lowry Police Department sets standards of conduct for employees to follow so they do not bring discredit to themselves, the department, or the City of Lowry.

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.

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APPLICATION

This policy applies to all officers of the Lowry 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 is not mentioned under a specific rule, but which violates a general principle is prohibited.

This policy is organized into eight principles governing conduct unbecoming an officer. Each principle is followed by rationale explaining the principle and a set of rules.

PROCEDURES

7.1 LAW ENFORCEMENT CODE OF ETHICS

As a **Law Enforcement Officer**, my fundamental duty is to serve the community; 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 to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner which does not bring discredit to me or my agency. I will 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 law and 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 secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, 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 never engage in acts of bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every opportunity to enhance and improve my legal knowledge and competence.

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I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession – law enforcement.

7.2 EXPECTED CONDUCT

The department instructs employees on conduct and personal appearance and keeps this General Order available for access by all employees.

7.2.1 COURTESY, LOYALTY, INTEGRITY, TRUTHFULNESS

Be courteous, respectful, and civil in contact with the public. Develop a courteous attitude and demeanor. When appropriate, promptly, and politely give your name and badge number when requested; listen to and answer inquiries. Be faithful to your oath of office, principles of public service, goals of the police department, and do not allow personal motives to govern your decisions and conduct in discharging your duties. Carefully avoid any conduct that may compromise the integrity of you, or fellow employees, or the police department itself. Always speak the truth regarding police matters, declining comment where revealing facts within your knowledge is forbidden by law or the contents of this manual

7.3 FORBIDDEN CONDUCT

7.3.1 NONCOMPLIANCE WITH DIRECTIVES

Do not fail, either on or off duty, to follow any of the policies, procedures, or rules and regulations in this manual. Do not induce, or try to induce, another police department employee in behavior that does not comply with directives.

7.3.2 INSUBORDINATION

Do not fail, either on or off duty, to obey any proper direction of a supervisor of higher rank than you. Officers shall not be disrespectful, rude, or use profanity toward their supervisors. Do not induce, or try to induce, another police department employee to this same behavior.

7.4 UNAUTHORIZED USE OF ALCOHOL AND DRUGS

Alcohol - You shall not be under the influence of alcohol, either when reporting for duty or during duty hours. You shall not drink or have alcohol while on duty, unless proper for assignment, or for authorized training, or evidentiary purposes. Upon reporting for road duty, your BAC shall be at .00%. Supervisors or Officers who are called in for duty or emergency situations during unscheduled hours should not report if they are impaired from the use of alcohol. For definition purposes, impairment shall mean an alcohol

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content level of more than .04%. All personnel shall be required to submit to an Intoxilyzer test or a portable breath test when required to do so by a supervisor.

Other Drugs – You shall not, on or off duty, use, be under the influence of, or have illegal drugs, except possession for evidentiary purposes. Always be mentally alert and physically able to respond to your duty and responsibility. 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 prescribed medication is likely to impair the officer’s performance during the officer’s next scheduled shift.

7.5 ACCEPTANCE OF GRATUITIES/ENDORSEMENTS

Do not take for your personal use from another any gratuity, bribe, reward, or other valuable thing during your police work or activity. Do not accept a valuable thing when given in expectation of receiving a favor or better treatment than that accorded other persons. Do not use your official capacity, title, or position in the department on or off duty. Do not endorse any towing company, bondsman, ambulance, or any other business, product, or professional service.

7.6 ABUSE OF AUTHORITY

Do not threaten to use or try to use any authority of your official capacity, title, or position in the police department. Do not do anything, on or off duty, that is disallowed by law or contents of this manual.

7.7 IMPROPER CARE OF PROPERTY

Personnel shall not be careless, negligent, or unsafe in the care, maintenance, or use of departmental property, vehicles, equipment, or monies.

7.8 UNAUTHORIZED USE OF TIME

Inappropriate use of duty time not specifically mentioned here that affects completion of duties and responsibilities may also be just cause for disciplinary action.

Tardiness – Do not fail to be prompt in reporting for duty or executing assigned tasks.

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Inattentiveness – Do not be inattentive to duties by laziness, being absent from assigned post, sleeping on duty, taking excessive time for breaks, or other unauthorized use of duty time.

Incompetency – Do not be incompetent, unfit, or inefficient in doing the duties of your position; or

Absenteeism – Always maintain a satisfactory attendance record.

Unauthorized Business – Officers shall not conduct outside business transactions or engage in any type of outside employment business contacts while on duty.

7.9 UNBECOMING CONDUCT

When employees commit acts of conduct unbecoming of an officer or an employee of the police department, either on or off duty. Those not specifically mentioned here but tending to bring discredit to you or the police department will also be just cause for disciplinary action. The following rules apply:

- A.** Peace officers shall conduct themselves, 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.
- B.** Peace officers conduct their duties pursuant 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 in accordance with the powers granted to them.
- C.** 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.
- 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 in which the officer is present, except were permitted in the performance of duty under proper authority.
- E.** 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.
- F.** Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic, or other law violations. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

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- G.** Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in court, including exculpatory evidence in all matters of an official nature.
- H.** Peace officers learning of conduct or observing conduct which is in violation of any law or policy of this department shall take necessary action and report the incident to the officer's immediate supervisor, who shall forward the information to the chief law enforcement officer. If the misconduct is committed by the officer's immediate supervisor, the officer shall report the incident to the immediate supervisor's supervisor.
- I.** Peace officers shall provide every person in our society with professional, effective, and efficient law enforcement services.
- J.** Peace officers shall not express, whether by act, omission or statement, prejudice concerning race, color, creed, religion, national origin, sex, marital status, and status regards to public assistance, disability, sexual orientation, or age.
- K.** 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.
- L.** Peace officers, while on duty, shall 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. Peace officers while on duty shall not engage in any sexual contact or conduct constituting lewd behavior, including but not limited to, 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 department.
- M.** Peace officers, while on or off duty, shall not engage in any conduct which the officer knows, or reasonably should know, constitutes an unwelcome sexual advance or request for sexual favor, or unwelcome sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature.
- N.** 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.
- O.** 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.

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- P.** Peace officers shall avoid regular personal associations with people 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 associations are unavoidable because of the officer's personal or family relationships.
- Q.** 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. 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.
- R.** Peace Officers 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 or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.
- S.** Peace officers shall not compromise their integrity, nor that of their department or profession, by taking or attempting to influence actions when a conflict of interest exists.
- T.** Peace 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. Peace Officers shall not conduct outside employment activities while on duty.
- U.** Peace officers shall observe the confidentiality of information available to them due to their status as peace officers. Peace officers are entrusted with vast amounts of private and personal information, or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subject of that information, and to maintain public faith in the officer's and department's commitment to preserving such confidence. Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.

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. Peace officers shall not divulge the identity of people giving confidential information except as required by law or department policy.

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7.10 APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with 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

GENERAL ORDER 8 SEXUAL HARASSEMENT

PURPOSE

The City of Lowry is committed to providing a work environment conducive to the performance of job duties free from intimidation or coercion in any form.

As an employer, the City is dedicated to a stringent policy against discrimination. Harassment based on sex is a specific form of discrimination and an unlawful employment practice. Such practices present potential financial liability to the City and are prohibited and subject to disciplinary sanctions.

POLICY

City employees have a responsibility for maintaining high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of the City's business and to maintain the confidence of the citizens. It is the policy of this City that sexual harassment is unacceptable conduct in the workplace and will not be condoned. This policy is equally applicable to sexual harassment between supervisors and workers, between co-workers and/or between employees and non-employees on City property.

PROCEDURES

8.1 HARASSEMENT/SEXUAL HARASSMENT

A. POLICY STATEMENT: The City of Lowry is committed to providing and maintaining a workplace free of verbal and/or physical harassment, including sexual harassment and discrimination. Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, or degrading environment, or interferes with or adversely affects a person's work performance.