



Policy 104: Code of Conduct

Note: This policy is mandated by the Minnesota POST Board and MSS 626.8457.

POLICY

Our policy is to codify expectations of conduct and investigate unbecoming conduct, imposing disciplinary action when appropriate.

PURPOSE

Law enforcement effectiveness depends upon community respect and confidence. Conduct which detracts from this respect and confidence is detrimental to the public interest, detracts from our mission, and is prohibited. This department is committed to promoting excellence and will investigate circumstances suggesting an officer has engaged in unbecoming conduct and will take disciplinary action when appropriate.

This order applies to all officers while engaged in official duties, in or out of our jurisdiction. Unless otherwise noted, this order also applies while off duty. Conduct not mentioned under a specific rule but which violates a general principle is also prohibited.

Order 104.1: Adherence to Legal Authority

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 established pursuant to legal authority.

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.

Officers may act only in accordance with powers granted to them.

- Officers shall not knowingly exceed their authority in law enforcement.
- Officers shall not knowingly disobey the law or rules of criminal procedure in areas such as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence.
- Officers shall not knowingly restrict the freedom of individuals, by arrest or detention, in violation of the Constitutions of the United States and the State of Minnesota.
- Officers, 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 where permitted in the performance of duty under proper authority.
- Officers shall not unreasonably ignore flagrant violations of law.

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- Public criticism of department operations or personnel by any officer or member of the department is not allowed when said criticism threatens the general efficiency of the department.

Order 104.2: Public Trust

Officers shall refrain from any conduct in any official capacity that detracts from the public's faith in the integrity of the criminal justice system.

Community cooperation with the police is a product of its trust that officers will act honestly and impartially. Officers, as the initial contact with the criminal justice system, must act in a manner that instills trust.

- Officers shall carry out their duties with integrity, fairness, and impartiality.
- Officers shall not knowingly make false accusations of any violation. This provision does not prohibit the reasonable use of deception during criminal investigations or interrogations as permitted under law.
- Officers are required to appropriately respond to calls for service or observed suspicious activity without unreasonable delay.
- Officers shall not submit reports with incomplete or incorrect information to the best of their knowledge.
- Officers shall truthfully, completely and impartially investigate, report, testify, and present evidence, including exculpatory evidence, in all matters of an official nature.
- Officers shall take no action knowing it will violate the Constitutional rights of any person.
- Officers must obey lawful orders. Officers must refuse to obey any order the officer knows would require the officer to commit an unlawful act. If in doubt 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 these actions.
- Officers, on or off duty, 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 a supervisor, who shall forward the information to the Chief of Police. If a supervisor commits the violation, it shall be reported to a higher-ranking officer.

Order 104.3: Impartial and Professional Policing

Officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

Effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police.

- Officers shall provide every person in our society with professional, effective and efficient law enforcement services.
- Officers shall not 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, or allow their law enforcement decisions to be influenced by them.

Order 104.4: Creditability

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Officers shall not, on or off duty, exhibit any conduct which discredits themselves, other officers or the department or otherwise impairs their ability, or that of other officers, or the department's ability to provide law enforcement services to the community.

An officer's ability to perform his or her duties is dependent upon the respect and confidence the community has for the officer and law enforcement in general and is essential to the performance of official duties. Conduct must be consistent with integrity and trustworthiness.

- 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, unless legally prescribed.
- In no case shall an officer consume an alcoholic beverage or chemical substance to the extent the officer would be rendered unfit for duty for the next scheduled shift. Officers shall not report for duty with the odor of an alcoholic beverage on their breath.
- Officers will not use narcotics, hallucinogens, or other controlled substances except as legally prescribed. Officers shall inquire of the prescribing physician about any possible impairment in the performance of the officer's duties the medication may cause when medications are prescribed. If any impairment is possible, the officer shall notify a supervisor before starting work.
- Officers shall notify the department of any condition or situation that prevents or inhibits the officer's ability to perform their duty.
- Officers shall not commit any act which, as defined under Minnesota Law, constitutes sexual harassment. See also Order #207.
- Officers shall not commit any act which, as defined under state law, constitutes sexual assault or indecent exposure.
- Sexual assault does not include frisks or searches in accordance with department policies or procedures.
- Officers shall not commit any act which, under state law, constitutes domestic abuse or the violation of any court order restraining the officer from contact, domestic abuse or harassment.
- 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 another person, except as pursuant to written policies of this department.
- Officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine public trust.
- This rule does not prohibit those associations necessary to the performance of official duties, or where such associations are unavoidable because of the officer's personal or family relationships.
- Officers shall provide the department with their current home and personal cell phone numbers, address, and other applicable data changes to ensure the department can notify and locate members as needed.

Order 104.5: Courtesy and Respect

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

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Officers are the most visible form of local government. Officers will strive to make a positive impression when interacting with the public and each other.

- Officers shall exercise appropriate and reasonable respect and courtesy in their dealings with the public, fellow officers, superiors, subordinates, and other City of Lakeville employees.
- No officer shall ridicule, mock, deride, taunt, belittle, embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- Officers shall promptly advise any inquiring citizen of the department's complaint procedure as outlined in Order #206 and follow this order in processing any complaint.
- Officers will supply their name and/or badge number upon the request of any citizen.
 - Officers must adhere to this unless otherwise engaged in undercover operations or directed by a supervisor.
- Officers are required to identify themselves before enforcement duties or acquiring information.
 - If the officer is in full uniform and their identity is questioned by a sincerely doubtful citizen, the officer shall present their department issued identification card.
- Plainclothes officers must identify themselves with use of a badge and their department issued identification cards before enforcement duties or acquiring information.
 - Plainclothes officers will make appropriate steps to identify themselves when their identity might be questioned when involved in police actions with several officers and/or agencies.

Order 104.6: Gratuities

Officers shall not compromise their integrity, nor that of their department and profession, by accepting, giving, or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts and judgments, or by using their status as officers for personal, commercial, or political gain.

- Officers shall follow the provisions of the Minnesota Gift Act.
- Officers shall not use their official position, identification cards, or badges for personal or financial gain, for themselves, or others, for obtaining privileges not otherwise obtainable to them except in performance of their duty, or to avoid consequences of unlawful or prohibited actions.
- Officers shall not lend identification cards or badges or permit their reproduction without approval of the Chief of Police.
- Officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- Unless required in the performance of duties, officers shall not while on duty be present at establishments which primarily provide adult sexually oriented entertainment.
 - This rule does not prohibit "walk-throughs" as part of regular assigned duties.
- Officers shall not authorize the use of their names, photographs, badge, patch, or titles as an officer in connection with advertisements for any product, commodity, or commercial purpose without the express permission of the Chief of Police.
- Officers will maintain a neutral position with regard to the merits of a labor dispute, political protest, or other public demonstration while on duty.

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- Officers shall not make endorsements of political candidates while on duty or while wearing the uniform.
 - This does not prevent officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity or engaging in the free expression of speech as private citizens when off-duty.

Order 104.7: Conflict of Interest

Officers shall not compromise their integrity, nor that of their department or profession, by taking or attempting to influence actions where a conflict of interest exists.

For public faith and confidence to be maintained, officers must avoid even a perception of conflict of interest.

- Officers shall refrain, unless required by law or policy, from becoming involved in official matters, or influencing actions of other officers in official matters, impacting the officer's immediate family, relatives, or persons with whom the officer has had a significant relationship.
- Officers shall, unless required by law or policy, refrain from acting or influencing official actions of other officers in official matters impacting persons with whom the officer has had a business or employment relationship.
- Officers shall not use the authority of their position or information available to them as officers for any purpose of personal gain to themselves or another person, including but not limited to initiating and furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- Officers shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's abilities to fulfill their department duties. In all cases, off-duty employment must be approved by a supervisor (See also Order #211).

Order 104.8: Confidentiality

Officers shall observe the confidentiality of information available to them as officers.

Officers are entrusted with vast amounts of private and personal information. Officers must maintain confidentiality and protect the privacy of the subjects of that information to maintain public faith.

- Officers shall use department equipment and information only for matters related to work duties.
- Officers shall not knowingly violate any legal restriction for the release of information.
 - Department terminals/computers/phones/ and databases, websites and any other information obtained via such equipment shall be used for official purposes only.
 - Officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass suspects, victims, witnesses, or complainants.
 - Officers shall not divulge the identity of persons providing confidential information except as required by law or department policy.
 - Officers shall comply with the relevant provisions of the Minnesota Data Practices Act.
 - Officers who become aware of any violation of Order #104 shall immediately notify a supervisor and provide to the supervisor all information which led them to believe a violation occurred.

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Order 104.9 Punctuality and Attendance

Officers are required to be ready for their assigned shift on time.

- Officers found to be habitually late for their assigned shifts will be deemed neglect of duty.
- Officers are required to remain on duty until properly relieved or with permission from their supervisor.
- Officers will not be absent from their shift without the prior permission of a supervisor unless an exigent circumstance exists that makes a prompt notification of absence impossible.
- Officers shall notify the on-call supervisor by phone, calling 952-985-4810 in the event they are sick and cannot report for duty. The officer shall make sure that their notice was received by the supervisor prior to the start of their shift.

Order 104.10 Responsibility for Evidence and Property

- Officers are required to properly handle all evidence and property seized, received, or found.
- All necessary precautions must be adhered to per the officer's training to guarantee proper handling, transport, and submission of evidence and property.
- Any illegal and/or unreasonable seizure of property is strictly prohibited by the department.

Order 104.11 Reporting Requirements

Officers engaged in prohibited conduct listed in MN Administrative Rules 6700.1600 are required to self-report to the MN POST Board and The Chief of Police within 10 days.

Order 104.12 Application

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the Lakeville PD Policy #206 as required by MN RULES 6700.2000 to 6700.2600.