

HIBBING POLICE DEPARTMENT

Effective Date <i>September 1, 2019</i>	Revision Dates <i>8/5/20 1.46 Financial Disclosure</i>	Policy Number <i>11</i>
Subject PROFESSIONAL CONDUCT OF PEACE OFFICERS <i>(MN Stat 626.8457)</i>		Number of Pages <i>9</i>

I. POLICY

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

II. PROCEDURE

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.

- 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.

RULES OF CONDUCT

1.01 Violation of Rules.

Officers shall not commit any acts or omit any acts which constitute a violation of any of the rules, regulations, directives or orders of the department, whether stated in a GENERAL ORDER or elsewhere.

1.02 Unbecoming Conduct.

Officers shall conduct themselves at all times, both on and off duty, in such a matter as reflects most favorably on the department. Conduct unbecoming an officer shall include that which brings the department into disrepute or reflects discredit upon the officer as a member of the department, or that which impairs the operation or efficiency of the department or officer.

1.03 Immoral Conduct

Officers shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Officers shall not participate in any incident involving moral turpitude which impairs their ability to perform as law enforcement officers or causes the department to be brought into disrepute.

1.04 Conformance to Laws

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.

- A. A conviction of the violation of any law shall be *prima facie* evidence of a violation of this section.

1.05 Reporting For Duty

Officers shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They 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 and other proper notification whether verbal or written requiring an officer's presence in court shall constitute an order to report for duty under this section.

1.06 Neglect of Duty

Officers shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

1.07 Fictitious Illness or Injury Reports

Officers shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.

1.08 Sleeping on Duty

Officers shall remain awake while on duty. If unable to do so, they shall so report to their superior officer, who shall determine the proper course of action.

1.09 Leaving Duty Post

Officers shall not leave the municipal jurisdiction of, in the case of special assignments, their assigned duty posts, during a tour of duty except when engaged in official duties and authorized by proper authority.

1.10 Meals

Officers shall be permitted to suspend patrol or other assignment 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 departmental procedures and contract language.

1.11 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 of the 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; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered *prima facie* evidence of unsatisfactory performance:

- 1) repeated poor evaluation, or
- 2) a written record of repeated infractions of rules, regulations, directives or orders of the department.

1.12 Employment Outside of the Department

A. Officers may engage in off-duty employment subject to the following limitations:

- 1) such employment shall not interfere with the officer's employment with the department.
- 2) officers shall submit a written request for off-duty employment to the chief, whose approval must be granted prior to engaging in such employment, and

B. Approval may be denied where it appears that the outside employment might:

- 1) render the officer unavailable during an emergency,
- 2) physically or mentally exhaust the officer to the point that their performance may be affected,
- 3) require that any special consideration be given to scheduling of the officers regular duty hours, or
- 4) bring the department into disrepute or impair the operation or efficiency of the department or officer.

1.13 Alcoholic Beverages and Drugs in Police Installations

Officers shall not store or bring into any police facility or vehicle, alcoholic beverages, controlled substances, narcotics or hallucinogens except alcoholic beverages, controlled substances, narcotics or hallucinogens which are held as evidence or are secured in a locked safe or cabinet while in the police facility and not meant for consumption therein.

1.14 Possession and Use of Drugs

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.

1.15 Use of Alcohol on Duty or in Uniform

- A. Officers shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a superior officer.
- B. Officers shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath.

1.16 Use of Alcohol Off-Duty

Officers, while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the department, or renders the officer unfit to report for their next regular tour of duty. Officers shall not report for work with the odor of an alcoholic beverage on the officer's breath.

1.17 Use of Tobacco

Officers, when in uniform, may use tobacco as long as:

- 1) they do not have to leave their assignment or post for the sole purpose of doing so, and
- 2) they are not engaged in traffic direction and control.

1.18 Insubordination

Officers shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank.

1.19 Conflicting or Illegal Orders

- A. Officers who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive, shall respectively 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.
- B. Officers shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, officers shall request the issuing officer to clarify the order or to confer with higher authority.

1.20 Gifts, Gratuities, Bribes or Rewards

Officers shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the officers or the department, if it can be reasonably inferred that the person, business, or organization:

- 1) seeks to influence action of an official nature or seeks to affect the performance or non performance of an official duty, or
- 2) has an interest which may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.

1.21 Abuse of Position

- A. Use of Official Position or Identification. Officers shall not use their official position, official identification cards or badges:
 - 1) for personal or financial gain,
 - 2) for obtaining privileges not otherwise available to them except in the performance of duty, or
 - 3) for avoiding consequences of illegal acts.

Officers shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.

B. Use of Name, Photograph or Title. Officers shall not authorize the use of their names, photographs, or official titles which identify them as officers, in connection with testimonials or advertisements of any commodity or commercial enterprise without the approval of the Chief.

1.22 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 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, officers shall proceed in accordance with established departmental procedures.

1.23 Identification

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, when 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.

1.24 Citizen Complaints

Officers shall courteously and promptly record in writing any complaint made by a citizen against any officer of the department. Officers may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any officer or the department. Officers shall follow established departmental procedures for processing complaints.

1.25 Courtesy

Officers shall be courteous to the public. Officers shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, officers shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, national origin, lifestyle or similar personal characteristics.

1.26 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 properly and judiciously acted upon consistent with established departmental procedures.

1.27 Associates

Officers shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the officers.

1.28 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 of a superior officer.

1.29 Gambling

Officers shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior officer.

1.30 Public Statements and Appearances

- A. Officers shall not publicly criticize or ridicule the department, its policies, or other officers by speech, writing, or other expression, where such 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.
- B. Officers shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the department while holding themselves out as representing the department in such matters without proper authority. Officers may lecture on "Safety", "police" or other related subject only with the prior approval of the chief of police.

1.31 Personal Appearance

- A. Officers on duty shall wear uniforms or other clothing in accordance with established departmental procedures.
- B. Except when acting under proper and specific orders from a superior officer, officers on duty shall maintain a neat, well-groomed appearance, and shall attire and groom themselves in accordance with established departmental standards and orders.

1.32 Political Activity

- A. Officers shall be permitted to:
 - 1) register and vote in any election,
 - 2) express opinion as individuals privately and publicly on political issues and candidates,
 - 3) attend political conventions, rallies, fundraising functions and similar political gatherings,
 - 4) actively engage in any nonpartisan political functions,
 - 5) sign political petitions as individuals,
 - 6) make financial contributions to political organizations,
 - 7) serve as election judges or clerks or in a similar position to perform nonpartisan duties as prescribed by the state and local laws,
 - 8) hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this section,

9) Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or creates real or apparent conflicts of interest.

B. Officers shall be prohibited from:

- 1) engaging, while on duty, in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold political office, or when not on duty, has engaged in any political activity to such an extent that his efficiency during working hours had been impaired or that it has caused him to be tardy or absent from work.
- 2) engaging in any form of political activity wherein the employee has used, or attempted or caused to be used, political influence in securing promotion, transfer, leave of absence or increased pay.

This rule is not intended to regulate or restrict the off-duty political activities of any member of the Department, however, any political activity preformed while in uniform, whether on duty or not, is prohibited because of the natural tendency to associate the uniform with an on-duty status.

1.33 Labor Activity

- A. Officers shall have the right to join labor organizations, but nothing shall compel the department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.
- B. Officers shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

1.34 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. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline provided that a good faith effort to settle all accounts is being undertaken. Officers shall not co-sign a note for any superior officer or any other officer in this department.

1.35 Telephone

Officers shall have telephones in their residences, and shall immediately report any change of telephone numbers or addresses to their superior officers or other appropriate agent as may be necessary.

1.36 Dissemination of Information

Officers shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures. Officers may remove or copy official records or reports

from a police installation only in accordance with established departmental procedures. Officers shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

1.37 Intervention

- A. Officers shall not interfere with cases being handled by other officers of the department or by any other governmental agency, unless:
 - 1) ordered to intervene by a superior officer,
 - 2) requested to do so by the officer or agency responsible for the case,
 - 3) the interference is presented as assistance or information beneficial and pertinent to the case,
 - 4) the intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate actions.
- B. Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the urgency of the situation requires immediate police action.

1.38 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 by inaccurate, false, or improper information.

1.39 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 own, 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.

1.40 Abuse of Process

Officers shall not make false accusations of a criminal or a traffic charge.

1.41 Use of Departmental Equipment

Officers shall utilize department equipment only for its intended purpose, in accordance with established departmental procedures, and shall not abuse, damage or lose departmental equipment. All department equipment issued to officers shall be maintained in proper order.

1.42 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 driver's license shall be reported to the department immediately. During emergencies, official police vehicles will be operated in accordance with applicable laws and with due regard for the safety of others.

1.43 Carrying Firearms

Officers shall carry firearms in accordance with law and established departmental procedures.

1.44 Truthfulness

Upon the order of the Chief, Assistant Chief, or a superior officer, officers shall truthfully answer all questions specifically directly and narrowly related to the scope of employment and operations of the Department which may be asked of them.

1.45 Use of Medical Examination, Photographs, and Line-ups

Upon the order of the Chief or the Assistant Chief, officers shall submit to medical, ballistics, chemical or other tests, photographs, or lineups. All procedures carried out under this sub-section shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

1.46 Financial Disclosure

Officers be advised, personal financial disclosures shall be subject to subpoena or valid search warrant in connection with a complaint in which this information is material to the investigation. Such statements are to be maintained by the Chief and shall not be available for public disclosure.

1.47 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.

1.48 Treatment of Persons in Custody

Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with law and departmental procedures.

1.49 Use of Weapons

Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with law and departmental procedures.

1.50 Arrest, Search and Seizure

Officers shall not make any arrest, search or seizure which they know or should know is not in accordance with law or with established departmental procedures.

I. 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 law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES 6700.2000 to 6700.2600*.