

Chaska Police Department

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March 1, 1993			
Effective Date	Annual Review Date	Subject	
Jan. 23, 2019	JANUARY	CONDUCT	

PURPOSE

The purpose of this order is to provide a basis for the orderly and disciplined performance of duties.

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the department or the member's supervisors. This policy incorporates the elements of the Peace Officer Standards and Training Board (POST) Model Policy regarding the professional conduct of peace officers. However, this policy shall apply to all employees of this department (including volunteer, part-time and auxiliary employees).

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law (see generally Minn. R. 6700.1500).

The Department shall report annually to POST data regarding the investigation and disposition of cases involving alleged misconduct of officers (Minn. Stat. § 626.8457, Subd. 3).

POLICY

Rules of conduct are not an end in themselves, but rather a means to an end. Members of the department must regard themselves as part of a team dedicated to the safety and protection of the community, and the rules of conduct must be used to aid in accomplishing this important task.

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action (see generally Minn. R. Ch. 6700.2000 to Minn. R. Ch. 6700.2600).

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties, that it may be indicative of unfitness for his/her position or that brings discredit or harm to the professional image or reputation of the Department, its members, the City or the law enforcement profession.

Any disciplinary actions against officers arising from violations of this policy shall be investigated in accordance with Personnel Complaint and Misconduct Procedure Policy and the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89).

14.1 CODE OF CONDUCT

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing.

The International Association of Chiefs of Police believe it is important that police officers have clear advice and counsel available to assist them in performing their duties consistent with their standards; and has adopted the following ethical mandates as guidelines to meet these ends.

Primary Responsibilities of a Police Officer

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality and justice.

Performance of the Duties of a Police Officer

A police officer shall perform all duties impartially, without favor of affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such manner as to inspire confidence and respect for the position of public trust they hold.

Discretion

A police officer will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the officer's determinations and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest--which may be correct in appropriate circumstances--can be a more effective means of achieving a desired end.

Use Of Force

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Confidentiality

Whatever a police officer sees, hears or learns of, which is of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise. Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

Integrity

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police Officers must not receive private or special advantage from their official status. Respect can only be earned and cultivated.

Cooperation with Other Officers and Agencies

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

Personal/Professional Capabilities

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Private Life

Police officers will behave in a manner that does not bring discredit to their agencies or themselves.

A police officer's character and conduct while on and off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

14.2 CONDUCT EXPECTED OF YOU

14.2.1 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, politics, national origin, lifestyle or similar personal characteristics.

14.2.2 Responding to Questions

- All officers must, when requested by their superior officers or other employees authorized to inquire into any official matter, respond fully and truthfully to all questions regarding the performance of their official duties. Any failure to respond completely and candidly to such inquiries may be punished by appropriate disciplinary action, including dismissal.

14.2.3 Conformance to Laws

- Officers/employees shall obey all laws of the United States and of any state and local jurisdiction in which the officers are present.
- Any officer/employee, who is the subject of a criminal investigation, named as a defendant in a criminal or civil proceeding, and/or is the subject of an adverse civil judgment or is convicted/pleads guilty to a law violation shall report this, to the Chief of Police, immediately. An adverse civil judgment **may** be prima facie evidence of a violation of this section. A conviction/guilty plea of the violation of any law **shall** be prima facie evidence of a violation of this section.

14.2.4 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.
- Officers 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.

14.2.5 Citizen Complaints

- Officers shall courteously accept any complaint made by a citizen against any officer or 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 forward any such complaints to his immediate supervisor as soon as possible.

14.2.6 Residence

- Officers shall reside within 60 minutes travel time of any duty station maintained by the department.
- New officers shall reside within 60 minutes travel time of any duty station within one year of their appointment.

14.2.7 Telephone

- Officers shall have telephones in their residences and shall immediately report any changes of telephone numbers or addresses to their superior officers and to such other persons as may be appropriate.

14.2.8 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.
- Reports shall not be brought to and/or worked on at an officer's residence. All report work will be done while on duty, and all reports shall remain at the police department.

14.2.9 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 Chief or Police immediately.

14.2.10 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.

14.2.11 Weapons/Firearms

- Officers shall carry firearms and weapons in accordance with law and established departmental procedures.
- Officers shall not use or handle weapons in a careless or imprudent manner.
- Officers will keep any weapon authorized for CPD duty use – regardless of whether or not it is department issued, or an officer owned weapon – secured and unusable by any other person while off-duty.
- Officers are prohibited from loaning, or borrowing, personally owned duty weapons to any person, without the knowledge and permission of the Chief of Police.

14.2.12 Flying While Armed

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

- b) Officers must carry their department identification card, which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- c) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- d) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- e) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- f) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- g) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.
- h) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

14.2.13 Carrying Firearms out of State

Qualified active full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B; 18 USC § 926C):

- a) The officer shall carry his/her department identification card whenever carrying such weapon.
- b) The officer is not the subject of any current disciplinary action.
- c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- d) The officer will remain subject to this and all other department policies (including qualifying and training).

e) Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC § 926B and 18 USC § 926C.

14.3 FORBIDDEN CONDUCT

14.3.1 Noncompliance with 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 this General Order or elsewhere.

14.3.2 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.

Employees shall comply with lawful directives and orders from any supervisor or person in position of authority absent a reasonable and bona fide excuse.

14.3.3 Unauthorized Use of Alcohol

- 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.
- 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.
- 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.
- Officers, while off duty, shall refrain from consuming intoxicating beverage to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the department, or renders the officers unfit to report for their next regular tour of duty.

14.3.4 Unauthorized Use of Drugs

Officers shall not possess or use any controlled substances, narcotics, or hallucinogens, except when prescribed in the treatment of officers by a physician or dentist. When controlled substances, narcotics, or hallucinogens are prescribed, officers shall notify their superior officer.

14.3.5 Acceptance of Gratuities, Bribes, Rewards

- Officers shall not solicit any gift, gratuity, reward, loan or fee. Nor shall any officers accept either directly or indirectly any gift, gratuity, reward, loan or fee, or any other thing of value arising from, or offered because of police department employment or any activity connected with said employment. Gifts may be accepted after approval by the Chief for approved department programs only.

14.3.6 Endorsement and Referrals

- Officers shall not recommend or suggest in any manner, except in 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 request assistance, officer shall proceed in accordance with established departmental procedures.

14.3.7 Abuse of Authority

- Officers shall not use their official position, official identification cards or badges for:
 - personal or financial gain
 - obtaining privileges not otherwise available to them except in the performance of duty.
 - to avoid 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.
- 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.

14.3.8 Unauthorized 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.

14.3.9 Harassment

Policy Statement - The City of Chaska absolutely prohibits sexual harassment by all employees at all levels. It is the policy of the City of Chaska to maintain a work environment free of sexual harassment, a form of sexual discrimination in employment prohibited by Section 703 of Title VII of the Civil Rights Act of 1964 and by the Minnesota Human Rights Act.

Sexual harassment of any employee of the City of Chaska by another employee is demeaning to both the victim of the harassment and to the City. It can result in high turnover, absenteeism, low morale, and an uncomfortable work environment. The City will not tolerate sexual harassment of any of its employees and will take immediate positive steps to stop it when it occurs

An employee of the City found to have acted in violation of this policy shall be subject to appropriate disciplinary action which may include but is not limited to a verbal warning, written reprimand, suspension, demotion, or termination.

This policy is not intended to deny the right of any individual who feels s/he has been sexually harassed to pursue a union grievance or to contact government enforcement agencies, or to replace legal recourse for any actions which violate statutes.

Definitions - Unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, and other verbal or physical conduct or communication of a sexual nature constitute sexual harassment when:

- submission to such conduct or communication is made either explicitly or implicitly a term or condition of an individual's employment,
- Submission to or rejection of such conduct or communication by an individual is used as the basis for employment decisions affected such individual, or
- such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an **intimidating, hostile, or offensive working environment**. The following kinds of conduct are examples of sexual harassment:

Verbal Harassment

- Sex oriented verbal kidding or abuse.
- Use of offensive or demeaning terms which have sexual connotations.
- Whistling, catcalling or leering.
- Unwelcome vulgar or obscene jokes or language.
- Commenting on the appearance of an individual in a sexual way.
- Recounting one's sexual exploits for the people in the office or workplace.
- Starting or spreading untrue or defamatory rumors about the sex life of an employee.
- Subtle or overt pressure for sexual activity.

Physical Harassment

- Soliciting or pressuring someone to sit on your knee, hug you, or kiss you.
- Objectionable physical contact.
- Physical contact such as patting, pinching, or brushing against another's body.
- Unwelcome touching gestures.

- Impeding or blocking movement or any physical interference with normal work or movement.
- Grabbing or tearing someone's clothing.
- Physically forcing sexual activity on someone (assault).

Visual Harassment

- Displaying offensive sexually oriented jokes and pictures, which may include pinups or posters.
- Revealing parts of your body in violation of common decency.
- Offensive or intimate personal gestures or touching.
- Displaying offensive sexually oriented letters, poems, graffiti, cartoons, or drawings.

Responsibilities

All City employees are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. The Sexual Harassment Policy applies to all officers and employees of the City of Chaska, including full and part-time employees, regular and temporary employees, and employees covered or exempted from personnel rules or regulations.

This policy will be distributed to all employees of the City. Department Heads shall be responsible for insuring that all employees under their direction are familiar with this policy.

Department Heads and supervisors are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. They shall establish and maintain a climate in their department which encourages employees to communicate questions or concerns regarding this policy; recognize incidents of sexual harassment and take immediate corrective action to eliminate such incidents; and notify the City's designated officers in the event of sexual harassment allegations so that consistent investigatory procedures may be implemented.

Any employee who feels s/he is being subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- The employee's Department Head.
- The City Administrator if the complaint relates to the Department Head.
- The Mayor if the complaint relates to the City Administrator.

All complaints of sexual harassment shall be kept in confidence while the matter is thoroughly investigated and promptly dealt with. However, the report will be disclosed to the extent necessary to conduct adequate investigation.

Investigation

When making a complaint, the employee should be prepared to provide the following information:

- Employee's name, department, and position title.
- The name of the person or persons committing the sexual harassment, including their title/s, if known.

- The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the complainant as a result of the harassment.
- Witnesses to the harassment.
- Whether the complainant has previously reported or discussed such harassment and if so, when, to whom, or with whom.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a written report of the complaint according to the preceding section and submit it to the City Administrator, or in the event the sexual harassment complaint is against the City Administrator, to the Mayor.

The City Administrator is the person designed by the City to be the investigator or complaints of sexual harassment. The City Administrator may delegate the investigation to another City employee at his/her discretion. In the event the sexual harassment complaint is against the City Administrator, the investigator shall be a person appointed by the Mayor.

Corrective action

▪ Involving Employees

- Based upon the written report, the City Administrator shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint of sexual harassment has been made constitutes sexual harassment. In making that determination, the City Administrator shall look at the report as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining of sexual harassment. The determination of whether sexual harassment occurred shall be made on a case-by-case basis.
- If the City Administrator determines that the complaint of sexual harassment is founded, s/he shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with his or her authority under the municipal charter, ordinances, rules, or regulations pertaining to employee discipline.
- The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors the City Administrator deems appropriate, including but not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. A determination of the level of disciplinary action shall also be made on a case-by-case basis.
- A written record of disciplinary action taken shall be kept, including verbal reprimands.

▪ Involving the City Administrator

- Upon receipt of a report on the investigation of a complaint of sexual harassment against the City Administrator, the Mayor shall present the report to the City Council in a closed meeting. If the City Council determines that the complaint of sexual harassment

is founded, it may discipline the City Administrator consistent with its authority under the municipal charter, ordinances, resolutions, rules and agreements governing discipline of the City Administrator.

▪ **Involving Non-Employees**

- In cases of sexual harassment committed by a non-employee against a City employee in the workplace, the City Administrator shall take all lawful steps to halt the sexual harassment.

Obligation of Employees

- Employees are not only encouraged to report instances of sexual harassment, they are obligated to report instances of sexual harassment. Sexual harassment exposes the City to liability, and it is part of each employee's job to reduce the City's exposure to liability.
- Employees are obligated to cooperate in every investigation of sexual harassment. This includes, but is not limited to, coming forward with evidence which may be favorable or unfavorable to the accused person, as well as, fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment.
- Employees are also obligated to refrain from filing bad faith complaints of sexual harassment.
- Disciplinary action may also be taken against any employee who fails to report instances of sexual harassment, or who fails or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.

Retaliation - The City prohibits retaliation against the person making the complaint of sexual harassment, witnesses, or any other persons connected with the investigation. Individuals who engage in retaliation will be subject to immediate discipline up to and including termination.

14.3.10 Improper Care For Property

Officers shall utilize department equipment only for its intended purpose, 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.

14.3.11 Unauthorized Use of Time

Neglect of Duty - Officers shall not play games, watch television or movies, or otherwise engage in entertainment while on duty except as may be required in the performance of duty. They shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

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 shall constitute an order to report for duty under this section.

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

Leaving Duty Post - Officers shall not leave their assigned duty stations during a tour of duty except when authorized by proper authority.

14.3.12 Labor Activity

- Officers have the right to join labor organizations.
- Officers shall not engage in any strike
- "Strike" includes:
 - the concerted failure to report to duty
 - willful absence from one's position
 - unauthorized holidays
 - sickness unsubstantiated by a physician's statement
 - the stoppage of work
 - abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

14.3.13 Improper Processing of Property and Evidence

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.

14.3.14 Public Statements and Appearances

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 "police" or other related subjects only with the prior approval of the Chief.

14.4 UNBECOMING CONDUCT

14.4.1 Unbecoming Conduct

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect 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.

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.

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

Payment of Debts – Officers/employees 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. Any isolated instances 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 a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Any such bankruptcy filing shall be reported to the Chief of Police immediately. 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/employees shall not co-sign a note; take on a financial obligation, or loan money to/for any superior officer/supervisor.

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.

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, State of Minnesota, or the ordinances of Chaska are regularly violated except in the performance of duty or while acting under proper and specific orders from a superior officer.

Use of Tobacco - Officers, when in uniform, may use tobacco as long as:

- they are not in formation.
- they do not have to leave their assignment or post for the sole purpose of doing so.
- they are not engaged in traffic direction and control.
- when they are in direct contact with the public, officers must obtain permission to use tobacco from the public with whom they are in direct contact.

Associations - 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.

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 the 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.

Intervention - Officers shall not interfere with cases being handled by other officers of the department or by any other governmental agency unless:

- Ordered to intervene by a superior officer,
- The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

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 exigencies of the situation require immediate police action.

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.

Unauthorized 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 and departmental procedures.

14.4.2 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: Repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the department.

14.5 POLITICAL ACTIVITY

14.5.1 Permitted Political Activity

- Register and vote in any election.
- Express opinions as individuals privately and publicly on political issues and candidates.
- Attend political conventions, rallies, fund-raising functions and similar political gatherings.
- Actively engage in any nonpartisan political functions.
- Sign political petitions as individuals.
- Make financial contributions to political organizations.
- Serve as election judges or clerks or in a similar position to perform nonpartisan duties as prescribed by state or local laws.
- Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this section.

- 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 create real or apparent conflicts of interest.

14.5.2 Prohibited Political Activity

- Using their official capacity to influence, interfere with or affect the results of an election.
- Becoming candidates for or campaigning for elective public office without first obtaining a leave of absence to extend during such time that above condition exists.

- Initiating or circulating a partisan nominating petition in an official capacity.
- Organizing, selling tickets to, or actively participating in a fund-raising function for a partisan political party or candidate in an official capacity.
- Addressing political gatherings in support of, or in opposition to a partisan candidate in an official capacity.

14.6 PERSONAL APPEARANCE

Officers on duty shall wear uniforms or other clothing in accordance with established departmental procedures.

14.6.1 Male Employees

- Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear.
- Wigs or hairpieces are permitted if they conform to the above standards for natural hair.
- Sideburns shall be neatly trimmed, rectangular in shape, and shall not extend below the ear lobe.
- Neatly trimmed mustaches are permitted. Styles such as handlebars or Fu Manchu mustaches are prohibited.
- Neatly trimmed beards are permitted. The beard must be symmetrical, must not protrude more than one half inch from the skin and must be clean-shaven at the neckline. An officer must advise his supervisor prior to beginning a new beard.

14.6.2 Female Employees

- Hair must be clean, neat and combed. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear.
- Wigs or hairpieces are permitted if they conform to the above standards for natural hair.

14.6.3 Exceptions to Personal Appearance Standards

Except when acting under proper and specific orders from a superior officer, officers on duty shall maintain a neat, well-groomed appearance and shall style their hair according to above requirements.

14.6.4 Body Art

The display of body art, tattoo, brand, intentional scarring and/or mutilation regardless of its location or size, is prohibited while on duty, in uniform or while representing the department in any official capacity. No exceptions to this directive will be made without authorization from the Chief of Police or the Chief of Police's designee.

14.7 CONDUCT UNBECOMING A POLICE OFFICER

14.7.1 Purpose

To comply with state mandate requiring that all police agencies adopt a Conduct Unbecoming a Peace Officer Policy which is identical or substantially similar to the POST model policy by July 12, 1996.

14.7.2 Policy

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.

14.7.3 Scope

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 as well. Conduct 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 the rationale explaining the principle and a set of rules.

14.7.4 Principle One

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.

Rationale - 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.

Rules

- Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- 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.
- Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
- 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 where permitted in the performance of duty under proper authority.

14.7.5 Principle Two

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.

Rationale - Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

Rules

- Peace officers shall carry out their duties with integrity, fairness and impartiality.
- Peace officers shall 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.
- Peace officers shall truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- Peace officers must obey lawful orders; but must 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.
- 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.

14.7.6 Principle Three

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

Rationale - Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity, and perform their duties without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age.

Rules

- Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
- Peace 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.

14.7.7 Principle Four

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.

Rationale - A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

Rules

- Peace 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, except as provided below.
- Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- 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.
- 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 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.
- 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.

- 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.
- Peace 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 any person, except as pursuant to a written policy of the department.
- Peace officers shall 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 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.

14.7.8 Principle Five

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

Rationale - Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

Rules

- Peace officers shall exercise reasonable courtesy in their dealings with the public, fellow officers, superiors and subordinates.
- 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.
- Peace officers shall promptly advise any inquiring citizen of the department's complaint procedure and shall follow the established departmental policy for processing complaints.

14.7.9 Principle Six

Peace officers shall not compromise their integrity, nor 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 peace officer for personal, commercial, or political gain.

Rationale - For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the department.

Rules

- 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) 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.
- Peace officers shall refuse favors or gratuities which could be reasonably interpreted as capable of influencing official acts or judgments.
- Unless required for the performance of official duties, peace officers 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 regular assigned duties.
- Peace officers shall:
 - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this department in connection with advertisements for any product, commodity or commercial enterprise;
 - maintain a neutral position with regard to merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
 - 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.

14.7.10 Principle Seven

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.

Rationale - For the public to maintain its faith in the integrity and impartiality of peace officers and their departments, officers must avoid taking or influencing official actions where the officer's actions would or could conflict with the officer's appropriate responsibilities.

Rules

- Peace officers shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other peace 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.
- Peace officers shall, unless required by law or policy, refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- Peace officers shall not use the authority of their position as peace officers, or information available to them due to their status as peace officers, for any purpose of personal gain including, but not limited to, initiating or furthering personal and / or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- 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.

14.7.11 Principle Eight

Peace officers shall observe the confidentiality of information to them due to their status as peace officers.

Rationale - 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 subjects of that information, and to maintain public faith in the officer and department's commitment to preserving such confidences.

Rules

- 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 persons giving confidential information except as required by law or department policy.

14.7.12 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.

14.8 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following causes for disciplinary action constitute a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service.

14.8.1 Employee Conduct

Employees 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.

Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion or removal of any employee:

- a) Failure to abide by the standards of ethical conduct for employees, including fraud in securing appointment or hire.
- b) Activity that is incompatible with an employee's conditions of employment established by law or that violates a provision of any agreement or contract.
- c) Violation of any rule, order, requirement or the failure to follow instructions contained in Department or City manuals.
- d) Willful disobedience to any legal order properly issued by any superior officer of the Department.
- e) Willful neglect of duty, including failure or refusal to perform a known mandatory, nondiscretionary, ministerial duty of the office or employment within the time or in the manner required by law to perform (Minn. Stat. § 609.43 (1)).
- f) Making public any active investigation other data classified as not public of the Department to any unauthorized person.
- g) Unreasonable and unwarranted violence to a person encountered or person under arrest.
- h) Under pretense or color of official authority intentionally and unlawfully injures another in the other's person, property or rights (Minn. Stat. § 609.43 (3)).
- i) Use of obscene, profane or derogatory language while on-duty or in uniform.
- j) Unauthorized attendance while on-duty at official legislative or political sessions or functions.
- k) Willful and inexcusable destruction or loss of Department property.
- l) Violations of federal, state, local or administrative laws that are willful or inexcusable or involve moral turpitude, including violations of Minn. R. Ch. 6700.1600.
- m) Commits any act in an official capacity knowing it is excess of authority or forbidden by law (Minn. Stat. § 609.43 (2))

n) Any on- or off-duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, disgraceful or that tends to reflect unfavorably upon the Department or its members.

14.8.2 Attendance

- a) Leaving the job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- b) Tardiness on scheduled day(s) of work.
- c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- d) Failure to notify the Department of any change in residence address, home phone number or emergency contact information.
- e) Unauthorized absence from duty or abuse of leave privileges.

14.8.3 General Conduct

- a) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- b) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- c) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- d) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department or City property or while in any way representing him/herself as a member of this department, except as expressly authorized by the Chief of Police.
- e) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
- f) Failure to maintain required and current licenses (e.g. driver's license, POST license) and certifications (e.g. first aid).
- g) Establishing an inappropriate social relationship with a known victim, witness, suspect or defendant of a case while such case is being investigated or prosecuted as a result of such investigation.
- h) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

- i) Unauthorized possession of, loss of or damage to Department property or the property of others; or endangering it through unreasonable carelessness or maliciousness.
- j) Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities may result in criminal prosecution or discipline.
- k) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- l) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- m) The use of any not public data obtained or accessed as a result of employment with the department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline.
- n) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.
- o) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- p) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

14.8.4 Discrimination, Oppression, Harassment or Favoritism

- a) Discriminate against, oppress or provide favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition or intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.
- b) Discourteous, disrespectful or discriminatory treatment toward any member of the public or any member of this department.
- c) Intentionally subjecting another to sexual harassment.
- d) Racial profiling (Minn. Stat. § 626.8471 Subd. 2).

14.8.5 Intoxicants

- a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there may be suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties without prior notification of a supervisor.

d) Unauthorized possession, use of or attempting to bring a controlled substance or other illegal drug to any work site.

14.8.6 Performance

a) Sleeping during on-duty time or assignments without permission.

b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

c) Unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the department or subverts the good order, efficiency and discipline of the department or that would tend to discredit any member thereof.

h) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/ or mutilation of any department record, public record, book, paper document (Minn. Stat. § 609.43 (4)).

i) Wrongfully loaning, selling, allowing unauthorized use, giving away or appropriating any department badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.

j) Carrying, while on the premises of the workplace, any firearm or other deadly weapon that is not required for the performance of the employee's current job duties or authorized by his/her appointing authority.

k) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

l) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with this manual and each of the policies contained herein.

m) Work-related dishonesty, failure to disclose, being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the department or members thereof, misrepresenting material facts, including upon or within any application, examination form or other official document, report or form, or during the course of any investigation, including failure to participate in any department-related investigation or business.

n) Violating a law related to employment or any misdemeanor or felony statute; involvement in any criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/ employer relationship, whether on- or off-duty, including associating with, or joining a criminal gang, organized crime and/or criminal syndicate, security threat group or persons who engage in serious violations of state or federal laws when an employee knew or reasonably should have known of the criminal nature of the organization, except as specifically directed and authorized by the department.

o) Attempted or actual theft of department property, misappropriation or misuse of public funds, property, personnel or services or the property of others or the unauthorized removal or possession of department property or the property of another person.

p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

q) Offer or acceptance of a bribe or gratuity.

r) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

s) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises
2. At any work site
3. While on-duty or while in uniform
4. While using any department equipment or system

14.8.7 Safety

- a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within department facilities or to use required protective clothing or equipment.
- b) Knowingly failing to report any on-the-job or work-related accident or injury.
- c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- f) Violating Department safety standards or safe working practices.

14.8.8 Security

- a) Unauthorized, intentional release of designated confidential, private, non-public or protected non-public data.

14.8.9 Supervisor Responsibility

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- a) Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this department and that the actions of all personnel comply with all laws.
- b) Failure of a supervisor to report in a timely manner any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.