



Edina Police Operations Manual

Policy Number
320.00

Subject:

CONDUCT OF DEPARTMENT MEMBERS

Effective Date
06/01/1993

Revised Date
06/25/2020

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PURPOSE:

The Chief of Police issues these regulations as guidelines for the exercise of the authority and discretion delegated to the employees of the City of Edina in accordance with the training and discipline of members of the department.

320.01 **GENERAL STATEMENT OF POLICY**

It is the policy of the Edina Police Department to investigate circumstances that suggest an officer has engaged in a violation(s) of policy and impose disciplinary action when appropriate.

320.02 **VIOLATION OF POLICY**

Members of the department should not commit any acts or omit any actions which constitute a violation of any of the rules, regulations, directives, or orders of the department, whether stated in this manual or elsewhere.

320.03 **PROFESSIONAL CONDUCT**

Department members are expected to maintain a level of conduct in keeping with the highest standards of the law enforcement profession. Members should refrain from conduct, whether on or off duty, which tends to impair their ability to perform as department members or which bring discredit to themselves or disrepute to the department.

320.04 **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.

320.05 **CONFORMANCE TO LAWS**

- Subd. 1** 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.
- Subd. 2** Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- Subd. 3** Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of

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informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.

Subd. 4 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.

Subd. 5 Peace officers will not, according to [MN STAT 626.863](#), knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

Subd. 6 An indictment, criminal complaint, or criminal charge filed against a department member, or a conviction for a violation of the criminal law, traffic law (misdemeanor level or higher) must be promptly reported by the department member to the Chief of Police.

320.06 **COMMUNITY RELATIONS**

Subd. 1 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.

Subd. 2 Peace officers shall carry out their duties with integrity, fairness and impartiality.

Subd. 3 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.

Subd. 4 Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

Subd. 5 Peace officers shall take no action knowing it will violate the constitutional rights of any person.

Subd. 6 Peace officers must obey lawful orders but a peace officer must refuse to obey any order 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.

Subd. 7 Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the Chief of Police. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

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320.07 EXPLICIT BIAS

- Subd. 1** Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.
- Subd. 2** Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
- Subd. 3** Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

320.08 DIGNITY

- Subd. 1** Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.
- Subd. 2** 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 for in (Subd. 4) seen below.
- Subd. 3** 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.
- Subd. 4** 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.
- Subd. 5** Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, 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.
- Subd. 6** Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- Subd. 7** 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

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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.

Subd. 8 Peace officers, in the course of performing their duties, shall not 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 making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

Subd. 9 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 agency. 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.

320.09 **COURTESY**

Subd. 1 Peace officers shall treat all members of the public courteously and with respect.

Subd. 2 Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

Subd. 3 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.

Subd. 4 Peace officers shall promptly advise any inquiring person of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

320.10 **SEEKING OR ACCEPTING GIFTS, GRATUITIES, BRIBES OR REWARDS**

Subd. 1 Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonable 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.

Subd. 2 Peace officers shall not use their official position, identification cards or badges for:

- a) Personal or financial gain for themselves or another person;
- b) Obtaining privileges not otherwise available to them except in the performance of duty; and
- c) Avoiding consequences of unlawful or prohibited actions.

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Subd. 3 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.

Subd. 4 Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.

Subd. 5 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 their regularly assigned duties.

Subd. 6 Peace officers shall:

- a) not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
- b) maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
- c) not make endorsements of political candidates while on duty or while in uniform.

Subd. 7 This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity. department members may solicit for bona-fide charities or organizations if they are off-duty and they do not identify, infer, or represent themselves as a member of Edina Police Department

320.11 **INTEGRITY**

Subd. 1 Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

Subd. 2 Unless required by law or policy a peace officer shall 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.

Subd. 3 Unless required by law or policy a peace officer shall 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.

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Subd. 4 A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer 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.

Subd. 5 A peace officer 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.

320.12 CONFIDENTIALITY

Subd. 1 Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

Subd. 2 Peace officers shall not knowingly violate any legal restriction for the release of dissemination of information.

Subd. 3 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.

Subd. 4 Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

320.13 INSUBORDINATION

Department members are expected to promptly obey all lawful orders of a supervisor. This will include orders relayed from a supervisor by an employee of same or lesser rank.

320.14 CONFLICTING OR ILLEGAL ORDERS

Subd. 1 Department members who are given an otherwise proper order which is in conflict with a previously issued order, regulation or directive, should respectfully inform the supervisor issuing the order of the conflict. If the supervisor does not alter or retract it, the order stands and should be obeyed. Under these circumstances, the violation of the previous order is the responsibility of the supervisor.

Subd. 2 Department members should not obey an order that they reasonably believe would require them to commit a violation of law. If in doubt as to the legality of the order, department members should request clarification from that supervisor or confer with higher authority.

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- Subd. 1** Department members, while on duty, should normally carry their badges and identification cards, except during the course of a special assignment when this would be impractical or dangerous to their safety.
- Subd. 2** Department members, in uniform, are always expected to wear their badges and nameplates on their outer garment. They should not cover their badges or nameplate in such a manner that they cannot be read by the public.
- Subd. 3** Plain clothes officers are expected to identify themselves to the public upon request during the course of their duty by producing their badge and identity card unless it would be dangerous to their safety or impractical to the investigation.
- Subd. 4** Department members shall provide their name and badge number to any person requesting that information except when withholding that information is necessary for the performance of police duties (i.e. undercover operations) or is authorized by supervisory authority in emergency situations when it is not practical to do so. This may be done verbally or, if requested, by showing the members identification card.
- Subd. 5** Uniformed officers are required to verbally give their name and badge number upon request even though the nameplate and badge are visible. Uniformed officers should carry their business cards with them and provide one to a person when asked.
- Subd. 6** Department members, when off duty and carrying a firearm or taking some form of police action, should carry their identification cards and identify themselves in accordance with this section.

320.16 EMPLOYEE SPEECH RIGHTS AND OBLIGATIONS:

- Subd. 1** Law enforcement employees are entrusted with special responsibilities and are expected to conduct themselves in a professional manner. Employees should conduct themselves, both in interactions with one another and with the public, in a manner that conveys respect, honesty, integrity, and dedication to public service.
- Subd. 2** This department recognizes that employees enjoy constitutional protection to engage in reasonable speech activity. Employees are encouraged to express their views in a responsible and productive manner.
- Subd. 3** Specific restrictions on employee speech are necessary to protect the integrity of the department and to ensure that efficient and effective police services are delivered to the community.

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- Subd. 4** Department members on duty, or in uniform, or within the police facility, should refrain from using indecent or profane language. Department members should refrain from the use of epithets or terms that tend to denigrate any race, religion, gender, sexual preference, or ethnic group, while on duty, in uniform, in the police facility, or in anyway representing the department.

320.17 ENDORSEMENTS AND REFERRALS

- Subd. 1** In the course of their official duties, department members should avoid recommending or endorsing the employment or procurement of any particular product or service (such as alarm companies, attorney, bondsman, or mortuary).
- Subd. 2** In the case of a towing company, an officer may advise the citizen of towing services available in the area if the citizen requests assistance.

320.18 TESTIMONY

Upon the order of the Chief, the Chief's designee, or a supervisor, employees are expected to truthfully answer all questions specifically directed and narrowly related to the scope of employment or operations of the department. Employees are required to cooperate with any Internal Investigation and answer specifically directed questions concerning department investigations. These statements may be verbal or written at the discretion of the supervisor. Refusal or failure to do so may be grounds for immediate disciplinary action.

320.19 DISCIPLINE

- Subd. 1** Department employees may be subject to disciplinary action for failing to fulfill their duties and responsibilities, failing to observe work rules instituted by supervisors or managers, or for misconduct. The police department will administer discipline without discrimination. When appropriate, the police chief or chief's designee, in consultation with Human Resources, shall investigate an allegation on which disciplinary action is taken.
- Subd. 2** The police department generally supports a progressive discipline process that allows an employee the opportunity to correct behavior unless the police department determines that the seriousness of the matter outweighs the benefit of corrective action.
- Subd. 3** Forms of discipline may include:
- Verbal warnings
 - Written reprimands
 - Suspension without pay
 - Demotion
 - Change of assignment

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- Termination

Subd. 4 Discipline will be based on the nature and the seriousness of the actions. Providing coaching and counseling is not considered discipline.

320.20 **SEXUAL HARASSMENT**

Subd. 1 Sex discrimination and sexual harassment are against the law. It is the policy of the City of Edina to abide by the federal and state laws that prohibit sexual harassment, and to maintain an employment atmosphere free of sexual harassment, intimidation, or coercion. The supervisory and management personnel of the city are responsible for implementing this policy. Sexual harassment of any employee by any other employee will not be tolerated. If investigation of a complaint of sexual harassment produces evidence that such harassment has occurred, appropriate disciplinary action will be taken.

Subd. 2 Sexual Harassment is defined by the City of Edina employee handbook in the policies section, as a prohibited practice and is unlawful when:

- a) Submission to the conduct is either an explicit or implicit condition of employment.
- b) Submission to or rejection of the conduct is a basis for any employment decision.
- c) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance, or the conduct creates a hostile or offensive work environment.

Subd. 3 The following are some examples of conduct that may be legally actionable sexual harassment:

- a) Use of any offensive or demeaning terms that have sexual connotation.
- b) Objectionable physical proximity or physical contact.
- c) Unwelcome suggestions regarding, or invitations to, social engagements or work-related social events.
- d) Any indication expressed or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend or may depend on the granting of sexual favors to any other employee, supervisor, or manager.
- e) Any action relating to an employee's job status that is, in fact, affected by consideration of the granting or refusal of social or sexual favors.

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- f) The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
- g) The deliberate or careless expression of jokes or remarks of a sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive.
- h) The deliberate or careless dissemination of materials (such as cartoons, articles, pictures, etc.) that have a sexual content, which are not work related, to employees who may find such materials offensive.

Subd. 4 Reporting Procedure

- a) Employees who feel that they are being subjected to sexual harassment in any form, or who believes they have witnessed sexual harassment should report the facts of the incident and the individuals involved to their supervisor or to the department head.
- b) If the complaint involves a supervisor or department head, the employee should report the incident directly to the City Administration Department.
- c) No retaliation of any kind will occur because an employee has reported an incident of suspected sexual harassment.

320. 21 **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*.