

POLICY

WAUNAKEE POLICE DEPARTMENT

CHAPTER 13

DATE: 01/01/21		
SUBJECT: CODE OF CONDUCT AND DISCIPLINARY PROCEDURES		
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INTRODUCTION

This policy provides the agency's Code of Conduct, the consequences of impropriety, and the resulting disciplinary procedures. This policy defines the general rules of conduct.

GENERAL POLICY

This department ensures that employees exhibit integrity in their reputation and job performance. This shall be accomplished through an internal system of investigation and review founded on objectivity, fairness, and justice.

Police officers exercise considerable authority, which is carefully circumscribed by state and federal law, and ultimately the United States Constitution. Powers to arrest, seize property, and interfere with the lives of citizens constitute a public trust that should be regarded as vital, as demonstrated by the exemplary performance of police duties. The rules of conduct give notice to department members as to what is specifically prohibited or required by virtue of their employment. The purpose of these rules is to ensure efficient and proper operation of the department and the ability of all members, individually and collectively, to perform their duties. Unlike policies that allow for discretion and latitude, the rules of conduct described in this policy are explicit and will be enforced as such.

SCOPE

This order applies to all members of this Department.

PROCEDURES

13.1 Department Authority

Employees are provided with a code of conduct. Violation of the code may result in disciplinary action.

Code of Conduct

- A. Members may not commit or omit any acts, which constitute a violation of explicit rule, regulation, memorandum, or policy/directive whether stated in this order or elsewhere.
- B. Officers must conduct themselves in a manner that favorably reflects the department at all times, both on and off duty. Unbecoming conduct includes behavior that brings the Waunakee Police Department into disrepute, discredits the officer's authority, or impairs the operation of efficiency of the Waunakee Police Department or officer.
- C. Officers shall maintain a level of moral conduct in their personal and business affairs which reflects the highest standards of the law enforcement profession. Officers shall not participate in any incident which impairs their ability to perform as police officers or causes the department to be brought into disrepute.
- D. Officers shall not knowingly violate any law of the United States, the state or local jurisdiction in which the officers are present. Conviction of a crime shall be prima facie evidence of a violation of this section.
- E. Members shall report for duty at the time and place required by assignment. Officers shall be physically and mentally fit to perform their duties. Subpoenas constitute an order to report for duty under this section.
- F. Members shall be attentive to their duties and not engage in activities or personal business which would cause them to neglect or be inattentive to duty. Inattentive behavior includes that which adversely affects the operation of the department.
- G. Members 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.
- H. Members shall remain awake while on duty.
- I. Officers shall not leave their assigned duties unless directed to do so by a dispatcher or supervisor, or while in immediate pursuit of a law violator, or other urgent need.

- J. Officers shall be permitted to suspend patrol or assign activity, subject to immediate call at all times, to have meals/breaks during their tour of duty for a specific time as established by contract or handbook.
- K. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall maintain the highest standards in carrying out the functions and objectives of the department.

Unsatisfactory performance includes a lack of knowledge of laws required to be enforced; an unwillingness or inability to perform assigned tasks; failure to conform to work standards established for the officer's rank; failure to take appropriate action, or other condition deserving attention; absence without leave; and/or repeated poor evaluations or a written record of repeated infractions of department rules, regulations, policies or orders

- L. Members shall report any contact they have with law enforcement while off duty to a supervisor within 48 hours.
- M. Members shall not store or bring into a police facility or police vehicle alcoholic beverages or controlled substances, except when held as evidence or found property or for other authorized purposes.
- N. Members shall not possess or use any controlled substances, narcotics, or hallucinogens except when prescribed in the treatment by a physician or dentist. When controlled substances are prescribed, members shall immediately notify the Chief either in person or via email.

O. Use of Alcohol on Duty or in Uniform

- 1. Officers shall not purchase or consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under authorization from a supervisor.
- 2. Members shall not appear for duty, or be on duty, while under the influence of intoxicants, with an odor of intoxicants on their breath, or any measureable amount of alcohol in their system.

- P. Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it renders the members unfit to report for their next regular tour of duty

Q. Use of Tobacco

- 1. Members, when in uniform may use tobacco as long as:
 - a. They do not hold a cigarette, cigar, or pipe in their mouth when in contact with the public.
 - b. They are not engaged in traffic direction and control.

- c. They are not providing escort or conveyance during a public parade or public event.

Smoking is not allowed in police vehicles or anywhere in the Waunakee Police Department.

- R. Members shall promptly obey any lawful orders of a supervisor.
- S. Members shall not obey any order which they know or should know would require them to commit any illegal act. If unsure of the legality, members shall request clarification of the order.
- T. Department members shall not solicit or accept from any person, business or organization any gift (including money, personal property, food, beverage, loan, promise) for the benefit of the member. Every year the department receives food from various individuals in the form of homemade baked goods, candy, and other foods. The department's approach to this is that if the gift is food, and it is in a form that can be put in a squad room for everyone's consumption, this is acceptable, if it does not seek to influence action. Gifts to individual officers cannot be accepted. If there is a question the Chief must be consulted.

U. Abuse of Position

1. Officers shall not use their official position, identification cards or badges for:
 - a. Personal or financial gain, or
 - b. Obtaining privileges not available to them except in the performance of their duties, or
 - c. Avoiding consequences of illegal acts.
 - d. Officers shall not reproduce department documents without the approval of the Chief of Police.
2. Members shall not authorize the use of their name, photographs, or official titles, in connection with testimonials or advertisements, without approval of the Chief of Police.
3. Members shall not recommend or suggest the employment or procurement of a particular product or professional service. In the case of a towing service, officers shall proceed in accordance with established guidelines or past practice.

- V. Members shall follow established procedures for processing citizen complaints. Members shall never attempt to dissuade any citizen from lodging a complaint against any department member.

W. Identification

1. Officers shall carry their badges and identification cards on their person at all times when on duty except, when impractical or dangerous to their safety or to an investigation.
 2. Officers shall furnish their name and rank to any person requesting that information when on duty or acting in an official capacity, except when an assignment requires the officer to be undercover.
- X. Members shall be courteous to the public and other members of the department. Members may not speak ill of their supervisors, coworkers, or the department. Members shall be tactful in the performance of their duties, control their temper, and exercise the utmost patience and discretion. Members shall not engage in argumentative discussions, even in the face of extreme provocation. As representatives of the department, members shall not use coarse, violent or profane language and shall not comment in any offensive manner concerning race, sex, religion, politics, national origin, lifestyle or similar personal characteristics.
- Y. When any person requests service by telephone or in person, all pertinent information will be obtained in a courteous manner and will be properly and judiciously acted upon.
- Z. Members shall avoid continuous associations with persons whom they know, or should know, are under criminal investigation, except as necessary for performance of official duties, or where unavoidable because of other personal relationships. Members in doubt shall advise the Chief and request a review.
- AA. Members shall not knowingly enter an establishment where the laws of the United States are violated, except while acting in their official capacity or under orders from a supervisor.
- BB. Members shall not address public gatherings, appear on radio or television, prepare any article for publication, divulge investigative information, provide information regarding internal processes, or matters of the department while claiming to represent the department without proper authority from the Chief or Lieutenant.
- CC. Members on duty shall wear uniforms or other clothing in accordance with department policies.
- DD. Political Activity**
1. No member shall engage in any political activity, except voting, while in uniform or on duty.
 2. No member shall use the influence of his/her office in any manner for political purposes.
- EE. Members shall have a working phone and shall report any changes to the Chief within 48 hours. Members will notify the Chief within 5 days of any change of address.

- FF. Members shall immediately report any indebtedness which may result in bankruptcy or garnishment of wages. While not required to report the specifics of the debt, members must report the circumstances that resulted in garnishment or a filing of bankruptcy.
- GG. No member will provide information regarding internal processes, policies, investigations, emails, or memorandums that falls solely within the jurisdiction of the police department, to any committee, board, or any member thereof without permission of the Chief.
- HH. Employees shall maintain a positive work environment. Employees shall not engage in negative public criticism of co-workers, supervisors, the police department or any of its representatives.
- II. Employees shall treat department equipment with the utmost care. Employees shall not intentionally misuse or abuse department equipment.
- JJ. Any employee who has knowledge of conduct or policy violations must report the violation to a supervisor at the first opportunity.
- KK. Release of any record of a criminal investigation or internal affairs matter is prohibited.

13.2 Racial Profiling Prohibited

A. Purpose

The purpose is to reaffirm the Waunakee Police Department's commitment to unbiased policing in all its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within departmental policy and the law.

B. Definitions

Racial Profiling – A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in illegal activity.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling.

A law enforcement agency can derive two principles from the adoption of this definition of racial profiling:

1. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
2. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

Race or Ethnicity – Of a particular decent, including African, Hispanic, Asian or Native American.

Terry Stop – An interaction between a police officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Traffic Stop – A police officer that stops a motor vehicle for an alleged violation of a law or ordinance.

C. Policy

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce federal, state and local laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined here. This policy applies to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Wisconsin constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned or tolerated in this department.

Decisions to stop, detain, question, further investigate, search, warn or arrest an individual will be based upon reasonable suspicion or probable cause and will not be based upon racial profiling.

This policy shall not preclude or discourage officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

It is incumbent upon all department members to uphold the prohibition against racial profiling.

D. Complaint Investigation

The department shall accept complaints from any person who believes he or she has been the victim of racial profiling by the Waunakee Police Department. The procedures outlined in Chapter 12 (Internal Affairs, section 12.1) shall be followed for any complaint and subsequent investigation regarding racial profiling.

13.3 Disciplinary System

Discipline shall be viewed as a positive corrective training method designed to make the employee more prepared for duty. Termination is the only form of discipline that has permanent repercussions. Violations of rules, ethics, code of conduct, policies, orders, and agency mandates may result in discipline. Investigations may result in any of the following forms of corrective action.

A. Definition/Types of Discipline

1. Oral Reprimand: Oral reprimand for a specific violation.
2. Written Reprimand: Written reprimand for a specific violation.
3. Suspension: Time off from scheduled work hours without pay.
4. Administrative Leave with Pay: Relief from duty with pay pending the outcome of an investigation.
5. Administrative Leave without Pay: Leave from duty without pay.
6. Change in Duty Assignment: Permanent or temporary from a collateral duty assignment.
7. Demotion: A reduction in rank.
8. Termination/Dismissal: Permanent separation from duty.

B. Non Disciplinary Action

1. Counseling: Counseling is not a disciplinary action. It is a review of a specific violation and documentation of corrective counseling. Counseling records will be maintained in an employee's counseling file. The counseling record will only be used in the event an employee violates or commits the same action the employee was counseled for previously.

By order of Adam J. Kreitzman, Chief of Police