DEPARTMENT OF CORRECTIONS

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| **Policy Number:** | **107.009** |
| **Title:** | **Office of Special Investigations - Code of Conduct and Ethics** |
| **Effective Date:** | **5/1/18** |

**PURPOSE:** All sworn peace officers in the department's fugitive apprehension unit (FAU) must conduct themselves in a professional and ethical manner at all times. Conduct which detracts from a professional and ethical manner is prohibited and circumstances suggesting an officer has engaged in unbecoming conduct must be investigated and disciplinary action must be taken when appropriate.

**APPLICABILITY:** All sworn peace officers of the office of special investigations (OSI) fugitive apprehension unit.

**DEFINITIONS:**
Board – Minnesota Peace Officer Standards and Training (POST) Board.

Misconduct – an act or omission by an employee or appointee of an agency licensed by the Board that may result in disciplinary action by the agency or appointing authority.

**PROCEDURES:**

A. Code of conduct

1. Fugitive apprehension unit members (FAUMs) must conduct themselves in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws and rules enacted or established pursuant to legal authority. FAUMs are also obligated to follow all other department policies.

2. All FAUMs are required to take appropriate peace officer action toward aiding a fellow officer exposed to danger or in a situation where danger may be impending.

3. On-duty FAUMs must, at all times, take appropriate action within their statutory scope to protect life and property, preserve the peace, prevent crime, detect, and arrest violators of laws that the FAUMs have the authority to enforce.

4. FAUMs must not interfere with any criminal investigation being conducted by the department or any law enforcement agency. FAUMs must not knowingly communicate in any manner, either directly or indirectly, any information that may assist persons suspected or accused of criminal acts to escape arrest or punishment or that may enable them to dispose of evidence.

   FAUMs must not recommend a dismissal, reduction of charges, or other disposition of a pending criminal case that has been previously filed in any criminal court or before a grand jury except by written approval of the assistant director - investigations. A copy of the approval must be kept in a case file.

FAUMs must not interfere with the attendance of witnesses or their testimony through coercion, bribery, or other means.

5. FAUMs must not attempt to have any traffic citation reduced, voided, or stricken from the calendar for personal or monetary consideration.

6. FAUMs must immediately write a confidential incident report detailing any violation of rules, regulations, or laws that comes to their attention and submit it to the assistant director – investigations, regardless of the violator's assignment or position within the department. Confidential incident reports of misconduct and any resulting investigatory documents must be retained by the human resource department according to retention schedules.

7. Any FAUM charged, arrested, cited for a non-traffic violation, but including driving under influence (DUI), or notified he/she is being investigated for a criminal offense must promptly notify the assistant director – investigations and/or deputy director. Notification must consist of telephone or written contact. Required information is the formal charge or allegation; date, time, and jurisdiction of alleged occurrence; and any special or relevant factors. FAUMs must also notify the assistant director - investigations of the disposition at the time of the charge or when the case is closed.

8. FAUMs must maintain a valid driver's license that is accepted by the State of Minnesota at all times as a condition of employment. FAUMs must promptly report loss or limitation of driving privileges to the assistant director – investigations.

9. FAUMs must give their name and/or badge number to any person upon request.

10. FAUMs must not use indecent, profane, or unnecessarily harsh language in the performance of their official duties or in the presence of the public.

11. FAUMs must not accept, agree to accept, or solicit a bribe. A bribe is a benefit, reward, or consideration, to which a FAUM is not legally entitled which is intended to influence an employee's performance of duties or execution of powers.

    FAUMs must not solicit or accept any gift, gratuity, reward, loan, fee, discount, rebate, or special consideration arising from or offered because of FAUM employment or any activity connected with such employment. FAUMs must also not accept from or offer to other FAUMs any gift or gratuity that is in any way intended to influence assignment or treatment.

12. FAUMs must treat all fellow employees with respect. They must be courteous and civil at all times with one another.

13. FAUMs must not publicly criticize or ridicule the department or other law enforcement agencies while representing the department, its policies, or other employees as to the performance of their duties in a manner which is defamatory, obscene, unlawful, or in any other manner which impairs the effective operation of the department or in a manner which displays a reckless or knowing disregard for the truth. This regulation must not be construed so as to impair the exercise of free speech by FAUMs on matters of public concern.

14. FAUMS must not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person, or do anything intended to incite another to violence.

15. FAUMs must be decorous in their language and conduct. They must refrain from actions or words that bring discredit to the department. They must also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.

    FAUMs must not display material that may be considered discriminatory, derogatory, or biased in or on state property. Specifically, discriminatory, derogatory, or biased materials regarding race, color, creed, religion, ancestry, national origin, sex, sexual preference, disability, age, marital status, public assistance, or familial housing are prohibited. Such materials include, but are not limited to, calendars, cartoons, and posters.

16. FAUMs must conduct themselves in the buildings and offices of the department in a manner which must not discredit the department. FAUMs must not bring to or keep any dangerous drug or narcotic or alcoholic beverage in the departments' premises except for evidentiary purposes.

17. Any financial reward paid or sent to any FAUM as a result of on-duty peace officer action must be promptly forwarded to the director of the office of special investigations who must then turn it over to the deputy commissioner for disposition.

18. FAUMs must avoid regular or continuous association or dealings with persons whom they know, or should know, are under criminal investigation or indictment or who have a reputation in the community or department for involvement in criminal behavior, except as necessary in the performance of official duties, or when unavoidable because of family ties to the employee.

19. FAUMS must not engage or participate in any form of illegal gambling at any time.

20. Off-duty FAUMs must not carry any firearm or ammunition while using narcotics or mood altering medications without medical approval. Off-duty FAUMs must not carry any firearm while using a controlled substance, or while using or under the influence of alcohol.

21. FAUMs must never be under the influence of alcohol while on duty. A reading of .04 blood/alcohol concentration is considered under the influence of alcohol. FAUMs must not consume alcoholic beverages while on duty or in uniform.

    FAUMs must not consume alcoholic beverages while off-duty to the extent that they are considered under the influence of alcohol when reporting for duty.

    No FAUM must be under the influence of any narcotics or mood altering medications without medical approval while on duty. When an employee is prescribed medication which may affect an employee mentally or physically, that FAUM must notify the assistant director and deputy director of fugitive apprehension unit and human resources.

22. FAUMs must pay all debts when due and must not undertake any financial obligations which they know or should know they must be unable to meet.

23. FAUMs must carry out their duty with integrity, fairness, and impartiality.

24. FAUMs are not authorized to use their names or photographs in a manner that identifies the officer as an employee of the department in connection with advertisements for any product, commodity, or enterprise.

    FAUMs must maintain a neutral position with regard to the merits of any labor dispute, political protest, or public demonstration while acting in an official capacity. FAUMs must not make endorsements of political candidates while on duty or while wearing the department's official uniform.

    This section does not prohibit FAUMs from engaging in 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.

B. <u>On-duty code of conduct</u>

1. FAUMS must respond as soon as possible to calls or notifications on fugitive apprehensions.

2. FAUMS must provide emergency medical care when necessary. The care provided must be consistent with their emergency medical responder training. All FAUMs must be certified emergency medical responders or be licensed above this level according to the Minnesota Emergency Medical Service Regulatory Board. FAUMs are responsible for maintaining that certification.

3. FAUMs must remain alert, observant, and occupied with fugitive business during their tour of duty. When on duty, FAUMs must devote their entire attention to the business of the department. It is a violation of this order for FAUMs to conduct personal or private business while on duty or for officers to engage in policing for private interests while on duty.

4. FAUMs must not make referrals to any attorney or other business from on-duty contacts.

5. On-duty FAUMs must be armed at all times except where prohibited. Weapons must conform to department specifications.

6. All sworn FAUMs must carry their badge, handcuffs, and identification card at all times while on duty or in uniform unless the nature of the assignment would dictate non-police identification.

7. FAUMs must have prior approval of a superior officer before initiating undercover investigations while on duty.

C. <u>Procedural code of conduct</u>

1. FAUMs must not knowingly exceed their authority in the enforcement of the law.

2. No FAUM may arrest a person or search any premises except with a warrant or where such arrest or search is authorized without warrant under the laws of the United States.

3. No FAUM may falsely arrest, or direct any malicious prosecution against any person.

4. No FAUM may willfully mistreat or give inhumane treatment to any person held in custody.

5. FAUMs must not render aid or assistance in civil cases except to prevent an immediate breach of the peace or to quell an existing disturbance. FAUMs may inform any citizen of the steps necessary to institute a civil suit or advise citizens on protecting their rights.

6. FAUMs must not willfully misrepresent any matter, sign any false statement or report, or commit perjury before any court, grand jury or judicial hearing.

7. FAUMs must not knowingly remove or destroy, or cause such action, to any report, document, evidence, or record without authorization.

8. FAUMs must not give any lawyer, bondsman, agent, or any other person unauthorized or confidential information regarding prisoners in confinement, suspects in a case, property held, or records of the department.

9. FAUMs must not make known any information concerning the progress or future actions to be taken on an open investigation to any person not authorized to receive such information by the case investigator or the director of OSI.

D. Law Enforcement Code of Ethics Statement

All sworn peace officers in the fugitive apprehension unit must abide by the law enforcement code of ethics both on and off duty as follows:

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminal activities, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession…law enforcement.

**INTERNAL CONTROLS:**

A. Confidential incident reports of misconduct and any resulting investigatory documents are retained by the human resource department according to retention schedules.

**ACA STANDARDS:** None

**REFERENCES:** Minn. Stat. §626.8457 and Minn. Rules Chap. 6700.2000 and 2100

**REPLACES:** Division Directive 107.009, "Professional Code of Conduct," 5/2/17.
Division Directive 107.008, "The Law Enforcement Code of Ethics, 3/3/15.
All memos or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:** None

**APPROVALS:**

Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support