FORT ATKINSON POLICE DEPARTMENT POLICY	TITLE: 201 - Code of Conduct		
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SPECIAL INSTRUCTIONS:			

I. PURPOSE

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the law enforcement officer's code of ethics and this agency's statement of values so that officers of the Fort Atkinson Police Department will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty. The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on officer conduct and activities established by this agency. Rather, they are intended to (1) alert officers to some of the more sensitive and often problematic matters involved in police conduct and ethics; (2) specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers, and (3) guide officers in conducting themselves and their affairs in a manner that reflects standards of this department and professionalism as required of law enforcement officers. Additional guidance on matters of conduct is provided in regard to specific policies, procedures, and directives disseminated by this agency and from officers' immediate supervisors and commanders.

II. POLICY

Actions of officers and civilian employees that are inconsistent, incompatible or in conflict with the values established by this agency negatively affect its reputation and that of its employees. Such actions and inactions thereby detract from the agency's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of the Fort Atkinson Police Department that employees conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by this agency.

III. DEFINITIONS

Accountability: In the context of this policy, accountability means the duty of all employees to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this agency without deception or subterfuge.

IV. Law Enforcement Code of Ethics

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, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people 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 criminals, 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.

V. Fort Atkinson Police Department Mission, Vision, and Shared Values

Mission

The mission of the Fort Atkinson Police Department is to professionally and effectively work in partnership with our community to protect life, property and order.

Vision

The safest city in Wisconsin to live, work and visit.

Shared Values

The members of the Fort Atkinson Police Department value:

Honesty Respect Professionalism Accountability

Integrity Teamwork Competence

Honor Character Service to Community

VI. PROCEDURES

A. General Conduct

1. Obedience to Laws, Regulations, and Orders

a. Officers shall not violate any law or any agency policy, rule, or procedure

b. Officers shall obey all lawful orders.

2. Unbecoming or Immoral Conduct by an Officer

a. Employees shall not engage in any conduct or activities on or off-duty that reflect discredit on the employees of the department, tend to bring this agency into disrepute, or impair its efficient and effective operation.

b. Personnel will 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. Personnel will not participate in any incident involving moral turpitude which impairs their ability to perform as law enforcement personnel or causes the Department to be brought into disrepute.

3. Accountability, Responsibility, and Discipline

a. Employees are directly accountable for their actions through the chain of command, to this agency's Chief of Police.

b. Officers and civilian employees shall cooperate fully in any internal administrative investigation conducted by this or other authorized agency

and shall provide complete and accurate information in regard to any issue under investigation.

c. Employees shall be accurate, complete, and truthful in all matters.

d. Employees shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.

e. Employees who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to a superior as soon as possible.

f. Any personnel who observes or is informed of the conduct of another officer or civilian employee which constitutes a violation of any code of conduct rule violations, the employee will report the incident immediately to his/her supervisor. If the employee believes the information is of such importance that it must be brought to the immediate attention of the Chief of Police, official channels may be bypassed.

4. Discrimination

a. No personnel shall engage in or condone any act, conduct or activity within the scope of his or her employment which discriminates, directly or indirectly, against any person or class of persons on the basis of age, sex, race, creed, national origin, handicap, or lifestyle.

5. Conduct Toward Fellow Employees

a. Employees shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.

b. Employees shall not use language or engage in acts that demean, harass, or intimidate another person. In addition to this policy, all employees are held to the standards and expectations outlined in the Sexual Harassment Policy within the City of Fort Atkinson Employee Handbook of Policies and Procedures.

c. Personnel will treat their supervisors or superior officers with respect and will promptly obey any lawful orders of a supervisor or superior officer. This will include orders relayed from a supervisor or superior officer by personnel of the same or lesser rank or position.

6. Conduct Toward the Public

a. Officers and civilian employees shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.

b. Officers shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty.

c. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to this agency's use-of-force policy and shall observe the civil rights and protect the well-being of those in their charge.

d. When any person requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established departmental procedures.

e. Department personnel will courteously and promptly record in writing any complaint made by a citizen against any member of the department. Personnel may attempt to resolve the complaint, but will never attempt to dissuade any citizen from lodging a complaint against any member of the department. Department personnel may choose to immediately refer the complainant to a supervisor based on the seriousness of the situation. Personnel will follow established departmental procedures for processing complaints.

7. Use of Alcohol and Drugs

a. Employees shall not consume any intoxicating beverage while on duty unless authorized by a supervisor.

b. No alcoholic beverage shall be served or consumed on police premises or in vehicles owned by the city.

c. While off duty, personnel will refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication or obnoxious or offensive behavior which discredits the Department, or renders any personnel unfit to report for their next regular tour of duty.

d. No employee shall report for duty with the odor of alcoholic beverage on his or her breath.

e. No officer or civilian employee shall report to work or be on duty as a law enforcement officer or dispatcher when his or her judgment or physical condition has been impaired by alcohol, medication, or other substances.

f. Employees must report the use of any substance, prior to reporting for duty, which impairs their ability to perform their duties.

g. Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol.

h. No personnel in uniform or on duty, will enter into any place where intoxicating liquor is sold or furnished, as a primary business of that establishment, except in the performance of duty.

8. Use of Tobacco Products While on duty

a. When on duty Officers shall not use tobacco products:

1. In a public place
2. When in direct contact with citizens
3. When they have to leave their assignment or post for the sole purpose of doing so;
4. Within any city owned facility or vehicle.

9. Abuse of Law Enforcement Powers or Position

a. Officers shall report any unsolicited gifts, gratuities, or other items of value that they receive and shall provide a full report of the circumstances of their receipt if directed.

b. Officers shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or for another.

c. Officers shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.

d. Officers shall not solicit or accept contributions for this agency or for any other agency, organization, event, or cause without the express consent of the Chief of Police or his or her designee.
e. Officers are prohibited from using information gained through their position as a law enforcement officer to advance financial or other private interests of themselves or others.

f. Officers who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform their commanding officer.

10. Off-Duty Police Action

a. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.

b. Unless operating a marked police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.

11. On-Duty Time

a. Department personnel will report for duty at the time and place required by assignment or orders and will be physically and mentally fit to perform their duties. They will be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Official department sponsored training and judicial subpoenas will constitute an order to report for duty under this section.

b. Personnel will not engage in any activities or personal business which would cause them to neglect or be inattentive to duty. Personnel will not loaf, idle, loiter or waste time while on duty time.

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

d. Personnel will not leave their assigned duty posts during a tour of duty except when authorized by proper authority.

e. All personnel will respond in a prompt manner appropriate to the circumstances when dispatched or ordered to respond to a situation. Postponing a response or failure to respond will be considered negligence of duty and will be grounds for disciplinary action.

f. All personnel will maintain sufficient competency to properly perform their duties and assume the responsibility of their position. Personnel will 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 lack of knowledge of the application of laws relevant to the duty assignment; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the duty assignment; 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 indications of unsatisfactory performance, the following will be considered prima facia evidence of unsatisfactory performance: Repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the department.

g. Any employee who has an unexplained or unauthorized absence without leave for three (3) days or more will be deemed and held as a resignation without proper permission and will be treated as such.

h. Personnel will not feign illness or injury, falsely report themselves ill or injured, intentionally cause themselves to be injured or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.

i. Personnel will submit all necessary reports on time and in accordance with established department guidelines. Personnel will not knowingly enter or cause to be entered any inaccurate, false, or improper information, or wrongfully alter, conceal, destroy, mutilate, obliterate, remove or steal any record of the Fort Atkinson Police Department.

j. Personnel will treat the official business and records of the Department as confidential. Information regarding official business and records will be disseminated only to those for whom it is intended, in accordance with established Departmental guidelines. Personnel may not copy or remove official records from the Department except in accordance with established Departmental guidelines. Personnel will not divulge the identity of persons giving confidential information except as authorized by proper authority.

k. Personnel with property or evidence which has been discovered, recorded, gathered or received in connection with Departmental responsibilities will be processed in accordance with established guidelines. Personnel will not convert to their own use, copy, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property, recordings or evidence in connection with an investigation or other police action, except in accordance with established Departmental guidelines.

12. Use and Care of Equipment

a. Personnel will utilize Department equipment only for its intended purpose, in accordance with established departmental guidelines, and will not wrongfully abuse, damage, neglect, dispose of, or lose Department equipment. All Department equipment issued to personnel will be maintained in proper order. Personnel will use safety devices provided for the protection of their own lives and well-being, such as auto safety belts, bicycle helmets, and other such safety devices as may from time to time be provided.

b. Personnel will operate Department vehicles in a careful and prudent manner, and will obey all laws and all Department orders pertaining to such operation. Loss or suspension of any driving license will be reported immediately to the Chief.

c. Sworn officers will carry firearms and equipment in accordance with law and established departmental procedures. Sworn personnel, whether on or off duty, shall be responsible for the safekeeping of their departmental issued/authorized weapons and equipment and shall take reasonable steps to insure that Department weapons and equipment are not accessible to non-authorized personnel.

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

e. Personnel shall not mark, alter, remove or deface any posted notice of the Department. Notices, announcements, or other materials may be posted on bulletin boards with the permission of the employee’s immediate supervisor as long as no departmental material is covered up. No items containing derogatory nature will be allowed at any time.

f. Personnel will ensure shared or assigned equipment is properly cared for and kept in good working order. Disposable or worn items are replenished after use to ensure it is usable and ready for deployment when needed again.

13. Prohibited Associations and Establishments

a. Arresting, investigating, or custodial officers shall not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this agency.

b. Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in felonious activity), except as necessary to the performance of official duties, or where unavoidable because of familial relationships.

c. Except in the performance of official duties, officers shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated.

d. Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

14. Conflicting or Illegal Orders

a. Personnel who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive will respectfully inform the supervisor or superior officer issuing the order of the conflict. If the supervisor or superior officer issuing the order does not alter or retract the conflicting order, the order will stand. Under these circumstances, the responsibility for the conflict will be upon the supervisor or superior officer. Personnel will obey the conflicting order and will not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

b. Personnel will not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, personnel will request the issuing supervisor or superior officer to clarify the order or to confer with higher authority.

B. Public Statements, Appearances, and Endorsements

1. Officers shall not, under color of authority,

a. make any public statement that could be reasonably interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public;

b. divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or
c. unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency.

2. Endorsements

a. Officers may not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

C. Political Activity

1. Officers shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this agency:

a. Engage in any political activity;

b. Place or affix any campaign literature on city/county-owned property;

c. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;

d. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;

e. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public;

f. Favor or discriminate against any person seeking employment because of political opinions or affiliations;

g. Participate in any type of political activity while in uniform.

D. Expectations of Privacy

1. Officers shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered— to meet operational needs, internal investigatory requirements, or for other reasons— at the direction of the agency Chief of Police or his or her designee.

2. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.

E. Employment Outside of the Department

1. Personnel may engage in off-duty employment subject to the following limitations:

a. Such employment will not interfere with assigned duties within the department.
b. Personnel will submit a written request for off-duty employment to the Chief or his designee, whose approval must be granted prior to engaging in such employment.

2. Approval may be declined where it appears that the outside employment might:

a. Render personnel unavailable during an emergency.
b. Physically or mentally exhaust personnel to the point that their performance may be affected.
c. Require that any special consideration be given to scheduling regular duty hours for personnel.

d. Bring the Department into disrepute or impair the operation or efficiency of the department or any of its personnel.

F. Payment of Debts

a. No department employee shall undertake any financial obligations which they know they will be unable to meet, and shall pay all just debts and legal liabilities incurred by them when due. An isolated instance of financial irresponsibility will not necessarily be grounds for discipline, however, repeated instances of financial difficulties may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline, nor, shall financial difficulties stemming from unforeseen medical expenses or personal disaster provided that good faith effort to settle all accounts is being undertaken.

b. No employee shall solicit another employee to co-sign or endorse any promissory note or other loan

G. Police Discretion

a. Police officers, of necessity, exercise professional discretion in deciding whether or not to arrest citizens for violations of the law. Other specific laws, department policies, or orders of a supervisor may further limit officers' discretion and direct an officer to effect an arrest. In general, police officers, using sound professional judgment, may take the following factors into consideration when deciding whether or not to arrest a citizen:

1. The seriousness and nature of the offense (generally, the more serious the offense, the more likely arrest is the preferred course of action);

2. The potential that arrest will effectively resolve a conflict;

3. The availability of legal alternatives to arrest that would adequately resolve the conflict or problem;

4. The likelihood that the citizen will be deterred from future violations by warning and education;

5. The officer's belief that the citizen made an honest mistake in violation of the law;

6. The victim-witness's interest in prosecution;

7. The likelihood of formal prosecution of the offense;

8. The potential that arrest will create more serious breaches of the peace or other problems (e.g., inciting riot);

9. Legitimate competing priorities for police resources.

b. The following factors are among those that are improper for a police officer to consider in deciding whether or not to make an arrest:

1. The citizen's economic status, race, ethnicity, gender, or other status for which the law prohibits legal discrimination;

2. The revenue likely to be generated by fines or penalties imposed upon conviction;

3. The personal or professional relationship that the citizen has to the police officer or to other influential citizens;

4. The personal advantage to the officer for processing or avoiding processing of the arrest (e.g. overtime compensation, desire to finish tour of duty, avoidance of paperwork, etc.)

VII. Other Ethical Challenges

a. It is recognized that this policy is not all inclusive. Employees may from time to time be challenged with situations or decisions that could be deemed an ethical dilemma. For all situations not addressed in this policy, employee conduct and decisions shall be measured using the following challenges:

1. How will your actions help further support the Mission of this agency?
2. How will your actions help further support the Vision of this agency?
3. Will your actions and/or decisions positively reflect the Shared Values of this agency?

This policy and procedure is to be used in conjunction with all relevant existing Fort Atkinson Police Department policies, procedures, rules and regulations in such a manner as to further the pursuit of the department mission, vision, and goals.

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Adrian J. Bump, Chief of Police Date