



MIDDLETON POLICE DEPARTMENT

DATE
August 2, 2013

POLICY
1.2.03

SUBJECT: **Rules of Conduct**

REVIEWED
March 16, 2020

MRR

Refer to: [1.2.01 Oath](#); [1.2.02 Ethics](#); [1.2.4.01 Harassment](#); [1.2.04.02 Locker Room](#);

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[WILEAG \(5th Ed.\) Standards](#): 1.2.3; 1.3.3; 1.3.4; 1.4.3

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PURPOSE

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the code of ethics and this department's statement of values so that members of this department will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

POLICY

The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on member conduct and activities established by the department. Rather, they are intended to (1) alert members 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 police employees, and (3) guide members in conducting themselves and their affairs in a manner that reflects standards of department and professionalism as required of police employees. Additional guidance on matters of conduct is provided in regard to specific policies, procedures, and directives disseminated by the department and from members' immediate supervisors and commanders.

RULES OF CONDUCT

Accountability

Any member of the Department may be made the subject of disciplinary action for the commission of any prohibited act, for incompetence, insubordination, inefficiency, nonfeasance, or for failure to observe department rules and procedures. This policy includes, but does not limit, those offenses for which disciplinary action may be taken.

Authority is necessarily delegated to employees. Although the ultimate responsibility rests with the delegating authority, each member is held accountable for their individual actions. Each employee is accountable for his or her use of delegated authority and shall not abuse nor misuse the authority delegated to them.

Supervisory personnel are accountable for the performance of employees under their immediate supervision. Supervisors shall take every reasonable action to ensure that subordinates adhere to department policies, procedures and standards of conduct. Supervisors shall not knowingly permit personnel under their command to violate any law, City policy, or department policy, procedure or rule.

Compliance With Department Directives

It is the responsibility of members of the Department to be familiar with and periodically review Department Directives, Orders and Procedures. No member shall act or fail to act in such a fashion that constitutes a breach of any directive, order, or established procedure of the Department. It will not be received as an excuse or justification that the member followed the advice or suggestion of any

other person, except when an officer of higher rank may take the responsibility of issuing direct and positive orders.

Insubordination

Members shall promptly **obey any lawful order** emanating from any ranking officer, including any order relayed by an employee of the same or lesser rank. Should any such order conflict with a previous order, or with any directive or established procedures of the Department, the member to whom such order was given shall respectfully call attention to such conflict or any other conflict which may arise from such order. If the ranking officer does not change the order, to obviate the conflict, the order shall stand and is the responsibility of the ranking officer. If any unlawful order is given to any member, such member will promptly report such fact to the Chief.

Members shall not directly display **disrespect** for a ranking officer through overt action or communication.

Members shall not publicly **criticize** the operations, directives, or personnel of the Department if such criticism is defamatory, obscene, unlawful (under the clear and present danger test), or likely to disrupt the efficiency and morale of the Department.

Members are prohibited from engaging in concerted **work stoppages** or job actions. It is the policy of the Department to seek the removal from office of any officer or civilian employee who plans or engages in any work stoppage or job action.

Members **must report** all breaches of directives and cooperate in any official internal investigation of alleged misconduct, illegal activity or impropriety. Failure to answer questions or submit to proper investigative techniques constitutes insubordination.

Reporting Off-Duty Contacts

Members are required to report all off-duty official law enforcement contacts with members of other Law Enforcement Agencies when members have been cited, arrested, become witnesses to a crime or ordinance violation, or become the subject of an investigation (i.e. are questioned as a possible suspect in an official investigation).

Members shall send a memorandum to their immediate supervisor as soon as possible and must do so on or before the next regularly scheduled duty day. The supervisor will forward the memorandum to the appropriate Division Commander.

On an annual basis, the department will conduct a criminal history records check on all employees and a driver's license check on all employees who have access to department owned vehicles.

Unbecoming Conduct

A police officer is the most conspicuous representative of government, and to the majority of the people he/she is a symbol of stability and authority upon whom they can rely. An officer's conduct

is closely scrutinized, and when his/her actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of an officer, on or off duty, may reflect directly upon the Department, an officer must at all times conduct him/herself in a manner which does not **bring discredit** to him/herself, the Department, or the City.

Members shall not engage in **unlawful conduct** which, if committed in Wisconsin would constitute a violation of law, unless the conduct is lawful in the jurisdiction in which it is committed.

Members, while on duty, shall not engage in any conduct evincing **moral turpitude**, that is conduct that is considered contrary to community standards of justice, honesty, or good morals.

Members shall avoid **personal associations** with persons or places known to them as being engaged in frequent illegal activity, unless it is appropriate in the performance of an official assignment.

Members, while on duty, must treat a person with as much **respect and courtesy** as that person will allow. Members must be constantly mindful that the people with whom they are dealing are individuals with human emotions and needs. Courteous and respectful conduct is not a duty imposed in addition to our primary responsibilities, it is inherent in them.

Members, while on duty, shall not use insulting, defamatory, or obscene **language** when communicating with members of the public, Department, or other agencies, unless it is appropriate for tactical advantage or in the performance of an official assignment.

No member shall, in an official capacity, knowingly be **untruthful** or misrepresent any matter, make any false official statement or report, or give false testimony before any court, grand jury, board, commission, official hearing, or Department hearing. No member shall take, alter, forge, copy, tamper with, or disseminate any kind of **police records**, reports, citations, documents or information without proper authority.

Members shall not **feign sickness or injury** to avoid duty, or falsely claim a duty injury or corroborate a false worker's compensation claim.

No member shall **smoke or chew tobacco** while on duty or in uniform when in the public view, unless it is appropriate in the performance of an official assignment. Smoking and chewing tobacco is prohibited in City buildings, Police Department, and in all City owned vehicles. It is the intent of the Department to eliminate the use of tobacco in the work place and while on duty in the future. The Department will give reasonable assistance to help members quit the use of tobacco products. Tobacco use is a factor that the Department will consider when selecting new employees.

Alcohol and Drugs

Officers and other uniformed employees shall not consume **intoxicants** or illegal **controlled substances** while on duty, in uniform, or armed, unless it is appropriate in the performance of an official assignment and is expressly authorized by the Chief.

No members shall report for duty, nor perform any on duty work, with a detectable odor of **intoxicants** on their breath or with any measurable level of alcohol or any illegal controlled substance in the body, except as authorized above. Officers and other uniformed members are required to avoid on duty impairment resulting from the use of any drugs (whether controlled substances or not).

Officers, while off duty, shall refrain from **consuming intoxicants in public** places to the extent that it results in significant impairment, or obnoxious or offensive behavior which discredits them or the Department, or, under any circumstances, renders the officer unfit to report for their next regular tour of duty.

Members, while off duty, shall not carry or possess a firearm while under the influence of or consuming intoxicants or illegal controlled substances.

A member shall, at the request of any ranking officer, be required to submit to a **chemical test** of his/her breath, blood or urine for the purpose of determining the presence of alcohol or controlled substances. The appropriate test(s) shall be determined and administered at the direction of a ranking officer. A confirmation test shall always be given after a positive test result is obtained. If the test does not render an immediate result, a second sample should be contemporaneously obtained for the confirmation test. The sample(s) shall be treated as evidence and a chain of custody maintained. Test results are confidential. Tested members shall be notified of test results and have the right to appeal the findings through normal appeal procedures.

Chemical testing may be required in the following situations:

1. Testing applicants and recruits for drug or narcotics use as part of their pre-employment medical exam;
2. Testing current employees when there is reasonable suspicion that they have violated the directive on alcohol and drugs, or when documentation indicates that the employee is impaired or incapable of performing assigned duties, or experiences reduced productivity, excessive vehicle accident, high absenteeism, or other behavior inconsistent with previous performance;
3. Testing a current employee when an allegation involves the use, possession, or sale of drugs or narcotics, or the use of force, or there is serious on-duty injury to the employee or another person;
4. Requiring current officers assigned to drug, narcotics, or vice enforcement duties to submit to periodic drug tests.

Abuse of Authority

Members shall not act in such a manner as to deprive any member of the community of the **equal protection** of the law.

Members shall not be **overbearing**, oppressive, or tyrannical in their relations with members of the community or other members of this department.

Ranking officers shall not act so as to exhibit **disrespect for subordinate** members of the Department.

Use of Force

Members shall act at all times within the standards established in the use of force policy.

Care, Maintenance & Use of Equipment/Property

Members shall be responsible for the good care of Departmental property, whether fixed or moveable, assigned to their use or keeping, and will promptly report to their commanding officer, in writing, the loss, damage to, or unserviceable condition of such property. Roughness or carelessness in handling such property shall not be tolerated. Any member found responsible for the destruction or loss of City property, either through willfulness or negligence, may be required to pay all costs of repairs or replacement thereof, besides suffering any penalty imposed for violation of this directive.

Members shall not appropriate any lost, found, stolen, evidentiary, or Department property. Property and evidence items shall be handled consistent with the standards established in the property management policy. Members shall not use or lend any Departmental property for private purposes, unless authorized by the Chief. Members may possess only those Departmental keys that have been issued to them. Members shall not duplicate or possess duplicated Departmental keys without authorization.

Members shall drive Department vehicles with safety at all times, consistent with the directives on vehicle and emergency vehicle operation.

Members shall not use the police communication system except for official police communications. At no time shall a member use discourteous, obscene, or disrespectful language during a radio, telephone or computer communication.

Except when authorized by the shift commander, work areas, lockers, mailboxes, and equipment assigned to specific employees, and their personal property, shall not be entered, used, taken, tampered with, or looked through by other employees. (This provision is not intended as a bar to legitimate managerial inspections).

Members 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 the department. While the department recognizes the need for members to occasionally store personal items in such areas, members 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 a member of the Command Staff.

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

Dereliction of Duty

Members shall not ignore flagrant violations of the law which may come to their attention through citizen complaints, by their own observations, or through their investigations. Members shall properly respond to calls for service or suspicious circumstances, without unreasonable delay.

Members shall not engage in any activity which does not pertain to Departmental business while that member is on duty, unless prior permission has been given. Members shall not sleep, idle, or loaf while on duty or carry articles that distract from the proper performance of their duty.

Officers shall not willfully or negligently allow a prisoner to escape.

Members shall not fail to meet or maintain established minimum performance standards.

Members shall not withhold any information on criminal activity or undertake any self-assigned investigations without prior or prompt documentation. All reports shall be complete, accurate, and submitted on a timely basis.

Members shall not be absent from duty without permission from their supervisor. In the event of illness, proper notification to a supervisor is necessary prior to the time designed for reporting for duty. Members shall be punctual in reporting for duty at the time designated by their supervisor. Habitual failure to report for duty promptly at the designated time will be deemed neglect of duty.

Members shall not, by specific action or omission, create a situation of unnecessary risk of injury to themselves, other members of the Department or to any other person.

Ranking officers shall not knowingly permit members of their command to violate any law, directive, or procedures.

Interpersonal Relations

Every member shall refrain from making any statement or allusion which discredits or disparages any member, except when reporting to a superior as required by this directive. Every member shall accord courtesy, consideration and cooperation to every other member. Members shall avoid the manifestation of any unfriendliness toward any member. It is the duty of all members of this department who become privy to information, gossip or innuendo that he or she believes is in violation of any Policy or Procedure of this Department, to report the information to a supervisor. Under no circumstance shall any employee of this department share information of this nature with others or the potentially aggrieved party. Supervisors receiving information of this nature shall report the suspected policy violation to the Administrative Captain.

Members on duty, in uniform, or on city property may not make statements, gestures, or suggestions, or reproduce, circulate, or post materials that may be considered offensive on the basis of sex, race, creed, color, marital status, sexual orientation, national origin, or ancestry. Members shall not violate the harassment policy.

Gratuities

The Middleton Police Department has a no gratuity policy. Professional police officers serve the public to the best of their ability without intent to seek gratuities. Police service will be of a high quality and rendered in a fair and consistent manner at all times without question of special payment of consideration. It is not the intent of this policy to prohibit employees from "negotiating a good deal" or "driving hard bargains" if they so desire provided the same results are available to any other citizen and there are no understandings, implied or otherwise, which are job related. Likewise an employee may take advantage of special considerations or gifts offered by merchants or other businesses with which they do business regularly if other regular customers are included in that offer.

1. No employee shall at any time, accept, retain or avail oneself or family, friends, or business associates of any gratuity whatsoever when it may be reasonably inferred that such gratuity is for service, past, present, or future, rendered in connection with the duties, responsibilities or other functions of the department, or when such gratuity is a result of one's employment by this department.
2. Violations of this regulation will be considered a serious infraction. Officers, particularly supervisors, with knowledge of a violation who fail to report the violation, will be considered to have violated this policy.
3. Officers who are in doubt as to the propriety of a particular gratuity should consult with their immediate supervisor for resolution.
4. The implementation of this policy may, in some cases, prove difficult and awkward and may tend to embarrass citizens who offer expressions of gratitude in good faith. Officers should be firm yet avoid any interference of wrong doing on the part of a citizen if it is not warranted. There will be no exceptions. Insist on paying the regular price for food and services even if it means leaving the proper amount on the table or counter. If, under extraordinary circumstances, it is not possible to decline a gratuity, it should be reported to the supervisor on duty immediately, who in turn will either deal with the matter or refer it to a ranking officer for action.
5. Every effort should be made to educate the public as to this policy. The vast majority of citizens want their police department to be free of any taint and will respond positively to this policy. Citizens who feel that the particular actions of an officer or the department deserve special recognition, should be encouraged to write a letter to either the department or the mayor and their alderperson.

Miscellaneous Provisions

Members shall not wear their uniforms during a suspension or release from active duty, nor shall they take police type action other than what might be expected of a citizen performing a civic duty. During a suspension or release from active duty, members shall remain subject to Departmental rules and procedures. At the discretion of the Chief, members receiving notice of a suspension or release from active duty may be required to surrender any badge, equipment, or identification card issued by the Department.

Members shall maintain a telephone and keep the Department informed (within 48 hours) as to their current address and all telephone numbers, including cell phone numbers.

Probationary Officers will not be granted permanent status with the Department until they have established residency in Wisconsin.

Personal Appearance

All members of the Department are visible representatives of the City and its Police Department. Members, while on duty, shall maintain proper attire (see uniform directive) and a state of cleanliness and orderliness, except when appropriate in the performance of an official assignment and authorized by a supervisor.

Hair

Sworn Employees

Male Employees. Hair and hair pieces shall be neat, clean, and present a groomed appearance. Hair and/or hair pieces will not extend past the bottom of the shirt collar at the center of the back, or interfere with the wearing of a uniform hat.

Extreme or unnatural artificial hair colors are prohibited.

If an employee chooses to wear sideburns, they will be neatly trimmed and tapered in the same manner as the haircut. Sideburns will be evenly trimmed on each side of the face. Employees may wear beards, vandykes, goatees, mustaches or other arrangements that are maintained in a neat, clean manner presenting a groomed appearance and that do not interfere with the wearing of necessary police equipment or expose the wearer to undue risk or hazard. Facial hair shall not exceed two inches in length.

Female Employees. Hair and hair pieces shall be neat, clean, present a groomed appearance and shall not interfere with the wearing of a uniform hat. Hair and or hair pieces left down will not extend past the bottom of the shirt collar at the center of the back. Hair or hair pieces that extend beyond the bottom of the shirt collar shall be secured or fastened in a way that the hair does not extend past the middle of the shoulder blades.

Extreme or unnatural artificial hair colors are prohibited.

Civilian Employees

Civilian employees' hair should present a professional appearance and be of appropriate length for their assignment.

Jewelry

Sworn Employees:

Sworn personnel may wear one wristwatch.

Medical bracelets can be worn but all other bracelets will be prohibited unless authorized by the Chief of Police or his/her designee.

Employees shall wear no more than a total of two rings and the rings must be of a style and size that they do not present a hazard to the employee or others. (Wedding and engagement rings will be considered one ring.)

Employees shall not wear any visible necklaces. This does not include Department approved necklaces (i.e. Department ID chain).

Civilian Employees:

Civilian employees shall wear no more than a total of four rings and the rings must be of a style and size that they do not present a hazard to the employee or others. (Wedding and engagement rings will be considered one ring.)

Tattoos

Sworn and Civilian Employees:

1. Visible tattoos, scarifications and brands on the ears or face are prohibited.
2. Visible tattoos, scarifications and brands on the neck or head, not including ears or face, are prohibited unless approved by the Chief of Police.
3. Visible tattoos, scarifications and brands shall be kept covered while on duty if they depict nudity or violence, sexually explicit or vulgar art, offensive words or images, profane language, symbols that would likely incite a strong reaction, or initials, acronyms or numbers that represent criminal or historically oppressive organizations, are political in nature, are unsightly or may have a potential negative impact on the Middleton Police Department. Any member seeking to allow a tattoo to be visible while on duty must have it approved by the Chief of Police prior to doing so.

Body Piercings

Sworn and Civilian Employees:

The wearing of body piercing jewelry in areas visible to the public is prohibited. Examples include lip studs/piercings, tongue studs/piercings, nose studs/piercings, and eyebrow studs/piercings.

Earrings

Sworn Employees:

No more than one stud post earring in each earlobe will be worn by sworn personnel while in uniform or while in civilian attire. These earrings will not exceed a diameter of one quarter inch (1/4"). Deviation from this section will be allowed depending upon the sworn personnel's assignment and with approval from a Department supervisor.

Civilian Employees:

Civilian employees will not wear more than two earrings in each earlobe and will not wear earrings that present a hazard or give an unprofessional appearance.

Fingernails

Sworn and Civilian Employees:

Fingernails shall be clean, neatly trimmed and shall not be such a length to present a hazard to the employee, others, or to interfere with the ability to perform their job. Fingernail polish or designs, if worn, should present a professional appearance.

Personal Hygiene

Sworn and Civilian Employees:

It is the responsibility of all employees to ensure that their body odor is not offensive to others.

Cosmetics

Sworn and Civilian Employees:

Cosmetics, if worn, shall be conservative and shall not detract from an employee's professional appearance.