



POLICY & PROCEDURE

ELKHART LAKE POLICE DEPARTMENT

SUBJECT: **CODE OF CONDUCT/NON-SWORN PERSONNEL**

NUMBER: 1.05
ISSUED: 06/01/2015

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

EFFECTIVE: 07/15/2015

REFERENCE: WI State Statutes: 62.13, 111.70

RESCINDS
 AMENDS
WILEAG 4TH EDITION
STANDARDS: 1.2.3

INDEX AS: Civilian Code of Conduct
Code of Conduct, Non-Sworn Personnel
Dress Code
Personal Appearance
Professional Conduct
Rules of Conduct
Uniforms

PURPOSE: The purpose of this Policy & Procedure is to give practical meaning to our stated Department Mission Statement by setting forth for all non-sworn personnel of the Elkhart Lake Police Department articulated Rules of Conduct and a Departmental Dress Code which encompass and describe expectations of behavior and conduct.

This Policy & Procedure consists of the following numbered sections:

- I. DEFINITIONS
- II. INTRODUCTION
- III. RULES OF CONDUCT/NON-SWORN PERSONNEL

I. DEFINITIONS

- A. Member: Any person, regardless of rank, title, sworn or non-sworn position, employed by the Village of Elkhart Lake as a member of the Elkhart Lake Police

Department.

- B. Officer: Any person who is a sworn member of the Elkhart Lake Police Department.

II. INTRODUCTION

- A. The following rules are intended to regulate the general conduct of all members of the Elkhart Lake Police Department in all areas and under all circumstances. These rules form the basic framework of discipline and regulate the expected and accepted behavior of members. The rules contained herein are inherently rigid because they deal with the basic character of police responsibility and authority. The breach of these rules directly reflects upon the integrity of the Department and all persons connected with it.

Complete and absolute adherence is, of course, an impossibility because of the infinite number of factors governing the many facets of police work. Whenever there is doubt as to the meaning or intent of a rule, members should seek interpretation or explanation. In cases not covered by specific rules, members must exercise sound judgment and discretion.

These rules require strict compliance by all members.

- B. All members of the Elkhart Lake Police Department will become thoroughly familiar with, and shall comply with all Department written directives in the performance of assigned duties.
- C. Members are subject to disciplinary action for the commission of any act that is prohibited or the omission of any act that is required. Non-compliance with any written directive may also result in disciplinary action.

D. Types of Discipline

1. Verbal Reprimand

- a) The Chief of Police or any superior officer may exercise the prerogative of immediate correction or admonishment of a subordinate whenever the nature or circumstances of an incident may not warrant a written reprimand or formal disciplinary action. If the application of immediate correction or admonishment is not effective, a written reprimand can be administered.
- b) Verbal reprimands shall be noted in writing. They shall be kept in each member's personnel file for use in the member's annual performance evaluation. Unless otherwise noted, verbal reprimands may be referred to for any further disciplinary action up to 12 months of the reprimand, however the notation shall remain in the personnel file and may be referred to if a pattern of violations and/or misconduct should arise. There is no signature required by the member for a verbal reprimand.

2. Written Reprimand

- a) Written reprimands are used for minor infractions and do not require an internal investigative complaint nor a formal investigation.
- b) Written reprimands may be imposed by any superior officer.
- c) Before a written reprimand is imposed, a review will be made of previous reprimand notifications, if any, in the member's personnel file. If this review indicates repeated infractions, of a similar nature for which a written reprimand was imposed, more formal discipline may be initiated.
- d) When a written reprimand has been imposed, the reprimand will be prepared and will request the member's signature on the form to attest to the member's understanding that he/she has been officially reprimanded. It is important to note that the member's signature is neither an acknowledgement of guilt or innocence, nor does it prohibit or limit the member's ability to contest the reprimand. The signature is solely to acknowledge the receipt of the reprimand as a matter of procedure. Should the member refuse to sign the reprimand, the reprimand will be marked "REFUSED".
- e) After the forms are signed or marked "REFUSED" as appropriate, the Chief of Police or superior officer will sign and date the reprimand. Written reprimands shall be kept in each employee's permanent personnel file for use in the employee's annual performance evaluation or may be referred to in any future disciplinary actions.

3. Suspension without Pay

- a) Suspension without pay is a period of time during which a member's salary is withheld for disciplinary reasons.
- b) A superior officer may recommend a suspension, but the Chief of Police reserves the right to set the severity and impose the suspension.
- c) Suspension without pay is not to be confused with a member being relieved of duty with pay pending an investigation or bringing of formal charges.

4. Demotion/Dismissal

- a) Demotion is a transfer of a member from a position in a higher class to a position in a lower class for which the maximum rate of pay is lower.
- b) Dismissal is an involuntary separation of a member from the Department.
- c) Members in a probationary status are at will employees and may be dismissed without cause as determined by the Chief of Police.

III. RULES OF CONDUCT/NON-SWORN PERSONNEL

A. The following Rules of Conduct shall apply to all non-sworn members of the Elkhart Lake Police Department.

1. **CONFORMANCE TO LAW:** All members, on or off duty, shall obey the laws of the United States and of any state and local jurisdiction in which they are present. No member shall commit an intentional breach of an order of a court. A conviction for a felony or any offense punishable by incarceration shall be prima facie evidence of a violation of this rule.
2. **SEXUAL HARASSMENT:** No member shall sexually harass any employee of the Village or any citizen they come in contact with. Sexual harassment is described as unwelcome sexual advances, requests for sexual favors and other verbal, visual, or physical conduct of a sexual nature. Sexual conduct which unreasonably interferes with an individual's work or performance, or creates an intimidating, hostile, or offensive environment for work constitutes sexual harassment.
3. **INSUBORDINATION:**
 - a) No member shall refuse or fail to obey a lawful order or directive from the Chief of Police or a superior officer, refuse or fail to obey an order or directive relayed from the Chief of Police or a superior officer by an employee of the same or lesser rank.
 - b) No member shall exhibit disrespectful conduct toward the Chief of Police or any superior officer of the Department by acts or omissions to act or by language which detracts from the respect due the authority and person of the position held.
 - c) Members of the Department must 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.
4. **NEGLECT OF DUTY:** Members shall not play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be permitted in the performance of duty. They shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.
5. **SUPERVISORY NEGLECT OF DUTY**
 - a) Supervisors and acting supervisors are in violation of this rule for:
 - (1) Failure to properly perform assigned or required supervisory responsibilities;

- (2) Failure to insure subordinates perform assigned or required duties;
- (3) Failure to investigate or report actual or alleged incidents of misconduct or violations of Department orders;
- (4) Failure to insure proper care of Department property or equipment;
- (5) Failure to advise employee of grievance and appeal process or to apprise superiors of pending or reported grievances;
- (6) Misuse or abuse of supervisory authority or privilege.

6. SLEEPING ON DUTY: Members shall remain awake while on duty. If unable to do so, they shall so report to the Chief of Police or a superior officer who shall determine the proper course of action.

7. OFFICIAL REPORTS:

- a) No member shall fail to write and file required complete reports, supplements or memorandums as soon as possible after the event. Nor shall any member fail to file original or subsequent reports upon the order of a superior officer. Reports will be completed at the time of the event unless permission to postpone completed report is obtained by the a superior officer.
- b) Clerical and grammatical errors, and inaccuracies in names and addresses in communications and reports shall be carefully avoided. All superior officers signing communications and reports containing such errors and inaccuracies shall be held responsible.

8. UNSATISFACTORY PERFORMANCE: Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.

9. FALSE REPORTS:

- a) No member shall make a false written or verbal official report, or knowingly or willingly enter or cause to be entered into any Department report, record, application, interview or hearing, any inaccurate, false or improper information or knowingly make an inaccurate or false verbal report to a fellow or superior officer.
- b) Members shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department which may be asked of them; they shall not make any false statements.

c) No member shall make any false sick or injury report.

Comment: This rule covers both express falsity and withholding of complete information known to the reporter.

10. COMPUTER SYSTEMS: No member shall access, in any way, any computer program, directory, file, or application unless authorized.

No member shall use another member's computer Login name, security password, or other unique identifier.

Comment: This does not apply to authorized computer system administrators engaged in their official duties.

11. TRUTHFULNESS:

a) Members are required to speak the truth at all times and under all circumstances, whether under oath or otherwise, except in cases where they are not allowed by the rules of the Department to divulge the facts within their knowledge.

12. MISAPPROPRIATION: No member shall keep, transfer, retain, or convert to his/her own use, any property of the Village of Elkhart Lake or property held by the Department unless authorized by the Chief of Police.

13. MISUSE OF EVIDENCE/PROPERTY: Members shall not convert to their use, manufacture, conceal, destroy, remove, tamper with or withhold any property seized, found, or turned into the Department except in conformance with policy, ordinance, or directive.

14. GRATUITIES, GIFTS, BRIBES, REWARDS:

a) No member shall solicit or accept, directly or indirectly, any gratuity, fee, reward, gift or other compensation for services rendered as a Department member, or as a condition of rendering such service, or as a condition for not performing required duties as part of their employment with the Department.

b) No member shall receive anything of value free of charge or at a reduced charge while on duty.

c) No member shall accept or solicit a bribe or gratuity for permitting an illegal act.

d) No member of the Department shall solicit anything of value for the Department without permission of the Chief of Police.

15. REPORTING FOR DUTY: Members shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. Members shall have all equipment prepared and at the ready at the start of and through their assigned duty assignment.

- 16. USE OF ALCOHOL ON-DUTY:** No member shall report for duty while under the influence of an intoxicating beverage, or use intoxicating beverages, at any time while on duty.
- 17. ALCOHOLIC BEVERAGES AND DRUGS IN DEPARTMENT FACILITIES:** Members shall not store or bring into any Department facility or vehicle, alcoholic beverages, controlled substances, narcotics or hallucinogens, except alcoholic beverages, controlled substances, narcotics or hallucinogens which are taken and held as evidence.
- 18. DRUG ABUSE:** No member shall abuse any legally prescribed drug or controlled substance on or off duty or abuse any non-prescribed drug.
- 19. POSSESSION AND USE OF DRUGS:** Members shall not possess or use any controlled substances, narcotics, hallucinogens, or prescription medications, except when prescribed in the treatment of members by a physician or dentist.
- 20. CONTROLLED SUBSTANCES:** No member shall use any controlled substance, or possess any controlled substance, on or off duty except in the course of authorized police duty, or except as prescribed for medication during an illness.
- 21. SELF REPORTING OF ARREST:** Members shall promptly submit a written report that any employee, including oneself, has been arrested or is under investigation for a criminal offense by an agency other than the Elkhart Lake Police Department.
- 22. COURTESY TO PUBLIC:** All members shall be courteous to the public and be tactful in the performance of their duties, control their tempers, exercise the utmost patience and discretion, even in the face of extreme provocation. When any person requests assistance or advice, or makes a complaint 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 Department procedures.
- 23. CITIZEN COMPLAINTS:** Members shall follow established Departmental procedures for processing complaints.
- 24. TESTIMONY:** No member shall fail to testify or give evidence before any grand jury, John Doe probe, medical examiner's inquiry, coroner's inquest, court of law, or before any investigative agency of a governmental body if the testimony is a direct result of the action(s) or observation(s) by the member while on duty.
- 25. DISSEMINATION OF INFORMATION:** Members shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in

accordance with established Department procedures.

Members shall not divulge the identity of persons giving confidential information or the identity of persons involved in police reports except as authorized by proper authority.

26. CIVIL ACTION:

- a) **Instituting:** Members shall not commence civil action for damages sustained while on duty without notifying the Chief of Police.
- b) **Serving civil process:** Members of the Department shall not serve civil process; neither shall they render assistance in civil cases, except when the Village of Elkhart Lake is a party.

27. INTERVENTION:

- a) Members of the Department shall not take part or be concerned, either directly or indirectly, in making or negotiating any compromise or arrangement for any criminal or any person who has suffered by his/her act, with a view of permitting such criminal or other person to escape the penalty of the law; nor shall they seek to obtain any continuance of any trial in court out of friendship for the defendant, or otherwise interfere with the courts of justice.

(1) Any member having knowledge concerning such compromise or arrangement, and failing to inform a superior officer or supervisor shall be subject to charges.

28. LABOR ACTIVITY: Members shall have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.

Members shall not institute, authorize, participate in, sanction, encourage, or ratify any strike, work stoppage, work slowdown, or other concerted refusal to perform enforcement of municipal or State laws during their employment with the Department.

29. OPERATING VEHICLES:

- a) Members shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all Departmental written directives pertaining to such operation.
- b) Suspension or revocation of any member's driving privileges shall be reported immediately to the Chief of Police.

30. DEPARTMENT EQUIPMENT:

- a) Members shall utilize Department equipment only for its intended purpose, in accordance with established Department procedures, and shall not lose, abuse, damage, neglect, or wrongfully dispose of any equipment.

All Department equipment issued to members shall be maintained in proper order. Members shall not lend to another person their badges or identification cards or reproduces them in any way.

- b) No member shall use, possess, or duplicate any Departmental key without permission of the Chief of Police.
- c) Whenever any member of the Department terminates employment, he/she shall surrender to the Chief of Police or his/her designee, all property belonging to the Department.

31. PERSONS IN CUSTODY:

- a) No member shall, while on duty or off, conduct any personal business whatsoever with any person who is under investigation by or in the custody of this Department.
- b) No member shall attempt to negotiate a release or reduction of penalty for any prisoner is under investigation by or in Departmental custody because of friendship, relationship to the accused, personal gain or any other reason.
- c) No member shall recommend to any person who is under investigation by or in Departmental custody any specific attorney for employment as counsel, nor shall they interfere with regard to employment of any attorney.

32. DEFACEMENT OF NOTICES: No member shall mark, alter, mar, change, deface or remove without permission any printed matter or written notices, memoranda, order or directive posted within the confines or under the control of the Department.

33. PERSONAL APPEARANCE:

- a) Members will strive to maintain high standards of personal appearance and hygiene. Clothing and personal equipment will be clean and in good repair.
- b) Proper business attire, as prescribed by the Chief of Police, shall be worn at all times.

34. MEALS: Members shall be permitted to have a meal during their tour of duty, but only for such period of time, and at such locations as Department procedures or operational necessity may dictate.

35. PERSONAL INFORMATION AND RESIDENCY: Full time members of the Department shall reside within 10 miles of the Village Hall, and shall report any changes in address, domestic status, or telephone number within twenty-four (24) hours after making such changes by promptly submitting such information on an inter-office report to the office of the Chief of Police. All members of the Department shall maintain telephones in their homes.

36. PART-TIME EMPLOYMENT: Members of the Department may engage in part-time private employment outside of their services for the Department subject to the following terms and conditions:

- a) Application for permission to engage in part-time private employment shall be made upon forms to be provided by the Department. Application shall be submitted to the Chief of Police for approval or rejection. Approval or rejection of each application shall be based on its individual merits.
- b) No part-time employment shall be allowed which will impair the efficiency of any member in performing his/her services for the Department or result in any increased hazard to himself/herself, other members of the Department or the public; nor shall such part-time private employment detract from the reputation, character or dignity of the member or of the Department, nor shall such employment be such as to require any Village license or permit or give the private employer any special advantage over competitors in his/her dealings with the Village of Elkhart Lake; nor be in any way antagonistic to or cause a conflict of interests with the Village of Elkhart Lake or employment of the members by the Village of Elkhart Lake; nor shall such part-time private employment be allowed in any way to interfere with members of the Department while on duty for the Department (in thoughts, interests, telephone calls, or visits).
- c) Members engaged in part-time private employment will continue to be subject to call to duty at all times and must be available to the Department by telephone at the place of part-time employment. The part-time private employer shall agree prior to the commencement of such part-time private employment to release a member of the Police Department at any time upon notification from the Department.
- d) Part-time private employment requiring trade union affiliation or authorization shall be arranged by the member with the appropriate trade union so that no embarrassment in such matters will accrue to the Department or the Village.

37. GENERAL PROVISIONS:

- a) The rules and regulations herein set forth are compiled, adopted and published by the Board of Police and Fire Commissioners for the guidance and government of the Elkhart Lake Police Department and its members, pursuant to the provisions of the ordinances of the Village and the laws of

Wisconsin.

By the same authority any of the rules and regulations may be amended or rescinded or additional ones may be added from time to time as the circumstances and good of the service may require. The provisions of these rules and regulations are binding upon all members of the department as they may apply to the individual ranks and positions held by them.

- b) These rules and regulations are as complete and comprehensive as it is possible to make them in view of the many varying circumstances which make specific instructions to cover every conceivable situation practically impossible. A great deal must necessarily be left to the intelligence and discretion of the individual with due regard for the circumstances encountered.
- c) Any act of omission contrary to good order and discipline or constituting a violation of any of the provisions of Department rules and regulations, or any Department orders may subject the member to disciplinary charges and penalty of reprimand, suspension, demotion, suspension and demotion or dismissal from the Police Department, or may otherwise be dealt with as directed by the Chief of Police.

Michael Meeusen
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 06/01/2015