

**CITY OF OCONOMOWOC POLICE DEPARTMENT  
POLICIES & PROCEDURES**

DATE: September 7, 2020

HISTORY: June 3, 2020

November 1, 2011

September 25, 2009

November 6, 1999

SUBJECT: General Rules of Conduct

POLICY NUMBER: 99-035

**I. INTRODUCTION**

Police officers exercise considerable authority which is carefully circumscribed by state and federal law, and ultimately, the United States Constitution. Powers to arrest, seize property, and interfere with the lives of citizens constitute a public trust that should be regarded as vitally as demonstrated by the exemplary performance of our duties. The rules of conduct which follow give notice to members of the department as to what conduct are specifically prohibited or required by virtue of their employment with this department. The purpose of these rules is to ensure and protect the efficient and proper operation of the department and the ability of all members, individually and collectively, to perform their duties. This purpose shall be the basis for interpreting and applying these rules.

**II. POLICY**

Each employee of the department shall be issued and required to maintain this General Order. Unlike policy statements where some discretion and latitude are allowed, these rules of conduct are explicit and will be enforced as such. Where the term "member" is used, it is to be taken to include all regular employees of the department. The term "officer" is to be taken to mean only sworn police officers, but includes all ranks and classifications.

**III. RULES OF CONDUCT**

1. Violation of Rules

Members shall not commit any acts or omit any acts which constitute a violation of any explicit rule, regulation, general order or department directive of the department, whether stated in this General Order or elsewhere.

2. Unbecoming Conduct

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming an officer shall include that which brings the department into disrepute or reflects discredit upon the officer as a member of the department, or that which impairs the operation or efficiency of the department or officer.

3. Immoral Conduct

Officers shall 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. Officers shall not participate in any incident involving moral turpitude which impairs their ability to perform as law enforcement officers or causes the department to be brought into dispute.

4. Conformance to Laws

Officers shall not knowingly violate any law of the United States and of any state or local jurisdiction in which the officers are present. A conviction for a violation of any law, which is a crime, shall be prima facie evidence of a violation of this section.

5. Violation of Law

Any department member who is arrested and/or is cited for any violation of local, state, or deferral law shall notify the chief or chiefs designate, both verbally and in writing of the occurrence.

When a department member becomes aware that they are the subject of an investigation or a criminal complaint from a law enforcement agency other than the City of Oconomowoc Police Department, they shall make the notification as stated above and describe the circumstances surrounding the incident including the agency conducting the investigation or filing the complaint.

This section shall not apply to minor traffic violations that do not involve the use of illegal drugs or alcohol or do not have the potential to result in a loss of driving privileges.

6. 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. They shall be properly equipped and cognizant of information which can be reasonably foreseen as required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas or court notices shall constitute an order to report for duty under this section.

7. Attentiveness to Duty

Members shall be attentive to their duties. They shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty. Inattentive behavior shall include that which adversely affects the operation and efficient of the department or the efficiency of the employees.

8. Fictitious Illness or Injury Reports

Members shall not feign illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.

9. Sleeping on Duty

Members shall remain awake while on duty. If unable to do so, they shall so report to their supervisor, who shall determine the proper course of action.

10. Leaving Duty Post

Officers shall not leave their assigned areas or duties during a tour of duty unless directed to do so by the police dispatcher, authorized by a ranking officer, or in immediate pursuit of a law violator or as the result of other urgent need.

11. Meals

Officers shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time, and at such time and place, and in such a manner as established by departmental procedures. Other members shall take meal and other work breaks in accordance with established policy.

12. 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. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; and unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, classification, or position; the failure to take appropriate action in the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition, repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives, or orders of the department.

13. Employment Outside the Department

Members may engage in off-duty employment subject to the following limitations:

- a) such employment shall not interfere with the member's employment with the department
- b) members shall submit a written notice of off-duty employment to the Chief of Police
- c) officers shall not engage in any employment or business involving the sale or distribution of alcoholic beverages which is licensed or otherwise regulated by the City of Oconomowoc, or investigative work for insurance agencies, collection agencies, or attorneys.

Approval may be denied where it appears that the outside employment might

- a) result in a conflict of interest
- b) physically or mentally exhaust the members to the point that their performance may be affected
- c) require that any special consideration be given to scheduling of the member's regular duty hours
- d) bring the department into disrepute or impair the operation or efficiency of the department or member

14. Alcoholic Beverages and Drugs in Police Installations

Members shall not store or bring into any police facility or vehicle alcoholic beverages, controlled substances, narcotics, or hallucinogens; except alcoholic beverage, controlled substances, narcotics, or hallucinogens which are held as evidence or found property or for authorized exhibition purposes.

15. Possession and Use of Drugs

Members shall not possess or use any controlled substances, narcotics, or hallucinogens except when prescribed in the treatment of officers by a physician or dentist. When controlled substances, narcotics, or hallucinogens are prescribed, members shall notify their supervisor.

16. Use of Alcohol on Duty or in Uniform

Officers shall not purchase or consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper authorization from the Chief of Police.

Members shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath, except as authorized above.

17. Use of Alcohol Off Duty

Members shall refrain from consuming intoxicating beverages to the extent that it renders the members unfit to report for the next regular tour of duty.

Members shall not use or consume any intoxicants or controlled substances, while having a firearm on their person.

Members shall not use or consume intoxicants or controlled substances, when they are identifiable by uniform or any other clothing bearing a department logo.

18. Use of Tobacco

Members, when in uniform, may use tobacco as long as

- a) they do not hold a cigarette, cigar, or pipe in their mouth when in official contact with the public
- b) they are not engaged in traffic directions and control, and
- c) they are not in a squad car

When they are in a private residence, officers must obtain permission to use tobacco from the person with whom they are in direct contact.

19. Insubordination

Members shall promptly obey any lawful orders of a ranking officer. This will include orders relayed from a ranking officer by a member of the same or lesser rank.

20. Unlawful Orders

Members shall 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, members shall request the issuing member to clarify the order or to confer with higher authority.

21. Gifts, Gratuities, Bribes, or Rewards

Members shall not solicit, accept, or agree to accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the members or the department, if it may reasonably be inferred that the person, business, or organization:

- a) seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty, or
- b) has an interest which may be substantially affected directly, or indirectly, by the performance or nonperformance of an official duty.

22. Abuse of Position

Use of Official Position or Identification

Members shall not use their official position, official identification cards or badges

- a) for personal or financial gain
- b) for obtaining privileges not otherwise available to them except in the performance of duty
- c) for avoiding consequences of illegal acts.

Members shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief of Police

Use of Name, Photograph, or Title

Members shall not authorize the use of their names, photographs, or official titles, which identify them as members, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.

23. Endorsements and Referrals

Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of any product, or professional service. In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, officers shall proceed in accordance with established departmental procedures.

24. Citizen Complaints

Members shall follow established departmental procedures for processing citizen complaints. Members may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any member of the department.

25. Identification

Officers shall carry their badges and identification cards on their person at all times when on duty except when impractical or dangerous to their safety or to an investigation. They shall furnish their name to any person requesting that information when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

26. Courtesy

Members shall be courteous to the public and other members of the department. Members shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, officers shall not use coarse, violent, profane, or insolent language or gestures, and shall not comment in an offensive manner concerning race, sex, religion, politics, national origin, lifestyle, or similar personal characteristics.

27. Requests for Assistance

When any person applies for 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.

28. Associations

Members shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the officers. Members in doubt as to the application of this rule should report the circumstances in question to the Chief of Police for review.

29. Visiting Prohibiting Establishments

Members shall not knowingly visit, enter, or frequent a house of prostitution, gambling house, drug house, or establishment wherein laws of the United States, the state, or local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a ranking officer.

30. Gambling

Members shall not engage or participate in any form of prosecutable illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a ranking officer.

31. Publish Statements and Appearances

Members shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the department while holding themselves out as representing the department in such matters without proper authority.

32. Personal Appearance

Members on duty shall wear uniforms or other clothing in accordance with established department procedures.

33. Political Activity

No member shall engage in any political activity, except voting, while in uniform or on duty. Nor shall any officer use the influence of his or her office in any manner for political purposes.

34. Telephone

Members shall have telephones in their residences and shall immediately report any changes of telephone numbers or addresses to their supervisors and to such other person as may be appropriate.

35. 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 may remove or copy official records or reports from a police installation only in accordance with established departmental procedures. Members shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

36. Intervention

Members shall not interfere with cases being handled by other officers of the department or by any other governmental agency unless

- a) Ordered to intervene by a ranking officer, or
- b) The intervening officer believes beyond a reasonable doubt that a manifest in justice would result from failure to take immediate action

Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor unless the exigencies of the situation require immediate police action.

37. Required Reports

Members shall submit all required reports on time and in accordance with established departmental procedures. Reports submitted by members shall be truthful and complete, and no member shall knowingly enter, or cause to be entered, any inaccurate, false, or improper information.

38. Processing Property and Evidence

Property or evidence which has been discovered, gathered, or received in connection with departmental responsibilities will be processed in accordance with established departmental procedures. Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedures.

39. Abuse of Process

Officers shall not make false accusations of a criminal, ordinance, or traffic charge.

40. Use of Department Property

Members shall utilize department property only for its intended purpose, in accordance with established departmental procedures, and shall not abuse, negligently damage, or negligently lose department property. Damage shall be reported to a supervisor as soon as practical. All department equipment issued to members shall be maintained in proper order and returned upon request.

41. Operating Vehicles

Members shall operate official vehicles in a careful and prudent manner, and in conformance with all laws and all departmental directives pertaining to such operation. Loss or suspension of any driving license shall be reported to a supervisor immediately.

42. Carrying Firearms

Officers shall carry firearms in accordance with law and established departmental procedures.

43. Truthfulness

Upon the order of a ranking officer, members shall truthfully answer all questions specifically directed, and related to the scope of employment and operations of the department which may be asked of them.

44. Treatment of Persons in Custody

Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with law and departmental procedures.

45. Use of Force

Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force in accordance with law and departmental procedures.

46. Use of Weapons

Officers, while on duty or acting in an official capacity, shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with law and departmental procedures.

47. Arrest, Search, and Seizure

Officer shall not make any arrest, search or seizure which they know, or should know, is not in accordance with law of department procedures.

48. Unauthorized Equipment

Officers shall not possess any unauthorized personal equipment while on duty. Members shall not duplicate, or procure department badges, identification, or insignia without the authorization of the Chief of Police or the Chief's designee, not shall members possess unauthorized keys, badges, identification, or insignia at any time.

49. Civil Actions

Members shall not commence civil actions for damages sustained in the line of duty without first submitting a report detailing the circumstances and the nature of the matter to the Chief of Police.

50. Discharge of Duties

Members of the department are required to discharge their duties with composure, and firmness. At all times they shall act together, help, and protect each other in the restoration of peace and order. Members of the department shall be particularly careful not to interfere officiously, or unnecessarily in the private business of any person.

51. Negotiating Any Compromises

Members of the department shall not take part, be concerned, either directly or indirectly, in making, negotiating any compromises, arrangements for any criminal or any person who has suffered by their act, with a view of allowing such criminal or any person to escape the penalty of the law; not 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.

52. Treatment of Associates

Members of the department shall treat their superior officers with respect, and in their demeanor toward their associates in the department shall be courteous and considerate, guarding themselves against envy, jealousy, or other unfriendly feelings; refrain from all communications to their discredit, except to their superior officers, whom it is their duty to inform of every neglect or disobedience of order that may come to them.

53. Serve Civil Process

Members of the department shall not serve civil process, nor shall they render assistance in civil cases, except when the City of Oconomowoc is a party. They shall however, prevent the breaches of the peace and quell disturbances growing out of such matters and take the person breaking the peace into custody, if necessary.

54. Civil Cases

Members or employees of the department shall not testify in civil cases unless legally summoned to do so or unless the City of Oconomowoc is a party to the action.

55. Authority

Authority in the department shall be exercised with firmness, kindness, and justice. Superior officers shall sustain their subordinates when they can do so consistently, and avoid, as far as circumstances warrant, censuring them in the presence of others. Superior officers are forbidden to injure or discredit those under their authority by tyrannical or capricious conduct, or by abusive language.

56. Department Stationery

Department stationery shall not be used for personal correspondence, nor shall any department property at all be used for private purposes.

57. Official Department Communications

Members shall not enter into official department correspondence over his/her signature; nor shall he/she convey official department communications by telephone or otherwise outside of the city, except by express permission of the Chief of Police.

58. Conduct of Others

Whenever a member observes or is informed of the conduct of another member that is a violation of these rules, he/she shall take necessary action and report the incident to his/her immediate supervisor who shall forward it to the Chief of Police (except for oral reprimand actions) vis chain of

command. In the event the misconduct observed was committed by a superior officer, the member shall forward a report to the Chief of Police in a sealed envelope.

**IV. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE**

This policy is effective immediately  
and will supersede any directives or understandings in conflict