

TITLE 2

Officer Conduct

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Chapter 2	Citizen Complaints; Grievance Procedures; Disciplinary Procedures
Chapter 3	Uniforms and Appearance
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(NOTE: All policies and procedures in Title 2 are regulations requiring compliance by Department members; violation of these regulations may result in disciplinary action)

Title 2 ► Chapter 1

General Policies Governing Officer Conduct

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Sec. 2-1-1 Conduct Unbecoming an Officer.

POLICY:

In general, the policies of this Chapter regulate the conduct of Officers and employees of the City of Stanley Police Department while on- or off-duty, or in uniform or not, and any conduct or action by a member of the Department on- or off-duty that will bring disrespect, ridicule, or justified criticism to members of the Department or the City of Stanley in general.

(Sanction: Class 1).

Sec. 2-1-2 Professional Conduct and Responsibilities Generally.

POLICY:

- (a) Members and employees of the Department shall conduct their private and professional lives in such a manner as to foster public respect and confidence in the Department.
- (b) Loyalty to the Department and to associates is an important factor in building morale and efficiency. Members and employees shall maintain a loyalty to the City of Stanley, the Department and their associates as is consistent with the law and professional ethics.
- (c) All Department members are required to take appropriate law enforcement action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be impending.
- (d) Police Officers shall, at all times, take appropriate action to:
 - (1) Protect life and property.
 - (2) Preserve the peace.
 - (3) Prevent crime.
 - (4) Detect and arrest violators of the law.
 - (5) Enforce all laws and ordinances coming within departmental jurisdiction.
- (e) Members of this Department shall not act in such a manner as to deprive any person in the community of the equal protection of the law.
- (f) (1) Members of this Department shall not be overbearing, oppressive, or tyrannical in their relations with members of the community. This regulation includes within its prohibition all clearly recognizable actions which serve to breed a disrespect for the Department and its members. Actions are clearly recognizable if they constitute gross breaches of the public support. Examples of gross breaches of the public support include:

- a. Unreasonable orders given to citizens;
 - b. Unreasonable warnings to control conduct not within the scope of the Department members' lawful authority;
 - c. Any threats to use authority not clearly available to the member at the moment.
- (2) Officers shall be as courteous as reasonably possible to the public. Officers 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 express any prejudice concerning race, religion, politics, national origin, family status, gender, disability, life style or similar personal characteristics.

(NOTE: These examples are only illustrative—they are not intended to be exclusive.)

- (g) Superior officers shall not act so as to exhibit disrespect for subordinate members of the Department. This policy is intended to prohibit the overt action or communication that directly displays a superior officer's disrespect towards a member of this Department. To be a direct display, the action must occur during a subordinate-superior transaction or immediately thereafter.
- (h) Members of this Department shall not ignore flagrant violations of the law which may come to their attention through citizen complaints, by their own observation, or through their own investigation. This policy is intended to prohibit flagrant neglect of the duty to enforce the laws of the jurisdiction. This regulation prohibits willful neglect or failure to enforce the laws and ordinances. Although it is recognized that discretion and justified priorities call for less than total enforcement, there is no excuse for unreasonable failures to enforce the laws which each Officer is sworn to uphold.
- (i) Members of the Department shall properly respond to radio calls or suspicious circumstances without delay:
- (1) Proper response to a radio call dictates that initial response be carried out with necessary and reasonable dispatch. Any member of this Department who fails to take appropriate action on matters brought to his or her attention is guilty of dereliction of duty, if the failure amounts to a gross neglect of duty.
 - (2) Gross neglect is distinguished from mere mistake or poor judgment, because it consists of willful neglect in the face of obvious conditions warranting investigation or other law enforcement action.
- (j) Members of this Department 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.

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- (k) Officers shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the officers.

(Sanction: Class 2).

PROCEDURES:

Whenever an Officer observes or he/she is informed of the conduct of another Officer or civilian employee which is a serious violation of any of these rules, he/she shall take the necessary action and report the incident to the Chief of Police (except for oral reprimand actions via chain of command). In the event misconduct observed was committed by a superior officer, the Officer shall forward a report of the same to the Chief of Police via sealed envelope.

Sec. 2-1-3 General Regulations.

STATEMENT OF PURPOSE:

- (a) The City of Stanley Police Department is charged with preservation of the peace, enforcement of the law, and protection of life and property.
- (b) The very nature of the law enforcement profession dictates that Department Officers and employees must be police officers twenty-four (24) hours a day. Therefore, conformance to all rules and regulations of the Department at all times is expected.

POLICY:

- (a) All Officers are expected to meet any emergencies, whether on- or off-duty, and will be held responsible for failure to do so. (Sanction: Class 2 On-Duty; Class 1 Off-Duty).
- (b) While on-duty, Officers should be alert, efficient, businesslike, and neat before the public. Lounging against buildings or other structures while on foot patrol or excessive smoking while in public are a few examples of unprofessional conduct and action. (Sanction: Class 1).
- (c) No member of the Department shall sleep while on-duty. The only exception will be in times of emergency where a force of Officers is required to remain on-duty for an unlimited period. (Sanction: Class 1).

- (d) No Officer or member of the Police Department will show disrespect to, or willfully mistreat, any citizen. (Sanction: Class 2).
- (e) No Officer or Department member shall publicly criticize the official actions of another Department member or engage in any public activity, conversation, deliberation, or discussion which is derogatory to the Department, including by social media. (Sanction: Class 1).
- (f) Members of the Department shall not act in an immoral, indecent, lewd, or disorderly manner. (Sanction: Class 2).
- (g) No Officer shall fail to give evidence before any court of record, coroner's inquest, or before any governmental administrative body when properly called upon to do so. (Sanction: Class 2).

Sec. 2-1-4 Misuse or Abuse of Official Position or Authority.

STATEMENT OF PURPOSE:

In recognition of the power, authority and trust vested by the public in the Police Department, the following policies are established to prevent misuse of that power, authority, and trust.

POLICY:

- (a) **Misuse of Authority.** No Officer shall use his/her official position or authority for any purpose outside his/her official duties. (Sanction: Class 3).
- (b) **Referrals.** An Officer or Department member may not recommend to any person or prisoner any attorney, counsel, bondsman, or any other professional service as a result of any information or connection gained through his/her official duties. Members of this Department shall not recommend to any prisoner the employment of any particular person as his/her attorney or counselor, or suggest the name of any lawyer or person to a prisoner with a view to his/her defense; nor shall they either directly or indirectly interfere or interest themselves in any manner whatsoever in the employment of any attorney to aid any potential litigant. (Sanction: Class 1).
- (c) **Aiding Circumvention of Prosecution.** Except as part of an investigation, no Officer shall take part or concern himself/herself, directly or indirectly, in making or negotiating any compromise between a criminal or suspected criminal and his/her victim with the object of enabling the criminal or suspect to circumvent prosecution or penalty for his/her act. (Sanction: Class 3).

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- (d) **Confidential Information.** No Officer or employee of the Department shall give to any person information regarding any case or accident which cannot be gained legally through regular or official channels. Employees of the Department shall not discuss, publish or relate in any manner, any confidential business, occurrence, policy, discipline, procedure or action of the Department, to any persons or organizations without the approval of the Chief of Police. Officers 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 departmental procedures. Officers may remove or copy official records from a police installation only in accordance with established departmental procedures. (Sanction: Class 3).
- (e) **Cases Involving Family Members.** Officers shall not investigate or arrest in cases where they themselves are a party involved in the incident, in his/her own quarrels, or those of his/her family. (Sanction: Class 1).
- (f) **Cases Outside Jurisdiction.** Officers shall not, without the approval of the Chief of Police, take action on any case arising outside this Department's jurisdiction that is reported by telephone, wire, or letter except when from another Police Department or some other authorized agency. (Sanction: Class 1).
- (g) **Testifying in Civil Cases.** Officers shall not testify in civil cases unless legally subpoenaed to do so, or in the pursuit of their own matters. (Sanction: Class 1).
- (h) **Departmental Stationery.** Officers and Department employees shall not use departmental letterhead for private correspondence. (Sanction: Class 1).
- (i) **Transmission of Communications.** Any Officer or Department employee receiving a written communication for transmission to a higher command shall, in every case, forward such communication. (Sanction: Class 1).
- (j) **Department Mailing Address.** Officers and employees shall not use the Department as a mailing address for private purposes. The Department address shall not be used on any Department member's motor vehicle registration or operator's or chauffeur's license. (Sanction: Class 1).
- (k) **Interference With Legal Process.**
 - (1) Officers and employees shall not interfere with the proper administration of criminal justice and shall not interrupt legal process except where a manifest injustice might otherwise occur; not participate in, or be concerned with any activity which might interfere with the process of law. (Sanction: Class 2).
 - (2) Officers shall submit all necessary reports on time and in accordance with established departmental procedures. (Sanction: Class 1).

- (3) Reports submitted by Officers shall be truthful and complete, and no Officer shall knowingly enter or cause to be entered any inaccurate, false or improper information, wrongfully alter, conceal, destroy, mutilate, obliterate, remove or steal any record of the Police Department. (Sanction: Class 3).
- (l) **Assisting Criminals.** Members and employees shall not communicate in any manner, directly or indirectly, any information which might assist persons guilty of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete evidence of unlawful activity or money, merchandise, or other property unlawfully obtained. (Sanction: Class 4).
- (m) **Furnishing Bail.** Officers and employees shall not act as bailors for any person in custody, except relatives, and in no case where any fee, gratuity, or reward is solicited or accepted. (Sanction: Class 1).
- (n) **Criminal Complaints Regarding Injuries or Damages.** All criminal complaints against persons for injuries or damages incurred during the conduct of duty must be brought to the attention of the Police Chief and the governing body of the City. (Sanction: Class 1).
- (o) **Voiding Arrests.** No Department member of any rank in the Department shall void any arrest, summons, or traffic citation, without the knowledge of the arresting Officer and the consent of the Chief of Police or designee. (Sanction: Class 1).
- (p) **Property in Officer's Possession.** No employee shall neglect to properly secure property which has been confiscated or which has otherwise come under the employee's care, or wrongfully appropriate the same or convert it to personal use. (Sanction: Class 2).
- (q) **Use of Department Facilities as Rent Depository.** The Police Department shall not be used as a collection agency, nor as a depository, for employees who have rental property. Officers who are landlords shall not conduct personal business while on-duty. (Sanction: Class 1).
- (r) **Conformance to Laws.** Officers, whether on- or off-duty, shall obey all laws of the United States and of any state and local jurisdiction in which the officers are present. (Sanction: Class 1).
- (s) **Neglect of Duty.** Officers shall not engage in entertainment while on-duty, such as reading, playing games or watching television or movies. Officers shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty. This is not intended to prohibit Officers from reading a police magazine or professional article which is in the best interest of the Police Department. (Sanction: Class 1).

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- (t) **Fictitious Illness or Injury Reports.** Officers shall 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. (Sanction: Class 2).
- (u) **Leaving Duty Post.** Officers shall not leave their assigned duty posts during a tour of duty, except when authorized by proper authority. (Sanction: Class 1).
- (v) **Unsatisfactory Performance.** Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Unsatisfactory performance under this Section may be demonstrated by a lack of knowledge of the application of the laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the Officer's rank, grade of position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; or absence without leave. Repeated poor evaluation or a written record of repeated or serious infractions of rules, regulations, directives or orders of the Department shall also be considered unsatisfactory performance. (Sanction: Class 2).
- (w) **Visiting Prohibited Establishments.** Officers shall not knowingly visit, enter or frequent a house of prostitution, an illegal gambling house or establishment wherein the laws of the United States, the state or the local jurisdiction are regularly violated, except in the performance of duty or while acting under proper and specific orders from a superior officer. (Sanction: Class 1).
- (x) **Gambling.** Officers shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior Officer. (Sanction: Class 1).
- (y) **Labor Activity.** Officers 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.
- (z) **Use of Medical Examination, Photographs and Lineups.** Upon the order of the Chief of Police, or the Chief's designees, officers shall submit to any medical, ballistics, chemical or other tests, photographs or lineups. All procedures carried out under this Section shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department and shall be carried out in conformance to Department policy and procedure. (Sanction: Class 2).
- (aa) **Citizen Aid.** Officers shall not request the aid of any citizen to have a Department member restored to any assignment or from which he/she has been removed by the order of the Chief of Police or to have him/her promoted to a higher position in the service. Should

he/she desire such transfer, restoration or promotion, he/she may make written request to the Chief of Police therefor. (Sanction: Class 1).

- (bb) **Funds.** Officers shall, on every occasion when receiving any sum of money from any person, give written receipt therefor, signing their full names and the amount thereof, unless the person does not want a receipt. (Sanction: Class 1).

Sec. 2-1-5 Refusing to Display Badge, Name, or Present Identification Upon Request.

POLICY:

In order to assure maximum safety and public cooperation to Department personnel while pursuing their duties, and at the same time provide the public safety from unauthorized inquiry, or detention, this Department has issued proper identification to all members of the Department. Officers may carry their badges and identification cards on their persons at all times while in their jurisdiction, except when impractical or dangerous to their safety or to an investigation.

(Sanction: Class 1).

PROCEDURES:

(a) **Carrying of Proper Identification.**

- (1) Every Officer of the Department shall, at all times when in regular uniform wear in a visible position on the left breast of the outermost garment his/her badge. The only exception to this rule is a situation where supervisory personnel feel that the badge may be removed to protect the Officer from violence or prevent the badge from being stolen or lost.
- (2) Any Officer electing to carry an off-duty weapon will carry proper identification (badge included) for display upon need and/or request.
- (3) No member or employee of the Police Department shall refuse to give his/her name, or to present his/her official identification upon the request of any citizen except in special cases where to do so would create danger to the officer or to the public.

(b) **Improper Use of Official Position or Identification.** Officers shall not use their official position, official identification cards or badges:

- (1) For personal or financial gain.
- (2) For obtaining privileges not otherwise available to them except in the performance of duty.
- (3) For avoiding consequences of illegal acts.

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(c) Use of Name, Photograph or Title.

- (1) Officers shall not authorize the use of their names, photographs or official titles which identify themselves as Officers in connection with testimonials or advertisements or any commodity or commercial enterprise unless authorized by the Chief of Police.
- (2) Officers 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.

Sec. 2-1-6 Failure to Cooperate with Other Members of the Department in Performance of Official Duties.

STATEMENT OF PURPOSE:

Cooperation by Department members is essential in the uniform attempt to reach Department objectives, conserve time, and prevent duplication of effort. Therefore, violation of the following policies may lead to disciplinary action.

POLICY:

- (a) Any Officer or employee of this Department who comes into possession of information regarding any offense which comes under the jurisdiction of the Department and fails to act or transmit such information to the proper authority shall be guilty of a violation of this Section. (Sanction: Class 1).
- (b) No member of this Department shall fail to cooperate with all members of the Department by withholding information regarding any police matter for personal benefit, gain, or because of spite or selfishness. (Sanction: Class 2).
- (c) No member of the Department shall alter or cause to be altered any case reports for the purpose of misleading, discrediting, or impeding the investigative efforts of other members of the Department. (Sanction: Class 3).
- (d) No member of the Department shall fail to prepare required correspondence, reports, and records relating to the activities of the Department. (Sanction: Class 1).

Sec. 2-1-7 Insubordination.

STATEMENT OF PURPOSE:

The fulfillment of duties, as well as the reputation of the Department and its members, should always be uppermost in the Officer's mind. Personal disagreements and arguments between supervisors and subordinate members, especially in public, can only lead to a breakdown in

discipline and efficiency. The failure to show proper respect for the authority and rank of commanding Officers or officials constitutes insubordination as set forth by the following rules.

POLICY:

- (a) Disrespect by action or language toward any supervisory Officer will not be tolerated.
- (b) Criticism of a superior or of his/her orders shall not be made publicly, except as part of an official inquest or in a court of law.
- (c) Complaints regarding a supervisory Officer shall be made through the proper chain of command for disposition.
- (d) Disobedience of lawful order or directive, written or oral, constitutes insubordination.
- (e) Members and employees in doubt as to the nature or details of their assignment shall seek such information from their supervisors by going through the chain of command.
- (f) All Officers and employees shall perform their duties as required or directed by law, departmental rules, policies or orders of superior officers.
- (g) All lawfully required duties shall be performed promptly.

(Sanction: Class 2).

COMMENTARY:

This Department recognizes that its members retain rights to expression and freedom of speech granted by the Constitution whether on or off-duty. However, these rights must not allow for conduct which is disruptive of the proper function of the public's business. Generally, conduct within the prohibition of this regulation includes open public statements or overt actions as opposed to private forms of expression and conversation. Further, more general statements of criticism fall outside the scope of this regulation, while specific criticism of specific officers, orders, or operations falls within the scope of this policy.

Sec. 2-1-8 Use of Profane or Insolent Language Prohibited.

STATEMENT OF PURPOSE:

Any Officers or employees of this Department who use coarse, profane, or insolent language to any other member or employee of the Department, or to the public, shall be in violation of this Section.

(Sanction: Class 1).

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POLICY:

- (a) Officers and employees shall not use derogatory or profane language.
- (b) Every Officer must cultivate a calm, businesslike, pleasant, and helpful attitude in all his/her dealings with the public.

Sec. 2-1-9 Policy on Bribes and Gifts.

STATEMENT OF PURPOSE:

Members of this Department hold in trust the faith of the public and the expectation of honesty and the highest moral and ethical behavior. With the above thought in mind, the following policy is established.

POLICY:

No member of this Department shall accept, or shall allow to be accepted for him/her by any member of his/her family, any gift, gratuity, loan, fee, reward, or any other thing of value for reduced or special "police prices" or receive any special advantages as a result of employment as a member of this Department; such not being equally available to members of the general public.

- (a) No Officer or other member of this Department shall use his/her position for personal gain. (Sanction: Class 1).
- (b) No Officer or other member of this Department shall accept extra compensation of any kind from any person for services rendered as part of his/her duties. (Sanction: Class 1).
- (c) Whenever any person shall offer anything to any Officer or member of this Department in an attempt to influence the actions of such officer or employee in any law enforcement matter, such person should be immediately arrested for attempted bribery.
- (d) No member of this Department while on-duty or in uniform shall give testimonials, collect or receive money, circulate subscriptions, papers or books, and shall not sell tickets for any purpose whatsoever, except that bond money and bad check collection money may be collected and received unless approved by the Chief of Police. (Sanction: Class 1).
- (e) No member of this Department shall accept, either directly or indirectly, any article whatsoever, whether as a gift or as a result of purchase or trade, for services rendered as

part of their duties. This prohibition includes the acceptance of free meals presented by a cafe or restaurant or food purveying establishment; it includes the acceptance of any free beer, liquor or other malt or vinous beverage in any quantity whatever, and includes any and all other types of merchandise whatever; and includes any profferings of cash, goods, wares, services, discounts or any other type of merchandise not previously specifically identified. This regulation will not preclude or prevent any Officer of this Department from accepting a breakfast, lunch or dinner, or any form of gift of reasonable value from any service club, church-sponsored organization, fraternal organization, or other nonprofit organization legally founded under the laws of the State of Wisconsin when such meal or gift is offered the Officer as a guest of the organization or in consideration of some special extra duty function that the Department member has performed for the benefit of all the members of the above organization. This Section will not apply to discounts offered by any bona fide organization an employee belongs to or would be eligible for if he/she was not a police officer. (Sanction: Class 2).

- (f) Any unauthorized gifts, gratuity, loan, fee reward, or other item of significant value falling into these categories coming into the possession of any member or employee shall be forwarded to the Department, together with a fully detailed report as to the circumstances surrounding the possession of any such unauthorized item(s). (Sanction: Class 1).
- (g) No Officer or Department member shall receive either directly or indirectly any article or gift, or as a result of purchase or trade, which is suspected of having been illegally obtained by a vendor. (Sanction: Class 2).
- (h) Except for authorized charitable activities, no employee of this Department shall solicit or accept free admission to places of amusement or entertainment for themselves or others. (Sanction: Class 1).

COMMENTARY:

This prohibition includes the acceptance of free food or cups of coffee presented by a cafe or restaurant or food purveying establishment; it includes individual gifts offered at Christmas, such as liquor, wine, merchandise, or gift certificates for future goods or services. This regulation shall not prevent the Department from accepting a "group gift" on behalf of all employees. A group gift is considered something of minimal value, such as a box of candy, cookies, or other token offered in good faith. A group gift should be approved by a ranking Officer whenever possible. This provision is not to be construed as applicable to officers of this Department entering such premises or amusements, or athletic events during the pursuit of their official duties to provide protection and security or other official police actions.

Sec. 2-1-10 Violation of Criminal Law by Department Members.

POLICY:

- (a) An Officer or employee of the Police Department found guilty of a crime defined as a Class A misdemeanor or felony may be subject to immediate dismissal from the Department.
- (b) An Officer or employee of the Police Department guilty of a crime defined as a misdemeanor shall be subject to disciplinary action.
- (c) Failure to submit immediately a written report to the Chief of Police that the Officer or any member of the Department is under investigation by any law enforcement agency and the reason therefor, shall make the Officer subject to disciplinary action.
- (d) Any Officer charged with a Class A misdemeanor or felony shall be immediately removed from active duty with pay until final determination of the charge.

(Sanction: Class 4).

Sec. 2-1-11 Miscellaneous Prohibited Conduct.

POLICY:

- (a) **Disciplinary Action.** Any Officer or employee of the Police Department failing to carry out completely the duties and responsibilities of the position, rank, or office to which he/she is assigned shall be subject to disciplinary action.
- (b) **Prohibited Conduct.** Violation of the following rules and duties may result in disciplinary action:
 - (1) Failure to carry out one's duties because of cowardice.
 - (2) Inattention to duty.
 - (3) Incompetency or inefficiency in the performance of duty.
 - (4) Failure to report promptly to the Department any information concerning any crime or other unlawful action.
 - (5) Failure to report to the Department any violation of the rules and regulations or improper conduct.
 - (6) Repeated failure to be prompt for duty assignment and court appearances.

- (7) Leaving a duty assignment without being properly relieved or without proper authorization.
- (8) Failure to follow a case from its beginning to its conclusion, unless authorized or relieved by a superior Officer, or other competent authority.
- (9) Failure to report as required any anticipated absence from duty.
- (10) Being absent from duty without proper authorization.
- (11) Any action or conduct which impedes the Department's efforts to achieve its goals and objectives.
- (12) Failure to inventory property and process records in conformance with Department procedure.
- (13) Members and employees shall treat superior Officers, subordinates, and associates with respect. Failure to be courteous and civil at all times in their relationships with one another could result in disciplinary action.
- (14) Officers and employees shall not publicly criticize instructions or orders they have received.

(Sanction: Class 2).

Sec. 2-1-12 Conflicting or Unlawful Orders.

POLICY:

No command or supervisory Officer shall knowingly issue an order which is in violation of any law or ordinance or departmental rules, except as part of certain investigations.

(Sanction: Class 1).

PROCEDURES:

- (a) Officers who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the superior Officer issuing the order of the conflict. If the superior Officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior Officer. Officers shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
- (b) Officers 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, Officers shall request the issuing Officer to clarify the order or confer with higher authority.

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COMMENTARY:

Obedience to an unlawful order is never a defense for an unlawful action; therefore, no member or employee is required to obey any order which is contrary to Federal law, State law, or local ordinance. Responsibility for refusal to obey rests with the member. Department members shall be strictly required to justify such action.

Sec. 2-1-13 Use of Tobacco.

POLICY:

- (a) Employees are prohibited from using tobacco in any form while in uniform and during a direct contact with the public, or when in violation of State law.
- (b) Officers and Department members, when in public, shall not use tobacco:
 - (1) When in direct contact with citizens on a complaint.
 - (2) When in direct public view of citizens such as when performing traffic control.
 - (3) When in a patrol car or in the office.
 - (4) When such use would be in violation of the Wisconsin Statutes or City ordinances.

(Sanction: Class 1).

Sec. 2-1-14 Sexual and Other Types of Harassment.

POLICY:

- (a) It is the policy of the City of Stanley Police Department to provide a professional work environment free from all forms of employee discrimination, including incidents of harassment. No employee shall be subjected to harassment, including but not limited to unsolicited and unwelcomed sexual overtures or conduct, either verbal or physical. It is the policy of the City of Stanley Police Department that harassment of any type will not be tolerated. All Department employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. Harassment will be treated as misconduct with appropriate disciplinary sanctions.
- (b) The purpose of this policy is:
 - (1) To establish Department policy concerning allegations of harassment;

- (2) To establish proper reporting procedures for reporting instances of harassment; and
 - (3) To define instances, happenings and occurrences of harassment.
- (c) It is also City of Stanley policy to fully support enforcement of state and federal anti-discrimination laws, which provide that sexual harassment is prohibited where:
- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
 - (3) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(Sanction: Class 2).

DEFINITIONS:

The following definitions shall be applicable in this policy:

- (a) **Employee.** All Department personnel, both sworn and nonsworn.
- (b) **Harassment.** Unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, degrades, annoys or insults another person, where such conduct has the purpose of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance. Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands, or other supervisory actions intended to promote positive performance.
- (c) **Sexual Harassment.**
 - (1) The deliberate or repeated behavior of a sexual nature by one (1) employee to another that is unwelcomed, unasked for or rebuked by the other employee. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute prohibited sexual harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - b. Submission to, or rejection, of such conduct by an individual is used as the basis for employment decisions; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

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- (2) Such prohibited behavior can be verbal, nonverbal or physical in nature. Examples of sexual harassment could include, but not be limited to, the following:
 - a. Sexual comments of a provocative or suggestive nature;
 - b. Jokes or innuendos intended for and directed to another employee;
 - c. Suggestive or demeaning looks or leering;
 - d. Creating an intimidating, hostile or offensive working environment;
 - e. Making acceptance of unwelcomed sexual conduct or advances or requests for sexual favors of any nature a condition of employment or continued employment;
 - f. Unsolicited gestures, graphic materials and verbal or written comments;
 - g. Unwelcome physical contact of a sexual nature;
 - h. Conduct by a supervisor who uses implicit coercive sexual behavior to control, influence or affect the career, salary, job or working conditions of a fellow employee.
- (3) Examples of such offenses, (but not limited to) are: sexual flirtation; touching; advances or propositions; off-color language, or jokes of a sexual nature; slurs or other verbal, graphic or physical conduct relating to an individual's gender; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photographs, cartoons, or computer or video displays.

PROCEDURES:

(a) **Reporting Procedures.**

- (1) An employee who believes he or she has been harassed or sexually harassed shall contact either the employee's immediate supervisor, the Chief of Police or the Mayor.
- (2) Allegations of unwelcome sexual harassment shall be reported by the employee immediately.
- (3) Upon receiving such a complaint, the City shall investigate the facts surrounding the complaint and reach a conclusion concerning its validity within sixty (60) days of the receipt of the employee's complaint.
- (4) After a full and fair investigation, if the complaint is found to be valid, the harassing party shall be subject to disciplinary action up to and including discharge, as shall be deemed appropriate by City officials.
- (5) Until the complaint is found to be valid, the identities of those persons involved shall be kept confidential to the extent possible.

(b) **Command and Supervisory Personnel.** Command and supervisory personnel shall:

- (1) Be responsible for monitoring workplace;

- (2) Be responsible for reporting instances of sexual harassment on appropriate Department forms;
- (3) Be responsible for initiating immediate disciplinary action if the situation warrants the same;
- (4) Take immediate action to limit the affected employees from any further work contact; and
- (5) Immediately advise the Mayor and City Attorney of any complaints.

Sec. 2-1-15 Discrimination Prohibited.

POLICY:

Employees shall not speak against, or ridicule the race, sex, color, religion, age, sexual preference, creed, ancestry, disability, marital status, family status, or nationality of any person or group.

(Sanction: Class 2).

COMMENTARY:

This regulation is intended to prohibit omissions as well as specific actions which are based on a citizen's race, sex, color, religion, age, sexual preference, disability, marital status, family status, creed, ancestry, or nationality. Equality of treatment of all citizens requires that any political or fraternal affiliation, racial and religious identification, national origin, and economic status must be disregarded in favor of the uniform, fair, and similar treatment of all individuals.

Sec. 2-1-16 Mishandling of Police Records.

POLICY:

- (a) Members of this Department shall not divulge the contents of police records to anyone outside of the Department without first obtaining permission from the Chief of Police. Nor shall any member of the Department divulge any matters relating to official police business without first receiving authorization from the Chief of Police.
- (b) No member of this Department, unless authorized to do so for a specific purpose, shall have access to the official records of this Department:
 - (1) This regulation intends to prohibit all unofficial use of police records.
 - (2) Tampering of records by members of the Department is prohibited.

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- (3) This regulation does not intend to prohibit the use of official records by officers of this Department in an official capacity.

(Sanction: Class 2).

Sec. 2-1-17 Misuse of Departmental Property.

POLICY:

All members of the Department shall properly maintain, use, and take every precaution to protect from loss, theft, damage, tampering, or unauthorized use, any supplies, equipment, or evidence entrusted to them, and shall not convert said items to their private use or use of others not members of this Department.

(Sanction: Class 1).

PROCEDURES:

- (a) Employees shall be responsible for the good care of Department property, whether fixed or mobile, assigned to their use or keeping, and will promptly report the loss of, damage to, or unserviceable conditions of such property. Roughness or carelessness in the handling of such property shall not be tolerated by the Department.
- (b) Any Department member who willfully or negligently destroys or damages Department equipment or other property entrusted to his/her care, shall be subject to disciplinary action and may be required to pay all of the cost of repair or replacement.
- (c) Members of this Department may use a departmental vehicle for trips outside the municipality with permission of his/her superior Officer, pursuant to applicable municipal ordinances and policies and mutual aid. Department vehicles may be used for personal use by employees with the knowledge or permission of the Chief of Police, except in a serious emergency when it is impracticable to communicate such and in this event, the reason for using such vehicle shall be communicated to the Chief of Police as soon as possible. No permission is needed for vehicle use while on official duty.
- (d) All non-expendable and/or accountable items shall be returned when: no longer serviceable or needed; when an individual is separated from the Department; or when directed by higher authority.
- (e) Unless authorized by the Chief of Police, no Department equipment or property shall be used in any manner, nor shall it be given or loaned to anyone for personal use or consumption. Equipment in this section shall mean anything belonging to the Department.

- (f) Any employee who loses an official record, or other items of Department-owned property, shall notify his or her superior by the most expeditious means of communication available, and in writing on the day of occurrence.
- (g) Members of this Department shall not use the police radio except for official police communications. At no time shall a member of this Department use discourteous, obscene, or disrespectful language during the transmission of a radio message. This regulation includes any unwarranted use of any part of the police emergency communication system.
- (h) Employees shall not modify, install, or permit modification or installation of any equipment or accessories on any vehicle owned by the City without prior written approval from the Chief of Police.

Sec. 2-1-18 Misappropriation of Private Property.

POLICY:

- (a) Any unjustified seizures of property by members of this Department are prohibited. This policy is intended to be read in conjunction with standards for searches, seizures, and inventories of motor vehicles, as established by departmental policy.
- (b) Members of this Department shall take all precautions necessary to guarantee the proper handling of evidence, and any property received or found. This policy is intended to prohibit deviations from property handling procedures and alert members to their responsibility of protecting and keeping track of property taken or received from citizens or prisoners.
- (c) Members shall conform with current departmental procedures for the handling of all evidence and property. Evidence found or received, or confiscated property will be delivered to the property room. A written record of a property disposition after its initial receipt shall be included in the Officer's report.

(Sanction: Class 2).

Sec. 2-1-19 Use of Intoxicants or Drugs.

POLICY:

(a) General Prohibitions.

- (1) No member of this Department shall report for duty when under the influence, nor shall alcohol be consumed while on-duty. Officers while off-duty shall refrain from consuming intoxicating beverages to the extent that it results in obnoxious or

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offensive behavior which discredits them or the Department or renders the officer unfit to report for their next tour of duty.

- (2) No member of this Department shall report for duty if he/she has consumed alcoholic beverages eight (8) hours prior to tour of duty (emergency call-out excluded), or be on-duty while under the influence of intoxicants such that it may register to any degree after a breath testing procedure. No odor of intoxicants shall be tolerated on an officer's breath.
- (3) Employees shall not take narcotics or dangerous drugs except upon the prescription of a physician, nor shall they perform duty while under medication which could impair their performance.
- (4) Officers shall not, in uniform or on-duty, enter into any place where intoxicating liquor is a primary source of business, except in the performance of duty.
- (5) Officers and employees shall not consume intoxicating beverages while in uniform or on-duty except in the performance of duty and while acting under proper and specific orders from a superior Officer.
- (6) Department 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.

(Sanction: Class 2).

- (b) **Alcoholic Beverages and Drugs in Police Installations.** Officers or Department 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.

(Sanction: Class 2).

- (c) **Possession and Use of Drugs.** Officers and Department members shall not possess or use any controlled substances, narcotics or hallucinogens as defined in Chapter 961, Wis. Stats., except when prescribed in the treatment of officers by a physician or dentist. When controlled substances, narcotics or hallucinogens are prescribed for on-duty use, Officers and employees shall notify the Chief of Police in writing.

(Sanction: Class 3).

Cross-Reference: Section 2-6-1 Employee Drug Testing.

Sec. 2-1-20 Immorality.**POLICY:**

Members of this Department, while on-duty, shall not engage in any conduct evincing moral turpitude. Officers shall maintain a level of moral conduct in their personal affairs. Immoral conduct shall be that conduct which would be prohibited by Ch. 944, Wis. Stats.

(Sanction: Class 3).

COMMENTARY:

This regulation prohibits immoral or offensive conduct. Such conduct includes the following:

- (a) Offensive sexual solicitations.
- (b) Offensive or indecent behavior in the presence of a minor.

(NOTE: These examples are illustrative and not meant to be exclusive.)

Sec. 2-1-21 Required Reports.**POLICY:**

- (a) Members of the City of Stanley Police Department shall report all violations of this Department's regulations, policies, orders or procedures.
- (b) Members of this Department shall, except as otherwise provided, make all official reports in writing. If sent upon any investigations, they shall report as soon as possible what action was taken in the matter, as prescribed on a current departmental reporting regulation.
- (c) Members of the Department shall communicate promptly as specified in standard reporting procedures all crimes, deaths, attempted suicides, fires, accidents, complaints, and information of which the Department normally takes cognizance:
 - (1) No member shall withhold tips or information with a view to personal achievement or for any other reasons.
 - (2) All the information of which the Department takes cognizance and is impossible to specify. This regulation is intended to be illustrative of the kinds of important happenings which must be reported.
 - (3) Members of this Department should be aware that over-reporting is not a violation of the regulations while under-reporting is a violation; therefore, when in doubt, be safe and submit a report.

Cross-Reference: Section 3-21-3 Completion of Reports.

Sec. 2-1-22 Changes in or Release of Address or Telephone Number.

STATEMENT OF PURPOSE:

Should a sworn or non-sworn employee of this Department become ill or injured, this Department has the responsibility of contacting his/her immediate family. In order for this responsibility to be fulfilled, it is necessary that the Department have up-to-date information on an employee's residence address, telephone number, and marital status.

POLICY:

All members of this Department shall keep on file a current and accurate listing of their telephone number, mailing address, off-duty employment, change of name and emergency contact person.

(Sanction: Class 1).

PROCEDURES:

- (a)
 - (1) Notification of a change in status as defined under this policy shall be made within twenty-four (24) hours of occurrence.
 - (2) Notification shall be provided to:
 - a. The City Clerk-Treasurer.
 - b. The Chief of Police.
 - c. Communications Center.
 - (3) If there is a change in outside employment, the new employer, telephone number, and hours worked shall be provided as given in Subsection (b) herein. Any such change must be approved in conformance with departmental policy on off-duty employment.
- (b)
 - (1) Home addresses and personal telephone numbers of Department members will not be released to any person not a member of this Department unless authorized by the Chief of Police, other than City personnel/payroll employees or where required by law.
 - (2) If an individual wishes to contact a Department employee, that individual should be informed that a message will be left for the employee to make contact with the individual.
 - (3) If the caller indicates that it is necessary to have immediate contact, the Department employee receiving the request may telephone the Department employee and convey the caller's name, phone number and message.

COMMENTARY:

All members of the Department shall maintain telephones in their homes. In the event an Officer is unable to obtain a telephone promptly after having changed his/her residence, the Officer shall

notify the supervisor of his/her shift of a telephone number at which he/she may be reached in case of an emergency.

Sec. 2-1-23 Interfering with Legal Process.

POLICY:

Members of the Department are prohibited from interfering in the normal procession of traffic citations or otherwise disrupting the enforcement of law by the members of the Department.

(Sanction: Class 2).

COMMENTARY:

This regulation is intended to protect the members of the Department in the discharge of their duties from undue influence by fellow members. In most cases, disruption of enforcement consists of attempting to change an enforcement decision made by another Officer. If a supervisory Officer orders a change in an enforcement decision and a subordinate feels this constitutes a disruption of his/her enforcement decision, the subordinate should notify the Chief of Police.

Sec. 2-1-24 Application for Search Warrants.

POLICY:

Members of this Department shall not apply for any search warrant, nor serve any search warrant without notification to the Chief of Police or a supervisor.

(Sanction: Class 1).

Sec. 2-1-25 Conflicts of Interest.

POLICY:

No Officer or employee of this Department is to own, operate, or otherwise be connected with a business during off-duty hours which creates, or has the potential for creating, a conflict of interest with departmental duties:

- (a) Employees are not to make telephone calls connected with private business enterprise or otherwise engage in non-law enforcement business activities during duty hours.

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- (b) Officers and employees are not to make use of departmental records for purposes of furthering private business interests or examine departmental records, except in conjunction with departmental business.
- (c) Officers and employees are to conduct themselves so as to avoid an actual conflict, or the appearance of a conflict, of interest; as either circumstance would compromise the integrity of themselves or the Department.

(Sanction: Class 1).

COMMENTARY:

Conflict of interest is defined as any undertaking that limits, compromises, restricts or tend to limit, either directly or indirectly, the professional duties of employees of this Department in their response to the general public or any segment thereof. Thus, any situation where an employee's actions appear, or tend to appear, to subordinate the public's welfare to that of the employee, there is a conflict of interest.

In addition, a conflict of interest exists when any breach of the fiduciary relationship of a member of this Department, held by reason of employment, or when there is appearance of an abuse by the employee for his/her benefit, or some other persons. Finally, a conflict of interest will exist when any member of this Department becomes involved in any vocation or avocation that tends to be enhanced by the mere fact that he/she is an employee of this Department.

Sec. 2-1-26 Off-Duty Authority.

POLICY:

Off-duty Officers have the same peace officer authority under Wisconsin law as they have when on-duty. Off-duty Officers have peace officer authority to take action in any situation where a violation of law has been committed, to take action in any situation where there is probable cause to believe a public offense has been committed, and to take action in any situation where there is an immediate danger to person or property and the perpetrator of such offense is likely to escape.

(Sanction: Class 1).

PROCEDURES:

- (a) Off-duty Officers shall:

- (1) Not take advantage of their police authority in circumstances arising from their own personal conflicts, those of their families, or those of their neighbors unless serious circumstances exist.
 - (2) Be aware that the provisions of the identification of police officers require that police officers not in uniform identify themselves prior to taking any enforcement or corrective action or gathering any police information.
- (b) When off-duty, Officers shall first give consideration to causing appropriate action to be effected by the responsible law enforcement agency. Normally, unless an Officer witnesses a serious crime or there is an immediate danger to person or property, the Officer should defer to the responsible law enforcement agency.
 - (c) Off-duty Officers should not arrest traffic violators on sight except when the violation is especially flagrant or involves an accident or driving under the influence of intoxicating liquor or drugs.
 - (d) Under no circumstances shall an off-duty member who is under the influence of an alcoholic beverage or other intoxicating substance place himself/herself in peace officer status.
 - (e) When an off-duty Officer is the victim of an offense, the Officer shall normally maintain his/her off-duty status and allow on-duty Officers of this Department or another Department to handle the incident.
 - (f) Off-duty members who place themselves in peace officer status are covered by the protections enumerated in the labor agreement (if applicable).
 - (g) Officers electing to assume peace status while off-duty are governed by the policies, regulations, and procedures of the Police Department.

COMMENTARY:

Off-duty Officers are to be cognizant of the fact that they have a responsibility to the public for the detection and prevention of crime. Officers off-duty, whether armed or unarmed, have the discretion to take either direct appropriate police action or to notify the concerned police agency and assist on-duty Officers whenever feasible. Any member of the Department who, when off-duty and in public within the City, is unable to take direct action will not be subject to discipline actions for failure to take that action. Officers are responsible to take all reasonable action including immediate notification of the proper law enforcement official and such nondirect action as appropriate, such as immediately notifying the proper law enforcement agency, identifying suspects, taking names of potential witnesses and securing evidence such as license plate numbers, etc.

Sec. 2-1-27 Political Activities.

POLICY:

(a) Political Participation.

- (1) Every citizen has the right to engage in the political process; however, that right may in some cases be limited due to the unusual nature of an individual's position in society. Members of the Department shall not engage in political campaigns to such an extent that their participation detracts from the performance of their official duties, nor should they engage in such a way that would lead members of the electorate to conclude that the Department was taking a position in an election. No Department member will be discriminated against in any way due to any political opinions held by the employee.
 - (2) Officers and Department members shall be permitted to:
 - a. Register and vote in any election.
 - b. Express opinions as individuals, privately and publicly, on political issues and candidates.
 - c. Attend political conventions, rallies, fund-raising functions and similar political gatherings.
 - d. Sign political petitions as individuals.
 - e. Make financial contributions to political organizations.
 - f. Serve as election judges or clerks or in a similar position to perform nonpartisan duties as prescribed by state and local laws.
 - g. Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this Section.
 - h. Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties or create real or apparent conflicts of interest.
- (b) **Political Activity While On-Duty.** No member of the Department, during the hours that he/she is on-duty, may engage in political activity.
- (c) **Political Activity While Off-Duty.** Members of the Department engaged in political activity while off-duty should clearly act as private individuals and not convey the impression that they are acting on behalf of the Department.
- (d) **Soliciting Political Funds.** A member of the Department may solicit funds when off-duty to further his/her own or another's political campaign, except to the extent that such activity will impair his/her efficiency during working hours or will cause him/her to be tardy or absent from work. Department members shall not represent himself/herself as a member of the Department.

- (e) **Use of Department Property.** The use of any Department property is prohibited in any way during any political campaign. This includes Department owned vehicles, cameras, projectors, audio systems and other property. The only exception would be equipment used for security or safety of the public.

(Sanction: Class 1).

PROCEDURES:

- (a) Any member of this Department contemplating running for any office should request legal advice on whether holding the contemplated office and remaining a Department member are compatible within the conflict of interest laws.
- (b) Any doubt about the possible conflict of political interest or this policy should be resolved in favor of reporting the possible conflict for consideration by the Chief of Police.

COMMENTARY:

The basis for this policy is the avoidance of political favoritism. Close involvement with elected officials could result in interference with police activities, performance of "duties" for political reasons, and partisan political influence upon internal operations. Political favoritism could also undermine the hiring and promoting of individuals on the basis of competence, not political membership. The heavy involvement of members of the Department in a campaign could cause the public to lose confidence in their impartiality. Government employees, including police personnel, were held to have waived many of their constitutional rights to participate in political activities because government employment was deemed a privilege rather than a right. Since government employment was a privilege, courts accepted the notion that the government could condition the privilege in any reasonable way, such as requiring that public employees refrain from engaging in political activities that would be protected by the First Amendment for the ordinary citizen.

In light of recent court decisions, the issue in determining the protections of the First Amendment which extend to government employees is no longer whether public employment *per se* justifies substantial restrictions on the employee's rights, but rather, excepting the First Amendment as broadly applicable, whether the limitations imposed with respect to different types of employment have a supportable basis. In other words, there must be a reasonable relationship between the conduct prohibited to public employees and the maintenance of the efficiency and integrity of the services performed.

This policy does not prohibit merely expressing one's opinion in the normal course of a conversation, since such activity would not be calculated to favor or improve the chance of any

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political party or persons seeking or attempting to hold political office. However, wearing a campaign button while on-duty would be prohibited since the public might construe the button as indicative of a Departmental position on the election. Conversations on political matters occur occasionally, while a button is always subject to public view.

This policy attempts to meet the standards for regulation of public employees that the courts have established by striking a reasonable balance between the officer's right to engage in the political process and the responsibility of the Department to efficiently, fairly and neutrally perform its public services.

It is *not* the intent of this policy and associated procedures to prohibit members of the Department from being active in the community. Whether any activity of a political nature comes within the prohibition of this policy must, in questionable cases, be decided on the circumstances of the particular case. It is the responsibility of each Department member to be aware of any potential conflict of interest that may result from an activity with political implications.

Sec. 2-1-28 Use of Safety Belt Harnesses.

POLICY:

- (a) The Department is a role model in promoting safety and should set positive examples of good safety practices. A safe environment for employees should be provided whenever possible; therefore, Department employees shall use existing safety belts/harnesses when operating Departmental vehicles, or riding in them as a front-seat passenger. However, any employee possessing a written indication from a physician that for medical or physical reasons the employee is unable to use the safety belt system is exempt from this policy but will insure that passengers abide by it. Rear seat safety belt harnesses shall be used as required by law.
- (b) Department ride-alongs will also be required to abide by this regulation as a condition of their participation, and citizens riding in the front seat of departmental vehicles should be advised to use the existing restraint devices. Prisoners will be belted in before transporting where practical.
- (c) The above does not prevent Officers from removing restraint devices when approaching an imminent tactical situation, when performing property checks or in other situations permitted by state law.
- (d) In the event children require transportation, the provisions of Sec. 347.48(4), Wis. Stats. (child restraint devices), will be followed.

- (e) Any employee finding the occupant protection equipment to be inoperative or in the need of repair shall immediately report it to his/her supervisor and use a different vehicle if at all possible.

(Sanction: Class 1).

COMMENTARY:

Failure to wear a seat belt could result in reduction of worker's compensation benefits to an officer if injured.

Sec. 2-1-29 Reporting for Duty.

POLICY:

Officers 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 required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this Section.

(Sanction: Class 1).

Sec. 2-1-30 Leaving City Limits.

POLICY:

- (a) On-duty Officers shall only leave City of Stanley limits in the following situations:
- (1) Life and death matters, such as accidents.
 - (2) If the County or other municipalities request assistance and do so via police radio.
 - (3) Fires (homes, buildings, etc.).
 - (4) To stop at their personal residence.
 - (5) During the pursuit of an offender.
 - (6) Other Department business where necessary.
- (b) Any time City Officers are requested to leave the City limits to handle or assist the County on any emergency call, the Communications Center must be notified. It is essential that such mutual aid request be made and recorded prior to a City Officer leaving City limits

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for liability and insurance purposes in case any injuries or damage to property occur. The Chief of Police shall be notified whenever an Officer leaves the City to assist outside of Chippewa or Clark Counties or when pursuing an offender outside of the City.

(Sanction: Class 1).

Sec. 2-1-31 Off-Duty Employment.

STATEMENT OF PURPOSE:

Based upon the concept that public employment is a conditional privilege and not a constitutional right, and the necessity for Officers of this Department to be available for and efficiently perform duties when called in, the following policy and guidelines are established.

POLICY:

- (a) Officers of this Department may hold off-duty employment (including business activities) as long as such off-duty employment does not interfere with the Officer's regular employment with this Department. Officers shall not participate in outside employment that will result in a conflict of interest, give the impression of involving a conflict of interest, work long hours that may affect their primary work with the Department while on duty, or affect their ability to report for regular or emergency duty; if a full-time Officer is called in to work at the secondary place of employment, such call-in shall not conflict with the Officer's primary employment with the Department.
- (b) It must be recognized that an employee's primary responsibility is serving the citizens of the community and that an officer's duties with the Department take priority over all other employment. Outside employment is permissible if the circumstances of such outside employment do not interfere with the employee's performance of his/her duties with the Department, including requirements for overtime work or emergency calls to duty.
- (c) Officers taking on off-duty supplemental employment will at all times conduct themselves in a manner consistent with all Department rules and regulations and befitting the position of police officer. All Department regulations, policies and procedures apply to supplemental employment (any breach of propriety will be considered in the same light as it would be if it had occurred while the Officer was on regularly assigned duty at the Department).
- (d) When accepting off-duty employment, Officers should be aware of the fact that they may not be covered by either worker's compensation or liability insurance from the Department.

There is case law indicating that if an Officer is injured while performing off-duty employment, the municipality's worker's compensation covers only those injuries that come under the Officer's scope of employment (i.e., effecting a lawful arrest).

PROCEDURES:

- (a) Full-time City Officers and employees desiring to hold off-duty employment shall comply with the following provisions:
- (1) Officers and employees seeking to hold off-duty employment shall first submit a written request to the Chief of Police regarding the off-duty employment (explaining where the work will be performed and the number of hours per day) for review and possible approval. Approval *must* be received *prior* to engaging in such employment.
 - (2) Officers shall not accept employment in any business involving the sale or distribution of alcoholic beverages, bail/bond agencies, or investigative work for insurance agencies, private guard services, or collection agencies. Outside employment must be scrutinized in light of the above. These kinds of outside employment are presumed to involve an actual or potential conflict of interest and are not allowed. Participation in the above activities may be permitted on a case-by-case basis if the employment or business is not within the area in which the Officer normally functions.
 - (3) All part-time work shall be limited to a maximum of six (6) hours on any day when an Officer is scheduled to be on duty as a police officer. This limit shall not apply, however, if the work is performed after the last shift immediately preceding one or more days off. No limit shall apply to off-duty days. However, no Officer is permitted to work additional employment *of any type* more than a total of twenty-four (24) hours in any week.
 - (4) In *no* case will supplemental employment be considered where:
 - a. A labor dispute is involved.
 - b. The employer would, in any way, restrict Officers from their duty as police officers.
 - c. The Officer would be involved in pictures or advertising endorsing commercial products while they are identified as law enforcement officers.
 - (5) Use of Department equipment, including issued uniforms, is prohibited.
 - (6) The nature and circumstances of the outside employment *shall not involve an actual or potential conflict of interest* affecting the employee's ability to discharge his/her duties on behalf of the Department.
 - (7) Outside employment (time, schedule, job responsibilities, etc.) *shall neither interfere or tend to interfere* with the employees ability to perform his/her Departmental duties in an efficient and acceptable manner, nor impair the ability of the Department to carry out its public service law enforcement responsibilities.

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- (b) The Chief of Police, following notification, may disapprove of such off-duty employment when it appears that such off-duty employment might:
 - (1) Render the Officer unavailable during an emergency.
 - (2) Physically or mentally exhaust the officer to the point that his/her performance may be affected.
 - (3) Require that any special consideration be given to scheduling of the Officer's regular duty hours.
 - (4) Bring the Department into disrepute or impair the operation or efficiency of the Department or its Officers.

- (c) Denial by the Chief of Police shall be made, in writing, to the requesting Officer within two (2) working days (excluding weekends and holidays) of a request for outside employment.

- (d) At any time the Chief of Police determines for any reason that it is not in the best interest of the Department to permit an Officer to continue outside employment, the Officer shall be informed of that fact. A report will then be prepared listing the reasons for this determination.

- (e) Whenever an Officer terminates outside employment, the Officer shall notify the Chief of Police.

(Sanction: Class 1).

Title 2 ► Chapter 2

Citizen Complaints; Grievance Procedures; Disciplinary Procedures

2-2-1	Personnel Investigations—General Policy
2-2-2	Formal Investigations
2-2-3	Informal Investigations
2-2-4	Citizen Complaints
2-2-5	Inquiry
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2-2-7	Grievance Procedures
2-2-8	Disciplinary Procedures

Sec. 2-2-1 Personnel Investigations—General Policy.

POLICY:

- (a) The five (5) primary objectives of a personnel investigation are:
- (1) Protection of the public.
 - (2) Protection of the Department.
 - (3) Protection of the employee.
 - (4) Correction of procedural problems.
 - (5) Removal of unfit personnel.
- (b) It is essential that the public confidence be maintained in the ability of the City of Stanley Police Department to investigate and properly adjudicate complaints against its employees. The rights of the employee as well as those of the public must be preserved, and any investigation or hearing arising from the complaint must be conducted in an open and fair manner with the truth as its primary objective. The Department accepts complaints against its members and fully investigates all such complaints to the appropriate disposition.

PROCEDURES:

- (a) The personnel complaint form is utilized to record allegations of employee misconduct, inquiries concerning City of Stanley Police Department policies, procedures or tactics.

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- (b) Allegations of employee misconduct are recorded on the personnel complaint form with specific information relative to an allegation of misconduct against any employee of this Department received from any source outside or inside the Department.
- (c) The information recorded is that which is necessary to begin an investigation into the events surrounding the allegation.
- (d) The personnel complaint form concerning alleged misconduct is completed whether the allegation is received in person at the Department, by telephone, or at some other location, or by some other means and forwarded to a supervisor.
- (e) Based upon the allegation received, allegations of employee misconduct are investigated by the Department as a "formal investigation", "informal investigation" or as an "inquiry".
- (f) If a supervisor is confronted with a significant allegation of misconduct requiring immediate investigation, the Chief of Police will be notified immediately.
- (g)
 - (1) All employees are required to cooperate with the investigation of personnel misconduct.
 - (2) Failure to do so will result in disciplinary action for failure to obey orders.

Sec. 2-2-2 Formal Investigations.

POLICY:

- (a) A formal investigation is conducted on serious allegations of misconduct where an investigator is assigned to obtain formal interview statements from the employees involved.
- (b) A personnel investigation is determined to be formal by the Chief of Police, primarily based upon the nature and complexity of the allegation.
- (c) Examples of personnel investigations that may be determined as formal include, but are not limited to:
 - (1) Allegations of violation of the law.
 - (2) Allegations regarding morals.
 - (3) Allegations of brutality.

Sec. 2-2-3 Informal Investigations.

POLICY:

- (a) The primary difference between the formal investigation and the informal investigation is the manner in which the investigation is conducted.
- (b) An informal investigation is conducted on less serious allegations of misconduct where the investigation consists of obtaining memorandums from concerned employees regarding the allegations. Generally formal interviews or statements are not used. Instead, information is obtained via memorandums and existing records.
- (c) A personnel investigation is determined to be informal by the Chief of Police primarily based upon the nature and complexity of the allegation.
- (d) Examples of personnel investigations that may be classified as informal include, but are not limited to:
 - (1) Complaints of slow response.
 - (2) Alleged failure to take proper law enforcement action.
 - (3) Alleged poor attitude displayed by Department employees.

Sec. 2-2-4 Citizen Complaints.

POLICY:

Citizen complaints against the Police Department, its policies or individual members may be filed at any time and will be received by the Chief of Police or the Common Council. Public confidence is maintained by the ability of the Department to investigate and properly adjudicate complaints against its members. The Department accepts complaints against its members and those which concern its policies or procedures and fully investigates all such complaints to the appropriate disposition. Furthermore, because police effectiveness in coping with crime depends upon citizen cooperation, and because under our system of government police authority is restricted and directed toward the protection of the citizenry, the policy function is most sensitive and important.

PROCEDURES:

- (a) **Receipt and Processing.** Because citizen complaints, especially if they take on a pattern, often serve as an effective means to identify problems and the measures required to remedy

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them, the following guidelines will be adhered to while investigating citizen complaints against Departmental personnel:

- (1) Complaints received will normally be referred to the Chief of Police for evaluation of the seriousness of the matter. Upon being contacted by a citizen who has expressed concern about the behavior of an employee, the Chief of Police shall advise the complainant that the investigation of the complaint may, at the discretion of the complainant, be proceeded with in one of the following ways:
 - a. The complaint may be handled informally to the satisfaction of the complainant, the employee involved, and the Chief of Police.
 - b. The complainant shall sign a statement which contains a written description of the incident, and denotes what behavior of the officer the complainant believes was inappropriate.
- (2) Persons desiring to file a complaint and initiate the formal complaint investigation process shall be requested to complete a written complaint on the Citizen Complaint Form. All written complaints shall be signed. Lacking the signing of a statement, the Department may choose not to initiate the complaint procedure.
- (3) Unless exceptional circumstances are apparent, anonymous complaints will normally not initiate the complaint procedure. The subject of the complaint will be advised of it and may request that the complaint procedure be initiated. If a complainant insists on anonymity, he/she will be referred to the City Attorney.
- (4) Written, signed complaints will be witnessed by the receiver and one (1) copy given to the complainant.

(b) Investigation of Complaints.

- (1) All citizen complaints will be forwarded directly or through channels to the Chief of Police.
- (2) Complaints of such a nature as to require detailed investigation will be forwarded by the Chief of Police to a designated investigating officer. The investigating officer will be selected by the Chief of Police and will be senior in rank or seniority to the subject of the complaint or shall be from an outside agency. Generally, an investigation should be completed and forwarded to the Chief of Police within two (2) weeks [fourteen (14) calendar days]. In exceptional or complex cases, an interim report will be submitted after the first two (2) week period and each two (2) weeks after, unless otherwise instructed.
- (3) If, at any time, a complaint appears to be more serious and complex than originally evaluated, the investigating officer will report to the Chief of Police for guidance.
- (4) At the discretion of the Chief of Police, those incidents involving multiple subjects corruption or of a serious internal nature will be referred to another law enforcement agency for an impartial investigation.

- (5) Complaints against the Chief of Police will be referred directly to the City Clerk-Treasurer. The City Clerk-Treasurer may consult with the Mayor to determine whether further investigation is warranted; procedures to be employed in such situations may be those under Procedures (a)(1) above.

(c) **Results of Investigation.**

- (1) Any complaints received from an identified complainant will be answered, to the complainant, within two (2) weeks indicating the results of the investigation.
- (2) If the investigation is not completed within two (2) weeks, the complainant will be advised that the matter is still under investigation. Interim reports will continue to be submitted until the incident is closed.

(d) **Miscellaneous.**

- (1) When Common Council members or other City officials are made aware that there is a complaint, the complainant shall be instructed to refer the complaint directly to the Chief of Police.
- (2) Incidents initiated by a civil suit or notice to file civil suit are not subject to this policy statement although initial investigative action may be comparable.

Sec. 2-2-5 Inquiry.

POLICY:

- (a) An "inquiry" concerns a citizen contacting the Police Department with questions about a policy, procedure, or tactic used by the City of Stanley Police Department.
- (b) When a citizen questions the actions of a Department employee and it is determined by the Chief of Police that the employee acted within prescribed Police Department policy, procedure or tactics, the matter is handled as an inquiry.
- (c) It is the responsibility of the Chief of Police to review the employee's actions.

PROCEDURES:

- (a) When the Chief of Police receives an inquiry from a citizen, he/she will make every attempt to explain to the citizen the circumstances as to why a particular policy, procedure or tactic is sanctioned by the Department.

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- (b) If the Chief of Police determines that the employee did not act within prescribed Department policies, procedures or tactics, the Personnel Complaint Form alleged violation area should be completed and all related reports or documentation attached.
- (c) Examples of an "inquiry" include, but are not limited to:
 - (1) Why did an employee handcuff a prisoner?
 - (2) Why was a field interrogation conducted?
 - (3) Why was vehicle emergency equipment used?
 - (4) For what reason was a felony car stop made?

Sec. 2-2-6 Administrative Leave or Change of Duties.

POLICY:

- (a) An employee complained against may be immediately placed on administrative leave by the Chief of Police when such leave will assist in protecting the best interests of the community, the Department and the employee. The imposition of administrative leave shall then be subject to the review procedures established in the disciplinary review procedure.
- (b) Administrative leave may be imposed in, but are not limited to, the following situations:
 - (1) When an employee is found by a superior to be under the influence of alcohol or drugs while on duty.
 - (2) When an employee is found by a superior to be in such a mental or physical state that he/she presents a danger or potential danger to himself/herself or others.
 - (3) When it is alleged that the employee engaged in illegal activity.
 - (4) When the member's presence on duty could jeopardize impartiality of an internal investigation.
 - (5) Other circumstances as deemed appropriate.

PROCEDURES:

- (a) A temporary change of duties may be assigned to an employee, according to his/her capabilities, when the new assignment is not closely related to that involved in the origination of a complaint.
- (b) A temporary change of duty should be made when the employee's presence in the original assignment may jeopardize, or appear to jeopardize, the impartiality of the investigation.

- (c) An immediate change of duties or administrative leave will not be considered an act of discipline, and will serve only to protect the integrity of an investigation, the welfare of a member, the community, or the Department.
- (d) An employee under administrative leave may be required to report to the police station on a daily basis for any change in status.

COMMENTARY:

Perhaps the most damaging blow to public confidence is a situation in which an employee is accused of misuse of power and the Department appears to do nothing about it. Accountability to the community must be demonstrated while giving the accused employee the rights and recourse he/she is due. Formalizing the procedure for handling citizen complaints will insure that employees are protected from frivolous and unfounded complaints, while protecting the citizenry against misconduct, incompetency, and misuse of power by employees of the Department.

Sec. 2-2-7 Grievance Procedures.**POLICY:**

The following procedures are to be used by Department members with complaints regarding fellow Officers/employees or Department policies. A "grievance" is any problem of an employee or group of employees resulting from work requirements or the conditions under which work is performed.

PROCEDURES:

Written notice to the Chief of Police is to be used by Department members with complaints regarding fellow Officers and/or employees.

Sec. 2-2-8 Disciplinary Procedures.**POLICY:**

- (a) The following disciplinary procedures shall be employed in disciplinary matters of the Police Department, unless these procedures are superseded by more specific procedures contained in a current employment or collective bargaining contract, whenever rules and policies of the Department are broken or the Officer performs unsatisfactorily. In each instance, the disciplinary action taken is to be fair, just and in proportion to the seriousness

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of the violation. For purposes of this Section, the term "officer" shall mean any employee of the Department.

- (b) Prior to taking disciplinary action, the officials reviewing the matter shall give full consideration to the following:
- (1) Do the reviewing officials know *all* the facts accurately?
 - (2) Is the rule which has been violated reasonable?
 - (3) Did the Officer/member know the rule or should he/she reasonably have known it?
 - (4) Has the rule been strictly enforced in the past? If not, what recent notice to Officers/members warned of enforcement of violations of certain rules?
 - (5) In this instance, is the rule being applied reasonable?
 - (6) Is this Officer/employee personally guilty of violation or only guilty by association with another?
 - (7) Can the guilt or responsibility of the Officer/employee be proved by direct, objective evidence, or is the evidence circumstantial or hearsay?
 - (8) Does the Officer/employee have a reasonable excuse for the infraction of this rule or not following a direction of his/her superiors?
 - (9) What is the Officer's/employee's record of past violations, warnings, disciplinary action, etc.?
 - (10) What is his/her length of service?
 - (11) Is the Officer/employee receiving the same treatment others received for the same offense?
 - (12) Does the discipline fit the offense?
- (c) Probationary employees can be discharged without recourse to these disciplinary procedures.

PROCEDURES:

If, in the opinion of the Chief of Police and/or the designated reviewing authority, immediate discharge, suspension or written warning is not warranted by the seriousness of the violation, the following progressive disciplinary measures shall be followed:

- (a) **Verbal Warning.** After investigating the violation and discussing the matter with the Officer/employee, the Officer/employee may be given a verbal warning from the Chief of Police according to the list of sanctions in Sec. 1-2-3. The Chief of Police, for purposes of letting the Officer/employee know that it is an official warning, shall state, "This is a verbal warning." A notation of this shall be placed in the personnel file of the Officer or Department member.

- (b) **Written Warning.** For violations requiring a written warning under the list of sanctions in Section 1-2-3, the Officer/employee will receive from the Chief of Police a written notice of the offense. A copy of said notice shall be placed in the personnel file of the Officer/employee. In the case of subordinate Officers of the Department, the Chief of Police's decision may be appealed pursuant to the Wisconsin Statutes or current collective bargaining agreement (if applicable).
- (c) **Suspension.**
- (1) As prescribed under the list of sanctions in Section 1-2-3, Officers/employees of the Department found to be in violation may be suspended without compensation. Within the time period required by state statute or pertinent collective bargaining agreement after the violation, the Officer/employee in question shall receive written notice from the Police Disciplinary Committee that the violation by the Officer/employee will be reviewed by the Police Disciplinary Committee at a hearing, that the Officer/employee is encouraged to appear at the hearing and that suspension without pay is a possible disciplinary measure that may be imposed. The Police Disciplinary Committee may order suspension without pay after investigation and hearing.
 - (2) The following personnel have the authority to impose emergency suspension until the next business day against any member or employee when it appears that such action is in the best interests of the Department:
 - a. Any command officer.
 - (3) A member or employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day by 9:00 a.m. unless otherwise directed by competent authority. The command or supervisory officer imposing or recommending the suspension shall also report to the Chief of Police at the same time.
- (d) **Discharge.** As prescribed under the list of sanctions in Section 1-2-3, Officers/employees of the Department may be discharged pursuant to this Manual and the Wisconsin Statutes. The notice and hearing procedures used when considering suspensions shall be used when discharge of a Department member is being considered. Such hearings shall be conducted by the Police Disciplinary Committee pursuant to state law following a recommendation from the Chief of Police.
- (e) **State Law.** The requirements of the Wisconsin Statutes shall supersede the provisions of this Section when in conflict.

Title 2 ► Chapter 3

Uniforms and Appearance

- 2-3-1** General Policy on Personal Appearance Standards
- 2-3-2** Uniforms
- 2-3-3** Maintenance and Care of Uniforms
- 2-3-4** Firearms and Leather/Nylon Gear
- 2-3-5** Responsibility of Supervisory Personnel for Personal Appearance
- 2-3-6** Personal Appearance Standards

Sec. 2-3-1 General Policy on Personal Appearance Standards.

POLICY:

- (a) All Department members, as visible representatives of the City of Stanley Police Department, shall conform to standards of appearance which are acceptable to the community. During duty hours, personnel should be well groomed and have their uniforms and civilian clothing neat and clean in appearance.
- (b) A supervisory Officer may authorize departures from these standards when required by the nature of the person's duties.

(Sanction: Class 1).

Sec. 2-3-2 Uniforms.

POLICY:

- (a) **General Policy.** Members of the City of Stanley Police Department shall wear their uniforms only when on duty or when going to or from work. The uniform will be worn by all Officers whose assignments are such that it is necessary for a citizen to recognize them, as Officers, on sight. Official Department uniforms and accessories shall be as prescribed by the Chief of Police.

(b) **When Uniforms are to be Worn.**

- (1) Officers shall wear the prescribed uniform at all times while on duty unless authorized for plain clothes duty.
- (2) Uniforms will be worn in court; Officers testifying in court will be well groomed and neatly attired.
- (3) The uniform is not to be worn when the Officer is off duty, unless the Officer is involved in a public relations talk or enroute to or from work.
- (4) The uniform shall not be worn without the sidearm and leather/nylon gear.
- (5) The uniform will not be worn under circumstances in which the Officer is partaking or appears to be partaking of alcoholic beverages.
- (6) Jewelry may be worn which does not present a hazard.

PROCEDURES:

- (a) It shall be the sole responsibility of each Officer to control and maintain any and all uniform and leather goods regardless of whether purchased by the officer or issued by the Department. Uniforms are to be kept clean and in good condition at all times.
- (b) Members of the Department shall be in complete uniform (unless otherwise approved by the Chief of Police) when on duty and will not be in uniform when off duty except when going to and from work. At no time will any part of the uniform be covered by any unauthorized outer garment.
- (c) A member of the Department who neglects to replace any portion of his uniform that has been condemned, within a reasonable time after condemnation, will be suspended with loss of compensation until the problem is corrected. A refusal to comply which exceeds thirty (30) days will result in the Officer being subject to dismissal.
- (d) All issued items shall be returned to the Police Department upon the termination of employment of the Officer with the exception of those items purchased as optional equipment through the officers clothing allowance. A record of Officers issue shall be kept on file by the Chief of Police.
- (e) Equipment damaged, lost or stolen shall be reported within seventy-two (72) hours to the Chief of Police in writing stating the circumstances so the item(s) can be replaced as soon as possible.

(Sanction: Class 1).

Sec. 2-3-3 Maintenance and Care of Uniforms.

POLICY:

- (a) All parts of the uniform will be kept in the most presentable condition possible.
- (b) The shirt shall be clean and in a presentable condition.
- (c) The trousers shall be in a clean and presentable condition.
- (d) Shoes shall be black and kept neat and clean. Shoes/boots shall be seasonally appropriate.
- (e) Outer wear shall be clean and unwrinkled.
- (f) Uniforms that do not fit, are badly faded, or torn in such a manner that they cannot be properly repaired shall not be worn by the Officer.

(Sanction: Class 1).

Sec. 2-3-4 Firearms and Leather/Nylon Gear.

PROCEDURES:

- (a) **Plain Clothes Officers.** Plain clothes duty Officers may carry a service weapon that has been approved by the Chief of Police.
- (b) **Firearms Maintenance.** Firearms will be clean and well maintained.
- (c) **Leather/Nylon Gear.**
 - (1) Leather/nylon gear will be black in color, clean and maintained; Officers have the option of using nylon gear.
 - (2) Officers have the option to wear leather/nylon gear of either plain, clairino, or basket-weave design, not a combination of both.
 - (3) Officers may wear any reasonable leather/nylon gear accessories they desire, i.e., key-ring, baton-ring, flashlight-ring.
 - (4) Keepers will be worn if leather/nylon gear does not ride directly around the Officers belt line.

(Sanction: Class 1).

COMMENTARY:

Firearms and their use are also governed by the Department's policies on the use of force.

Sec. 2-3-5 Responsibility of Supervisory Personnel for Personal Appearance.

POLICY:

Department supervisors will assure that all uniformed Department personnel comply with the provisions as set forth in this manual.

(Sanction: Class 1).

PROCEDURES:

Supervisors who fail to comply with this order, or who fail to enforce the Department's policies and procedures on personal appearance may be subject to disciplinary action by the Chief of Police.

Sec. 2-3-6 Personal Appearance Standards.

POLICY:

- (a) All personnel of the Police Department, as visible representatives of the Police Department, must conform to standards of appearance which are acceptable to the Department and the community.
- (b) During duty hours, personnel should be well groomed and have their uniforms and/or civilian clothing neat and clean in appearance. A supervisory officer may authorize departures from these standards when required by the nature of the employee's duties.
- (c) All supervisory personnel are charged with the responsibility of enforcing the uniform, hair and facial hair provisions of this policy. Any personnel of this Department violating the maximum limitations of this policy can anticipate disciplinary action.

(Sanction: Class 1).

PROCEDURES:

- (a) **Neat Appearance.** Employees shall, at all times, maintain a neat, clean and well groomed personal and physical appearance with personal hygiene beyond reproach. All employees

shall maintain themselves in such physical condition so they can adequately perform the required duties and present a professional image.

- (b) **Compliance with Regulations.** Every member of the Department, while on duty, shall have proper haircuts and dress in conformity with the rules and regulations of the Department. Members of the Department shall always present a positive image and demonstrate their interest in their work. Officers shall be subject to inspection by supervisory personnel at any time while on duty.
- (c) **Hair.**
 - (1) For male personnel, hair shall be neat, clean, and present a groomed appearance. Hair shall remain at a reasonable length so as to not interfere with the Officer's work duties.
 - (2) Female personnel shall maintain their hair length so as not to interfere with their duties and shall be neatly combed.
 - (3) Non-traditional hair styles and hair colors must be approved by the Chief of Police.
- (d) **Facial Hair.** The wearing of well-kept and manicured facial hair by sworn employees of the Department is allowed.
- (e) **Wigs.** Wigs or hair pieces will not be worn on duty in uniform except for cosmetic reasons to cover natural baldness or physical disfiguration. If under these conditions, a wig or hair piece is worn, it will conform to Department standards.
- (f) **Special Assignment Exception.** Specialized units engaging in operations requiring surveillance and/or undercover work are exempt from the contents of this regulation when specifically authorized by the Chief of Police.
- (g) **Judicial Proceedings.** Male Officers giving testimony in any judicial proceeding will be required to wear either full uniform or civilian clothing prescribed by this Subsection. Male Officers may wear a suit or sport coat, shirt, tie and dress shoes. Female Officers wearing civilian clothes shall choose professional-appearing clothing conducive to the serious, business-like atmosphere of a courtroom. Unless otherwise authorized by the Chief of Police, all uniformed personnel will appear in court in a clean, neat, seasonal uniform, plus complete leather gear and duty weapon. Shoes will be polished and shined. Situations involving an apparent conflict of assignment shall be reported to an Officer's immediate superior as soon as possible for resolution and disposition.
- (h) **Schools, Seminars, Conferences, Department Meetings, Etc.** All Officers and non-sworn personnel will be required to wear either full uniform or appropriate civilian clothing

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such as dress slacks, dress jeans, sport shirt and shoes. The only exception is when there is a need to wear foul weather gear or appropriate clothing for range use, physical training, etc. These exceptions will be announced in advance.

- (i) **Non-Sworn Personnel.** All non-sworn personnel will be required to follow the general standards established for officers when attending functions.

COMMENTARY:

This policy should be interpreted with a flexibility that reflects changes in the "standards of appearance which are acceptable to the community." An attempt should be made to give the individual the greatest amount of freedom in dress and appearance possible, within the limits of community opinion and Department directives.

Title 2 ► Chapter 4

Bloodborne Pathogens

2-4-1	Purpose
2-4-2	Exposure Determination; Response Procedures
2-4-3	Implementation Schedule and Methodology
2-4-4	Compliance Methods
2-4-5	Washing and/or Flushing Procedures
2-4-6	Work Area Restrictions
2-4-7	Contaminated Equipment
2-4-8	Personal Protective Equipment (PPE)

Sec. 2-4-1 Purpose.

POLICY:

- (a) Because of the nature of law enforcement duties while responding to emergencies, it may be reasonably anticipated that the Officers of the City of Stanley Police Department may have contact with blood and/or other potentially infectious materials. This Department takes the position that victims of accidents, victims of physical attacks, items of evidence and subjects and suspects in the custody of an Officer may be carriers of bloodborne pathogens. This policy recognizes and limits this occupational exposure to blood and/or other potentially infectious materials since any exposure could result in the transmission of bloodborne pathogens which could lead to disease or death.
- (b) Goals of the policies in this Chapter are:
 - (1) To inform new employees and to annually review with existing employees the policies and procedures for infection control.
 - (2) To minimize the risk of exposure to blood and other body fluids and to prevent the transmission of infectious microorganisms between the public and employees.
 - (3) To provide guidelines for documentation, testing and followup for non-hospital employees who present themselves at the designated local hospital emergency services department for occupational exposure to potentially infectious bloodborne pathogens.

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- (c) In accordance with the OSHA Bloodborne Pathogens Standard, 29 CFR 1910, 1030, the exposure control plan contained in this Chapter has been developed.
- (d) The purpose of this exposure control plan is to:
 - (1) Eliminate or minimize employee occupational exposure to blood or certain other body fluids; and
 - (2) Comply with the OSHA Bloodborne Pathogens Standard, 29 CFR 1910, 1030.
 - (3) Provide guidelines for Department personnel responding to emergency situations, dealing with individuals in nonemergency situations or coming into contact with body fluids or other materials in which there is actual or potential risk of exposure to HIV (Human Immunodeficiency Virus), AIDS (Acquired Immune Deficiency Syndrome) or other pathogens.

DEFINITIONS:

For the purpose of this policy, "infectious materials" shall include any of the following:

- (a) Semen.
- (b) Vaginal secretions.
- (c) Cerebrospinal fluid.
- (d) Synovial fluid.
- (e) Pleural fluid.
- (f) Pericardial fluid.
- (g) Peritoneal fluid.
- (h) Amniotic fluid.
- (i) Saliva.
- (j) Any body fluids visibly contaminated with blood and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.
- (k) Any unfixed tissues or organs from a human (living or dead).

COMMENTARY:

The circumstances under which law enforcement, emergency medical and fire service personnel respond to emergency situations give rise to the possibilities of exposure to individuals capable of transmitting HIV or to materials, sharp objects or other items which, if mishandled, may result in HIV infection.

Sec. 2-4-2 Exposure Determination; Response Procedures.**POLICY:**

OSHA requires employers to perform an exposure determination concerning which employees may incur occupational exposure to blood or other potentially infectious materials. The exposure determination is made without regard to the use of personal protective equipment (i.e. employees are considered to be exposed even if they wear personal protective equipment.) This exposure determination is required to list all job classifications in which all employees may be expected to incur such occupational exposure, regardless of frequency. At this Department, the following job classifications are in this category and have occupational exposure:

- (a) All Police Department Personnel.

PROCEDURES:

- (a) **General.**

- (1) Any employee who has been exposed to blood or other potentially infectious body fluid shall follow the guidelines developed by the City-designated hospital. The definition of who falls into the category of being exposed is included herein. The forms necessary for testing and followup will be provided in the hospital emergency room.
- (2) An employee with an exposure to blood/body fluids must contact a hospital physician as soon as possible after an exposure has occurred. Significant exposure determination must be made by the physician prior to testing. A registered nurse, in conjunction with the physician, will obtain health status information about the source person in accordance with Sec. 252.15, Wis. Stats., and an Infection Control Practitioner will assist with followup.

- (b) **Definition.** Under Sec. 252.15(1)(em), Wis. Stats., "significant exposure" means: sustained a contact which carries a potential for transmission of HIV, by one or more of the following:

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- (1) Transmission of blood, semen or other body fluid into a body orifice.
- (2) Exchange of blood during the accident or intentional infliction of a penetrating wound, including a needle puncture.
- (3) Blood or other body fluid exchange into an eye, an open wound, an oozing lesion or where a significant breakdown in the epidermal barrier has occurred.
- (4) Exposure to saliva as the result of a bite during the course of which the skin is broken.
- (5) The provision of cardiopulmonary resuscitation, if the exchange of blood or other body fluid occurred.

(c) **Immediate Treatment of Exposed Person.**

- (1) If a needle puncture, laceration or other broken skin, clean the site immediately with antiseptic soap.
- (2) If a mucous membrane or conjunctive (eye) exposure, irrigate the affected area with large amounts of water or normal saline.

(d) **Documentation—Person Exposed.**

- (1) Review the statutory definition for significant exposure as listed in Sec. 846.06(a), Wis. Stats., or the Significant Exposure to Blood/Body Fluids Determination Form.
- (2) Using a ballpoint pen, complete parts I, II and III of Significant Exposure Determination Form.
- (3) Sign and date the form at the bottom of part III.
- (4) Give the entire form to the physician to certify the exposure.

(e) **Certification of Exposure—Emergency Services Physicians.**

- (1) Review the description of the incident and the statutory definition of significant exposure.
- (2) If the physician feels that a significant exposure has occurred, part IV of the form must be completed.
- (3) The exposed person should be given the instructional sheet and copy 2 of the Significant Exposure Form.
- (4) Route all remaining copies to the Infection Control Practitioner.

(f) **Source Testing with Consent.**

- (1) The source persons shall be informed of the incident.
- (2) Consent shall be requested for HIV testing. Consent is required to test for HIV. HBsAg testing does not require special consent and will be done on available serum.

- (3) The proper informed consent for HIV testing must be obtained.
- (4) The HIV and HBsAg testing is to be ordered on an All-Purpose Requisition Form. The employer of the exposed person will be billed for the HIV and HBsAg testing.
- (5) Contact the Laboratory to obtain a blood specimen.
- (6) Results should be sent to the Infection Control Practitioner, who will complete part V and send it to the exposed person.
- (7) The registered nurse should inform the exposed person of their obligation not to disclose the results of the source person identification to any other person. They should be made aware that any disclosure would be in violation of confidentiality statutes and would subject the person to criminal and civil penalties.

(g) **Source Testing Without Consent.**

- (1) Under Wisconsin Statutes, the only time testing without consent may be done is when the exposed person was providing medical care or services to the source person. This includes police officers under Sec. 252.15(2)(7)(a), Wis. Stats.
- (2) HBsAg testing can be done with a physician's order; the source person's consent is not required.
- (3) HIV testing requires source consent. If the source person refuses, Wisconsin Statutes allows testing of an individual without consent when there has been significant exposure and all of the following conditions are met:
 - a. The exposed person has used universal precautions against significant exposure in the usual course of caring for the person. (Exception: Emergency circumstances where the time necessary for use of universal precautions would endanger the life of the person)
 - b. A physician would determine and certify in writing the exposure incident was a significant one by completing the Significant Exposure to Blood/Body Fluids Determination Form.
 - c. The testing must be performed on blood that was drawn for a purpose other than testing for the presence of HIV.
 - d. A source person capable of providing consent has been given the opportunity to consent and has refused.
 - e. The source person has been informed that blood is being tested for the presence of HIV and that the test results will only be disclosed to the exposed person and no one else. The Emergency Services R.N. has informed the exposed person of his/her obligation not to disclose the identity of the person being tested to any other person.
 - f. Sec. 252.15(2)(7)(av), Wis. Stats., allows for the District Attorney to apply to the Circuit Court requesting the Court to order the source person to submit to a test or series of tests for HIV.

Sec. 2-4-3 Implementation Schedule and Methodology.

POLICY:

OSHA also requires that this plan include a schedule and method of implementation for the various requirements of the standard. The following Sections in this Chapter comply with this requirement.

Sec. 2-4-4 Compliance Methods.

POLICY:

- (a) Universal precautions will be observed by this Department in order to prevent contact with blood or other potentially infectious materials. All blood or other potentially infectious material will be considered infectious regardless of the perceived status of the source individual.
- (b) Work practice controls will be utilized to eliminate or minimize exposure to Department employees. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be utilized.
- (c) The above controls will be examined and maintained on a regular schedule.
- (d) The Chief of Police shall review the effectiveness of the controls annually.

Sec. 2-4-5 Washing and/or Flushing Procedures.

PROCEDURES:

- (a) (1) Handwashing facilities shall be made available to the employees who incur exposure to blood or other potentially infectious materials. OSHA requires that these facilities be readily accessible after incurring exposure.
- (2) Handwashing should be done immediately after each contact with a person. Unless there is contact with a body substance, ordinary soap shall be sufficient. If there is contact with a body substance, use a soap with an antimicrobial agent, use running water and scrub for at least ten (10) seconds. Antimicrobial hand towelettes are in each patrol car. Antimicrobial soap is located at the Police Station.
- (3) If use of handwashing facilities is not feasible, the Department is required to provide either an antiseptic cleanser in conjunction with clean cloth/paper towels or antiseptic

towelettes. If these alternatives are used, then the hands are to be washed with soap and running water as soon as feasible.

- (b) After the removal of personal protective gloves, employees shall wash hands and any other potentially contaminated skin area immediately or as soon as feasible with soap and water.
- (c) If employees incur exposure to their skin or mucous membranes, then those areas shall be washed or flushed with water as soon as feasible following contact.
- (d) Personnel who have open sores or dermatitis should avoid direct contact with individuals who could be infected or handling equipment that may be contaminated.

Sec. 2-4-6 Work Area Restrictions.

PROCEDURES:

- (a) In work areas where there is a reasonable likelihood of exposure to blood or other potentially infectious materials, employees are not to eat, drink, apply cosmetics or lip balm, smoke or handle contact lens. Food and beverages are not to be kept in refrigerators, freezers, shelves, cabinets, or on counter tops or bench tops where blood or other potentially infectious materials are present.
- (b) Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.
- (c) All procedures will be conducted in a manner which will minimize splashing, spraying, splattering and generation of droplets of blood or other potentially infectious materials.

Sec. 2-4-7 Contaminated Equipment.

PROCEDURES:

- (a) **Administration.** The Chief of Police is responsible for ensuring that equipment which has become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary unless the decontamination of the equipment is not feasible.
- (b) **Handling Needles and Other Sharp Objects.**
 - (1) Needles, syringes, scalpel blades, knives, broken glass and other sharp objects at the scene of an emergency or at a crime scene where the collection of evidence is

necessary should be handled only by personnel who are wearing disposable latex gloves or preferably wearing both latex gloves and leather gloves to minimize the risk of accidental cuts and punctures in handling items that may be contaminated.

- (2) After finding blades, needles or other sharps that are not needed for evidence, they must be disposed of by placing them in puncture-resistant containers. Needles used or found at the scene of an emergency shall be disposed of in puncture-resistant containers; needles should not be recapped, bent or broken by hand. A puncture-resistant container is located in the Police Department and when possible, it should be taken to the location of the sharp item to prevent transporting the item.
- (3) Scalpels, knives or other sharp instruments should be handled with extraordinary caution to prevent cutting or puncturing the skin.

(c) **Cleaning and Disinfecting Equipment.** For cleaning and disinfecting equipment, Department members shall:

- (1) Use bleach soaked "Kwik-Wipe" towelettes for small disinfecting jobs; also use to wipe off steering wheel, radios, door handles or anything that may have come in contact with a contaminated glove, etc.
- (2) Do not use Kwik-Wipes on fabrics, skin or upholstery.
- (3) Contact the Department-designated Medical Center for assistance with any large areas of contamination.

Sec. 2-4-8 Personal Protective Equipment (PPE).

POLICY:

(a) **PPE Provision.**

- (1) All personal protective equipment used by City of Stanley Police Department members will be provided without cost to employees. Personal protective equipment will be chosen based on the anticipated exposure to blood or other potentially infectious materials. The protective equipment will be considered appropriate only if it does not permit blood or other potentially infectious materials to pass through or reach the employees' clothing, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.
- (2) Personal protective equipment (PPE) available to Department members include:
 - a. Latex gloves to be worn when touching any blood or body fluid or when collecting any blood or body fluids for evidence or when cleaning contaminated equipment.

- b. Protective eyewear and masks are provided in each squad car to protect the employee's eyes and mucous membranes.
- c. A pocket mask is to be used for ventilating any person via mouth to mouth.
- d. PBT tubes should not be touched and shall be discarded immediately after use.

(b) **PPE Use.**

- (1) The employee shall use appropriate PPE unless the supervisor shows that the employee temporarily and briefly declined to use PPE when under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of healthcare or posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.
- (2) Officers should use available appropriate personal protective equipment including, but not limited to, gloves, face shields, masks, eye protection, mouth pieces, resuscitation bags, etc., which does not permit blood and/or other potentially infectious materials to pass through or reach the Officer's duty uniform, street clothes, undergarments, skin, eyes, mouth or other mucous membranes under normal conditions.
- (3) Under very limited circumstances, an Officer may decline to use this protective equipment; it must be the officer's professional judgment that the use of the equipment would have prevented emergency care, public safety services or would pose an increased hazard to another Officer. This may occur only in temporary and brief circumstances and, if an Officer makes such a judgment, it is the responsibility of the Department to investigate and document whether changes can be instituted to prevent such occurrences in the future.
- (4) Mucous membranes will be flushed with water as soon as feasible following contact of such body areas with blood and/or other potentially infectious materials.
- (5) Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses are prohibited in an area where there is reasonable likelihood of exposure.
- (6) Officers should be extremely cautious, utilizing the preceding procedures, when dealing with evidence which may contain potentially infectious materials. These may include, but are not limited to: specimens, vaginal smears, under garments, blood stained clothing, etc. These types of items will be packaged to prevent contamination and leakage during collection, handling, processing, storage, transportation or shipping. Contaminated needles and sharp objects shall not be bent, broken off, recapped or removed, but shall be placed in puncture-resistant and labeled containers. All procedures involving evidence containing blood or other potentially infectious materials shall be performed in such a manner as to minimize the splashing, spraying, spattering and generation of droplets of these substances.

- (c) **PPE Accessibility.** Appropriate PPE in the appropriate sizes shall be readily accessible at the work site or is issued without cost to employees. Hypo-allergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

- (d) **PPE Cleaning, Laundering and Disposal.**
 - (1) All personal protective equipment will be cleaned, laundered and disposed of by the employer at no cost to the employees. All repairs and replacements will be made by the employer at no cost to employees.
 - (2) All garments which are penetrated by blood shall be removed immediately or as soon as feasible. All PPE will be removed prior to leaving the work area.
 - (3) When PPE is removed, it shall be placed in an appropriately designed area or container for storage, washing, decontamination or disposal.
 - (4) Clothing will be bagged and cleaned by a capable facility.

- (e) **Gloves.**
 - (1) Gloves shall be worn where it is reasonably anticipated that employees will have hand contact with blood, other potentially infectious materials, non-intact skin and mucous membranes; when performing vascular access procedures and when handling or touching contaminated items or surfaces.
 - (2) Disposable gloves used at this facility are not to be washed or decontaminated for re-use and are to be replaced as soon as practical when they become contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. Utility gloves may be decontaminated for re-use provided that the integrity of the glove is not compromised. Utility gloves will be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

- (f) **Eye and Face Protection.** Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shields, are required to be worn whenever splashes, spray splatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can reasonably be anticipated.

- (g) **Additional Protection.** Additional protective clothing (such as lab coats, gowns, aprons, clinic jackets, or similar outer garments) shall be worn in instances when gross contamination can reasonably be anticipated.

**HEPATITIS B VACCINE DECLINATION FORM
(MANDATORY)**

I understand that due to my occupational exposure to blood and other potentially infectious materials, I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself. However, I decline Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee's Signature

Date

Witness

Title 2 ► Chapter 5

Employee Drug Testing

2-5-1 Employee Drug Testing

Sec. 2-5-1 Employee Drug Testing.

POLICY:

- (a) The critical mission of law enforcement establishes a compelling need to maintain a drug-free work environment. Officer and employees who engage in unauthorized use of drugs and controlled substances risk their safety and that of their fellow Department members and the community they serve, undermine the integrity of the Department and increase the potential for corruption. For those reasons, it is the Officers and employees of the City of Stanley Police Department to maintain a drug-free workplace, in part through the use of random employee drug testing.
- (b) A purpose of this policy is to inform all Department employees of the provisions of this agency's drug-testing policy.
- (c) Department employees are required as a condition of employment to sign a Consent and Release Form authorizing the employee to submit to drug testing as a condition of their employment.

DEFINITIONS:

- (a) **Controlled Substance.** Any substance which is illegal to consume, possess, manufacture or distribute or any psychoactive substance drug or medication that requires the prescription of a licensed medical practitioner.
- (b) **Drug.** Any substance, including alcohol, that is restricted or prohibited by this policy.
- (c) **Drug Test.** The compulsory production and submission of urine or submission to a breathalyzer, in accordance with Department procedures, to detect prohibited drug usage. While this policy provides for only the submission of urine for detection and analysis of

controlled substances, it does not preclude the Department from using a blood or other test for the same purposes.

- (d) **Probationary Employee.** For the purpose of this policy only, a probationary employee with the Department shall be considered a law enforcement Officer.
- (e) **Random Selection.** A method of selection in which each and every employee in selected employee classifications has an equal chance to be selected for drug testing each and every time a selection is conducted.
- (f) **Sensitive Employment Positions.** Non-sworn employees working in positions accessible to restricted or confidential information and who are designated as such by collective bargaining agreement, state law, or the Chief of Police.

PROCEDURES:

(a) **Reasonable Suspicion Drug Testing.**

- (1) The Chief of Police may request a drug test of any Department employee when there is a reasonable suspicion to believe the employee is under the influence of, or abuses, a drug or controlled substance.
- (2) A summary of pertinent facts will be provided to the employee prior to conducting any test.
- (3) Reasonable suspicion to request a drug test is based on a totality of circumstances that include, but are not limited to:
 - a. Abnormal conduct or aberrant behavior;
 - b. Information provided by reliable and credible sources; and/or
 - c. Observed difficulty or unusual speech, concentration, movement or the behavior characteristics symptomatic of controlled substance usage.
- (4) An employee under reasonable suspicion may be removed from duty pending the outcome of a drug test.

(b) **Drug Testing Procedures.**

- (1) Employees shall be selected for drug testing on a random basis.
- (2) Any employee who discloses the identity of another employee selected for random testing, that a random selection is scheduled or the date on which urine or blood specimens will be collected is subject to disciplinary action.
- (3) Urine or blood specimens shall be collected using equipment, supplies and personnel meeting professionally-accepted standards.

- (4) A pre-test interview shall be conducted by testing personnel with each employee in order to ascertain and document the recent use of prescription or non-prescription drugs and direct or indirect exposure to drugs that may result in a false positive test result.
- (5) Where the employee appears unable or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances. Reasonable amounts of water may be given to the employee to encourage urination. The employee shall be permitted a reasonable amount of time to give a sample, during which he/she shall remain in the testing area under observation.
- (6) Failure to submit a sample shall be considered a refusal to submit a drug test.
- (7) Whenever there is a reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately under direct observation of the testing personnel.
- (8) Samples shall be stored in a secured and refrigerated atmosphere until tested or delivered to the testing facility.

(c) **Drug Testing Methodology.**

- (1) All urine or blood testing performed under this policy shall be performed by a professionally qualified laboratory meeting standards defined by federal, state and local authorities and approved by this Department.
- (2) A specimen testing positive will undergo a confirmation test that shall be technologically different and more sensitive than the initial screening test. The drug screening tests selected shall be capable of identifying marijuana, cocaine and every major drug of abuse including heroin, amphetamine and barbiturates.
- (3) Concentrations of a drug at or above the following levels shall be considered a positive test result when using the initial fluorescence polarization immunossay analysis drug screening test:

Initial Test Cutoff Levels in nanograms/milliliters (ng/ml)*

	<u>Level (ng/ml)</u>
Marijuana metabolite	50
Cocaine metabolite	300
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

- (4) Concentrations of a drug at or above the following levels shall be considered a positive test result when performing a confirmatory gas chromatography/mass

spectrophotometry (GC/MS) test on a urine specimen that tested positive using a technologically different initial screening method:

Confirmatory Test Cutoff Levels in nanograms/milliliters (ng/ml)*

	<u>Level (ng/ml)</u>
Marijuana metabolite (1)	15
Cocaine metabolite (2)	150
Opiates:	
Morphine	2,000
Codeine	2,000
6-Acetylmorphine (3)	10
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine (4)	500

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- (1) Delta-9-tetrahydrocannabinol-9-carboxylic acid
 - (2) Benzococoginine
 - (3) Test of 6-AM when morphine concentrations exceed 2,000 ng/ml
 - (4) Specimen must also contain amphetamine at a concentration of 200 ng/ml
 - (*) Test thresholds employed by D.E.A. effective 1999.

- (5) All reports of positive confirmatory test results shall be submitted in writing to the Department from the laboratory.
- (6) Any employee receiving a confirmed positive drug test result will be removed from duty pending a hearing for termination of employment.
- (7) The legal right of all personnel to maintain confidentiality in the results of their drug tests shall be observed by all Department employees.

(d) Drug Test Results.

- (1) All records pertaining to Department-required drug tests shall remain confidential and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.
- (2) Drug test results and records shall be stored and retained in compliance with the law.