



VILLAGE OF EAGLE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

001 – MISSION STATEMENT | LAW ENFORCEMENT CODE OF ETHICS | CORE VALUES | STANDARDS OF CONDUCT

GENERAL ORDER: 2018-02
ISSUED: October 12, 2018

EFFECTIVE: October 14, 2018

REVIEWED/APPROVED ON: October 10, 2018
BY: Assistant Chief Steven Lesniewski

ACTION: Supersedes all previous Procedures

INTRODUCTION:

Police comprise a special class of public employee. In light of the fact that police presence and actions are highly visible examples of the desired role of police in a free society – guardians of constitutional rights and individual liberties – police conduct must be above reproach and held to high standards of professional behavior. When police conduct is found to be lacking, criticism is deservedly more warranted given the fiduciary relationship of trust established with the community. If community trust is lost, support and respect are diminished, as is the efficacy of police operations.

The Law Enforcement Code of Ethics, the Village of Eagle Police Department Mission Statement, Standards of Conduct, and Core Values, define us and guide our behavior; thus they require strict adherence. Our Standard Operating Procedures detail the means to perform our duties in a reasonable and lawful manner. Policing is complex and we recognize the legitimate use of discretion to achieve goals that are in line with our Core Values.

Members are responsible for adhering to the contents of the Law Enforcement Code of Ethics, the Village of Eagle Police Department Mission, Core Values, Standards of Conduct, and Standard Operating Procedures. In addition, all Village of Eagle employees are expected to comply with the provisions of the Village of Eagle Human Resources Policy Manual.

MISSION:

To protect human life, preserve the peace, protect property,
and to provide ethical, courteous, effective, and efficient police service.

VISION:

A community where citizens live and conduct business in safety,
protected by a police department with the highest professional standards

001.00 LAW ENFORCEMENT CODE OF ETHICS:

- A. **AS A LAW ENFORCEMENT OFFICER**, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.
- B. **I WILL** keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; employ self-restraint; and be constantly mindful of the welfare of others. Honest actions in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of the Village of Eagle Police Department. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.
- C. **I WILL** never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, and never employing unnecessary force or violence.
- D. **I RECOGNIZE** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession of law enforcement.

001.02 CORE VALUES

- A. **INTEGRITY** - We are committed to performing our work with the highest degree of honesty, integrity and professionalism.
- B. **RESPECT** - We carry out our duties with courtesy, respect, and fairness to all as well as respect individual and constitutional rights in fulfilling this mission. Furthermore, the Department recognizes and respects the value of all human life.
- C. **SERVICE** - We strive to deliver exceptional police service in a fair and impartial manner.
- D. **COMMUNITY PARTNERSHIP** - We believe that the police can only be successful in improving safety and the quality of life the community enjoys when police and community members work collaboratively to address issues of mutual concern.
- E. **PROFICIENCY AND CONTINUOUS IMPROVEMENT** - We are accountable to the public and ourselves for the quality of our service. We strive for proficiency in all facets of our work. We seek to continually improve ourselves and those systems in our midst and those in the community where the police can effect meaningful change for better outcomes.
- F. **LEADERSHIP** - We acknowledge that leadership knows no boundaries and is more comprehensive than rank or title. We also recognize that being a good follower is essential to our success as a Department. We value the talents, creativity, and contributions of all of our employees.

- G. COURAGE - We place the safety of others before our own and accept our moral responsibility to take action against injustice and wrongdoing. Police members are expected to take prudent risks on behalf of the public. Police members are required to discharge their duties with composure and determination and in time of danger or adversity shall act together and assist each other in the restoration of peace and order.

001.03 STANDARDS OF CONDUCT

A. LEGAL AUTHORITY

1. Police powers and limitations on those powers are guided by numerous legal authorities including (but not limited to) the United States and State of Wisconsin Constitutions; and the Village of Eagle Ordinances respectively. All Village of Eagle police officers have taken an oath to uphold the individual rights and constitutional liberties guaranteed to all we serve. We are committed to acting in accordance with these provisions.

B. TRUTHFULNESS

1. Members of the Department are required to be truthful.
2. This regulation prohibits perjury, withholding of evidence from a judicial proceeding, false public statements, untruthful statements made within the Department, and any other misrepresentations.
3. Members shall not knowingly make false official reports, or knowingly enter or cause to be entered inaccurate, false or improper information in any Departmental records.
4. This policy does not apply to court-recognized instances where there are legitimate investigative activities involved (e.g., undercover work, hostage negotiations).

C. PERFORMANCE OF DUTIES

1. Members of the Department are held responsible for the proper performance of any and all duties assigned to them.
2. All department members shall be familiar with department policy, procedures, training, and shall conduct themselves accordingly.
3. All department members are responsible for the condition and safeguarding of their personal and department issued equipment. Department members shall not deface, damage, destroy, modify, or carelessly or inappropriately use any department property without permission to do so.
4. Police investigations shall, at a minimum, be based upon reasonable suspicion or an actual or possible offense or crime. Investigations shall be conducted and reports shall be prepared in a prompt, thorough, impartial and careful manner so as to ensure accountability and responsibility in accordance with the law.

5. It is the responsibility of the employee to report on time, both physically and mentally prepared to carry out their duties. If an employee has been subject to an extended tour and the employee feels incapable of fulfilling their assignment, the employee should consult with a supervisor. Employees are expected to maintain all necessary licenses and certifications required to perform the duties of their position.
6. All Department members shall not be impaired as a result of any drug usage or alcohol. All employees are prohibited from having any measurable amount of alcohol in their system while on-duty. No Department member shall consume or purchase any intoxicants while in uniform. No Department member shall consume intoxicants while armed, except with the approval of the Chief of Police. No Department member shall consume, ingest, or otherwise introduce into their body, any controlled substance, which would otherwise be unlawful to possess.
7. It is the responsibility of the employee to consult with their physician to determine their fitness for duty based on their medical condition and/or prescribed treatment.

D. ABSENCE FROM DUTY

1. Members shall not be late or absent from duty without permission from a supervisor.
2. In the event of illness or injury, notification is necessary prior to the time designated for reporting for duty and may be made by telephone or by written report. If extenuating circumstances make timely notification impossible, notification within a reasonable time is necessary. If leave benefits become necessary during a work shift, a supervisor must be notified.

E. UNLAWFUL CONDUCT

1. Members of the Department shall not engage in conduct, which would constitute a violation of criminal law or an ordinance corresponding to a state statute, which would be a crime in the jurisdiction where the conduct occurred. This includes first-time OWI or hit and run offenses.
2. Department personnel shall immediately notify a supervisor whenever investigating an incident where the suspect is a law enforcement officer (any criminal culpability, OWI or hit and run offenses). A supervisor should affect or cause to affect a timely response to the scene and coordinate the investigation.

F. NOTIFICATION REQUIRED REGARDING LAW ENFORCEMENT CONTACTS

1. Members of the Department who are contacted by any law enforcement agency concerning their involvement; as a suspect, witness, or victim, of any conduct that would constitute a violation of criminal law, an ordinance corresponding to a state statute, or traffic regulation, which would be a violation in the jurisdiction where the conduct occurred; shall, report the incident to the Chief of Police.
2. Unless such notification is contrary to the department member's desire to invoke their constitutional right against self incrimination in a criminal matter, contact with the Chief must be in person or by telephone within 24 hours of the incident or their return to duty, whichever comes first. The Chief shall review the

circumstances of the incident and determine whether any further investigation or action by the Village of Eagle Police Department is necessary. The fact that an employee has not been charged or convicted of an incident does not bar Departmental investigation and/or discipline under this policy.

G. EQUAL PROTECTION

1. Members of the Department shall act to preserve the rights of all. Any intentional acts (by commission or omission) based solely upon an individual's membership, association, identification or protected class is a violation of equal protection and prohibited by federal and state law. Furthermore, such activity is contrary to the Village of Eagle Police Department Mission Statement and our Core Values and only serves to undermine trust with the community we have pledged to serve.
2. This policy is also intended to prohibit employees from being involved in enforcement decisions, follow-up investigations, assisting in prosecutions or any other law enforcement functions that involve a family member, relative, friend, or important relationship. The purpose of this regulation is to prevent the appearance of bias on the part of the employee.

H. HARASSMENT

1. Any employee who engages in harassment on the basis of race, sex, religion, color, age, handicap, national origin, or sexual orientation; or who permits employees under his/her supervision to engage in such harassment; or who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct.
2. Supervisors are required to report to the Chief of Police all instances of harassment whereupon he or she (or his or her designee) shall, per the Village of Eagle Human Resources Policy Manual, immediately notify the Village President of the reported instance of harassment.

I. COURTESY, RESPECT AND PROFESSIONAL CONDUCT

1. Members of the Department shall be courteous and respectful to the public and co-workers. Our encounters should be predicated upon civility and the appropriate use of an officer's discretion based upon the totality of the circumstances.
2. Members of the Village of Eagle Police Department should refrain from the use of abusive, profane language or gestures and actions that bring disrespect upon the Department or members of the community. This includes unreasonable orders, or warnings not within the lawful scope of the member's authority.
3. The use of "Heavy Control Talk," as referenced in the Wisconsin DAAT Disturbance Resolution Model, *may* be considered an exception to this standard if deemed to have been applied reasonably to prevent an escalation of force or to gain compliance. Reasonableness is judged from the perspective of a reasonable police member facing similar circumstances and is based on the totality of the circumstances at the time

“Heavy Control Talk” was applied, along with the member’s prior training and experience, without regard to the underlying intent or motivation of the police member.

J. PUBLIC CRITICISM

1. Members of the Department shall not publicly criticize the operations or personnel of the Department if such criticism clearly undermines the discipline, morale or general efficiency of the Department.
2. The 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 do not allow for conduct, which is disruptive to the function of the Department’s business. Generally, conduct prohibited by this regulation includes critical public statements or overt actions regarding specific employees, orders, or operations, and includes abusive or deliberately constructed false criticism.

K. USE OF FORCE

1. It is the policy of the Village of Eagle Police Department that officers, while in the performance of legal duties, shall always employ force in a manner that is objectively reasonable based on the totality of the circumstances, *Graham v. Connor*, 490 U.S. 386 (1989). “Objective Reasonableness” is judged from the perspective of a reasonable police member facing similar circumstances and is based on the totality of the facts known to the police member at the time the force was applied, along with the member’s prior training and experience, without regard to the underlying intent or motivation of the police member. Members of the Department shall act at all times within the standards for use of force established in the Use of Force procedures.
2. Recognizing our legal and moral obligation to use force wisely and judiciously, it is the policy of Village of Eagle Police Department that an officer will never resort to deadly force unless an officer reasonably believes that a lesser degree of force would be insufficient to defend the life of another, one’s self, or in limited situations, to apprehend a dangerous felon, control a dangerous animal, or to euthanize an animal so gravely injured that dispatching it is the single humane option.
3. The use of force by police must be consistent with Department training, reported in a timely fashion, and subject to review for consistency with State of Wisconsin standards. The members of the Village of Eagle Police Department, as guardians to our community, understand and expect the scrutiny that can result from use of force applications. The Village of Eagle Police Department will take affirmative steps to review, assess, and inform constituents about the outcomes from use of force incidents and will continue to educate our community about the parameters and appropriateness pertaining to use of force decision making.

L. DUTY TO INTERVENE

1. Any officer present and observing or has knowledge of another officer engaged in conduct, which is contrary to any of the Village of Eagle Police Department's Standards of Conduct or Core Values has an affirmative obligation to intervene and report. Members will not be punished, but will be protected and supported, for reporting a violation of the Standards of Conduct or Core Values, unless the report is shown to be malicious or ill founded.
2. Failure to intervene when any violation of the Standards of Conduct or Core Values occurs, or is about to occur, shall be treated the same as if the member committed the violation. Further, the member shall be considered acting in contravention of the Core Value of Courage (001.02(G)).

M. VEHICLE OPERATION

1. Members of the Village of Eagle Police Department shall at all times operate village-owned vehicles with due regard for the safety of all persons. All personnel operating department vehicles shall exercise due regard for the safety of all persons. There are no assignments or tasks of such importance that they justify the reckless disregard of the member's safety or the safety of other persons. Members must be mindful of the balance between achieving the goals of law enforcement while maintaining the public's safety, including if engaged in vehicle pursuits.
2. When operating under emergency conditions, officers shall adhere to all applicable regulations specified by law and carefully balance the risks involved against the public interests, recognizing always that the statutory exemptions granted to authorized emergency vehicles do not protect an operator from the consequences of reckless disregard for the safety of others.

N. INSUBORDINATION

1. Members of the Village of Eagle Police Department shall promptly obey lawful orders from any supervisor. Should such orders conflict with a previous order, policy, or procedure of the Department, the ordered member shall respectfully call attention to the conflict. If, however, the last order is not changed, it shall stand and the person obeying the order will not be held responsible. If any unlawful order is given to any member of the Department, such member will promptly report such fact to a higher ranking officer.

O. ACCEPTANCE OF BRIBES, GIFTS, REWARDS OR FEES, OR SOLICITATIONS

1. No officer shall accept a bribe, reward, fee, or gift *for services rendered* as a member of the Department. This regulation prohibits acceptance of anything of value which is not available or offered to other members of the public in similar circumstances. The purpose of this policy is to avoid the appearance that a member's authority is being misused for personal gain which can undermine the public's trust in the Department.

2. No member of the Department shall solicit anything of value for the Department without permission of the Chief of Police.
3. This policy does not prohibit occasional and unsolicited small valued offerings by members of the public, such as during the Holiday Season.
4. This policy does not prohibit occasional and unsolicited small valued offerings by a proprietor of an establishment, such as coffee or soda, provided the officer offers to and is prepared to pay for such item.
5. This policy does not prohibit the receipt of items of value from another governmental agency, proprietors sponsoring advertised purchase incentives for first responders, public service organizations, or from approved off-duty employment.

P. CRIMINAL ASSOCIATION

1. Members shall avoid associations or interactions with persons or places that they know, or should know, are under criminal investigation or indictment. Members shall avoid regular or continuous associations with persons who are on probation, parole, house arrest or Huber. This also includes those who have a reputation in the community or known to the Department for current and ongoing involvement in criminal behavior, except as necessary to the performance of official duties. If this situation occurs with a family member, the employee shall report this conflict to the Assistant Chief of Police.

Q. POLICE DISCRETION

1. Police officers, by necessity, exercise professional discretion in deciding whether or not to address violations of the law. In addition, specific laws, Department Policies, or orders emanating from a supervisor may further limit officers' discretion and direct whether or not to affect an arrest.
2. Though not all inclusive, Department members, using articulable, sound professional judgment, may consider the following factors when deciding whether or not to use police intervention:
 - The seriousness and nature of the offense (generally, the more serious the offense, the more likely arrest is the preferred course of action).
 - The potential that official intervention will effectively aid in the resolution of a conflict.
 - The availability of legal alternatives to arrest that would adequately resolve the conflict or problem.
 - The likelihood that the citizen will be deterred from future violations by warning and education.
 - The officer's belief that the citizen made an honest mistake in violation of the law.
 - The victim-witness' interest in prosecution.
 - The potential that arrest or other interventions will create more serious breaches of the peace or other problems (i.e., inciting riot).
 - Legitimate competing priorities for police resources.
 - The officer's belief that the interventions will protect members of the community and/or the citizen.

3. The following factors, although not all inclusive, are among those that are improper for a police officer to consider in deciding whether or not to use official interventions:
 - a. The citizen's economic status, race, ethnicity, gender, or other status for which the law prohibits legal discrimination.
 - b. The revenue likely to be generated by fines or penalties imposed upon conviction.
 - c. The personal or professional relationship that the citizen has with the police officer or with other influential citizens.
 - d. The personal advantage to the officer for processing or avoiding processing of the intervention (e.g., overtime compensation, desire to finish tour of duty, avoidance of paperwork, etc.).

R. COMPLAINT ACCEPTANCE AND INVESTIGATION

1. The Village of Eagle Police Department is committed to investigating complaints, utilizing transparent and accountable measures. Therefore, the Department will accept complaints against any of its employees, mindful of the rights of due process and fundamental fairness. Complaints will be resolved pursuant to SOP 003, *Citizen Complaints and Personnel Investigations*.
2. Concerns or criticisms of Departmental policies or procedures can also be brought to the attention of the Chief in person or in writing, addressed to the Chief and delivered in person, via US Mail or electronically.

S. COOPERATION WITH INVESTIGATIONS REQUIRED

1. Members of the Department shall cooperate in internal investigations of alleged misconduct, illegal activity or policy violations. This includes a requirement to truthfully answer questions and / or submit to proper investigative measures employed by investigators.

T. ACCESS TO INFORMATION

1. Members of the Department shall only access or release official records of the Department for reasons consistent with their duties.



GREGG DURAN
CHIEF OF POLICE