



DIRECTIVE: A-4-20

SUBJECT: CONDUCT UNBECOMING A CONSERVATION OFFICER

EFFECTIVE DATE: 11/03/2020

SPECIAL INSTRUCTIONS: Replaces A-4-99

APPENDIX: Appendix A

REFERENCE: M.S. 626.8457, 626.89, 43A.38, 43A.39; MN Rules 6700.2000 to 6700.2600; Statewide Policy: Appropriate Use of Electronic Communication and Technology; DNR Policy on Employee Use of Email, Internet, and World Wide Web; MLEA Work Agreement; P.O.S.T. Model Conduct Policy Rev 01/2011

DISTRIBUTION: All Conservation Officers

This directive is for division use only and does not modify or supersede any law. Violations of this directive may form the basis for departmental administrative action. This directive should not be viewed as creating a higher standard of safety or care in any evidentiary sense and should not apply to any criminal or civil proceeding except civil proceedings related to departmental administrative action.

I. PURPOSE

The purpose of this directive is to define conduct which is unbecoming an Officer and therefore prohibited. State law requires all Minnesota law enforcement agencies to enact policies delineating unacceptable conduct by a law enforcement officer. This directive is based on the model policy developed by the Peace Officer Standards and Training Board (POST) and is intended to fulfill that requirement.

II. POLICY

Law enforcement effectiveness depends upon public respect and confidence. Conduct which detracts from this respect and confidence is detrimental to the public interest and is prohibited. It is the policy of this Division to accept and document all complaints, and when appropriate investigate circumstances which suggest an officer has engaged in

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conduct unbecoming the officer's position. It is also the policy of this Division to fairly adjudicate all cases and impose disciplinary action only when appropriate.

III. SCOPE

This directive applies to all officers when engaged in activities regulated by this directive. As used in this directive the terms "officer", "Conservation Officer", and "peace officer" are used to describe collectively all peace officer licensed employees of the Division. Unless otherwise noted, this directive also applies to off-duty conduct.

This directive is organized into eight principles governing conduct unbecoming an officer. Each principle is followed by a rationale explaining the principle and a set of rules. Conduct not mentioned under a specific rule, but which violates a general principle is prohibited.

IV. PRINCIPLE ONE

Officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

A. Rationale

Officers conduct their duties pursuant to a grant of limited authority. Therefore, officers must understand the laws defining the scope of their enforcement powers. Officers may only act in accordance with powers granted to them.

B. Rules

1. Officers shall not knowingly exceed their authority in the enforcement of the law.
2. Officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interview, interrogation, arrest, detention, searches, seizures, use of informants, preservation of evidence, and use of force.
3. Officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the constitutions and laws of the United States and the State of Minnesota.
4. Officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction

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in which the officer is present, except where permitted in the performance of duty under proper authority.

5. Officers will not, according to Minn. Stat. § 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

V. PRINCIPLE TWO

Officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

A. Rationale

Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. An Officer may be the public's initial contact with the criminal justice system and the officer must act in a manner that instills such trust.

B. Rules

1. Officers shall carry out their duties with integrity, fairness and impartiality.
2. Officers shall not knowingly make false accusations of any criminal, traffic, or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
3. Officers shall truthfully, completely, and impartially report, testify, and present all evidence, including exculpatory evidence, in all matters of an official nature.
4. Officers shall take no action knowing it will violate the constitutional rights of any person.
5. Officers shall obey lawful orders, but must refuse to obey any orders the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order, the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify the refusal.
6. Officers learning of conduct or observing conduct which is a violation of any law, directive, or procedure of this Division shall take necessary action and immediately report the incident to the officer's supervisor who shall forward the information to the Director. If the misconduct is committed by the

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officer's immediate supervisor, the officer shall report the incident to the immediate supervisor's supervisor. Officers can also report the conduct to the department's Human Resources.

VI. PRINCIPLE THREE

Officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

A. Rationale

Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of law enforcement officers. Officers must refrain from fostering disharmony in their communities based upon diversity, and perform their duties without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

B. Rules

1. Officers shall provide every person in our society with professional, effective, and efficient law enforcement services.
2. Officers shall not express, whether by act, omission, or statement, prejudice concerning race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, disability, sexual orientation, or age.
3. Officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, gender, marital status, status with regard to public assistance, disability, sexual orientation, or age. However, such information may be considered in identifying a suspect or witness, or where such status is relevant to determining whether the elements of a violation are present.

VII. PRINCIPLE FOUR

Officers shall not, whether on or off duty, exhibit any conduct which discredits themselves, the Division, or the Department or otherwise impairs their ability or that of other officers, the Division, or the Department to provide law enforcement services to the community.

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A. Rationale

An Officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and for law enforcement officers in general. Officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

B. Rules

1. Officers shall not consume alcoholic beverages or chemical substances while on duty, except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in section VII, B, 3 of this Directive.
2. Officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit when reporting for duty. An officer shall not report for duty with an odor of an alcoholic beverage on the officer's breath.
3. Officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. Prior to reporting for duty, the officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance.
4. Officers, while on duty, shall not commit any act which, as defined under Minnesota law, constitutes sexual harassment including but not limited to making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature.
5. Officers, while off duty, shall not engage in any conduct which the officer knows, or reasonably should know constitutes an unwelcome sexual advance or request for sexual favor, or unwelcome sexually motivated physical contact, or other unwelcome verbal or physical conduct or communication of a sexual nature.
6. Officers shall not commit any acts which, as defined under Minnesota law, constitute sexual assault or indecent exposure. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

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7. Officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the officer from the petitioner's home or workplace.
8. Officers shall not, in the course of performing their duties, engage in any sexual contact or conduct constituting lewd behavior.
9. Officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public's trust and confidence in the officer, the Division, or the Department. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

VIII. PRINCIPLE FIVE

Officers shall treat all members of the public courteously and with respect.

A. Rationale

Officers are one of the most visible forms of state government. Therefore, officers must make a positive impression when interacting with the public and each other.

B. Rules

1. Officers shall exercise reasonable courtesy in their dealings with the public, fellow officers, superiors, and subordinates.
2. No officer shall secretly tape record another officer of this Division unless authorized by the Director.
3. No officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame a person, or do anything reasonably calculated to incite a person to violence.
4. Officers shall promptly advise any inquiring citizen of the division's complaint procedure, and shall follow the established division directive for processing complaints.

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IX. PRINCIPLE SIX

Officers shall not compromise their integrity, or that of the division, the department, or the law enforcement profession, by accepting, giving, or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments, or by using their status as a peace officer for personal, commercial, or political gain.

A. Rationale

For a community to have faith in its law enforcement officers, officers must avoid conduct that casts or could cast doubt upon the impartiality of the individual officer or of the department.

B. Rules

1. Officers shall not use their official position, identification cards or badges: (1) For personal or financial gain for themselves or another person, (2) for obtaining privileges not otherwise available to them except in the performance of duty, or (3) for avoiding consequences of unlawful or prohibited actions.
2. Officers shall not use state time, facilities, or equipment for personal purposes or personal gain; except that state owned computers and electronic communication media may be used as permitted by Minnesota Statute Sec. 43A.38, the Statewide Policy: Appropriate Use of Electronic Communication and Technology, and Department and Division policies. Because of the complexity of the issues associated with approved computer usage a link to these specific guidelines are provided in Appendix A of this directive.
3. Officers shall not lend their identification cards or badges to another person, or permit these items to be photographed or reproduced without approval of the Director.
4. Officers shall refuse favors or gratuities which could be reasonably interpreted as capable of influencing official acts or judgments.
5. Unless required for the performance of official duties, Officers shall not, while on duty, be present at establishments that have primary purpose of providing sexually-oriented adult entertainment or have in their possession any explicit sexually-oriented materials.

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6. Officers shall:
 - a. Not authorize the use of their names, photographs, or titles in a manner that identifies the officer as an employee of this division or department in connection with advertisements for any product, commodity, or commercial enterprise.
 - b. Not make endorsements of political candidates while on duty or while wearing an official uniform.
 - c. Maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity.
7. Nothing in this directive prohibits officers from expressing their views on existing, proposed, or pending criminal justice legislation in their official capacity.
8. Nothing in this directive shall prevent officers from engaging in free expression of political speech in their capacities as private citizens, or the rights of law enforcement fraternal or labor organizations, to endorse political candidates or express views on political issues or other matters of public concern.

X. PRINCIPLE SEVEN

Officers shall not compromise their integrity, or that of the division, the department, or the law enforcement profession, by taking or attempting to influence actions when a conflict of interest exists.

A. Rationale

For the public to maintain its faith in the integrity and impartiality of officers and this division, officers must avoid taking or influencing actions where the officer's actions would or could conflict with the officer's appropriate responsibilities.

B. Rules

1. Officers shall, unless required by law or directive, refrain from being involved in official matters, or influencing actions of other officers in official matters, impacting the officer's immediate family, relatives, or persons with whom the officer has or had a significant relationship.

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2. Officers shall, unless required by law or directive, refrain from acting or influencing official actions of other officers that impact persons with whom the officer has or had a business or employment relationship.
3. Officers shall not use the authority of their position as law enforcement officers or information available to them due to their status as officers, for any purpose of personal gain including but not limited to initiating for furthering personal or intimate interactions of any kind with persons with whom the officer has had contact with while on duty.
4. Officers shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's duties or violates the terms of the Outside Employment Directive.

XI. PRINCIPLE EIGHT

Officers shall observe the confidentiality of information available to them due to their status as law enforcement officers.

A. Rationale

Officers have access to vast amounts of private and confidential information. Officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's, the division's, and the department's commitment to preserving such confidence.

B. Rules

1. Officers shall not knowingly violate any legal restriction governing the release or dissemination of information.
2. Officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
3. Officers shall not divulge the identity of persons giving confidential information, except as required by law or division directive.

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XII. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with Minn. Stat. § 629.89 (Peace Officer Discipline Procedures Act), Minn. Rules 6700.2000 to 6700.2600 (POST Board Rules), and division directive.

By Authority of:

Signed 11.03.2020

COL Rodmen Smith
Division Director

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A-04-14

APPENDIX A

REFERENCES

WORK AGREEMENT BETWEEN MLEA AND STATE OF MINNESOTA

**STATEWIDE POLICY: APPROPRIATE USE OF ELECTRONIC COMMUNICATION AND
TECHNOLOGY**

[Link to Statewide Policy Use of Electronic Equipment and Technology](#)

**MINNESOTA DEPARTMENT OF NATURAL RESOURCES POLICY ON EMPLOYEE USE OF E-
MAIL, INTERNET, AND THE WORLD WIDE WEB**

[Link to DNR Policy on Employee Use of Email, Internet, and World Wide
Web](#)