



City of Racine Police Department
Policy and Procedure

Number: 400

Subject: Rules of Conduct		
Date Issued: 03-16-1984	Effective Date: 09-09-2016	Revision Number: 5

PURPOSE: To establish general rules of conduct for members and employees of this Department.

POLICY:

1. **CIVILITY, COURTESY, RESPECT.**

- a. **RESPECT.** No member or employee shall, on or off duty, evince disrespect or discourtesy toward any member, a supervisory officer, employee or citizen.
- b. **CIVILITY.** All personnel shall conduct themselves in a mature and respectful manner toward other members, employees and citizens whether on or off duty. All personnel shall answer all reasonable and non-confidential questions in a courteous manner, and, if requested, give his/her name, payroll number and rank (or position), except when working in an undercover capacity.
- c. **OBSCENE OR ABUSIVE LANGUAGE.** No member or employee shall use obscene or abusive language or disparage any person because of race, religion, national origin, sexual orientation, sex or physical makeup.
- d. **CRITICISM.** When commenting to any persons outside the department on other departmental personnel or on departmental policies and procedures or on orders or instructions issued by supervisory officers, members and employees shall emphasize that their comments are their own, particularly when said comments reflect adversely on the department or supervisory officers. In no event shall said comments (whether made publicly, privately, orally or in writing) be obscene, knowingly false, or be made with disregard for truth or falsity (which includes failure to make a good faith effort to ascertain the facts).
- e. **INTERFERENCE.** No member or employee of the department shall interfere officiously or unnecessarily in the private business of any person except when required to act in the discharge of their duty.

2. **DUTY TO OBEY.**

- a. **INSUBORDINATION.** Every member and employee shall promptly obey the rules, regulations, policies and procedures of the department and all lawful written or verbal orders, assignments and directions of a supervisory officer.
- b. **COMPLIANCE WITH THE LAW.** All personnel shall obey all laws (or ordinances) of the United States and of any state and local jurisdiction in which they are present. A conviction of the violation of any law (or ordinance) shall be prima facie evidence of a violation of this section. Any member under investigation for violation of the criminal law or laws may be suspended for cause indefinitely or for a time determined by the Chief of Police, depending on the seriousness of the allegations.
- c. **DUTY TO KNOW AND FOLLOW DIRECTIVES.** All personnel shall be responsible for knowledge of all rules, regulations, policies, procedures, directives and orders, and shall follow same.

- d. **DIRECTIONS FROM RADIO COMMUNICATIONS.** All personnel shall immediately comply with the instructions and directions received via the Radio Communications system unless directed otherwise by competent authority.
- e. **OTHER DUTIES REQUIRED.** In addition to their usual specific duties and responsibilities as required by Departmental rules, regulations, policies, procedures and directives, all personnel shall perform all other lawful duties assigned to them by competent authority. All personnel have a duty to report for all requested overtime or extra duty assignments they receive.
- f. **CONFLICT OF ORDERS**
 - (1) Personnel who are given an otherwise proper order which is in conflict with a previous order, rule, regulation, policy, procedure or directive shall respectfully inform the supervisory officer issuing the order of the conflict, and (if applicable) which supervisor gave the original order. If the supervisory 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 supervisory officer. Personnel shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, policy, procedure or directive previously issued.
 - (2) Personnel shall not obey an order which they know or should have known would require them to commit an illegal act. If in doubt as to the legality of an order, personnel shall request the issuing supervisor to clarify the order.
- g. **AUTHORITY IN DEPARTMENT.** Authority in the Department shall be exercised with firmness, understanding and fairness to the individual concerned. Supervisory personnel shall support their subordinates when they can do so consistently and avoid, as far as circumstances permit, censuring them in the presence of others, or discrediting them through abusive language or capricious conduct. Supervisors shall be held accountable for judgment used and authority exercised.

3. **PERFORMANCE OF DUTY: NEGLECT OF DUTY.**

- a. **NEGLECT OF DUTY.** No member shall fail to take action requisite with the reasonably expected duties of a Police Officer. Members shall not create, respond to or transmit personal MDC messages, sleep, read, play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. Members shall not engage in any activities which would cause them to neglect or be inattentive to duty nor shall they perform any police duty for private gain, unless properly authorized. All members shall devote full time to police duty.
- b. **VISITING PROHIBITED ESTABLISHMENTS.** Members shall not knowingly visit enter or frequent a house of prostitution, gambling house, or other establishment wherein the laws of the United States, the State of Wisconsin, or the ordinances of the City of Racine are regularly violated except in the performance of duty or while acting under proper and specific orders from a superior officer. No member shall consummate an act of prostitution even in the performance of duty.
- c. **RESPONDING TO DISTURBANCE.** Members shall immediately go to the scene of any unlawful disturbance occurring within their vicinity, and use their best efforts to restore peace and order by moderate means, if possible.
- d. **RENDERING ASSISTANCE.** Members or employees, when working, shall render police assistance to all persons who request it, insofar as such assistance is consistent with police duties, and shall cooperate with all other agencies engaged in the administration of criminal justice.
- e. **DISCHARGE OF DUTIES.** Members are required to discharge their duties with coolness and firmness, and in times of peril they shall act together and assist and protect each other in the restoration of peace and order. Members shall not leave their assigned posts during a tour of duty except when authorized by proper authority. In the discharge of their duties, members shall

use only such force as is reasonable and necessary, and shall not use language or gestures which are abusive.

- f. **PRESERVATION OF LAW AND ORDER.** Members shall, when working, within the boundaries of the City of Racine, preserve the public peace, prevent crime, detect and arrest violators of the law, protect life and property, and enforce all the criminal laws of the State of Wisconsin and the Ordinances of the City of Racine.
- g. **ATTENTION TO DUTY.** When any person applies for assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Departmental procedures. Members shall, when working, carry on their person a notebook in which to enter relevant data.
- h. **HOURS SUBJECT TO DUTY.** Members shall be subject to and fit for duty at all times, unless sick, injured, or otherwise officially exempted. Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any member or employee as to the condition of their health.
- i. **UNNECESSARY RADIO TRANSMISSIONS PROHIBITED.** Radio transmissions shall be clear, concise and relate to official police business. No member of the Department shall unnecessarily interfere with the transmission of police messages.
- j. **UNSATISFACTORY PERFORMANCE.** Members and employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities included in, but not limited to, their job descriptions. Members and employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to perform consistent with the average ability of equivalent members or employees of the Department; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations; a written record of repeated infractions of rules, policies, procedures or orders of the Department; or repeated substantiated citizen complaints.
- k. **NEGLIGENT DISCHARGE OF WEAPON.** No member of the Department shall discharge a firearm except under those conditions allowed by Departmental policy and procedure, nor shall any member discharge a firearm negligently under circumstances that create an unjustified risk of bodily injury or property damage.

4. **GRATUITIES, CONTRIBUTIONS, MISAPPROPRIATION.**

- a. **GIFTS, GRATUITIES, BRIBES OR REWARDS.** Members shall not solicit or accept from any person, business, or organization any consideration or thing of value (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the members or the Department, if it may reasonably be inferred that the person, business, or organization:
 - (1) Seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty or
 - (2) Has an interest which may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.
- b. **CONFLICT OF INTEREST.** No member or employee of the Department shall, except in emergency situations, take personal action in any case involving said member or employee's relatives, friends or neighbors. In such cases the affected member or employee shall request other Departmental personnel to take direct necessary action.

- c. **CONTRIBUTIONS AND SUBSCRIPTIONS.** No contribution or subscription shall be made by any member or employee of the Department to buy any gifts or donations intended for another member or employee of the Department, and they shall not collect or receive any money, property, or items of value from citizens or other persons for any such purposes: neither shall they circulate subscription papers, sell tickets, or collect money from any person for any purpose while on duty or in uniform, without permission from the Chief of Police.
- d. **ENDORSEMENTS AND REFERRALS.** Members shall not recommend or suggest in any manner, including photograph or personal endorsement except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, officers shall proceed in accordance with established departmental procedures.
- e. **POLITICAL CONTRIBUTIONS/ACTIONS.** Members of the Department shall not solicit contributions of money or other things, directly or indirectly, on any pretext from any persons, committees, or associations, for political purposes; nor shall they interfere or use the influence of their offices for political reasons. No member or employee shall engage in any political activity, except voting, while in uniform. On their own time, members may publicly support political candidates.
 - (1) It is a violation of the federal "Hatch Act" (5 U.S.C. Ch. 15) for sworn law enforcement officers governed under this legislation (regardless of rank) to endorse political candidates in partisan elections while acting in their official capacity as sworn officers.
 - (2) The use of a sworn member's official title, or the depiction of a member in uniform on campaign literature, websites, social media posts, or other electronic or physical media is prohibited under the Hatch Act.
 - (3) If a member becomes aware that their name, connected with their rank, and/or association, explicit or implied, with the Racine Police Department and/or their position as a sworn law enforcement officer, or their photograph in uniform appears in any partisan political candidate's campaign materials (including those mentioned in sub 4., e., (2) above), the member shall immediately direct that candidate to remove the same from their campaign materials and notify their Shift/Unit Commander.
- f. **WITHHOLDING EVIDENCE.** Except as allowed by law or competent authority, a member or employee of the department shall not fabricate, withhold or destroy any evidence of any kind.

5. **APPEARANCE, FITNESS FOR DUTY.**

- a. **BEARING.** A member of the Department shall present an appearance of alertness and dignity at all times while on duty.
- b. **SMOKING.** A member of the Department or a uniformed civilian employee shall not smoke in uniform while in view of the public, standing in ranks, in city vehicles, or under any condition which might bring discredit to the department.
- c. **USE OR POSSESSION OF INTOXICANTS/DRUGS.** No member or employee shall report for duty while under the influence of intoxicating beverages or any other drug, or use such intoxicants or drugs at any time while on duty. The member's blood alcohol content must be .000 when reporting for duty. The Chief of Police may authorize exceptions to this rule for law enforcement purposes. Members, if found intoxicated, or whose performance is impaired by the influence of drugs while on duty, shall immediately be taken off duty and an internal investigation shall be initiated. A member or employee of the department shall not bring, keep, place, or permit to be brought, placed, or kept on or in departmental premises, property or vehicles, any intoxicants or controlled substances except as required for duty purposes. Members and employees may use or possess controlled substances on duty that are prescribed to them if they do not affect their ability to perform their duties.

6. **CONFIDENTIALITY, INFORMATION.**

- a. **FALSE INFORMATION ON RECORDS.** A member or employee of the department shall not make false official reports or knowingly or willingly enter or cause to be entered into any department books, records, or reports any inaccurate, false or improper police information or material matter.
- b. **DUTY TO REPORT INFORMATION.** It shall be the duty of every member of the department to report to a supervisor any information given to him in good faith by any citizen regarding matters that indicate the need for police action.
- c. **WITHHOLDING INFORMATION.** Members of the department except as otherwise provided for, shall communicate promptly to a supervisor all crimes, potential crimes, suicides, attempted suicide, fires, accidents and all happenings, complaints and other information of police interest which may come to their attention. No member shall withhold "tips" or information with a view to personal achievement or for any other reason. Members shall be responsible for prompt notification and processing of all police related information coming into their possession from any source; this includes the filing of timely written reports. Information shall not be withheld.
- d. **CONFIDENTIAL INFORMATION.** Members and employees of the department shall treat as confidential the official business of the department. They shall not impart it to anyone except those with an official need to know, or as directed by their commanding officer, or under due process of law. They shall not make known to any persons, whether or not a member or an employee of the department any special order which they may receive, unless required by the nature of the order. The Chief of Police shall establish policies concerning dissemination of information to representatives of the media.
- e. **REVEALING NAME OF COMPLAINANT.** Whenever a citizen makes a complaint, no member or employee of this department shall reveal the name of the complainant to the public, except under due process of law or when it is necessary to do so in the performance of his or her duty.
- f. **STATEMENTS CONCERNING LIABILITY.** A member of the department shall not make any oral or written statements to anyone concerning liability unless specifically authorized to do so by the Chief of Police
- g. **AUTHORITY TO DELIVER TALKS.** Members of the department shall not deliver addresses at public gatherings concerning the work of the department, nor shall they under any circumstances make statements for publication concerning the plans, policies, or affairs of the administration of the Police Department, unless duly authorized by the Chief of Police.
- h. **PERSONAL PUBLICITY.** Members shall not, directly or indirectly seek personal publicity through the media, concerning their employment, duties, or assignments with the Police Department.
- i. **COMMUNICATIONS WITH CRIMINALS.** Members of the Department shall not communicate verbally or in writing, directly or indirectly, in any manner or form, any information which may enable persons engaged in or guilty of criminal or quasi-criminal acts to escape arrest or punishment, or which may permit them to dispose of or secrete any money, goods or other valuables unlawfully obtained.
- j. **CHARACTER WITNESS.** Members of the Department may not testify as a character witness for any criminal defendant, excluding family members, without first checking said person's complete background and conferring with the District Attorney's office.

7. **JUDICIAL DEMEANOR AND PROCESS.**

- a. **TESTIMONY IN CIVIL CASES.** A member of the department shall not testify in any civil case related to the performance of his or her duties as a police officer unless legally summoned to do so or unless he or she shall have received permission or order from the Chief of Police.

- b. **CIVIL PROCESS.** Members of the department shall not act as civil process servers except in the line of duty. A member of the department who is to appear as a witness for a defendant in a criminal case, or for a plaintiff in a civil case in which the City of Racine is a defendant or in which a member is a defendant in his or her capacity as a police officer will notify the District Attorney or City Attorney assigned to the case of that fact before the commencement of the hearing or trial. A member who is to appear as a witness in any civil litigation where in the member is testifying concerning any matter relating to his or her duties as a police officer will notify the Support Services Manager.
- c. **WARRANT FOR ASSAULT OR CIVIL ACTION COMMENCED.** No member of the department shall be permitted to apply for a warrant for an off-duty assault upon himself without first reporting the case to the Chief of Police. He shall not start civil action for damages sustained in the line of duty without first submitting a detailed report of the matter in writing to the Chief of Police.
- d. **APPLICATION FOR AND SERVICE OF WARRANTS.** Members of the department shall not apply for any search warrant or other warrant, nor serve any such warrants, without the knowledge and approval of their Commanding Officer.
- e. **NOT RECOMMEND ATTORNEY OR COUNSEL.** Members shall not recommend or disparage a particular attorney or law firm, be it in a criminal or civil context.
- f. **NOT TO PARTICIPATE IN PLEA BARGAINING OR CIVIL SETTLEMENTS.** Members shall not take part or be concerned, either directly or indirectly, in plea bargaining in a criminal or ordinance violation case except as permitted by law or enter into negotiations concerning a settlement of a civil case in which the member is involved in his/her line of duty or use his/her position as a police officer to effectuate a compromise.
- g. **NOT TO BECOME BAIL.** Members of the department shall be considered incompetent bail for any person arrested and shall in no case furnish bail for any person under arrest. This rule does not apply to family or relatives.

8. **ADMINISTRATIVE RESPONSIBILITIES.**

- a. **STATUS CHANGES.** Members and employees of the department shall maintain phone service (mobile or residential) and shall report to his or her shift/unit commander and Support Services Manager any change within seventy-two (72) hours concerning domestic status, address or telephone number or birth or adoption of a child. Members and employees shall apply for insurance coverage with the Human Resources Department for a newborn child, an adopted child, a step child, a child for whom the member or employee has been appointed legal guardian, or grandchild (when the mother or father is a dependent). Application for insurance coverage shall be within 30 days of the birth, adoption, marriage, or legal appointment, whichever is applicable.
- b. **CONDITION OF OFFICES IN POLICE BUILDING.** Furniture, files, and other equipment of the Police Department in various offices of the department shall remain where officially placed, shall not be moved from such offices or places, or the location of the same changed in any manner. There shall not be any calendars, posters, pictures, advertising materials or other articles hung upon the walls of the department building except those relating to or essential for police purposes, without the approval of the Chief of Police.
- c. **BILLS FOR EXPENSES.** Bills for expenses necessarily incurred by members in connection with their official duties shall be promptly submitted to the Support Services Manager who will certify as to their accuracy and validity. Such expenditures must be approved by the Chief of Police or his designee.
- d. **MARKING OR ALTERING DEPARTMENT NOTICES.** Members or employees of the department shall not mark, alter, mar or deface any printed or written notice, memorandum, order or directive posted within the department.

- e. **STATIONERY FOR CORRESPONDENCE.** Department stationery shall not be used for personal correspondence by any member or employee of the department; nor shall any department property whatsoever be used for private purposes.
- f. **USE OF KEYS.** Members and employees of the department are prohibited from possessing, making or causing to be made, any duplicates or unauthorized departmental keys without the approval of the Chief of Police.

9. **AFFILIATIONS AND ASSOCIATIONS.**

- a. **AFFILIATIONS WITH ORGANIZATIONS AND ASSOCIATIONS.** Except as otherwise permitted by law, members of the department are prohibited from affiliating with any labor unions or with any other organization or body, the constitution of which embraces provisions which might in any way exact prior consideration and prevent the proper and efficient functioning of the department, nor shall they become affiliate with or cause to be established any organization or association within the department, except the Racine Police Association or Racine Staff Officer's Association, unless with the approval of the Chief of Police.
- b. **CONSORTING WITH CRIMINALS.** Members and employees shall avoid regular or continuous associations or dealings with person who they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for involvement in criminal behavior, except as necessary to the performance of official duties.

10. **MISCELLANEOUS.**

- a. **USE OF DEPARTMENT VEHICLES.** Members and employees shall use Department vehicles to which they have been assigned. No department vehicles shall be used by any Officer, Traffic Investigator or employee without signing for the vehicle on the sign-out Log (PP-78-a) located in the garage area, except in an emergency when signing out would be impractical to do so; and in such event the reason for using such vehicle shall be communicated to the Shift/Unit Commander on duty.
- b. **PETITION FOR TRANSFER, PROMOTION OR ASSIGNMENT.** No member or employee of the Department shall request the aid of any person outside of the Department to use any influence or effort to gain a transfer to another assignment, beat and/or area or to have the member or employee restored to any assignment or beat and/or area from which the member employee was removed by order of a superior officer, or have the member or employee promoted to a higher rank within the Department; nor shall the member or employee knowingly permit any petition to be prepared or presented by any citizen on behalf of the member or employee requesting such transfer, restoration or promotion.
- c. **REPORTING FOR DUTY.** Every member or employee of the Department shall report for duty and be present at the time and place specified by his/her commanding officer. The member or employee shall be properly equipped for assignment and shall be clothed in accordance with the Dress Code for the particular member's/employee's assignment.
- d. **IMPROVEMENT OF SERVICE, GRIEVANCE.** Members or employees of the Department shall carry out all orders legally issued by competent Department authority. Any member or employee of the Department feeling aggrieved at the treatment of any order from a supervisory officer or any member or employee wishing to call attention to any matter of business or neglect of duty, or to make suggestions for improvement of the Department, shall communicate in writing through the chain of command set out by Department policy.
- e. **UNBECOMING CONDUCT.** Members shall conduct themselves at all times, both on and off-duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon

the officer as a member of the Department, or that which impairs the operations or efficiency of the Department or officer.

RELATED PROCEDURES

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LEGAL REFERENCE

5 U.S.C. § 1501-1508 (“Hatch Act”)