



# CODE OF CONDUCT



# Madison Police Department Code of Conduct

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## 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 is diminished, as is the efficacy of police operations.

Our Code of Conduct and Core Values define us and directs 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 Mission, Core Values, Code of Conduct and Standard Operating Procedures. In addition, all City of Madison employees are expected to comply with the provisions of the Administrative Procedural Memorandums (APM) of the City.

The Madison Police Department strives to have a workforce that is representative of our community. Consequently, we are an equal employment opportunity/affirmative action employer and have an Equitable Workforce (Affirmative Action) Plan.

## Mission

We, the members of the Madison Police Department, are committed to providing high quality police services that are accessible to all members of the community. We believe in the dignity of all people and respect individual and constitutional rights in fulfilling this mission.

## **Core Values**

### **INTEGRITY**

We are committed to performing our work with the highest degree of honesty, integrity and professionalism.

### **HUMAN DIGNITY**

We acknowledge the value of all people and carry out our duties with dignity, respect, and fairness to all. Furthermore, the Department recognizes and respects the value of all human life.

### **SERVICE**

We strive to deliver exceptional service in an unbiased manner.

### **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.

### **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.

### **DIVERSITY**

We engage in continuous learning about different cultures, values and people. We promote mutual acceptance and inclusion of all.

### **LEADERSHIP**

We acknowledge that leadership knows no boundaries and is more comprehensive than rank or title. We also recognize that being a good follower – whether sworn or civilian – is essential to our success as a Department. We value the talents, creativity, and contributions of all of our employees.

## Code of Conduct

### 1. Legal Authority

We believe that police powers and limitations on that power are guided by numerous legal authorities including (but not limited to) the United States and State of Wisconsin Constitutions, respectively. MPD officers have taken an oath to uphold the individual rights and constitutional liberties guaranteed to all of our constituents. We are committed to acting in accordance with these provisions.

### 2. Truthfulness

Members of the Department are required to be truthful.

This regulation prohibits perjury, withholding of evidence from a judicial proceeding, false public statements, untruthful statements made within the Department, and any other misrepresentations.

This policy does not apply to court-recognized instances where there are legitimate investigative activities involved (e.g., undercover work, hostage negotiations).

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.

### 3. Performance of Duties

Members of the Department are held responsible for the proper performance of any and all duties assigned to them. It is the responsibility of the employee to report on time, to their assigned duty station, 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.

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.

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.

#### **4. Absence From Duty**

Employees shall not be late or absent from duty without permission from a supervisor or the on-duty Officer in Charge.

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.

#### **5. Unlawful Conduct**

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 OMVWI or hit and run offenses.

Department personnel shall immediately notify a supervisor whenever investigating an incident where the suspect is a law enforcement officer (any criminal culpability or OMVWI). A supervisor should affect a timely response to the scene and coordinate the investigation.

#### **6. Notification Required Regarding Law Enforcement Contacts**

Members of the Department who are contacted by any law enforcement agency regarding their involvement, as a suspect, witness, victim, or contact in criminal conduct, first-time OMVWI or hit and run, shall report the incident to their commanding officer or the OIC. This includes when a member has law enforcement contact regarding a statutorily-defined domestic relationship (including those relationships which are covered under MPD SOP Domestic Abuse Investigations).

Supervisory contact must be in person or a telephone conversation within 24 hours of the incident or their return to duty, whichever comes first. The commanding officer receiving the report shall review the circumstances of the incident and determine whether any further investigation or action by the Madison 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.

#### **7. Equal Protection**

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, state and City of Madison law. Furthermore, such activity is contrary to the MPD Mission Statement and our Core Values and only serves to undermine trust with the community we have pledged to serve.

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 even the appearance of bias on the part of the employee.

## **8. Enforcement of Immigration Laws**

In order to be true to our mission statement and to the precepts of community policing, it is imperative that MPD reflect and implement policies and procedures which place a particular emphasis on access to services which are inclusive to all constituents. Thus, an individual's right to file a report, participate in community activities or otherwise request police services should not be dependent upon their immigration status.

With respect then, to issues of immigration, enforcement of the nation's immigration laws rests primarily with the federal government. To this end, MPD will not self-initiate contact, detain, arrest, or investigate any person(s) solely for a suspected violation of immigration status laws.

MPD cooperation with requests from Immigration and Customs Enforcement (ICE) are predicated upon assisting only with those operations in which serious crimes directly relating to public safety are involved (see listed parameters under SOP: Enforcement of Immigration Laws). MPD will not participate in coordinated operations or raids where the chief objective is to arrest individuals who are suspected to be in violation of immigration laws.

## **9. Harassment**

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. (See related APM 3-5.)

Supervisors are required to report to the Chief of Police all instances of harassment whereupon he (or his designee) is responsible for immediately notifying the Department of Civil Rights of the reported instance of harassment.

Complaints of harassment will be examined impartially and resolved promptly within the structure of the Department's complaint policy and City Ordinance 3-23.

## **10. Courtesy, Respect and Professional Conduct**

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. Members of MPD should avoid 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.

## 11. Public Criticism

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.

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 public'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.

## 12. Use of Force

It is the policy of this 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). The reasonableness test is an objective one and must be judged from the perspective of a reasonable officer at the scene. Members of the Department shall act at all times within the standards for use of force established in the Use of Force procedures.

Recognizing our legal and moral obligation to use force wisely and judiciously, it is the policy of this Department that deadly force will never be resorted to 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, or control an animal.

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 MPD, as guardians to our community, understand and expect the scrutiny that can result from use of force applications. MPD 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.

## 13. Duty to Intercede

Any officer present and observing another officer using excessive force, or engaged in unlawful conduct, or in violation of the Madison Police Department's Code of Conduct has an affirmative obligation to intercede and report.

## 14. Vehicle Operation

Members of the Department shall at all times operate city vehicles with due regard for the safety of all persons. When operating under emergency conditions, officers shall carefully balance the risks involved against the public interests, recognizing always that the exemptions provided by law to authorized emergency vehicles do not protect an operator from the consequences of reckless disregard for the safety of others.



## **15. Insubordination**

Members of the 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.

## **16. Acceptance of Bribes, Gifts, Rewards or Fees**

No member 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.

This policy does not prohibit the receipt of items of value from another governmental agency, national promotions for first responders, public service organizations, or from approved off-duty employment governed by city ordinance and existing labor contracts.

## **17. Criminal Association**

Members shall avoid associations or dealings 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 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 their commanding officer/manager.

## **18. Police Discretion**

Police officers, of necessity, exercise professional discretion in deciding whether or not to address violations of the law. In addition to other specific laws, Department policies, or orders of a supervisor may further limit officers' discretion and direct whether or not to affect an arrest.

In general, police officers, using sound professional judgment, may take the following factors into consideration 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 likelihood of formal prosecution of the offense.
- 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.

The following factors are among those that are improper for a police officer to consider in deciding whether or not to use official interventions:

- The citizen's economic status, race, ethnicity, gender, or other status for which the law prohibits legal discrimination.
- The revenue likely to be generated by fines or penalties imposed upon conviction.
- The personal or professional relationship that the citizen has with the police officer or with other influential citizens.
- 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.).

## **19. Solicitations**

No member of the Department shall solicit anything of value for the Department without permission of the Chief of Police.

## **20. Complaint Acceptance and Investigation**

The Madison 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 the process enumerated in Standard Operating Procedures and Discipline Matrix.

Concerns or criticisms of Departmental policies or procedures can also be brought to the attention of the Chief through a complaint filed with the Professional Standards Unit.

## **21. Cooperation with Investigations Required**

Members of the Department must cooperate in internal investigations of alleged misconduct, illegal activity or policy violations. This includes failure to answer questions or submit to proper investigative techniques

## **22. Access to Information**

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