

## Standards of Conduct

### 328.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Washington County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

#### 328.1.1 STANDARDS OF CONDUCT FOR PEACE OFFICERS

The Washington County Sheriff's Office adopts the Professional Conduct of Peace Officers model policy established and published by the Minnesota Board of Peace Officer Standards and Training Board (POST) (Minn. Stat. § 626.8457). This model policy applies to all peace officers of this office.

[See attachment: MN POST Professional Conduct of Peace Officers Model Policy.pdf](#)

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law.

The Office shall report to POST any data regarding the investigation and disposition of cases involving alleged misconduct of deputies (Minn. Stat. § 626.8457, Subd. 3).

### 328.2 CONDUCT POLICY

The continued employment of every employee of this office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action (see generally Minn. R. Ch. [6700.2000](#) to Minn. R. Ch. [6700.2600](#)).

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties, that it may be indicative of unfitness for their position or that brings discredit or harm to the professional image or reputation of the Office, its members, the County or the law enforcement profession.

Any disciplinary actions against deputies arising from violations of this policy shall be investigated in accordance with Personnel Complaint and Misconduct Procedure Policy and the Peace Officer Discipline Procedures Act (Minn. Stat. § [626.89](#)).

#### 328.2.1 LAWFUL ORDERS

Employees shall comply with lawful directives and orders from any supervisor or person in position of authority absent a reasonable and bona fide excuse.

An employee who believes any written or verbal order to be in conflict with another order or unlawful shall:

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- (a) Immediately inform the supervisor issuing the order, the employee's immediate supervisor or the Shift Commander of the conflict or error of the order.
- (b) Provide details explaining the grounds for the belief of the conflict or error of the order.
- (c) Request clarification, guidance and direction regarding following the order.
- (d) Request the order in writing should the conflict or error be unresolved.
- (e) Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be an unlawful order.

An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.

### **328.3 CONDUCT THAT MAY RESULT IN DISCIPLINE**

The following causes for disciplinary action constitute a portion of the disciplinary standards of this office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient office service.

Employees 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.

Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion or removal of any employee:

- (a) Failure to abide by the standards of ethical conduct for employees, including fraud in securing appointment or hire.
- (b) Activity that is incompatible with an employee's conditions of employment established by law or that violates a provision of any agreement or contract.
- (c) Violation of any rule, order, requirement or the failure to follow instructions contained in Office or County manuals.
- (d) Willful disobedience to any legal order properly issued by any superior officer of the Office.
- (e) Willful neglect of duty, including failure or refusal to perform a known mandatory, non-discretionary, ministerial duty of the office or employment within the time or in the manner required by law to perform (Minn. Stat. § 609.43 (1)).
- (f) Making public any active investigation other data classified as not public of the Office to any unauthorized person.
- (g) Unreasonable and unwarranted violence to a person encountered or person under arrest.

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- (h) Under pretense or color of official authority intentionally and unlawfully injures another in the other's person, property or rights (Minn. Stat. § 609.43 (3)).
- (i) Use of obscene, profane or derogatory language while on-duty or in uniform.
- (j) Unauthorized attendance while on-duty at official legislative or political sessions or functions.
- (k) Willful and inexcusable destruction or loss of Office property.
- (l) Violations of federal, state, local or administrative laws that are willful or inexcusable or involve moral turpitude, including violations of Minn. R. Ch. 6700.1600.
- (m) Commits any act in an official capacity knowing it is excess of authority or forbidden by law (Minn. Stat. § 609.43 (2))
- (n) Any on- or off-duty conduct that any employee knows or reasonably should know is unbecoming a member of the Office or that is contrary to good order, efficiency or morale, disgraceful or that tends to reflect unfavorably upon the Office or its members.

#### 328.3.1 ATTENDANCE

- (a) Leaving the job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Office within 24 hours of any change in residence address, home phone number or emergency contact information.
- (e) Unauthorized absence from duty or abuse of leave privileges.

#### 328.3.2 GENERAL CONDUCT

- (a) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (b) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (c) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.
- (d) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Office or County property or while in any way representing him/herself as a member of this office, except as expressly authorized by the Sheriff.

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- (e) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.
- (f) Failure to maintain required and current licenses (e.g. driver's license, POST license) and certifications (e.g. first aid).
- (g) Establishing an inappropriate social relationship with a known victim, witness, suspect or defendant of a case while such case is being investigated or prosecuted as a result of such investigation.
- (h) Using Office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (i) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (j) Unauthorized possession of, loss of or damage to Office property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (k) Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities may result in criminal prosecution or discipline.
- (l) Failure of any employee to promptly and fully report activities that have resulted in official contact by any law enforcement agency.
- (m) Using or disclosing one's status as an employee with the Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Office business or activity.
- (n) The use of any not public data obtained or accessed as a result of employment with the Office for personal or financial gain or without the express authorization of the Sheriff or a designee may result in discipline.
- (o) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.
- (p) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (q) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

#### 328.3.3 DISCRIMINATION, OPPRESSION, HARASSMENT OR FAVORITISM

- (a) Discriminate against, oppress or provide favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition or intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

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- (b) Discourteous, disrespectful or discriminatory treatment toward any member of the public or any member of this office.
- (c) Intentionally subjecting another to sexual harassment.
- (d) Racial profiling (Minn. Stat. § [626.8471](#) Subd. 2).

#### 328.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties without prior notification of a supervisor.
- (d) Unauthorized possession, use of or attempting to bring a controlled substance or other illegal drug to any work site.

#### 328.3.5 PERFORMANCE

- (a) Sleeping during on-duty time or assignments without permission.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

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- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Office or subverts the good order, efficiency and discipline of the Office or that would tend to discredit any member thereof.
- (h) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Office record, public record, book, paper document (Minn. Stat. § 609.43 (4)).
- (i) Wrongfully loaning, selling, allowing unauthorized use, giving away or appropriating any Office badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (j) Carrying, while on the premises of the workplace, any firearm or other deadly weapon that is not required for the performance of the employee's current job duties or authorized by his/her appointing authority.
- (k) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (l) Any knowing or negligent violation of the provisions of the Office manual, operating procedures or other written directive of an authorized supervisor. The Office shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with this manual and each of the policies contained herein.
- (m) Work-related dishonesty, failure to disclose, being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Office or members thereof, misrepresenting material facts, including upon or within any application, examination form or other official document, report or form, or during the course of any investigation, including failure to participate in any Office-related investigation or business.
- (n) Violating a law related to employment or any misdemeanor or felony statute; involvement in any criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty, including associating with, or joining a criminal gang, organized crime and/or criminal syndicate, security threat group or persons who engage in serious violations of state or federal laws when an employee knew or reasonably should have known of the criminal nature of the organization, except as specifically directed and authorized by the Office.
- (o) Attempted or actual theft of Office property, misappropriation or misuse of public funds, property, personnel or services or the property of others or the unauthorized removal or possession of Office property or the property of another person.

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- (p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Office practices or procedures.
- (q) Offer or acceptance of a bribe or gratuity.
- (r) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (s) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on office premises
  - 2. At any work site
  - 3. While on-duty or while in uniform
  - 4. While using any office equipment or system

Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

#### 328.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Office facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating Office safety standards or safe working practices.

#### 328.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential, private, non-public or protected non-public data.

#### 328.3.8 SUPERVISOR RESPONSIBILITIES

If an employee's conduct is a cause of action for discipline, the supervisor shall inform the employee promptly and specifically of the improper conduct.

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

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- (a) Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this office and that the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to report in a timely manner any known misconduct of an employee to their immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

## Attachments

**MN POST Professional Conduct of  
Peace Officers Model Policy.pdf**

**PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY**  
MN STAT 626.8457

**I. POLICY**

It is the policy of the \_\_\_\_\_ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

**II. PROCEDURE**

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

**A. PRINCIPLE ONE**

Peace 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.

**1. Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

**2. Rules**

- a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
- c) Peace 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.
- d) Peace 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.
- e) Peace officers will not, according to MN 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.

**B. PRINCIPLE TWO**

Peace 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.

**1. Rationale:** Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

**2. Rules**

- a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

- b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order 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 his or her actions.
- f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

#### **C. PRINCIPLE THREE**

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

**1. Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace 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, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

#### **2. Rules**

- a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
- b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

#### **D. PRINCIPLE FOUR**

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

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

#### **2. Rules**

- a) Peace 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 **c**).
- b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- c) Peace 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. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
- d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, 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.
- e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- f) Peace 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 peace officer from the petitioner's home or workplace.
- g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.
- h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. 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.

#### **E. PRINCIPLE FIVE**

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

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.
2. **Rules**
  - a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

- b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

#### **F. PRINCIPLE SIX**

Peace officers shall not compromise their integrity nor that of their agency or 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.

1. **Rationale:** For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

#### **2. Rules**

- a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
- b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- e) Peace officers shall:
  - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
  - 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;
  - not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

#### **G. PRINCIPLE SEVEN**

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

## **2. Rules**

- a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
- b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- d) A peace officer 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 official duties.

## **H. PRINCIPLE EIGHT**

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace 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 and agency's commitment to preserving such confidences.

## **2. Rules**

- a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- b) Peace 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.
- c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

## **I. APPLICATION**

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.