**2:01:11:10.  Conduct unbecoming of a law enforcement officer.** For the purpose of this chapter, "conduct unbecoming of a law enforcement officer" means the following:

 (1) Conduct contrary to professional standards that shows an unfitness to discharge duties, including an act of moral turpitude;

 (2) Conduct which adversely affects morale or efficiency of the force or damages public confidence;

 (3) Failure to cooperate with the executive secretary or the commission regarding any investigation into the conduct of a law enforcement officer, unless the investigation subjects the officer to potential criminal liability;

 (4) Failure to disclose to the executive secretary any arrest of the law enforcement officer within ten days from the arrest; disclosure to the executive secretary may be accomplished by the officer's agency administrator;

 (5) Failure to intervene when a fellow officer is subjecting a person to excessive force, while having a realistic opportunity to take reasonable steps to prevent harm from occurring; an officer must report such intervention to the executive secretary within five days; disclosure to the executive secretary may be accomplished by the officer's agency administrator;

 (6) Use or possession of marijuana or any marijuana derivative regardless of whether such use or possession may be legal under state law or pursuant to a valid prescription; or

 (7) Use or possession of any controlled substance not obtained pursuant to a valid prescription.

 **Source:** 25 SDR 34, effective September 16, 1998; 47 SDR 130, effective June 6, 2021.

 **General Authority:** SDCL 23-3-35(3).

 **Law Implemented:** SDCL 23-3-35(3).