



# **POLICE DEPARTMENT GENERAL ORDER**

**Subject: Professional Conduct**

**Order No: 401**

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## 401 Policy

This directive provides rules for on and off duty conduct and will apply to *all* members, whether sworn or civilian, unless specifically stated otherwise, or unless a certain provision obviously would not apply to a particular class of members.

### 401.1 Standard of Conduct

The Law Enforcement Code of Ethics is adopted as a general standard of conduct for all members of the Agency.

#### ***Law Enforcement Code of Ethics***

As a Law Enforcement Officer, my fundamental obligation is to protect the constitutional rights and freedoms of the people I have been sworn to uphold.

While I consider the way I choose to conduct my private affairs a personal freedom, I accept responsibility for my actions, as well as inactions, while on duty or off duty, when those actions bring disrepute on the public image of my employer, my fellow officers and the law enforcement profession.

I vow to perform my duties in a professional and competent manner. I consider the ability to be courageous in the face of danger and to exercise restraint in the use of my powers and authorities to be held in the ultimate public trust. I accept that I must consistently strive to achieve excellence in learning the necessary knowledge and skills associated with my duties. I will keep myself physically fit and mentally alert so that I am capable of performing my duties according to the standards of quality expected of my position.

I vow to be fully truthful and honest in my dealings with others, and I deplore lies and half-truths that mislead or do not fully inform those who must depend upon my honesty. I will obey the very laws that I am sworn to uphold. I will seek affirmative ways to comply with the standards of my Department and the lawful directions of my supervisors.

I vow to treat others with courtesy at all times. I consider it to be a professional weakness to allow another's behavior to dictate my response. I will not allow others' actions or failings to be my excuse for not performing my duties in a responsible, professional and expected manner.

I vow to empathize with the problems of people with whom I come into daily contact. However, I cannot allow my personal feelings, prejudices, animosities, or friendships to influence the discretionary authorities entrusted to my job. I will affirmatively seek ways to avoid conflicts and potential conflicts of interest that could compromise my official authority or public image.

I hold the authority inherent in my position to be an affirmation of the public's trust in me as a law enforcement officer. I do not take this trust lightly. As long as I remain in this position, I will dedicate myself to maintaining this trust and upholding all the ideals of the law enforcement profession.

### 401.2 Oath of Office

All sworn law enforcement are required, prior to being sworn, to take the attached oath of office.

### 401.3 Responsibilities

- A. **Laws, Rules, and Orders** - Members will not commit or omit any act(s) when such commission, or omission, would constitute a violation of any federal, state law or local ordinance. Members

will not commit or omit any act(s) when such commission or omission would constitute a violation of Agency policy, rule, regulation, directive or order. This is applicable to all members, whether on or off duty, and whether inside or outside the City. This section does not include isolated, non-criminal traffic violations. Officers will diligently apply themselves to the study of the principles of the laws, which they are sworn to uphold. They will make certain of their responsibilities in the particulars of law enforcement, seeking aid from superiors in matters of technicality or principle when laws are not clear. Officers will make a special effort to fully understand their relationship with other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

- B. **Working Knowledge** - All members will maintain a working knowledge of laws, ordinances, policies, orders and directives related to their position. In the event of a violation, it will be presumed that the member was familiar with the law, ordinance, policy, orders or directive in question. Members should apply training principles and practice instructed at any training session provided by the Agency. Training provided by the Agency provides guidelines to the member to use in concert with sound judgment and reasonable action.
- C. **Duty to Report** - Members with knowledge of other members violating laws, ordinances Agency directives, or disobeying orders, will report such violations to the Division Commander through the chain of command. The Division Commander will immediately forward any such reports, which constitute a violation of law, or serious violations of Agency directives, to the Chief. An officer's failure to report may be considered "Conduct Unbecoming an Officer" as described in section 401.13E (9).
- D. **Obey Orders** - Members will promptly obey all lawful orders of a superior, including any order relayed to the member by another member, or orders given on the police radio. **The order will state clearly what action is to be taken. The supervisor will ensure that the member understands the order if there is any indication from the member that there is confusion or that the member is hesitant to carry out the order.** This includes orders from a superior relayed by members of the same or lesser rank. An officer's failure to obey orders may be considered "Conduct Unbecoming an Officer" as described in section 401.13E (10).
- E. **Unlawful Order** - No member is required to obey any order which is in violation of law. Responsibility for refusal rests with the member, who will be required to justify his/her action. (Note: The Chief may impose rules, which are more restrictive while not in conflict with such laws).
1. **Obey Then Appeal** - Members who are given orders they believe to be unjust or contrary to rules will first obey those orders and then appeal as provided below.
  2. **Conflict** - If a member receives an order which conflicts with an order previously received; either from the same or a different superior, the member will explain the conflict to the person giving the more recent order, who then will determine which order is to be followed.
  3. **Appeals Process** - Appeals of unlawful, unjust or improper orders will be initiated, in writing, as soon as is practicable. The appeal will be sent through the chain of command to the Chief.

## 401.4 Duty Responsibilities

- A. Duty to Act** - Within the city, officers will at all times take appropriate action to: enforce federal, state and local laws coming within Departmental jurisdiction, protect life and property, preserve the peace, prevent crime, and aid fellow peace officers exposed to danger or in a situation where danger may be impending. Officers will not act in a cowardly manner.
- B. Competency** - Members will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. In no instance will they attempt to shift the burden of their responsibility for executing, or neglecting to execute a lawful order, directive or policy duty.
- C. Prohibited Activities** - Members are prohibited from engaging in the following activities while on duty:
1. Conducting any private business enterprise.
  2. Illegal gambling, unless it is to further a police purpose.
  3. Visiting or loitering in taverns, theaters, or other public places except in the performance of police duties or on an approved break.
  4. Any sexual activity, as defined by the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission.
- D. Obtaining Information** - Members will obtain information in a courteous and professional manner and act upon it properly and judiciously.
- E. Interference** - Members will not knowingly interfere with the investigation, assigned task or duty assignment of another, and will not by direct or indirect threat attempt to secure the withdrawal or abandonment of a complaint or charge. This does not preclude any member from explaining alternatives other than filing a formal complaint to a complainant.
- F. Duty Assignment** - When a member is assigned to an area or duty, it will be that member's responsibility to remain in that area or on that duty until properly relieved or dismissed by competent authority. An officer's failure to remain in assignment may be considered "Conduct Unbecoming an Officer" as described in section 401.13E (5).
- G. Reporting to Duty** - Any member who fails to appear for duty at the scheduled date, time and place, without the consent of his/her supervisor is "absent without leave". Such absences will result in appropriate disciplinary action. This section applies to Agency training, as well as any other regular or special assigned duty. An officer's failure to appear for duty may be considered "Conduct Unbecoming an Officer" as described in section 401.13E (4).
- H. Response to Calls/Reports** - Officers will personally respond to the location where dispatched unless otherwise authorized or instructed by their supervisor. Any deviation from this will be noted on the CFS or in a written report. Members will promptly submit such reports as required and will not knowingly enter or cause to be entered, any false, inaccurate or improper information.
- I. Use of Equipment/Facilities** - Members will utilize Agency equipment and facilities only for its intended purpose and in accordance with established Agency procedures. They will not damage, intentionally abuse or deface Agency facilities. Members will not intentionally

damage or lose equipment. All Agency equipment will be properly maintained. When a member becomes aware that any Agency facility or equipment is found to be non-functional, damaged or defaced, they will immediately report the problem to the immediate supervisor. It will be prima facie evidence of neglect through carelessness or lack of responsibility on behalf of the member if the lost or damaged item or facility is not immediately reported.

- J. Vehicle Operation** - Members will operate City vehicles in a careful and prudent manner and will obey all laws and Agency directives pertaining to the operation thereof. At fault crashes will be reviewed and investigated as a DI or II at the discretion of the Chief.
- K. Police Identification** - Sworn members will carry their official police identification card and badge on or about their persons, at all times, both on duty and off duty, except when impractical or dangerous to their safety or to an investigation.
- L. Carry/Use of Weapons** - Members authorized to carry and use weapons will do so in a careful and prudent manner in accordance with law and Agency procedures.
- M. Truthfulness** - Members are required to be truthful at all times, whether under oath or not, and will not misinform, lie or withhold information.

#### 401.5 Limits of Authority

- A. Authority Subject to Law and Rights of Others** - Officers will use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen(s) concerned. In the absence of a specific, articulable reason, a person's race, creed, color, age, national origin, gender, sexual preference, religion, social/economic standing, or affluence will not be a factor in determining reasonable suspicion for a stop or probable cause for an arrest. The officer's position gives him/her no right to prosecute the violator, or to mete out punishment for the offense. The officer will, at all times, have a clear appreciation of his/her responsibilities and limitations regarding detention of the violators, and will conduct himself/herself in such a manner as will minimize the possibility of having to use force. To this end he/she will cultivate a dedication to the service of the people and the equitable upholding of their laws, whether in the handling of law violators or in dealing with the law-abiding people.
- B. Off-Duty Officers** - An off-duty officer may take enforcement action for criminal violations of law, or other emergency service aid, at their discretion based upon his individual capabilities, training, experience and available resources or equipment (firearm, communications, etc.). However, officers who are off duty and operating a marked patrol vehicle, or an unmarked vehicle fully equipped with emergency lights and siren, will take appropriate enforcement action based on the seriousness of the offense and if the offense was committed, or about to be committed, in the officer's presence. This policy also applies to offenses occurring outside the City of Palm Bay jurisdictional boundaries and as authorized in the **Brevard County Mutual Aid Agreement**. Traffic enforcement on violations not posing an immediate threat to public safety, and non-criminal in nature, is prohibited outside the City limits. Officers operating marked patrol units, or unmarked vehicles equipped with approved emergency lights, are authorized to render aid and traffic control at accident scenes when necessary to protect life and property. Except for criteria stated herein, nothing will require an officer to take enforcement action when off duty.

- C. **Off-Duty; Duty to Report** - In any case, an officer has a duty to report serious incidents or crimes, to be a competent witness, and to perform any non-enforcement duties expected of a police officer until the arrival of on-duty members. Officers may be required to complete applicable reports.
- D. **Officer Discretion; Misdemeanors and Infractions** - Officers may exercise discretionary powers in the enforcement of misdemeanors (except domestic violence cases **GO 220** and infractions. The decision to arrest, ROR, issue a citation or give a verbal warning rests with the officer and will be based on such factors as the seriousness of the violation, the possible consequences of the violation, the violator's past history, physical and mental condition, the likelihood that the violator will be available to answer charges at a later date, and whether victims were involved in the violation. The attitude of the violator will not be used as a determining factor.
- E. **Officer Discretion; Felonies** - Officer discretion is *not* to be used in enforcing witnessed felonies or felony violations substantiated by probable cause. This does not require an investigator to make an immediate arrest when conducting an investigation or building a case. However, at the conclusion of such investigation, appropriate charges will be brought pursuant to this subsection.
- F. **Officer Discretion; Dismissal of Charges** - Officers are not permitted to dismiss charges against arrested persons who have not yet been booked unless there is sufficient reason. If sufficient reason exists, officers will promptly unarrest the person. The officer will contact his/her immediate supervisor. A written report is required in these situations.
- G. **Officer Discretion; Release of Suspects on their Own Recognizance, (ROR)** - Unless certain arrests are mandatory incarceration by Department policy, persons arrested and booked for misdemeanor violations may be released by the officer without bail (ROR) only through the use of a Notice to Appear form, or for misdemeanor traffic violations where the signed citation serves as a Notice to Appear. Prior to release, the defendant must meet ROR criteria as set by law. **GO 210**

#### 401.6 Substandard Performance

- A. **Competency** - A member will be determined to be incompetent in his job performance when he has shown himself/herself unable to meet reasonable measures of job performance or to maintain established standards of efficiency. Incompetence will result in corrective action, up to and including discharge.
- B. **Carelessness or Neglect** - A member who is determined to have impaired or jeopardized the proper and efficient operation of the Agency due to carelessness or neglect will be subject to administrative or disciplinary action, to include discharge. An act of this nature committed by an officer may be considered "Conduct Unbecoming an Officer" as described in section 401.13E (2).

#### 401.7 Conduct toward the Public

- A. **Respect for Police Service** - The officer will deal with individuals of the community in a manner calculated to instill respect for the community's laws and its police service. The officer will conduct his/her official life in a manner such as will inspire confidence and trust. The officer will

give service where he/she can, and require compliance with the law, acting without personal preference or prejudice but rather as a duly appointed officer of the law discharging his/her sworn obligation.

- B. **Courtesy Towards All** - Members will be courteous and orderly in their dealings with the public. They will perform their duties quietly, avoiding harsh, violent, profane or insolent language and will always strive to remain calm regardless of provocation to do otherwise. Upon request, they will supply their name, business card, or ID number in a courteous manner.
- C. **Act on Requests** - Members will tend to **all** requests from the public quickly and accurately, including returning telephone calls, answering messages, etc., and will avoid unnecessary referrals to other sections of the Agency.
- D. **Impartiality** - All members will remain completely impartial in their attitude and actions toward all persons coming to the attention of the Agency.

### **401.8 Gifts and Gratuities**

- A. **Special Consideration; Influence of Judgment** - Members will guard against placing themselves in any position that could reasonably create an impression that special considerations are, or could be, given because of the acceptance of discounts, gifts, donations, services or favors.
- B. **Gratuity** - A gratuity is defined as offering member money, discounts, gifts, donations, services, favors, etc., which result in personal gain:
  - 1. For doing something members are under a duty to do.
  - 2. For **not** doing something members are under a duty to do.
  - 3. Obliging a member to give preferential treatment or exercise legitimate discretion for improper reasons.
  - 4. Receiving any benefit is inconsistent with the proper performance of a member's duties.  
**Members will not accept gratuities!**
- C. **Discount** - A reduced price for goods and/or services, to include free drinks, food, etc.
  - 1. Discounts given for reasons other than employment with the police department are acceptable, (given to general public, City members, group membership, elderly, etc.).
  - 2. Discounts given because of employment with the police department may be accepted with the following stipulations:
    - 3. There will be **no** expectation of, nor requests for discounts.
    - 4. If full payment is not accepted, members may consider leaving the difference as a tip, donation, etc., otherwise discounts may be accepted graciously.
- D. **Gifts/Donations** - Something given willingly, without an expectation of payment in return.
  - 1. Gifts/donations may be accepted when intended to benefit the City, police department, or for a charitable reason.
  - 2. Gifts to individual members because of employment with the police department may be accepted under the following guidelines:



3. There will be no expectation of, nor requests for gifts, and where appropriate, full payment will be offered.
  4. Gifts offered to individual members must be pre-approved by the Chief of Police or his designee. The recipient must submit a written request through his/her chain of command before accepting the gift.
  5. All gifts must be accepted graciously and professionally. Letters of appreciation are the appropriate response for donations to the police department.
- E. **Solicitation** - Seeking to obtain by request: money, goods, discounts, gifts, donations, services, favors, etc.
1. Solicitation on behalf of the police department must be approved by the Chief of Police or his designee.
  2. Solicitation in any way for individual gain is prohibited.
- F. **Using Official Position for Gain or Privileges** - Members will not use their official position or official identification card or badge to avoid consequences of illegal acts, for personal or financial gain, or for obtaining privileges not otherwise available to them. This includes wearing a uniform while off duty to obtain discounts offered to on-duty officers. Members will not use information gained by virtue of their employment to obtain items of value prior to those items being offered to the general public. All transactions involving members receiving personal gain, which are not specifically addressed in Florida State Statute 705.103, (procedure for abandoned or lost property), 705.104, (title to lost or abandoned property), 705.105, (procedure regarding unclaimed evidence), and/or Agency General Order **GO 701** must have written authorization from the Chief of Police.
- G. **Endorsements** - Members will not authorize their names, photographs or official titles in connection with any testimonial, advertisement or commercial enterprise unless pre-approved in writing by the Chief of Police.
- H. **Recommending Products or Services** - While acting within the scope of their employment, members will not, in any manner whatsoever, recommend or suggest to the public the employment or procurement of a particular product, professional service or commercial service.
- I. **Awards/Rewards** - Awards for performance must receive written approval from the Chief of Police or his designee.

#### **401.9 Professional Appearance Grooming and Appearance GO412**

- A. **Demeanor** - At all times while in uniform in public view, members will maintain a professional bearing. Members should avoid slouching, spitting, etc., and should not place their hands in their pockets or place toothpicks, pens, etc., in their mouths or behind their ears.
- B. **Use of Tobacco** - Members may use tobacco products while on duty provided they exercise discretion and good judgment so as not to offend others. Spitting in the presence of others or maintaining spittoons in City buildings visible to others is prohibited. Under no circumstances will tobacco products be visible to the general public or in the mouth while in direct contact with the public. The use of smokeless/vapor-producing devices is expressly forbidden while in any Agency building/facilities or Agency vehicles, marked or unmarked.

- C. **Salute Protocol** - Members in uniform, unless engaged in police duties requiring their direct attention, on the approach of the colors will face the flag, (colors), and render a sharp military salute with the right arm. Members in civilian clothes will stand at attention holding right hand over left breast. The salute will be made and held when the colors approach within six paces and until they have passed six paces beyond. Only the colors at the head of each division of the parade will be saluted.
- D. **Courtesy to National Anthem** - When the national anthem is played out of doors, members in uniform will stand, face the colors and/or music and render a sharp military salute until the anthem is completed. Members in civilian attire will face the colors and/or music, come to attention, and place hand or hat over the left breast. If the anthem is played indoors, members will remove the headgear with the right hand and place the hand, (holding headgear), over the left breast.

## 401.10 Alcohol and Drugs

- A. **Use of Alcohol While on Duty** - Members will not be under the influence of alcohol at any time while on duty. Members will not drink intoxicating beverages or "non-alcoholic" beer or wine while on duty except when necessary for the actual performance of duties requiring its use. In such instances, the member will not become intoxicated.
- B. **Use of Alcohol While off Duty** - Members will not use intoxicating beverages off duty to the extent that it brings public discredit to the Agency or where evidence of such consumption is apparent when reporting for duty. Alcohol will not be consumed within eight hours of reporting for scheduled duty.
- C. **Alcohol or Controlled Substances on City Property** - Members will not possess, store, or bring alcoholic beverages or controlled substances into any police facility or vehicle, except in the performance of their official duties or as legally prescribed.
- D. **Taking Medications While on Duty** - When a member takes any medication, which has the potential to affect motor skills, judgment, alertness or any other physical or mental capability; he/she will notify the on-duty supervisor immediately. The supervisor will notify the respective Section or Division commander.
- E. **Use of Illegal Substances** - Is strictly prohibited whether on duty or off duty, and if discovered, will subject member to criminal sanctions.
- F. **Use of Medical Marijuana** - The use of marijuana by prescription has not been approved by the Federal Food and Drug Administration and is a violation of federal law. Employees are prohibited from using marijuana, synthetic chemicals or related products that contains THC, or results in a positive urinalysis or blood specimen. Marijuana, synthetic chemicals or related products that are obtained by prescription, or for medical use, are also prohibited.
- G. **Purchasing Alcoholic Beverages in Uniform** - Members will not purchase alcoholic beverages, or non-alcoholic beer or wine, while in identifiable police attire or vehicles.
- H. **Attendance at Training** - While attending schools, classes or training sessions, members are on duty, and will not drink alcoholic beverages, except as required by an approved training course.

### 401.11 Political Activities

- A. **Off Duty Opinions** - Members may express their opinions on any candidate or issue, and may participate in any political campaign during their off-duty hours, but not in uniform, and will display no symbol representing the Agency.
- B. **No Campaign Material On Duty** - While on duty, members will not wear or advertise any campaign material, distribute campaign material nor display campaign material on or from any City vehicle.
- C. **Elected Office Prohibited** - By state law, members cannot be dual office holders. Members should familiarize themselves with all laws related to campaigning for office before seeking public office.
- D. **Subordinates** - Members will not require political service of any subordinate.
- E. **Member of Subversive Groups** - Unless required in the performance of investigative duties, no member will knowingly become a member of or associate with any organization or group of persons who profess the violent overthrow of the United States government or any political subdivision thereof, or whose purposes are in conflict with the member's oath of office.
- F. **Prohibited activities FSS 104.31** - No officer or employee of the Agency shall:
  - 1. Use his or her official authority or influence for the purpose of interfering with an election of a nomination of office or coercing or influencing another person's vote or affecting the result thereof.
  - 2. Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary, or any money, or anything else of value to any party, committee, organization, agency, or person for political purposes.
  - 3. Directly or indirectly coerce or attempt to coerce, command, and advise any such officer or employee as to where he or she might purchase commodities or to interfere in any other way with the personal right of said officer or employee.

### 401.12 Strikes or Work Stoppages

Members will not participate in any strike, as defined in Florida State Statutes 447, including continued sickness unsubstantiated by a physician's statement.

### 401.13 General Conduct

- A. **Unlawful Discharge of Duties** - Officers will be mindful of their responsibility in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are wrong. The use of unlawful means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers.
- B. **Cooperation With Other Public Entities** - Members will cooperate fully with other public officials and duties. Members will guard against the use of his/her office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question,

members will seek authority from a supervisor, giving the supervisor a full report of the proposed service or action.

- C. **Conduct in Private Life** - Members will be mindful of their special identification by the public as upholders of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, will adversely reflect upon members and the police service. The community and the Agency require that the member lead the life of a decent and honorable person.
- D. **Self-improvement** - Officers will regard the discharge of their duties as a public trust, and recognize their responsibility as a public servant. By diligent study and sincere attention to self-improvement, officers will strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety.
- E. **Conduct Unbecoming an Officer** - Conduct specifically mentioned in this General Order, which tends to bring the Agency into disrepute or reflects discredit upon the individual member as a police officer. Generally these include, but are not limited to:
  - 1. Insubordination, or disrespect toward a superior officer.
  - 2. Neglect or inattention to duty.
  - 3. Sleeping on duty.
  - 4. Absent from duty without permission.
  - 5. Leaving post without proper relief or permission.
  - 6. Making a false statement, report, communication or entry into any official record or other official or required report or record.
  - 7. Accepting fees, rewards or gifts of any kind from any person arrested or in his behalf.
  - 8. Refusing to give name, badge number or to display identification card in a courteous manner when requested.
  - 9. Neglecting to report any member of the Agency known to have violated any directive order issued for the guidance of the Agency, where such violation would bring discredit to such member and/or the Agency.
  - 10. Neglect or refusal to comply with oral or written orders.
- F. **Respect for Other Members** - Members will treat superiors, subordinates and associates with respect. They will be courteous and civil in their relationship with one another. When on duty and in the presence of the public, superiors will be referred to by rank.
- G. **Interagency Cooperation** - Members will cooperate with all agencies engaged in the administration of criminal justice and with other Departments in the City of Palm Bay's organizational structure.
- H. **Visiting Places of Ill-repute** - Members will not knowingly visit a house of prostitution, unlawful gambling establishment, or any other place where the laws of the United States or the State or local ordinances are regularly violated, except in the performance of official duties.

- I. **Associating with Lawbreakers** - Members will not knowingly associate with convicted felons, habitual convicted misdemeanants, persons who are of bad repute or unsavory character, or those known associates of such people, except in the performance of official duties. It is lawful for government entities to restrict its members' constitutional right of freedom of association, if the governmental interest being furthered by such restriction outweighs the private rights of the individual member. Factors to be considered would be the length of time since the conviction, where the association occurred (such as private or public), in what type of meeting or function the association occurred and when and how the association occurred.
- J. **External Influence for Personal Preferment** - Members will not seek the influence or intervention of any person outside of the Agency for the purpose of personal preferment, advantage, transfer or advancement within the Agency.
- K. **Public Comments, Criticism or Ridicule of the Agency** - Members will not publicly comment, criticize or ridicule the Agency, its policies or other members, in any manner, where such expressions are defamatory, obscene, or unlawful, or made with reckless disregard for the truth when the member is speaking not as a citizen upon matters of public concern, but instead as a member upon matters only of personal interest, where it is reasonable to believe that such comments, criticism or ridicule will disrupt the office, undermine authority, destroy the close working relationships within the Agency, impair the operation of the Agency, impair an ongoing criminal or internal investigation or interfere with a supervisor's ability to maintain discipline.
- L. **Unauthorized Use of Public Media** - Members will not depict themselves or other agency members through any public medium, including but not limited to, video web cams, personal web sites, interactive networks (MySpace, Facebook, YouTube, Twitter, etc.), and/or blogs in a way that identifies the member as being employed or affiliated with the agency and which contains any content which is unethical, slanderous, derogatory, or likely to adversely affect the discipline, good order, or reputation of the agency or that tends to compromise the integrity of the member.
  1. Members will not release any confidential or sensitive information gained as a result of their positions within the agency. Confidential information which will not be released includes: photographs, home addresses, social security numbers, phone numbers, names, or any other identifying information of any current or former law enforcement personnel. Refer to FSS 119.071 for detailed information regarding confidential information. A member may post his/her own information. However, the member should realize that once the information is uploaded to the internet, it can never be removed. If a member posts a photograph or other personal information on the internet, it is possible for attorneys or reporters to access that information and use it against the member's wishes. For example, if an officer were to become involved in a shooting, the media would have immediate access to photographs of the officer posted on the internet.
  2. Members will not post images of crime scenes, crash scenes, evidence, suspects, victims, witnesses, or any other images captured while acting in their official capacity or accessed as a result of their employment.
    1. Members whose websites contain reference to their affiliation with the agency will immediately remove from their personal accounts any questionable content which has been uploaded by others.

2. Members should consider the possible adverse consequences of internet postings, such as future employment, cross-examination in criminal cases, and public embarrassment.
3. Members are encouraged to seek the guidance of supervisors regarding any posting which may adversely affect either the agency or the member.

M. **Updating Personal Information** - Members will ensure that the Communications Center, the Human Resources Department and their immediate supervisor have the member's correct name, address, telephone number, and person to be notified in case of emergency. Any changes in that information must be promptly reported to all three. The member's immediate supervisor will promptly forward the information to the section responsible for updating the Agency's member database. Members are required to have a telephone or cellular phone at their residence. Members who have only a cellular phone must ensure that it is kept on while off duty.

#### **401.14 Rules Governing Conduct**

Specific rules of conduct that govern **all** the actions or behavior of **every** member cannot be established. Any act or omission contrary to good order, discipline, or accepted standards of conduct may subject a member to disciplinary action.

#### **401.15 Recognition of Investigators**

No member will show any sign of recognition to an undercover investigator unless that investigator initiates contact with the member. No member will reveal the identity of any undercover investigator to another person without specific authorization from the investigator. The intent of this is to prevent jeopardy to an investigator or compromise of any ongoing investigation.

#### **401.16 Refusal to Render Administrative Statement**

Any member, who, after being advised of appropriate rights or warnings, refuses to answer questions relating to the performance of his official duties or continued fitness for duty, will be subject to Agency charges which could result in dismissal for cause.

#### **401.17 Obtaining Investigative Information on People**

Information from FCIC, NCIC, or any other restricted source to which the Agency has access, whether automated or manual, will be used only for official Department business. FCIC/NCIC Procedures OM A302

#### **401.18 In-Service Training**

In-service training is considered duty time. All members will attend in-service training as assigned.

#### **401.19 Relieved of Duty**

Relieved of Duty is the temporary removal from duty for actions of a member resulting in death or serious bodily injury of a person or persons pending an investigation, major offenses, unfitness for duty, members who are in need of assistance rendered by a licensed mental health care professional, refusal to obey a direct order of a supervisor or commander, substantial insubordination, or for a continuation

of a problem previously dealt with by written counseling. Relieved of Duty is for administrative purposes only, and will **not** be considered disciplinary action.

- A. **Criteria** - Any Agency supervisor may relieve a subordinate from duty due to actions or behavior that would cause a serious erosion of discipline, endanger persons or property, subject the Agency to obvious liability if the presence of the member is allowed, for persons in need of assistance from a mental health professional, or where any member is the suspect in a criminal offense.
- B. **Command Notification** - A supervisor relieving a member from duty under this section will notify the Division Commander, through the chain of command, preferably at the time the member is released or by the end of the supervisor's shift. The Division Commander will ensure that the Chief of Police is notified immediately.
- C. **ID, Firearm, Vehicle** - Relieved of duty will not include the loss of police identification or the authorization to possess and carry concealed firearms, or participation in the assigned vehicle program, unless expressly stated by the supervisor or commander invoking the release. Officers relieved of duty whose supervisor deems it necessary will store their assigned city vehicle at the Palm Bay Police Department or other location deemed appropriate by the Chief of Police and will not participate in the assigned vehicle program until advised otherwise by their respective Division Commander.
  - 1. If the member is the subject of a criminal offense or in need of mental counseling, the relieving supervisor will ensure that the following are collected at time of relief:
    - a. Badges, Police and or City Identification.
    - b. All assigned duty gear.
    - c. All agency issued lethal and less lethal weapons.
    - d. All issued department uniforms.
    - e. Key fob.
    - f. Vehicle and keys with key fob.
  - 2. All of the collected department property will be properly documented on the Relief of Duty Form.
- A. **Commander's Review** - The supervisor and member will see the Division Commanders on the next administrative business day to review the incident and action unless it is due to a medical evaluation. For members who are in need of assistance from a mental health or medical professional, no review is necessary unless the Chief of Police or designee deems appropriate.
- B. **Written Report** - The applicable Division Commander will provide a written report and recommendation to the Chief. This does not apply in situations where a member is relieved of duty regarding a mental or medical evaluation unless the member will be absent for a period of at least 3 pay periods.
- C. **Chief's Authority** - The Chief will have the sole authority to determine whether the Relieved of Duty status is converted to a suspension.