



# DAVIE POLICE DEPARTMENT

## 301

### STANDARDS OF CONDUCT AND DISCIPLINE

Revised: January 20, 2023  
Effective: January 27, 2023

Approved:   
Stephen Kinsey, Chief of Police

## I. PURPOSE:

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The purpose of this general order is to provide members of the department with specific standards of conduct which are to be abided by in the performance of their duties and personal activities, and procedures to be followed when possible misconduct is detected.

## II. POLICY:

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It is the policy of the Davie Police Department that each member will know and abide by the department's code of ethics, oath of office, and all department and town-issued general orders, directives, standard operating procedures, and training. Members will be knowledgeable of federal and state laws, town ordinances, and the elements that constitute a criminal offense and will take appropriate action regarding violations. The department will utilize coaching techniques whenever possible to train and/or guide department members. If it becomes necessary to impose discipline when such coaching or corrective actions fail to rectify improper action or the department member is deemed to have committed a pronounced deviation of departmental rule, policy, procedure or any state/federal law, supervisors will take appropriate action. **[2.06B]**

## III. PROCEDURES:

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### A. GENERAL GUIDELINES

#### 1. Members shall not:

- a. Make or cause to be made, directly, indirectly, or by deliberate omission, false or misleading statements either verbally, in written or electronic reports, documents, or any communication. Members will not withhold or conceal any fact relating to known or suspected criminal activity or any criminal or administrative investigation.
- b. Directly or indirectly attempt by threat, persuasion, appeal, compensation, or other consideration, to secure the abandonment or withdrawal of complaints, charges, or allegations.
- c. Use their position to solicit any item, act, favor, benefit, gain, compensation, or other consideration nor shall they accept such item, act, favor, benefit, gain, or other consideration for personal gain or to cause the member to act, fail to act, divulge information, or otherwise influence the member's duties or actions.
- d. Aid, abet, or encourage another person to violate any law, department or town policy, general order, standard operating procedure, training, or directive.

2. Members shall:
  - a. Immediately notify an on-duty supervisor of any offer, special treatment, gift, gratuity, attempt to bribe, or other consideration, which is made in an effort to influence the members conduct. Said supervisor shall notify the Chief of Police through the chain of command.
  - b. Immediately notify an on-duty supervisor if issued a civil citation for a misdemeanor crime, issued a Notice to Appear, physically arrested, indicted, or charged by the State Attorney's Office with a criminal offense. The on-duty supervisor shall immediately notify the Chief of Police via the chain of command.
    - 1) Pursuant to Florida Statute 943.1395(5), if an officer receives a citation for an offense that is classified as a violation of the Criminal Justice Standards and Training Commission's moral character rule, the department must conduct an internal investigation and report any sustained findings to the Commission. Even though the member may receive a citation rather than being arrested, the underlying charge may still rise to the level of a moral character violation and be subject to discipline by the Commission.
    - 2) Moral character violations are defined by current Florida State Statutes.

#### B. ROLE OF SUPERVISOR [7.03]

1. In addition to other duties, supervisors are responsible for ensuring that each of their subordinates abides by departmental and town policies, general orders, directives, standard operating procedures, verbal and written orders and state and federal laws. Furthermore, supervisors are expected to take the appropriate action upon observing violations of the aforementioned policies, procedures, and/or laws by any member.
2. Supervisors are afforded broad discretion when determining what constitutes appropriate action upon observing or learning of violations by department members. Prior to taking any action supervisors should consider the seriousness of the violation, any past violations by the offending member, disciplinary or non-disciplinary action, and what role the *Police Officers Bill Rights* may play in their decision if any.
3. Supervisors must act with fairness, impartiality, and consistency.
4. Supervisors may, without further consultation, take non-disciplinary action such as providing additional training to members, verbal/written coaching, completing a *Performance Corrective Action Plan*, or temporarily relieving a member from duty. Alternatively, supervisors may recommend disciplinary action such as written reprimands, suspensions, demotions, termination, or the initiation of personnel reviews, supervisory reviews, or internal investigations.
5. The role of the supervisor is crucial in the disciplinary process. First-line supervisors have the best opportunity to observe members and detect those instances when corrective action or discipline is warranted. In addition to the above, supervisors are expected to develop skills, competence levels, and an understanding of the capabilities of the personnel under their supervision and to determine the most effective methods of corrective or disciplinary action.
6. When considering corrective action or discipline, supervisors should keep in mind the following:
  - a. Violations that may result in disciplinary action must be documented.

- b. Corrective action or discipline must be administered with fairness and impartiality.
  - c. There should be a consistency of application, however, the supervisor will take into account the previous conduct and work history of the member.
7. A supervisor's failure to supervise or meet the standards set forth in any department written directive and/or town standard operating procedure may result in disciplinary action.

#### C. SUPERVISORY AUTHORITY [7.03]

Command officers, supervisors, and members are delegated the following types of action/authority:

- 1. Coaching (verbal and written): Field training officer, civilian supervisor, sergeant or higher authority, or other person of designated departmental authority.
- 2. Training: Field training officer, civilian supervisor, sergeant or higher authority, or another person with designated departmental authority.
- 3. Relief of Duty: Any sworn supervisor regardless of assignment may temporarily relieve a subordinate member from duty. Any civilian supervisor may temporarily relieve a civilian subordinate from duty.
- 4. Reprimand, Suspension, Demotion, or Dismissal: Civilian supervisors, sergeants, or higher authorities may recommend to the Chief of Police or designee that a member be reprimanded, suspended, demoted, or dismissed.

#### D. CORRECTIVE ACTION [7.02]

##### 1. Training

- a. Training constitutes a means to correct performance and may be considered by supervisors as a first step in a plan to modify subordinate actions. Training is not, in and of itself, an alternative to discipline. Training can be utilized in conjunction with disciplinary actions.
- b. Training should be used as a means of improving a member's productivity and effectiveness through positive and constructive methods. The types of training used will depend on the nature of the problem.
- c. Training can be provided in any of the following situations:
  - 1) at the request of the employee;
  - 2) at the request of the supervisor or designated departmental authority;
  - 3) when a member has failed to acquire the minimum skill levels required by the department;  
or
  - 4) when a member is identified for remedial training by the administrative or inspections process. [10.04]
- d. Training will be scheduled at the earliest possible date.

- e. Personnel assigned to remedial training will not be released to full duty until they have met the minimum skill levels required by the department.
- f. Failure to achieve the required minimum skill levels may result in disciplinary action.
- g. Refer to General Order 200 – *Training and Career Pathing* for additional information on training as a function of corrective action.

## 2. Coaching

- a. Performance coaching is a means to provide valuable feedback to department members and may be provided verbally and in written form. Coaching may include positive feedback for job duties and actions deserving recognition or may be utilized to solve performance problems and to assist in needed work improvement.
- b. Each supervisor has an obligation to monitor and advise subordinates, including admonishment, for minor offenses or unacceptable behaviors and attitudes. The type of coaching used will depend on the nature of the situation, violation, or complaint. Coaching between the subordinate and the supervisor is intended to correct any identified problem. It shall be at the supervisor's discretion as to whether or not the coaching is documented based on the seriousness of the issue. If written documentation is required, then the *Supervisor/Employee Coaching Form* will be used.
- c. The overall goal of performance coaching is to work with the department member to solve performance problems and to assist in the needed work improvement.
- d. Documented coaching may be utilized for performance evaluation purposes and will only remain as part of the member's supervisory notes for up to one year from the issuing date.

## 3. Course of Conduct

- a. Prior documented incidents should be examined to determine if a particular course of conduct is forming or has formed. Concerned members will be informed when a particular course of conduct has been identified. Constructive or corrective steps shall be initiated to assist the members in becoming aware of the conduct and preventing its recurrence.
- b. Although informal coaching may ordinarily proceed before formal, the final level of coaching or initiation of the disciplinary process remains with the supervisor. Any time a pattern of possible disciplinary problems should appear it shall be the duty of the immediate supervisor of the member to advise the next person in the chain of command of the situation for review.
- c. When circumstances permit, the department will follow the concepts of progressive discipline by administering gradually increasing disciplinary actions for each successive instance of employee misconduct.

## E. DISCIPLINARY ACTION [7.02]

In the administration of discipline, a command officer must consider the totality of circumstances surrounding the allegation of misconduct. Decisions must consider the individual's interest as well as the probable effect upon the attainment of departmental objectives.

1. Reprimands: A reprimand is a formal written disciplinary action taken against a department member, usually for a less serious violation that will become part of the member's personnel file.
  - a. Reprimands are the first level of documented discipline.
  - b. Reprimands may be used for less-serious or repetitive violations of a directive, policy, procedure, or any inappropriate conduct of a minor nature.
  - c. Reprimands are appropriate when a member's job performance or conduct, either on or off-duty, is in violation of the department directives.
  - d. Department members must be notified in writing of any reprimand or disciplinary action in order for it to be effective.
  - e. The member shall agree or disagree with the reprimand and sign it. If the member disagrees with the reprimand, a written response may be submitted within ten days and forwarded along with the reprimand to the member's personnel file at their request.
  - f. A copy of the reprimand will be given to the member, and the original will be placed in the member's personnel file. No letter of reprimand shall be placed in the member's official personnel file until any and all grievances regarding said reprimand have been heard.
  - g. The designated bargaining unit representative shall be notified of all disciplinary action (reprimand or greater) taken against a bargaining unit member within five days of the action, excluding weekends and holidays, in accordance with the current collective bargaining agreement.
2. Relief from Duty: Being relieved from duty is not considered a disciplinary action but rather is an administrative tool to maintain efficiency and effectiveness within the organization. **[2.07] [15.15]**
  - a. Any department member may be relieved from duty, and placed on involuntary administrative leave, when it appears such action is in the best interest of the department or member. Members may be relieved from duty for acts that include, but are not limited to:
    - 1) Being alleged to have committed a criminal act or investigated for a serious procedural violation.
    - 2) When a department member's actions result in the death or serious bodily injury regardless of the circumstances (i.e. officer involved shooting, use of force, vehicle accident).
    - 3) Reporting to work under the influence of alcohol or controlled substance, in conjunction with current collective bargaining agreements.
    - 4) Reporting to work unfit for duty, such as, but not limited to: not properly equipped, ill.
    - 5) Being insubordinate or disrespectful to a supervisor.
    - 6) Or the conduct or circumstances that otherwise interferes with operational effectiveness and efficiency of the organization.

- b. The supervisor affecting the relief from duty will inform the member in writing of the reason and the restrictions involved, and will immediately notify their immediate supervisor and submit all details on a memorandum, through the chain of command, to the Chief of Police.
  - c. The member relieved from duty will report to the Chief of Police or designee at 9:00AM the next business day with the respective supervisor or at a time scheduled for this purpose.
  - d. When relieved from duty, the member shall continue to receive all pay and benefits associated with their respective collective bargaining agreement or Town of Davie policy governing relief of duty.
  - e. Members relieved from duty may be required to surrender their badge, Davie Police Identification card, department-issued weapon(s), equipment, and vehicle contingent upon the circumstances of the leave and at the discretion of the Chief of Police or designee.
  - f. At the discretion of the Chief of Police or designee, members may be directed to abstain from wearing their official uniform or other articles of clothing that identify them as a member of the Davie Police Department through the duration of the administrative leave. The member's limitations of official authority will be provided in the *Notice of Administrative Leave* form.
  - g. Members will not become involved in law enforcement action while relieved from duty or perform any official law enforcement activity except by subpoena, court order, or in connection with any department investigation(s) unless instructed otherwise by the Chief of Police or designee.
3. Suspensions: A temporary removal from duty with or without loss of pay as directed by the Chief of Police. The Chief of Police may initially suspend an employee with pay during an investigation when allegations are serious in nature. The Chief of Police may extend the suspension with or without pay based upon a review of the employee's status.
- a. Suspensions are considered a form of personnel action which may be recommended or applied as follows:
    - 1) As a means of correcting a willful disregard of lawful orders, commands or directives;
    - 2) Until the final disposition of an administrative investigation is completed;
    - 3) As a form of discipline if the charge of employee misconduct is sustained;
    - 4) Upon a grand jury indictment, arrest, or a filing of information by the State Attorney's Office against the member;
    - 5) For acts (including misdemeanor or felony) that result in a conviction of criminal charges;
    - 6) As defined by the Town's Standard Operating Procedures;
    - 7) For any other cause which will promote the efficiency and effectiveness of the department;
    - 8) For other justifiable reasons when alternate personnel actions are not appropriate.
  - b. When a member commits a violation of a serious nature or repeated violations after other methods of discipline have failed, suspension becomes an appropriate form of punishment.
  - c. The Chief of Police will retain the discretion to approve or deny the amount of time and type of suspension to be served. All incidents of suspension will be documented in a letter signed by the Chief of Police and retained by the Human Resources Coordinator.

- d. Suspended members will surrender their badge, Davie Police identification card, department-issued weapon(s), and, vehicle and will not represent themselves as a police officer in any situation. Suspended members may be restricted from using or entering the Police Department facility during the period of suspension. Additional restrictions may be placed on the department member as ordered by the Chief of Police.
  - e. Suspended members will not become involved in law enforcement action during this suspension or perform any official law enforcement activity except by subpoena, court order, or in connection with any department investigation(s) unless instructed otherwise by the Chief of Police or designee.
4. Demotions: A reduction in rank when it is determined that a department member has failed to meet certain standards or accept certain responsibilities associated with their current position or rank.
- a. If a supervisor displays an inability to perform his duties at a level commensurate with his rank, and based upon proper and sufficient documentation, the Chief of Police can demote the supervisor to his or her previous rank, when other corrective or disciplinary actions have failed.
  - b. If a supervisor commits a serious procedural violation that undermines or seriously affects the effectiveness or efficiency of the department, the Chief of Police may demote the supervisor to his previous rank.
5. Dismissal: Permanent dismissal from a position within the department for a major violation of department/town policy and/or procedure or repeat violations that have not or cannot be corrected with lesser actions.
- a. Dismissal is the final and most severe form of discipline administered by the department. Dismissal may be warranted in, but not limited to, the following circumstances:
    - 1) Demonstrating an inability or unwillingness to perform assigned tasks.
    - 2) Failure to maintain professional compliance as set forth throughout the department's general orders.
    - 3) A serious violation or repeated violation of rules, regulations, policy, or procedures that constitutes a willful, intentional, or negligent disregard.
    - 4) Violation of criminal statutes and ordinances.
    - 5) A serious act of insubordination or other serious procedure violation where actions and judgment undermines the efficiency and effectiveness of the agency.
  - b. If an investigation results in dismissal, the department member shall be provided a pre-determination hearing with the Chief of Police.
  - c. If an investigation of misconduct results in dismissal, the member shall be provided the following information:
    - 1) A statement in writing citing the reason for termination [7.04A];
    - 2) The effective date of the termination [7.04B];
    - 3) Appropriate referrals for information related to the status of fringe and retirement benefits after dismissal [7.04C];
    - 4) A statement in writing citing the member's rights [7.04C]; and
    - 5) Supporting documentation relating to the dismissal.



6. All records related to disciplinary actions will be maintained and stored in accordance with applicable State of Florida records retention laws.

## F. RULES OF CONDUCT

Personnel shall not commit any acts or omissions which constitute a violation of any general order, rule, directive or order of the department whether stated in the rules of conduct or elsewhere.

1. At the discretion of the Chief of Police, suspension of general orders, standards, directives, policies and procedures may be authorized for covert investigations or to achieve department objectives.
2. Command officers can suspend or countermand a general order, rule standard, order, procedure, or directive only when failure to do so would obstruct the achievement of objectives or otherwise adversely impact the department. In such cases, a written explanation will be immediately forwarded to the Chief of Police for review and approval if deemed appropriate.
3. Disciplinary measures resulting from unlawful conduct may be imposed independently of, and concurrent with, civil and criminal prosecutions. Internal disciplinary measures may be waived pending civil or criminal disposition in accordance with town administrative policies governing administrative suspensions. The administration of internal disciplinary measures resulting from unlawful conduct must depend upon individual case circumstances and will be determined by the Chief of Police.
4. Violations will be identified by their degree of seriousness and will be assigned discipline on a case-by-case basis.

## G. STANDARDS OF CONDUCT

1. Any violation of town standard operating procedures department general order, department directive, policy, procedure or any other form of professional compliance may result in corrective or disciplinary action.
2. The following consequences are to be used as a guideline. The Chief of Police has the discretion to weigh any mitigating or aggravating circumstances of a particular violation and make a decision based on the individual instances which may result in lesser or greater discipline as each individual case merits.
3. Repeat or continuous violations will result in a more serious discipline other than recommended in this section under the categories identified.

- a. Absence without Leave

Members who do not report for duty in accordance with their assigned work schedules and have not received proper authorization or made proper notification are considered absent without leave.



b. Abuse of Authority and Conflicts of Interest

- 1) Members will not become involved in controversies or attempt to enact police authority in controversies arising among their neighbors, friends or relatives.
- 2) Members will not make arrests in their own quarrels, or between themselves and their relatives, friends, or neighbors, unless the circumstance warrants self-defense, preventing injury to another, or when a serious, felonious offense has been committed. Family and neighbor dispute incidents are to be called to the attention of a supervisor who will then personally resolve the incident or will have an impartial officer intervene and take the required action.
- 3) Members will not file claims for damages or enter into any civil legal settlement arising from the member's employment with the Police Department or official duties without prior notice and knowledge of the Chief of Police. A member served with civil process in connection with their employment with the Police Department shall immediately report all relevant information to the Chief of Police.
- 4) Members will not solicit the aid or influence of persons or groups outside of the Davie Police Department for assistance in the procurement of transfers, duty assignments, or promotions.
- 5) Members are prohibited from using their official position, department identification, badge, or business card for personal or monetary gain, obtaining privileges not usually available to the public, or avoiding the consequences of illegal actions.
- 6) Members will not lend their department identification or badge to another person.
- 7) Members will not permit or authorize their name, photograph, or official title identifying them as a Davie Police Department employee in connection with any testimonial, advertisements, for commodity or commercial enterprise, without authorization from the Chief of Police.
- 8) Except in the line of duty, members will not knowingly associate with any persons, or organizations that advocate or otherwise promote hatred, oppression, or persecution of any person or group, nor advocates the overthrow of interference with the United States government.
- 9) Members will not knowingly receive any article as a gift, or as the result of favorable purchase or trade, from suspects, persons in custody, persons of ill repute, or persons who may profit from police information.
- 10) Members will not recommend or suggest to any arrested person, or any other person, the name of a bail bondsman or attorney, either directly or indirectly. Members shall not become surety or guarantor, or furnish bail, for any person arrested for a crime except for members of their own immediate family.
- 11) Members will not use official department stationary in connection with any personal matters unless authorized by the Chief of Police.
- 12) Members will not make any purchases in the name of the department without authorization from the Chief of Police.

c. Alcohol/Illegal Drug Use

Members will not consume alcohol or be under the influence of alcohol while on duty or when reporting for duty. Exceptions to this prohibition may be made by the Division Commander or designee for personnel working in an undercover capacity, or if necessitated while on surveillance, but not to the extent the member's faculties are impaired.

- 1) Off-duty members will not consume or purchase alcohol while in uniform or partially uniformed.

- 2) Members who are off duty shall not consume alcohol to an extent that their behavior brings discredit upon themselves or the department, or which renders them unfit to report for their next tour of duty.
- 3) Members will not have in their possession any controlled substances, narcotics or hallucinogens except when legally prescribed by a physician or dentist, or when possessed as part of their official duties.
- 4) When any member is taking prescribed medication and when such medication could affect work performance, the member will notify a supervisor verbally or in writing, prior to beginning his/her duties.
- 5) At no time will it be authorized for any member to ingest any non-prescribed controlled substance.

d. Associations

Personnel shall avoid regular or continuous personal and/or business associations or dealings (transactions/business) where the department member receives a gain/benefit/pay with persons whom they know, or should know, an under criminal investigation or indictment, persons who are known to be associated with criminal behavior and/or have a criminal history, persons currently serving parole or probation; or who have a reputation in the community or the department for involvement in criminal behavior. Members shall only associate with these individuals as necessary in the performance of official duties. Good judgment shall be used when unavoidable circumstances exist due to other personal relationships with the person.

e. Behavior and Language

In the performance of their duties, all personnel will maintain command of their temper, patience, and discretion. They shall refrain from using improper, obscene, profane, or insolent language (tactical control situations are exempt from this requirement). Ranking officers shall not act in an oppressive or tyrannical manner toward their subordinates.

f. Chain of Command Violation

The chain of command must be rigorously followed. Members shall not circumvent the chain of command without the approval of the rank(s) being bypassed except in an emergency situation wherein their immediate supervisor is not available. Under normal circumstances, a subordinate must request permission from his or her immediate supervisor prior to circumventing the chain of command.

g. Carelessness or Neglect of Duty

A member who is determined to have impaired or jeopardized the proper and efficient operation of the department due to carelessness or neglect will be subject to administrative or disciplinary action, including discharge. Department members shall not engage in any activities or personal business which would cause them to be inattentive to duty. An act of this nature committed by a member may be considered Conduct Unbecoming as described below.

h. Conduct Unbecoming

Members will not engage in any conduct, on duty or off duty so egregious that it has an adverse impact on the Davie Police Department and destroys public respect and confidence in the Office of the Chief and its members. Such conduct will include, but is not limited to,

participation in any immoral, indecent or disorderly conduct, or conduct which causes substantial doubts concerning a person's honesty, fairness, or respect for the rights of others or the laws of the state or nation; regardless of whether such act or conduct constitutes a crime. Members will maintain a level of moral conduct in their personal and professional affairs which is in keeping with the highest standards of the law enforcement profession.

i. Competence

- 1) A member will maintain sufficient competency to perform the duty and responsibility of his position. The member will perform their duty in a manner that establishes and maintains the highest standards of efficiency and effectiveness while carrying out the functions, goals, and objectives of the Davie Police Department.
- 2) Department members will comply with all federal, state, county and local laws and ordinances, including those that are punishable by no other penalty than a fine, forfeiture or other civil penalty. Members shall comply with all official policies and directives of the Town of Davie.
- 3) Members will be knowledgeable of town ordinances and regulations, county codes pertaining to the law enforcement function, state and federal statutes, and the elements that constitute criminal offenses. Members will become knowledgeable regarding the official policies and directives of the Davie Police Department. Officers are obligated to take appropriate action regarding violations.
- 4) Incompetence may be demonstrated by one or a combination of the following:
  - i. A lack of knowledge regarding application of laws to be enforced.
  - ii. An unwillingness or inability to perform assigned tasks.
  - iii. A failure to conform to work standards established for the member's rank, grade, or position.
  - iv. Failure to take appropriate action on the occasion of a crime, disorder, or other circumstance deserving police attention.
  - v. Absent without leave approval.
  - vi. Repeated poor evaluations. Failure to improve after supervisory coaching and/or evaluation.
  - vii. A record of repeated infractions of department rules and regulations, policies, or written directives.
  - viii. Ignoring a lawful order or directive from a supervisor.
  - ix. Insubordination.
- 5) Once a member is found to have committed a violation of this policy with regard to competence, compliance of knowledge, or other unsatisfactory performance, discipline will be progressive resulting in dismissal if the member fails to take the necessary steps to correct the deficiency and demonstrates a failure to maintain sufficient competency to perform the duties and responsibilities associated with their position.
- 6) A member may also be disciplined for unsatisfactory performance for failure to comply with the official policies and directives of the Davie Police Department or for failure to take appropriate action when necessary.

j. Congregating

No more than three marked units and/or four uniform officers will congregate in a single location without approval from the shift/team/unit supervisor. An exception can be made in the instance of an official service call.

k. Criminal Justice Information Systems

Members of the department will ensure they abide by current department policies and procedures governing the use of criminal justice information systems as articulated by guidelines established by the Florida Department of Law Enforcement, Federal Bureau of Investigation, and other governing agencies that manage confidential criminal justice information. Any violation of this standard of conduct may result in disciplinary action which may include but is not limited to corrective action, written reprimand, suspension, termination referral to the Florida Judicial Qualification's Committee for investigations and/or discipline action (as applicable); legal action; and/or criminal liability.

l. Criminal Investigations

- 1) Department members shall not interfere with cases being handled by other personnel of the department or by any other governmental agency unless:
  - i. Ordered to intervene by a supervisor.
  - ii. The intervening member believes, beyond a reasonable doubt, that an injustice would result from failure to take immediate action. In such cases, the member shall notify their supervisor immediately of any actions taken.
- 2) Department members shall not undertake any investigation or other official action, not part of their duties as a police officer without obtaining permission from their supervisor unless the exigencies of the situation require immediate action.

m. Dereliction of Duty

Department members who willfully, through negligence or culpable inefficiency, fail to perform their expected duties will be subject to progressive discipline.

n. Discriminatory, Harassing or Inappropriate Behavior

Members of this department shall not engage in any form of harassment, discrimination, activities or inappropriate verbal or physical conduct against another person which is based upon the person's race, color, creed, religion, gender, sexual orientation, national origin, age, disability or physical handicap, marital status, military status, political affiliation, or socioeconomic status. This is inclusive of interactions with the public, outside agencies, department members and town employees. Members of this department will not engage in any form of retaliation against any other member who has reported, filed, assisted, supported, or cooperated in the investigation of any allegation of such prohibited conduct.

o. Dissemination of Information/Confidentiality

Department members are prohibited from releasing any exempt or confidential data, except as provided for in procedure, lawful order or existing law. Members shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established agency procedures or state statute. Members shall remove or copy official records or reports from the department only in accordance with established agency procedures and state statutes.

- 1) Members will treat Davie Police Department business as confidential, and shall not provide information to any person or agency regarding department business, the contents of department records or files, without lawful purpose.
- 2) Members will not communicate or give law enforcement information which may aid a person to escape arrest, delay the apprehension of a person, or secure the removal/storage of illicit goods or monies.
- 3) Members shall not divulge the identity of confidential informants to any other person without authorization from the Chief of Police or designee, or under due process of law.
- 4) Members will not divulge the home addresses or phone numbers of department personnel. This information can only be released when authorized by competent authority or with the consent of the member concerned.

p. Duty to Intervene

Officers, while on duty, have an obligation to reasonably assess any situation in which force is being used or is imminent. Officers must assess the totality of facts and circumstances surrounding the use of force. If an officer has a reasonably objective belief that excessive force is being, or is imminently about to be applied, the officer shall intervene to stop or prevent such excessive force if the intervention can be done in a reasonably safe manner for all parties involved. Officers shall forcefully announce their intention to intervene prior to or simultaneously with any action to intervene. An officer that intervenes in this manner shall immediately notify the on-duty supervisor of the action taken. The on-duty supervisor shall notify the Division Commander through the chain of command.

q. Exposure of Undercover Officers

Department members shall protect the identity of officers engaged in covert operations and shall not intentionally expose their identity or occupation, and shall not reveal any knowledge of covert operations to members of the public. Members shall not initiate any public contact with any member who is knowingly assigned to covert operations, whether on or off duty. Department members shall wait for the undercover officer to initiate acknowledgement or recognition.

r. Failure to Respond to Subpoena

Department members shall adhere to the instructions on a subpoena which they have been served. Members who are unable to respond to a subpoena shall notify a member of Court Liaison and their immediate supervisor or on-duty supervisor.

s. Failure to Supervise Effectively

The Chief of Police or designee shall hold all supervisors directly accountable for the quality and effectiveness of their supervision, including whether supervisors identify and effectively respond to misconduct or policy violations. A supervisor who fails to create, implement, enact or enforce any applicable supervisory procedures required by department written directives, Town of Davie standard operating procedures, or any other applicable laws, common or statutory, will constitute a failure to supervise.

t. Falsification of Records

Department members will not falsify any document, record, statement, report, or communication. This includes, but is not limited to, all internal/administrative documents such as overtime requests, official police reports, etc.

u. Fictitious Illness or Injury Report

Members shall not fabricate any illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the department as to the conditions of their health, in accordance with General Order 130 – *Leave Time and Restricted Duty Procedures*.

v. Following Orders/Insubordination

- 1) Lawful Order – Members will promptly obey all lawful orders issued by a superior or other competent authority. A lawful order is one which a member can reasonably believe is in keeping with the performance of his duty, or directly related to department business. Orders directed to a member from the Internal Affairs Unit during the course of conducting an official investigation will be obeyed. This includes orders relayed from a superior or by a member of the same or lesser rank. **[2.03]** Failure to comply with a lawful order is deemed insubordinate behavior.
- 2) Unlawful Orders – No member will obey an order that is contrary to law. A member will not be disciplined for refusing to obey an unlawful order. A member who receives an unlawful order will report the circumstances in writing, via the chain of command, to the appropriate Division Commander, as soon as possible. **[2.04]**
- 3) Conflicting Orders – A member is given a lawful order that conflicts with a previous order, will advise the person issuing the second order of this fact. Responsibility for countermanding the original order then rests with the person issuing the second order. If then so directed, the member will obey the second order. The member will not be held accountable for disobeying the original order. **[2.04]**
- 4) Unjust or Improper Orders – Members receiving lawful orders that they feel are unjust or contrary to agency directives will first obey the order to the best of their ability, then report the circumstances in writing, via the chain of command, to their Division Commander.
- 5) Unclear Orders – Members in doubt as to the nature, meaning or details of a lawful order will seek clarification from the person issuing the order.
- 6) Discipline may vary based on the severity of the violation committed.

w. Medical Examinations

Department members shall submit to any reasonable physical, psychiatric, chemical, or laboratory tests or examinations if ordered by the Chief of Police to determine fitness for duty.

x. Moral Character

Department members shall maintain a level of moral conduct in their personal and business affairs which is in the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral character which impairs their ability to perform as law enforcement officers or causes the department to be brought into disrepute.



y. Property and Equipment

Any property, equipment, vehicle, or other items that are distributed to a department member by an agent of the Police Department can be inspected, audited, or searched at any given time. Department lockers and offices are considered department property and items stored within are subject to search in instances of reasonable suspicion.

- 1) Members will use reasonable care in the handling and use of department property and equipment, maintaining same in good working order, and being careful not to mark, mar, deface or otherwise make it inoperable. Members will immediately report to their supervisor the loss or damage of department property and equipment. In the instance that damaged has occurred to property or equipment, the last known individual to have been in possession of the equipment will be held responsible for the damage.
- 2) Permission from the Chief of Police or designee will be required to relocate furnishings and files located within the headquarters of the police department. Any personal furnishings, calendars, artwork, etc., that may be displayed by members will be in good taste and will not be deemed offensive or inappropriate.
- 3) Members will seek permission from the Chief of Police or designee prior to using personal equipment for police purposes. The equipment serial number and description will be recorded and filed with the department. Department equipment will not be used for personal purposes unless authorized by the Chief of Police or designee.
- 4) When leaving employment with the department, members will account for and return all department property and equipment previously issued to them. The Training Unit will collect all equipment and property.
- 5) Members will not destroy or permanently remove from any file department reports or other documents without permission from the Chief of Police or designee. The retention and/or destruction of department documents will conform to procedures governed by Florida State Statute.
- 6) Members will not duplicate any department-issued key or security card without approval from the Chief of Police.
- 7) Members shall utilize department equipment only for its intended purpose, in accordance with established agency procedures.
- 8) All equipment issued to members shall be maintained in proper order.
- 9) Members who lose any approved duty firearm(s) will report such loss to a supervisor immediately upon discovery.
- 10) Loss of department equipment as a result of a careless act by a member.
- 11) Members shall not abuse, damage, misuse, or tamper with department equipment without approval from the Chief of Police or designee.
- 12) Personal use beyond a reasonable standard.
- 13) Members who defeat, tamper with, and/or manipulate the AVL system/equipment will be subject to progressive discipline as determined by the Chief of Police or designee.
- 14) When storing department-issued firearms in a personal vehicle, authorized members shall ensure the firearm is stored in a secured manner such as a secondary locked compartment (i.e., locked center console, glove compartment) or enclosed lockable storage area.
- 15) Employees will use, maintain, and safeguard all issued equipment in accordance with department policies/procedures and not abuse, damage, or lose equipment intentionally or through neglect.
- 16) Employees will perform their duties properly and assume the responsibilities of their positions. Employees will perform their duties in a manner that tends to establish and maintain the highest standards of efficiency, competency, and professionalism in carrying out the functions and meeting department objectives.



z. Rendering Assistance and Duty Conduct

- 1) Officers will immediately take appropriate action to aid another department member, or law enforcement officer, exposed to impending harm.
- 2) Officers will perform their required duties and will not avoid their duty to assist because of fear or cowardice.
- 3) Officers will respond to the aid of all persons in danger, but will do so with no reckless disregard, weighing the probability of successful intervention against the probability of losing their own life. Members are expected to summon proper assistance as applicable.
- 4) In serving the public, members will be attentive and take suitable action in all situations where some official action would reasonably be believed appropriate, to include reports, complaints, inquiries, and other requests for service.
- 5) Members will be courteous when dealing with the public, avoiding conduct which conveys disinterest or disrespect.
- 6) All officers of the department are equally responsible for the enforcement of all laws, ordinances and department policy and procedures. The delegation, or the enforcement, of certain laws and ordinances to a particular component or unit of the police department does not relieve officers from other components or units from taking prompt police action for violations coming to their attention.
- 7) Members will not interfere with the operation of any other component or unit of the police department, or with any lawful private enterprise.
- 8) Members will cooperate with all agencies engaged in the administration of criminal justice, and other public agencies and town departments, giving them assistance as required by their lawful purpose.
- 9) Members will not engage in activities or personal business which would cause them to neglect or be inattentive to duty, nor will they malingering while on duty.
- 10) Members will remain awake and alert while on duty. If unable to do so, they will advise the on-duty supervisor who will determine a proper course of action.
- 11) Members will make themselves available for further service as soon as practical upon completion of a call or assignment.
- 12) Officers will prevent breaches of the peace and settle disturbances growing out of civil matters, and advise parties concerned why certain police actions may not be possible; and, if applicable, take persons violating the peace into custody, keeping in mind effective public relations.
- 13) Members will report for duty promptly at the designated time and place, in proper attire, and with proper equipment in good working order.
- 14) Members shall not feign illness, physical disability, mental lapse or derangement; or intentionally inflict self-injury for the purpose of avoiding work. Additionally, members shall not engage in any conduct that results in their inability to return to service as soon as practical.
- 15) Members will remain at their assigned posts, working stations, zones, etc., until properly relieved, or granted permission to leave by a supervisor.
- 16) Members will not use profane or indecent language while in public view and/or in the performance of their duties. Intolerance in action and/or speech toward any person(s), including coworkers, because of race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, lifestyle, age, disability, or political status will not be expressed by any member.
- 17) Members who are off duty and in uniform will conduct themselves as if they were officially on duty. At all times their activity and behavior will reflect most favorably on themselves and the department.

- 18) Members will be courteous and civil in their relationships with one another. When on duty in view of the public, officers will be referred to by their respective rank.
- 19) Members will not criticize the department or a fellow member when the criticism is reckless, obscene, unlawful, not based on fact, or tends to impair the efficiency or effectiveness of the organization, or the ability of supervisors to maintain discipline.
- 20) Officers will not allow a prisoner in their custody, or the custody of another, to be physically or emotionally abused.
- 21) Members will be responsible for the safekeeping and preservation of all property that comes into their possession. Said property will be promptly recorded and submitted to the department's Property and Evidence Unit utilizing the appropriate form.

aa. Tardiness

Discipline shall be progressive and may vary based on the severity of the violation and the number of instances committed within a period of time.

bb. Truthfulness

Upon order of the Chief of Police, designee, or a ranking officer, members shall truthfully answer all questions related to the scope of employment and operations of the department which may be asked of them.

cc. Use of Weapons

Department members shall not use or handle weapons in a careless or imprudent manner. Authorized members shall use weapons in accordance with Florida State Statutes and department general orders.

dd. Use of Police Vehicles

While operating police vehicles, personnel shall balance competing risks to public safety based on the circumstances and driving conditions. Police vehicle operation shall be at all times consistent with the concept of "reasonable" safety and any violation of General Order 165 – *Use of Police Vehicles* or found "at-fault" as defined in General Order 540 – *Traffic Crash Investigations* will result in progressive discipline as determined by the policy violation and the severity of the said violation. The Chief of Police, or designee, will determine the seriousness of the violation and will apply the appropriate discipline to said violation.

ee. Unauthorized Use of Public Media [32.05D]

- 1) Members will not depict themselves or other agency members through any public medium, including but not limited to, video webcams, personal websites, interactive networks (Facebook, YouTube, Twitter, Instagram, Snapchat, Tik Tok, Reddit, 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 good order or reputation of the agency or that tends to compromise the integrity of the member.
- 2) Members will not release any confidential or sensitive information gained as a result of their positions within the agency. Confidential information includes photographs, home addresses, social security numbers, phone numbers, names, or any other identifying information of any current or former law enforcement personnel, civilian personnel,

witnesses, victims, suspects, or informants. 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 as they deem appropriate.

- 3) Members will not post images of crime scenes, crash scenes, evidence, suspects, victims, witnesses, or any other image captured while acting in their official capacity or accessed as a result of their employment.
- 4) Members whose websites contain a reference to their affiliation with the agency will immediately remove from their personal accounts any questionable content which has been uploaded to their pages by others.
- 5) Members should consider the possible adverse consequences of internet postings, such as future employment, cross-examination in criminal cases, and public embarrassment.
- 6) Members are encouraged to seek the guidance of supervisors regarding any posting which may adversely affect them or the agency.