

WINTER HAVEN POLICE DEPARTMENT

GENERAL ORDER 26.1

DISCIPLINARY PROCEDURES

ACCREDITATION STANDARDS: CALEA – 1.2.9, 22.2.7, 26.1.1, 26.1.4, 26.1.5, 26.1.6
CFA – 2.06, 7.02, 7.03, 7.04, 7.05, 7.06

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CONTENTS

This General Order contains the following numbered sections:

- I. Types of Disciplinary Action
 - II. Authority to Discipline
 - III. Responsibility of All Supervisors
 - IV. Notice of Formal Disciplinary Action and Pre-Disciplinary Hearing
 - V. Informal Disciplinary Action
 - VI. Countermanding Orders and Procedures
 - VII. Disciplinary Guidelines
 - VIII. Insubordination Offenses
 - IX. Neglect of Duty Offenses
 - X. Improper Conduct Offenses
 - XI. Competency, Job Knowledge, Proficiency
 - XII. Unlawful Conduct Offenses
 - XIII. Definitions
-

POLICY

It shall be the policy of the Winter Haven Police Department to begin the disciplinary process in a constructive manner. Should further discipline become necessary, a more progressive approach to corrective discipline may also become necessary. The Department delegates certain authority in the chain of command to ensure Department discipline is maintained. Each member shall have access to a copy of this General Order. (CALEA 26.1.1)

PURPOSE

The purpose of this General Order is to establish lines of authority and responsibility for discipline within the Department and to set forth uniform disciplinary guidelines for member conduct and appearance. (CALEA 26.1.1)

SCOPE

This General Order shall apply to all Department members.

DISCUSSION

The Chief of Police is responsible for the discipline, training and effectiveness of all members. Internal investigations relating to the conduct of members, disciplinary enforcement practices, and hearings are considered a vital part of the administrative authority of the Chief. In order to meet these responsibilities, the Chief shall prepare and enact reasonable General Orders, Bureau Directives, and Temporary Orders for the agency.

1. Discipline should be viewed as that conduct which prompts an individual or group to adhere to prescribed agency General Orders, Bureau Directives, and Temporary Orders, which supports the accomplishment of agency goals and objectives.
2. Discipline should be thought of as a form of training and an important constructive tool of leadership used to eliminate operational weaknesses. The best disciplined forces are the best trained and consequently the least punished. (CALEA 26.1.4a)
3. Violations of General Orders, Bureau Directives, and Temporary Orders require some form of action to be taken. The Department is dedicated to protect all members against unfounded accusations, personal spite, or unreasonable supervision, and to see that inefficient, inept, incompetent, or dishonest members are removed from service. Every part of this General Order, and any other General Order, Bureau Directive, or Temporary Order shall be interpreted in this spirit.

PROCEDURE

I. Types of Disciplinary Action (CFA 7.02)

- A. **Informal Disciplinary Action:** Informal disciplinary action shall be intended to mean that which is educational rather than punitive in nature. Such measures shall include verbal counseling Supervisor Observation Report (whpd-299), retraining, direct correction or admonition, career counseling, Performance Improvement Plan, written reprimand, suspension of drive-home vehicle privileges, and/or assignment of extended probationary period. (CALEA 26.1.4a, b)
- B. **Formal Disciplinary Action:** Formal disciplinary action shall be intended to mean that which is punitive in nature. Such disciplinary action shall include suspension, demotion, or dismissal. (CALEA 26.1.4c)
 1. **Emergency Suspensions:** Summarily relieving a member from duty shall only be permitted when there is probable cause that:

- a. A member has violated General Order(s) which could result in dismissal or which causes a loss of faith or confidence in the member to perform their duties;
 - b. A member has reported for duty under the influence of an intoxicant and/or drug, or while on duty consumes intoxicants and/or drugs, unless the consumption is in accordance with the orders of a dentist or physician;
 - c. A member has been involved in a criminal or immoral act;
 - d. A member is apparently physically or emotionally unable to properly perform the assigned duty;
 - e. A member is insubordinate or disrespectful to a supervisor; or
 - f. Actions or conduct is detrimental to the interests of the City.
2. Supervisors initiating an emergency suspension shall notify their bureau commander or the on call staff officer of the suspension and circumstances leading to the suspension. The supervisor shall also complete and immediately submit a memorandum outlining the details of the suspension to the Chief of Police via the chain of command.
 3. Officers suspended under an emergency suspension shall surrender their equipment and are subject to the restrictions listed in Section I, B (4) of this General Order.
 4. Suspension: Suspension shall be a formal disciplinary action denying members the privilege of performing Department duties as a consequence of violating Department General Orders, Bureau Directives, Temporary Orders, or City Policy. Suspension can be either the first step in the disciplinary process or the penalty assessed.
 - a. Upon suspension from normal duty assignments, members shall promptly surrender their badges, photo identification, agency-issued firearm(s), vehicle and Department keys, and proximity door card to their bureau commander or their designee.
 - b. Assigned vehicles shall be parked at the Police Department. All equipment, except firearms, shall be secured in the trunk of their issued vehicle.
 - c. During any period of suspension, members shall not be permitted to wear their designated duty uniform or any part thereof.
 - d. Upon suspension from normal duty assignments, members shall not have any police authority, take no police action, be permitted to work overtime or be available for call-out or special events during the period of suspension or during the pay period of the suspension.

- e. All disciplinary actions shall be recorded in the member's file in the Human Resources Division. (CFA 7.05)
- 5. Demotion in Rank or Pay Grade: Demotion in rank or pay grade shall involve a reduction in pay. A suspension and demotion may be concurrent, punitive actions.
- 6. Dismissal: Dismissal shall involve a termination of employment and loss of all privileges for reemployment with the Department.

II. Authority to Discipline (CFA 7.03)

- A. Chief of Police and Deputy Chief: The Chief of Police/Deputy Chief may verbally counsel, issue career counseling, Performance Improvement Plans, written reprimands (whpd-389), Supervisors Observation Report (SOR) (whpd-299), suspend, assign an extended probationary period, demote, or dismiss any member of the Department after objectively and fairly determining that a member violated agency General Orders, Bureau Directives, Temporary Orders, or City Policy. Demotion and dismissal require City Manager approval.
- B. Captain: Captains may verbally counsel, issue career counseling, Performance Improvement Plans, written reprimands, SOR and suspend drive-home vehicle privileges to any member within their area of supervisory responsibility. The Captain may also summarily relieve a member from duty when an emergency suspension is warranted, as delineated in this General Order. A written recommendation is required for all other disciplinary action.
- C. Lieutenant/Technical Services Coordinator: Lieutenants/Technical Services Coordinator may verbally counsel, issue career counseling, Performance Improvement Plans, written reprimands, and SOR to any member within their area of supervisory responsibility. The Lieutenant/Technical Services Coordinator may also summarily relieve a member from duty when an emergency suspension is warranted, as delineated in this General Order. A written recommendation is required for all other disciplinary action.
- D. Sergeant/Civilian Supervisor: Sergeants/Civilian supervisors may verbally counsel, issue career counseling, Performance Improvement Plans, and SOR within their area of supervisory responsibility. The Sergeant/Civilian supervisor may also summarily relieve a member from duty when an emergency suspension is warranted, as delineated in this General Order. A written recommendation is required for all other disciplinary action.

III. Responsibility of All Supervisors

- A. Discipline shall be established and maintained through positive supervisory practices that develop the members' attitude toward their work which motivates them to perform in an acceptable manner, achieve a quality work product, and helps to prevent, rather than require, disciplinary action.
- B. Each supervisor shall be accountable for each member under their scope of supervision. The supervisor shall not look to higher authority to initiate corrective and/or disciplinary actions.

- C. For discipline to be effective, the discipline should be an instructive device, not a retaliatory measure, and the discipline must meet the following criteria:
 - 1. The member shall be made aware of the infraction they have committed;
 - 2. The appropriate discipline shall be initiated as soon as practical;
 - 3. The discipline shall be consistent with the violation regardless of the member's status; and
 - 4. The discipline shall be impersonal.

IV. Notice of Formal Disciplinary Action and Pre-Discipline Hearing

- A. No dismissal, demotion, or other action which might result in loss of pay or benefits or which might otherwise be considered a punitive measure, may be taken against a member unless such member is notified in writing of the action and the reason(s) therefore, and possible disciplinary action(s) that could be imposed, prior to the effective date of such action.
- B. Prior to discipline being imposed, the member shall be afforded a pre-disciplinary hearing.
- C. The member shall be notified in writing of the date, time, and place of the pre-disciplinary hearing no less than five working days prior to the date of the hearing. When deemed appropriate, the member may be suspended from duty pending the pre-disciplinary hearing.
- D. The member shall be afforded the opportunity to respond to the charges or to offer verbal or written information about the charges, or mitigating circumstances which may have a bearing on what discipline, if any, may be imposed on the member. The member may present witnesses to speak on their behalf. It shall be the responsibility of the member to arrange the attendance of such witnesses. The member has the right to be represented by counsel or another representative of their choice. Such representative may advise the member, speak for the member, or elicit statements from the member, but may not cross-examine witnesses or the person who has brought the charges against the member.
- E. Members may waive their right to their pre-disciplinary hearing by signing the "Decision to Waive Pre-disciplinary Hearing" at the bottom of the written notification of Pre-disciplinary Hearing. This notification shall be completed and submitted to the appropriate division Bureau Commander at least twenty-four hours prior to the scheduled hearing.
- F. After arriving at a final decision on any sustained allegation, the proper authority shall impose a fair and equitable disciplinary penalty.
- G. Following the pre-disciplinary hearing or waiver of the hearing, the member shall be notified in writing of the results of the hearing and what discipline, if any, shall be imposed.
 - 1. If termination, dismissal or discharge is granted by the City Manager as a result

of misconduct, the non-probationary member shall be provided the following:
(CFA 7.04)

- a. A written statement citing the reason for termination, dismissal or discharge.
 - b. The effective date of the termination, dismissal or discharge.
 - c. A statement of the status of fringe and retirement benefits, if any, after termination, dismissal or discharge.
 - d. A statement summarizing the reason for termination, dismissal or discharge will be placed in the member's personnel record file.
 - e. An opportunity to submit information to their personnel file to refute or explain the reasons for the dismissal. (CFA 7.04d)
- H.** When the finding results in formal disciplinary action, the member may accept the decision or request to appeal their case to the City Manager, per the procedures outlined in section 4.22 of the City of Winter Haven Personnel Procedures and Policy Manual. (CALEA 26.1.6) (CFA 7.06)
- I.** Formal disciplinary action that results in demotion or dismissal, the original copy of the final notice of discipline and a Personal Action Form shall be sent to the Human Resources Division. A copy shall be maintained in the member's Department file.

V. Informal Disciplinary Action

- A.** Verbal counseling shall be documented on a SOR. The SOR shall contain at a minimum the following:
- 1. Date and time the counseling took place;
 - 2. Name of the member counseled;
 - 3. Description of the violation, to include applicable General Order, Bureau Directive, Temporary Order, or City Policy;
 - 4. Description or recommendations to correct the violation;
 - 5. Notice that progressive discipline shall be taken if similar violations occur in the future; and
 - 6. Signature of the member and supervisor.
 - a. The signature of a member is not an admission to the violation, but documentation that the SOR was reviewed with the member and they understand. If a member refuses to sign a SOR, the supervisor shall document this on the SOR.
- B.** Supervisors issuing a SOR (whpd-299) shall do the following:

1. Open a new case in the Administrative Investigations Management System (AIMS) for a SOR.
 2. Complete the SOR Form (whpd-299) per this General Order and place the SOR as an attachment in the case in AIMS.
 3. The supervisor shall forward the SOR/AIMS case to their supervisor for approval. The SOR shall be forwarded through the chain of command to the Chief of Police or designee for approval.
 4. When the SOR has been approved by the Chief or their designee, the originating supervisor shall print the SOR, present/explain to the member and have the member sign. A copy shall be given to the member.
 5. The originating supervisor shall forward the signed copy of the SOR to Deputy Chief of Police via the chain of command. The SOR shall be distributed as follows:
 - a. A copy shall be placed in the member's Department personnel file.
 - b. A copy (scanned or hardcopy) shall be sent to Human Resources to be placed in the member's master file.
 - c. If related to an internal affairs investigation, the Inspector shall ensure that a copy of the SOR is made part of the IA file.
- C.** Verbal counseling is an educational tool and not punitive; therefore, members do not have a right to appeal any verbal counseling documented on a SOR. Members may write a rebuttal to the SOR, which shall be attached to the SOR and placed in the member's file.
- D.** Written reprimands are for more serious or repetitive violations that do not rise to the level of formal disciplinary action. Written reprimands shall be completed using a Written Reprimand Form (whpd-389) and shall include a minimum of the following:
1. Detailed description of the incident that occurred;
 2. Detailed description of the violation of General Order, Bureau Directive, Temporary Order, or City Policy;
 3. Recommendation/plan to improve the violation or deficiencies;
 4. Notice that progressive discipline shall be taken if similar violations occur in the future; and
 5. Signature of member and supervisor issuing the written reprimand.
 - a. The signature of a member is not an admission by the member to the violation, but documentation that the reprimand was reviewed with the member and they understand. If a member refuses to sign a reprimand, the supervisor shall document this on the reprimand

- E.** Supervisors issuing a written reprimand shall do the following:
1. Open a new case in the Administrative Investigations Management System (AIMS) for a Written Reprimand.
 2. Complete the Written Reprimand Form (whpd-389) per this General Order and place the written reprimand as an attachment in the case in AIMS.
 3. The supervisor shall forward the written reprimand/AIMS case to their supervisor for approval. The written reprimand shall be forwarded through the chain of command to the Chief of Police or designee for approval.
 4. When the written reprimand has been approved by the Chief or their designee, the originating supervisor shall print the written reprimand, present/explain to the member and have the member sign. A copy shall be given to the member.
 5. The originating supervisor shall forward the signed copy of the written reprimand to Deputy Chief of Police via the chain of command. The written reprimand shall be distributed as follows:
 - a. A copy shall be placed in the member's Department personnel file.
 - b. A copy (scanned or hardcopy) shall be sent to Human Resources to be placed in the member's master file.
 - c. If related to an internal affairs investigation, the Inspector shall ensure that a copy of the written reprimand is made part of the IA file.
- F.** Retraining or remedial training shall be conducted in accordance with General Order 33.1.
- G.** A Performance Improvement Plan is a comprehensive plan to correct work deficiencies of members. A Performance Improvement Plan may be initiated to correct repeat minor violations (e.g. late reports) or due to performance deficiencies documented in a member's annual performance evaluation. Performance Improvement Plans shall be submitted via the chain of command to the Chief of Police for approval. A Performance Improvement Plan shall include:
1. Thorough documentation of the member's deficiency;
 2. Documentation of member's strengths;
 3. Thorough plan outlining practices, training, and strategies to improve the member's deficiency;
 4. Length of the improvement plan;
 5. Notification of bi-weekly and final evaluation of the member's performance;
 6. Notice to member that failure to improve performance may result in progressive discipline; and

- 7. Signature of member and supervisor.
- H. The original Performance Improvement Plan shall be forwarded to the Human Resources Division. A copy of the plan shall be placed in the member's Department file, a copy given to the supervisor implementing the plan, and a copy to the member.
- I. Any member may be placed on disciplinary or extended probation by the Chief of Police per Section 4.19 of the City of Winter Haven Personnel Policy and Procedures Manual.

VI. Countermanding Orders and Procedures

- A. The Chief of Police may authorize suspension of General Orders, Bureau Directives, Temporary Orders, and memoranda when necessary for covert investigations, or to achieve law enforcement objectives.

VII. Disciplinary Guidelines

- A. Members shall not commit any acts which constitute a violation of any Department General Orders, Bureau Directives, Temporary Orders, or City policy, whether stated in this General Order or elsewhere.
- B. For each violation, consideration shall be given to the severity of the misconduct, the cost involved, the time interval between violations, the length and quality of service records, and the overall ability of the member concerned.
- C. Progressive Disciplinary Measures: The purpose of this General Order is to improve member conduct and performance through progressive training or discipline; therefore, repeated offenses may generate progressively increasing penalties.
- D. Disciplinary guidelines shall be divided into three groups, Group I, Group II, and Group III offenses. The disciplinary guidelines for these groups are as follows:
 - 1. Group I offense:
 - a. First offense: Verbal Counseling (SOR);
 - b. Second offense: Written Reprimand;
 - c. Third offense: Suspension without pay;
 - d. Fourth offense: Termination – this shall be considered careless disregard as defined in this General Order.
 - 2. Group II offense:
 - a. First offense: Written Reprimand and/or suspension;
 - b. Second offense: Up to termination.
 - 3. Group III offense:

- a. First offense: Up to termination.
- 4. Offenses listed hereafter, in this General Order, shall indicate the group level of the offense by listing the correction after the offense:
 - a. Group I offense shall indicate: (SOR up to suspension);
 - b. Group II shall indicate: (written reprimand up to termination);
 - c. Group III shall indicate: (up to termination).
- E. Nothing contained herein shall prevent the Chief of Police, or competent authority, from recommending or imposing the maximum penalty of termination for a first offense based on just cause and circumstance.
- F. For disciplinary purposes, any prior offenses committed during the course of a member's employment with the Department may be considered, when the records have been retained in accordance with Florida State Statue 119, and the State of Florida General Records Schedule, in determining the proper discipline for a new offense.

VIII. Insubordination Offenses

- A. **Respect toward Superiors:** Members shall display respect and shall address supervisors and superior officers by proper rank or title when conducting official agency business or in public. (SOR up to suspension)
- B. **Abusiveness:** Members shall not use abusive language, threatening language, or gestures toward any member. (Written reprimand up to termination)
- C. **Public Criticism of General Orders, Department/City Policies, or Procedures:** Members shall not publicly criticize or ridicule the City, Department, its General Orders, Bureau Directives, City Policy and/or Procedures of members by speech, writing, or other expression where such interferes with the maintenance of discipline or otherwise undermines the effectiveness of the agency. (Written Reprimand up to termination)
- D. **Compliance and Execution of Lawful Orders:** Members shall promptly comply with and execute direct orders or instructions given by a supervisor or superior officer, and shall not refuse to comply or execute such orders or instructions when the orders or instructions are lawful and proper. (Up to termination)
- E. **Concerted Curtailment of Work:** Members shall not engage in concerted curtailment or restriction of work output, or interfere with work in or about other agency work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit-down, stand-in, slow-down, or refusal to return to duty at the scheduled time. (Up to termination)

IX. Neglect of Duty Offenses

- A. **Abuse of Rest Periods:** Members shall take only the specified amount of time for meal or rest periods as established by Department General Orders, City Policy, or by a supervisor. (SOR up to suspension)

- B. Tardiness:** Members shall report for duty properly prepared at the time and place required for assignments, subpoenas, or orders, and shall be prompt in reporting. (SOR up to suspension)
- C. Failure to Respond/Reply to Subpoena:** Members who fail to respond to subpoenas shall be subject to court action and Department discipline. Members who fail to send a reply email to an electronic subpoena issued by the State Attorney's Office shall be subject to agency discipline. (SOR up to suspension)
- D. Notification of Absence from Duty (Taking Sick Leave):** Members shall notify their supervisors of absence caused by illness as early as possible but no less than one hour before scheduled reporting time. Absences caused by emergencies or other legitimate reasons shall be reported as soon as circumstances permit. Notification is defined as verbally communicating with a supervisor. (Written reprimand up to termination)
- E. Absent Without Leave:** Members shall be discreet in their private activities, and shall not subject themselves to circumstances such that they are unfit or unable to report for duty at the designated time for reason of illegal, immoral, improper conduct, or who willfully fails to do so. (Up to termination)
- F. Unexcused Absence from Assigned/Approved Training:** Members shall attend all scheduled Department in-service training. Absences caused by emergencies or other legitimate reasons shall be reported as soon as circumstances permit. (Written reprimand up to termination)
- G. Misuse of Sick Benefits:** Members shall not feign illness or injury or falsely report themselves ill or injured or otherwise deceive or attempt to deceive any Department supervisor as to the condition of their health, for purposes of avoiding normal duties through use of accumulated sick leave. A pattern of sick leave hours taken contiguous to regular days off or holidays shall be *prima facie* evidence of misuse of sick leave benefits. (Written reprimand up to termination)
- H. Fictitious Illness or Injury Report:** Members shall not feign illness or injury or falsely report themselves ill or injured or otherwise deceive or attempt to deceive any Department supervisor as to the condition of their health, for purposes of making a fraudulent claim for insurance, workers' compensation, or disability retirement. (Up to termination)
- I. Response and Monitor Radio Calls:** Members shall respond promptly to radio calls when the member is listed in service with Communications. Members shall monitor radio traffic when operating a radio-equipped agency vehicle while on or off-duty. (Written reprimand up to termination)
- J. Completion of Reports and Documents:** Members shall complete and submit all reports and documents required in the execution of their duties, prior to concluding a tour of duty, except as authorized by the member's supervisor. Members shall ensure all reports are approved, by supervision, prior to leaving for vacation, training classes, or any other extended leave of more than two days. (SOR up to suspension)

- K. Leaving Assigned Work Area during Working Hours:** Members, while on-duty, shall remain at or in assigned work areas during working hours, unless otherwise authorized by a supervisor. (SOR up to suspension)
- L. Failure to Work Overtime, Special Hours:** Members shall report for duty when assigned to work overtime, special hours, special shifts, special events, or special duty assignments. (Written reprimand up to termination)
- M. Willful Neglect of Official Duties:** Members shall be attentive to job duties and shall not knowingly refrain from, or cause another to refrain from, the performance of lawful duties required for the safety of the community, even when such neglect does not result in danger to life or property. (Up to termination)
- N. Endangering Others through Neglect of Duty:** Members shall take appropriate action in response to emergency situations where there is a known danger to the lives of others, and in response to serious crimes, particularly those of a violent nature, which come to their attention while on or off-duty. (Up to termination)
- O. Failure to Report Injury:** Members shall promptly report to their supervisors all personal injuries sustained while on-duty, in accordance with current operating procedures. (SOR up to suspension)
- P. Failure to Report a Motor Vehicle Crash:** Members shall immediately report motor vehicle crashes, in which they are involved with Department vehicles, in accordance with current Department General Orders. (Written reprimand up to termination)
- Q. Failure to Report Loss or Damage of Department Issued Equipment, Badge, or ID Card:** Members shall immediately report the loss or damage of agency issued badges, ID cards, or equipment to a supervisor. (Written reprimand up to termination)
- R. Citizen Complaints to be Recorded:** Members shall courteously and promptly record, in writing, complaints made by citizens against members of the agency. Members shall adhere to General Orders established for processing citizen complaints. (SOR up to suspension)
- S. Personal Dress and Grooming While on Duty:** Members shall maintain a neat and clean appearance of self and clothing in conformance with established grooming and dress requirements as outlined in General Order 22.2. (SOR up to suspension)
- T. Notification of Correct Address and Telephone Number, and Pertinent Identification Information:** Members shall keep the Department informed of correct residence address, in accordance with established procedures. As a condition of employment and for emergency purposes, all members are required to have active telephone and/or cellular service at their residences, and shall keep the Department informed of their correct number(s) for their residence, in accordance with procedures for reporting change of address or status. If a member has both a telephone number and a cellular telephone number for their place of residence, the number for each shall be on file with the Department. Additionally, members shall ensure that their Department work number, cellular telephone number, e-mail address, and next of kin name and contact number, if applicable, are kept current. (SOR up to suspension)

- U. **Identification Required:** Sworn members shall carry their Department issued photo identification on their person at all times when carrying a concealed firearm, except during hazardous covert assignments. (SOR up to suspension)
- V. **Sworn Members to Carry Firearms:** Sworn members shall carry on or about their person an approved firearm when on duty, except when covert situations dictate. (Written reprimand up to termination)
- W. **Search of Arrested Persons:** Members shall exercise due care in the arrest, transportation, and detention of prisoners to prevent escape, injury to self or others, or damage to property. Upon arrest, prisoners shall be searched carefully by the arresting member and all weapons, contraband, or evidence shall be immediately seized and properly documented. (Up to termination)
- X. **Cowardice:** Members shall perform their required duties and shall not avoid such duties because of fear or cowardice. Members are not expected or required to enter imminently hazardous situations without assistance; however, they shall not fail to come to the aid of another member of the agency who is already engaged in an imminently hazardous situation. Members shall respond to the aid of all persons in danger unless the probability of losing their own life exceeds the probability of successful rescue. (Up to termination)

X. **Improper Conduct Offenses**

- A. **Courtesy:** Members shall be polite and courteous in contacts with the public and with other members. (SOR up to suspension)
- B. **Personal Information Confidential:** Members shall treat the personal information of members as confidential information. Such information shall be released only when authorized by a competent authority or with consent of the members concerned. (SOR up to suspension)
- C. **Radio Transmissions:** Members shall use official radio channels in accordance with established procedures, and shall avoid use of sarcasm, impertinent remarks, or other improper radio transmissions. (SOR up to suspension)
- D. **Name to be Given Upon Request:** Members shall give their name and rank or position in a respectful and courteous manner to any person requesting such identification while on-duty, or in uniform, or when otherwise recognized as a member of the Department, unless engaged in covert duties. Members, while on-duty, shall also permit their member identification to be viewed upon request. (SOR up to suspension)
(CALEA 22.2.7a, b)
- E. **Statement of Responsibility:** Members who become involved in injury or property damage crashes while on-duty, or while operating an agency vehicle, shall avoid statements of liability, and shall not make statements concerning the responsibility for such crashes, or inform other parties that the City or the Department will pay for damages when the member may be at fault. Other parties involved should be referred to their own insurance companies, or to the City of Winter Haven Human Resources Division. (SOR up to suspension)

- F. **Gossip:** Members shall not engage in, or convey, gossip detrimental to other members. (SOR up to suspension)
- G. **Use of Profanity:** Members shall not use profanity in speech or gestures. (SOR up to suspension)
- H. **Correspondence:** Members shall not use the agency or any of its facilities as a mailing address for private or personal mail. Agency letterheads shall not be used for non-agency business. (SOR up to suspension)
- I. **Use of Telephones:** Members shall use Department telephones in accordance with established procedures, and shall not use long distance lines or charge long distance calls to the Department for personal, social, or unofficial business. Members shall refrain from making or receiving excessive personal telephone calls while on-duty. (SOR up to suspension)
- J. **Misrepresentation/Speeches with Adverse Effect:** Members shall ensure the knowledge and consent of the Chief of Police prior to making any formal public appearance or publishing any article, or releasing any official information which is not within their official duties, when such speech, appearance, or publication has, or is likely to have, an adverse effect upon the agency. (Up to termination)
- K. **Testimonials:** Members shall obtain the approval of the Chief of Police before authorizing use of their names, photos, or official titles which identify them as members of the Department in testimonials, advertisements of any commodity, or commercial enterprises. (Up to termination)
- L. **Off-Duty Employment:** Members shall obtain prior approval of the Chief of Police before engaging in other employment, occupation, profession, or commercial enterprise in accordance with General Order 22.3. (Written reprimand up to termination)
- M. **Restricted Areas and Equipment:** Members shall obtain proper authorization before using Department equipment not regularly assigned, or before entering any locked or restricted area of the Department's facilities. (SOR up to suspension)
- N. **Wearing of Uniform while Under Disciplinary Suspension:** Members shall not wear the official uniform of the Department while under disciplinary suspension. (Suspension up to termination)
- O. **Recommending Attorneys or Bail Bondsmen (Providing Bail):** Members shall not recommend or suggest to any person arrested, or to any prisoner, or to any other person concerned with a prisoner in custody, the employment or hire of any specific attorney or bail bondsman. Members shall not become surety or guarantor, or go on the bond of, or furnish bail for any person arrested and charged with a crime except members of their immediate family. (SOR up to suspension)
- P. **Use of Prescribed Drugs while On-Duty:** Members shall not operate agency vehicles or equipment while under the influence of prescribed drugs which will likely impair normal physical or mental faculties. Members shall obtain the approval of their supervisor before reporting for duty while taking lawfully prescribed medications likely to impair normal physical and mental faculties. (Written reprimand up to termination)

- Q. Use or Odor of Alcoholic Beverages while On-Duty:** Members shall not consume, ingest, or partake of intoxicating liquors or alcoholic beverages of any kind while on-duty, except as authorized in the performance of official duties. Members shall not report for duty, or be on-duty, with the odor of alcoholic beverages upon their breath, except when necessary in the performance of covert duties or while under the influence of alcohol or other drugs. (Up to termination)
- R. Misuse of Identification while Drinking:** Members, while off-duty and partaking of alcoholic beverages and/or frequenting premises established primarily for consumption or sale of alcoholic beverages, shall do so only as private individuals and shall not voluntarily display Department identification unless necessary to perform official duties. Members shall not bring discredit upon the Department or themselves while under the influence of intoxicating beverages. (SOR up to suspension)
- S. Abuse of Official Identification:** Members shall maintain the security of official Department identification, and shall not lend their identification card or badge to another person, or permit them to be photographed or reproduced. (SOR up to suspension)
- T. Abuse of Department's Equipment:** Members shall utilize Department equipment for its intended purpose in accordance with established procedures, and shall not intentionally neglect, abuse, misuse, or damage Department equipment. (Written reprimand up to termination)
- U. Use and Handling of Weapons:** Members shall use or handle weapons in a careful and prudent manner on or off-duty. Weapons shall be used in accordance with law and established Department procedures. (Written reprimand up to termination)
- V. Improper Use of Official Position:** Members shall not use their official position or identification to gain free or reduced admission to any public event or place of amusement and shall not allow their position to be used to gain favors or unfair advantage which would not normally be due, except in the course of official duties or as authorized by the Chief of Police. (Written reprimand up to termination)
- W. Misdirected Action - Interfering with Official Investigations:** Members shall not interfere with cases being investigated by other members or other governmental agencies. Members shall not undertake any investigation or other official action not part of their regular duties, unless ordered to do so by a superior, unless the intervening officer reasonably believes that failure to act would result in an injustice, or the exigencies of the situation require immediate action. (Written reprimand up to termination)
- X. Misdirected Action of Members Under Investigation:** Members, against whom a complaint has been made, shall not attempt to, directly or indirectly by threat, appeal, persuasion, or the payment of money or other consideration, secure the abandonment or withdrawal of the complaint, charges, or allegations. (Up to termination)
- Y. Recognition and Exposure of Undercover Officers:** Members shall protect the identity of members engaged in covert operations. Members shall not place the members or the covert operation in jeopardy through public acknowledgment of members involved in an operation. (Up to termination)

- Z. Dissemination of Information:** 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 by the Department. (Up to termination)
- AA. Communicating Criminal Information:** Members shall maintain the security of confidential information and shall not communicate or give law enforcement information to third parties. Members shall not divulge the identity of criminal informants, except as required by law. (Up to termination)
- BB. Handling Currency and Property:** Currency and other property coming into possession of members which does not belong to such members shall be delivered to the proper custodian, and a report shall be made of the transaction. (Up to termination)
- CC. Processing Property and Evidence:** Property and evidence which has been received in connection with official Department duties shall be processed in accordance with established procedures. Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation. (Up to termination)
- DD. Association with Criminals:** Members shall avoid regular or continuous associations with persons who they know, or should know, are persons under criminal investigation or indictments, or persons who have a criminal or immoral reputation in the community, except as necessary in the performance of official duties, with the exception of their immediate family. For the purpose of this General Order violation, if the marriage was formed during the member's employment with the Department and the spouse met the above criteria prior to the marriage, the spouse shall not be considered as an exception to immediate family. (Up to termination)
- EE. Derogatory Ethnic Remarks:** Members shall not make derogatory remarks concerning race, gender, religion, age, or national origin of any person. (Written reprimand up to termination)
- FF. Excessive or Unnecessary Use of Force Not Resulting in Injury:** Members shall use only that degree of force necessary to perform official duties, and shall not strike or use force on any person except when necessary in self-defense, in defense of another, to overcome actual physical resistance to arrest, or to prevent escape. (Written reprimand up to termination)
- GG. Excessive Use of Force Requiring Medical Treatment:** Members shall only use that degree of force necessary to perform official duties, and shall not strike or use physical force on any person to the extent that injuries which clearly require professional medical treatment are inflicted except when necessary in self-defense, in defense of another, to overcome actual physical resistance to arrest, or to prevent escape. Any use of force resulting in a clear need for medical treatment shall be reported in accordance with established procedures. (Up to termination)
- HH. Use of Deadly Force:** Members shall use deadly force only in accordance with established Department procedures governing the use of deadly force as outlined in General Order 1.5. (Up to termination)

- II. Political Activity:** Members shall not engage in political activities while on duty, or use their official position when engaged in political activities. (SOR up to suspension)
- JJ. Untruthfulness:** Members shall speak truthfully and shall not knowingly make false or untrue statements or knowingly omit information when requested. (Up to termination)
- KK. Misuse of Official Position:** Members shall not use their official position to harass, threaten, or coerce any person. (Written reprimand up to termination)
- LL. Harassment or Discrimination:** Members shall not engage in any conduct which is defined as harassing or discriminating by Department General Order, City Policy, State and Federal laws. (Up to termination)
- MM. Racial or Bias-Based Profiling:** Members shall not engage in any conduct which is defined as racial or bias-based profiling based on race, color, ethnicity, gender, physical handicap, or religion. (Up to termination) (CALEA 1.2.9) (CFA 2.06a)
- NN. Chain of Command:** Members shall adhere to the organizational chain of command in the conduct of regular duties except when necessary for maintaining the morale and/or integrity of the agency or in case of justifiable personal need. (SOR up to suspension)
- OO. Code of Ethics for Public Officers and Employees:** Members shall strictly adhere to the Canon of Law Enforcement Ethics, and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida Law. (Up to termination)
- PP. Conduct Unbecoming of a Member:** It is necessary to the goals and objectives of the Department for its members to conduct themselves in a manner consistent with the Department's code of conduct which garners public support and confidence. Conduct unbecoming of a member is defined as any conduct or act by an individual member which has an adverse impact upon the operation of the agency and diminishes public respect and confidence in the agency and its members. Such conduct may include, but is not limited to, participation in any immoral, indecent, or disorderly conduct, or conduct which causes substantial doubt concerning a member's honesty, fairness, or respect for the rights of others, the laws of the state or nation, regardless of whether such act or conduct constitutes a crime. (Up to termination)
- QQ. Photographs:** Members shall not photograph any aspect of a crime scene or the property/evidence for personal purposes using a camera or other device. (Up to termination)

XI. Competency, Job Knowledge, Proficiency

- A.** Members are required to diligently maintain competence in the performance of their assigned duties, shall maintain proficiency in the care and use of their assigned equipment and/or vehicles, and shall adhere to all Department General Orders, Bureau Directives, Temporary Orders and City Policy. Failure to maintain such competence, proficiency, or adherence, including maintaining firearms proficiency and meeting the Florida Department of Law Enforcement mandatory retraining requirements, shall result in disciplinary action. (Written reprimand up to termination)
- B.** Members shall acquire and demonstrate a working knowledge of laws and criminal procedure. Failure to do so shall result in disciplinary action.

(Written reprimand up to termination)

- C. Repetitious violation of Department General Orders, Bureau Directives, Temporary Orders, or City Policy shall be indicative of careless disregard. Such disregard can be established whenever three or more disciplinary actions occur within a two year period. In this circumstance, the prescribed disciplinary action may become progressively greater, to include suspension, demotion, or dismissal, if applicable.

XII. Unlawful Conduct Offenses

- A. Disciplinary measures resulting from unlawful conduct may be imposed independently of, and concurrent with, civil and criminal prosecutions. The administration of internal disciplinary measures for unlawful conduct must necessarily depend upon individual case circumstances, and shall be determined by the Chief of Police.
 - 1. **Non-Criminal Violations (as defined in Florida State Statute 775.08):** Members shall adhere to all federal, state, and local laws, including those punishable by no other penalty than a fine, forfeiture, or other civil penalty, includes but is not limited to, traffic infractions.
(Written reprimand up to termination)
 - 2. **Commission of Misdemeanors:** Members shall adhere to all federal, state, and local laws, and shall not commit any act or crime defined by Florida State Statutes as a misdemeanor (first or second degree) which brings discredit upon the Department or otherwise impairs the operation and efficiency of the Department, and/or which is likely to impair the ability of members concerned to perform assigned duties. (Up to termination)
 - 3. **Commission of Felony:** Members shall not commit any act or crime defined by Florida State Statutes or Federal Laws as a felony. (Up to termination)

XIII. Definitions

- A. *Competent Authority* – The Chief of Police and command staff (e.g. captain).
- B. *Demotion* – The change of a member from one job class to another job class for which the maximum salary is lower. Demotions may be voluntary or involuntary.
- C. *Discipline* – Derived from the word disciple. A disciple is a learner. To train well; subject to orders; and to correct. The practice or methods of teaching and enforcing acceptable patterns of behavior.
- D. *Formal Disciplinary Action* – Formal disciplinary action shall be intended to mean that which is punitive in nature and results in loss of pay or benefits. Such disciplinary action shall include suspension, demotion, or dismissal.
- E. *Informal Disciplinary Action* – Informal disciplinary action shall be intended to mean that which is educational rather than punitive in nature but does not result in the loss of pay or benefits.

- F. *Personal Information* – Information of a personal nature to include, but not limited to: home address, home telephone number, personal cell phone number, personal e-mail addresses, home address of member’s family or next of kin information.
- G. *Punitive* – Suspension, demotion or dismissal which results in loss of pay or benefits.
- H. *Suspension of Drive Home Vehicle Privileges* – Is defined as informal discipline and shall be in accordance with General Order 16.4.

APPROVED 

Charles E Bird
CHIEF OF POLICE