

WINDERMERE POLICE DEPARTMENT GENERAL ORDER



| | | |
|--------------------------------|---|----------------------|
| Effective Date: April 16, 2018 | <input type="checkbox"/> Rescinds <input checked="" type="checkbox"/> Amends 5.1 (October 1, 2013) | Number: 5.1 |
| SUBJECT: Standards of Conduct | | Print Date: 04-16-18 |
| Distribution: All Personnel | Accreditation Standards: | |

This order consists of the following:

1. Disclaimer
2. Purpose
3. Consequences of Violation of Policies and Procedures
4. Unsatisfactory Performance
5. Leaving Duty Post
6. Neglect of Duty
7. Conflicting Orders
8. Illegal Orders
9. Courtesy and Respect
10. Insubordination
11. Personal Appearance
12. Truthfulness
13. Use of Medical Examinations
14. Conformance to Laws
15. Labor Activity
16. Behavior and Language
17. Dissemination of Information
18. Endorsements and Referrals
19. Posting of Bonds

20. Intervention
21. Reporting for Duty
22. Moral Character
23. Civil Process Service
24. Accepting Compensations
25. Legal Involvement
26. Use of Authority
27. Gifts, Gratuities
28. Abuse of Power
29. Destruction of Records
30. Falsification of Records
31. Processing Evidence
32. Property and Evidence
33. Damage or Loss of Property
34. Fictitious Illness or Injury Reports
35. Misuse of Breaks/Meals
36. Use of Alcohol and Illegal Drugs
37. Alcoholic Beverages and Illegal Drugs in Agency Facilities
38. Use of Tobacco Products while on duty
39. Use of Alcohol Off Duty
40. Excessive Use of Force
41. Use of Weapons
42. Unbecoming Conduct
43. Associations
44. Criticism
45. Political Activity
46. Operating Vehicles
47. Treatment of Persons in Custody
48. Carrying Firearms
49. Telephone
50. Violation of Rules

- 51. Identification
- 52. Discrimination
- 53. Chain of Command
- 54. Failure to Cooperate with Internal Inquiry/Investigation

1. Disclaimer

The Chief of Police and designee(s) reserve the unilateral right to promulgate, amend or delete policies and procedures.

2. Purpose

The purpose of this policy is to promote a pattern of behavior consistent with the philosophy of the Windermere Police Department that is reflective of professional law enforcement.

3. Consequences of Violation of Policies and Procedures

Violation of policies and procedures may result in disciplinary action to include, but not be limited to verbal reprimand, written reprimand, suspension from duty without pay, disciplinary probation, demotion, or termination. Members' transfers are not disciplinary in nature and are solely administrative.

4. Unsatisfactory Performance (Category 10)

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Windermere Police Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police action; or absence without leave including abuse of sick time. In addition to other indicia of unsatisfactory performance, the following will be considered *prima facie* evidence of unsatisfactory performance:

- A. Repeated poor evaluations.
- B. Written record of repeated infractions of policies, procedures, directives, or orders of the Windermere Police Department.

5. **Leaving Duty Post** (Category 1)

Members shall not leave their assigned duty posts during a tour of duty except as authorized by proper authority.

6. **Neglect of Duty** (Category 4)

Members shall not engage in any activities or personal business which would cause them to be inattentive to duty.

7. **Conflicting Orders** (Category 1)

Members who are given an otherwise proper order which is in conflict with a previous order, policy, procedure, or directive, shall respectfully inform the superior issuing the order of the conflict. If the superior issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order, policy, procedure, or directive previously issued.

8. **Illegal Orders** (Category 8)

Members shall neither give nor obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, members shall request the issuing person to clarify the order or confer with higher authority.

9. **Courtesy and Respect** (Category 1)

Members will be courteous and respectful to their superiors, fellow members, and members of the public.

10. **Insubordination** (Category 10)

Members shall promptly obey any lawful orders of a superior. This will include orders relayed from a superior by members of the same or lesser classification.

11. **Personal Appearance** (Category 1)

Members on duty shall wear uniforms or other clothing in accordance with established agency procedures. Except when acting under proper and specific orders from a superior, members on duty shall maintain a neat, well-groomed appearance.

12. **Truthfulness** (Category 9)

Members shall truthfully relay all information and answer all questions related to their employment with the agency, off-duty employment, volunteer activities with the agency, or

questions otherwise related to Windermere Police Department operations, that are asked by, or provided to the Chief, the Chief's designee, or a superior officer. Members shall truthfully answer any questions during any legal proceeding, or otherwise under oath.

13. **Medical Examinations** (Category 9)

Members shall submit to any reasonable physical, psychiatric, chemical, or laboratory tests or examinations if ordered by the Chief or designee to determine fitness for duty.

14. **Conformance to Laws** (Category 9 or as otherwise specified)

Members shall comply with the laws, ordinances, rules, and Constitution of the United States, and the State of Florida.

15. **Labor Activity** (Category 8)

- A. Members shall have the right to join labor organizations, but nothing shall compel the Windermere Police Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.
- B. Members shall not engage in, call, or encourage any strike, slowdown, concerted abuse of sick leave, unauthorized picketing in furtherance of a strike, slowdown, or concerted abuse of sick leave or any other concerted interruption of work. Employees shall not engage in such activities in sympathy for or in support of any other employees or union. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, work speed ups, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges or obligations of employment. "Unauthorized picketing" includes any action which is in furtherance of a strike, slowdown or concerted abuse of sick leave and has the effect of preventing employees from reporting to or continuing work.

16. **Behavior and Language** (Category 2)

In the performance of their duties, all members will maintain command of temper, patience, and discretion. Employee shall refrain from using improper, obscene, profane, or insolent language.

17. **Dissemination of Information** (Category 7)

Members shall treat the official business of the Windermere Police 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 may remove or copy official records or reports from a Windermere Police Department installation only in accordance with established agency procedures or state statute. Members shall not divulge the identity of persons giving confidential information except as authorized by Chapter 119 of Florida Statutes.

18. Endorsements and Referrals (Category 1)

Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing service, bondsman, mortician, etc.). In the case of a towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, members shall proceed in accordance with established agency directives.

19. Posting of Bonds (Category 1)

Members who post bail for any person arrested, except for members of their immediate family, shall report same to their supervisor on their next working day.

20. Intervention (Category 5)

A. Members shall not interfere with cases being handled by other members of the Windermere Police Department or by any other governmental agency unless:

1. Ordered to intervene by a superior officer; or,
2. The intervening members believe beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

Members shall inform their chain of command of any intervention as soon as possible.

B. Members shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the exigencies of the situation require immediate action.

21. Reporting for Duty (Category 1)

Members shall report for duty at the time and place required by assignment. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.

22. **Moral Character** (Category 8)

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 Windermere Police Department to be brought into disrepute. The moral character offense list is established by the Florida Department of Law Enforcement (FDLE) and provides the guide for employment and certification of law enforcement officers in the State.

23. **Civil Process Service** (Category 2)

No members will serve any civil process except as directed and authorized in the performance of their duties.

24. **Accepting Compensation** (Category 8)

Members shall notify the Chief of Police in writing prior to accepting compensation for personal injury or property damage incurred in the performance of official duties.

25. **Legal Involvement** (Category 1)

Members who are a party to any lawsuit involving their employment with the agency shall notify the Chief of Police in writing through the chain of command. Service of Summons and Complaint against the agency shall constitute sufficient notice.

26. **Use of Authority** (Category 4)

Members will not use their uniform or police equipment in any manner other than authorized by the Chief of Police.

27. **Gifts, Gratuities** (Category 4)

Members will not solicit or accept gifts, presents, or other gratuities in return for favor(s) or official act(s).

28. **Abuse of Power** (Category 9)

Members shall not use their official position, authority, title, or identification for personal or financial gain for themselves or their associates. Exceptions are agency pay and benefits and off-duty employment that are conducted. Members shall not use their official position, authority, title, or identification to infringe upon a person's civil rights or to otherwise violate the law.

29. **Destruction of Records** (Category 9)

No members will intentionally alter, dispose of, destroy, or remove any Windermere Police Department file, document, or record except as provided for by law or by an authorized superior.

30. **Falsification of Records** (Category 9)

Members will not falsify any document, record, statement, report, or communication.

31. **Processing Evidence** (Category 2)

Property or evidence which has been discovered, gathered, or received in connection with agency responsibilities will be processed in accordance with established agency procedures.

32. **Property and Evidence** (Category 8)

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 or other police action, except in accordance with established agency procedures.

33. **Damage or Loss of Property** (Category 10)

Members shall utilize Windermere Police Department equipment only for its intended purpose, in accordance with established agency procedures, and shall not carelessly handle, abuse, damage or lose Windermere Police Department equipment. All Windermere Police Department equipment issued to members shall be maintained in proper order. Members shall not inappropriately abuse or damage property belonging to another party.

34. **Fictitious Illness or Injury Reports** (Category 9)

Members shall not feign illness or injury, falsely report themselves or others ill or injured, for leave purposes, or otherwise deceive or attempt to deceive any agency supervisor as to the condition of their health.

35. **Misuse of Breaks/Meals** (Category 1)

Taking excessive time for work breaks and/or meal periods is not permissible.

36. **Use of Alcohol and Illegal Drugs** (Category 8)

Members are prohibited from drinking any alcoholic beverage while on duty or reporting for duty influenced by alcohol. Members are also prohibited from consuming illegal drugs while on duty or off-duty.

37. **Alcoholic Beverages and Illegal Drugs in Agency Facilities** (Category 8)

Members shall not store or bring into any agency facility or vehicles alcoholic beverages, controlled substances, narcotics, or hallucinogens, except those which are lawfully held for evidence or for investigative, or other lawful, purposes.

38. **Use of Tobacco Products while on duty** (Category 1)

The use of tobacco products on town owned property, town owned vehicles, or while in clear view of the public while on duty is prohibited.

39. **Use of Alcohol while off duty** (Category 10)

Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in offensive behavior which discredits the agency, or renders the members unfit to report for their next regular tour of duty.

40. **Excessive Use of Force** (Category 8)

Members shall not use more force in any situation than is reasonably necessary under the circumstances. Members shall use force in accordance with law and agency written directives.

41. **Use of Weapons** (Category 6)

Members shall not use or handle weapons, including the chemical agent IPD, in a careless or imprudent manner. Members shall use weapons in accordance with the law and Windermere Police Department procedures.

42. **Unbecoming Conduct** (Category 10)

Members shall conduct themselves at all times, both on and off duty, in such manner as to reflect most favorably on the Windermere Police Department. This includes, but is not limited to, electronic communications on social media (e.g., Facebook, Twitter, MySpace) and internet sites. Conduct unbecoming shall include that which brings the Windermere Police Department into disrepute or reflects discredit upon the members as a member of the Windermere Police Department, or that which impairs the operation or efficiency of the Windermere Police Department or members. (See Town of Windermere Personnel Rules and Regulations 8.13 *Social Media*).

Agency members may include photographs and other information on social media and internet sites identifying them as Windermere Police Department employees, as long as other information on those locations does not bring the agency into disrepute, discredit the members as employees

of the agency, or impair the operation or efficiency of the Windermere Police Department or its members.

Unless in furtherance of an official criminal or administrative investigation, an agency member may not surreptitiously record another agency member during working hours, whether a photo, audio, video, or other recording, without his or her knowledge and consent. Agency members attending celebrations (e.g., retirement parties), or meetings or other events that include members of the public, are deemed to have consented to photographs. Any recordings made in violation of this policy or policies of the Town of Windermere shall be the exclusive property of the Windermere Police Department.

43. **Associations** (Category 5)

Members shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Windermere Police Department for involvement in criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the members. Members shall not participate in any subversive organizations (e.g., militia groups, anti-American organizations with the intent to overthrow the United States Government, etc.).

44. **Criticism** (Category 4)

Members shall not publicly criticize or ridicule the Windermere Police Department, its policies, or other members by speech, writing, or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Windermere Police Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

45. **Political Activity** (Category 5)

A. On-duty members may not use their official authority to:

1. Solicit or receive funds, assessments, subscriptions or contributions for a political candidate; or,
2. Participate in political activity on behalf of, or in opposition to any candidate for political office.

B. Members shall not:

1. Interfere with any election; or,

2. Interfere with any person's vote for a political party or candidate;
3. Display election campaign materials on Windermere Police Department vehicles or issued equipment; or,
4. Wear or display election campaign articles on uniforms while on or off-duty, or on non-uniform clothing while on duty.

46. **Operating Vehicles** (Category 10)

Members shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all agency orders pertaining to such operation.

47. **Treatment of Persons in Custody** (Category 8)

Members shall not mistreat persons who are in their custody. Members shall handle such persons in accordance with law and agency procedures.

48. **Carrying Firearms** (Category 1)

All sworn officers shall carry an approved firearm on or about their person while on-duty. While off-duty, all sworn officers shall carry on or about their person a concealed, approved firearm unless it would be impractical to do so by the nature of their activities, such as recreational activities, sports, etc.

49. **Telephone** (Category 1)

All sworn members shall maintain the ability to be contacted at their residence (e.g., cell phone or hard line) and shall immediately make any changes of telephone numbers or addresses via their chain of command within 72 hours.

50. **Violation of Rules** (Category 10)

Members will obey the policies, procedures, instructions and directives of the Chief.

51. **Identification** (Category 1)

Members shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

52. **Discrimination** (Category 8)

Agency members shall not engage in any form of illegal discrimination based on race, color, religion, gender, sexual orientation, national origin, age, or as otherwise prohibited by law.

53. **Chain of Command** (Category 4)

The Chain of Command designates the accepted lines of authority as established from top to bottom, from which all organizational commands are transmitted. The chain of command must be followed.

54. **Failure to Cooperate with Internal Investigation/Inquiry** (Category 9)

Members shall answer all questions, provide all requested documents, and otherwise cooperate with inquiries and/or investigations that are related to their employment with the agency, off-duty employment, volunteer activities with the agency, or that are otherwise related to Windermere Police Department operations. This specifically includes requests from superior officers, Professional Services agents, or other designees of the Chief of Police.



Chief David A. Ogden