


<b>POLICY 118</b>	<b>RULES OF CONDUCT</b>	
	REVISED: 9/99, 03/01, 12/01, 10/09, 03/10, 09/10, 12/11, 03/13, 12/13, 09/14, 10/14, <b>01/15</b>	RELATED POLICIES: <b>118.1</b>
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**A. INTRODUCTION**

Effective law enforcement depends upon a high degree of cooperation and respect from the public that is served. The Police Department is the most conspicuous representative of government and, as such, is a symbol of stability and authority upon which the citizens can rely. We must be constantly mindful that the people with whom an officer comes into contact are individuals with varying problems and emotions, but regardless of their circumstances they are entitled to fair and courteous treatment by Police Department employees. Proper conduct is not an additional duty imposed on employees, but is inherent in the police profession. Since any neglect of or divergence from this standard of conduct reflects unfavorably on the Department and fellow employees, it is incumbent on all personnel to conduct themselves in an exemplary manner, maintaining the highest standards of performance, efficiency, and competence, which the citizens of our community expect and deserve.

The Rules of Conduct contained in this manual are promulgated in addition to the City of Fort Lauderdale Personnel Rules, an existing labor agreement, or both. They are adopted for the administration, management, discipline and disposition of employees of the Fort Lauderdale Police Department.

The Rules of Conduct of the Fort Lauderdale Police Department, including any subsequent additions, deletions, corrections, or modifications are made applicable to all employees and volunteers of the Department, unless stated otherwise. In the event of a breach of these rules or the engagement in activities that constitute a conflict of interest, it shall be presumed that the employee or volunteer had knowledge of and was familiar with any rule, order, or directive of the Department. Violation of any rule may result in disciplinary action. These Rules of Conduct supercede all other previous Rules of Conduct.

**B. DEFINITIONS**

1. **POLICY:** A "policy" is a definite course or method of action selected from among alternatives, and in light of given conditions, to guide and determine present and future decisions. It is an overall plan embracing the general goals and acceptable procedures of the Police Department. It is formulated by analyzing objectives and determining through research those principles, which will best guide the Department in achieving its objectives. Policy is based upon police ethics and experience, the desires of the community, and the mandates of the law.

2. PROCEDURE: A "procedure" is a method of performing an operation or a manner of proceeding on a course of action. It differs from policy since it requires that action be taken in a particular situation to perform a specific task within the broader guidelines of a policy.
3. RULE: A "rule" is a specific written prohibition or requirement designed to prevent deviations from policy or procedure.
4. CONDUCT: "Conduct" is an act of personal behavior based on certain principles.
5. DISCIPLINE: "Discipline" is a form of training dependent for its success on the ability of superiors to train subordinates to obey and conform to Department policies, procedures and rules.
6. DEPARTMENT: The "Department" is the Fort Lauderdale Police Department.
7. DIRECTIVE: A "directive" is any rule, regulation, procedure, policy, order, statement, or similar instruction, in writing, issued on the authority of the Chief of Police and made applicable to any employee of the Department.
8. SUPERVISOR: A "supervisor" is any officer holding rank above that of police officer, who has authority to oversee the activities of other employees. The term includes any officer appointed to an acting supervisory capacity and any civilian City employee designated as a supervisor.
9. ORDER: An "order" is any lawful instruction or command given by a supervisor of the Department to another Department employee. This includes any order relayed to the employee by another employee of the same or higher rank. The order may be oral or written.
10. CHAIN OF COMMAND: "Chain of command" means that lines of authority which provide for a logical flow of policies, orders, reports, and information in an upward direction. In addition to the civilian supervisory structure, the Police Department has a rank structure of Police Officer/Detective, Sergeant, Lieutenant, Captain, Major, Assistant Chief and Chief.
11. COMMAND PROTOCOL:
  - a. The normal day-to-day operations of the Police Department are delegated to members or units within the Department charged with their specific tasks. Each subdivision of the Department shall function within the framework as delineated in the Department organizational chart. The Chief of Police is ultimately responsible for normal day-to-day Department operations.
  - b. When a planned operation involves two or more subdivisions, the subdivision supervising the operation will be determined during the planning stage. The Assistant Chief of that subdivision, or his designee, will be in charge of the operation.

- c. In all exceptional or unplanned spontaneous incidents, the ranking member present shall be in charge until relieved by a member of the unit responsible for follow up investigation or conclusion of the case who shall be in charge until relieved by a higher ranking member of that unit. The member in charge will coordinate with the appropriate divisions and bureaus.
12. **UNITY OF COMMAND:** All Police Department employees will be assigned and accountable to one supervisor at any given time. All employees still maintain the responsibility to respond to orders issued by any supervisor. (See Conflicting Orders)
13. **CHIEF OF POLICE:** In his absence, the Chief of Police shall designate an Acting Chief of Police. In the event that the Chief of Police is incapacitated and unable to designate a replacement, the Assistant Chief of the Operations Bureau shall assume the position of Acting Chief of Police, until the return of the Chief of Police or a replacement is designated by the City Manager. For the purpose of these rules, the "Chief of Police" shall mean and include the Chief of Police, and any employee acting in the capacity of the Chief during the absence of the Chief.
14. **UNLAWFUL OR CONFLICTING ORDERS:** An employee who has been given an order which is unlawful or in conflict with a previous rule, order or directive shall respectfully inform the supervisor issuing the order of the unlawfulness or conflict.
  - a. If the supervisor issuing the order does not alter or retract the unlawful order, the responsibility will stand with the officer to immediately notify another superior officer of the refusal to obey the unlawful order.
  - b. If the supervisor issuing the order does not alter or retract the conflicting order, the new order shall stand. The responsibility for the conflict shall lie with the supervisor.
  - c. The employee shall obey the new order and shall not be held responsible for disobedience of the rule, order or directive previously issued.
15. **SUPERVISORY/EMPLOYEE INTERVIEW FORM:** A "Supervisory/Employee interview form" is a written record of an employee interview (oral) conducted by a supervisor to inform an employee that desirable/undesirable conduct or performance has been noted. The interview form has, as its objective, improved performance or attitude on the part of the employee and shall not be considered a disciplinary action. Members will be given written notice of substandard performance prior to the end of the rating period.
16. **LETTER OF REPRIMAND:** A "letter of reprimand" is a formal, written notice to an employee, characterized by an account of conduct which is not in keeping with the rules, orders, or directives of the Department and which indicates that an employee, who repeats or persist in such conduct, may face a more severe form of disciplinary action.

## **C. APPLICABILITY**

Employees of the Department, regardless of rank, shall be subject to disciplinary action according to the nature or aggravation of the violation or offense for; failing (whether intentionally, through negligence or incompetence) to perform the duties of their rank or assignment, or for violation of any rule, order or directive of the Department, or for failure to obey any order or directive of a superior officer, or upon conviction of a crime or offense in a court having criminal jurisdiction regardless of whether adjudication is withheld. Disciplinary action will be decided on the merits and circumstances of each case.

## **D. IMPLEMENTATION PROCESS**

### **1. Disciplinary Process:**

Any officer or employee of the Department shall be subject to a written reprimand, suspension from duty with or without pay, demotion, dismissed from the Department, or any one or more of the foregoing actions according to the nature and severity of the violation. Written counseling and discipline shall be administered in the following manner.

- a. Sergeants and Civilian Supervisors are empowered to author and issue Supervisory/Employee Interview forms. Routing process will be via the employee's chain of command, with each command level placing their initials on the form, to the Office of Internal Affairs. The Office of Internal Affairs will then forward the form to the employee's personnel file.
- b. Assistant Chiefs, Majors, Captains, Lieutenants and Civilian Managers are empowered to issue Supervisory/Employee Interview forms, and make recommendations to the Chief of Police for written reprimands, suspensions, demotions and dismissals.
- c. The Chief of Police is empowered to issue Supervisory/Employee Interview forms, written reprimands and make recommendations to the City Manager for suspension, demotion or dismissal. The Chief shall have the power to veto any disciplinary action of a subordinate.
- d. The City Manager is empowered to issue Supervisory/Employee Interview forms, written reprimands, and order suspension from duty with or without pay, layoff, demotion, or dismissal from the Department (as provided in the Civil Service Rules and existing labor agreement). A copy of any interview form or letter or reprimand, and a record of any other disciplinary action shall be delivered to and signed by the employee affected and placed in the appropriate file.

2. Appeals: (The following procedures shall not apply to any employee covered by an existing labor agreement.)

- a. A Supervisory/Employee Interview form may be appealed orally or in writing only two (2) levels in the chain of command above the issuing authority. There shall be no further appeal.
  - b. A letter of reprimand may be appealed through the chain of command. The Chief of Police will be the final appeal for all letters of reprimand.
  - c. An appeal of any suspension, demotion, or dismissal shall be processed through the Civil Service Department as provided in the Civil Service Rules and the City Policy and Standards Manual, and existing labor agreements (See Section P.S.M. 6.7.1).
  - d. An informal appeal to the City Manager may be granted for a suspension, demotion, or dismissal if the request is made in writing within five (5) days of written notice to the affected employee of the action to be taken.
3. Relief From Duty Or Administrative Leave:
- a. An employee may be relieved from duty, with pay or reassigned to limited duty, if a supervisor determines such action to be in the best interests of the City, the employee, or the general public. Examples of why a supervisor may relieve an employee from duty include but are not limited to fitness for duty issues, emotional distress, etc.
    - (1). Any supervisor may relieve from duty, with pay or reassign to limited duty, an employee of lower rank.
    - (2). A supervisor in Internal Affairs may relieve from duty, with pay, any employee, regardless of rank, except for the Police Chief.
    - (3). Relief from duty will be made in writing, one copy of which shall be provided to the employee, and a second copy shall be provided to the Office of Internal Affairs.
  - b. Any relief from duty exceeding one (1) week will be confirmed to the employee by the Chief of Police in writing. Unless instructed otherwise, the employee shall report to his district or unit supervisor the next duty day for assignment. After being relieved from duty, an employee shall not:
    - (1). Take any official police action.
    - (2). Work any off-duty police employment.
    - (3). Wear a police uniform
    - (4). Be armed
    - (5). Operate a City-owned vehicle

- c. Any employee relieved from duty will be responsible for court attendance, if subpoenaed.

## **E. CONDUCT**

1. Attendance for Duty:  
Failure to be present for duty as scheduled.
2. Being an accessory to a disciplinary offense prohibited:  
Aiding, abetting, assisting, or soliciting another Department employee in any violation, or to commit a violation of a rule, order, or directive.
3. Breach of confidence prohibited:
  - a. Communicating or giving police information to another which may hinder an investigation.
  - b. Divulging any information, without authority, relating to the business of the department or to an investigation being conducted.
  - c. Participating in a speaking engagement or attending a convention as an official representative of the department without prior approval or authority.
  - d. Permitting any person, who is not a member of the department, to use an official badge or credentials.
  - e. To regularly or continuously associate or have dealings with a person whom an employee knows to be under active criminal investigation or indictment, or who has a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties.
4. Corrupt practices prohibited:
  - a. Acceptance of a bribe.
  - b. Failure to account for or to make prompt and true return of any money or property received, found, or confiscated in an official capacity.
  - c. Illegal gambling or being present at an illegal gambling game except for the purpose of an official police investigation.
  - d. Participating in any advertising scheme or enterprise related to or based upon employment with the Department, or permitting the use of any photograph associated with, or the name of the City or a City employee for advertising purposes without the permission of the Chief of Police.

- e. Receiving or retaining for personal use any property or evidence which has been discovered, gathered, or received in connection with a Department function.
  - f. Soliciting a reward, present, or gratuity.
  - g. Soliciting a special privilege or using position for personal gain or private advantage or for the advantage of another.
5. Political Practices, on or off duty, soliciting, campaigning, lobbying, prohibitions:
- a. When representing the Department, either on or off duty, employees shall not engage in any political activity, solicit or receive any assessment, subscription, or contribution for any political party or purpose; or store, post, carry, or distribute political material of any nature in or on any municipal building, office facility, or vehicle.
  - b. While on-duty or while wearing an identifiable Fort Lauderdale Police uniform, employees shall not endorse a particular candidate or political issue in any way.
  - c. While as a private citizen, employees will not state or imply in any way that their political views represent the Fort Lauderdale Police Department.
  - d. The name of the Fort Lauderdale Police Department is not authorized to be used in any campaign literature as an endorsement. Police Department equipment, uniform, or insignia are not authorized to be used in any political campaign.
  - e. This section is not intended to preclude the Fraternal Order of Police (FOP) from conducting normal day-to-day operations.
6. Damage to city property prohibited:
- a. Failing to report any theft or loss of or damage to any property owned by the City.
  - b. Carelessly, negligently, or intentionally causing waste, loss or damage to any City property.
7. Disobedience to orders prohibited:
- a. Failure to promptly obey an order of a superior.
  - b. Disobedience of any rule, order, or directive.
8. Falsehood prohibited:
- a. Altering or erasing any entry in any official report, record, or document.

- b. Falsification of an official report.
  - c. Knowingly making or signing any false or inaccurate statement in any official investigation, report, or record, or attempting to induce or cause another to do so.
  - d. Untruthfulness.
  - e. Making any false complaint or statement against any employee of the Department.
9. Intemperance prohibited:
- a. Being unfit for regular duty due to consumption of intoxicating liquor or any chemical agent.
  - b. Consuming an intoxicating beverage while in uniform or on duty except in the performance of duty.
  - c. Unlawful use of a controlled substance such as cannabis.
10. Insubordinate or oppressive conduct prohibited:
- a. Physical assault or battery on any member of the Department.
  - b. Public criticism or expression of a personal complaint or grievance while on duty or in an official capacity, or in uniform, of a Department rule, order, directive, operations of the Department, or official action of a supervisor when such criticism or expression is not a matter of public concern.
  - c. Disrespect to a superior officer by overt actions.
  - d. Failure to address a superior by his or her rank.
  - e. Failure to promptly report misconduct of any City employee, including any violation of a Department rule, order, or directive to an immediate supervisor or the Office of Internal Affairs.
  - f. Failure to follow the chain of command, beginning with the immediate supervisor.
  - g. Insubordination by work, act or deed.
  - h. Refusal to give name, badge or CCN number, or both, upon request of any person.
  - i. Use of abusive or insulting language to any employee of the Department.
  - j. Oppressive or tyrannical conduct towards a subordinate.



11. Malingering prohibited:
  - a. Doing or committing any act which delays return to duty.
  - b. Feigning or exaggerating sickness or injury.
12. Misconduct Defined: Any of the following, in addition to the foregoing and to the Personnel rules, may constitute misconduct.
  - a. Failure to know a law or ordinance which an officer or employee is sworn to uphold.
  - b. Failure to enforce a law or ordinance which an officer or employee is sworn to uphold.
  - c. Failure to know a rule, order, or directive governing the operation of the Department.
  - d. Engaging in conduct unbecoming a police officer/Police Department employee.
  - e. Being convicted of a violation of law or ordinance in a court of criminal jurisdiction, regardless of whether adjudication is withheld.
  - f. Misusing City property or equipment.
  - g. Unauthorized access, use, dissemination, sharing or copying of information from law enforcement databases or web sites not related to legitimate business purposes. Examples of official law enforcement sites are, DAVID, FCIC, NCIC, DOJ, DJJ etc. This includes, but is not limited to, idle curiosity and other personal use.
  - h. Intentionally disconnecting, manipulating, altering or disabling the intended function of any Department owned or installed hardware, software or technology or allowing another person to do so.
  - i. Cowardly conduct.
  - j. Conduct prejudicial disruptive to the good order of the Department.
  - k. Indulging in a practice or habit resulting in a physical or mental inability to perform police duties.
  - l. Knowingly visiting, entering, or frequenting a house of prostitution, illegal gambling house, or establishment in which a law of the United States, the State or a local jurisdiction is regularly violated, except in the performance of duty.
  - m. While in uniform or while wearing any recognizable portion of a uniform, to enter or remain in any establishment the primary purpose of which is

the sale and consumption of alcoholic beverages, except while conducting official police duties.

- n. Failure to answer questions of a superior officer or an investigator assigned to the Office of Internal Affairs concerning Department administration matters or conduct relating to the performance of official duties.
- o. Failure to report off-duty police interaction.

13. Neglect of duty prohibited:

- a. Permitting a prisoner to escape by carelessness or negligence.
- b. Leaving assigned area or post without being relieved or authorized by a supervisor.
- c. Incompetence.
- d. General inefficiency.
- e. Unsatisfactory performance: Unsatisfactory performance may be demonstrated by, but is not limited to; an unwillingness or inability to perform assigned tasks, failure to take appropriate action on the occasion of a crime, disorder, or any other matter deserving police attention, repeated poor evaluations or a written record of repeated infractions of rules, order, or directives of the Department.
- f. Failure to file a police report promptly.
- g. Failure to conduct a complete or proper police investigation.
- h. Failure to conduct a complete or proper search.
- i. Sleeping while on duty.
- j. Failure to report information or evidence concerning a suspect or defendant in connection with a criminal proceeding.
- k. Neglect in promptly and diligently attending to and discharging the duties of office.
- l. Failure to acquire information from the daily police bulletin or at a briefing.
- m. Failure to promptly respond to a dispatch or radio call. All on-duty personnel and those personnel working off-duty police details shall have their radio on for the district in which he or she is working and shall be attentive to same to assure availability for police service unless directed otherwise by a supervisor.

- n. Engaging in off-duty employment without proper authorization.
  - o. Each Police Department employee is required to have a telephone at which he/she may be reached as situations require. This telephone number and his/her correct residential address must be kept on file at the Department and any change in such address and/or telephone number must be reported immediately after making such change. All Department personnel, whose primary or collateral assignment is subject to call-out, must have a mobile phone with texting capability.
  - p. Failure to supervise effectively.
14. Neglect of personal appearance prohibited:
- a. Neglect of personal appearance or dress.
  - b. Neglecting to wear proper uniform while on duty.
15. Unlawful or unnecessary exercise of authority prohibited:
- a. Discourtesy, insolence, or acting in an uncivil manner by word or act to any member of the public while acting in an official capacity.
  - b. Use of vulgar, obscene, or offensive language while acting in an official capacity.
  - c. Intentionally making an unlawful arrest.
  - d. Careless or reckless use of a firearm, baton, or other weapon.
  - e. Unnecessary use of force.
  - f. Excessive response to resistance.
  - g. Carrying or using any unauthorized equipment.

**F. Reporting police interaction**

- a. Employee's Duties
  - (1). Employees shall advise the Duty Lieutenant, as soon as practical, when they have been the suspect/subject of any police action/investigation while off duty, with the exception of a non-criminal traffic investigation.
  - (2). The only information required from the employee is the date, time, location, responding agency and the case number, if available.

b. **Supervisor's Duties**

- (1). The Duty Lieutenant, when notified of an employee being the suspect/subject of any police action/investigation while off-duty, shall immediately notify the Major of Internal Affairs and the Bureau Assistant Chief.