

GENERAL ORDERS | SOUTH MIAMI POLICE DEPARTMENT



G.O. Number: 12.2	Subject: Disciplinary Matrix	
Chapter: 12 Discipline and Conduct	Number of Pages: 30	
CFA Standard(s): 7.01, 7.02, 7.03, 7.04, and 7.06	Effective: 07/31/2011	
By Order of Chief of Police: Rene G. Landa Chief of Police		Revised: 10/01/2020 Status: Amended

SECTIONS:

- 12.2.1** **Definitions**
- 12.2.2** **Disciplinary Action Report Procedure**
- 12.2.3** **Disciplinary Standards and Sanctions Matrix**

RESCINDS: Any other existing orders in conflict.

PURPOSE: To establish departmental policy and provide guidelines governing the behavior, conduct, appearance, and efficient service of the police department members; to establish a departmental standard for a progressive form of disciplinary action; to establish roles and responsibility of department members in the disciplinary process. A departmental goal is to maintain professional standards of conduct for employees while remaining responsive to the citizens of the City of South Miami.

SCOPE: All departmental personnel.

POLICY: The philosophy of the department is to utilize counseling techniques whenever possible to train or guide employees. If counseling techniques do not result in the desired improvement in the employees job performance, imposition of progressive discipline may become necessary to impress upon the employee the necessity for complying with prescribed directives; e.g., orders, directives, policies, procedures, and rules.

Disciplinary action may be appropriate to rectify improper action if an employee violates applicable laws and ordinances, or pronounced deviation from departmental directives. Guidelines for disciplinary sanctions are established to provide for the fair and just administration of discipline. Supervisors issuing

discipline shall refer to the sanctions prescribed below. The Chief of Police and/or City Manager will have the final determination for all disciplinary sanction issued to an employee.

12.2.1 DEFINITIONS

- A. **BUSINESS DAYS:** Monday through Friday, excluding holidays (0900-1700 hours).
- B. **CALENDAR DAYS:** All days in a month, including weekends and holidays.
- C. **CITY MANAGER APPEALS:** Supervisors are responsible for the entire disciplinary process. Disciplinary action may result in the employee appealing the action to the City Manager or his/her designee. It is incumbent upon the concerned supervisor(s) to have all applicable documentation and other supportive material available and be prepared to testify in support of his/her actions. Suspensions, Demotions and Dismissal (Terminations) are appealable to the City Manager or his/her designee.
- D. **COLLECTIVE BARGAINING AGREEMENT (C.B.A.):** Refers to the Collective Bargaining Agreements between the City of South Miami and either the South Florida Police Benevolent Association or the Fraternal Order of Police. Supervisors will be knowledgeable of the contents of the Agreement and any other collective bargaining agreement between the City and departmental employees.
- E. **COACHING:** A level of discipline in which a formal record (D.A.R.) of discussions with an employee designed to guide or direct the employee to improve job performance, standard, behavior and/or conduct is documented.
- F. **COUNSELING:** A level of training/ discipline in which an Informal (verbal) or formal (documented) discussions with an employee designed to guide or direct the employee to improve job performance. Counselings are not recorded on Disciplinary Action Reports. Counselings may be recorded on a memorandum or as a note in the supervisor's division level personnel file.
- G. **DISCIPLINE:** "Discipline" is defined as an action initiated and administered by supervisors when positive corrective measures designed to train or effect change in behavior are unsuccessful in attaining satisfactory employee performance; or action

initiated and administered by supervisors when an employee commits a pronounced deviation regarding a rule, order, directive, or procedure.

- H. **DISCIPLINARY ACTION REPORT (D.A.R.):** A charging document to a member intended to provide the basic information concerning disciplinary action. This report is initiated and issued by a supervisor when positive corrective measures designed to train or effect behavior changes are unsuccessful in attaining satisfactory employee job performance, standard, behavior and/or conduct. Also, action initiated when an employee commits a pronounced deviation regarding a directive, policy, City ordinance, or law. The D.A.R. shall be retained in the member's official personnel file.
- I. **DISMISSAL:** The involuntary termination of employment of a member for disciplinary reasons.
- J. **DOCUMENTATION:** Supervisory recording of incidents, actions, and/or behavior. This includes performance evaluations, observed incidents and informal or formal counseling. Employees will be notified when documentation is made. The purpose of documentation is to establish a pattern of behavior or course of conduct and corrective action taken. This may include but is not limited to:
 - 1. Unsatisfactory work habits must be recorded by supervisors.
 - 2. Employee performance reports or evaluations must note unsatisfactory performance that is indicative of the unsatisfactory behavior.
 - 3. Supervisors will maintain a written record of unsatisfactory performance and counseling, including dates, time and circumstances of each entry. Supervisors shall also maintain documentation of informal counseling.
 - 4. Pattern of behavior or course of conduct can only be established through supportive and documented recordkeeping procedures. This documentation should include all observed incidents informal/formal actions, and performance reports.
- K. **EMPLOYEE HISTORY:** If discipline is generated, the D.A.R.'s Personnel Discipline Profile Sheet will indicate the employee's prior disciplinary record and be weighted when determining the final sanction outlined in the disciplinary matrix.
- L. **LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS:** Supervisors shall be aware of the content and applicability of the Law Enforcement Officers' Bill of Rights (F.S.S. 112) and

adhere to its conditions.

- M. **NOTICE OF DISCIPLINE/ INTENT TO DISCIPLINE:** A charging document (memorandum) to a member intended to provide the basic information concerning disciplinary action resulting in suspension, demotion and/or dismissal (used in disciplinary action resulting from an Internal Affairs investigation). The Notice of Discipline shall be retained in the member's official personnel file.
- N. **OFFICIAL PERSONNEL FILE:** Personnel files maintained in the Office of the Chief and Human Resources Division.
- O. **PUBLIC RECORDS REQUEST:** Request to examine, inspect and/ or copy public records as defined by Florida Statute (FS) Chapter 119, Public Records, and Departmental General Orders governing "Records Retention and Disposition."
- P. **REMEDIAL TRAINING:** Additional training provided to SMPD employees, who require further skills development as determined by a supervisor or instructor.
- Q. **REDUCTION IN RANK (DEMOTION):** A level of discipline administered to a member in which the member's rank or job title is reduced within the organization.
- R. **SUPERVISORY DISCRETION:** The appropriate level of counseling or disciplinary action must be fair and objective and based on the disciplinary matrix. The initial level of counseling or degree of discipline selection or recommendation is at the discretion of the supervisor but must be justified based on past performance, conduct, and the totality of the circumstances. The final approval rest with the Chief of Police and/or the City Manager.
- S. **SUSPENSION:** A level of discipline administered to a member in which the member is temporarily prohibited from performing official duties (paid or unpaid).
- T. **VIOLATION:** Supervisors will cite a specific law, county or City directive, rule, order, policy or procedure when counseling an employee or initiating disciplinary action.
- U. **WRITTEN REPRIMAND:** Level of discipline administered to members on a Disciplinary Action Report (D.A.R.) as a result of violation(s) of a specific law(s), City directive, rule, order, policy or procedure.

12.2.2 DISCIPLINARY ACTION REPORT PROCEDURES

- A. A Disciplinary Action Report (D.A.R.) is a charging document to a member intended to provide the basic information concerning disciplinary action.
- B. This report is initiated and awarded by a supervisor when positive corrective measures designed to train or effect behavior changes are unsuccessful in attaining satisfactory employee job performance, standard, behavior and/or conduct.
- C. A Disciplinary Action Report may recommend any of the following levels of disciplinary sanctions;
 - 1. Coaching Report: Level of discipline awarded for violations minor in nature (Types **A** and/or **B**) and that are not reoccurring.
 - 2. Reprimand Report: Level of discipline awarded for violations minor and/or moderate in nature (Types **A** and/or **B**) or for reoccurring minor violations.
 - 3. Reprimand recommending Suspension: Level of discipline awarded for violations serious in nature (Types **C**, **D**, and/or **E**) or for reoccurring minor or moderate violations.
 - 4. Reprimand recommending Demotion: Level of discipline awarded for violations serious in nature (Types **D**, and/or **E**) or for reoccurring minor or moderate violations.
 - 5. Reprimand recommending Dismissal/ Termination: Level of discipline awarded for violations serious in nature (Types **D**, and/or **E**) or for reoccurring minor or moderate violations.
- D. The D.A.R. shall be completed with the following:
 - 1. Report recommendation (Coaching or Reprimand);
 - 2. Suspensions, demotion, and terminations are completed under a Reprimand Report;
 - 3. Member's employment information (i.e.: name, id#, rank etc.);

4. General Order number(s) in violation and charge (i.e.: GO# 12.2.3 (#11)– Tardiness);
 5. Sanction: Recommendation of sanction by the supervisor based on the disciplinary matrix and applicable rules;
 6. Narrative: Facts describing the employee’s action(s) or inaction(s) which resulted in the violation(s);
 7. Personnel Discipline Profile Page: Employee’s disciplinary history ranges 3-5 years depending on the type of violation;
 8. Acknowledgement Form; and
 9. Supporting documentation: All supporting documentation shall be attached to the completed D.A.R. (copy of policy violated, memorandums, worksheets, pictures, etc.).
- E. **Disciplinary Matrix System:** The Disciplinary Matrix establishes progressive sanctions for commonly violated policies and procedures.
1. The Disciplinary Matrix categorizes violations into “Types” (A, B, C, D, or E) from minor (A) to very serious in nature (E).
 2. Each violation type contains sanction reference numbers which denote a discipline level.
 3. Time frames start upon discovery of violation incident. Minor and moderate violations (Type A and B) have a three (3) year time frame in which sanctions can progress to the next level.
 4. Serious violations (Type C, D, and E) have a five (5) year time frame in which sanctions can progress to the next level.
 5. Each subsequent violation of the same type can progress the sanction number to the next level (i.e.: sanction A1 to A2) or (sanction B4 to C5).
 6. Multiple offenses may be sanctioned individually or as a whole based on the totality of the circumstances and the employee’s discipline and performance

history. Multiple and aggravating offenses may enhance the sanction(s) causing the level to progress to the next higher sanction.

F. **Application of Disciplinary Matrix:** Supervisors administering discipline shall use the Disciplinary Matrix to recommend sanctions. The following method shall be used to recommend disciplinary sanctions:

1. The supervisor issuing the discipline shall find the violation category and number that best describes the affected employee's violation.
2. The supervisor will conduct research (personnel notes and personnel files) and determine if the violation in question is a reoccurring issue and/or if it rises to the level of disciplinary action (discussed in G.O.# 12.1 and 12.2).
3. The violation type (A, B, C, etc.) is then located on the matrix along with the number of occurrences. The sanction reference number is then used to locate the level of discipline (1, 2, etc.).
4. Supervisors shall always assign discipline from the Presumptive Sanction Column (yellow middle column) unless there is a specific and articulable justification to lower or raise the level of disciplinary sanction (i.e.: first offense, excellent performance, etc.).
5. Fourth or subsequent offenses for a violation type within the identified time frame causes the level to progress to the next higher sanction (e.g., from Level A3 to B4, Level B4 to C5, etc.).
6. Multiple offenses may be sanctioned individually or as a whole based on the totality of the circumstances and the employee's discipline and performance history. Multiple and aggravating offenses may enhance the sanction(s) causing the level to progress to the next higher sanction.
7. The recommendation is included in the D.A.R. and submitted for review.
8. The Chief of Police and/or City Manager will have the final determination for all disciplinary sanction issued to an employee (based on the level of discipline, see G.O. # 12.1).

SOUTH MIAMI POLICE DEPARTMENT



RULE AND REGULATIONS DISCIPLINE MATRIX GUIDE

REV 10/20

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SOUTH MIAMI POLICE DEPARTMENT

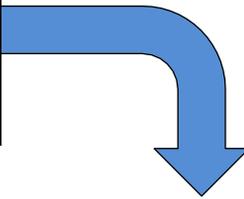
DISCIPLINE MATRIX

All discipline is the ultimate prerogative of the Chief of Police who may deviate from this matrix as conditions and circumstances warrant.

VIOLATION TYPE (MINOR IN NATURE)	1st OFFENSE IN 3 YEAR LEVEL	2nd OFFENSE IN 3 YEAR LEVEL	3rd OFFENSE IN 3 YEAR LEVEL
A			
<p>A VIOLATION OF POLICY THAT DOES NOT INVOLVE A MISUSE OF AUTHORITY OR AN ETHICAL OFFENSE, AND HAS MINOR OR NO IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT.</p> <p>Offenses MIGHT include BUT ARE NOT LIMITED TO: preventable vehicle crashes with no or minor damage; improper application of procedures not resulting in civil rights issues; tardiness; missed court, personal appearance, Department property damage with value under \$500, and other minor violations.</p>	1	2	3
VIOLATION TYPE (MODERATE IN NATURE)	1st OFFENSE IN 3 YEAR LEVEL	2nd OFFENSE IN 3 YEAR LEVEL	3rd OFFENSE IN 3 YEAR LEVEL
B			
<p>A VIOLATION OF POLICY THAT DOES NOT INVOLVE A MISUSE OF AUTHORITY OR AN ETHICAL OFFENSE, AND HAS A MODERATE ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT.</p> <p>Offenses MIGHT include BUT ARE NOT LIMITED TO: Loss or damage of citizen property with an estimated value of \$500+ damage to Department property or loss of secure Department property; preventable vehicle accidents with significant injuries and/or significant property damage; improper application of less lethal force with no or minor injury; unauthorized leave, etc.</p>	2	3	4
VIOLATION TYPE (SERIOUS IN NATURE)	1st OFFENSE IN 5 YEAR LEVEL	2nd OFFENSE IN 5 YEAR LEVEL	3rd OFFENSE IN 5 YEAR LEVEL
C			
<p>A VIOLATION OF POLICY THAT INVOLVES A MISUSE OF AUTHORITY OR AN ETHICAL OFFENSE, AND/OR THAT CREATES OR POSES THE POTENTIAL FOR A CLEAR SERIOUS ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT.</p> <p>Offenses MIGHT include BUT ARE NOT LIMITED TO: Unreasonable force with no or minor injury; misdemeanor criminal conduct on or off duty not involving physical injury, violence, sexual offenses or ethical misconduct (e.g., theft); failure to obey an order under normal circumstances; prisoner escape due to dereliction.</p>	4	5	6
D			
<p>A VIOLATION OF POLICY THAT INVOLVES A MISUSE OR ABUSE OF AUTHORITY OR AN ETHICAL OFFENSE, OR THAT CREATES OR POSES THE POTENTIAL FOR A MAJOR ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT.</p> <p>Offenses MIGHT include BUT ARE NOT LIMITED TO: Excessive force with injury; misdemeanor criminal conduct involving physical injury, violence, sexual offenses or ethical misconduct; failure to obey an order under exigent circumstances.</p>	6	7	8
E			
<p>A VIOLATION OF POLICY THAT INVOLVES UNTRUTHFULNESS OR OTHER ETHICAL OFFENSES, ANY FELONIOUS CONDUCT, OR OFFENSES THAT CREATE OR POSE THE POTENTIAL FOR CRITICAL ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT.</p> <p>Offenses MIGHT include BUT ARE NOT LIMITED TO: Untruthfulness; excessive force with serious injury or against a restrained or incapacitated person; felonious acts on or off duty; other serious violations.</p>	7	8	

DISCIPLINE LEVELS

When assigning discipline, always begin with the PRESUMPTIVE SANCTION. Minimum or maximum sanctions require specific justification.



DISCIPLINE LEVEL	MINIMUM SANCTION	PRESUMPTIVE SANCTION	MAXIMUM SANCTION
1	VERBAL WARNING (DOCUMENTED)	COACHING REPORT	WRITTEN REPRIMAND
2	COACHING REPORT	WRITTEN REPRIMAND	08 HOUR SUSPENSION
3	WRITTEN REPRIMAND	08 HOUR SUSPENSION	16 HOUR SUSPENSION
4	08 HOUR SUSPENSION	16 HOUR SUSPENSION	32 HOUR SUSPENSION
5	16 HOUR SUSPENSION	32 HOUR SUSPENSION	80 HOUR SUSPENSION
6	32 HOUR SUSPENSION	80 HOUR SUSPENSION	160 HOUR SUSPENSION/ DEMOTION
7	N/A	160 HOUR SUSPENSION/ DEMOTION	TERMINATION
8	N/A	TERMINATION	N/A

Note: A fourth or subsequent offense for similar type within the identified time frame causes the level to progress to the next higher sanction (e.g., from Level 3 to 4, Level 4 to 5, etc.). Time frames start upon discovery of incident.

Note: Multiple offenses may be sanctioned individually or as a whole based on the totality of the circumstances and the employee's discipline and performance history. Multiple and aggravating offenses may enhance the sanction(s) causing the level to progress to the next higher sanction (e.g., from Level 3 to 4, Level 4 to 5, etc.).

ATTENDANCE/ FITNESS FOR DUTY	VIOLATION TYPE
1. REPORTING FOR DUTY/ TARDINESS: Members shall be punctual in reporting for duty at the time and place designated by their supervisors. Members will be properly prepared (uniform, equipment, and vehicle) to begin their respective tour of duty immediately. It is the responsibility of the individual to notify his/her supervisor at least 15 minutes prior to his/her assigned reporting time stating the reason for the delay and the approximate time of arrival.	A-B
2. SICKNESS NOTIFICATION: Members unable to report for duty because of illness or injury shall notify the department two (2) hours prior to the start of the scheduled tour of duty. The notification shall be to the on duty dispatcher who will note the call and time stamp the time of notification, and notify the shift commander concerned.	A
3. DOCUMENTING ABSENCE: All absences due to line of duty injuries shall be documented by a doctor's report regardless of duration.	A
4. ABSENCE OVER THREE DAYS: Members absent from duty for a period of over three (3) consecutive working days due to sickness or injury shall be required to submit to a physician's note.	B
5. CONFINEMENT WHEN SICK OR INJURED: A member reporting sick or injured shall be confined to the member's home, clinic, or hospital during their normal working hours, except to visit their personal physician, obtain needed medical supplies, or by permission of their supervisor. Members needing to leave their place of convalescence during their normal working hours will call the Communications Desk, prior to leaving, to advise whether the change of convalescence is specifically: <ul style="list-style-type: none"> a. To get medical attention or visit their physician, and/or b. To obtain medical supplies c. No further medical information shall be required from an employee, and/or inquired about, unless consistent with the limitations and protections pursuant to HIPPA. 	A-B
6. CONTAGIOUS DISEASE: When a member has come in direct contact with a person having a contagious disease, or has been exposed to a contagion, notification shall be made to their supervisor as soon as possible. Members shall also leave the names and telephone numbers of persons coming in contact with the contagious disease for the hospital staff.	A
7. SERIOUS OR GRAVE INJURY: In the event that a member is injured on duty, the supervisor shall be notified immediately by the member. The Chief of Police or designee shall be notified via the staff duty officer, after being notified by the affected member's supervisor. All superiors in the member's chain of command, plus the staff duty officer and the PIO are to be notified in the event of a critical injury, impending death, or death of a member.	A-B
8. FAILURE TO REPORT PERSONAL INJURY: Members sustaining any personal injury that might impair their fitness for duty, whether sustained on duty or off duty, will promptly provide written notification of the injury to their supervisor.	A-B
9. FITNESS FOR DUTY: The Police Chief shall have the authority to direct any member to report to a designated physician, psychologist, or psychiatrist to determine the member's fitness for duty, at departmental expense. Non-compliance with a request for a fitness for duty evaluation shall be cause for disciplinary action.	D-E
10. PHYSICALLY OR MENTALLY DEFICIENT: A member's employment may be terminated if a performance or work record, or the report of a department appointed physician, psychologist, or psychiatrist demonstrates that the member is physically or mentally unable to perform assigned duties/ function.	E
11. FEIGNING ILLNESS/ MISUSE OF SICK BENEFITS: Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive any superior or supervisor in an effort to avoid duty or obtain an extended Weekend (R.D.O.s). Performance of activity in conflict with stated purpose of sick leave use will constitute evidence of abuse. A record of claiming sick time in conjunction with days off, holidays, or weekends off may be considered abuse. Additionally, claiming sick time to be able to an work extra duty assignment,	B-E

attend court, or any other employment function may be considered abuse.	
12. MISUSE OF EMPLOYEE BENEFITS: Members will not misuse any employee benefit provided to them by the City of South Miami (benefits can include: Health, Dental, Life Insurances, Workers Compensation Insurance, and Tuition Reimbursement).	B-E
13. ABANDONING POST OR ASSIGNMENT: Employees shall not leave or end a duty/assignment unless properly relieved or dismissed by a supervisor.	B-C
14. AWOL: All arrangements for leave of absence shall be made in advance. Any member failing to report for duty that does not have prior authorization shall be considered Absent Without Leave (AWOL). Unexcused failure to report for assignment at a designated time, leaving a duty assignment and or post before being relieved or released from the assignment by a supervisor or dispatcher will also be considered AWOL. Each day of unauthorized absence constitute an independent violation.	C
15. FAILURE TO RESPOND TO ON-CALL NOTIFICATION(S): Members that are serving on the on-call rotation (i.e. CID, SDO, etc.) shall be available to answer telephone calls and/or emails and/or physically respond during a qualified event or emergency (i.e. crime scene, staff notification, etc.).	B
16. FAILURE TO RESPOND TO EMERGENCY: Officers shall make themselves available for call-to-duty at any time Administration deems a crisis situation exists (i.e.: state of emergency, disasters, civil unrest, etc.)	C
17. FAILURE OR REFUSAL TO WORK OVERTIME OR SPECIAL HOURS: Members will promptly report for duty or remain on duty when approved or directed to work overtime, special hours, special shifts, or extra duty details.	B
18. ABUSE OF REST PERIODS/ BREAKS: Members will take only the specified amount of time for meal breaks or rest periods as established by policy, contract, procedures, or by a supervisor.	A

COURT	VIOLATION TYPE
19. COURT ATTENDANCE: All members concerned in cases before the courts (all court proceedings) shall appear and be punctual in attendance and shall appear in uniform or in civilian clothes as prescribed by the Chief of Police. They shall have their cases thoroughly and accurately prepared and all property for evidence suitably prepared for presentation to the court.	A-B
20. LEGAL SUBPOENA: Member shall not appear in court on behalf of any party as witnesses presenting themselves as officers of South Miami and give statements or depositions, either sworn or unsworn, to any attorney, attorney's investigator or insurance company investigator other than those acting in behalf of the City of South Miami unless legally summoned to do so.	A-B
21. CIVIL ACTIONS ON DUTY: No member shall initiate civil action in any court of the State of Florida or other jurisdiction for damages sustained in the line of duty or any other civil action relating to their performance of any acts pursuant to or under color of official capacity unless first submitting written notice to the Chief of Police with a copy of any filed departmental reports. This rule should have no bearing upon any administrative board except where the rules of the aforesaid board require such notice as is contemplated herein.	A-B
22. RECEIPT OF COURT SUBPOENA: Members receiving a trial subpoena by the defense attorney in a criminal case, or the plaintiff's attorney in a civil case involving the City as a defendant, shall notify a superior and follow court cancelation protocols if not able to attend such function, and notify the affected civil attorney or state attorney.	A
23. CHARACTER WITNESS/TESTIMONY FOR DEFENDANT: Members will not appear or give testimony as a character witness for any defendant in a criminal trial or inquiry without prior notification to the Chief of Police.	A-B
24. CIVIL CASES: Members shall not serve civil process or assist in civil cases except as required by law or where they may be personally involved. They shall avoid entering into civil disputes, particularly while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases.	A-B
25. FAILURE TO RESPOND TO A SUBPOENA: Members will report to the specified location at the time and date required by a subpoena. Members unable to respond to a subpoena due to sickness, injury, or because of conflict with another subpoena will notify the appropriate authority originating the subpoena to obtain a release from the subpoena.	A
26. NOTICE OF TAKING DEPOSITION/ PREFILE: Members will read emails each day of scheduled duty. A delivered/read message will be returned to the Court Liaison/ E-NOTIFY System indicating notification process has been completed. Members who fail to appear for deposition after being notified are subject to contempt proceedings.	A
27. COURTROOM/ DEPOSITION DEMEANOR: Employees shall be attentive and respectful during court proceedings. When presenting testimony, employees shall speak clearly, calmly, and in a voice the court and jury can hear easily. Employees shall testify truthfully at all times. When cross-examined, employees shall remain objective and respond with the same civility as when testifying on direct examination.	A-B
28. DISMISSAL OF CHARGES: Members shall not dismiss the charges against an arrested person unless there is sufficient evidence, and then only with the knowledge and consent of the commander of the division responsible for the arrest. Members have no authority to dismiss charges once filed, but have discretionary authority concerning misdemeanor charges before filing.	B-C

COURTESY/ DEMEANOR	VIOLATION TYPE
29. COURTESY: Courtesy and civility shall be shown by members toward the public and each other. Intolerance in action or speech toward any person because of nationality, race, religion, sexual orientation or gender, shall not be shown, displayed, or expressed by members of this department. Respect shall be demonstrated in all forms of communication.	A
30. ADDRESSING SUPERVISORS: While on duty, members of this department shall address supervisors by their rank and surname. Members shall be respectful and will not use sarcastic or impertinent remarks.	A
31. GIVING NAME AND BADGE NUMBER: Members of this department shall give their name and identification number to any person who may request same. This rule does not apply to members acting in an undercover capacity.	A
32. USING IMPROPER LANGUAGE: Members shall not use indecent, profane, abusive, threatening or harsh language while on duty or in the performance of their official duties, whether while addressing the public or other members of the Department.	A
33. PUBLIC CONTACTS: Members dealing with the public in person, email, mobile applications, or on the telephone shall do so promptly and courteously at all times.	A
34. READING MATERIAL ON DUTY: While on duty, no member shall engage in the reading of any reading material not directly related to their duties in view of the public (This does not include breaks).	A
35. DISTRACTION OF OTHERS: Members will not engage in horseplay or distract others from performing their assigned duties. Members will not interrupt or disturb any roll calls, trainings, presentations, meetings, or other official functions.	A
36. PROMOTING A NEGATIVE WORK ENVIRONMENT/ MORALE: Members will not engage in or convey detrimental information or material that hinders the mission of the South Miami Police Department, morale, or the welfare of the work setting.	A
37. CRITICISM: No member shall criticize the department, any department member, or member of the public when such criticism: <ul style="list-style-type: none"> a. Is not based on fact; b. Is reckless; c. Is obscene; d. Tends to impair the operation of the department by interfering with the ability of supervisors to maintain discipline; e. Is unlawful. 	A
38. RUMORS: Members shall refrain from spreading rumors. A rumor is an unverified current circulating story or report of uncertain or doubtful truth. Rumors are detrimental to the department and the spirit of cooperation that must exist when police officers depend on one another. Members shall not spread rumors or spread untruths in writing, via E mail, verbally, or in any other mode. Violation of this section may result in disciplinary action, up to and including termination.	A-E
39. DELIBERATE INDIFFERENCE: No member shall demonstrate deliberate indifference when carrying out their duties and responsibilities. Deliberate indifference is demonstrated when the lack of care or omission is obvious or the inadequacy is so obvious, that is likely to result in a violation of a departmental policy, law, or the mission of the department.	A

COMMUNICATIONS	VIOLATION TYPE
40. WIRELESS VOICE/DATA COMMUNICATION DEVICE: The use of a wireless voice/data communication device is permitted within the Communications Center only during periods which will not disrupt normal duties. Usage shall be limited and not used for long conversations.	A-B
41. SLEEPING PROHIBITED: Members are prohibited from sleeping while working at the communication center.	B-E
42. UNAUTHORIZED COMMUNICATION CENTER ENTRY: Members shall not enter the communications center unless they have official business. Communications officers shall inform any member violating this policy to exit the center immediately and report all unauthorized entries to the communications manager.	A
43. PRIORITY OF DISPATCH: Members will prioritize and dispatch calls for service in accordance with all policies and procedures, training, and directives.	A-B
44. DISPATCH WITHOUT DELAY/ FAILURE: Members shall dispatch calls without delay, unless unusual circumstances preclude. Calls will be dispatched as soon as possible.	A-E
45. CJIS ENTRIES: Entries into the CJIS system shall be made properly and without delay (i.e.: entries, cancellations, modifications, BOLO, etc.)	B-E
46. VIOLATION OF CRIMINAL INFORMATION SYSTEMS: Members shall conform to all rules and regulations as set forth by the CJIS, Florida Department of Law Enforcement, DHSMV, and/or Miami Dade County governing the operational use and dissemination of information obtained through the criminal information systems.	A-E
47. DOCUMENTATION ACCOUNTABILITY: Members responsible to attached supplemental documents, photographs, media files, or any other item to an official record shall do so properly and in a timely manner.	A-B

DEBILITATING SUBSTANCES	VIOLATION TYPE
48. INTOXICANTS ON POLICE PROPERTY: No open container of intoxicating liquor, beer or wine shall be consumed or kept in the police building or motor vehicle of the department, except when officially seized or held as evidence, and except when necessary in the performance of duty (i.e.: undercover assignments, etc.), and then only with the knowledge and approval of the Chief of Police.	C
49. CONSUMPTION OF INTOXICANTS: Members shall not consume any intoxicants while on duty unless necessary in the performance of a police task and then only with the specific permission of a commanding officer and with the knowledge and approval of the Chief of Police.	C
50. USE OF DEBILITATING SUBSTANCES: Members shall not use any debilitating, intoxicating, or narcotic substance off duty to the extent that such use is apparent when reporting for duty. Members shall submit to an Intoxilyzer examination and/or blood test upon the request or order of a superior officer, providing that the member is advised that he or she is suspected of using any debilitating substance to the point that their normal faculties are impaired while on duty or when reporting for duty. It is important to note that some prescription medications can be psychoactive for over 12 hours in the body, and this must be taken into account prior to using such medicines prior to the member's shift.	C-E
51. USE OF PRESCRIPTION/NON-PRESCRIPTION DRUGS: Members shall notify their immediate supervisor at the beginning of their tour of duty if they are utilizing a prescription or non-prescription drug that may interfere with their normal motor-function or decision-making skills. The supervisor will then decide if the member may perform their regular duties or if a temporary "light duty" position should be assigned for that member's tour of duty.	B-C
52. SMOKING AND USE OF TOBACCO PRODUCTS: Members will not smoke or vape inside any city buildings, city vehicle or within 20 feet of the station's entrance or agency vehicle.	A

DEPARTMENTAL PROPERTY, VEHICLES, AND EQUIPMENT	VIOLATION TYPE
53. CARE OF EQUIPMENT: Members shall use responsible care in the handling and use of departmental property and equipment and shall immediately report any loss or damage to property or equipment to their immediate supervisor. A written memo shall be prepared by the member relating to any loss or damage of departmental property prior to the conclusion of the member's tour of duty unless directed otherwise by a supervisor.	A-B
54. INSPECTIONS: Supervisors shall frequently inspect, or cause to be inspected, all members under their command monthly, along with all departmental vehicles assigned to their use. Members are responsible for the proper care, economical use, efficiency and serviceability of departmental property issued for or assigned to the use of members under their command.	A
55. DEFACING DEPARTMENTAL PROPERTY: Members shall not intentionally mark, mar, or deface any departmental property.	B
56. NON-FUNCTIONAL EQUIPMENT: Whenever a member becomes aware of any departmental equipment or vehicle that is found to be in a non-functional or safe condition, they shall immediately report this fact to their immediate supervisor.	A
57. IDENTIFICATION TO BE CARRIED: Officers will carry their identification card on their person at all times when carrying a concealed firearm, except when engaged in covert assignments, or when made impractical by the nature of activities being performed.	A
58. CARRYING OFF-DUTY FIREARMS: All full-time certified police officers, unless under suspension or subject to impairment, may optionally carry department authorized firearms while off-duty except while consuming alcoholic beverages or while under the influence of any narcotic drug. The firearms shall be concealed from public view at all times. Officers within the City of South Miami shall be armed and carry their credentials and/or badge.	B
59. USE AND HANDLING OF WEAPONS: Members will use and handle weapons in a careful, safe, and prudent manner on and off duty. Weapons will be used in accordance with the law and established General Orders, procedures and training protocols (i.e.: accidental discharges of weapons due to unsafe or improper handling)	B
60. EXCHANGE OF EQUIPMENT PROHIBITED: Members shall not use another members badge, official police credentials, or any other equipment, unless authorized by a supervisor or during an imminent qualified emergency (i.e.: weapon or equipment malfunction during a critical incident, out of ammunition, etc.)	A
61. DEPARTMENT EQUIPMENT USE: Members shall not knowingly permit any non-department member to use any South Miami Police Department issued equipment, uniform, vehicle, badge, and/or credential at any time, unless authorized by the Chief of Police.	B-E
62. PERSONAL USE OF DEPARTMENTAL PROPERTY: Departmental property shall not be used for private purposes. Departmental stationery, reports, and supplies shall be conserved whenever possible, and those that are unused shall be returned to property storage places.	A-B
63. PURCHASES: No member shall make any purchase in the name of the department without authorization of the Chief of Police. Said authorization shall be in writing where the purchase is in excess of \$25. Petty cash purchases of \$25 or less may be reimbursed when approved by a supervisor.	A
64. DEPARTMENTAL FURNISHINGS: Furniture and equipment assigned to the department shall not be removed from such offices or places, or converted to personal use. No member shall hang upon walls of any department building any calendar, poster, picture, deemed to be obscene or offensive, or containing any slur or cartoon which may be considered racist or offensive. No member shall hang upon walls of any department building advertising matter, or political statements or messages, except those relating to or essential for police purposes, without the approval of the Chief of Police, or designee.	A-B

<p>65. AUTHORIZED USE OF DEPARTMENTAL VEHICLES: No departmental vehicle shall be used by any member without the knowledge or permission of a supervisor, except in an emergency when it is impractical to make such notification, and in such event, the reason for using such vehicle shall be communicated in writing to the supervisor as soon as possible.</p>	<p>A</p>
<p>66. OFFICIAL USE OF VEHICLES: Unless specifically authorized by the Chief of Police, all departmental vehicles shall be used for official use only.</p>	<p>A</p>
<p>67. PROPER/SAFE USE OF DEPARTMENTAL VEHICLES: All members of the department must handle vehicles assigned to their use in a professional manner that protects life and property. Members shall adhere to all policies, rules, and procedures outline in General Orders 18.3. & 29.2.</p>	<p>A-E</p>
<p>68. DUPLICATES OF KEYS: Members are prohibited from making or causing to be made any duplicate of departmental keys without the approval of the Chief of Police or designee. Members are only authorized to make duplicates of their assigned take-home vehicle.</p>	<p>A</p>
<p>69. TRANSPORTATION OF MEMBERS NOT ASSIGNED TAKE-HOME VEHICLES: Members not assigned a take-home vehicle shall provide their own transportation to and from police headquarters unless otherwise directed by a supervisor.</p>	<p>A</p>
<p>70. MAINTENANCE OF DEPARTMENTAL VEHICLES: It shall be the responsibility of any member of this department assigned a departmental vehicle, either as a take-home vehicle, for extended periods of time, or for tours of duty, to ensure that such vehicles are maintained and returned in a clean and neat condition. This concerns the exterior, as well as the interior. In addition, it shall be the responsibility of such personnel to report any violations concerning the condition of any vehicles assigned.</p>	<p>A-B</p>
<p>71. TRANSPORTING CITIZENS/ PRISONERS: Citizens will be transported in departmental vehicles only when necessary to accomplish a police purpose or at the direction of the Chief of Police, his designee, or a sworn supervisor. All subjects and suspects will be properly and securely handcuffed with the hands behind the back, and with the handcuffs double-locked. All prisoners, subjects, and suspects, including juveniles, the elderly, and the handicapped, shall be thoroughly searched before being placed in the back of a patrol car, without exception.</p> <p>Prisoners shall be transported in marked patrol units with prisoner seats and prisoner cages, or in the prisoner van; detectives making an arrest while driving an unmarked car, shall seat the prisoner in the back, handcuffed with the hands behind, and wearing a seatbelt, without exception. A detective shall sit in the back, next to the prisoner. If the detective wears a weapon on the right side, the prisoner shall be seated behind the driver, to keep the weapon away from the prisoner. All prisoners must be searched, even if they are received from another police officer.</p>	<p>A-C</p>
<p>72. SAFETY RESTRAINTS: When riding in or operating departmental vehicles, all safety restraints shall be used.</p>	<p>A</p>
<p>73. REPORTING VEHICLE CRASHES: Members shall report immediately to the on-duty superior officer any crash/ accident involving any department vehicle operated by them or in their charge.</p>	<p>A-C</p>
<p>74. ACCIDENT INVESTIGATION: Members personally involved in motor vehicle crashes shall neither investigate nor issue citations concerning such crashes. Vehicle crashes shall be or caused to be investigated.</p>	<p>B</p>
<p>75. CARE AND MAINTENANCE OF FIREARMS: Members who are required to carry firearms in the performance of official duties will maintain such firearms in a clean and serviceable condition.</p>	<p>A</p>
<p>76. MODIFICATION OF WEAPONS: Members will not modify agency issued firearms without written approval from the designated agency armorer.</p>	<p>B</p>
<p>77. WEARING UNIFORM WHILE UNDER DISCIPLINARY SUSPENSION: Members will not wear the official uniform, or other articles of clothing that bear the official insignia or otherwise identifies the person as a member of the SMPD, while under disciplinary suspension or while on administrative leave.</p>	<p>C</p>

DEPARTMENTAL RECORDS	VIOLATION TYPE
78. OFFICIAL DOCUMENTS: No member shall alter, forge, or tamper with any police record, citation or other departmental document. Correcting or requesting an officer correct a report a supervisor deems to be insufficient or incorrect shall not constitute "falsification."	C-E
79. PROPERTY, FILES, RECORDS AND DOCUMENTS: Members shall not remove or destroy reports, documents, photographs, property, or other material relating to departmental business without prior consent from the Chief of Police, or designee. Nor shall members appropriate, for their own use or that of another, department property, files, photographs, documents, reports, or records which have come into their possession as a result of being connected with or belonging to the department, without permission of the Chief of Police, or designee.	C-E
80. RELEASING RECORDS: No member shall release any copies or originals of any confidential police report or drafts, police record, arrest report, prosecution report, criminal history file, identification photo, computer transmitted message, or other record or report to any person or agency which does not have a criminal justice function unless ordered by a lawful subpoena or approved by authority of the Chief of Police or his designee. This does not apply to persons appearing at the front desk for the purpose of obtaining a copy of a police report that is permissible under Florida laws.	A-C
81. IMPROPER RELEASE OF RECORDS: Members authorized to release records shall do so adhering to all policies, laws, and administrative rules governing the release of public records. Records include but are not limited to; documents, audio and video recordings, logs, electronic and mobile communications, etc.	A-C
82. RELEASE OF MEMBERS PERSONAL INFORMATION: Members shall not release personal information concerning another member's home address, telephone number, or other confidential information to non-departmental employees without their consent, unless it is required by Florida law. Additionally, members shall not advise the outside parties that a member, who is not present, is sick, on vacation, or otherwise not available unless directed by the affected member or supervisor.	B

GENERAL MISCONDUCT	VIOLATION TYPE
83. VIOLATION OF RULES, POLICIES, DIRECTIVES, AND/OR PROCEDURES: Members shall not violate, nor aid, abet, or incite another member to violate the rules, regulations, directives, orders, duties, policies or procedures of the department.	A
84. VIOLATION OF LAW: The commission of any act in violation of any federal, state, county, or municipal law by a member constitutes a violation of the Rules and Regulations of the department and shall constitute a separate administrative violation.	C-E
85. MORAL CHARACTER VIOLATIONS: Any act or conduct outlined in Pursuant to Rule 11B-27.0011, Florida Administrative Code, the perpetration by an officer of an act that would constitute any felony offense, whether criminally prosecuted or not.	D-E
86. TORTIOUS ACTS: Members will not, by act of commission or omission, commit any flagrant or tortious act while in the performance of their duties. Violations of Civil Rights Acts under color of law 18 U.S.C. 241 and 242 are federal offenses, punishable by fine and/or imprisonment.	B
87. CONDUCT UNBECOMING AND/ OR DETRIMENTAL CONDUCT: Members, on or off duty, shall conduct themselves in such a manner as to reflect favorably on the department. Unbecoming or detrimental conduct includes, but is not limited to conduct which: <ul style="list-style-type: none"> a. Brings the department into disrepute. b. Reflects discredit upon the individual as a member of the department. c. Tends to impair or does impair the efficient operation of the department and/or its members. d. Tends to impair relationships with other law enforcement agencies. e. Interferes with a member's ability to function in their job. f. Interferes with the ability of supervisors to maintain discipline. g. Adversely affects the department's reputation in the community; or h. Conduct involving sexual harassment or discrimination as defined by the City of South Miami, State or Federal regulatory agencies or departments. 	A-D
88. SEXUAL HARASSMENT: Members will not engage in conduct defined by law and/or City of South Miami policy as sexual harassment.	C-E
89. FAILURE TO REPORT VIOLATION: Members have the responsibility to report to a superior or supervising member any violation observed. A member shall properly report any matter or incident that violates departmental rules, regulations, laws and/or ordinances of the State or County or City, or for any matter or incident that should have properly been brought to a supervisor's attention that would or could affect the order and discipline of the South Miami Police Department. <p>Any member that knows, or may have reason to believe, that they are subject to an investigation by any law enforcement agency will immediately notify the Chief of Police in writing. Members shall notify the Chief of Police in writing as soon as possible, if they are arrested, issued criminal summons(s), issued criminal traffic citation(s), have their driver license suspended, have active warrants against them, or are served an injunction.</p>	B
90. ASSISTING CRIMINALS: A member shall not, except in the best interest of criminal justice, communicate in any manner, directly or indirectly, any information which might assist persons guilty of criminal acts or those who they have or should have reason to believe may be guilty of criminal acts to escape detection, arrest, or punishment or which may enable them to dispose of or secrete evidence of unlawful activity or money, merchandise, or other property unlawfully obtained. Members shall not disclose the dates or times of upcoming special operations such as warrant service or "drug dealer roundups" which would harm the security of such operations.	D-E
91. WITHHOLDING INFORMATION: Members shall not withhold or conceal relevant facts relating to known or suspected criminal activity, matter requiring police response, matters relating to departmental investigations, or matters relating to breach or violation of departmental rules, regulations, policies or procedures from any competent authority.	C-E

<p>92. DIVULGING INTERNAL INFORMATION: Employees shall not communicate any internal information concerning the Department’s activities or employees to persons outside the organization without authorization from the chief of police or the appropriate commander.</p>	<p>C</p>
<p>93. INTERRUPTING LEGAL PROCESS: No member shall interfere with the proper administration of criminal justice. If a member has knowledge of such interference and fails to inform a superior officer thereof, that member shall be subject to disciplinary action.</p>	<p>C-E</p>
<p>94. CONSORTING WITH PERSONS OF ILL-REPUTE: Members shall not associate personally with individuals known to have a felony criminal past, under criminal investigation, under criminal indictment, and/or who have an open or notorious reputation for criminal or immoral behavior, except to accomplish a police assignment or mission.</p> <p>This rule shall not apply to members associating with their relatives or spouse; however, this rule shall apply to those situations where the member knew or should have known that the individual was or is of ill-repute as defined herein. Members shall not continue any association with any individual of notorious, criminal, or immoral behavior or character, past or present, as previously defined herein, who have met or associated as a result of official duties and have been directed by a supervisor to cease the association between the member and the person with the notorious, criminal, or immoral behavior or character.</p>	<p>C-E</p>
<p>95. BRIBES: All members shall report, in writing, any offer of a bribe calculated to influence the official or discretionary actions of that member. This report shall be delivered directly to the Chief of Police. When appropriate, an arrest can be made of a person attempting to bribe a police officer in the performance of duties.</p>	<p>C-E</p>
<p>96. COWARDICE: No member will leave another member alone in any situation where circumstances could result in danger to the member or the public. Cowardice or failure to perform police duties because of danger shall be cause for discipline, up to and including dismissal.</p>	<p>D-E</p>
<p>97. EXCESSIVE FORCE: Officers will use only that degree of force necessary to perform official duties. All uses of force must comply with training, Florida law and SMPD policy. Force may be excessive whether or not the suspect sustains personal injury. See General Order # 1.3. Response to Resistance.</p>	<p>C-E</p>
<p>98. DUTY TO INTERVENE: Any member who observes any act of excessive use of force is required to immediately intervene. All acts of excessive use of force will be immediately reported to the shift supervisor. A Response to Resistance report will be completed by the shift supervisor, outlining the circumstances and forwarded up the chain of command to the Chief of Police for review.</p>	<p>C-E</p>

GENERAL RULES	VIOLATION TYPE
<p>99. GENERAL RESPONSIBILITIES: It is vital that department members be aware of their duties to the public, where guidelines to their behavior can be found, and what behaviors are not allowed to facilitate the achieving the mission of the Department. Within the City, a sworn officer shall take appropriate steps to:</p> <ul style="list-style-type: none"> a. Protect life and property; b. Preserve the peace; c. Prevent crime; d. Detect and arrest violators of laws which are within the jurisdiction of the South Miami Police Department to enforce; and e. Any other task assigned by a superior to achieve the mission of the Department. 	A-B
<p>100. PROFESSIONAL COMPLIANCE: Members shall properly perform the duties and assume the responsibilities of their positions. This shall be performed to maintain the highest standards of efficiency and professional conduct in carrying out the functions and obligations of the department in order to meet the desired goals and objectives. Failure to maintain professional compliance may be demonstrated by:</p> <ul style="list-style-type: none"> a. A lack of knowledge of the application of laws required to be enforced; b. An unwillingness or inability to perform assigned tasks; c. The failure to conform to work standards established for the member's rank, grade or position; d. Failure to take appropriate action on the occasion of a crime, disorder, or the condition deserving police attention; e. Unnecessary absence from the member's assigned tour of duty; f. Repeated poor evaluations; g. A record of repeated infractions of the rules, regulations, manuals or directives; h. Failure to follow or adhere to departmental policies and procedures as they pertain to duties, responsibilities and assignment. 	B
<p>101. PERSONAL APPEARANCE: Members will maintain a neat and clean appearance in conformance with established grooming and dress requirements while on duty and/or in uniform.</p>	A
<p>102. FINANCIAL INDUCEMENT TO RETIRE/RESIGN: All South Miami Police Department employees are hereby prohibited from offering, giving, demanding, or accepting gifts and/or other forms of consideration to or from any other City employee to induce or influence the date of retirement or resignation of any City employee or employees.</p>	B
<p>103. GIFTS OR GRATUITIES: Members of this department shall not use, or allow another member to use their official position, badge or credentials to solicit, or attempt to solicit any gifts or rewards. Members offered a gift with a value in excess of \$100 shall obtain permission from the Chief of Police or designee before accepting; members shall disclose as any gift from any person or entity, having a value in excess of one hundred dollars. Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes.</p>	B
<p>104. SOLICITATIONS: Members shall make no solicitations nor sell subscriptions for the purpose of making profit or for political reasons, nor shall they circulate subscription papers, sell tickets, solicit, collect or receive any money, property or any other thing of value from any person for any purpose without permission of the Chief of Police. This shall not apply to solicitations of donations for MADD, PAL, POAT, or retirement</p>	A-C
<p>105. PLACING BIDS/AUCTIONS: No agency employee or family members of the employee will be permitted to place bids on anything sold by the City of South Miami. This includes enforceable sales, evidence auctions, fleet auctions, and any other auction or sealed bid process used by the City of South Miami.</p>	A
<p>106. RECOMMENDATIONS/REFERRAL: Members shall not recommend or refer to any person, other than a member of their family, the employment of an attorney, bondsman, or bonding company to a person under arrest. Members shall not recommend or refer to any person involved in an accident a wrecker, legal, or medical service excepting that which is on the South Miami Police Department rotation list.</p>	A

<p>107.TESTIMONIALS: Members, in their official capacity, shall not authorize the use of a photograph of themselves in connection with any testimonial or advertisement of any commodity or commercial enterprise. Nor shall they, in their official capacity, endorse or subscribe any such testimonials or advertisements and nor shall they authorize any mention to be made of their title, rank, or membership in the department in connection with such testimonial or advertisement unless approved in writing by the Chief of Police.</p>	<p>A</p>
<p>108.POLITICAL ACTIVITIES: Members shall not engage in any on-duty political activity. No member while on duty, in City uniform, or in City equipment may knowingly and voluntarily be photographed with a candidate for any political office without specific permission of the Chief of Police. Members shall not solicit political influence to effect a promotion or change of duty or any other personnel action for themselves or any other member.</p>	<p>A</p>
<p>109.ELECTION/POLLING PLACES: Officers will not enter or remain within the immediate are of an official polling place without permission from elections officials, except to cast a ballot or in performance of their official duties.</p>	<p>A-C</p>
<p>110.GAMBLING: Employees shall not gamble or otherwise participate in a game of chance while on duty or while wearing any portion of their uniform denoting their employment by the Department.</p>	<p>A</p>
<p>111.CHANGE IN MARITAL STATUS: Members shall report to their respective supervisors any changes in their marital status with respect to marriage, divorce, or death of a spouse. Such reports shall be made in writing, and forwarded through the chain of command within 48 hours of returning to the next tour of duty.</p>	<p>A</p>
<p>112.NAME CHANGES: An employee whose name changes as a result of marriage, divorce, etc., shall submit a notice via memorandum accompanied by supporting legal documentation within 48 hours of returning to the next tour of duty.</p>	<p>A</p>
<p>113.RESIDENCE TELEPHONE AND ADDRESS: Members are required to have a telephone land line in their place of residence, or a cell phone. Any change of address or telephone number shall be reported via the member's chain of command, in writing, within 48 hours of such change; this change shall also be entered into the telephone log at dispatch. Report of such change(s) applies whether the member is or is not on disability or light duty; if the member cannot make such report in writing due to disability, it shall be made via phone to the member's supervisor.</p>	<p>A</p>
<p>114.LONG DISTANCE CALLS: Only long distance calls relating to departmental business will be made on departmental landline telephones. No personal calls which will incur additional charge will be made on issued cell phones.</p>	<p>A</p>
<p>115.CELLULAR PHONES: Members shall refrain from excessive cell phone usage or extended conversations while on duty. Negative perceptions are detrimental to the department and lack of citizen confidence when citizens see what they perceive as police officers having non-business related conversations while on patrol. Conversations with Supervisors, Dispatchers, Detectives, other Officers, State Attorneys, tow companies, MDPD units (such as warrants, ID, homicide, &c.) are necessary and are allowed. Emergency calls of a personal nature are allowed, but should be short and not made where the public can overhear or in public view.</p>	<p>A</p>
<p>116.OTHER ELECTRONICS OR MOBILE DEVICES: Recreational electronics such as personal computers, "IPADS" or other communications/ mobile devices should not be used in the public view or while on patrol, unless these devices are departmentally issued or necessary to an investigation.</p>	<p>A</p>
<p>117.FORWARDING OFFICIAL COMMUNICATIONS: In the event an employee receives an official communication directed to another person, the employee shall forward the communication immediately to that person. A supervisor who receives a written communication that is directed to a higher authority shall indicate his/her approval, disapproval, or notation as to acknowledgment of the communication's content, or forward it to the next person concerned if the supervisor is unable to satisfy the communication at his/her level.</p>	<p>A-B</p>

INSUBORDINATION OFFENSES	VIOLATION TYPE
118. INSUBORDINATION: Supervisors shall be spoken to courteously and calmly. Employees shall be respectful whenever addressing superior officers. Insubordination shall include, but not be limited to, any failure or deliberate refusal to obey a lawful verbal or written order.	B-C
119. OBEYING ORDERS: Members, on or off duty, shall obey promptly any lawful orders (verbal or written) emanating from any supervisor directly relating to departmental business. Acting Supervisors shall have the same level of authority as a permanent supervisor when performing authorized supervisory responsibilities.	A-C
120. ISSUING UNLAWFUL ORDERS: No member shall knowingly issue an unlawful order.	C
121. CRITICISM OF ORDERS OR POLICIES: Members will support the policies, orders, and procedures of the police department and will not criticize or ridicule the agency, its policies, orders, or personnel in speech, writing, or by other expression while on duty or while representing SMPD in their official capacity.	C
122. CONCERTED CURTAILMENT OF WORK: Members will not engage in concerted curtailment or restriction of work output or interfere with work including, but not limited to, instigating, leading or participating in any walkout, strike, sit-down, stand-in, slowdown, refusal to return to duty at the scheduled time, or otherwise instigate, lead, or contribute to job actions that undermine supervisory authority and seriously affect discipline, morale, or organizational effectiveness.	C
123. COMPLIANCE WITH A DIRECT ORDER OF AN INTERNAL AFFAIRS INVESTIGATOR: Members will obey the lawful orders of internal affairs investigators or supervisors to answer questions related to the investigation of misconduct. Members who are suspected of the illegal use of drugs and/or violation of rules or procedures concerning use of alcohol will obey orders from internal affairs investigators or a supervisor to take tests or examinations for alcohol and/or drugs.	B
124. SIGNING OF DOCUMENTS: Members will comply with direct instructions given by a supervisor in regard to signing any official document. Unless otherwise specified, affixing one's signature to the document serves as an acknowledgment and/or receipt of the document and does not necessarily indicate agreement with its content.	B
125. BREAKING CHAIN OF COMMAND: Members will adhere to the organizational chain of command in the course of regular duties, unless doing so would compromise the mission of SMPD.	A
126. SOCIAL MEDIA VIOLATIONS: Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access to as a result of their employment, or could reasonably be considered to represent the views or positions of this Department without permission from the Chief of Police or his/her designee. Department personnel shall not display Department or city logos, seals, badges, patches, uniforms, or similar identifying items on any social media format, as these items are protected official images and symbols of the City of South Miami (except, posting of photographs to celebrate or commemorate personal accomplishments or achievements within the Department, such as promotions and awards or other ceremonies).	A-B

INTERNAL INVESTIGATIONS	VIOLATION TYPE
127. ANSWERING QUESTIONS IN OFFICIAL INVESTIGATIONS: After being advised of the Garrity Statement, subject officers must answer questions truthfully, specifically, directly, and narrowly related to the question by an investigator (which is related to the investigation).	C-E
128. INVESTIGATIONS RELATIVE TO ELECTRONIC DEVICE USAGE: When questioned by a superior officer as to the content or nature of contents in mobile device, computer and/or phone calls, members shall answer truthfully and completely, whether verbally or in writing.	C-E
129. INTERFERENCE WITH OFFICIAL INVESTIGATION: Members will not involve themselves or interfere with cases being investigated by other officers of SMPD or other governmental agencies, nor undertake any investigation or other official action not part of their regular duties, unless ordered to do so by a superior or the exigencies of the situation require immediate action. In the latter case, the member's supervisor will be notified immediately thereafter.	C-E
130. ACTION OF MEMBER UNDER INVESTIGATION: Members against whom a complaint has been made will not attempt, directly or indirectly, to influence the outcome of an administrative or criminal investigation.	C-D
131. CONFLICTING STATEMENTS: Members will not knowingly make statements that contradict or are inconsistent with each other in an official or administrative inquiry. The Chief will determine the question of materiality.	C
132. UNTRUTHFULNESS IN AN OFFICIAL INQUIRY: Members will not knowingly make false statements to a supervisor, an internal affairs investigator, or to any official of a government agency during an official or administrative inquiry.	C-E
133. RELATING INFORMATION UNDER INVESTIGATION: Members shall not make public any information relating to cases under investigation, criminal intelligence matters, or conclusions and opinions based on matters under investigation unless ordered to do so by a court or other governmental entity of competent jurisdiction. Any information on the aforementioned categories will be made public only by the authority of the Chief of Police.	C
134. DISCUSSING INTERNAL INVESTIGATIONS: Members shall not discuss matters concerning or relating to departmental internal investigations, either among themselves or with any other person, except as permitted by departmental policy and state law.	C
135. MALICIOUS/ IMPROPER INTERNAL INVESTIGATIONS: No member shall fabricate or intentionally misrepresent facts to initiate a complaint against another member. Internal investigators shall not be partial, biased, influenced or intentionally fail to properly investigate a complaint by violating any polices or state laws governing internal affairs investigations/ Officer Bill of Rights.	C-E

JOB DUTIES AND RESPONSIBILITIES	VIOLATION TYPE
136. DUTIES AND RESPONSIBILITIES: Employees shall not be incompetent, inefficient, careless or negligent in the performance of their duties and responsibilities. Employees shall not perform their duties and responsibilities in a manner which is contrary to their training, policies, procedures or any other written directives.	A
137. CONDUCT IN PUBLIC: A member’s demeanor shall be professional and dignified when in public. Members shall not use profane or offensive language in view of the public, or perform any other personal activity that is impolite or unseemly while in public in an official capacity. “In view of public” will include those actions and or words said while a body worn camera is in proper use; offensive behavior captured on camera even if not in view of the public, is public record and detrimental to the department.	A-B
138. WILLFUL DISREGARD OF DUTIES: Members will be attentive to job duties and will avoid any appearance of loafing, loitering, or otherwise neglecting work. Employees shall not remain in taverns, bars, clubs, or other places while on duty, except to perform assigned tasks. Employees shall not loiter in department areas without proper authorization.	B
139. BODY WORN CAMERAS VIOLATIONS: Members shall adhere to all policies and procedures governing Body Worn Cameras (BWC) in general order 18.13.	A-B
140. CONDUCTING PERSONAL BUSINESS ON DUTY: Members are prohibited from conducting excessive personal business while on duty.	A
141. SLEEPING ON DUTY: Members shall not sleep on duty. Supervisor may authorize members to sleep on-duty during certain circumstances (i.e.: “Charlie Shift” -24-hour hurricane squad, extended emergencies, etc.).	D-E
142. NEGLIGENCE – NOT ENDANGERING: Negligence is the failure to use reasonable care, which is the care that a reasonable member would use under like circumstances. Negligence is doing something that a reasonably careful member would not do under the circumstances, or failing to do something that a reasonably careful member would do under like circumstances.	A-B
143. NEGLIGENCE – ENDANGERING OTHERS OR PROPERTY: Is negligence, as defined above, by a member that may endanger or did endanger the safety of persons or property.	C-D
144. IDLENESS: In-service time shall be used to conduct preventative patrols which includes, but is not limited to, law enforcement, traffic enforcement, citizen contacts, watch orders, park and walks, problem solving initiatives, field interviews of suspicious persons, etc. Acceptable and proper use of patrol time is evidenced by productivity.	A
145. REPORTING FOR ROLL CALL: Unless otherwise directed, members shall report in proper uniform and with proper equipment to daily roll call at the time and place specified. Members shall give careful attention to orders and instructions disseminated at roll calls.	A
146. ZONE INTEGRITY: Members assigned to a patrol zone shall conduct law enforcement and preventive/community policing activities in their assigned zone(s). Members are not permitted to leave their assigned zones unless otherwise authorized by their supervisor or a directive from a superior officer.	A
147. MCT CONNECTIVITY: Members who are required to be connected to the MCT and GPS system will log in and connect to their respective computers at the beginning of their shifts. If any connectivity or technical issues occur, the member shall immediately submit their MCT for examination and repair. GPS disconnections or disruptions will be considered a violation of policy unless proven otherwise by an IT technician.	B
148. PROVIDING BACKUP: Members shall immediately respond to the call of another member seeking aid or assistance in any police matter, and shall give such aid or assistance to the best of their ability and established standards.	D-E

149. PROVIDING ASSISTANCE OUTSIDE THE CITY: No member when on duty and in an official capacity, shall leave the municipal limits of the City of South Miami, or drive or take departmental equipment outside the City of South Miami except in cases of police business, meals, fresh pursuit, when sent by proper authority, or because there appears to be a grave emergency and an urgent need for assistance, or when authorized to do so by a superior. Responding to calls assigned to Miami Dade Police, Coral Gables Police, Pinecrest Police, or the University of Miami Police Departments is prohibited without authorization from a South Miami Police Supervisor, and the affected agency's supervisor.	B
150. RESPONDING TO CALLS FOR SERVICE: Members shall respond to calls for service without delay, unless there is a higher priority call, official emergency, or a delay is necessary. In cases of delays, a supervisor approval is required.	B
151. FAILURE TO RENDER ASSISTANCE TO PUBLIC: Officers shall render assistance to the public and will take the appropriate action while on duty and/or when off duty and inside the city limits.	B-C
152. FAILURE TO INVESTIGATE COMPLAINTS: Members will courteously and promptly adhere to policies and procedures established for the investigations of any law enforcement matter and/or other any matter concerning the public safety of persons, animals or property.	B
153. NOTIFICATION OF EMERGENCIES: Members shall notify their supervisor in all matters of importance, staff notifications, emergencies, and other unusual circumstances of which they have knowledge.	B
154. RADIO TRANSMISSIONS: Members will use official radio frequencies and codes in accordance with established procedures and will avoid the use of sarcasm, impertinent remarks, or other improper radio transmissions.	A
155. FAILURE TO MONITOR RADIO: Members who are required to be available by radio will monitor the appropriate main frequency of the police radio while on duty. Officers on an extra duty or special assignment/detail shall monitor the appropriate frequency as prescribed by the supervisor.	A
156. FAILURE TO RESPOND TO RADIO CALLS: Members who are required to be available by radio will respond promptly to radio communications directed to the member while on duty.	A
157. FAILURE TO MONITOR/RESPOND TO RADIO WHEN DRIVING AN AGENCY VEHICLE: Members operating a radio equipped police vehicle will monitor and respond to the appropriate main frequency while on or off duty when operating such vehicle.	A
158. FAILURE TO SUBMIT REPORTS AND DOCUMENTS: All members required to submit Offense/Incident Reports will do so, to include associated documents, photos, or other supplements required in the execution of their duties, before concluding a tour of duty, except as authorized by a supervisor.	A-B
159. WRITTEN REPORTS AND DOCUMENTS: Members shall accurately author all information in all written reports and documents. Members shall meet all documentary quality standards as prescribed by policies, procedures, and written directives. Reports and documents authored by members shall be submitted by the end of their shift unless otherwise instructed by their supervisor.	A-C
160. DUTY TO ACT: Members have the duty to act in certain situations such as; felonies crimes, domestic violence crimes, or any crimes or violations that endangers the safety of the public at large, etc. Failure to act may result in disciplinary action up to and including termination.	B-E
161. CRIME SCENE PROTECTION AND PROCESSING: Members shall properly protect and process crime scenes in accordance with all departmental and investigative standards/ protocols.	B
162. ARREST PROCEDURES: Members shall ensure that prisoners are properly searched and processed in accordance with departmental policies, state and federal laws.	A
163. DUTY TO PROTECT PRISONER: Members shall not allow a prisoner in their custody to be physically or mentally abused by any person. Handcuffed prisoners in police custody are to be protected so as not to be struck or	A-E

beaten by members of the department or public.	
164.CUSTODY AND CONTROL OF PROPERTY: Members shall be responsible for the safekeeping and preservation of all property that comes into their possession while on duty or while off duty because of their position with this department. Said property shall be promptly (by the end of their shift) turned into the property unit of the department using the appropriate form.	B
165.PROCESSING PROPERTY AND EVIDENCE: Property and evidence received in connection with official duties will be processed in accordance with established procedures. Members will not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action.	B
166.RECOGNITION OF PLAIN CLOTHES OFFICERS: A member, whether on or off duty, shall not acknowledge or direct attention to a member in plain clothes, who for purposes of working undercover, does not conspicuously display a badge, credentials, and /or firearm, unless recognition is first extended by such plain clothes officer member.	A-C
167.PUBLIC APPEARANCE REQUEST: All public appearance requests by members acting as a representative of the department will be routed to the Chief of Police for approval and processing. Members directly approached for this purpose shall suggest that the party submit the request to the Chief of Police. Members of the press shall be directed to the PIO. This rule does not apply to persons assigned to crime prevention, community patrol, or accreditation, in the performance of those duties, but requests to appear on TV or radio shall be approved by the Chief of Police or designee.	A-B
168. OFF-DUTY POLICE ACTION: Officers shall take police action off duty, within the jurisdictional boundaries of the City of South Miami, when an incident comes to their attention, where a crime is being committed or there exists a clear physical danger to life or bodily harm. When such action is taken, officers shall be considered to be on duty and shall be subject to all departmental rules and regulations. Sworn members are reminded that they must carry a police identification and firearm while within the city limits when they are off duty. Officers shall refer all other police incidents brought to their attention to headquarters for assignment to an on-duty officer. Officers may take action outside of South Miami in the event they witness a felony, misdemeanor, or criminal traffic violation, pursuant to the mutual aid agreement. Criminal traffic violators will be stopped only when the member is driving an official City of South Miami Police Department vehicle.	B
169.EXTRA-DUTY POLICE SERVICE: Police officers performing off-duty police services shall comply with all departmental directives concerning performance standards, personal appearance and conduct. Assignment to extra-duty police service shall be via procedures established according to the Chief of Police.	A-C
170. OFF-DUTY EMPLOYMENT: Members will obtain approval in conformance with agency policy before engaging in other employment, occupation, professional, or commercial enterprise. Each member shall submit a memorandum requesting approval of the Chief of Police prior to their engagement in any non-police employment. Members are prohibited from following any other vocation or entering into any business arrangements that are in conflict or interfere with their responsibility to the department.	B
171.FREQUENTING ADULT ENTERTAINMENT AND/OR LIQUOR ESTABLISHMENTS: Members will not remain or frequent places established primarily for the sale, storage, or consumption of alcoholic beverages; the sale or display of sexually explicit pictures or materials; or nude or semi-nude performances while on duty and/or in uniform, except in discharge of official duties.	B
172.TRAFFIC ENFORCEMENT – OFF-DUTY: Members off duty shall not arrest or cite traffic violators except when the violation is a criminal traffic violation, pursuant to the mutual aid agreement. Criminal traffic violators will be stopped only when the member is driving an official City of South Miami Police Department vehicle.	A
173.SPECIALIZED UNIT MEMBERS: Members assigned to specialized units shall perform their duties and responsibilities in accordance with their job description, training, policies, procedures or any other written directives. Failure to perform to standard may result in transfer out of the unit.	A-B

174. PURSUIT OF VEHICLE VIOLATIONS: Members shall adhere to all policies and procedures governing Vehicle Pursuits in General Order 18.2.2.	B-C
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KNOWLEDGE OF LAWS, ORDINANCES, AND POLICIES AND PROCEDURES	VIOLATION TYPE
175. KNOWLEDGE OF POLICIES: Members shall familiarize themselves with the Rules and Regulations, General Orders, City of South Miami Personnel Rules, and written directives of the Department upon publication and receipt. Each member shall conform to and abide by the said Rules and Regulations. Ignorance is not an accepted excuse.	A
176. KNOWLEDGE OF LAWS AND JOB FUNCTION: <ol style="list-style-type: none"> a. Every officer shall gain and maintain a working knowledge of the laws and ordinances, whether it be Federal, State, or local, that they are charged with enforcing. b. Members shall obtain clarification in the interpretation of any document or information that he/she does not clearly understand. c. Members shall know the names and general location of the streets in the City. Members shall make every effort to take the shortest appropriate routes to calls for service or during emergency responses. d. Members shall have working knowledge and skills to satisfactorily perform their duties and job assignments/ responsibilities. 	A-B
177. ACKNOWLEDGEMENT OF POLICIES: Any Policy, Procedure, and/or Directive received by officers/civilian employees (as evidenced by their signature in PowerDMS or their receipt in the email), shall be read (with 30 days being the maximum time needed), and used as a guideline for all actions.	A
178. MAINTAINING CURRENT MANUALS AND ORDERS: It shall be the responsibility of each member to maintain the current General Orders Manual and other documents concerning the rules, regulations, policies and procedures of the South Miami Police Department and City of South Miami issued to the members of the department.	A
179. MAINTAINING AND USING CURRENT DOCUMENTS: It shall be the responsibility of each member to maintain and use current official departmental documents and/or reports.	A

SUPERVISORY RESPONSIBILITIES	VIOLATION TYPE
180. SUPERVISORY ACCOUNTABILITY: Supervisors are accountable for the performance and work product of employees under their immediate control. Supervisors shall ensure that all departmental performance standards are met. This standard applies to each level of supervision within this agency.	A-C
181. FAILURE TO PROPERLY SUPERVISE/ TAKE ACTION: Supervisors will properly supervise subordinates and will ensure subordinates perform and act in accordance with policies, procedures, directives and rules and regulations.	A-D
182. FAILURE TO DISCIPLINE, COACH, AND/OR TRAIN: Supervisors will refer or take appropriate disciplinary action when necessary in accordance with department procedures. Each supervisor shall provide guidance, coaching, and/or training to subordinates for effective and efficient achievement of established goals and objectives.	B
183. FAILURE TO COMMEND AND/OR PRAISE: Supervisors shall make every effort to publicly praise and/or commend in writing employees who go above and beyond in the performance of their duties.	A
184. DELIBERATE INDIFFERENCE: No supervisor shall demonstrate deliberate indifference when carrying out their duties and responsibilities. Deliberate indifference is demonstrated when the lack of care or omission is obvious or the inadequacy is so obvious, that is likely to result in a violation of a departmental policy, law, or	A

the mission of the department.	
185. FAILURE TO MEET DEADLINE: Supervisors shall meet deadlines in accordance with their duties and responsibilities and/or directives given by superior officers.	A
186. FAILURE TO COMPLETE ASSIGNMENT: Supervisors shall complete all assignments and responsibilities related to their position or assignments given by a superior via a written or verbal directive.	A-C

TRUTHFULNESS OFFENSES	VIOLATION TYPE
187. TRUTHFUL STATEMENTS: Members shall be truthful at all times, whether under oath or not, when conducting any official police business. Members will not knowingly make untrue statements, except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities. When questioned by a superior officer, members shall answer truthfully and completely, whether verbally or in writing. Making false official statement is punishable both under FSS 836.06 and administratively.	C-E
188. TRUTHFUL REPORTS AND OFFICIAL DOCUMENTS: Members will complete reports and other written official documents truthfully and accurately.	C-E
189. INACCURATE WORKSHEETS/ PAYROLL TIMESHEETS: Members will submit accurate worksheets and payroll timesheets in a timely manner. Members will not complete worksheets or payroll timesheets for other members. Supervisors may complete payroll timesheets for members assigned to their unit who are on leave.	A-B
190. FALSIFICATION OF PAPERWORK: Members shall not knowingly and willfully falsify, forge, deface, or alter any departmental record (in any form) or document. Falsification of paperwork is punishable both under FSS 839.13 and administratively.	D-E

SANCTIONS AND FINAL AUTHORITY LEVEL	
DISCIPLINARY/ CORRECTIVE ACTION	FINAL AUTHORITY
Training	Supervisor or higher
Verbal Counseling	Supervisor or higher
Coaching Report	Chief of Police
Report of Reprimand	Chief of Police
Transfer	Chief of Police
Suspension	City Manager or designee
Demotion	City Manager or designee
Termination	City Manager or designee