

# FORT MYERS POLICE DEPARTMENT

## GENERAL ORDER 9.1

**TITLE:** General Rules of Conduct

**INDEXING:** General Rules of Conduct, Personnel Rules, Orders, Labor Disputes, Media Relations, Communications & Correspondence, Department Property, On-Duty, Off-Duty

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### PURPOSE

The Fort Myers Police Department's rules and regulations on professional conduct exist to ensure that employees are aware of the department's expectations concerning employee conduct and to ensure the community's respect. **(CALEA 26.1.1)**

### SCOPE

These procedures shall apply to all Fort Myers Police Department personnel.

### SECTION I: DEFINITIONS

As used in department general orders, the following words and terms shall have the meanings herein assigned, unless apparent by context that they have a different meaning.

- A. Administrative Duty: Those assignments of a nature that do not place an officer into direct contact with citizens, that do not require the carrying of a firearm, and do not require the wearing of a uniform.
- B. Bureau: Major functional segregation of similar activities within the department that are generally organized into divisions, sections, and / or units.
- C. Chain of Command: Unbroken line of authority extending from the Chief of Police, through a single subordinate at each level of command, down to the level of execution.
- D. Command Post: A temporary location in the field or within a department facility, established for an incident that requires more than routine supervision to control and to coordinate operations.
- E. General Order: A written order issued by the Chief of Police and applicable to the department that establishes a principle, policy, rule or procedure, and which is in force until revoked.

- F. Immediate Family: Spouse, child, mother, father, sister, brother, mother-in-law, father-in-law, grandfather, grandmother or, upon proof, any person in the general family as listed in the PBA agreement living within the same household.
- G. Lawful Order: A written or oral directive issued by a supervisor to a subordinate or group of subordinates in the course of duty, which is not contrary to law, ordinance, or departmental rule.
- H. Off-Duty: The period of time when an employee is free from assigned duty.
- I. Relief from Duty: Temporary removal of a member from duty status.
- J. Rule: A specific prohibition or requirement.
- K. Seniority: Determined first by classification, secondly by continuous time served in a job classification, and thirdly by aggregate length of departmental employment.
- L. Special Order: An order that contains directives of temporary duration.
- M. Standard Operating Procedures: Written procedures that defines or direct courses of action for a specific situation, or for a specific group of personnel (Communications, CSA, Detectives, etc.).
- N. Suspension: Temporary prohibition of an employee from performing official duties.
- O. Tour of Duty: The regularly scheduled period when an employee is on duty, and in pay status as reflected on the daily duty roster.

## **SECTION II: GENERAL RULES OF CONDUCT**

- A. The following general rules of conduct shall be strictly adhered to by all employees, unless they are not specifically applicable to them. There is no discretionary authority when deciding to follow these rules and regulations. Collective bargaining agreements may mandate conditions of employment, in addition to those specifically enumerated in this document.
  - 1. Knowledge of laws, rules, ordinances, and general orders: All sworn officers must acquire and maintain a working knowledge of the laws of the State of Florida, the ordinances of the City of Fort Myers, and all general orders, rules, policies, and procedures of the department. All civilian, non-sworn employees must acquire and maintain a working knowledge of all laws, ordinances, and department directives that directly apply to them or their job responsibilities.
  - 2. Obedience to laws, rules, ordinances, and department directives: Employees shall comply with federal and state laws, city ordinances, rules and procedures, and departmental policies, rules, orders, and procedures.
  - 3. Reporting violations of law, ordinances, rules, or orders: An employee who has information concerning illegal actions, dereliction of duty, misconduct of public office, or unprofessional conduct by another employee, shall immediately report the same to an immediate supervisor or the Internal Affairs Bureau. If an employee believes their report of improper conduct/actions has not been acted upon by their immediate supervisor or the Internal Affairs, the employee's recourse is to report it in writing to a member of the Command Staff or the Chief of Police. Employees are expressly prohibited from conducting a self-initiated inquiry/investigation into the conduct of another employee without first receiving written authorization from the Internal Affairs

Commander or the Chief of Police. This does not prohibit a supervisor from performing Supervisory Discipline as detailed in General Orders 7.1 & 7.2.

4. Application of Directives: The standards of conduct and/or performance established by departmental directives shall apply to all employees of the department.
5. Rules governing conduct: Specific rules of conduct that govern every employee action or behavior cannot be established. Any act or omission contrary to good order, discipline, or accepted standards of conduct may subject an employee to disciplinary action.
6. Duty responsibilities:
  - a. Officers assigned to specialized units or details are not relieved of the responsibility for initiating law enforcement action outside the scope of their assignment, when necessary.
  - b. Employees shall perform duties as required or directed by law, departmental rule, procedure, order, or by order of a superior.
7. Orders:
  - a. Obedience to orders: Employees shall obey all lawful orders and instructions issued by a superior or relayed from a superior by an employee of the same or lesser rank. (Refer to General Order 1.5 – Command Authority & Protocol) (CALEA 12.1.3).
  - b. Posted orders: Orders posted on an official bulletin board or distributed through any official channel must be adhered to and have the same force and authority as department rules.
  - c. Manner of issuing orders: Written or oral orders shall be in clear, understandable language, civil in tone, and issued in pursuit of departmental business, policies, goals, and objectives.
  - d. Unlawful orders: A command or supervisory employee shall not knowingly issue any order that is in violation of any law, ordinance, or departmental rule.
  - e. Obedience to unlawful orders: No employee shall knowingly obey any order that is contrary to law or ordinance. Responsibility for refusal to obey an order rests with the subordinate and requires justification.
  - f. Obedience to improper orders: An employee that receives an order they believe to be contrary to departmental rules must first obey the order, before they proceed to appeal the order.
  - g. Reporting and appealing unlawful and improper orders: An employee who receives an order that they believe to be improper or unlawful shall report, in writing, to the concerned bureau commander. The report shall state the facts of the incident and any action taken. Appeals for relief from such orders may be made at the same time.
  - h. Conflicting orders: Upon receipt of a conflicting order or instruction, the employee shall advise the person giving the order of the conflict.

Responsibility for countermanding the original order or instruction then rests with the individual that issues the conflicting command. If so directed, the latter command shall be obeyed first.

8. Performance of duty: While on duty, employees shall devote their time and attention to the service of the city and the department and shall direct and coordinate their effort in a manner that will establish and maintain the highest standard of efficiency, and do so in compliance with the department's General Orders.
9. Standard of conduct: Employees must always conduct themselves, both on or off-duty, in a way that reflects favorably on the police department. Employees are forbidden from engaging in conduct that dishonors the police department, discredits the individual as a law enforcement employee, or impairs the efficient operation of the employee or the police department. In addition to the preceding rules, all employees are accountable and responsible for the Law Enforcement Code of Ethics as a professional guideline. (Refer to General Order 1.2 – Department Mission & Philosophy).
10. Violations of standards of conduct: Standard of conduct violations will be investigated by the appropriate authority to determine the validity of the complaints, and to report the findings as prescribed by the department's policies and procedures.
11. Absent without leave: An employee shall be considered in this category when absent from duty and when the leave was not pre-approved.
12. Reporting for duty: Employees must report for duty at the time and place their assignment or orders require. Judicial subpoenas are an order to report for duty. When reporting, employees must be physically and mentally fit to perform their duties. Employees must report for duty with the proper equipment and be familiar with the information necessary for the proper performance of duty.
13. Tardiness: An employee shall not be tardy in reporting for duty nor, when on duty, delinquent in returning to his or her assigned workstation, post, or area.
14. Professional Cooperation: Employees shall cooperate with both internal entities and with external law enforcement agencies, other city departments, and public service organizations. Employees shall also give aid and information to such organizations, as allowed by law and consistent with departmental procedures.
15. Assistance: Officers shall take appropriate action to aid a fellow officer who is exposed to impending danger.
16. Derogatory Remarks: Employees shall not make derogatory remarks toward any person, concerning race, sex, religion, age, physical disability or national origin. Nor shall any employee use rude, profane or insulting language deemed offensive by the public or fellow officers. All personnel shall maintain command of temper, patience, and discretion.
17. Courtesy: Employees shall be courteous and civil to others at all times.
18. Demeanor: Employees shall maintain a professional demeanor at all times. Employees shall not commit any act, which detracts from a professional image.

19. Courtroom demeanor: Employees shall be attentive and respectful during court proceedings. When presenting testimony, speak clearly, calmly, and in a tone easily heard by the court and jury. Employees shall testify with accuracy and confine testimony to the case. When cross-examined, employees shall remain objective and respond with the same civility as when testifying on direct examination.
20. Conduct towards superiors, subordinates, and associates: Employees shall treat superiors, subordinates, and associates with respect. When on duty, particularly in the presence of the public and/or their peers, employees shall address or refer to their superiors by rank or title.
21. Conduct toward the public: Employees shall be courteous in their relations with the public, avoiding harsh, violent, profane, or insolent language or manner, and shall maintain objective attitudes, regardless of provocation.
22. Personal telephone number and address: Each employee shall maintain either a stationary telephone at his or her residence or a personal cellular telephone, so that they can be contacted when needed. This is in addition to any department issued cellular telephone.

Each employee shall ensure that the agency and supervisory chain of command has their current home address, home phone number, cell phone numbers, if applicable, and mailing address, if different from their home address. Supervisors shall maintain this information on all of the personnel under his or her command and ensure that the information is updated in the department's INTRANET page and other department records. Failure to keep supervisors and the department updated on the above information may be grounds for disciplinary action.

23. Department Credentials: All police department personnel shall be issued an identification card identifying them as a member of the Fort Myers Police Department. This identification card will include the employees name, position and photograph. Civilian employees shall carry their credentials while on duty. Sworn employees must always carry their identification cards on their persons, unless in full uniform and give their name and identification number upon request, unless impractical or extenuating circumstances dictate otherwise. Employees in plain clothes shall display their badge and identification upon demand. **(CALEA 22.1.8a,b)**
24. Loss of Department Credentials: The loss of any department credentials shall be immediately reported as follows:
  - a. Contact communications to obtain an incident number and notify the Shift Commander.
  - b. Ensure the appropriate incident / offense report is prepared.
  - c. Notify the Chief of Police, through the chain of command, via memorandum.

An employee relieved of duty or suspended shall relinquish his or her credentials issued by the department and is prohibited from carrying or displaying any duplicate badge or other identification that may identify the employee as a police officer (Refer to General Order 7.1 – Professional Standards & Internal Affairs).

25. Criticism: Employees shall not publicly criticize the department, its policies, or employees by any speech, writing, or other expression. The police department

prohibits any such speech, writing, or other expression that is defamatory, obscene, unlawful, untruthful, that interferes with the operation of the department or interferes with the maintenance of discipline.

26. Questions regarding assignment: Employees in doubt as to the nature or details of an assignment shall seek clarification from supervisors by utilizing the chain of command.
27. Abuse of position/solicitation of funds: Employees shall not use their departmental position, uniform, identification cards, or badges for personal or financial gain, or for obtaining privileges not otherwise available, except in the performance of official duty. Employees must never lend their identification cards or badges to another person, nor allow photographs or reproductions of them, without approval of the Chief of Police. Employees must never authorize the use of their uniforms, equipment, names, photographs, and official titles, which identify them as employees in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.
28. Gifts, gratuities, fees, loans, etc.: Employees shall not accept directly or indirectly any gift, gratuity, loan, fee, reward, or anything of value that arises from or is offered as a result of departmental employment. This does not include recognition awards such as George Sanders, Ned Claiborne, Rotary, etc.
29. Unauthorized transactions: Employees shall not knowingly engage in business transactions with suspects, defendants, or prisoners, except as authorized by the Chief of Police, or designee.
30. Soliciting influence: Employees shall not solicit the aid of any individual or group outside the department for assistance in the procurement of a transfer, duty assignment, or promotion.
31. Organizational affiliations: Employees shall not affiliate with or become a member of any organization, if the affiliation or membership will in any way interfere with or prevent the performance of duty.
32. Associating with dissident groups: Employees shall not, except in the line of duty, knowingly associate with any persons or organizations that advocate or foster hatred, oppression, or the persecution of any person or group.
33. Associating with criminals: Employees must not have any personal associations or dealings with persons whom they know or should know that are: criminal case prisoners or ex-prisoners under criminal investigation, under indictment on a criminal case, on parole or probation, or have a reputation in the community or the police department for involvement in criminal behavior. Exceptions to this rule are where associations are unavoidable because of other personal relationships of the employees. No member of the police department may post bail, purchase, or arrange to purchase property, from any person while that person is in custody, unless the person in custody is a family member.
34. Compromising or intervening in police cases: Employees must not interfere with cases being handled by any other employees of the police department or by any other governmental agency, unless a supervisor orders the intervention, or the intervening employee believes beyond a reasonable doubt that a manifest injustice

would result from the failure to take immediate action. Furthermore, employees shall not:

- a. Interfere with the service of any lawful process.
  - b. Interfere unlawfully with attendance or testimony of witnesses or defendants through coercion, bribery, or any other means.
  - c. Attempt to have any criminal charge, traffic citation, or notice to appear reduced, altered, or stricken from appropriate court documents.
  - d. Engage in any action that will interfere with the efficiency or integrity of the criminal justice system (participation is not construed as a compromise).
35. Recommending professional services: Employees shall not suggest, recommend or otherwise promote the services of any attorney, bail bondsman, towing company, physician or other service to any person with whom they have contact as a result of departmental business.
36. Internal Affairs Investigations & Administrative Investigations: Employees shall answer or render material and relevant sworn statements to the designated authority when so directed. Employees shall answer questions honestly, completely, and to the best of their ability. Employees who refuse to answer questions relating to the performance of their official duties or continued fitness for duty, will be subject to departmental charges that could result in termination from the Fort Myers Police Department. No employee shall, in any manner, interfere with an Internal Affairs Investigation or Administrative Investigation. Except as authorized or required, an employee shall not contact persons involved in an Internal Affairs Investigation nor disclose or discuss with anyone, except the designated departmental authority, the existence or facts of a complaint. (Refer to General Order 7.1 – Internal Affairs, General Order 7.2 Disciplinary Process, and Florida State Statute 112.533).
37. Untruthfulness: Police department personnel shall not knowingly or recklessly make false or untrue statements, except as authorized in the performance of duties and as necessary for maintaining covert operations during investigation of criminal activities.
- Untruthfulness in an official proceeding (Not Under Oath): Police department personnel shall not knowingly or recklessly make false statements to a supervisor or to any official of a government agency during an official proceeding of a government agency even though such statements are not made under oath.
- Untruthfulness in an official proceeding: Police department personnel shall not knowingly or recklessly make false statements or intentional omissions while under oath in an official proceeding.
38. Employees receiving citizen complaints: Employees must courteously receive any complaint made by a citizen against the Fort Myers Police Department or any employee of the Fort Myers Police Department. (Refer to General Order 7.1 – Professional Standards & Internal Affairs).
39. Reporting to supervisors: An employee shall advise a supervisor in their chain of command, as soon as practicable, of any unusual activity, situation or problem in which the department would logically be concerned and shall make written

notification any time they become involved in an investigation which has not been previously assigned.

40. Bribery: An employee shall submit a written report of any bribe attempt, actual or suspected, to a supervisor within their chain of command not later than the end of the duty tour or within eight (8) hours, if off duty. The concerned supervisor will determine and document the subsequent course of action in coordination with the State Attorney's Office.
41. Promotional training: All departmental promotional training must be approved and coordinated by the Training Unit. However, employees may attend non-departmental training courses to improve performance in the promotional selection process. Employees who are aware of pending promotional examination material shall not divulge any information concerning such material. Employees who by virtue of training as assessors or having been assessed, have special knowledge or information about the Assessment Center process, shall not divulge any such insider information, except as part of a departmentally approved training course. Employees shall not solicit, give, or receive insider information regarding promotional examinations, except as part of a departmentally approved training course. (Refer to G.O. 7.13 Promotional Examinations)
42. Alcoholic beverages and drugs in police department facilities: Employees must never store or bring into any police department facility or vehicle alcoholic beverages, controlled substances, narcotics or hallucinogens except those taken as evidence. Evidence includes found property and items intended for destruction.
43. Visiting prohibited establishments: Employees must not knowingly visit, enter, or frequent a house of prostitution, gambling house, or establishment in which the laws of the United States, the State, or the local jurisdiction are regularly violated, except in the performance of official duties.
44. Treatment of persons in custody: Employees must never mistreat persons who are in their custody. Employees must handle such persons according to law and police department directives.
45. Arrest, search, & seizure: Employees must not make any arrest, search, or seizure that they know or should know is not according to law and police department policies and procedures.
46. Disaster response: If any great disaster occurs, (Hurricane, tornado, etc.), which would require the resources of the police department to properly attend, all employees who are off-duty must report as quickly as possible to their normal duty station, or other station if notified by a supervisor. If the emergency prevents the employee from reaching their normal duty station, he or she should report as soon as practical. The disruption or clogging of telephone communications and the failure of the police department to notify each off-duty employee does not excuse such employee from reporting.

### **SECTION III: GENERAL CONDUCT ON-DUTY**

- A. Competency & Efficiency: Employees must maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees must perform their duties in a way that maintains the highest standards of efficiency in carrying out the functions



and objectives of the Fort Myers Police Department. A supervisor may consider an employee's performance unsatisfactory when the employee:

1. Lacks knowledge of the application of law.
2. Displays the unwillingness or inability to perform a task.
3. Fails to conform to work standards set for his or her rank or position.
4. Fails to act appropriately regarding a crime or other condition deserving police attention.
5. Is absent without leave.

Additionally, the following is considered prima facie evidence of unsatisfactory performance:

1. Repeated poor evaluations.
  2. A written record of repeated infractions of rules, regulations, directives, or orders of the police department.
- B. Roll call: Unless otherwise directed, sworn employees shall report to roll call at the place specified by their immediate supervisor, or event supervisor, properly attired, equipped and prepared for duty. (Refer to: General Order 15.2 – Patrol Briefings).
- C. Office hours: Normal business hours of the Fort Myers Police Department will be from 7:45 a.m. to 4:45 p.m., Monday through Friday. An employee's scheduled working hours may vary from the normal business hours, depending upon their assignment, and / or at the discretion of their supervisor or bureau commander.
- D. Prohibited activities while in uniform: No employee shall engage in the following while on-duty or off-duty, if they are wearing any departmental uniform, or if they are identifiable as a member of the department:
1. Consume, purchase, or have in one's possession alcoholic beverages.
  2. Wager or gamble, including, but not limited to, wagering or betting on games of chance, or purchase or redeem lottery tickets.
  3. Sleeping, (unless authorized): Employees must remain awake while on duty. If unable to do so, they must report to their supervisor, who decides the proper course of action.
  4. Recreational reading, except during breaks, and in such a manner so as not to bring discredit to the professional image.
  5. Private business or personal transactions.
  6. Carrying any articles or wearing articles of attire which detract from the proper performance of duty or professional image (Refer to General Order 7.9 – Uniforms, Appearance, & Grooming).

Exceptions: The foregoing prohibitions shall not apply when the employee is engaging in any departmentally sanctioned activity, including, but not limited to, official investigations, and the

employee is not wearing or displaying any items identifiable to the department. This exception does not relieve the employee of the duty to consume responsibly.

- E. Possession or use of drugs: Employees must never possess or use any controlled substance unless, in the treatment of the employee by a physician or dentist, the employee receives a prescription for the medication. When an employee has a prescription(s) for medication(s) that limits or impairs his or her ability to function, physically or mentally, it shall be his or her responsibility to immediately notify his or her supervisor of that concern. The notification must also include providing the supervisor with the type of medication, the length of time to be taken, and the dosage (Refer to General Order 2.6 Drug Testing Program / Drug Free Workplace).

1. The recreational or experimental use of any controlled substance by an employee is prohibited. No employee shall be on duty while under the influence of intoxicants or drugs. An employee shall report for duty free from the influence and odor of intoxicants and shall not consume intoxicating beverages until after completion of the tour of duty for the day.

- F. Undercover operations – exposure to controlled and / or illegal substances: Officers involved in an undercover investigative transaction will not consume or simulate consumption of a controlled or illegal substance. In the event an officer's life is endangered for refusing to consume a substance, the officer shall transmit a pre-arranged panic signal to the cover surveillance team for assistance.

An officer who, to avoid personal injury, is forced to consume a controlled or illegal substance will immediately notify the unit supervisor who will affect immediate notification of the concerned unit / bureau commander. The injured officer will be immediately transported to the nearest medical facility for treatment and / or observation to protect the officer from possible adverse effects from the substance. In addition to documentation via the appropriate police and injury reports, the unit supervisor will, within (12) hours, submit a detailed memorandum, via chain of command to the Chief of Police, detailing the incident.

- G. Injury by exposure to controlled and / or illegal substances: An employee, who becomes injured or contaminated by the physical ingestion of a controlled or illegal substance, through oral consumption, inhalation, direct handling or other means, will immediately seek or request medical attention and notify a supervisor in their chain of command. The supervisor will ensure that medical treatment is administered to the employee and document the injury in accordance with department and city policies and procedures. All controlled or illegal substances related to the injury will be impounded for storage.

- H. Congregating: Employees shall not congregate in departmental areas, unless on assignment or an approved break. Except when required by official duties, not more than a total of (2) two FMPD police officers, uniformed, or plainclothes personnel who are identifiable as police officers by the wearing or carrying of firearms, badges, police radios, insignias or any article of clothing identifying them as police officers will congregate in a public place. No more than (2) two marked FMPD vehicles shall be parked in a parking lot or near any public place, except as necessary to perform assigned tasks.

- I. Closing licensed establishments: No officer shall, at any time, close a properly licensed business for any reason without the approval of the Chief of Police, or designee.

- J. Business cards: Business cards shall only be used for official business.

- K. Leaving the city: Except in the immediate pursuit of a person to be arrested, leaving the city of Fort Myers while on duty requires appropriate approval:
1. Responding to a scene to assist other law enforcement agencies requires the approval of a bureau commander, on-duty shift commander, or shift supervisor.
  2. Responding for an FMPD routine investigation or assignment requires the approval of a sergeant or shift commander.
- L. Relief: Except in emergencies, an employee shall not leave a post or assignment without having been properly relieved. In such situations, the employee will notify their supervisor as soon as possible.
- M. Misrepresentation or falsification: An employee shall not willfully misrepresent or falsify any matter, verbally, or in writing.
- N. Political views & membership: Nothing contained herein shall be construed to affect the right of an employee to hold membership in, or to support a political party, or to vote as they choose, provided that the attendance of activities are such that they cannot be construed as the views of the department. Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the police department and the city of Fort Myers. Employees shall not engage in political or religious discussions to the detriment of good discipline.

#### **SECTION IV: GENERAL CONDUCT OFF-DUTY** **(CALEA 26.1.1)**

- A. Recall: Off-duty employees shall be subject to recall to duty, as needed by the department (Refer to P.B.A. Contract/Collective Bargaining Agreements).
- B. Emergency standby: Off-duty employees shall be subject to being placed on “emergency standby,” as deemed necessary by the department.
- C. Taking police action while off-duty: While “off-duty,” police officers shall report potential or actual violations of the law to the appropriate law enforcement agency. Additionally, in situations involving a threat to either life or great bodily harm, police officers should use extreme discretion and caution and only then take appropriate police action.
1. When doing so, officers need to consider such factors as:
    - a. The officer’s safety
    - b. The safety of others
    - c. Are the actions within the scope of the law?
  2. Whenever possible and / or practicable, officers shall properly identify him / herself as a police officer prior to taking police action. Whenever an officer is involved in an off-duty enforcement action, he or she must notify the department through their chain of command immediately following the event/incident.
  3. Regardless of duty status, officers shall not utilize vehicles that are not equipped with appropriate emergency equipment to make vehicle stops or pursue traffic law violators. (Refer to General Order 25.1 – Police Vehicle Operation & Pursuits).

- D. Neighborhood disputes: Officers shall not resolve their personal disputes, (neighborhood or domestic), by use of official police authority. If police action is deemed appropriate, notification will be made to the department or other appropriate law enforcement agency.
- E. Use of alcohol: Employees, while off-duty, must never consume intoxicating beverages to the extent that it results in the impairment, intoxication, or obnoxious or offensive behavior that discredits them, the department, or renders the employee unfit to report for their next regular tour of duty. (Refer to General Order 2.6 – Drug Free Workplace & Drug Testing Program)
- F. Political activity: Department employees, during off-duty hours, may express opinions on any candidate or issue and participate in any political campaign. Employees are not permitted to:
1. Promote, demote, or in any way favor or discriminate against any employee with respect to employment because of political opinions or affiliations.
  2. Seek an advantage in employment for any person based on political action.
  3. Coerce any employee to provide anything of value to any individual or organization for political purposes.
  4. Use authority of the position to gain support for, or to oppose, any candidate, party, or issue in a partisan election.

Employees who seek to qualify for election or appointment to any federal, state, municipal, or local office may be required to take an unpaid leave of absence during the period of candidacy or resign, in accordance with Florida State Statute 99.012. Employees who are appointed or elected to public office may be prohibited from continuing their employment with the department, pursuant to Article 2, Section 5 of the Florida Constitution, and Florida State Statutes 99.012 and 112.313.

## **SECTION V: PERSONNEL RULES OF CONDUCT**

- A. Leave: The City of Fort Myers agreement with the ***Collective Bargaining Agreement (CBA)*** sets forth procedures governing the administration of leave (Vacation, Annual, Compensatory, Disability, Educational, Emergency /Funeral, Holiday, Military, Sick). Employees shall submit a properly completed request for all absences, except paid holiday absence.
- B. Emergency leave: An employee, who is unable to report for scheduled work due to an emergency or other unforeseen circumstance, will notify, or cause to be notified, the concerned supervisor stating the reason and the expected date and time of return. Notification shall be accomplished as early as practicable.
- C. Sick leave: Unless approved by an immediate supervisor, an employee who is injured or ill shall remain at home during regularly scheduled duty hours except to consult a physician, attend a medical facility, to obtain groceries, meals or prescribed medications, or exigent circumstances. When the use of sick time becomes necessary, the employee must notify the immediate supervisor by telephone not later than (1) one hour before the normal starting time of their assigned shift. Unless notification is given, no sick leave will be approved except in unusual cases, and then only by the employee's Bureau Commander. (Refer to applicable Collective Bargaining Agreement)
- D. Convalescence: Convalescence may be authorized when the injury or illness was previously reported to and approved by the concerned commander/supervisor via a leave request or when directed by the attending physician. An employee authorized convalescence shall not leave the

confines of their residence without approval of the concerned commander/supervisor except to consult a physician, attend a medical facility or transact official business in a departmental facility. If the attending physician directs that convalescence be performed elsewhere, a statement to that effect, from the physician will be delivered to the concerned commander/supervisor prior to the employee's departure. (Refer to applicable Collective Bargaining Agreement)

- E. Malingering: Employees shall not pretend to be ill nor incapacitated due to injury in order to avoid duty or to neglect duty obligations.
- F. Span of control: No more than (12) twelve employees should be under the immediate control of an individual supervisor unless the variables of the situation or the needs of the department dictate otherwise. Every supervisor is accountable for the performance of his or her immediate subordinates. To ensure unity of command, only one commander directly supervises each organizational bureau, and clearly defined lines of authority are drawn to ensure that a structural relationship exists between each employee and the Chief of Police. Each employee is accountable to one supervisor at any given time and must be aware of their relative position in the organization, to whom he is immediately responsible, and those persons who are accountable to him.
- G. Separation: An employee should submit a written resignation two weeks prior to the effective date. Employees that sever departmental employment for any reason or obtain a leave of absence shall be processed prior to departure. The employee will report to the Administrative Bureau for checkout processing on the last day of employment. Separations effective on a weekend or holiday shall be processed on the last day of employment prior to this instance.
- H. Relief from duty: Supervisors have the authority to temporarily suspend a subordinate member from duty. A suspension may be made for a violation of law, or a violation of a department directive where an endangerment to the public or other member is created by the member's actions (mental instability, intoxication, illness, etc.). The members affected bureau commander shall be notified. Emergency suspensions will be with pay.
- I. Certification: Employees shall maintain all of the mandatory requirements and qualifications necessary to perform in their current positions. Employees occupying positions that require a license or certification shall maintain a valid and current license or certification. Revocation of such a certificate or license shall constitute grounds for discipline.
- J. Physical examinations: Employees will undergo physical examinations when scheduled by the Operations Bureau. Unless exigent circumstances exist, failure to show up at scheduled appointments without prior notification or approval shall be grounds for discipline. Employees are responsible for scheduling a new appointment, if needed. Notification will be at least (7) seven days prior to the examination date. Resolution of schedule conflict is the responsibility of the concerned employee (Refer to P.B.A. Contract).

## **SECTION VI: POLICE / COMMUNITY RELATIONS**

- A. Communicating with the community: Supervisors shall cultivate avenues of communication with individual citizens and / or groups within the community to solicit and maintain mutual respect and understanding. A spirit of police-community cooperation can be maintained through open channels of communication. Residents shall be encouraged to discuss grievances.
- B. Recognition: During daily contacts, supervisors will acknowledge commendable acts of community relations accomplished by employees, as well as acts by local citizens in support of police efforts.

- C. Problems and needs: Supervisors shall keep officers apprised of specific problems and community needs within their areas of response.
- D. Organizational involvement: When feasible, supervisors will assign on-duty employees to attend neighborhood watch meetings, city council, and / or other civic organization functions.
- E. Overreacting: Employees shall not overreact when working, regardless of the situation, and shall remain professional at all times. Overreacting may be characterized by the use of harsh language, unjustified use or display of force, unnecessary towing of vehicles, arrests for minor violations that ordinarily warrant a citation or warning, or exhibition of prejudice.
- F. Recruiting: Employees should encourage qualified individuals to seek a career with the Fort Myers Police Department.
- G. Referrals: Officers will be cognizant of the individual rights of persons involved in incidents such as domestic disputes, landlord-tenant conflicts, and consumer fraud complaints. Rights and procedures will be explained to the disputants and the parties will be advised to consult an attorney or appropriate agency for assistance. Officers will be aware of services and resources available through public and private social service agencies to direct persons in need of assistance.
- H. Community services: Employees shall not neglect community services in the belief that the police function is restricted to crime control. The community supports the operation of the department and is entitled to all the services the department can readily provide. Police effectiveness depends upon public approval and acceptance of police authority.
- I. Civilian observers: Employees will encourage public participation in the departmental observer program and Citizen Police Academy that are designed to acquaint citizens with the complexities of police work.
- J. Sensitivity to crowd dynamics: Supervisors and officers must be sensitive to the risk of attracting large crowds at incidents. One of the primary causes of such gatherings is the assembly of several marked cars. Efforts shall be made to reduce the number of police cars as quickly as possible.
- K. Police neutrality: Officers shall remain neutral in a conflict situation and emphasize their positions upon arrival by endeavoring to restore calm and attempting to resolve differences.
- L. Harassment: Police harassment is considered but not limited to the following: abuse of an officer's authority by repeatedly or arbitrarily stopping someone without merit, aggressively questioning an individual without merit, or by conducting an unwarranted search and seizure. In order to be considered police harassment as it relates to this policy, misconduct must constitute a pattern of practice.
- M. Firmness: Employees shall use only such firmness as is reasonably necessary under the circumstances.

## **SECTION VII: MEDIA RELATIONS**

- A. Press relations: Employees shall extend cooperation to members of the news media consistent with departmental policies, provided the investigation or prosecution of a police case is not jeopardized. A situation with the news media, which cannot be resolved, shall be referred to the Public Information Office.
- B. Preferential treatment: Preferential treatment shall not be extended to any representative of the news media.
- C. Personal use of news media: An employee shall not, in an official capacity, solicit aid of the news media for personal gain.
- D. Photographing prisoners within department facilities: Photographing of persons in departmental custody will not be permitted within the confines of a Fort Myers Police Department building.
- E. Photographing within established police lines: Upon proper identification, news media representatives may be permitted inside police lines to take photographs. The evidence gathering area may be restricted at the discretion of the lead investigator. Photographing outside established lines will not be restricted.
- F. News media coordination: Questions by departmental employees relative to news media relations or the release of information shall be referred to the Public Information Office.

#### **SECTION VIII: LABOR DISPUTES/DEMONSTRATIONS**

- A. Legality: The department cannot declare a labor dispute to be illegal. Such declaration can only be established by a duly constituted court of law.
- B. Shift Commanders shall be in charge of labor disputes. The shift commander, or designee shall meet with representatives of all parties involved, and shall inform them of their rights and responsibilities:
  - 1. Neither force nor violence will be tolerated, and laws will be enforced with impartiality.
  - 2. Rights of the public to use the streets and sidewalks will be protected.
  - 3. Any conditions or acts that lead to disorder are prohibited.
  - 4. Disputants may not use language that may incite violence.
  - 5. Rights of employees to conduct orderly picketing will be protected.
  - 6. Rights of non-striking employees and management to continue normal operations will be protected.
- C. Officers assigned to locations affected by a labor dispute shall be alerted to prevent violations of law and unlawful assembly of persons.
- D. A command post shall not be located on or within the facilities of the parties involved.

#### **SECTION IX: SECURITY OF DEPARTMENT BUSINESS**

- A. Revealing content of official police documents: Employees shall not reveal the contents of any official police record, report, or document, except as authorized by the Chief of Police or departmental policies and procedures.
- B. Divulging criminal records information: Contents of a criminal history or arrest record shall be divulged only to authorized individuals as provided by departmental policies and procedures.
- C. Official documents: Employees must submit all necessary reports before going off-duty. All reports that employees submit must be truthful, neat, and accurate. An employee shall not alter, forge, or tamper with any police record, report, citation, or any other departmental document.
- D. Divulging internal information: An employee will not communicate any information of an internal nature that concerns the department, departmental activities, or members to persons outside of the organization without proper authorization.

## **SECTION X: COMMUNICATIONS & CORRESPONDENCE**

- A. Receipt and dissemination of vice and organized crime intelligence information: The sharing of intelligence information is the responsibility of the **Special Operations Bureau** and/or the Criminal Intelligence Unit. Outside agency requests for intelligence information including computer or Teletype data will be documented on the Information Request Form maintained by the **Special Operations Bureau** and the Criminal Intelligence Unit. Intelligence information received by the Fort Myers Police Department from another law enforcement agency will be logged by **Special Operations Bureau** and/or the Criminal Intelligence Unit personnel in the appropriate internal case file, according to the type of information received. Departmental employees receiving or disseminating intelligence information to other agencies shall notify the Criminal Intelligence Unit in writing. **(CALEA 40.2.3 a-d)**
- B. Radio discipline: Procedures for the operation of radio equipment are set forth in the Federal Communications Commission (F.C.C.) Regulations and departmental directives.
- C. Correspondence: An employee shall not use departmental stationery for private correspondence. An employee shall not correspond in the name of the department **for any reason**, without permission from their Bureau Commander. Except for official business, an employee shall not use the department as a mailing address. The department address shall be entered on documents as the employee's business address only.
- D. Forwarding official communications: Employees shall forward all official correspondence and communication to the appropriate authority as soon as practical. Supervisors that receive written communication from a subordinate directed to a higher authority shall indicate approval, disapproval, or notation as to the acknowledgement of content and forward it to the next person concerned.
- E. Requesting Services of City Departments: All requests for services of other City departments must be made through the Office of the Chief of Police. Such requests include, but are not limited to; legal services from the City Attorney's Office or Human Resources services, other than normal employment, benefits or personal issues or questions routinely handled by the city Human Resources Office. Employees requesting these services will complete a memorandum detailing the request and forward through their chain-of-command to the Chief of Police for review. Employees will not contact the affected City Department until approval has been received by the Chief of Police or their designee.
- F. ***All requests for official Police Department information or non-emergency services from other City departments or any elected officials shall be directed through the Office of the Chief of Police. Employees to whom such requests have been made will complete and***



***forward a memorandum detailing the information requested, and by whom, through their chain-of-command to the Chief of Police for review. Employees will not provide the information or non-emergency service until approval has been granted by the Chief of Police or their designee.***

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## **REFERENCES:**

General Order 1.2 – Department Mission & Philosophy

General Order 1.5 – Command Authority & Protocol

General Order 2.6 – Drug Free Workplace & Drug Testing

General Order 6.1 – Use of Force & Response to Resistance

General Order 6.2 – Authorized Firearms, Proficiency & Qualifications

General Order 7.1 – PSS & IA

General Order 7.2 – Disciplinary Process

General Order 7.3 – Grievance Process

General Order 7.6 – The Written Directive System

General Order 7.9 – Uniforms, Appearance, & Grooming

General Order 7.13 – Promotional Examinations

General Order 7.14 – Workplace Harassment

General Order 8.1 – Training

General Order 10.5 – Tobacco Free Environment

General Order 13.2 – Police / Media Relations & Public Information

General Order 13.4 – Computer Services, Records, & Usage

General Order 15.2 – Patrol Briefings

General Order 25.1 – Police Vehicle Operation & Pursuits

Florida State Statute 112.533 – Police Officers Bill of Rights

Fort Myers City Personnel Policy HR 6.09 – Substance Abuse

Florida State Statute(s) 112.313, 99.012, 790.052

**Collective Bargaining Agreement (CBA)**

**APPROVED:**

**[Electronic Signature on File]**

**10/22/2024**

\_\_\_\_\_  
**Jason Fields, Chief of Police**  
**Fort Myers Police Department**

**Date** \_\_\_\_\_