

527 **MISCONDUCT BY OFF-DUTY PERSONNEL**

- I. **DISCUSSION:** Employees who become involved in off-duty conduct which could be considered a violation of a statute or ordinance may place themselves in administrative, criminal, and/or civil jeopardy.

The conduct of an officer or employee whether on or off duty reflects directly upon the Department. Employees must at all times conduct themselves in a manner that does not bring discredit to themselves, the Department, or the City. This demands exemplary behavior in respecting the law and the legal rights of all citizens. Employees must scrupulously avoid any conduct which violates the law.

II. **POLICY:**

- A. All employees who are arrested or who otherwise become aware of criminal charges being filed or brought against them, shall notify their immediate supervisor no later than their next working day. When an incident of misconduct involving an off-duty employee comes to the attention of the Department, a thorough investigation will be conducted. Incidents of misconduct by non-sworn employees shall be investigated pursuant to the City of Tampa Personnel Manual and ATU Contract. If interviews of sworn police officers are needed, such interviews will be conducted by the Internal Affairs Unit. Off-duty incidents of non-criminal misconduct will be investigated pursuant to SOP 651, Administrative Investigations and Complaint Processing.
- B. Employees who become involved in off-duty incidents of a criminal nature will be subject to discipline up to and including dismissal unless the investigation reveals that the employee was a victim or witness and acted only to defend themselves or otherwise acted in accordance with Department regulations or procedures.
- C. The Chief of Police may, immediately or at any time during the investigative or deliberation process, elect to relieve employees from their duties.
1. During the investigatory process, sworn officers will remain on full salary and shall not lose any benefits during this period of time.
  2. Professional staff employees will be relieved of their duties without pay.
  3. Summary actions will be handled pursuant to SOP 641, Discipline Procedures, and the City of Tampa Personnel Manual.

- D. Upon conclusion of the administrative investigation, the case will be assigned a disposition and handled in accordance with SOP 651.2, Disposition of Formal Administrative Investigations or SOP 651.3, Disposition of Division Investigations and Service-Related Inquiries.

If disciplinary action is levied against the employee, it shall be handled in accordance with SOP 641, Discipline Procedures.

- E. In the event an indictment or information is filed against an employee, upon conclusion of the administrative investigation the employee might be dismissed or, if the application of lesser disciplinary action is approved, the employee might be suspended from duty without pay pending the disposition of the criminal case. However, in no such case will the suspension be for a period of time exceeding sixty days.
- F. A guilty verdict or plea, or a plea of nolo contendere, shall constitute grounds for dismissal, notwithstanding suspension of sentence or withholding of adjudication.

Supersedes SOP 527, dated 9/22.