



FLAGLER COUNTY SHERIFF'S OFFICE

GENERAL ORDER

Effective Date: January 3, 2017	<input type="checkbox"/> New <input type="checkbox"/> Rescinds: <input checked="" type="checkbox"/> Amends: GO #020 dated 11/07/14	Number: 020
Subject: Standards of Conduct		
Distribution: All Personnel	CFA Standards: 4.05 ; 7.08 ; 4.04M A,B <u>7.01 M</u> and 4.07M ; <u>7.07 M</u> FLA-TAC Standards: FCAC Standards:	

- I. Scope and Purpose:** The purpose of this General Order (GO) is to incorporate our agency's mission statement, vision, and values to promote a pattern of behavior consistent with the philosophy of the Sheriff's Office that is reflective of ethical and professional law enforcement. [CFA 7.01 ~~4.04~~ M]
- II. Policy:** Violation of policies and procedures may result in disciplinary action to include, but not be limited to verbal reprimand, written reprimand, and suspension from duty without pay, disciplinary probation, demotion, or termination. Counseling and personnel transfers are not disciplinary in nature and are solely administrative.
- III. Procedure:**
- A. There are ten (10) categories that make up this general order with ten being the most severe. The Sheriff and designee(s) reserve the unilateral right to promulgate, amend or delete policies and procedures.
1. Category Ten Violations:
 - a. Truthfulness:

Personnel shall truthfully relay all information and answer all questions related to their employment with the agency, off-duty employment, volunteer activities with the agency, or questions otherwise related to Sheriff's Office operations, that are asked by, or provided to the Sheriff, the Sheriff's designee, or a superior officer. Personnel shall truthfully answer any questions during any legal proceeding, or otherwise under oath.
 - b. Medical Examinations:

Personnel shall submit to any reasonable physical, psychiatric, chemical, or laboratory tests or examinations if ordered by the Sheriff or designee to determine fitness for duty.
 - c. Conformance to State and Federal Laws:

Personnel will comply with the laws, rules and Constitution of the United

States, the State of Florida, or any of their subdivisions.

d. Abuse of Power:

Personnel shall not use their official position, authority, title, or identification for personal or financial gain for themselves or their associates. Personnel, to include volunteers shall not engage in activities that constitute a conflict of interest. Exceptions are agency pay and benefits and off-duty employment that is conducted consistent with existing policies. Personnel shall not use their official position, authority, title, or identification to infringe upon a person's civil rights or to otherwise violate the law. [CFA ~~7.01~~ ~~11.01 M A and B~~; ~~11.07. M A~~]

e. Destruction of Records:

No personnel will intentionally alter, dispose of, destroy, or remove any Sheriff's file, document, or record except as provided for by law or by an authorized superior.

f. Falsification of Records:

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

g. Fictitious Illness or Injury Reports:

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

h. Failure to Cooperate with Internal Inquiry/Investigation:

Personnel shall answer all questions, provide all requested documents, and otherwise cooperate with inquiries and/or investigations that are related to their employment with the agency, off-duty employment; volunteer activities with the agency or that are otherwise related to FCSO operations. This specifically includes requests from superior officers, the IAU, or other designees of the Sheriff.

2. Category Nine Violations:

- a. Unsatisfactory or Incompetent Performance: Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the personnel's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police action; or absence without leave including abuse of sick time. In addition to other indicia of unsatisfactory performance, the following will be considered prima fascia evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of policies, procedures, directives or orders of the Sheriff's Office.

- b. Insubordination:
Personnel shall promptly obey any lawful orders of a superior. This will include orders relayed from a superior by personnel of the same or lesser classification.
- c. Criminal Ordinance Violations:
Personnel will comply with local and county ordinances.
- d. Damage or Loss of Property:
Personnel shall utilize FCSO equipment only for its intended purpose, in accordance with established procedures, and shall not carelessly handle, abuse, damage or lose FCSO equipment. All FCSO equipment issued to personnel shall be maintained in proper order. Personnel shall not inappropriately abuse or damage property belonging to another party.
- e. Use of Alcohol Off Duty:
Personnel, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in offensive behavior which discredits the agency, or renders the personnel unfit to report for their next regular tour of duty.
- f. Unbecoming Conduct:
Personnel shall conduct themselves at all times, both on and off duty, in such manner as to reflect most favorably on the FCSO. This includes, but is not limited to, electronic communications on social media (e.g., Facebook, Twitter, Myspace, etc.) and internet sites. Conduct unbecoming shall include that which brings the FCSO into disrepute or reflects discredit upon the personnel as a member of the FCSO, or that which impairs the operation or efficiency of the FCSO or personnel.
 - i. Agency members may include photographs and other information on social media and internet sites identifying them as FCSO employees, as long as other information on those locations does not bring the agency into disrepute, discredit the personnel as employees of the agency, or impair the operation or efficiency of the FCSO or its personnel.
 - ii. Unless in furtherance of an official criminal or administrative investigation, an agency member may not surreptitiously record another agency member during working hours, whether a photo, audio, video, or other recording, without his or her knowledge and consent. Agency members attending celebrations (e.g., retirement parties), or meetings or other events that include members of the public, are deemed to have consented to photographs. Any recordings made in violation of this policy shall be the exclusive property of the FCSO.
- g. Operating Vehicles:
Personnel shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all agency orders pertaining to such operation.
- h. Violation of Rules:
Personnel will obey the policies, procedures, instructions and directives of the Sheriff.

i. Sleeping on Duty:

Employees are prohibited from sleeping, or giving the appearance that they are asleep, while on duty. If an employee believes he/she will be unable to remain awake during his/her shift, the employee will report that to a supervisor.

3. Category Eight Violations

a. Illegal Orders:

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

b. Labor Activity:

Personnel shall have the right to join labor organizations, but nothing shall compel the Sheriff's Office to recognize or to engage in collective bargaining with any such labor organizations except as provided by law or contract.

- i. Personnel shall not engage in, call or encourage any strike, slowdown, concerted abuse of sick leave, unauthorized picketing in furtherance of a strike, slowdown, or concerted abuse of sick leave or any other concerted interruption of work. Employees shall not engage in such activities in sympathy for or in support of any other employees or union. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, work speed ups, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.
- ii. "Unauthorized picketing" includes any action which is in furtherance of a strike, slowdown or concerted abuse of sick leave and has the effect of preventing employees from reporting to or continuing work.

c. Moral Character:

Personnel shall maintain a level of moral conduct in their personal and business affairs which is in the highest standards of the law enforcement profession. Personnel shall not participate in any incident involving moral character which impairs their ability to perform as law enforcement officers or causes the Sheriff's Office to be brought into disrepute. The moral character offense list is established by FDLE and provides the guide for employment and certification of law enforcement officers in the State. [Link to FDLE Law Enforcement Officer Ethical Standards of Conduct.](#)

d. Accepting Compensation:

Personnel shall notify the Sheriff in writing through the Human Resources Director prior to accepting compensation for personal injury or property damage incurred in the performance of official duties.

e. Property and Evidence:

Personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, withhold or misuse property or evidence in connection with an investigation or other police action, except in accordance with established agency procedures.

f. Use of Alcohol and Illegal Drugs:

Personnel are prohibited from drinking any alcoholic beverage while on duty or reporting for duty influenced by alcohol. Personnel are also prohibited from consuming illegal drugs while on duty or off-duty. Nothing in this regulation should be construed as prohibiting on-duty drinking when necessary to maintain cover or further an investigation when authorized to do so by a Commander or above. Personnel are also prohibited from consuming any substance to the extent that on-duty performance is impaired.

g. Alcoholic Beverages and Illegal Drugs in Agency Facilities:

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

h. Excessive Use of Force:

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

i. Treatment of Persons in Custody:

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

j. Discrimination and Sexual Harassment:

Agency members shall not engage in any form of illegal discrimination or harassment based on race, color, religion, gender, sexual orientation, national origin, age, or as otherwise prohibited by law. This specifically includes sexual harassment, as defined in FCSO General Orders. All employees are expected to ensure the workplace is free of harassment of any type and will report any inappropriate action and/or behavior to a superior. All complaints of harassment will be investigated by the IAU. See GO # 021. [CFA ~~7.07~~ 11.07 M].

4. Category Seven Violations:
 - a. Dissemination of Information: Personnel shall treat the official business of the Sheriff's Office as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established agency procedures or state statute. Personnel may remove or copy official records or reports from a Sheriff's Office installation only in accordance with established agency procedures or state statute. Personnel shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

5. Category Six Violations:
 - a. Use of Weapons:

Personnel shall not use or handle weapons in a careless or imprudent manner. Personnel shall use weapons in accordance with law and Sheriff's Office procedures.

6. Category Five Violations:
 - a. Intervention:

Personnel shall not interfere with cases being handled by other personnel of the Sheriff's Office or by any other governmental agency unless ordered to intervene by a superior officer or the intervening personnel believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

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

 - b. Associations:

Personnel shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the FCSO for involvement in criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the personnel.
 - c. Political Activity: [CFA ~~7.08 M 1-05~~]

On-duty personnel may not use their official authority to:

 - i. Solicit or receive funds, assessments, subscriptions or contributions for a political candidate.
 - ii. Participate in political activity on behalf of, or in opposition to any candidate for political office.

iii. Personnel shall not:

- (a). Interfere with any election.
- (b). Interfere with any person's vote for a political party or candidate.
- (c). Display election campaign materials on FCSO vehicles or issued equipment.
- (d). Wear or display election campaign articles on uniforms while on or off-duty, or on non-uniform clothing while on duty.

7. Category Four Violations:

- a. Neglect of Duty:
Personnel shall not engage in any activities or personal business which would cause them to be inattentive to duty.
- b. Use of Authority:
Personnel will not use their uniform or Sheriff's equipment in any manner other than authorized by the Sheriff.
- c. **Gifts, Gratuities:**
Personnel will not solicit or accept gifts, presents, or other gratuities in return for favor(s) or official act(s).
- d. Criticism:
Personnel shall not publicly criticize or ridicule the FCSO, its policies, or other personnel by speech, writing, or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the FCSO, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
- e. Chain of Command:
The chain of command designates the accepted lines of authority as established from top to bottom, from which all organizational commands are transmitted. The chain of command must be followed.

8. Category Three Violations:

- a. Absent Without Authorization or Tardiness:
Employees who fail to appear for duty or report for duty fifteen minutes later than scheduled, without authorization from their supervisor or the on-duty commander, will be considered "absent without authorization." Such absences must be reported immediately by the supervisor through the chain of command and in writing to the employee's Division Commander or director.
- b. Reporting Arrests and Unlawful Activity:
Employees who are arrested, issued a criminal summons, issued a notice to appear, issued a traffic citation(s), issued a civil citation, have their driver's license suspended or have an active warrant(s) or capiases against them, will immediately notify the Sheriff in writing via the chain of command of the event and circumstances involved. A copy of the memorandum will be

forwarded to the IAU by the employee's Division Commander, or Director.

9. Category Two Violations:

a. Behavior and Language:

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

b. Civil Process Service:

No personnel will serve any civil process except as directed and authorized.

c. Processing Evidence:

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

d. Safety Violation:

Failure to observe agency and general safety policies and practices. Neglect of the safety of others or the commission of unsafe acts in the use and care of FCSO property/equipment.

10. Category One Violations:

a. Leaving Duty Post:

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

b. Conflicting Orders:

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

c. Courtesy and Respect:

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

d. Personal Appearance:

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

- e. Endorsements and Referrals:
Personnel shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing service, bondsman, mortician, etc.). In the case of a towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, personnel shall proceed in accordance with established agency directives.
- f. Posting of Bonds:
Personnel who post bail for members of their immediate family shall report same to the on-duty supervisor on their next working day. Personnel may not post bond for anyone other than immediate family.
- g. Reporting for Duty:
Personnel shall report for duty at the time and place required by assignment. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.
- h. Legal Involvement:
Personnel who are a party to any lawsuit involving their employment with the agency shall notify the Sheriff in writing through the chain of command. Service of Summons and Complaint against the agency shall constitute sufficient notice.
- i. Misuse of Breaks/Meals:
Taking excessive time for work breaks and/or meal periods is not permissible.
- j. Carrying Firearms:
All sworn deputy sheriffs shall carry an approved firearm on or about their person while on-duty. While off-duty, all sworn deputy sheriffs are authorized to carry on or about their person a concealed, approved firearm unless it would be impractical to do so by the nature of their activities, such as recreational activities, sports, etc.
- k. Telephone and Address:
All sworn personnel shall have an operational telephone in their residences, and shall make any changes of telephone numbers or addresses to Human Resources as soon as possible, or within 72 hours using the Personal Information/Update form. Non-sworn employees will have functional telephones when so directed by General Orders. The telephone at the residence may be a traditional hard line or a cellular telephone. It is the employee's responsibility to ensure the equipment is operational. They also will have to make notification of any changes to HR as listed above.

1. Identification:
Personnel shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.
- m. Public Statements:
 - i. Employees and volunteers will not make statements on behalf of the FCSO for publication or broadcast concerning the plans, policies or administration of the FCSO unless authorized to do so by the Sheriff or designee. Employees who plan to deliver an address at any public gathering concerning the work of the FCSO will obtain authorization from the Sheriff or designee prior to speaking. Any public statement concerning FCSO policy will accurately represent that policy.
 - ii. Employees and volunteers while on duty or while representing the FCSO shall not express opinions on religious, political, economic, or other questions of a controversial nature.
 - iii. No employee or volunteer who is on duty or who is representing the FCSO shall discuss with any elected official a controversial issue/activity without first obtaining the approval of the Sheriff or designee. Employees are directed to be professional and inform the elected official that they should direct their question to the Sheriff.

Rick Staly
Sheriff