



## NORTH MIAMI POLICE DEPARTMENT

### STANDARD OPERATING PROCEDURES



#### GENERAL RULES AND REGULATIONS

EFFECTIVE DATE: 03-18-21

APPROVED:

  
Chief of Police

SUPERSEDES: 08-18-20

CFA: 1.02, 1.03

#### I. PURPOSE

The purpose of this policy is to promote a pattern of behavior consistent with the Department's values reflective of Respect, Integrity, Courage, Empathy, Unity and Professionalism.

#### II. POLICY

The standards established herein reflect the high ethical, moral and professional standards deemed necessary to maintain public confidence in the integrity and ability of the North Miami Police Department to fulfill its mission. Violation of any of these standards shall be considered misconduct, and may be grounds for action pursuant to the Office of Professional Compliance Internal Investigations, Complaints, Commendations, Counseling, and Discipline policy, 300.06.

#### III. SCOPE

This policy applies to all members of the Department.

#### IV. DEFINITIONS

Language Clarification:

- Should: Indicates a general or expected action, absent a rational basis for failing to conform.

- Shall or Will: Indicates a mandatory action.

## V. RULES and REGULATIONS

The Chief of Police is the chief law enforcement officer of the City of North Miami Police Department. The Chief formulates policies, procedures, and directs all Department operations. The Chief is appointed by the City Manager with the approval of the City Council. **CFA 1.03D**

In the absence of the Chief of Police or a member of the Executive Command Staff, i.e. nights, weekends, and holidays, a Commander or a Sergeant shall be in command of the Police Department. **CFA 1.03A**

Sect. 1. The word “member” shall be defined as any person in the service of the Police Department.

The term “**commanding officer**” is defined as an officer’s immediate supervisor or any supervisor in the event the immediate supervisor is not available.

Sect. 2. Members of the North Miami Police Department are required to thoroughly know and adhere to departmental rules, regulations, orders, and policies.

Sect. 3. Members of the Police Department cannot escape responsibility for violating a rule, regulation, or order by pleading that they did not think such rule or order applied to them. In case of doubt concerning the application of any rule, regulation, or order, members shall consult their commanding officer.

Sect. 4. Members of the Police Department shall notify their commanding officer of any violation of the Police Department Rules and Regulations or disobedience of orders by any other member that may come to their knowledge.

Sect. 5. Officers of the Police Department at all times, within the boundaries of the city, shall preserve the public peace, recognize and resolve problems that adversely affect the quality of life, prevent crime, detect and arrest violators of the law, protect life and property and enforce all the criminal laws of the State of Florida.

Sect. 6. Members of the Police Department shall be held responsible

for the proper performance of their assigned duties.

- Sect. 7. Members withholding information or furnishing unauthorized and/or confidential information with a view to personal gain, or for any other reason, shall be subject to disciplinary action.
- Sect. 8. Officers of the Police Department shall not apply for any search warrant, or serve any such warrants or conduct any raid, undercover operation, decoy operation or surveillance without the knowledge and approval of their commanding officer.
- Sect. 9. Members shall properly perform their assigned tasks and assume responsibility to exercise diligence, intelligence and interest in their duties, and their performance must be in accordance with Departmental Standards.
- Sect. 10. Members of the Police Department are prohibited from engaging in outside employment without the written permission of the Chief of Police.
- Sect. 11. Officers of the Police Department shall not engage in off-duty police work unless authorized by the Chief of Police, or his/her designee.
- Sect. 12. Officers of the Police Department, when off-duty and in civilian clothes, may carry any approved concealed firearm in accordance with the Department's Firearms policy and with proper identification.
- Sect. 13. Members of the Police Department shall report for duty at the time designated by their commanding officers.
- Sect. 14. Members of the Police Department anticipating their inability to report for duty for any just cause shall notify a Police Communications Operator (PCO) at least one hour prior to the time set for commencement of their tour of duty. The PCO will notify the member's commanding officer.
- Sect. 15. Members of the Police Department shall comply with any lawful directive emanating from any commanding officer or supervisor. If any lawful directive conflicts with a previous directive from any supervisor, the member to whom such directive is given shall respectfully call attention to such conflict. If the supervisor giving the last directive does not

change the directive, the directive shall stand and the responsibility be theirs. The person complying with the directive will not be held responsible for disobedience of the previously-issued directive. Any directive “relayed” from one member to another will be followed in the same manner as above until such directive can be verified.

If any unlawful directive, that would result in a criminal act, is given to any member of the Police Department, such member will immediately report such fact to the Chief of Police, or his/her designee.

Sect. 16. Members of the Police Department shall not speak critically or derogatorily to other members of the Police Department, or to any persons outside of the Police Department, regarding the directives or instructions issued by supervisors. If there is sound reason to believe that such directives or instructions are unlawful, inconsistent, improper or unjust, the member shall appeal to a higher authority in the Police Department.

Sect. 17. Progressive discipline in the Police Department shall be exercised with swiftness, firmness, and justice. Supervisors are forbidden to injure or discredit any member by tyrannical or capricious conduct or by the use of abusive language.

Sect. 18. Members of the Police Department shall treat all other members with respect. Members shall refrain from any communication, written or verbal, that discredits other members except when reporting improper actions to their supervisor. Members are prohibited from posting cartoons, graffiti, or making derogatory remarks about fellow members.

Sect. 19. Members of the Police Department shall not request the aid of any person outside of the Police Department to have them transferred to another assignment; or to have them restored to any assignment from which they have been removed by order of a supervisor; or to have them promoted to a higher rank in the service; or knowingly permit any petition to be presented by citizens in their behalf requesting such transfer, restoration, or promotion.

Sect. 20. Members of the Police Department will maintain a professional image with the public. Members must refrain from using coarse, violent, profane, or insolent language,

but, when required, must act with firmness to perform their duties.

- Sect. 21. Members of the Police Department shall not interfere in the private business of any person, except when required to act in their official duty.
- Sect. 22. Members are required to speak the truth at all times and under all circumstances, whether under oath or otherwise, except in cases where they are not allowed by the rules of the service to divulge facts within their knowledge, in which case they remain silent.
- Sect. 23. Members of the Police Department shall not drink any intoxicating beverage while on duty unless authorized by the Chief of Police or his/her designee.
- Sect. 24. No member of the Police Department shall report for duty under the influence of alcoholic beverages or illegal drugs.
- Sect. 25. No intoxicating beverage shall be brought into or kept in any Police Department building or police motor vehicle without the knowledge and approval of the Chief of Police or his/her designee, except when officially seized and held as evidence.
- Sect. 26. Members of the Police Department shall not use narcotics and dangerous drugs unless such are properly prescribed by a licensed physician.
- Sect. 27. Members who smoke, including vaporizers and electronic cigarettes, whether smoke or smokeless, nicotine enhanced or not, shall not do so when conducting business with the public, or inside a City-owned vehicle or inside the police facility.
- Sect. 28. Members of the Police Department are prohibited from gambling while on duty.
- Sect. 29. Members of the Police Department, while on duty, at all times must be neat and clean in appearance and in conformity with the rules and regulations. They shall examine and clean their equipment and keep the same always in good, serviceable condition.
- Sect. 30. Members of the Police Department shall not wear uniforms at any time except when on active duty, on off-duty jobs, or

assignments of which the Department has knowledge. They shall don their uniforms prior to reporting for duty.

Sect. 31. No member of the Police Department shall display upon his/her uniform any medal, badge, decoration, or other insignia of any kind except those authorized by the Chief of Police. Any such duly authorized or awarded medal, badge, decoration or other insignia shall be displayed at all times or worn in the prescribed manner. Issued name tags shall be worn on uniforms at all times in the prescribed manner.

Sect. 32. Whenever any member terminates his/her services with the Police Department they shall surrender to the Quartermaster all property belonging to the Police Department. In case of the death of a member, the respective Section Major will obtain their badge and all other Police Department property which they possessed and make proper disposition of it.

Sect. 33. Members are required to attend all legal proceedings when given proper notification. Cancellation of a mandatory appearance is permitted only when the member is properly excused and this fact is documented on a supplemental report.

Members who attend legal proceedings are to be punctual and shall appear in uniform or in professional business attire. They shall have their cases properly prepared, the witnesses properly subpoenaed, and all property which is to be used in evidence suitably arranged for presentation to the court. Members shall observe the utmost attention and respect toward judges at all times. When giving testimony, they shall speak calmly and explicitly in a clear, distinct, and audible tone so as to be easily heard by court and jury, and not chew gum or tobacco. They shall testify with the strictest accuracy, confining themselves to the case before the court, and neither suppress nor overstate the slightest circumstances with a view of favoring or discrediting any person. When cross-examined, they shall answer with the same readiness and civility as when testifying in support of the charge.

All members must complete a supplemental report on every court appearance (including all arrestable traffic cases for which a case number has been assigned), depositions, pre-filing conferences, and other legal procedures. Overtime will only be authorized once members submit a completed supplemental report, containing all pertinent information on

what transpired, to their supervisor.

- Sect. 34. Members of the Police Department requested to provide formal or informal statements on any issue involving the City of North Miami, can do so only after notifying their commanding officer and obtaining the expressed consent of the Chief of Police, or his/her designee, as well as the City Attorney or the Risk Management Director.
- Sect. 35. Members shall report to their supervisor their correct home address and primary telephone number. They shall report any changes of address or telephone number within 24 hours after such changes have been made. Supervisors shall maintain a current file and keep the Office of the Chief of Police informed of the correct address and telephone number and any changes thereto of each member under their supervision. Officers are encouraged to provide a secondary phone number.
- Sect. 36. Members of the Police Department shall immediately report to their supervisors any change in their domestic status. The supervisors shall promptly submit this information to the Office of the Chief of Police.
- Sect. 37. Members of the Police Department shall treat as confidential the official business of the Police Department. They shall not impart it to anyone, except those for whom it is intended, or as directed by their commanding officer, or under due process of law; and they shall not make known to any person, whether or not a member of the Police Department, any special order which they may receive, unless required by the nature of the order. A concerned Section Major, with the approval of the Chief of Police, or his/her designee, may authorize a PIO to impart to representatives of the news media current news, provided the ends of justice are not thereby defeated.
- Sect. 38. Members shall not enter into official Police Department correspondence under their signature without permission of their supervisor.
- Sect. 39. Members of the Police Department shall give their name and badge or identification number in a respectful manner to any person who requests it.

- Sect. 40. When answering a Police Department telephone, members shall respond promptly stating: "North Miami Police, how may I help you."
- Sect. 41. Members of the Police Department shall be responsible for the good care and maintenance of Police Department property. Members of the Police Department shall immediately report to their commanding officers any loss of, accident involving, or damage to any city-issued equipment.
- Sect. 42. No Police Department vehicle will be used by any member without the permission of their commanding officer, except in a serious emergency when it is impracticable to communicate with said commanding officer and in such event the reason for using the vehicle shall be communicated to their commanding officer as soon as possible.
- Sect. 43. Members of the Police Department who operate any Department issued vehicle, radio, computer (including laptop), or other equipment shall do so in a professional manner.
- Sect. 44. Members of the Police Department shall not make false official reports, or knowingly enter or cause to be entered in any Police Department records, whether in electronic or printed form, any inaccurate or false information.
- Sect. 45. Members of the Police Department shall not recommend to any prisoner, the employment of any person as his/her attorney or bail bondsman, or suggest the name of any lawyer or person to a prisoner with a view to his/her defense at any time; nor shall they either directly or indirectly interfere or interest themselves in any manner whatsoever, in the employment of any attorney to aid any victim of an accident or other incident.
- Sect. 46. Members of the Police Department shall not take part or be concerned, either directly or indirectly, in making or negotiating any compromise or arrangement for any criminal with a view of permitting such criminal to escape the penalty of the law, or shall they seek to obtain any continuance of any trial in court out of friendship for the defendant, or otherwise interfere with the court of justice.



- Sect. 47. Members of the Police Department shall not communicate verbally or in writing, directly or indirectly, in any manner or form, any information which may enable persons guilty of criminal acts to escape arrest or punishment, or which may permit them to dispose of or secrete any money, goods, or other valuables unlawfully obtained.
- Sect. 48. Members of the Police Department shall not deliver statements concerning the work of the Police Department, or under any circumstances make remarks concerning the plans, policies, or affairs of the Police Department, unless duly authorized by the Chief of Police, or his/her designee.
- Sect. 49. Members of the Police Department shall not, directly or indirectly, seek notoriety through the media. Media relations are the sole responsibility of the Public Information Officer (PIO). PIOs are assigned by the Chief of Police. All media inquiries and press releases will be directed through the PIO. In the event that no PIO is available, inquiries will be directed to the on-duty shift commander. Information on any Department policy, administrative investigations and crime statistics will be released through the Chief of Police, or his/her designee.
- Interviews with members of the Department are permitted, with the approval of the Chief of Police; however, they may only discuss those cases that are assigned to them. Interviews will be coordinated through the PIO and the supervisor of the affected unit.
- Sect. 50. Members of the Police Department 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 testimonial or advertisement; nor shall they authorize any mention to be made of their official title, rank, or membership in the Police Department in connection with any such testimonial or advertisement unless authorized by the Chief of Police, or his/her designee.
- Sect. 51. Members of the Police Department shall not testify in civil cases unless legally summoned to do so.
- Sect. 52. No member of the Police Department shall collect or attempt

to collect any gratuities for performance or non-performance of their duty; except such salary, witness fees, expense awards, and rewards as may be permitted by law, or by expressed permission of the Chief of Police.

Sect. 53. No member of the Police Department shall start civil action for damages sustained in the line of duty without first submitting a detailed report of the matter in writing to the Chief of Police.

Sect. 54. Members of the Police Department are prohibited from making, or causing to be made, duplicates of any Police Department keys without the approval of the Section Major.

Sect. 55. The furniture, files and other equipment of the Police Department in the various offices, and other places in the Police Department building, will remain where officially placed and shall not be moved from such offices or places, or the location of the same changed in any manner; or shall there be hung upon the walls of any Police Department building any material depicting images or language that may be perceived as offensive, such as a calendar, poster, picture, advertising matter or other things. Members must maintain their work areas clean and relevant depicting only material that is essential for police purposes, unless it is with the approval of the Section Major.

Sect. 56. Police Department stationary and supplies shall not be used for personal correspondence or shall any Police Department property be used for private purposes.

Sect. 57. Members of the Police Department who are authorized to carry firearms in conjunction with their assigned duties, and those members who may be in charge of rifles, shotguns, handguns, or other weapons of the police arsenal, shall not display, examine, adjust, repair, clean or test any such weapons at any time except in conformance with established schedules, procedures, or policies regarding same.

Sect. 58. Members of the Police Department shall be subject to all rules, regulations, directives, instructions, or requirements, whether mentioned in regard to a specific assignment or rank, or in the rules for general members. In addition, each member shall be subject to and governed by all rules, regulations and requirements as may be prescribed by the

Civil Service Board of the City of North Miami, insofar as it may apply to the classification, grade, position, rank, or office of each individual member.

Sect. 59. Members shall conduct themselves, at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department or the officer.

Members shall not commit any acts or omit any acts that constitute a violation of any of the rules, regulations, or directives of the Department whether stated in the General Rules and Regulations or elsewhere.

Sect. 60. Each member of the North Miami Police Department is directly accountable to the next higher rank (supervisor) in their table of organization. Members shall direct any inquiries, information, or problems to his/her direct supervisor. Members will not go outside their chain of command unless exigent circumstances exist. This does not relieve a supervisor from the responsibility for taking action in emergency situations that require immediate supervisory attention, decision, or disciplinary action. When situations exist where members from various units are assigned to work in unison on an assigned task, the highest-ranking officer will be in command unless otherwise directed by the Chief of Police or his/her designee. When two officers of equal rank are on a scene, the first supervisor on the scene shall be designated the incident commander in charge until relieved by a higher authority. **CFA 1.02, 1.03C**

On planned occasions, when the Chief of Police is unavailable, a member of the Executive Command Staff will be appointed to act on his/her behalf. A notification indicating who will be in charge, and for what duration, will be distributed prior to the planned absence. **CFA 1.03B**

Sect. 61. If a Domestic Violence Injunction is served on any North Miami Police Department member, the member will immediately contact his/her supervisor or Shift Commander, notifying them of the incident. The Shift Commander or

supervisor will subsequently contact the Chief of Police, via the chain of command.

- Sect. 62. Officers are prohibited from wearing headsets, earpieces, or any other communication device while on duty unless authorized by the Chief of Police, or his/her designee.
- Sect. 63. Anytime a North Miami Police Department member is involved in any incident with possible criminal involvement, he or she will notify the shift supervisor immediately.
- Sect. 64. Only firearms and less-lethal weapons authorized by the Chief of Police will be carried or utilized by Department personnel.
- Sect. 65. Members are banned from text messaging while driving any city vehicle.
- Sect. 66. All electronic documents and files will be kept in accordance with Florida Public Records Laws.
- Sect. 67. Members shall maintain a level of moral conduct in their personal and business affairs that reflect the highest standards of the law enforcement profession. For sworn members, moral character offenses include, but are not limited to, those on the moral character offense list established by FDLE, which are available for review on its website at:

<https://www.fdle.state.fl.us/CJSTC/Professional-Compliance/PC-Violations-and-Penalties.aspx>

## **IX. TRAINING**

All newly-hired members, sworn and civilian, will receive orientation on the above-listed rules and regulations and will acknowledge their receipt via PowerDMS.