

536 PROFESSIONAL RESPONSIBILITY AND PHILOSOPHY OF ENFORCEMENT

- I. PURPOSE: This policy statement is used to ensure that employees of the Tampa Police Department fully understand the department philosophy regarding their conduct and any responsibilities in the performance of their duties.

- II. DISCUSSION: The primary missions of any law enforcement agency are to protect life and property, maintain peace and order, and provide other police services. In order to ensure the attainment of these goals, it is essential that all employees of the department act in a professional manner, which reflects an understanding of the department philosophy of enforcement.

III. POLICY:

- A. Equal Protection under the Law: The police officers of this city represent all citizens and are committed to the concept of equal treatment under the law. Officers shall enforce the law impartially without regard to race, creed, color, sex, national origin, or situation in life and shall be unequivocal in protecting all citizens in the lawful exercise of their civil rights.

- B. Preservation of Public Order, Peace and Safety: It is the responsibility of the police to prevent crimes insofar as possible, to search out and arrest violators of the law, and to present the facts of the case to the prosecuting agency. The responsibilities of prosecuting, judging, acquitting the innocent, sentencing, and punishing or rehabilitating offenders are assigned to other agencies.

Although the police do not make the laws, they are obliged to enforce regulations and impose restrictions called for by laws and ordinances for the sole purpose of preserving public order, peace, and safety, as well as protecting individual rights and freedoms. This shall be accomplished in the public interest and within the framework of the law. While the rights of persons shall always be respected, there are times when it shall be necessary for individuals and private groups to defer to the overall welfare of the community.

- C. Community Relations: This department is firmly committed to establishing and maintaining close ties with, and responding to the needs of, the community. The department is equally committed to its partnership with the community.
 - 1. Personal contacts made by each employee of the department are essential to promote a program of desirable police community relations. Therefore, the responsibility for achieving the department's community relations objectives must be shared by all personnel. Tact, patience, and courtesy shall be strictly observed in all circumstances.

 - 2. The department is committed to modifying policies, practices, and behavior that might contribute to community tension and grievances,

perceived or otherwise. Sworn employees, as police officers, must learn to distinguish between the right to hold personal opinions as a citizen and sworn duty as police officers. Any conduct inconsistent with this philosophy is totally unacceptable behavior. Supervisory officers shall demonstrate by example, and shall instruct subordinates in, proper and desirable behavior in relations with the public.

- D. Citizen Grievances: All persons who furnish the police with information or who file or report complaints, including complaints about the police, will receive courteous and serious attention. All complaints will be evaluated carefully on the facts presented and will be investigated thoroughly as outlined in current department policies and procedures.
- E. Use of Force by Police: When situations arise in which police officers employ physical force or deadly force, the department's policy is that "excessive" force on the part of the police officers will not be tolerated. The guidelines on which this policy is based are as follows:
1. By law, police officers are required to arrest law violators. Officers are allowed to use only such force as is necessary to complete the arrest.
 2. It must be clearly understood that this department not only supports, but expects all officers to defend themselves from physical attack while engaged in the performance of their official duty. If the person being arrested offers no resistance, then no force is required and none will be used.
 3. There are two kinds of situations involved in the use of force. The first is a case in which an officer must defend himself from physical attack, and the second is a case in which there is no physical attack on the officer, but force must nevertheless be used to overcome resistance in carrying out the police mission.
 4. Officers, when not in uniform, must takes steps to clearly identify themselves. Department policy in these situations is as follows:
 - a. Any action taken by an officer in self-defense or in defense of others, up to and including the death of the assailant, or any action taken by an officer in apprehending a suspect, will be considered warranted and justified if there is sufficient cause, as would appear real and reasonable to a prudent police officer, to fear the life or safety of the officer or another, or providing each of the following factors is present, given the special circumstances at hand:

- 1) The police officer is acting officially within the boundaries of legal authority and established department policies and procedures;
 - 2) The means and the force employed are not such as a prudent officer would consider excessive, unreasonable, or unnecessary and is within the law and established department policies and procedures; and
 - 3) The use of firearms is within the guidelines set forth in current policies and procedures.
5. Officers who recognize an excessive response to resistance by other officer(s) have a duty to intervene for the purpose of preventing or stopping such action when they have the ability to do so.
- F. When it comes to undertaking a specific police mission and bringing it to a successful conclusion -- getting the job done -- and there is no immediate or apparent danger calling for self-defense by the officer, action must be tempered by good judgment, common sense, restraint, and understanding. Action taken by an officer would not fall within the definition of unnecessary force provided:
1. The officer is acting officially within the restrictions imposed by law and established Tampa Police Department policies and procedures;
 2. The officer's conduct is impartial and dispassionate;
 3. The officer is firm without being unreasonable;
 4. If circumstances permit, the officer provides reasonable opportunity for compliance with the law;
 5. The officer used proper force only after other available means of securing compliance have failed; and
 6. The force employed is not more than is required to produce compliance.
- G. It is the policy of this department that police officers shall not use discourteous, abusive, or insulting language under any circumstance in the performance of their duties. Officers shall enforce the law impartially and professionally. When it is necessary for an officer to give orders or otherwise address people, he/she will do so in ordinary, businesslike language. The department policy in this matter is set forth as follows:
1. An officer shall not use profanity or derogatory terms in the discharge of duties;

2. An officer shall not address people in harsh, belittling or sarcastic terms nor use undue familiarity in the discharge of duties; and
3. When it is necessary for an officer to issue orders, give a warning, or request cooperation, the officer will do so in clear, positive terms using ordinary civil language. An officer is expected to speak affirmatively and emphatically, as the circumstances require.

H. Discriminatory Conduct: City of Tampa Personnel Manual section B1.2, titled "Discriminatory Conduct" is adopted as the policy of the Tampa Police Department, and is quoted in its entirety below.

1. The City of Tampa is committed to the equal treatment of all persons, without regard to race, color, national origin, sex, religion, handicap or age. As part of that commitment, the City has forbidden its employees the use of slurs, derogatory comments, or any other physical or verbal conduct directed at or based upon another person's race, color, national origin, sex, religion, handicap or age.
2. Such incidents threaten the safety, security and well being of not only those against whom they are directed, but all who live and work here as well. They give the erroneous impression that the City of Tampa and its officials and employees do not accept the concepts of equal opportunity and treatment under the law. For these reasons, the City considers these incidents to be among the most serious violations of City policy, which an employee can commit and are deserving of serious disciplinary action up to and including dismissal.
3. Recent events have demonstrated a need to restate the City's policy in these areas and to emphasize that the policy will be stringently and uniformly applied. The words and conduct treated in this policy have no place in the City of Tampa and shall not be tolerated.
4. Employees shall not engage in offensive verbal or physical conduct directed against an employee, a citizen, or any other person or member of the public based upon race, color, national origin, sex, religion, handicap or age. Employees shall not engage in such conduct at any time during working hours or on any City premises. Such conduct is also forbidden while off duty, if such conduct adversely affects the employee's ability to perform his or her City duties.
5. All managers and supervisors are expected and required to insure that this policy is fully implemented and vigorously enforced.

6. Any complaints concerning employee violations shall be thoroughly investigated by the Department of Human Resources for immediate and corrective action as warranted.
7. Violation of this policy shall be grounds for immediate dismissal in the absence of extenuating circumstances, but in no case shall the disciplinary action for a violation be less than a suspension without pay for fifteen working days.
8. Investigations and disciplinary action shall continue to be conducted and administered in accordance with any applicable federal, state or local laws regarding the methods of investigations, complaint reviews, and employee rights of appeal.

Supersedes SOP 536, dated 717.