

# MIAMI POLICE DEPARTMENT

## DEPARTMENTAL ORDERS



**Manuel A. Morales**  
**Chief of Police**

# City of Miami



ARTHUR NORIEGA, V  
City Manager

## MIAMI POLICE DEPARTMENT

### DEPARTMENTAL ORDERS

#### FOREWORD

The purpose of the City of Miami Police Departmental Orders is to provide policy and procedural guidelines for members in the performance of their duties.

All sworn and civilian employees are able to access the departmental orders via the Miami Police Department Intranet. In addition, all employees can download an eBook version of the departmental orders. The new eBook provides access from any mobile device, immediate search, highlighting, notetaking, and read aloud capabilities.

All employees of the Miami Police Department shall become familiar with these orders and will be governed by them.

Manuel A. Morales, Chief of Police  
City of Miami Police Department

Date:

3/8/22



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## DEPARTMENTAL ORDERS

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** It is the policy of the Miami Police Department to provide Departmental Orders (D.O.), written directives as to policy and procedures, to each employee of the organization. These Departmental Orders are promulgated in order that all employees are given the most current, efficient procedures and policies, including amended written directives and procedures, when necessary, to coincide with the terms of ratified labor agreements, which will provide a clear understanding of the constraints and expectations in the performance of their duties.

In addition, the Miami Police Department is committed to ensuring that the Departmental Orders be reviewed routinely as to their relevance and currency, and that they give quick, accurate reference of how the Miami Police Department should operate. As such, Departmental Orders supersede individual organizational element's Standard Operating Procedures.

**1.1.1** It is the duty and responsibility of all employees to familiarize themselves with the Departmental Orders and govern themselves accordingly.

**1.2 ORGANIZATION:** The Miami Police Departmental Orders are promulgated under the direction and authority of the Chief of Police.

**1.3 RESPONSIBILITIES:** All employees within the organization must comply with these orders, unless overruled by a commanding officer, based upon the urgency of the task or assignment. When a departure is necessary, the commanding officer shall notify their section commander at once through established channels.

**1.3.1** This Departmental Order will outline specific procedures for the development, revising, updating, repealing, and indexing orders. The following is a list of which elements are responsible for this review.

Departmental Order 1	Professional Compliance Section
Departmental Order 2	Internal Affairs Section
Departmental Order 3	Special Investigations Section
Departmental Order 4	Communications & Support Services Section
Departmental Order 5	Communications & Support Services Section
Departmental Order 6	Personnel Resource Management Section
Departmental Order 7	Community Relations Section
Departmental Order 8	Business Management Section
Departmental Order 9	Criminal Investigations Section
Departmental Order 10	Field Operations Division
Departmental Order 11	Patrol Section

Departmental Order 12  
Departmental Order 13  
Departmental Order 14  
Departmental Order 15  
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Specialized Operations Section  
Information Technology Support Section  
Property and Evidence Management Section  
Training & Personnel Development Section  
Investigative Support Section  
Professional Compliance Section

**1.4 PROCEDURES:** Revisions of the Departmental Orders are made through publication in either the Official Bulletin or during the annual review process. All D.O. creation or revisions will be well researched to ensure they do not conflict with any law or other policies. Any creation or revision affecting another organizational entity must be coordinated with the entity's commander.

To ensure that the Miami Police Departmental Orders are continuously updated with the most current information, the following procedures will be followed:

**Definitions:**

**1.4.1 Outline:** Each chapter will incorporate the title of the order, the responsible section and be comprised of: a policy statement, an organization statement, a responsibility statement, procedures, and any additional categories in that order.

**1.4.1.1 Policy:** A broad declaration of agency principles, intent, goals and mission. Policy statements may be characterized by such words as "may" or "should" and usually do not establish fixed rules or set procedures for conduct of a particular activity, but rather provide a framework for development of procedures.

**1.4.1.2 Organization:** This written directive should specify each organizational element and any additional reporting function, whether there is a liaison function or a matrix design, etc.

**1.4.1.3 Responsibilities:** A written declarative outline of the responsibility of the function including the function's accountability to the overall mission/goals. This may be a section's or a unit's responsibility.

**1.4.1.4 Procedure(s):** A written directive that is a guide for carrying out agency activities. A procedure may be made mandatory in tone through the use of "shall" versus "should" or "must" rather than "may". Procedures sometimes allow some latitude and discretion in carrying out an activity where appropriate.

**1.4.1.5 Additional Categories:** Additional categories may follow the procedures when necessary to add clarity to the Order.

**1.4.2 Format:** The format of a Departmental Order may be copied from the link posted on departmental computers.

- A. Set the font size at 11 and the font type at Arial.
- B. Set the "justify" function by clicking on the appropriate icon.
- C. Use the "Page Setup" function and make the following settings:

- 1. Under the "Margins" tab, check "Mirror Margins" and set the margins as follows:

Top margin	1.0"
Bottom margin	1.0"

Left margin	1.0"
Right margin	1.0"
Header position	0.5"
Footer position	0.5"

2. Under the "Layout" tab, check "Different First Page".

D. Click on "View" on the top tool bar, then click on "Headers and Footers" on the pull down menu. A dialog box with several icons will appear on the document. A box labeled "Header" will appear at the top of the document. Set a right tab at the right margin in the "Header" box and type the following:

Departmental Order #  
Chapter #

E. Switch to the "Footer" box by clicking on the first icon in the dialog box on the screen. At the left margin in the "Footer" box, type in the date the document is typed/revise. **NOTE:** The footer will **not** appear on the first page. It must be entered on the first page by doing the following: **after** typing the document, return to the first page. Click on "View" on the top tool bar, then click on "Headers and Footers" on the pull down menu. A dialog box with several icons will appear on the document. Click on the first icon. A box labeled "First Page Footer" will appear at the bottom of the document. Type in the desired information.

**1.4.2.1 Making Revisions:** Any new wording will be underlined and any deleted wording will be struck out (a line placed through the word or words). Example: Underline new words and ~~strike out those you want deleted~~. The purpose of this is to provide a log of the changes being made. To underline, click on the underline icon and type your changes. To strikethrough a word or phrase, highlight the word or phrase you want strikethrough and click on **Format**, then **Font**, then check on **Strikethrough**.

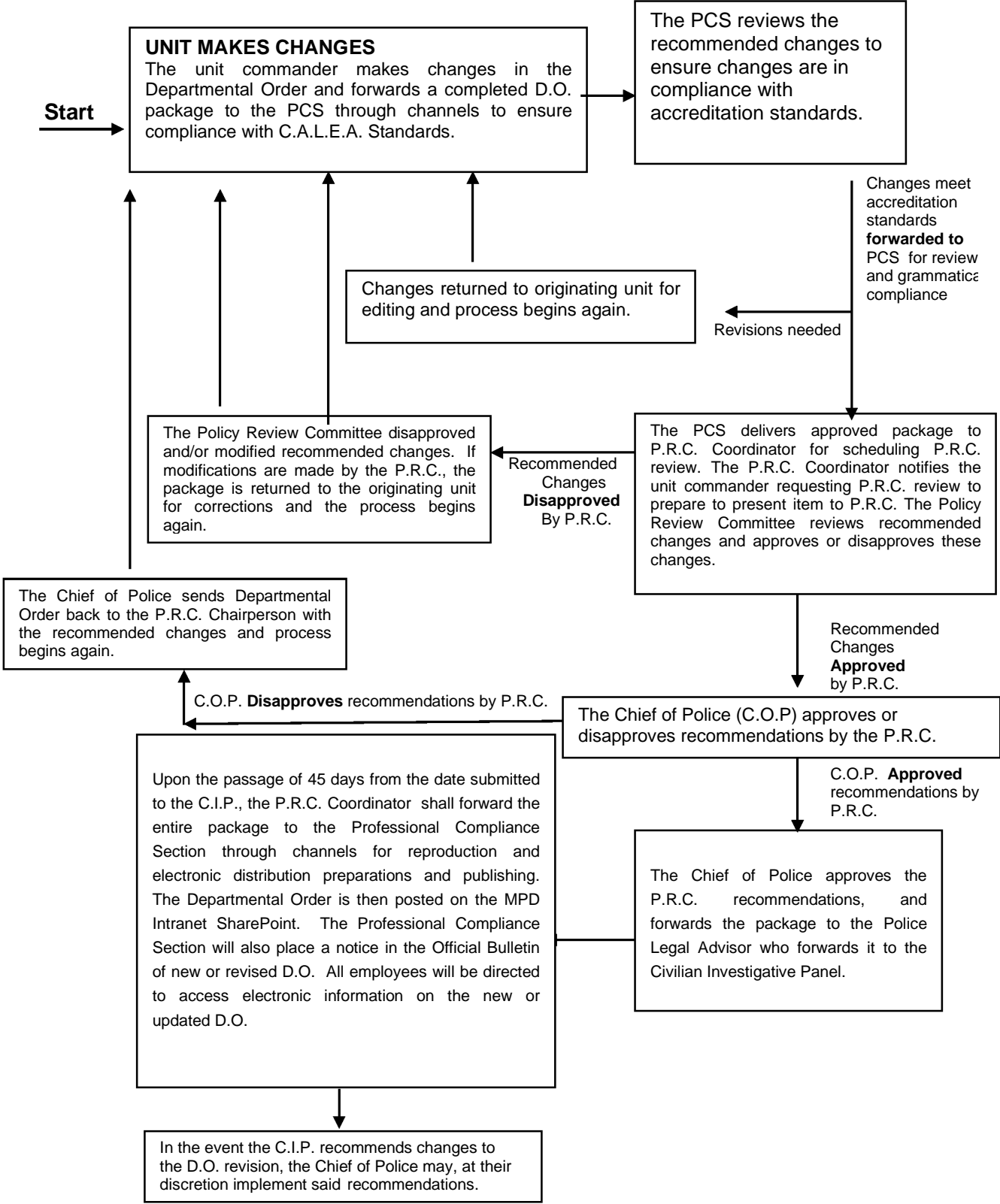
**1.4.3 Annual Review:** Every division will be responsible for ensuring that the annual review process of the Departmental Orders is conducted by August 15 of each year. Section commanders will be responsible for reviewing their Departmental Order to ensure that they are current and updated. If the Departmental Order **is current**, and there are no recommended changes, the section commander must write a memorandum to the Professional Compliance Section (PCS) indicating that their Departmental Order is current and that no changes are needed. If there **are recommended changes**, the Departmental Order Review Process will be implemented.

**1.4.3.1 The Departmental Review Process Consists of:**

- A. The unit commander makes the recommended changes in the Departmental Order, and forwards a completed Departmental Order package to the Professional Compliance Section through channels to ensure compliance with the Commission on Accreditation for Law Enforcement Agencies (C.A.L.E.A.) Standards. The C.A.L.E.A. Standards Manual is posted on the Miami Police Department's Intranet.
- B. The Professional Compliance Section reviews the recommended changes to ensure changes are in compliance with accreditation standards. If the recommended changes conflict with accreditation standards the Professional Compliance Section returns the package to the originating unit, for corrections and re-submission to the Professional Compliance Section.

- C. If the recommended changes meet accreditation standards, the Professional Compliance Section will review for grammatical and other structural compliance and then deliver the approved package to the Policy Review Committee (P.R.C.) coordinator for scheduling P.R.C. review.
- D. The P.R.C. Coordinator will notify the unit commander requesting P.R.C. review to prepare to present the item to P.R.C. If approved by the Committee, the P.R.C. Chairman will forward the recommended changes to the Chief of Police for final approval or disapproval. If the recommended changes are not approved by the P.R.C., the recommended changes will be returned to the originating unit for corrections and the process begins again.
- E. If the Chief of Police disapproves the package, it is returned to the Policy Review Committee chairperson, who returns it to the originating unit with the recommended changes by the Chief of Police and the process begins again.
- F. If the Chief of Police approves the P.R.C. recommendations, the Chief of Police or designee sends the package to the Police Legal Advisor, who forwards it to the Civilian Investigative Panel (C.I.P.) via e-mail.
- G. Upon the passage of 45 days from the date submitted to the C.I.P., the office of the Chief of Police shall forward the entire package to the P.R.C. Coordinator. The D.O. package must contain the P.R.C. recommendation memo signed by the Chief of Police. The P.R.C. Coordinator will deliver the completed package to the Professional Compliance Section through channels for final reproduction and distribution preparation for electronic publishing. Changes to the D.O. that are brought about due to changes in Florida Statutes, local government legislation, labor contracts, city administrative policies and or dealing with public safety matters will not be subject to the 45 day hold for C.I.P. review and can clear immediately. The Professional Compliance Section shall post the revised Departmental Order on the Miami Police Intranet SharePoint. The Professional Compliance Section will also place a notice in the Official Bulletin of new or revised D.O.
- H. In the event the C.I.P. recommends changes to the D.O. revision, the Chief of Police may, at their discretion, implement said recommendations.





**1.4.3.2 The Departmental Order Package:** The Departmental Order (D.O.) package shall consist of a digital format copy on the server as outlined below:

- 1) The original D.O.
- 2) The revised D.O. with the tracked changes, i.e. including strikethroughs and underlining.
- 3) A red line memorandum to the Professional Compliance Section commander requesting review of the proposed changes to the D.O.
- 4) The red line must outline a synopsis of the change(s) being proposed.

**1.4.4 Updating:** Departmental Orders are updated through a D.O. supplemental package a minimum of once a year per accreditation standards and through the Official Bulletins as they are approved by the Chief of Police.

Revisions may range from simple sentence changes announced in the Official Bulletin to annual supplements indicating the date of the revision.

The Professional Compliance Section is responsible for coordinating the annual review of Departmental Orders, verifying their structural format, accuracy, and currency and for maintaining the entire set of D.O. Each individual section is responsible for maintaining their corresponding D.O. in their departmental assigned "U" drive.

**1.4.4.1** Departmental Orders are available to members through the Miami Police Intranet SharePoint. Pursuant to the Policy Review Committee and the Chief of Police review and approval of an updated departmental order, the directive is forwarded to the Civilian Investigative Panel 45 days prior to implementation pursuant to City Ordinance after which they are forwarded to the Professional Compliance Section for reproduction and electronic distribution preparation. The Departmental Order is then posted on the Miami Police Department's Intranet SharePoint.

**1.4.5 Exception to the D.O. Package:** When an update or annual revision to a Departmental Order does not materially alter the structure of the current format, like a change of a word or two, a hard/digital copy of the wording to be added and/or deleted shall only be required.

**1.4.6 Procedural Changes:** Any change in departmental procedures may be made at the section level's request. This procedural change must be **reviewed** by the Department's Policy Review Committee and approved by the Chief of Police before implementation.

**1.4.7 Policy Change:** Any policy change must be submitted to the Policy Review Committee for evaluation and approval. This committee will recommend to the Chief of Police, for approval, any necessary change in Departmental Orders.

**1.4.8 Repealed:** Any Departmental Order that is to be repealed will be treated as an update in the Official Bulletin or during the annual revision. The effect of repealing can be substantial if the subsequent chapters are numerous because those chapters will have to be re-numbered. Anyone wishing to repeal directives from Departmental Orders will adhere to the requirements specified in this chapter regardless of the size of the change.

**1.4.9 Effective Dates:** Once the policy has been approved for issuance to all employees, the Professional Compliance Section will affix the corresponding effective date on the lower left corner of the Order.

**1.4.11 Issuance:** It is the responsibility of all employees to access and review all Departmental Orders on the MPD Intranet SharePoint.

**1.4.12 Gender:** Any order written as, he, she, him, her, etc., is not meant to be gender specific, but refers to any male or female employee of the Miami Police Department. As orders are revised, these words may be replaced with they, their, etc., to remain gender neutral.

## DEPARTMENTAL MISSION

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibility
- 2.4 Mission
- 2.5 Organizational Divisions
- 2.6 Goals

**2.1 POLICY:** It is the policy of the Miami Police Department (MPD) to provide each employee a copy of its mission statement and the goals of the Department.

**2.2 ORGANIZATION:** This Departmental Order (DO) is the collective thought of the entire organization; it is the mainstay of the organization.

**2.3 RESPONSIBILITY:** It is the responsibility of each employee to embrace this Order as a practical and philosophical concept. The goals of the organization are the reason for the Department's existence.

### **2.4 MISSION**

**2.4.1 MISSION STATEMENT:** To work together with Miami's diverse residents, visitors, and businesses to constitutionally, transparently, and accountably reduce crime and enhance public safety. (CALEA 12.2.1 a)

**2.4.2 VISION:** The MPD will maintain the highest standards of professional ethics and integrity. We are committed to the philosophy of community and neighborhood policing. We will build partnerships and coalitions with the business, corporate, and residential communities to identify and recommend solutions to problems with the goal of improving the quality of life in our neighborhoods. We will employ time-tested police methods and promising innovative approaches to better protect our communities. We value the cultural unity and differences of our communities, recognizing that there is strength in both. Our commitment is to provide professional service to our citizens, residents, and visitors.

**2.4.3 CORE VALUES:** In our individual conduct and in our personal relationships, we value: (CALEA 12.2.1a)

- a. Integrity and ethical behavior at all times
- b. Respect for the rules of law and the dignity of all human beings
- c. Acceptance of full responsibility and accountability for our actions
- d. Empathy and compassion for others
- e. Direct communications that permits and encourages healthy disagreement
- f. Resolving differences in a mutually supportive and positive way

**2.4.3.1** In our professional responsibilities, we value:

- a. Individual and team effectiveness in solving crime and crime related problems
- b. Exceptional response to community needs
- c. Equal protection and service to all, regardless of economic status
- d. Continuous commitment to personal and professional growth
- e. Innovation, creativity, and reasoned risk-taking
- f. A methodical approach to problem solving
- g. Responsible and creative management of our resources
- h. Excellence and continuous improvement in all we do

**2.5 ORGANIZATIONAL DIVISIONS:**

**2.5.1** The MPD is divided into the following major components:

- a. Office of the Chief of Police (COP)
- b. Office of the Deputy Chief of Police (ODC)
- c. Administration Division (ADM)
- d. Field Operations Division (FOD)
- e. Criminal Investigations Division (CID)

**2.5.2** The Internal Affairs Section (IAS), Special Investigations Section (SIS), Professional Compliance Section (PCS) and the Public Information Office/Community Relations Section (PIO/CRS) are each commanded by a Major of Police who reports directly to the Chief of Police (COP)

**2.5.3** The Administration Division is commanded by an Assistant Chief of Police who reports directly to the Deputy Chief of Police

**2.5.4** The Field Operations Division is commanded by an Assistant Chief of Police who reports directly to the Deputy Chief of Police

**2.5.5** The Criminal Investigations Division is commanded by an Assistant Chief of Police who reports directly to the Deputy Chief of Police

**2.5.6** The Office of the Deputy Chief of Police is commanded by the Deputy Chief of Police who reports directly to the Chief of Police

**2.6 GOALS:**

**2.6.1 Office of the Chief of Police - Internal Affairs Section:**

**2.6.1.1** To provide an evaluation process whereby determinations can be made as to whether policies and procedures are being implemented as intended and whether efficient, effective, and accepted management principles are being practiced and personnel are being allocated and distributed within all organizational components in accordance with documented periodic workload assessments.

**2.6.1.2** To examine the activities of the Department's review process in determining equitable standards applicable to all employees

**2.6.1.3** To pursue allegations of administrative and criminal misconduct by City employees in a pro-active, systematic, and thorough manner by providing complete resource support and liaison with other agencies

**2.6.1.4** The Office of the Chief of Police must obtain a written, signed copy of all applicable labor agreements. The Chief of Police (or designee) must review such labor agreements and if necessary amend written directives and procedures to coincide with the terms of the labor agreements. Additionally the new labor agreements, including any modifications to existing agreements, must be disseminated to the staff and all supervisors.

## **2.6.2 Office of the Chief of Police - Special Investigations Section**

**2.6.2.1** To interrupt, dismantle, or adversely affect money laundering operations

**2.6.2.2** To investigate organized criminal activities

**2.6.2.3** To reduce the illegal sale of alcoholic beverages

**2.6.2.4** To actively investigate and reduce illegal gambling operations

**2.6.2.5** To provide investigative and intelligence operations on terrorist activities

**2.6.2.6** To curtail the proliferation of illegal firearms and silencers in the City of Miami by ensuring compliance with local, State, and federal laws by licensed gun dealers, and by investigating illegal dealers.

**2.6.2.7** To reduce illegal narcotics trafficking

**2.6.2.8** To provide dignitary protection to those VIP's whose position makes them vulnerable to life threatening situations

**2.6.2.9** To monitor and investigate gang activities

**2.6.2.10** To provide a highly technical response to bomb scenes for investigation, handling, and disposal without injury to police officers or members of the community

## **2.6.3 Office of the Chief of Police - Professional Compliance Section**

**2.6.3.1** To address deficiencies and identify critical incidents for review that have a potential for high liability and/or high risk

**2.6.3.2** To ensure compliance with the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) standards

**2.6.3.3** To conduct organizational inspections to ensure efficiency and effectiveness of departmental elements and operations

**2.6.3.4** To provide a mechanism for systematic and consistent review and update of Departmental directives

**2.6.4 Office of the Chief of Police - Public Information Office/Community Relations Section**

**2.6.4.1** To enhance the image of the Miami Police Department through news and social media outlets while increasing morale through employee awareness and information programs

**2.6.4.2** To commit the MPD to the development of a partnership with the community, which will include volunteers from the community as an important and necessary ingredient in the development and delivery of police services

**2.6.4.3** To prevent delinquency and youth gangs, and to deter pre-delinquents by working with juveniles in schools and by developing specific youth programs to address these issues

**2.6.4.4** To reduce crime through effective crime prevention programs

**2.6.4.5** To reduce crime against the elderly

**2.6.5 Administration Division:** The Administration Division is comprised of the following:

- a. Personnel Resource Management Section
- b. Business Management Section
- c. Information Technology Support Section
- d. Training and Personnel Development Section
- e. Communications/Support Services Section
- f. Property Unit

**2.6.5.1** To provide a professional personnel operation that will accurately maintain personnel files, perform required personnel actions in a timely manner, and monitor status of affirmative action goals

**2.6.5.2** To provide police personnel, the public, and other interested parties with the means for retrieval of police records and information in a timely manner and arrange for the storage, retention, security and destruction of those records as required by State Statute

**2.6.5.3** To provide effective and efficient computerized systems within the Miami Police Department, as well as providing statistical crime data to the Department and local, state, and federal agencies

**2.6.5.4** To accept and process subpoenas or notices to appear at any judicial or quasi-judicial proceeding arising from the law enforcement efforts of the Department

**2.6.5.5** To ensure that attendance at all judicial proceedings e.g., court related appearances, conferences, and other matters arising from the law enforcement efforts of the Department are accomplished in a timely, efficient, and professional manner

**2.6.5.6** To provide secure and adequate procedures and facilities for the storage and management of property seized by Departmental personnel, evidence, found property, or personal property

**2.6.5.7** To provide uniforms and equipment to employees, as required, in order to present a positive image to the public

**2.6.5.8** To support the MPD in its primary mission through the effective management of fiscal resources

**2.6.5.9** To equip the MPD with vehicles and with state-of-the-art equipment, within budgetary constraints

**2.6.5.10** To provide secure and adequate procedures and facilities for the storage and management of vehicles and boats impounded by Departmental personnel

**2.6.5.11** To act as a processing point for all reports generated by the Department and those others which are forwarded by outside law enforcement agencies

**2.6.5.12** To ensure that there is an adequate number of maintained, operational police vehicles

**2.6.5.13** To accurately maintain payroll records and perform the necessary payroll transactions in a timely manner for all employees

**2.6.5.14** To provide MPD staff, other City agencies, and the State of Florida with timely and accurate personnel information on which to base rational/informed decision-making aimed at improving effectiveness

**2.6.5.15** To provide the COP and his staff with short and long term planning and analytical capability which will enable the Department to make comprehensive decisions for the resolution of existing and/or anticipated issues

**2.6.5.16** To ensure that all employees hired by the MPD are the highest caliber employees attainable, based upon the realistic and consistent application of objective selection criteria

**2.6.5.17** To enhance the skills and knowledge of police officers by developing, coordinating, and conducting Trust Fund courses open to Region 14, at the City of Miami Police Training Center

**2.6.5.18** To make outside sources of training available to Departmental employees

**2.6.5.19** To conduct in-house training to upgrade employee proficiency skills

**2.6.5.20** To provide a comprehensive crime and operations analysis information service to the MPD, which by design, validity, and value will establish the basis for the decision-making processes relative to the allocation and deployment of police resources

**2.6.5.21** To ensure that Departmental employees are informed of changes in systems, procedures, policy, and other relevant information needed to satisfactorily perform their functions

**2.6.5.22** To provide a communications link with organizations and individuals within the community who have a legitimate interest in the MPD

**2.6.5.23** To train Departmental employees authorized to carry weapons in a manner that will help them achieve the highest level of proficiency possible

**2.6.5.24** To conduct training that will ensure standardized proficiency skills in police recruits and Public Service Aides (PSA's)



**2.6.5.25** To reduce the number of false alarm calls

**2.6.5.26** To efficiently handle citizen requests for police services on a 24-hour basis (911 calls)

**2.6.5.27** To promptly answer incoming calls, gather and enter information accurately, and dispatch response units

**2.6.6 Field Operations Division:** The Field Operations Division is comprised of:

- a. Patrol Districts
- b. Specialized Operations Section

**2.6.6.1** To establish personalized public contact and interaction with merchants, customers, residents, and community organizations, while providing a support force for crowd and traffic control activities in situations where hostilities are minimal e.g., parades, demonstrations, conventions, and events at City parks and other facilities, and to maintain an orderly flow of traffic and pedestrian movement in congested business areas

**2.6.6.2** To ensure safe and convenient travel for motorists and pedestrians through enforcement of the traffic laws

**2.6.6.3** To provide police service to special events that cannot be supplied by on-duty police i.e., ensuring safe passage in and around construction areas, and to minimize inconveniences to the general public at various street festivals, road closures, demonstrations, or commercial filming

**2.6.6.4** To administer assistance to citizens, Departmental personnel, and members of other law enforcement agencies, while providing general station security through periodic security inspections, screening of visitors, and referrals to the appropriate areas in the Department

**2.6.6.5** To suppress the sale and possession of narcotics on the streets of the City of Miami

**2.6.6.6** To efficiently regulate automotive towing services operating within the City of Miami

**2.6.6.7** To efficiently provide for the safety of the beaches, boating public, and the suppression of criminal activity on the waterways and land located within the jurisdictional boundaries of the City of Miami

**2.6.6.8** To present a tactical team presence in areas requiring additional police enforcement activity

**2.6.6.9** To reduce crime and fear of crime by identifying and arresting those who violate the law

**2.6.6.10** To reduce traffic crashes, injuries, and fatalities by deploying traffic enforcement officers

**2.6.6.11** To provide for the safety of the citizens of the City of Miami by apprehending the criminal element through the proper utilization of police work canines

**2.6.6.12** To respond to calls for police service

**2.6.6.13** To provide operational and administrative support services by establishing a pool of qualified, trained and seasoned PSA employees to fill permanent position vacancies in the Department thereby alleviating the necessity for assignment of sworn officers to these tasks

**2.6.7 Criminal Investigations Division:** The Criminal Investigations Division is comprised of:

- a. Assault Unit
- b. Crime Scene Investigations Unit
- c. Domestic Violence Unit
- d. General Investigations Unit
- e. Homicide Unit
- f. Robbery Unit
- g. Special Victims Unit
- h. Investigations Support Unit
- i. Victim Advocate Services

**2.6.7.1** To provide efficient support services to criminal investigators, victims, and witnesses to criminal activity by collecting and disseminating information crucial to criminal investigations, witnesses, and law enforcement officials

**2.6.7.2** To document, process, and preserve evidence created during a criminal act, which provides for the identification and prosecution of criminals

**2.6.7.3** To provide for the comparison and identification of fingerprints developed from crime scenes, and to provide court recognized expert witnesses for the presentation of the results of fingerprint comparisons

**2.6.7.4** To provide forensic photographic services to the investigative branches of the MPD and other agencies

**2.6.7.5** To ensure strict compliance with all applicable laws by pawnshops located within the City of Miami

**2.6.7.6** To successfully investigate all reported property crimes i.e., burglaries and larcenies.

**2.6.7.7** To identify and arrest criminal receivers of stolen property and to recover stolen property and return it to the rightful owner

**2.6.7.8** To utilize every available resource to identify and apprehend homicide offenders, while working in productive harmony with the courts, prosecutors, and medical examiner to prosecute, bring to trial, and convict homicide offenders

**2.6.7.9** To successfully investigate all assault and battery cases, while working in productive harmony with the courts, prosecutors, rape treatment professionals, and other professional resources

**2.6.7.10** To successfully investigate all reports of domestic violence

**2.6.7.11** To successfully investigate all reports of robberies, kidnappings and extortions

**2.6.7.12** To investigate all allegations of sexual battery, child abuse and pornography, lewd and lascivious battery, abuse of the elderly, and reports of missing persons

## PUBLIC INFORMATION OFFICE

### Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** The Miami Police Department believes that affirmative press relations are vital to our law enforcement mission. A law enforcement agency depends on community support in the form of trust and confidence to carry out its responsibilities. A vigorous and professional press is an ally to law enforcement efforts.

The policy of the Miami Police Department is to practice a program of openness and fairness by making available to the news media timely information pertaining to matters within its purview. The department shall cooperate with all the news media. Members of the department shall, whenever possible, assist media personnel in gathering news relating to police matters. This news will be coordinated through the Public Information Office.

Release of information shall be made without partiality. Information will not be withheld in order to favor a particular agency or representative. Information will be withheld only when its knowledge will compromise an ongoing investigation or when required by law.

Information pertaining to department-wide policies, administrative investigations, and crime statistics will be released through the chief of police or a designated representative. News conferences will be arranged through the Public Information Office.

**3.2 ORGANIZATION:** The Public Information Office reports to the commander of the Public Information/Community Relations Section. The unit operates from 0800 hours to 2000 hours Monday through Friday. An officer is on-call for emergency situations during the hours the office is not open.

**3.3 RESPONSIBILITIES:** In order to gain public support for the department, it is essential that the avenues of communication among the department, news media and citizenry remain open. To accomplish this the Public Information Office will:

**3.3.1** Disseminate accurate and complete information to the news media on matters of public interest and concern in a timely manner.

**3.3.2** Create a smooth working relationship with the media by providing an informal but direct line of communication.

**3.3.3** Maintain contacts among members of the media who may be of assistance in the event of an emergency situation.

**3.3.4** Utilize the media when attempting to stimulate public interest in departmental programs involving the community.

**3.3.5** Promote a feeling of teamwork between the police and the media.

**3.3.6** Review newsworthy items for release to the media.

**3.3.7** Research reasonable media requests regarding specific facts or general information.

**3.3.8** Coordinate all news conferences involving departmental personnel and news media.

**3.3.9** Assist in the release of news information at the scene of major incidents by obtaining information from the investigating officer and disseminating it to the news media or having the investigator do the interview.

**3.3.10** Coordinate the department's Awards Program, including monthly departmental awards and all outside agency awards.

**3.3.11** Publish the department's newspaper, On the Beat.

**3.3.12** Coordinate all television and radio appearances by members of the department.

**3.3.13** Create and disseminate public service announcements regarding departmental programs and community projects

**3.3.14** Assist in crisis situations within the agency such as, but not limited to, controversial police-involved shootings or the arrest of department personnel.

**3.4 PROCEDURES:** In order to carry out the responsibilities outlined in Section 3.3, members of the Department will adhere to the following:

**3.4.1 Interviews:** The Public Information Office shall be advised of interviews and/or conversations with representatives of the media by completing the media interview report form (#88-12) within the interviewees tour of duty. This will insure the department's ability to respond to other inquiries in a timely and accurate manner and avoid conflicting statements.

**3.4.1.1** In order to preserve the integrity and consistency of cases, interviews with members of the department are permitted only if authorized by the commanding officer of the Public Information Office, or his designee.

**3.4.1.2** Only the Chief of Police, or his designee shall comment on Departmental policies and procedures.

**3.4.1.3** All news media contacts at major interest situations such as crime scenes, serious accidents, S.W.A.T. mobilizations, unusual police operations, etc., will be coordinated by the Public Information Office, the lead investigator or the on-duty patrol commander. A public information officer will be called to these types of incidents by the on-scene commander either by direct contact or through the complaint sergeant. In the absence of the public information officer the on-scene commander will be responsible for designating a subordinate to coordinate with the media. The on-scene commander or designee will then brief the Public Information office with all details when appropriate.

**3.4.1.4** Access to non-public areas within the confines of the police complex, for the purposes of interviews or filming, may be granted to media personnel by the chief of police, deputy chief, assistant chief, staff duty officer or public information officer.

**3.4.2 News Releases:** News Releases are a vital method of keeping the media and the public informed of major incidents, police department programs/events and any other newsworthy items.

**3.4.2.1** News Releases are prepared by the public information office.

**3.4.2.2** All news releases will be reviewed and approved by the lead investigator and/or supervisor prior to being disseminated.

**3.4.3 News Media Access to Scene:** Many of the misunderstandings between police and the media arise at scenes of major crimes, emergencies or disorders. Under these strained circumstances, where individual perceptions are often distorted by distractions of the emergency, misconceptions can easily occur. The Public Information Officer on the scene will coordinate efforts and approval with the incident commander regarding media access to a scene.

**3.4.3.1** To preserve the integrity of the scene while at the same time obtaining information for the media, Public Information Office personnel or an appointed representative will coordinate with the media at a designated area outside the established perimeter media staging area outside of the established perimeter.

**3.4.3.2** Access to crime, accident or emergency scenes may be granted to news media personnel, providing such access does not contaminate the crime scene or conflict with sound police procedures. Access by media members to private property should be granted by the owner or person in charge of the property. Media representatives will be warned of any dangers, present or contemplated. However, the presence of danger will not preclude them from entering a particular area. The City of Miami shall not be held responsible for the safety of media personnel who enter restricted areas after being warned of the dangers therein. Valid credentials are those which satisfy the officer that the representative is indeed a member of the working press.

**3.4.3.3** Photography by the media outside a crime scene will not be restricted. Photography by the media within the immediate crime scene will be allowed, providing it does not jeopardize the successful conclusion of an investigation, contaminate the scene or threaten the public order.

**3.4.4 Release of Information to the News Media:** Pursuant to Section 119 of the Florida Statutes, general information concerning any police activity will be released through the Public Information Office during its normal working hours (0800-2000hrs, Monday-Friday). When the Miami Police Department is involved in a joint investigation or operation with other law enforcement agencies, the agency designated as the "lead" will be responsible for the release of information to the news media.

**3.4.4.1 Information that CAN be released.** The following information may be released to the news media:

**3.4.4.1.1** General information concerning the how, why, what, where and when of the crime or incident.

**3.4.4.1.2** General description of victims, i.e. age, sex race and occupation. The names of deceased persons may be released after notification of the next of kin and if the release would not hinder an investigation.

**3.4.4.1.3** Descriptions of suspects unless, in the judgment of the investigator, a successful conclusion of the case will be hampered.

**3.4.4.1.4** Weapons and vehicles used unless, in the judgment of the investigator, a successful conclusion of the case will be hampered.

**3.4.4.1.5** Stolen items unless, in the judgment of the investigator, a successful conclusion of the case will be hampered.

**3.4.4.1.6** Injuries suffered by victims or suspects unless, in the judgment of the investigator, a successful conclusion of the case will be hampered.

**3.4.4.1.7** Information contained in arrest affidavits.

**3.4.4.1.8** Incident reports. However, any identifying information about the victims of Sexual Battery or Child Abuse must be deleted.

**3.4.4.1.9** Names, ages, addresses and photographs of juveniles arrested for felonies or who have previously committed three or more misdemeanors.

**3.4.4.2 Information That Cannot be Released:** The following information **will not** be released to the media:

**3.4.4.2.1** Names, addresses and exact location of witnesses.

**3.4.4.2.2** Names, addresses and exact location of victims of sexual battery or child abuse.

**3.4.4.2.3** Names and addresses of juveniles taken into custody who have not been arrested for a felony or have not previously committed three or more misdemeanors. Inquiries concerning juveniles who do not fit into these categories should be referred to the juvenile court.

**3.4.4.2.4** The fact that an arrestee made a statement, unless the opinion of the investigating officer, this will not hamper the investigation.

**3.4.4.2.5** Any facts that might hinder the investigation of an incident or crime, adversely affect the prosecution, or jeopardize the rights of victims, witnesses or suspects.

**3.4.4.2.6** Photos of arrestees should not be released unless authorized by the lead investigator as this may jeopardize later photo and in-court identifications.

**3.4.4.2.7** Names of informants or descriptive information or contents of the information supplied.

**3.4.4.2.8** Supplemental and investigative follow-up reports shall not be released until such time as the case is closed or the lead investigator deems it permissible.

**3.4.4.2.9** Grand jury testimony and proceedings.

**3.4.4.2.10** Internal Affairs investigations. State law states that only closed case files can be reviewed by the news media.

**3.4.4.2.11** Any information regarding H.I.V. status of parties involved.

**3.4.4.2.12** Any other information protected, or made exempt by the Florida Public Records Law,. Questions about this law and its application should be directed to the Public Information Office or the Legal Unit.

**3.4.5 Courtesy to News Media Representatives:** It must be recognized that the media has the right to seek out news and to have access to public records. Proper courtesy will be extended to news media representatives at all times, whether in the field or within the facilities of the department. Members of the media are expected to show similar courtesies. In the event that proper courtesy or procedure is not being extended by individual media representatives, a written report of the incident involving these allegations will be submitted to the commander of the public information office, who will

investigate and respond. The Miami Police Department must guard against favoring any type of media or representatives. Our goal is to fairly dispense information to all the media.

**3.4.5.1 Complaints Against Media Members.** Complaints regarding the conduct of a media representative or the contents of news media journalism will be brought to the attention of the Public Information Office. Aggravated situations requiring immediate action will be referred to the public information office commander or staff duty officer.

**3.4.5.2 Arrest of Media Personnel.** No warrantless arrest of media personnel for non-felonious acts arising out of the pursuit of the news gathering function will be made without the express authority of the senior on-duty commanding officer or the staff duty officer.

**3.4.6 Individual Members of the Department:** Other than those constraints set forth herein, members of the department are to be open and cooperative with the news media. Individual members of the department are urged to consider themselves part of the public information office team.



**Social Media Unit  
Use of Departmental Social Media Platforms**

## Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures

**4.1 POLICY:** Social media has become a dominant platform by which information is shared globally amongst internet users. It is the policy of the Miami Police Department (MPD) to continuously improve the way it communicates with the citizens of Miami. Social media provides a valuable means to the City of Miami Police Department in meeting our responsibility to serve our community. The department will use different social media platforms to effectively enhance communication and stimulate collaboration with residents, businesses and visitors of Miami. The following guidelines will be used to safeguard the integrity and image of the MPD, its members and the City.

[Note: See also Social Media / Social Networking Departmental Order reference personal use of social media.]

**4.2 ORGANIZATION:** The Social Media Unit (SMU), under the Commander of the Public Information Office, will be responsible for managing and monitoring the specific social media platforms the MPD utilizes.

**4.3 RESPONSIBILITIES:** In order to effectively enhance communication, stimulate collaboration and better serve City of Miami residents, businesses, and its visitors, the Social Media Unit shall:

**4.3.1** Establish and maintain MPD social media accounts on platforms capable of achieving SMU's policy to effectively enhance communication and stimulate collaboration with residents, businesses and visitors of Miami.

**4.3.2** Coordinate all social media efforts for all sections and units of the MPD.

**4.3.3** Disseminate accurate and complete information on the Department's social media platforms on matters of public interest and concern in a timely manner.

**4.3.4** Utilize social media platforms to stimulate public interest in the Department's community outreach programs.

**4.3.5** Promote partnerships between the police and community stakeholders by supporting mutual social media efforts which meet SMU's goals and objectives.

**4.3.6** Review relevant newsworthy materials consistent with SMU policy for release on social media.

**4.3.7** Monitor and utilize social media during natural disasters, crisis situations and significant events to assist the Department's efforts.

**4.3.8** Monitor and respond to comments posted on the Department's social media platforms using the approved Comment Grading System.

**4.3.9** Educate employees of the Department on the social media policies and provide best practices on how to use and maintain their personal social media accounts.

**4.4 PROCEDURES:** All uses of social media on behalf of the MPD, or by members of the Department in any matter that appears to represent the MPD must comply with the following standards:

**4.4.1 Social Media Platforms:** No section, unit or member will establish or terminate a social media identity, account, profile, page, or site, (collectively, "social media account(s)") or "account(s)") on behalf of the Department without the approval of the Chief of Police or designee.

**4.4.2 Home Page:** Each social media platform established on behalf of the MPD should prominently display, on the first page accessible to site visitors, the Department's full name ("City of Miami Police Department"), the Department's logo or badge as the profile picture, a brief description of the Department, a hyperlink to the Department's Internet website, contact information for the SMU, and instructions to dial 911 in case of an emergency.

**4.4.3 Authorized Social Media Users:** In order to preserve the integrity and consistency of information being disseminated, only authorized Social Media Unit members, designated by the Public Information Office Commander (or designee), shall have administrator access and be allowed to post content on the Department's social media accounts.

**4.4.4 Posts:** Posts are entries uploaded onto social media platforms for the public to view. Posts may consist of narratives, photos and videos, or any combination of all three. Posts shall be uploaded regularly by authorized Social Media Unit members, designated by the Public Information Office Commander (or designee), and contain content directly related to the mission, services, and objectives of the MPD. Posts will depict the Department in a manner that is professional and positive. Posts shall not bring discredit to the Department or any of its members.

**4.4.5 Content and Hyperlinks:** No information, communications, hyperlinks, or other content may be posted, or approved for posting, on any of the Department's social media platforms or on behalf of the Department on any other external social media site that is not directly related to the mission, services, and objectives of the MPD and/or in violation of this Departmental Order or any other Departmental Order.

**4.4.6 Content Source:** Content posted on any of the Department's social media platforms shall not violate copyright, trademark, or other intellectual property rights of any person or entity, or otherwise violate their legal ownership interests.

**4.4.7 Intellectual property:** The City of Miami and the MPD are the sole and exclusive owners of all intellectual property and material for all copyright terms, renewal terms and revivals thereof throughout the world for all uses and purposes whatsoever.

**4.4.8 Content to be Respectful:** The content and information posted shall not dramatize, demean, disparage, disgrace, or cast any unfavorable light upon the City including any of its employees, agents, or departments. Furthermore, the content and information posted shall not include any script, storylines, or depictions of MPD members committing a violation of any MPD policies and/or procedures and/or any unlawful, immoral, racist, or reckless act performed by the City or any of its employees, agents, or departments, including but not limited to, any unlawful acts of battery, assault, beating, shooting, planting of evidence, racist comments, hate crimes, reckless driving, or any other criminal act. Content shall not be sexually explicit or in violation of any City of Miami Administrative Policies (APM) or federal, state or local laws.

**4.4.9 Content and Confidential Information:** Content posted on any of the Department's social media platforms shall not compromise the safety of any of the Department's members, the integrity of investigations, and/or the rights of victims and juveniles.

**4.4.10 Active Crime Scenes and Investigations:** Content and information posted on any of the Department's social media platforms shall not disseminate information pertaining to active crime scenes and/or in-progress police activity, unless approved by the Public Information Office Commander. Any requests made by the media through the Department's social media platforms will be referred to the Department's Public Information Office.

**4.4.10.1 Hashtags:** The use of hashtags (e.g., #yourMiamiPD) can promote negative attention to the Department if used incorrectly. All hashtag use and campaigns must be approved by the Public Information Office Commander (or designee). Hashtags create an efficient method to find content related to specific topics. The use of hashtags by the Department shall only be directly related to the mission, services, and objectives of the MPD.

**4.4.10.2 Visual Content Watermark:** All visual content (e.g., photos, videos, graphics) created on behalf of the Department, by any member of the Department must display a watermark identifying the MPD as owner of the intellectual property.

**4.4.10.3 Waivers and Releases:** The MPD "Consent, Permission and Release for Use of Photo, Video and/or Audio" form (RF 2016-1) will be required granting the City of Miami and the Miami Police Department the legal right to use the image and voice of any person

being included in any production. The waiver will always be required; MPD members are exempt from this requirement.

**4.4.10.4 Content Approval:** All final productions and essays created by any member of the Department for release to the public, news media or social media must be approved by the Public Information Office Commander (or designee) prior to its release or posting.

**4.4.10.5 Comment Grading System:** The Public Information Office Commander (or designee) is responsible for creating and updating the Comment Grading System. The Comment Grading System must be approved by the COP (or designee). The Comment Grading System will provide specific guidance to authorized members of the Social Media Unit on how to address and respond to questions and comments posted by visitors to the Department's social media platforms.

**4.4.10.6 Individual Members of the Department:** Individual members of the Department are urged to consider themselves part of the social media team. Members are encouraged to submit content ideas to the Social Media Unit. Members are also urged to share official content posted by the Department on social media.

## COLLECTIVE BARGAINING

### Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibility
- 5.4 Procedures

**5.1 POLICY:** It is the policy of the City to participate in good faith collective bargaining with representatives of the employees bargaining units on matters that affect law enforcement and the capabilities of the Department.

**5.2 ORGANIZATION:** The Chief of Police will assign a coordinator to the collective bargaining process to assist the City during the collective bargaining process.

**5.3 RESPONSIBILITY:** The Chief of Police will designate a representative to represent the Police Department in the collective bargaining process.

**5.4 PROCEDURES:** When designated the designee, will represent the Police Department in the collective bargaining process as the official representative.

**5.4.1** Pursuant to and in accordance with all applicable provisions of chapter 447, Florida Statutes, the City recognizes:

A. The Fraternal Order of Police, Walter E. Headley., Miami Lodge #20 as the exclusive collective bargaining representative for those sworn employees in the defined bargaining unit; and

B. The Miami General Employees AFSCME Local 1907, AFL-CIO as the exclusive bargaining representative for those non-sworn employees included in the bargaining unit.

**5.4.2** Notify the employee organization in writing of any other changes in the designation of the City's representative for the purpose of negotiations.

**5.4.3** Abide by all applicable laws and rules governing the collective bargaining process to include all ground rules established during the collective bargaining process or labor arbitration.

**5.4.4** The City and the bargaining units agree that they shall negotiate only with those representatives acting as official representatives of the bargaining process. Negotiations entered with persons other than those properly identified regardless of their position or association with the City, or any of the bargaining units shall be deemed unauthorized and shall have no weight of authority.

**5.4.5** The City is committed to abide by the letter and spirit of negotiated labor agreements that have been signed by management, labor representatives, and ratified by the bargaining unit.

**5.4.6** Upon ratification, the City will maintain signed copies of the finalized collective bargaining agreements in the office of the Chief of Police.

**5.4.7** All ratified agreements will be published on the MPD Intranet for review by all employees.

**5.4.8** The Chief of Police or his designee must review collective bargaining agreements and if necessary cause directives, orders or procedures to be amended to coincide with the terms of the agreements.

**STAFF DUTY OFFICER**Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Responsibilities
- 6.4 Procedures

**6.1 POLICY:** The Staff Duty Officer assignment has been established to provide the Department, with a representative from the Chief of Police who will act on their behalf and report back to the Chief as circumstances dictate. As a result of the assignment, staff members will gain a better view and understanding of the total operation of the Department, as well as the opportunity to interact with the various units they would not normally be exposed to as part of their regular assignments. It is not the intent of the Staff Duty Officer assignment to search out wrongdoing, but to ensure the responsible monitoring necessary to improve the overall efficiency of the Department.

**6.2 ORGANIZATION:** The Staff Duty Officer's assignment, duties, responsibilities, and authority emanate directly from the Office of the Chief of Police.

**6.3 RESPONSIBILITIES:** The sole responsibility of the Staff Duty Officer is to act as the Chief's designee by providing broad oversight to unusual or serious occurrences, or emergencies involving the Department, unless they are relieved of that duty by a higher ranking staff member.

**6.4 PROCEDURES:**

**6.4.1 Staff Duty Officer Assignment:** Staff members, designated by the Chief of Police, will be assigned the responsibility of Staff Duty Officer. They will serve for one-week periods from 0800 hours on Tuesday to 0800 hours the following Tuesday.

**6.4.1.1** A roster scheduling the Staff Duty Officer shall be prepared by the Division Chief of the Administration Division and distributed to staff members and Communications.

**6.4.1.2** Notices shall be placed in each regular Official Bulletin showing the current and next Staff Duty Officer assignment.

**6.4.1.3** Staff members who schedule vacations or other periods of leave should notify the Division Chief of the Administration Division prior to preparation of the roster. After the roster has been established, changes can be coordinated between staff members. It will be the responsibility of each staff member to make adjustments with another Staff member, and to communicate the agreed upon changes in the Official Bulletin, notify Communications, and the Division Chief of the Administration Division.

**6.4.2 Staff Duty Officer Responsibilities:** The Staff Duty Officer shall assume the following duties during their week of assignment:

**6.4.2.1** The Staff Duty Officer will be on-call at all times during their tour of duty and must be available. When not available by telephone, the Staff Duty Officer shall keep Communications informed of their location.

**6.4.2.2** If a Staff Duty Officer needs to deviate from the designated Staff Duty Officer duty hours, they must obtain authorization from the Chief of Police or designee prior to doing so. Once authorization has been granted, it is the responsibility of the Staff Duty Officer to notify Communications and all other appropriate personnel of the schedule change.

**6.4.2.3** When significant incidents occur, and the affected District or Neighborhood Commander is not available, the Staff Duty Officer will respond to the incident location. The Staff Duty Officer will be briefed by the commanding officer in charge and will be responsible for notifying the Division Chiefs and/or Chief of Police in a timely fashion.

**6.4.2.4** The Staff Duty Officer will check with the Special Events Unit for upcoming major events, demonstrations, or any off-duty event that requires a Lieutenant, that will occur during the week, and ensure that they are aware of the operational plans for public safety.

**6.4.2.5** The Staff Duty Officer shall inform the Chief of Police and the appropriate Division Chiefs the following morning during the regularly scheduled Crime Call, of any calls requiring his response, or unusual incidents where the Staff Duty Officer was notified.

**6.4.2.6** The Staff Duty Officer shall be responsible for notifying the Chief of Police when any employee is injured to the extent they require admission to a hospital. They will also ensure that the injured officer's Division Chief, Section Commander, and Unit Commander are notified. The Staff Duty Officer may make these notifications personally or they may so instruct the Communications Supervisor. In addition, if an employee of the Department is at a hospital or medical facility during the Staff Duty Officer's weekly assignment, they will make personal contact with the employee to ascertain if there is anything the Department can do to assist them.

**6.4.2.7** Suggestions for improvement of any area being observed by the Staff Duty Officer should be provided directly to the Section Commander who has responsibility for the particular function. The Staff Duty Officer shall immediately bring serious issues/concerns or problem areas to the attention of the appropriate Division Chief and the Chief of Police. Those suggestions/observations shall be included in correspondence sent directly to the appropriate Division Chief.

**6.4.2.8** The Staff Duty Officer will monitor crime initiatives/special enforcement efforts being conducted citywide or within specific Neighborhood Service Areas and ascertain our effectiveness/success (or lack of) in addressing issues that are important to the citizens of the targeted localities/neighborhoods. If the Staff Duty Officer observes anything that requires immediate attention, he/she is to take appropriate action and/or immediately notify the appropriate District Commander.

**6.4.3 Notification of the Staff Duty Officer:** There are certain types of situations (listed below) where the Staff Duty Officer must be notified. The procedure for notifying the Staff Duty Officer will be through Communications. Upon being notified, and thoroughly briefed of a situation requiring Staff Duty Officer notification, a Communications supervisor will contact the Staff Duty Officer who will determine if his response is necessary. Communications will then advise the individual requesting notification of the Staff Duty Officer that notification has been made.

Should a staff level officer, other than the Staff Duty Officer, be at the location of any of the enumerated circumstances and elect to assume the responsibility of coordination, that staff officer is then responsible for all the requirements of the Staff Duty Officer for that particular incident. Additionally, they shall advise the on-duty Patrol Commander and a Communications supervisor of any actions, thus eliminating the need for the Staff Duty Officer's response. The intervening staff level officer is responsible for advising the Staff Duty Officer as soon as practical.



- 6.4.3.1 Explosions or explosive devices/suspicious package found.
- 6.4.3.2 Hostage situation or terrorist acts.
- 6.4.3.3 S.W.A.T. operations.
- 6.4.3.4 Disasters:
  - Major fires or explosions
  - Aircraft crashes
  - Collapsed buildings
  - Tornadoes or other major storm damage
  - Extensive flooding
  - Large scale power failures
- 6.4.3.5 Police personnel assaulted with a firearm (shot or shot at).
- 6.4.3.6 Serious injury/death of police employee.
- 6.4.3.7 Discharge of firearm by police personnel.
- 6.4.3.8 Major disturbances, demonstrations or unusual police-citizen confrontations.
- 6.4.3.9 Any incident requiring the commitment of more than the personnel assigned to a Neighborhood Service Area for an extended period of time (more than one hour), e.g., large scale perimeters and area searches, or other events where on-duty personnel are required to respond to augment off-duty personnel.
- 6.4.3.10 Requests for police response to other jurisdictions when the affected Major or Staff members are unavailable. **Note:** A Communications supervisor or designee will notify the Staff Duty Officer immediately when the compliment of police officers assigned to a Neighborhood Service Area are dispatched outside the City limits. The on-duty commanding officer should request permission from the Staff Duty Officer before committing additional personnel.
- 6.4.3.11 Arrests or serious incidents involving dignitaries, government officials, City personnel or police officers, or damage to governmental facilities.
- 6.4.3.12 Mass Arrests.
- 6.4.3.13 Unusual incidents or confrontations involving Departmental members and the media.
- 6.4.3.14 Serious and unusual complaints against Police Department personnel. **Note:** If the on-duty Patrol Commander determines that the complaint warrants contacting the Staff Duty Officer, will do so.
- 6.4.3.15 Accidents or use of force involving Police Department personnel or property which result in injury that is serious enough to warrant admission to a hospital or results in a fatality.
- 6.4.3.16 General information and/or newsworthy event.
- 6.4.3.17 The on-duty Patrol Commanding Officer will be responsible for evaluating any other unusual situation or event to determine whether the Staff Duty Officer should be notified.
- 6.4.3.18 In the event that the Staff Duty Officer should be unavailable, the affected Section or District Commander shall be notified.

**6.4.4 Staff Duty Officer Response:** The following circumstances are intended as guidelines for response by the Staff Duty Officer. In such instances, the Staff Duty Officer should go directly to the scene or be available at the station as the situation demands.

**6.4.4.1** Explosions.

**6.4.4.2** Hostage situations or acts of terrorism.

**6.4.4.3** Disasters involving extensive damage, injuries, or commitment of police resources.

**6.4.4.4** Police personnel shot or otherwise injured and requiring hospitalization.

**6.4.4.5** Discharge of firearm by police personnel that result in death or injury to anyone, or any other use of force or accidents resulting in death or hospital admission.

**6.4.4.6** Incidents or events requiring the commitment of a large number of on-duty personnel. As a general guideline, the commitment of all personnel from two Neighborhood Service Areas in a confrontation-type situation should require a response by the Staff Duty Officer. (Discretion must be used by the Staff Duty Officer in order to avoid responding to a matter not requiring a Staff Officer. For example, the equivalent of two Neighborhood Service Areas of personnel may be committed to diverting traffic around a major traffic crash scene that will require only two officers 20 minutes later.)

**6.4.4.7** If, upon initial notification of the above incidents, there does not appear to be an immediate need for response, the Staff Duty Officer shall maintain frequent communication with the on-duty Patrol Commanding Officer until the incident is resolved. The Patrol Commanding Officer shall advise the Staff Duty Officer of any decrease or escalation of the situation.

## DIRECTIVE SYSTEM

### Section

- 7.1 Policy
- 7.2 Organization
- 7.3 Responsibilities
- 7.4 Procedures

**7.1 POLICY:** Effective administration involves the efficient and economic management of a large complex organization, which performs its functions through acts of its employees. To this end, there must be a superior communication system. In a large and complex organization, such as the Miami Police Department (M.P.D.), it is essential that directives communicate desired information to employees as accurately and as quickly as possible. This enables the M.P.D. to function as a cohesive unit.

**7.2 ORGANIZATION:** All direction must be accepted as direct orders from the Chief of Police.

**7.3 RESPONSIBILITIES:** It is the responsibility of each commander or unit that originates a directive to ensure its accuracy, content, and clarity, prior to publication.

### **7.4 PROCEDURES:**

**7.4.1 Departmental Orders:** An order is a written directive whereby the Department establishes policies and procedures which affect more than one subordinate element. Departmental Orders apply to all employees of the M.P.D.

**7.4.2 Rules and Regulations:** This order is published for the information and guidance of all employees of the M.P.D., and all employees are bound by these Rules and Regulations, regardless of the Division to which they may be assigned. It shall be the duty of every employee to familiarize themselves with the contents of the rules and regulations and to conduct their self in accordance with their precepts.

**7.4.3 Copies:** Departmental Orders and Standard Operating Procedures (S.O.P.'s) will be posted on the MPD's SharePoint intranet by the Internal Affairs/Professional Compliance Section. It will be each employee's responsibility to download updated copies of these directives.

**7.4.4 Update and Revision:** Updates and revisions made to the Departmental Orders and Standard Operating Procedures shall follow established Departmental policies. Since written directives are a primary means of proof of compliance for accreditation, changes or revisions, and modifications must be reviewed by the Accreditation Unit to ensure compliance with mandated standards.

**7.4.5 Issuance Authority:** The authority to issue, change, revise, and distribute approved Departmental Orders and Standard Operating Procedures will be as follows:

**7.4.5.1** Departmental Orders are prepared by the section responsible for the subject matter contained in the Order and submitted through channels in accordance with Departmental policy for final approval and adaptation.

**7.4.5.2** The Rules and Regulations chapter of the Departmental Orders is defined by the Office of the Chief of Police. Requests for change and revision to the Rules and Regulations are submitted, through channels, to the Policy Review Committee for final approval by the Chief of Police. The Internal Affairs/Professional Compliance Section will be responsible for overseeing the process of editing, formatting, updating and disseminating of the Rules and Regulations contained in the Orders to ensure accuracy of all revisions and updates.

**7.4.5.3** Standard Operating Procedures are prepared by the Section, Unit, and Detail commanders for the operational and administrative procedures of their respective functions.

Any changes to a unit's Standard Operating Procedures must be forwarded for review by the Accreditation Unit to ensure that the changes do not negatively impact on mandated standards.

Requests for change and revision to the Standard Operating Procedures are submitted, through channels, to a commander's respective Section Commander for approval. Copies of approved S.O.P.'s are provided for the Division Chief's review and reference. Commanders of Sections, Units, and Details are responsible for the development, implementation, and timely updating of their respective Standard Operating Procedures. Recommended changes will be submitted to the Accreditation Unit for verification of compliance of mandated standards.

**7.4.5.3.1 Format For Standard Operating Procedures:** All organizational elements (sections, units, and details) will comply with the following format when preparing S.O.P.'s:

**7.4.5.3.1.2** The left and right margins will be set at 1 1/4 inch.

**7.4.5.3.1.3** Top margins: City letterhead stationery will be used for first or cover pages in all subjects and procedures contained in the index of the S.O.P. Manual. Headings and titles, when typing on City letterhead stationery, will be four lines below the "City of Miami" letterhead (approximately 2 1/2 inches) and will be centered. All headings and titles will be underlined.

On straight text pages (white bond) the top margin will be 1 1/2 inches, with the page number centered at one (1) inch.

**7.4.5.3.1.4** Bottom margins: On City of Miami stationery the bottom margin will be approximately one (1) inch above the I.A.C.P. emblem two (2) inches from the bottom of the page and on white bond paper, the bottom margin will be one (1) inch.

**7.4.5.3.1.5** Every organizational element's S.O.P.'s will include the following:

<u>Subject</u>	<u>Tab</u>
Miami Police Department (M.P.D.) Badge, Cover Sheet	
Endorsement Sheet	i
Master Index	INDEX
Letter of Promulgation	A
Organizational Chart of Element	B
Mission, Goals, and Objectives	C
Duty Hours and Dress	D
Duties and Responsibilities of Members (by classification/title)	E
Programs, Projects, or Functions (as required)	F

Unit Policies

G

(Individual procedure title)

S.O.P. # 1  
S.O.P. # 2  
etc.

**7.4.5.3.1.7 Endorsement Sheet:** The endorsement sheet will be added annually. The sheet will provide a record of inspections and periodic approval of the procedures. At least one prior year's sheet will be left behind the current one.

**7.4.5.3.1.7.1** The S.O.P.'s will be inspected and approved semi-annually, every January and July, by the issuing element's immediate commanding officer, and whenever there is a change of commanders. In addition, the Section Commander will inspect the S.O.P.'s at least once a year.

**7.4.5.3.1.8** Commanding officer's signature and date of approval are required on all cover sheets, first pages on City letterhead stationery, for all indexed subjects with the exceptions of the M.P.D. Badge Cover Sheet, the Master Index, and the Organizational Chart. The signatures will be legible; with the effective date.

**7.4.5.3.1.9** When major revisions or modifications are made to a procedure that affects it in substance, it will be retyped/formatted in its entirety, signed, dated, and forwarded, through channels, in compliance with this Order. Pen changes will be signed and dated on a side margin and will be submitted to the Section Commander for approval, if they alter the essence of the procedure. In any event, pen changes will be typed/formatted following a Section Commander's inspection and approval.

**7.4.5.3.1.10** Examples of important subject areas that need to be covered by S.O.P.'s are:

1. Activity Reports.
2. Specialized activities and operations specific to the element.
3. Training specific to the element.
4. Routing, processing, and filing of reports.
5. Receipt, issuance, and use of equipment and funds.
6. Etc.

**7.4.5.3.1.11** Each S.O.P. will be divided into subject, purpose, and scope (text). These parts will be separated by 3 lines. The words subject, purpose, and scope will be underlined; and they will be typed flush with the left margin and will not be preceded by any numerical or alphabetical designation.

**7.4.5.3.1.12** Annexes will be enumerated in the index immediately following the subject or procedure that it supplements, and the annexes will be placed immediately behind the corresponding subject or procedure for ease of reference.

**7.4.5.3.1.13** The outline of any part of an S.O.P. will conform to the following numerical and alphabetical designations:

I. ...

A. ...

B. ...

1. ...
2. ...

- a. ...
- b. ...

- 1) ...
- 2) ...

II.

Notice that the numbers and letters within parentheses are not followed by a period, but all others are. A single, simple outline breakdown without sub-parts or classes can use Roman numerals, Arabic numerals, or capital letters. For the purpose of this S.O.P. format, with a single breakdown of a subject, use capital letters when the items or parts are made up of paragraphs or more than one sentence; and use Arabic numerals (1,2,3,...10) when the sub-divisions or parts are brief, e.g., single sentences, incomplete sentences, or sundry list type items.

**7.4.5.3.1.14** All Standard Operating Procedures are available to members through the Miami Police Intranet. Pursuant to review and approval of an updated Standard Operating Procedure by the respective function's commander, the directive is forwarded to the Internal Affairs/Professional Compliance Section for posting on the Miami Police Intranet SharePoint.

**7.4.6 Official Bulletin On The Intranet:** Employees are responsible for information published in the Official Bulletin. Official Bulletins are published on Tuesdays.

## Correspondence

### Section

- 8.1 Policy
- 8.2 Organization
- 8.3 Responsibilities
- 8.4 Procedures

**8.1 POLICY:** It is the policy of the Miami Police Department to provide an effective correspondence system that will facilitate a controlled and efficient communication flow, which contributes to the Department's goals and objectives. Correspondence requiring a response will normally be routed to the respective division, section, unit, or detail responsible for the subject matter generated in the correspondence.

**8.2 ORGANIZATION:** This Departmental Order is department wide in scope and emanates from the Office of the Chief of Police.

**8.3 RESPONSIBILITIES:** It is the responsibility of each section commander to ensure compliance with this Departmental Order.

**8.4 PROCEDURES:** All correspondence originated by any division, section, unit, or detail of this Department shall be prepared in accordance with the instructions contained in this chapter.

This chapter provides a ready reference for all personnel responsible for the preparation of correspondence for the signature of the Chief of Police or the City Manager. Compliance with and knowledge of the procedures presented will eliminate unnecessary corrections and delays. All personnel responsible for the preparation of correspondence shall become familiar with these procedures.

**8.4.1 Ticklers:** Official correspondence (all correspondence requiring a response) will be dealt with upon receipt. A tickler (a form which calls attention to items that must be done by a certain day) will be assigned by the Chief's office for control purposes. The tickler will specify the action to be taken and any instructions not already indicated on the form. Routing slips (R.F. #230) are occasionally used for this purpose. **Routing slips and ticklers shall remain with the original memorandum and be maintained with the original file.** The tickler will show a suspense date, usually ten calendar days from the date of receipt in the Chief's Office. If the suspense date cannot be met, an informal inter-office memorandum (AVO) shall be sent, explaining the reason for the delay. An extension of the suspense date may be obtained by calling the Chief's Office. If correspondence is routed to a section not usually handling the specific matter, it will be returned immediately to the appropriate division chief's office for reassignment.

**8.4.2 Correspondence for Chief's Signature:** Letters can be used to correspond with individuals or organizations outside of the City of Miami government, and also for commendations. The letters should be written to accomplish a specific purpose. The letters should be easily readable and to the point. Proper spelling, grammar, and sentence structure are vitally important.

**8.4.2.1** All correspondence for the Chief's signature shall be prepared in the **original and two copies.**

The copy will be signed with a legible signature by all supervisory personnel responsible for

reviewing the material as it goes through channels. One copy will be returned to the originating unit with all pertinent paperwork for filing.

**8.4.2.2** The modified block letter style with blocked paragraphs shall be used; margins are to be set according to the length of the letter. No date is to be shown. **All outgoing correspondence (letters and memoranda) will be prepared for signature by the Chief of Police, except in those cases wherein the Division or Section Commanders may sign for the Chief of Police.**

**8.4.2.3 Attention Line.** The attention line is used to direct a memorandum to a particular person.

**8.4.2.4 Reference Initials.** Reference initials will be shown on all outgoing correspondence. They will be placed at the left margin, two lines below the last closing line. The original will show the Chief's the writer's initials, and typist's initials.

Example: RM:MP: del

In cases where division or section commanders sign the correspondence for the Chief of Police, their initials will be shown; the Chief's initials are not necessary.

**8.4.2.5 Enclosures.** Items of correspondence, reports, etc., which are sent with a letter, are referred to as "enclosures."

For an enclosure, the notations are: Enclosure or Encl.

**8.4.2.6 Distribution.** Correspondence requiring additional distribution will show on correspondence as "cc." This procedure is typed two lines below the reference initials or the last typed line at the left margin.

Example: cc: Mr. John Doe

**8.4.3 Correspondence by Section Commanders:** Correspondence answering external inquiries relating to specific sections will be prepared by that section (i.e., Personnel Resource Management, Recruitment).

**8.4.3.1** Division and section commanders, at their discretion, may sign outgoing correspondence for the Chief of Police. (No other individuals are authorized to sign outgoing correspondence). The signature shall be as follows:



Sincerely, (Four lines)

Rank & Name of Signer for Name of Chief  
Chief of Police

The rank of the signer is mandatory. When preparing correspondence for signature by a section commander, use the same procedure as outlined in Section 8.4.2.1. The copy will be forwarded to the Chief's Office.

**8.4.4** The following is a sample letter encompassing all the above examples:

January 1, xxxx

Sunnyville Supply Co. 123 South Street  
Sunnyville, CA 80654 Dear Sirs:

Enclosed you will find our check in the amount of \$363.97 for supplies delivered on December 19th. We look forward to doing business with you in the future.

Sincerely,

John A. Smith Sr. Accountant  
for  
President

Lawrence J. Dolan

JAS: vac Enclosure  
cc: Sally Rogers, Accounting Department

**8.4.5 Correspondence (Letters and Memoranda) for the City Manager's Signature:**

Whenever letters are prepared for the City Manager's signature, they will be done on the City Manager's stationery; use block letter style; set margins according to the length of the letter; and the signature block is to be:

Sincerely,

(Four lines)  
Name of Manager City Manager

Enclosure notation should be made when appropriate.

**8.4.5.1** All correspondence to the Mayor or members of the Commission shall be addressed as follows: Honorable (name), Mayor or Honorable (name), Commissioner.

**8.4.5.2** When preparing correspondence for the City Manager's signature, the below procedures will be followed:

**8.4.5.3 Original and Copies.** The original will be sent to the City Manager, through channels. Make the appropriate unit copy to be filed in the Office of the Chief of Police and number of extra copies to meet the needs of departmental and unit files.

**8.4.5.4** Distribution and initials will not be shown on the original.

**8.4.5.6** All copies of the memorandum and letter will be forwarded to the Chief's Office. Unit file copies of the memorandum will be returned after the Chief has signed. Unit file copies of the letter will be returned after the City Manager has signed them and returned the copies.

**8.4.5.7** In preparing memoranda for the City Manager's signature, observe the following:

**8.4.5.7.1** "SUBJECT" caption shall be exactly as that of the originating request or inquiry.

**8.4.5.7.2** "ENCLOSURE" caption will show the number of the enclosures, when applicable.

**8.4.5.8** The appropriate copies, shall be submitted for the Chief's files.

**8.4.6 Envelopes:** The City of Miami envelope will be addressed in the following manner:

Begin the address approximately 14 lines from the top and 5 3/4" or 57 spaces across from the left edge. The address, itself, should be single-spaced. In the event of a two-line address, the name should be on the first line, the City on the second, and the state and zip code on the third.

**8.4.6.1 Procedures for folding letters.** All business letters should be folded in three sections; folding from the bottom up, the fold should include approximately 1/3 of the entire page. The second fold will be from the top down to approximately 1/4" from the bottom of the first fold.

**8.4.7 Memoranda:** Memoranda are used for correspondence within city offices only. They are to be prepared in original, on red line stationery. All memoranda to be distributed outside a section must have the signature of the section commander or a designee (in the section commander's absence) and will be submitted through channels. A memorandum addressed to another city department, which has been prepared and signed by someone other than the Chief of Police, must go through channels. The quotation "Through Channels" will be typed below the addressee's title/department. Copies will accompany the original and should not be distributed until approved.

**8.4.7.1 Transmittal Memorandum.** A transmittal memorandum is used to accompany letters or memoranda where an explanation or additional information is needed.

**8.4.7.2 File Numbers.** The originating unit is responsible for properly classifying the document(s) and placing the classification (file number) in the upper right-hand corner. (See D.O. 1 Chapter 10 for detailed instructions.) File numbers **will** be placed on any memoranda leaving the Department, with the exception of memoranda prepared for the City Manager's signature.

**8.4.7.3 Page Numbering.** The first page of a memorandum will not be numbered.

**8.4.7.4 Attachments.** Items of correspondence, reports, etc., sent with a memorandum, are referred to as "attachments." A booklet, article, or other item consisting of several pages is counted as one attachment.

**8.4.7.5 Review and Endorsements.** Supervisors and commanding officers who are responsible for reviewing memoranda forwarded through channels will sign legibly with their full last name in the upper right hand corner and place the date of review immediately to the right of the signature. The signatures will be affixed in an orderly and neat fashion from top to bottom, beginning at the top margin and down to the memo date and file number. The left margin for the signatures will be a perpendicular, imaginary line immediately to the right of the "INTER-OFFICE MEMORANDUM" imprint. The limited availability of space will be taken into account in entering and spacing the signature.

**8.4.7.6** A signature affixed in the upper right hand corner of a memorandum signifies receipt or acknowledgment, review, **and** agreement regarding the contents in total and as stated. Disagreement with any part of the memorandum requires a written statement spelling out the disagreement or non-concurrence in part or in total. Such a statement will be added at the end of the memorandum's text.

## POLICE LEGAL ADVISOR

### Section

- 9.1 Policy
- 9.2 Organization
- 9.3 Responsibilities
- 9.4 Procedures

**9.1 POLICY:** It is the policy of the City of Miami City Attorney's Office to provide a staff of Assistant City Attorneys as counsel to the Miami Police Department.

**9.2 ORGANIZATION:** The police legal staff reports directly to the City Attorney and is housed in the Police Department.

**9.3 RESPONSIBILITIES:** It is the responsibility of the Police Legal Advisors to provide legal advice on all matters in the administration and operation of the Police Department.

**9.4 PROCEDURES:** The Legal Advisors are available to all employees of the Department for legal advice regarding City or Departmental business. Specifically, the Legal Advisors may be contacted in the following areas:

**9.4.1 Formal Legal Opinion:** All formal requests for Legal Opinions must be in writing and addressed from the City Manager to the City Attorney.

**9.4.1.1 Informal Legal Opinion:** Any employee of the Department may contact the Police Legal Advisors concerning a legal problem related to official business of the Department.

**9.4.2 Case Evaluation:** The commander of any section or division may request a legal evaluation of any case by the Police Legal Advisors.

**9.4.3 Requests for Field Service:** Departmental employees may contact the Police Legal Advisors to request his advice and/or presence during a field operation. The Police Legal Advisors may assist employees with the preparation of search warrants and/or other court related documents.

**9.4.4 Liaison:** The Police Legal Advisors perform liaison functions with the City Attorney, the State Attorney, the United States Attorney, and the courts.

**9.4.5 Training:** Certain segments of recruitment and in-service training are undertaken by the Police Legal Advisors, including preparation of legal bulletins. Police Legal advisors also provide instruction in the Miami Police Academy.

**9.4.6 Civil Disturbances:** In the event of a civil disturbance, disorder, or unlawful assembly, the Police Legal Advisors will report to the Field Command Post or the Office of the Chief and act as liaison with the State Attorney and the courts for any legal matter necessitated by the situation.

**9.4.7 Research and Practices:** The Police Legal Advisors advise the Chief, Staff, and other Departmental employees of court decisions and legislation, which will have an affect on the operations, practices, or policies of the Department.

**9.4.7.1** The Police Legal Advisors, in conjunction with the City Attorney's Office, may propose additions or amendments to statutes and ordinances that affect operations of the Police Department.

**9.4.7.2** The Police Legal Advisors will review and renew, as necessary, any mutual aid agreements between the City of Miami and other law enforcement agencies to ensure their current status.

**9.4.8 Records Requests:** All non-routine records and subpoenaed records shall be reviewed by a Police Legal Advisor. Upon review, the Legal Advisor will forward the request to the appropriate organizational element for compliance. Any employee of the Department who receives a "public record request" should respond to the request as soon as practicable and without delay.

**6.4.8.1** All public records requests shall be handled in accordance with Florida Statutes regarding the release of records.

**6.4.8.1.2** Employees having reason to believe that the requested records are exempt from disclosure shall submit the records to the Legal Advisor for appropriate actions.

**DEPARTMENTAL ADMINISTRATIVE FILING SYSTEM**Section

- 10.1 Policy
- 10.2 Organization
- 10.3 Responsibilities
- 10.4 Procedures

**10.1 POLICY:** It is the policy of the Miami Police Department to standardize its filing system to ensure uniformity and efficient paper flow and filing.

**10.2 ORGANIZATION:** This Departmental Order is department-wide in scope.

**10.3 RESPONSIBILITIES:** It is the responsibility of each function's commanding officer to insure that the Departmental Filing System is used and that documents are properly categorized.

**10.4 PROCEDURES:**

**10.4.1 General Guidelines:** The departmental filing and classification system consists of 22 major subdivisions. These are general in nature and broad enough to include all subjects filed. The addition of other major subject categories will not be authorized. All office systems must have a main divider for each of the major categories. Subdivision folders are only necessary when materials exist in the appropriate subdivisions. The major categories are defined as follows:

ADM	ADMINISTRATION	PER	PERSONNEL
BLD	BUILDINGS & EQUIP.		MANAGEMENT
COM	COMMUNICATIONS	PTL	PATROL
CRM	CRIME		ADMINISTRATION
FIN	FINANCIAL	PUB	PUBLISHING/ PUBLICATIONS
HZD	HAZARD		
IDT	IDENTIFICATION	RCD	RECORDS
INV	INVESTIGATIONS	REL	RELATIONS
LEG	LEGAL	SUP	SUPPLIES
LIA	LIAISON	TFC	TRAFFIC
LIC	LICENSING	TNG	TRAINING
MED	MEDICAL	TRS	TRANSPORTATION
ORG	ORGANIZATION		

**10.4.1.1** Requests to open a new file number will be directed to the Support Services Section. The Support Services Section will determine the need and, if necessary, authorize the opening of a new file. The Support Services Section will notify all users of the new file number via the Official Bulletin.

**10.4.2 Correspondence:** A copy of all correspondence of an administrative nature, as opposed to a police case, should be retained in the receiving administrative file in addition to a copy being filed in the originating office.

**10.4.2.1** It should be stressed that field reports, arrest reports, and other similar reports dealing with operational matters are not administrative files.

**10.4.2.2** No case reports or correspondence dealing with specific cases should be placed in the administrative files.

**10.4.3 Classifying:** The originating unit, or the unit receiving and distributing correspondence from outside sources, is responsible for properly classifying the document(s) and placing the classification in the upper right-hand corner.

**10.4.3.1** The initial step is to determine the main subject of the document. When writing memos, the author should attempt to have the subject correspond to the subject heading of the Master Index.

**10.4.3.2** Many documents are given a subject designation by the originator, such as that which appears in the standard memo format. Some items, however, may require the typist to read segments of the content to make a proper determination.

**10.4.3.2.1** The classification is then added. Only the major category and code numbers will be included, e.g., ADM 5, BLD 3-2, and CRM 5-4.

**10.4.3.3** This system is exclusively a subject file. The section, unit, or person who originated or received the document(s) is not relevant to the classification.

**10.4.3.4** Material that is received should be classified, coded, and sorted by subject matter within the limitations of the Master Index. A copy of this outline shall be maintained by all personnel directly involved with the administrative filing system. Originating offices must keep a copy of all documents for their office files and a copy of their respective section, unit, or detail Master Index reflecting those files being utilized.

**10.4.4 Cross-referencing:** The need for cross-referencing may arise under two conditions: First, when two or more subjects are covered in one document and second, when the subject matter is clearly not discernible. In either case, the cross-reference sheet (R.F. #177) may be used, or a second copy of the document may be filed under the appropriate file number.

Cross-referencing is designed to make filing and searching easier; therefore, the process should not become a major task by impeding normal filing operations.

**10.4.4.1** Cross-references are indicated on the original document by placing a second or third code beneath the first code as follows:

FILE: ADM 6  
x PER 2-2

A cross-reference sheet is filled out, or a second copy of the document is made, and filed under PER 2-2 making reference to the record filed under ADM 6.

**RULES AND REGULATIONS**Section

- 11.1 Policy
- 11.2 Organization
- 11.3 Responsibilities
- 11.4 Administration
- 11.5 Definitions
- 11.6 General Rules of Conduct

**11.1 POLICY:** The policy of the Miami Police Department (MPD) is to make these Rules and Regulations, which contain information and guidance, available to all employees, including sworn and civilian employees of the MPD. Each police officer's value to the City of Miami will be measured by his/her ability to exercise discretion, sound judgment, and by his/her zeal and activity in properly performing his/her duty on all occasions. **(CALEA 12.2.1 f, g, h; 33.7.1 b)**

As a representative of the law, sworn employees must fully realize that they are not THE AUTHORITY, but instead are the VOICE OF AUTHORITY. They are given the power and responsibility by the people to protect individual rights, to preserve the public peace, to enforce the law, to protect life and property, to prevent and detect crime, and to arrest violators of the law. Sworn employees must neither abuse this power nor neglect this responsibility; instead, they must endeavor to perform their sworn duty in a manner that a citizen would expect it to be performed.

Superior officers are delegated by the Chief of Police to supervise, direct, and instruct subordinates on the proper performance of their duties. Respect for the rank held by superior officers is shown by giving unqualified obedience, promptly carrying out orders, and honestly, and efficiently performing all duties that are assigned. **(CALEA 11.3.2; 26.1.5)**

**11.2 ORGANIZATION:** The MPD shall be under the general administration and direction of the Chief of Police. The Chief of Police is appointed by and directly responsible to the City Manager for the efficient conduct and operation of the MPD and for conformity to policies, as set forth by the City Manager, who, by the authority of the City Charter, is responsible for the proper administration of the MPD and the enforcement of all laws and ordinances of the City. **(CALEA 11.1.1; 12.1.1)**

**11.2.1 Numerical Strength:** The numerical strength of the MPD shall consist of the Chief of Police and additional numbers, as provided by the City Commission.

**11.2.2 Table of Organization Approved:** For practical operation and the effective, efficient conduct of the MPD, the table of organization setting forth the various divisions of the MPD, is established by the Chief of Police, with the approval of the City Manager, and shall embrace all the functions thereby prescribed.



**11.2.3 Span of Control:** To carry out its functions, the MPD is divided into several organizational elements, delineating the span of control and the ranks of the sworn and civilian employees of the chain of command within the MPD, as the table of organization depicts. The MPD shall be divided into the office of the Chief of Police and the various divisions, as approved, with heads who report directly to the Chief of Police.

**11.2.3.1** To delineate the number of subordinates a supervisor may effectively guide and control, the immediate span of control shall not normally exceed twelve (12) subordinate personnel, unless organizational needs dictate otherwise.

**11.2.3.2** Each organizational component is under the direct command of only one supervisor. **(CALEA 11.2.1)**

**11.2.3.3** Each sworn or civilian employee is accountable to only one supervisor at any given time. **(CALEA 11.3.2)**

**11.2.4 Territorial Division:** For efficient administration of the functions of the MPD, the territory within the police jurisdiction of the City of Miami may be divided into districts, sectors, zones, and/or beats at the discretion of the Chief of Police; and commanding officers, personnel, and equipment may be assigned to any division of this territory, as necessary.

**11.2.5 Order of Sworn Rank (Chain of Command):** Each sworn position of the MPD is a rank. The titles of the respective ranks that establish the sworn chain of command of the MPD are: **(CALEA 11.1.1)**

- A. Chief of Police
- B. First Assistant Chief of Police
- C. Assistant Chief of Police
- D. Major of Police
- E. Commander
- F. Executive Assistant to the Chief
- G. Sergeant at Arms
- H. Captain of Police
- I. Lieutenant of Police
- J. Sergeant of Police
- K. Police Officer
- L. Police Auxiliary/Reserve Officer
- M. Detention Officers

**11.2.5.1** Sworn positions of the same rank are equal, regardless of assignment or functional title.

**11.2.6 Civilian Employees:** Civilian employees perform a wide range of support functions in the department and hold different positions (i.e. job classifications) depending on the function performed. Civilian classifications are distributed in the following occupational categories: **(CALEA 11.1.1)**

- A. Administrator/Manager
- B. Professional
- C. Technical
- D. Paraprofessional
- E. Skilled/Craft
- F. Office/Clerical
- G. Service/Maintenance
- H. Part-time/Non-Permanent

**11.2.7 Civilian Employees Holding Positions as Commanders or Supervisors** of sections, units, details, or squads have equal status in their assignment with comparable sworn personnel as designated by the Chief of Police.

**11.2.8** The Chief of Police, First Assistant Chief of Police, Assistant Chiefs of Police, Majors of Police, Commanders of Police, and the Executive Assistant to the Chief of Police are designated as Senior Staff Officers.

**11.2.9** Captains of Police and Lieutenants of Police are designated as Mid-Management Commanders.

**11.2.10** After regular working hours and in the absence of any Section or Division Commander, it shall be the responsibility of the ranking Patrol Section Duty Officer of the rank of Lieutenant or above to ensure that:

**11.2.10.1** All Departmental Orders, procedures, rules, policies, and all other directives are carried out. They may depart from established directives **ONLY** to save life and protect property in **EMERGENCIES**. When a departure is necessary, their section commander shall be notified **at once**, through established channels.

**11.2.10.1.1** All serious cases shall be brought to the attention of the Chief of Police or his/her representative through established channels **without delay**. An oral report shall be followed up with a complete written report to the Chief of Police, submitted through channels, prior to the end of the tour of duty.

**11.2.10.1.2** If any sworn or civilian employee becomes aware of an emergency condition, his/her Section commander shall be notified at once, through established channels.

**11.2.10.2** The MPD shall not be left in the command of a sworn employee below the rank of Lieutenant (at any time) without the knowledge and approval of the Chief of Police.

**11.2.11 First Assistant Chief of Police:** The position of First Assistant Chief of Police is the second highest ranking position in the Department, next to the Chief of Police. The First Assistant Chief of Police commands a division, and reports directly to the Chief, and acts for the Chief, in his/her absence. The First Assistant Chief of Police is appointed by the Chief of Police with the approval of the City Manager.

**11.2.12 Assistant Chiefs of Police:** An Assistant Chief of Police shall be in command of, and responsible for, the efficient operation of an organizational element (of size and structure) as determined by the Chief of Police. Assistant Chiefs are appointed by the Chief of Police, with the approval of the City Manager.

**11.2.13 Majors of Police:** Majors of Police shall be in command of, and responsible for, the efficient operation of an organizational element (of size and structure) as determined by the Chief of Police. Majors of Police are appointed by the Chief of Police, with the approval of the City Manager.

**11.2.14 Commander:** Commanders will have the authority and responsibility to command, deploy, and coordinate police operations in their respective areas, 24 hours a day, 7 days a week. They will be accessible and responsive to the needs of their area's residents and merchants. They will utilize assigned personnel and resources to effectively identify, prioritize and solve crime-related problems in respective areas and enhance citizen participation and satisfaction with police services.

**11.2.15 Executive Assistant to the Chief of Police:** An Executive Assistant to the Chief of Police shall report directly to the Chief of Police and is appointed by the Chief of Police, with the approval of the City Manager.

**11.2.16 Sergeant at Arms:** Sergeants at Arms are responsible for maintaining order and security in the Commission Chambers, lobby and meeting rooms during all City of Miami governmental activities and proceedings. Additionally, Sergeants at Arms provides for the security of the mayor and act as a liaison between the Mayor's Office and the police department.

**11.2.17 Captain of Police:** Captains of Police are commanding officers as indicated on the table of organization of the MPD. Captains of Police shall command and supervise an organizational element of the MPD and are responsible directly to their immediate commanding officer. They are appointed by the Chief of Police in accordance with Civil Service Rules.

**11.2.18 Lieutenant of Police:** Lieutenants of Police are commanding officers of an organizational element as indicated on the table of organization of the MPD. They are responsible directly to their immediate commanding officer, and they are appointed by the Chief of Police in accordance with Civil Service Rules.

**11.2.19 Sergeant of Police:** Sergeants of Police may be assigned as supervisors in charge of subordinates, investigators, or administrators. They are appointed by the Chief of Police in accordance with Civil Service Rules.

**11.2.20 Police Officer:** The rank of Police Officer shall be subordinate to all other ranks within the sworn organizational structure of the MPD. Police officers are appointed from a certified eligible register, as provided by the Department of Personnel Management, on a probationary status for a designated period, in accordance with Civil Service Rules.

**11.2.21 Police Auxiliary/Reserve Officers:**

**11.2.21.1** Auxiliary law enforcement officer means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time law enforcement officer, has the authority to arrest and perform law enforcement functions.

**11.2.21.2** A Reserve Officer is a part-time law enforcement officer who is employed or appointed less than full-time, as defined by an employing agency, with or without compensation, who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of penal, criminal, traffic, or highway laws of the state.

**11.2.22 Civilian Employees Performing Operational Functions:** This includes SWAT Medics, Crime Scene Technicians, Public Service Aides, and others, as authorized by the Chief of Police.

**11.2.22.1 Civilian Employees:** Civilian employees are appointed in accordance with applicable civil service rules and procedures. Civilians occupy classified, unclassified, temporary, and part-time positions in the department. These employees are under supervision as directed by the Chief of Police.

**11.2.22.2 Civilian Auxiliary Volunteers:** Are defined as non-sworn employees without arrest powers that perform operational tasks in the field that support the delivery of law enforcement services. The following personnel are defined as Civilian Auxiliaries: Citizens on Patrol and Police Explorers.

**11.2.23 Permission to By-Pass Rank:** Sworn and civilian employees shall not take matters to the Chief of Police or Division Commanders that should ordinarily be taken up with their immediate superior officers. Before taking the matter to the Chief of Police or staff commander, they shall first discuss the matter or problem with their immediate superior or indicate to their superior officer that they desire to discuss private, personal, or confidential matters directly with the Chief of Police.

In decisions considered unfair, officers have the right of appeal, through the chain of command, to the Chief of Police. Such requests shall not be denied. Requests should be written in memorandum form and forwarded through the chain of command with endorsements thereon.

The sworn or civilian employee may accompany the memorandum through channels. If the matter is resolved to the employee's satisfaction as it travels through the chain of command, the process may be terminated at that level in the chain.

**11.2.24 Subordinates Informed:** Commanding officers shall keep their subordinates informed of changes within their commands or orders, assignments, and other matters that concern them, except in cases of emergency which necessitate other action, or when the nature of the business does not warrant this procedure.

**11.2.25 Cooperation:** No division or section shall become so isolated from other divisions or sections of the MPD that it interferes with the efficient inter-departmental relationship and morale. All sworn and civilian employees of the MPD shall work together, always striving to obtain a higher degree of cooperation.

**11.2.26 Advancement in Rank or Classification:** Advancement from one rank or classification to another shall be by promotional examination or other method, as provided in the Civil Service Rules, except in unclassified positions. Duty shall be assigned by the Chief of Police to such Divisions within the MPD as presently exists or may be established in the future. The Chief of Police may transfer a sworn or civilian employee from one Division to another. This transfer shall not affect the rank or classification held by the individual so transferred.

**11.2.27 Executive Authority:** The executive authority of the MPD shall be delegated through the designated ranks in the chain of command, from the Chief of Police down. Seniority is determined first by rank, then by seniority of service in that rank.

**11.2.28 Line of Authority, Communication:** The lines of authority and/or communication through official channels (chain of command) are clearly set forth in the table of organization chart and shall be observed and enforced during routine operations. In cases where the efficiency, effectiveness, and reputation of the MPD would be jeopardized as a result of time required to follow the lines of authority through official channels or when an emergency exists, the sworn or civilian employee may, with discretion, report information to the proper authority, notwithstanding the line of official channels of communication.

**11.2.28.1** Command protocol is established first by order of rank, and secondly by seniority in rank, unless otherwise directed by the department's Chief Executive Officer, and is to be adhered to in the following situations: **(CALEA 12.1.2 a, b, c, d)**

**11.2.28.1.1** In the absence of the Chief Executive Officer.

**11.2.28.1.2** In exceptional situations.

**11.2.28.1.3** In situations involving personnel of different functions engaged in a single operation.

**11.2.28.1.4** In routine day-to-day operations.

**11.3 RESPONSIBILITIES:** The prime functions of the MPD is the prevention and detection of crime, the apprehension of offenders, the protection of persons and property under the laws of the State of Florida and the ordinances of the City of Miami, and the performance of a multitude of tasks relating to public welfare and safety. For these purposes, the police are endowed with legal authority. In the exercise of this power, justice and equity should be the actuating motive.

To achieve true success, the MPD must win and retain the confidence and respect of the public which it serves. This can be accomplished only by a constant and earnest endeavor on the part of all sworn and civilian employees of the MPD to perform their duties in an efficient, honest, businesslike, and professional manner. Exemplary conduct will cultivate in

the public's mind the fullest realization that the MPD is a most vital requisite to public well-being.

**EFFICIENCY** is the first rule of an officer's conduct. Police officers should remember that in the execution of their duties, they act for the public and not for themselves; their appointment is not for their own advantage. The law that regulates their function hinges upon this principle. They are required to be governed by no feeling, contrary to the zeal to do what the law commands.

Officers should neither allow passion to urge them to brutality nor fear, favoritism, or sympathy to induce them to illegal leniency or neglect of duty. Officers must bear in mind that they represent the dignity and authority of the State and the "law" to which (lawful demands) all must submit, and such submission can be compelled when necessary. They must not use unnecessary force, nor hesitate to use necessary force when circumstances require.

The Rules and Regulations hereinafter set forth are compiled, adopted, and published by the Chief of Police for the information, guidance, government, discipline, and administration of the sworn and civilian employees. These Rules and Regulations outline the duties and obligations required of them in the proper performance of their duties. Any violation of these Rules and Regulations shall cause disciplinary charges against all persons responsible for the violation, unless otherwise directed by the Chief of Police.

All sworn and civilian employees of the MPD are bound by these Rules and Regulations, regardless of their assignment. It shall be the duty of every sworn and civilian employee to familiarize themselves with the contents of these Rules and Regulations and to conduct themselves in accordance with their precepts. Faithful performance of duty and exemplary conduct will be guiding factors in determining Departmental promotions.

Ignorance of or misunderstanding of any of the provisions of the Rules and Regulations will not be accepted as an excuse if neglect charges result from failure to observe the Rules and Regulations.

The right and power to amend or rescind (in whole or in part) any of these Rules and Regulations, as the circumstances require, is reserved by the Chief of Police.

**11.3.1** Civil Service Rules and Regulations and labor contracts take precedence over this Order whenever there is conflict.

#### **11.4 ADMINISTRATION:**

**11.4.1 General Rules for Commanding Officers, Sergeants, and Other Supervisors:** All personnel have authority and responsibility commensurate with their position. All sworn employees will be responsible and accountable for the use of delegated authority. **(CALEA 11.3.1 a, b)**

**11.4.1.1 Assignment:** A commanding officer is a superior officer assigned or designated by the Chief of Police to exercise command and supervise a particular organizational element (division, section, unit, or detail) of the MPD. He/she is subject to the orders of the Chief of Police or a superior officer; however, the Chief of Police is always in charge of and

responsible for all police activities in all organizational elements. Divisional commanding officers shall administer and supervise the work of sworn and civilian employees (of the MPD) under their command, with the aid of subordinate ranking officers, as needed. They shall keep themselves informed of all activities within their respective span of control, be aware of factors impacting upon their function, and make recommendations to the Chief of Police when necessary that affect the general efficiency of the MPD.

**11.4.1.2 Authority:** A commanding officer has direct supervision and control (subject to orders of the Chief of Police) over all officers and civilian employees assigned to their command. They are responsible for efficiently and effectively coordinating the functions and activities of the various units of their command. They shall promote harmony among the sworn and civilian employees of this command. They are responsible for the cooperation of their command with all other units of the MPD. They shall act in cases not regularly assigned to their command if the delay, necessary to inform the proper organizational element, might result in a failure of the MPD to perform a police duty.

#### **11.4.2 Responsibilities of a Commanding Officer:**

**11.4.2.1 Assignment of Details:** Commanding officers shall, without specific instructions, **establish the required special details and assignments** necessary to carry out the functions of the MPD and of their command in particular. They shall be guided in their assignment of personnel by the number of officers available for assignment and the necessity for assigning personnel where they will be most useful and efficient.

**11.4.2.2 Services of Official Notices:** The commanding officer shall be responsible for the **prompt service of all official notices**, summonses, or subpoenas sent to him by proper authority.

**11.4.2.3 Dignified Attitudes:** Commanding officers shall **maintain** a pleasant, courteous, and **dignified attitude** and shall recognize every caller's presence without unnecessary delay. They shall accord respect, courtesy, sincerity, and patient attention to every citizen calling at the police station. Under no circumstances shall they belittle a seemingly trivial request, complaint, or piece of information.

**11.4.2.4 Line Inspections:** The inspection of personnel, facilities, property, equipment and activities is an ongoing responsibility of all levels and components of the MPD. **(CALEA 53.1.1 a, b, c, d, e)**

**11.4.2.4.1** Commanding officers shall inspect, or cause to be inspected, all sworn employees under their command at the beginning of their tour of duty. Findings shall be documented in the sworn employee's performance evaluation report, and deficiencies identified shall be corrected.

**11.4.2.4.2** Commanding officers shall conduct, or cause to be conducted, a general inspection of all components, functions, personnel, facilities, property and equipment assigned to their command. Such general inspection shall minimally be completed on a semi-annual basis, and will require the submission of a written report, through channels, documenting the results of the general inspection and making such recommendations for the betterment of the service, as deemed proper. In any instance where a deficiency was

identified, but corrective action was not immediately taken, a follow-up inspection shall be ensured and a follow-up inspection report documenting corrective action taken shall be forwarded through channels.

**11.4.2.4.3** Sworn personnel on a semi-annual basis shall complete a City of Miami Police Department Semi-Annual Inspection for Sworn Employees form (RF# 699). Supervisors shall compare the Florida Driver License number listed on the form with the actual Florida Driver License of the employee and run a records check to verify the status of the driver license.

**11.4.2.5 Attendance, Duty:** Commanding officers shall be responsible for the punctual attendance of all personnel within their command and shall keep or cause to be kept a record of each sworn and civilian employee's attendance and specific status.

**11.4.2.6 Court Attendance:** Supervisors are responsible for insuring punctual attendance in court and for the proper preparation and presentation of cases in court by the sworn and civilian employees of their command.

**11.4.2.7 Case Preparation:** Supervisors shall assist subordinates in the preparation of their cases so that there may be no mistrial caused by neglect on the part of a sworn or civilian employee of the MPD. They shall consult a suitable authority, when in doubt, as to law, procedure, or status of a case.

**11.4.2.8 Evaluation:** Supervisors shall **prepare** proficiency ratings for each of the officers of their command at such intervals and upon such forms as may be required by the Chief of Police.

Supervisors shall observe the probationary patrol officers assigned to their command; and prior to the expiration of their probationary period, they shall evaluate the sworn employees' performance and suitability to receive permanent appointment to the rank of police officer. In the sworn employees' final probationary report, they shall include a statement as to whether, in their opinion, each individual officer should receive permanent appointment.

**11.4.2.9 Disciplinary Action:** Supervisors are responsible for the efficiency, discipline, and morale of all sworn and civilian employees of their command. They shall investigate, or cause to be investigated, all complaints by citizens and reports by sworn and civilian employees of the MPD of misconduct, incompetence, neglect of duty, or any violation of the Departmental Orders, Rules and Regulations, Standard Operating Procedures, or other directives on the part of anyone under their command. They shall also report any incompetent sworn or civilian employee who may be assigned to their command. Their report shall include recommendations on the action is taken. **(CALEA 26.1.5)**

**11.4.2.10 Report of Disciplinary Action:** A supervisor who initiates any disciplinary action against a subordinate has the responsibility of immediately forwarding a complete written record of the case to the Chief of Police for inclusion in the personnel file of the disciplined sworn or civilian employee and for entry in his/her service record.



**11.4.3 General Administrative Duties of Commanding Officers:**

**11.4.3.1 Authority by Chain of Command:** During the temporary absence of a commanding officer below senior staff level, the command will be assumed by the commanding officer next in line, going downward through the chain of command, unless otherwise designated by order of the Chief of Police or a senior staff officer.

**11.4.3.2 Absence of Commanding Officer:** A unit or detail commanding officer shall never be absent for any prolonged period without designating a ranking officer to assume command.

**11.4.3.3 Responsibilities:** Commanding officers shall be responsible for ensuring the proper performance of all police duties by subordinates under their command. They shall also ensure that subordinates fulfill their duties as outlined in the Departmental Orders, Rules and Regulations, Standard Operating Procedures, and any other official directive.

**11.4.3.4 Informed of Activities of Command:** Commanding officers shall keep themselves informed of all activity within their command and frequently test the knowledge of all subordinates as to the condition of their zones, beats, posts, or functions of assignments. They shall make frequent inspections to the police units and functions under their command, acquainting themselves with conditions and determining the manner in which the sworn and civilian employees in their command are performing their assigned duties. **(CALEA 12.1.4)**

**11.4.3.5 Coordinate Activities:** Commanding officers shall keep themselves advised of the operations of other divisions of the MPD and will coordinate the activities of their command with that of the other divisions, sections, units, and details, where appropriate for the effectiveness of the MPD. **(CALEA 12.1.4)**

**11.4.3.6 Cooperation with Other Agencies:** A commanding officer shall cooperate with other City of Miami departments and outside law enforcement agencies and encourage good public relations.

**11.4.3.7 Commanding Officers Shall Keep the Chief of Police and Senior Staff Informed of: **(CALEA 12.1.4)****

**11.4.3.7.1** Crime trends and trends of activities pertaining to his command.

**11.4.3.7.2** Unusual occurrences.

**11.4.3.7.3** Personnel problems.

**11.4.3.7.4** Organizational element's statistics.

**11.4.3.7.5** Other matters of sufficient importance which will enable the Chief of Police to be fully informed of the general activities and functions of their command and how they impact on objectives and goals fulfillment (efficiency and effectiveness).

**11.4.3.8** Commanding officers shall know all the personnel under their command and shall keep themselves informed of each subordinate's intelligence, attitudes, force of character, emotional stability, sobriety, peculiarities, formal education, training, unusual qualifications,

interpersonal skills, sense of duty, experience, investigative skills, knowledge of police work, steadiness of performance, performance potential, and intentions and efforts to increase their efficiency and usefulness. These individual characteristics are not listed in order of priority, but commanding officers must attempt to know as much as possible about their personnel regarding these characteristics and any other that are job related. **(CALEA 12.1.4)**

**11.4.3.9 Commendations and Reprimands:** Commanding officers should commend, in the presence of their fellow officers, those officers who have performed unusually good police work. They shall evaluate the need for a reprimand for any officer who has committed a breach of discipline, violated the Rules and Regulations, or failed to fulfill any other official directive. Such reprimand shall be issued in privacy and never in the presence of his fellow officers unless an emergency dictates otherwise. When such action is taken it will be referred by the approved means, through channels, to the Chief of Police for his/her information and final decision.

**11.4.3.10 Use and Care of Departmental Property:** Commanding officers shall be responsible for accounting for departmental property issued or assigned to sworn and civilian employees of their command and for the proper care, use, efficiency, and serviceability thereof. Commanding officers shall be responsible for the good order and sanitary conditions of the area of the police building within their command and for the furnishings and equipment assigned thereto. They shall make frequent inspections of the equipment and building area assigned.

**11.4.3.11 Instructor:** Commanding officers may elect or be assigned the responsibility of actively participating as an instructor for both recruit and in-service programs, as expertise indicates.

**11.4.3.12 Records:** Commanding officers shall be responsible for properly preparing, transmitting, filing, using, and preserving official records, reports, forms, and correspondence originating within or forwarded to their command and for compliance with the Departmental Filing System.

**11.4.3.13 Administrative Participation:** Commanding officers shall, under the direction of the Chief of Police, assist in the administration of the Division's program for:

**11.4.3.13.1** Organizing and conducting a progressive program for personnel training.

**11.4.3.13.2** Improving working conditions for maximum efficiency and morale.

**11.4.3.13.3** Using personnel records and performance and evaluation ratings for individual guidance and improvement.

**11.4.3.13.4** Adequately recognizing outstanding personnel performance.

**11.4.3.13.5** Improving efficiency and cooperation in areas of command responsibility.

**11.4.3.13.6** Advancing the community and public relations program for promoting public confidence and support.

**11.4.3.13.7** Insuring the proper and economical use of division property and equipment.

**11.4.3.13.8** Promoting personnel and fleet safety.

**11.4.3.13.9** Developing systems, functions, methods, and procedures for efficient and effective goal accomplishment and for organizational development.

**11.4.3.14 Reporting Incidents:** When a crime of great magnitude or importance or a matter of serious departmental concern is reported, a commanding officer shall immediately inform his/her immediate superior officer, by chain of command, of the facts pertaining thereto.

**11.4.3.15 Countermanding of Orders:** Whenever a superior officer, in the necessary performance of a duty, gives orders to any subordinate sworn or civilian employee not attached to his division, the superior officer must exercise extreme care that such orders do not unnecessarily conflict with those of the commanding officer of the Division to which the sworn or civilian employee is assigned. Whenever orders so given are necessary or require the sworn or civilian employee receiving them to leave or alter his/her regular post or assignment, the superior officer who gave the orders shall, as soon as practical, inform the appropriate commanding officer of the action taken.

**11.4.4 Authority to Discipline: (CALEA 26.1.4 c)**

**11.4.4.1 Relieving from Duty:** Whenever it is deemed necessary, for violation of the Rules and Regulations and for the preservation of order, efficiency, and discipline, commanding officers may relieve from duty, with pay, any subordinate sworn employee, pursuant to Departmental Orders and Civil Service Rules and Regulations. Any commanding officer so relieving a sworn or civilian employee of the MPD shall submit a written report to the Chief of Police before the end of his/her tour of duty setting forth the charges and all other pertinent details of the incident. **(CALEA 26.3.7)**

**11.4.4.2 Personnel Actions:** Commanding officers shall manage the personnel problems that may arise in their command. They will issue reprimands and recommend disciplinary action of hours or days off, when necessary, with the approval of the Chief of Police. They will recommend suspensions, demotions, or dismissals, where necessary, after taking into consideration all pertinent facts and circumstances.

**11.4.4.3 Decision of the Chief of Police:** In all cases, the final departmental action and decision for further action of suspension, demotion, or dismissal shall rest with the Chief of Police.

**11.4.5 Authority of Commanding Officers to Prescribe Rules for their Respective Commands:**

**11.4.5.1 Directing and Controlling:** The detailed method of directing and controlling specific functions of units and details will be developed by the commanding officer of the unit or detail, subject to the approval of the Chief of Police or his/her designee, in the form of Standard Operating Procedures.

**11.4.5.2 Establish Rules of Operations:** Commanding officers may establish written rules for the operating procedures of their respective units and details which are not in conflict with the Rules and Regulations or Departmental Orders and which are approved by the Chief of Police or his/her designee. When approved, these unit or detail rules of procedure shall be applicable to the sworn and civilian employees of that unit or detail.

**11.4.5.3 Special Orders:** Commanding officers may issue special orders in deviation from the Rules and Regulations as necessary in an **emergency**. Such orders shall remain in effect only for the length of time covering such emergency needs. The duration will be reported in an inter-office memorandum, through channels, to the Chief of Police as soon as possible.

**11.4.5.4 Authority Over Civilian Employees:** The chain of command for civilian employees assigned to any organizational element will be directly through the ranking officer of their shift to the commanding officer of the division through channels. When sworn and civilian employees are working at the same tasks, the civilian employee is subordinate to the sworn employee, except as provided in D.O. 1 Chapter 11.2.7.

**11.4.5.5 Commanding Officer to Set Example For Subordinates:** To ensure success in the performance of the basic duties of sworn and civilian employees, it is imperative that the commanding officer set examples for subordinates in energy, morality, sobriety, courtesy, courage, skill, discipline, and professionalism.

**11.4.5.6 The Commanding Officer Must COMMAND:** Commanding officers must not perform the work of subordinates. They must see that subordinates under their authority are properly instructed and supervised.

**11.4.5.7 Responsibility to Know Rules and Regulations:** Policies and procedures delineated in this Order of Rules and Regulations apply to all personnel, as designated, and are issued for the purpose of effecting departmental standardization. Supervisors are charged with the responsibility of acquiring a thorough knowledge of the subject matter contained herein and with complying and enforcing strict compliance therewith. No set of Rules and Regulations is workable or effective unless there is complete accord on the part of the supervisory officers in complying with and enforcing them. Superior officers should frequently instruct subordinates to exercise due diligence and zeal in the enforcement of the Rules and Regulations issued therewith.

**11.4.6 Superior Officers are accountable for all activities of employees under their immediate control. (CALEA 11.3.2)**

**11.4.6.1 Responsible for Discipline:** A superior officer is responsible for the order, conduct, and discipline of his/her subordinates. Discipline is the orderly, professional conduct of business, the desirable behavior from which it results, and the method of controlling such behavior. The ability of the MPD to obtain desirable results is dependent, to a great degree, on the ability of superior officers to convince their subordinates that they must obey orders, observe rules and regulations, and adhere to departmental policies and procedures.

**11.4.6.2 Responsible for Enforcement of Rules and Regulations:** Superior officers shall be responsible for the enforcement of the Rules and Regulations, for compliance with department policies and procedures, and for the maintenance of strict discipline. They shall

give close attention to this duty to render it unnecessary for a complaint to be lodged before action is taken, whenever possible. They will take suitable action on the discovery of any failure, error, violation, misconduct, or neglect of duty by a subordinate; and they shall act as promptly as circumstances will allow.

**11.4.6.3 Misconduct of Sworn or Civilian Employee Not of His Command:** A superior officer who observes or is informed of neglect of duty or misconduct by a sworn or civilian employee not assigned to his/her command shall immediately take whatever action is necessary and bring the incident to the attention of the sworn or civilian employee's superior officer who shall immediately investigate the matter to determine the facts and make a written report of his/her finding to his/her commanding officer to be forwarded through channels, to the Division Commanding Officer.

**11.4.6.4 Reporting Misconduct:** A superior officer shall make an impartial and objective written report to his/her commanding officer in every case of misconduct, incompetence, neglect of duty, or violation of the Rules and Regulations on the part of a subordinate or when a citizen complaint is lodged against a subordinate; failure to do so shall be deemed neglect of duty. The superior officer shall include in his/her report a recommendation of disciplinary action to be taken.

**11.5 DEFINITIONS:** Definitions of words, titles, and terms used in this Order of Rules and Regulations.

**11.5.1 Organizational Elements:**

**11.5.1.1 Headquarters:** The police buildings that house the staff offices of the various Divisions and functions that are responsible for policing the City of Miami.

**11.5.1.2 Organizational Element:** Sworn and civilian employees regularly grouped together under one head for the purpose of accomplishing a specified police purpose.

**11.5.1.3 Division:** An organizational element whose commander is an Assistant Chief reporting directly to the Chief of Police.

**11.5.1.4 Section:** A sub-Division of a Division. An organizational element of size and Commanding Officer rank or title, as determined by the Chief of Police.

**11.5.1.5 Unit:** A sub-Division of a Section. An organizational element of size and Commanding Officer rank or title, as determined by the Chief of Police.

**11.5.1.6 Detail:** A sub-Division of a Unit. An organizational element of size and Commanding Officer rank or title, as determined by the Chief of Police.

**11.5.1.7 Special Detail:** Sworn and civilian employees of the MPD grouped together for the accomplishment of a specified purpose. When not engaged in a continuing operation, the detail is called Special Detail.

**11.5.1.8 Shift:** The period of day during which the personnel of a particular organizational element are on duty. The precise hours of work for each shift are established by

departmental order.

**11.5.1.9 Post:** A fixed position or location to which an officer is assigned for duty, general or specific.

**11.5.1.10 Beat, Zone or Sector:** An area of specific boundaries assigned for patrol purposes to sworn employees during their tour of duty.

**11.5.1.11 Squad:** Organizational element of a detail.

**11.5.2 Command Terms:**

**11.5.2.1 Order:** An instruction, either written or oral, given by a ranking officer to a subordinate.

**11.5.2.2 Departmental Order:** A permanent written instruction issued by the Chief of Police affecting or of concern to the entire MPD; the policies and procedures to perform the major functions of the organization.

**11.5.2.3 Special Orders:** Written instructions issued by the Chief of Police or Assistant Chief of Police relating to some specific circumstance or situation that ordinarily does not affect the entire MPD.

**11.5.2.4 Bulletins:** Publications to disseminate information or instructions which do not warrant a formal order.

**11.5.2.5 Chain of Command:** The unbroken line of authority from the Chief of Police down through a single subordinate at each level of command to the level of execution. All orders of execution and reports on such execution of orders shall move downward and upward through the chain of command with mutual consideration by all officers concerned. This chain of command shall be preserved to maintain principles of good administration.

**11.5.2.6 Through Official Channels:** The transfer of information through "levels of rank" in the chain of command, upward and downward.

**11.5.3 Personnel Classifications:** The Department of Employee Relations has the ultimate responsibility and role in the development and maintenance of class specifications.

**11.5.3.1 Classified Position:** All positions and their classifications which are under Civil Service.

**11.5.3.2 Unclassified Position:** A position that is not under Civil Service.

**11.5.3.3 Sworn Employee:** Officers who take an oath of office to fulfill law enforcement duties in the service of the MPD to include police and detention officers.

**11.5.3.4 Civilian Employee:** A person employed by the MPD to fulfill non-law enforcement duties that do not require an oath of office.

**11.5.3.5 Police Officer:** A sworn employee of the MPD who has police powers. The term is applied without regard to sex or assignment and when used shall mean the sworn employee of the MPD.

**11.5.3.6 Superior Officer:** Sworn and civilian employees who have authority to administer supervisory responsibilities, either temporary or permanent, over officers of lower rank or grade.

**11.5.3.7 Ranking Officer:** Employees of the same grade should rank according to the date of their appointment to that grade, unless otherwise ordered by the Chief of Police. A ranking officer shall exercise the authority of his/her command under all conditions that require that he/she use authority in the best interest of the MPD. Ranking officers shall not unnecessarily countermand and order or needlessly interfere with the specific duties of sworn employees ranking below them.

**11.5.3.8 Responsibility of Rank:** When two or more sworn employees are on duty working together, the sworn employee of the highest rank is in command and will be held responsible. If the sworn employees are of equal rank or grade, the sworn employees having the greatest seniority in rank shall, unless otherwise ordered, be in command.

**11.5.3.9 Work in Harmony:** All sworn and civilian employees should strive to work amicably and in spirit of cooperation, rather than by authority.

**11.5.3.10 Commanding Officer:** A Lieutenant or other officer of higher rank designated by the Chief of Police to supervise and command a particular organizational element (division, section, unit, or detail) or assignment of the MPD. He/she is the officer who oversees the unit. In the absence of the unit commanding officer, the next ranking officer in the chain of command, who is present, will assume command to act in the unit commander's capacity, unless otherwise designated by the Chief of Police or unit commanding officer.

**11.5.3.11 Seniority:** A status of numerical rank by virtue of the official rank, first, and length of continuous service time in the official rank, second.

**11.5.3.12 Acting:** Serving temporarily in a position to which the sworn or civilian employee is assigned by competent authority, usually a position of higher rank. All the authority, responsibilities, and duties of the higher rank are delegated to the acting sworn or civilian employee.

**11.5.3.13 Command Protocol:** A uniform patrol officer who initiates or who is assigned a call for service is responsible for the proper handling of the assignment. Should it become necessary that an investigative division detective is also required to respond, upon his/her arrival, the investigator shall assume command responsibility.

**11.5.3.14 Accountability for Use of Delegated Authority:** Sworn and civilian employees assigned by competent authority at every position and level shall be held accountable for the appropriate use of delegated authority, which is necessary to make decisions for the effective execution of assigned responsibilities.

**11.6 GENERAL RULES OF CONDUCT: (CALEA 26.1.1)****11.6.1 Overview: (CALEA 33.7.1 b)**

**11.6.1.1 Purpose:** To carry out the duties that are imposed on a group assigned to the enforcement of law and order, it is necessary to promulgate the rules and regulations which will assist in the carrying out of these duties in a uniform and orderly manner, with the least amount of confusion to ensure organizational effectiveness.

**11.6.1.2 Sworn and Civilian Employees to Know Rules and Regulations:** It shall be the duty of all sworn and civilian employees of the Police Department to thoroughly familiarize themselves with such provisions of the Rules and Regulations that deal specifically and generally with the duties of their rank, grade, or position. This should occur within **ten days** from the date of issuance. Within thirty days of issuance, every sworn and every civilian employee shall familiarize himself or herself with all the provisions of the Rules and Regulations. Failure on the part of any sworn or civilian employee to acquaint himself/herself with the provisions of the Rules and Regulations, as hereby directed, shall be considered negligence of duty and subject to disciplinary action.

**11.6.2 Accidents - Personnel and Departmental Vehicles:**

**11.6.2.1 Accident Reports Required:** Sworn and civilian employees shall promptly notify their commanding officer of any injury or accident with any departmental vehicle or equipment operated by them or in their possession. The supervisor will investigate, or cause to be investigated, all personnel, vehicle, and equipment accidents and will write, or have written, the necessary injury and accident reports concerning such accident, promptly and in detail, by the end of the sworn or civilian employee's tour of duty. It will be the responsibility of the commanding officer to notify the office of Risk Management of any such accidents or injuries.

**11.6.2.2 Commanding Officer to Investigate:** The commanding officer on duty or a superior assigned by him shall investigate the cause of the accident. If negligence or violation of a law or of the Rules and Regulations is evident on the part of the sworn or civilian employee, a report of the same shall be promptly prepared and appropriate action will be initiated.

**11.6.2.3 Statement of Responsibility:** Sworn and civilian employees who become involved in an accident while on duty (operating a departmental vehicle or otherwise) shall not make statements of responsibility and shall not advise other parties involved that the City will pay for the damages resulting from the accident, even though the sworn or civilian employee may be at fault.

**11.6.3 Address, Telephone Number: (CALEA 81.2.5 c)**

**11.6.3.1 Correct Address, Telephone Number:** Sworn and civilian employees shall keep the office of the Chief of Police notified of their correct address of residence and telephone number and shall report any change within 24 hours after making such change. **Telephone numbers shall be kept confidential. If there is no telephone available at their residence, the telephone number of a contact person who can be called in an emergency to notify the sworn or civilian employee must be on file in the office of the Chief of Police.**



**11.6.3.2 Police Department Not To Be Used As Mailing Address:** No sworn or civilian employee of the MPD shall give, as his/her personal address, the address of the MPD. Private correspondence shall be addressed to an address other than the Police Department.

**11.6.4 Alcohol, Intoxicating Beverages, and Other Substances:**

**11.6.4.1 Use on Duty:** An on-duty sworn or civilian employee shall not drink intoxicating liquor or alcoholic beverages of any kind, except in the actual performance of an assigned duty requiring its use. A sworn or civilian employee who reports for duty or is on duty while under the influence of liquor or drugs, to any degree; or who is unfit for duty because of excessive use; or who has the odor of an alcoholic beverage on his/her breath, when reporting for duty or while on duty, shall be deemed in violation of the Rules and Regulations.

**11.6.4.2 Liability:** Sworn employees who use their weapons, and sworn and civilian employees who use City of Miami vehicles while physically or mentally impaired shall be administratively, criminally, and civilly liable for their actions.

**11.6.4.3 In Police Buildings:** No intoxicating liquor, illegal narcotic, or controlled substance, without an appropriate prescription, shall be brought or kept in the police building. Except those items which must be brought in the performance of one's official duty.

**11.6.4.4 Frequenting Places Where Intoxicating Liquor Is Furnished:** Sworn and civilian employees on duty shall not enter or frequent any place where intoxicating liquor is sold or furnished except in the performance of an official police duty or when on an authorized mealtime in a licensed food establishment, where liquor sales are not the primary business interest.

**11.6.5 Arrests:**

**11.6.5.1 Risk Involved:** Sworn employees shall distinguish between foolhardiness and courage in making arrests and investigating suspicious persons. While a certain degree of risk is involved in all police service, officers should not unnecessarily jeopardize their lives or the lives of others.

**11.6.5.2 Unnecessary Force:** Sworn employees shall not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Sworn employees shall not strike or use any form of physical force on a prisoner or other person, except when necessary to prevent an escape, in self-defense, to overcome actual physical resistance, or to prevent violence to another person. However, officers must be firm, resolute, and energetic to exercise the necessary means to properly perform their duty.

**11.6.5.3 Report To Be Made on Any Force Used:** Whenever it is necessary to use any unusual physical force or other means, the sworn employees shall report this, as soon as possible, to a supervisor and submit a written report to the Chief of Police, through channels, relating all circumstances together with the arrest report on the case. Should the sworn employee have to use physical force or other means to overcome actual physical resistance, the sworn employees will, on approval of a commanding officer, also charge the subject with the appropriate charges.

**11.6.5.4 Persons to Be Searched:** In the arrest, transportation, and detention of prisoners, sworn employees shall take precaution to prevent an escape, injury to themselves, others, or damage to property. When making an arrest, sworn employees shall search the prisoner carefully and shall immediately take possession of all weapons and evidence. If for any reason, a prisoner cannot be thoroughly searched before being turned over to a receiving officer, the arresting officer shall, without fail, inform the officer receiving the prisoner.

**11.6.5.5 Strip/Body Cavity Searches:** The guidelines enumerated in the Florida Statutes, Chapter 901, 901.211 will strictly be adhered to. **(CALEA 1.2.8 a, c).**

**Definitions:**

**Strip Search:** Is any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of the genitals, anus, breasts in the case of a female, or undergarments of such person.

**Body Cavity Search:** conducting a visual or manual inspection of a body cavity, including the mouth, anus, or vagina.

**11.6.5.5.1 "Strip Search":** A strip search shall not be conducted as a matter of routine. Arrestees arrested for a traffic, regulatory, or misdemeanor offense, except in a case which is violent in nature, which involves a weapon, or which involves a controlled substance, shall not be strip searched unless there is probable cause to believe that the individual is concealing a weapon, a controlled substance, or stolen property. In accordance with **D.O. 1.17.5.2.**, a strip search shall not be conducted for the sole purpose of determining that individual's gender. Prior to conducting any strip search, verbal approval from the Staff Duty Officer and written approval from a Commanding Officer shall be obtained utilizing the Strip Search and/or Body Cavity Search Authorization form RF#2019-19 which shall be filled out in its entirety. A red line memorandum with copies of all documentation pertaining to the strip search will be sent through the arresting officer's chain of command to the officer's Division Chief. Staff Duty Officers should use prudent judgment in determining whether a strip search is necessary. The results of the strip search must be documented in the authorization form and shall include the reason a strip search was conducted, who was present during the search, and the manner and location in which the search was conducted. **(CALEA 1.2.8 a, c, d)**

**11.6.5.5.2** A "strip search" may only be conducted in an area that is not visible to persons other than those authorized to physically conduct or observe the search. **(CALEA 1.2.8 b, c)**

**11.6.5.5.3** An approved strip search shall only be conducted and observed by sworn employees who are of the same gender as the prisoner. Prior to a strip search being conducted, the custodial officer shall ask the arrestee their gender identity. An arrestee may request a male or female officer, consistent with the arrestee's gender identity or expression, to conduct the search. The officer performing the strip search may:

- Direct the arrestee to remove their clothing.
- Examine the clothing to ensure that no contraband is concealed therein.
- Visually inspect the anal cleft, under the genitals, and beneath any folded skin on the body.
- Direct the arrestee to rearrange any part of their body to ensure this visual

inspection.

**11.6.5.5.4** Strip searches do not require a search warrant, however in certain cases, (i.e. suspects in rape/sexual assault cases), a search warrant should be obtained. **(CALEA 1.2.8a)**

**11.6.5.5.5** Strip searches of juveniles are prohibited. **(CALEA 1.2.8c)**

**11.6.5.5.6** **Body Cavity Search**: A visual body cavity search of a detainee's mouth may be performed by officers without a search warrant. Other than the mouth, body cavity searches may only be performed after a search warrant is obtained. Prior to conducting any body cavity search, verbal approval from the Staff Duty Officer and written approval from a Commanding Officer shall be obtained utilizing the Strip Search and/or Body Cavity Search Authorization form RF#2019-19 which shall be filled out in its entirety, and a search warrant must be obtained. A red line memorandum with copies of all documentation pertaining to the body cavity search will be sent through the arresting officer's chain of command to the officer's Division Chief. The approval for such searches must be based on a reasonable belief by the arresting officer that the individual arrested has secured evidence and/or contraband within a body cavity. **(CALEA 1.2.8 a,c,d)**

**11.6.5.5.7** The person shall be kept secured and under constant visual surveillance until a body cavity search is conducted.

**11.6.5.5.8** A "body cavity" search" will not be performed by any sworn employee of the MPD.

**11.6.5.5.9** Once a search warrant is obtained, the body cavity search will be conducted by an authorized physician or other medically trained personnel at the physician's direction in a hospital or medical facility.

**11.6.5.5.10** Body cavity searches shall be performed in a private hygienic setting, and the process shall be witnessed by an officer. Prior to a body cavity search being conducted, the custodial officer shall ask the arrestee their gender identity. The officer should be of the same sex as the arrestee, except that the arrestee may request a male or female officer, consistent with their gender identity or expression. **(CALEA 1.2.8b)**

**11.6.5.5.11** Body cavity searches of juveniles are prohibited. **(CALEA 1.2.8c)**

**11.6.5.6** **To Be Booked Without Delay**: A sworn employee making an arrest shall convey the prisoner, or cause him to be conveyed, to the appropriate prisoner processing facility to be booked without delay.

Sworn employees shall not, at any time, accompany the prisoner to his/her home or room or elsewhere, except with the consent of a superior officer. Every person arrested for any cause shall be brought to Headquarters, and the arrest will be properly recorded, unless otherwise ordered by written directive.

All prisoners will always be taken directly to their point of detention. Drivers may stop to pick up other prisoners; but they will not respond to calls while they have prisoners in their vehicles, unless such response is deemed essential to prevent severe bodily harm, and then only with supervisory approval. **(CALEA 70.1.4)**

Under normal circumstances a prisoner will not be kept in a transporting vehicle for over one (1) hour. All prisoners will be taken to their point of detention as expeditiously as possible.

**11.6.5.7 Search Scene of Arrest:** After a prisoner has been arrested, the arresting officer shall search the scene of the arrest for weapons or evidence that may have been concealed, dropped, or thrown away by the prisoner. The search will be consistent with current applicable law and departmental directives. **(CALEA 70.1.1)**

**11.6.5.8 Search of Transporting Vehicle:** The driver of the vehicle used to transport the prisoner to Headquarters shall search the transporting vehicle "immediately after such delivery" for weapons and evidence. **(CALEA 70.1.2)**

**11.6.5.9 Inform Arrestees of Cause of Arrest:** At the time of arrest, if practical, and without jeopardizing the arrest, the person arrested has a right to know and shall be informed of the true reason for his/her arrest. The officer's authority shall be announced if he/she is in civilian clothes or if his/her authority is not readily visible to the arrestee.

**11.6.5.10 Dismiss or Nolle-Pros Charges Without Authority:** Officers shall not dismiss or request a Nolle-Pros of the charges against an arrested person unless there is a sufficiently good reason, and then only with the knowledge and consent of a commanding officer in the division responsible for the arrest. Consultation with the prosecuting attorney in such cases is often necessary and required to request a Nolle-Pros of charges before the court.

**11.6.5.11 Off-Duty Arrests:** Off-duty officers are often faced with situations involving criminal conduct that they are neither equipped for nor prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to off-duty officers, and confusion for those on-duty officers arriving at the scene.

To promote safety and efficiency, it is the policy of the MPD to determine and regulate those situations and locations within which a sworn employee is permitted to make an arrest while off-duty.

Permitted Off-Duty Arrests:

When off-duty and within the corporate limits of the City of Miami an officer may make an arrest only when:

1. There is an immediate need to prevent a violent felony; and
2. The arresting officer has in his/her possession, appropriate police identification which readily and unmistakably identifies them as a law enforcement officer; and
3. The arresting officer is physically able and prepared to safely make the arrest.

While a police officer is not required to make an off-duty arrest in each instance, an officer does have a duty to notify on-duty personnel of any such emergency.

**11.6.5.12 Handling of Female Prisoners:**

**11.6.5.12.1 Search Of:** Women and juvenile girls who are under arrest or who are to be held in the custody or under the care of the Department should not be searched by male police officers unless female police officers, female correction officers, or other suitable women civilian employees are not available at the time and place and an immediate search appears to be necessary under one of the following conditions:

**11.6.5.12.1.1** When there is good reason to believe that the person has, in her possession a weapon, poison, drug, or other like means of causing death or substantial injury to the arresting officer, to herself, or to another.

**11.6.5.12.1.2** When there is good reason to believe that stolen property or evidence is hidden about the prisoner and there is reason to believe that it may be thrown away or destroyed.

**11.6.5.12.2 Search Procedure in Emergencies:** Searches in such emergencies should be made with all possible regard for decency with the direction and under the supervision of an officer of rank, should one be present, and/or with a witness other than the searching officer, if possible. After the search has been made, the facts relating to it should be reported in writing by the sworn employee to their commanding officer.

**11.6.5.12.3 Search for Weapons:** It is the duty of the sworn employee to take possession of items such as hat pins or other articles worn outside the clothing or carried in the hands (handbags, purses, umbrellas, etc.) and capable of being used as weapons and to search bags, bundles, and other removable property.

**11.6.5.12.4 Transportation:** Female prisoners should not be transported in the same vehicle with male prisoners, unless arrested at the same time or for offenses constituting the same act or complicity in the same offense.

**11.6.5.12.5 Quotas:** The establishment of any quotas is strictly prohibited, to include the following:

- a) Uniform Traffic Citations
- b) Arrests
- c) Parking Complaints

## **11.6.6 Arrests, Juvenile:**

**11.6.6.1 Transportation:** A juvenile should not be transported in a vehicle which is occupied at the same time by an adult prisoner or prisoners, except in emergencies or when arrested in the company of an older person for complicity in the same offense or act. In that case, a police officer should accompany them within the vehicle.

**11.6.6.2 Arrest for Intoxication:** When a minor is arrested for intoxication, the officer should endeavor, by all proper means, to ascertain the place or places at which the minor obtained the liquor and to forward such information to the Special Investigations Section.

**11.6.7 Arrest of Postal or Common Carrier Employees:**

**11.6.7.1 For a Misdemeanor:** Officers shall not take postal or common carrier employees into custody for minor violations (misdemeanors) while they are engaged in the collection or distribution of mail or in the operation of a bus or train. Instead, the offender shall be summoned to appear in court or ordered to report to a commanding officer for further investigation.

**11.6.7.2 For a Felony:** Postal or common carrier employees, when suspected or accused of a felony or a serious misdemeanor, shall be taken into custody. The arresting officer shall accompany the prisoner to their company office or stand by until the prisoner may be relieved by a recognizable authority from his/her company before being brought to Headquarters. When the physical or mental condition of the accused renders this procedure impractical because of the possibility of escape or of injury to the public or the arresting officer, the prisoner shall be taken to Headquarters as soon as a police guard can be provided for the vehicle that was being operated.

**11.6.8 Attorneys:**

**11.6.8.1 Recommending:** Sworn and civilian employees of the MPD shall not recommend or suggest the employment or hiring of any person as an attorney or counsel, directly or indirectly, to any person arrested, to any prisoner, or to any other person.

**11.6.8.2 Visiting Prisoners:** Attorneys, as legal counsel for prisoners, shall be permitted to visit prisoners at any hour and time of day in keeping with the rules and regulations governing such visits and investigative procedures.

**11.6.8.3 Information To:** Sworn and civilian employees shall not disclose arrest information or other information to any attorney or legal counsel before the trial of a subject in such fashion as to impede a just disposition of a case, without permission from the prosecuting attorney and without the knowledge of the sworn or civilian employee's commanding officer.

**11.6.9 Badge-Official Identification:**

**11.6.9.1 Sworn Employees to Carry at All Times:** Sworn employees of the MPD, on duty or off duty, shall carry on their person, their designated badge and official identification card, at all times, whenever practical. A sworn employee has no right to expect obedience or respect for his/her authority until he has properly identified himself as a police officer by showing his badge and official identification card. **(CALEA 22.1.8 a)**

**11.6.9.2 Uniformed Officers:** Uniform sworn employees on duty shall wear, centered over the left breast on the outside of the outermost part of their uniforms, and always in plain view, the officially issued badge of their respective ranks.

**11.6.9.3 Plainclothes Assignments:** Sworn employees in plain clothes shall always carry their official badge and I.D. card while on or off duty and shall promptly identify themselves when the occasion arises.

**11.6.9.4 Unauthorized Use:** A sworn employee shall not, at any time, use or attempt to use his official position, badge, or official I.D. card for personal or financial gain. A sworn employee shall not permit any other person or sworn employee to use his badge or I.D. card.

**11.6.9.5 To Provide Badge Number, Official Department Issued Identification, and Name upon Request:** Sworn and civilian employees shall provide their names and ranks or positions in a respectful manner to any person who may request them and shall be prompt in identifying themselves when the occasion arises. Sworn and civilian employees shall provide their Individual Employee Identification Number (IBM) to any person who may request their "badge number," in a respectful manner. All sworn employees shall also display the official department issued identification card containing the employee's photograph to any person when requested to do so. **(CALEA 22.1.8 a, b)**

**11.6.9.6 Special or Honorary Officer:** No person shall be appointed and/or given a badge as a special officer or as an honorary sworn employees of the MPD without written approval of the Chief of Police or other authority provided by Ordinance. A person so honored shall not use his badge in any manner which would tend to bring discredit upon the MPD, nor shall he use it for the purpose of exerting undue influence upon a sworn or civilian employee of the MPD or any other person.

**11.6.10 Bail Bondsmen:**

**11.6.10.1 Recommending:** Sworn and civilian employees of the MPD shall not recommend or suggest the name of any bail bondsmen, directly or indirectly, to any person.

**11.6.10.2 Sworn and Civilian Employees Not To Go on Bond of Prisoner:** Sworn and civilian employees of the MPD shall not become surety or guarantor or go on the bond of or furnish bail for any person arrested for a crime except upon authorization of his commanding officer. If such permission is authorized, a memorandum of facts will be forwarded through official channels to the office of the Chief of Police.

**11.6.11 Bearing:**

**11.6.11.1 Military Bearing:** Every sworn employee of the MPD shall maintain a military bearing and an alert and attentive attitude and appearance. The sworn employee shall avoid a slouchy attitude of mind and body. He/she shall not sleep on duty and shall, always, be attentive to his/her duties.

**11.6.11.2 On Duty:** On duty sworn employees, in uniform or civilian clothes, shall not lean against any object (fireplug, building, automobile, etc.). They shall not carry or read a newspaper, magazine, book, or any article not necessary in the performance of their assignment, while upon a public street or other place.

**11.6.11.3 Personal Appearance:** Sworn and civilian employees of the MPD, while on active duty, must be, always, neat and clean of body and person. Civilian clothes shall be clean and neatly pressed; hair, neatly cut, clean-shaven; and uniform clothing, in conformity with the uniform of the day, Rules and Regulations, and Departmental Orders. Sworn and civilian employees shall, as often as necessary, examine and clean their equipment and

always keep it in good, serviceable condition.

#### **11.6.12 Civil Cases, Processes:**

**11.6.12.1 Serving Civil Processes:** Sworn or civilian employees of the MPD shall not serve civil processes, neither shall they render assistance to either party in civil actions or disputes, unless under subpoena or as provided by written orders.

**11.6.12.2 Necessary Police Action:** Sworn employees shall, however, prevent breaches of the peace and quell disturbances growing out of such matters. They shall advise concerned parties why police action may not be possible; and, if necessary, take persons breaking the peace into custody while maintaining good public relations and keeping of the public peace.

**11.6.12.3 Testifying In:** Sworn or civilian employees shall not testify in civil cases, without approval of the Chief of Police or as provided in directives, unless legally summoned to do so.

**11.6.12.4 Claims for Damages:** Sworn and civilian employees shall not file claim for damages or make any legal compromise with any person in connection with their City of Miami employment or official duties without notifying the Chief of Police.

**11.6.12.5 Arrests or Court Action Against Sworn and Civilian Employees:** A sworn or civilian employee shall **immediately** report in writing to the Commander of Internal Affairs all information concerning any arrest or court action instituted against him/her or any time he/she is involved and/or interviewed in any criminal case or in any civil action that is in connection with his/her employment or official duties.

**11.6.12.5.1 Driver's License Action against Sworn and Civilian Employees:** A sworn or civilian employee shall **immediately** report in writing by their next tour of duty to the Commander of Internal Affairs all information regarding being issued a moving violation, or any circumstance(s) that could impact having a valid driver's license. Once a final disposition is received, an update shall be sent by the sworn or civilian employee to the Commander of Internal Affairs no later than his/her next tour of duty.

Failure of any employee to notify the chief of police as noted above shall subject that employee to administrative action up to and including dismissal from the MPD.

#### **11.6.13 Conduct, Department:**

**11.6.13.1 Responsibility of Sworn Employees:** Sworn employees of the MPD shall observe the laws, preserve the public peace, prevent crimes, detect and arrest violators of the law, protect life and property, enforce all criminal laws of the federal government, the State of Florida, the county of Miami Dade, and the ordinances of the City of Miami and render services to the City and its citizens with zeal, courage, discretion, fidelity, and loyalty.

**11.6.13.2 Courtesy:** Sworn and civilian employees shall always be, civil, orderly, and courteous. Even in the face of great provocation, they shall be diplomatic in the performance of their duties by controlling their tempers and exercising the utmost patience and discretion. When required, they must act with firmness and with sufficient energy to properly perform their duties. They shall refrain from using coarse, violent, profane, or insolent language.



**11.6.13.3 Unkind Remarks:** Sworn and civilian employees shall refrain from sharp retorts when carrying on any conversation. They should never make remarks about the infirmities of others or voice prejudices concerning race, ethnicity, religion, sex, sexual orientation, gender identity or politics.

**11.6.13.4 Conduct Unbecoming an Officer or Employee:** Sworn or civilian employee of the MPD shall not conduct him/herself in a disorderly manner at any time, "on" or "off" duty, or so conduct him/herself in a manner unbecoming the conduct of a sworn or civilian employee of the MPD.

**11.6.13.5 Gossip:** A sworn, or civilian employee shall not divulge or tolerate gossip detrimental to any person or other sworn or civilian employee of the MPD but shall report to his/her immediate superior officer any rumors, concerning actions, allegations, neglect, or disobedience of orders by his/her fellow officers, which may affect the reputation and integrity of the MPD.

**11.6.13.6 Dealing with Juveniles:** Sworn or civilian employees shall, when dealing with juveniles, conduct themselves in a manner that encourages respect through civility, order, consideration, and courtesy.

**11.6.13.7 Obeying and Executing Orders of Superiors:** Every sworn and civilian employee of the MPD is required to strictly obey and execute the orders of superior officers promptly and respectfully. They shall properly conduct themselves in the discharge of their duties and in their relations with the public, sworn and civilian employees of the MPD, and official agencies. **(CALEA 12.1.3)**

**11.6.13.8 Reading on Duty:** Sworn and civilian employees shall not read a newspaper, magazine, or other printed matter while on duty in uniform upon a public street or other public place or in view of the public, except as required in the line of duty.

**11.6.13.9 Practical Jokes:** Sworn employees shall not, while on or off duty in the capacity of a police officer, participate in any practical joke, skit, or activity pertaining directly or indirectly to police duties, police functions, or police activities that would show disrespect for the police uniform of the MPD in any manner (e.g., fake arrests, etc.)

**11.6.13.10 Telephone Courtesy:** When sworn and civilian employees of the MPD are called to or answer the telephone, they shall promptly respond by giving their rank, surname, and the division, section, or position to which they are assigned. If the person calling is a sworn or civilian employee of the MPD, he/she shall promptly identify himself/herself in the same manner. **(CALEA 22.1.8 c)**

**11.6.13.11 Courtesy to Flag:** Sworn employees in uniform, unless engaged in police duties requiring their direct attention, will face the approaching flag (colors) and render a sharp military salute. Sworn employees in civilian clothes will stand at attention, holding their right hand over their left breast. The salute will be made and held when the colors approach within six paces and until they have passed six paces beyond. Only the colors at the head of a parade will be saluted.

**11.6.13.12 Courtesy to National Anthem:** When the national anthem is played out of doors, sworn employees in uniform will stand, face the colors and/or music, and render a sharp military salute until the anthem is completed. Sworn employees in civilian clothes will face the colors and/or music, come to attention, and place their hand or hat over their left breast. If the anthem is played indoors, sworn employees will remove their headgear with their right hand and place the hand (holding the headgear) over their left breast.

**11.6.13.13 Neighborhood and Personal Disputes:** Sworn employees shall not engage in or become involved in controversies or attempt to exact police authority or make arrests in controversies arising between their relatives and/or neighbors; nor shall they make any arrest in their own quarrels, including those between themselves, their relatives, and/or neighbors, except under such circumstances which would justify them in using self-defense, to prevent injury to another, or when a serious offense has been committed. Such circumstances shall be called to the attention of a commanding officer who shall resolve the case personally or have disinterested officers investigate and take the required action.

**11.6.13.14 Entering a House of Ill Repute:** A sworn, or civilian employee shall not knowingly enter any house of ill repute, including a gambling or gaming house, or a known "crack" house, except in the performance of his/her official duty. And, if required to enter such a place, he/she shall report the act to his/her commanding officer, as soon as possible.

**11.6.13.15 Associating with Undesirable Persons:** See D0 1, Chapter 14 – Limitations on Associations.

**11.6.13.16 Purchasing Lottery Tickets On-Duty:** The purchase of lottery tickets by any sworn or civilian employee, while on-duty, is prohibited.

#### **11.6.14 Cooperation:**

**11.6.14.1 Intradepartmental:** Cooperation is always required of sworn and civilian employees. Coolness and firmness are always required of every sworn employee, especially in times of extreme peril. They must act together and protect each other in the restoration of order.

**11.6.14.2 Interdepartmental:** Sworn and civilian employees shall cooperate with all agencies engaged in the administration of criminal justice and other public agencies and City of Miami departments, and they shall give each all the aid and information that they are entitled to receive. Sworn and civilian employees answering a call wherein another City agency or department should be notified shall, through official channels, have the appropriate agency notified of the essential details of the complaint.

#### **11.6.15 Court Attendance - Preparation:**

**11.6.15.1 Preparation:** Every sworn and civilian employee of the Department shall be diligent in the preparation of cases for trial by proper execution of the affidavit, analysis of the facts, preservation of evidence, subpoena of witnesses, and thorough review of proposed testimony.

**11.6.15.2 Attendance:** All sworn and civilian employees concerned in cases before the court are to be punctual in attendance and shall wear their uniform or civilian clothes in compliance with Departmental Orders.

**11.6.15.3 Attitude – Respect:** Sworn and civilian employees shall always be attentive and respectful toward the court and/or judges or magistrates. When giving testimony, they shall speak calmly and explicitly in a clear, distinct, and audible tone to be easily heard by the court and/or jury; and they shall not smoke, or chew gum or tobacco in the presence of the court.

**11.6.15.4 Testifying:** Sworn employees shall testify with strict and truthful accuracy, confine themselves to the case before the court, and neither suppress nor overstate the slightest circumstance 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. The ends of justice shall be served by showing a desire to simply tell the whole truth, whether it be for or against the defendant.

**11.6.15.5 Rules for Testifying:** The following rules should be followed while testifying before the court.

**11.6.15.5.1** Be punctual in attendance.

**11.6.15.5.2** Tell the truth.

**11.6.15.5.3** Tell your story in your own way and in plain language.

**11.6.15.5.4** Speak clearly so that you can be heard.

**11.6.15.5.5** If you make a mistake, correct it. Do not try to stick to some slight error.

**11.6.15.5.6** Do not hurry in giving your testimony.

**11.6.15.5.7** Obey all judicial rules and procedures of the court.

**11.6.15.6 Rights of Prisoners:** All sworn employees should know that prisoners have certain rights guaranteed to them by the United States and Florida Constitutions. The following are some of those rights:

**11.6.15.6.1** Prisoners shall not be arrested or detained except for the commission of an act or an omission forbidden by law and only upon probable cause.

**11.6.15.6.2** Prisoners shall not be subject to more restraint than is necessary to hold or confine them.

**11.6.15.6.3** Prisoners are entitled to be arraigned immediately, if court is in session, or as soon as possible without unnecessary delay.

**11.6.15.6.4** Prisoners are entitled to have and to communicate with counsel.

- 11.6.15.6.5** Prisoners may request a continuance of the trial or examination or waive them.
- 11.6.15.6.6** Prisoners may call witnesses in their behalf.
- 11.6.15.6.7** Prisoners are entitled to a public and speedy trial.
- 11.6.15.6.8** Prisoners are entitled to be confronted by their accusers and all witnesses against them.
- 11.6.15.6.9** The Complaint must be read to them unless they waive it.
- 11.6.15.6.10** Prisoners shall be advised as to their right to remain silent and their other rights.
- 11.6.15.6.11** Prisoners shall be advised as to the fact that their statements can be used against them in a court of law.
- 11.6.15.6.12** Prisoners may examine the state witnesses either themselves or by counsel.
- 11.6.15.6.13** Prisoners shall not be put in jeopardy twice for the same offense.
- 11.6.15.6.14** Prisoners are presumed to be innocent until pronounced guilty.
- 11.6.15.6.15** Prisoners cannot be compelled to testify against themselves.
- 11.6.15.6.16** Failure to testify themselves shall not be held against them.
- 11.6.15.6.17** Prisoners shall be able to make a reasonable number of phone calls for bonding purposes. The booking officer shall make entry in the station log of prisoner telephone calls, verifying information concerning use of the telephone or that use of the telephone was declined. The prisoner will be asked to sign the log verifying use or declined use of telephone.
- 11.6.15.6.18** Should unusual circumstances exist requiring detainment for more than six hours, an arrangement to provide a meal must be made. Detainees shall be offered three meals during each 24-hour period.
- 11.6.15.7 Compromise:** Sworn employees of the Department shall not take part or be concerned with, directly or indirectly, making or negotiating any compromise or arrangement for any criminal or any person with a view of permitting such criminal or other person to escape the penalty of the law; nor shall they seek to obtain a continuance of any trial out of friendship for the defendant, or otherwise interfere with the courts of justice. This shall not be construed as preventing a sworn employee from cooperating with the prosecuting attorney in the altering of any charge or in other action in the furtherance of justice in any case he may be concerned as the arresting or investigating officer.
- 11.6.16 Disciplinary Action and Relieved of Duty:**
- 11.6.16.1 Authority:** Authority in the MPD shall be exercised with firmness, fairness, and

justice.

**11.6.16.2 Responsibility of Sworn and Civilian Employees:** Sworn and civilian employees shall assume responsibility for their own acts. In no instance shall they attempt to shift the burden of their responsibility for executing or neglecting to execute a lawful order, regulation, or police duty.

**11.6.16.3 Relieved of Duty:** A commanding officer will relieve of duty, both sworn and civilian employees. Employees will be relieved of duty pending disposition of criminal and/or administrative investigations. Employees relieved of duty shall be carried either with pay or without pay in accordance with City APM 2-98. **(CALEA 26.3.7)**

**11.6.16.3.1** Any employee indicted or arrested will be immediately relieved of duty.

**11.6.16.3.2** Any employee facing termination, who after the issuance of a reprimand requests a D.D.R.B. hearing and then seeks a continuance, waiving their emoluments (pay and benefits), is off the payroll and will thereby be relieved of duty.

**11.6.16.3.3** Any employee who for cause or random testing, has a positive test result for illegal drug usage, will be immediately relieved of duty.

**11.6.16.3.4** Any employee determined by a psychologist to be unfit for duty will be relieved of duty immediately upon receipt of medical notification.

**11.6.16.3.5** Any employee whose actions the Chief of Police has determined have significantly discredited the Miami Police Department may be relieved of duty.

In all cases, the relieved employee will be ordered to report to Internal Affairs by the relieving officer as soon as feasible to initiate the transfer to that Section. The relieved sworn employee will adhere to the rules (that remain intact) set forth for relieved of duty personnel. The Internal Affairs Section will remain the relieving/returning entity and all related documents will be forwarded to that Section.

The relieved employee must remain at home (between the hours of 0700 to 1700, (Monday through Thursday or Tuesday through Friday). In addition, the relieved employee must also report by telephone to the Internal Affairs Section at 1000 and 1400 hours during the duty hours. When an employee is required to attend any duty related function that occurs on their regularly scheduled day off (usually Monday or Friday), they shall immediately notify their supervisor upon receiving notification to have their regularly scheduled day off adjusted to another day for that week. The sworn employee must attend on-duty and no overtime shall be incurred for attending. The relieved employee will also be subject to random home checks to ensure compliance with rules and regulations as set forth by the department.

**11.6.16.4 Relieved/Reassigned:** Certain circumstances arise when the needs of the department and the skills of the individual relieved of duty merit consideration for modification of the Relieved of Duty policy. In those instances, the employee relieved of duty shall be transferred to an administrative assignment where the special skills possessed by the individual can be used. Unlike personnel administratively reassigned, these individuals will not be allowed to carry a gun, police badge, or retain arrest powers. They will not be issued any

equipment that would imply or give the impression that their law enforcement powers have been reinstated.

The Chief of Police is solely empowered to modify the Relieved of Duty status of employees. **(CALEA 26.3.7)**

**11.6.16.5 Administrative Reassignment: (CALEA 26.3.7)**

**11.6.16.5.1** Any employee involved in a questionable incident which negatively impacts on their employment as an employee of the Miami Police Department will be administratively reassigned within their division until a conclusion is rendered in the case under investigation.

**11.6.16.5.2** The decision to administratively reassign shall be made in the affected employee's chain of command and the Section Commander will be responsible for completing and forwarding related document to the Internal Affairs Section. Any changes on duty status of the affected employee shall be communicated to the Internal Affairs Section Commander via memorandum.

**11.6.16.5.3** Any sworn employee administratively reassigned shall be permitted to retain their firearm, badge and identification, arrest powers, and use of police radio. Sworn employees, however, are prohibited from wearing their uniform, from working off-duty jobs, and from driving marked City vehicles. Sworn employees will be permitted to work regular overtime approved by the Section Commander, whereas the overtime is a non-operational/administrative function. Any sworn employee assigned a marked vehicle must exchange the vehicle for an unmarked vehicle.

Any exception to the above policy shall be determined by the Chief of Police.

**11.6.16.6 Duty While Under Suspension:** A suspended sworn or civilian employee shall not be restored to duty until after the investigation and hearing of the charges for which he was suspended, except by direction of the Chief of Police or his/her designee.

**11.6.16.7 Wearing Uniform While Under Suspension:** During the period of suspension, sworn employees shall not wear any part of the official uniform; act or represent themselves as police officers or civilian employees, in any manner; or perform any off-duty police work.

**11.6.16.8 Misdirected Action of Sworn and Civilian Employees When Charged:** Any sworn or civilian employee, against whom a complaint or charge has been made, who shall attempt (directly or indirectly) by threat, appeal, persuasion, payment of moneys, or other consideration, to secure the abandonment of the complaint or charges or who, at a time before final disposition of the same, shall cause any person to intercede personally (by letter or by other means) on his/her behalf shall be made the subject of additional charges.

**11.6.17 Disciplinary Action - General Offenses:** A sworn or civilian employee of the MPD found guilty of violating a rule, regulation, provision of a general or special order, or any of the offenses below, or upon conviction in a court having criminal jurisdiction, shall be subject to reprimand, suspension, dismissal, or other disciplinary action as the Chief of Police may impose.

**11.6.17.1 Cowardice:** Whoever shrinks from their responsibilities or sworn duty in the face of danger or threat will be deemed guilty of cowardice.

**11.6.17.2 Disobedience** of Standard Operating Procedures, General Orders, Rules and Regulations, or any other official directive.

**11.6.17.3 Being under the influence** of intoxicating beverages, drugs, or controlled substances not prescribed by a doctor, while on duty.

**11.6.17.4 Drinking intoxicating liquor while on-duty** except when assigned, or the habitual use of intoxicating beverages, drugs or narcotics, or controlled substances.

**11.6.17.5 Entering a disorderly house** or gambling house when not in the performance of police duty.

**11.6.17.6 Maltreatment of a prisoner** or any other person.

**11.6.17.7 Conduct unbecoming a police officer** that shall include any act or conduct not specifically mentioned in these Rules and Regulations that tends to bring the Department into disrepute or reflects discredit upon the individual employee as a police officer.

**11.6.17.8 Insubordination** or disrespect toward a superior officer.

**11.6.17.9 Neglect** or inattention to duty.

**11.6.17.10 General incompetence:**

**11.6.17.11 Sleeping** while on duty.

**11.6.17.12 Laziness** or idleness.

**11.6.17.13 Being absent** from duty without permission.

**11.6.17.14 Leaving post** without permission.

**11.6.17.15 Using coarse, profane, insolent, or discourteous language** to superiors, or fellow sworn or civilian employees of the MPD, or to any citizen.

**11.6.17.16 Not properly patrolling** or guarding a post. Sworn employees absent from their designated zones or areas of responsibility or assignment, without proper supervisory authority, will be in violation of this rule.

**11.6.17.17 Making a false statement,** report, communication, or entry into any official police record or other official or required report or record.

**11.6.17.18 Neglecting to appear clean and tidy in person and dress** or failure to wear the proper uniform on duty in the prescribed manner.

**11.6.17.19 Smoking** in violation of law, or Rules and Regulations.

**11.6.17.20 Accepting bribes**, money, or other valuables, while acting in the capacity of a police officer, either on or off duty.

**11.6.17.21 Accepting any fees**, rewards, or gifts of any kind from any person for services rendered or pretended to be rendered as a sworn or civilian employee of the MPD, without the consent of the Chief of Police.

**11.6.17.22 Gossiping** about a sworn or civilian employee of the MPD, concerning his personal character and conduct, which is detrimental to the sworn or civilian employee.

**11.6.17.23 Publicly criticizing orders given by the Chief of Police**, a superior officer, or a public official.

**11.6.17.24 Communicating or giving police information to any person concerning the business of the MPD**, which is detrimental to the MPD, without prior approval or authorization by a commanding officer.

**11.6.17.25 Communicating or giving police information which may aid a person to escape arrest**, delay the apprehension of the criminal, or secure the removal of stolen or embezzled goods or other property or money.

**11.6.17.26 Refusing to give name**, Employee Identification number, or to display identification card in a courteous manner when requested.

**11.6.17.27 Neglecting** to properly record on the prisoner property receipt of any person arrested, the exact amount of all personal and real property taken from a prisoner at the time of arrest and/or booking.

**11.6.17.28 Neglecting** to turn over to the proper authority without unnecessary delay, all property, including money, that is found or seized as evidence or taken from a person arrested.

**11.6.17.29 Unjustified or careless use of a firearm.**

**11.6.17.30 Neglecting to report any sworn or civilian employee** of the MPD known to be guilty of a violation of any rule, regulation, order, or any other directive issued for the guidance of the MPD, where such violation would bring discredit to the sworn employee, the civilian employee and/or the MPD.

**11.6.17.31 Failure to report or take necessary action** in a known violation of law or City of Miami ordinance.

**11.6.17.32 Immorality:** Committing immoral acts, such as, lying, cheating, stealing, etc.

**11.6.17.33 Neglect or refusal to comply** with oral or written orders.

**11.6.17.34 Failure to take appropriate action** to correct and respond to any contagious disease that may impact the public or fellow employees.

**11.6.17.35 Association with undesirable**, immoral, or questionable characters, except in



the line of duty.

**11.6.17.36 Ignorance of the contents of this Chapter of Rules and Regulations** in the Departmental Orders.

**11.6.17.37 Aiding persons to escape arrest** or to escape after arrest.

**11.6.17.38 Participating in the distribution**, collection, or solicitation of any kind of items, pamphlets, moneys, literature, etc., while in uniform (on duty or off-duty) unless authorized by the Chief of Police.

**11.6.17.39 Any other act or omission contrary to good order** and discipline which constitutes a violation of any of the Rules and Regulations, procedures, and other directives of the MPD.

**11.6.18 Duty Requirement:**

**11.6.18.1 Oath of Office:** Sworn employees of the MPD, upon appointment and before being assigned to any duties in the MPD, shall take and subscribe to an oath or affirmation of office administered by the Chief of Police or another authorized person.

**11.6.18.2 Duty Responsibilities:** Notwithstanding the assignment of specific duties and responsibilities to sworn and civilian employees of the MPD, sworn and civilian employees shall perform all other duties which may be required of them by competent authority. In carrying out the functions of the MPD, sworn and civilian employees shall direct and coordinate their efforts in a manner that will establish and maintain the highest standard of efficiency. All sworn employees shall be responsible, twice daily, during their tour of duty, for logging in and reviewing all MPD computer applications for pending work or notifications at least once within the first hour of their tour of duty and at least once, no earlier than one hour before the end of their tour of duty. Applications include, but are not limited to; court subpoenas, Email, extra-duty employment, electronic report writing applications, electronic evaluations, and Response to Resistance reports.

**11.6.18.3 Reporting for Duty:** Sworn and civilian employees shall report for duty or line-up roll call, briefing, and inspection at the time and place specified by their commanding officer; and they will be physically fit, neatly, and properly groomed, and correctly attired (in the uniform of the day) and equipped so that they may assume their duties immediately following the briefing and inspection.

**11.6.18.4 Failure to Report - Improper Conduct:** A sworn or civilian employee shall be made the subject of disciplinary action when they are unable to report for duty due to illegal or improper conduct, or excessive use of alcohol or substance.

**11.6.18.5 Absence Without Leave:** Absence from duty by any sworn or civilian employee of the MPD without leave or authorized permission shall be grounds for forfeiture of pay for the time absent and charges of other action may be brought against the sworn or civilian employee, as directed by the Chief of Police.

**11.6.18.6 Tardiness:** Failure of a sworn or civilian employee to report for duty at the designated time and place will be cause for disciplinary action, consistent with existing labor contracts. Additionally, it is the responsibility of the sworn employee to notify his/her office at least 15 minutes prior to his/her assigned reporting time stating the reason for the delay and the approximate time of arrival.

**11.6.18.7 Available For Duty Service:** Sworn employees shall keep themselves available for duty, during the times and places, where their presence will have the greatest impact on current traffic and crime conditions. A thorough knowledge of the duties of their assignment is a prime requisite for all sworn employees. Sworn employees assigned to a specific detail or post will remain on duty until relieved by proper order or authority.

**11.6.18.8 Hours of Duty:** Sworn employees of the MPD shall have, as scheduled, regular hours assigned to them for active duty each day; and, when not employed, they shall be considered "OFF DUTY." They shall, however, always be subject to being called to duty, as needed; they shall be subject to orders from competent authority and emergency calls from citizens. OFF DUTY sworn employees shall be responsible for taking the required police action in any serious police matter brought to their attention at any time.

**11.6.18.8.1** Sworn employees are prohibited from physically working more than sixteen (16) hours during a (24) hour period. The (16) hour maximum will include a combined total of any court related time, callouts, drafts for staffing shortages, working special events or extra duty jobs, and on duty working hours. The total extra duty hours worked during any given work week (Sunday through Saturday) shall not exceed (36) hours, unless authorized by the Chief of Police or designee.

**11.6.18.8.2** Sworn employees attending court, responding to a callout, etc. who are working a special event or extra duty job must check out of service during the actual time away from the special event or extra duty job.

**11.6.18.9 Off Duty - Subject to Service Call:** Although certain hours are designated in the assignment "ON DUTY" for police officers in the performance of their police duties, sworn employees may be called to duty at any time and shall carry their badge and official I.D. card at all times, when practical. It is not mandatory that a sworn employee carry a weapon while off duty; however, being unarmed will not relieve them from the responsibility of taking the necessary police action. Sworn employees are subject to being called to duty by order of their superior officers, at any time. Sworn employees failing to respond, when called or notified for extra or special duty, shall be subject to disciplinary action, as directed by the Chief of Police.

**11.6.18.10 Days Off:** Sworn employees of the MPD are entitled to approved days off, as scheduled by their respective commanding officer and approved by the Chief of Police.

**11.6.18.11 Respond to Calls:** Sworn employees of the MPD shall, always, respond promptly and safely to radio calls directed to them or to calls from citizens for aid. They shall make themselves available for further service, as soon as practicable, upon completion of a call or assignment. The radio receiver's volume shall be always adjusted to the point of best

audibility, when the unit is in service. Failure to receive a radio call while in service because the volume control is adjusted too low, or there is excessive or unnecessary noise because the volume control is adjusted too high, shall be considered neglect of duty.

**11.6.18.12 Lunch Period:** All sworn employees of the MPD who are on duty for an eight-hour or ten-hour shift or assignment may be permitted to suspend work, subject to immediate recall at any time, for the purpose of having one meal during his/her tour of duty. The mealtime shall not exceed thirty minutes. All other employees shall receive one, unpaid, sixty-minute meal break per tour of duty, subject to immediate recall at any time. Lunch periods will be scheduled within 2 hours of the middle of the working tour, when possible.

**11.6.18.13 Shop or Trade on Duty:** Sworn employees shall not shop or trade while on duty, nor shall they devote any of their on-duty time to any activity other than that which relates to police work. They shall not perform any police duty for the purpose of private gain, without specific authority of the Chief of Police.

**11.6.18.14 Carrying Articles on Duty:** Except, when necessary, in the performance of police duty, a sworn employee of the MPD shall not carry packages, bundles, newspapers, books, or other unnecessary paraphernalia while on duty.

**11.6.18.15 Duties at Scenes of Hazards:** Except as provided in written orders, sworn employees observing hazards to public safety, e.g., unprotected excavations, downed high-tension wires, or other dangerous conditions, should immediately report the hazard and stand by to preserve safety until the hazard is eliminated or until properly relieved.

**11.6.18.16 Sworn Employees to Know First Aid:** It shall be the duty of all sworn employees of the MPD to thoroughly acquaint themselves with the subject of first aid so that they may be prepared to apply first aid promptly and properly in any case coming to their attention. Any sworn employee failing to render first aid whenever necessary or who may be found incompetent to do so may be charged with neglect of duty and subject to disciplinary action.

**11.6.18.17 Interfering With Private Business:** Sworn employees shall be particularly careful not to interfere officiously or unnecessarily in the private business of any person; they shall not threaten a law-abiding citizen engaged in the lawful pursuit of a legitimate business.

**11.6.18.18 Recognize Criminal Investigator:** Sworn employees shall not, either on or off duty, recognize or speak to plainclothes investigators outside the police building area, unless spoken to first.

**11.6.19 Employment Outside of the Department: (CALEA 22.2.4)**

**11.6.19.1 Outside Employment Defined:** Outside employment or business activity includes participation in or affiliation with any commercial business activity, except solely by investments, for the purpose of financial gain for which remuneration is received from any source other than from the City of Miami for the performance of police duty or other work.

**11.6.19.2 Business Management Prohibited:** Sworn and civilian employees of the MPD will not participate in the active management of any business in which they may have an interest. They may not accept employment outside the MPD, where such management or

employment in any way reflects discredit on the sworn employee, the civilian employee or on the MPD, where such activity affects the physical condition of the sworn or civilian employee in the performance of their regular duties (by reason of fatigue or other detrimental conditions), or where the duties to be performed are incompatible or inconsistent with the performance of departmental police duties or their position as a police officers or MPD civilian employee.

**11.6.19.3 Work Permit Required:** Sworn or civilian employees who desire to engage in outside employment, business activity or occupation during off-duty time must request authorization by submitting an "outside" work application, through channels, to the Chief of Police for his/her approval. Approval must be authorized before a sworn or civilian employee accepts or performs such work. Such authorization may be terminated at any time, at the discretion of the Chief of Police.

**11.6.19.4 Conduct During Off-Duty Police Work:** When engaging in any off-duty police work, sworn and civilian employees shall conduct themselves in a manner consistent with the Rules and Regulations of the MPD. **(CALEA 22.2.5 b)**

**11.6.20 Evidence:**

**11.6.20.1 Proper Handling:** Sworn and civilian employees of the MPD shall not manufacture, destroy, remove from the scene, or convert to personal use any evidence or other material found in connection with an investigation of a crime. All evidence or other material shall be properly collected, identified, preserved, and turned into the MPD's Property Unit and properly recorded therewith for safekeeping.

**11.6.20.2 Proper Handling of Evidence that may Contain Blood Borne Pathogens:** Sworn employees are to evaluate the need to collect blood-stained clothing from cases other than homicides. Those cases which are evaluated as necessary for retention of the blood stained clothing for evidentiary purposes are to be handled in the following manner: **(CALEA 83.2.1 a)**

**11.6.20.2.1** If the evidence is wet, the officer or investigator will contact a Crime Scene Investigator to whom the evidence will be turned over. The Crime Scene Investigator will arrange for the proper drying of the evidence, then place the evidence into the Property Unit, establishing a chain of custody. **(CALEA 83.2.1 d)**

**11.6.20.2.2** If the evidence is not wet, the officer or investigator will place the evidence directly into the Property Unit. There is no need to involve a Crime Scene Investigator in the chain of custody.

**11.6.21 Firearms and Weapons:**

**11.6.21.1 Authorized Use:** Sworn employees shall not draw or display their firearm except for legal use or official inspection. Sworn employees should never draw or display their firearm unless in accordance with Departmental Orders, Standard Operating Procedures, and any other official directive in force. Sworn employees may discharge their firearm (in connection with the performance of his/her official police duty) for the following reasons or circumstances:

**11.6.21.1.1** When they have an objectively reasonable belief that they must protect themselves or another person from imminent danger of death or serious physical injury.

**11.6.21.1.2** At the firearms range for target practice or when authorized for training purposes.

**11.6.21.2 Report of Use:** Police officers who discharge their firearm, accidentally or intentionally (except at a firearms range or when properly engaged in firearms practice), shall report said discharge as required in departmental orders.

**11.6.21.3 Loading, Unloading:** Sworn employees shall not clean, load, or unload their firearms at any place in the police building except:

**11.6.21.3.1** When unloading and loading is ordered by a superior officer for inspection purposes.

**11.6.21.3.2** In the pistol range and then only when shooting under supervision of a superior officer or training officer.

**11.6.21.4 Care of Issued Firearms:** All sworn employees must keep the firearm issued to them clean, oiled, free from rust or corrosion, and in perfect firing condition, always. Any officer who is careless or negligent in the care or use of the firearm will be subject to disciplinary action.

Firearms issued to sworn employees become their responsibility. They should not be loaned to any person without supervisory authority, and any loss or damage to such firearm is the responsibility of the person to whom issued.

**11.6.21.5 LESS LETHAL WEAPONS:** All authorized less lethal weapons will be used with the discretion and common sense consistent with approved techniques necessary and sufficient to overcome resistance or attack. Unnecessary, excessive, or brutal use of available less-lethal weapons is forbidden. Less lethal weapons available to the sworn employees upon certification are the Baton PR-24, Oleoresin Capsicum (OC) Spray, Conductive Electrical Weapon (CEW), an Expandable Baton and Restraint Devices and Body parts, (i.e., hands, feet, etc.). Departmental Orders governing the appropriate use of less-lethal weapons will be strictly adhered to. **(CALEA 4.3.1 a)**

**11.6.21.6 Receiving Loaded Firearms – Evidence:** Upon receiving a loaded firearm for any reason, an authorized employee of the Department shall immediately unload it. If the firearm is to be used as evidence, it should be secured in the same condition as found, until turned over to the appropriate crime scene investigator.

**11.6.21.7 Rifle/Shotgun in Cruiser:** Whenever a rifle/shotgun is carried in a police vehicle and its immediate use is not anticipated, it shall be placed in the gun holder (if one is installed) or secured safely in the vehicle's trunk. A rifle/shotgun shall never be left unsecured or accessible, when unattended. Safety precautions are of utmost importance. While being transported, a rifle/shotgun shall have an empty chamber, bolt forward and safety off.

**11.6.21.8 Firearms at City Hall:** Sworn employees are prohibited from carrying firearms into

City Hall (3500 Pan American Drive) while a meeting of a government body is in session unless they are on duty and handling a call, assigned to City Hall, or as authorized by the Chief of Police. Should a sworn employee need to conduct business at City Hall while a meeting of a government body is in session firearms shall be secured in the Sergeant at Arms office located next to the main entrance of City Hall, or properly secured in the sworn employee's vehicle.

#### **11.6.22 Flag:**

**11.6.22.1 Display at Headquarters:** The United States flag shall be displayed on a stationary pole at police headquarters from sunrise to sunset, weather permitting. The colors shall be hoisted briskly and lowered ceremoniously. They shall never be allowed to touch the ground and when lowered shall be neatly folded into a military triangular fold.

**11.6.22.2 Responsibility for Display:** The responsibility for raising and lowering the colors at sunup and sundown shall rest with the on-duty uniform shift commanding officer.

**11.6.22.3 Method of Saluting:** Sworn employees shall render the hand salute by raising the right hand smartly until the tip of the forefinger touches the peak of the cap or forehead, above and slightly to the right of the right eye. The thumb and fingers will be fully extended and joined, palm down; the upper arm, horizontal; and the forearm, inclined at a 45-degree angle with the hand and wrist straight. The head and eyes shall be turned toward the flag. When the salute has been acknowledged, remove the hand to normal position in one smart motion. The salute will always be rendered from the position of "attention".

**11.6.23 Gifts:** (See Rewards 11.6.44.1 and/or Solicitations 11.6.49)

#### **11.6.24 Grievances:**

**11.6.24.1 Procedures:** Sworn and civilian employees who feel aggrieved shall discuss their difficulties and differences with their superior officer and pursue the chain of command (up to and including the Chief of Police) to resolve the grievance. They shall not discuss their grievances with other departmental sworn or civilian employees (of equal or lower grade) or with persons outside the Police Department. Sworn and civilian employees having a grievance involving another sworn or civilian employee, which cannot be resolved amicably, shall consult their immediate superior officer. This is not to be confused with the Labor Contract Grievance Procedure.

#### **11.6.25 Identification Cards:**

**11.6.25.1 Official I.D. Card Issued:** Sworn employees (on duty and off duty) shall always carry or have (on or about their person) their officially issued MPD identification card. Civilian employees (on duty and off duty) shall always carry or have (on or about their person) their officially issued MPD identification card, within the MPD compounds. The loss of an I.D. card shall be reported immediately. Sworn and civilian employees suspended or relieved of duty shall surrender official I.D. cards to a departmental representative and sworn employees shall be prohibited from identifying themselves as police officers.

#### **11.6.26 Information - Official:**

**11.6.26.1 Deface or Mar:** Sworn or civilian employees of the MPD shall not mark, mar, alter, or deface any printed or written information that is placed on the bulletin board.

**11.6.26.2 Information-Confidential.** Sworn and civilian employees of the MPD shall treat the official business of the MPD as confidential. They shall not impart confidential information to anyone except those for whom it is intended or as directed by the commanding officer or under due process of law.

Sworn and civilian employees shall not make known to any person any special or general order which they may receive, unless required by the nature of the order.

Sworn and civilian employees shall not divulge or exhibit the contents of any official file or criminal record filed in the MPD to any person other than a duly authorized police officer or agency, except on approval of the Chief of Police, a police commanding officer, or under due process of law. (See Section 11.6.40.1)

**11.6.26.3 Release to News Media:** General information concerning police activities is released through the Public Information Office. However, individual sworn and civilian employees of the MPD are permitted to discuss, with the media, cases, or information of which they possess firsthand knowledge, provided the ends of justice are not thereby defeated, impaired, or impeded. Personnel are responsible for statements made to the media; and they are to make certain that their statements conform to departmental policy, and are accurate, and are not self-serving. Media contact must be cleared with the Public Information Office prior to the interview, time permitting. Sworn and civilian employees providing information to the media are to record the event in a memorandum to the Public Information Office with a copy to their commanding officer, as soon as possible.

Statements covering plans, policies, or affairs of the administration of the MPD will be imparted by the Chief of Police or a superior officer who is duly authorized by the Chief of Police.

Problems encountered by sworn and civilian employees with the media should be reported immediately to the Public Information Office.

**11.6.26.4 From Informants:** Sworn and civilian employees shall not divulge to anyone, except to other sworn or civilian employees of the MPD as required by official police work, the name of any person giving confidential information. Information presented to the MPD in connection with any crime must be carefully guarded, and the source shall not be divulged or given publicity.

**11.6.26.5 To Citizens:** A sworn or civilian employee shall give all proper information to persons requesting the same in a careful, courteous, and accurate manner, while avoiding all unnecessary conversation and controversy. A sworn or civilian employee shall give his/her name and Employee Identification Number in a respectful manner to any person who may request them.

**11.6.26.6 Reporting:** sworn and civilian employees of the MPD are encouraged to offer suggestions and information, through normal channels, for improvement of the police service.

Sworn and civilian employees of the MPD shall report (to their superior officer) all information that comes to their attention concerning organized crime, racketeering, vice conditions, violations of the law, or information reflecting unfavorably on the MPD or sworn or civilian employees thereof. Any sworn or civilian employee withholding information or "tips" for any reason shall be subject to disciplinary action.

#### **11.6.27 Investigations:**

**11.6.27.1 Sworn and Civilian Employees Not To Interfere:** Sworn and civilian employees shall not interfere with cases assigned to officers for investigation without the consent of the assigned officer or on orders from a commanding officer; they shall not interfere with the operation of any other division, section, unit, detail, relief, or with that of the court, or any lawful private enterprise.

**11.6.27.2 Duress or Mistreating:** Sworn employees shall not use duress or coercion; nor shall they mistreat an accused person in any way when endeavoring to obtain investigative information, a confession, or admission.

**11.6.27.3 Field Interrogations:** No set rule can be established indicating when a field interrogation should be conducted. Good judgment and circumstances surrounding each individual case will determine the decision to interrogate a person. Circumstances to be considered should include time, place, appearance, and actions of a person. Crime conditions of the specific area or neighborhood must also be considered. Persons interrogated should normally be entitled to an explanation or the reason for the interrogation. The use of the field interrogation technique must be exercised with discretion, good prudent judgment, and caution. Sworn employees should be cautious and considerate in their inquiries, to avoid unnecessary embarrassment or damage to the reputation of any person who may be the subject of their interrogation.

#### **11.6.28 Laws - Ordinances:**

**11.6.28.1 Sworn Employees to Have Knowledge:** Sworn employees shall acquire a thorough knowledge of the City of Miami Ordinances and Regulations, Miami-Dade County Codes, and State of Florida and Federal Statutes; of which the MPD take cognizance, as well as the elements that constitute criminal acts in violation of the various sections thereof; and they shall acquaint themselves with the fundamental rules of evidence.

**11.6.28.2 To Enforce:** The failure on the part of any sworn employee to act regarding violations of any statutes, laws, ordinances, and regulations, coming to their attention or about which they have knowledge, may be made the subject of disciplinary action against that sworn employee.

All sworn employees of the MPD are equally responsible for the enforcement of all laws and ordinances. Assignment to a particular Division or Section of the MPD does not relieve sworn employees from taking prompt police action for violations coming to their attention.

**11.6.28.3 Sworn and Civilian Employees to Conform:** Sworn and civilian employees shall be required to conform to and abide by the Rules and Regulations, Departmental Orders and



other directives of the MPD, the Ordinances of the City of Miami and the County of Miami-Dade, and the laws of the State of Florida and the United States of America.

**11.6.28.4 Jurisdictional Authority:** Florida law is clear that, with the exception of a fresh pursuit, a City of Miami police officer has no power or authority to act as a police officer outside the corporate limits of the City of Miami and any such action by the officer would be subject to review as if it were the action of a private citizen.

Therefore, officers shall not undertake any law enforcement action outside the territorial limits of the City of Miami, unless when in “fresh pursuit” of a person who has committed a felony, who is reasonably suspected of having committed a felony, has committed a misdemeanor, or who has violated chapter 316 Florida Statutes or a county or municipal (city) ordinance, in accordance with established policies.

“Fresh pursuit” is a legal doctrine that permits a law enforcement officer to make an arrest of a fleeing suspect who crosses jurisdictional lines. It is an exception to the general rule that a Florida officer’s arrest powers are limited to the jurisdiction of the agency that employs the officer.

- a) The offense must have occurred within the pursuing officer’s jurisdictional boundaries.
- b) The pursuit must be continuous and uninterrupted.

Instead of taking personal action, sworn employees who discover criminal activity outside the jurisdiction of the City of Miami should, when circumstances permit, contact the agency having primary jurisdiction to report the activity.

All sworn employees are prohibited from conducting traffic stops of law enforcement vehicles without first obtaining confirmation that the law enforcement vehicle was involved in a felony offense. If the felony offense is deemed to have occurred as a result of the law enforcement vehicle’s driving pattern or behavior (for example, fleeing an eluding a police officer), confirmation as to whether the driver of the law enforcement vehicle is not engaged in official business, shall be obtained via Inter-City police radio. If it is confirmed that the vehicle was involved in a felony offense, the sworn employee wishing to initiate the stop shall, in any case, obtain approval (via police radio) from a commanding officer (lieutenant or above) prior to initiating the stop.

Whenever sworn employees find it necessary to initiate a traffic stop of a law enforcement vehicle, they must first consider officer safety implications of any such act. Sworn employees must also ensure that any such traffic stop does not hamper the execution of the other officer and/or agency’s official business. Sworn personnel are also reminded that they are still free to obtain the law enforcement vehicle’s license plate number and/or agency vehicle number and report the driver’s alleged violation(s) of traffic laws to the appropriate law enforcement agency.

Any deviation from this directive shall result in disciplinary action.

**11.6.29 Leave of Absence:**

**11.6.29.1 Absence Without Leave:** Any sworn or civilian employee of the MPD absent from duty without authorized leave will forfeit pay for the time absent and be subject to disciplinary action.

**11.6.30 Loitering - Loafing:**

**11.6.30.1 Places in General:** Sworn employees, while on duty shall not loiter in cafes, drive-ins, service stations, or other public places, except for the purpose of transacting official police business or to take regular meals as provided for in these Rules and Regulations. Sworn and civilian employees of the MPD shall not congregate or loiter in any place in such a manner as to bring discredit to the MPD, on or off duty.

**11.6.30.1.1** No more than two (2) Police units (i.e. two, two-person units, one-person unit and one supervisor, two motors, etc.) at a time shall assemble at cafes, restaurants; service stations, or other public places except when conducting official city business. Disciplinary action will be taken.

**11.6.30.2 On Duty:** Sworn and civilian employees shall not sleep, idle, or loaf while on duty. This is a serious dereliction of duty, and any sworn or civilian employee guilty of such misconduct shall be subject to disciplinary action.

**11.6.31 Officers - Commanding Officers, Superior Officers:**

**11.6.31.1 Manner of Addressing:** Sworn and civilian employees, when in the presence of others, shall address commanding officers and superior officers by their title or rank. Superior officers, in addressing sworn employees, shall refer to them by their title or their rank or the term "officer" for those without official rank.

**11.6.31.2 Criticism of Orders:** Sworn and civilian employees shall not publicly criticize a superior officer or any other sworn or civilian employee of the MPD to the detriment of that sworn or civilian employee. No sworn or civilian employee shall publicly criticize any order issued by a superior officer or fail, refuse, or neglect to obey any legal order of a superior officer or sworn or civilian employee acting in a supervisory capacity.

**11.6.31.3 Respect For:** Sworn and civilian employees shall treat their superior officer with respect, and their demeanor toward superior officers and associates in the MPD shall be courteous and considerate. They will guard themselves against envy, jealousy, and other unfriendly feelings and will refrain from all communications to their discredit, except to inform their superior officers of neglect or disobedience of orders that may come to their attention.

**11.6.32 Orders:**

**11.6.32.1 Lawful Order:** The term **lawful order** shall be construed as any order, in keeping with the performance of any duty, that is issued (either verbally or in writing) over the

signature of the Chief of Police, a division commanding officer, a superior officer, or prescribed by law for the preservation of good order, efficiency, and proper discipline of the MPD. **(CALEA 12.1.3)**

**11.6.32.2 Obedience To:** Sworn and civilian employees of the MPD shall obey and promptly execute any lawful order emanating from any superior officer, including any order relayed from a superior by an employee of the same or lesser rank. If any order conflicts with a previous order or with any Departmental Order, the sworn or civilian employee who receives the order shall respectfully call attention to the conflict. If the officer giving the last order does not alter or reconcile the conflict, the last order shall stand; and the responsibility shall be his/hers. The officer obeying the order shall not be held responsible for disobedience of the previous order. **(CALEA 12.1.3)**

**11.6.32.3 Reporting of Unlawful Order:** If an order contrary to the provisions of the Departmental Orders is given to any sworn or civilian employee, the sworn or civilian employee shall promptly report the conflict to the Chief of Police, through channels, with a detailed explanation. **(CALEA 12.1.3)**

**11.6.32.4 Carrying Out Orders:** Sworn and civilian employees shall be held responsible for the proper performance of the duties assigned to them and for strict adherence to the Rules and Regulations adopted from time to time by the Chief of Police. Ignorance of the Rules and Regulations shall not be accepted as an excuse or justification for anything that they may do contrary to the Rules and Regulations or for anything they may omit to do nor will following the advice or suggestion of any person, whether or not that person is connected with the MPD, except when a ranking officer takes the responsibility of issuing direct and positive orders. In no instance shall a sworn or civilian employee attempt to shift the burden of responsibility for executing or neglecting to execute a lawful order or police duty. Disagreeable duties must be performed, and unpopular orders must be obeyed with cheerful willingness. Grouchiness, sarcasm, wisecracks, or flares of temper shall be avoided. Sworn and civilian employees shall always perform their duties as outlined or ordered by a superior officer. **(CALEA 12.1.3)**

**11.6.32.5 Derogatory Remarks:** No sworn or civilian employee of the Department shall, directly or indirectly, speak critically or derogatorily to anyone regarding any official action, order, or instruction issued by any ranking or superior officer. The action or order of any city official, judge, magistrate, or other official agency shall not be publicly criticized. However, in any case where there is sound reason to believe that the order or instruction is inconsistent or unjust, the employee shall follow procedure as set forth above (Obedience To: Section 11.6.32.2).

**11.6.32.6 Through Chain of Command:** Any sworn or civilian employee aggrieved by the treatment or orders of a ranking, superior officer or any sworn or civilian employee wishing to call attention to any matter of police business, neglect of duty, or wishing to make suggestions for the improvement of service shall prepare a written report and direct it through the official chain of command to his/her commanding officer or the Chief of Police. Failure of a superior officer to forward a communication through the chain of command shall be treated as a serious dereliction of duty unless the issue is resolved to the initiating employee's satisfaction and appropriate documentation supports same.

**11.6.32.7 Emergency Routing of Orders:** Although the MPD is a semi-military organization and regular channels must be followed in addressing official communications for the purpose of good discipline and progressive methods, every sworn or civilian employee shall be privileged to have an interview with the Chief of Police by request, through chain of command. In case of an emergency or pressing personal matter, the official channels may be bypassed.

**11.6.32.8 Responsibility For:** Sworn and civilian employees shall carefully read and study the Departmental Orders, bulletins, regulations, and memoranda issued from time to time, by the Chief of Police and commanding officers and shall be prepared to answer pertinent questions asked by a superior officer at any time. Any orders read or posted on the bulletin board of the MPD over the signature of the Chief of Police, or a senior staff officer shall have the same effect and be construed as part of the Department's Rules and Regulations.

**11.6.33 Organizations:**

**11.6.33.1 Subversive:** A sworn or civilian employee of the MPD shall not join, or be a member of, any organization or society that has as a purpose the overthrow of or interference with the established government, by force or illegal means.

**11.6.33.2 Not to Interfere With Department Control:** A sworn or civilian employee of the MPD shall not join, or be a member of, any organization or society that has the objective of (directly or indirectly) interfering with the administration, discipline, and control of sworn and civilian employees of the MPD.

**11.6.33.3 Sworn and Civilian Employees Urged to Join:** Sworn and civilian employees may and are encouraged to (at their own discretion) join or become members of recognized civic, fraternal, and social police organizations or societies and to work through such organizations for the betterment of the organizations and for better public and civic relations between the organizations and the MPD. It is through participation in such organizations that a greater understanding of the functions and problems of mutual interest can be achieved.

**11.6.34 Petitions:**

**11.6.34.1 Sworn Employee Signing:** Sworn employees shall not sign or circulate any petition as a member of the Miami Police Department, except when authorized by the Chief of Police.

**11.6.35 Politics:**

**11.6.35.1 Activities of Sworn and Civilian Employees:** Sworn and civilian employees shall avoid all religious and political discussions or arguments which are to the detriment of good discipline (in the police building or elsewhere) while on duty. Sworn and civilian employees shall not interfere with or make use of the influence of their office for political reasons, nor shall they take part in any political activity, management, affair, or circulate political or election petitions while on duty.

**11.6.36 Prisoners:**

**11.6.36.1 Aid to Prisoners:** Sworn employees shall not participate in any promises,

arrangements, or unlawful compromises, directly or indirectly, between prisoners and persons who have suffered due to criminal actions of prisoners with a view of permitting persons (prisoners) under arrest or serving time to escape penalties provided by law; nor shall sworn employees give information which may enable any person to avoid arrest or punishment or to hide or dispose of goods, fruits of a crime, or things otherwise unlawfully obtained. They shall report to their superior officer, any knowledge of such arrangements in which any other sworn employee is involved.

**11.6.36.2 Unnecessary Force:** A sworn employee shall use that force necessary to subdue a person resisting arrest, to control an unmanageable prisoner, or to provide self-defense. He/she shall not mistreat or use unnecessary force toward any prisoner or citizen.

**11.6.36.3 Hospitalized Prisoners:** If a prisoner is hospitalized and any sworn employee finds it necessary to question the prisoner (witness or suspect), he/she shall first secure permission from the doctor or nurse on duty before entering the patient's room.

**11.6.36.4 Unconscious or Injured:** No sworn employee shall book or confine, in the jail, a prisoner when that prisoner is in an unconscious state or in a state of shock to such a degree that he is incapable of comprehending reasonable instructions or when apparently ill or unable to communicate for himself or herself.

**11.6.37 Probationary Sworn and Civilian Employees:**

**11.6.37.1 Appointment Period:** All probational police officers and civilian employees appointed to the MPD shall be on probation in accordance with the Civil Service Rules and Regulations. Continuance in the service will be dependent upon the conduct of the appointee, his fitness for performance, and the evaluation reports of his superior officers. Punctual attendance, prompt obedience to orders, and conformity to rules, regulations, policies, and all directives of the MPD shall be rigidly enforced; and overall conformity will be a determining factor in the continued employment of a probationary police officer.

**11.6.38 Property and Equipment:**

**11.6.38.1 Vehicle Damage:** Sworn and civilian employees shall be held responsible for damages resulting from accidents when the evidence shows carelessness, negligence, or a violation of a traffic ordinance. Sworn and civilian employees shall be held strictly accountable for damage caused by abuse or careless handling of police vehicles. Evidence of abuse or careless handling shall be submitted promptly to the division commanding officer, through channels. Each sworn and civilian employee shall examine his/her vehicle at the start of his/her tour of duty for dents, broken glass, or other readily visible damage and shall submit a report of such damage to his/her commanding officer at that time. Failure of a sworn or civilian employee to report existing damage shall be considered prima facie evidence that the damage occurred while the vehicle was in his possession, and he/she shall be held responsible for the damage.

**11.6.38.2 Handling:** Roughness or carelessness in the handling and use of departmental property shall not be tolerated; and any sworn or civilian employee found guilty of such action, either through carelessness or negligence, shall be subject to disciplinary action including, but not limited to, an assessment for the loss, etc.

**11.6.38.3 Loss:** It shall be prima facie evidence of neglect for a sworn employee, through carelessness, to lose his/her badge, and for a sworn or civilian employee to lose his/her I.D. card, other property, or equipment, or to fail to immediately report the loss to his commanding officer. Negligent loss may result in an assessment for replacement to the negligent employee.

**11.6.38.4 Inventory Control:** Furniture, files, and other property and equipment of the MPD in the various offices and in other places in the police building shall remain where officially assigned and shall not be moved from the assigned areas without the consent of a senior staff officer and without forwarding proper notice to the Resource Management Division, Inventory Control Detail for proper inventory control (item and departmental property number shall be included with the notice).

**11.6.38.5 Operational Readiness:** Stored agency property is to be always maintained in a state of operational readiness. It is the responsibility of the individual or to which the property is assigned to ensure the care, cleaning, preventive maintenance, repair, workability, and responsiveness of the property. Quarterly inspections shall be conducted to ensure compliance. At the conclusion of each quarter, every organizational function assigned responsibility for any such stored agency property will complete and submit through channels to their Division Chief or designee a written report documenting each quarterly inspection, which contains the following information: **(CALEA 17.5.2; 46.1.8)**

- A. Date(s) of inspection.
- B. An inventory listing.
- C. A statement that an inspection was conducted.
- D. A statement of inspection findings.
- E. A statement of corrective action taken, if applicable.
- F. The signature and P.I.N. of the individual designated as responsible for the inspection.

**11.6.39 Publicity - (Self Glory):**

**11.6.39.1 Notoriety Through News Media:** Sworn and civilian employees shall not, directly or indirectly, seek publicity through the press, radio, television, or other news media or furnish information to them for the purpose of seeking personal notoriety.

**11.6.39.2 Testimonial or Photographs:** A sworn or civilian employee shall not authorize the use of his/her name, a photograph which identifies him/her as being affiliated with the Police Department, or his/her official title in connection with testimonials or advertisements of any commodity or commercial enterprise without the expressed approval of the Chief of Police. This provision includes political endorsements as well.

**11.6.40 Records:**

**11.6.40.1 Divulging Information:** Sworn and civilian employees shall not divulge or exhibit any portion of the contents of any confidential record or criminal investigation to anyone other than a duly authorized law enforcement officer, agency, or process of law, except as may be

directed by the Chief of Police or a Division Commanding Officer (See Section 11.6.26.2).

**11.6.40.2 Entering Records Unit:** Sworn and civilian employees are prohibited from entering the area occupied by the Records Unit unless in the proper performance of their assigned duties. Justification for entrance will be determined by the commanding officer of the Support Services Section and/or the commanding officer of the Records Unit.

**11.6.40.3 Police Records:** All records of the Police Department shall be safeguarded.

**11.6.40.4 Removing Contents From Files:** Sworn and civilian employees shall not, except for authorized use, remove any records, cards, reports, letters, documents, or other official elements from any file maintained by the Records Unit, or any division, section, unit, or detail of the MPD for their custody, except by due process of law or as directed by the Chief of Police or Division Commanding Officer. Sworn and civilian employees shall always observe and conform strictly to this rule. When it is necessary, in the performance of their official police duties, to remove departmental records or reports temporarily from the Records Unit or any office where they are maintained for authorized use, the sworn or civilian employee to whom they are issued shall sign a receipt for them and shall be held accountable for their return. No departmental records shall be destroyed or permanently removed from its file, except on the order of the Chief of Police.

**11.6.41 Reports:** Sworn employees will make a report of actions taken whether in response to a request for service or for self-initiated actions.

**11.6.41.1 Citizens Report Complaint:** Citizens appealing to sworn employees on the street, at a Police building, or at any crime scene, for assistance or advice in entering a report or a complaint shall be given every possible consideration consistent with the circumstances. This is a duty incumbent on the sworn employees being contacted, and he/she shall not refer citizens to another sworn employees or division unless the circumstances necessitate such action. A sworn employee or PSA shall make a written report of the incident appropriate to the dispatch signal, when applicable. The reports are to be completed prior to returning to service from the dispatch signal or as soon as possible thereafter with approval of the sworn employee's supervisor. In no instance shall the written report be submitted later than the end of the sworn employee's shift in which the incident occurred, and the report information was taken. **(CALEA 82.2.1 e; 82.2.2 a, b, c)**

**11.6.41.2 False Statement or Report to a Superior Officer:** Sworn and civilian employees of the Department shall not make a false statement or falsify any written or verbal report made to a superior officer, nor shall they intentionally withhold material matter from the report or statement.

**11.6.41.3 Filing False Report:** No sworn or civilian employee shall make a false official report or knowingly enter or cause any inaccurate, false, or improper police information or other material to be entered in any departmental books, records, or reports. A sworn or civilian employee must always speak the truth and under all circumstances. Any sworn or civilian employee who departs from the truth in giving testimony, in an official written report, in connection with an official order received by him/her, or in his/her official duties shall be considered in violation of this rule.

**11.6.41.4 Sworn Employees to Sign Reports:** It is imperative that sworn employees signing any communication in connection with their police duties do so by legibly signing their last name and Employee Identification Number.

**11.6.42 Residence: (See Address - 11.6.3)**

**11.6.43 Resignations:**

**11.6.43.1 Disposition of Information and Equipment:** When a sworn or civilian employee of the MPD resigns, is discharged, or leaves the service of the MPD for any reason, they shall surrender all departmental-owned property and equipment, prior to receiving the last paycheck.

**11.6.44 Rewards, Fees, Gifts:**

**11.6.44.1 Accepting Fees or Gifts:** Sworn and civilian employees shall not (directly or indirectly) accept a gratuity, fee, loan, or gift of property or services, from any person(s). This also applies to any friends or associates of such person(s).

**11.6.45 Saluting: (See Flag - 11.6.22 and 11.6.22.3)**

**11.6.46 Sickness and/or Injury:**

**11.6.46.1 Reporting Procedure:** As soon as sworn or civilian employees know that they will not be able to report for duty because of illness or injury incurred while off duty, they shall call their office at least fifteen (15) minutes prior to their scheduled duty time. In the event their office is closed, they shall notify the Complaint Sergeant who in turn shall notify the sworn or civilian employee's commanding officer, as soon as possible. Deviation from this procedure requires senior staff officer approval.

**11.6.46.2 Illness To Be Verified By a Superior Officer:** A commanding or superior officer, upon receiving a report of illness or absence of a sworn or a civilian employee assigned to their organizational element, shall contact the ill or absent sworn or civilian employee or have someone of a rank higher than that of the ill or absent sworn or civilian employee contact the sworn or civilian employee and ascertain, as far as possible, the sworn or civilian employee's condition and to render whatever services are available and required by the situation. The superior officer shall submit documentation with the results of his/her visit and/or communication with the sworn or civilian employee's commanding officer.

**11.6.46.3 Sworn or Civilian Employee Feigning Illness or Injury:** Any sworn or civilian employee feigning illness or injury or otherwise deceiving a representative of the Police Department or a City official as to his/her real condition or any sworn or civilian employee ill, injured, or disabled through improper, illegal or immoral conduct, or excessive use of alcohol, or other substance, will be subject to disciplinary action.

**11.6.46.4 Illness Occurring On-Duty:** A sworn or civilian employee who becomes ill while



on duty and needs to leave his/her assigned duty shall report this fact to their superior officer (on-duty) before leaving his/her assigned duty.

**11.6.46.5 Contact with Contagious Disease:** When a sworn or civilian employee in the line of duty comes in contact with a person having a contagious disease or who has been exposed to contagion, the sworn or civilian employee shall notify his/her commanding officer at once in a written report. The commanding officer will take whatever steps are necessary to safeguard the sworn or civilian employee, the public, and other employees from the contagious disease.

**11.6.47 Sleeping, Idling, Loafing: (See Loitering - 11.6.30.2)**

**11.6.48 Smoking, Chewing Gum, Use of Tobacco Products or e-cigarettes, Etc.:**

**11.6.48.1 On Duty/Working Extra Duty:** The use of tobacco products, e-cigarettes, or chewing gum at any time, include smoking cigarettes, cigars, pipes, chewing tobacco, dipping, vaping, or chewing gum shall not be indulged in by any sworn or civilian employee under conditions which would be detrimental to good conduct, courtesy, or efficient procedure.

**11.6.48.2 Uniform Sworn Employees:** Sworn employees in uniform shall not use tobacco products, e-cigarettes, or chew gum at any time, include smoking cigarettes, cigars, pipes, chewing tobacco, dipping, vaping, or chewing gum when visible to the public; nor shall they do these during roll call, line up, court attendance, or during any formation or official function. They shall not leave any post or assignment for the sole purpose to use tobacco products, e-cigarettes, or chew gum; but they shall, when permitted, do so in such a manner as to be inconspicuous.

**11.6.48.3 In Police Building (Offices):** In accordance with F.S. 386.204, smoking is prohibited in police office buildings except in designated smoking areas.

**11.6.48.4 Sworn and Civilian Employees Not in Uniform:** Sworn and civilian employees not in uniform shall not use tobacco products, e-cigarettes, or chew gum at any time, include smoking cigarettes, cigars, pipes, chewing tobacco, dipping, vaping, or chewing gum while in direct contact with the public or where these activities would interfere with the proper and courteous discharge of their official police duties.

**11.6.49 Accepting Gifts, Gratuities or Solicitations:** An employee shall not place himself/herself in position of compromise by soliciting or accepting gratuities, even where such activity might otherwise be considered an acceptable form of business negotiation, outside the department.

**11.6.49.1 Sworn and Civilian Employees Shall Not "Sell":** Sworn and civilian employees shall not circulate subscription paper, sell tickets, or collect money. They shall not participate in the sale of advertisements or in the solicitation of funds or anything of value from the general public by any means and for any purpose within the MPD when "on" or "off" duty, without prior and express consent and approval of the Chief of Police.

**11.6.49.2 Bribe or Extort:** Sworn and civilian employees shall not accept a bribe or engage in any act of extortion or unlawful means of obtaining money, a reward, or anything of value through their position as sworn and civilian employees of the MPD. All attempts or contact related to the foregoing shall be reported immediately.

**11.6.49.3 Law Enforcement Requires Strict Neutrality:** Effective and efficient law enforcement requires strict neutrality on the part of all sworn employees in dealing with the public. The MPD must provide police services to all persons and groups within the community, without favor. It is certainly not conducive to a suitable climate of law enforcement to have police officers as public fund raisers, who solicit contributions from storekeepers, businessmen, commercial enterprises, or other members of the public for journals or organizations affiliated with the MPD. Experience has demonstrated that such practices inevitably lead to a suspicion, whether justified or not, of corruption, intimidation, or expectation of favors.

**11.6.50 Speeches or Department Representation:**

**11.6.50.1 Approval Required:** A sworn or civilian employee of the MPD shall not attend conventions or meetings or make speeches as a representative of the MPD without official sanction.

Sworn and civilian employees, officially or unofficially, shall not address any public gathering, appear on radio or television, prepare any article for publication, or act as a correspondent to a newspaper or periodical; nor shall they discuss, release, or divulge (to the public or for publication) any information concerning the activities, plans, methods, policies, affairs of the administration, personnel matters, investigative information, or other matters of the Police Department; and they shall not lecture or instruct on police-related subjects without prior approval, direction, and authorization from the Chief of Police.

**11.6.50.2 Remuneration For:** No sworn or civilian employee who has agreed to fulfill or who has fulfilled an engagement or appearance of any kind whatsoever, as a representative of the Police Department, shall receive any remuneration without the approval of the Chief of Police.

**11.6.51 Suggestions (Improvement of Services):**

**11.6.51.1 From Sworn Employees:** Sworn and civilian employees shall not have personal telephone calls directed to the police building except in emergencies or where the calls are of extreme importance and time is of importance. However, if emergency or important personal calls are received, the concerned sworn or civilian employee shall be informed immediately.

**11.6.51.2 Accepting Calls:** Desk officers and office personnel will not accept personal calls for sworn and/or civilian employees except under the aforesaid conditions.

**11.6.51.3 Answering Procedure:** When sworn and civilian employees answer the telephone, they shall promptly respond by giving their rank, surname, and duty assignment in a pleasant tone of voice. If the person calling is a sworn or civilian employee of the MPD, that person shall promptly identify himself/herself by rank and surname. **(CALEA 22.1.8 c)**

**11.6.52 Training (Police Academy):**

**11.6.52.1 Probationary Officers:** All sworn employees, during their probationary period, will be assigned to the Southeast Florida Institute of Criminal Justice to attend training classes in the various phases of law enforcement. While undergoing recruit training, recruits will not be authorized to carry weapons or make arrests until successfully completing basic law enforcement training, becoming state certified, and being sworn in.

**11.6.52.2 In-Service:** Sworn employees will be directed from time to time to attend classes at the Southeast Florida Institute of Criminal Justice at the discretion of their commanding officer and/or the Chief of Police.

**11.6.53 Truthfulness:**

**11.6.53.1 Sworn and Civilian Employees to be Truthful:** Any sworn or civilian employee who departs from the truth, either in giving testimony or in connection with any official order received by them or in their official duties, shall be considered in violation of this rule and subject to charges being filed. Sworn and civilian employees 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 Rules and Regulations to divulge the facts within their knowledge. In those cases, they will say nothing (See Section 11.6.40.1).

**11.6.54 Vacation - Sworn and Civilian Employees:**

**11.6.54.1 Vacation Schedule:** Vacation periods shall be scheduled and apportioned to allow for a distribution of police personnel to best meet the needs of the MPD for efficient operations with the approval of the division commanding officer and the Chief of Police.

**11.6.55 Valuables:**

**11.6.55.1 Safekeeping by Police Department:** Sworn and civilian employees of the MPD shall not accept valuables for safekeeping from individuals who merely desire to check them in for that purpose. This does not apply to valuables that have been received as evidence in connection with investigations. Valuables received in these cases will be handled as evidence and properly received and labeled as such.

**11.6.55.2 Escort for Valuables or Money:** Sworn employees shall not furnish escort service for money or valuables unless approved, or ordered to do so, by a division commanding officer or the Chief of Police.

**11.6.56 Vehicles:**

**11.6.56.1 Authorized Use:** Sworn and civilian employees shall not use a departmental vehicle (automobile, motorcycle, truck etc.) without the knowledge, authorization, and permission of their commanding officer, except in emergencies when it is impractical to communicate with their commanding officer. The sworn or civilian employee shall communicate with their commanding officer as soon as possible regarding the unauthorized use of the vehicle.

**11.6.56.2 Unauthorized Persons:** Sworn and civilian employees shall not transport civilians or other unauthorized persons in police vehicles assigned to them for their official use, except in an emergency or as directed by their superior officer.

**11.6.56.3 Transportation of Distressed Persons:** When distressed persons are observed in remote, unlit, or otherwise hazardous areas, (late at night or when any person is observed in obvious distress for any reason) sworn employees operating police vehicles shall offer assistance as dictated by circumstances, including transportation to reasonably near residences or to other places of safe refuge provided no other means are readily available. In every case in which a distressed person is taken into the police car, the operator shall promptly notify the radio dispatcher of the person's identity and provide brief facts about the case, time, location, and speedometer reading; and the sworn employee shall act only on the Complaint Sergeant's instruction. It is desirable that the passenger overhear this conversation. In all such cases, an appropriate entry will be made on the sworn employees worksheet.

**11.6.56.4 Operation of:** Sworn and civilian employees, when driving vehicles of any description (private or of the MPD), shall not violate traffic laws; nor shall they permit persons with whom they are riding to violate traffic laws, except and only in cases of absolute emergency, and in conformity with the law and procedures regulating the same. They shall set an example for other persons in the operation of their motor vehicle, private or police. Sworn and civilian employees of the MPD, when operating any vehicles, are required to utilize seat belts pursuant to Florida State Statute. **(CALEA 41.3.3)**

**11.6.56.5 Licensed Operator:** Only qualified and authorized sworn and civilian employees shall operate police vehicles. Each operator shall have, in their possession, a valid Florida Driver's License.

**11.6.56.6 Operator Accountable:** Sworn and civilian employees shall always operate police vehicles in a safe manner and will be held accountable for their own carelessness or negligence. If, in the event of an accident, carelessness or negligence on the part of the operating sworn or civilian employee is determined to be a contributing factor, it shall be made the subject of appropriate disciplinary action. Unless responding to an in progress call or other authorized emergency, sworn and civilian employees shall abide by all vehicular regulations applicable to the general public. Additionally, sworn and civilian employees shall be responsible for the resolution of the following, either by payment or through the courts:

- parking tickets;
- toll violations;
- red light cameras;
- towing fees;
- storage fees; or
- any other fees/fines imposed on a City of Miami vehicle as a result of the employee's actions.

Any sworn or civilian employee responsible for any of the above shall immediately notify their commanding officer of the circumstances. Any sworn or civilian employee requesting to be excused from the responsibility of payment of any fees/fines imposed as outlined above, must

submit a request, in writing, to the Chief of Police through channels.

**11.6.56.7 Vehicle To Be Inspected Before Use:** Sworn and civilian employees assigned to operate police vehicles shall, before use, examine the vehicle assigned to them and report any unrecorded damage or operational defects at once to their superior officer and make the necessary reports. Failure to report damage or defects will create the assumption that the inspection was made and that the assigned operator is responsible for the damages or defects present.

**11.6.56.8 Vehicles to Be Serviced By Motor Pool Shop:** It shall be the responsibility of the sworn employees assigned to the vehicle to ensure that the vehicle is taken to the Motor Pool Shop for required service maintenance when needed or appropriate, or upon notification.

**11.6.56.9 Driving Practice:** Police cruisers are objects of attention and minor driving violations by police operators are more pronounced than identical violations by private operators. Supervisors must remain alert for take appropriate action when there is evidence of careless operation, misuse of official vehicles, and any other act contrary to good driving habits.

**11.6.56.10 Cleanliness:** Sworn and civilian employees assigned to operate police vehicles shall be responsible for the cleanliness and orderliness of such vehicles during their tour of duty.

**11.6.56.11 Accidents or Damage To Be Reported:** Sworn and civilian employees shall promptly report to their commanding officer, any accident or damage to any police vehicle operated or assigned to them. Commanding officers shall require that the accident be thoroughly and impartially investigated by officers assigned by them (other than the sworn or civilian employees involved) and shall require that this be accomplished promptly on the standard accident report form. They shall also require a detailed, written report of the accident from the sworn or civilian employee(s) involved.

**11.6.56.12 Use of Emergency Equipment:** Sworn employees shall not sound the siren or actuate the red and blue beacon lights or other emergency devices, unless responding to an emergency assignment, when required in the actual and proper performance of a police duty, or when so directed by the radio dispatcher or a superior officer. **(CALEA 41.2.1 d)**

**11.6.56.13 Answering Emergency Calls:** Sworn employees driving a police vehicle, when responding to an emergency call, shall exercise good judgment and care with due regard to the safety of life and property. They shall slow down at all street intersections to such a degree that when crossing, they will have safe and full control of their vehicle, especially when crossing street intersections with stop signs and traffic control devices. **(CALEA 41.2.1 d)**

**11.6.56.14 Escorts of Civilian Vehicles in Medical Emergencies:** Police Officers are prohibited from providing escorts for civilian vehicles in medical emergencies. A civilian in need of emergency medical attention shall be transported by ambulance or Fire Rescue only. **(CALEA 41.2.1 d; 61.3.3)**

**11.6.56.15 Escorts of Public Officials, Dignitaries, Funerals, Oversize Vehicles and Hazardous or Unusual Cargo:** The Traffic Unit Commander or his/her designee will

authorize and coordinate all routine vehicle escorts. **(CALEA 61.3.3)**

**11.6.57 Warrants:** Arrest Warrants are executed by sworn law enforcement officers only. **(CALEA 74.3.1; 74.3.2)**

**11.6.57.1 Sworn employees Applying for:** Officers shall not apply for or serve a search or arrest warrant except with the knowledge and consent of their superior officer. Officers shall not apply for a criminal warrant when the offense is alleged to have been committed against themselves, except with the knowledge and approval of their commanding officer. They shall not file a complaint for damages or engage in any civil action pertaining to their role as a Police Department sworn employee, without the knowledge of the Chief of Police. Any sworn or civilian employee who becomes involved in a civil suit as a defendant or as a witness shall notify the Chief of Police, without delay, through official channels.

**11.6.57.2 Search Warrants:** Sworn employees shall not obtain a search warrant unless they have first advised their commanding officer of the facts and then only on his/her advice and approval.

**11.6.58 Weapons:** (See Firearms - 11.6.21)

**11.6.59 Quotas:** The establishment of any enforcement quotas is strictly prohibited, to include the following:

- a) Uniform Traffic Citations
- b) Arrests
- c) Parking Complaints

## POLICE FUNERALS

### Section

- 12.1 Policy
- 12.2 Organization
- 12.3 Responsibilities
- 12.4 Procedures

**12.1 POLICY:** It is the policy of the Miami Police Department to assure that proper funeral honors are given to members of the Miami Police Department, both active and retired. It is further our intent to assure a consistent application of honors based on set criteria.

**12.2 ORGANIZATION:** The Funeral Coordination Team is led by a staff level officer (designated by the Chief of Police) who reports to the Chief regarding matters related to police funerals.

**12.3 RESPONSIBILITIES:** It will be the responsibility of the Funeral Coordination Team to coordinate necessary internal and external resources, and to assure that funeral honors are rendered in accordance with this order and the direction of the Chief of Police.

### **12.4 PROCEDURES:**

**12.4.1 Staffing:** The Funeral Coordination Team will consist of the following:

**12.4.1.1** Team Leader - a staff level officer appointed by the Chief of Police. In addition, an alternate staff member will be appointed to serve in the absence of the Team Leader.

**12.4.1.2** M.P.D. Benefits Officer

**12.4.1.3** M.P.D. Honor Guard Commander

**12.4.1.4** A member of the Miami Police Department Chaplainry Corp.

**12.4.1.5** Other members, as designated by the Chief of Police or the Funeral Coordination Team Leader.

**12.4.2 Duties of M.P.D. Benefits Officer:** The M.P.D. Benefits Officer will have the initial responsibility of coordination until the Team Leader is notified and/or responds.

**12.4.3** At the appropriate time, family members will be contacted to determine if they desire a police funeral with appropriate honors.

**12.4.4 Duties of Section Commander:** In the event the deceased is an active duty officer, the Funeral Coordination Team Leader will meet with the officer's Section Commander to coordinate his/her responsibilities.

**12.4.4.1** Unlike the Team Leader who works in the background assuring that necessary support and protocol are met, the Section Commander provides visible support by assisting the family and the Chief during the services. This will include providing direction and information to the family.

**12.4.4.2** If the deceased is a retired member, the Funeral Coordination Team Leader will assume the Section Commander's duties.

**12.4.5** Upon confirmation that the family desires a police funeral, the Funeral Coordination Team will meet and assess needs.

**12.4.5.1** The Police Chaplain will make contact with the appropriate clergyman of the church or synagogue where the funeral will take place to explain police funeral procedures.

**12.4.5.2 Duties of Honor Guard Commander:** The Honor Guard Commander or designee will be in charge of all activities occurring at the funeral service and the gravesite to ensure proper protocol is met. The Honor Guard Commander must approve any special request before the date of the funeral.

**12.4.6 Police Honors:** Police Honors are reserved for active and retired sworn officers and not for other family members. In cases involving other family members, the Department may provide two representatives from the Honor Guard Detail, if the family so requests.

**12.4.6.1 Full Police Honors:** Officers (regardless of rank) who are killed in the line or duty, as well as current and retired Chiefs of Police, will receive full police honors. The Chief of Police however, may authorize full honors for any member at their discretion. Full honors will include:

- Motorcade (Wheel the hearse)- Rider less Horse
- Full Honor Guard                      - Fly over
- Flag Presentation                      - Citywide 06
- Taps/21 Gun Salute                      - Draped Casket (given to all military active/veterans regardless of incident)
- Bagpiper

**12.4.6.2** Honors given to officers who die while on duty will consist of:

- Motorcade (Package of Motors)                      - Flag Presentation
- Casket Team                                      - Taps/21 Gun Salute
- Color Team    - Citywide 06
- Bagpiper

**12.4.6.3** Honors given to officers who die while off duty will consist of:

- Motor Escort    - Flag Presentation
- Casket Team    - Taps/21 Gun Salute
- Color Team    - Citywide 06
- Bagpiper

**12.4.6.4** Honors given to retired officers, honorary officers, and those who die of self-inflicted injuries (except Chiefs of Police) will consist of:

- Motor Escort    - Flag Presentation
- Casket Team    - Color Team



**12.4.6.5 Auxiliary Officers:** In the event that an Auxiliary Officer is killed in the line of duty or dies while on duty, he/she would be accorded the same honors as a full-time police officer. In the event of death while off duty, no police honors will be rendered (except retired officers, see 12.4.6.4).

**12.4.7 Covering of Police Badge:** The covering of the police badge is a mark of respect for officers who have died in the line of duty. Therefore, the covering of the badge is appropriate only in those cases wherein an officer has been killed in the line of duty or has died while on duty. The purpose of this policy is to give special recognition to those few who have made the supreme sacrifice. It is not intended to diminish the loss of any other member of the police community. The police badge will be covered in the following situations for the following time periods.

**12.4.7.1** For any Miami Police Officer killed in the line of duty or who dies while on duty - to be worn from the time of death to the conclusion of police honors.

**12.4.7.2** For other law enforcement officers serving Dade, Broward or Monroe County who are killed in the line of duty - to be worn from the time of death to the conclusion of police honors.

**12.4.7.3** For any memorial service honoring law enforcement officers killed in the line of duty - to be worn during the duration of the service.

**12.4.7.4** Annually on Police Memorial Day - May 15<sup>th</sup>. The badge will be covered the entire day.

**12.4.7.5** Annually during the participation of *Project Hero* event.

**12.4.8 Dress:** At all police funerals, as a sign of respect, on-duty officers should wear the class "A" uniform, which includes long sleeve shirt, tie, and command-style hat. Plainclothes officers may wear civilian attire.

**CIVILIAN FUNERALS  
DEATH BENEFITS ASSISTANCE**

Section

- 13.1 Policy
- 13.2 Organization
- 13.3 Responsibilities
- 13.4 Procedures

**13.1 POLICY:** It is the policy of the Miami Police Department to assure that proper death benefits assistance and funeral honors are given to civilian members of the Miami Police Department, active only. It is further our intent to assure a consistent application of honors based on set criteria.

**13.2 ORGANIZATION:** The Civilian Death Benefits Team is lead by the Civilian Death Benefits Representative (designated by the Chief of Police) who reports directly to the Chief or his designee regarding matters related to the employee's funeral.

**13.3 RESPONSIBILITIES:** It will be the responsibility of the Civilian Death Benefits Representative to coordinate necessary internal and external resources, provide benefits information to the family members and to assure that funeral honors are rendered in accordance with this Order and direction of the Chief of Police.

**13.4 PROCEDURES:**

**13.4.1 Staffing:** The Civilian Death Benefits Team will consist of the following:

-Team Leader - M.P.D. Civilian Death Benefits Representative and alternate. The representatives are appointed by the Chief of Police. The alternate representative is appointed to serve along with the Team Leader.

-M.P.D. Honor Guard Commander.

-One member of the Miami Police Department Chaplaincy Corp.

-Other members, as designated by the Chief of Police and the Civilian Benefits Representative.

**13.4.2 Duties of Section Commander:** When a civilian employee dies or is killed in the line of duty, the Civilian Death Benefits Representative will meet with the employee's Section Commander to coordinate his/her responsibilities.

-Upon confirmation that the family desires a police funeral, the Civilian Death Benefits Representative will speak with and or meet with family member of the deceased Miami Police Employee to assess the needs of the family.

-The Civilian Death Benefits Representative will work in the background assuring that necessary support and protocols are met. The Section Commander and Civilian Death Benefits Representative

will provide visible support by assisting the family during the service. This will include providing direction and information to the family.

-The Police Chaplain will make contact with the appropriate clergyman of the church or synagogue where the funeral will take place to explain police funeral procedures.

**13.4.3 Civilian/Police Honors:** Civilian Honors are reserved for active personnel.

**13.4.4 Full Civilian Honors:** The following guidelines will be followed for all civilian funerals. Crime Scene Technicians and Public Service Aides who are killed in the line of duty, will receive full Civilian/Police Honors. The Chief of Police may, however, authorize at his discretion, full honors for any member. Full honors will include:

- Motorcade
- Full Honor Guard
- Flag Presentation (Crime Scene Technicians, Public Service Aides)
- Taps/21 Gun Salute
- City wide 06

**13.4.5 Honors given to Civilians who die while on duty will consist of:**

- Motor Escort
- \*Casket Team
- \*Color Team (Crime Scene Technicians, Public Service Aides)
- \*Flag Presentation (Crime Scene Technicians, Public Service Aides)

**13.4.6 Honors given to Civilians who die while off duty will consist of:**

- Motor Escort
  - \*Casket Team
  - \*Color Team (Crime Scene Technicians, Public Service Aides)
  - \*Flag Presentation (Crime Scene Technicians, Public Service Aides)
- \* WITH THE DISCRETION OF THE CHIEF OF POLICE AND THE DEATH BENEFITS TEAM

**13.4.7** In cases involving family members, the Department may provide Motor Escort for the funeral service if the family so requests.

**13.4.8 Dress:** At all civilian funerals, on-duty City of Miami Police uniformed employees should wear full uniform, which includes long sleeve shirt and tie. Others would wear the appropriate civilian attire.

**LIMITATIONS ON ASSOCIATIONS  
(City Manager)**

Section

- 14.1 Background
- 14.2 Definitions/Terms
- 14.3 Policy
- 14.4 Responsibilities

**14.1 BACKGROUND:** This order is issued pursuant to the City Commission's directive, per Resolution No. R-07-0296, directing the City Manager to revise the Miami Police Department's Departmental Order addressing "Associating with Undesirable Persons," D.O. 1, Chapter 11, subsection 11.6.13.20; and, the City Manager's order that the policy be as reflected below:

**14.2 DEFINITIONS/TERMS:** Unless otherwise defined in this Policy, terms herein are to be given their plain or ordinary meanings. Where a term's meaning is not readily determined by its common usage, its meaning shall be defined by Webster's Dictionary or Blacks Law Dictionary.

"Members" are defined as sworn officers and civilian employees of the police department.

"Association" is defined as joining with a person as a partner, fellow worker, colleague, friend, companion, agent, ally or in some other similar relationship or affiliation, but does not include incidental contacts.

"Familial Relationship" means spouse by marriage, former spouse, or blood relative (limited to children, step-children, parents and siblings).

**14.3 POLICY:** Members of the department are prohibited from knowingly associating, on duty or off-duty, with any persons who are under criminal investigation, (except arising out of domestic relationships), incarcerated, on parole or probation, prostitutes or persons engaged in criminal activity, excluding traffic violations unless (1) within the scope of official police duties, (2) where unavoidable because of familial relationships, or (3) the association involves a person who is not a spouse or blood relative of the member, but in the opinion of the Chief of Police, (using criteria set forth below under, such association does not contribute to criminal activity and does not undermine the public's trust and confidence in the integrity of the department.

**14.3.1** A member wishing to volunteer with organizations that may require his/her association with persons restricted by this policy must first obtain the written approval of the Chief of Police. The member's request must be submitted in writing via memorandum to the Chief of Police through channels.

**14.3.2** A member who is exempted from limitations on associations for any of the above reasons, excluding within the scope of official police duties, may be subject to limitations

affecting his/her access to equipment and uniform, which may include, but are not limited to, badge, gun, uniform, handcuffs, radio, etc., as well as limitations on assignment, similar to procedures utilized in domestic violence injunction cases.

**14.3.2.1** The Internal Affairs Division is responsible for conducting assessments and providing the Chief of Police with written recommendations on whether an association should be exempt under exemptions under section 14.2 (2) & (3) above, and to limitations to be imposed, if any.

**14.3.2.2** Criteria to be utilized by the Internal Affairs Division in making recommendations, and the Chief of Police, in evaluating associations include:

- (1) Nature of the association;
- (2) Frequency of the association;
- (3) Seriousness of the offense(s) and history, if applicable.
- (4) Time period that has elapsed since the date of the criminal activity.
- (5) Any other relevant/redeeming factor.

**14.3.3** The final decision to prohibit or limit an association, or to suspend, demote, discharge or otherwise discipline a member for violation of this Policy rests on the Chief of Police, subject to the concurrence of the City Manager.

**14.3.4** A member who requires further clarification or direction on this policy shall contact the Internal Affairs Division directly.

**14.4 RESPONSIBILITIES:** All members of the department are responsible for compliance with this policy.

## VIDEO RECORDING OF POLICE ACTIVITY

### Section

- 15.1 Policy
- 15.2 Organization
- 15.3 Definitions
- 15.4 Responsibility
- 15.5 Procedure

**15.1 POLICY:** Federal courts have recognized that recording devices are a form of speech through which individuals may gather and disseminate information of public concern, including the conduct of law enforcement officer(s)/employee(s). Therefore, it is the policy of the Miami Police Department (MPD) to ensure the protection and preservation of every person's First Amendment right to observe and record police officer(s)/employee(s) engaged in the public discharge of their duties. The right to record is not limited to traditionally public spaces, sidewalks, streets and location of public protests, but also includes any private property, to include the individual's home or other private property where an individual has a right to be present. Further, the MPD recognizes the seizure of any video recording device shall be in conformance with the principles established by the Fourth and Fourteenth Amendment.

**15.2 ORGANIZATION:** This Order is applicable to all MPD officer(s)/employee(s). The Internal Affairs Section will be responsible for the direct investigation of any allegation stemming from a violation of this Order.

### **15.3 DEFINITIONS:**

**15.3.1 Video Recording:** The act of capturing still or moving images by means of digital or analog recording devices which may or may not contain simultaneous audio recording.

**15.3.2 Public Spaces:** Includes parks, sidewalks, streets, and locations of public protests. It also extends to an individual's home or business, common areas of public and private facilities and buildings, and any other public or private facility at which the individual has a legal right to be present.

**15.3.3 Recording Devices:** For the purpose of this Order, a recording device includes, but is not limited to, any device capable of capturing still or moving image(s), regardless of whether or not a simultaneous audio recording is included.

**15.4 RESPONSIBILITIES:** All officer(s)/employee(s) of the Department are responsible for compliance with this policy.

**15.5 PROCEDURES:** The actions of MPD officer(s)/employee(s) performing their duties or going about routine daily activities while on duty are under constant observation by the public and are often very likely to be photographed or video recorded, including, detentions, searches, arrests, use of force, traffic stops, etc. The following procedures shall be adhered to whenever an officer(s)/employee(s) comes in contact with an individual engaged in the act of videotaping or photographing police related activity.

**15.5.1** Officer(s)/employee(s) must recognize that an individual has an absolute right to photograph and/or video record police activities taking place in their presence so long as the individual's actions do not:

- a. Violate the law or incite others to violate the law (e.g., persistently engaging or attempting to engage the officer(s)/employee(s) in conversation while the officer(s)/employee(s) are in the midst of their duties; inciting bystanders or suspect to hinder or obstruct the officer(s)/employee(s) in the performance of their duties);
- b. Involve a physical intrusion into any crime scene, private property, or other location under lawful police control.

**15.5.2** An individual's recording of police activity from a safe distance without any attendant action intended to obstruct the activity or threaten the safety of others does not amount to interference/obstruction.

**15.5.3** The acts of observing, photographing, and/or making a video recording of any police activity that occurs in a public space are not criminal offenses and do not, on their own, constitute probable cause for the arrest of the observer/bystander without a proper warrant or appropriate court order. An individual's expression of criticism of the police or of the police activity being observed does not amount to interference/obstruction. Verbal criticism and challenges directed at police officer(s)/employee(s), foul language, obscene gestures or expressions of disapproval towards police officer(s)/employee(s) are protected under the First Amendment.

**15.5.4** Members of the press and members of the general public enjoy the same rights in any area accessible to the general public. No individual is required to have or display "press credentials" in order to observe, photograph, or video record police activity taking place in areas accessible to, or within view, of the general public, or within a private area where the individual has a right to be present.

**15.5.5** Crime scenes must be properly isolated and these areas are off limits to all persons except for the officer(s)/employee(s) and other MPD personnel that are authorized to be within the restricted area. This does not preclude an individual from recording the activity from outside the restricted area.

**15.5.5.1** Individuals photographing or recording police activity from a position that impedes or interferes with the officer(s)/employee(s) ability to perform their duties will be immediately directed to move to a position that will not interfere (e.g., directed outside the crime scene). However, the individual shall not be ordered to stop photographing or recording and the temporary interference does not provide justification whatsoever for the officer(s) to review, damage, erase, suppress, or otherwise inspect the contents of the individual's camera or video recording device.

**15.5.6 Supervisory Notification:** Officer(s)/employee(s) shall immediately notify their supervisor whenever the officer(s)/employee(s) believes that the presence of a bystander is interfering with the successful execution of their official duties or whenever the seizure of a recording device is to take place pursuant to the authority outlined in this Order. Upon notification, the supervisor must respond to the scene.

**15.5.6.1** Officer(s) shall not take any enforcement action involving the use of recorders or recording devices by individuals, including a warrantless search or seizure of any recording device or make an arrest related to the use of a recording device without first obtaining supervisory authorization. The individuals must be allowed to continue photographing or video recording the police activity unless specifically prohibited by this Order.

**15.5.7 Detention of Individual/Bystander:** Officer(s) shall not detain an individual unless it is related to criminal activity other than the photographing and/or video recording. Any detention of an individual recording police activity must be based on probable cause to believe that the individual had committed, was committing, or was about to commit a criminal offense not related to the photographing and/or video recording of the police related activity.

**15.5.8 Prohibitions:** When the photographing or video recording takes place in a public space or other location where the individual has a right to be present. MPD officer(s)/employee(s) are prohibited from:

- a. Ordering the individual to cease such activity;
- b. Demanding the individual's identification, credential, or pass;
- c. Demanding that the individual state a reason why he or she is taking photographs or recording;
- d. Detaining the individual;
- e. In any way threatening, intimidating, or otherwise discouraging the individual from recording the police enforcement activity;
- f. Impeding, preventing, interfering with, or intentionally blocking, or obstructing cameras, or other recording devices in any manner;
- g. Reviewing, seizing, damaging, erasing, suppressing, deleting, or otherwise inspecting the contents of an individual's camera or video recording device with the individual's consent, nor shall they remove memory storage cards from cameras or video recording devices.

**15.5.9 Non-Consensual Seizure of Video Recording Device for Evidentiary Purposes:** The protections against warrantless seizure of recording material are more stringent than protection against the warrantless seizure of many other types of evidence. The First and Fourth Amendments afford heightened protections of the contents of recording devices.

**15.5.9.1** Whenever there is probable cause to believe that evidence of a forcible felony exists on a video recording device and there is probable cause to believe that the evidence is in immediate jeopardy of being tampered with, altered, deleted, destroyed, the device may be temporarily seized, with supervisor notification, for the safekeeping and or preservation of the evidence while the



appropriate application(s) for a search warrant is made. The seizure shall last no longer than reasonably necessary for the police, acting with diligence, to obtain a warrant.

**15.5.9.2** Once seized, no one is permitted to search the contents of the property without first obtaining the warrant.

**15.5.9.3** The seizure of any recording device shall be documented by the officer(s)/employee(s) conducting the seizure on the originating report.

**15.5.10 Consensual Review of Video Recording Device:**

**15.5.10.1** In order to minimize possible conflicts between individuals and the police, any contact with an individual to ascertain if the recording device contains images or sounds that are of evidentiary value pertaining to a criminal investigation shall be conducted by a supervisor or lead investigator who may:

- a. Approach the individual;
- b. Announce their authority and identify themselves;
- c. Inform the individual of the purpose of the contact (officer(s)/employee(s) may ask questions during the course of a contact, but are reminded that there is no justification for ordering an individual to stop or for requiring that they answer any question unless the officer(s)/employee(s) reasonably suspects that the individual has committed, is committing, or is about to commit any crime).
- d. Ask the individual whether they recorded/captured data relevant to the incident;
- e. Ask the individual for consent to view the contents of the device to determine if data of evidentiary value is present;
- f. Department officer(s)/employee(s) must exercise great care to ensure that the consent is not coerced, implicitly or explicitly. The burden of proof shall rest with the officer(s)/employee(s).
- g. If the individual consents, the officer(s)/employee(s) will notify an on-scene supervisor or lead investigator in charge of the investigation and inform them of the availability of the information. The supervisor or lead investigator shall determine whether the recording device has evidentiary value before the officer/employee takes custody of the recording device. The officers/employees use of personal e-mail systems is strictly prohibited during the transfer of any recorded or captured data with evidentiary value. An individual may withdraw their consent to search at any time.
- h. At no time, shall an individual be removed from the scene or transported to a secondary location without their consent.



## PROFESSIONAL COMPLIANCE SECTION

### Section

- 16.1 Policy
- 16.2 Organization
- 16.3 Responsibilities
- 16.4 Procedures

**16.1 POLICY:** The mission of the Professional Compliance Section is to ensure Departmental compliance with established policies and procedures. The Section achieves this goal by reviewing high liability incidents, conducting inspections, maintaining the Department's national accreditation, and by maintaining the Department's written directive system.

**16.2 ORGANIZATION:** The Professional Compliance Section reports directly to the Chief of Police.

**16.3 RESPONSIBILITIES:** The Professional Compliance Section consists of the Policy Compliance Detail, the Accreditation Detail, the Inspections Detail, the Department of Justice (DOJ) Agreement Compliance Detail, and the Policy Development Detail. The Professional Compliance Section coordinates a High Liability Incident Review Board.

**16.3.1 Policy Compliance Detail:** The Policy Compliance Detail will identify critical incidents for review and/or investigation. Incidents selected for this review will normally involve employee actions and/or behavior that have a potential for high liability and/or high risk, or that have the potential to negatively impact police professionalism. A function of the Policy Compliance Detail is the coordination of a High Liability Incident Review Board (HLB). An HLB meeting serves to review, discuss, and address deficiencies and make corrective recommendations to the Chief of Police. The board members consist of different Departmental participants with multiple perspectives. Once the board has convened and thoroughly reviewed a selected incident, a report detailing issues and recommendations will be drafted. The Professional Compliance Section will deliver this report to the Chief of police. The Chief of Police will review the report and work to implement corrective action, policy, and/or training at their discretion.

**16.3.2 Accreditation Detail:** The Accreditation Detail maintains the Department's national accreditation status with the Commission on Accreditation for Law Enforcement Agencies (CALEA). **(CALEA 11.4.3)**

**16.3.2.1** The accreditation process: There are three distinct stages in the accreditation process.

1. Self Assessment: In this stage, the department examines its policies and procedures, management practices, methods of operation, and support services and applies them to the standards set forth by CALEA.
2. Mock Assessment: In this stage, police officials from accredited agencies visit the Miami PD and thoroughly inspect our accreditation files to ensure compliance.

3. On-Site Assessment: In this stage, certified CALEA assessors visit Miami PD and thoroughly inspect our accreditation files, meet with officers, conduct a public hearing, and meet with various citizens of Miami to assess our compliance with applicable standards.

**16.3.2.2** The accreditation process is the responsibility of all department employees and organizational elements. Departmental employees are responsible for complying with CALEA standards as well as providing the Accreditation Unit with a timely submission of all requested documentation. CALEA documentation includes: reports, analysis, evaluations, surveys, reviews and other memoranda.

**16.3.2.3** The accreditation process is overseen by an accreditation manager who is responsible for: **(CALEA 33.5.3; 33.5.4)**

- a) The coordination, collection, review and organization of all CALEA documentation submitted by departmental employees.
- b) Acting as a liaison between CALEA and the department.
- c) Facilitating compliance with CALEA standards.
- d) Training new employees in purpose, goals, requirements and benefits of accreditation.
- e) Maintaining accreditation files during the four-year accreditation cycle.
- f) Managing the on-site re-accreditation.
- g) Scheduling and receiving accreditation manager training within one year of appointment.

**16.3.3 Inspections Detail:** At the direction of the Chief of Police, or designee, the Inspections Detail will provide the Chief of Police with independent, objective, and timely information concerning the efficiency and effectiveness of departmental elements and operations. The Inspections Detail may conduct an inspection of any organizational element, function, program or system. The goal of an inspection is to provide a service, not only to the Chief of Police and organizational element being inspected, but to the Department as a whole.

**16.3.4 Department of Justice (DOJ) Agreement Compliance Detail:** The Department of Justice Agreement Compliance Detail facilitates cooperation and coordination with the Department of Justice as well as assisting the Miami Police Department (MPD) in accomplishing the intent of the DOJ Agreement. The Professional Compliance Section Commander is designated as the Compliance Coordinator by the DOJ. The detail works to advise and guide MPD elements on appropriate policy formulation as well as maintaining effective and progressive training programs. The policies and training programs that are developed in this process are designed to meet best practices and to meet all items outlined in the DOJ Agreement. The goal of the Department of Justice Agreement Compliance Detail and its collaboration with DOJ is to provide ongoing professional police officer development while improving public trust in the Miami Police Department.

## **16.4 PROCEDURES:**

**16.4.1 Policy Compliance Detail:** The Policy Compliance Detail may conduct an investigative review of any high liability or high risk incident. This investigative review will determine if convening a High Liability Incident Review Board (HLB) would be productive. Incidents to be reviewed may include, but are not limited to, use of non-deadly force, vehicle pursuits, perimeters, SWAT missions, response to resistance reports, arrest procedures, or any other selected critical incidents. The investigative analyses of these critical incidents will determine if departmental policies are being strictly followed, whether best practices are observed and assess both the positive and negative aspects of these incidents. Once an HLB is convened and concluded, a written report containing issues and recommendations will be presented to the Chief of Police. The report shall include relevant facts and circumstances surrounding the incident and a conclusion as to whether or not departmental policies were violated during the incident. The Chief of Police will review the report and work to implement corrective action, policy, and/or training at his discretion. Neither the Policy Compliance Detail nor the High Liability Incident Review Board will make specific disciplinary recommendations. The Chief of Police will review the report and work to implement corrective action, policy, and/or training at their discretion.

**16.4.2 Policy Development Detail:** The Policy Development Detail shall develop, update and revise Departmental Orders as needed. The Policy Development Detail will conduct research and review current Departmental Orders to ensure that Departmental Orders are not out of date, do not conflict with other orders and they are still relevant. **(CALEA 12.2.1 i)**

**16.4.3 Accreditation Detail:** CALEA Accreditation is designed to improve efficiency, effectiveness, and accountability of the Departmental Operations through detailed observations and analysis of Departmental elements, procedures, and practices. The accreditation process requires time-sensitive Departmental reports, plans, analysis, reviews, or other documented activities be completed and submitted to the Accreditation Detail. To achieve this goal, the Accreditation Detail shall disseminate a compressive list, compiled annually, of required documentation needed by each Departmental Division. This list will describe in detail the specific documentation needed to prove compliance with accreditation standards. The Assistant Chief of the Division will be responsible for compliance and dissemination of the list to all sections and units under their command. The Assistant Chief of the Division will also ensure the required CALEA documentation is reviewed for compliance and then delivered to the Accreditation Detail. Accreditation Detail personnel will then receive, approve and log the documents being submitted. Any departmental documentation not proving compliance with accreditation standards will be rejected. Once the submitted documents are approved, the Accreditation Detail is responsible for constructing the Department's accreditation files in a manner acceptable to the CALEA accreditation process. Through this process, the Accreditation Detail will ensure compliance with all national accreditation standards applicable to the City of Miami Police Department. Additionally, the Accreditation Manager is the Department's representative and responsible for attending CALEA Commission reaccreditation hearings. **(CALEA 11.4.3)**

**16.4.4 Inspections Detail:** Inspections are generally strategic and administrative in nature and are conducted by those lacking direct command of the element to be inspected, but possessing authority from the Chief of Police to identify deficiencies and recommend corrective action. This is accomplished through a constructive, impartial, and objective approach to the inspection to be conducted. Generally, inspections will be pre-announced to provide sufficient lead time and notification to the element to be inspected. An inspection may include all or part of reviewing facilities, interviewing personnel, analyzing and evaluating administrative and operational activities, and inventorying property and equipment. The results of an inspection may indicate a need for modifications to directives, procedures, equipment, facilities, manpower, training, direction, or leadership. Additionally, any organizational element's Commanding Officer may request an inspection of his operational element. This request must be submitted in writing for approval by to the Chief of Police or designee.

**16.4.5 High Liability Incident Review Board:** The High Liability Incident Review Board (HLB) is a function of the Policy Compliance Detail. A HLB serves to review, investigate, and address department deficiencies in a number of areas using real facts and circumstances. Many police operations lend themselves well to this type of review, including; training, tactics, policies, and procedures. The HLB brings together different Departmental participants with multiple perspectives who serve as HLB board members. Since litigation may follow any true high liability critical incident, having Miami Police Legal Advisor as a board member and conferring with him regarding potential litigation is an important component of an HLB. The HLB Board consists of 5 members; 3 voting members and 2 non-voting members.

**16.4.6 Mandatory Attendance of Persons Notified to Appear at an HLB:** Persons notified to attend an HLB are required to be present until the meeting adjourns. Persons in attendance must also be cooperative and answer inquires posed to them as the Board attempts to properly examine the high liability incident.

**Board Members Consist of the Following:**

- Major of Professional Compliance Section – Chairperson – (voting member)
- Major of Training and Personnel Development Section – (Will replace rotation lieutenant as a voting member only when a lieutenant was the direct supervisor of the employee involved in the incident being reviewed.)
- Lieutenant – from outside the chain of command of the involved officer – (rotation voting member)
- Miami Police Legal Advisor – (voting member)
- Lieutenant of Training and Personnel Development Section – (non-voting member)
- Lieutenant of Professional Compliance Section – (non-voting member)

Prior to an HLB meeting, board members should be briefed and fully review the entire HLB investigation case file. Board members should also review audio and video files of the incident if any are to be used during the review. When needed, other departmental personnel with different skill-sets may be requested to be present to provide input and advisement. Training Section personnel may also be present to provide input on how the department trains its employees. Training Section personnel should be prepared to take direction on future training strategies or modification of instruction methods. The Board Chairperson has the authority to add or exclude any attendee from the HLB meeting.

The investigator who conducted the review of the incident being presented to the HLB, usually the supervisor of the Policy Compliance Detail, should be present and coordinate the presentation to the HLB. This supervisor can answer any questions that may arise concerning the incident, and will ensure that all of the after-action items, including a report to the Chief of Police, are completed. After-action reports are established to document that a review has occurred, and to memorialize actions taken by the Department. The report will include a list of who attended the HLB meeting and any issues and recommendations that arise as a result of the meeting.

Any high liability critical incident under review by the Internal Affairs Section (IAS) will not be scheduled for review by HLB. HLB may select completed/closed IAS cases for HLB review.

The HLB Board will not issue written discipline. The HLB Chairperson will refer policy violations to the Chief of Police.

**16.4.7 Department of Justice Agreement Compliance Detail:** The Department of Justice Agreement Compliance Detail works to establish guidelines, expectations and time frames for MPD operational elements who have improved policies and have provided increased training to demonstrate compliance with the Department of Justice Agreement. Development and implementation of policies and training programs that are generally focused on the use of deadly force and covers areas of training, supervision, incident management, and post incident investigation of critical firearm discharges. Compliance with the DOJ Agreement is generally demonstrated by implementation of new or revised departmental policies and procedures, as well as implementation of new or revised training programs. The Department of Justice Agreement Compliance Detail works with MPD elements and oversees progress towards compliance with the DOJ Agreement in these areas. The Detail also produces status reports for review and appropriate action. The Detail utilizes the Departmental tickler system when necessary to track progress and ensure compliance with the provisions and time frames expected by the DOJ Agreement.

The DOJ Agreement affects many of the Department's tactical, investigative and administrative operations and procedures. The DOJ Compliance Detail serves to:

1. Establish clear expectations and time frames for the development of policies, procedures and training required by the DOJ Agreement.
2. Submit regular reports to the Professional Compliance Section Commander who is designated as the Compliance Coordinator. The reports serve to track each step toward compliance.
3. Work cooperatively with the Independent Reviewer.
4. Ensure MPD elements meet the provisions outlined in the DOJ Agreement for the duration of the DOJ Agreement.

**LESBIAN, GAY, BI-SEXUAL, TRANSGENDER DISCRIMINATION PREVENTION**

Section

- 17.1 Policy
- 17.2 Organization
- 17.3 Definitions
- 17.4 Responsibilities
- 17.5 Procedures

**17.1 POLICY:** It is the policy of the City of Miami Police Department to treat all individuals in a professional manner with dignity and respect. The Department will not tolerate discrimination against any person based on gender, identity, sexual orientation, or any other basis.

**17.2 ORGANIZATION:** This Departmental Order is applicable department wide to all employees.

**17.3 DEFINITIONS:**

- a) **Birth Sex** – The classification of a person as male or female based on their physical characteristics at birth.
- b) **Gender** – An individual's biological or anatomical identity as male or female.
- c) **Gender Expression** – How a person expresses gender identity to others, often through behavior, clothing, hairstyle, voice, or other characteristics.
- d) **Gender Identity** – A person's innate, psychological identity as male or female.
- e) **Preferred Name** – The name an individual prefers to use in daily life to refer to themselves (this may or may not be the individual's current legal name).
- f) **Transgender** – Refers to people whose gender identity differs from their birth sex.
- g) **LGBT** – Lesbian, Gay, Bi-Sexual, Transgender

**17.4 RESPONSIBILITIES:** The City of Miami Police Department recognizes the values and diversity of the community that it serves. This policy is intended to ensure the safety and well being of all persons regardless of sexual orientation or gender.

**17.5 PROCEDURES:** Officers should respectfully treat all members of the LGBT community that they come in contact with during the course of their duties.

**17.5.1** When addressing transgender individuals use pronouns requested by the transgender individual (e.g., she, her, hers for individuals who identify themselves as female or he, him, his for individuals that identify themselves as male)

If the employee is uncertain by which gender the individual wants to be addressed, the individual may be asked for clarification.

**17.5.2** Officers shall not stop, detain, frisk, or search any individual for the sole purpose of determining that individual's gender. Transgender individuals shall not be subject to a



more invasive search or frisk procedures than non-transgender individuals. All stop and frisks shall be conducted in conformance with established Departmental policies and Florida Statutes.

Officers shall not consider an individual's gender identification as reasonable suspicion that the individual is or has engaged in a crime, including prostitution.

**17.5.3** Employees shall not use language that is demeaning or derogatory directed at an individual's gender identity, expression, or sexual orientation.

**17.5.4** An individual's LGBT identity shall not be disclosed to arrestees, members of the public, or other Departmental employees unless there is a clear law enforcement purpose for the disclosure.

**16.6 Reporting:** All Departmental reports, supplement reports, Domestic Violence Supplement reports, Response to Resistance reports, and arrest affidavits shall refer to a transgender individual by their legal name. The individual's preferred name shall be noted as an alias or as "also-known-as" (AKA).

**17.6.1 Transporting Transgender Arrestee:** In the event the officer has independent knowledge that an individual is transgender, the transgender arrestees are to be transported alone and shall be separated from other non-transgender arrestees while in the detainee interview areas.

**17.6.2 Juveniles:** A transgender juvenile shall be treated in accordance with this policy. They shall also be afforded the same privileges and protections as any other juvenile under Florida Statutes. Officers shall interact with and process transgender juveniles in conformance with Departmental policies and Florida Statutes.

## AWARDS

### Section

- 18.1 Policy
- 18.2 Organization
- 18.3 Responsibility
- 18.4 Procedures
- 18.5 Classification of Awards

**18.1 POLICY:** The Miami Police Department's awards program has been established to formally recognize and reward extraordinary, meritorious, or conspicuously outstanding acts of heroism or services which are above and beyond that ordinarily expected, and which distinguish the individual among those performing similar acts or services. A judicious use of decorations and awards provides incentive to greater efforts and builds morale.

Within discreet limits, full and appropriate use of decorations provides tangible evidence of heroism performed or valuable services rendered. Personal decorations are an effective means of fostering high morale, incentive, and esprit de corps.

**18.2 ORGANIZATION:** Nominations for the various decorations, medals and ribbons will be submitted through the respective chain of command to the Chief of Police. The Chief of Police, or his designee, will make the final decision.

An Awards Selection Committee appointed by the Chief of Police shall review nominations for awards. The Committee shall be comprised of the following individuals:

- Chairperson - Chief of Police or his designee.
- Three Staff Members
- Fraternal Order of Police representative.
- PIO Commander - Non-voting advisor to the committee. PIO will prepare a news release for dissemination.

Note: If any staff member of the Awards Selection Committee is unable to attend a meeting, they must send a command level (sworn or civilian) substitute.

**18.3 RESPONSIBILITY:** Nominations for departmental recognitions may be initiated by any departmental employee. Immediate supervisors of an individual or an organizational element utilized in a particular assignment, incident, or event will be responsible for initiating the nomination for a decoration, medal, or ribbon. The failure of a supervisor to do so shall not preclude an individual from initiating a nomination when he/she feels it is justified.

**18.3.1** The Public Information Office shall be responsible for maintaining, updating and cataloging a list of all employees receiving awards, medals or ribbons.

**18.4 PROCEDURES:** The term "awards" is an all-inclusive term covering any decoration, medal, badge, ribbon, insignias or emblems bestowed on an individual or otherwise authorized for wear on uniforms by the Chief of Police. The term "ribbon" is an all-inclusive term covering that portion of the suspension ribbon of a service medal that is worn instead of the service medal.

**18.4.1** Superior performance of normal duties or superior performance of a unit over an extended period of time will not necessarily justify an award. The individual or unit must have brought distinction upon themselves by such acts or services.

**18.4.2** Except for posthumous awards, which may be issued to the family of the deceased, only one ribbon/medal representing a given decoration will be issued to an individual. For subsequent awards of a decoration, attachments to the ribbon will be added.

**18.4.3** All awards, medals, and decorations shall be represented by a designated ribbon.

**18.4.4** Basic Procedures for Recommendation:

**18.4.4.1** Any employee or supervisor shall, when desiring to nominate an employee, submit an interoffice memorandum addressed to the Chief of Police, through channels, with the subject stating the name of the award followed by the word "Nomination."

**18.4.4.2** Nominations should be detailed and be accompanied by supporting documents.

**18.4.4.3** All nominations or requests must be submitted by the 5th business day of each month, excluding holidays. Nominations not submitted by the deadline will not be considered in future evaluation periods.

**18.4.4.4** In order to prevent any delay in processing, at the time of origin, a copy of each nomination, along with supporting data, shall be forwarded directly to the Public Information Office, bypassing the chain of command. The copies will eventually be matched with the originals which have been sent through channels.

**18.4.4.5** The original nomination shall proceed through the appropriate division channels and at each level of the chain of command. The employee's supervisor shall indicate his concurrence or non-concurrence by affixing his name next to the appropriate notation. A notation of concurrence will not signify that the concurring supervisor will advocate the individual employee over other employees that are nominated.

**18.4.4.6** The Committee shall review all the nominations and the selection will be based on the evaluation of each committee member. The recommendation of the Committee will be forwarded to the Chief of Police for his/her final approval.

**18.4.4.7** In the event that an employee believes he is deserving of an award and his/her supervisor has not submitted a nomination, the employee may request a conference with his/her immediate commanding officer to request that a nomination be submitted.

**18.4.4.8** Individuals who feel a unit should be considered for a Unit Citation Award may make a recommendation, through channels, to the Chief of Police. The recommendation must be detailed and be accompanied by supporting documents.

**18.4.5 Wearing of Decorations:** Recipients of decorations, service medals, and other awards are authorized to wear them in accordance with the applicable provisions concerning awards contained in this chapter. Decorations shall only be worn with the class "A" uniform.

**18.4.5.1** Ribbons representing decorations, service medals, and other awards shall be worn over the right shirt pocket, above the nametag. A maximum of **twelve (12)** ribbons may be worn on the uniform at any time. Ribbons shall be arranged in rows of **four** each. A row of ribbons consisting of less than three (3) ribbons shall be centered above the pocket and/or above a full row.

**18.4.5.2** Ribbons shall be worn in order of precedence, starting from the wearer's right to left. Ribbons of lesser precedence shall be replaced by those of greater precedence when the maximum number of ribbons are worn.

**18.4.5.3** Specialty designators or pin-on insignias shall be worn in accordance with the uniform policy.

**18.4.5.4** Medals shall not be worn at any time.

### **18.5 Classification of Awards:**

**18.5.1 Medal of Honor:** Awarded by the Chief of Police in the name of the citizens of the City of Miami to an employee, who distinguishes himself conspicuously by gallantry and courage at the risk of his life, above and beyond the call of duty while engaged in armed conflict, or while displaying heroism in the face of extreme danger.

**18.5.1.1 Appearance:** A miniature dark blue enamel Miami Police Badge centered on a flourished five point gold tone star suspended from a light blue neck ribbon. It will be accompanied with a light blue campaign ribbon with a gold star attachment in the middle.

**18.5.1.2** The employee selected for the Medal of Honor shall receive a letter of commendation from the Chief of Police, the Medal of Honor with ribbon, and compensatory time based on the merits of the incident.

**18.5.2 Distinguished Service Medal:** Awarded to an employee of the Miami Police Department who distinguishes themselves by exceptionally meritorious service to the City of Miami in a duty of great responsibility. To justify this decoration, an exceptional performance of duty, clearly above that normally expected, which has contributed materially to the success of a major command or project, is required.

In general, the Distinguished Service Medal will be awarded to only those employees in command or management positions whose service is such as to justify the award. However, this shall not be interpreted to preclude the award to any individual whose service meets the requirement. If there is any doubt as to the degree of service involved, the Legion of Merit is the more appropriate award.

**18.5.2.1 Appearance:** Gold tone with blue enamel city seal over the words "Distinguished Service" on a Maltese gold tone cross suspended from a light blue/white/light blue ribbon drape. A light blue/white/light blue campaign ribbon accompanies it.

**18.5.2.2** The employee selected for the Distinguished Service Medal will receive a letter of commendation from the Chief of Police and the Distinguished Service Medal with ribbon.

**18.5.3 Silver Star Medal:** Awarded to any employee of the Miami Police Department for gallantry in action that does not warrant the Medal of Honor. The heroic act(s) performed must

render the individual conspicuous and well above the standard expected while engaged in a hostile or hazardous operation.

**18.5.3.1 Appearance:** Same as the medal of Honor but on a silver star suspended from a red/white red/white/red ribbon drape and accompanied by a red/white/red/white/red campaign ribbon.

**18.5.3.2** The employee selected for the Silver Star Medal will receive a letter of commendation from the Chief of Police and the Silver Star Medal with ribbon.

**18.5.4 Legion of Merit Medal:** To justify this decoration, the service rendered must have been comparable to that required for the Distinguished Service Medal, but, in a duty of lesser, though considerable responsibility. In general, the Legion of Merit will be awarded to employees in supervisory positions who have performed such exceptionally meritorious service as to justify the award of Distinguished Service Medal, except as to the degree of merit. However, this shall not be interpreted to preclude the award of Legion of Merit to any individual, regardless of rank, whose acts or services meet the requirements.

**18.5.4.1 Appearance:** A City of Miami seal centered on an eight point gold tone flourished star. The accents are in red, white and blue suspended from a solid dark blue ribbon drape accompanied with a solid dark blue campaign ribbon.

**18.5.4.2** The employee selected for the Legion of Merit will receive a letter of commendation from the Chief of Police and the Legion of Merit Medal and ribbon.

**18.5.5 Miami Police Medal:** Awarded to any employee who distinguishes themselves by heroism not involving a hostile incident. To justify this decoration, the individual must have performed a voluntary act of heroism in the face of great danger to him/herself and such as to stand out distinctly above normal expectations.

**18.5.5.1 Appearance:** A small gold tone Miami Police Badge accented in blue enamel suspended from a orange/green/orange/ green/orange ribbon drape accompanied an orange/green/orange /green /orange campaign ribbon.

**18.5.5.2** The employee selected for the Miami Police Medal will receive a letter of commendation from the Chief of Police and the Miami Police Medal and ribbon.

**18.5.6 Gold Lifesaving Medal:** Awarded to any employee who rescues or endeavors to rescue any person from a drowning, fire, hazardous material or any other dangerous situation. Such rescue, or rescue attempt, shall have been at imminent risk of health or injury to the employee.

**18.5.6.1 Appearance:** An equilateral red enamel cross centered over a gold tone disc suspended from a solid red ribbon drape, accompanied with a solid red campaign ribbon.

**18.5.6.2** The employee selected for the Gold Lifesaving Medal will receive a letter of commendation from the Chief of Police and the Gold Lifesaving Award, Medal and ribbon.

**18.5.7 Meritorious Service Medal (Officer of the Year):** Awarded to any officer of the Miami Police Department who has distinguished him/herself by outstanding meritorious achievement or service to the Department. To justify this award, the officer must have been designated "Miami Police Officer of the Year." The period of evaluation for the Meritorious Service Medal will be

annually. A selection committee shall make a recommendation to the Chief of Police from the previous twelve month's recipients of the Officer of the Month award. The recommendation shall state the particulars of the act(s) for which the selected was recommended.

**18.5.7.1 Appearance:** A gold tone, blue accent City of Miami Police Seal centered over a gold tone disc suspended from a green/white/green/white /green ribbon drape accompanied with a green/ white/green/white/green campaign ribbon.

**18.5.7.2** The employee selected for the Meritorious Service Medal will receive a letter of commendation from the Chief of Police, compensation time based on the merits involved, and the Meritorious Service Medal and ribbon.

**18.5.8 Silver Lifesaving Medal:** Awarded to any employee who rescues, or endeavors to rescue, any person from medical emergency, trauma, or other peril.

**18.5.8.1 Appearance:** Same as the gold Life Saving medal, but in silver suspended from a red thin white/red ribbon drape accompanied with a red thin white/red campaign ribbon.

**18.5.8.2** The employee selected for the Silver Lifesaving Award will receive a letter of commendation from the Chief of Police and the Silver Lifesaving Medal with ribbon.

**18.5.9 Most Outstanding Officer(s) of the Month Nominations:** Awarded to one or more officers each month for outstanding achievement(s) or exceptional performance. The interoffice memorandum shall state the particulars of the act, event, investigation, or compilation of meritorious activities occurring during the entire evaluation period. Nominations for Most Outstanding Officer of the Month shall be based on the totality of an officer's overall performance and not just on number of arrests performed during a given time frame.

**18.5.9.1 Appearance:** A brass eagle perched over a Miami Police seal suspended from a blue/ white/ blue/thin white / blue/ white/ blue ribbon drape accompanied with a matching campaign ribbon.

**18.5.9.2** The Committee may select a runner-up to the Most Outstanding Officer of the Month from the nominations received. Compensatory time may be recommended, if appropriate.

**18.5.9.3** Officers selected will receive a letter of commendation from the Chief of Police and the Officer of the Month Medal with ribbon.

**18.5.9.4** The Public Information Office will prepare and issue a news release. The officer shall receive a plaque from the Miami Police Department and awards from other contributors.

**18.5.10 Administrative Excellence Award:** Awarded to an employee for administrative excellence. The interoffice memorandum shall state the particulars of the administrative act or compilation of meritorious activities occurring during the entire evaluation period.

**18.5.10.1 Appearance:** A brass eagle perched over a Miami Police seal, surrounded by a rocker with "Administrative Excellence" in white lettering suspended from a blue/white/blue ribbon drape accompanied with a matching campaign ribbon.

**18.5.10.2** The Selection Committee may recommend that compensatory time be awarded to the recipient of the Administrative Excellence Award, based on the merits involved.

**18.5.10.3** Personnel selected will receive a letter of commendation from the Chief of Police and the same medal as described in 11.5.10.1.

**18.5.10.4** A news release will be prepared and issued by the Public Information Office. Additionally, the winner shall receive a plaque or certificate from the Miami Police Department.

**18.5.11 Purple Heart Medal:** Awarded to any Miami Police employee who has been wounded or killed by a deadly weapon likely to cause death or great bodily harm, as a result of an act of hostile intent, or as the result of extremely hazardous operations. A wound shall be defined as a serious injury to any part of the body sustained from an outside force or agent. Preventable vehicle accidents shall not qualify, no matter how severe.

**18.5.11.1 Appearance:** A miniature badge, centered on a gold tone federal style shield suspended from a purple/ white /purple ribbon drape accompanied by a matching campaign ribbon.

**18.5.11.2** The employee selected for the Purple Heart will receive a letter of commendation from the Chief of Police, compensation time if applicable, and the Purple Heart Medal with ribbon.

**18.5.12 Good Conduct Medal:** Awarded to sworn personnel of the Miami Police Department who have served for three (3) years continuous creditable service to the Department and who, during the rating period, have:

- no more than one preventable accident,
- no substantiated Internal Affairs complaints,
- no written reprimands, other than for the 1st preventable accident,
- maintained at least a "satisfactory" rating on personnel evaluation reports, and
- have been awarded a minimum of three (3) commendations.

The period of evaluation for the Good Conduct Medal will be annually. The dates will correspond with the employee's annual evaluation. The award will be based on a period of consisting of three non-overlapping years of continuous service.

**18.5.12.1 Appearance:** A round bronze medal with the inscription "Good Conduct" in white lettering and the engraving of a "Torch" in the center suspended from a black/thin white/thin black/yellow/ black/ red/ black/ red/ black/ yellow /thin black/thin white/black ribbon drape accompanied by a matching campaign ribbon.

**18.5.12.2** The employee selected for the Good Conduct Medal will receive a letter of commendation from the Chief of Police and the Good Conduct Medal and Ribbon.

**18.5.13 Unit Citation Award:** In cases where an entire unit performs a program, project, investigation, or special assignment in an exceptionally meritorious manner, that unit may receive a Miami Police Unit Citation.

**18.5.13.1 Appearance:** A green/white/green campaign ribbon.

**18.5.13.2** A plaque or certificate will be presented to the Unit selected for the Unit Citation.

**18.5.14 Civilian Employee of the Month Medal/Ribbon:** Awarded to one or more civilians each month for outstanding achievement(s) or exceptional performance. The interoffice memorandum shall state the particulars of the act, event, program development and/or implementation, or a compilation of meritorious activities occurring during the entire evaluation period.

**18.5.14.1 Appearance:** A gold tone city seal suspended from a maroon ribbon drape accompanied by a matching campaign ribbon.

**18.5.14.2** A letter from the Chief of Police will be sent informing the employee of the selection.

**18.5.14.3** A plaque or certificate will be presented to the Employee of the Month.

**18.5.14.4** The Selection Committee may, based on merits involved, recommend that up to eight hours of compensatory time be awarded to the employee chosen.

**18.5.14.5** The Public Information Office will prepare and issue a news release.

**18.5.15 Community Service Award** Awarded to an employee for outstanding achievements, or exceptional performance pertaining directly to an act of public service. The interoffice memorandum shall state the particulars of the act, service provided, guidance, letter of commendation, or a compilation of meritorious activities occurring during the entire evaluation period.

**18.5.15.1 Appearance:** A gold/thin green/thin blue/thin white/thin red/thin green/gold campaign ribbon.

**18.5.15.2** A letter from the Chief of Police will be sent informing the employee of the selection.

**18.5.15.3** A plaque or certificate will be presented to the employee selected for the Community Service Award.

**18.5.15.4** The Committee may, based on merits involved, recommend that up to eight hours of compensatory time be awarded to the employee chosen.

**18.5.16 Other Awards:** The following additional awards are presented to employees of the Miami Police Department:

**18.5.16.1 Dade County Association of Chiefs of Police "Award".** The Most Outstanding Officer of the Month selected by the Miami Police Department is submitted for nomination as the Dade County Officer of the Month.

**18.5.16.2 Fraternal Order of Police Annual Awards.** A special committee comprised of representatives from the Office of the Chief of Police and the Fraternal Order of Police, Lodge #20, meets annually to select the following:

**18.5.16.3 Walter E. Headley Award for the Most Outstanding Officer of the Year:** The winner is selected from the list of officers who were chosen Most Outstanding Officer of the Month for that year

**18.5.16.3.1 Gold Medal of Honor** for gallant heroism in the face of extreme danger.



**18.5.16.3.2 Silver Medal of Honor** for service above and beyond the call of duty.

**18.5.16.3.3 Bronze Medal of Honor** for outstanding performance of duty.

**18.5.16.4 Community Policing Award:** Awarded to one or more Miami Police Department employees on a monthly basis for demonstrating outstanding initiative, commitment and dedication in the area of Community Policing. Interoffice memorandum and/or community nominations shall state the details of the act, event or project aimed to establish a closer working relationship between Miami Police employees and citizens of a particular neighborhood.

**18.5.16.4.1 Method of Nomination:** All Miami Police Department employees are eligible to be nominated for the Community Policing Award.

A yearly Community Policing Award winner will be selected from the monthly award winners.

**18.5.16.4.2 Selection:** The Awards Selection Committee will select the Community Policing Award winner.

**18.5.16.4.3 Award Presentation:** The winner will receive his plaque during the monthly Departmental Awards Ceremony at the Miami Police College Auditorium. The employee selected for the Community Policing Award will receive a plaque, a certificate and eight (8) hours of compensatory time, as well as a letter of commendation from the Chief and a Community Policing medal and ribbon.

**18.5.16.4.3.1** The Committee may select a runner-up to the Community Policing Award from the nominations received. Compensatory time may be recommended, if appropriate.

**18.5.16.4.4 Criteria:**

- a) Employee(s) have shown initiative or taken a leadership role in establishing police-citizen cooperation in an effort to control crime in a particular neighborhood.
- b) Employee(s) have shown initiative or taken a leadership role in establishing police-citizen cooperation in an effort to maintain order in a particular neighborhood.
- c) Employee(s) have shown initiative or taken a leadership role in establishing police-citizen cooperation in an effort to improve the quality of life in a particular neighborhood.
- d) Employee(s) have worked closely with a particular group, agency, church, school or neighborhood organization to identify problems and find solutions.
- e) Employee(s) have coordinated a specific effort (project/event) for the betterment of a particular community i.e. safety seminar, clean up project, etc.
- f) Employee(s) have identified a specific problem area in a particular neighborhood and taken the initiative to try to resolve it.
- g) Employee(s) have made a genuine effort to eliminate social barriers and tackled a project/event in an effort to unite two communities in a common goal. i.e. (Wynwood and Overtown).

- h) Employee(s) have taken a leadership role to establish a community organization i.e. (Crime Watch, Counseling/Rehab Center, and Chamber of Commerce).
- i) Employee(s) have worked closely to alleviate the evils of drug-related crime by coordinating the demolition of abandoned or condemned buildings.
- j) Employee(s) have played a major role to alleviate gang activity in a particular neighborhood, to eliminate graffiti, or worked closely with the Public School System, community groups, etc. to alleviate problems in a specific neighborhood school.
- k) Employee(s) have provided assistance and maintained a close relationship between police and local businesses in a specific neighborhood.
- l) Employee(s) developed and implemented effective problem solving techniques with long-term results.
- m) Employee(s) created and efficiently employed innovative ideas to enhance the quality of life issues and/or reduce crime trends.

**18.5.16.4.4.1 Appearance:** Small gold tone Miami Police badge suspended from a blue/red/blue drape accompanied by a matching campaign ribbon.

**18.5.16.5 Patrol Ribbon:** Awarded to officers who have accumulated 10 years of continuous, uninterrupted service in street patrol.

**18.5.15.5.1 Appearance:** A Gold/Blue/White/Blue/White/Blue/Gold Campaign Ribbon.

**18.5.16.5.2** Any officer who fits the criteria of this award will submit the proper documentation, endorsed by his/her superiors, to the Public Information Office.

**18.5.17 Rotary Club Annual Award for Outstanding Officer of the Year:"Award"** Annually the Rotary Club requests all press releases, newspaper clippings, and monthly award nominees to assist in their selection of the Outstanding Officer of the Year.

**18.5.18 Outstanding Civilian Employee of the Year:** The Awards Selection Committee shall select the Non-Sworn Employee of the Year.

**18.5.18.1** The selection will be made during the first quarter of each calendar year for the preceding year.

**18.5.18.2** Only employees receiving monthly awards shall be eligible for the yearly award.

**18.5.18.3** The selected Outstanding Civilian Employee of the Year will receive a letter of commendation from the Chief of Police, and a certificate or plaque.

**18.5.19 Marksmanship Awards:**

**18.5.19.1 Pistol Ribbon.** Awarded to officers who have shot a qualifying score, on their first attempt, with the standard sidearm of the Miami Police Department for four (4) consecutive qualifying periods. It will be the officer's responsibility to prepare the appropriate documentation, along with the range master's approval and have his/her supervisor submit the request directed to

the Chief of Police via memorandum with the subject heading indicating "Pistol Ribbon Recommendation" or "Shotgun Ribbon Recommendation."

**18.5.19.2 Appearance:** A dark blue/white/gold/white/ dark blue campaign ribbon.

**18.5.19.3 Shotgun Ribbon.** Awarded to officers who have shot a qualifying score with a standard shotgun in two consecutive qualifying periods.

**18.5.19.4 Appearance:** A blue/thin white/ gold/thin white/blue campaign ribbon.

**18.5.19.5** The employee meriting this award will be presented the Pistol and Shotgun Ribbon with documentation, if authorized. This is a one-time award for each ribbon.

**18.5.20 Safe Driver Ribbon:** A Safe Driver Ribbon will be awarded to any officer that has accumulated 12,000 miles of on-duty accident-free driving.

**18.5.20.1 Appearance:** A green/gold/red campaign ribbon.

**18.5.20.2** Mileage must be accumulated by the actual driver of a vehicle as opposed to mileage accumulated by a two-person unit and recorded as mileage for both officers, as is the common practice. In the case of a two-person unit, the driver will enter on the officers worksheet his/her name in the first space designated for the officer's name.

**18.5.20.3** Mileage will be calculated from worksheets, on a monthly basis, and upon accumulation of the prescribed 12,000 miles, the supervisor will then submit the officer's name as an eligible recipient of the award. Employees are encouraged to keep track of mileage on their pads.

**18.5.20.4** Employees will not be credited for mileage accumulated during off-duty hours, nor for mileage accumulated to and from work.

**18.5.20.5** Involvement in an accident (preventable or non-preventable) while operating a city vehicle -whether on or off duty - prior to the accumulation of 12,000 miles will automatically disqualify the affected employee from eligibility for the award.

**18.5.20.6** Any disciplinary action (endorsed by the section commander) taken against an officer for violation of any directive regarding the care and maintenance of their issued vehicle will cause the officer to become ineligible for the award.

**18.5.20.7** An employee who becomes ineligible for an award will be reverted to a new status of 0 miles, beginning on the date of the incident which resulted in the ineligible status. The employee will retain any award earned prior to the date of ineligibility.

**18.5.20.8** The employee meriting this award will be presented the Safe Driver Ribbon.

**18.5.21 Most Outstanding Public Service Aide of the Month Award** Awarded to one or more Public Service Aide(s) each month for outstanding achievement(s) or exceptional performance. The interoffice memorandum shall state the particulars of the act, event, investigation, or compilation of meritorious activities occurring during the entire evaluation period.

**18.5.21.1** The Committee may select a runner-up to the Most Outstanding Public Service Aide of the Month from the nominations received. The selection committee may recommend up to eight (8) hours of compensatory time.

**18.5.21.2** Public Service Aide selected, as Most Outstanding will receive a letter of commendation from the Chief of Police, and a certificate or plaque.

**18.5.22 Outstanding Public Service Aide of the Year Award:** The Award Selection Committee shall select the Public Service Aide of the Year.

**18.5.22.1** The selection will be made during the first quarter of each calendar year for the preceding year.

**18.5.22.2** Only Public Service Aides receiving monthly awards shall be eligible for the yearly award.

**18.5.22.3** The Selection Committee may recommend up to (16) hours that compensatory time be awarded to the recipient of the award.

**18.5.22.4** The selected Public Service Aide will receive a letter of commendation from the Chief of Police, and a medal plaque or certificate chosen by the Award Committee.

**18.5.23 Inter-Departmental Outstanding Achievement Award**

To be eligible the nominee must be an employee of the City of Miami, other than the police department, and must have performed a service that has furthered any of our goals, objectives, programs or investigations. A redline memo, with all particulars, must be submitted through channels to the Chief of Police. The nominations should be for a service that took place within the current calendar year.

**18.5.24 Precedence of Awards:**

**18.5.24.1** Personal Decorations (Approved by the Chief of Police)

**18.5.24.1.1** Medal of Honor

**18.5.24.1.2** Silver Star Medal

**18.5.24.1.3** Distinguished Service Medal

**18.5.24.1.4** Legion of Merit

**18.5.24.1.5** Miami Police Medal

**18.5.24.1.6** Gold Lifesaving Medal

**18.5.24.1.7** Meritorious Service Medal (Officer of the Year)

**18.5.24.1.8** Silver Lifesaving Medal

**18.5.24.1.9** Officer of the Month/Administrative Excellence Award Medal

**18.5.24.10** Purple Heart, Miami Police

**18.5.24.2 Service Awards**

**18.5.24.2.1** Good Conduct Medal

**18.5.24.2.2** Community Service Award

**18.5.24.2.3** Unit Awards

**18.5.24.2.4** Meritorious Unit Citation

**18.5.24.2.5** Marksmanship Awards

**18.5.24.2.6** Pistol Ribbon

**18.5.24.2.7** Shotgun Ribbon

**18.5.24.2.8** Driving Award

**18.5.24.2.9** Safe Driver Ribbon

**18.5.24.2.10** The Chief of Police may designate and/or authorize additional medals or ribbons to commemorate major events.

**18.5.24.3 Other Awards:** No order of precedence assigned to these awards.

**18.5.24.3.1 S.W.A.T. 200 Mission Ribbon:** Awarded to S.W.A.T. Team members who have completed 200 missions. The application shall be reviewed and approved by the S.T.R.U. Commander to ensure the member has met the minimum criteria for the award.

**18.5.24.3.1.1** Appearance: A Blue/Black/Blue/Yellow/Blue/Black/Blue Campaign Ribbon.

**18.5.24.3.2 F.T.A.A. Ribbon:** Awarded to any sworn member who was actively serving the Department from November 17-23, 2003, during the Free Trade Area of the Americas conference. The Public Information Office will verify if the member meets the criteria to be awarded this ribbon.

**18.5.24.3.2.1** Appearance: A Red/White/Blue/Yellow/Green Campaign Ribbon.

**18.5.24.3.3 COVID-19 Ribbon:** Awarded to any sworn member who was actively serving the Department beginning March 12, 2020 during the declared state of local emergency for the COVID-19 pandemic, which greatly affected our city, state, nation, and world. The Public Information Office will verify if the member meets the criteria to be awarded this ribbon.

**18.5.24.3.3.1** Appearance: An Aqua Blue/Gray/ Crimson Red/ Gray/ Aqua Blue Campaign Ribbon.

**18.5.24.3.4 Mutual Aid Deployment Ribbon:** Awarded to any member who is deployed to another jurisdiction or state to assist with mutual aid requests extending beyond a 24-hour period. These mutual aid requests include national emergencies, civil disturbances, natural disasters, and major events in need of added public safety resources. The Public Information Office will verify if the member meets the criteria to be awarded this ribbon.

**18.5.24.3.4.1 Appearance:** A Red/Thin White/Blue/Thin White/Red Campaign Ribbon.

**18.5.24.4 Attachments:**

**18.5.24.4.1 Stars:** There are three variations of stars used on decorations.

**18.5.24.4.1.1 Silver:** Worn on personal decorations to denote each subsequent award of a particular award.

**18.5.24.4.1.2 Gold:** Worn on personal decorations in lieu of five silver stars.

**18.5.24.4.1.3 Bronze:** Worn on Unit, Organizational, and Service Awards to denote subsequent awards earned.

## NEPOTISM AND CONFLICTING RELATIONSHIPS

### Section

- 19.1 Policy
- 19.2 Organization
- 19.3 Definitions
- 19.4 Responsibilities
- 19.5 Procedures

**19.1 POLICY:** It is the policy of the Miami Police Department (MPD) to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between employees of the MPD.

**19.2 ORGANIZATION:** This policy shall apply to all sworn and civilian employees.

### **19.3 DEFINITIONS:**

**19.3.1 Business Relationship:** Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction.

**19.3.2 Conflict of Interest:** Any actual, perceived, or potential conflict of interest in which it reasonably appears that an MPD employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

**19.3.3 Nepotism:** The practice of showing favoritism to relatives over others in appointment, employment, promotion, advancement, or assignment.

**19.3.4 Personal Relationship:** Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

**19.3.5 Public Official:** A supervisor, officer, or employee vested with authority by law, rule, or regulation or to whom authority has been delegated.

**19.3.6 Relative:** A person connected with another by blood or affinity.

**19.3.6.1** Relatives include:

Father, mother	Son-in-law, daughter-in-law
Son, daughter	Brother-in-law, sister-in-law
Brother, sister	Stepfather, stepmother
Uncle, aunt	Stepson, stepdaughter
First cousin, nephew, niece	Stepbrother, stepsister
Husband, wife	Half-brother, half-sister
Father-in-law, mother-in-law	Child or parent of a registered domestic partner
Registered domestic partner	Previous/current registered/court-appointed guardian

**19.3.7 Subordinate:** An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**19.3.8 Supervisor:** An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

**19.4 RESPONSIBILITIES:** Florida's anti-nepotism statute (F.S. §112.3135): Prohibits appointment, employment, promotion or advancement, of specified relatives by any public official who is vested with or delegated the authority to appoint, employ, promote or advance, or is in a position to recommend an individual for appointment, employment, promotion or advancement.

**19.5 PROCEDURES:** The MPD will not prohibit all personal or business relationships between employees, however, to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply.

**19.5.1 Line of Supervision:** Employees are prohibited from directly supervising, occupying a position in the line of supervision within two (2) ranks, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

- a) If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
- b) When personnel and circumstances permit, the MPD will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The MPD, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provisions of the MPD.

**19.5.2 Promotions/Assignments:** Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.



**19.5.3 Field Training Officers (FTOs)** and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until the training has been completed.

**19.5.4 Victims/Witnesses**: To avoid actual or perceived conflicts of interest, employees of the MPD shall refrain from developing or maintaining personal or financial relationships with victims, witnesses, or other individuals during the course of or as a direct result of any official contact.

**19.5.5 Associating with Undesirable Persons**: See DO 1, Chapter 14 – Limitations on Associations.

**19.6 Employee Responsibility:**

**19.6.1** Upon entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify an uninvolved, next highest level of supervisor.

**19.7 Supervisor Responsibility:**

**19.7.1** Upon being notified of, or otherwise becoming aware of any circumstance that is a violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also notify the Chief of Police of such violations through the chain of command.

**INTERNAL AFFAIRS SECTION**Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** In order to ensure the integrity of the Miami Police Department (MPD) it is necessary to promptly and thoroughly investigate suspicions or allegations, from whatever source, of misconduct by Departmental personnel. At the same time, in the interest of fairness and effectiveness of police operations, the reputation of innocent employees must be protected from erroneous or false/malicious allegations. The Internal Affairs Section (IAS) has established a system of internal review to accomplish this goal.

**1.2 ORGANIZATION:** The IAS is authorized by the Chief of Police (COP) to initiate all necessary investigations and to provide information and investigative assistance to all divisions, sections and units of the Department. In addition, the Section is authorized to conduct independent investigations of complaints, refer complaints to the appropriate commander for investigation and follow-up, to establish methods and procedures to implement investigations and follow-ups, and to conduct investigations of persons employed by other City Departments, as directed by the COP. The IAS Commander reports directly to the COP. **(CALEA 52.1.3)**

**1.3 RESPONSIBILITIES:** It shall be the responsibility of the IAS to accept complaints regarding allegations of misconduct or unlawful activity against City of Miami employees.

**1.4 PROCEDURES:** To accomplish the goals set forth in this policy statement, the IAS shall follow the below-listed procedures.

**1.4.1 Acceptance of Complaints:** IAS will accept and process all complaints from citizens, to include anonymous complaints. Complaints will be investigated by the IAS or, forwarded to the involved employee's section for completion.

**1.4.1.1 Complaint Process Notification:** Complainants will be provided with a copy of the Citizen Complaint Process sheet (RF# 2017-9) at the time the complaint is filed.

To ensure citizens are made aware of the complaint investigation process, the Citizen Complaint Process sheet (RF# 2017-9) shall be printed in English, Spanish, and Creole. The "Citizen Complaint Process" description sheet (RF# 2017-9) is available at all stations, SOS, IAS, Sharepoint and on the Miami Police Department Internet Website.

**1.4.2 Completed Investigations:** Upon the completion of an investigation, the investigator or the designated Departmental authority conducting such investigation, shall forward the Summary of Investigation Report to the IAS Commander through channels for

review. In cases of sustained complaints, recommendations for disciplinary action will be made by the IAS Commander (or designee) in accordance with progressive discipline.

**1.4.3 Assistance to Other Sections:** The IAS shall assist, when requested, other divisions, sections, and unit personnel in complaint investigations.

**1.4.4 Case Preparation:** The IAS shall represent the Department during Department Disciplinary Review Board and Civil Service Board hearings involving investigations completed by the IAS.

**1.4.5 Record Retention:** Pursuant to Departmental policy and in accordance with the provisions of the State of Florida General Records Schedule GS2 guidelines, the IAS shall retain complete records of investigations and the actions taken in those investigations. Records shall be stored in a secured vault within IAS. **(CALEA 52.1.2)**

**1.4.6 Review of Completed Cases:** Pursuant to the provisions of §119 Florida Statutes ("Public Records Law") completed and closed cases, as well as administrative reports, may be reviewed by any person desiring to do so upon application to the IAS Commander. Copies may be obtained upon application and the payment of reasonable fees. **(CALEA 52.1.5)**

**1.4.6.1** Pursuant to the provisions of §112.531-112.535 Florida Statutes (the Law Enforcement Officer's Bill of Rights) copies of audio recorded statements may be obtained by the affected employee, when the employee provides a CD-R or USB flash drive to create the copies.

**1.4.7 Notification of Complaint to COP:** The COP will be notified immediately by the IAS Commander when a complaint of a serious nature as outlined in IAS Internal Investigations DO, has been received against the department or one of its employees. The IAS Commander will notify the COP of complaints that are of a less serious nature during regular weekly briefings. **(CALEA 52.2.2)**

## INTERNAL INVESTIGATIONS

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Definitions / Terminology
- 2.5 Procedures

**2.1 POLICY:** To ensure the integrity of its operations and personnel, it is the policy of the Miami Police Department (MPD) to investigate all complaints, to include anonymous complaints, of employee (sworn and civilian) misconduct arising from the public or from within the Department. **(CALEA 26.2.1)**

**2.2 ORGANIZATION:** The authority to conduct internal investigations emanates from the Chief of Police (COP) and, under certain circumstances, is vested in each division of the Department. The primary element vested with the authority to conduct internal investigations shall be the Internal Affairs Section (IAS). **(CALEA 26.2.3)**

**2.3 RESPONSIBILITIES:** Each employee of the Department shall perform the duties and assume the obligations of their rank or position in the reporting and investigation of complaints or allegations of misconduct against Departmental employees.

**2.3.1** Subject to the provisions of §112.531-112.535 Florida Statutes (the Law Enforcement Officer's Bill of Rights") and the protections of Garrity v New Jersey and its progeny and any other applicable law, all employees will cooperate fully with administrative investigations when ordered by an IAS investigator or designated Departmental authority conducting such investigations, including appearing for an investigative interview and providing all requested documents and evidence.

**2.3.2** Employees, when so directed, shall answer or render material and relevant sworn statements to the IAS investigator or to the designated Departmental authority conducting such investigations, honestly, completely, and to the best of their ability.

**2.3.3** No employee shall, in any matter, interfere with an internal investigation.

**2.3.4** IAS investigators shall be given complete access to all Department facilities, equipment, and records for the purpose of conducting investigations.

**2.3.5** When conducting investigations, IAS investigators are not required to sign receipts for copies of documents or reports received from any departmental element.

**2.3.6** The conducting and documentation of the investigation shall be carried out as set forth in this order.

## **2.4 DEFINITIONS / TERMINOLOGY:**

**2.4.1 Employee:** Unless otherwise noted in this Departmental Order (DO), employee refers to both sworn and civilian employees of the City of Miami.

**2.4.2 Principal Employee:** Denotes employee who is under investigation and subject to interrogation for any reason that could lead to disciplinary action, suspension, demotion, or dismissal.

**2.4.3 Witness Employee:** Someone who is not the subject of the investigation.

**2.4.4 Supervisor-Investigator:** Any sworn supervisor vested with the authority to conduct an internal administrative shift level "S" case investigation.

**2.4.5 Shift Level "S" Cases:** Complaint cases involving allegations that are minor in nature (e.g., improper procedure, discourtesy, failure to provide name upon request, and driving complaints, etc.) and that generally do not require an involved investigation by the IAS function. At the discretion of the IAS Commander, IAS may forward these cases through channels to the Unit Commander of the principal employee. Such cases will be identified as "S" Cases. **(CALEA 26.3.1 a)**

**2.4.6 Law Enforcement Officer's Bill of Rights:** As defined in §112.531-112.535 Florida Statutes (as amended).

**2.4.7 Garrity Statement (RF# 2017-16):** On an Administrative Complaint, the lead investigator shall read the "Garrity Statement" into the record prior to taking the statement of a sworn principal employee.

**2.5 PROCEDURES:** In conducting internal investigations, the following guidelines shall be adhered to:

### **2.5.1 Reporting of Complaints, Allegations, and Misconduct:**

**2.5.1.1 Routine Discipline Complaints:** Some acts of misconduct do not require a formal investigation. Should a line supervisor witness minor misconduct, or should the facts not warrant a probing investigation, the supervisor shall handle the incident and may document the corrective action taken in the employee's evaluation. **(CALEA 26.3.1 a)**

Examples of allegations minor in nature that may be reviewed by a supervisor, may include, but are not limited to:

- a. Failure to Appear
- b. Alleged Rudeness
- c. Personal Dress/ Grooming

**2.5.2 Documentation of Complaints:** All complaints made by members of the public shall be documented on a complaint form (RF# 121). The extensiveness of the investigation may vary from complaint to complaint commensurate with the seriousness and complexity of the case. **(CALEA 26.2.1)**

**2.5.2.1 Citizen Complaint Investigation Process (RF# 2017-9):** IAS produces a Citizen Complaint Process sheet (RF# 2017-9) in English, Spanish, and Creole. These are available at all stations, SOS, IAS, SharePoint and on all MPD internet websites.

**2.5.2.1.1** If a Citizen Complaint Process sheet is requested or if any person makes a general inquiry about the complaint process, the MPD employee shall provide them with a copy of the Citizen Complaint Process sheet (RF# 2017-9).

**2.5.2.1.2** Complaints shall be accepted from any source, whether made in person, by mail, e-mail, on MPD website, or over the telephone. Individuals are encouraged to submit their complaints in person in order to obtain as complete a report as possible after the incident. In cases in which the complainant cannot file the report in person, Departmental personnel shall make arrangements to meet the complainant at a mutually convenient location to complete the Complaint Form (RF #121).

**2.5.3 Internal Affairs Section Intake Form (RF# 2017-5):**

**2.5.3.1** Complainants who respond to IAS to file a formal complaint will be required to complete an IAS Intake Form (RF# 2017-5). When a complainant is found to be physically unable or lacks the minimum writing skill to complete the Internal Affairs Section Intake form, the receiving employee is to complete the form and confirm its contents with the citizen.

**2.5.3.2** Complainants unable to speak or write in English shall complete the IAS Intake form (RF# 2017-5) in their native language.

**2.5.4 Anonymous Complaints:** The fact that a complainant refuses to identify themselves or that the complaint is received from an anonymous source will not preclude recording and forwarding the complaint to IAS for review, classification, and assignment. **(CALEA 26.2.1)**

**2.5.5 Dissuading Complainants:** The public complaint process should not discourage, dishearten, or intimidate complainants from filing a complaint, (i.e., practices such as running warrant or immigration checks on complainants solely for the purpose of dissuading complainants is prohibited, etc.).

**2.5.6 False/Malicious Allegations Against Employees:** While encouraging the filing of legitimate complaints against employees as means to uphold the public trust and by which employees can be held accountable to the public, the Department will hold members of the public responsible for the filing of false and malicious allegations against employees.

**2.5.7 Notifications:** The on-duty lieutenant will immediately notify the on-call IAS investigator when a complaint is serious in nature (also refer to Staff Duty Officer DO for additional notification responsibilities) those complaints include, **but are not limited to:**

- a. Commission of a crime
- b. Intoxication/ Employee substance abuse
- c. Unauthorized/ Misuse of physical force
- d. Unnecessary or unlawful injury to a prisoner
- e. Arrest of a Departmental employee, etc.

**2.5.7.1 COP Notification:** Complaints that are serious in nature against the Department and/or its employees must be brought immediately to the attention of the COP by the IAS Commander (or designee).

**2.5.8 Coordination and Assignment of Investigation:** IAS has the sole coordinating responsibility of the entire Departmental complaint process. All complaints received by the Department, whether by IAS investigators or by any other member of a Departmental element, will be forwarded to the IAS via a complaint form (RF# 121). The complaint form (RF# 121) will be reviewed by the IAS Administrative Sergeant to determine investigative responsibilities and classification.

**2.5.8.1 Classification of Complaints:** The IAS Administrative Sergeant (or designee) will assign the complaint a case number.

**2.5.8.2 Complaints which require No Further Action:** The receiving supervisors, whom upon the initial contact with the complainant, determines that the complaint of act(s) do not require additional investigation (i.e., guilt or innocence in traffic violation, employee followed Department policy or procedure), **shall complete** the complaint form (RF# 121).

**2.5.8.2.1** The complaint form (RF# 121) will provide a synopsis of the complaint and a notation documenting that the complaint fails to meet investigation criteria. The completed complaint form (RF# 121) will be forwarded to IAS no later than the end of the receiving supervisor's tour of duty.

**2.5.8.2.2** If a complaint is categorized as "No Further Action Needed" by the IAS, but an ancillary Body Worn Camera, Uniform, or Improper Procedure violation is identified, recommendations for disciplinary action will be made by the IAS Commander (or designee) in accordance with the progressive discipline penalty schedule in 2.5.25.1.

**2.5.9 Complainant Notifications (CALEA 26.3.4 a, b, c):**

**2.5.9.1 Verification of Complaint Receipt:** Within 14 days of the start of the complaint investigation, IAS administrative personnel will mail a "Notice of Receipt to Complainant" letter (RF# 2017-12) to the complainant via the United States Postal Service (USPS) certified mail acknowledging receipt of the complaint.

**2.5.9.2 Status Report to the Complainant:** Within 45 days of the start of the complaint investigation, the complaint investigator will mail a "Status Report" letter (RF# 2017-13), detailing the status of the investigation, to the complainant via USPS certified mail.

**2.5.9.2.1 Certified Mail Receipt:** "S" Case Investigators will be responsible for preparing the "Status Report" letter (RF# 2017-13) and for mailing it.

**2.5.9.3 Notification of Disposition (Investigation Results):** Within 14 days after the completion of the investigation, IAS administrative personnel will mail a "Notification of Disposition" letter (RF# 2017-14) to the complainant via USPS certified mail. The "Notification of Disposition" letter (RF# 2017-14) shall provide the complainant information on the disposition of the case.

**2.5.9.4 Principal Officer to be Notified at the Onset of an Investigation:** At the onset of all IAS investigations, except those which are criminal in nature and/or on an unknown

employee, the accused employee will be notified as soon as practical, and at the discretion of the IAS Commander, that he/she is a principal in an investigation.

**2.5.10 Documenting the Complainant Notification Process:**

**2.5.10.1** The complaint investigator shall document the complainant notification process in chronological sequence on the Summary of Investigation report and on the Chronological Investigative Notes (RF# 2017-6).

**2.5.10.2** The complaint investigator shall ensure that the completed USPS certified mail receipts for the three (3) stages of the complainant notification process is contained within the case file.

**2.5.10.2.1** "S" Case Investigators shall contact their unit's administrative personnel to obtain the USPS certified return receipt (green card) and pre-paid stamped envelope.

**2.5.10.3** The process for complainant notification does not apply to anonymous complaints.

**2.5.11 Case Assignment:**

**2.5.11.1 Complaints Assigned to IAS Investigators: (CALEA 26.2.1; 26.3.1 b; 26.3.5)**

IAS will investigate all allegations of violations of law or major violations of Departmental policies, Civil Service Rules & Regulations, or procedures as deemed necessary by the IAS Commander to include, **but not limited to:**

- a. Commission of a crime
- b. Intoxication/ Employee substance abuse
- c. Unauthorized/ Misuse of physical force
- d. Unnecessary or unlawful injury to a prisoner
- e. Arrest of a Departmental employee, etc.

**2.5.11.2 Shift Level "S" Cases Complaints Assigned to the Principal Employee Unit Commander or Designee (Supervisor-Investigator) (CALEA 26.3.1 a)**

**2.5.11.2.1** Cases involving allegations minor in nature (e.g., improper procedure, discourtesy, failure to give name upon request, and driving complaints, etc.) may be forwarded through channels to the Unit Commander of the principal employee at the discretion of the IAS Commander. Such cases will be identified as "S" Cases.

**2.5.11.2.2 IAS "S" Case Managers:** The IAS Administrative Sergeant will assign an IAS Case Manager to each "S" case. IAS Case Managers shall monitor "S" case investigations for quality and due diligence and take appropriate action if either is lacking. The IAS Case Managers are available as a resource to the supervisor-investigator conducting an administrative "S" case investigation.

**2.5.11.2.3** The "S" case supervisor-investigator will immediately notify the IAS Case Manager if information of a serious nature is discovered.

**2.5.12 Tracking of IAS and "S" Complaint Cases:**

**2.5.12.1 Tracking of Complaints:** Using the MPD electronic tickler system, every IAS complaint must be simultaneously tracked to its final disposition by the IIU Commander,



the IAS Administrative Sergeant, and the IAS assigned investigator. "S" Cases will also be tracked by the assigned IAS case manager. The tickler system will alert those responsible for management of the complaint process when deadlines are about to expire or have expired.

**2.5.13 Case File Folders:** An IAS administrative complaint investigation case file folder will be prepared by IAS personnel for each complaint.

**2.5.13.1 Distribution of "S" Case File Folders:** IAS will send the "S" Case investigation case file folder through channels to the Unit Commander of the principal within 14 days of receipt of the complaint by IAS. The file will include an IAS Tickler System Project buck slip and Case File Routing Form (RF# 2017-7).

**2.5.14** The investigator assigned to investigate a complaint will keep all appropriate reports and investigative documentation in the case file folder.

**2.5.15 Additional Documents to be Included in Case File Folders:** Other necessary documents that must be contained in a case folder include:

- a. 180 Day Rule Investigative Notes (RF# 2017-15)
- b. Criminal/Administrative Investigation Checklist (RF# 800)
- c. Chronological Investigative Notes sheet (RF# 2017-6)
- d. Complaint Form (RF# 121)
- e. Copy of "Notice of Receipt to Complainant" letter (RF# 2017-12)
- f. Citizen Complaint Against Police Employee (IA Intake) (RF# 2017-5)
- g. Complainant identification information
- h. Preliminary investigative reports gathered by IAS Intake personnel

**2.5.16 Complaint Investigators Responsibilities:** A complaint investigator must:

- a. Complete the 180 Day Rule Investigative Notes Sheet (RF# 2017-15).
- b. Complete the Criminal/Administrative Investigation Checklist (RF# 800).
- c. Complete the Chronological Investigative Notes Sheet (RF# 2017-6).
- d. Obtain and preserve all relevant internal reports (i.e., Offense/Incident (O/I) reports, arrest affidavits, investigation reports, Crime Scene Investigations (CSI) reports, worksheets, Unit Search printout, evidence logs, memorandums etc.) pertaining to the investigation or completed by the principal.
- e. Examine and retain as necessary records and documents of any outside agency or organization (i.e., jail and hospital records, court transcripts etc.) relevant to the case.
- f. Obtain all relevant physical evidence (i.e., clothing, hair, weapons, etc.). All physical evidence shall be handled and processed according to established evidence procedures.
- g. Obtain, preserve and examine all related photographs and technologies which utilize digital, audio, and video recordings (i.e., BWC, GPS locator information, social media postings, security cameras etc.); copy and retain as needed without delay.

- h. Mail a copy of the "Status Report" letter (RF# 2017-13) via USPS certified mail 45 days after receipt of the complaint.
- i. Obtain the USPS certified mail receipt documenting the delivery of the "Status Report" (RF# 2017-13), the "Status report" letter must be made part of the case file.
- j. Obtain sworn audio recorded statements as expeditiously as possible, preferably shortly after the investigation has been assigned; copies of all electronic sworn-audio statements must be included in the case file.

**2.5.16.1 Interviews:** The investigator shall interview and obtain sworn audio recorded statements from the complainant, all witnesses (civilian and sworn), to include parties of specialized interests (i.e., doctors, employers, lawyers, teachers, legal advisors, parents, etc.) and the sworn audio recorded statement(s) of the principal(s).

**2.5.17** While visiting the Internal Affairs Section on official business, all sworn members not assigned to the Internal Affairs Section must secure their weapon(s) inside the weapon lockers prior to entering the secured areas of the Section. Only in an emergency situation may a sworn member not assigned to the Internal Affairs Section enter the secured area with a weapon.

**2.5.18 State Attorney Notification:** In cases where the preliminary investigation reveals the possibility that the principal committed a criminal act, the case shall be referred to the Office of the State Attorney. A Garrity Statement will not be taken until the SAO advises to proceed administratively.

**2.5.18.1 "S" Cases State Attorney Notification:** In "S" cases where the preliminary investigation reveals the possibility that the principal committed a criminal act, the Case Manager will be immediately notified, and the case shall be returned to the IAS. The case shall be referred to the Office of the State Attorney.

**2.5.19 Scheduling Principal Employee Interview:** Principal Employee interviews shall take place at a time when the principal is on-duty or during their normal working hours. In extremely serious cases that involve public interest, or which may bring the Department into disrepute, the principal may be questioned during non-working hours. **(CALEA 26.3.5)**

**2.5.19.1** The investigative interview of sworn employees shall be conducted under the conditions prescribed by §112.531-112.535 Florida Statutes (the "Law Enforcement Officer's Bill of Rights").

**2.5.19.2** Prior to the start of the principal's interview, the IAS investigator/Supervisor-investigator must: **(CALEA 26.3.5)**

- a. Ensure that the sworn principal employee is provided with and signs the Notification of Principal Sworn Employee Notification form (RF# 2017-8).
- b. Ensure that prior to reading the MPD Garrity Statement form (RF# 2017-16) to the principal, the principal is allowed to review the complaint investigative case file, to include all written and audio recorded statements contained therein.

- c. Ensure that the principal is read the MPD Garrity Statement form (RF# 2017-16).

**2.5.19.3 “S” Case Interview of the “Principal”:** The supervisor-investigator shall ensure that the IAS Case Manager has been briefed prior to the taking of the sworn audio recorded Garrity statement of the principal.

**2.5.20 Completed Investigations (CALEA 26.3.3)**

**2.5.20.1 Complaint Investigations Time Limits:** Full resolution of a complainant’s complaint investigation will not extend beyond 180 days, absent exigent circumstances in accordance with §112.531-112.535 Florida Statutes (the Law Enforcement Officer’s Bill of Rights”).

**2.5.20.1.1 Failure to Comply with Time Limitations:** Complaint cases may negatively reflect on the integrity of the Department and on the morale of the employee under investigation. To that end, in accordance with time limitations identified in this DO and in accordance with §112.532 Florida Statutes (the Law Enforcement Officer’s Bill of Rights”), complaint cases are to be completed in a timely manner. Failure to complete a case investigation within the time allotted may result in discipline.

**2.5.20.2 “S” Case Completed Investigation Time Limits:** The “S” case investigation shall be completed and returned to IAS within 90 calendar days. The unit commander of the principal will be responsible for ensuring a complete and expeditious investigation.

**2.5.20.2.1 Extensions:** Exigent circumstances may require a request for extensions of the 90-day period. Requests for extensions shall be made via e-mail to the IAS Case Manager; the chain of command of the supervisor-investigator making the request must be copied in the e-mail. “S” case extensions may only be authorized by the IAS Commander or (designee). Failure to secure an extension may result in disciplinary action.

**2.5.21 Summary of Investigation Report: (CALEA 26.3.8)** Upon the conclusion of an administrative investigation, IAS investigator/supervisor will prepare a final report detailing all aspects of the investigation using the Summary of Investigation report format. The Summary of Investigation report will contain the chronological order of all events related to the investigation and all summaries of interviews, memos, etc., that are pertinent to the case.

**2.5.21.1 Summary of Investigation Format:** The final report of investigation shall contain the following elements:

**2.5.21.1.1 Allegations:** A brief synopsis of the relevant factors and the specific acts initially reported by the complainant.

**2.5.21.1.2 Persons Interviewed:** A list of persons in the order interviewed, with addresses, and telephone numbers.

**2.5.21.1.3 Persons Not Interviewed:** A list of persons not interviewed, with addresses, and telephone numbers and a brief synopsis explaining attempts to contact them.

**2.5.21.1.3.1: Summary of the Investigation:** Summarization will include a chronological account of the incident and relevant facts which bear on the allegations

and/or discovered violations, to include summarized statements and interviews in the third person in the order taken.

**2.5.21.2 Findings:** Findings for each allegation or discovered violation will be classified in one of the following categories: **(CALEA 26.3.8)**

**2.5.21.2.1 Exonerated:** The investigation revealed, by a preponderance of the evidence that the complained of act(s) did not occur; or the investigation revealed, by a preponderance of the evidence that the acts which provided the basis for the complaint or allegation occurred, but the investigation revealed, by a preponderance of the evidence that the act(s) were justified, lawful and proper.

**2.5.21.2.2 Not Sustained:** The investigation cannot by a preponderance of the evidence show that the complained of act(s) occurred, and the investigation cannot by a preponderance of the evidence show that the complained of act(s) did not occur.

**2.5.21.2.3 Sustained:** The investigation revealed, by a preponderance of the evidence that the complained of act(s) occurred and that they constitute violations of policy, orders, and/or law.

**2.5.21.2.3.1** Allegations that are Sustained, or violations that are discovered, shall be cited by the following:

- a. Departmental Orders
- b. Official Bulletins
- c. Standard Operating Procedures (SOP's)
- d. Administrative Policies (APM's)
- e. Civil Service Rules & Regulations
- f. Florida Statutes (if applicable)

**2.5.21.2.4 Unsupported:** A complaint has been filed. An investigation cannot proceed due to insufficient information and/or the complainant cannot be contacted. The case may be reopened at a future date, when new or additional information is received.

**2.5.21.2.5 Withdrawn:** The complainant affirmatively indicated the desire to withdraw the complaint. The complainant will be required to sign a Complaint Withdraw Form (RF# 2017-10). The signed Withdrawn Form must be included in the case file.

**2.5.21.3 Basis:** Numerical listing of the facts that were drawn from the investigation, in support of the findings.

**2.5.21.4 Notification:** Entry that the complainant has been notified of the results of the investigation. The method of notification will be included in the entry.

**2.5.21.5 Policy Failure:** At the conclusion of an Internal Affairs investigation the investigator shall note, after the findings and charges (if any) have been recorded, whether any policy failure contributed or caused the incident. If a policy failure is found, the Summary of Investigation report must include a description of the failure, and a recommendation for change to remedy that defect.

**2.5.21.6 Investigative Verification Statement:** The investigator shall sign and date the investigative verification statement at the bottom of the Summary of the Investigation report.

**2.5.22 Completed Case Investigation:** The completed investigation shall be submitted to the IIU Commander for review and approval. The completed case investigation is filed in IAS.

**2.5.23 Sustained Complaint Cases:** When a complaint is sustained, the investigator shall adhere to the following procedures.

**2.5.23.1 Imposition of Disciplinary Action:** Following the determination of a sustained complaint of employee misconduct, the following guidelines will be followed in determining disciplinary action: **(CALEA 26.1.4 a, b; 26.1.5)**

**2.5.23.2** The disciplinary action to be taken shall be determined by the seriousness of the misconduct and by the extent of wrongdoing or injury to the victim. It shall also be commensurate with the circumstances surrounding the total incident and with the principal's service record and/or prior sustained complaint(s). If the prior sustained complaint(s) were for similar or identical incidents of misconduct as the current incident, the disciplinary action shall be more severe than for a first offense.

**2.5.23.2.1** Additionally, employees may be required to attend remedial training in which a performance issue, liability issue, or a safety concern was identified from the investigation and/or the employee was issued any written discipline, with or without any penalties. **(CALEA 26.1.4 a)**

**2.5.23.2.2** External factors, such as the service record of the principal and prior sustained complaints, shall be considered for a possible referral to an appropriate Employee Assistance Program (EAP). **(CALEA 26.1.4 b)**

**2.5.23.2.3 EAP:** Participation in an EAP may be required of a principal in lieu of a more serious disciplinary action if, in the determination of the Chief of Police (or designee), the principal would benefit. Such a disposition may be revoked in favor of the more severe penalty, if the principal fails to participate, or to participate successfully, in the program.

**2.5.24** Once the employee has waived the right to an appeal, or has exhausted the Department's appeal process, the disciplinary action shall be imposed. The employee may then appeal the action to the Civil Service Board and/or the Circuit Court.

**2.5.25 Penalties:** A scale of progressive penalties, listed below, permitted by law and current labor agreements, is used by the Department's Disciplinary Review Panel (DRP) to discipline employees found to be in violation of Departmental Orders, specifically, the chapter pertaining to Rules & Regulations; Standard Operating Procedures (SOP), Administrative Policies (APM); Official Bulletin (OB); or Florida Statutes. However, depending on the totality of the circumstances, or seriousness of the incident or sustained complaint, the DRP, may recommend any of the listed penalties as disciplinary action: **(CALEA 26.1.4 b, c)**

- a. Record of Formal Counseling
- b. Letter of Reprimand
- c. Loss of accumulated time (forfeiture of carried overtime or vacation time)
- d. Suspension Without Pay
- e. Demotion
- f. Discharge of Employment (Termination)

**2.5.25.1 Penalties for ancillary BWC, Uniform, or Improper Procedure violations not related to the original complaint:** If during the course of an IAS investigation any one ancillary Body Worn Camera, Uniform, or Improper Procedure violation is discovered that had no connection to the original complaint and no impact on the outcome of the investigation, the first such violation in a 12 month period will be addressed with Remedial Training RF #799, completed by the investigator; any subsequent violations will follow progressive discipline as outlined below: **(CALEA 26.1.4 b, c)**

2 <sup>nd</sup> Violation	Record of Formal Counseling
3 <sup>rd</sup> Violation	Letter of Reprimand
4 <sup>th</sup> Violation	10-hour forfeiture of hours
5 <sup>th</sup> Violation	Letter of Reprimand with 10-hour suspension
6 <sup>th</sup> Violation	Letter of Reprimand with 40-hour suspension
7 <sup>th</sup> Violation	Letter of Reprimand with 80-hour suspension
8 <sup>th</sup> Violation	Demotion and/or Discharge of Employment (Termination)

The above penalty schedule encompasses violations investigated by Internal Affairs ONLY and does not include penalties that may be imposed by the DRP.

The above penalty schedule shall not apply when Internal Affairs, during its investigation, SUSTAINS other policy violations in addition to any ancillary violations for Body Worn Camera, Uniform, or Improper Procedures.

**2.5.26 Issuance of Disciplinary Action Document:**

**2.5.26.1 "S" Case Complaints - Issuance of Disciplinary Action Document:** When an "S" case complaint is sustained, the supervisor-investigator shall adhere to the following procedures:

- a. Complete the disciplinary action document (i.e., Letter of Reprimand RF# 37, Record of Formal Counseling RF# 805, etc.).
- b. Upon review and approval by the IAS Case Manager, submit the disciplinary action document to the Disciplinary Detail for review.
- c. Upon review and approval of the Disciplinary Detail, submit the disciplinary action document to the principal's chain of command for review and approval.
- d. Upon review and approval of the principal's chain of command, obtain the signature of the principal on the disciplinary action document acknowledging the disciplinary action.
- e. Forward the completed case file, including a copy of the signed disciplinary action form, through channels to the IAS Commander.

**2.5.26.2 IAS Complaint Cases - Issuance of Disciplinary Action Document:** When an IAS administrative complaint is sustained, the IAS investigator shall adhere to the following procedures:

- a. Complete the disciplinary action form RF 2022-1, with specific violations in the narrative portion. DO NOT include the recommended penalty.
- b. Submit the disciplinary action form to the IIU Commander for review.
- c. Upon review and approval by the IIU Commander, submit the disciplinary action form on a word document to MPDLaborRelations@miami-police.org for review.
- d. Once reviewed by the Departmental Disciplinary Review Board (DDRB), the discipline will be reviewed by the Disciplinary Review Panel (DRP) who will determine the recommended penalty. The completed form with the recommendation will be e-mailed to the supervisor, who shall sign, date the form, and submit it through channels up to the Division Chief.
- e. The finalized form will then be returned to the supervisor to obtain the signature of the principal on the disciplinary action document acknowledging the disciplinary action.
- f. Forward the original disciplinary action form to the Disciplinary Detail for appropriate action.
- g. Forward the completed case file, including a copy of the signed disciplinary action form, through channels to the IAS Commander.

**2.5.27 Testing and Disclosure of Records:** Employees who are the subject of internal investigations may be compelled to submit to various physical tests or procedures to gather evidence. Costs associated with any such examination will be paid for by the Department. No such action shall be taken absent legal review as directed by the Chief of Police (or designee). **(CALEA 26.3.6 a)**

**2.5.27.1** For complaint investigations that may result in a criminal prosecution, physical tests shall be conducted pursuant to a court order. Principals that refuse to perform or participate in a court ordered physical test may be subject to a contempt of court sanction as well as agency discipline for failing to comply with the court order.

**2.5.27.2** For complaint investigations that may result in an administrative disciplinary proceeding, the principal may be ordered by the complaint case investigator, the appropriate supervisor or other designated Departmental authority, to perform or participate in a physical test. The order must be reasonable and relevant to the investigation at hand. Principals that refuse to perform or participate in a lawfully ordered physical test may be disciplined for their refusal to do so.

**2.5.27.3 Tests and procedures may include, but are not limited to (CALEA 26.3.6 a, b, c, d, e)**

- a. Breath sample
- b. Blood sample
- c. Urine specimens
- d. Field sobriety tests

- e. Other medical or laboratory examinations (being conducted)
- f. Hair and saliva samples
- g. Handwriting samples
- h. Requiring principal to speak/voice recordings
- i. Participation in a lineup
- j. Videotaping/Photographing principal
- k. Financial disclosure statement (when actions or financial records are material to the investigation being conducted)

**2.5.28 Relieved of Duty: (CALEA 26.1.5; 26.3.7)** During the course of an investigation of alleged misconduct, and/or whenever it is deemed necessary for the preservation of good order, efficiency or discipline, a commanding officer may relieve from duty, pending formal charges, any subordinate employee of the Department. Employees relieved of duty shall be carried either with pay or without pay in accordance with City APM 2-98.

**2.5.29 Domestic Violence Injunctions:** All City of Miami Police Department employees (sworn and civilian) who become subject of a temporary or permanent injunction, issued by any court (Divorce Court, Circuit Court, County Court, Juvenile Court, or another jurisdiction of the United States, etc.) must report to Internal Affairs and provide a copy of said injunction within twenty-four (24) hours of the service of the injunction.

**2.5.30 Employees Under the Influence of Alcohol or any Controlled Substance, Unlawful, Mind-Altering, or Non-Physician Prescribed Drugs:** When a reasonable suspicion exists that an employee appears to be under the influence of alcohol or any controlled substance, unlawful, mind altering, or non-physician prescribed drug, in accordance with the current collective bargaining agreements, the on-call Internal Affairs investigator will be contacted.

**2.5.30.1 Ordering Substance Abuse/Alcohol Testing:** An employee shall not be ordered to submit to testing without the approval of the employee's staff level officer, or the on-duty Staff Duty Officer, or the IAS Commander.

**2.5.30.1.1 Staff Notification:** Once the Internal Affairs investigator, establishes a reasonable basis to order substance abuse/alcohol testing, the IAS Commander, the employee's staff level officer, or the Staff Duty Officer will be notified. The staff member will make the determination as to whether reasonable belief exists to order the employee to submit to substance abuse/alcohol testing. Specific reasons to order reasonable belief testing include physical evidence of illicit substances, patterns of erratic or abnormal behavior, disorientation or confusion, and/or an inability to complete routine tasks.

**2.5.30.1.2 Direct Observation:** Before a staff member orders an employee to undergo testing for cause, direct observation of the employee by the staff member is required.

**2.5.30.1.3 Refusal to Comply:** A staff level officer will direct the employee to be tested for cause. In accordance with the current collective bargaining agreements. Refusal to comply with the order to submit to substance/alcohol screening will constitute grounds for termination.



## CODE OF ETHICS

### Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Principles
- 3.5 Public Employee's Loyalty Oath

**3.1 POLICY:** The proper operation of a democratic government requires that actions of public employees be impartial, that government decisions and policies be made in the proper channels of the governmental structure, that public office not be used for personal gain, and that the public have confidence in the integrity of its government. The purpose of this code is to establish ethical guidelines of conduct for all employees of the Miami Police Department. This code sets forth those acts or actions that are in the best interest of the City of Miami and its citizens. It is the policy of the Miami Police Department that all employees shall take and subscribe to an oath or affirmation of office administered by the Chief of Police or his designee upon appointment and before being assigned to any duties in the department.

**3.2 ORGANIZATION:** Every element of the (MPD) shall ensure that their employees adhere to the ethical guidelines set forth in this order.

**3.3 RESPONSIBILITIES:** A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by Statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace, and ensuring the rights of all to liberty, equality and justice.

**3.4 PRINCIPLES:** As employees of the City of Miami, we shall adopt and be guided by the following Code of Ethics.

**3.4.1 Performance of the Duties of an Employee:** Employees shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Employees will never allow personal feelings, animosities or friendship to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, employees will strive to obtain maximum cooperation from the public. Employees will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

**3.4.2 Discretion:** Employees will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the employee's determinations and the employee will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, training, and supervision, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest, which may be correct in appropriate circumstances, can be a more effective means of achieving a desired end.

**3.4.3 Use of Force:** A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is objectively reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

**3.4.4 Confidentiality:** Whatever an employee sees, hears or learns of, which is of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

**3.4.5 Integrity:** Employees will not engage in acts of corruption or bribery, nor will they condone such acts by employees.

The public demands that the integrity of employees be above reproach. Employees must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Employees will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the employee to refrain from performing official responsibilities honestly and within the law. Employees must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

**3.4.6 Professional Development:** Employees will be responsible for their own standard and professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, an employee can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of their responsibilities. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

**3.4.7 Private Life:** Police employees will behave in a manner that does not bring discredit to their agencies or themselves.

A police employee's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The employee's personal behavior must be beyond reproach.

**3.5 Public Employees' Loyalty Oath:**

**3.5.1** Chapter 876.05, Florida Statutes, mandates that public employees take and subscribe to the Public Employees Loyalty Oath prior to appointment and before undertaking the duties of office, and that, sworn employees shall execute the Oath of Office for Police Officers. The Loyalty Oath shall be sworn/affirmed and subscribed to by all Department employees.

**3.5.2** The Public Employees Loyalty Oath will be administered by the Miami Police Department's Personnel Resource Management Section. The original form will be forwarded to the Employee Relations Records Section. A copy will be placed in the employee's Personnel Unit file. **(CALEA 1.1.1)**

**3.5.3 Loyalty Oath (Civilian/Non- Sworn):**

I, the undersigned, being employed by or an officer of the City of Miami, Florida, and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States of America and of the State of Florida.

**3.5.4 Oath of Office (Sworn Employee):**

I do solemnly swear or affirm that I am entitled to hold the office to which I have been appointed and that I will support, protect and defend the Constitution and government of the United States of America and of the State of Florida against all enemies, domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same and that I will faithfully, without fear or favor, perform all the duties of the City of Miami on which I am about to enter.

**3.5.4.1** The Police Officer's Oath of Office shall be sworn and subscribed to by all police officers, and filed in the Department's official records prior to being assigned any law enforcement duties, and prior to the approval of any voucher for the payment of salary, expenses, or other compensation. **(CALEA 1.1.1)**

**3.5.4.2 Ethics Training (Sworn/Civilian):** All employees will receive ethics training at a minimum biennially. **(CALEA 1.1.2)**

**POLICE STANDARDS CERTIFICATION AND DECERTIFICATION**

Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures

**4.1 POLICY:** It is the policy of the Miami Police Department (MPD) to abide by police standards for certification and decertification, in accordance with Florida Statute §943.1395.

**4.2 ORGANIZATION:** The authority for certification and decertification emanates from the State of Florida and is administered by the Internal Affairs Section (IAS) and the Personnel Resource Management Section (PRMS).

**4.3 RESPONSIBILITIES:** It shall be the responsibility of the PRMS to ensure that newly sworn officers are State certified. The IAS will be responsible for advising the State of Florida Criminal Justice Standards and Training Commission (CJSTC) of all sworn police personnel separations.

**4.4 PROCEDURES:** The following procedures for certification, separation, and decertification shall be strictly adhered to:

**4.4.1 Certification:** The Recruitment and Selection Unit shall be responsible for the completion of the appropriate registration forms for certification.

**4.4.1.1 Registration Forms:** The appropriate registration forms specified and required by the CJSTC will be completed for all police applicants who have been selected to enter the training academy.

**4.4.1.2** The Recruitment and Selection Unit shall forward the forms with the application for certification to the Florida Department of Law Enforcement (FDLE).

**4.4.1.3** Applications do not have to be received by FDLE before training begins.

**4.4.1.4** The application is reviewed for certification after successful graduation from a State certified training academy.

**4.4.1.5** The certification process also applies to auxiliary officers.

**4.4.2 Separation and Decertification:** Prior to separation or decertification, the employee shall obtain the Clearance for Separation of Employment form (RF# 2017-1) from PRMS.

**4.4.2.1** The employee shall obtain all required signatures on the form, to include the signature of the IAS Commander (or designee), and return the completed form to PRMS RF# 2017-1.

**Departmental Order 2**  
**Chapter 4**

**4.4.2.2** The IAS shall complete the FDLE Affidavit of Separation (form CJSTC #61) indicating the reason for the separation via the Automated Training Management System (ATMS) website.

**4.4.2.1.1** When the condition of separation is one where the City is terminating the sworn police employee, the IAS shall provide written documentation of the internal or criminal investigation upon request from the CJSTC staff.

**4.4.3.1 Reinstatement of Sworn Employee:** Sworn police employees reinstated to full duty after termination as a result of the appeal process shall report to the Personnel Unit.

**4.4.3.1.1** The reinstatement process shall include, but is not limited to: Completing background and medical screenings, and completing all required administrative paperwork.

**4.4.3.1.2** To ensure compliance with FDLE training requirements and MPD organizational needs, before being assigned to active duty, sworn police employees cleared for reinstatement by the Personnel Unit, shall be temporarily reassigned to the TPDS.

**EARLY INTERVENTION-INCIDENT TRACKING SYSTEM (EI-ITS)**Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Procedures
- 5.4 Responsibilities
- 5.5 Incident Tracking System Files

**5.1 POLICY:** The City of Miami Police Department recognizes the importance of monitoring its members' job performance and addressing any performance indicators that may require intervention. The performance indicators include Complaints, Response to Resistance Reports, Reprimands, Discharge of Firearms, and Dog Bites. In recognizing and respecting the value and dignity of every person, law enforcement officers with the lawful authority to use force to protect the public welfare, must exercise reasonable constraints and good judgment. The Department recognizes that the nature of one's assignment must be taken into consideration during the review of incidents. The Early Intervention - Incident Tracking System (EI-ITS) is designed to identify, assist and monitor officers who meet the required threshold of performance indicators during the specified time period and bring about corrective action through structured supervisory review. The long-term objective of EI-ITS is to create a culture of accountability throughout the Department.

**5.2 ORGANIZATION:** The EI-ITS is mandated by the Chief of Police (COP) and is monitored by the Internal Affairs Section (IAS).

**5.3 PROCEDURES:** All supervisors are responsible for reviewing the Blue Team – Early Intervention Dashboard during their tour of duty. Supervisors shall review any new activity, identify any trends, patterns or specific concerns, and address the activity as required by taking the appropriate action. The EI-ITS Quarterly Memorandum shall be prepared by IAS and sent to the Division Chiefs of Police with copies sent to the COP. The EI-ITS Quarterly Memorandum contains sections 1 through 6. **(CALEA 35.1.9 a, b)**

**5.3.1 Section I - Complaint Cases.**

**5.3.1.1** A listing of all officers with two (2) or more complaints, received within a six (6) month period.

**5.3.2 Section II - Response to Resistance.**

**5.3.2.1** A listing of all officers involved as principals, in two (2) or more Response to Resistance incidents within a six (6) month period.

**5.3.3 Section III – Reprimands.**

**5.3.3.1** A list of all members (sworn and civilians) with two (2) or more reprimands within a twelve (12) month period.

**5.3.4** Section IV - Discharge of Firearms.

**5.3.4.1** A list of all officers with two (2) or more discharge of firearms within a twenty-four (24) months period.

**5.3.5** Section V Canine (K-9).

**5.3.5.1** A list of all officers with four (4) or more dog bites within a twelve (12) month period.

**5.3.6** Section VI – Overall.

**5.3.6.1** A list of all officers with three (3) of any combination (Incident Tracking System ITS I, II, III, IV, and V, “Substantiated”, or “Inconclusive”) within a six (6) month period.

**5.4 RESPONSIBILITIES:** It is the responsibility of section commanders receiving EI-ITS Quarterly reports for officers under their command to adhere to the following procedures:

**5.4.1** Review each incident noted on the EI-ITS Quarterly Report sent via Blue Team. IAS will provide supporting documents, when available.

**5.4.2** The section commander will ensure that the officer’s immediate supervisor conducts a complete review of all of the officer’s incidents listed on the EI-ITS Quarterly Report. The review will take into account any indicators, behavioral or procedural, that may have indirectly or directly affected the increase of incidences activating the ITS.

**(CALEA 35.1.9 d)**

**5.4.2.1** Special emphasis will be placed on preventive action in an effort to maximize operational efficiency and member proficiency. At the conclusion of the review, the member’s immediate supervisor will document in BlueTeam review details and corrective action recommendations, as necessary. Supervisors will follow the procedures starting at outlined 5.4.3.1 in this Departmental Order (DO).

**5.4.2.2** The section commander will review and approve the package and conduct a mandatory conference with the involved member and the member’s immediate supervisor. The results of the conference will be documented in BlueTeam as outlined in 5.4.3 below.

**5.4.3** The section commander will document in BlueTeam to the Commander of IAS outlining the results of the conference, stating specific action taken for each member appearing in any one of the six (6) sections of the Incident Tracking System Quarterly Report.

**5.4.3.1** The immediate supervisor’s written review will be provided in the following format:

**5.4.3.1.1** Brief explanation of specific issues discussed in the meeting and findings.

**5.4.3.1.2** Date of incident or reprimand.

**5.4.3.1.3** Time of incident, if applicable.

**5.4.3.1.4** Race and sex of member.

5.4.3.1.5 Race and sex of offender involved.

5.4.3.1.6 Synopsis of incident or reprimand.

5.4.3.1.7 Recommendation.

5.4.3.1.8 The recommendation shall focus on correcting the behavior of the listed member.

5.4.3.1.9 Recommendations may include, but need not be limited to, the following:  
(CALEA 35.1.9 e, f)

- a. Retraining
- b. Reassignment
- c. Transfer
- d. Referral to the Employee Assistance Program (EAP)
- e. Fitness for duty evaluation

5.4.3.1.10 When a review of the associated incidents did not reveal any patterns or require any action(s) and there are no concerns, the supervisor shall document that information in BlueTeam with no further action is needed.

5.4.4 This documentation will take into consideration the current assignment (i.e., administrative assignment versus an operational assignment) of the member.

5.4.5 The documentation prepared by the section commander, will be forwarded through channels. Each supervisor who reviews the package will indicate their agreement or disagreement with the recommendation. Whenever a disagreement is indicated, each supervisor will provide the recommendation they deem more appropriate.

5.4.5.1 In incidents where a member appears on an EI-ITS list but shows no new activity within a twelve (12) month period, the supervisor will only document that information in the required section with no further action.

**5.5 INCIDENT TRACKING SYSTEM FILES:** IAS will maintain complete EI-ITS files.

5.5.1 The ITS filing system will consist of the following:

- a. Master files for each type of EI-ITS Section (i.e., I, II, III, IV, V, & VI), which will contain the original EI-ITS Reports.
- b. Individual files of members appearing on EI-ITS Quarterly Reports, which will include previous EI-ITS reviews, or any other information deemed appropriate.
- c. At the discretion of the IAS Commander (or designee), completed profiles may be prepared on selected members and maintained in the EI-ITS files.



## SPECIAL INVESTIGATIONS SECTION

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** It is the policy of the Miami Police Department to gather accurate intelligence information involving organized crime activities, money laundering, illegal narcotics sales and smuggling, and terrorist activities. The intelligence information is then collected, evaluated, and analyzed prior to operational and tactical police planning and initiating a course of action.

**1.2 ORGANIZATION:** The Special Investigations Section is a Section within the Criminal Investigations Division. The Special Investigations Section has three units and seven details. The units are; The Intelligence and Terrorism Unit, the Narcotics Unit, and the Joint Interdiction Unit. The Intelligence and Terrorism Unit is comprised of; the Intelligence/Dignitary Protection Detail and the Intelligence Analyst Detail. The Narcotics Unit is comprised of three narcotics squads, Squad 1, Squad 2 and Squad 3. The Joint Interdiction Unit is comprised of the South Florida Joint Interdiction Detail and the International Currency Enforcement Detail.

**1.3 RESPONSIBILITIES:** The responsibilities of the Special Investigations Section are to conduct investigations into illegal narcotics activity, illicit transportation of U.S. currency and money laundering, activists, terrorists, and organized crime activity. The Section also has the responsibility of providing dignitary protection as directed by the Chief of Police.

**1.4 PROCEDURES:**

**1.4.1** To inform the Assistant Chief of the Criminal Investigations Division, internal units, and external agencies at the local, state, and federal level of information or events that would impact the City of Miami or its citizenry.

**1.4.2** Initiate investigations as specified in Departmental Order 3, Chapter 1, 2, 3, and 4, and as directed by the Chief of Police.

**1.4.3** Cooperate and/or coordinate information network with local, state, and federal agencies on local investigations, intelligence information gathering, dignitary protection, and technical support within the City of Miami or as otherwise directed by the Chief of Police.

## INTELLIGENCE AND TERRORISM UNIT

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibility
- 2.4 Procedures
- 2.5 Intelligence/Dignitary Protection Detail
- 2.6 Intelligence Analyst Detail

**2.1 POLICY:** The policy of the Miami Police Department is to provide accurate and complete information as can be compiled concerning terrorist activities, to provide protection for dignitaries upon approval, gather accurate intelligence information, and combine personnel resources with federal agencies on investigations occurring within the City of Miami, unless otherwise directed by the Chief of Police. This task is performed by the Intelligence and Terrorism Unit.

**2.2 ORGANIZATION:** The Intelligence and Terrorism Unit is a sub-element of the Special Investigations Section. The unit is comprised of the Organized Crime and Counter Terrorism Detail, Intelligence/Dignitary Protection Detail, Gun Squad Detail, Bomb Squad, Technical Assistance Detail, Intelligence Analyst Detail, and Criminal Gang Intelligence.

**2.3 RESPONSIBILITIES:** The Intelligence and Terrorism Unit is responsible for gathering and providing accurate information and conducting investigations on terrorists. The unit also provides dignitary protection to high profile individuals as directed by the Chief of Police. The unit gathers, evaluates, and analyzes intelligence information in order to effectively initiate investigations. The unit also coordinates and cooperates with local state and federal agencies on protracted investigations.

**2.4 PROCEDURES:** The procedures inherent to the different details, which comprise of the Intelligence and Terrorism Unit, are outlined in Sections 2.5 through 2.6 of this Chapter.

**2.5 Intelligence/Dignitary Protection Detail:** The Intelligence/Dignitary Protection Detail's responsibility is to gather information and to safeguard the protectee from harm and situations likely to endanger his or her person or liberty (i.e., murder, manslaughter, willful threats to kill, extortion, kidnapping and/or assault).

#### **2.5.1 Intelligence Procedures:**

**2.5.1.1** To gather intelligence on extremist groups or organizations.

**2.5.1.2** Monitor demonstrations for intelligence purposes.

**2.5.1.3** Attend organizational, individual, and inter-agency meetings to gather and disseminate intelligence information.

**2.5.1.4** Coordinate intelligence investigations with other law enforcement agencies, as needed.

**2.5.1.5** To develop sources of information, which may be of assistance in conducting these types of investigations.

**2.5.2 Dignitary Protection Procedures:**

**2.5.2.1** Provide protection to all dignitary details.

**2.5.2.2** To assist other state and federal organizations on protection details, as needed.

**2.5.2.3** To provide any technical assistance required on all protection details.

**2.5.2.4** Maintain liaison with the protectee's staff to ensure timely exchange of information re: scheduling, threat, unscheduled moves, etc.

**2.5.2.5** To know motorcade routes, all primary/secondary routes, and the routes of all area hospitals and safe havens.

**2.5.2.6** To maintain contact with local, state, and federal agencies and to exchange information of mutual concern.

**2.5.2.7** Prepare a case initiation report, for all details, upon their conclusion.

**2.5.2.8** To keep the Commanding Officer of the Intelligence and Terrorism Unit abreast of all details and investigations.

**2.5.2.9** The Intelligence/Dignitary Protection Detail operates Monday through Friday, primarily 0800 - 1800 hours. This schedule will vary as dictated by operational needs.

**2.5.2.10** Any member needing assistance from the Intelligence/Dignitary Protection Detail will request assistance by calling the Special Investigations Section during normal business hours. After-hours request should be made through Communications. Personnel assigned to the Intelligence/Dignitary Protection Detail are available 24 hours a day, seven days a week.

**2.6 Intelligence Analyst Detail:** The Intelligence Analyst Detail is responsible for gathering, evaluating, and analyzing intelligence information in order to effectively initiate investigations.

**2.6.1** Procedures:

**2.6.1.1** Collect, evaluate, collate, analyze, disseminate criminal intelligence information.

**2.6.1.2** Provide liaison with other intelligence units for the purpose of exchanging information through the Florida Intelligence Unit, the National Law Enforcement Intelligence Unit, Regional Organized Crime Information Center, the Florida Crime Information Center, and the South Florida Investigative Support Center.

**2.6.1.3** Maintain custody of records for investigative files and confidential informant files.

**2.6.1.4** Collect background information on crime figures and businesses connected with organized crime activities and networks.

**2.6.1.5** Attend meetings and conferences with other individuals, agencies and organizations for the purpose of gathering and disseminating information on organized crime activities and networks occurring within the City of Miami.

**2.6.1.6** Keep abreast of the various organized crime individuals and groups operating, financing, supervising, directing or participating in illegal operations while living, vacationing or meeting within the City of Miami.

**2.6.1.7** Gather information on subversive groups and identify their leaders and membership.

**2.6.1.8** Gather information to identify mid and upper-level criminal organizations and individuals involved in illegal gambling activities, prostitution activities, narcotics smuggling and trafficking, and illegal liquor activities.

**2.6.1.9** Develop sources of information which may be of assistance in conducting mid-level and major narcotics investigations.

**2.6.1.10** Provide analytical support to other units within the section and department upon request and when prudent.

**2.6.2 Gun Squad Detail:**

**2.6.2.1** The Gun Squad Detail provides a preliminary inspection of recovered firearms, shell casings, and live cartridges. These findings are then submitted for inclusion in the National Integrated Ballistic Information Network in order to trace the firearm to correlated crimes.

**2.6.2.2** The Gun Squad acts a liaison between the Department, Miami-Dade County Crime Lab, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives in related matters.

**2.6.3 Intelligence Information:** All departmental employees obtaining intelligence regarding criminal activity, or terrorist activity shall record the information and forward it to the Special Investigations Section.

## NARCOTICS UNIT

### Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures
- 3.5 Duty Hours and Overtime
- 3.6 On-Duty Dress Code
- 3.7 Drafts
- 3.8 Narcotics Unit
- 3.9 Vice Detail

**3.1 POLICY:** The policy of the Miami Police Department is to conduct investigations of persons and/or organizations involved in the sale, trafficking, and smuggling of illegal narcotics and vice related offenses.

**3.2 ORGANIZATION:** The Narcotics Unit is a sub-element of the Special Investigations Section, within the Criminal Investigations Division. The Unit is comprised of Squad #1, Squad #2, and Squad #3. The Narcotics Unit is commanded by a Police Lieutenant, who reports directly to the Commander of the Special Investigations Section. The Vice Detail is a component of the Narcotics Unit.

**3.3 RESPONSIBILITIES:** The Narcotics Unit is responsible for conducting mid-level and large-scale narcotics investigations. The Narcotics Unit is also capable of providing limited technical assistance in furtherance of official departmental investigations.

**3.4 PROCEDURES:** The procedures inherent to the Narcotics Unit Squads are outlined in Sections 3.5 through 3.8 of this chapter.

### **3.5 DUTY HOURS AND OVERTIME:**

**3.5.1** The duty hours of the Narcotics Unit Investigators will be flexible and dictated by the particular assignment or Investigations. Generally, the Narcotics Unit will have investigators on-duty from 1000-2000 hours, Tuesday through Friday.

**3.5.2** The duty hours of the Vice Detail Investigators will be flexible and dictated by particular assignment, or investigations. Generally, the Vice Detail will have investigators on duty from 1500-0100 hours, Wednesday through Saturday.

**3.5.3** Any request to work regular overtime must be cleared with the Narcotics Unit Commander.

**3.5.4** Overtime will only be granted when the investigator transferring will jeopardize the case.

**3.5.5** Any member needing assistance from the Narcotics Unit may request such assistance by calling the Special Investigations Section during normal business hours. After-hour's requests should be

routed through Communications, who will then notify the Unit Commander. Personnel assigned to the Narcotics Unit are available 24 hours a day, seven days a week. Any member who encounters kilogram quantities of narcotics should immediately notify the S.I.S. Narcotics Unit. All scenes should be preserved for processing and all persons involved held for questioning by investigators from the Narcotics Unit.

### **3.6 ON-DUTY DRESS CODE:**

**3.6.1** It is necessary that personnel disguise their appearance when working in this capacity. They are exempt from the dress code, using good judgment and approval of their supervisor.

**3.6.2** Sergeants and investigators assigned to the Narcotics Unit/Vice Detail will not walk through any public places within the department in any manner that would identify him or her as a police officer. All proper identification must be carried on the detective in a hidden manner from the naked eye of any other person. However I.D. must be ready to be produced upon request from a police officer when confronted.

**3.6.3** Sergeants and investigators assigned to the Narcotics Unit/Vice Detail must only use the rear elevators or the rear stairs that are accessible through the employees' entrance located by NW 2<sup>nd</sup> Avenue.

**3.6.4.** Sergeants and detectives assigned to the Narcotics Unit will not congregate in public, during their lunch or break times with other members of the department that are wearing uniform or other members that are easily identified as police officers by exposed weapons or police badges.

### **3.7 DRAFTS:**

**3.7.1** Sergeants and investigators assigned to the Narcotics Unit/Vice Detail at no time will wear a police uniform to work any off-duty job.

**3.7.2** Sergeants and investigators from the Special Investigations Section, (Narcotics Unit/Vice Detail) are exempt from any draft event where they would be required to wear a police uniform that will jeopardize their safety or the integrity of any active investigation.

**3.7.3** Sergeants and detectives assigned to the Narcotics Unit will only be authorized to work off-duty in an undercover capacity only wearing civilian attire and must be authorized by the commanding officer of the Narcotics Unit.

**Exception:** During a Departmental mobilization, in the event of an emergency, disturbance, hurricane etc., the Narcotics Unit sergeants and investigators will wear their police uniform. However, in all possibility he or she would be assigned to an assignment where the Department would not expose him or her in anyway to the public.

**3.8 NARCOTICS UNIT:** The three narcotics squads are responsible for conducting investigations of persons and/or organizations involved in illegal large-scale narcotics trafficking, smuggling and sales impacting upon the City of Miami.

**3.8.1** Any member who encounters kilograms quantities of narcotics should immediately notify the Narcotics Unit from the Special Investigations Section. All scenes should be preserved for processing and all persons involved held for questioning by a detective from the Narcotics Unit.

**3.8.2** Gather accurate Intelligence information involving organized crime activities of illegal mid-level narcotics sales, trafficking and smuggling. The information is then collected, evaluated and analyzed to conduct long-term investigations.

**3.8.3** Cooperate, investigate and/or coordinate with local, state and federal agencies with investigations that impact the City of Miami.

**3.8.4** Cooperate and assist local, state, and federal agencies in the investigations and prosecution of persons and organizations involved in utilizing residents and or properties for the purpose of cultivating marijuana in Miami-Dade County Florida that can have a substantial impact on the City of Miami.

**3.9 Vice Detail:** The Vice Detail is responsible for conducting prostitution, reverse, sting operations, investigations of street prostitution, escort services, and massage parlors. The detail will also investigate other prostitution related crimes that are sensitive in nature.

**3.9.1** Conducting prostitution and vice operations including but not limited to:

- a) Prostitution Reverse Operations
- b) Prostitution Sting Operations
- c) Surveillance Based Takedown Operations
- d) Vice Related Offenses Operations

**3.9.2** Investigate complaints from the community concerning mid and upper level prostitution activities.

**3.9.3** Gather information and identify mid and upper level criminal organizations and individuals involved in prostitution activities.

**3.9.4** Coordinate investigations with other law enforcement agencies.

**3.9.5** Establish and maintain liaison with other law enforcement agencies.

**3.9.6** Develop investigative techniques and resources necessary for the accomplishment of all the criminal investigations which are conducted by the Vice Detail.

**3.9.7** Prepare cases for criminal prosecution and present the same to the State Attorney's Office, or the United States Attorney's Office.

**3.9.8** Develop sources of information which may be of assistance in conducting mid-level and major narcotics investigations.

## CRIMINAL GANG INTELLIGENCE UNIT

### Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibility
- 5.4 Procedures

**5.1 POLICY:** The policy of the Miami Police Department (MPD) is to conduct investigations and gather intelligence of persons and/or organizations engaging in gang activities.

**5.2 ORGANIZATION:** The Criminal Gang Intelligence Unit is a sub-element of the Special Investigations Section (S.I.S.), within the Criminal Investigations Division. The Unit is comprised of two Squads (Squad #1 & Squad #2). The Criminal Gang Intelligence Unit is commanded by a Police Lieutenant, who reports directly to the Commander of the Special Investigations Section.

**5.3 RESPONSIBILITIES:** The Criminal Gang Intelligence Unit monitors gang activities with the intention of preventing gang related crime(s). It investigates and assists with the investigation of criminal offenses that are committed, or suspected of being committed, by gang members. The unit supplements other investigative units within the department, as well as other local, state, and federal law enforcement agencies, with information concerning gang activities and known gang members.

**5.4 PROCEDURES:** The procedures inherent to the Criminal Gang Intelligence Unit are outlined in this section.

**5.4.1** Any member needing assistance from the Criminal Gang Intelligence Unit may request such assistance by calling S.I.S. during normal business hours. After-hour's requests should be routed through Communications, who will then notify the Unit Commander. Personnel assigned to the Criminal Gang Intelligence Unit are available 24 hours a day, seven days a week. Any member who encounters any gang member(s) and/or suspected gang member(s) involved in criminal activity should immediately notify the S.I.S. Criminal Gang Intelligence Unit. All scenes should be preserved for processing and all persons involved held for questioning by investigators from the Criminal Gang Intelligence Unit.

**5.4.2** A Criminal Gang Intelligence Unit Investigator shall be requested on all felony cases involving gang members, where the offense is also gang related or suspected of being gang related. A Criminal Gang Intelligence Unit Investigator will be on 24-hour call and can be contacted through Communications.

**5.4.3** The Criminal Gang Intelligence Unit is responsible for monitoring social media to gather information and intelligence of gang member(s) and organizations.



**5.4.4** The Criminal Gang Intelligence Unit will:

**5.4.4.1** Conduct short and long-term covert investigations with local, state, and federal agencies on known gangs and gang members that impact the City of Miami.

**5.4.4.2** Gather accurate Intelligence information involving organized crime activities and gang member(s). The information is then collected, evaluated and analyzed to conduct long-term investigations.

**5.4.4.3** Cooperate and assist local, state, and federal agencies in the investigations and prosecution of persons and organizations involved in known criminal gang activities in Miami-Dade County Florida that can have a substantial impact on the City of Miami.

**5.4.4.4** Investigate complaints from the community concerning gang activities.

**5.4.4.5** Gather information and identify known and suspected gang members. Document known Gang members F.S.S. 874 and enter them into Gang Information Clearinghouse.

**5.4.4.6** Assist the Criminal Investigations Division with any felony case(s) that involves known or suspected gang(s) or gang member(s).

**5.4.4.7** Develop sources of information which may be of assistance in conducting gang related investigations.

**5.4.4.8** Develop investigative techniques and resources necessary for the accomplishment of all the criminal investigations which are conducted by the Criminal Gang Intelligence Unit.

**5.4.4.9** Coordinate investigations with other law enforcement agencies.

**5.4.4.10** Establish and maintain liaison with other law enforcement agencies.

**5.4.4.11** Prepare cases for criminal prosecution and present the same to the State Attorney's Office, or the United States Attorney's Office.

## JOINT INTERDICTION UNIT

### Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibility
- 4.4 Procedures
- 4.5 Joint Interdiction Unit

**4.1 POLICY:** The policy of the Miami Police Department (MPD) is to conduct investigations of persons and/or organizations involved in all forms of money laundering and/or narcotics related activities and to target in/out bound passengers and cargo in attempts to uncover illicit transportation of US currency and contraband.

**4.2 ORGANIZATION:** The Joint Interdiction Unit (JIU) is a part of the South Florida Money Laundering Strike Force (SFMLSF).

**4.3 RESPONSIBILITIES:** The JIU is responsible for conducting short and long-term money laundering and/or narcotics investigations and conducting investigations relating to the illicit transportation of US currency.

**4.4 PROCEDURES:** The JIU operates Monday through Friday, 0800-1600 hours. This schedule will vary as dictated by operational needs.

**4.4.1** The JIU conducts investigations in an effort to identify individuals, groups and/or companies that facilitate the illicit smuggling of US currency and contraband.

**4.4.2** The goals of the JIU are to arrest those involved, seize their assets, disrupt their operations, remove key parts of their networks, and prosecute successfully at the State and federal levels for money laundering and narcotics related crimes.

**4.5 JOINT INTERDICTION UNIT:** The JIU is responsible for conducting short and long-term covert money laundering and/or narcotics investigations with federal, State, and local agencies.

**4.5.1** The investigations shall focus on covert operations initiated by the SFMLSF.

**4.5.2** All investigations, which result in currency and/or property seizures, will be subject to the existing agreement between the participating agencies and the SFMLSF.

## TELEPHONE COMMUNICATIONS

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** It is the policy of the Miami Police Department to respond to telephone calls in an effective professional and courteous manner conducive to the public image required for our Department.

**1.2 ORGANIZATION:** All elements of the Department are responsible for proper telephone techniques.

**1.3 RESPONSIBILITIES:** All employees will make every attempt to answer the telephone as soon as possible.

### **1.4 PROCEDURES:**

**1.4.1 Identification:** All personnel initially answering a telephone call will answer the telephone by identifying their section, detail, or unit and their name.

Example: Patrol Central (not Patrol), Miss Jones, Sergeant Smith, Officer Brown, etc., May I help you?

To answer a call initially answered by another departmental employee but transferred to you, either by local or the transfer procedure described in 1.4.2 below, a rank designation and your name are sufficient.

**1.4.2 Transferring a Call:** When it is necessary to transfer a caller to another number, explain tactfully the reason for the transfer and supply the caller with the correct number, in case the caller is disconnected accidentally. The proper procedure for transferring a call is as follows:

**1.4.2.1** Advise the caller that you are transferring them to another number and supply the caller with the correct number.

**1.4.2.2** When the station answers, announce that you are transferring a call, wait until you hear conversation, and then gently hang up.

**1.4.2.3** Telephone numbers may be obtained from the City of Miami and Miami Dade County Departmental Telephone Listing, the xT911 Phone System preprogrammed contacts or the resource books located on each workstation and on Support Position in the Communications Unit.

**1.4.3 Messages:** When answering the telephone, there should be a message pad and a pencil readily available. Messages, if any, should be written down promptly. Repeat the information noted to the caller to be certain that it is correct. If the telephone number is given be sure to ask the caller for their area code.

**1.4.4 Courtesy:** Courtesy is contagious. Members will extend acceptable telephone courtesy to all callers.

**1.4.5 Initiating a Call:** Check to be sure you have the correct telephone number. Speak in a clear and distinct manner using a pleasant voice (The person receiving the call is making a mental picture of you). Give your name and the nature of your call to whomever answers. Have available any information or correspondence you may wish to discuss to avoid unnecessary delays. Be courteous as you are a representative of the City of Miami Police Department. When placing a telephone call, members shall extend generally accepted telephone courtesies to any person called.

**1.4.6 Long Distance Telephone Calls:** Members are responsible for all long distance calls made or accepted by them. Members who have been issued a long distance code are required to review their long distance calls monthly via the Long Distance Billing Verification (LDB) System. The LDB can be accessed on the Miami Police Intranet home page through the "Long Distance Billing" link. In the Long Distance Billing Report page, members will review their current billing cycle and any other cycle that has not been reviewed. They will indicate whether the call is "Business" or "Personal" related and then note the description of the call. Long distance personal call charges must be remitted to the City and payment shall be processed by the Business Management Section.

**1.4.6.1** The Business Management Section departmental liaison is responsible for monitoring long distance call charges via the online Long Distance Billing (LDB) Verification System to ensure employees are reviewing their monthly calls. E-mail notification will be generated by the departmental liaison to the Section Commander of employees who fail to review their monthly long distance calls. A link to a guide to the Long Distance Billing Verification System and FAQs can be found on the LDB access page.

**1.4.6.2 Toll Restricted Numbers:** These are numbers/phones that have been specifically excluded from use for long distance phone calls. Any call using these services must be placed through the Communications Support Position.

**1.4.6.3 Permission.** Permission for an employee to obtain a long distance code shall be made through channels by the employee's commanding officer to the Business Management Section.

**1.4.6.4 Incoming Long Distance Telephone Calls:** Incoming long distance calls requesting a specific person or officer are directly connected with that person or office. Members will not accept long distance collect telephone calls unless approved by a commanding officer or above.

**1.4.6.5 Personnel Accepting Official Long Distance Calls at Home:** All personnel who reside outside Dade County will be required to accept charges on long distance telephone calls from the Miami Police Department regarding official business.

**1.4.7 Procedures for Obtaining Recordings:** Digital recordings of 911 calls and police radio communications are of utmost importance in departmental investigations, civil and criminal court trials and for training purposes.

**1.4.7.1** Digital recordings are retained for a period of four (4) years from the date of recording.

**1.4.7.2** All 911 and non-emergency lines, as well as workstation and Bridge telephones in the Communications Unit are recorded.

**1.4.7.3** All main dispatch channels, tactical channels, specialized unit channels (with the exception of the intelligence unit and IA channels), special events channels and intercity are recorded.

**1.4.7.4** Any recorded phone line other than 911 must clearly announce to the party calling or being called that the line is recorded. A beep tone is not sufficient. The only other exception is a line being used to conduct a criminal investigation wherein one party, a law enforcement officer or agent thereof, is aware that the line is recorded.

**1.4.7.5** Other radio channels and telephone lines may be considered for recording at the request of the unit commander involved. Requests to add or delete lines on the recorder shall be directed to the Supervisor of the Communications Technical Support Unit.

**1.4.7.6** Requests for digital recordings to be kept past the retention period must be accompanied by a signed and notarized Court Order to Preserve Electronic Recordings. Requests should be made within 30 days to ensure compliance. These recordings will be locked in a secure place.

Radio transmissions and telephone conversations are public records unless they are exempt pursuant to Florida Statutes.

**1.4.7.7 Requests for Digital Recordings:** Anyone not a member of a law enforcement agency shall submit a Public Records request to the Communications Records Custodian. The person, agency, or business requesting the digital recordings will be charged for the man hours and cost of materials required to complete the request.

**1.4.7.8** Members of the Miami Police Department requesting to obtain a copy of a communications digital recordings must submit a "Communications Unit Digital Recording Request Form" (MPD RF#773 Rev TBA). This form must have the approval of the member's commanding officer.

**1.4.7.9** Members from outside law enforcement agencies requesting to review or have copied a digital recording must submit a request on their agency's letterhead to the Communications Records Custodian.

**1.4.8 Requests for Telephone Changes:** Any unit within the Police Department requiring any change in its telephone service will request the change via an online work order to the Supervisor of the Communications Technical Support Unit. The requesting unit shall advise the Communications Technical Support Unit when the work has been completed. The movement or repair of telephones by personnel other than the Communications Technical Support Unit personnel is prohibited.

**1.4.9 Requests for Telephone Repairs:** Requests for telephone repairs or any questions or unusual problems will be made by the affected unit directly to the Communications Technical Support Unit.

## RADIO COMMUNICATIONS

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures
- 2.5 Permanently Assigned Radios

**2.1 POLICY:** It is the policy of the Miami Police Department to provide the highest level of professional and courteous radio communications, complying with all Federal Communications Commission (FCC) Rules and Regulations and Commission on Accreditation for Law Enforcement (CALEA) standards.

**2.2 ORGANIZATION:** Radio communications is a 24-hour, seven-day-a-week function of Communications.

**2.3 RESPONSIBILITIES:** Dispatchers and units will utilize available radio time wisely. Messages will be short and concise, and every effort will be made not to interrupt other transmissions.

**2.4 PROCEDURES:** It is prohibited for unauthorized persons to have access to, or possession of, police radio equipment, including portable or vehicle mounted radios. It is further prohibited for any person to gain access to a radio, or any sub-fleet or to intercept transmissions that they would not otherwise have access to, (i.e., K9, Marine Patrol, SIS, IAS that a user may not have on their radios), without proper authorization from the Communications Technical Support Unit (CTSU). The police radio and Mobile Data Computer (MDC) system shall be used only for essential police business. Units shall not utilize the radio or MDC for personal matters such as, arranging for extra duty detail coverage, errands, etc. **(CALEA 81.2.4 a)**

**2.4.1** Dispatchers and units shall be responsible for all information that is broadcast on their assigned channel.

**2.4.2** Units shall raise the station before attempting to relay any message over the air, except as follows:

**2.4.2.1** Any unit checking out of service (self-dispatch) on **any** signal, will broadcast the unit number and signal requested **only**. The dispatcher will then acknowledge the unit's transmission, repeating the signal and time. The unit will then proceed with the location and other information required to complete the transmission. The dispatcher will then clear the air by stating, "QSL, Miami" and the time of the transmission. **(CALEA 81.2.4 b)**

**2.4.3** Full unit numbers will be used by all police personnel when transmitting over the radio, at all times. **(CALEA 81.2.4 c)**

**2.4.4** Units shall give the location that they are responding from when acknowledging receipt of a dispatched call.

**2.4.5** Units will announce their arrival on a dispatched call for service and/or arrival on a call that they are not assigned to but are going by (i.e., 1211 arrival at 345 N.E. 60 St.), at all times.

**2.4.6** Units will notify the station of **all** changes of location while on any signal.

**2.4.7** Units shall utilize the telephone to report road hazards, malfunctioning lights, dead animals, etc., to the Communications Unit by contacting the Communications Unit Support Position. If a telephone is not available, units may inform the Information Channel dispatcher.

**2.4.8 Procedure for Transmitting Case Numbers:** A complete case number has twelve (12) numerical digits. For example, in incident number 140101-123456, 140101 is the date (January 1, 2014), and 123456 is the actual chronological case number. The dispatchers will always only provide the units with the chronological case number, unless a complete case number is specifically requested.

**2.4.8.1** Case numbers will only be given upon request.

**2.4.9 Emergency Information:** When reporting an emergency, units shall raise the station by announcing their unit number followed by the word, "Emergency" or "Priority". The station will clear the air for the emergency. Units unable to transmit, must depress the emergency button on the police radio.

**2.4.10 Holding the Air:** The legitimate reason for "Holding the Air" is to avoid having the dispatcher and/or other units transmit during a situation involving officer safety.

**2.4.10.1** The air will be held upon request of the responding unit.

**2.4.10.2** Upon recognition of a situation that is immediately hazardous to the unit's safety, the unit shall raise the dispatcher and advise "QAH" (Quiet Air Hold).

**2.4.10.3** A dispatcher may initiate a "QAH" in cases where a hazardous situation exists, such as units arriving on robberies in progress, etc.

**2.4.10.4** On certain calls involving a high probability of a hazard (robbery in progress, shots fired), the responding unit may elect to hold the air by announcing his imminent arrival along with "QAH."

**2.4.10.5** When requested to "Hold the Air" (QAH), the dispatcher will respond by announcing "Units QAH", to signify that the air is being held for an emergency situation involving officer safety, and providing the address and reference.

**2.4.10.6** During the duration of a "QAH" situation, any unit not involved in the emergency who raises the station will be advised by the dispatcher to "QAH." This will signify that a situation exists requiring that the air be held.



**2.4.10.7** A unit involved in the "QAH" situation may request permission to transmit by raising the dispatcher with their unit number and the term "**reference**". An example is "1211 reference." This signifies that the unit has information pertinent to the situation. The dispatcher will then acknowledge the unit and permit his transmission. Units involved in "QAH" situations should be cognizant of the fact that other units also involved may be trying to transmit. Discretion must be utilized prior to using the term "reference," and transmissions should be brief.

**2.4.10.8** Units are to authorize the dispatcher to "Clear the Air" as soon as the emergency involving officer safety is over. This will be accomplished by announcing "Clear QAH." The dispatcher will respond to the unit's "Clear QAH" by announcing "Miami is now Clear" and the time. At this time, routine transmissions may resume.

**2.4.10.9** A unit that becomes involved in a situation requiring the air to be held may initiate the procedure by raising the station, taking the proper signal, and advising "QAH." An example would be:

**"1211 a 38, checking a man with a gun at N.E. 2 Avenue and 71 Street, QAH."**

**2.4.10.10** Units are urged to restrict the use of "QAH" to situations that involve a recognizable hazard, as the unnecessary holding of the air creates a hazard for others.

**2.4.11 Dispatcher Computer Updating/Standby or Computer Downtimes:**  
Dispatchers must update their computers following periods of heavy radio traffic.

**2.4.11.1** The frequency and duration of update periods will be kept to a minimum. During such updates the dispatcher will announce "Units QRX reference computer update." It is understood that an emergency will supersede a computer update.

**2.4.11.2** Any unit raising the station during the computer update period will be acknowledged by the dispatcher with "QSM your emergency". If there is no emergency, the unit will be advised to "QRX."

**2.4.11.3** Units wishing to transmit non-emergencies should wait ten (10) seconds if they are unaware whether a QRX is in effect. If no other transmission is heard, the unit may then raise the station.

**2.4.12** The 800 Mhz System has expanded the Miami Police Department's channel capacity. The channels are as follows:

1. Dispatch 1 - Model City, Little Haiti, Upper Eastside
2. TAC - 1
3. Dispatch 3 - Wynwood, Overtown, Downtown, Allapattah
4. TAC - 3
5. Dispatch 5 - Little Havana, Flagami
6. TAC - 5
7. Dispatch 7 - Coral Way, Coconut Grove, Brickell Roads
8. TAC - 7

9. Dispatch 9
10. TAC - 9
11. Dispatch 11
12. TAC - 11
13. Records Check
14. Special Events 1
15. Special Events 2
16. Dynamic

**2.4.13** The Command Channel, located on Zone 2, Channel 6, can be utilized to coordinate joint Police/Fire response at any scene. The following is an outline of the actual procedures to follow in such an instance. **(CALEA 81.3.4)**

**2.4.13.1** When the need arises for a unit to contact the Miami Fire Department, the unit will do the following:

**2.4.13.1.1** The unit shall advise on the main dispatch Channel that he needs to have direct radio contact with Miami Fire Department.

**2.4.13.1.2** The dispatcher will then advise the Complaint Sergeant to have Miami Fire Department contact the unit on the Command Channel. Miami Fire Department can locate the Command Channel on their radios under Zone 7 Channel 1.

**2.4.13.1.3** Once the Miami Fire Department is on the Command Channel, the Complaint Sergeant will advise the dispatcher to inform the field unit to then QSY (change channels) to Zone 2 Channel 6, so that he can raise the Miami Fire Department and relate the information.

**2.4.13.1.4** All requests for fire apparatus will be made on the main dispatch channels.

**2.4.14 Special Requests for Personnel by Name:** Requests for personnel by name **will not** be made by radio. In instances where an officer is a victim, reference **will not** be made to the officer by name.

**2.4.15 Requests for Supervisor:** A unit in need of supervisory assistance shall ask for a supervisor on the main dispatch channel. If the supervisor desires any further information relative to the request, such discussion shall take place on a TAC Channel. Communications personnel will not make supervisory or operational decisions for field units. Questions or problems related to a field situation shall be directed to a field supervisor.

**2.4.15.1** Supervisors requesting status checks of units riding in their service area will be made on the command channel.

**2.4.16 Requests for Emergency Units:**

**2.4.16.1** When requesting additional units on an emergency basis, such shall be stated. **Expedite** requests shall **not** be transmitted.

**2.4.16.2** When requesting City of Miami Fire Rescue, a reference must be given, i.e., heart attack, seizure, bleeding, etc. "Sick person" is not sufficient as a reference. Additionally, the Fire Department needs to know the approximate age of the person, if they are conscious and if they are breathing. When City of Miami Fire Rescue is requested, it will be the responsibility of City of Miami Fire Rescue personnel to handle all ambulance transportation. Police units shall remain on the scene until City of Miami Fire Rescue clears in all incidents where the injury was caused by criminal activity or where the area requested requires police protection for City of Miami Fire Department personnel. City of Miami Fire Rescue shall also be advised of any changes in the condition of the patient.

**2.4.17 BOLO Messages:** In order for units to be properly apprised of pertinent information, "Be On The Lookout" (BOLO) messages are commonly used on stolen vehicles, hit and run vehicles, robbery suspects, etc. Units shall not enter into lengthy transmissions of BOLO's without first ascertaining that the dispatch channel is clear for such information. BOLO's are entered in the computerized file by the dispatcher and referenced by person, article, or vehicle.

**2.4.18 Information Checks by Telephone:** Requests for information checks received by telephone will be referred to the CIS 24 Hour Desk.

**2.4.19 Information Checks by Radio:** The Information Channel is a direct line of communication between the units and the dispatcher of the Information Channel. It is used to check vehicles, persons, and serial numbered articles. All checks are routinely run through Division of Criminal Justice Information Services (DCJIS) (Miami-Dade County), Florida Crime Information Center (FCIC), and National Crime Information Center (NCIC).

**2.4.19.1** The unit will advise of their location and stay on the Information Channel until the information is provided. If the information is going to be delayed, the dispatcher shall advise the requesting unit, who will return to their main dispatch channel. The delayed information will be transmitted when available.

**2.4.19.2** All complete checks will be run on the Information Channel. "Rolling QRU's" will be done on the main dispatch channel. The main dispatch channel dispatchers will have the authority to deny running a "rolling QRU" if the operator believes that doing so would interfere with their work and will advise the unit to QSY to the Information Channel. A QRU check on tags is automatically ran on the main dispatch channel and disseminated to the unit whenever a Signal 19 (Stopping car) is taken.

**2.4.19.3** If "wanted" information is revealed, the dispatcher will advise the requesting unit of a "Signal 40" (Subject possible wanted) and confirm they are QRU. The "Hit" information will be read to the unit only after it is confirmed the unit is QRU. Units will advise the dispatcher if the wanted information is a valid or non-valid hit **prior** to returning to in-service status.

**2.4.20 Procedure for Changing Radio Status:** It shall be the responsibility of CTSU and General Service Administration (GSA) to change the status of a radio by re-grouping, inhibiting, or clearing the radio.

**2.4.20.1 Definition of Terms.** The following is a definition of the terms used above.

**2.4.20.1.1 Re-group:** A computer command allowing a police radio to receive and transmit on a specific dynamic channel (i.e., SWAT, CIS, Task Force, etc.). When a radio is re-grouped, the dynamic channel will be Zone 1 Channel 16 on the police radio.

**2.4.20.1.2 Inhibit:** A computer command that will not allow a radio to transmit on, or receive, any channel.

**2.4.20.1.3 Clear:** A computer command which allows an inhibited radio to transmit and receive.

**2.4.20.2 Access to Dynamic Channels.** A radio will be regrouped **only** at the request of the commanding officer or supervisor in charge of the situation necessitating the regrouping of radios (i.e., perimeter, Special Weapons and Tactics (SWAT operation, etc.). The request may be verbal if the radio is needed for the situation. If the radio is needed for an indefinite period of time, or longer than a tour of duty, the verbal request will be followed by a written request within 24 hours or the next regular working day from the commanding officer of the section dedicated to the dynamic channel that the radio will be regrouped to.

**2.4.20.2.1 Exceptions:** The exception will be Special Investigations Section (SIS), Internal Affairs Section (IAS) or any other section, as directed by the Chief of Police. Radios will not be regrouped to any of these channels without the approval of the concerned section commander. **Persons who attempt to gain radio access for the above described specialized units, will be reported, in writing, to the concerned division or section commander.**

**2.4.20.3** When it is no longer necessary that a radio be regrouped to a dynamic channel, the commanding officer or supervisor of the incident or section will notify CTSU of their radio and unit number to ensure that the correct radio is cancelled from the regroup channel.

**2.4.20.4** Once a radio has been inhibited, it will only be cleared at the request of a commanding officer (lieutenant or above). A radio from another City department will be cleared after a supervisor from that City department has been contacted. When the commanding officer approves the clearing of the radio, the approval will be followed up in writing within 24 hours. Radios inhibited by Miami Fire Communications will be cleared only after the Commander of Fire Communications has been contacted.

**2.4.21 Radio Call Information:** Communications will maintain a current list of Call Number Assignments. Changes in assignments will be published in the Official Bulletin, as they occur.

**2.4.22 Mobile Data Computers (MDC) Transmissions:** Transmissions made on MDC's are captured electronically. The transmissions are retained by the Information Technology Support Section (ITSS).

**2.4.22.1** Requests to view MDC messages must be made by completing the Digital Recording Request form (MPD RF# 773 Rev TBA) used by Communications to request copies of phone or radio conversations.

**2.5 PERMANENTLY ASSIGNED RADIOS:** All sworn personnel will be issued a portable radio and radio charger by CTSU.

**2.5.1** If a radio malfunctions or otherwise needs replacement, it will be exchanged at the Property Unit. A Permanent Radio Exchange form (MPD RF# 2016-4) must be completed. The new radio will become the units permanent radio.

**2.5.1.1** Radios with special programming will be replaced by CTSU when the need arises.

**2.5.1.2** Radio chargers and other items needing repair shall be turned in to CTSU.

**2.5.1.3** Units are prohibited from contacting the City radio shop for repairs on radio equipment with the exception of those items permanently mounted in a vehicle.

**2.5.1.4** Units are prohibited from repairing, tampering with or having outside repairs made on radio equipment. CTSU will facilitate all repairs and modifications to radio equipment necessary to meet Departmental needs.

**2.5.2** Units shall monitor their radios at all times while on duty unless the situation requires otherwise.

**2.5.2.1** While en route to and from work units shall monitor the appropriate dispatch channel coinciding with their location on their radios at all times while within city boundaries.

**2.5.2.2** Units shall utilize the Information Channel to report situations such as accidents outside City limits. Whenever possible alternative methods, such as direct telephone reporting to the appropriate agency, should be utilized.

**2.5.3** All sworn personnel will be assigned a permanent off duty unit number by CTSU.

**2.5.3.1** This unit number will be revised in case of a change of rank.

**2.5.3.2** The off duty unit number shall be used when utilizing the radio at all times except when in an on-duty status.

**2.5.3.3** Units are prohibited from using unit numbers not assigned to them.

**2.5.4** Units assigned to extra duty details shall check out of service using a signal 46 and use their off-duty unit number.

**2.5.4.1** The signal shall be taken on the radio channel appropriate for the job location.

**2.5.4.2** Units shall monitor the radio while working extra duty details unless the situation requires otherwise. If the radio cannot be monitored, the dispatcher shall be advised of that when taking the signal.

**2.5.4.3** On completion of the extra duty detail, units shall check in service and take a Signal 06 (Transfer) with their off-duty unit numbers.

**2.5.4.4** Major events as designated by the Special Events Unit, are exempt from this requirement.

**2.5.5** Employees are responsible for the care and protection of all radio equipment. The radio shall be given the same degree of care as their duty weapon.

**2.5.5.1** Radios shall not be stored in vehicles while off duty at home.

**2.5.5.2** Radios shall not be left in the interior of unattended vehicles.

**2.5.5.2.1** In situations where a radio must be left in a specialized vehicle such as a van or truck, every effort will be made to conceal it.

**2.5.5.3** Units shall maintain custody and control of their radio equipment at all times. Radios shall not be loaned to non-departmental personnel.

**2.5.6** All lost or stolen radios shall be immediately reported to CTSU. If the radio is lost or stolen after business hours, the Communications Bridge shall be notified. The Bridge personnel will forward the information to CTSU via telephone or email.

**2.5.6.1** A Lost/Damaged Equipment form (PD/AD 201) will be completed. A copy shall be delivered to CTSU prior to the end of the employee's tour of duty. If the loss occurs while off duty, the report shall be completed and submitted immediately upon returning to duty.

**2.5.6.2** All missing radios will be inhibited by CTSU.

**2.5.6.3** The unit's supervisor shall review the circumstances of the loss to determine if it resulted from the unit's negligence.

**2.5.6.3.1** In incidents where a radio is lost due to the unit's negligence, the unit shall be responsible for reimbursing the cost of the radio in accordance with the current reimbursement schedule of the Budget Unit.

## 24 HOUR INCIDENT LOG

### Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** The Chief of Police and his staff must be continually aware of incidents of major importance occurring within the jurisdiction of the Miami Police Department. Accurate information concerning major crimes, matters in which there is a likelihood of civil litigation against the City of Miami, and unusual occurrences which might be the subject of inquiries from the press, public, or City officials must be transmitted to the chief daily.

**3.2 ORGANIZATION:** The 24-Hour Incident Log is a function of Communications.

**3.3 RESPONSIBILITIES:** Each shift of Communications is responsible for generating a log depicting those incidents occurring during their work hours that are of interest to the Chief of Police and his staff. The original log will be maintained by Communications, subject to review of Staff/Command personnel. The 24-Hour Incident Log can be accessed through the Miami Police Department Intranet.

### **3.4 PROCEDURES:**

**3.4.1 24-Hour Incident Log Form and Content:** Incidents of major importance shall be recorded on the 24-Hour Incident Log (R.F. #56). The form will contain the following information in the indicated spaces:

**3.4.1.1** The date of the log and the hours encompassed.

**3.4.1.2** The date and time of each entry.

**3.4.1.3** Departmental personnel involved in the incident listed by unit numbers.

**3.4.1.4** The type of incident and incident number.

**3.4.1.5** The address or location of the incident.

**3.4.1.6** A concise summary of the incident, using common abbreviations where possible.

**3.4.1.6.1** The summary should include persons or agencies notified, e.g., Staff Duty Officer, Legal Investigator, Metro Bomb Squad, and the city car number of any city vehicles damaged or involved in accidents.

**3.4.1.6.2** The narrative **should not** contain descriptions of suspects, names of police officers, names of victims or offenders, bizarre or sensational details of crimes or accidents, or any sensitive information or allegations that would jeopardize a criminal or administrative investigation. In the latter case, the only notation on the log should be "**SPECIAL INFORMATION**" and the summary should only indicate the persons notified, e.g. Staff Duty Officer, Internal Affairs.

**3.4.2 Preparation of 24-Hour Incident Log:** The Communications shift supervisor or his designee is responsible for making entries into the 24-Hour Incident Log of all major incidents occurring during their shift. He shall ensure that reasonable measures are taken to make such preparation complete. The person making an entry into the log shall place his initials at the end of the summary.

**3.4.3 Responsibility for Contribution of Information:** Communications is responsible for preparation of the 24-Hour Incident Log from the information that is available to Communications personnel. It shall be the responsibility of those units or persons involved in or having information about major incidents to relay such information to Communications for entry in the log.

**3.4.3.1** Communications Emergency Dispatch Assistants and Emergency Dispatchers shall advise a bridge supervisor of incidents or information that require a log entry.

**3.4.3.2** Field units dispatched to the scene of major or unusual incidents shall contact Communications with any additional information, especially when there is a change of status from the originally dispatched call.

**3.4.3.3** Field units coming upon or becoming aware of major or unusual occurrences shall transmit such information as is necessary for inclusion in the 24-hour log to Communications.

**3.4.3.4** Field supervisors shall be responsible for notifying Communications with information of occurrences within the City of Miami's jurisdiction, e.g. traffic jams, flooding, power failures, area searches, disasters, etc.

**3.4.3.5** Criminal Investigations and Special Investigations supervisors shall relay to Communications any pertinent information that should be entered into the log concerning major crimes or criminal investigations.

**3.4.3.6** Pertinent information on a previously logged incident that becomes available after the log has been distributed which substantially changes or amends the original entry should be placed in the summary as, "Further information on incident # .....".



**DISPATCH PROCEDURES**Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures

**4.1 POLICY:** It is the policy of the Miami Police Department to provide service by responding to all requests for assistance from the public. However, with limited resources these responses may vary. They may include dispatching a police unit, referring the request to the appropriate agency, providing information, or requesting that the citizen go to or call a Neighborhood Enhancement Team office for further assistance.

**4.2 ORGANIZATION:** The dispatch function is a responsibility of Communications. It is comprised of three shifts and operates 24 hours a day, seven days a week.

**4.3 RESPONSIBILITIES:** The primary purpose of the police communications function is to provide support services to field units. Communications does not establish police response policy but merely implements it.

**4.4 PROCEDURES:**

**4.4.1 Dispatch Authority:** Communications will process calls for service in accordance with guidelines established by the Chief of Police. Every resource will be used to ensure that priority calls are dispatched promptly. The handling of an incident becomes the responsibility of the Field Operations Division when the first field unit arrives on the scene.

**4.4.2 Units Not Available For Service:** Field units which are not available for immediate dispatch will check out of service on the appropriate signal.

**4.4.3 Priority Calls.** In the event of a priority call when there are no units available to respond, a unit will be recalled from a lower priority call and supervisory personnel will be utilized when necessary.

**4.4.4 Field Supervisor Notifications:** If an unacceptable call for service situation exists, a field supervisor will be contacted to prioritize his unit's responses.

**4.4.5 Priority of Dispatch:** Calls for service are prioritized for dispatch in order to best serve the needs of the community. Calls involving danger to persons receive the highest priority.

**4.4.6 Cross District and Neighborhood Area Dispatch:** Units may be cross dispatched when an area or district is experiencing a backlog of calls for service.

**4.4.6.1** For emergency and in-progress calls or officer safety concerns units will be dispatched as needed disregarding district or area integrity.

**4.4.6.2** District and neighborhood area integrity will be maintained for routine calls for service, unless extenuating circumstances dictate otherwise.

**4.4.6.3** Bridge personnel will always have the discretion to make exceptions when necessary.

**4.4.7 Radio Channel Assignment:** All assignments of radio channels will be made by Communications. In emergency situations, the on-duty Communications Commander will coordinate channel assignments with the Field Operations Division representative.

**4.4.7.1 Radio channel assignments for special events:** shall be requested from Communications by the event commander at least a week in advance.

**RESERVED**

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## VALIDATIONS & 24 HOUR DESK

### Section

- 10.1 Policy
- 10.2 Organization
- 10.3 Responsibilities
- 10.4 Procedures

**10.1 POLICY:** It is the policy of the Miami Police Department to handle entries, cancellations, dissemination, and validations and to provide supportive data and data entry functions.

**10.2 ORGANIZATION:** The Validations, and the 24 Hour Desk Detail, are functions that support and manage information pertinent to investigations.

**10.3 RESPONSIBILITIES:** The Validations and 24 Hour Desk Detail is responsible for providing the criminal investigators, patrol officers, and officials from other law enforcement agencies, with information that has been obtained and recorded about active criminal activity. It is also responsible for the entry and canceling of items and persons reported to the Miami Police Department. It is responsible for updating and/or confirming the entries of the Miami Police Department.

### **10.4 PROCEDURES:**

**10.4.1 VALIDATIONS DETAIL:** The Validations Detail is responsible for the following tasks:

**10.4.2** Checking the records that the Miami Police Department has entered into the FCIC/NCIC database to ensure that they meet established criteria.

**10.4.3** Contacting victims of stolen properties and persons reporting missing persons in an effort to update and confirm the information in our entries.

**10.4.4** Entering supplementary reports on recovered property, located missing persons or any other major discrepancies found in the report.

**10.4.5 24 HOUR DESK DETAIL:** The 24 Hour Desk Detail is the receiving center of communications for all criminal investigations. The Detail is responsible for the following tasks:

**10.4.6** Providing complete accurate and timely information to the various Departmental, local, state and national systems.

**10.4.7** Performing the necessary functions that will assist in comprehensive and thorough case investigations.

**10.4.8** Receiving teletypes and channeling teletypes to the appropriate unit for information. Those requiring an answer shall be logged in when received, and a notation will be entered when answered by the responsible unit.



**10.4.9** Teletypes shall be answered as quickly as possible by acknowledging receipt within the tour of duty of the officer receiving it.

**10.4.10** Outgoing teletypes. Personnel requesting teletypes to be sent out shall prepare form R.F. #185 at the 24-Hour Desk.

**10.4.11** Those teletypes requiring an answer from outside the Miami-Dade County area shall be logged in by the 24-Hour Desk, and a notation will be entered in the log, when answered.

**RESERVED**

## BUILDING MAINTENANCE

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures

**2.1 POLICY:** The repair, maintenance and cleanliness of the Miami Police Department (MPD) complex are of utmost importance. The Department provides these services to keep its systems in proper working order and its premises clean for a healthy environment.

**2.2 ORGANIZATION:** The Building Maintenance Detail is a function of the Support Services Section. The Building Maintenance Detail reports to the Commander of the Support Service Section.

**2.3 RESPONSIBILITIES:** The Building Maintenance Detail is responsible for all repair requests, work orders, and contracts with private industry to perform the work necessary to keep the police department buildings clean and in good working order. Most of the custodial services are by private contract and performed throughout the day.

### **2.4 PROCEDURES:**

**2.4.1 Cleaning:** When an area is in need of cleaning during normal working hours (0700-1500), the Building Maintenance Supervisor shall be notified.

**2.4.2 Alterations/Construction:** When alterations or construction becomes necessary, an electronic work order must be submitted through channels to the Commander of the Support Services Section.

**2.4.3 Services:** Any unit requiring the services of the Building Maintenance Detail shall submit a request through the MPD SharePoint Building Maintenance Work Order System. Only in emergency situation shall the Building Maintenance Supervisor be contacted via telephone.

**2.4.4 Work Performed by Another Department:** When requesting work to be performed by another department, the requesting unit will prepare a memorandum, describing the work to be done or signs to be made. This information will be forwarded, through channels, to the Commander of the Support Services Section.

**Departmental Order 5**  
**Chapter 2**

**2.4.5 Routine Requests:** Routine requests for maintenance, repairs, alterations, or changes to the police building and/or other work to be done, such as painting, will be coordinated by the Building Maintenance Supervisor, after a work order has been submitted electronically on SharePoint via the Building Maintenance Work Order System.

**2.4.6 Keys:** All requests for keys must be made via inter-office memorandum, through channels, to the Commander of the Support Services Section.

**2.4.7 Print Shop Requests:** Any requests for printing services shall be handled by the Graphics Division of the General Services Administration (GSA). All requests must be approved through the Assistant Chief of the Administration Division.

## RECORDS UNIT

### Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** It is the policy of the Miami Police Department to provide a comprehensive records and reporting services for the purpose of supporting the law enforcement objectives of the Miami Police Department, other bona fide law enforcement agencies, and the general public in accordance with the requirements of Florida State Statutes.

**3.2 ORGANIZATION:** The Records Unit is the primary repository of police reports generated by sworn personnel of the Miami Police Department in the performance of their official duties. It is comprised of the Front Counter/Customer Service Detail, Correspondence Detail, and Records Management Detail.

**3.3 RESPONSIBILITIES:** The Records Unit shall be responsible for the processing, data entry, storage and retrieval of police reports, and the effective management of these records. The records function shall also include the preparation of selected incident reports. Additionally, the Records Unit shall serve as the liaison for all departmental microfilming and records disposition requests. Responsibilities specific to records management are as follows:

#### **3.3.1 Records Management Responsibilities:**

**3.3.1.1** Maintenance of a facility that is accessible to the public.

**3.3.1.2** Serve as the liaison for all departmental microfilming/scanning of departmental documents.

**3.3.1.3** The presentation of a positive impression of the Miami Police Department to the public.

#### **3.3.2 Front Counter/Customer Service Detail:**

**3.3.2.1** The collection, tracking, scanning and copying of offense and arrest reports.

**3.3.2.2** The processing of adult name checks.

**3.3.2.3** The maintenance of a microfilm library on all of the above listed items, which is duplicated and distributed as needed.

**3.3.2.4** The maintenance of a facility where the public may easily access and purchase items housed by the Unit, including the processing, distributing, and sale of all accident and incident reports and auditing of funds earned.

**3.3.2.5** Compliance with all regulations regarding the release of information and the provision of a secure facility for housing all of the above. This includes the disposal, by shredding and/or incineration, of all sensitive documents as mandated by law and Departmental directives.

### **3.3.3 Correspondence Detail:**

**3.3.3.1** The processing of all individual and bulk records requests received from insurance companies or individuals via mail, fax or front counter.

**3.3.3.2** The processing of notices, motions, and orders that are received from the court for the expunction/sealing of records.

### **3.3.4 Records Management Detail:**

**3.3.4.1 Report Review:** The secondary function of the Records Management Detail is to review all data that has been entered into records and to provide quality control for all case incident reports made by the Miami Police Department.

The Records Management Detail Supervisor works closely with other units of the Department, through feedback and guidance, to provide incident reporting quality control.

**3.3.4.2 Rejected Reports:** Records Management Detail personnel will be responsible for rejecting reports that fail to meet Miami Police Department standards. Rejected report notices will be sent to the report writer's supervisor for appropriate action. If the rejected report is not corrected within 14 days, the report writer's supervisor will be held responsible.

**3.3.4.2.1** Police officers and PSA's must complete all required segments of the field report. All code numbers must be accompanied by the appropriate written explanation. Reports must be fully completed.

**3.3.4.2.2** Patrol sergeants will review all reports completed by their subordinates, in Premier One Records and workflow them to the Records Unit. It shall be the responsibility of the patrol sergeants to review all reports for accuracy in substance and form. They will indicate that reports are correct by approving the reports and submitting them to the Records Unit to complete the workflow process.

**3.3.4.2.3** Reports that are inaccurate, incomplete or lack the corresponding felony arrest statutes will be rejected and entered in the Crystal Data Base as a tickler.

**3.3.4.3 UCR CODING:** UCR coding of case incident reports is the responsibility of Report Review Detail. The Uniform Crime Reporting system in Florida (UCR) is linked to the national crime reporting program, which provides the rules, definitions, and minimum contents by which all participants are governed.

## **3.4 PROCEDURES:**

### **3.4.1 Requests for Records:**

**3.4.1.1** Requests by members of law enforcement, armed services, governmental agencies or MPD personnel may be made by completing a request form at the police counter any time that the unit is open.

**3.4.1.2** When the Unit is closed, the CIS Desk personnel have access to the Records Unit reports for the purpose of verifying hits in compliance with FCIC/NCIC requirements.

**3.4.1.3** Requests by the public may be made by application at the public counter from Monday through Friday, 0800 through 2200 hours excluding holidays, or through the mail. Records may be purchased at the prices set in accordance with state statute and local ordinance. Any public record may be read free of charge, but hard copies can be obtained for \$1.00 per certified copy or \$.15 non-certified.

**3.4.1.4** In all cases, rules governing the release of information as mandated by Florida State Statutes shall apply. Sworn and civilian employees are **not** authorized to release hard copies of police information (including incident and accident reports) to the public. Police information can only be released for “**official use only**” to judicial or law enforcement agencies. All citizens requesting police information can do so through the Records Unit at (305) 603-6475 or the Records Custodian at (305) 603-6478.

**3.4.1.5** The Records Unit is a restricted area and may only be accessed with the specific permission of a Records Unit Supervisor. All other business must be transacted via the police counter.

**3.4.1.6** Records not housed in the Records Unit are listed below along with the organizational element responsible for maintaining them.

Personnel Records	Personnel Unit
Juvenile Records	Juvenile/Missing Persons
Dispatch Tapes	Communication Section
Photographs	Criminal ID Unit
P Sheets	Patrol Section
Information by zone/area	Crime Analysis Detail
Fatal Accident Investigations	Traffic Homicide
Case Files	C.I.D., S.I.S., I.S.
Property Receipts	Property Unit
DUI Reports	Traffic Enforcement
Early Intervention files	Internal Affairs Section

**3.4.1.7 Destruction of Records:**

**3.4.1.7.1** Requests for the destruction of records or for the microfilming and destruction of records, must be made via memo to the Records Liaison of the section involved. The memo must include a detailed description sufficient to evaluate the records on the basis of their administrative, fiscal, legal and historical values.

**3.4.1.7.2** The Section Records Liaison will make a determination of what further steps are required based on the description of the records involved, and will provide the requesting unit with a copy of the Disposal of Public Records Memo and the Records Disposition Document.

**3.4.1.7.3** The Section Records Liaison will forward the completed documents above, through channels to the Department Records Custodian in the Support Services Section who will obtain the necessary approval from the City Clerk and notify the parties involved when they may proceed with the destruction.

Destruction of records must be accomplished via shredding or burning. Verification of the destruction of the records must be forwarded through the Section and Division Records Liaisons to the Department Records Custodian who will keep all records disposition documentation for the Department.

**Court Procedures**

**Section**

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures
- 4.5 Computerized Subpoena Processing System
- 4.6 Affidavit Pre-Filing Conference Program
- 4.7 Verbal and Written Statements
- 4.8 Witness Fees
- 4.9 Serving Civil Process and/or Executing Criminal Process in Support of the Judicial Function

**4.1 POLICY:** The Court Liaison Unit has been established to ensure attendance by police department personnel at all judicial proceedings arising from the law enforcement efforts of the department, and to coordinate the solution of problems and conflicts concerning court-related conduct and procedures.

It is intended that personnel of the Miami Police Department appearing in any court of law or judicial proceeding demonstrate the highest of professional standards. They will be fully prepared to testify effectively and shall ensure that evidence is readily available to the court. Personnel should be cognizant that they are representing the Miami Police Department, which mandates the projection of a positive and professional image. Prompt attendance and appropriate physical appearance are essential to this image.

**4.2 ORGANIZATION:** Member adherence to Departmental Order 5, Chapter 4 falls within the responsibilities of the Court Liaison Unit, located within the Richard E. Gerstein Justice Building, Room 303, 1351 N.W. 12 Street, Miami, FL. The Court Liaison Unit is under the command of the Support Services Section.

**4.3 RESPONSIBILITIES:** It is the responsibility of the Court Liaison Unit to accept service of subpoenas or notices to appear at any judicial or quasi-judicial proceeding, arising from the law enforcement efforts of the department. Court Liaison shall develop and maintain procedures for ensuring that subpoenas and notices to appear are distributed to and received by the member served. The failure of any member to appear after being served through Court Liaison may result in that member being held in contempt of court, in addition to departmental sanctions as set forth herein.

**4.4 PROCEDURES:**

**4.4.1 Conduct:** Members shall not talk or read within the courtroom while court is in session unless directed to do so by court personnel. There shall be no smoking in the courthouse at any time. Members shall obey all rules and directives of the court.

**4.4.2 Appropriate Attire for Judicial Proceedings:** Members appearing in any judicial procedure (criminal or civil) shall present themselves in accordance with the highest standards of professional appearance. Civilian attire shall be (for males) a suit or jacket and slacks, with a shirt



and tie. The jacket is optional unless the subpoena is for a jury trial. A guayabera is also acceptable, except for jury trials; and (for females) a dress or skirt and blouse or a professional pantsuit. Sandals, jeans, sneakers, miniskirts, etc. are not appropriate. Members may exercise the option of wearing a uniform. Members shall not be in uniform when appearing as a defense witness or as a non-subpoenaed observer at a trial. Undercover and tactical officers appearing for pre-file conferences and depositions on duty are exempt from the requirement of this order regarding appropriate civilian attire and are permitted to wear the clothes that they are wearing for duty. Under no circumstances are shorts or tank tops permitted. Undercover and tactical officers appearing off duty are required to comply with the requirements of this order regarding appropriate civilian attire. All personnel, regardless of assignment, appearing in a courtroom to testify or observe a hearing in an official capacity must comply with the requirements of this order regarding appropriate civilian attire.

**4.4.3 Attendance:** All members of the department shall be present at all judicial proceedings for which they have been subpoenaed or otherwise notified by a competent authority to appear (in person or via video conference). These include; criminal, civil, traffic, juvenile, and federal courts; depositions by public defender, state attorney, or private attorney; pre-trial conference, Civil Service Board hearing, and any other legal proceedings resulting from a member's official duties. While attending judicial proceedings, department members are under the direct supervision of the Court Liaison Unit supervisor.

**4.4.4 Notice to Appear in Court:** Whenever any member of the Miami Police Department is notified by computer, telephone, police radio, or written notice to appear (in person or via video conference) as a witness in a judicial proceeding, the directive must have emanated from the Court Liaison Unit, the Internal Affairs Section, or be served directly from a court of competent jurisdiction. Whenever a member receives a subpoena or any notice, verbal or written, to appear from any source other than the Court Liaison Unit, they shall notify Court Liaison immediately, and forward to them a copy of any written notice to appear.

**4.4.5 Standby Subpoenas:** Standby subpoenas for felonies, misdemeanors, domestic violence, and juvenile cases are electronically entered by the State Attorney's Office. Subpoenas for traffic are entered by the Miami Dade County Clerk of Courts. Subpoenas from private attorneys, Department of Highway Safety and Motor Vehicles, and the City Attorney's Office are entered by Court Liaison personnel. Subpoenas from Public Defenders are entered by the Public Defenders' Office. It is the member's responsibility when a standby subpoena is received; to call the number on the subpoena and let them know if they will be available for that date(s) during the member's work hours or when in court. Any changes must be communicated to the Court Liaison office. When the member is needed for trial, the attorneys or prosecutor will notify the Court Liaison office, who will contact the member, if no number is on the printout. Members should then call (305) 547-0100 and ask for the witness coordinator in that division.

**4.4.6 Attendance Record:** All members (sworn and civilian) attending court, appearing in person for deposition or pre-trial conference, on or off duty, shall sign in and out on a Court Attendance Report (R.F. #226) at the Court Liaison office, located in the Richard E. Gerstein Justice Building. Members appearing via video conference shall call the Court Liaison Unit prior to conducting and after completing the video conference. The member will then complete the electronic PDF version of the Court Attendance Report (R.F. #226), sign the report utilizing a digital ID, and forward the report via email (MPDCourtLiaison@Miami-police.org) to the Court Liaison Unit. Under no circumstances will any personnel complete or stamp in or out on the Court Attendance Report for another person. No members will be allowed to check another member in or out on the computer. All passwords are confidential and will not be disclosed.

**4.4.6.1** Whenever a member must appear at another court or court-related proceeding at a site that does not provide a time clock, or computer terminal, they shall be responsible for calling the Court Liaison Unit's office prior to the reporting time, and upon being excused from the appearance. Court Liaison personnel will fill out the Court Attendance Report in such cases, and the member will then respond to sign and submit the Court Attendance Report.

**4.4.6.2** Any member attending court on Saturday or Sunday shall call the on-duty Emergency Dispatch Supervisor (EDS) prior to report time, and upon conclusion of testimony. The EDS will fill out a Court Attendance Report with the required information, enter start and finish times with a time stamp, initial the report, and the member will then collect the Court Attendance Report from the EDS. The member will complete the Court Attendance report and submit it to the Court Liaison Unit.

**4.4.6.3** Members are responsible for ensuring that the Court Attendance Report is completed thoroughly and accurately. This includes indicating in the appropriate box advising if the member testified. Members shall only mark that they testified when they have been sworn in and provided information (testimony) on the case in a judicial procedure not when they merely spoke to an attorney, prosecutor, defense, or judge. If the member did not testify, they shall explain the reason on the front of the attendance report. The court disposition area will be marked accordingly and if a case has been no actioned, case cancelled, or case closed, an explanation will be written in the space provided. When a case is completed, the evidence/property disposition boxes will be completed with an authorizing signature from either the courts or State Attorney's Office, along with the signature of the Property Unit indicating that the property was returned or disposed of. Members will be notified via E-Notify to report to the Court Liaison Unit when their Court Attendance Reports are incomplete or incorrect.

**4.4.6.3.1** All members must attach either their subpoena or computer-generated printout to the on/off-duty attendance report when subpoenaed for a Federal Case. Three failures to submit a Court Attendance Report (R.F. #226) is considered a missed court and will be subject to disciplinary action.

**4.4.6.4** Alterations or adjustments to the completed Court Attendance Report shall only be made by the Court Liaison supervisor.

**4.4.6.5** If a member is released and placed on standby or recall by a judge, prosecutor, or defense attorney to be recalled later to testify, that member will be responsible for returning to court immediately when contacted and needed by them or the Court Liaison Unit. Failure by that member to return to court will be grounds for disciplinary action. If the member is released and placed on standby or recall, and provides a contact number, it will be their responsibility to respond if called.

**4.4.6.6** Members who are in court (trial, pre-file conference, deposition, or any other court-related activity), whether on or off duty, shall not leave the location of that court for any reason without permission from a Court Liaison Unit Supervisor, or without clocking out of Court Liaison. Under no circumstance will that member leave the city limits unless it is a court subpoena location.

**4.4.6.7** For members who are on duty, it will be their responsibility to notify the Complaint Room of any location change or signal change that is appropriate when leaving the court subpoenaed location.

**4.4.6.8** Members who are in court and off duty, who are released from the courtroom for a break (lunch, dinner, or short recess) who leave the courthouse will now be required to sign in and out on a sign-out log which will be kept in the Court Liaison Unit at the supervisor's desk. This log will require that members write and sign their name, Individual Employee Identification Number (IBM), location, phone number (personal or city), and radio channel that the member will monitor while they are on that break. It will be that member's responsibility to monitor that channel or return any calls during that time, should they be needed. Members who are on duty will be required to contact the Complaint Room, in addition to filling in the above log, and notify them of any change in location or signal that is appropriate when leaving their court-subpoenaed location.

**4.4.6.9** All employees attending a pre-file or pretrial conference are required to bring a Court Attendance Report (R.F. #226) to the A.S.A. whom they have a conference with. The A.S.A. will sign the report for compliance purposes to ensure that the members have brought all required paperwork needed to file the charges. Any member who fails to bring the needed paperwork will have appropriate disciplinary action taken.

**4.4.6.10 Falsifying Overtime Reports:** Any member falsifying an overtime report or any supervisor, sergeant or commanding officer intentionally approving a falsified overtime report shall be subject to disciplinary action up to and including dismissal.

**4.4.7 Notice of Routine Work Schedule Interruption** AgencyWeb IWM: Subpoenas are generally issued weeks in advance. Issuing agencies attempt to correlate depositions, pre-trials, and various court hearings with the work schedules of departmental personnel. This information regarding work schedule is located in the county-wide AgencyWeb IWM, and emanates from data entered by the Staffing Detail.

**4.4.7.1** It is essential that notice of routine work-schedule interruptions (e.g., vacations, training leaves, city business trips, etc.) be received by Court Liaison a minimum of three weeks prior to the actual event.

**4.4.7.2** The Staffing Detail will notify Court Liaison of all Personnel movement (e.g., transfers/reassignment, change of "E" days, etc.).

**4.4.7.3** All interruptions, transfers, "E" day changes, etc., of the normal work schedule, which are for a work week or more, shall be forwarded to the Staffing Detail on a completed "Court Change of Duty Schedule" form (R.F. #357).

**4.4.7.4** Prior to authorizing any work-schedule interruption (e.g., V, E/O, FH, training, etc.), it is the responsibility of the respective transferred member to determine whether they have been subpoenaed for a court-related appearance. The member's supervisor will complete form R.F. #357, and forward it to the Staffing Detail.

**4.4.8 Attendance During Vacation, Suspension, Illness, etc.:** Members scheduled for court or court-related business during vacations shall be responsible for notifying the Court Liaison Unit of their inability to attend, prior to the beginning of their vacation. Personnel classified as IF, W, WW, L, etc. shall appear at court sessions in which they are involved, unless physically unable or unless excused by the issuing authority handling the case. In these cases, they will notify the Court Liaison Unit that they have been excused and by whom. Under no circumstances will the member be excused from court if they do not notify Court Liaison at least 15 minutes prior to a

scheduled appearance.

**4.4.9 Excused from Court:** When members receive a subpoena and they have no connection with the case (transporting officer, bench warrant, etc.), they must contact the authority who issued the subpoena and request to be excused. The Court Liaison Unit must then be notified by the member of the fact that they have been excused.

**4.4.10** Sworn personnel receiving subpoenas for jury duty in any county court shall forward the subpoena to the Court Liaison Unit.

**4.4.10.1** The sworn member has a choice of either attending jury duty or be disqualified pursuant to F.S.S. 40.013(2)(b).

**4.4.11 Waiting Time:** Waiting time for all depositions and/or pre-filing conferences will be one (1) hour. Members experiencing delays past one (1) hour must contact the Court Liaison Unit prior to leaving.

**4.4.12 Jail Cases:** Since a number of defendants bond out prior to court proceedings, any member subpoenaed for a jail case shall call the Court Liaison Unit PRIOR TO THE MEMBER'S APPEARANCE. Failure to comply may result in the disapproval of compensation.

**4.4.13 Inability to Appear or Lateness for Court:** Any member unable to appear in court or court-related proceedings at the appointed time must notify the Court Liaison Unit fifteen (15) minutes in advance of the time set for the appearance so that Court Liaison personnel may notify the appropriate court, state attorney, etc. Members shall document the name and Individual Employee Identification Number (IBM) of the Court Liaison person contacted, the date, and the time of the contact.

**4.4.14 Changing Pre-trial Conferences:** Any member must first contact Court Liaison for approval of any date or time change. Any court appearance change from on-duty to off-duty status must have approval from the member's commanding officer or a Court Liaison Unit supervisor. Any missed pre-trial conference will be handled in the same manner as missing a court appearance.

**4.4.14.1 Court Absences Due to Injury:** If members are being carried "D" and are physically unable to attend court, they must obtain a written verification from the City of Miami Medical Department. They shall notify Court Liaison by telephone and forward a written copy of the verification to Court Liaison as soon as practical.

**4.4.14.2 Court Absence Due to Illness:** When a member is unable to attend court, pre-trial conferences, depositions, or any other court-related obligation because of illness, the members must notify the Court Liaison office at least fifteen (15) minutes prior to the time set for the appearance. Members who call in "I" and or "IF" under these conditions cannot report for regular duty within 24 hours of the scheduled appearance, and they must be carried "I" or "IF" on the attendance sheet if they are scheduled to work within the 24 hour period. Exceptions must be approved by the section commander. Members who miss court, PFC's, Pre-Trial Conferences, Request, etc., must contact the court, and have it rescheduled.

Members, upon returning to work, will be responsible for notifying their immediate commanding officer of their absence, and for the preparation of a Sick Leave Certificate (R.F. #1004) with the

notation "I for Court" at the top right-hand corner of the form.

The "I" papers become a part of the member's service record, but NO 'I' TIME IS LOST by the member, being off duty.

Any member who is unable to appear because of illness is prohibited from working any off-duty job for a period of 24 hours. Exceptions must be approved by the Commander of the Special Events Unit, or the member's commanding officer.

**4.4.15 Conflicting Court Appearances:** An appearance in one court shall not be an excuse for absence in another. When members are subpoenaed to appear in more than one court on the identical date and time, the member will notify the Court Liaison Unit. The member will report to the highest jurisdiction, and they will notify the lesser court of their location.

In all cases of conflicting court appearances, the member will notify and adhere to the instructions given by the Court Liaison Unit.

**4.4.16 Request for a Change in Appearance Date and Time:** Any request for a date and/or time change for a scheduled Public Defender deposition or a State Attorney pre-filing conference will be made by the affected member. If a member wishes to change any type of court appearance, prior approval of a Court Liaison Unit supervisor is required.

**4.4.17 Notice of Failure to Attend Court:** The supervisor of the Court Liaison Unit will prepare notices of absences or lateness for court to the members. The member will be notified to contact the Court Liaison Supervisor when either in an on-duty capacity or while attending court. The member will then have ten (10) working days to complete an adequate response. The member will acknowledge receipt of the notice by signing the log, which will include the statement; "failure to return this package within the date specified will result in disciplinary action taken for the violation."

**4.4.17.1** Upon receipt of a Notice of Failure to Attend Court, or any other court related instance, the member will submit their response on a separate redline memorandum addressed to the Court Liaison supervisor stating the facts for the court violation.

**4.4.17.2** The Court Liaison supervisor will be responsible for reviewing the member's response to determine if the reason is acceptable or unacceptable. It is the responsibility of the Court Liaison Unit to have an updated court personnel file for every member. This file will include a 12 month profile, which will be attached to the notice of court related instance.

**4.4.17.3** If the reason is acceptable, the notice along with the response will be placed in the member's court personnel file with no action taken. If the response is unacceptable the Court Liaison supervisor will attach the member's response to the notice along with all documentation. The Court Liaison supervisor, in accordance with disciplinary guidelines set forth in 4.4.18, will manage appropriate corrective measures.

**4.4.17.4** A copy of the court violation and subsequent documentation will be placed in the member's court personnel file and a copy will be sent to the member's Division Commander along with the appropriate disciplinary action taken. A copy of the disciplinary action will then be forwarded to the Disciplinary Detail for review.

**4.4.18** The following shall be minimally prescribed penalties for all members who fail to comply with any court violation, including but not limited to members failing to check their court, supervisors who fail to ensure compliance that subordinates have checked their court daily, missing criminal, civil, or traffic court appearances, scheduled and rescheduled pre-trial conferences, and subpoenas for depositions. These will be applied when a member is without an acceptable reason and when they occur within the preceding 12-month period.

**Penalties for any Court Related Incident**

1 <sup>st</sup> Occurrence	Record of Formal Counseling
2 <sup>nd</sup> Occurrence	Reprimand
3 <sup>rd</sup> Occurrence	Reprimand with 10-hour suspension
4 <sup>th</sup> Occurrence	Reprimand with 20-hour suspension
5 <sup>th</sup> Occurrence	Reprimand with 40-hour suspension
6 <sup>th</sup> Occurrence	Reprimand with 50-hour suspension
7 <sup>th</sup> Occurrence	Reprimand with 100-hour suspension
8 <sup>th</sup> Occurrence	Dismissal

**4.4.18.1** Members are required to notify the Court Liaison Unit of every incident of lateness, inability to attend, excuses, or resets. It is the responsibility of the member to record the date, time, name of the person receiving the information. Although Court Liaison will facilitate the notification, such notification will not automatically excuse a member from attending.

**4.4.19** Officers filing felony cases must bring with them or electronically send the following items to the State Attorney's Office utilizing the A-Form Management System. Failure to have these items will delay the processing of the case.

**4.4.19.1** ALL police reports

**4.4.19.2** Lab reports (if available)

**4.4.19.3** Copies of any written or recorded statements of witnesses or defendants, Miranda Waiver form, and written rights

**4.4.19.4** Property receipts

**4.4.19.5** Fingerprint reports

**4.4.19.6** Crime scene reports

**4.4.19.7** Any forged or fraudulent documents involved in the case

**4.4.19.8** Any items seized from defendant

**4.4.19.9** Any physical evidence in the case

**4.4.19.10** Pre-file Affidavit Packet (if applicable)

**4.4.20** **Use of Reports in Court:** Members are responsible for bringing all pertinent reports and evidence to court. Members should work with the state attorney regarding the use of reports while

testifying.

**4.4.20.1 Accident Reports:** Copies of accident reports are obtained from the court clerk in their assigned courtroom. When a continuance is granted in open court on an accident case, the officers will give their copy of the accident report to the court clerk, and it will be included in the case file. The County Continuance Unit will notify witnesses of new court dates.

**4.4.20.2 County Court Information:** When a member is asked for information about a case by a citizen, the member shall advise the person to contact the Court Clerk's Office for that particular court division.

**4.4.21 Pre-File Conference (PFC):** In order to maximize the efficient utilization of personnel, ONE officer will be scheduled to attend the PFC.

**4.4.21.1** Command personnel shall ensure that sergeants are knowledgeable regarding the designation of the lead officer in each arrest situation, and that case preparation is in accordance with the guidelines herein. The officer determined to be the lead officer shall be the officer attending the pre-file.

**4.4.21.2** Consistent with current procedures, the lead officer shall EXPEDITIOUSLY call the State Attorney's dispatch number (305) 547-0200, for PFC scheduling, which shall be on-duty status, unless prohibited by situational circumstance.

It should be noted that the Police Department does not provide pre-trial release or criminal diversion services. The Miami Dade County Corrections and Rehabilitation Department has the authority and responsibility to administer and maintain this service together with the State Attorney's Office.

**4.4.21.3 Officer's Responsibility for Pre-File Conference:** The pre-file information will be listed in the narrative of the A-form, with an indication of "on" or "off" duty. If circumstances do not allow on-duty scheduling, a sergeant's signature and Individual Employee Identification Number (IBM) must be placed adjacent to the "off duty" notation.

**4.4.21.4** Probationary officers in the field-training mode shall accompany their trainers in an on-duty capacity only. This training may be accomplished during their assignment to Platoons "A" and "B."

**4.4.22 Sergeants Responsibilities in Court-Related Matters of their Subordinates:**

**4.4.22.1** Determine lead uniform officer on the case by: "On Scene" evaluation of the case. Evaluation of the case based on statements of the arresting officer.

**4.4.22.2** Ensure the proper completion of all reports, including:

**4.4.22.2.1 Arrest Reports:** Ensure the lead officer's name, Individual Employee Identification Number (IBM), duty hours, and "E" days appear in the upper right corner of the front of the Arrest Affidavit, as well as the rear page. It is the sergeant's responsibility to verify that officer's pre-file conferences are scheduled on duty. If they are not, then the sergeants must indicate their knowledge that the pre-file was scheduled off duty by placing their signature and Individual

Employee Identification Number (IBM) next to the “off duty” notation.

**4.4.22.2.2 List of witnesses (police and citizens):** Indicate which police witness is the lead officer by writing, “lead” after their name.

**4.4.22.2.3** Property receipt

**4.4.22.2.4** Laboratory analysis report

**4.4.22.2.5** Vehicle Storage Receipt/ Pound Slip

**4.4.22.2.6** Miranda warning forms

**4.4.22.3** Check case preparation for consistencies with state attorney guidelines.

**4.4.23 Juvenile Court:** A substantial number of juvenile cases are resolved prior to the court date through a plea agreement or a continuance. Since many of these resolutions occur on the evening prior to the scheduled trial date, the officer is unaware of the case disposition.

In order to maximize resources, including personnel who are making unnecessary trips to Juvenile Court, the following procedure for Juvenile Court attendance will be followed:

**4.4.23.1** Upon receipt of a subpoena, the member will contact the State Attorney’s witness coordinator at the number listed on the subpoena between the hours indicated. The member will acknowledge receipt of the subpoena and indicate any other scheduled court-related appearance, which may present a conflict.

**4.4.23.2** On the scheduled court appearance date after 7 a.m., the member will call the witness coordinator to make certain the case will be heard. Members shall maintain a record of the date, time, and name of the coordinator contacted.

**4.4.23.3** Should an individual fail to comply with these mandatory procedures and subsequently appear in Juvenile Court on a case which was continued or plea-bargained, overtime may not be approved.

**4.4.24 Storage of Guns at Court Facilities:** There could be some instances that some courts do not permit officers to have their weapons in the courtroom. In Federal Court facilities, the officers will store their weapons at their storage facility. In other court locations the officer will secure the weapon at the court liaison facility.

**4.5 COMPUTERIZED SUBPOENA PROCESSING SYSTEM:** All departmental personnel will be receiving notice of subpoenas through the AgencyWeb. Subpoenas are entered into AgencyWeb by Court Liaison personnel, the State Attorney’s Office, the Public Defenders’ Office, and Miami-Dade County Clerk of Courts on a daily basis. Access to the computerized system may be gained from any computer terminal.

**4.5.1** Various sections, districts, units, and details throughout the department are assigned group numbers. All supervisors will be responsible on a daily basis to ensure that they notify their immediate subordinates who have subpoenas pending in the system.



**4.5.2** After all notifications are made, the supervisors will update the computer to indicate notification of a subpoena for each individual assigned to them. If a member is not available to retrieve their subpoenas due to being carried (i.e., "E", "V", "K", "D", "I" etc.), supervisors will update the court liaison subpoena screen of their subordinates status to indicate the reason why notification was not made and contact the Court Liaison Unit either via telephone or after hours by utilizing E-mail and or fax (305-575-5230).

If a subpoena is received with only one working days' notice, it will be the supervisor's responsibility to notify the member. This will include all officers who are "E," "FH," "D," "I," "EO," "K," etc., or on other city business.

Every member will be responsible for checking their subpoenas daily when on-duty. When the member signs into the computer system, the computer will automatically update the notification column and record the time, day, and Individual Employee Identification Number (IBM) of the person who was notified of the pending subpoena.

#### **4.6 PRE-FILING AFFIDAVIT PROGRAM:**

**4.6.1** The Affidavit Pre-Filing Program was developed to explore alternatives to officers appearing in person for pre-filing conferences.

This program is to be used for charges limited to officers-only, second and third degree felony charges. Battery on a police officer and resisting arrest with violence will still require the victim officers to speak directly to an Assistant State Attorney (ASA).

Standard arrest affidavits (A-forms) do not contain sufficient information for case screening and filing. Therefore, additional written documentation by the arresting officer(s) will be required. The additional documentation will include the "Case Summary Sheet," which was designed to provide for the collection and recording of information necessary to complete a pre-filing conference; an "Affidavit Pre-File Cover Sheet," listing all paperwork included in the package; and a "Request for Additional Information Form," to be completed when information or documentation was lacking from the paperwork originally submitted.

The Affidavit Pre-File (APF) packet submitted by the officer will be comprised of one Case Summary Sheet for each defendant, photocopies of the arrest affidavit, all offense-incident reports, and any additional documentation created in connection with the case (such as, property receipts, rights waiver forms, paperwork on impounded vehicles, etc.).

All of this information becomes a sworn affidavit when the officer attests to the veracity of all information in the paperwork under oath, and it is signed by the sergeant.

After the completion of the above-referenced paperwork, the APF packages will be electronically sent to the State Attorney's Office utilizing the A-Form management System prior to the end of their tour of duty. It is the responsibility of the officer to contact the State Attorney's Office to answer the questions or supply the information requested prior to the due date posted. The officer will then contact the Court Liaison office to clear the notice from the system. All APF requests will be conducted on-duty.

**4.6.1.1 Affidavit Pre-File Ineligible Charges:**

It has become apparent that certain charges do not lend themselves to effective processing by affidavit, even though they are “victimless” crimes. We have found that these charges consistently require a follow-up PFC to ascertain sufficient information to make a filing decision. The following charges will not be handled by means of an affidavit pre-file:

Possession of counterfeit bank notes	831.08
Possession of 2-way communication devices	934.215
Deriving support from the proceeds of prostitution	796.05
False report of a bomb	790.163
Cruelty to Animals	828.12
Fighting or Baiting Animals	828.122
Altered VIN or Title Fraud	319.33
Rioting or inciting a riot	870.01
Failure to register as a sexual predator	775.21
Failure to register as a convicted felon	775.13
Procuring a person under age 14 for prostitution	796.03
Bribery	838.015
Corruption by Threat	838.021

**4.6.2 Every Officer Must Complete a Case Summary Sheet for Each Defendant:** The Case Summary Sheet provides the State Attorney’s Office (SAO) with information, which is needed in order to properly screen and make necessary legal assessments about every case, and information they are required to provide in discovery in all cases.

**4.6.3 Detention of Defendant:** If an officer(s) other than the lead officer physically detained the defendant (“detention,” as used in this section, may mean “stop” or “arrest,” depending upon the circumstances of the case), that officer(s) must be known. The SAO must know who provided this officer with the information that formed the basis for the detention. Another officer? (If so, who?) The victim? An eyewitness? (If so, who?) Or, did the detaining officer personally observe the behavior, which formed the basis for the detention of the defendant?

It is presumed that the reason for the stop/detention/arrest of the defendant (i.e., the known or observed facts which formed the basis for the belief that the defendant committed, was committing or was going to commit the crime) is clearly explained in the arrest affidavit or offense-incident report which will be attached to the Case Summary Sheet. If it is not explained in the attached paperwork, it should be included in Section X, “Other Relevant Information,” attaching additional sheets if necessary.

**4.6.4 Identification of Defendant:** In every criminal case, the SAO must prove, beyond a reasonable doubt, that a crime was committed and that it was the defendant who committed the crime. The identification, therefore, is crucial to the case. The SAO must know who all of the identification witnesses are. Normally, if it is a police officer who is the identification witness, the “Type of ID” will most likely be an “On Scene” identification (defendant is arrested immediately at the scene of the crime). However, police identification may occur at a show-up (e.g., an officer sees a defendant behind the wheel of a stolen car, but the defendant runs. After an area search or a perimeter, this officer may identify the defendant at some point in time after his/her initial observation of the defendant. This is a show-up). This procedure, however, is most frequently used for civilians when suspects are stopped, pursuant to a BOLO. When the identification

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witness in the case knows the defendant, and a subject is arrested based upon the name, address, and physical description information supplied by the witness, there still must be a positive identification by the witness. This is usually accomplished by driving the witness by the scene of the defendant's arrest. If the defendant is well known to the witness, show a photograph of the arrestee to the witness asking them something along the lines of "Is this the person you know as George Jones, who robbed you last Thursday?" Without this follow-up positive identification, this case cannot be filed (absent some other corroboration of the defendant's identification as the perpetrator, such as a confession, or a positive match on fingerprints).

"Photo" (as differentiated from "photo lineup) is listed as a type of identification to describe either above scenario, where the defendant is known to the identification witness, or in a situation where an officer makes an undercover buy of narcotics from a subject, but other officers (who did not witness the buy) actually take the subject into custody. Unless the undercover officer is actually observing the arrest, and is in a position to confirm that the correct individual is being arrested, often-times arresting officers will take a photo of the arrestee and show it to the undercover officer, to verify that they have (or have not) arrested the right person. This type of follow-up positive identification is required to file the case, and the identification witness in this situation would be the undercover officer. Additional, identification witnesses may be required where an additional crime has been committed (e.g., an undercover buy, but the arresting officer searches the defendant and finds drugs on his/her person. Then the arresting officer becomes the identification witness on the possession, or perhaps possession with intent to sell, charge). It is important, where you have more than one charge and different identification witnesses on different charges, that you clearly indicate this.

The "Pursuit Involved" section is self-explanatory. Notice, however, that the listing of officers involved in a pursuit is limited to those actively involved. If a perimeter has been set up, they don't need the names of all the officers who made up the perimeter, but they certainly do need to know who the officer was who spotted and/or stopped the subject.

**4.6.5 Persons Involved:** Additional Witnesses Not Listed Elsewhere in Paperwork: The most appropriate place to list witnesses is on the electronic A-form. This gives you plenty of room to write all of the identifying and location information that they require and, in addition, a place to summarize what each witness' involvement is. If, however, there are any additional witnesses not listed on the pink copy of your arrest affidavit, the offense/incident report or any other document that is prepared, they must be listed here. The SAO must have this information to complete discovery. In the event that the SAO does not list all witnesses on discovery, the SAO risks the possibility that witnesses will not be permitted to testify at time of trial.

**4.6.6 Statements/Confession of the Defendant:** Certain information requested in this section is required to be provided in discovery, and the remainder of the information is necessary so that the SAO can assess, in light of the prevailing case law, whether any statements or confessions by the defendant would be admissible at time of trial. This is an assessment the SAO must make at the time they file a case - if a defendant's confession is inadmissible, and the confession is the only evidence that the SAO has which identified the defendant as the perpetrator of the crime, then the case cannot be filed.

Remember, as the lead officer on a case, you are responsible for advising the SAO of any and all statements made by the defendant to you or any other officer or detective.

Confessions: This, obviously, is self-explanatory. This includes an off-hand statement at the

scene of the arrest as much as the detailed, sworn, transcribed admissions made after reflection. However, this does not include, as a confession, a statement by the defendant that, yes, he was at the scene of the crime, or that, yes, he knows the victim, when these are not elements of the crime. Do not incorrectly classify a statement as a confession when it is merely an admission to innocent facts or circumstances. These types of statements will be discussed next. If you have indicated that there was a confession by the defendant, then the SAO must know the form the admission was taken (Oral? Written? Recorded?), and who the confession was made to (i.e., who was present, officer or civilian). Obviously, if a confession is recorded in any way, a copy must be provided along with the rest of the case paperwork.

Statement by the Defendant: This is listed separately from confessions because they are just that - separate and distinct, but just as crucial to the preparation of a case. When the SAO is required on discovery to provide information as to statements by the defendant, this doesn't just mean confessions, it means ANY statements. What falls into this category could be absolutely anything, except perhaps the name, address, and other identifying information provided for the A-form. A denial by the defendant is a statement. And, most importantly, an explanation by the defendant is a statement. Defendants can often inculcate themselves more effectively by means of an attempt at explanation than by confession, and it is important that the SAO know everything the defendant said. If a defendant's statement is orally given, and the content of the statement is not written or documented in any of your other paperwork, then you need to provide that information here.

A suggestion for later recall of a defendant's statement: It is suggested that you record somewhere (even if it isn't in a report but in your own notebook that you keep it for future reference) the exact content of a defendant's oral statements. If a case should go to trial and you were sitting on a jury, which would you find more believable: testimony that a defendant confessed, but an inability to recall any of the details of the "confession" when asked, or testimony that the defendant said he saw the car sitting in the parking lot, saw that the keys were in it, decided that it was an opportunity he couldn't pass up because he needed a ride home, rode around in it for a while and then left it at N.W. 6<sup>th</sup> Street and 12<sup>th</sup> Avenue (where, coincidentally, is exactly where it was found) when it ran out of gas. Of course, the latter testimony is more compelling and persuasive. Give yourself the ability to give this kind of testimony by recording the details of a defendant's statements. In addition, because you have recorded it and can now remember it in detail, you will be giving the same information to the assistant state attorney at screening, the defense attorney at deposition, and to the jury at trial, therefore, avoiding all of the negative impact of having your testimony impeached by your own prior statements.

Miranda Rights: In order for us to accurately assess the admissibility of a statement or confession by the defendant, the SAO needs certain information. This required information is the subject of the remaining inquiries in this section. If Miranda rights were given, the SAO must know how and by whom, and the circumstances. If Miranda rights were not given, then the SAO will need to know whether the defendant was being detained or was in custody when he/she was being questioned, or whether the statement was given under any other circumstances which would make it admissible, despite the fact that Miranda rights were not administered. The most notable exceptions to the Miranda requirements are statements made spontaneously, not in response to any questioning; statements to private citizens (now law enforcement officers); non-custodial interrogation where the defendant is not the focus of an investigation. If any of these circumstances are present, they should be noted here.

**4.6.7 Injuries/Weapons:** The information requested is necessary for the Department to make certain legal determinations, locate potential witnesses, and plead our case accurately.

**4.6.8 Items Taken from the Defendant:** This is a very brief section, which requires the most complete information. One of the most difficult parts of case screening for a prosecutor is making legal determinations on search and seizure issues. The case law, as it relates to search and seizure, is vast and ever changing. The changing of a seemingly inconsequential fact in the circumstances of a case can render an otherwise-admissible piece of evidence inadmissible and a case, therefore, not fileable.

The first five questions in this section are straightforward and, basically, fill-in-the-blank type information. It is the last two areas of inquiry that are crucial and subject to interpretation. The two most-commonly stated bases for search of a defendant (incident to arrest, and a pat-down for weapons) are listed in a check-off format; anything else must be affirmatively stated by the officers as an "Other." Reference should be made to Section VI, dealing with seizure of narcotics or contraband, where the most common warrant exception categories are listed. They are: Consent, Plain View, Inventory, Warrant, Abandonment, and Probable Cause. There is still an "Other" category here, as well, if your search does not seem to fit into any of the listed warrant exceptions categories, more detailed questioning may be necessary.

When a search is not made incident to arrest, it may be difficult for an officer to know what observations or information are important, and should be included in the last questions in this section, so that an appropriate determination can be made on search and seizure issues. If the officer's arrest affidavit or offense-incident report contains a clear and concise recitation of the facts, which led up to a search, the prosecutor should be able to make an accurate assessment as to whether a search or seizure will be upheld. This last question can be used to add any necessary information not included in other narratives.

Avoid legal conclusions: In completing your arrest affidavits and offense-incident reports, DO NOT resort to the use of the legal terminology above in describing a search or seizure you have performed. It is always preferable to avoid legal conclusions (e.g., "the defendant abandoned the property"), and recite only the facts giving rise to the conclusion (e.g., "the defendant dropped the bag to the ground, looked around, then walked away quickly"). The latter is more accurate and more descriptive. Your legal conclusion may be erroneous when considered in light of all the facts and circumstances of the case.

As a general rule, it is preferable in all areas to avoid the use of legal terminology and conclusions in writing your narratives.

**4.6.9 Narcotics/Contraband:** As mentioned above, this section, too, asks for crucial input on search and seizure issues. The information may be more critical here, however, in that of the contraband seized is not admissible, the charge itself cannot be filed (i.e., if the cocaine seized is a sale of cocaine arrest is not admissible, the defendant cannot be charged with sale of cocaine. If, on the other hand, the stolen property seized from the defendant is not admissible due to improper search/seizure, the defendant may still be charged with its theft if there is other proof available). It is also important here that the SAO be able to trace any fungible contraband (e.g., narcotics) back to the defendant in an unbroken "chain of custody." Examples: Officer Jones seizes cocaine from the defendant. He, in turn, hands it to Officer Smith, and goes about taking care of other matters. Officer Smith gives it to Officer Green. Officer Green puts it in a manila envelope, seals it with evidence tape and writes his initials, the defendant's name, the police case

number, and any other identifying information on the tape/envelope. In this scenario, we are required to list as witnesses and have available for trial Officer Jones, Officer Smith, and Officer Green. In a different case, Officer Jones seizes cocaine from the defendant and places it in a manila envelope, seals and marks it as previously noted. He then hands it over to Officer Smith. Officer Smith, in turn, gives it to Officer Green, who gives it to Officer Rodriguez, who transports it to the lab. The only officer the SAO is required to present for the chain of custody in this case is Officer Jones. By placing it in the envelope, sealing and marking it, he has made this particular quantity of cocaine unique, as compared to all other quantities of cocaine. The SAO, therefore, must list as witnesses all officers who handle fungible evidence up until that point in time that it becomes unique by sealing/marking it. All such officers should be listed here.

**4.6.10 Other Evidence Seized:** This section refers to evidence seized from other places and persons other than the defendant. This is largely fill-in-the-blank information not subject to interpretation. If evidence is not seized from the defendant (or a co-defendant in a joint trial), it will generally not be subject to a motion to suppress and, therefore, the circumstances surrounding the search and seizure are not so critical. Note that evidence relating to latent fingerprints lifted is documented in this section.

**4.6.11 Property Taken/Damaged:** This information will, more than likely, be documented in other paperwork. If it is not, however, it must be included here. It is more important to complete this section if you, or your police department is the victim (e.g., the dollar amount of damage to your police car caused by the defendant, value of police department property stolen).

**4.6.12 Position of Sentence:** The SAO would like to know your position on what you feel would be an appropriate sentence on each case, if you would like for the SAO to consider your input prior to entering into any plea negotiations. You are, of course, not required to state a position and may select "No personal preference" here. If you do have an opinion, however, please state it with as much particularity as you can in the remaining choices in this section. If you wish to provide additional information regarding sentencing, please use section X.

**4.6.13 Other Relevant Information:** This section can be utilized as previously mentioned or as a "catch-all" section for any other unique, unusual or important information which you would like to be considered during case screening (e.g., to advise the SAO that a defendant is a career criminal, to advise that your department is pursuing forfeiture proceedings, to request a psychiatric evaluation of the defendant including why you think it is necessary, etc.). Attach continuation sheets, as necessary, to supplement this or any other section of the Case Summary Sheet.

#### **4.7 VERBAL AND WRITTEN STATEMENTS:**

**4.7.1 POLICY:** It is the policy of the Miami Police Department to have its members cooperate fully with the judicial and civil process by giving verbal and written statements in conjunction with their official duties.

**4.7.2 ORGANIZATION:** Requests for verbal or written statements on official matters concerning department members will be made, by subpoena, through the Court Liaison Unit. The Court Liaison Unit is located in Room 303 at the Richard E. Gerstein Building, 1351 N.W. 12th Street, Miami, Florida. The Court Liaison Unit falls under the command of the Support Services Section.

**4.7.3 RESPONSIBILITIES:** The Court Liaison Unit is responsible for receiving, documenting receipt, and distributing all criminal and civil court related correspondence and requests for

appearance by members of the Miami Police Department from the City of Miami, Office of the City Attorney. This includes all verbal and written statements requested by subpoena or inter-office correspondence.

**4.7.3.1 Lawsuit against the City of Miami:** If a process server or sheriff is attempting to serve a summons or subpoena on the “City of Miami,” service is not effective unless it is served on the Mayor, see {44.111 Fla. Stat. (2000)}. Consequently, no one in the Miami Police Department is authorized to accept service of process on behalf of the “City of Miami.” However, if a process server leaves such process with a member of the Miami Police Department, that member should **immediately** forward it to the Legal Unit for proper handling.

**4.7.3.1.1 Lawsuit against the Miami Police Department:** If a process server or sheriff is attempting to serve a summons or subpoena on the “Miami Police Department” or any of its divisions, sections or units, direct the process server to the Chief’s Office. The Chief’s Office will accept the process and immediately forward it to the Legal Unit for proper handling.

**4.7.3.1.2 Lawsuit against individual member of the department:** If a process server or sheriff is attempting to serve a summons or subpoena on an individual member of the department as a named defendant, the process server must affect personal service on the individual member. That means the process server must deliver the process to the member in person – leaving it with a secretary, a supervisor or the officer’s partner is not sufficient.

No one is authorized to accept a subpoena or summons on behalf of another police department member. It does not matter whether the individual member is being served in a private matter (divorce, debt collection, etc.) or in their official capacity (plaintiff v. City of Miami and Ofc. XYZ).

**4.7.3.1.3 Court Liaison:** Court Liaison is not authorized to accept subpoenas or summons upon a law enforcement officer **in a civil case**. Court Liaison is only authorized to accept a witness subpoena on behalf of a law enforcement officer called to testify in an official capacity **in a criminal case**. However, even when Court Liaison is authorized to accept service in a criminal case, Court Liaison is not required to accept service:

1. For a witness who is no longer employed by the Miami Police Department;
2. If the witness is not scheduled to work prior to the date the witness is required to appear; or
3. If the appearance date is less than 5 days from the date of service. (See 44.031(4)(a) Fla. Stat. (2000)

#### **4.7.4 PROCEDURES:**

**4.7.4.1** Any private attorney or investigator wishing to contact a member of the department in reference to a conference or statement relating to civil law, shall make contact for such conference or statement through a civil process server.

**4.7.4.1.1** Voluntary civil statements must be given off-duty. Prior to giving a statement to anyone regarding any civil case, the City Law Department must be contacted at (305) 416-1800.

**4.7.4.1.2 Compensation for giving statements:** Arrangements for giving the statement will then be made between attorneys/investigators and the member. Under no circumstances will a member give a statement to an attorney while on duty. Members can be compensated according to Florida Law, Section 92.142(1), “Witnesses in all cases, civil and criminal, in all courts, now or hereafter created, and witnesses summoned before any arbitrator or general or special magistrate

appointed by the court shall receive for each day's actual attendance \$5.00 and also 6 cents per mile for actual distance traveled to and from the courts. A witness in a criminal case required to appear in a county other than the county of their residence and residing more than 50 miles from the location of the trial shall be entitled to per diem and travel expenses at the same rate provided for state employees under S.112.061 in lieu of any other witness fee at the discretion of the court".

**4.7.4.2 Members Attending a Deposition under Subpoena:** Any member subpoenaed for a deposition in any lawsuit, regardless of whether or not the City is a party, or if any portion of the lawsuit concerns the members activities as a City employee, it is mandatory that a copy of the subpoena be forwarded by the member to the Deputy City Attorney, Law Department. The Deputy City Attorney must be contacted, at (305) 416-1800, **BEFORE** the member appears for the deposition.

**4.7.4.2.1** If on duty the member will take the check accompanying the subpoena to Court Liaison and endorse it to the City of Miami. This will then be treated as a regular court appearance.

**4.7.4.2.2** Off-duty members have the following options:

**4.7.4.2.2.1** Member may keep the witness fee as above, in which case said member may not apply for overtime.

**4.7.4.2.2.2** Member can return the witness fee to Court Liaison and apply for overtime.

**4.7.4.3 Defendant in Civil Cases:** A member who, in connection with their official duties, becomes a defendant in a civil suit, shall immediately take any summons or subpoena they may receive to the City Attorney's office. They shall then forward a copy to Internal Affairs to coordinate any subsequent actions which may be required.

Members who are subpoenaed by the plaintiff's counsel in a civil case where the City of Miami is a defendant shall, prior to answering the subpoena, notify the City Attorney handling the case.

**4.7.4.4 Plaintiff in Civil Case:** A member who is subpoenaed by defense counsel in civil cases where the City of Miami is a plaintiff, shall notify the City Attorney's office immediately.

**4.7.4.5 Officers Required To Cooperate:** When a civil action is filed against the City of Miami as a result of police action, members are required to give testimony, depositions, and participate in all pre-trial procedures. When such services are requested by the City of Miami, they will be considered as normal police duty and subject to existing overtime provisions.

**4.7.4.6 Criminal Cases:**

**4.7.4.6.1 Written Interrogatories or Statements:** Members will not answer any written interrogatories or give written statements at the request of a defendant or defense counsel in a criminal proceeding, unless first obtaining the approval of the Assistant State Attorney handling the case. Officers may give written statements to the Assistant State Attorney assigned to the case.

**4.7.4.6.2 Depositions to Defense Counsel:** Members who are subpoenaed for deposition by defense counsels shall contact the Assistant State Attorney assigned to the case prior to providing any depositions.



**4.7.4.7 Depositions in Criminal Cases:** The member's obligation under the rules of criminal procedure are as follows:

**4.7.4.7.1** The new discovery rules permit obtaining depositions of any and all new persons who may have information relating to the offense charged and is not limited just to those persons whom the State intends to use as witnesses. The trial court or its clerk shall issue subpoenas for the persons whose depositions are to be taken. A member who refuses to obey a subpoena served upon them may be held in contempt of court.

**4.7.4.7.2** If the date, time, or place of the deposition is inconvenient, the Assistant State Attorney can move for a change of same.

**4.7.4.7.3** An officer is required to provide a deposition only in the county in which they work or do business.

**4.7.4.8 Subpoena Duces Tecum:** In criminal cases, all evidence, voice recordings, reports, photographs, or any other tangible item subpoenaed by any party, other than a prosecutor, shall be delivered first to the prosecutor assigned to the case. The prosecutor shall then either permit delivery of the item(s) or shall move to prevent delivery.

Originals shall not be released from Miami Police Department custody without an order from the court. These items may, however, be examined, photocopied, or photographed as necessary at the expense of the requestor.

**4.7.4.9 Witness For The Defense:**

**4.7.4.9.1** Any member of the Miami Police Department subpoenaed to appear as a defense witness in any criminal or civil case is required to notify the Chief of Police in writing within 24 hours of receipt of subpoena for such appearance. Compensation for such appearance shall be based on current F.O.P. and A.F.S.C.M.E. contracts.

**4.7.4.9.2** When appearing in court as a defense witness officers shall not wear their police uniform.

**4.7.4.10 Compensation for Court:**

**4.7.4.10.1** Members subpoenaed to attend court, or other court-related proceedings, when in a status of "V", "E/O", or "FH", shall be awarded a minimum of three (3) hours or the actual time spent, whichever is greater. This time shall be applied as "Present" for that day, with the remaining hours of the employee's normal workday as "V", "E/O", or "FH". A member who has been granted "V", "E/O", or "FH", and then subsequently subpoenaed for a court-related matter which cannot be reset, may either:

**4.7.4.10.2** Request the "V", "E/O", or "FH" day be changed to another day, or

**4.7.4.10.3** Be carried "Present" for the three-hour minimum, or actual time expended, whichever is greater, as determined by the Court Liaison Unit Supervisor.

**4.7.4.10.4** A member will not be compensated for more overtime than he would have received had they worked a full tour of duty. It is the responsibility of the respective supervisor of the member to determine court status prior to granting a "V", "E/O", or "FH" day.

**4.7.4.10.5** Personnel assigned to the midnight shift (only), who utilize "V", "E/O", or "FH", are to be considered as having worked the complete tour of duty (except layover time), with regard to compensation for court-related attendance.

**4.8 WITNESS FEES:**

**4.8.1 POLICY:** All City of Miami Police Department personnel, both sworn and non-sworn, should accept witness fees for court liaison related matters that are generated from the performance of their official duties.

**4.8.2 ORGANIZATION:** This chapter of Departmental Order 5 shall be applicable to all Police Departmental personnel whether sworn or non-sworn. The Budget Unit's personnel shall ensure the recording and depositing of all funds received as witness fees and function as a liaison to the Business Management Section.

**4.8.3 RESPONSIBILITIES:** It shall be the responsibility of the Budget Unit to collect and record all witness fees provided to both sworn and non-sworn personnel.

**4.8.4 PROCEDURES:** All Departmental personnel shall accept witness fees for the following:

Attending Court  
Filing Criminal Information  
Giving Depositions Pre-Trial Conferences

**4.8.5** Off-duty members have the following options:

**4.8.6** Members may keep the witness fee, in which case, said members will not apply for overtime.

**4.8.7** Members can return the witness fee to Court Liaison and apply for overtime.

**4.8.8** On duty members shall endorse the fee over to the City of Miami, and return the funds in to either the Budget Unit or the Court Liaison Unit. The Court Liaison Unit will log all checks received and forward them to the Budget Unit.

**4.8.9** All endorsed checks will be turned in to the Court Liaison Unit no later than five days upon receipt.

**4.9 Serving Civil Process and/or Executing Criminal Process in Support of the Judicial Function:**

**4.9.1** Legal process documents include but are not limited to, search and arrest warrants, protection orders, anti-harassment, ex-parte orders, and code enforcement orders. The serving of legal process documents will be recorded in an offense/incident report to document same. The Miami Police Department does not serve legal process documents outside the jurisdictional boundaries of the City of Miami.

**4.9.2** As is required, members of the Miami Police Department will serve some aspect of the legal process. The legal process will include, but may not be limited to search warrants, arrest warrants, court orders of ex-parte, and notices to appear from code enforcement.

**4.9.3** Whenever legal process is served, all pertinent descriptive information will be contained therein.

**4.9.3.1** The type of legal process (civil or criminal).

**4.9.3.2** The nature of the document.

**4.9.3.3** The source of the document.

**4.9.3.4** The name of the plaintiff complainant.

**4.9.3.5** The name of the defendant respondent.

**4.9.3.6** The court or complaint docket number.

**4.9.3.7** The date service is due.

**4.9.3.8** The date the assignment was executed.

**4.9.3.9** The date and time received.

**4.9.3.10** The officer assigned for service.

**4.9.4** If any of the information is omitted on the legal process document, the executing officer will ensure its inclusion on the police offense/incident report.

**4.9.5** Each and every service or attempt to serve legal process will be documented in a supplemental report and cross-referenced under its original case number.

**4.9.6** A record of service or execution of legal process documents must include the following:

**4.9.6.1** The date and time the particular legal document was served.

**4.9.6.2** The name of the individual that served the document.

**4.9.6.3** To whom process was served or on whom executed.

**4.9.6.4** The method of service.

**4.9.6.5** The location of service.

#### **4.10 DUTY TO DISCLOSE EXCULPATORY EVIDENCE: (CALEA 42.1.6)**

##### **4.10.1 Definitions**

**4.10.1.1** Exculpatory Evidence: Exculpatory evidence is evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer, or other agency employee.

**4.10.1.2** Duty to Disclose: Employees have a duty to report information that may impact the determination of a court or jury as to the defendant's guilt or sentencing.

**4.10.2** Employees are required to document all investigative activity involved in an investigation, including exculpatory evidence. It is the employee's responsibility to disclose and provide all potentially exculpatory evidence to the prosecuting authority in current and post-conviction investigations.

**4.10.2.1** Upon becoming aware of previously undisclosed, unknown, and/or unrecognized exculpatory evidence in current or post-conviction investigations, employees must thoroughly document and include details related to when the information was received, who received it, and when it was provided to prosecuting authorities.

**4.10.2.2** Employees who become aware of previously undisclosed, unknown, and/or unrecognized exculpatory evidence in current or post-conviction investigations shall, in addition to notifying the appropriate prosecuting authority, notify the Chief of Police or his/her designee through channels. The Chief of Police or his/her designee will coordinate with the appropriate prosecuting authority to ensure full compliance with applicable law and this policy.

**4.10.2.3** Post-conviction investigations where claims of previously undisclosed, unknown, and/or unrecognized exculpatory evidence are the result of the initial investigation shall not be conducted by investigative personnel involved in the initial investigation.

**STRATEGIC PLANNING AND PERFORMANCE UNIT**Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibilities
- 5.4 Procedures

**5.1 POLICY:** It is the policy of the Miami Police Department (MPD) to provide an atmosphere where planning is an ongoing process, whereby top management sets goals and objectives and selects avenues to implement programs designed to fulfill those objectives and accomplish those goals. Planning activities are generally divided into strategic (long-range) planning, tactical (operational or short-range) planning, and research activities.

**5.2 ORGANIZATION:** The Strategic Planning and Performance Unit is a function of the Support Services Section. The section commander attends staff meetings with the Chief of Police (COP) or Assistant Chief of the Administration Division. During these meetings, long-term and short-term goals and operational objectives, capital improvements, equipment needs, and any other pertinent information and recommendations are reviewed as necessary. **(CALEA 15.1.2)**

**5.3 RESPONSIBILITIES:** The Strategic Planning and Performance Unit collects and analyzes criminal justice and related data for the purpose of providing the MPD with information to plan for the management and control of its resources. The goal of this function is to assist Department managers in planning, programming, leading, and controlling key resources to meet current and projected demands for police services in the City of Miami. Providing quality, focused, efficient and effective police services to the community is ultimately the function of every element and employee of the Department. Strategic Planning and Performance Unit members will have the full cooperation of every division/section/unit within the Department and have access to the requested information/facilities in a timely manner as required in order to carry out its delineated mission. **(CALEA 15.1.1)**

**5.3.1 Goals and Objectives:** The Strategic Planning and Performance Unit's primary goal is to provide the Department with information collected, analyzed and reported from the various sources of data channels as directed by the section commander. **(CALEA 15.2.1; 15.2.2)**

The Strategic Planning and Performance Unit will ensure the following activities are carried out:

1. Each unit commander shall formulate, and update written goals and objectives and ensure that a copy is forwarded to the Strategic Planning and Performance

Unit on an annual basis. Unit commanders will make these goals and objectives available to their employees.

2. The Strategic Planning and Performance Unit will prepare periodic reports as requested by the section commander.
3. The Strategic Planning and Performance Unit will collect and update departmental accomplishments on a yearly basis.

**5.4 PROCEDURES:**

**5.4.1 Planning:** The Strategic Planning and Performance Unit will provide the Department with strategic and short-range planning capabilities. The unit will act in both a research and advisory capacity to the Department and will complete designated projects. The objectives of the unit are:

- 5.4.1.1** To provide current information on which managerial decisions are based.
- 5.4.1.2** To monitor and analyze day-to-day operations of the Department.
- 5.4.1.3** To develop and address long-range Departmental issues. To provide timely and accurate information, and viable alternatives, to management in making decisions of long-range Departmental concerns.
- 5.4.1.4** To participate, as directed, in projects and task forces; to serve as liaison, or to coordinate studies and research efforts.
- 5.4.1.5** The Strategic Planning and Performance Unit will maintain a current 3 year plan, which will include the following: **(CALEA 15.1.3 a, b, c, d, e, f)**
  1. Long-term goals and operational objectives for the Department and a plan for achieving them,
  2. anticipated workload and population trends,
  3. anticipated personnel levels,
  4. anticipated capital improvements and equipment needs. A specific plan addressing these elements and a projection of the anticipated results will be updated, reviewed and revised as needed and forwarded to the COP.
  5. A collaborative system review to include contributing elements: Identification of involved stakeholders or decision makers, opportunities for improvement in associated systems or process, and what elements exist contributing to future risks.

**5.4.1.6** The Strategic Planning and Performance Unit will respond to surveys, questionnaires, and external requests for information from agencies, citizens, and government officials in a timely manner.

**5.4.1.7** The Strategic Planning and Performance Unit will publish, yearly, an annual report portraying the Miami Police Department in a positive light. The annual report contains articles highlighting new and continuing programs, Departmental accomplishments, pictures, and crime statistics.

**5.4.1.8** The Strategic Planning and Performance Unit will publish the Official Bulletin (OB) twice a week, on Tuesday and Friday. The Unit will publish the Chief's Bulletin and Special Bulletins as required.

## ADMINISTRATIVE REPORTS

### Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Responsibilities
- 6.4 Procedures

**6.1 POLICY:** It is the policy of the Miami Police Department to maintain information within the agency, as well as, provide a mechanism to report agency activities outside the immediate structure of the agency.

**6.2 ORGANIZATION:** The Administrative Reporting Program is a function of the Strategic Planning and Performance Unit of the Support Services Section. All administrative monthly reports are to be gathered and assembled in their respective Division Chiefs office. The Division Chiefs office will then disburse them to the Office of the Chief of Police. The Strategic Planning & Performance Unit will maintain a departmental file of accomplishments, goals, objectives for each unit yearly.

**6.3 RESPONSIBILITIES:** It is the responsibility of each individual unit to maintain a listing of all administrative reports generated in their unit on a daily and monthly basis, with a master listing of all reports generated on an annual basis. The Strategic Planning and Performance Unit collects and maintains all administrative reports generated in the department on an annual basis.

### **6.4 PROCEDURES:**

**6.4.1** Each division within the department will provide the Strategic Planning and Performance Unit with their listing of reports (both fiscal and calendar year) on an annual basis due on January 1 of each year. The listing will include the following:

**6.4.1.1** A statement as to the person(s) or position(s) responsible for the formulation of the report;

**6.4.1.2** A statement of the purpose of the report;

**6.4.1.3** A statement of the frequency of the report;

**6.4.1.4** A statement of the distribution of the report.

**6.4.2** Whenever a new report is created, the above information will be provided reference the new report, along with a blank copy of the report format, to the Strategic Planning and Performance Unit.



## PERSONNEL UNIT

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** It is the policy of the Miami Police Department MPD to expeditiously handle all personnel affairs of the Department in a professional and proactive manner.

**1.2 ORGANIZATION:** All personnel activities will be coordinated by the different units of the Personnel Resource Management Section.

**1.3 RESPONSIBILITIES:** The Personnel Unit is a component of the Personnel Resource Management Section, Administration Division. The primary function of the Personnel Unit is to ensure that the human resource needs of the Department are met, and that personnel policies and procedures are adhered to. Other functions involve the monitoring of all probationary employees to ensure that employees serve the appropriate probationary period; ensuring that employees are evaluated at least on an annual basis and that employees receive their anniversary increases and other contractual wage supplements; generating all requisite personnel action forms to properly record personnel status changes such as leaves of absence, suspensions, return to duty, promotions, resignations, retirements, etc.; serving as liaison to the Civil Service Board on personnel-related matters; maintain a variety of personnel records and serving as personnel records custodian and responding to public records requests; and accounting for department personnel and vacant positions.

### **1.4 PROCEDURES:**

**1.4.1 Leave of Absence:** Requests shall be made by the employee through channels to the Chief of Police. Requests under the Family Medical Leave Act (FMLA) does not require prior approval and can be submitted directly to the Department of Human Resources for approval. It is the responsibility of the employee to get the appropriate paperwork to the Personnel and Health Services Units. (See Health Services Departmental Order)

**1.4.2 Leave Without Pay:** In accordance with the collective bargaining agreements and the City's Pay Policy (APM 5-78), any leave which results in a change in an employee's status to without pay (WW), will delay the permanent status or anniversary increase for the same amount of time equal to the length of time WW.

**1.4.3 Leave of Absence With Pay:** To take an extended leave of absence with pay to attend a convention, conference or training course for the purpose of professional improvement, the approval of the Chief of Police is required. The immediate supervisor may grant permission to attend other conventions or conferences by using time earned or vacation time.

**1.4.4 Military Service and Leave:** Requests for military training and active duty leave will be made through channels via the Request for Military Leave, form CS/AL 001. The Chief of Police (or

designee) has the authority to sign the request. The signed CS/AL 001 form and a copy of the military orders must be sent to the Personnel Unit for distribution. Requests for Military Leave for other than training purposes shall be directed to the Civil Service Board.

**1.4.4.1** Upon return from military leave, requests for re-employment must be made through channels via the Request for Re-Employment Following Military Leave, form CS/AL 002. Requests for re-employment will be processed in accordance with the Uniformed Services Employment and Reemployment Act (USERRA) and applicable Civil Service Rules and Regulations. A copy of the DD Form 214, Certificate of Release or Discharge from Active Duty, 'Member 4' or similar discharge papers must be submitted with the re-employment request. The signed CS/AL 002 form and the military discharge papers must be sent to the Personnel Unit for processing.

**1.4.5 Vacation:** Employees are allowed vacation with pay after completion of six (6) months of actual, continuous service or in accordance with the applicable collective bargaining agreements and/or Administrative Policies.

**1.4.5.1 Vacation Time Accruals:** Employees are allowed vacation with pay after completion of six (6) months of actual, continuous service. This order applies to all departmental employees, sworn and civilian and is conducted in accordance with the respective collective bargaining agreements. Vacation accruals for managerial confidential and unclassified service employees are conducted in accordance with the benefit packages for these employee groups.

**1.4.5.2 Vacation Schedules:** Vacations shall be scheduled according to the following criteria:

First - Seniority in Rank

Second - Seniority in the Department

The criteria are applied at the unit level, e.g., Platoon "A" Patrol. When scheduling vacations, unit commanders need not be concerned with other shifts, etc.

**1.4.5.2.1** Section Commanders are responsible for vacation scheduling. Vacations shall be scheduled so that no shortage of personnel arises. Each section, unit, detail, or squad shall, if possible, schedule their personnel to allow an equal number of monthly vacations throughout the year (one-twelfth of their personnel per month). Units with less than twelve (12) people cannot schedule more than one person at a time without prior approval of the Section Commander.

**1.4.5.2.2** When a Section Commander finds it necessary to cancel or hold a vacation in abeyance during any calendar year, it shall be brought to the attention of the Division Chief, without delay, through channels, stating reasons for the action taken.

**1.4.5.2.3** Anyone with 80 hours or less is not required to schedule a vacation. Employees are to abide by the provisions of their current labor agreement with regards to the number of hours that can be carried over and the time period vacation time needs to be used.

**1.4.5.2.4** An employee may take a vacation day at any time with the approval of the commanding officer. The occasional use of one or several "V" days will not relieve the employees of the responsibility to take their scheduled vacations and reduce the available time to the scheduled balance, unless already at or below the contractual cap by the scheduled starting date.

**1.4.5.2.5** It is the policy of the MPD that vacation schedules be honored even when changing assignment.

However, the Section Commander has the authority to change a scheduled vacation under extenuating circumstances. Employees may appeal the decision of the Section Commander through channels to the Division Chief for final determination.

**1.4.5.2.6** In cases of emergency, the Chief of Police or a Division Chief may declare a vacation recall or cancellation. In this instance, those persons affected will re-schedule their vacations. This will be done without affecting vacations already scheduled for dates not affected by the recall or cancellation.

**1.4.5.2.7** This Departmental Order pre-empts all section, unit, or detail Standard Operating Procedures ("SOP") on "Vacation." Any conflict should be brought to the attention of the Assistant Chief for resolution.

**1.4.5.2.8** It is the responsibility of the employee to notify their commanding officer of their whereabouts and how to be reached while on vacation and away from their residence.

**1.4.6 Sick Leave:** Sick leave time accrual, payoff for unused sick leave, and the conversion of sick leave to vacation time shall be subject to the provisions of the collective bargaining agreement, Administrative Policy and/or Civil Service Rules and Regulations.

**1.4.6.1 Illness Arising During Tour of Duty:** Any employee released from duty because of an illness during a tour of duty shall be considered "Present" for the actual number of hours worked and "I" for the actual number of hours remaining in the tour of duty.

**1.4.6.2 Abuse of Sick Leave Privilege:** Sickness, disease or physical disability resulting from intemperate habits or immoral conduct shall not be compensated. If the supervisor suspects that the employee is malingering or abusing the sick leave privilege, notation shall be made outlining the circumstances and leave with pay shall not be granted.

**1.4.6.3 Responsibility for Notification of Illness:** To be granted sick time due to illness or injury, the employee must report daily by telephone to their supervisor at least fifteen (15) minutes prior to each tour of duty.

Regardless of the type of time used (EO, V, I, FH) the employee's supervisor shall be responsible for monitoring the time used if it is for illness. The employee's commanding officer may eliminate the requirement of reporting daily in the event of an extended or serious illness if the employee notifies his/her commanding officer of the estimated length of absence.

**1.4.6.4 Disciplinary Action - Non-Sworn:** The disciplinary action of non-sworn permanent employees shall be administered in accordance with the provision of the existing collective bargaining agreement.

**1.4.6.5 Policy Defined:** The purpose of this departmental order is to establish a fair and equitable procedure for the selection of departmental employees, both sworn and non-sworn, to a specialized unit. The Personnel Unit is responsible for coordinating all civilian interviews for the Department in accordance with applicable administrative policies and collective bargaining agreements. Selection processes are based on merit, job-related criteria, and are conducted in a fair and consistent manner, without regard to a person's race, color, religion, sex, national origin, age, marital status, and sexual preference.

**1.4.6.5.1 Specialized Units:** All units, with the exception of the uniformed patrol platoons, are considered specialized units. Since these uniform patrol platoons are considered basic functions, inter-platoon re-assignments shall be at the discretion of the District Major with the approval of the Division Chief and will not come under the guidelines of this Departmental Order regarding applicant selection.

However, to minimize conflict between individuals seeking assignment to the same platoon, the District Major shall establish written guidelines within the Patrol District S.O.P.'s.

**1.4.6.5.2 Scope:** At the discretion of the Division Chief, nothing in this Departmental Order is intended to usurp the authority of the Section Commander over intra-sectional re-assignments, when such re-assignments are on a one-for-one basis or as deemed necessary between units of their section. This is subject to review by the Division Chief. If a vacancy occurs due to promotional re-assignment or departmental separation of a sworn employee, the guidelines of this Departmental Order will be followed.

As it pertains to the Criminal Investigations Division (CID), nothing in this Departmental Order is intended to usurp the authority of the CID Division Chief over intra-divisional re-assignments, when such re-assignments are on a one-for-one basis or as deemed necessary between units of their sections. If a vacancy occurs due to promotional re-assignments or departmental separation of a member, the guidelines of this departmental order will be followed.

**1.4.6.5.3** Notwithstanding the provisions of this Order, the Chief of Police shall retain the right to grant or deny re-assignments when it is determined that such action is necessary for the efficient operation of the Miami Police Department.

**1.4.6.6 Announcement of the Vacancy:**

**1.4.6.6.1** When a vacancy for a sworn position is to be filled, an announcement will be published in the Official Bulletin ("O.B.") describing the duties and responsibilities of the position. This announcement must be published for ten (10) calendar days prior to the commencement of the selection process.

**1.4.6.6.2** Within this ten (10) calendar day period, interested applicants should submit a Re-Assignment Application Form (R.F. #224) to the respective Unit Commander. Applicants must submit a complete application with proof of education to include transcripts, certificates, licenses, etc. The receiving Unit Commander or designee will ensure that all submitted applications are maintained by their unit for a period of no less than six (6) months along with a copy of the published O.B. The Unit Commander has the right to extend the O.B. or establish a new list after filling the number of vacancies.

**1.4.6.6.3 Application Screening:**

The Unit Commander or designee will be responsible to screen all applications to ensure that minimum requirements are met. Applicants not meeting the minimum requirements will not be considered. The Unit Commander or designee should conduct a background review of each applicant. The following areas shall be researched when considering applicants, but not limited to the previous 12 months:

- Attendance Reports
- Driving Records
- Internal Affairs DDRB Profile
- Performance Evaluation Reports
- Special Training and Schools attended
- Education
- Proficiency skills (if applicable)
- Previous assignments

An applicant who is not deemed eligible may appeal his/her ineligibility in writing to the Unit Commander or designee for consideration.

#### **1.4.6.6.3.1 Established List**

Once the announcement closes, the Unit Commander or designee will submit a redline memorandum titled, "Vacancy Established List", to the Administration Division Chief with the below information:

The Official Bulletin number and date the announcement was published;  
Position the list is being established for;  
Number of Vacancies;  
Applicant's full name, IBM and if the applicant is eligible or does not meet the minimum requirements

Example:

Official Bulletin #2019-90  
Date Published: November 12, 2019  
Position: Health and Wellness Officer  
Number of vacancies: 1

Applicant(s):  
John A. Doe #9999 – eligible  
Jorge Doe #0000 – does not meet minimum requirements

The Unit Commander must maintain a copy of the list submitted to the Administration Division Chief for their records and reference to fill vacancies.

#### **1.4.6.7 Re-Assignment Procedures:**

**1.4.6.7.1** For sworn personnel transfers, refer to the policy on Personnel Assignment Procedures.

**1.4.6.8 Civilian Advancements/Promotions:** Civilian personnel who have been selected and approved for a change of classification within the Department may be retained by their original unit for up to thirty (30) calendar days after the effective date of the change. This time is to be used to allow for a smooth transition and to minimize work interruptions; however, the effective date (i.e., the date that the affected employee begins earning the higher rate of pay) shall not be delayed. Once the employee is cleared from an updated background investigation, medical processing, if required, and the employment certification list is approved by the Office of Equal Opportunity and Diversity Programs, the affected employee begins earning the higher rate of pay in compliance with the collective bargaining agreement.

**1.4.6.9 Public Records Act:** Personnel files are considered "Public Records" under Chapter 119, Florida State Statutes. Public records must be produced after the request is approved for inspection by the Legal Unit. Procedures have been established to ensure proper compliance with the Public Record Act, and any person desiring access to any "Public Record" should contact the Police Legal Unit.

#### **1.4.6.10 Personnel File:**

**1.4.6.10.1 Official City Personnel File:** The official record of employment containing original documents is maintained by the Department of Human Resources.

**1.4.6.10.2 Departmental Personnel File:** The MPD maintains a file on each employee containing documentation relating to employment with the Department.

**1.4.6.10.3** The Personnel Unit maintains departmental personnel files on all employees of the department. The files are located in a secured file room.

**1.4.6.10.4** Files on staff employees are maintained in the Office of the Chief of Police.

**1.4.6.10.5** Employees needing to review files will have a member of the Personnel Unit complete a file review sheet for the file to be reviewed. The file review sheet becomes part of the personnel file. This procedure serves as a tracking mechanism of individual files that have been reviewed.

**1.4.6.10.6** No departmental personnel file shall be removed from the Personnel Unit without approval of the Personnel Manager.

**1.4.6.10.7** Employees wishing to review their personnel file may do so at any time during normal working hours, (0730 hours–1630 hours, Monday through Friday). Copies of documents contained in the departmental file will be provided by the Personnel Unit.

**1.4.6.10.8** All persons reviewing departmental files will be monitored by a member of the Personnel Unit. Under no circumstances will any person remove any document from a file without authorization from the Personnel Unit Manager.

**1.4.6.11 Unit File:** Every unit within MPD maintains a unit file on all employees assigned to said unit. Throughout an employee's career with the MPD, their unit file follows them to each new assignment. A great deal of information contained in the unit file can be found in no other files maintained by the MPD. Therefore, upon separation from employment, the unit file must be sent to the Personnel Unit for review.

**1.4.6.12 Disposition of Unit Files for Voluntary Resignation, Service Retirement, Disability Retirement:**

**1.4.6.12.1** During the clearance procedure for termination of employment the employee's unit commander will ensure that the employee's unit file is forwarded to the Personnel Unit.

**1.4.6.12.2** Following clearance, the unit file will be reviewed by a representative of the Personnel Unit. During this review the following documents will be removed for preservation by the Department:

- Proficiency/Deficiency Reports.
- Field Training Evaluations and Reports.
- Memoranda addressed to "File".
- All documents relating to injury and/or disability.
- Any other document not contained in the Departmental File.

**1.4.6.12.3** Following review, the employee may be provided with their unit file, excluding the documents removed during the review. The unit file is at this point the personal property of the employee.

**1.4.6.12.4** All of the documents removed from the Unit file during review will be preserved in the Department personnel file. Upon demand, the employee may review their departmental file, and receive copies of any documents contained therein at no cost.

**1.4.6.13 Dismissal:**

**1.4.6.13.1** During the clearance procedure for separation from employment, the unit commander will ensure that the employee's unit file is forwarded to the Personnel Unit.

**1.4.6.13.2** Upon receipt, and prior to final clearance, a Personnel Unit representative will take custody of the unit file. In every case involving dismissals, the entire unit file will be preserved with the Department file.

**1.4.6.13.3** Upon demand, the employee may review their files and receive copies of any documents contained therein.

**1.4.6.13.4** When employee misconduct results in dismissal, employees shall be compensated for vacation and compensatory time earned in accordance with existing labor agreements. Employees shall also receive their pension contributions. Employees shall not be compensated for "I" time.

**1.4.6.14 Disposition of Evidence Files:**

**1.4.6.14.1** Any member intending to resign, retire, transfer to another department, etc., is required to check with the Property Unit to review property evidence files prior to separation from employment. Refer to the order on the Mandatory Review of Evidence Prior to Separation of Employment for more detail.

**PERSONNEL EVALUATIONS,  
COMMENDATIONS AND REPRIMANDS**

Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures

**2.1 POLICY:** The primary purpose of the performance-rating program is employee development. This positive approach will benefit employees who are interested in advancement, as well as immediate supervisors who are interested in increasing the capability and cooperation of their employees. It is the supervisor's responsibility to appraise, apprise, and counsel employees so that they may attain their full potential.

Ratings, along with other relevant data, will be a factor considered in discipline in a coordinated and competent effort to correct undesirable behavior and to improve performance while motivating and developing personnel to their fullest potential.

**2.2 ORGANIZATION:** Every employee of this department must be evaluated at least annually. Each supervisor must ensure that everyone reporting to him/her is evaluated fairly and in a timely manner.

**2.3 RESPONSIBILITIES:** Evaluation instruments are developed by the Department of Human Resources and approved by the City Manager.

Each supervisor is responsible for evaluating his/her employees in a timely fashion, and for ensuring that those supervisors reporting to him/her evaluate their subordinates properly.

**2.4 PROCEDURES:**

**2.4.1 Probationary Rating System:** Police Officers hired into the Police Recruit classification shall serve a probationary period of not less than 18 months and not more than 24 months. Those in the ranks of Sergeant to Captain will serve a 6 to 12 months probationary period. Recruit officers must satisfactorily complete six (6) months of the police academy and pass the state certification exam. These employees must complete six (6) months of satisfactory performance in the Field Training Officer Program, which includes four (4) months riding with a field training officer and two (2) months riding solo. After release from the FTO Program, these employees must complete six (6) months in a full-duty status with satisfactory performance before permanent status may be attained.

Personnel hired directly as Certified Police Officers without prior law enforcement experience or sworn employees hired from other police agencies as sworn City of Miami Police Officers and without being required to attend the police academy shall be placed at step 1 of the salary range and shall serve a twelve (12) month probationary period. These officers are also required to comply with the above stated F.T.O. and Post F.T.O. training requirements before permanent status is attained.



Former sworn employees rehired as Police Officers must complete a probationary period of a minimum of twelve (12) months, participate in the F.T.O. Program and complete six (6) months in a full-duty status with satisfactory performance after released from the F.T.O. program.

New civilian employees and those who have not held Civil Service status will serve a twelve-month probationary period; employees who occupy the classification of Communications Operator shall serve an eighteen-month probationary period.

Probationary employees, both sworn and civilian, are evaluated on a monthly basis until permanent status is attained. The measurement/assessment of performance is based on a clear understanding of the **mission** and **objectives** for the position being evaluated. Understanding the mission is then translated into **position goals** and the work to be done to obtain the goals. Job performance is measured through dimensions that focus on job behavior.

**2.4.1.1** A copy of the Performance Appraisal Form (Form PM/AL 006) for each probationary employee will be delivered to his/her unit each month. The form is to be completed and returned to the Personnel Unit, through channels. The completed form must be signed and dated by the appraiser, employee, and department director or designee.

**2.4.1.2** The probationary evaluation reports will be numbered in the spaces provided. On each rating form, substantiating comments are mandatory for any rating below satisfactory. No comment is necessary for an average rating. However, outstanding ratings (5 points on a 5 point scale) must also be accompanied by substantiating comments explaining the reasons for the ratings.

**2.4.1.3** Monthly probationary periods will coincide with calendar months. Any probationary period of less than 15 days within a calendar month will be included and covered in the preceding or following month, whichever is nearest to said partial monthly period of time.

**2.4.1.4** The supervisor will discuss with the employee in a monthly conference the results of the performance evaluation just completed to include all ratings and comments. Additionally, the supervisor is to address with the employee the position/goal/assignment(s) and ways (objectives) to achieve them for the next reporting period. The monthly conference will be held, whenever possible, during the first week following the monthly period being rated. A copy of the evaluation report will be given to the employee after each conference.

Example of Goal and Objectives for Patrol Officers

Position Goal: To improve the quality of life in the assigned service area by enforcing the laws of the State of Florida and applicable County and City ordinances.

Position Objectives: To identify issues and problem areas within the service area.

To proactively patrol and self-initiate activities to address issues and problems within the service area.

To initiate and develop contacts with residents and business owners within the service area.

To maintain an active community presence through the detection and prevention of crime.

**2.4.1.5** When the probationary period is almost complete, the supervisor will make a recommendation as to permanent employment. The supervisor will go over the entire report with the employee, both will sign it, and it will then be forwarded through channels to the appropriate Assistant or Deputy Chief of Police. Any disagreement or comments by the employee regarding the evaluation and recommendation will be expressed in writing by the employee, if he/she so desires, in a memorandum that will be attached to the report as it travels through channels.

**2.4.1.6 F.T.O. Evaluation:** Probationary Officers assigned to the F.T.O. Program will be evaluated weekly on the F.T.O. Evaluation Form (R.F. #47), in addition to the Performance Appraisal Form prepared by the officer's immediate supervisor.

**2.4.1.7 Termination/Dismissal or Reduction in Rank:** May be recommended in a Performance Appraisal Form, but it must be accompanied by a memorandum detailing and documenting the justification for the recommendation. The memorandum, Performance Appraisal Form, and any other pertinent documentation will be forwarded through channels to the Chief of Police.

**2.4.1.8** Recommendations for extensions of probationary periods must be received by the Personnel Unit Supervisor thirty (30) days prior to the date of permanent appointment.

**2.4.1.9** Any recommendation for termination, reduction in rank or position, or extension of probation during the last thirty (30) days of the probationary period and after the final report has been submitted shall be documented in a memorandum and hand carried through channels. The final report will then have to be rescinded, since it must contain the final recommendation requesting or denying permanent appointment. A corrected final report will then be completed with the correct recommendation. The request must be received by the Personnel Unit prior to the expiration of the probationary period. Requests that reach the Civil Service Board after the end of the employee's probationary period will not be granted, and the employee will automatically gain permanent status.

To terminate or reduce in rank a probationary employee requires the approval of the Director of the Department of Human Resources in accordance with Civil Service Rule #9, Section 9.4. This type of personnel action is to be coordinated through the commander of the Personnel Unit.

Termination or dismissal of probationary employees due to misconduct requires the same procedure as described in the preceding paragraph with the exception that the documentation submitted to the Director of the Human Resources Department should focus on the misconduct and violation of Departmental Orders, Standard Operating Procedures and Civil Service Rules as opposed employee competence and or job performance.

Note: Probationary employees have no rights to the position they currently hold; therefore, if the need arises to terminate or reduce an employee's rank, the aforementioned procedures must be followed. Paramount to the effective implementation of this procedure is the counseling and documentation aspects associated with fair and reliable appraisal of employee performance.

**2.4.1.10** Should a probationary employee be transferred from one assignment to another, the Performance Appraisal Form will be completed up to the date of the transfer and forwarded through channels to the new assignment. A notation will be made on the transfer evaluation indicating that the employee is on probation and to what point of probation, e.g., Probationary, 1 of 18 months completed.

**2.4.1.11** Distribution of the Performance Appraisal Form for probationary employees after final approval by the Section Commander will be:

Original	Personnel
One Copy	Employee
One Copy	Employee's Unit File

**2.4.2 Annual Performance Rating System:** Every employee except those in probationary status, shall be evaluated annually on their anniversary date by their immediate supervisor. The evaluation shall reflect only the employee's performance for the preceding year.

All supervisors conducting annual evaluations are required to inform subordinate employees in writing whenever their performance is deemed unsatisfactory. This shall be done in a timely manner but no less than 90 days prior to the end of their annual rating period. Supervisors are to define the actions that should be taken to improve subordinate performance. If unsatisfactory performance continues, the information is to be included in the evaluation report at the end of the 90 day period. **(CALEA 35.1.6)**

Notice to subordinate employees shall be given via a red-line memorandum and a conference will be conducted as well.

The Performance Appraisal Form (PM/AL 006) will be typed and distributed by the Personnel Unit and will be used for an annual evaluation with an anniversary increase or an annual evaluation with no anniversary increase. The Personnel Unit will indicate on the form if the employee is eligible for an anniversary increase.

**Annual Performance Evaluations:** It is the imperative that supervisors conducting performance evaluations identify the goals and objectives for the position or assignment being evaluated. Once the goal(s) is/are identified, job performance is measured through dimensions listed on the performance evaluation from that focus on job behavior. Furthermore, supervisors shall provide input and identify ways for improved employee performance and career and personal development.

Supervisors are to follow the principles and example outlined in 2.4.1.4 when conducting annual evaluations.

The supervisors conducting annual evaluations should keep and maintain an activity file on each employee under their supervision. The file should contain information on commendations, proficiencies, reprimands, deficiencies, "I" time usage and other pertinent information relative to the evaluation process. This information is to be considered when performing a performance evaluation.

**2.4.2.1** The back page of the performance evaluation form is to be used for "I" profiles of 40 hrs. or more for all time taken off for medical reasons; said reasons are to be part of the profile. This includes "V", "EO", etc.

**2.4.2.2** Disciplinary and commendation profiles should reflect all actions taken during the rating period.

**2.4.2.3** The Performance Appraisal Form shall be completed by the supervisor and signed by the employee and the supervisor. All ratings will be discussed with the employee by the rater.

**2.4.2.4** The rater's superior will review the Performance Appraisal Form. The reviewer's responsibility is to review the performance evaluation for accuracy, objectivity, procedural preparation, and ensure that the standards and methods used to evaluate the level of performance are consistent. The reviewer will also evaluate the rater's fairness, impartiality ability to carry out their role in the performance evaluation process, and application of uniform ratings used to evaluate performance. Rater's will be evaluated on the above responsibilities on their own annual evaluation. The assistant chief of Field Operations Division, Criminal Investigations Division, and Administration shall sign the evaluation as the designee. Section commanders working directly under the Chief of Police, may sign the evaluation as the designee. It is then forwarded through channels to the Personnel Unit within 15 days following the end of each rating period.

**2.4.2.5** Employees may comment on the reverse side of the report expressing their view or opinions, or on a memorandum that is to be attached to the Performance Appraisal Form.

**2.4.2.6** A number (1 through 5) shall be circled for each dimension indicating how the employee rates in that area. Each supervisor must comment on every factor where he/she rated the employee as outstanding (5 points on a 5 point scale).

**2.4.2.7** It is mandatory for supervisors to comment on those factors where they rated the employee below average, i.e., needs improvement (2 point on a 5 point scale) or unsatisfactory (1 point on a 5 point scale).

**2.4.2.8** All employees will be provided a mandatory conference with their supervisor, regardless of the overall evaluation. Employees shall sign the form only after they are afforded the opportunity to see all the comments made by the rater.

The employee will be informed and encouraged to take advantage of career development training offered by our department's Training Unit and the City's Department of Human Resources, Training Unit. The objective here is improved performance and employee development through training.

**2.4.2.9** Senior supervisors are to evaluate the fairness and impartiality of ratings given and the employee counseling given by supervisors under their command when evaluating that person's supervisory ability.

**2.4.2.10 Employee Appeal of Performance Appraisal Rating(s):** An employee, who contests an evaluation report, may elect to appeal performance appraisal ratings. An appeal shall be processed in accordance with the following procedure:

**2.4.2.10.1** The employee shall discuss the contested appraisal rating(s) with his/her immediate supervisor during the mandatory conference provided by his/her rater.

**2.4.2.10.1.1** The immediate supervisor may appropriately adjust the contested rating.

**2.4.2.10.2** If the contested rating(s) are not satisfactorily resolved, the employee may submit a written request on a redline memorandum through channels directed to the appropriate Division Chief.

**2.4.2.10.2.1** The memorandum will be submitted on the date that the mandatory conference is scheduled, and will accompany the performance appraisal form through channels.

**2.4.2.10.2.2** At each level in the employee's chain of command, the reviewing superior officer may adjust and initial adjusted rating(s) on the Performance Appraisal form, record either his/her agreement or disagreement with the contested rating(s), and affix his/her signature and the date of the review as an endorsement on the contesting employee's memorandum.

**2.4.2.10.2.3** The employee may request to appear in person before each level in his/her chain of command when contesting performance appraisal ratings.

**2.4.3 Unsatisfactory Evaluation:** The names of employees who are rated as unsatisfactory (i.e., Ratings below 1.50) for the preceding year shall be submitted by the employee's section commander to the Personnel Unit. The employee will then be required to appear before the Civil Service Board, which will make a recommendation to the City Manager as to whether the employee shall be removed, suspended or reduced in rank.

**2.4.4 Commendations:** Supervisors or commanding officers may, when desiring to commend employees on their performance of duty, submit five copies of Form R.F. #36 for sworn personnel, and R.F. #36A for non-sworn personnel, to the Chief of Police through channels. The following are examples of appropriate commendations:

- For recognition of assigned work well done.
- For recognition of unassigned work well done.
- For courage beyond that expected in normal performance of duty.

**2.4.4.1** Commanding officers and supervisors may recommend earned time for exemplary work. This recommendation will **NOT** be placed on the commendation form. It must be submitted as a Red Line Memorandum to the Chief of Police following the procedures outlined in Departmental Order 6, Chapter 5 (Awards). The Selection Committee for the Outstanding Officer of the Month will consider the recommendation.

**2.4.5 Reprimands:** Any supervisor or commanding officer, who is reprimanding an employee for a violation of a Departmental Order, Official Bulletin, SOPs, etc., shall complete seven copies of Form R.F. #36 for sworn personnel and R.F. #36A for non-sworn personnel. The narrative portion of the reprimand shall include specific violations.

All reprimands will have as an attachment a memorandum of all disciplinary actions, including penalties, recommended against the employee during the last 24 months. Disciplinary actions that occurred prior to that period may also be used in assessing the employee's performance.

Supervisors must review the employee disciplinary actions profile (computer printout) from the Internal Affairs Section. This procedure will be used in order to list all disciplinary actions recommended against an employee, to include cases which are pending finalization by the Chief of Police. The supervisor must specify these cases in the 24 month disciplinary profile and indicate status as "pending."

**2.4.5.1** Once the reprimand is completed, the supervisor shall sign and date the reprimand and submit it through channels to the Division Chief. If the penalty is for any forfeiture of time or suspension from duty, the reprimand is sent to the City Attorney for review and approval and is then given to the employee for his/her signature. This signature does not necessarily indicate agreement, but merely that the employee has been informed of the action.

**2.4.5.2** For reprimands with no forfeiture of time or suspension, the disciplined employee may comment in a memorandum expressing his/her view of the incident.

**2.4.5.3** If forfeiture of time or suspension is recommended, a memorandum from the employee giving his or her view of the incident must be attached to reprimand.

**2.4.5.4** The completed reprimand package with all requisite signatures, minus the Chief of Police is forwarded to the D.D.R.B. Office where it is assigned a control number and logged.

**2.4.5.5** A contested disciplinary action is scheduled for a D.D.R.B. review in accordance with D.O. 6, Chapter 22.

## HEALTH SERVICES DETAIL

### Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** It is the goal of the Miami Police Department to provide its employees the medical assistance needed in order for them to rehabilitate from an injury. The purpose of this chapter is to set forth procedures to be followed when an employee's work status has changed due to an injury or illness.

**3.2 ORGANIZATION:** Worker's Compensation is a function of the Personnel Resource Management Section (PRMS) and shall be administered by the Health Services Detail.

**3.3 RESPONSIBILITIES:** The Health Services Detail is responsible for the administration of employees while they are recovering from an injury or illness.

**3.4 PROCEDURES:** Administration of the Worker's Compensation Self Insurance Program: (City Commission Resolution 39802, June 20, 1968): Any full time officer who, in the opinion of the City Manager, is temporarily disabled as a result of a line-of-duty injury shall be entitled to pay equal to the difference between their full salary and Worker's Compensation benefits for a period not to exceed 150 days from the commencement of such disability.

**3.4.1** An injured officer receiving such benefits and who, in the opinion of the City Manager, is unfit to return to duty at the end of the 150-day period may, at the discretion of the City Manager, receive such benefits for an additional period, not to exceed 60 days.

**3.4.2** An injured officer who has received benefits and who, in the opinion of the City Manager, is unfit to return to duty after the expiration of the time periods mentioned above, shall be entitled to the difference between 2/3 of their full salary and Worker's Compensation benefits for the additional period of disability.

**3.4.3** Non-sworn employees will be covered by the current Collective Bargaining Agreement (CBA).

**3.4.4** At any time during absence from duty due to a line-of-duty injury, the employee may be required, by request of the City Manager, to submit to a physical examination within 15 days after receiving notice of such request. Failure to submit to the examination at the time specified, without cause, shall cause the termination of all benefits.

**3.4.5** All injured employees receiving benefits under this section shall, prior to receipt of any further benefits, at the request of the City Manager, be required to execute a written and sealed instrument(s) before a Notary Public, whereby the employee, on behalf of himself, heirs, assigns, executors, or administrators:

- a) Acknowledges receipt of benefits previously received;

- b) requests benefits to be continued;
- c) agrees that, in consideration of the payment of such benefits, they will reimburse the City of Miami to the full extent of such benefits received or to be received, from the settlement proceeds of any liability of third parties, arising out of the acts for which recompense is sought;
- d) assigns to the City Manager the full extent of all such benefits received or to be received hereunder and their right to recover from the proceeds of all damage claims. The City Manager is authorized to accept a sum in a lesser amount than the full extent of the benefits, upon the recommendation of the City Attorney in appropriate circumstances and in the best interest of both, the City of Miami and the employee concerned, before or after any recovery is made by the employee, as set forth herein.

**3.4.6** The City Manager may appoint an advisory committee for the purpose of making recommendations on matters under consideration. The committee will consist of a department head, the City Physician, and one other person in the employ of the City. The committee shall make its recommendation in writing to the City Manager.

**3.4.7 Reporting Line of Duty Injuries:** Employees injured in the line of duty, **no matter how minor**, must immediately report the injury to their supervisor. The supervisor will ultimately complete a Supervisor's Report of Employee Accident/Injury form in each instance. The Supervisor's Report of Employee Accident/Injury forms are set apart by employee classification. The Supervisor's Report of Employee Accident/Injury form PD/AD 226 will be designated for sworn employees only. The Supervisor's Report of Employee Accident/Injury form RM/CL 106 Rev 12/10 will be designated for AFSCME & Non-Union employees only.

**3.4.7.1** The supervisor shall telephone the Communications Supervisor or designee and:

- a) Report the injury;
- b) obtain an "Injury Control" number;
- c) obtain the City of Miami's Third Party Claims Administrator's (TPA) telephone number;
- d) telephone the TPA (open 24 hours a day) to report the injury before the end of the supervisor's tour of duty;
- e) write down the "Injury Control" number and the TPA number in the upper left hand corner of the Supervisor's Report of Employee Accident/Injury form.

**3.4.7.2** The Communications Supervisor or designee shall:

- a) Assign an "Injury Control" number to the incident;
- b) Log the injury in the Communication Risk Management Log located on the MPD Intranet SharePoint.

**3.4.7.3** Before the end of the supervisor's tour of duty, the supervisor shall:



- a) Complete the appropriate "Supervisor's Report of Employee Accident/Injury" form.
- b) Forward the original through channels and email a copy to the Health Services Detail supervisor or designee.

**3.4.7.4** The Health Services Detail shall retain a copy of the report in the employee's Health Services Detail file.

**3.4.8** In cases requiring immediate medical attention, where the injury is so severe that reporting the injury at the time to the TPA is not feasible, the employee shall be transported via Emergency Medical Services (EMS) to the nearest and most appropriate hospital emergency room.

**3.4.9** Any injured employee meeting trauma center criteria shall be transported, via Miami Fire Rescue, to an appropriate trauma center.

**3.4.10** Employees sustaining serious burns and/or smoke inhalation injuries shall be transported by Miami Fire Rescue to Jackson Memorial Hospital or the most appropriate facility.

**3.4.11** Any employee who comes in contact with a person having a contagious disease will follow the Departmental policy established for this purpose.

**3.4.12** The "First Report of Injury or Illness" (Form DFS-F2-DWC-1 [03/2009]) shall be completed by the TPA.

**3.4.12.1 Injured Employee Responsibilities:** The injured employee shall contact Department of Risk Management and the TPA Resolution Manager immediately after treatment and no later than the following workday, Monday through Friday, to provide medical and work status information. This is mandatory. If contact is not made, the employee's absence will not be covered.

**3.4.12.2 Follow Up/Specialized Care:** If follow-up care is prescribed by the attending physician, an appointment shall be made by the TPA Resolution Manager.

**3.4.12.3** If an injury requiring emergency medical care occurs after 1700 hours or on a weekend, the injured employee shall go to the appropriate medical facility as outlined in the policy. Otherwise, the TPA Resolution Manager shall provide the injured employee the name of the medical facility where the employee is to receive medical care.

**3.4.12.4** Only the Department of Risk Management can place an employee "out from work" and on Disability ("D" status). Only the Department of Risk Management will be permitted to issue the "Authorization for Disability Status" (D LW/C 204) form. Copies shall be emailed to the Police Department Health Services Detail by the Department of Risk Management.

**3.4.13 Return to Work Authorization:** In order to obtain an Authorization for Disability Status (D LW/C 204) form from the Department of Risk Management once an employee is released to return to work by the attending physician, a copy of the "return to work" status report from the physician shall be forwarded to the Department of Risk Management.

**3.4.13.1** Authorization for Disability Status (D LW/C 204) forms shall be sent by the Department of Risk Management to the Health Services Detail.

**3.4.13.2** Records of lost time for "D" shall be kept by the Department of Risk Management.

**3.4.14** If the injured employee has any complaints upon returning to work or is unable to remain on the status indicated on the Authorization for Disability Status (D LW/C 204) form, the employee must notify the Department of Risk Management and the TPA Resolution Manager.

**3.4.14.1** At that time, the employee shall be referred to a physician regarding their respective disability status, as stipulated on the Authorization for Disability Status (D LW/C 204) form, and shall be amended accordingly.

**3.4.14.2** No disability time benefits shall be provided to the injured employee, unless the injury is reported to the TPA Resolution Manager.

**3.4.14.3** Should an employee fail to return to work as stipulated on the Authorization for Disability Status (D LW/C 204) form, the employee shall not be carried in a pay status or on an authorized leave status with or without pay. To be exempt from this procedure shall require that the employee and the employee's immediate supervisor attest that the continued time off duty was previously requested, approved, and is unrelated to the on-duty injury.

**3.4.15 Delayed Report of Injury:** A City of Miami Supervisor's Report of Employee Accident/Injury form shall be completed by a supervisor at the time that the injury is apparent to an injured employee, even though the injury may have occurred on a prior date.

**3.4.15.1 Delayed Report of Injury Reporting/Documentation Process:** The supervisor shall immediately direct the employee to write a memorandum through channels to the Chief of Police (COP). The memorandum shall contain a detailed explanation outlining the reason(s) for the delay in reporting the injury.

**3.4.15.2** The memorandum shall be signed by the employee and include the comments and signature of the supervisor.

**3.4.15.3** The memorandum shall be submitted attached to the appropriate Supervisor's Report of Employee Accident/Injury form.

**3.4.15.4 The supervisor will telephone the Communications Supervisor and:**

- a) Report the injury;
- b) obtain an "Injury Control" number;
- c) obtain the City of Miami's Third Party Claims Administrator's (TPA) telephone number;
- d) telephone the TPA (open 24 hours a day) to report the injury before the end of the supervisor's tour of duty;
- e) write down the "Injury Control" number in the upper left hand corner of the Supervisor's Report of Employee Accident/Injury form.

**3.4.15.5 The Communications Supervisor or Designee shall:**

- a) Assign an "Injury Control" number to the incident;
- b) log the injury in the Communication Risk Management Log located on the MPD Intranet SharePoint.

**3.4.15.6** Before the end of the supervisor's tour of duty, the supervisor shall:

- a) Complete the appropriate "Supervisor's Report of Employee Accident/Injury" form.
- b) Attach a copy of the memorandum to the appropriate "Supervisor's Report of Employee Accident/Injury" form.
- c) Forward the original through channels and email a copy to the Health Services Detail Commander or Designee.

**3.4.16 Line of Duty Injuries in the Course of Extra Duty Police Employment:**

Employees who are injured during extra duty police employment shall follow the same reporting procedures as line of duty injuries.

**3.4.17 Activities While Disabled During Normal Duty Hours:** Injured or ill employees, while disabled, shall remain at home, at their place of recuperation, or in the hospital during their entire period of disability during normal duty hours (Monday through Thursday, or Tuesday through Friday, 0700 to 1700 hours). When an employee is required to attend any duty related function that occurs on their regularly scheduled day off (usually Monday or Friday), they shall immediately notify their supervisor upon receiving notification to have their regularly scheduled day off adjusted to another day for that week. The member must attend on-duty and no overtime shall be incurred for attending.

**3.4.17.1** Injured or ill employees shall notify the Health Services Detail when they need to leave their place of residence or recuperation for any length of time during normal duty hours (Monday through Thursday, or Tuesday through Friday, 0700 to 1700 hours). If unable to contact the Health Services Detail, the employee shall contact Communications and speak with the Communications Supervisor or designee.

**3.4.17.2** The Health Services Detail supervisor (or designee) will edit the employee's schedule to reflect the time the employee was absent from work and the employee's pay shall be adjusted accordingly.

**3.4.18 Outside Working Hours Activities While Disabled:** Injured employees engaging in normal daily, necessary personal activities and/or making necessary trips to the drug store, grocery store, physician, etc., outside working hours should take precautionary measures to avoid aggravating the injury.

**3.4.18.1** During other than normal duty hours, the employee shall contact the Department of Risk Management. The employee shall inform the Health Services Detail supervisor and/or the Department of Risk Management of the time of departure, expected time of return, and provide a telephone number where the employee can be reached, in the event it becomes necessary.

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**3.4.18.2 Weekly Status Reporting:** While disabled, employees shall be required to contact the Health Services Detail on each Tuesday and Thursday from 0900-1600 hours to inform the Department of their status and/or any change in their medical condition. This does not preclude a supervisor from requiring daily contacts.

**3.4.18.3** The Health Services Detail will make weekly contacts when/if necessary, to ensure that employees are receiving all the benefits that they are entitled to.

**3.4.18.4** Employees who are absent from work on a Disability status for a period of four (4) consecutive work weeks must follow Departmental Order 14, Chapter 1, 1.4.19 (Recalling Equipment During Prolonged Absences).

**3.4.19 Transfer of "D" Personnel:** The Health Services Detail shall prepare the transfer of an employee who has been in a "D" status for forty-five (45) days.

**3.4.19.1** The unit commander of the affected employee shall direct the employee's unit file be forwarded to the Health Services Detail where it will be maintained.

**3.4.19.2 Performance Evaluations:** The Health Services Detail shall handle performance evaluations only if the employee has been assigned to the Unit for more than six (6) months of the evaluation period.

**3.4.19.3 Discipline Actions During "D" Status:** If any disciplinary actions are initiated while an employee is on a "D" status, the investigation shall be handled by the unit commander (or designee) of the unit where the employee was assigned when the incident occurred.

**3.4.20 Working While Disabled:** In no case will permission be granted to engage in any outside employment to an employee on "D" status due to illness or injury.

**3.4.21 Vacation While Disabled:** If an employee wishes to take a vacation, while either in a part-time/full-time "D" status, "V" time must be used. No "D" time shall be granted during the period that the employee is on vacation

**3.4.21.1** A Departmentally approved vacation will not relieve the employee of the responsibility of contacting the Department of Risk Management and the Health Services Detail as outlined in this Order.

**3.4.21.2** When the vacation plans of an employee on "D" status involves leaving the employee's county of residence, the Department of Risk Management shall have the final authorization to approve or disapprove the vacation request.

**3.4.22 Light Duty and Permanent Light Duty:**

**3.4.22.1 Light Duty:** Light duty is defined as "sedentary duty status while recuperating from an injury or illness prior to reaching Maximum Medical Improvement (MMI)." Employees assigned to a unit while on light duty are not filling regular positions, which are budgeted for that unit, but are on temporary assignment in addition to the allocated authorized staffing.

**3.4.22.2 Permanent Light Duty:** Permanent Light Duty employees, formally referred to as Limited Duty, shall now be designated as Permanent Light Duty.

**3.4.22.2.1** Permanent Light Duty continues to be defined as sedentary duty status for employees who have reached MMI and are disabled to the extent that they cannot perform all the specifications of their job classification.

**3.4.22.2.2** Employees assigned to units while on a Permanent Light Duty status are not filling a budgeted position in those units. The employee will be on a temporary assignment and allocated in addition to the unit's authorized budgeted staffing numbers.

**3.4.22.3 Duty Hours:** Without exceptions, all Light Duty and Permanent Light Duty assignments shall be based on an 10-hour, 4-day work schedule; employees shall be entitled to a 30 minute paid lunch period.

**3.4.22.4 Uniform/Attire:** Sworn employees on Light Duty or Permanent Light Duty status shall not wear a uniform or any other insignia (i.e., police badge) indicating they are a sworn law enforcement officer.

**3.4.22.5 Weapons:** Sworn employees on Light Duty or Permanent Light Duty status shall ensure weapons worn with civilian attire be carried so that they are not visible to the public.

**3.4.23 Payroll, Attendance Records, and Performance Evaluations:** When a transfer of an employee who is on a temporary Light Duty assignment is made from one unit to another, the former unit shall remove the employee from its payroll and attendance records.

**3.4.23.1** The receiving unit shall handle the employee's payroll, attendance records, and supervise the activities of the employee during their tenure in the unit, to include completing the employee's performance evaluations.

**3.4.24 Overtime:** Employees on Light Duty or Permanent Light Duty status must obtain written approval from the Labor Relations Unit Commander prior to engaging in any overtime employment; the sole exception to the written approval requirement shall be overtime work performed during Departmental emergency mobilizations.

**3.4.24.1 Attending Physician Approval:** Employees on Light and Permanent Light Duty status requesting to work overtime may be required to provide a letter of approval from their attending physician.

**3.4.24.2** The Labor Relations Unit Commander shall review all information related to the request to work overtime and the requirements of the overtime assignment prior to making a recommendation.

**3.4.25 Extra Duty Employment:** Employees on Light and Permanent Light Duty status are prohibited from working extra duty employment.

**3.4.26 Driving/Operating City Vehicles:**

**3.4.26.1 Marked Police Vehicles:** Sworn employees on Light Duty or Permanent Light Duty status shall not drive/operate a marked City of Miami police vehicle.

**3.4.26.2 Unmarked City Vehicles:** Employees who are on a Light Duty or Permanent Light Duty status may operate an unmarked City vehicle with the written approval of the employee's commanding officer, unless driving is restricted by the treating physician. Information on the

physical capabilities and/or limitations of the employee may be obtained from Health Services Detail personnel, whom shall confer with the Department of Risk Management, when necessary.

**3.4.26.2.1** The signed, written approval to drive an unmarked City vehicle shall be maintained in the unit file of the employee.

**3.4.26.3 Assigned Vehicles:** Employees who are assigned a take home vehicle and are placed on "D" status for more than thirty (30) days or on extended leave, shall contact the Fleet Management Detail and turn in their assigned vehicle.

**3.4.27 Physical Therapy and Medical Appointments for Full Duty and Permanent Light Duty Personnel:** Employees who have incurred a line-of-duty injury and are on Full Duty or Permanent Light Duty status must attend their physical therapy and medical appointments during their off-duty hours. The only exception to this requirement shall be if the therapy required is performed by a certified physical therapist, as prescribed by the employee's attending physician, and the therapy and/or physician's appointment cannot be scheduled during the employee's off-duty hours.

**3.4.27.1** Employees who are attending therapy that is not performed under direct care of a certified physical therapist, as prescribed by the attending physician, must attend during their off-duty hours.

**3.4.27.2 Light Duty/Short Term (less than three (3) months):** Employees who have incurred a line-of-duty injury and are "Light Duty" for less than three (3) months shall be allowed to attend prescribed physical therapy sessions and/or medical appointments on-duty, provided the therapy sessions have been prescribed by a City physician. It is the responsibility of the employee to ensure:

- a) That a copy of the physical therapy prescription is submitted by the physician to the TPA Resolution Manager or to the Department of Risk Management (or)
- b) obtain a copy of the prescription directly from the physician which the employee must deliver to the Department of Risk Management directly.

**3.4.27.3 Light Duty/Long Term (more than three (3) months):** Employees who have incurred a line-of-duty injury and are on "Light Duty" status for more than three (3) months, must follow the policy outlined in this Order for employees designated "Full Duty and Permanent Light Duty".

**3.4.28 Medical Hold (MH) Time:** Employees who are scheduled to attend physical therapy or a physician's appointment associated to their job-related injury, must email the Health Services Detail supervisor 72 hours in advance of the medical appointment for approval.

**3.4.28.1 Medical Hold Time Approval:** In order to be approved for MH time, the email to the Health Services Detail supervisor must include the name of the physician and the location and time of the appointment.

**3.4.28.2** Emergency cases, confirmed by the Department of Risk Management will require that the employee, upon returning to work, e-mail the Health Services Detail supervisor with the name of the treating physician, the location, and time of the appointment.

**3.4.29 Attending Medical Appointments While on Duty:** Employees must notify their supervisor of any/all appointments that they will attend on duty.

**3.4.30 Confidentiality:** All employees must remain cognizant that medical information and treatment is confidential.

**3.4.30.1** Supervisors and commanders who have questions regarding a subordinate's medical condition and/or required treatment must contact the Health Services Detail for the information.

**3.4.30.2** Supervisors and commanders are prohibited from contacting medical facilities, physicians, and/or therapy providers for information related to the medical condition or medical treatment of a subordinate/employee. All inquiries must be made through the Health Services Detail.

**3.4.31 Facial Hair:** While on duty and while working in an extra-duty capacity, employees are to be clean shaven at all times (in accordance with the MPD Uniform, Equipment and Dress policy).

**3.4.32 Shaving Waiver Protocol:**

**3.4.32.1** Shaving Waiver Authorizations **will only** be accepted from the City of Miami Police Department's designated Dermatologist.

**3.4.32.2** Members who are unable to shave (facial hair) due to Pseudo Folliculitis Barbae condition or any other diagnosed medical condition, must obtain a Shaving Waiver Request form (SWR) (RF #2016-2) from the Health Services Detail.

- a) The member must then contact 305-674-2085 to schedule an appointment with Mount Sinai Medical Center.
- b) Mount Sinai Medical Center will make an appointment for the member with the designated City Dermatologist, also located at Mount Sinai Medical Center, (Occupational Health Center).

**3.4.32.3** The appointment must be attended off duty and there will be no adjustments made to the employee's duty hours or E-days.

- a) On the day of the appointment, the member shall report to Mount Sinai's Occupational Health Center with the Shaving Waiver Request form (RF #2016-2) for check in. The member will then be referred to the dermatologist's office.
- b) Once the member has been examined by the dermatologist, the member will report back to the Health Services Detail to receive the stamped waiver. The findings will be electronically sent to the Health Service Detail by the City Dermatologist.
- c) The final Shaving Waiver Authorization form (RF #2016-3) will **only** be granted by the Health Services Detail once the doctor's findings have been reviewed.

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**3.4.32.4** Approved Shaving Waivers will expire 90 days from the day that it was approved. During the time that a member is affected by the Pseudo Folliculitis Barbae condition, the unshaven area must be trimmed or “taped down” to ¼ inch or less and is only permitted where the condition exists. If the medical condition persists, the member must undergo the same process prior to the expiration of the current waiver.

**3.4.32.5** Members must, at all times, while on duty and/or while working any extra duty detail, be in physical possession of the **original**, signed Shaving Waiver Authorization form (RF #2016-3) and must produce it upon the request of a supervisor.

**3.4.32.6** Failure to comply with this procedure will result in disciplinary action according to the established penalty schedule. Members will be sent home, except in cases where officer safety would be compromised.

**3.4.32.7** Members who are in violation must obtain an approved Shaving Waiver Authorization form (RF #2016-3) from the Health Services Detail prior to their next tour of duty. Members must utilize their accumulated time balances until they receive the approved form, or they have the option to conform to Departmental Orders for grooming.

**3.4.32.8** Members that elect to return to duty without an approved Shaving Waiver Authorization form (RF #2016-3) must conform to Departmental Orders for grooming. Members that are determined by a supervisor to be in violation of the grooming polices shall be subject to progressive discipline separately from the Penalty Schedule for violating the Shaving Waiver Protocol. Any discipline resulting from a violation of the Departmental Orders for grooming will not be listed as a violation of the Shaving Waiver Protocol.

Any member with an existing/currently approved Shaving Waiver Authorization **will be “grandfathered in”** but must follow the new Shaving Waiver protocol prior to the expiration of their current shaving waiver.

**3.4.32.9 Penalty Schedule for Violating the Shaving Waiver Protocol:**

1 <sup>st</sup> Violation	Record of Formal Counseling
2 <sup>nd</sup> Violation	Reprimand
3 <sup>rd</sup> Violation	Reprimand with 10-hour suspension
4 <sup>th</sup> Violation	Reprimand with 20-hour suspension
5 <sup>th</sup> Violation	Reprimand with 40-hour suspension
6 <sup>th</sup> Violation	Reprimand with 50-hour suspension
7 <sup>th</sup> Violation	Reprimand with 100-hour suspension
8 <sup>th</sup> Violation	Dismissal

**3.4.33 Procedures for Returning to Work from Non-Duty Injury or Illness:**

**3.4.33.1 The Department of Human Resources Medical Clearance:** When an employee has been absent for more than three (3) consecutive days due to an illness, injury, vehicular crash, surgery, or treatment for a medical condition, the employee is required to obtain City medical clearance through the Medical Section of the Department of Human Resources



**3.4.33.2** Employees shall not report to work for the day, or begin their shift work, prior to obtaining City medical clearance from the Department of Human Resources.

**3.4.33.3** Employees must provide a physician's note to the Department of Human Resources, City Medical Section for any non-duty, medically related absences of more than three (3) consecutive days. Discharge paperwork from a hospital or urgent care facility **will not** satisfy this requirement unless it includes a "Return to Work" notation.

**3.4.33.3.1** Upon review of the doctor's "return-to-work" note, the Department of Human Resources, City Medical Section will determine if the employee is required to undergo an additional medical evaluation to gain full medical clearance. If no additional medical evaluation is required, a representative from the Department of Human Resources will sign the City of Miami Sick Leave Certificate (form C-PM/AL 012 Rev.08/06) clearing the employee. The employee will hand-deliver a copy of the appropriate signed form(s) to the Health Services Detail and the original to the Department of Human Resources, Record Section. The canary (yellow) copy with the Employee Sick Leave Utilization form shall be submitted to the Health Services Detail for filing.

**3.4.33.3.2** The "Return to Work" notation must clearly state that the employee is able to return to **"Full Duty" with "No Restrictions"** or **"Light Duty" with "Restrictions"**.

**3.4.33.3.3** The only exception to this requirement shall be employees who have missed two (2) consecutive days as a result of a minor ailment or illness such as a common cold and are asymptomatic at the time of their return to work.

**3.4.34 Employee Sick Leave Certificate (PM/AL 012 Rev 08/06):** Employees must hand carry the "Employee Sick Leave Certificate" (PM/AL 012 Rev 08/06) directly to the Health Services Detail prior to returning for duty.

**3.4.35 Assignments for Non-Duty Related Injury or Illness:**

**3.4.35.1 Non-Duty Related Injury or Illness:** Employees recuperating from non-duty related injury or illness shall use Illness ("I") time.

**3.4.35.1.1 Supervisory Responsibilities in Sick Leave Cases:** The responsibility for determining that a member is entitled to sick leave rests initially with the supervisor. The supervisor shall make periodic checks in order to ensure that sick leave time is being used properly and home visits shall be made for those members who use sick leave time frequently.

**3.4.35.1.2 Confinement During Sick Leave:** Members calling in "I" shall remain at home or in the hospital during the entire period of absence.

**3.4.35.1.3** Members calling in "IF" shall remain at home or in the home of the sick family member (as defined in current employee labor contracts) during the entire period of absence.

**3.4.35.1.4** Should it become necessary to leave the home for any reason, the member shall notify their immediate supervisor.

**3.4.35.1.5** In instances of extra-duty employment, the member shall notify the supervisor or commander of Special Events.

**3.4.35.1.6** If unable to contact their supervisor, the member shall contact the Communications supervisor or designee, who in turn will inform the member's respective supervisor of the reason for departure and the duration of the absence.

**3.4.35.1.7** If unable to contact their supervisor and in instances of caring for a sick family member, the member shall contact the Communications supervisor (or designee) and provide the address of the sick family member (if it is necessary to leave the home) and contact number (i.e. hospital, sick family member's home, etc.).

**3.4.35.2** Employees will be allowed to return to duty in a Light Duty capacity only if an assignment that the employee can perform within the prescribed limitations is available.

The Staffing Detail will place employees in Light Duty assignments determined by the Chief of Police or designee.

**3.4.35.3 Medical Appointments:** Employees who have incurred a non-duty injury shall be required to utilize their own leave time for therapy sessions and/or physician appointments.

**3.4.36 Reporting Medical Status of Employee's Non-Duty Related Injury or Illness:** Employees working in a non-duty related Light Duty assignment, upon the request of the Health Services Detail supervisor, shall provide regular status reports from their attending physician.

**3.4.37** Sworn employees who have incurred an off-duty injury or have a chronic medical condition shall be allowed to remain in a Light Duty Status for ninety (90) calendar days on a rolling 12-month period, starting at the time that the employee last returned to full duty from Personal Light Duty status.

**3.4.37.1** If additional time is needed beyond the ninety (90) days, a request for a one (1) time extension must be submitted for the approval of the Chief of Police (or designee).

**3.4.37.2** If approved by the Chief of Police (or designee), the extension shall not exceed an additional thirty (30) calendar days.

**3.4.37.2.1** If the extension request is denied, the employee must use any and all available accrued leave or return to work in a full-duty status. This requirement shall not preclude the Department from requiring that the employee undergo a medical fitness for duty evaluation.

**3.4.38** When an employee reaches MMI from a non-duty related injury or illness and is unable to return to full duty status, the employee:

- a) Must be reclassified;
- b) must retire;
- c) must resign; or
- d) must be terminated.

## HEALTH HAZARDS

### Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures

**4.1 POLICY:** It is the policy of the Miami Police Department to safeguard, to the highest degree possible, the health of its personnel. The following guidelines will be used when a member of the department comes into contact with a communicable disease, receives a human bite, or is exposed to hazardous materials.

**4.2 ORGANIZATION:** The Health Services Unit, under the Personnel Resource Management Section, will act as the final depository for all claims and follow-up documentation for claims and cases dealing with employees coming in contact with contagious diseases or health hazards.

**4.3 RESPONSIBILITIES:** It is the responsibility of the employee who has been exposed to any contagious disease, health hazard, or hazardous material to report such contact immediately to his/her supervisor.

**4.4 PROCEDURES:** The employee will immediately notify his/her supervisor of the possible occupational exposure to airborne/bloodborne pathogens. The Supervisor will call the Managed Care Service Provider Call Center immediately and a nurse on call will determine if the employee has received a significant exposure and needs follow-up treatment. The nurse will evaluate bloodborne exposures using the Center for Disease Control (CDC) guidelines to determine if the employee needs to be offered Post Exposure Prophylaxis (PEP) medication. If the employee needs to be offered PEP medication the on call nurse will contact the nurse on call from Employee Health Services (EHS) at JMH. The EHS nurse will counsel the employee on the PEP medication. If the employee decides to take the PEP medication the EHS nurse will make arrangements for the employee to pick up the medication. The employee must notify the Health Services Unit of the exposure to ensure that follow up treatment is scheduled. The supervisor must complete the Supervisor's Accident/Injury Investigation Report, the Exposure Incident Form and the Infectious Disease Incident Form, and ensure a copy of the forms be hand delivered to the Health Services Unit within 24 hours.

**4.4.1 Definitions:** Communicable disease: an infectious illness that can be transmitted either directly or indirectly through contact with the body fluids of an infected individual.

**4.4.1.1 Body Fluids:** Liquid secretions including blood, semen and vaginal or other secretions that might contain these fluids such as saliva, vomit, urine or feces.

**4.4.1.2 Indirectly:** Physical contact with the blood or body fluids of infected person. Generally, no body contact.

**4.4.1.3 Directly:** A person's blood or body fluids transfers to another person's blood. Direct contact or exposure will generally occur in one of the following ways:

**4.4.1.3.1** Needle sticks (e.g., accidental needle stick while searching people or places).

**4.4.1.3.2** Through human bites or through openings in the skin (e.g., cuts, sores, abrasions, etc.) which are exposed to blood or body fluids.

**4.4.1.3.3** Splashes into the eyes, nose or mouth.

**4.4.1.4** The mere handling of an arrestee during an arrest process or during detention does not constitute a direct exposure. For an actual, direct exposure at least one of the above conditions will occur.

**4.4.2 Indirect Contact Or Exposure:** Employees who indirectly come into contact with a person having a communicable disease: (I.E. T.B.)

**4.4.2.1** Notify his/her supervisor.

**4.4.2.2** Submit the appropriate forms to the Health Services Unit within 24 hours. The Exposure Control Officer will contact the employee and determine if follow-up medical care is needed at JMH Health Services.

**4.4.3 Direct Contact or Exposure To Disease, Including Human Bites:** Employees who believe they have been directly exposed to a communicable disease through cuts, abrasions, human bite, scratches, direct exposure to body fluids, breaks in the skin, etc., will:

**4.4.3.1** Follow directions in 4.4 Procedures.

**4.4.3.2** When a medical emergency exists, the employee will be treated at Columbia Cedars Hospital, Emergency Room, 1400 N.W. 12th Avenue. In an immediate life-threatening situation, the employee will be treated at one of the below designated facilities.

**4.4.3.2.1** Southwest area of City  
Emergency Room  
Mercy Hospital  
3663 South Miami Avenue

**4.4.3.2.2** Central area of City  
Emergency Room  
Columbia Cedars Hospital  
1400 N.W. 12th Avenue

**4.4.3.2.3** North area of City  
Emergency Room  
North Shore Hospital  
9200 N.W. 11th Avenue

**4.4.4 Blood Test (Suspect):** In situations where direct exposure (i.e., human bites, opening in the skin) has occurred, the testing of the suspected carrier may be desirable.

**4.4.4.1 Voluntary:** Whenever feasible, the employee or his/her supervisor will seek the suspected carrier's consent to draw blood for the purpose of testing only. The blood may not be used as evidence.

**4.4.4.1.1** A "Consent to Draw Blood" form, provided by the medical facility, will be used.

**4.4.4.1.2** All tests will be administered at a medical facility.

**4.4.4.2 Involuntary:** In situations where the suspected carrier of a communicable disease does not volunteer to submit to a blood test, the employee or his/her supervisor will:

**4.4.4.2.1** Contact the on-duty Assistant State Attorney to obtain a search/examination warrant for the drawing of the suspected carrier's blood. The suspected carrier does not need to be under arrest or in custody; however, their whereabouts will be necessary to serve the warrant. When the suspected carrier is under arrest, the arresting officer will mark the arrest form "HOLD FOR BOND HEARING" to ensure that the suspect is available. Prerequisites for obtaining a search/examination warrant are:

**4.4.4.2.1.1** Proof of exposure.

**4.4.4.2.1.2** Statement from a physician certifying the exposure is such as to result in the transmission of a disease designated by the Department of Health and Rehabilitative Services as a transmissible disease.

**4.4.4.2.2** Attend the bond hearing if the suspected carrier has been held for bond hearing.

**4.4.5 Florida Statute 384.287 Sexually Transmissible Disease Test/Disclosure of Results to Law Enforcement Officers:** Anyone who injures an officer within the scope of the officer's employment can be tested for a sexually transmissible disease, if a physician states that the nature of the injury is such as to result in the transmission of this kind of disease. The officer may obtain the test results of the person who injured him/her, if a licensed physician documents that such information is medically necessary to determine the officer's treatment. Both the identity of the officer and the person who is the source of the injury are confidential and exempt from public records law.

**4.4.6 Communicable Disease Prevention and General Precautions:** In order to minimize potential exposure to communicable diseases, officers should assume that all persons are potential carriers of a communicable disease. To minimize the risk of infection, the following precautions should be observed:

**4.4.6.1** Use an approved resuscitator mask with a one-way-valve, when performing mouth-to-mouth resuscitation or CPR.

**4.4.6.2** Disposable latex gloves shall be worn when handling any item with blood or other body fluids, regardless of whether such fluids are wet or dry.

**4.4.6.3** Evidence or other materials coming into the custody of the department that is suspected of being contaminated should be treated with extraordinary care. All sharp instruments such as knives, scalpels, and needles shall be handled with extraordinary care, and should be considered contaminated items.

**4.4.6.4** Wash hands thoroughly and immediately with hot water and soap following contact with blood or other body fluids. Hand-washing is recommended even when gloves have been worn.

**4.4.6.5** Make it a practice to bandage open wounds or cuts in hands, to avoid direct contact with contaminated body fluids. Bandages should be changed if they become wet or soiled.

**4.4.6.6** Employees shall not smoke, eat, drink or apply makeup around body fluid spills. Don't place your pen or other objects into your mouth.

**4.4.6.7** Masks, protective eyewear and coveralls/surgical gowns shall be worn where body fluids may be splashed onto the employee.

**4.4.6.8** Use extraordinary care when conducting searches of suspects or places. Never blindly place hands in areas where there may be sharp objects that could puncture the skin. An initial visual search of the area should be conducted, using a flashlight where necessary.

**4.4.6.9** Needles should not be recapped, bent, broken, removed from syringes, or otherwise manipulated by hand. Needles shall be placed in a puncture resistant container when being collected as evidence or for disposal.

**4.4.6.10** Periodically, and as necessary, cleanse the police vehicle's steering wheel and shift lever.

**4.4.7 Decontamination and Cleanup:** Wash any unprotected skin surfaces that come into contact with body fluids thoroughly and immediately with hot, soapy water. Hand-washing is your best protection against infectious disease.

**4.4.7.1** Employees who have been contaminated with a large amount of blood or bodily fluids need to pick up the Bio-Hazardous Personal Kit in the Property Unit and use the decontamination shower in the men's locker room at Central Station. Follow instructions in the kit.

**4.4.7.2** Antiseptic towelettes may be used where soap and water are unavailable.

**4.4.7.3** Disposable gloves should be rinsed before removal. The hands and forearms should be washed.

**4.4.7.4** Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.

**4.4.7.5** Uniforms that have been contaminated by foreign body fluids should be removed as soon as practical. Remember to cleanse any contacted skin area thoroughly.

**4.4.7.5.1** Uniforms or other clothing soiled by blood or other body fluids should be put in a red biohazard bag and given to the Property Unit.

**4.4.7.6** Resuscitator masks and evidence-collection equipment should be disinfected after each use.

**4.4.7.7** Cellblock areas and vehicles contaminated by blood or other body fluids should be cleaned immediately following the person's release and prior to confining an arrestee in the same cell or utilizing the contaminated vehicle.

**4.4.7.8 Decontamination/Disinfection** may be accomplished by the following procedures:

**4.4.7.8.1** Disinfection procedures shall be initiated whenever body fluids are spilled, or an individual with body fluids on his person is transported in a departmental vehicle.

**4.4.7.8.1.1** A supervisor shall be notified and the vehicle taken to the Central Station and parked in the bio-hazard parking space.

**4.4.7.8.1.2** If the vehicle is actually contaminated with suspected bio-hazardous material such as blood or other bodily fluids of a significant quantity or size, go to the Property Unit and pick up the Bio-Hazardous Vehicle Kit and follow instructions. For small spills, use the Body Fluid Cleanup Kit available in the Property Unit.

**4.4.7.8.1.3** Use disposable latex gloves during all decontamination procedures.

**4.4.7.8.2** Small items or equipment should be washed with soap and hot water and rinsed thoroughly. Soak items in a freshly prepared solution of 10 parts water and one part household bleach for 10 to 15 minutes. Use a concentration of 1 to 1-1/2 cups of bleach for each gallon of water. Rinse thoroughly with water and air-dry.

**4.4.8 Supplies:** Members are responsible for continuously maintaining and storing an adequate amount of communicable disease control supplies in their police vehicles. The supplies can be obtained from the Property Unit.

**4.4.8.1** Protective gloves, masks, gowns and other protective devices will be kept readily available at all times.

**4.4.8.2** The Health Services Unit shall be responsible for maintaining an adequate supply of the "Personal Protection Kits".

**4.4.9 Transport and Custody:** Where protective equipment is available, no officer shall refuse to arrest or otherwise physically handle any person who may have a communicable disease.

**4.4.9.1** Officers shall not put their fingers in or near any person's mouth.

**4.4.9.2** Individuals with body fluids on their persons shall be transported in separate vehicles from other individuals. The individuals may be required to wear a suitable protective covering if they are bleeding or otherwise emitting body fluids.

**4.4.9.3** Officers have an obligation to notify relevant support personnel during a transfer of custody when the individual has body fluids present on their person, or has stated they have a communicable disease.

**4.4.9.4** Individuals taken into custody with body fluids on their person shall be directly placed in the designated holding area processing. The arresting officer shall not allow other prisoners to be placed with the suspected disease carrier.

**4.4.9.5** Officers shall document on the appropriate arrest affidavit or incident report when an individual is taken into custody that has body fluids on his person, or has stated that they have a communicable disease.

**4.4.10 Hazardous Materials:** A hazardous material is any product that, when released from its container, is likely to cause death or serious injury. Employees who have come in contact with hazardous materials will:

**4.4.10.1** Immediately remove contaminated clothing.

**4.4.10.2** Flush contaminated skin with copious amounts of water.

**4.4.10.3** Obtain all possible information on the product, including exact spelling of product name, manufacturers and shipper's name and address.

**4.4.10.4** Notify the supervisor and responding units of contamination and the method of contamination. To avoid exposing others to additional contamination, the exposed employee should be segregated downwind of other employees until medical support arrives. Employees providing basic life support to contaminated employee will use protective barriers (gloves and mask).

**4.4.10.5** The supervisor should request the Communications Center to notify the Miami Fire Department. The Fire Department's Hazardous Material Team will handle the decontamination of affected personnel.

**4.4.10.6** The supervisor will prepare the Supervisor's Report of Injury form and contact the Managed Care Service Provider.



## ANNUAL RANDOM SUBSTANCE ABUSE EXAMINATION PROGRAM

### Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibilities
- 5.4 Procedures

**5.1 POLICY:** It is the policy of the Miami Police Department (MPD) to maintain a drug free work environment through the use of a reasonable employee substance abuse testing program. Therefore, in order to ensure the integrity of the department, and to preserve the public trust and confidence in a fit and drug free law enforcement profession, this department shall implement a mandatory substance abuse testing program to detect prohibited drug use by sworn employees. Substance abuse testing shall be conducted pursuant to the existing labor agreement and this Departmental Order.

**5.2 ORGANIZATION:** The Annual Random Substance Abuse Examination program is a function of the Personnel Resource Management Section. The program shall be administered through the Health Services Detail.

**5.3 RESPONSIBILITIES:** The Health Services Detail Supervisor shall be responsible for the identification and notification of all such members to be administered the Annual Random Substance Abuse Examinations, the maintenance of records, and payment approvals.

**5.4 PROCEDURES/PROHIBITIONS:** The following rules and prohibited activities shall apply to all sworn and non-sworn employees, while on and off duty. **(CALEA 26.1.1)**

**5.4.1** No employee shall illegally possess any controlled substance.

**5.4.2** No employee shall ingest any controlled or other dangerous substance, unless as prescribed specifically to them by a licensed medical practitioner.

**5.4.2.1** Employees shall notify their immediate supervisor when required to use prescription medicine which they have been informed has the potential to impair job performance. The employee shall advise the supervisor of the known side effects of such medication, and the prescribed period of use.

**5.4.2.2** Supervisors shall document this information through the use of an internal memorandum and maintain this memorandum in a secured file.

**5.4.2.3** The employee may be temporarily reassigned to other duties, where appropriate.

**5.4.3** No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.

**5.4.4** Any employee who unintentionally ingests, or is made to ingest a controlled substance shall immediately report the incident via a Red Line memorandum to their supervisor/commander, so that appropriate medical steps may be taken to ensure the employee's health and safety.

**5.4.5** Any employee having a reasonable basis to believe that another employee is illegally using, or is in possession of any controlled substance, shall immediately report the facts and circumstances to their supervisor.

**5.4.6** Discipline of employees for violation of this policy shall be in accordance with the due process rights provided in the department's discipline and grievance procedures, the existing labor agreement and Civil Service Rules.

**5.4.7 Drug Screening Procedure:** The Health Services Detail shall coordinate the Department's annual random drug screening program and shall be in compliance with procedures outlined in the current collective bargaining agreement.

**5.4.7.1** The random selection program shall be restricted to a designated site and designated computer terminals in the Health Services Detail.

**5.4.7.1.1** Sworn personnel who are selected for testing and are not on-duty at the time of notification, shall have their names re-entered into the computer for future selection. Personnel relieved of duty with pay or on light/limited duty shall be subject to the provisions of this article and must participate in the annual random drug screening program.

**5.4.7.1.2** The Health Services Detail shall provide the names of sworn members selected to the appropriate commanders. The commander or their designee shall order the selected employee to report to the testing facility for the screening. This may be accomplished in person, in writing, by telephone, and/or police radio.

**5.4.7.1.3** Sworn personnel selected for screening MUST REPORT IMMEDIATELY to the testing facility upon notification.

**5.4.7.1.3.1** It is the responsibility of a selected employee's commanding officer to ensure that a selected employee reports to the testing facility no later than one hour from notification.

**5.4.7.1.3.2** If an acceptable and/or timely response is not given by the employee to report to his/her examination, the employee's commander shall notify:

1. The employee's Section Commander
2. Personnel Resource Mgmt. Section Commander
3. Internal Affairs

**5.4.7.2 Procedure for the Annual Substance Abuse Examination:** All sworn employees must adhere to the drug screening protocol that has been established in conjunction with the Police Department, Department of Human Resources and the FOP contract. If any conflict arises at the collection site, the employee will remain at the site and have a commanding officer respond. The commanding officer will contact the Health Services Detail supervisor for advice on resolving the conflict.

**5.4.7.2.1** All sworn personnel will place themselves on a Signal 10 for the examination by contacting the dispatcher by radio or calling Communications.

**5.4.7.2.2** All sworn personnel will act in a professional manner and follow all directives given by the laboratory personnel. Failure to respond to these directives can result in possible disciplinary action up to and including termination.

**5.4.7.3** Personnel who, after coming to work and being notified of a scheduled Substance Abuse Examination, become too ill to continue to work, and who then request to be carried "I" for the remainder of their tour of duty, shall be transported to an appropriate medical facility by a Commanding Officer, where treatment for the illness will be made available. The Commanding Officer shall also notify the drug screening testing facility and ensure that a collector from the drug screening facility responds and administers the Annual Random Mandatory Substance Abuse Examination.

**5.4.7.3.1** The testing facility will provide chain of evidence and will secure positive specimens for a minimum of one (1) year, or longer upon request. Negative specimens will be stored for a minimum of five (5) days. The procedure for the second sample testing will be made in accordance with the existing labor agreement.

**5.4.7.4 Procedure for Positive Results on Substance Abuse Screening Test:** The testing facility will notify the Internal Affairs Section of all positive findings. A positive finding will be reported by the testing facility only after it is confirmed by the GC-MS test. The Internal Affairs Section Commander or designee will notify the employee's Commanding Officer, staff level only. **(CALEA 52.2.6 a)**

**5.4.7.4.1** The Internal Affairs investigator will prepare a complaint form, RF 121, to initiate an investigation after a positive GC-MS confirmation test.

**5.4.7.4.2** If the employee is to be relieved of duty because of a positive finding on the substance abuse test, the employee's Commanding Officer will:

**5.4.7.4.2.1** Initiate a disciplinary action package for said employee. This action will be initiated in accordance with Departmental Order 2, Chapter 2, Sub-chapter 2.4.8.

**5.4.7.4.2.2** Transfer employee to the Internal Affairs Section.

## Personnel Resource Management

### COMPREHENSIVE PSYCHOLOGICAL SERVICES PROGRAM

#### Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Responsibilities
- 6.4 Procedures

**6.1 POLICY:** It is the policy of the Miami Police Department (MPD) to provide Professional Psychological Counseling on both a voluntary and mandatory basis, and referrals due to stress-induced problems for employees. These services are offered through the Psychological Services Provider contracted by the City of Miami. **(CALEA 22.2.3; 22.2.6)**

**6.2 ORGANIZATION:** The Psychological Services Program is a function of the Personnel Resource Management Section (PRMS) and the Health Services Detail, which are subdivisions of the Administration Division.

**6.3 RESPONSIBILITIES:** The Personnel Resource Management Section Commander is responsible for the administration of the Psychological Services Program which is coordinated through the Health Services Detail supervisor and the Departmental Benefits Officer.

**6.4 PROCEDURES:** The departmental Psychological Services Provider (PSP) conducts counseling of departmental employees on both a voluntary and mandatory basis. Psychological fitness for duty evaluations are not performed by the departmental Psychological Services Provider, but are conducted by an approved outside consultant.

**6.4.1 Post-Shooting or Other Traumatic Incident Counseling:** All efforts to provide for the emotional well-being of affected employees will be made without jeopardizing the crime scene or investigation. The responsibility of balancing the urgency of the affected employee's needs and investigative necessity rests with the employee's commanding officer. **(CALEA 22.2.3; 22.2.4; 22.2.6 a,b,d,e)**

**6.4.1.1** The PSP will be available for employees and their immediate family as may be needed following the initial contact.

**6.4.1.2** The PSP should be advised of any significant updated changes in the case prior to notifying the affected employee, i.e., death of injured subject, identification of the officers shot when multiple shootings are involved, etc.

**6.4.1.3** The PSP is available 24 hours a day, and will respond to a scene if requested by the affected employee's commanding officer. The department has implemented a mandatory counseling service for officers who are personally involved in a situation where either an offender, or another employee is wounded as a result of gunfire.

**6.4.1.3.1** Such sessions are not to determine an officer's fitness for duty.

**6.4.1.4** It is imperative that the officer's commanding officer coordinate the mandatory appointment for the employee with the departmental PSP as soon as practical, and ensure the employee's attendance. The Health Services Detail supervisor may be contacted for information regarding the services that are available through the departmental PSP.

**6.4.1.5** The counseling sessions are a service to departmental personnel, and any conversation, notes, etc., are privileged information, and will remain confidential under Florida state law. Officers assigned to such sessions have a responsibility to themselves and to the department to attend and participate fully. Additional sessions may be authorized if considered necessary by the PSD. **(CALEA 22.2.6 c)**

**6.4.1.6** When an employee is involved in any job-related incident of a severe nature or is exposed to an extremely emotionally debilitating experience, the employee's supervisor will advise the on-call PSP. The Psychological Services emergency contact telephone number may be obtained through Communications. The employee may be reassigned temporarily to administrative duties, if warranted.

**6.4.1.7** As soon as possible after the circumstances permit, the employee's supervisor will contact the Health Service Detail to ensure that all available departmental resources are made available to the employee.

**6.4.1.8** If the employee requires hospitalization, the departmental benefits officer will coordinate with the hospital staff to provide an environment that is most conducive to the employee's recovery.

**6.4.2 Voluntary Participation:** Employees are encouraged to seek professional consultation to alleviate stress induced emotional problems or relationship problems, where psychological services may be of assistance. **(CALEA 22.2.6 a)**

**6.4.2.1** The department will not request, nor require the PSP, or other professional staff under their supervision, to furnish information which results from participation in the voluntary counseling program. All information arising out of voluntary participation is strictly confidential and privileged under Florida state law. However, this privilege doesn't apply if the employee displays a clear and immediate probability of committing bodily harm to himself/herself or to others. **(CALEA 22.2.6 c)**

**6.4.2.2** In cases of voluntary participation, the PSP may advise the concerned employee's supervisor of the contact only when the privilege has been waived by the affected employee. Information concerning the diagnosis or treatment of any voluntary participant should not be requested by supervisors, nor should supervisors contact the provider to ascertain an employee's attendance/participation.

**6.4.2.3** The department will not initiate an investigation or complaint based upon an employee's request for professional assistance. However, such voluntary participation shall not preclude a subsequent criminal prosecution or administrative disciplinary action which may result from a related investigation or complaint.

**6.4.2.4** At the request of an employee, the following assistance may be provided:

**6.4.2.4.1** Information on contractual psychological services that are available to the employee. Short - term counseling for personal problems.

**6.4.2.4.2** Information regarding outside counseling services, related costs, and available insurance coverage.

**6.4.2.5** Under certain circumstances the departmental PSP may notify the PRMS Section commander whenever it is recommended, and the employee agrees to be absent from work for a period greater than one tour of duty, due to the mental health of the employee. The PRMS Commander, or the Health Services Detail supervisor will inform the employee's supervisor of the approved absence from work. The PRMS commander and the Health Services Unit Detail commander supervisor will monitor the recovery of the employee and inform the assigned member's chain of command as soon as possible as to when the employee is expected to return to duty.

**6.4.3 Mandatory Referral:** The mandatory referral process is provided to assist the employee's supervisors in the resolution of significant performance problems. This referral process is separate and distinct from, and should not be identified with disciplinary procedures, nor considered to be an alternative to disciplinary actions. The employee should be urged to attend the confidential counseling. Mandatory referrals also include Early Warning and Post Shooting counseling. **(CALEA 22.2.6 e)**

**6.4.3.1** If it should become necessary for an employee to be absent from the work place during duty hours for evaluation/therapy purposes, the PRMS commander or the Health Services Detail supervisor will notify the employee's supervisor of the approved absence from work.

**6.4.3.1.1** If, in the supervisor's opinion, specific observable behavioral and performance concerns are evident, i.e., depression, excessive "I" time usage, severe personal problems, Officer safety violations, etc., and/or a significant decline in job performance exists, the affected employee may be advised of the services available, i.e., Employee Assistance Program (EAP), contracted Psychological Services Department Chaplain, etc., and the employee should be urged to voluntarily participate.

**6.4.3.2** If the employee has not attended voluntary counseling, or when a supervisor becomes aware of a continuing significant performance or behavioral problem, the supervisor should contact his/her respective Section Commander/Division Chief for consultation concerning use of a mandatory referral or other alternative to correct the problematic behavior. The decision concerning alternatives resides with the employee's Section Commander/Division Chief.

**6.4.3.2.1** The criteria for referral will be based solely upon observable and documented deficient or deteriorating job performance, or questionable behavior.

**6.4.3.2.2** Rumors, innuendoes, and subjective feelings are not a basis for referrals.

**6.4.3.3** After the documentation package has been prepared, it will be reviewed by the PRMS commander and the employee's Section Commander/Division Chief to determine the appropriate disposition, which may include, mandatory counseling and/or a Psychological fitness for duty evaluation.

**6.4.3.4** In cases of mandatory referral, the supervisor may verify that the employee attended the counseling. The departmental PSP may advise the concerned

employee's supervisor of the counseling session's results, only if the privilege has been waived by the affected employee. Information concerning the diagnosis or treatment of any mandatory referral participant should not be requested. In the event that the employee's participation is mandated by their commanding officer, the employee is guaranteed the doctor/client privilege of confidentiality under Florida state law.

**6.4.3.5** Supervisors should remain alert for continued job performance and behavioral problems, and encourage the employee to maintain acceptable standards of performance.

**6.4.3.6** If despite mandatory counseling, an employee's supervisor does not observe satisfactory improvement within a reasonable length of time, other administrative action must be considered, i.e., fitness for duty evaluation, suspension, or termination.

**6.4.4 Fitness for Duty Evaluation:** If in the opinion of the PRMS commander, the actions, health, or performance of an employee indicate that psychological, psychiatric, or medical evaluation/intervention is required in order to make a determination regarding the employee's fitness for duty, the employee will be directed to submit to such an evaluation. The employee must participate fully, by answering all questions and provide complete disclosure of information and documents deemed necessary by the outside psychological consultant(s) to whom the employee is referred. The employee must submit to all examinations deemed advisable by the outside psychological consultant(s), and sign any waivers concerning release of records and reports that may be prepared or generated by the evaluation process. The City of Miami is considered as the client of record during Psychological fitness for duty evaluations, not the employee. Failure to fully comply will result in disciplinary action up to and including termination.

**6.4.5** All relevant departmental documents concerning the affected employee will be made available to the outside psychological consultant(s) by the PRMS commander. These documents may include; any police reports, closed Internal Affairs investigations, reprimands and documented counseling sessions.

**6.4.5.1** Communications between the affected employee and the outside psychological consultant(s), test results, written opinions, recommendations, notes, reports, and actions taken, that are produced as a result of a Psychological fitness for duty evaluation are not privileged information and therefore may be utilized in the employee's final disposition.

**6.4.5.2** Documents generated pertaining to fitness for duty evaluations will be distributed and maintained as follows:

**6.4.5.2.1** Originals are maintained by the PRMS commander.

**6.4.5.2.2** Copies may be provided to the affected employee upon the employees request from the PRMS commander.

**6.4.5.2.3** Requests for information as part of official departmental investigations will be directed to the PRMS commander.

**6.4.5.3** Temporary relief from duty with pay, reassignment, or return to duty after temporary relief from duty shall be decided by the PRMS commander and the affected employee's Section Commander/ Division Chief.

**6.4.5.4** Following receipt of the Psychological fitness for duty evaluation results, the PRMS commander will advise the Chief of Police as to the recommended disposition via an inter-office memorandum.

**6.4.5.5** If the employee does not satisfactorily recover and/or show acceptable improvement during the final evaluation period, or if an employee reaches Maximum Medical Improvement (M.M.I.) and is unable to be returned to a full duty status, the employee must:

1. Reclassify
2. Retire
3. Resign
4. Be dismissed

**ANNUAL PHYSICAL EXAMINATION AND  
MENTAL WELLNESS REMOTE CONSULTATION PROGRAMS**Section

- 7.1 Policy
- 7.2 Organization
- 7.3 Responsibilities
- 7.4 Procedures

**7.1 POLICY:** It is the policy of the Miami Police Department (MPD) to provide standards for a physically and medically fit workforce and encouraging employee Mental Wellness. Therefore, in order to identify emerging health concerns, and to maintain physically fit and healthy employees, all sworn personnel are required to undergo a complete annual physical examination at the designated medical facility as per the FOP contract. **(CALEA 22.3.1)** Additionally, to address emerging Mental Wellness concerns and to ensure employees have the knowledge necessary to access the programs and resources that are available to them, a 30-minute annual Mental Wellness Remote Consultation is strongly encouraged for all sworn and non-sworn personnel exposed to critical incidents and high-stress work environments.

**7.2 ORGANIZATION:** The Annual Physical Examination and Mental Wellness Remote Consultation Programs are a function of the Personnel Resource Management Section. The programs shall be administered through the Health Services Detail.

**7.3 RESPONSIBILITIES:** The Health Services Detail shall notify all divisions of the Mental Wellness remote consultation and Annual Physical Examination Program's commencement, schedule, and the program's duration. The Health Services Detail shall act as a liaison between the medical facility and the Mental Wellness facilities. The Health Services Detail shall receive confirmation of attendance for each employee from the medical and Mental Wellness facilities.

**7.4 PROCEDURES (ANNUAL PHYSICAL EXAMINATION):** Each division shall fill all available daily appointments and ensure that all personnel have attended.

**7.4.1** All personnel will place themselves on a signal "10" for the examination by contacting the dispatcher via police radio or calling the Communications Unit Supervisor.

**7.4.2** All personnel shall complete all medical questionnaires and answer all portions truthfully in their entirety.

**7.4.2.1** The City of Miami is considered the client of record, not the employee. Therefore, all personnel are required to sign the applicable release forms and consent for medical treatment forms. Employees shall not make any modifications, changes, or deletions on any of the required forms.



**7.4.3** All personnel shall submit to all mandatory portions/tests encompassing the Annual Physical Examination unless the employee provides a doctor's note indicating specific tests that are medically contraindicated, e.g., x-ray's for pregnant females.

**7.4.4 PROCEDURES (MENTAL WELLNESS REMOTE CONSULTATION):** Personnel shall begin to schedule their appointments for the Mental Wellness remote consultation after they receive the city e-mail with a QR code from the Health Services Unit. Personnel will schedule their appointment in accordance with the instructions provided in the e-mail.

**7.4.4.1** All personnel required to participate, will place themselves on a signal "10" for the Mental Wellness remote consultation by contacting the dispatcher via police radio or by calling the Communications Unit Supervisor.

**7.4.4.2** Appointments can be modified online up to 24 hours before the original scheduled time. For any last-minute changes, contact the clinician directly via e-mail, which can be located in the appointment confirmation e-mail.

**7.4.5** Any employee wishing not to take the Annual Physical Examination or participate in the Annual Mental Wellness Remote Consultation must obtain prior written approval from the Chief of Police. A copy of the deferral must be provided to the Health Services Detail Supervisor.

## SWORN PERSONNEL PROMOTIONS

### Section

- 8.1 Policy
- 8.2 Organization
- 8.3 Responsibilities
- 8.4 Procedures

**8.1 POLICY:** The promotional policy of the Miami Police Department (MPD) is based on the considerations of ability, equity and integrity. To achieve these objectives and facilitate a complete assessment of each candidate, the Department gathers information on each candidate considered for promotion. The information gathered relates to the candidates' prior job performance, Internal Affairs record, commendations/reprimands, community involvement activities, education and training, etc. Additionally, the Department complies with all legal directives such as the Civil Service Rules, the City Charter and other applicable local, state and federal laws. **(CALEA 34.1.1; 34.1.3 a)**

**8.2 ORGANIZATION:** The promotional process is a function of the Personnel Resource Management Section.

**8.3 RESPONSIBILITIES:** The Police Personnel Manager, assigned to the Personnel Unit has the authority and responsibility for administrating the role of the Department in the promotion process. The Police Personnel Manager works in conjunction with the City of Miami Department of Human Resources to ensure that selection procedures are correctly followed. **(CALEA 34.1.2)**

**8.4 PROCEDURES:** Sworn promotional vacancies are filled by appointment from the appropriate eligible register. The first step in the promotional process is the completion and filing of an employment application form (HR/AL 023 Rev. 06/09). Eligibility requirements for promotional examinations to the rank of Sergeant, Lieutenant and Captain are contained in Civil Service Rule 8.14. **(CALEA 34.1.3 b; 34.1.5)**

The Human Resources Department is responsible for conducting the recruitment and securing, administering and scoring all promotional examinations. Once the examination has been administered and scored, an eligible register is established which lists the names of all candidates eligible for promotional consideration. **(CALEA 34.1.3 b; 34.1.5)**

As promotional vacancies occur during the life of the eligible register, the Department of Human Resources generates certification lists in accordance with Civil Service Rule 8.4: Certification from Promotional Competitive Registers.

A certification list is a document containing the names of candidates from which selection may be based. In the case of competitive registers, the certification list is a subset of the eligible register.

The generation of certification lists from competitive registers is based on the following procedure:

“The Director of the Human Resources Department shall certify from the appropriate register for each vacancy the names of the five persons who stand highest thereon.”

Example: A certification list for six (6) vacancies would contain the names of thirty persons who stand highest on the eligible register. In the event of tied scores, all the names with the same score are counted as one.

**8.4.1** Upon receipt of the certification list, information pertaining to prior performance evaluations and Internal Affairs profiles are gathered and considered in the promotional process.

The objective is to obtain a comprehensive composite to determine the capacity of candidate to discharge the duties of the classification to which appointment is sought.

**8.4.2 Comparative Items**: All promotions will be based on ability, equity, and integrity. **(CALEA 34.1.4)**

**8.4.2.1 Ability**: Ability is the competence of the candidate, whether demonstrated by past performance or predicted on the basis of the examination, to perform the duties of a higher-level job. Considerations evaluated are:

**8.4.2.1.1 Performance Factors**: Includes performance evaluations, commendations, reprimands, accident record, court attendance record, and review of the personnel file.

**8.4.2.1.2 Physical Capability**: Includes an evaluation of the physical and mental abilities needed to perform the responsibilities of the position.

**8.4.2.1.3 Personal Integrity**: Includes a review of Internal Affairs records to determine patterns of misconduct, dishonesty, criminal involvement, or administrative violations.

**8.4.2.2 Equity**: All candidates, regardless of race, ethnicity, color, age, religion, marital status, nationality or sex, will have an equal opportunity to be considered for promotion.

**8.4.2.3 Integrity**: Selections will be made solely on the basis of ability and equity, without personal or other favoritism, and without the application of personal preference relating to employee life-styles or behavior patterns that do not affect job performance.

**MILITARY LEAVE**Section

- 9.1 Policy
- 9.2 Organization
- 9.3 Definitions
- 9.4 Personnel
- 9.5 Responsibilities
- 9.6 Procedures

**1.1 POLICY:** It is the policy of the Miami Police Department to establish procedural guidelines and support for employees who are members of the armed forces regarding military leave, leaves/extended leaves of absence, pre-deployment procedures, deployment support, and the process of re-instatement and re-integration upon return to duty.

**1.2 ORGANIZATION:** All military leave will be coordinated by the Personnel Resource Management Section.

**1.3 DEFINITIONS:**

- a. Active Duty: Full time service in the armed forces.
- b. Extended Military Leave: Any military leave of more than 30 consecutive days.
- c. Pre-Deployment: Commences upon receiving notification of military mobilization orders to active duty.
- d. Re-Instatement – The process in which returning military personnel must undergo upon return from extended military leave in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).
- e. Re-Integration – Gradual, pre-determined steps, set by the Department, which are intended to provide returning military personnel the opportunity to effectively assume their duties within the Department following an extended military absence. This process is designed to provide the returning service member the opportunity to manage administrative and training issues which may be associated with their extended leave.
- f. Reservist – A member of the reserve components of the United States Armed Forces are military organizations whose members generally perform a minimum of 39 days of military duty per year and who augment the active duty (or full time) military when necessary.

**1.4 PERSONNEL:**

**1.4.1 Armed Forces Support Committee (AFSC):** The purpose of the committee is to provide support, information, and assistance to any employee during the pre-deployment process through their re-instatement in its entirety. The Armed Forces Support Committee will consist of the following personnel:

- 1. Committee Chairperson – The Training and Development Section Commander. In addition, an alternate staff member will be appointed to serve in the absence of the Committee Chairperson.

2. MPD Military Liaison Officer (MLO)
3. Personnel Unit Representative
4. F.O.P. Representative
5. Training and Personnel Development Section Representative
6. Staffing Detail Representative
7. Health Services Representative
8. Select current/former military service personnel

**1.4.2 Armed Forces Support Advocate (AFSA):** A Department member who has been designated by the armed forces employee to serve as a liaison between the deployed employee and the Department during their extended military leave. The AFSA shall serve to assist in the care and oversight of the deployed employee's family and personal matters should the need arise during the employee's absence.

**1.4.3 Military Liaison Officer (MLO):** The Military Liaison Officer (MLO), designated by the Chief of Police will serve as the MPD point of contact and advisor on military affairs. **(CALEA 22.1.9 a)**

**1.4.4 Personnel Unit:** The Personnel Unit will be responsible for the distribution of the signed CS/AL 001 form for Human Resources. **(CALEA 22.1.9 b)**

**1.5 RESPONSIBILITIES:** It will be the responsibility of the Military Support Committee to coordinate necessary internal and external resources, and to assure that all available support is rendered in accordance with this order and by the direction of the Chief of Police.

**1.6 PROCEDURES:**

**1.6.1 Military Service and Leave:** All military leave requests (i.e. training, active duty, and initial entrance into any branch of the armed forces) shall be submitted through channels utilizing Military Leave Form CS/AL 001 as follows:

**A. MILITARY TRAINING LEAVE**

1. Complete **Part A ONLY** on the Employee Data Section and attach a copy of your orders. (Effective July 1, 2010, per section 115.07, FS, annual training leave has been changed from 17 working days to 240 hours in a calendar year).
2. Submit the completed form through your chain of command for signatures.
3. After your chain of command has signed, the form is submitted to the Chief of Police or designee for a final signature.
4. The original copy, with attachments, will be forwarded to Labor Relations for review/distribution.
5. Submit a copy of the Request for Leave form along with a copy of your orders to your immediate payroll liaison.
6. A copy may be retained in the Personnel Unit.

**B. ACTIVE DUTY MILITARY LEAVE**

1. Complete **Part B ONLY** on the Employee Data Section and attach a copy of your orders.
2. Submit the completed form through your chain of command for signatures.
3. After your chain of command has signed, the form is submitted to the Chief of Police or designee for a final signature.
4. The original copy, with attachments, will be hand-delivered by the Personnel Unit to the Civil Service Office for review and approval.
5. Submit a copy of the Request for Leave form along with a copy of your orders to your immediate payroll liaison.
6. A copy may be retained in the Personnel Unit.
7. If your military leave is more than 30 days, the Civil Service Board has to approve your leave. Employees must complete the leave form and submit it to the Personnel Unit as soon as possible. The Civil Service Office will submit it to the Civil Service Board for approval before you leave on military orders.

**C. MILITARY SERVICE LEAVE Initial entrance into any branch of the armed forces**

1. Complete **Part C ONLY** on the Employee Data Section and attach a copy of your orders.
2. Submit the completed form, submit through chain of command for signatures.
3. After your chain of command has signed, the form is submitted to the Chief of Police or designee for a final signature.
4. The original copy, with attachments, will be forwarded to the Civil Service Office for review and approval.
5. Submit a copy of the Request for Leave form along with a copy of your orders to your immediate payroll liaison.
6. A copy may be retained in the Personnel Unit.
7. If your military leave is more than 30 days, the Civil Service Board has to approve your leave. Employees must complete the leave form and submit it to the Personnel Unit as soon as possible. The Civil Service Office will submit it to the Civil Service Board for approval before you leave on military orders.

**1.6.2** Employees who have volunteered or received notification for an extended military leave shall meet with the MLO or designee for out processing to include an exit interview prior to deployment. **(CALEA 22.1.9 c)**

**1.6.3** Employees with extended military leave in excess of 30 days shall turn in their assigned vehicle to the Fleet Liaison Unit prior to deployment. All other departmental property will be stored at the employee’s residence, unless the employee requests assistance with the storing of issued weapons. **(CALEA 22.1.9 d)**

**1.6.4** The MLO or designee will communicate departmental news, significant events, and promotional opportunities with the employee on extended military leave via departmental email. **(CALEA 22.1.9 g)**

**1.6.4.1** The MLO or designee will facilitate the service member’s reintegration back into the police department by ensuring the procedures for re-employment following military leave are adhered to as follows:

**A. Procedures for Re-Employment Following Military Leave**

1. Form (CL/AS 002) must be completed and will serve as the employee’s formal request for re-employment following military leave and must be submitted upon return from all military leaves, excluding military training, for which the duration of the leave is more than 30 days. (Re-Employment Request Form)
2. Upon return from military leave, you must notify your employer of your request to return to your position and also submit a written request for re-employment to the Civil Service Board Office, accompanied with a copy of your DD-214 from which indicates your disposition [honorable/dishonorable] of character. Listed below are the timeframes designated by the Uniform Services Employment and Re-employment Rights Act (USERRA) for which you are required to submit your request for re-employment:

**Length of Military Leave**

**Schedule to Return to Work**

1-30 days of military leave

Next scheduled work day

31-180 days of military leave

Apply within 14 days after completion of service

181 + days of military leave

Apply within 90 days after completion of service

**1.6.4.1** if you desire to take any time off following your release from the military, this will not be considered City time; therefore, you may request to use any vacation time or be carried without pay.

**1.6.5** The employee upon return from the extended military leave will be assigned to TPDS for in processing to include a re-integration interview with the VAO or designee. **(CALEA 22.1.9 e)**

**1.6.6** The employee while assigned to TPDS will complete all initial or refresher training as appropriate to include requalification with departmental weapons (lethal and less lethal) and any other mandatory training. **(CALEA 22.1.9 f)**

**1.6.7** The TPDS Commander will approve the return of the employee to their respective assignment.

## HARASSMENT (INCLUDING SEXUAL HARASSMENT)

### Section

- 10.1 Policy
- 10.2 Organization
- 10.3 Responsibilities
- 10.4 Procedures

**10.1 POLICY:** The policy of the Miami Police Department is to provide a professional work environment that is free of all forms of employee discrimination and conduct which can be considered harassing, coercive, or disruptive, including incidents of sexual harassment. The purpose of this order is to establish a proper procedure for reporting such instances. Any form of harassment is unacceptable and will be treated as employee misconduct.

**10.2 ORGANIZATION:** The Internal Affairs Section will be responsible for the coordination of all investigations regarding harassment.

**10.3 RESPONSIBILITIES:** Command and supervisory personnel shall be responsible for ensuring that the policies of this order are followed. They will be responsible for taking appropriate actions to stop incidents of harassment and discipline employees who violate this order and for reporting all incidents of harassment to their Section Commanders.

**10.4 PROCEDURES:** All employees of the department are required to follow the rules and procedures outlined in this order. Violations of this policy will be cause for disciplinary action.

**10.4.1** No employee will engage in any type of conduct that can be considered harassment based on race, ethnic background, religion or sex, sexual preference, disability, marital status, or age.

**10.4.2** The below listed behaviors are unacceptable in the workplace and employees will not engage in them:

**10.4.2.1** Jokes or innuendoes of a racial, sexual, or religious nature.

**10.4.2.2** Sexual gestures of any type at any time.

**10.4.2.3** Any unwelcome activity of a sexual nature. Conduct is unwelcome when the employee did not solicit or invite it, and the employee regarded the conduct as undesirable and/or offensive.

**10.4.2.4** Any inappropriate or unwelcome touching, pinching, patting, caressing or fondling.

**10.4.2.5** The possession and/or review of any pornographic or adult materials.

**10.4.3 Reporting Procedures:**

**10.4.3.1** Any supervisor or commander that witnesses an incident of harassment, whether the employee complains or not, will take immediate actions to remedy the incident and will report the incident to their Section Commander.



**10.4.3.2** An employee who believes that they have been harassed by a coworker must report the incident to their Section Commander in writing.

**10.4.3.3** If the reported incident is of a minor nature (i.e. jokes, inappropriate conversation, etc.) the Section Commander will conduct an inquiry and take any corrective action, discipline or counseling that is appropriate. A report documenting the complaint and the actions taken by the Section Commander will be sent to the Internal Affairs Section for review, documentation and filing.

**10.4.3.4** Complaints against a Staff level officer will be taken directly to the Section Commander of Internal Affairs.

**10.4.3.5** Complaints that involve repeated behavior or incidents of hostile work environment, sexual favoritism, "Quid pro Quo," etc., will be reported to the Office of Equal Opportunity and Diversity Programs to be handled in accordance with their guidelines. Once the Police Department becomes aware that an employee has filed a complaint with the aforementioned office or the Equal Employment Opportunity Commission (E.E.O.C.), all internal investigations will cease.

**10.4.3.6** This procedure is in no way intended to prevent an aggrieved employee from pursuing his/her claim through the City of Miami Office of Equal Opportunity and Diversity Programs or the federal district office of the Equal Employment Opportunity Commission.

**E.E.O./DISCRIMINATION**

Section

- 11.1 Policy
- 11.2 Organization
- 11.3 Responsibilities
- 11.4 Procedures

**11.1 POLICY:** The Miami Police Department, through this policy, establishes its intent to provide equal opportunity and treatment to all applicants on every aspect of the employment process and equal treatment of its employees in all personnel matters. To this end, the Miami Police Department is to exercise objectivity and not discriminate in recruiting, hiring, firing, training, assigning, disciplining, compensating, promoting, assisting anyone, or enforcing the law on the basis of race, color, sex, religion, creed, age, marital status, sexual preference or national origin. The Miami Police Department will also provide career opportunities for disabled employees, whenever reasonable accommodation is possible. The Miami Police Department will not condone harassment, including sexual harassment, in the workplace.

**11.2 ORGANIZATION:** Internal matters concerning Equal Employment Opportunity (E.E.O) and discrimination complaints will be brought to the attention of the Chief of Police, through the Commander of the Personnel Resource Management Section.

**11.3 RESPONSIBILITIES:** The Chief of Police is ultimately responsible for ensuring compliance with all E.E.O. matters. This is accomplished through the Commander of the Personnel Resource Management Section; however, the creation of a workplace environment free of discrimination and harassment is the responsibility of every member of this department, especially supervisors and commanders. Members are responsible for ensuring equal treatment for all and that applicants and employees are treated with respect. Responsibility for the production of all records, reports, and relevant materials in response to discrimination complaints shall be designated by the Commander of the Personnel Resource Management Section.

**11.4 PROCEDURES:**

**11.4.1** An applicant or employee who feels that he or she has been discriminated against because of race, color, religion, sex, national origin, age, marital status, sexual preference or disability may file a complaint with the City of Miami Office of Equal Opportunity and Diversity Programs or the federal district office of the Equal Employment Opportunity Commission.

## Recruitment and Selection

### Section

- 12.1 Policy
- 12.2 Organization
- 12.3 Responsibilities
- 12.4 Procedures

**12.1 POLICY:** It is the policy of the Miami Police Department (MPD) to acquire the highest caliber of personnel necessary to staff the agency consistent with guidelines for certification as established and modified by the Florida Department of Law Enforcement (FDLE) Criminal Justice Standards and Training Commission (CJSTC), and public expectations. The Recruitment and Selection Unit is responsible for identifying and selecting that number of officers, civilians, and Public Service Aides (PSA) necessary to render the MPD responsive to any manpower contingency needs by ensuring adequate staffing on a continuous basis. **(CALEA 32.1.2)**

**12.2 ORGANIZATION:** The Recruitment and Selection Unit is comprised of the Coordination Detail, Polygraph Detail, Investigation Detail, and the Recruitment Detail. It is a function of the Personnel Resource Management Section (PRMS).

**12.3 RESPONSIBILITIES:** The Recruitment and Selection Unit processes both sworn and non-sworn applicants on a continuous basis, addressing both normal attrition and responding to increased manpower needs as they may arise, so as to maintain manpower staffing levels at, or near, budgeted strength.

The Recruitment and Selection Unit maintains background files on applicants processed in accordance with statutory requirements.

### **12.4 PROCEDURES: (CALEA 32.1.2)**

**12.4.1 RECRUITMENT AND SELECTION UNIT:** The Recruitment and Selection Unit is responsible for the development and implementation of criteria governing the selection of those individuals seeking employment with the MPD.

**12.4.1.1 Investigation Detail:** The Investigation Detail is primarily responsible for the examination, documentation, collation, and summary of all pertinent factors from the personal history of an applicant which are, or which may be, essential in the consideration of the fitness for employment of the applicant.

**12.4.1.2 Coordination Detail:** The Coordinator Detail is primarily responsible for organizing and managing applicant processing appointments, establishing and assigning background files for investigation, compiling pertinent information mandatory for CJTSC certification of police officers, maintaining statistical data on detail activities, and maintaining liaison with the applicant throughout the pre-employment background investigation process. **(CALEA 31.3.3)**

**12.4.1.3 Polygraph Detail:** As a requirement of the background investigation process, the

Polygraph Detail is primarily responsible for administering a polygraph examination(s) to new applicants or to City of Miami employees applying to the MPD, with the exception of contracted special services or unless exempted by the Chief of Police or designee.

**12.4.1.4 Recruitment Detail:** The Recruitment Detail is primarily responsible for generating the interest of community members in MPD employment opportunities and referring potential applicants to the Department of Human Resources for testing.

## PEER SUPPORT PROGRAM

### Section

- 13.1 Policy
- 13.2 Organization
- 13.3 Responsibilities
- 13.4 Procedures

**13.1 POLICY:** It is the policy of the Miami Police Department (MPD) to provide confidential peer support to both civilian and sworn employees experiencing personal or professional crisis.  
**(CALEA 22.1.4)**

**13.2 ORGANIZATION:** The Peer Support Program is a function of the Personnel Resource Management Section. The program shall be administered through the Health Services Detail.

**13.3 RESPONSIBILITIES:** The Peer Support Program provides short term supportive assistance and or referral within the scope of the team members' ability, knowledge and training. The Peer Support Program is to work in collaboration with neighboring resources to provide all available options to both civilian and sworn employees experiencing crisis.

**13.4 PROCEDURES:** The Peer Support Program will not be used as or in support of any form of corrective action or discipline. Communication made to a Peer Support Program Team member may potentially be discoverable by third parties but will not be used by MPD as or in support of any form of corrective action, discipline or for any form of labor advocacy. The Peer Support Team is not an investigative unit of the MPD.

Therefore, it will not be the policy or practice of the MPD to interfere with or question Peer Support Program Team members or any other participant involved in a Peer Support Program meeting or debriefing concerning the content of such discussions without the participant's consent. Team members will be removed from the team if they violate confidentiality. The above listed provisions will not apply when:

- Criminal activity is revealed;
- A member of Peer Support Program is a witness or a party to a critical incident that prompted the peer support services;
- A member of Peer Support Program reveals the content of privileged information to prevent a crime against any other person or a threat to public safety;
- The privileged information reveals intent to defraud or deceive an investigation into a critical incident; or
- A member of the Peer Support Program reveals the content of privileged information to the employer of the emergency medical services or public safety personnel regarding criminal acts committed or information that would indicate that the emergency medical services or public safety personnel pose a threat to themselves or others.

**13.5 TRAINING:** A mandatory 40-hour training course must be completed before activation as a Team member in the Peer Support Program. This course will review concepts of mental health, suicide, grief, chemical dependency and other compulsive behavior, counseling and listening skills, families and children, critical incidents, direct and vicarious trauma, anger management, stress management, and referral techniques.

**13.5.1** An annual one-day refresher training will be mandated and must be attended by all team members to remain active in the program.

**13.5.2** Team members are required to continue education and training in subjects related to peer support and its functions as designated by the program coordinator.

**13.5.3** The frequency of team member trainings is to be approved by the Chief of Police or designee.

**13.5.4** Team members must be willing to sign a Confidentiality Agreement.

**13.6 DOCUMENTATION:** Participant Contact Sheets are completed and submitted on a timely basis by Team Members. The sheets may indicate the number and type of participant contacts, but no information that could identify individual participants will be recorded. The data will be forwarded to the Coordinator on a monthly basis. The Contact Sheets will be used for monthly and annual reporting by the Program Coordinator.

**13.7 ETHICS:** Team Members must be knowledgeable with state statutes and MPD policy involving confidentiality. They must advise participants when confidentiality can and must be breached, such as indications of illegal behavior or indication that a clear and imminent danger exists to the participant or others, preferably at the outset of any contact.

**13.7.1** Team Members must not partake a dual relationship with participants. Dual relationships can include but not limited to: situations where the participant is a subordinate, supervisor, subject officer or panel member of a disciplinary review board, or other process involving the Team Member. Team Members will avoid situations where the participant's need for peer support stems from an incident involving the Team Member or any other situations diminishing the Team Member's ability to remain objective. Should any of the above situations occur, the Team Member will contact the Coordinator and the participant will be assigned to another team member.

**13.7.2** The behavior and actions of a Team Member reflect the credibility of this Program. Team Members are expected to lead exemplary roles in their professional lives and while off-duty. Inappropriate behavior can negatively impact the trust that participants place in the Program. Personal integrity is paramount for each Team Member and their respect for each participant's dignity and personal welfare.

**13.7.3** Participants will be advised of the confidential nature of the meeting(s) and the exceptions to confidentiality at the beginning of each meeting. Peer Support Team members who become aware of any exception will discuss the exception only with the Chief of Police or designee.

**13.7.4** The Program relies on the trust and endorsement of both management and employees. Team Members must strive to be neutral, non-partisan or aligned with management or employee organizations.

**PAYROLL**

## Section

- 14.1 Policy
- 14.2 Organization
- 14.3 Responsibilities
- 14.4 Procedures

**14.1 POLICY:** It is the policy of the Miami Police Department (MPD) to expeditiously and accurately handle all payroll matters of the Department.

**14.2 ORGANIZATION:** All payroll actions will be coordinated by the Personnel Resource Management Section (PRMS).

**14.3 RESPONSIBILITIES:** Include control of time accounting, public records law compliance, and any payroll activities.

**14.4 PROCEDURES:** MPD uses the Kronos Timekeeping System (KTS) to record time and attendance information for all employees. This timekeeping system incorporates the pay rules and pay obligations covered by the collective bargaining agreements between the City, AFSCME, and FOP 20, as well as the Fair Labor Standards Act (FLSA).

**14.4.1** Time and attendance information is gathered through desktop access entered by the supervisor or designee in each unit. Time and attendance must be entered via Workforce TeleStaff, and time clerks are to verify attendance is reflected in the Kronos Timekeeper.

**14.4.1.1** Regardless of how the employee's time is captured, the supervisor shall verify time and attendance entries daily using the Kronos Desktop application and shall edit pay codes and schedules as necessary. It is the responsibility of the MPD Payroll Unit to perform a bi-weekly "sign off" routine by Monday, prior to the scheduled payroll interface.

**14.4.2 Vacation, Compensation Time and Training:** Supervisor timekeepers will be responsible for entering vacation, compensatory time, and training into the employee's schedule once it has been approved.

**14.4.3 Overtime:** All regular overtime will be submitted utilizing the Overtime Management System. The link to the overtime tracking system is accessible via MPD intranet - applications. The Payroll Unit personnel will ensure all approved overtime is entered into the timekeepers' KTS/oracle system before the end of the payroll period. Overtime must be submitted no later than 12:00 pm on Monday's of Pay Week, to be processed for that current pay period.

- Employees shall only complete overtime slips for themselves and must log in to complete overtime slips.
- Supervisors must log in to approve overtime.
- OT system login credentials are the same as desktop login credentials.

- Employees shall complete overtime slips immediately after the completion of their shift and submit for approval.
- If an employees' shift ends the next day (B shift and C shift), the overtime date should reflect the new day.

For example:

Regular shift 9/1/19 1400-2400

OT 9/2/19 2400-0200.

#### **14.4.3.1 Submitting Overtime:**

- All regular overtime slips will be routed electronically, and an email will be sent when overtime is approved by supervisors and Payroll.
- All information must be verified before submission of overtime. E-days listed must reflect E-days for that workweek. Duty hours must reflect the duty hours for that day.
- Once an employee elects pay or comp no changes can be made after submission to payroll.
- Supervisors shall only approve overtime for overtime worked in their own unit or district. This will be audited and subject to discipline.
- The approving supervisor is the employee who directly supervised the OT. The Commanding Officer must be a Lieutenant or above unless they are a civilian commander. Employees of the same rank cannot approve overtime for one another.
- For Special Events overtime paid through city payroll, the Special Events Commanding Officer can approve overtime for employees of the same rank.
- A redline memo must be submitted to the Payroll Unit for overtime submitted 30 days after the date worked. The memo must be addressed to the Commander of the Personnel Resource Management Section. The memo should state the reason for the late submission.

**14.4.3.2 Rejected Overtime:** If an employee receives notification that their overtime has been rejected, the necessary changes needing correction must be adhered to as stated in the comments.

Once correction(s) have been made, the employee must once again submit the revised overtime to their chain for a new approval.

**14.4.3.3 Call-Outs:** Comments in the Overtime Management System must specify that the overtime was a call-out. To populate total hours, insert time in and out to total.



**14.4.3.4 Discipline:** Any employee falsifying an overtime form or any supervisor intentionally approving a falsified overtime form shall be subject to disciplinary action to include dismissal. Supervisors shall only approve overtime for overtime worked in their unit or district. This will be audited and subject to discipline.

**14.4.4 Attendance Records:** All employee attendance will be approved by an employee at least one rank above the individual whose name appears on the attendance, and no individual is to prepare their own attendance.

**14.4.5 Computation of Overtime:** Overtime shall be computed based upon 6-minute intervals constituting one-tenth of an hour

Example: 1 - 6 min. = .1	31 - 36 min. = .6
7 - 12 min. = .2	37 - 42 min. = .7
13 - 18 min. = .3	43 - 48 min. = .8
19 - 24 min. = .4	49 - 54 min. = .9
25 - 30 min. = .5	55 - 60 min. = 1.0

**14.4.6 Holidays:** All officially designated holidays are scheduled into the Kronos system by the database administrator. These hours will automatically be credited to eligible employees.

**14.4.6.1** Special holidays may be granted by resolution by the City Commission or by order of the City Manager.

**14.4.6.2** If a holiday occurs on the employee's regular day off, the employee has the option of receiving eight (8) hours of pay or compensatory time, at straight time.

**14.4.6.3 Compensation for Holiday Overtime:** Overtime and holiday pay for eligible employees shall be authorized and compensated in accordance to existing labor agreements.

**14.4.6.4** All overtime that is earned shall be paid for (or compensatory time given) at the rate of time and one half.

**14.4.6.4.1** Employees shall not work overtime without the express permission of a commanding officer.

**14.4.6.4.2** Overtime hours shall not be split into part Comp and part Pay.

**14.4.7 Court Attendance:** All personnel must adhere to their collective bargaining agreements when attending court or other court related proceedings.

**14.4.7.1** Employees subpoenaed to attend court or other court-related proceedings when in a status of "Vacation" or "Earned Overtime" shall be awarded a minimum of three (3) hours or the actual time spent, whichever is greater. This time shall be applied as "Present" for that day, with the remaining hours of the employee's normal work day as "V," or "EO" A member who had been granted "V" or "EO" and subsequently subpoenaed for a court-related matter that cannot be reset, may either:

- Request that the "V," or "EO" day be changed to another day.
- Be carried "P" for the three hour minimum, or actual time expended, whichever is greater, as determined by the Court Liaison supervisor.

An employee will not be compensated for more overtime than they would have received had they worked a full tour of duty. It is the responsibility of the respective supervisor of the employee to determine court status prior to granting a "V," or "EO" day.

**14.4.8 Unauthorized Overtime:** Employees in below-listed status shall not be eligible to receive overtime for attending court or other proceedings arising out of the course of their official duties:

"I" (Illness)                      "D" (Disability)                      "ML"(Military Leave)                      "AL"(Authorized Leave)  
"L" (Relieved of Duty) "IW" (Ill without pay)                      "K" (Death in Family)                      "IF" (Illness in the Family)

**14.4.8.1** Overtime cannot be accrued while an employee's status is V, EO, CEO or AL .....If an employee submits overtime for hours worked while using the aforementioned codes/leaves, the hours that conflict will be converted to regular pay and the personal time shall be returned to their respective bank.

**14.4.9 Vacations:** Vacation with pay shall be taken at the convenience of the Department. It is generally intended that vacations will be taken within the calendar year in which they are accrued. The amount of vacation carry over from one year to the next will be determined by current employee labor agreement and administrative policies (APM).

**14.4.10 Compensatory Time:** Compensatory time may be accrued to the maximum of hours determined by current employee labor agreement and carried over from one year to the next.

**14.4.10.1** Any time earned in excess of the maximum shall be paid at straight time at the employee's hourly rate of pay. This is done after the excess time is computed at time and one half.

**14.4.11 Night Shift Differential (Sworn Personnel):** Night Shift differential shall be paid according to the current employee labor agreements.

**14.4.11.1** Shift differential shall not apply to pay for time not worked.

**14.4.11.2** Time worked in excess of the tour of duty shall be at the time and one half rate based upon the regular hourly rate of pay and shall include the night shift differential, if applicable.

**14.4.12 Night Shift Differential (Civilian Personnel):** Eligible civilian employees shall be paid according to the current employee labor agreement.

**14.4.14 Military Service and Leave:** Requests for military training leave will be made through channels via form CS/AL 001. The Chief of Police or designee has the authority to sign the request. The signed form and a copy of the Military orders must be sent to the Payroll Unit for distribution. Requests for Military Leave for other than training purposes shall be directed to the Civil Service Board.

**14.4.15 Vacations:** Employees are allowed vacation with pay after completion of six (6) months of actual, continuous service. This order applies to all departmental employees, sworn and civilian.

**14.4.15.1 Accrued Vacation Time:** Vacation accruals are determined by the current employee labor agreements.

**14.4.15.1.1** Employees are to abide by the provisions of their current collective bargaining agreement with regards to the total amount of hours that can be carried over and the time period vacation time needs to be used.

**14.4.16 Sick Leave:** Each sworn and non-sworn member of the MPD accrued time will be subject to the terms of their current labor agreement.

## DEPARTMENTAL STAFFING DETAIL

### Section

- 15.1 Policy
- 15.2 Organization
- 15.3 Responsibilities
- 15.4 Procedures

**15.1 POLICY:** It is the policy of the City of Miami Police Department (MPD) to efficiently utilize its personnel resources to ensure the adequate staffing of the Department's various functions.

**15.2 ORGANIZATION:** The Staffing Detail reports directly to the Personnel Resource Management Section.

**15.3 RESPONSIBILITIES:** It is the responsibility of command level personnel involved in the assignment of personnel to ensure that all personnel assignments are based on, Collective Bargaining Agreement (CBA) rules, merit, efficiency, character, and industry, and that there is no discrimination based on race, color, religion, sex, national origin, age, marital status and sexual preference. **(CALEA 16.2.2)**

### **15.4 PROCEDURES:**

#### **15.4.1. Assignment:**

**15.4.1.1** There are four (4) ways in which personnel will be assigned:

- a. Open competition based on background analysis, selection panels and, in some cases, demonstration of physical or other abilities;
- b. Appointment by the Chief of Police (COP) (or designee);
- c. Bidding based on the CBA rules; or
- d. Temporary assignments, as stipulated in the appropriate CBA agreement.

**15.4.1.2** Any specialized unit requesting that personnel be transferred to or from the unit will prepare a Personnel Assignment Request (RF #TBD). The request will be sent directly to the Commander of the Personnel Resource Management Section, who will forward the request to the Chief of Police. Upon the approval of the Chief of Police, the request will be submitted to the Staffing Detail, where the change will be effected.

**15.4.1.3** The Staffing Detail will notify personnel and the effected division of the assignment via e-mail. All assignment notifications will be announced to personnel at least six (6) calendar days (sworn only), prior to the effective date of the assignment, unless the sworn employee to be assigned waives the six-day notification.

**15.4.1.4** When notified of the transfer, the immediate supervisor of the transferred employee will promptly notify the Staffing Detail of the employee's days off, duty hours and the name of the immediate supervisor that the transferred employee will report to.

**15.4.1.5** To prevent work-continuity interruptions, all assignments will become effective on the last Sunday of the month (shift change), unless approved by the Chief of Police (or designee).

**15.4.2 Reassignments:**

**15.4.2.1** It is the responsibility of the Staffing Detail to make all the appropriate transfer/personnel assignment notifications. All personnel transfers/assignments will be communicated to the Payroll Unit through the Personnel Resource Management Section.

**15.4.2.2 Notification of Reassignment:**

**15.4.2.3 Reassignment Effective Dates:** No employee reassignment will occur, nor will it become effective, until it is approved by the Chief of Police (or designee), and until the employee is notified by the Staffing Coordinator.

**15.4.2.3.1** It will be the responsibility of the Staffing Coordinator to notify the employee being reassigned of the effective date of the new assignment.

**15.4.2.3.2** A reassignment within a section shall require only the approval of the section commander; the approval/signature must be obtained prior to the effective date of the reassignment.

**15.4.2.3.3** The Departmental Staffing Coordinator shall be notified via email of all reassignments within a section. The e-mail shall include the new duty hours, days off, and the name of the immediate supervisor of the reassigned/transferred employee.

**15.4.2.3.4** Reassignments between divisions shall require the approval of the Chief of Police (or designee).

**15.4.2.3.5** Reassignments of all commanding officers (lieutenants and above) shall be at the sole discretion of the Chief of Police (or designee).

**15.4.2.3.6** Reassignments will become effective on the first day of the week (Sunday). If possible, they will become effective the Sunday beginning a pay period.

**15.4.3 Span of Control: (CALEA 11.2.1)**

**15.4.3.1 Patrol Districts:** The Staffing Detail shall assess (every four months), the number of subordinates that supervisors assigned to the Field Operations Division's (FOD) Patrol Districts may effectively guide and control; the immediate span of control shall not exceed eight (8) subordinate personnel.

**15.4.3.2 Specialized Operations Section (SOS):** The Staffing Detail shall assess, (every four months), the number of subordinates that supervisors assigned to the Tactical Robbery Unit (TRU), Felony Apprehension Team (FAT), and Special Weapons and Tactics (SWAT) Detail

may effectively guide and control; the immediate span of control shall not exceed eight (8) subordinate personnel.

**15.4.3.3 In addition, the Staffing Detail will:**

- a. Ensure that Officers are assigned to a single, consistent, clearly identifiable first line supervisor;
- b. Ensure that Sergeants are assigned to and, in fact, work the same days off and hourly schedule as the officers they are assigned to supervise, absent extenuating circumstances;
- c. Maintain consistent supervision of the subordinates of a first line supervisor who is on an extended leave by assigning them under the direct command of an alternate first line supervisor;
- d. Re-assign the subordinates of a first line supervisor who has been or is expected to be absent for longer than six (6) weeks to another first line supervisor.

**15.4.3.4** The Staffing Detail shall provide a quarterly report to the Professional Compliance Section (PCS) Department of Justice (DOJ) Compliance Coordinator concerning the span of control requirements for the FOD Patrol Districts and SOS TRU/ FAT, and SWAT Detail.

**15.4.4 Specialized Units:**

**15.4.4.1** Notwithstanding the provisions of this Order, the Chief of Police shall retain the right to grant or deny intra-section reassignments when it is determined that such action is necessary for the efficient operation of the Miami Police Department.

**15.4.5 Appointments by COP:**

**15.4.5.1** The Chief of Police has the authority to appoint and place personnel on either a temporary or permanent basis, when the needs of the Department so warrant.

**15.4.5.2 Light or Limited Duty Employees:** Employees who are placed on Light or Limited duty shall, upon notifying the Health Services Detail, immediately report to the Departmental Staffing Detail, where they will be assigned based on Departmental need.

**15.4.5.3 Employees Relieved of Duty (ROD) or Administratively Re-Assigned:** The Internal Affairs Section (IAS) shall, as soon as practical, notify the Staffing Coordinator via e-mail when a member is ROD or administratively reassigned.

**15.4.5.3.1** The IAS email shall include the name of the relieved/reassigned employee, PIN, duty hours, days off, and the name of the employee's immediate supervisor / case manager.

The assignment of an employee who is administratively reassigned will be made by the Staffing Detail Coordinator.

**15.4.6 SHIFT BIDDING:**

**15.4.6.1** Bids within Patrol are based on CBA.

**15.4.6.2** Officers who are interested in bidding must be in Patrol prior to the bid.

**15.4.6.3** Officers requesting to bid must submit a Bid Request Form (RF# 804) to the Staffing Detail; the RF# 804 is located in the SharePoint folder.

**15.4.6.4** Bid Request Forms (RF# 804) may be turned in to the Staffing Detail Office or emailed to the Departmental Staffing Coordinator.

**15.4.6.5 Patrol Crews Maximum Staffing:** In order to equitably distribute resources and not disrupt normal Patrol District operations during their utilization, the following will be the maximum staffing for any individual Patrol Team:

**15.4.6.5.1** CIT: One (1) Crisis Intervention Team officer per crew.

**15.4.6.6 Crisis Intervention Team (CIT) De-Activation:** When a CIT member is deactivated by the CIT Commander, the officer who is occupying the CIT position on a crew will be required to relinquish that position and the position will become available for bidding to an activated CIT certified officer.

**15.4.6.7 Field Training Officer (FTO) or Field Training Sergeant (FTS) De-Activation:** When an FTO or FTS is deactivated by the FTO Commander, the officer who is occupying the FTO or FTS position will be required to relinquish that position and the position will become available for bidding to an activated FTO or FTS certified officer.

**15.4.6.8** Upon the de-activation, the Staffing Detail will place the sworn employee in another assignment on a temporary basis until they can participate in the next scheduled quarterly bid.

**15.4.7 Seniority Issues:**

**15.4.7.1** The seniority is based on current CBA.

**15.4.7.2** It is recommended that officers preparing to bid review the seniority date information posted on SharePoint. Questions pertaining to seniority dates will be addressed with the Personnel Unit.

**15.4.7.3** Officers and sergeants bid for Shift/Days Off/ Assigned Area.

**15.4.7.4** Lieutenants bid for Shift/Days Off and their areas of assignment are determined at the discretion of the Chief of Police (or designee).

**15.4.7.5** Only officers who are off probation are eligible to bid.

**15.4.7.6** Officers in the following statuses will be ineligible to bid:

- "D" (Disabled)
- Extended "I" (Over 90 days)
- ROD (Relieved of Duty)

- “LD” (Light or Limited Duty)
- FMLA (Family Medical Leave Act)
- Leave of Absence

**15.4.8 Scheduling Time off for Training:**

**15.4.8.1** The Training and Personnel Development Section as well as the Office of Emergency Management/ Homeland Security shall consult with the Staffing Detail prior to scheduling training affecting entire organizational elements within the Department, this will ensure that the impact on staffing levels is mitigated.

**15.4.9 Personnel Payroll Accounting:**

**15.4.9.1** The Miami Police Department uses timekeeping software to record time and attendance information for all employees. The Staffing Detail uses this time keeping software system in conjunction with the daily attendance roster to verify attendance and time usage for Field Operations Division patrol employees.

**15.4.9.2** The Staffing Detail access the daily rosters that shows time and attendance entries and are able to edit shift and hours paid through various pay codes when corrections are necessary.

**15.4.9.3** When an item on a previously submitted attendance report was left off of the attendance form or was incorrectly entered, a Payroll Attendance Correction form (RF# TBA) will be submitted to the Payroll Unit to correct the issue.



## GRIEVANCE PROCEDURES

### Section

- 16.1 Policy
- 16.2 Organization
- 16.3 Responsibilities
- 16.4 Procedures

**16.1 POLICY:** It is the policy of the Miami Police Department to process all employee grievances or misunderstandings in accordance with current Florida Statute, City of Miami Civil Service Rules and Regulations, and Collective Bargaining Agreement requirements.

**16.2 ORGANIZATION:** The coordination of the grievance process is a function of the Personnel Resource Management Section.

**16.3 RESPONSIBILITIES:** The Commander of the Labor Relations Unit will be designated by the Chief of Police as his Labor Relations Coordinator. It will be his responsibility to represent the Chief of Police in overseeing the grievance process.

**16.4 PROCEDURES:** The duties and responsibilities of the Labor Relations Coordinator include the coordination, monitoring, follow-up, security, and record maintenance of grievances filed. This will be accomplished as follows:

**16.4.1** Accept and process only those identified matters that may be grieved, and the levels in the department to which the grievance may be filed and/or appealed. The grievance form (CM/LR 409) must be completed fully. The following information must be submitted when filing grievances: name, title, department, division, and nature of grievance contract article alleged violated, statement of facts, and election of remedy form (CM/LR 412).

**16.4.2** Adhere to time limitations for filing or appealing a grievance to the next level.

**16.4.3** Screen for adequacy and appropriateness of descriptive information to be submitted when a grievance is filed.

**16.4.4** Adhere to established procedural steps and time limitations at each level in responding to grievances or appeals.

**16.4.5** Comply with established criteria for employee representation.

**16.4.6** Establish and maintain a file for each reported grievance.

**16.4.6.1** Grievance records shall be securely locked and stored within the Labor Relations Unit office. Access to grievance files will be restricted to those persons authorized by the Labor Relations Coordinator.

**16.4.7** Analyze grievances filed on an annual basis.

**RESERVED**

**RESERVED**

**RESERVED**

**RESERVED**

**RESERVED**

**DEPARTMENTAL DISCIPLINARY REVIEW BOARD**

Section

- 22.1 Policy
- 22.2 Organization
- 22.3 Responsibilities
- 22.4 Procedures

**22.1 POLICY:** For the purpose of fairness and consistency the Miami Police Department, through this Order, provides a review procedure for sworn employees before the Chief of Police takes final action on disciplinary matters.

**22.1.1** The Departmental Disciplinary Review Board (D.D.R.B.) shall, upon written request of the employee, review disciplinary actions which recommend a forfeiture of time and/or suspension in excess of two tours of duty, demotion, or dismissal.

**22.1.2** The Board Chairperson shall review disciplinary actions, which recommend a forfeiture of time and/or suspension not in excess of two tours of duty, upon written request of the disciplined employee. Upon receipt of the Chairperson's decision, the employee shall have ten calendar days to request a D.D.R.B. hearing if he/she does not accept the recommended action. If the employee accepts the recommended action, no hearing is required, and the Chairperson forwards the written recommendation to the Chief of Police.

**22.1.3** The Board Chairperson shall review written reprimands, upon request of the disciplined employee. Employees are not entitled to a D.D.R.B. hearing when reprimands are issued without time loss or a change in employment status.

**22.2 ORGANIZATION:** The Board shall consist of five sworn members with permanent status as follows:

**22.2.1** One Senior Staff Officer, who serves as Chairperson of the Board, has the rank of Major or higher, and is appointed by the Chief of Police.

**22.2.1.1** The D.D.R.B. Coordinator will serve as the Secretary to the Chairperson of the Board. All requests or inquiries that are directed to the Chairperson will be received by the Coordinator.

**22.2.2** One lieutenant or a higher ranking officer is appointed by the Chief of Police as the departmental representative.

**22.2.3** One recognized organizational representative (F.O.P., P.B.A., M.C.P.B.A., M.A.W.P., H.A.C.) is selected by the disciplined employee. If the employee does not choose a representative, then the representative shall be from the F.O.P.

**22.2.3.1** If the organizational representative is unable to attend the D.D.R.B., it will be his/her responsibility to arrange for his/her replacement by an alternate.

**22.2.4** Two open members are selected by the disciplined employee from five members on the Open Member Roster.

**22.2.5** The D.D.R.B. Coordinator shall prepare a list of five open members, randomly drawn, and forward it to the disciplined employee. The members selected shall not come from the same duty unit and/or shift as the disciplined employee, nor shall they be of lesser rank. Upon receipt of the list, the employee shall, within five days, exercise his/her three choices (two open members and one organizational representative) and return his/her choices to the D.D.R.B. Coordinator. If the list of choices is not received by the Coordinator within five days after receipt by employee, the first two members on the list will automatically be chosen by the Coordinator. In the event that either of the members chosen by the employee are not able to attend, the employee will select a replacement from the remaining three open members on the original list of five. If none of the five members are able to attend, the D.D.R.B. Coordinator shall then randomly choose from the open roster until an available member is located. The employee may be present to observe the drawing.

**22.3 RESPONSIBILITIES:** The Departmental Disciplinary Review Board is assembled, at the request of the disciplined employee, to provide a review mechanism for grieved disciplinary action taken against members of the Miami Police Department.

The determinations, actions, and recommendations of the Board or its Chairman, as specifically outlined within this Order, are of an advisory nature and are not final or binding.

All determinations, actions, and recommendations made by the D.D.R.B. or its Chairman are sent to the Chief of Police for review and consideration.

**22.3.1 Employee's Responsibility:** It is encouraged, but not required, that the disciplined employee attach a rebuttal or statement to the reprimand regarding the discipline action taken against him or her. A copy of this document should also be forwarded to the D.D.R.B. Detail as soon as possible in order for it to be made available for consideration by the D.D.R.B. Chairperson and or the Board members. Additionally, a disciplined employee is entitled to representation by a bargaining unit member of his/her choice during a board hearing.

**22.3.1.1 Disciplined members are responsible for notifying their representative, and any witnesses in their behalf, of the date and time of the hearing.** A D.D.R.B. Hearing will proceed as scheduled unless a continuance was requested and approved in accordance to Section 22.4 4 of this Chapter. Overtime will not be granted to the member, their representative, or witnesses in their behalf for appearances before the D.D.R.B.

However, failure of securing or having present representation shall not prevent the hearing from proceeding as scheduled nor will the hearing be postponed to a later date and or time if not in accordance with the provisions of 22.4.4 of this Chapter.

**22.4 PROCEDURES:**

**22.4.1 Open Member Roster:** The Open Member Roster shall consist of seventy names, as indicated below:

50 Officers	35 Uniform 15 Plainclothes
10 Sergeants	6 Uniform 4 Plainclothes
5 Lieutenants	3 Uniform 2 Plainclothes



5 Captains

Random

**22.4.1.1** All personnel serving in the Open Member category will come from an Open Member Roster published quarterly by the D.D.R.B. Detail. All Open Members will be randomly selected and rotated quarterly.

**22.4.1.2** Employees who have been the subject of a full D.D.R.B. hearing during the previous six months, or who have a hearing pending, are not eligible to serve on the Open Member Roster.

**22.4.2 Scheduling:** The D.D.R.B. Detail receives the disciplinary package in which an employee requests a D.D.R.B. hearing. Five representative members are randomly selected by the D.D.R.B. Coordinator. The employee is given five days to select two open member choices and one organizational representative to sit on the Board. Any scheduling conflicts will be resolved by the D.D.R.B. Detail Commander.

After the D.D.R.B. Detail receives the three choices from the disciplined employee, the employee will be notified of the scheduled hearing date. The employee will not be scheduled for a hearing sooner than ten calendar days after giving his/her choices to the D.D.R.B. Detail.

**22.4.3 Exclusions:** If the employee is assigned to the section commanded by the D.D.R.B. Chairperson, the chairperson shall be excused; and the alternate chairperson will be utilized for the review.

**22.4.3.1** Any person who participated in the investigation must be excluded from serving on the Board. A replacement is chosen from the original list of five open members provided to the employee.

**22.4.3.2** The fitness evaluation of a probationary employee while in police training, and prior to being sworn in, will not be the subject of a Departmental Disciplinary Review Board.

**22.4.3.3** Non-sworn employees are excluded from the provisions of this Order.

**22.4.3.4** The D.D.R.B. Chairperson **MAY** exclude persons from the hearing room who are: 1) not involved in the hearing, 2) acting in a disruptive manner, or 3) for whichever reason (as the Chairperson may deem important at the time of the hearing), unwelcome at the hearing.

**22.4.3.5** The employee or the departmental representative(s) may exclude (from the entire hearing) any person who is an additionally accused party or witness in the incident. Additionally accused parties or witnesses will be allowed to be present only during the time that they are presenting evidence. The accused party whose case is being heard at the time will be allowed to be present at all times except when excluded by provision of Section 22.4.3 of this Order.

**22.4.4 Special Requests:** Requests by disciplined employees, departmental representatives, or other persons for the following actions must be received **in writing seventy-two hours (72) prior to the time of the hearing and approved by the D.D.R.B. Detail Commander:**

**22.4.4.1** Requests to excuse a member from serving on the Board due to conflict with disciplined employee

**22.4.4.2** Requests for continuances

**22.4.3** Requests to be excused from serving on the Board

**22.4.4** Requests to be excused from appearing due to previously scheduled training, vacation, court, or conflict with disciplined employee.

**22.4.4.5** Any other special requests

**22.4.5 Operational Procedure:** The Departmental Disciplinary Review Board shall act in accordance with the following procedures.

<u>PERSONNEL</u>	<u>INFORMATION</u>	<u>ACTION</u>
Division Chief	Disciplinary investigation is complete.	Reviews and approves disciplinary package.
		Forwards reports to D.D.R.B. Chairperson in all instances where the recommended penalty is forfeiture of time and/or suspension in excess of two tours of duty, demotion, or dismissal.
D.D.R.B. Chairperson	Upon receipt of disciplinary package	Schedules a hearing no sooner than ten days after receipt of disciplinary package in which an employee requests a hearing when signing the reprimand. The D.D.R.B. Coordinator notifies all parties of date and time.
D.D.R.B.	Upon convening	Reviews and discusses disciplinary package, hears testimony, etc.  Reaches a decision of recommendation.  Forwards the D.D.R.B.'s recommendation and disciplinary package to the Chief of Police.
Chief of Police	Upon receiving disciplinary Package and the D.D.R.B. recommendation.	Reviews disciplinary package. Takes the D.D.R.B.'s recommendation under advisement.  Makes final decision.

**22.4.5.1 Discipline with Penalty.** The Board shall, upon written request of the disciplined employee, review disciplinary actions for which the recommended action is forfeiture of time and/or suspension in excess of two tours of duty, demotion, or dismissal.

**22.4.5.2 Discipline with Time Loss Up to Two Tours of Duty.** The D.D.R.B. Chairperson shall, upon written request of the disciplined employee, review completed disciplinary actions for which the recommended action, loss of time up to two tours of duty, is based.

<u>PERSONNEL</u>	<u>INFORMATION</u>	<u>ACTION</u>
Internal Affairs Division	Disciplinary investigation	Reviews and approves disciplinary package.

C.O. or Asst. Chief	is complete	Forwards disciplinary package to Chairperson of the D.D.R.B. in instances where the recommended penalty is loss of time up to two tours of duty.
Chairperson D.D.R.B.	Upon receipt of disciplinary package	Upon receipt of a written request from the employee, the Chairperson reviews the reprimand and the recommended penalty.

PERSONNEL

INFORMATION

ACTION

The Chairperson makes a decision and recommendation and communicates it to the disciplined employee.

Disciplined employee	Decision to accept or not	Upon receipt of the Chairperson's decision, the disciplined employee may appeal, in writing within ten calendar days, for a full D.D.R.B. hearing. The review process will then proceed as outlined in 22.4.5.1 of this Order.
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**22.4.5.3 Official Written Reprimands.** The D.D.R.B. Chairperson shall review officially written reprimands, upon written request of the disciplined employee.

PERSONNEL

INFORMATION

ACTION

Disciplined employee (no penalty)	Within ten days of the date of his/her signature on the reprimand to which the employee disagrees	Communicates desire for review of disciplinary action, in writing, to the D.D.R.B. Chairperson and presents his response to the incident.
D.D.R.B. Chairperson	After receipt of employee's response	Reviews the employee's response and the departmental reprimand. The Chairperson may interview parties involved in the incident for clarification. Communicates his/her recommendation (in writing) to the Chief of Police.
Chief of Police	Upon receiving the disciplinary package and recommendation.	Reviews the disciplinary package and recommendation. Makes the final decision and informs the employee of his/her decision.

**22.4.6 Hearing Rules:**

**22.4.6.1** The D.D.R.B. hearing is not a judicial trial. Legal rules of evidence shall not apply, nor shall other rules governing trials by judicial bodies. The determination of fact should be made without adherence to technical judicial rules. However, the evidence must be relevant, credible, and obtained by fair and reasonable investigative procedures. It must be at least substantial in its weight. The Chairperson shall: 1) follow procedures established for administrative hearings, 2) rule on questions of procedure, and 3) determine the admissibility of evidence and testimony. The Chairperson may

request that evidence or testimony, which will be introduced, be presented by the best source available.

**22.4.6.2** The Commander of the Internal Affairs Division and/or his/her representative and/or the supervisor/commander initiating the disciplinary action will present the circumstances of the alleged offense to the Board. The disciplined member may address the Board himself/herself or be represented by another member of the Department. A disciplined member or representative may question all witnesses, as well as present witnesses on his/her own behalf.

**22.4.6.3** The D.D.R.B. may consider investigatory reports, statements, documents, testimony, and other evidence it deems appropriate. All information relevant to the incident may be introduced at the hearing, subject to the Chairperson's ruling of admissibility.

**22.4.7 Hearing Procedures:**

**22.4.7.1** Call the hearing to order.

**22.4.7.2** Determine if the member is present and inquire of him/her, "Have you received written notification of the charges and specifications in the case now to be reviewed by the Board?"

**22.4.7.3** The Chairperson will then read the charges to the accused and those assembled.

**22.4.7.4** The Chairperson will then direct the following:

**22.4.7.4.1** "(Rank) \_\_ \_\_, you have heard the charges and specifications. Are you ready to proceed?"

**22.4.7.4.2** "Is the Department ready to proceed?"

**22.4.7.4.3** Directs the Department to proceed.

**22.4.7.5** The representative may introduce testimony and evidence to substantiate the findings. The Chairperson will rule on relevancy and fairness of evidence and testimony presented.

**22.4.7.5.1** During the presentation, the disciplined employee, or his/her representative, may ask the Chairperson to determine the relevancy of the evidence and or testimony presented by the Departmental Representative.

**22.4.7.5.2** Board members may ask the Chairperson to clarify evidence and testimony.

**22.4.7.6** Upon conclusion of the departmental representative's presentation, the Chairperson will direct the disciplined employee, or his/her representative, to proceed.

**22.4.7.6.1** The disciplined employee may introduce evidence, witnesses, and testimony to refute the findings or explain the incident.

**22.4.7.6.2** During the disciplined employee's presentation, the departmental representative may ask the Chairperson to determine the relevancy of the evidence and or testimony presented by the disciplined employee.

**22.4.7.6.3** Board members may ask the Chairperson to clarify evidence and testimony.

**22.4.7.7** When both parties have concluded their presentations and the Board believes no further information is needed, the Chairperson will ask all persons to leave the room, except for Board Members and the D.D.R.B. Coordinator.

**22.4.7.8** The Chairperson will summarize the case objectively, being careful not to influence the other members of the Board.

**22.4.7.8.1** The Board will deliberate the case and begin voting. There will be two ballots. The first vote will be to agree or disagree on the charges. If the Board agrees, a second ballot will be taken on the recommended disciplinary action.

The outcome will be determined by majority vote. Members of the Board will sign a form indicating the charges and results of the vote. If the Board, by majority vote, disagrees with the original recommended disciplinary action, the Board may recommend an alternative action by majority vote. This recommendation is not binding until approved by the Chief of Police. The Board must agree by majority vote on any one of the charges before a recommendation of disciplinary action can be forwarded to the Chief of Police for final determination.

**If a majority vote is reached on any one of the charges and a majority vote cannot be reached on the penalty portion for that charge(s), then each member that AGREED with the charge(s) will recommend a penalty. The D.D.R.B. Coordinator will note the individual recommendations on the tally sheet.**

**22.4.7.9** Following the vote, both parties may return to the room; and the Chairperson will announce the results of the voting by stating: "The Board Agrees or Disagrees with the charges."

**22.4.7.10** If the Board agrees on any of the charges, the Chairperson will announce the recommended disciplinary action by stating: "The Board recommends \_\_\_\_\_ as the disciplinary action."

**22.4.7.11** Following the announcement, the Chairperson will adjourn the hearing.

**22.4.7.12** Following the hearing, the Chairperson will forward a written report containing a summary of the hearing and the results of the voting to the Chief of Police. A recommendation will be included, if appropriate.

**22.4.8 Function of the Board:** Following the review of the completed disciplinary investigation, the Board will recommend action to be taken by the Chief of Police. Recommendations shall be based upon the findings of the Board.

**22.4.8.1** In making recommendations to the Chief of Police, the Board shall communicate its findings, in writing, utilizing the following terminology:

**AGREE** The evidence indicates the disciplined employee against whom the complaint has been registered has committed all or part of the alleged violation.

**DISAGREE** The review indicates that there is insufficient evidence to prove or disprove the allegations, or the disciplined employee had not committed the violation charged.

**22.4.8.2** The findings by the Board shall be by a preponderance of the evidence and does not require that the charges be proved beyond a reasonable doubt.

**22.4.8.3** When the Board recommends a finding of **AGREE**, the finding shall also include a recommendation of disciplinary action, if different than the original recommended action. In making the disciplinary recommendation, the Board shall give consideration to the gravity of the alleged offense and the individual's work record, to include unit and personnel files. These files will only be reviewed

after agreeing with the charges. The Board will review the files which will assist them in determining the final recommendation.

**22.4.9 Overtime:** It is not the intent of the Departmental Disciplinary Review Board to permit an employee accused of a violation of Departmental Orders Rules and Regulations to profit from unacceptable behavior. The following guidelines will apply to appearances before the D.D.R.B.

**22.4.9.1** Members of the Department selected to serve on the Departmental Disciplinary Review Board must contact their respective commanding officers and attempt to arrange their work schedule so that participation in the Review Board process will be **on duty**. In those cases where change of work schedule is not feasible, the Chairperson of the Departmental Disciplinary Review Board must be notified. The Chairperson may authorize overtime. This authorization may only be provided by the Chairperson, and it must be given prior to the date of the hearing.

**22.5 Records Maintenance:** The Departmental Disciplinary Review Board shall maintain records of disciplinary actions in accordance with departmental policy and the Division of State Archives guidelines.

## COMMUNITY RELATIONS SECTION

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** The Community Relations Section is designated to improve the effectiveness of the Miami Police Department by facilitating a cooperative effort between the Police Department and the community **through** enhancement of Departmental and City-Wide programs, projects and services.

**1.2 ORGANIZATION:** The Community Relations Section consists of the Community Involvement Detail and the Police Athletic League (P.A.L.) Detail, and the School Resource Officer.

**1.3 RESPONSIBILITIES:** To be actively involved in the coordination, planning, development, implementation, evaluation and follow-up of specific projects, programs and related services that help foster and nurture effective police-community partnerships. The Section will provide for the targeting of crime prevention programs by crime type and geographic area on the basis of an analysis of local crime data. Programs will be designed to address community perceptions or misperceptions of crime. Additionally, the Commander will evaluate the effectiveness of the unit's crime prevention programs every two (2) years.

### **1.4 PROCEDURES:**

**1.4.1 Community Involvement Detail:** Personnel in this Detail are assigned to create and implement projects, programs, and other activities to enhance police-community partnership and the image of the Police Department. This is ensured through the implementation of specialized programs such as: National Night Out, Black History Month Celebration, Hispanic Heritage Month Celebration, Pride Month Celebration, Shop with a Cop, Community on Patrol, Community Police Academy, Faith & Blue, Ice Cream Truck Detail, Support Dog Detail etc.

**1.4.2 P.A.L. Detail:** The P.A.L. Detail provides a variety of recreational activities for youngsters five (5) years of age or older. Additionally, the P.A.L. Program focuses on the prevention of juvenile delinquency, drug abuse and criminal activities through the use of sports programs that foster a better understanding and harmonious relationship between the Police and youth groups in the community. The Police Explorer Post is an integral part of the Police Athletic League Detail, which is a component of the Community Relations Section.

**1.4.3 Civilian Observer Program:** The Civilian Observer Program provides interested citizens (18 years of age or older) with an opportunity to observe Patrol (A, B, and C shifts) officers at work by riding along with an officer during his or her patrol assignments. The Civilian Observer Program Coordinator will also direct requests by civilians, city employees, and volunteers to ride along with, visit, or observe other areas in the department to the appropriate Section Commander for approval. These areas include Marine Patrol and other specialized areas. These types of requests will be subject to the standard operational procedure and/or departmental order which governs the particular area requested. In addition, city employees are required to notify their respective chain of command for their approval prior to being approved through the Civilian Observer Program. Request to “ride along” with Mounted Patrol, Motors, and Canine are an exception to this policy and any request of this nature is strictly prohibited.

**1.4.3.1** Individuals requesting to participate as a Civilian Observer (“ride-along”), must pass NCIC, FCIC and Dade County computer checks, sign a waiver of liability form and meet one of the following criteria:

**1.4.3.1.1** Be an active law enforcement officer from another jurisdiction.

**1.4.3.1.2** Be a member or employee of an accredited news service.

**1.4.3.1.3** Be an accredited member of the criminal justice system (judge, lawyer, etc.).

**1.4.3.1.4** Be currently enrolled in an accredited program of study directly associated with or aligned with a criminal justice career.

**1.4.3.1.5** Be involved with an approved program or research that is directly related to police techniques and procedures.

**1.4.3.1.6** Be a member of a Miami Police Department Volunteer Program.

**1.4.3.1.7** Be an interested citizen living within the City of Miami limits.

**1.4.3.1.8** Have other legitimate reasons, and approval by the Section Commander.

**1.4.3.1.9** The number of times an applicant can request to ride-along will be closely monitored. Applicants requesting to ride-along more than twice will be interviewed by the Community Relations Section Commander or his/her designee as to the reason for such request.

**1.4.3.1.10** The Community Relations Section will notify the Patrol Shift Commander or Section Commander, via a copy of the information and waiver form, when the civilian observer requests to ride- along. If the Shift or Section Commander cannot accommodate the request, the form will be sent back and the ride-along date will be changed or, Patrol or Section Commanders can deny any civilian observer the privilege to participate in a ride-along assignment.

**1.4.4 Juvenile Prevention Programs:** On an annual basis the section will review and prepare a written report to the Chief on prevention programs relating to juveniles. **(CALEA 44.1.3)**



**1.4.4.1** The annual evaluation submitted will include both quantitative and qualitative elements of all the juvenile enforcement and prevention programs with the Unit. A recommendation to maintain, modify, or discontinue a program(s) will be furnished, along with any supporting documentation. **(CALEA 44.1.3)**

**1.4.4.2** The section commander will meet with other elements of the Juvenile Justice system to get suggestions regarding new program designs and discuss juvenile procedural changes.

## **POLICE RESERVE AND AUXILIARY VOLUNTEER OFFICER DETAIL**

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures

**2.1 POLICY:** The Miami Police Department's Reserve and Auxiliary Volunteer Officer Detail is comprised of community members meeting statutorily mandated requirements who volunteer their time to fulfill many of the roles handled by full-time officers.

**2.2 ORGANIZATION:** The Reserve and Auxiliary Volunteer Officer Detail is administered, managed, and coordinated by the Community Relations Section

#### **2.2.1 DEFINITIONS:**

**2.2.1.1 Auxiliary Police Officer:** An auxiliary officer means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time law enforcement officer, has the authority to arrest and perform law enforcement functions.

**2.2.1.2 Reserve Officer (Part Time Officer):** A reserve officer is a "part-time" law enforcement officer who is employed or appointed less than full-time, with or without compensation, who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of penal, criminal, traffic or highway laws of the state.

**2.2.1.3** Police reserve and auxiliary officers are bonded with public liability protection equal to that provided to full-time officers, and are subject to and in accordance with the provisions as set forth by Florida Statutes.

**2.3 RESPONSIBILITIES:** The Police Reserve and Auxiliary Detail's primary responsibility is to supplement the departments full-time sworn officers in the prevention and detection of crime and the general enforcement of laws while assigned specific police functions. To maintain status, police reserve and auxiliary officers shall maintain a minimum logged service time of sixteen (16) hours each month or forty-eight (48) hours each quarter. **The Community Relations Section Commander is responsible for ensuring that all Police Reserve and Auxiliary personnel receive state mandated training and firearm qualifications annually.**

**2.3.1** Reserve and auxiliary volunteer officers will perform all activities under the direction of the neighborhood supervisor. They will assist full-time officers in the delivery of law enforcement services to the community. Reserve and auxiliary volunteer officers will also perform those functions that are necessary to assist full-time officers in emergency situations.

**2.3.2** Depending upon assignment, duties may include, but are not limited to, the following:

- a) Assist the Miami Police Department in safely directing the control of vehicular, pedestrian, and bicycle traffic.
- b) Assist the Miami Police Department in controlling crowds at major events, gatherings, disasters, and any other special occasions which may cause a large crowd to assemble or traffic to congest.
- c) Enforce laws and ordinances directly related to assignment. (Auxiliary officers shall do so only while under the supervision of a full-time police officer)
- d) Perform related duties as assigned in the Miami Police Departmental Orders Manual regarding the Reserve and Auxiliary Volunteer Officer Detail.
- e) Work special events as approved by the Chief of Police. Reserve and auxiliary volunteer officers can be compensated when working approved special events.

## **2.4 PROCEDURES:**

**2.4.1 SELECTION PROCESS:** Pursuant to Florida Statutes 943.13, as amended, reserve and auxiliary volunteer officer candidates shall comply with the minimum requirements for appointment. Community Relations Section will request the necessary information from the Recruitment and Selection Unit, Health Services Unit, Training and Personnel Development Section, and the Internal Affairs Section. The Community Relations Section will compile this information and the candidate's request to join the Volunteer Officer Detail and forward it to the Chief of Police, who has final authority.

**2.4.1.1** Officers who are separating from the Department under favorable conditions should apply for appointment as a reserve volunteer officer in the Community Relations Section sixty (60) days prior to separation. Officers desiring to be considered for appointment must submit a memorandum to the Community Relations Section Commander with the following information and documentation:

- a) Date of hire
- b) Date of separation
- c) Date vested
- d) Performance evaluations for their previous three (3) years (signed by the chain of command).

**2.4.1.2** To meet minimum standards which are established by the Criminal Justice Standards and Training Commission, a retired police officer without recent experience as a full-time sworn police officer must complete the departmental 240 hour Field Training and Evaluation Program (FTEP) and mandatory in-service training equal that required for full-time officers performing the same duties and responsibilities.

## **2.4.2 Chain of Command:**

**2.4.2.1** Police reserve and auxiliary officers function under the direct authority of the Chief of Police. While working as volunteer officers, they are under the direct supervision of the supervisor designated by the Chief of Police. Reserve and auxiliary volunteer officers are bound by the same policies and procedures, as are the regular full-time officers.

**2.4.2.2** Reserve and auxiliary volunteer officers hold the same rank.

**2.4.2.3** All Police reserve and auxiliary officers are subordinate to all full-time Miami Police Officers.

**2.4.2.4** Volunteer officers will abide by all policies, rules, regulations, procedures and directives of the department.

**2.4.2.5** The Reserve and Auxiliary Volunteer Officer Detail supervisor is responsible for the training and operation of the program. The Detail Commander is the overall commander of the Detail.

**2.4.3 On-Duty Status:** While on duty, reserve and auxiliary officers have arrest powers as enumerated in State Statute, and report to, and work under the direct supervision of a supervisor.

**2.4.3.1** Even though volunteer officers may affect arrests, they are reminded that an arrest is usually followed by court appearances. Since responding to a subpoena is mandatory, it is suggested that, whenever possible, the actual arrest and signing of arrest affidavits be deferred to the supervising officer in order to avoid unnecessary court appearances that may disrupt the volunteer officer's regular employment.

**2.4.4 Duty Hours and Dress:**

**2.4.4.1** Volunteer officers shall serve and function as law enforcement officers only on specific orders and directions from the Chief of Police. To maintain status, volunteer officers shall maintain a minimum logged service time of sixteen (16) hours each month or forty-eight (48) hours each quarter. Quarters will be as follows: Jan-March, April-June, July-September and October-December.

**2.4.4.2** Volunteer officers are required to perform a minimum of sixteen (16) hours service per month. Their service time, as well as duties performed, must be documented. If a volunteer officer fails to serve the required sixteen (16) hours during only one month, he shall do so during the following forty-eight (48) days or be subject to corrective action.

**2.4.4.3** If any volunteer officer goes ninety (90) consecutive days without reporting for duty will be removed from the detail, unless there is a written justification for the absence from duty.

**2.4.4.4** All time spent by a volunteer officer for in-service training will be applied toward the monthly minimum time.

**2.4.4.5** The dress code requirements for volunteer officers are the standard police uniform. Volunteer Officers shall wear the same uniforms and use the same equipment as regular full-time officers as prescribed by the Departmental Orders, with the exception of an additional "Rocker Type" patch delineating reserve or auxiliary. The corresponding patch shall be sewn on both sleeves off all uniform shirts, one-half inch below the bottom of the City of Miami patch.

**2.4.4.6** Volunteer officers are required to wear the regulation uniform at all times while on active duty, unless otherwise authorized by the detail commander.

**2.4.4.7** Uniforms and equipment issued shall remain the property of the City of Miami Police Department. volunteer officers who separate from or otherwise terminate their assignment with the Reserve and Auxiliary Volunteer Detail shall return all City owned property prior to termination or separation.

#### **2.4.5 Carrying Firearms:**

**2.4.5.1 On-Duty:** Reserve and auxiliary volunteer officers shall only carry the departmentally-approved firearms and ammunition during their scheduled tour of duty, or as delineated in the Departmental Orders.

**2.4.5.2 Off-Duty:** Auxiliary officers are not law enforcement officers while off-duty and, therefore, shall not carry any firearms in such a manner or under such conditions that would violate state law. Reserve (part-time) officers may carry their approved firearms and police identification in an off-duty capacity in compliance with State Statutes.

#### **2.4.6 Extra-Duty Police Service:**

**2.4.6.1** Volunteer officers are eligible to work extra duty details as approved by the Chief of Police. Compensation may be received for special event details performed by volunteer officers.

#### **2.4.7 Training:** .

**2.4.7.1** All volunteer officers will be required to attend mandated annual departmental training and complete F.D.L.E. mandated courses.

**2.4.7.2** The Community Relations Section Commander is responsible for ensuring that all Police Reserve and Auxiliary personnel receive state mandated training and firearm qualifications annually.

**2.4.8 Compensation:** Reserve and auxiliary volunteer officers will not be compensated for their assistance while performing their required mandatory assignments. Reserve and auxiliary volunteer officers will only be compensated when they work an approved special events detail.

**2.4.9 Ineligibility:** In order to prevent conflict of interest, the following persons are ineligible to participate in the Reserve and Auxiliary Volunteer Officer Detail;

- a) Persons currently employed as a full time officer, acting as a part time officer, or auxiliary officer with another agency.
- b) Persons employed as bail bondsmen, private investigator, security officer, or in a similar occupation
- c) Persons employed as corrections officer
- d) Persons prohibited by law
- e) Persons conducting business with the City of Miami
- f) Any other persons at the discretion of the Chief of Police

**2.4.10** Reserve and auxiliary volunteer officers serve at the will of the Chief of Police.

## TOURS OF THE POLICE FACILITY

### Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** It is the policy of the Miami Police Department to encourage tours of the police facility by school groups, civic organizations, and community groups who desire to view police operations.

**3.2 ORGANIZATION:** The Community Relations Section is responsible for coordinating tours of the police facility.

**3.3 RESPONSIBILITIES:**

**3.4 PROCEDURES:** Unplanned and walk-through tours of the police facility shall be conducted by the Community Relations Section.

**3.4.1 Tours:**

**3.4.1.1** Community Affairs personnel will conduct all unplanned tours.

**3.4.1.2** Community Affairs personnel will conduct tours for small professional groups.

**3.4.1.3** All station tours conducted by the Community Relations Section shall be recorded in the tours of the police facility log maintained in the unit.

## POLICE ATHLETIC LEAGUE

### Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures

**4.1 POLICY:** The Miami Police Athletic League (P.A.L.) provides a variety of recreational activities for youths five (5) years of age or older. Additionally, the P.A.L. Program focuses on the prevention of juvenile delinquency, drug abuse and criminal activities through the use of sports programs that foster a better understanding and harmonious relationship between the Police and youth groups in the community.

**4.2 ORGANIZATION:** The program is a subsidiary of the Community Relations Section.

**4.3 RESPONSIBILITIES:** The program provides sports activities supervised by police personnel, general education on the consequences of crime or drug usage, as well as individual counseling and role modeling sports activities include boxing, basketball, flag football, police explorer program, cheerleading/dancing, P.A.L. Media etc.

**4.4 PROCEDURES:** The officers recruit youths and attempt to locate employment, vocational training, and other professional resources, including drug rehabilitation for program participants.

Any officer who comes in contact with children five (5) years of age or older, who he/she feels can use this positive influence, should consider him/her to participate in the program. Youths whose lifestyles reveal a propensity towards crime or drug usage should receive special consideration.

## COMMUNITY ON PATROL

### Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibilities
- 5.4 Procedures

**5.1 POLICY:** The Miami Police Department recognizes the need for community involvement in preventing crime. Community on Patrol (C.O.P.), one of the department's volunteer programs developed as part of the HEROS (Helping Enforcement Reach Our Streets) project, is designed to directly involve citizens in crime prevention. Community residents are enlisted, trained and equipped to patrol their neighborhoods, acting as the "eyes and ears" of the police department, reporting suspicious or criminal activities to the appropriate authorities. Community on Patrol volunteers are reminded that they are non-sworn, unarmed civilians with no arrest or enforcement powers.

**5.2 ORGANIZATION:** The Community on Patrol (C.O.P.) program provides a coordinated effort for citizens to take an active role in crime prevention within the neighborhoods in which they live and work.

Community on patrol, clearly identified by the program's official t-shirt and hat, serve as a visible presence in the community to discourage illegal behavior.

**5.3 RESPONSIBILITIES:** The Community Relations Section is responsible for processing and training Community on Patrol volunteers. The Community on Patrol volunteers help reduce crime, provide a safe secure environment and assist the Police Department through observation.

After volunteers have been trained, they are assigned to a Neighborhood Commander according to where they reside or work.

**5.4 PROCEDURES:** The most important requirement to participate in the C.O.P. program is the desire to get involved and make a difference in our community.

**5.4.1 Application:** Individuals desiring to participate must complete and sign a C.O.P. application form.

**5.4.2 Computer Check:** Individuals desiring to participate must pass NCIC, FCIC and Dade County computer background checks. The participant cannot have any criminal convictions.

**5.4.3 Criteria:**

**5.4.3.1** Must be eighteen years of age or older.

**5.4.3.2** Must live, work, or own a business or property within the City of Miami limits.



- 5.4.3.3** Must complete four (4) hours of C.O.P. training.
- 5.4.3.4** Must sign waiver form and Hold-Harmless form.
- 5.4.3.5** Must attend a two hour refresher training annually.
- 5.4.3.6** Must abide by all Citizens on Patrol policies and procedures.

## COMMUNITY POLICE ACADEMY

### Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Responsibilities
- 6.4 Procedures

**6.1 POLICY:** The Miami Police Department recognizes the need to develop positive relations between the police and the community through education. Community Police Academy graduates become goodwill ambassadors for the Miami Police Department.

**6.2 ORGANIZATION:** The Community Police Academy provides members of the community with the opportunity to gain specific knowledge about the workings of the Miami Police Department and general insight into the field of law enforcement.

**6.3 RESPONSIBILITIES:** The Community Relations Section is responsible for the implementation of the Community Police Academy program to enhance and create a growing nucleus of responsible, well-informed citizens who have the potential of influencing public opinion about police practices and services. To provide citizens with the opportunity to gain an appreciation of the problems and challenges facing law enforcement.

**6.4 PROCEDURES:** To participate in the Community Police Academy, the applicant must have the desire to create a better understanding and communication between the police and the citizenry.

**6.4.1 Application:** Individuals desiring to participate must complete and sign a CPA application form.

**6.4.2 Computer Check:** Individuals desiring to participate must pass NCIC, FCIC and Dade County Computer background check.

**6.4.3 Criteria:**

**6.4.3.1** Must be eighteen years of age or older.

**6.4.3.2** Must live, work or own a business or property within the City of Miami limits.

**6.4.3.3** Must complete the Community Police Academy.

**6.4.3.4** Must sign the waiver form and Hold-Harmless form.

## POLICE EXPLORERS

### Section

- 7.1 Policy
- 7.2 Organization
- 7.3 Responsibilities
- 7.4 Procedures

**7.1 POLICY:** The Police Explorers Program is a volunteer program sponsored by the Miami Police Department and governed by the rules of the Learning for Life Organization. The program is designed to provide high-school age youngsters with the opportunity to learn about a career in law enforcement. Following an extensive training program, police explorers gain insight into police work through first-hand experience, assisting police professionals in a variety of departmental and community activities. Police explorers are non-sworn, unarmed civilian volunteers with no arrest or enforcement powers.

**7.2 ORGANIZATION:** The Police Explorer Post is an integral part of the School Resource Officer Detail, which is a component of the Community Relations Section. One officer will be assigned as an explorer advisor per post, who will report to their immediate supervisor. The Police Explorer Post operates as a semi-military organization. Explorers are promoted through the use of a points system, testing, and interviews. Points are obtained by working at the police station, special events, seniority, and test scores. The Post is governed by a set of by-laws drawn up by the explorers themselves. The by-laws govern membership, finances, officers, rank, promotions, uniform appearance, discipline, and the police/explorer relationship.

**7.3 RESPONSIBILITIES:** To provide the youth of our City with an opportunity to familiarize themselves with the Miami Police Department and to gain hands-on experience in police work.

**7.3.1** To stimulate an interest in a career in law enforcement.

**7.3.2** To develop strong character and positive physical habits.

**7.3.3** To promote good citizenship and stimulate community service.

**7.4 PROCEDURES:** The most important requirement to participate in the Police Explorers Program is an interest in pursuing a career in law enforcement. The majority of the recruitment for police explorers will be conducted by the school resource officers assigned to the Dade County Public Schools located in the City of Miami.

### **Additional requirements to be a police explorer include:**

**7.4.1** Must be a minimum of 14 years of age.

**7.4.2** Documented parental approval, including a written general liability release.

**7.4.3** Be enrolled as a full-time student.

**7.4.4** Maintain a “C” grade average or better.

**7.4.5** Have no criminal police record.

**7.4.6** Be in good health.

**7.4.7** Complete an 80-hour training program. The explorer advisor will develop an in-service training program for the explorers. The advisor will also ensure that one Police Explorers Academy is conducted each year.

**Training will include the following:**

Accident Investigation  
Search and Arrest  
Burglary in Progress  
Domestic Intervention  
Traffic Stops  
Crime Scene  
Drills

**7.4.8** Pass an interview with a panel of police explorers and police officers.

**7.4.9** Explorer Program activities:

**7.4.10** The police explorers donate their time by participating in a variety of activities serving the community. Explorers work alongside police personnel at sporting events, parades and other public activities, assisting with crowd and traffic control. The explorers volunteer within the Police Department performing duties in a number of divisions and observing daily procedure. Miami police explorers can also vie for honors against other explorer posts from throughout the state and nation in basic police skills competitions.

**7.4.11** The activities of the Post are scheduled and approved by the explorer advisor in keeping with Department goals and objectives along with the Police Explorer Post By-laws.

**7.4.12** The Police Explorer Post is a member of the National Law Enforcement Explorers Association.

**7.4.1** For extensive procedures dealing with police explorers refer to Standard Operating Procedures located in the Community Relations Section.

## CITIZEN VOLUNTEER PROGRAM

### Section

- 8.1 Policy
- 8.2 Organization
- 8.3 Responsibilities
- 8.4 Procedures

**8.1 POLICY:** The Miami Police Department recognizes the importance of affording the community with an opportunity to gain more knowledge of their police department through volunteer work.

**8.2 ORGANIZATION:** The Citizen Volunteer Program (CVP) provides members of the Community with the opportunity to gain specific knowledge about the workings of the Miami Police Department.

**8.3 RESPONSIBILITIES:** The Community Relations Section is responsible for establishing guidelines management and administration of the Citizen Volunteer Program. Citizen volunteers will be reminded that they are non-sworn, unarmed civilian volunteers with no arrest or enforcement powers.

**8.4 PROCEDURES:** The most important requirement to participate in the Citizen Volunteer Program is the desire to get involved and make a difference in our community.

**8.4.1 Application:** All individuals desiring to participate in the program must complete and sign a Citizen Volunteer Program application and Volunteer Interest Form.

**8.4.2 Computer Check:** Individuals desiring to participate must pass NCIC, FCIC and Dade County computer background checks.

**8.4.3 Criteria:**

**8.4.3.1** Must be fourteen (14) years of age or older.

**8.4.3.2** Must live, work, or own a business or property within the City of Miami limits.

**8.4.3.3** Must sign the waiver form and Hold-Harmless form.

**8.4.3.4** Must sign a work agreement form.

**8.4.3.5** Must abide by all CVP policies and procedures.

Have a strong desire and personal interest in donating time and energy to the Miami Police Department.

**SCHOOL RESOURCE OFFICER**

Section

- 9.1 Policy
- 9.2 Organization
- 9.3 Responsibilities
- 9.4 Procedures
- 9.5 General Guidelines
- 9.6 Police Explorer Program

**9.1 POLICY:** It is the policy of the City of Miami Police Department to maintain a partnership with the students, parents and faculty of public schools in the City, to prevent and respond to delinquent behavior and provide a forum that will lead to mutual respect. School resource officers (S.R.O.'s) will act as role models and educate youth in the function of law enforcement in society.

**9.2 ORGANIZATION:** The School Resource Officer Detail is an integral part of the Community Relations Section. School resource officers will be assigned to the Community Relations Section and will report to the Community Relations Section commander.

**9.3 RESPONSIBILITIES:** School resource officers will act as a resource with respect to delinquency prevention, provide guidance on ethical issues in a classroom setting, provide individual counseling and/or mentoring to students and explain law enforcement's role in society.

**9.4 PROCEDURES:**

**Officers will follow the below procedures while accomplishing their responsibilities:**

**9.4.1** School resource officers will maintain a highly visible presence in and around the schools they are responsible for. School resource officers will be vigilant in recognizing problems in the vicinity of their schools and develop initiatives to solve them. School resource officers will also contact Miami Dade County School Board Police at their schools and ensure law enforcement cooperation and coordination on issues involving the school.

**9.4.2** School resource officers will act as a liaison between the Department and the schools. They will be available to assist all supervisors and officers who have a need to interact with students or school administration.

**9.4.3** School resource officers will maintain a liaison with the P.T.S.A. (Parent Teacher Student Association) president and attend meetings when requested.

**9.4.4** School resource officers will develop and present programs with respect to delinquency prevention and explaining the role of law enforcement in society.

**9.4.5** School resource officers will conduct periodic truancy sweeps on an as needed basis. When available, S.R.O.'s will assist in district truancy sweeps.

**9.4.6** School resource officers will conduct at least one (1) D.A.R.E. (Drug Abuse Awareness Education) and K.A.P.O.W. (Kids and the Power of Work) class at elementary schools during the school year. They will follow the F.D.L.E. (Florida Department of Law Enforcement) guidelines for the course.

**9.4.7** School resource officers will contact the school principal or administrator at least twice (2) a month.

**9.4.8** School resource officers will maintain contact with civic groups and businesses in the vicinity of their assigned schools.

**9.4.9** School resource officers will complete and forward a monthly report of their activities at the end of each month to the Community Relations Section commander.

**9.5 General Guidelines for Employees Coming in Contact with Students and Schools:**

**9.5.1** Other Departmental employees should have school resource officers assist them whenever their work brings them in contact with students during school days.

**9.5.2** All Departmental employees having a need to contact a child in school for any purpose should first attempt to contact a school resource officer for assistance and then advise the school administration.

**9.5.3** Departmental employees should be familiar with FSS 810.097 regarding "Trespass Upon School Grounds." Although it is a misdemeanor, officers can make an arrest based on probable cause even if the subject is no longer trespassing when an officer arrives.

**9.5.4** Departmental employees should be familiar with FSS 784.081 "Assault or Battery Upon School Board Employee," and be aware that **any** battery on a school employee is a felony.

**9.5.5** Departmental employees who come in contact with truants under age 16 will make every effort, on school days, to return truants to school. City of Miami students should be transported/returned to the students' school. Non-City of Miami students should be transported as follows: middle school students will be transported to the closest middle school within the City of Miami. High school students will be transported to the closest high school within the City of Miami.

**9.6 POLICE EXPLORER PROGRAM:** The S.R.O. will be responsible for supervising the activities of the Police Explorer Post assigned to his/her district. The policies and procedures established by the Community Relations Section, S.O.P.'s and Departmental Orders related to the Police Explorer Program will be adhered to.

## BUDGET

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** The policy of the Miami Police Department is to develop and implement a modified line item budget annually. This budget will include the department's mission, goals, objectives, work functions, with realistic performance-based objectives, which are correlated with fiscal and human resources.

**1.2 ORGANIZATION:** The Chief of Police is responsible for the fiscal management of the Police Department. Through his authority, the Chief of Police, delegates the implementation and operation of the Department's budget to the Budget Unit operating under the Business Management Section of the Administration Division.

The Budget Unit is comprised of functions, which include budget coordination, purchasing, accounts payable, and travel.

Each departmental subsection that has an internal budget preparation function is responsible to their respective section commanders for preparation of requests for personnel, equipment, supplies, etc., for inclusion in their budgets.

**1.3 RESPONSIBILITIES:** The departmental budget shall be developed through the cooperative effort of all divisional components for each fiscal year.

**1.3.1** Following adoption of the annual budget, the Business Management Section shall be responsible for the supervision of internal expenditures and related controls to ensure integrity and reliability in administering the department's fiscal matters, including budget management.

**1.4 PROCEDURES - BUDGET DEVELOPMENT:** Each year, upon notification by the City's Budget Director, the Administration Division shall assemble and distribute a budget preparation package and timetable to all Section Commanders. The Chief of Police and Division Chiefs will determine which sections and units within their control shall submit completed budgets within the designated timetable.

**1.4.1 Budget Preparation Folder:** A special file folder shall be maintained in the office of each section, unit, and detail. Any time during the year, as the need for new equipment, non-budgeted personnel, supplies, etc. becomes known to the commanding officer or supervisor of a unit, he/she shall cause a written memo to be prepared and placed in the folder. The memo must include a justification of funding needs. For preparation of the annual budget requests, the unit commanding officer shall screen and prioritize his/her funding needs to include in their budget request only those items, which are essential to the efficient operation of the unit.

**1.4.2 Revenue Estimate:** Departments that have revenues are required to submit a Revenue Estimate for each fiscal year at the time indicated by the Office of Management and Budget.



**1.4.3 Equipment Requests:** When items of new equipment are requested as additional or replacement, sufficient justification must be made as to need, i.e., how the item requested will improve the unit's performance or the adverse effect on the unit's performance without the item. Requests for replacement items must include a statement of the old items' serviceability and history of cost of repairs. Items declared unserviceable and marked for turn-in must be turned in when replacements are received.

**1.4.4 Budget Classification:** All budgetary items shall be requested under the appropriate classification. A list of common classifications is as follows:

- UNIFORMS/CLOTHING
- PROFESSIONAL SERVICES - MEDICAL
- PROFESSIONAL SERVICES - OTHER
- ADVERTISING
- CONTRACTUAL SERVICES
- RENTAL FEES AND LEASES
- REPAIR AND MAINTENANCE SERVICES
- PRINTING/BINDING
- OFFICE SUPPLIES- Property Unit
- OTHER CURRENT CHARGES (FOOD, i.e., MOUNTED, K-9)
- PAPER STOCK
- SAFETY SUPPLIES
- OPERATING SUPPLIES (consumed during the normal course of operations in less than one year or have a unit value of less than \$100, i.e., non-capital outlay items.)
- BOOKS, PUBLICATIONS, AND MEMBERSHIPS
- CITY PRINT SHOP
- MACHINERY AND EQUIPMENT
- MOTOR FUEL
- WEAPONS AND AMMUNITIONS
- EQUIPMENT

**1.4.5 Budget Justification:** Each Commander shall provide a budget estimate for each unit under their command. The budget package submitted to the Business Management Section, via red-line memo through channels, contains the following: Budget Request Form for New Line Item Expenditures, Civilian and Sworn Position Listing and Justification Form, Description/Functions for Divisions Form, and Selective Objectives by Division Form.

**1.4.6 Emergency Requisition Procedures:** Emergency requests for purchase/repairs essential and necessary items shall be processed as follows:

**1.4.6.1 Emergency Items:** Emergency items of fifty (\$50.00) or less may be purchased from petty cash. The selected vendor cannot be under any of the city's contracts. The Business Management Section Commander, or his/her designee, is authorized to approve expenditures from petty cash and shall ensure compliance with Finance Department directives governing petty cash. Personnel in need of making an emergency purchase shall call or contact the Business Management Section for permission to make a purchase from petty cash. Requests for reimbursement of petty cash from the Finance Department must be made at least once a month.

**1.4.6.2** In instances where emergency purchases are denied, a regular requisition shall be submitted through channels.

**1.4.6.3** Personnel, who make any purchases out of their own pocket without prior approval, will not be reimbursed from City funds.

**1.4.6.4** Office supplies are not considered emergency purchases, and they shall be requisitioned in advance to insure that adequate supplies are on hand at all times.

**1.4.6.5 Funding for Emergency Mobilization:** Funding for expenditures related to major natural disasters or for unscheduled, unforeseen emergency events is determined and provided for by the Budget Unit, the Department of Purchasing, and the City's Finance Department. A determination will be made by them to either charge emergency expenditures to the Police Department's approved line item budget or to charge those expenditures to other city funding sources as appropriate. On occasion, expenditures are reimbursable by outside agencies/sources (i.e. FEMA, U.S. Government, state agencies and local municipalities). Upon submission of supporting documentation, reimbursement of funding is provided to the City of Miami for police services rendered and other operating costs incurred by the City of Miami Police Department.

**1.4.7 Emergency Requests for Maintenance, Repairs, and Alterations:** Requests for maintenance, repairs, alterations, or changes to the Miami Police building complex shall be addressed and forwarded to the Commander of the Business Management Section prior to contacting anyone for service in order to obtain an emergency purchase order number.

**1.4.8 Payment of Charges:** Members are not authorized to pay postage due, collect or delivery charges, etc. Such deliveries must be referred to the Property Unit, which will make the payments from their petty cash fund.

**1.4.9 Unauthorized Purchases:** Whenever any official or employee of the City Government shall purchase or contract for any supplies, materials, equipment, or contractual services contrary to the provisions of this Departmental Order, such order or contract shall be void and of no effect. Such official or employee shall be personally liable for the costs of such order or contract, and if already paid for out of City Funds, the amount thereof may be recovered in the name of the City in an appropriate action instituted therefore.

**1.4.10 Purchase Requests for Equipment and/or Supplies:** Any member desiring equipment and/or supplies (other than the supplies accessible in the Property Unit) shall submit a Purchase/Service Request Form through channels to the Business Management Section clearly defining the specific budgeted item. A complete description, the exact price, and the name of a recommended vendor must be included.

**1.4.10.1** If the item requested is not a budgeted item for that particular unit and the member feels it is necessary for the efficient operation of the unit, then a redline memorandum shall be submitted through channels to the Business Management Section giving details for the need of the item. The Business Management Section will determine if the money is available to order said item. If the monies are not available, the commanding officer of the requesting unit will be notified that the request cannot be fulfilled. Section and division commanders may authorize, in writing, transfer of monies within their respective budgets to cover purchases.

**1.4.11 Inventory Control Detail:** Inventory Control of capital items purchased with city funds is a function of the Budget Unit. The Finance Department directives and the Florida Statutes Section 274.02 guide the inventory control of property in the Police Department. The word "property" means fixtures and other tangible personal property of a non-consumable nature the value of which is \$1,000.00 or more. The Finance Department is responsible for assigning and accounting of capital purchases by generating bar codes for purchases valued at \$1,000.00 or more. These bar codes are forwarded on an annual basis to the Budget Unit. The Budget Unit is responsible for affixing bar codes to all Police Department property with the exception of those Units directly responsible for performing inventory control procedures specific to the following areas: Police Fleet (Fleet Service Center), Computers and related equipment (Computer Support Unit), and Radio Technology (Communications Unit).

**1.4.11.1** To request a transfer of Police Department property, it is necessary to submit an interoffice memorandum (with approval by the commanding officer to whom the property is presently assigned) to the Inventory Control Clerk.

**1.4.11.2** All departmental property subject to disposal will be processed by the Inventory Control Detail with approval by the Procurement Director.

**1.4.12 Procedures for Disposition of City Equipment:** As per City policies, no city equipment can be disposed of without approval from the Procurement Director. Prior to the removal/disposal of any city equipment, the requesting Unit must follow the procedures outlined below:

**1.4.12.1** Submit an interoffice memo to the attention of the Commander, Business Management Section, (through channels), which lists the quantity, description, serial #, and bar code #, and any other identifying information of each item.

**1.4.12.2** The Budget Unit will complete and forward a Disposition of Inventory Form for the approval of the Procurement Director.

**1.4.12.3** After receiving approval, the Budget Unit will call the respective Unit and coordinate the disposal and/or resale of said equipment.

## ACCOUNTING

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures

**2.1 POLICY:** Accounting is the function used to convey to management a concise picture of the financial position of the Police Department. This quantitative information provides the means for controlling operations, appraising performances, allocating resources, and making financial decisions.

**2.2 ORGANIZATION:** The Budget Unit is a subdivision of the Business Management Section, which monitors revenue collection and budgetary expenditures. This Unit serves as liaison between the Police Department and the Department of Finance, Treasury Management and Expenditure Control. It maintains, monitors, and controls the department's financial accounts.

The Budget Unit utilizes the City's central on-line Oracle Financial System to maintain these accounts. Through the use of financial transaction processing and financial inquiry subsystems, accounting related data is viewed in order to make budgetary decisions or to track the flow of financial transactions through the system.

**2.3 RESPONSIBILITIES:** The Budget Unit shall maintain the Police Department's budget appropriation, transfer of funds, revenue deposits, pre-encumbrances and encumbrances. The unit will post all expenditures and revenues that are processed through approved invoices and checks, or wire transfer and reconcile all financial transactions.

**2.4 PROCEDURES:** Each year, following approval of the City's Budget by the City Commission, the Police Department's appropriation for each account is established.

**2.4.1** After approval by the Chief of Police and Division Chiefs, an operating budget for each Unit shall be established following a review of each budgeted category to determine anticipated expenditures based on authorized commitments during that period.

**2.4.2** Once an operating budget has been established, monitoring of revenue collection, expenditures of funds, and reconciliation of accounts shall be the responsibility of the Budget Unit.

**2.4.3** Following approval for use of funds by a departmental subdivision, the Budget Unit shall verify that budgeted funds are available for the expenditure. If funds are available, a "Purchase Requisition" is entered into the Oracle iProcurement System and electronically transmitted to the Procurement Department for processing in accordance with established purchasing procedures.

**2.4.3.1** Pursuant to Section 18-72(4) of the City Code, the Procurement Director has delegated to user departments the authority to identify and solicit vendors for the purchase of goods and services up to \$2,500, with the use of P-card for items/services not under any contract.

**2.4.3.2** The Procurement Department retains sole authority to solicit for the purchase of goods and services in excess of \$2,500 and to prepare and issue purchase orders.

**2.4.3.3** Pursuant to Section 18-85 of the City Code competitive sealed bidding shall be used for all purchases of \$25,000.

**2.4.3.4** The requirement of competitive sealed bidding may not be waived unless approved in advance by the City Manager.

**2.4.4** When the departmental subdivision receives the requested purchase, the item must be accompanied by a delivery ticket from the vendor, and this ticket must be signed by the person accepting the merchandise. The delivery ticket is then forwarded to the Budget Unit for processing. In the absence of a delivery ticket, the Unit Commander's signature on the invoice will serve as the document verifying receipt of merchandise.

**2.4.5** The Budget Unit verifies the delivery ticket against the Purchase Order to ensure that supplies were received by the correct departmental subdivision, that correct quantities were received, and that the invoice and purchase order prices are the same.

**2.4.6** The invoice or delivery ticket is receipt/approved on the Oracle Financial System and forwards to the Accounts Payable Section of the Finance Department for payment processing.

**2.4.7 Reconciliation:** On a monthly basis, all revenue and expenditure transactions for the month are collectively processed through the City's central Oracle Financial System. Printouts corresponding to Fund, Index Codes, Minor Object Codes and Project numbers are generated.

**2.4.8** Transaction correction memorandums are prepared by the Budget Unit when errors are discovered based on the printouts obtained from the Oracle Financial System. The memorandums are forwarded to the appropriate City department for processing.

**2.4.9 Cash Fund Management:** Any departmental employee, as authorized by the Unit Commander, who receives, manages or disburses monies shall maintain a cash transaction journal detailing all transactions, e.g., receipts, expenditure and withdrawals journal. Journal entries will occur on the day of the transaction, preferably as soon as possible after it occurs and be supported by a copy of related documents. Cash fund custodians must submit to the Budget Unit a monthly accounting of agency cash activities, i.e. petty cash funds, imprest/investigative funds, and all other instances where cash funds are maintained or cash is received or disbursed.

**2.4.9.1** At the time cash or checks are received, an official City of Miami receipt shall be issued to the party from which money is received, except where cash registers are used. The original receipt is to be given to the payee. A copy is retained in the receipt book as the office record.

**2.4.9.2** All receipts (cash/checks) are to be documented on the City of Miami Department of Finance Cash Receipts Form, and submitted for deposit, according to procedures established by the Finance Department.

**FORFEITURE**Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** The Florida Contraband Forfeiture Act (hereinafter referred to as F.C.F.A.), Sections 932.701-707, Florida Statutes, authorizes the City of Miami Police Department to seize and forfeit any property, real or personal, which has been used, is being used, was intended to be used, or was acquired with proceeds in violation of any provision of the Act. It is the policy of the City of Miami Police Department to utilize the forfeiture provisions to the fullest extent possible in order to have a significant impact upon crime, yet protect innocent owners, while providing the City of Miami Police Department with the maximum amount of economic benefit available under the F.C.F.A.

**3.2 ORGANIZATION:** The Forfeiture Unit is a subdivision of the Business Management Section, which reviews and investigates all initial reports of forfeiture seizures. This Unit serves as liaison between the Miami Police Department and the City Law Department by assessing, investigating, and preparing those cases to be presented to the Assistant City Attorneys assigned to the police department for commencement of legal action.

**3.3 RESPONSIBILITIES:** The Forfeiture Unit assesses, investigates, and prepares for forfeiture of property, real, or personal, and presents those cases to the Assistant City Attorneys assigned to the police department for commencement of legal action.

**3.3.1** Police Officers shall seize for forfeiture money, motor vehicles, boats, aircraft, and any type of personal property, which has been or is being used to facilitate the commission of most felonies and certain misdemeanors, as prescribed by Florida State Statute. All property seized and pending forfeiture will be accounted for when placed into the Miami Police Department Property Unit. The Forfeiture Unit will also account for all property acquired through the civil process function by logging in all property upon receipt of package by the completion of P.D. FO. # 31 form. This shall be submitted to the forfeiture unit no later than **forty-eight (48) hours** after the seizure has occurred. All property acquired through this process shall be disposed of pursuant to legal authority.

**3.4 PROCEDURES:** Factors which should be considered in determining whether to seize real property:

**3.4.1** Prior to seizing any real property, the enforcement agency must determine whether there is probable cause to believe that the real property was used in violation of or acquired with proceeds obtained in violation of Sections 932.701-932.707, Florida Statutes, known as the Florida Contraband Forfeiture Act (F.C.F.A.) or Section 893.12, Florida Statutes.

**3.4.1.1** Once probable cause has been determined, the following factors may be considered prior to any recommendation or final decision to seize real property.

None of these factors is intended to negate the authority or ability of the Miami Police Department to forfeit real property.

**3.4.1.1.1** Whether the seizure/forfeiture is cost effective or if not, serves other law enforcement objectives.

**3.4.1.1.2** The availability of alternative methods of forfeiture such as joint or adoptive forfeitures with a federal agency.

**3.4.1.1.3** The impact of forfeiture on innocent co-owners and bona fide lien holders.

**3.4.1.1.4** The impact of forfeiture on the public health, safety and welfare, particularly environmentally sensitive land.

### **3.4.2 Seizure of Personal Property Pursuant to the F.C.F.A.:**

**3.4.2.1** The City of Miami Police Department may seize personal property for forfeiture under the Act if it determines there is probable cause to believe that:

**3.4.2.1.1** The item subject to seizure has been used, is being used, was intended to be used or was acquired with proceeds in violation of any provision of the F.C.F.A., or

**3.4.2.1.2** Any violation of the F.C.F.A. has taken place or is taking place in, upon, or by means of the seized property, or

**3.4.2.1.3** The item subject to seizure is a "contraband article" as defined in Section 932.701, Florida Statutes, or other provisions of the Florida Statutes specifically authorizing forfeiture in accordance with the F.C.F.A.

**3.4.2.2** If there is an arrest made in relation to the property seizure, the officer shall clearly mark on the arrest affidavit "**PROPERTY TO BE FORFEITED**" or specify the property to be forfeited, e.g., **\$4,500 TO BE FORFEITED**.

**3.4.2.3** The officer shall clearly mark on **all** property receipts and claim checks "**HOLD FOR FORFEITURE.**" All vehicles being submitted for forfeiture must be brought to the Miami Police Department Auto Pound.

**3.4.2.4** Probable cause seizures taking place at the time of F.C.F.A. violations may be made without prior judicial approval.

**3.4.2.5** Property not seized at the time of F.C.F.A. violations presently located on private premises should be seized pursuant to a court order authorizing entry onto the private premises, unless otherwise authorized by law.

**3.4.2.6** Within **forty-eight (48) hours** following seizure, the Forfeiture Unit shall make a diligent effort to determine ownership of the seized property, including the identification of the registered owner(s), title holder(s), and bona fide lien holder(s), if any.

**3.4.2.6.1** The Forfeiture Unit shall give notice of the seizure to the owner(s) and/or bona fide lien holder(s), if any, once identified, within **five (5) days** after the identification is made.

**3.4.2.7** Following the Forfeiture Unit's determination not to proceed with the forfeiture based upon innocent-owner considerations, the Property Unit shall release the seized property to the lawful owner or his legally authorized designee.

**3.4.2.8** Within **forty-eight (48) hours** after the seizure, the seizing officer, shall complete an "Initial Report of Forfeiture Form", particularly describing the circumstances attendant to the seizure and forward same to the Forfeiture Unit. The form should have copies of all reports, property receipts, etc. attached.

**3.4.3 Storage and Maintenance of Personal Property:**

**3.4.3.1** At the time of seizure, the officer shall have vessels that are less than 36 feet and vehicles transported or towed to the Auto Pound. On vessels longer than 36 feet and aircraft, the officer shall contact the Property Unit Commander for location of impoundment.

**3.4.3.2** A complete inventory of the seized property and all containers, open or closed, found therein shall be completed at the time of the seizure. As soon as practicable after seizure, the seizing officer shall make a good faith attempt to release to the lawful owner all personal property (e.g., clothing) seized with items impounded pursuant to the F.C.F.A. and not being retained as evidence or for forfeiture.

**3.4.3.3** If the owner is unknown, has been arrested, or is otherwise unavailable to take possession of the property, the property shall be placed in the Property Unit by the seizing officer to be released to the owner at a later date, or handled pursuant to the provisions of Sections 705.104-105, Florida Statutes.

**3.4.3.4** Any personal property seized as evidence shall be packaged and stored separately and handled in accordance with established procedures for the processing of evidence.

**3.4.3.5** Reasonable attempts shall be made to maintain the property in the time-of-seizure-condition. Although all rights, interest in and title to seized assets vest immediately in the seizing agency upon seizure, seized items shall not be used for any purpose until the rights, interest in and title to the seized property are perfected pursuant to F.C.F.A. This section does not prohibit use or operation necessary for reasonable maintenance of seized personal property.

**3.4.3.6** If special storage and/or maintenance is required to maintain seized personal property in time-of-seizure-condition, as may be necessary with aircraft and vessels, the Property Unit shall ensure that such maintenance is provided within a reasonable time after seizure, with such care continuing through the pendency of the forfeiture action.

**3.4.4 Seizure of Real Property Pursuant to the F.C.F.A.:**

**3.4.4.1** The City of Miami Police Department may seize real property or interest in Real Property for forfeiture under the Act if it determines there is probable cause to believe that:

**3.4.4.1.1** The realty, or interest therein, subject to seizure has been used, is being used, was intended to be used or was acquired with proceeds in violation of any provision of the F.C.F.A., or interest therein, or

**3.4.4.1.2** Any violation of the F.C.F.A. has taken place or is taking place in, upon, or by means of the seized property, or

**3.4.4.1.3** The realty or interest therein, subject to seizure is a "contraband article" as defined in Section 932.701, Florida Statutes, or other provisions of the Florida Statutes specifically authorizing forfeiture in accordance with the F.C.F.A.



**3.4.5** Unless previously authorized, **both** the Forfeiture Unit and Assistant City Attorney assigned to the Police Legal Unit shall be notified **prior** to the seizure.

**3.4.6** If the real property to be seized is occupied, in all instances where dependent children, medically deficient persons or persons otherwise infirm are to be removed, notification of appropriate social service agencies shall be made as soon as practicable so as to assist in the special needs of those persons.

**3.4.7** As soon as practicable following seizure, the Forfeiture Unit shall make a diligent effort to determine ownership of the seized property, including the owner(s) of record, and bona fide lien holder(s), if any.

**3.4.8** Should the Forfeiture Unit/Police Legal Advisor determine not to proceed with the forfeiture case based upon innocent-owner or other legal considerations, the Property Unit shall release the seized property to the lawful owner or his legally authorized designee.

**3.4.9** Within **forty-eight (48) hours** after the seizure, the seizing officer, should complete an "Initial Report of Forfeiture Form", particularly describing the circumstances attendant to the seizure and forward same to the Forfeiture Unit. The form should have copies of all reports, property receipts, etc. attached.

**3.4.10 Maintenance of Real Property:** Reasonable efforts should be made to maintain real property in such a manner as to minimize loss of value.

**3.4.11 Expedited Handling of Forfeiture Actions:** The Assistant City Attorney handling the forfeiture action, jointly with the Forfeiture Unit, shall:

**3.4.11.1** Promptly review copies of all reports describing the circumstances attendant to the seizure and make an independent evaluation of the City of Miami Police Department's probable cause determination.

**3.4.11.2** Determine as soon as practicable after seizure whether to proceed with the forfeiture or to release the seized property to the lawful owner, bearing in mind that **forty-five (45) days** after seizure motions for return of property or other actions may lie.

**3.4.11.3** Promptly proceed against the seized property by filing a forfeiture action or entering into a settlement agreement.

**3.4.11.4** Upon the determination not to proceed with a forfeiture action, absent evidentiary value to a pending criminal case and absent any settlement agreement to the contrary, ensure that the seized property is immediately released to the lawful owner or his designee.

**3.4.12 Release of Seized Personal Property:**

**3.4.12.1** If at the conclusion of the judicial process the claimant prevails, the seized property shall be released to the lawful owner immediately. Under these circumstances, the City of Miami Police department shall not assess any towing charges, storage fees, administrative costs, maintenance costs, etc. against the claimant.

**3.4.12.2** In all other instances, if a seized vessel, vehicle, aircraft, etc. is to be released to the lawful owner, the City of Miami Police Department may assess against the owner the actual costs of towing, storage, and maintenance of the seized property. Absent settlement, administrative costs, which do not reflect actual expenses shall not be assessed.

**3.4.13 Release of Seized Real Property:**

**3.4.13.1** If at the conclusion of the judicial process the claimant prevails, the seized property shall be released to the lawful owner immediately. Under these circumstances, the City of Miami Police Department shall not assess any administrative costs, maintenance costs, etc. against the claimant.

**3.4.13.2** In all other instances, if seized real property is to be released to the lawful owner, the City of Miami Police Department may assess against the owner the actual costs incurred in the seizure and maintenance of the property, or in the preparation for and conduct of the forfeiture proceeding. Absent settlement, administrative costs, which do not reflect actual expenses, shall not be assessed.

**LAW ENFORCEMENT TRUST FUND**Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures

**4.1 POLICY:** To enhance the City of Miami Police Department's ability to combat criminal activities, all proceeds seized in the commission of a felony will be deposited into the Law Enforcement Trust Fund, and will be used at the discretion of the Chief of Police in compliance with the following state and federal restrictions and regulations: 1999 Florida Statutes - Chapter 932, Section 932.7055, paragraphs (4)(a) thru (5)(a); Department of the Treasury – Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies, October 1, 1996, pages: 11 thru 15; United States Department of Justice – A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies, March 1994, pages: 10 thru 14, and Appendix B; United States Department of Justice – Addendum to A Guide to Equitable Sharing, September 1997, pages: 3 and 4.

**4.2 ORGANIZATION:** The Forfeiture Fund shall be monitored by the Business Management Section, which shall submit a semi-annual report to the Florida Department of Law Enforcement documenting all receipts and fund expenditures. Additionally, annual and audit reports will be submitted to the U.S. Department of Justice and the Department of Treasury.

**4.3 RESPONSIBILITIES:** The Law Enforcement Trust Fund shall be utilized to defray the cost of protracted or complex investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants for school resource officers, crime prevention, drug abuse education programs, and for such other law enforcement purposes as the Chief of Police may deem appropriate and the City Commission approves. These funds shall not be utilized as a source of revenue to meet normal operating needs of the City of Miami Police Department.

**4.4 PROCEDURES - FUNDS REQUEST:** All requests for the expenditure of monies from the Law Enforcement Trust Fund must be submitted to the Chief of Police. Outside Organizations apply for funding during a yearly, one-time application period.

**4.4.1 Application:** Application packages will be mailed to all organizations that have previously applied or upon request by an organization. A check-off list will be provided along with an application, and other necessary documents, to ensure organizations submit all requested items. Application packages will be mailed by the first business day of December. Application packages must be received, and if mailed, postmarked by January 31<sup>st</sup>. Any application received after that date will not be considered for funding.

**4.4.1.2** In exigent (emergency) circumstances throughout the year, the Chief of Police may, at his discretion, accept L.E.T.F. application package requests for funds under \$2,000, subsequent to the deadline, provided that funds are available.

**4.4.1.3** All application packages received will be logged and given a L.E.T.F. Log Number for documentation purposes. The log will list the programs name, amount requested, name of contact

person with telephone number and address, date request received, date of scheduled meeting with L.E.T.F. Assessment Committee. All application packages will be reviewed to ensure that a complete application and all supporting documents have been submitted. Incomplete applications will not be considered.

**4.4.2 Assessment Process:** Names of applicant, director(s), officer(s), trustee(s), or fiduciary of the applicant, will be submitted to the Special Investigations Section (S.I.S.) to conduct criminal background checks. SIS will ensure the applicant, director, etc. have not been convicted of a Felony Offense under Federal or State Law; or convicted of a drug offense.

**4.4.2.1** Programs, which meet guidelines and eligibility requirements as established by Florida State Statutes will then be scheduled to meet with the L.E.T.F. Assessment Committee. Scheduled meetings will commence during the month of February. The Budget Unit will provide a history of prior funding requests, if applicable, to be attached to all applications.

**4.4.2.2** The L.E.T.F. Assessment Committee will be comprised of the following members: Chairperson: The Assistant Chief or Deputy Chief of the Administration Division (Voting Member); Vice-Chair: Business Management Section, Commander (Voting Member); 3<sup>rd</sup> Member: Appointed by City Manager (Voting Member); 4<sup>th</sup> Member: Representative of Community Development (Voting Member); 5<sup>th</sup> Member: Police Department Legal Advisor (Non-voting Member); 6<sup>th</sup> Member: Field Operations Division or Community Affairs Representative (Voting Member).

Prior to meeting with the organization, all L.E.T.F. Assessment Committee members will be provided with a copy of their application, funding history of program (if applicable), and a rating/evaluation form.

The organization/representative will make a presentation before the L.E.T.F. Assessment Committee. Committee members may ask questions during the presentation, which have not been clarified in the application.

**4.4.2.3** The Police Legal Advisor will determine whether the program complies with the Florida State Statute, Chapter 932.7055, as amended. If Legal Advisor determines that the program meets the guidelines, a discussion will ensue among Committee members regarding the program to clarify any questions.

L.E.T.F. Assessment Committee members will then rate each program using an evaluation form. Programs will be ranked according to their score and funded according to available monies. All evaluation/rating forms will then be collected and filed along with program's application.

**4.4.3 Funding Recommendation:** The L.E.T.F. Assessment Committee will then forward its funding recommendations to the Chief of Police for his approval. All appropriate Legislation recommending funding for screened programs must be submitted to the Chief of Police. Once approved by the Chief of Police, Legislation will be submitted to the Agenda Office by the deadline established for the first City Commission Meeting of May. Once the application process has been completed, the organization/representative will receive written notification on whether or not the program will receive funding.

**4.4.3.1** Once resolution is passed and signed, the administrative paperwork will be processed for the funding of programs. The organization will then be reimbursed for expenses by the Police Department.

**4.4.3.2** No funds shall be dispersed until the City of Miami Law Enforcement Trust Fund Grant Agreement is executed by the City of Miami and the organization, and approved by the City of Miami Risk Management Department, and City Attorney's Office.

**4.4.4 Audits:** It is the responsibility of the funded program to submit a copy of their annual audit report to the Police Department, in accordance with the United States Office of Management & Budget (OMB), circular A-133 Audit Requirements.

Organizations will submit a quarterly report detailing expenditures. Law Enforcement Trust Fund contributions received by organizations from the Miami Police Department will be segregated and will not be commingled with other sources of funding. Failure to follow these procedures may affect future funding of program(s).

Neighborhood Commanders will be responsible for conducting semi-annual site visits of funded programs. Business Management will provide list of agencies approved for funding by area. Neighborhood Commanders will provide a status report via memorandum to the Chief of Police with a copy of said report to be forwarded to the Commander of the Business Management Section.

**4.4.5 City Commission Approval Procedures:** Upon approval by the Chief of Police to expend monies from the Law Enforcement Trust Fund, the procedure will be as follows:

**4.4.5.1** An ordinance and/or resolution will be prepared by the Business Management Section, with the assistance of the requesting departmental subdivision, stating exactly what is to be funded, (i.e., program, equipment purchase, contractual services, etc.) and the law enforcement purpose of said expenditures.

**4.4.5.2** The Business Management Section will prepare the transmittal memorandums to the City Manager and the City Commission with the input and assistance of the requesting departmental subdivision.

**4.4.5.3** The Business Management Section will prepare the required "AFFIDAVIT" for the signature of the Chief of Police and include said "AFFIDAVIT" with the package being prepared for submission to the City Commission. No resolution and/or ordinance for the expenditure of Law Enforcement Trust Fund monies shall be submitted for City Commission action without a signed "AFFIDAVIT" reflecting the approval of the Chief of Police.

**4.4.5.4** The complete package for City Commission action will be compiled by the Business Management Section and provided to the Chief of Police for his approval. The package is then submitted to the City Manager's Office, which will then schedule the request for City Commission action.

**4.4.6 Commission Approval:** Upon approval by the City Commission, the requesting departmental subdivision will follow the established chain-of-command and procedures for the implementation of programs and/or the purchase of equipment. For example, if the requesting unit is going to purchase an item, they shall submit a redline memorandum to the Business Management Section. The Business Management Section will then prepare the necessary purchase requisition and submit same to the City's Procurement Management Office for appropriate action.

**4.4.6.1** The fact that Law Enforcement Trust Fund monies are being utilized for a program and/or purchase does not exempt the requesting departmental subdivision from following existing in-house and City procedures.

**4.4.7 Bids:** When utilizing L.E.T.F. funds, all items approved for purchase over \$4,500 must be formally bid.

**4.4.7.1** The requesting departmental subdivision will prepare the bid specifications and submit these to the Business Management Section for review and processing. The Business Management Section will prepare the cover/transmittal memorandum to the Chief Procurement Officer for the signature of the Chief of Police.

**4.4.7.2** Upon receipt of formal bids, the requesting Section Commander will review the bid and make a recommendation on a redline memorandum to the Business Management Section.

**4.4.7.3** The Business Management Section will prepare the necessary memorandums, with the assistance of the requesting departmental subdivision, for the signature of the Chief of Police to the Chief Procurement Officer requesting the selected item or services to be purchased.

**4.4.7.4** Legislation is prepared by the Procurement Management Office to obtain City Commission approval of the selected vendor. In addition, the transmittal/cover memorandum from the City Manager to the City Commission is prepared by the Business Management Section with the input and assistance of the requesting departmental subdivision.

**4.4.7.5** Upon approval by the City Commission, the purchase requisition is forwarded to the vendor by the City's Chief Procurement Officer.

**4.4.8 Forfeited Equipment/Vehicle Requests:** All requests for the utilization of equipment and/or vehicles obtained by the Miami Police Department under the Florida Contraband Forfeiture Act must be submitted on a redline memorandum to the Commander of the Business Management Section who will submit them, along with a recommendation, through channels, to the Policy Review Committee (PRC). The PRC will then submit their recommendation to the Chief of Police for approval. No equipment and/or vehicles seized under this Act shall be utilized by any departmental subdivision without the written consent of the Chief of Police. In the case of an emergency, the Staff Duty Officer may approve requests for the utilization of forfeited property/vehicles.

## Business Management

### INVESTIGATIVE FUNDS

#### Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibilities
- 5.4 Procedures - Imprest Fund
- 5.5 Procedures - Protracted

**5.1 POLICY:** It is the policy of the Miami Police Department to establish investigative funds to assist authorized personnel in conducting ongoing investigations.

All Investigative Funds and Protracted/Complex Investigative Funds are housed in the Miami Police Federal Credit Union and, upon approval by the Chief of Police are administered by the Commander of the Business Management Section. Imprest Funds are available 24 hours a day to authorized personnel with appropriate supervisory approval. Protracted/Complex Investigative Funds are subject to draw down as outlined in Section 5.5.3.

**5.2 ORGANIZATION:** To ensure compliance with the policies governing Investigative Funds, the Business Management Section is responsible for monitoring, auditing, and accounting for expenditures and reimbursements to the various funds.

**5.3 RESPONSIBILITIES:** Every departmental subdivision authorized to have Investigative/Imprest Funds shall be responsible for maintaining all documentation required to substantiate the legitimate and lawful use of said funds.

**5.3.1** It shall be the responsibility of each departmental subdivision that is authorized an Investigative/Imprest fund, to maintain Standard Operating Procedures, which outline the use of said funds, as well as providing for the accounting and monitoring of all expenditures made with said funds.

**5.3.2** Each of the Imprest Funds must designate a Fund Custodian who maintains their records and files, justify the expenses, review all documentation, and prepare reports for the timely reimbursement of expenditures to the fund.

**5.4 PROCEDURES – IMPREST FUND:** Requests for the use of investigative funds shall be made to the commander of the unit in charge of the corresponding fund in accordance with the Standard Operating Procedures governing its use.

**5.4.1 Setting Up Accounts:** Accounts for each Section will be set up individually through the Miami Police Federal Credit Union. Fees to open the account and minimum balances will be waived upon application to the Credit Union Board of Directors. No interest will be paid nor will any fees be charged on these accounts.

Each Section Commander will designate which personnel will be authorized to make withdrawals, along with the appropriate amount limitation. The ATM card will be issued in the individual's name with a private P.I.N. number and bears the Imprest Fund account number.

**5.4.2 Withdrawals:** Withdrawals can be made 24 hours a day, 7 days a week, from any Honor Card or Presto ATM. The user may only withdraw the card's limit in one calendar day. For example, if the user's card limit is \$100.00 and the user withdraws \$90.00, only \$10.00 would be available that day, and he/she would have to wait until after midnight to withdraw another \$100.00.

Each transaction generates a withdrawal receipt. The user will need to secure the receipt for the Accounting for Investigative (A & I) report. The ATM at the Central Station should be used when possible, as there are no transaction fees charged.

**5.4.3 Authorization Changes:** When an individual is no longer authorized to make withdrawals, the Division Chief will forward a memo to the Miami Police Federal Credit Union having the individual removed from the authorization list, and the ATM card turned in.

When an individual is added to the authorization list, the Division Chief will forward a memo to the Miami Police Federal Credit Union requesting the issuance of an ATM card, stating the individual's name, amount authorized to withdraw, and account number.

A Bank Application Change Form is required to add or remove a member to/from the bank account.

**5.4.4 Deposits:** Each member of the Department utilizing **any** investigative fund is individually responsible for depositing any unexpended money back into the fund from which it was drawn. Unused money may be deposited at the Miami Police Federal Credit Union counter during normal business hours under the Imprest Fund account number.

Deposits after Credit Union hours may be made using the Credit Union's night deposit box. The money will need to be placed in an envelope bearing the account number, with a notation as to whom the deposit slip belongs. The deposit slip will be held in the Credit Union and will be available for review the next regular workday. The deposit slip will need to be secured for the Accounting for Investigation (A & I) Report.

**5.4.5 Expenditures:** Accounting for expended funds shall be the responsibility of the individual making the deposits/withdrawals in accordance with his/her Unit's SOP's.

By the 5<sup>th</sup> day of the month the fund custodian shall submit one complete reimbursement package containing all approved Accounting for Investigative (A & I) fund transaction to the Assistant Chief of the Administration Division. The package must include the following documentation requirements.

- a. Cover memo outlining monthly expenditures addressed to the Commander of the Business Management Section.
- b. Accounting for Investigative Funds (A & I) memo with required signatures
- c. Expense and Investigation Report (E & I) memo with required signatures
- d. Supporting expense receipts
- e. Credit union withdrawal statement
- f. Credit union withdrawal receipt
- g. Official withdrawal receipt
- h. Official credit union deposit receipt
- i. Official fund receipt deposit
- j. Copy of credit union deposit receipt
- k. Copy of imprest fund journal
- l. Credit union monthly statement



**5.4.5.1** When purchasing supplies and/or equipment, Units must comply with purchasing protocol as outlined in Chapter 18, Section 18-71 through 18-74 of the City Code.

**5.4.6 Reconciliation:** Statements are generated by the Credit Union and automatically sent on a monthly basis to the fund custodian.

The Division Chief or respective Section Commanders will ensure the Accounting for Investigation (A & I) reports match the statement transactions. Upon completion, the Division Chief will forward the package to the Assistant Chief of the Administration Division for review and submission to the Business Management Section Commander.

The above procedure must be followed by all units, with the exception of Internal Affairs, who will conduct their own reconciliation of their Imprest Fund account and forward a report of their findings, monthly, to the Commander of the Business Management Section. Due to the sensitive nature of investigations conducted, the Internal Affairs Section maintains full accountability.

Any transaction fees incurred will not be reimbursed. The Imprest Fund Custodian must take the steps necessary to have the Credit Union automatically reverse any transaction fees charged.

**5.4.7 Reimbursements:** Following an audit, checks are issued payable to the designated Imprest Fund Custodian responsible for each investigative fund and are respectively deposited in the Miami Police Federal Credit Union to replenish the funds.

**5.4.8 Auditing:** The Imprest Funds Detail of the Business Management Section shall audit the investigative funds on a monthly basis. Supporting documentation, required for auditing purposes to verify expenditures, shall be provided to the Imprest Funds Detail. All discrepancies shall be communicated to the corresponding section commanders for appropriate action.

**5.4.8.1** Monthly, the Imprest Funds Detail will communicate by interoffice memorandum to the Assistant Chief of the corresponding Division the status of the individual fund.

**5.4.9 Permissible Uses:** Imprest Funds are **authorized** for use only in the following instances:

- a. Payment to a confidential informant for services or information;
- b. Payment of expenses incurred by a confidential informant pertaining to a criminal investigation;
- c. Payment of expenses incurred by an investigator pertaining to a criminal investigation such as food and incidental expenses only; no equipment;
- d. Purchase of illegal narcotics, stolen property and other contraband/evidence pertaining to a criminal investigation;
- e. "Flash Money" to be used in affecting arrest and where no actual expenditure is anticipated;
- f. Payment for relocation of a witness/informant, temporary living expenses, travel, and other expenses incurred by a witness/informant, and which are necessitated by real or potential threats made or anticipated towards a witness/informant;
- g. Payment of travel expenses justified by emergency circumstances related to an investigation emergency circumstances is defined as having 48 hours to travel from the date/hour informed of the requirement;
- h. Payment of a rental vehicle necessary to carry out a criminal investigation on a short-term basis (1-3 days);
- i. Payment of costs for subpoena of records pertinent to the investigation;
- j. Payment for repairs of equipment that is needed when conducting out of town investigations or where the identity of the department must be concealed;

- k. Purchase of parts for repair/maintenance of equipment that is needed when conducting out of town investigations or where the identity of the department must be concealed;
- l. Purchase of covert specialized equipment where the identity of the department must be concealed.

All other uses not specified must be approved by the Budget Unit.

**5.4.10 Non-Permissible Uses:** As set forth in the City of Miami Charter and Code, Section 18, Investigative and Evidence Funds **are not authorized** for use in procuring the following goods, services, or equipment:

- a. Purchase of cellular telephones and/or accessories;
- b. Payment of cellular telephone services;
- c. Rental of vehicle necessary for the duration of a criminal investigation that exceeds 3 days;
- d. Payment of non-emergency travel expenses (air fare, per diem, hotel, etc.);
- e. Payment of registration fees or tuition for training;
- f. Payment of memberships fees;
- g. Purchase of Office Supplies (i.e. file folders, copying paper, paper clips, pens/pencils, bulletin boards, toners, etc.);
- h. Purchase of electrical, paint and hardware supplies, or miscellaneous supplies;
- i. Payment of professional services such as employee physical examinations/screening;
- j. Payment of Printing/Binding;
- k. Purchase of books and publications;
- l. Purchase of Office Furniture (i.e. desks, chairs, file cabinets, etc.);
- m. Purchase of parts for repairs/maintenance of equipment (i.e. batteries, toner, cartridges/refills, parts and cable for telephone, tool kits, etc.);
- n. Payment of Storage Space Rental;
- o. Payment of Equipment Rental or repairs/maintenance (i.e. rental of copy machines, barricades, or repairs of camera, video equipment, outboard motors, electronic surveillance equipment maintenance or computer software maintenance, etc.);
- p. Purchase of Equipment (i.e. fax machines, calculators, television, cameras, etc.);
- q. Purchase of Technology Equipment including computers, computer related equipment, software, printers or computer supplies.

**5.5 PROCEDURES – PROTRACTED:** Initial requests for utilization of monies from the Protracted/Complex Investigative Fund must be authorized in writing by the Chief of Police. Additional authorization must also be obtained from the Chief of Police for any increases in the initial funding.

**5.5.1 Setting Up Accounts:** An authorized portion of the Protracted/Complex Investigative Fund is housed in the Miami Police Federal Credit Union. Only the Chief of Police, Budget Unit Commander, and Budget Unit Commander's designee are authorized to withdraw from and deposit monies to the fund.

**5.5.2 Deposits:** Upon approval by the City Commission, a Request for Direct Payment is prepared for the appropriated amount and submitted to the Finance Department. Upon receipt, the check is deposited into the Protracted/Complex Fund's account maintained at the Miami Police Federal Credit Union. A copy of all documents related to deposit transactions is kept in the Protracted/Complex file.

**5.5.3 Draw Downs:** When an approved request for a draw down of monies, to fund an established investigative operation is received, it is reviewed by the Budget Unit Commander's designee to

determine compliance and ensure that adequate justification has been provided. After the Budget Unit Commander's designee has completed the review, the approved amount being requested is withdrawn and the cash funds are then issued to fund custodian for the investigative operation, who goes with the Budget Unit Commander's designee to the Credit Union to make the withdrawal. At this time, a receipt is prepared by the Budget Unit Commander's designee and signed by the investigative fund custodian certifying the amount of monies received.

**5.5.4 Fund Audits:** Depending on the estimated length of the Protracted/Complex Investigation, audits are periodically performed by the Accountant to ensure accountability of withdrawals, deposits, and expenditure of funds to ensure compliance with federal and state regulations, and to protect the integrity of the Department and investigators. Prior to the authorization for additional monies to fund an established Protracted/Complex Investigation, an audit is prepared by the Accountant. At the conclusion of the Protracted/Complex Investigation, a final audit is prepared by the Accountant in order to close all activities and determine total expenditures.

**ALARM ORDINANCE UNIT**

Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Responsibilities
- 6.4 Procedures
- 6.5 Alarm Ordinance Unit

**6.1 POLICY:** It is the policy of the Miami Police Department to monitor commercial and private residential alarm systems as mandated in Chapter 3.5 entitled "Alarm Systems", Article II, Burglary and Robbery Alarms, Sections 3.5-21 through 3.5-30 of the City of Miami Code.

**6.2 ORGANIZATION:** The Alarm Ordinance Unit is a subdivision of the Business Management Section of the Administration Division. This Unit serves as a liaison between the Miami Police Department, alarm users, and alarm companies by educating them as to the needs and expectations of the Department, and enforces alarm ordinance mandates.

Police officers assigned to the Field Operations Division respond to alarm calls, conduct investigations as to the validity of the activated alarms, and generate false alarm reports for alarm scenes where a false alarm was activated.

**6.3 RESPONSIBILITIES:** The Alarm Ordinance Unit shall monitor commercial and private residential alarm systems, excluding fire alarms and alarms installed in conveyances. A police officer responding to the scene of an activated alarm system shall inspect the area protected by the system and shall initially determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm system malfunctioned and thereby activated a false alarm.

**6.4 PROCEDURES:**

**6.4.1** An officer responding to an alarm scene will conduct a thorough check of the scene.

**6.4.2** If no evidence of criminal activity or medical emergency can be identified, the alarm is to be classified as a false alarm, and a false alarm report shall be completed **at the end of an officer's tour of duty.**

**6.4.3** If a thorough check cannot be accomplished, an explanation (i.e., guard dogs, tall fence or wall, etc.) is to be documented in the comment portion of the alarm report. An effort shall be made to contact the owner or representative of the business/residence. If an owner or representative of the business/residence cannot be located, a completed Miami Police Department case number card (R.F. #178) is to be left at the location of the alarm scene, providing notice to the owner/representative that a police officer did respond to the alarm scene.

**6.4.4** Upon notification that an owner or representative is enroute:

**6.4.5** If the estimated response time to the scene is within fifteen (15) minutes or less, the officer is to wait for an owner or a representative's arrival and check the entire scene upon his/her arrival.

**6.4.6** If the estimated arrival time is greater than fifteen (15) minutes, the responding officer is to return to regular duty and the Complaint Room will dispatch a unit to check the entire scene when the owner or representative arrives.

**6.4.7** It is the responsibility of the officer completing the investigation to contact the original reporting officer if additional information is to be added to the false alarm report.

**6.4.8** If evidence of criminal activity is present, the officer will change his signal to the appropriate report signal and complete the corresponding report.

**6.4.9** If the alarm was a fire or automobile alarm, change the signal to a "13", and no report will be made.

**6.5 ALARM ORDINANCE UNIT:** The Alarm Ordinance Unit monitors commercial and private residential alarm systems through alarm permits, field inspections, administrative hearings, false alarm reports, and a Burglar Alarm System.

**6.5.1 Alarm User Permits:** Alarm Ordinance Unit members, as mandated by City Code, will review applications, issue permits, collect fees assessed for permits and false alarms, and take other appropriate enforcement action, as dictated by City Ordinance.

**6.5.2 Administrative Hearing:** An alarm user may appeal the issue as to whether an alarm system in question activated a false alarm. An administrative hearing, either formal or informal, is to be conducted by a designated hearing officer, who will document his/her findings. Time parameters for hearing requests, scheduling and findings are governed by City Ordinance.

**6.5.3 False Alarm Report:** False alarm reports, prepared by officers responding to an alarm scene, are kept in the unit until administrative value is lost.

**6.5.4 Burglar Alarm System:** Complete and accurate computerized records are to be maintained on alarm users. The Burglar Alarm System is to be utilized to document descriptive information on businesses or residences, permit numbers, fees assessed, and emergency contact information. Payment information for alarm users are kept in the City Account Receivables System (Oracle).

## CELLULAR TELEPHONE ALLOWANCE/MANAGEMENT

### Section

- 7.1 Policy
- 7.2 Organization
- 7.3 Responsibilities
- 7.4 Procedures

**7.1 POLICY:** This policy establishes procedures for the management of departmentally issued cellular telephones and cellular telephone allowance. The usage of cellular telephones is governed under the Departmental Order titled: Cellular Telephone Usage.

**7.2 ORGANIZATION:** A cellular telephone policy has been established by the Chief of Police and must be adhered to by all users. The Chief of Police designated the organizational structure and responsibilities for ensuring compliance to the Budget Unit, within the Business Management Section of the Administration Division.

### **7.3 RESPONSIBILITIES:**

**7.3.1 City Issued Cellular Telephones:** The Budget Unit distributes all department-issued cellular telephones to designated users according to job function. All users must sign acknowledging receipt of the Cellular Telephone Management and User Policies.

**7.3.2 Cellular Telephone Allowance:** Each Division Chief is responsible for the proper utilization and authorization of the cellular telephone allowances assigned to his/her respective division. The number of allowances allocated is based on the available budget and functional need of the position(s) within the specified division/section/unit and subject to change upon the Division Chief's approval.

**7.4 PROCEDURES:** Each year budgetary constraints define the available funding for cellular utilization which is further divided into city issued cellular telephones and allowances. Functional needs assessment corresponding to the overall cellular telephone budgets determines the allocation mix. Any changes affecting the budget require an appropriate transfer of funding via memorandum through channels to the Business Management Section.

**7.4.1 City Issued Cellular Telephones:** Section commanders will review the need for cellular telephones, including grant-funded telephones, within their command and submit their analysis to their respective Division Chief. Any grant-funded telephone having a funding expiration date must be identified, and where a continuing need is warranted, must be addressed one month in advance.

**7.4.1.1** Users are reminded that the cellular telephone is a tool to enhance their efficient use of communications within their police related function. Some users will have different cellular telephone plans that include a variety of options such as text messaging and email services. Users shall be financially responsible for any and all charges not included in the assigned plan. Users shall reimburse the City for personal calls (see subsection 7.4.1.4) and any additional charges like, but not limited to: overages, roaming, text, email, web service, long distance, or directory assistance that are charged on the monthly invoice unless specifically excluded.

**7.4.1.2 Exclusions:** Exemption for any additional charge(s) requires a detailed redline memorandum attached to the invoice justifying the added charge(s) and requesting its waiver. Generic, blanket memorandums stating, “work related usage” will not suffice as adequate justification. Justification must be due to unforeseen events such as demonstrations, civil disturbance, natural disasters or official city events. The memorandum and cellular telephone invoice must be sent through channels and approved by the user’s Division Chief.

**7.4.1.3 Plan modifications or enhancements:** If additional charges are routinely incurred and business related, the user may seek to have his/her cellular telephone plan modified to include the required features/services. A memorandum shall be sent through channels seeking approval from the user’s Division Chief and the Commander of the Business Management Section. The user will only be relieved from the financial responsibility and or requesting exclusion once the new plan enhancements have been approved and implemented by the cellular telephone provider. Service plans will be monitored for proper utilization and subject to change at management’s discretion.

**7.4.1.4 Personal Calls:** Users shall identify all personal calls (made or received) on the monthly invoice statement by highlighting each call. Personal calls will be reimbursed at the rate determined by the Chief of Police in accordance with the existing cellular telephone contract. As stated in 7.4.1.1, users shall be financially responsible for any additional charges incurred that were not specifically included in the user’s monthly plan.

**7.4.1.5 Re-issuance:** Any person responsible for loss or damage to telephone due to carelessness or negligence will be held accountable. A Request for Replacement of Lost or Damaged Equipment Form must be completed and forwarded through channels to the Business Management Section. Users must return damaged telephones to the Budget Unit who will purchase and reissue a replacement telephone through the carrier on an as needed basis.

**7.4.1.6 Inventory:** The Budget Unit maintains an inventory of cellular telephones by their ESN # or IMEI #, model type, user name, respective unit, cellular telephone number, and funding source. Disposition of cellular telephones no longer in use will be done through the Disposition of Inventory procedures established by the Purchasing Department and the Budget Unit Standard Operating Procedures #11 Inventory Control.

**7.4.1.7 Service Requests:** All users must direct service problems/inquiries to the Budget Unit, which will advise the user of the appropriate action to be taken. The Budget Unit must authorize any change in service.

**7.4.2 Cellular Telephone Allowance:** As stipulated in the current FOP – MPD Contract or by the Chief of Police, members whose position and or function requires the use of a cellular telephone (as authorized by the respective Division Chief) shall be given a monthly allowance in exchange, conjunction or in lieu of being issued a City cellular telephone. Eligibility for the allowance shall continue as long as the position/function requires cellular communication capabilities and funding is available. **Members receiving such allowance are not guaranteed the duration or continued receipt of said allowance should the Department’s need change.** If the position/function no longer merits cellular communication capacity or fiscal constraints require a reduction of cellular telephone expenses, the affected member(s) will be given a 30 day notice of the termination of the allowance. Only positions identified and approved by the respective member’s Division Chief shall be entitled to an allowance.

**7.4.2.1 Any members receiving a cellular telephone allowance will adhere to the following:**

- The user must seek written approval through his/her respective Division Chief. The original document will then be forwarded to the Budget Unit for processing.
- The user must own or acquire his/her cellular telephone either through purchase or lease.
- The user is encouraged to purchase insurance.
- The user is responsible for all claims of damage or loss.
- The user must acquire a cellular telephone service that includes voicemail. The voicemail must be activated and include a professional greeting such as "You have reached the voicemail of John Doe from the Miami Police Department. At the tone, please leave your name, number and a short message." Exemption to the voicemail requirement for operational purposes must be approved by the member's Division Chief.
- The specific type of plan is at the sole discretion and responsibility of the user.
- The user must be accessible through the cellular telephone at all times.
- The cellular telephone number must be included in the user's EML information and any change with the number must be updated and communicated to the Budget Unit.
- Upon the Department's request, proof of payment corresponding to the user's cellular telephone number shall be submitted through channels as specified in the request.
- If applicable, City issued cellular telephones must be returned upon the approval of the allowance.
- A violation of any of these provisions shall be cause to terminate the allowance.



## CELLULAR TELEPHONE USAGE

### Section

- 8.1 Policy
- 8.2 Organization
- 8.3 Responsibilities
- 8.4 Procedures

**8.1 POLICY:** The purpose of this policy is to establish guidelines for the use of cellular phones by sworn and civilian members of the police department. The use of a cellular phone can enhance efficiency and improve productivity; however it can also distract members from the performance of their duties. Such distractions can result in a loss of productivity, but more critical is the threat distractions pose to officer safety. Because of the inherent dangers and hazards that confront law enforcement personnel, on a daily basis, it is essential that officers utilize cellular phones in a manner that does not compromise their attention to duty or reflect negatively on the Department.

**8.2 ORGANIZATION:** This Departmental Order is applicable to all units within the Department.

**8.3 RESPONSIBILITIES:** All members of the department are responsible for adhering to this cellular phone policy, which covers both City issued cellular phones and personal cellular phones, and all related equipment. Commanders and supervisors will ensure all members of the department comply with this policy.

### **8.4 PROCEDURES:**

**8.4.1** Cellular phone may be defined as any wireless device by which the user may initiate or receive verbal or data transmissions, or communicate with another person or device other than a police radio.

**8.4.2** Use of personal cellular phones or departmentally issued cellular phones either in voice or data transmission while on duty should be restricted to essential communications and should be limited in length. Engagement in multiple or extended conversations unrelated to police business, or similar use that interferes with the performance of duty is prohibited.

**8.4.3** Personal and departmentally issued cellular phones should not be used if they may be disruptive to others. Photo messaging capabilities are prohibited unless they can be clearly linked to the conduct of official police business.

**8.4.4** Cellular phones may be worn on the outside of the uniform or clothing attached to a belt or phone clip, however the wearing of a cellular phone must not hinder, delay or prevent an officer from safely and quickly drawing or removing their firearm, CEW, ASP baton, OC spray, PR-24, handcuffs or radio.

**8.4.5** Cellular phones must be set on “vibrate” while the officer is on duty or working an off duty job.

**8.4.6** The wearing of cellular phone “head sets” or earpieces is prohibited.

**8.4.7** Personal cellular phones that are, reflective or ostentatious in appearance will not be worn or carried unless their appearance is concealed by a black radio case or kept inside the officer's pocket.

**8.4.8** Officers will not make or receive personal phone calls under the following circumstances:

1. While handling a crime, incident or call for service.
2. While making an arrest or handling a prisoner.
3. While conducting an interview or interrogation.
4. While directing traffic, conducting crowd control activities, or maintaining a perimeter for a criminal offender.
5. While conducting a surveillance or sting operation.
6. During a meeting, conference or training session.
7. During any incident that requires the member's full attention.

**8.4.9 Operation of Vehicles While Using Cellular Phones:** Officers may not operate City vehicles while using cellular phones unless emergency circumstances exist and other means of communication are not available or suitable. When possible, officers should use cellular phones only when they have stopped their city vehicle, either in a legally defined parking area or in a safe area, which will not interfere with traffic and is a safe environment for the member of the organization and the public.

**8.4.10** The Police Department will not reimburse officers for the loss, damage or destruction of personal cellular phones used on or off duty.

## GRANTS PROGRAM COORDINATION AND ADMINISTRATION

### Section

- 9.1 Policy
- 9.2 Organization
- 9.3 Responsibilities
- 9.4 Procedures

**9.1 POLICY:** To identify and obtain sources of grant funding enabling the City of Miami Police Department to implement new and innovative as well as time tested programs that address crime through community policing, tactical operations, crime prevention, criminal investigation and technology.

**9.2 ORGANIZATION:** The Grants Coordinator functions through the Grants Detail of the Business Management Section and reports to the Commander. The Grants Coordinator is the liaison for the Department to the grantor and all other city departments in matters concerning the application for and administration of grant programs.

**9.3 RESPONSIBILITIES:** The Grants Coordinator is responsible for the following:

- 1) Researching grant opportunities for the Police Department.
- 2) Notifying concerned departmental members of grant opportunities.
- 3) Providing guidance and assistance to departmental members preparing grant applications.
- 4) Reviewing grant proposals for general content, and consistency with departmental goals and objectives.
- 5) The timely submission of grant applications and grant renewals.
- 6) Acting as a liaison with the City of Miami Office of Grants Management and funding agencies.
- 7) Ensuring that grant project directors and managers comply with all programmatic and administrative grant requirements.
- 8) Maintaining files for proposed, current and terminated grants.
- 9) Responding to or coordinating response to internal and external grant inquires.
- 10) Serving as a resource person to project directors and managers and other departmental personnel.

### **9.4 PROCEDURES:**

**9.4.1 Grant Applications:** The following procedures will be adhered to when applying for any source of grant funding:

- 1) Departmental members must obtain approval from their division chief before applying for any grant funding. This measure is designed to ensure that the grant is compatible with the division's goals and objectives and that the division has the appropriate resources available to manage and operate the grant successfully.
- 2) The application for any grant funds will be made through the Grants Coordinator who will review the application. The Grants Coordinator will ensure the grant application is also reviewed by the City of Miami Grants Administrator.

- 3) The Grants Coordinator will obtain required signatures from the City Manager or Grants Administrator to submit the application.
- 4) All grants requiring a match in funds must identify the match funding source and have it approved by the Business Management Section Commander prior to making an application for the grant. The funding source will be identified on a Budgetary Impact Analysis form that will be completed by the Grants Coordinator.
- 5) Upon receipt of a grant award, the Grants Coordinator will notify the Legislation Detail, and they will prepare the necessary legislation for consideration by the City Commission.
- 6) Upon approval of the grant by the City Commission, the Grants Coordinator will ensure that the appropriate documents are executed and returned to the grantor agency.
- 7) The Grants Coordinator will assist the Accounting Detail in establishing internal budget procedures for each grant program.

#### **9.4.2 Grants Management:**

**9.4.2.1 Project Director:** A Project Director will be appointed for each grant and will be responsible for the overall performance of the program. Upon receipt of the grant award certificate, the project director assumes responsibility for the administration of the project. The project director will be at the rank of lieutenant or above. The project director will be responsible for accomplishing the following:

- 1) Maintain the grant file.
- 2) Initiate implementation of the objectives of the grant.
- 3) Coordinate fund expenditures with the Budget Unit.
- 4) Maintain a detailed record of all grant activities and expenditures (including all correspondence, e-mails and telephone conversations).
- 5) Prepare and submit progress reports for projects as dictated by the grant agreement.
- 6) Prepare responses to special conditions and specific requests from the grantor.
- 7) Prepare grant revisions and budget adjustments in order to maximize utilization of all funds allocated.
- 8) Forward all copies of all grant related reports, revisions and correspondence to the Grants Coordinator
- 9) Provide periodic status reports to grant representatives during on-site monitoring visits throughout the grant period.
- 10) Prepare all final reports required by the grantor upon completion of the grant project. These reports will be submitted through the Grants Coordinator for approval and inclusion in the department's grant file.
- 11) In the event there is a change of project director or project manager, the project director will ensure the newly assigned project director or manager is fully updated on the operation of any ongoing grants.

**9.4.2.2 Project Manager:** A Project Manager will be assigned the day to day operation of the grant and will report directly to the project director. The project manager will be at the rank of sergeant or above. In units where there is no sergeant assigned, other ranks or civilians may be approved as project managers. The project manager will be responsible for the following:

- 1) Be familiar with all grant requirements including; goals, objectives, performance and budget requirements.
- 2) Coordinate the operational requirements of the grant including the manpower, equipment, and grant partners or contractors.
- 3) Provide administrative support to the project director by preparing, obtaining and reviewing documentation of grant activities such as, but not limited to schedules, worksheets, payroll slips, statistical performance reports, activity reports, and requests for reimbursement.
- 4) Ensure all grant participants are meeting grant requirements.

#### **9.4.2.3 Fiscal Grants Administrator:**

The Budget Unit provides budgetary and fiscal oversight of all the Police Department's grant awards. A designated budgetary personnel serves as the Grants Financial Administrator and this person is responsible for carrying out duties and responsibilities related to grant financial functions:

- 1) Fiscal protocol following acceptance of grants.
- 2) Budgetary and financial compliance per the terms and conditions of the grant award.
- 3) Prepare and submit financial reports on grant expenditures. The Fiscal Administrator will coordinate the preparation of these documents with the project director and the Budget Unit.
- 4) Filing timely and accurate reimbursements.
- 5) Monitoring monthly and quarterly grant fiscal activities.
- 6) Liaison with the City's Budget and Finance Departments.
- 7) Internal compliance with policies and procedures as outlined in APM 8-78.
- 8) Assigning account codes to properly record grant expenditures.

**9.4.3 Financial Requirements:** Every request for the expenditure of grant funds shall be submitted on the departmental Purchase Service Request Form (RF #704 Rev 10/16) through channels to the Budget Unit and shall include:

Grant Project Name  
Item/Service Description  
Quantity  
Price Quotation  
Other Specifications as Required

**9.4.3.1** Only item/services which are in the approved grant budget will be purchased.

**9.4.3.2** All programmatic and budget modifications to existing grant programs must be coordinated through the Grants Coordinator.

**TRAVEL ON CITY BUSINESS**Section

- 10.1 Policy
- 10.2 Organization
- 10.3 Responsibilities
- 10.4 Procedures

**10.1 POLICY:** To provide standards, procedures, and official guidelines for authorized expenses, and reimbursement for travel and attendance related to City business by City employees. Elected officials are governed by City Commission Motion 81-447 as indicated herein. Employees are authorized to attend a convention, conference or training program if the trip was authorized in the approved budget or allowed under a grant that has been approved by the City Commission (the grant must permit the funds to be used for travel) and the required approval obtained.

**10.2 ORGANIZATION:** The Travel Detail established Budget Unit of Business Management Section is responsible for ensuring compliance with the basic guidelines for travel expenses as outlined in City of Miami Administrative Policies APM-1-77. This Departmental Order will elaborate on portions of these policies and procedures.

**10.3 RESPONSIBILITIES:** When travel is approved in the budget, the employee requesting to travel shall submit a memorandum, through channels, to their Division Chief when the cost is **under** \$3,000.00 or to the Chief of Police when the cost is \$3,000.00 or more along with an R.F. #122 (Revised 11/26/24) which states the number of out-of-town trips taken within the past two years, thirty (30) working days prior to the date of travel. Requests will be directed to the Business Management Section for processing. The Commander of the Business Management Section will determine availability of funds and approve accordingly. The Division Chief or the Chief of Police will then approve or disapprove the request.

**10.3.1** Employee's shall not register prior to the travel being approved by the Division Chief or the Chief of Police. Employees who violate this policy shall be responsible for all incurred charges.

**10.3.2 CANCELLATION:** It will be the employee's responsibility to be familiarized and ensure that the providers' cancellation policy is followed. The employee will be **RESPONSIBLE** to pay any cost incurred by the department as a result of not complying with the providers' cancellation policy or for any cost incurred as a result for failing to attend.

**10.4 PROCEDURES - BUDGET DEVELOPMENT:** Each January, the Administration Division shall assemble and distribute a budget preparation package and timetable to all Section Commanders. The Chief of Police and Division Chiefs will determine which sections and units within their control shall submit completed budgets within the designated timetable.

**10.4.1 Budget Preparation Folder:** A special file folder shall be maintained in the office of each section, unit, and detail. Any time during the year, as the need for new equipment, non-budgeted personnel, supplies, etc. becomes known to the commanding officer or supervisor of a unit, he/she shall cause a written memo to be prepared and placed in the folder. The memo must include a justification of funding needs. For preparation of the annual budget requests, the unit commanding

officer shall screen and prioritize his/her funding needs to include in their budget request only those items, which are essential to the efficient operation of the unit.

**10.4.2 Travel Expenses:** Travel on City business may be permitted only under the following circumstances:

When submitted and approved as part of the budgetary process for the fiscal year in which the travel is contemplated.

When circumstances, not known at the time of budget submission, require such travel, approval of the Division Chief or Chief of Police must be secured in advance.

At the direction of the Division Chief or the Chief of Police, attendance at schools, conventions, seminars, etc., shall be on a voluntary basis only.

**Time Limitation:** The time allowed for attendance at conventions and conferences, including travel time, will not exceed five (5) working days. If the employee desires to use more time than herein allotted, the extra time shall be charged to vacation leave or leave without pay, and it shall be subject to approval of the Division Chief or the Chief of Police.

All requests for out of town travel must be in the Business Management Section thirty (30) working days prior to the trip. Any request that does not meet this requirement may not be processed in time.

**10.4.3 Advancing of Money:** Money for authorized travel will be advanced only under the following circumstances, subject to the approval of the Division Chief or the Chief of Police:

**10.4.3.1** When the travel requires that an employee be absent from the City for a period longer than five (5) working days in actual attendance at the meeting or conference and he/she has been authorized to attend beyond five working days.

**10.4.4 Reimbursements:** Within ten (10) working days after return, the employee will submit all applicable original receipts to the Travel Detail of the Business Management Section. Reimbursement for lodging shall be for actual expenses at the single occupancy rate with original receipts as documentation.

**Meal Expenses:** Allowance for meals will be limited to the average meal costs as provided by the Runzheimer Service for that city. Employees must contact the Budget Unit before submitting paperwork to determine the limitation on meals.

Exceptions must have prior approval of the Division Chief or Chief of Police and will require a receipt.

**10.4.5 Miscellaneous Expenses:** The following will be reimbursed:

**10.4.5.1** Taxi fare to and/or from the airport, tolls, parking fees and fuel (if driving City vehicle).

**10.4.5.2** Registration Fees - Registration fees will be paid on the basis of actual registration charge.

**10.4.6 Transportation:** Transportation will be by airplane, city vehicle or private vehicle (with prior insurance approval).

**10.4.6.1** Destination in excess of 250 miles will adhere to the following:

Generally, the trip will be made by airplane (Tourist or Coach airfare, round trip).

If travel is by City vehicle, prior approval from the Division Chief or Chief of Police must be obtained.

If travel is by the employee's private vehicle or another mode of transportation, prior approval must be obtained from the City Labor Relations Office. The driver of the vehicle and the vehicle itself must be insured for the following basic limits, if approval is granted for use of said vehicle: Each employee will procure on his/her own, and from a licensed Florida agency/carrier, (if traveling outside of Broward, Miami-Dade and Monroe counties) liability coverage with limits for bodily injury as follows:

- \$100,000 Personal injury liability per person and \$300,000 per occurrence.
- \$50,000 Property damage liability per occurrence.
- PIP (Personal Injury Protection) as required by State law.

Proof of insurance coverage must be submitted in the form of an insurance certificate or policy declaration along with the travel request, affirming full compliance. Reimbursement for the use of a privately owned vehicle will be made at the lowest airfare rate available on the date of travel **or** the rate for current mileage reimbursement in accordance with AMP-1-77 (Travel on City Business). City funds shall not be used, and the employee will not be reimbursed for lodging and meals due to the extra travel time required when driving out of the State.

**10.4.6.2** Destination of less than 250 miles and not requiring overnight lodging shall be governed by the following:

Except for car allowance recipients, City-owned vehicles will be used for in-state conventions, conferences, training programs, and business trips with prior approval of the Division Chief or Chief of Police. City-owned cars shall not be used for trips out of state unless prior approval is obtained from the Chief of Police or designee for such use.

**10.4.6.3** An employee should not pay for his/her own air travel and seek reimbursement. The Budget Unit will make arrangements for the purchase of airplane tickets.

**10.4.7 Reports of Conference, School, or Seminar Attendance:** Any member of the Police Department (with the exception of Staff) attending a seminar, school, conference or convention on City time and/or at City expense shall submit a written report thereof (After Action Memo). This report shall conform to the following:

**10.4.7.1** Be submitted no later than five (5) working days after return from such seminar, school, conference or convention.

**10.4.7.2** Be directed to the Assistant Chief of the Administration Division, through channels, with a copy to the Training Unit.

**10.4.7.3** Contain a definite recommendation concerning future attendance and include appropriate ranks of attendees and degree of participation.

**10.4.7.4** A copy of this report shall be turned in to the Budget Unit at the time the employee provides original receipts; otherwise, reimbursement will not be processed without original approved memo.



**RESERVED**

## RENTAL VEHICLE EXCHANGE POLICY

### Section

- 12.1 Policy
- 12.2 Organization
- 12.3 Responsibilities
- 12.4 Procedures

**12.1 POLICY:** All exchanges, transfers and returns of rental vehicles should follow guides to insure this process is orderly, efficient and properly documented.

**12.2 ORGANIZATION:** A rental vehicle exchange policy has been established by the Chief of Police and must be adhered to by all members. The Chief of Police has designated the organizational structure and responsibilities for ensuring compliance to the Budget Unit, within the Business Management Section of the Administration Division.

**12.3 RESPONSIBILITIES:** The Budget Unit is responsible for ensuring that the terms and conditions of the City of Miami rental vehicle contract are adhered to and followed.

**12.4 PROCEDURES:** Individuals assigned to specialized units utilizing a rental vehicle in lieu of a take home vehicle must adhere to the following rental vehicle exchange policy:

1. All rental issuances, exchanges and/or returns will be coordinated through the office of the Administration Division Chief. A Rental Vehicle Liaison shall be appointed by the Administration Division Assistant Chief. All rental vehicle transactions shall be handled by the rental vehicle liaison or a designee.
2. All personnel requesting the issuance, exchange and/or return of a rental vehicle must fill out a Vehicle Exchange Form and receive approval from the Rental Vehicle Liaison in the office of the Administration Division Assistant Chief prior to presenting his request to the authorized rental car agency under contract to the City.
3. Upon completion of the "driver's information" section of the Vehicle Exchange Form and approval by the Rental Vehicle Liaison in the office of the Administration Division Assistant Chief the driver will then report to the authorized rental car agency to complete the transaction.
4. Once the transaction is completed the requestor will report to the office of the Administration Division Assistant Chief and provide a copy of the new/cancelled rental contract to the Rental Vehicle Liaison. The liaison will then complete the "new vehicle" section of the Vehicle Exchange Form.
5. Only Commanders may approve exchange of vehicles through the liaison. No one is to contact the rental car company under contract to the City without authorization from the Rental Vehicle Liaison.

6. If the driver of a rental vehicle is involved in a crash, the driver must submit a copy of the Florida Crash Report to the liaison. The liaison will contact the contracted rental car company and authorize the issuance of a replacement. The personnel involved must then report to the rental car company to complete the proper paperwork for the crash required by the rental car company. All crash reports shall be forwarded to the Risk Management Department at the Miami Riverside Center (MRC). All rental drivers will cooperate with the adjustor for the rental car company. The adjustor for the rental car company needs to contact drivers of rentals to determine whether a party claiming losses due to property damages, bodily injury, etc. is owed payment. The adjustor needs to interview the claimant, witnesses, law enforcement and review all reports related to the crash. Adjustors may be employees of the rental car company or independent adjustors under contract to the rental car company. Failure to cooperate with the adjuster may cause the rental driver to be liable for any and all damages.
7. Oil changes must be completed every 5000 miles and a copy of the oil change paperwork submitted to the liaison.
8. All personnel must submit the current mileage of the rental vehicle and oil change paperwork, if applicable, on a monthly basis by preparing a monthly vehicle assignment report.

**12.5 Vehicle Exchanges After Business Hours:** After regular business hours, all rental vehicle exchanges will require the completion of the Vehicle Exchange Form, unit commander approval and the immediate notification, by phone, of the Rental Vehicle Liaison for final approval.

**12.6 Personnel Transfers and Separations:** Employees who transfer out of their unit or employees separating from service with the Department will ensure, prior to leaving the unit, that they report to the Rental Vehicle Liaison.

PETTY CASH FUNDS POLICY

Section

- 13.1 Policy
- 13.2 Organization
- 13.3 Responsibilities
- 13.4 Procedures

**13.1 POLICY:** The City for the purpose of making change, minor disbursements or small incidental expenditures, which are necessary to carry on City operations, provides petty cash funds.

**13.3 ORGANIZATION:** Petty cash funds shall be established through submission of written requests by the Department Director to the Finance Director for authorization of each fund. The Finance Director must approve the initial setup and subsequent increases or decreases and change in custodianship.

**13.3 RESPONSIBILITIES:** The Department Director must designate one custodian of each petty cash account. The designee must sign Petty Cash Custodian Form acknowledging receipt of funds.

**13.3.1** Each requesting unit must submit a written request to the Business Management Section with justification for the purpose of the fund.

**13.3.2** The Business Management Section will prepare a memorandum to the Finance Director from the Assistant Chief of the Administration Division along with a signed copy of the Petty Cash Custodian Form.

**13.3.3** Petty cash can only be used for authorized purpose.

**13.3.4** The use of petty cash for a single item purchases will be allowed up to \$50.00 maximum under certain conditions. Petty cash cannot be used for purchases with vendors who have established contracts or purchases that can be made with P-Card.

- a) Must be an item of urgent necessity not needed frequently.
- b) Must be made from a vendor with whom the City does not have a contract.
- c) Items for stock are not to be purchased.

**13.3.5** Petty cash funds may be used only for legitimate operating expenditures, that are considered non-recurring (infrequent) and unanticipated in nature items of urgent necessity. Only minimum amounts of urgent necessity items are to be bought (e.g., mailing a certified letter to a City employee and/or retired employee).

**13.3.6** All funds are to be kept under lock and key when not in use and must include valid receipts, which when added to the existing cash will equal the total amount of the fund.

**13.3.7** Petty cash custodians must maintain a journal detailing each cash transaction to include the transaction date amount disbursed, to whom monies disbursed and purpose of disbursement.

**13.3.8** Request for reimbursement shall be made within thirty (30) days of the expenditure transaction date to replenish the fund so as to bring the balance up to the original amount.

**13.3.9** Reimbursement must be supported by the original invoice/receipt documents, which include:

- a) Purchase date
- b) Vendor
- c) Description of item purchased
- d) Reimbursement amount
- e) Signature of employee reimbursed

**13.3.10** The replenishment amount should equal the sum of all petty cash disbursements since the previous reimbursements and any difference should be reconciled.

**13.3.11** No reimbursement will be made for petty cash used to make change. The unit must account for petty cash by maintaining a daily transaction log or ledger. The log must be signed off by the Fund Custodian; any shortfall must be covered by the cashier.

**13.3.12** Petty cash funds must be reconciled monthly and the Reconciliation Report submitted to the Budget Unit, to show an accounting of funds as follows:

Original Fund Balance	\$ _____
Cash Disbursement	(\$ _____)
Cash on Hand	\$ _____
Reimbursement Request	\$ _____
<b>(Supported by original receipts attached)</b>	

**13.3.13** Petty cash may NOT be used for:

- a) The purchase of food, coffee, and snacks.
- b) Any item available on an annual quote.
- c) Contracted or Professional Services (requiring contracts or agreements).
- d) Any purchase or service requiring the Purchasing Department's approval.
- e) Any "Personnel" services type of activity.
- f) Advertising required through statute, ordinance, etc.
- g) Utility Services.
- h) Reimbursement of Safety Shoe purchases by employees (Internet Expenses).
- i) Loans/advances

**13.3.14** When there is a change in custodianship, the custodian releasing the funds shall submit a memorandum to the Budget Unit for approval by the Finance Director before transferring the custodianship to the new custodian. The new custodian who is receiving the funds will sign a Change in Custodian Form, acknowledging the amount of funds received.

**13.4** On a periodic basis, the Business Management Section will ensure the amount of petty cash is periodically counted and reconciled by someone other than the custodian. These audits

will unannounced. In addition, there shall be a quarterly review of activity and necessary for continuing use of the petty cash fund.

**13.4.1** Annually, the Finance Director will obtain confirmation on Petty Cash Funds. The confirmation will confirm dollars authorized and issued for each fund along with the location and appointed custodian.

**13.5 Custodial Responsibility and Liability:** The custodian is a person responsible for City money within the span of their control and may be held liable for any loss occurring, unless the loss was caused by an act of God, theft, or reasons beyond control of the custodian.

**13.5.1** All transfer of custody of City money shall be evidenced by document indicating the transfer of City money by the signature of the person transferring and the person accepting custody.

**HOMICIDE UNIT**

**Section**

**1.1 Policy**

**1.2 Organization**

**1.3 Responsibilities**

**1.4 Procedures**

**1.5 Cold Case Detail**

**1.1 POLICY:** It is the policy of the Miami Police Department to investigate deaths, police involved shootings, and in-custody death cases that occur within the City of Miami.

**1.1.1** It is also the policy of the Department to provide protection and assistance to the victims and witnesses of violent crimes when their safety has been threatened due to their involvement in the prosecution of said crime through victim/witness assistance services administered by Victims Advocate Service

**1.2 ORGANIZATION:** The Homicide Unit is part of the Criminal Investigations Section. The Homicide Unit is comprised of several teams of investigators; each supervised by a sergeant. The teams provide investigative functions twenty-four hours a day. Additionally, the unit is also comprised of the Cold Case Detail.

**1.3 RESPONSIBILITIES:** The Homicide Unit will be responsible for the investigations of deaths that occur within the jurisdiction of the City of Miami, excluding natural deaths in which the decedent is being attended by a physician who will sign a death certificate and deaths which were a result of a traffic accident. It also investigates cases, other than traffic related, where a police officer injures a civilian or a civilian injures a police officer and the injuries are severe and life threatening (stabbed, beaten, etc).

**1.3.1.** The Homicide Unit shall investigate all cases of police shootings where a police officer shoots a civilian, shoots at a civilian, a civilian shoots a police officer, or shoots at a police officer.

**1.3.2** The Homicide Unit shall investigate all cases of in-custody deaths.

**1.4 PROCEDURES:** Homicide Unit investigators will be notified by the first arriving unit on the scene or by Communications of all cases within their area of responsibility.

**1.4.1** The first arriving unit and/or the appropriate supervisor will take control of the incident scene until the arrival of a homicide investigator, who will then assume control.

**1.4.2** The first arriving unit will secure and preserve the crime scene and its contents, and attempt to locate witnesses and suspects.

## **Departmental Order 9**

### **Chapter 1**

**1.4.3** The Homicide Unit will notify other agencies that are required in the investigation, such as the Miami-Dade Medical Examiner, and the State Attorney, and the Florida Department of Law Enforcement. The Homicide Unit will also coordinate the efforts of all participating departmental units and other agencies.

**1.4.4** Notification of the next-of-kin of deceased, seriously injured, or seriously ill persons will be conducted in coordination with the lead homicide investigator or designee.

#### **1.5 COLD CASE DETAIL:**

**1.5.1** The Cold Case Detail reviews and investigates unsolved cases for new information or where the application of new technology may be useful in solving those cases. Additionally, the Cold Case Detail will follow up on cases previously handled by detectives no longer in the unit.



## SPECIAL VICTIMS UNIT

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures

**2.1 POLICY:** The Special Victims Unit will investigate all allegations of sexual battery, child abuse or neglect, lewd and lascivious battery or conduct against juveniles, pornography involving children, juvenile dependency, abuse of the elderly and all missing persons including juveniles and parental abductions. The Special Victims Unit will also manage all department efforts in compliance with statutes regarding sexual predators and sexual offenders residing within the City of Miami. **(CALEA 41.2.6 a)**

**2.2 ORGANIZATION:** The Special Victims Unit is a part of the Criminal Investigations Section. The unit consists of the Sexual Battery Detail, Missing Persons Detail, and the Department of Children and Families Detail. The unit is staffed 24 hours a day, seven days a week. Investigators can be reached by radio or by phone. **(CALEA 42.1.1)**

**2.3 RESPONSIBILITIES:** The Special Victims Unit reviews all sexual batteries, child abuse, missing persons, neglect cases, lewd and lascivious cases, child pornography, elderly abuse victim cases, currently aged 60 or older as defined in 825.101 (5) Fla. Stat., juvenile dependency, parental abductions and any cases that are referred to the unit by the Department of Children and Families. All sexual battery cases, all child abuse cases, all lewd and lascivious cases, and aggravated elderly abuse cases are assigned for investigation. The unit will manage any department efforts in compliance with statute regarding sexual predator/offender notifications and tracking.

**2.4 PROCEDURES:** Mandatory Notification of Sexual Battery/Child Abuse Investigators. Special Victims Unit Investigators will be notified of all sexual battery cases, child abuse, neglect cases, lewd and lascivious cases, all aggravated elderly abuse cases, all missing persons cases, and all parental abduction cases. Unit Investigators must be notified of any department contact or arrest of a designated sexual predator or sexual offender.

#### **2.4.1 Sexual Battery Cases:**

**2.4.1.1** The greatest degree of professionalism should be displayed in the handling of the victims of sexual batteries with every possible effort being expended to provide assistance and comfort without embarrassment to the victim. Persons alleging sexual battery will be treated as victims, regardless of lifestyle or victimization.

**2.4.1.2** The first arriving unit shall determine immediately if the victim is hurt and needs medical attention, and if necessary, arrange transportation to the hospital.

**2.4.1.3** Determine tactfully but briefly if a sexual battery or an attempt took place. Do not question the victim about the exact details of the assault itself. An investigator can do this more

expertly at an appropriate time and place. However, first responding officers must be aware of maintaining any potential physical evidence, which may be present on or about the victim.

**2.4.1.4** The first arriving unit shall notify a Special Victims Unit Investigators immediately.

**2.4.1.5** If the victim can be questioned, determine all that can be learned about the offender and how to apprehend same.

**2.4.1.6** Responding officers should preserve the scene of any physical evidence and attempt to locate witnesses.

**2.4.1.7 Prohibited:** The victim's name, address or any other identifying characteristics may **not** be published, printed, or broadcast, over any instrument of mass communications, including the police radio. Such information is privileged and confidential by law.

**2.4.1.8** The Special Victims Unit Investigators will make arrangements for the victim to be taken to the Rape Treatment Center and/or an appropriate children's facility, if necessary. The Special Victims Unit Investigators will also assist the uniform officer with completing the report. This will eliminate repetitious questioning.

**2.4.1.9** Crime Scene Investigators will be called to any crime scene, and/or to the medical receiving facility as appropriate.

#### **2.4.2 Child Abuse Cases: (CALEA 42.2.2 b)**

**2.4.2.1** The greatest degree of tact should be utilized in the handling of the victims of child abuse in order to both minimize trauma to the child and develop a sufficient legal case.

**2.4.2.2** The first arriving unit shall determine immediately if the victim is hurt and is in need of medical attention. If necessary, arrange transportation to the hospital.

**2.4.2.3** Determine tactfully if a child abuse situation exists, but keep in mind the age of the victim so as not to cause further trauma. The Special Victims Unit Investigators will question the victim more expertly at an appropriate time and place.

**2.4.2.4** The first arriving unit notify a Special Victims Unit Investigators immediately.

**2.4.2.5** The Special Victims Unit Investigators will be responsible for notification of and coordination with the Department of Children and Families (DCF) and the State Attorney's Office, if necessary.

**2.4.2.6** In all reports involving child abuse or neglect, the officer completing the incident report will note in the narrative that the DCF hotline was contacted and the name of the individual he spoke with from the hotline. This includes homicide, domestic violence in the presence of a child, sexual battery, lewd and lascivious acts, physical and mental abuse, and neglect cases.

#### **2.4.3 Elderly Abuse Cases:**

**2.4.3.1** The greatest degree of professionalism should be displayed in handling these victims.

**2.4.3.2** The first arriving unit shall determine immediately if the victim is hurt and is in need of medical attention. If necessary, arrange transportation to the hospital.

**2.4.3.3** Determine if an elderly abuse situation exists, but keep in mind the age of the victim. The Special Victims Unit Investigators will question the victim more expertly at an appropriate time and place.

**2.4.3.4** The first arriving unit shall notify a Special Victims Unit Investigators immediately.

**2.4.3.5** The Special Victims Unit Investigators will be responsible for notification of and coordination with DCF and the State Attorney's Office, if necessary. The investigators will also determine if the victim's residential facility is properly licensed, if appropriate.

**2.4.4 On-Scene Arrest Policy - Sexual Battery, Child Abuse, and Lewd and Lascivious Crimes:** It is the policy of the Miami Police Department to make on-scene arrests for felony offenses when probable cause exists and the suspected offender's whereabouts are known; however due to the sensitive nature of sexual battery, child abuse, and lewd and lascivious cases, patrol units will not make any arrest for these crimes without first consulting with a Special Victims Unit Investigators. All such arrested persons will be transported to the Special Victims Unit offices for interview by an investigator, unless prevented by the arrestee's physical condition.

**2.4.5 Missing Persons:** A person is considered a missing person if their whereabouts are unknown to the parents, custodian, caretaker, or a spouse. A relative or employer may be authorized to file a missing person's report in the absence of an immediate family member. As a general rule, the most common missing persons' cases involve children. **(CALEA 41.2.6 e)**

**2.4.5.1** An incident report will be made immediately for any missing person (adult or juvenile) who was last seen within the jurisdiction of the City of Miami. Upon receipt of a call by Communications a unit will be dispatched, and an incident report written. **(CALEA 41.2.6 a)**

**2.4.5.2** The incident report shall include the person's description, clothing description of what the person was last seen wearing, locations where the person may be, relatives, friends, co-workers who may have spoken to or seen the missing person and any medical conditions. In the case of juveniles, include the name of the school where they are enrolled. **(CALEA 41.2.5 a; 41.2.6 c)**

**2.4.5.3** The officer completing the report must do the following: **(CALEA 41.2.5 b, c)**

- a) Issue a BOLO with all pertinent information after checking the A-Form Management System, Premier One, and contacting the bridge for related calls in which the missing person may be involved in i.e., Arrest(s).
- b) Complete the entry/recovery form and send via fax to the C.I.S. 24 Hour Desk
- c) Contact the C.I.S. 24 Hour Desk to verify receipt of the entry/recovery form
- d) List the operator's PIN number on the incident report and entry/recovery form

The C.I.S. 24 Hour Desk operator will enter the information for the missing person into the FCIC/NCIC databases within 2 (two) hours to ensure prompt dissemination.

**2.4.5.4** Officers dispatched for a returned runaway/missing person shall complete a supplementary report for the recovery of the runaway/missing person. These types of reports shall not be handled via the telephone. The officer must verify that the runaway/missing person has returned. The officer will then notify the C.I.S. 24 Hour Desk to remove the runaway/missing person information from NCIC/FCIC by forwarding the entry/recovery form to the C.I.S. 24 Hour Desk and also calling to verify the receipt of the entry/recovery form. The C.I.S. 24 Hour Desk Operator's PIN must be listed on the recovery report. **(CALEA 41.2.5 c)**

**2.4.5.5** Investigation of parental abductions shall be the responsibility of the Missing Persons Detail. The Missing Persons Investigators shall verify who has legal custody of the child by examining any court orders.

**2.4.5.6 Endangerment Criteria:** An endangered child is a juvenile who is missing under circumstances indicating the juvenile's physical safety is in danger (e.g., parental abduction). An endangered adult is an individual who has irreversible deterioration of intellectual facilities (e.g., dementia, Alzheimer's). **(CALEA 41.2.5 g, 41.2.6 a,e)**

A Missing Persons Investigators shall respond to the scene under the following conditions:

- a) When foul play is suspected.
- b) The missing child is 17 years old or less and there is no evidence that the child is a runaway.
- c) The missing person is physically or mentally challenged.
- d) Parental abductions.
- e) The missing child is 12 years old or less and the initial search of his home or last known location has failed to locate the child.

**2.4.5.7** An Amber Alert will be initiated for missing children under 18 years of age or less when law enforcement has reason to believe that the missing child is endangered. **(CALEA 41.2.5 d)**

A Silver Alert will be initiated for missing adults 60 years old or older when there is an indication the individual has irreversible deterioration of mental facilities (e.g., dementia, Alzheimer's) and the investigator concludes that the disappearance poses a threat the person's well being. If a person is age 18 to 59 years of age and there are indications the individual has irreversible deterioration of mental facilities and lacks the capacity to consent, a Silver Alert may be issued.

The criteria for a Purple Alert will be as follows: **(CALEA 41.2.6 d)**

- The person is 18 years of age or older and does not qualify for a state level Silver Alert.
- The investigation determined the missing person:
  - Has any combination of the following: an intellectual or developmental disability, brain injury; or another physical, mental, or emotional disability that is not related to substance abuse -and-
  - Does not have Alzheimer's disease or a dementia related disorder.
- The law enforcement agency's investigation concluded that the disappearance poses a credible threat of immediate danger or serious bodily harm to the missing person, and they can only be returned to safety through law enforcement intervention.
- There is a detailed description of the missing person suitable for distribution.
- The agency entered the missing person into the Florida Crime Information Center (FCIC).
- The law enforcement agency of jurisdiction recommends activation.

Only Special Victims Unit personnel are permitted to contact the Florida Department of Law Enforcement (FDLE) to initiate Amber Alerts, Silver Alerts, and/or Purple Alerts. **(CALEA 41.2.5 d).**

**2.4.5.8** When responding to a missing child 12 years old or younger, patrol officers shall do the following: **(CALEA 41.2.6 c)**

- a) Notify supervisor immediately. **(CALEA 41.2.6 b).**
- b) Obtain the child's name, sex, date of birth, height, weight, eye color, hair color, clothing description, medical or mental problems and list of any medications taken to include dosage and when taken.
- c) List the location and times where the child was last seen,
- d) List locations where the child is known to frequent,
- e) Obtain preliminary information from parents, relatives, friends or witnesses.
- f) Obtain a current photograph of the child if possible.
- g) Preserve the scene from contamination.
- h) Issue a BOLO for the child.

Patrol supervisors shall do the following: **(CALEA 41.2.6 b)**

- a) Ensure a grid search is conducted if necessary **and the home/location is thoroughly searched first if applicable.**
- b) Ensure officers participating in the grid search document names and addresses of persons interviewed and any suspicious circumstances.
- c) Remain on the scene until the arrival of the Missing Persons Investigator.
- d) As outlined within the F.S. 937.021, a report that a child or adult is missing must be accepted by and filed with the law enforcement agency having jurisdiction in the county or municipality in which the child or adult was last seen. However, the subsection does not preclude a law enforcement agency from accepting a missing child or missing adult report when agency of jurisdiction cannot be determined. Refer to F.S. 937.0201 for definitions of a missing child, missing adult, and missing endangered person report.
- e) Upon filing of a credible police report that an adult or child is missing, the law enforcement agency receiving the report shall, within 2 hours after receipt, transmit the report for inclusion within FCIC/NCIC using appropriate missing person category. The FCIC/NCIC categorizes missing person entries by message key. These remain Disability (MKE/EMD), Endangered (MKE/EME), Involuntary (MKE/EMI), Juvenile (MKE/EMJ), Catastrophe Victim (MKE/EMV) and Other (MKE/EMO).

**2.4.5.9 The Miami Bridge:** The Miami Bridge is a crisis intervention center that provides emergency shelter, truancy intervention and counseling services to youth. The center is located at 2810 N.W. South River Drive Miami, Florida 33125. Juveniles placed at the Miami Bridge are the responsibility of the Miami Bridge, therefore counselors at the Miami Bridge must report missing juveniles immediately. The following guidelines shall be adhered to when reporting a missing juvenile from the Miami Bridge: **(CALEA 41.2.6 e).**

- a) If the juvenile is older than 12 years old and not mentally incapacitated or the subject of foul play the counselor will contact the South District Station front desk by telephone to complete an incident report. The front desk officer will then complete the incident report and follow established procedures for reporting a missing person.
- b) If the juvenile is 12 years old or younger, a patrol unit will be dispatched to the Miami Bridge to complete the missing person's report. The patrol unit will contact a Missing Person's Detective to respond.

**2.4.5.10 Recovery of a Miami Bridge Runaway:** When a juvenile returns to the Miami Bridge the counselor will notify Communications and a patrol officer will be dispatched to recover the runaway.

**2.4.5.11** A dependent child is a juvenile who is abandoned, abused or neglected by parents or custodians, is a habitual runaway, subject to compulsory school attendance and habitually truant from school and ungovernable by parents or legal guardians.

**2.4.5.11.1 Dependency Situations and Pick Up Orders:** Dependency situations are non-criminal acts that involve juveniles under 18 years old and in need of services or assistance. These situations fall into the following categories:

- a) Lost
- b) Runaway (local and out of town) Runaways are juveniles absent from home without permission
- c) Neglected or abused
- d) Ungovernable
- e) Any dependent child not under arrest for a criminal offense and in need of supervision

The Juvenile Assessment Center (JAC) will not accept juveniles or adults with pick up orders for dependency only, unless the pick-up order specifically orders or states "REMAND TO SECURE DETENTION".

Juveniles with criminal charges for which an arrest was initiated and in addition have an outstanding pick up order will be taken to the JAC and processed.

Contact the Florida Department of Children and Families at (305) 377-5772 or (305) 377-5773 for instructions and location of a facility to transport the child. Complete a general information report applicable to the situation.

**2.4.5.12 Recovery of Runaways:** Upon discovering a child is a runaway the child may be taken into custody and delivered without delay to the parent or legal guardian. If unable to contact the parent or legal guardian, the Special Victims Unit shall be notified.

**2.4.5.13 Department of Children and Families (DCF) Detail:** The DCF Detail within the Special Victims Unit will investigate all allegations of child abuse/neglect and elderly abuse/neglect that occur within the City of Miami.

## **2.4.6 Internet Crimes Against Children (I.C.A.C.):**

**2.4.6.1** The ICAC Detail works in conjunction with the South Florida ICAC Taskforce to collectively investigate "tips" assigned by The National Center for Missing and Exploited Children (NCMEC). The ICAC Investigators will also investigate sexual battery cases involving allegations of the production, possession and/or dissemination of child pornography.

## CRIMINAL INVESTIGATION PROCEDURES

### Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** The Miami Police Department (MPD) recognizes a need to establish written directives to be followed by its members in conducting investigations.

**3.2 ORGANIZATION:** The Investigations Division shall be under the general administration and direction of the Criminal Investigations Division Assistant Chief. The Assistant Chief of Investigations is appointed by and directly responsible to the Chief of Police for the efficient conduct and operation of the Criminal Investigations Division.

**3.3 RESPONSIBILITIES:** Criminal Investigations procedures are to set forth as guidelines to ensure uniformity in the manner members of the Police Department conduct preliminary and follow-up investigations.

**3.4 PROCEDURES FOR INVESTIGATING CRIMES:** In conducting criminal investigations, the following guidelines shall be adhered to.

**3.4.1** Investigators will review all reports, to include preliminary police offense reports, laboratory reports, memorandums, reports of investigations (RF 301), and any other written documents prepared in the preliminary phase of an investigation.

**3.4.1.1** All reports, memorandums, and other written documents generated by members of the Investigations Division will be reviewed and approved by the appropriate supervisor or designee and then submitted to the Unit Commander. No report, memo or other written document shall be forwarded without the Unit Commander's approval.

**3.4.2 INVESTIGATORS ARE RESPONSIBLE FOR, BUT NOT LIMITED TO, THE FOLLOWING PRELIMINARY INVESTIGATIVE STEPS:**

1. Responding to and taking control of crime scenes when required and coordinating all aspects of the criminal investigation by observing and recording all conditions, events, and remarks.
2. Coordinating the creation of inner and outer perimeters for the maintenance and protection of the crime scene while arranging for the collection of all evidence.
3. Locating and identifying witnesses.
4. Interviewing the complainant, witnesses and suspects.

5. Conducting area canvass.
6. Releasing BOLO information via police radio.
7. Affecting the arrest of the suspect.
8. Reporting the incident fully and accurately.

**3.4.3 FOLLOW-UP INVESTIGATION STEPS:**

1. Reviewing and analyzing all preliminary reports.
2. Planning, organizing, and conducting additional searches, and collecting physical evidence.
3. Determine the true identity and any alias used by suspects.
4. Conduct criminal history and warrant checks on suspects.
5. Seek additional information from uniformed officers and informants.
6. Determine the involvement of suspects in other crimes through similar M.O. used.
7. Refer to departmental records; CAD/CARE systems, Pawn Shop receipts, Field Interview cards (FIVO) for possible information.
8. Prepare photo line-ups and/or video line-ups for the identification of suspects.
9. Take sworn statements using audio and/or video recording devices and/or a stenographer.
10. Conduct additional interviews and/or interrogations of persons associated with the case.
11. Have victim and witnesses view photos of past offenders.
12. Submit all evidence to the crime laboratory for examination in a timely manner.
13. Review the results from laboratory examinations.
14. Establish probable cause to secure arrest and search warrants through the State Attorney's Office.
15. Identify and apprehend suspects.
16. Prepare cases and case files for court presentation.
17. Investigators will maintain a complete and detailed notebook of daily activities in chronological order. Adequate notes are considered a prerequisite to the future completion of reports.
18. Prepare all necessary reports associated with their investigations to include reports of investigation (RF 301), laboratory reports, supplementary reports, etc.



19. Supervisors shall assist subordinates in the preparation of their court cases in order to ensure a successful prosecution. When in doubt as to legal procedures, Police legal advisors and/or an Assistant State Attorney will be consulted. When the need for legal advice arises after normal working hours, an on-call Assistant State Attorney will be contacted.

#### **3.4.4 CRITERIA FOR INVESTIGATING AND ASSIGNMENT OF CASES:**

To maximize efficiency, a selective case assignment procedure shall be utilized that will permit investigative man-hours to be devoted to those cases where solvability factors are high. Departmental investigative entity supervisors will review all cases falling within their purview to determine how, and if, a case is assigned for investigation.

**3.4.4.1 CASE SCREENING:** Case screening shall be employed to apply available manpower to those investigations, which have the best chance of being successful. Case screening shall be based on solvability factors, specific criteria for continuing the investigative process, and current departmental policy. Solvability factors are workable leads and shall include, but are not limited to:

- a. An identifiable suspect
- b. Witnesses to the crime
- c. Aliases or street names known
- d. Vehicle or Tag information known
- e. Physical evidence obtained
- f. Seriousness of the crime
- g. Injury to victim
- h. Description of the suspect's vehicle

**3.4.5 CASE ASSIGNMENT CATEGORIES:** Incidents recorded on an Offense/Incident Report by MPD personnel shall be assigned one of three investigative categories:

1. **No Further Investigation (NFI):** Informs the investigator of the crime in order to compare case facts, relative similarities, and trends; however, there appears to be no chance of subject apprehension, which would suspend the investigative efforts.
2. **Reviewed Not Assigned (RNA):** Cases that lack solvability factors. Investigators shall contact the victim within 72-hours of receipt to verify original report and make additional inquiries to determine if a workable lead exists. If the detective or supervisor develops a workable lead from a legitimate source, the case will be upgraded to "Assigned" status.
3. **Assigned:** Investigator must contact the victims and verify the incident report facts within 72-hours of receipt of the original report. This contact and any additional information shall be documented by the investigator on a supplementary report that will be submitted within 30 working days to the investigator's supervisor for approval. Additional supplementary reports shall be submitted for supervisory review, if warranted, to justify continuation of the investigation.

**3.4.5.1** Assigned cases shall be cleared under one of the following categories:

- a. **Cleared by Arrest (CBA)**

- b. **Exceptionally Cleared Arrest (ECA)** *(An offense may be cleared ECA if the following questions may be answered by a "Yes." 1) Has the investigation definitely established the identity of the offender; 2) Is there enough information to support an arrest, charge and prosecution; 3) Do you know the exact location of the offender so that you could take him into custody now, 4) Is there some reason beyond law enforcement control that stops you from arresting, charging and prosecuting the offender? Cases may be cleared ECA if the incident occurred outside M.P.D.'s jurisdiction. The investigator working the case will ensure that the proper jurisdiction is notified of this incident. Also, a case may be cleared ECA if the incident is investigated by another police agency.)*
- c. **Cleared by Direct Arrest or Juvenile Apprehension (DAR)**
- d. **Unfounded (UNF)** *(Investigation reveals that offense did not occur)*
- e. **Warrant Issued (WISS)** The offender was not physically arrested but a warrant was obtained for their arrest.

**3.4.5.2** Investigations which do not conclude with a clearance will be categorized as NFI (No Further Information). The investigator will explain the reasons in the narrative portion of the supplementary report.

**3.4.6 CASE STATUS CONTROL SYSTEM:** With the exception of active investigations, reports are official public records of the Department and are prepared to ensure that the investigation is available to departmental elements, other entities in the criminal justice system, and the public.

**3.4.6.1** Supervisors shall provide direction and guidance to subordinates during an assigned investigation by reviewing and approving reports. To ensure a timely and complete investigation, supervisors shall maintain a record of the following, which will function as a case status control system:

- Case number
- Date of incident
- Investigator(s) assigned
- Victim's information
- Incident location
- Suspect information
- Status: Assigned, RNA, NFI etc.
- Date that a follow-up report is due

**3.4.7 ASSIGNED CASE CHECKLIST:** An Assigned Case Checklist shall be completed and kept in the case file by all investigators to ensure uniformity in the investigations. At the minimum, each checklist should have the following:

- a. Interview Victim
- b. Unable to contact victim-contact letter sent/notice left at home or business
- c. Interview person reporting if different from victim
- d. Interview witnesses and uniformed officer(s) involved
- e. View scene
- f. Process crime scene
- g. Area canvass (by uniformed officer/detective)

- h. Victim's Rights Brochure given
- i. Computer checks on subject/suspect
- j. Interview subject/suspect
- k. Computer check on victim/witnesses
- l. Contact SAO when applicable
- m. Complete Investigative Report (301)
- n. Impounded Property/Evidence
- o. Consent search/search warrant

(For further details, see SOP for each unit)

**3.4.8 MAINTENANCE OF CASE FILES:** Investigative units conducting active investigations will maintain current documentation of activities for each case. A case file shall contain copies of the following:

- a. Initial and supplemental reports whether prepared by uniformed officers or investigators
- b. Statements and interviews
- c. Photographs and crime scene sketches
- d. Results of tests pertaining to physical evidence
- e. Any other reports or records needed for investigative purposes

**3.4.8.1** Case files shall be maintained by the lead investigator, and be periodically reviewed as necessary by the investigator's supervisor. Case files shall be accessible to other investigators and supervisors. Files involving active investigations are not accessible to the public.

**3.4.8.2** Investigative files, which are not merged with the original file, will be purged in accordance with established records retention schedules for law enforcement agencies.

**3.4.8.3** Records and reports relating to sexual battery and active homicide, vice, drug, and organized crime investigations shall be securely filed and maintained separately from the central records system. In addition, juvenile criminal records will be filed and maintained separately from adult records.

**3.4.8.4** Any investigations considered sensitive or high profile will be kept in a locked file cabinet/desk drawer until the completion of the investigation.

**3.4.9 CRIMINAL INFORMATION DEVELOPMENT:** The original report of incident constitutes the preliminary investigation and is the basic source of information received by the investigator. In order to conduct a thorough investigation other sources shall be utilized to develop investigative information, which will aid the investigator in discovering valuable criminal intelligence, such as modus operandi or emerging crime patterns. The following is a list of information sources that shall be utilized when appropriate:

1. Crime Analysis personnel and the reports they prepare.
2. Field interview cards.
3. Additional area canvass/public interviews.
4. Criminal Intelligence Bulletins.
5. Crime Stoppers.

6. Pawn Shops and the reports they generate.
7. Seminars and meetings with other agencies.
8. Uniform police officers.
9. Media outlets.
10. Confidential informants.
11. The Robbery and Sexual Crimes Clearinghouse.

**3.4.10 INTERVIEWS AND INTERROGATIONS:**

1. When obtaining statements investigators shall observe constitutional Miranda requirements to defend against inadmissibility in legal proceedings. In every instance where constitutional warnings are applicable, full warnings shall be read from a prepared text and, if practical, signed by the suspect.
2. If circumstances necessitate that Miranda warnings be given verbally, the investigator shall note time, date, and location where the warnings were given and record this information in the appropriate case report.
3. When the suspect has invoked their right to have counsel present during interrogation, questioning must be terminated until counsel has been made available or until the suspect initiates further communication.
4. Interviews and interrogations shall, if practical, be conducted in a room allocated for these functions.
5. When confessions are recorded:
  - a. An introduction shall be given by the investigator stating date, time, location, and case number.
  - b. Inform the subject or witness that the statement is being recorded.
  - c. Swear in the subject.
  - d. The investigator shall read constitutional Miranda warnings or acknowledge on the record that Miranda was read to the subject.
  - e. Subject shall be asked to identify them self, stating name, residence, telephone number and date of birth.
6. Witness statements may be recorded and shall contain the above basic information excluding the reading or acknowledgment of constitutional warnings.

**3.4.11 COLLECTION, PRESERVATION, AND USE OF PHYSICAL EVIDENCE:** All evidence collected shall be obtained in a constitutionally correct manner. Search warrants shall be sought and executed as prescribed by legal requirements. The investigator shall arrange for

the collection of all evidence by the Crime Scene Investigations (CSI) Unit. All collected evidence shall be described and identified on a property receipt form with chain of custody documented.

**3.4.12 EXECUTION OF BACKGROUND INVESTIGATIONS:** Preliminary background inquiries and criminal background investigations are conducted for the purpose of preventing, detecting, or prosecuting violations of law. Investigators frequently conduct criminal and background investigations that relate to white collar crime, organized criminal activity, and vice-related offenses. If, on the basis of information discovered during a preliminary inquiry, an investigation is warranted, it may be conducted as a criminal investigation, or criminal intelligence investigation, or both. All such investigations, however, shall be based on a reasonable factual predicate and shall have a valid law enforcement purpose.

**3.4.12.1 PROCEDURES:** An investigation may be initiated when facts or circumstances reasonably indicate that a crime has been, is being, or will be committed. The investigation may be conducted to prevent, solve, and prosecute such criminal activity. The following procedures shall be adhered to:

- a. Initial inquiry determines whether criminal activity is involved and, if evident, the extent of such activity.
- b. A preliminary inquiry shall be terminated when it becomes apparent that a full investigation is not warranted.
- c. Criminal investigations and criminal intelligence investigations shall be terminated when all logical leads have been exhausted and no legitimate law enforcement interest justifies their continuance.
- d. A member shall not participate in an unassigned investigation, regardless of the source, which is not in the member's normal course of duties without prior approval of a supervisor in his/her chain-of-command.

**3.4.12.2 SOURCES OF INFORMATION FOR INVESTIGATIONS:**

- Police reports, warrants, summons and citations
- National Crime Information Center (NCIC)/Florida Crime Information Center (FCIC)
- Federal agencies such as the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and Department of Treasury
- State agencies such as the Florida Department of Law Enforcement (FDLE), State Comptroller, Attorney General, and the Secretary of State's office
- Local law enforcement agencies
- Private organizations such as the National Insurance Crime Bureau (NICB), credit card and banking establishments, insurance companies, state and local licensing bureaus
- Miami-Dade County booking photographs and vice reports from MDPD Headquarters

- Criminal History and Driver License files
- Public utilities
- Public records
- Crime Analysis Systems
- The Robbery Clearinghouse
- The Sexual Crimes Clearinghouse

**3.4.13 SURVEILLANCE:** Surveillance can be defined as the secretive, continuous, and sometimes periodic watching of persons, vehicles and places or objects to obtain information concerning the activities and identities of individuals. Investigations generally involve some form of surveillance and often culminate in a search or arrest warrant. The extent of the planning for surveillance will be determined by the type and complexity of the operation. The procedures set forth below shall be followed when conducting surveillance.

1. Each operation will require adequate planning to ensure successful results.
2. Complex or long-term surveillance requires the approval of the appropriate investigative unit commander. If an investigation has reached a point at which electronic surveillance becomes necessary, the State Attorney's Office shall be contacted for the appropriate court order.
3. Investigators shall not violate the right to privacy, or any other constitutional rights, of any individual while conducting a surveillance.
4. Prior to the surveillance, all officers participating in the operation shall be thoroughly briefed concerning the location, person, or object of the operation.
  - a. Photographs and background data of the suspects shall be provided as well as vehicle descriptions and method of operation of the suspects.
  - b. If possible, day and night photographs of the suspect location should be obtained in advance.
  - c. Diagrams and street maps, available from Communications Bridge and Support Services Unit, shall be used to familiarize all surveillance team members with the area.
  - d. The objective of the surveillance and the plans for reaching that objective shall be discussed and understood by the surveillance team.
  - e. If an undercover officer is going to be present at the surveillance location, surveillance team members shall know his/her identity and instructed as to how he/she will behave during the surveillance.
  - f. If an informant is going to be present at the surveillance, all surveillance team members shall know his/her identity.

**3.4.14 INVESTIGATORS ATTENDING ROLL CALLS:** Investigative personnel from Criminal Investigations Division shall regularly attend Patrol shift roll calls to exchange information and to brief patrol officers on current crime trends and specific offender information. Unit Commanders will ensure that an investigator attends shift roll calls on a monthly basis.

**3.4.15 INVESTIGATIVE TASK FORCE:** An Investigative Task Force may be established when normal resources are unable to properly address a law enforcement problem. The decision to establish an investigative task force must be approved by the Chief of Police or designee. Once the decision to form a task force has been made, a task force commander will be appointed. The task force commander will be of the rank of lieutenant or higher, depending on the scope of the investigation, and will be responsible for establishing accountability for all facets of the operation, including identifying available resources. The task force commander will also be responsible for briefing the Chief of Police or designee on the progress of the investigative effort and the need to continue the effort. An after-action report detailing expenditures, man-hours used, and arrests made as a result of the operation will be completed and forwarded to the Chief of Police or designee.

**3.4.16 POLYGRAPH EXAMINATIONS:** The sensitive nature and restricted use of information obtained during a polygraph examination require that investigative personnel exercise caution when considering authorization of a polygraph examination. The point in an investigation at which a polygraph examination can or should be used will depend upon the individual circumstances of each case. A polygraph examination is not, and shall not, be used as a substitute for a thorough investigation.

A polygraph examination may be used during any investigation to supplement other investigative procedures. Complainants, victims, and suspects may be offered the opportunity to take a polygraph examination to verify the fact that a crime was committed or to verify information. The examination may also be used to verify information developed during a background investigation, or with supervisory approval, when requested by other governmental agencies.

Only departmental polygraph examiners may use departmental polygraph instruments and other detection-of-deception devices in any matter concerning the Miami Police Department. The polygraph examiners shall follow their SOP's on the use of the instruments.

**3.4.17 ON CALL PROCEDURES:** Criminal Investigations Units and Details that by function do not provide 24-hour coverage, must maintain an on-call schedule of investigators. Examples are: Auto Theft, Fraud & Forgery, Bomb Squad, Pawn Shop Detail, etc.

Commanding Officers will have the responsibility of deciding when to notify an off-duty on-call investigator through the Communications Section.

**DOMESTIC VIOLENCE UNIT**

Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures
- 4.5 Warrantless Arrests
- 4.6 Warrantless Arrests Pursuant to Domestic or Repeat Violence Injunctions
- 4.7 Injunction – Domestic Violence
- 4.8 Injunction – Repeat Violence
- 4.9 Serving Injunctions
- 4.10 No-Arrest Cases
- 4.11 Domestic Violence incidents/injunctions by departmental employees, or other agency's personnel
- 4.12 Domestic Violence and Dating Violence Incidents Involving Diplomatic and Consular Officials
- 4.13 The Mobile Operation Victim Emergency Services (M.O.V.E.S)
- 4.14 Foreign Protection Orders

**4.1 POLICY:** It is the policy of the Miami Police Department to respond to and investigate cases of domestic violence, dating violence and City of Miami employee workplace violence with an emphasis on victim safety and wellbeing. When probable cause exists, an arrest will be made.

**4.2 ORGANIZATION:** The Domestic Violence Unit is a part of the Criminal Investigations Section. The unit is staffed seven (7) days a week with investigators available from 0700 to 2300 hours. A Homicide Unit Investigator shall be contacted between the hours of 2300 and 0700 hours for all domestic and dating violence incidents. An on-call investigator is available for incidents of aggravated stalking, non sworn workplace violence incidents, police involved domestic or dating violence incidents, incidents involving serious bodily injuries and incidents involving diplomatic and consular officials.

It is the function of every sworn member of the Miami Police Department to enforce all laws pertaining to domestic violence, dating violence and City of Miami employee workplace violence. The Internal Affairs Section will investigate all workplace violence incidents involving sworn personnel. The Domestic Violence Unit will investigate all other City of Miami employee workplace violence incidents.

**4.3 RESPONSIBILITIES:** It is the responsibility of the responding unit to make an initial assessment of the situation, to make the proper notifications and to determine if an arrest can be made based on probable cause.

**DEFINITIONS:**

**4.3.1 Domestic Violence:** Domestic Violence is defined in FSS 741.28(2) as amended, to mean any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in



physical injury or death of one family or household member by another family or household member.

**4.3.2 Family or Household Member:** Spouse, former spouse, persons related by blood or marriage, persons who are presently residing together as if a family, or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

**4.3.3 Dwelling Unit:** A residential structure used as a home or residence; e.g., a single family home or each condominium or apartment within a complex.

If circumstances occur that a family or household member is living in a vehicle, vessel or self made homeless shelter, this also will be considered a dwelling unit.

**4.3.4 Dating Violence:** Dating Violence is defined in FSS 784.046(1) (d) as amended to mean violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

**4.3.5 Workplace Violence:** All incidents of reported workplace violence involving department employees must be documented in an incident report and forwarded to the Domestic Violence Unit. Most cases involve some type of direct threat, and include crimes such as assault (threats of violence), battery, harassment, and sabotage. The Domestic Violence Unit shall be notified of, and will investigate all incidents of workplace violence involving non sworn departmental employees. The Internal Affairs Section shall be notified of, and will investigate all incidents of workplace violence involving sworn members. Employee Workplace Violence involving other City departments shall be handled in compliance with Administrative Policy Manual (APM) 1-99..

**4.4 PROCEDURES:** Upon arriving at a domestic violence, dating violence or non sworn workplace violence disturbance, responding officers shall make an initial assessment of the situation to ascertain the following: presence of actual or potential weapons, the need for additional units, presence of injury, and the need for first aid and medical assistance. Responding officers shall separate, and interview all parties individually to determine the type offense committed and identify the aggressor.

**4.4.1** Upon arrival at the scene of a domestic or dating violence disturbance and the responding officer determines after an on scene investigation that the incident does not meet the domestic violence or dating violence criteria, the officer shall contact the patrol sergeant with the information as to why the incident does not meet the domestic violence or dating violence criteria. The sergeant shall authorize the signal change from a signal 55 after confirming the officer is certifying that no violence or threat of violence occurred.

**4.4.2** A Victim Rights brochure and a Domestic Violence Legal Rights and Remedies brochure shall be provided to all victims. These brochures advise victims of rights, legal remedies, availability of police and community assistance and informs them to contact the State Attorney's Office Domestic Violence Intake Unit, (305-547-0150), for assistance with filing charges, or other related actions. In domestic violence, dating violence and workplace violence cases the responding officer shall assist the victim by making appropriate referrals to social service agencies.

A notation that the victim received a Victim's Rights and Domestic Violence Legal Rights and Remedies brochure must be included in the incident report.

**4.4.3 REPORTS:** An incident report shall be completed on all allegations of domestic violence, dating violence, workplace violence or the threat of a violent crime regardless of whether an arrest is made or not. Such report shall indicate if the alleged offense was an act of domestic violence, dating violence, or workplace violence; a description of all physical injuries observed, if any; the reason no arrest was made; and shall indicate that a copy of the Domestic Violence Legal Rights and Remedies brochure was given to the victim. Whenever possible, the officer shall obtain a written statement from the victim and witnesses concerning the alleged violence, signed by said victim or witness on the Domestic Violence Risk Screen Report.

**4.4.4** Incident reports involving domestic violence or dating violence must have the "DV" box marked on the report, in the left margin next to the victim's information. In addition, if an arrest is made, the "DV" box must be marked on the arrest form in the area provided on the charge line.

**4.4.5** The reporting officer must contact a domestic violence investigator, prior to leaving the scene and relate the facts of the incident. The unit number and IBM number of the investigator will be noted on all domestic violence reports.

**4.4.6** In the event a domestic violence investigator is unavailable, a homicide investigator will be contacted.

**4.4.7** In all incidents of domestic violence, dating violence or non sworn workplace violence, the Crime Scene Investigations Unit shall be requested to document the crime scene to include injuries to the victim.

**4.4.8** Miami-Dade Code Section 11A-67 requires the Office of the Clerk of Courts to forward a copy of the final conviction of a domestic violence-related crime to the offender's "employer of record." Since the basic source for this information is the arrest affidavit It is imperative that this information be included in the arrest affidavit.

**4.4.9 DETERMINATION OF PRIMARY AGGRESSOR - REFRAIN FROM MAKING DUAL ARRESTS:** If an officer receives a complaint of domestic or dating violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who the primary aggressor was. If the investigation determines one person was the primary aggressor, the officer should not arrest the other person involved in the domestic, dating or family violence. The extent of the injuries will be articulated in the Domestic Violence Risk Screen Report. In determining whether a person is the primary aggressor, the officer shall consider the following:

**4.4.10** Prior complaints of domestic or dating violence.

**4.4.11** The relative severity of the injuries inflicted on each person.

**4.4.12** The likelihood of future injuries to each person.

**4.4.13** The claim of self-defense.

Officers are discouraged from making any comments, which would indicate the possibility of arrest to both parties. Intervention by the Criminal Justice System is generally the best course of action in dealing with domestic violence incidents. The Criminal Justice System is structured to prosecute one primary offender in violent crimes cases. Dual arrests make for poor prosecution and should not occur without consulting with a Domestic Violence Investigator or State Attorney.

**4.5 WARRANTLESS ARREST:** When an officer investigates an allegation that an incident of domestic violence, dating violence or non sworn workplace violence and/or a violation of either a Domestic or Repeat Violence injunction has occurred, the officer shall handle the incident pursuant to the arrest policy provided in **FSS 901** which allows an officer to effect misdemeanor arrests without a warrant. All arrests (misdemeanor/felony) will be made in good faith and without regard to the relationship between the alleged offender and victim or to the wishes of the victim in reference to the arrest of the offender. All domestic, dating, and/or family violence will be investigated as a crime.

**4.5.1** When there is probable cause to believe that a person has knowingly committed an act of domestic violence, dating violence, workplace violence and/or a violation of either a Domestic or Repeat Violence Injunction, an arrest without a warrant is lawful. An arrest shall be made over the objection of the petitioner, if necessary.

**4.6 Warrantless Arrests Pursuant to Domestic or Repeat Violence Injunctions:** Before making an arrest for violation of an injunction, the officer must first determine if the injunction exists, and if it does, whether the respondent has been served with notice of its existence. This can be verified if the victim is in possession of a certified copy of the injunction showing a judge's signature and a notation indicating service on the respondent. When there is doubt concerning service of the injunction, the officer will contact the Miami-Dade Warrants Bureau for verification.

If verification cannot be made, no arrest pursuant to an injunction violation can be made, but the officer will take steps to ensure the safety of the victim. An arrest can be made for any other (new) violation of law or a new act of violent crimes.

**4.7 Injunction - Domestic Violence Injunction:** Domestic Violence Injunctions are available for family or household members who are victims of any act of violent crimes, or have reasonable cause to believe they are about to become victims of an act of domestic violence. Persons involved in the above situations can obtain a Domestic Violence Injunction by completing the required paperwork, including a petition for injunction and a financial affidavit at one of the following locations:

Courthouse Center  
175 NW 1<sup>st</sup> Avenue

North Dade Justice Center  
15555 Biscayne Boulevard

South Dade Government Center  
10710 S.W. 211 Street

If a victim does not have the financial ability to pay the filing and service fees, the fees may be waived by the Clerk's office to facilitate processing of the injunction without delay. Once the petition is filed, a hearing date will be scheduled within 30 days.

**4.7.1** If there is probable cause to believe a Domestic Violence Injunction has been violated, an arrest should be made pursuant to Florida Statutes. Additionally, an arrest should be made whenever a Domestic Violence Injunction specifies that the respondent vacate the dwelling unit the parties share, and refuses to do so. If a respondent refuses to leave, or returns after initially leaving, the respondent shall be arrested. When officers do not make an arrest, (offender fled scene) the reasons will be detailed in an Incident Report, and the victim advised of how to obtain a copy of the report in the event charges are to be filed at the State Attorney's Office.

**4.8 Repeat Violence Injunction:** Repeat Violence Injunction refers to a certain type of injunction available to victims of violence who do not fit the criteria for obtaining a domestic violence injunction as in boyfriend-girlfriend situations where residence or common child criteria do not exist. Any person who is the victim of repeat violence can obtain this injunction. The procedures for securing an injunction for Protection Against Repeat Violence are identical to those for a Domestic Violence Injunction. Departmental personnel will enforce the injunction to the same extent as a Domestic Violence Injunction.

**4.8.1** When there is probable cause to believe that a Repeat Violence Injunction has been violated, an arrest can be made for aggravated stalking, a third degree felony. Failure to leave premises is not an arrestable offense in the case of repeat violence injunctions unless a specific condition of the injunction is that no contact can occur.

**4.8.2 Repeat Violence:** One incident of stalking and/or two incidents of violence (assault, battery, or sexual battery), directed against the petitioner or a member of the petitioner's family, one of which must have been committed by the respondent within six months of the filing of the petition for a Repeat Violence Injunction.

**4.9 SERVING INJUNCTIONS:** Once a judge enters an injunction, the Clerk of the Court forwards a copy to the Miami-Dade Civil Process Bureau for routine service. Per the Chief Judge in Miami-Dade County, municipal police officers can serve Repeat Violence/Domestic Violence Injunctions. After service is accomplished by one of our officers, a copy of the law enforcement service sheet (indicating service was obtained) will be faxed to the Miami-Dade Warrants Bureau within 24 hours.

**4.10 NO-ARREST CASES:** Extenuating circumstances may justify not making an arrest for violation of an injunction. In situations where an arrest is not made, the reasons for no arrest shall be thoroughly documented in the Incident Report. An injunction is a court order, therefore, a Domestic Violence Investigator, or Domestic Violence State Attorney, must authorize any non-arrest of an injunction violator. The decision to arrest and charge shall not require consent of the victim or consideration of the relationship of the parties.

**4.11 Domestic Violence incidents/injunctions by Departmental Employees or other agency's personnel.**

**4.11.1** Domestic Violence by Departmental employees: The Miami Police Department adheres to a zero-tolerance policy of domestic violence by departmental employees and will not tolerate violations of domestic violence laws. All allegations of domestic violence by departmental employees shall be thoroughly investigated.

**4.11.2** Departmental employees who become subject of an injunction, issued by any court shall report to Internal Affairs and provide a copy of the injunction within twenty-four (24) hours of service of the injunction. Additionally, the Internal Affairs Section will notify the employee of additional constraints and requirements to be followed.

**4.11.3** Domestic violence by other agency personnel: Incidents of domestic violence by other agency personnel shall be investigated in the same manner as all other domestic incident related incidents.

**4.11.4** In all cases involving personnel from other agencies (local, state, federal), the responding officer shall summon his immediate supervisor and a Domestic Violence investigator to the scene.

**4.11.5** The supervisor shall notify the appropriate agency of the personnel involved as soon as possible.

**4.12 DOMESTIC VIOLENCE AND DATING VIOLENCE INCIDENTS INVOLVING DIPLOMATIC AND CONSULAR OFFICIALS:** Under prevailing international law and agreement, most foreign diplomatic and consular personnel are not liable for arrest or detention pending trial except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by a competent judicial authority (or warrant). Any incident where Miami police officers respond to a domestic violence or dating violence incident involving persons who have (or claim to have) diplomatic immunity will also require a supervisor and a Domestic Violence investigator to be called to the scene immediately. Using as much tact and diplomacy as the incident requires, a decision must be made that makes safety of the victim the primary concern. Leaving a family member or spouse at the scene may not be acceptable. Although an arrest **will not** be made the incident should be fully investigated and promptly reported to the Department of State.

**4.13 The Mobile Operation Victim Emergency Services (M.O.V.E.S) Program:** The Miami-Dade State Attorney's Office has implemented a domestic/dating violence pre-file program called Mobile Operations Victim Emergency Services (M.O.V.E.S.) Program. The aim of the program is to maximize the victim's safety through early intervention and improve the number of domestic/dating violence cases filed. The first hours after the crime are critical in achieving effective prosecution, and more importantly, assessing the victim's needs and directing the victim to a safe environment. Victims are more receptive to change immediately following the crime.

The basic goal is to provide victims of domestic and dating violence with effective, timely support and guidance immediately after the crime to help them regain control of their lives. This early intervention will also help build better cases for prosecution and provide the prosecutor with the necessary tools to make decisions about each case. It improves the probability of successful prosecution of domestic and dating violence cases.

The program has team members (paralegals) on call that will interview the victim, witnesses and officers involved in a case. The team members perform all initial case preparation including sworn statements, take photographs of victim, assess victim's needs (crime compensation, shelter, restraining orders...) and assess the risk of violence, placing special attention in victim's safety.

**4.13.1 Hours of Operation:** M.O.V.E.S. team members are available Monday thorough Friday, 5pm to 5am, and 24 hours a day on weekends and holidays.

**4.13.2 Procedure for M.O.V.E.S. call out:**

1. The officer makes a probable cause arrest in a domestic/dating related case (any intimate partner or dating relationship or family or household member).
2. The officer completes the arrest report and all scene work. All reports must be completed before the M.O.V.E.S. team member arrives.

3. The officer must contact the M.O.V.E.S team member (paralegal) via telephone at (786) 877-4151, (305) 803-9123 or (305) 519-2089 to coordinate their response at the time of the arrest.

The following information will be required before a paralegal team member responds:

- a) Does the victim and/ or witness speak a language other than English?
- b) What are the arrest charges?
- c) Minor victims?
- d) Synopsis of incident?

A M.O.V.E.S. paralegal team member will respond to the station, hospital, or arrest scene (when escorted by an officer) to conduct a Pre-file Conference (PFC)

4. The officer will be responsible for ensuring that the victim and/or witnesses respond to the station. If the victim and witnesses have their own transportation, they should be advised to meet the officer at the station. If the victim is transported to a hospital or medical facility, the officer will transport all other witnesses to PFC site and inform the M.O.V.E.S. paralegal team member of the victim's location and condition.
5. The officer will be the first person interviewed upon providing the team member copies of all reports.
6. The M.O.V.E.S. paralegal team member will handle all transportation needs required by the victim or witness(es) after the Pre File Conference.
7. In the event the victim refuses to respond to the police station or cooperate with the State Attorney's Office the M.O.V.E.S. paralegal should speak to the victim via phone. The officer must provide the paralegal with the victim's phone number to initiate the contact.

**4.13.3 M.O.V.E.S. shall not be contacted** in cases with the following arrest charges:

1. Kidnapping (1st degree)
2. Burglary w/assault or Burglary w/ battery (1st degree) (also it applies if Burglary is listed alone and Battery the following listed charge)
3. Armed Robbery (1st degree)
4. Armed Carjacking (1st degree)
5. 2nd degree Murder or Attempted 2nd Degree Murder
6. Tampering w/victim or witness as the only charge
7. Aggravated Child Abuse & Child Neglect
8. Sexual Battery

**4.13.4 M.O.V.E.S shall not be contacted** if the **defendant** is:

1. a juvenile,
2. a public official,
3. a police officer, or State Attorney's Office employee.

Additionally, M.O.V.E.S. shall not be contacted if the case is a cross arrest case.

**4.14 Foreign Protection Orders:** Foreign protection orders are injunctions for protection against domestic violence that are issued by a court of competent jurisdiction of a state of the United States, other than Florida; the District of Columbia; and Indian tribe; or a commonwealth, territory, or possession of the United States.

**4.14.1** Federal law requires that injunctions for protection from domestic violence issued by a foreign state must be accorded full faith and credit and enforced as if they were the orders of a Florida court.

**4.14.2** Officers shall enforce foreign orders of protection as if they were entered by a court of this state. Upon presentation of a foreign protection order by a protected person, officer shall assist in enforcement of all of its terms, pursuant to federal law, except matters related to child custody, visitation, and support. As to those provisions only, enforcement may be obtained upon domestication of the foreign order.

**4.14.3** Before enforcing a foreign protection order, officers should confirm the identity of the parties present and review the order to determine that, on its face, it has not expired. Presentation of a certified or true copy of the protection order shall not be required as a condition of enforcement, provided that a conflicting certified copy is not presented by the individual against whom enforcement is sought.

**4.14.4** Officers shall use reasonable efforts to verify service of process as follows:

**By petitioner:** Petitioner may state under oath that to the best of petitioner's knowledge, respondent was served with the order of protection because petitioner was present at time of service; respondent told petitioner he or she was served; another named person told petitioner respondent was served; or respondent told petitioner he or she knows of the content of the order and date of the return hearing.

**By respondent:** Respondent states under oath that he or she was or was not served with the order.

By contacting the Miami-Dade Civil Process Section at telephone number (305) 375-5100, during regular business hours, or the Miami-Dade Warrants Bureau at telephone number (305) 471-1700, after regular business hours.

**4.14.5** Enforcement and arrest for violation of a foreign protection order shall be consistent with the enforcement of orders issued in this state.

**4.14.6** An officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.

**4.14.7** Officers shall not require petitioner to sign a registration affidavit as a condition of enforcement.

**4.14.8** A foreign order of protection shall remain in effect until the date of expiration on its face; or, if there is no expiration date on its face, a foreign order of protection shall remain in effect until expiration. If the order of protection states on its face that it is a permanent order, then there is no date of expiration.

**4.14.9** Any person who acts under this section and intentionally provides an officer with a copy of an order of protection known by that person to be false or invalid, or who denies having been served with an order of protection when that person has been served with such order, commits a misdemeanor of punishable as provided in Florida Statutes.

**4.14.10** Officers should contact a Domestic Violence investigator or refer to the Legal Guidelines of the law enforcement handbook for information regarding the service of injunctions.



## SEARCH AND ARREST WARRANTS

### Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibilities
- 5.4 Procedures

**5.1 POLICY:** It is the policy of the Miami Police Department (MPD) to ensure that search warrants and arrest warrants are properly prepared and executed to meet all legal and ethical considerations.

**5.2 ORGANIZATION:** This departmental order is applicable to all members of MPD who either prepare or execute search and arrest warrants.

**5.3 RESPONSIBILITIES:** It is the responsibility of the commanding officer of the personnel involved in the warrant process to ensure that all the necessary procedures are adhered to.

**5.4 PROCEDURES:** The following are the guidelines to be adhered to:

**5.4.1 Search Warrants:** Prior to the execution of any search warrant, it shall be the responsibility of the officer's supervisor to review the content of the search warrant for accuracy. Search warrants will be drawn and executed in accordance with Florida State Statutes. Any violation of Florida State Statutes will constitute a violation of this order.

**5.4.1.1** The supervisor shall ensure that the search warrant has the description of the premises, the violation of law and the items to be seized.

**5.4.1.2** The supervisor will check to ensure that the warrant is served within ten days of the date of issuance.

**5.4.1.3** Copies of the warrant and return of inventory will be left at the premises. The original affidavit, the original search warrant, and original return of inventory will be filed with the clerk's office within ten days of the warrants execution.

**5.4.2** The supervisor shall assign personnel to specific tasks to ensure a proper, legal, and professional service of the warrant.

**5.4.2.1** One person will be assigned to read the warrant.

**5.4.2.2** One person will do all the recording.

**5.4.2.3** Other officers will be assigned to a search team. These officers will not touch or disturb any evidence they find. They shall summon the recording officer, who will document the location of the evidence and have it photographed.

**5.4.3** When securing a search warrant, efforts should be made to determine if the residence is a single or multiple family dwelling house. If the residence is determined to be a multiple family dwelling house, consideration should be given in the serving of the warrant to the privacy of those individuals who are not involved in the illegal activity identified in the warrant.

Example: An individual is renting a bedroom in what appears to be a single family dwelling house, he is selling narcotics through his bedroom window to persons desiring to buy those narcotics. There is no evidence or indication that the owner of the house, who resides there, is knowledgeable about this transaction. When serving a warrant on the premises, the privacy of the other people within this house should be considered to prevent any undue hardship on innocent parties.

**5.4.4** The supervisor or unit commander of the officer obtaining any search warrant shall be present during the execution of the warrant.

**5.4.4.1** In the event there are multiple search warrants to be executed simultaneously, a supervisor shall be assigned to each location and must be present during the execution. The commander of the search party shall visit each location to ensure the proper and legal service of each warrant.

**5.4.5** All members of the search party shall wear the auxiliary coveralls or uniform jackets provided by the department. The search party shall also include uniformed officers. The number will depend on the availability, but at least one uniformed officer must be present.

**5.4.6** The actual number of personnel involved in the execution of the warrant shall be kept to a minimum to avoid complications in court and to aid in the release of nonessential personnel to regular duty.

**5.4.7** Uniform personnel will be placed to make them as obvious as possible during the execution of the warrant. They shall not become involved in the actual service of the warrant. Advance arrangements shall be made through the on-duty patrol shift commander to ensure the availability of necessary uniform personnel.

**5.4.8** The Communications Center Bridge supervisor shall be informed of the operation prior to its inception, unless otherwise instructed by a section commander. In any case, the Communications Center Bridge supervisor must be notified as soon as practicable after entry is gained.

**5.4.9** Photographs of the premises and all people present, arrested or released, shall be taken after the execution of any search warrant, including any damage. This is to avoid accusations of unnecessary destruction of property or injury to people that were present.

**5.4.10** Any damage done shall be reported to the Communications Center Bridge supervisor, who will notify Risk Management. All proper documentation will be completed as well and forwarded through the chain.

**5.4.11** All search warrants will be executed expeditiously and the search conducted with as little damage to property as possible.

**5.4.12** The SWAT team is available to assist in the execution of any search warrant where there is a potential for violence. The commander of the unit responsible for the execution of the warrant shall be responsible for determining whether to ask for SWAT assistance.

**5.4.12.1** If SWAT is to be used, the SWAT commander shall be notified far enough in advance to insure adequate planning.

**5.4.12.2** The SWAT responsibility shall be to gain entry and render the premises safe. The planning and conduct of all SWAT operations are the responsibility of the SWAT commander. Once the premises are rendered safe, the operation shall be turned over to the appropriate unit commander for execution of the search warrant.

**5.4.13** Search warrants obtained by MPD police officers for locations outside the corporate limits of the City of Miami shall be directed to an agency having jurisdiction at the specified location. Service of the warrant must be supervised by an officer having jurisdiction.

**5.4.13.1** MPD police officers may assist in the search. Any evidence should be initiated and dated by both officers.

**5.4.13.2** If there are no objections from the seizing officer, the evidence should be turned over to the MPD police officer's custody for court presentation.

**5.4.13.3** If an arrest is made, the officer having jurisdiction shall make the arrest. The MPD police officer can assist by co-signing the arrest report.

**5.4.14** Requests for assistance in the execution of a search or arrest warrant within the City of Miami from federal, state, or local agencies having jurisdiction shall be referred to the on-duty patrol shift commander. If there is a potential for violence, the SWAT commander shall be notified.

**5.4.14.1** It shall be the on-duty patrol shift commander's responsibility to determine the appropriate response in conjunction with the needs of the requesting agency. It shall also be the patrol shift commander's responsibility to review the search warrant to ensure it is a lawful warrant signed by a judge of competent jurisdiction.

**5.4.14.2** The on-duty patrol shift commander shall determine that the location to be searched is readily identifiable and shall take whatever steps necessary to ensure against any mistake being made. A command level officer shall be present during the execution of the warrant.

**5.4.14.3** Search and arrest warrants to be executed within the City of Miami by officers of an agency not having jurisdiction shall be referred to the commander of the appropriate investigative unit within MPD for assistance.

**5.4.14.4** In all situations dealing with warrantless or consent searches involving:

- Vehicles
- Stop and Frisk Plain View
- Search incidental to lawful arrest; or
- other exigent circumstances in which facts indicate that the safety of officers or other persons will be jeopardized, all members of MPD shall

adhere and comply with guidelines as set forth in the current Florida Law Enforcement Handbook, Miami-Dade County edition.

A search of the premises for a person or property may be conducted pursuant to consent without a warrant and without probable cause to obtain a warrant. Consent must be voluntarily, freely, and intelligently given by an appropriate party having authority to grant consent, and the search must be limited to the terms of the consent. However, written consent should be sought whenever reasonably possible.

**5.4.15 Arrest Warrants:** Arrest warrants may not be served by any MPD police officer outside the corporate limits of the City of Miami. Whenever an arrest warrant is obtained for a person outside the City of Miami, the warrant shall be executed by officers of an agency having jurisdiction.

**5.4.15.2** Officers filing felony cases to obtain an arrest warrant must bring with them the following:

All Police Reports  
Lab Reports (if available)  
Defendant's criminal history (if applicable)  
Copies of any written and/or recorded statements of witnesses or defendants and Miranda Waiver Forms  
Property Receipts

Failure to have these documents will delay the processing of the case.

**5.4.16 Warrant Verification Procedures:**

**5.4.16.1** For any person (s) suspected of being wanted on a warrant from outside Miami-Dade County, the investigating officer will be required to obtain a Fugitive Warrant (FW) number from the Warrants Bureau before the subject will be accepted at the Turner Gilford Knight Correctional Center.

**5.4.16.2** This number can be obtained only from the Warrants Bureau of the Miami-Dade Police Department (MDPD).

**5.4.16.3** DO NOT phone or teletype the originating agency for verification.

**5.4.16.3.1** The MDPD's Warrant Bureau is the only authorized agency in Miami-Dade County that enters notices into regional, state, and federal information systems. They are also the only agency authorized to cancel warrants.

Should assistance be needed on any felony or misdemeanor warrant, contact the MDPD's Warrant Bureau at (305) 471-1700, 24 hours a day, seven days a week.

**5.4.16.4** CALL MDPD'S WARRANTS BUREAU AND PROVIDE THE SUBJECT'S NAME, RACE, D.O.B., AND ANY OTHER INFORMATION REQUESTED BY THE WARRANTS BUREAU FOR THE FOLLOWING:

**5.4.16.4.1** Immediately upon notification of any hit.

**5.4.16.4.2** In-State Hits

**5.4.16.4.3** Out-Of-State Hits

**5.4.17** Take subject to the MPD Prisoner Interview area for processing if required.

**5.4.17.1** Leave a phone number where you be contacted at any time during the verification process requiring the immediate release of the subject.

**5.4.17.2** If the subject has local charges, the fugitive charge will require a separate arrest affidavit.

**5.4.18** Transport the subject to the MDPD's Warrants Bureau.

**5.4.18.1** Bring all paperwork, letters, etc. from the demanding Assistant State Attorney that may be in your possession, as well as copies of any case reports stemming from local charges.

**5.4.18.2** Warrants Bureau personnel will assist and/or complete arrest affidavit sections left blank and insert fugitive number.

**5.4.18.3** Warrants Bureau personnel will make and keep a copy of all fugitive A-forms.

**5.4.19** Transport the subject to jail.

**5.4.19.1** Some in-state fugitive warrant numbers may be given over the phone at the discretion of the Warrants Bureau detective.

**5.4.19.2** No out-of-state fugitive warrant numbers will be given by phone.

## VICTIMS RIGHTS

### Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Responsibilities
- 6.4 Definitions
- 6.5 Rights of Victims and Witnesses
- 6.6 Procedures

**6.1 POLICY:** It is the policy of Miami Police Department to notify any victim, relative of a minor who is a victim, or relative of a homicide victim, when an accused is arrested. The purpose of this policy is to establish guidelines and procedures for all employees in assisting victims and witnesses of crime. The Department is committed to the continuation of appropriate victim/witness assistance program and activities. In an effort to comply with the laws of the State of Florida governing victims and witnesses of crime, it shall be the policy of the Miami Police Department to inform all victims and witnesses of their rights as enumerated in Florida Statutes. The victims and witnesses will be made aware of their rights by the use of a Victim Rights Brochure.

**6.2 ORGANIZATION:** This departmental order is applicable to all units within the Department.

**6.3 RESPONSIBILITIES:** It is the responsibility of every police officer, detective and victim advocate to provide every victim or homicide survivor with a Victim Rights Brochure.

### **6.4 DEFINITIONS:**

1. **Victim:** A person against whom a crime was committed. Some victims suffer physical injury or property damage, and some have psychological injury or both. Victims have certain rights in Florida. Also regarded as victims are the victim's parent or guardian if victim is a minor, the lawful representative of the victim or the victim's parent or guardian if the victim is a minor, and the next of kin of a homicide victim.
2. **Witness:** A person, as determined by law enforcement, who has information or evidence relevant to a specific crime.
3. **Parent/Legal Guardian:** The person(s) legally responsible for the care and custody of a minor victim of crime, or the appropriate next of kin of a victim, identified on a law enforcement victim notification card, a victim data form, a police report, or both official court record as the person(s) to receive the victim notification information for, or on behalf of, a victim.

4. **Designated Contact:** The person(s) specified on a law enforcement victim notification card, a victim data form or other official court record to receive the victim notification information for, or on behalf of, a victim.

**6.5 RIGHTS OF VICTIMS AND WITNESSES:** The victim of a crime, or the next of kin of a homicide victim, is guaranteed the following rights under the Florida Constitution and the Victims Rights Act, 1988:

1. The right of the victim to receive information on local community services to include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. Telephone numbers of these services will be provided to the victims and witnesses as applicable.
2. The right of the victim to receive information regarding the availability of crimes compensation, when applicable for victims of crimes or their relatives where the victim is deceased. Telephone numbers of these services are included in the Victims Rights Brochure.
3. The right of the victim or witness to receive information regarding the victim's role within the criminal justice or juvenile justice system to include what the victim may expect from the system, and what the system may expect from the victim.
4. The right of the victim or witness to receive information regarding the stages of the criminal and juvenile justice process which are significant to the victim or witness, and the manner in which information about such stages may be obtained.
5. The right of the victim, who is not incarcerated, including the next of kin of a homicide victim, to be informed, present, and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that the right does not interfere with the constitutional rights of the accused.
6. The right that victims and witnesses who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.
7. The right that a victim, or the next of kin of a victim, may not be excluded from any portion of any hearing, trial or proceeding pertaining to the offense based solely on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial.
8. The right that victims shall be informed of the crucial stages of the criminal and juvenile proceedings and be afforded the opportunity to submit written statements at all crucial stages of the proceedings.
9. The right of a victim to a prompt and timely disposition of the case as long as it does not interfere with the constitutional rights of the accused.
10. The right to be free from intimidation. It is against the law to cause a victim/witness to be placed in fear by force or threats, to make an assault on, or harm any victim/witness. It is a felony to tamper with or threaten a witness. If

the victim is being threatened or intimidated, he/she can contact the Miami Police Department or any law enforcement officer.

11. The right that each victim who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency or person scheduling his appearance of any change in scheduling which will affect his appearance.

12. The right to receive advance notification of judicial proceedings relating to the arrest and/or release (to include community control and work release) of the accused as well as the proceedings in the prosecution.

13. In addition to the provisions FS 921.143, the rights of the victim of a felony involving physical or emotional injury or trauma, or in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the state attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought about as a result of such crime, including the views of the victim or family about:

The release of the accused pending judicial proceedings.

- ◆ Plea Agreements.
- ◆ Participation in pretrial diversion programs.
- ◆ Sentencing of the accused.

14. The right of the victim to a prompt return of property unless there is a compelling law enforcement need to retain it.

15. The right of the victim to receive the assistance of the State Attorney and law enforcement in notifying the victim's employer and creditors in order to explain his circumstances.

16. The right of the victim to request and receive restitution and the victim's rights of enforcement in the event an offender does not comply with the restitution order. The victim shall also have the right to be notified when restitution is ordered.

17. The right of the victim to submit an oral or written impact statement pursuant to FS 921.143 and the right to receive assistance from the State Attorney in the preparation of such statement.

18. The right of the victim to receive reasonable consideration and assistance from employees of the Miami Police Department. When requested, the victim will be assisted in locating accessible transportation and parking, and shall be directed to separate pretrial waiting areas when such facilities are available. When so requested, this office shall also assist the Court in attempting to locate translators.

19. The right of the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relative of a homicide victim to be



notified of the escape of a criminal defendant. The State Attorney and law enforcement shall make every effort to ensure prompt notification.

20. The right of the victim to have a victim advocate present during discovery deposition.

21. The right of the victim to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.

22. The victim and the State Attorney's Office with the consent of the victim, have standing to assert any legal rights of a crime victim as provided by law or the Florida Constitution.

23. The right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions, during his or her testimony, regardless of the victim's age or mental capacity.

24. The right of the victim of domestic violence to be informed of the address confidentiality program administered through the Attorney General's Office.

25. The right of a victim to know in certain cases and at the earliest possible opportunity, if the person charged with an offense has tested positive for human immunodeficiency virus (H.I.V.) infection. In such cases, upon request of the victim or the victim's legal guardian, or of the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo H.I.V. testing. In addition, in certain cases, if requested by the victim, the right of the victim to receive information on the results of the testing within two weeks of the court's receipt of such results.

26. The right of a victim to request, for specific crimes, an exemption prohibiting the disclosure of information to the public which reveals the victim's home and work telephone numbers, home and work addresses, and personal assets not otherwise held confidential under the Public Records Law.

27. The right to request, in certain circumstances that the offender be required to attend a different school than the victim or siblings.

28. The statutory obligation to advise the victim or the next of kin of a homicide victim that any information gained pursuant to FS Chapter 960, regarding any case handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies.

29. The victim has the right to be notified by the appropriate agency of the arrest and release of the offender (including work release and community control).

30. The right of a victim of a sexual offense to request the presence of a victim advocate during the forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.

31. No law enforcement officer, prosecuting attorney, or government official shall ask or require a victim of a sexual offense to submit to a polygraph examination or other truth-telling device as a condition of the investigation.

**6.6 PROCEDURES:** Once an individual has identified himself or herself as a victim or witness of a crime, the appropriate steps will be taken to assist the victim or witness. Officers have the occasion to assist crime victims by providing information on the types of assistance available and what to expect from the criminal justice system. In line with their responsibilities as State law enforcement professionals, officers will provide victims/witnesses with the phone number of the Victim Advocate Service. The officers and victim advocates shall provide victims and witnesses with information on steps available to law enforcement and the State Attorney to protect the victims or witness from intimidation. The information will be provided in the same manner as that relating to services for victims. The notification (contained in the Victim Rights Brochure) will include the advisement that it is a felony to tamper with or threaten a witness, and that the Miami Police Department should be promptly contacted if a possible violation has occurred.

**6.6.1** Each officer shall be responsible for informing all victims including survivors of a homicide of the availability of victim/witness services through the distribution of the Victims Rights Brochure.

**6.6.1.1** The right to be present, informed, and heard, when relevant at all crucial stages of the criminal case as long as this right does not interfere with the rights of the accused. Incarcerated victims have the right to submit written statements at all crucial steps of the proceedings.

**6.6.1.2** The right to be free from threats, intimidation, or harassment.

**6.6.1.3** The right to be notified when a defendant escapes or is released from a correctional facility.

**6.6.1.4** The right to inform the court of any injuries or property damage caused by the defendant if an arrest has been made.

**6.6.1.5** The right to ask the court to order restitution from the defendant.

**6.6.1.6** The right to request help in explaining to an employer absences or time off necessary to prosecute the case.

**6.6.1.7** The right to a prompt and timely disposition of the case.

**6.6.2** The violent crime administrator is responsible for administering the Department's role in the victim/witness assistance program. In this capacity, the violent crime administrator will:

**6.6.2.1** Insure that an analysis of victim/witness assistance needs and available services in Miami-Dade County is completed every two years. This analysis will include the following major elements:

**6.6.2.1.1.** The extent and major types of victimization within City of Miami.

**6.6.2.1.2** An inventory of information and services needs of victims and witnesses, especially those affected by homicide or suicide, sexual crimes, drunken drivers and, in particular, children and the elderly victimized by domestic violence, abuse, or neglect.

**6.6.2.1.3** Victim assistance and related community services available in Miami-Dade County.

**6.6.2.1.4** Identification of all unfulfilled needs and selection of those that are appropriate for the Department to meet.

**6.6.2.2** Develop policies and procedures based on the above analysis to achieve the following:

**6.6.2.2.1** Govern the implementation and delivery of victim/witness assistance services by Department personnel.

**6.6.2.2.2** Ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law.

**6.6.2.2.3** Govern the Department's efforts to periodically inform the public and media about the Department's victim/witness assistance services.

**6.6.2.3** Maintain liaison with other criminal justice agencies and governmental and non-governmental agencies and organizations concerned with victim/witness rights in order to accomplish the following:

**6.6.2.4** Ensure that referrals of victims/witnesses to outside sources will be based on accurate and current knowledge of the services offered by those sources.

**6.6.2.5** Provide an ongoing channel of communication to offer suggestions about how the Department and outside sources can work more effectively together in order to better serve the victim/witness.

**6.6.2.6** Periodically review and update information in the Department's victims' rights and domestic violence brochures.

**6.6.2.7** The Police Legal Unit will notify the Homicide Unit commander whenever new legislation requires revision of the information contained in either brochure and will review all revisions for legal sufficiency.

**6.6.3** In compliance with FS 960, it shall be the responsibility of each police officer and each assigned investigator to provide a brochure with victims' rights to the victims, survivors of a homicide or witness as soon as possible following a criminal offense.

**6.6.4** Police services, investigative services, and the court services will maintain adequate quantities of domestic violence and victims' rights brochures for distribution to victims/witnesses as required by FS 960.001.

**6.6.5** Responding officer or detective will notify the victim advocate immediately in case their presence is needed at the crime scene or at the Miami Police Department.

**6.6.6** The Miami Police Department's goals and objectives in the victim/witness assistance program are established to provide required information and support to crime victims and witnesses.

**6.6.6.1** To ensure all victims their rights as guaranteed by law to the fullest extent possible.

**6.6.6.2** To treat all victims and witnesses with fairness, compassion, and dignity.

**6.6.6.3** To identify appropriate victims/witnesses services that the Department can provide without duplicating services offered elsewhere.

**6.6.6.4** To provide the information booklet entitled "Victims Rights" to victims/witnesses as required by Florida Statute (FS) 960-001.

**6.6.6.5** To provide information, on a 24-hour basis, regarding the Department's Victim/witness Assistance Program, and services offered by other governmental or private organization in Miami-Dade County for victims/witnesses in need of medical attention, counseling, or emergency financial assistance.

**6.6.6.6** To insure that appropriate assistance is provided to victims/witnesses who have been threatened or who express credible reasons for fearing intimidation or further victimization.

**6.6.7 Prior to preliminary investigation**, the following level of victim/witness assistance information will be available to the public through the non-emergency number of the Communications Section on a 24 hour basis.

**6.6.7.1** Information about the Department's Victim/Witness Assistance Program. If Communications determines that there is an emergency, appropriate response will be initiated.

**6.6.7.2** Referral information regarding services offered elsewhere in Miami-Dade County by other organizations (government or private sector) for victims/witnesses in need of medical attention, counseling, and emergency financial assistance.

**6.6.8 During the preliminary investigation**, victims/witnesses will be given a copy of the booklet "Victims Rights" which will provide the victims/witnesses with the following information:

**6.6.8.1** Victim/witness services which may be available; e.g. counseling, medical attention, compensation programs or emergency financial assistance and victim advocacy.

**6.6.8.2** Steps the victim/witness can take if the suspect or the suspect's companions or family threaten or otherwise intimidate him or her.

**6.6.8.3** Case information, including case number, status and subsequent steps in the processing of the case.

**6.6.8.4** Pre-filing conference information.

**6.6.8.5** Telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of a case.

**6.6.8.6** Victims of domestic violence will also receive a copy of the Department's domestic violence brochure as required by FS 960.001.

**6.6.8.7** The right of a victim of a sexual offense to request the presence of a victim advocate during the forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.

**6.6.8.8** No law enforcement officer, prosecuting attorney, or government official shall ask or require a victim of a sexual offense to submit to a polygraph examination or other truth-telling device as a condition of the investigation.

**6.6.9 During follow-up investigation**, victim/witness assistance may be provided, if feasible, as follows:

**6.6.9.1** If, in the opinion of the lead investigator, the impact of a crime on a victim/witness has been unusually severe and has triggered above average trauma, the victim/witness may be re-contacted periodically to determine whether needs are being met.

**6.6.9.2** If not an endangerment to the successful prosecution of the case, victims/witnesses may be given an explanation of the procedures involved in the prosecution of their case and their role in those procedures.

**6.6.9.3** Lineups, interviews, and other required appearances should be scheduled at the convenience of the victims. The department may provide transportation.

**6.6.9.4** Victim/witness property taken as evidence should be returned promptly where permitted by law or rules of evidence.

**6.6.9.5** If feasible, the victim/witness will be assigned and advocate during follow-up investigation.

**6.6.9.6** Victims/witnesses will be notified, if possible, when a suspect is arrested, escaped or is released from custody. The victim access network will have the ultimate responsibility of notifying the victim/witness through their multilingual computerized telephone or post card information service available 24 hours, 7 days a week.

**6.6.10** The Training Unit will ensure that the Department sponsors or conducts training of sworn personnel in victim/witness rights and needs and in the role of law enforcement in meeting those rights and needs in the course of recruit training as well as in-service training. Training is for responders, such as patrol officers, investigators, and dispatchers, as well as for other persons (sworn or non-sworn) whose responsibilities include victim/witness assistance.

**6.6.10.1** Sworn personnel, non-sworn communications personnel, and other non-sworn employees directly involved in victim/witness assistance will receive an appropriate level of training and retraining.

**6.6.10.2** Training and retraining will reflect the finding of the periodic analysis conducted by the violent crimes administrator or a victim advocate as well as the goals and objectives described previously.

**6.6.11** The Personnel Resource Management Section will ensure that all non-sworn employees are informed when hired about existing Department and community victim/witness assistance programs, and need for serving the public as well as Department personnel. Subsequent orientations will be conducted at least once every two years.

**6.6.12** In order to protect the confidentiality of the victim/witness, it is necessary to take steps in the utilization and documentation process, which inhibits the release of their identities to unauthorized sources. All action must be carefully supervised to provide investigative integrity and protection to the victim/witness in accordance with FS 119.

**6.6.13** In addition to the information in the booklet entitled "Victim Rights", the public information officer will periodically inform the public and media about the Miami Police Department's victim/witness assistance services that are available within the City of Miami and Miami-Dade County.

**6.6.13.1** Information to the media and the public about these services will be the responsibility of the Public Information Office.

**6.6.13.2** The victim advocates and the violent crime administrator will be available for public presentations, upon request.

## CRASH INVESTIGATIONS

### Section

- 7.1 Policy
- 7.2 Organization
- 7.3 Definitions
- 7.4 Responsibilities
- 7.5 Procedures

**7.1 POLICY:** It is the policy of the City of Miami Police Department to provide emergency assistance to persons involved in traffic crashes, protect the crash scene, conduct on-scene and follow-up investigations, and take necessary enforcement action.

**7.2 ORGANIZATION:** Although this order is assigned to the Criminal Investigations Section it is applicable department-wide to all members trained and certified to investigate traffic crashes. The Traffic Crash Investigations Unit is a part of the Criminal Investigations Section, under the Criminal Investigations Division.

**7.3 DEFINITIONS:** For the purpose of this order, the term traffic crash and traffic accident are synonymous.

- a. Traffic Crash/Accident: A collision involving one or more vehicles that causes personal injury, property damage, or death which is a result of an unintentional act.
- b. Crash Investigation: The systematic collection of evidence, the examination of information, and the recording of data to identify crash factors.
- c. Crash Reporting: The standardized method of recording crash data derived from a crash investigation.
- d. Motor Vehicle: Any self-propelled vehicle not operated upon rails or guide way, but not including any bicycle, motorized scooter, electric personal assistive mobility device or moped.
- e. Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway, excepting devices used exclusively upon stationary rails.
- f. Pedestrian: Any person on foot.
- g. Hazardous Material: Any substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property.
- h. UTC: Florida Uniform Traffic Citation.

**7.4 RESPONSIBILITIES:** The first arriving unit has responsibilities that include, but are not limited to; providing basic or advanced life support until the arrival of fire rescue personnel, identifying potential or actual fire hazards, and identifying dangerous conditions so that appropriate action can be taken. The unit must also request additional assistance as necessary, protect the scene, establish a safe traffic flow, identify and interview witnesses, and expedite the removal of debris and vehicles from the roadway. **(CALEA 61.2.2g)**

## 7.5 PROCEDURES:

**7.5.1** The primary unit dispatched to the traffic crash shall be responsible for the investigation and shall complete the Florida Traffic Crash Report. **(CALEA 61.2.2a)**

**7.5.1.1 Arrival on the Scene of a Crash:** Upon arriving at the scene of a traffic crash, the first unit to arrive shall attempt to:**(CALEA 61.2.2g)**

- a. Park their vehicle in such a way as to afford maximum protection of the crash scene, physical evidence, all persons and vehicles. **(CALEA 61.2.2e)**
- b. Scan the area of the crash scene for hazards to include fire, chemical spills, gases, electrical hazards, or other dangerous conditions. If any of these conditions exist, the Miami Fire Department shall be notified to mitigate the hazard. **(CALEA 61.2.2c, e)**
- c. Request additional units if necessary.
- d. Summon Miami Fire Rescue to treat the injured if needed. **(CALEA 61.2.2b)**
- e. Establish a safe traffic pattern around the crash scene.
- f. Locate and interview drivers, passengers, and witnesses. **(CALEA 61.2.2d)**
- g. Expedite the removal of vehicles by requesting wreckers via Communications if necessary.
- h. Ensure the rotation wrecker company removes **all** crash-related **debris** from the roadway. **e.g. oil, battery fluid, transmission fluid, antifreeze fluid, broken glass, etc.**
- i. Ensure that property belonging to the crash victims is protected and/or impounded for safekeeping when the owner is incapacitated. **(CALEA 61.2.2f)**
- j. To hold the crash scene for the Traffic Homicide investigator if it involves Death or Serious Bodily Injury.
- k. Direct and divert traffic at a major traffic crash causing traffic congestion. **(CALEA 61.2.2e)**

**7.5.1.2 Moving of Crashed Vehicles from Roadway:** Units investigating traffic crashes shall make every reasonable effort to safely move the vehicles from the roadway to restore the free flow of traffic and minimize the risk of injury to the unit or persons involved in the crash. Should the traffic crash involve death, or injuries that may result in death, the decision on moving vehicles from the roadway will rest with the Traffic Homicide investigator.

**7.5.1.3 Conducting a Traffic Crash Investigation:** After securing the scene, members shall initiate an investigation into the traffic crash, to include:

- a. Obtain and record the information required to complete the crash report.
- b. Interview and record the statements of witnesses, and document any spontaneous statements made by any of the parties involved.
- c. Thoroughly examine the crash scene and assess the damage to vehicles.
- d. Upon completion of the crash investigation, take any enforcement action necessary when a violation is detected.
- e. Restore the normal flow of traffic.
- f. Complete the Florida Traffic Crash Report.
- g. Address disturbances between drivers if necessary to maintain the peace.
- h. Notify a supervisor in the event of damage to a public vehicle or property.

**7.5.2 Crashes Involving Death or Serious Injury:** When responding to the scene of a crash involving death, or serious injuries that may result in death, the responding unit shall secure the scene of the crash to preserve physical evidence and notify an on-duty supervisor of the



circumstances involved in the crash. In crashes involving senior citizens and/or children that are transported to the Ryder Trauma Center, the responding unit shall also preserve the scene and notify an on-duty supervisor as per Departmental Orders. **(CALEA 61.2.2b)**

**7.5.2.1 Death or Serious Injury Supervisor's Responsibility:** Upon notification, the on-duty supervisor will respond to the scene and make the final determination of requesting a Traffic Homicide investigator as per Departmental Orders. **(CALEA 61.2.2g)**

**7.5.3. Crashes Involving a Hit and Run:** Units investigating a hit and run crash shall immediately conduct the following upon arriving at the scene:

- a. If possible, obtain a description of the offending vehicle, last direction of travel, and immediately broadcast a B.O.L.O via the police radio.
- b. Canvass the immediate area around the crash scene to ascertain if the offending vehicle was abandoned.
- c. If a license plate number is obtained, the information shall be listed on the Hit and Run Report. The officer shall obtain the information from the license plate and have the appropriate agency respond to the registered address to attempt to locate the vehicle.
- d. If a driver flees the crash scene on foot abandoning a vehicle, an on-duty supervisor shall be notified to authorize a "hold" to be placed on the vehicle involved.

**7.5.3.1 Hit and Run Report:** Every traffic crash investigation involving a hit and run, shall require the Hit and Run section of the TRACS report to be completed. If additional information needs to be added to the report, it will be added to the narrative section of the TRACS report. The Hit and Run section of the TRACS report is required to be filled out even if a hit and run offender is apprehended.

**7.5.3.2 Supervisory Review:** The patrol field supervisors shall review and ensure that the Hit and Run section is completed prior to approving the TRACS report by the end of the officer's tour of duty.

**7.5.3.3 Follow Up of Hit and Run Cases:** The Hit and Run Detail shall be responsible for the follow up investigation of all hit and run cases that do not involve death or serious bodily injury. The Hit and Run Detail will review all hit and run crash reports submitted and conduct a follow-up investigation. **(CALEA 61.2.1)**

**7.5.4 DUI Crash Investigations:** Members shall carefully observe all parties involved in a traffic crash, paying particular attention to their behavior, attitude, speech, physical aspects, balance or other indications that may alert the member to any impairment. If signs of impairment are present, the member will conduct a criminal investigation to determine if the probable cause of a DUI crime exists. **(CALEA 61.1.10)**

**7.5.5 Florida Traffic Crash Report:** Units investigating traffic crashes requiring a report shall complete the Florida Traffic Crash Report. This report shall be completed in the TRACS System, and upon completion will be forwarded to the member's supervisor for approval prior to the end of the member's tour of duty. **(CALEA 61.1.4d)**

**7.5.5.1 DHSMV Florida Crash Report Manual:** The DHSMV Florida Traffic Crash Report Manual shall be used as a reference guide when completing the Florida Traffic Crash Report. The manual is available online in the Miami Police Department Intranet under FOD Applications.

**7.5.5.2 Driver's Exchange of Information:** Units investigating traffic crashes shall instruct the driver of each vehicle involved in the traffic crash to complete the driver's exchange of information report and will ensure that each party exchanges the required information as follows: **(CALEA 61.1.4d)**

1. The name / address of the owner and the driver of each vehicle.
2. The license plate number of each vehicle.
3. The name and policy number of the liability insurance carrier for each vehicle.
4. Name of witness(s) and address.

**7.5.5.2.1** All Officers and Public Service Aides will carry an adequate supply of the Driver Exchange of Information reports while on-duty.

**7.5.5.2.2** This requirement may be fulfilled by providing a TRACS generated Driver's Exchange of Information report to each participant.

**7.5.5.3 Delayed Crash Report:** In cases where the vehicles have been removed from the scene, and/or an extended period of time has elapsed, and no injuries are reported, the concerned parties should be given a Driver's Exchange of Information report. The concerned parties shall be instructed to complete the report and submit by mail following the instructions printed on the back of the report.

**7.5.5.4 Abbreviations on Crash Reports:** No abbreviations or police jargon shall be used on any portion of the crash report.

**7.5.5.5 Submitting Crash Reports:** TRACS Florida Traffic Crash Reports are to be completed by the end of the member's tour of duty. The reports shall be reviewed for completeness by the supervisor receiving the report. The supervisor is responsible for approving the report by the end of their tour of duty.

**7.5.5.6 Traffic and Criminal Software (TRACS) Approval Process:** Officers will no longer be allowed to submit accident reports directly to the Department of Highway Safety and Motor Vehicles (DHSMV).

**7.5.5.6.1** All completed and validated reports are required to be forwarded for a supervisor's approval. Supervisors will review all reports for completeness and accuracy and accept or reject the reports.

**7.5.5.6.2** Approved reports will be automatically submitted to the DHSMV. Rejected reports will be returned to the officer for corrections. Supervisors will be responsible for retrieving and approving their officer's reports. Supervisors should add their officers to their favorites tab in the search field under Open and Rejected status in the general search tab.

**7.5.6 Issuance of Uniform Traffic Citations and Witness Slip for Crashes:** When issuing a Uniform Traffic Citation (UTC) as a result of a traffic crash, the member shall complete a witness slip listing all of the parties involved in the traffic crash and transmit the slip with the UTC in the TRACS System. If an officer can determine fault for the crash, a UTC shall be issued to the violator.

**7.5.7 Crashes on Private Property:** Traffic crashes occurring on private property (i.e., shopping plazas, gas stations) with damages in excess of \$500.00 shall be investigated and reported. Members shall also take any enforcement action necessary when investigating crashes that occur on private property.

**7.5.8 Recommended Re-examination of a Driver:** While conducting a crash investigation, if a member determines that a driver may be incompetent or does not possess the ability to drive safely, a request for re-examination shall be initiated. The member shall mark the appropriate box on the Florida Traffic Crash Report, provide an explanation for the re-examination request in the narrative, and complete a Florida Medical Reporting Form through the DAVID system. **(CALEA 61.1.12)**

**7.5.9 Public Service Aides:** Public Service Aides authorized to investigate traffic crashes who encounter a dispute between the drivers, criminal violations (i.e., Hit and Runs, DUI, NVDL, a suspended license, etc.), or a driver with a warrant, shall immediately notify Communications and an officer will be dispatched to conduct the crash investigation.

**7.5.10 Road Construction Area Traffic Crashes:** When conducting a crash investigation where road construction is being performed and is determined to be a contributing factor, the investigating officer shall include the name of the company handling the project and include the information in the narrative portion of the report.

**7.5.11 Obtaining Information of Liability Insurance Coverage:** When obtaining liability insurance coverage information and policy number from the owner and/or operator, members should ascertain if the information provided insures the owner of the vehicle or the operator. On the crash report, following the "Name of Company," ensure to write the name of the owner or operator in parenthesis, whichever is applicable. If unknown, state the same.

## TRAFFIC HOMICIDE INVESTIGATION

### Section

- 8.1 Policy
- 8.2 Organization
- 8.3 Definitions
- 8.4 Responsibilities
- 8.5 Procedures

**8.1 POLICY:** It is the policy of the City of Miami Police Department for the Traffic Homicide Investigations Detail to respond to, investigate, and report known vehicle crashes occurring within the City of Miami jurisdiction, resulting in fatalities or critical injuries that may result in a fatality.

**8.2 ORGANIZATION:** This chapter is assigned to the Traffic Homicide Investigations (T.H.I.) Detail, however, some aspects are applicable department-wide to all members trained and certified to investigate traffic crashes. The Traffic Homicide Investigations Detail is a special function of the Traffic Crash Investigations Unit, under the Criminal Investigations Section of the Criminal Investigations Division. The Traffic Homicide Investigations Detail provides investigative functions twenty-four hours a day, working seven (7) days a week, and normal A and B shift hours. However, a Traffic Homicide Team is "ON-CALL" after normal working hours.

### 8.3 DEFINITIONS:

- a. Injury: An injury is bodily harm to a person.
- b. Fatal Injury: A fatal injury is an injury that results in death.
- c. Fatal crash: A fatal crash is any crash that results in one or more fatal injuries.
- d. Hit and Run Crash: Is a vehicle crash in which an involved driver fails to comply with the legal requirement to stop, give aid and/or information and reveal his identity following the crash.

**8.4 RESPONSIBILITIES:** The Traffic Homicide Investigations Detail has the primary responsibilities to investigate all fatal crashes and serious crashes involving critical injuries that may result in a fatality. The Traffic Homicide Investigations Detail has the secondary responsibility to investigate police vehicle crashes.

### 8.5 PROCEDURES:

**8.5.1 Traffic Homicide Request; Fatalities or Anticipated Fatalities:** On all fatal crashes, and crashes involving critical injuries, the uniform patrol investigating officer / Public Service Aide shall be responsible for notifying the dispatcher of the need for a Traffic Homicide investigator. The Field Duty Lieutenant will make the final determination if Traffic Homicide is to be requested and make the request via Communications. The Traffic Homicide Investigating Team shall request Crime Scene Investigation, Drug Recognition Expert (D.R.E.), P.I.O., wreckers, and the Medical Examiner as they deem necessary.

**8.5.1.1** A Traffic Homicide investigator shall respond to all seriously bodily injury (SBI) crashes involving a DUI, assume primary responsibility of the investigation, and if necessary, write a search warrant to have a blood draw conducted per Departmental Orders.

**8.5.1.2** The Traffic Homicide Supervisor on the scene shall request the assistance of a D.R.E. to respond to all traffic fatalities and crashes involving serious bodily injuries (SBI) where the driver(s) are suspected to be under the influence of alcohol and/or drugs. If no on-duty D.R.E.'s are available, the Complaint Sergeant or supervisor shall follow D.R.E. Call-Out procedures.

**8.5.2** The Traffic Homicide investigator will command the investigation at the crash scene. After the crash scene is secured and follow-up investigation is concluded, the Traffic Homicide investigator will complete the crash report. **(CALEA 61.2.1)**

**8.5.3** Additional information that is discovered during the follow-up investigation by the Traffic Homicide investigator shall be added on an "Update Florida Traffic Crash Report" and the T.H.I. supplemental report, if applicable. Such notations shall be accompanied by the date and the Traffic Homicide investigator's name.

**8.5.4 Filing of Charges In Any Injury Crash Cases:** In crashes where a Traffic Homicide investigator did not respond to the scene of the crash, the uniform patrol investigating officer, after consulting with a Traffic Homicide investigator and/or an Assistant State Attorney, shall be responsible for the filing of felony charges in non-fatal crashes. The filing of felony charges in fatal crashes shall be the responsibility of the Traffic Homicide investigator.

**8.5.5 Release of Crash Information:** Names of persons killed or injured in traffic crashes may be released by the Traffic Homicide investigator after the next of kin has been notified. The Traffic Homicide investigator may decide not to release crash records information if they feel a restriction is absolutely necessary to ensure the successful completion of the case. Persons seeking information not contained in the crash report shall be referred to the Traffic Homicide investigator.

**8.5.6 Media Inquiries:** General conditions surrounding a crash may be discussed with the media by Public Information Officer or the Traffic Homicide investigator. Once the original crash report is processed by the Records Unit or submitted into TRACS, it will not be released to the general public for sixty days with some exceptions pursuant to State Law. Any record request should be directed to the Records Custodian at the Records Unit.

**8.5.7 Notification of Medical Examiner:** The Medical Examiner will be notified by the Traffic Homicide investigator on all traffic fatalities. In criminal cases where the decedent was pronounced, and the body remains at the scene, the Medical Examiner will be notified and requested to respond to the scene.

**8.5.7.1** If the crash involves any governmental vehicle, equipment, facilities, or property of any governmental entity, the Medical Examiner will be notified and requested to respond to the scene.

**8.5.8 Preserving the Identity of the Involved:** Officers assigned to investigate or assist in the investigation of a crash involving death or serious bodily injuries (SBI), will cover the vehicle license plate of the victim's vehicle, as soon as possible, to preserve the identity of the persons involved. The purpose of this mandate is to provide the Traffic Homicide investigator enough time to notify the next of kin.

**8.5.9 Notification of Next of Kin:** Making notification to the "next of kin" in motor vehicle crash deaths is the primary responsibility of the Traffic Homicide investigator.

**8.5.10 Event Data Recorder (EDR):** EDR's are electronic devices, commonly called "black boxes" installed in motor vehicles that record data prior to, during, and immediately after a crash. The EDR collects a variety of data including, but not limited to, information about a vehicle's airbag

system, restraint system, pre-crash speed, brake use, or throttle application. The EDR is a tool used by Traffic Homicide investigators to “Image”, also known as downloading the information, to be later analyzed and corroborate physical evidence obtained at the scene. The EDR can image information that is stored in the Sensory Diagnostic Module or the Power Train Control Module. Retrieving this crash data is a vital part of crash investigation and aids in crash reconstruction.

**8.5.10.1** If a crash involving a police vehicle occurs outside the jurisdiction of the City of Miami, the Traffic Homicide investigators will coordinate with the outside agency to image the crash data from the EDR of the police vehicle. If the investigating agency is not equipped to image the data from the EDR, then MPD shall assist the investigating agency by imaging the data and providing the agency with a copy of the report documenting the information obtained from the EDR.

**8.5.11** To preserve the data contained in the EDR, the Traffic Homicide investigator shall respond to the scene to image and preserve the crash data from the EDR. If it is not possible for the investigator to respond to the scene, then the vehicle shall be towed to the Crime Scene Investigation Processing Area for safekeeping, and the data will be imaged as soon as practical. To ensure the preservation of the crash data in the EDR, when the vehicle is being towed, the following procedure shall be followed:

**8.5.11.1** The vehicle’s ignition switch must remain in the “off” position at all times and is not to be disturbed.

**8.5.11.2** If the vehicle is still operational, the vehicle shall not be started to facilitate the loading of the vehicle onto the wrecker.

**8.5.11.3** The ignition key shall be removed from the vehicle and accompany the vehicle to the auto pound. The ignition key must not remain in the vehicle.

**8.5.12** The crash data imaged from the EDR will be validated by the Traffic Homicide investigator to ensure that the data has not been altered.

**8.5.13** When the crash data is imaged from the EDR, the investigator shall generate a written report of their findings, and this report shall be included in the supplementary reports.

## POLICE VEHICLE CRASH INVESTIGATION

### Section

- 9.1 Policy
- 9.2 Organization
- 9.3 Responsibilities
- 9.4 Procedures

**9.1 POLICY:** The purpose of this policy is to establish guidelines for members and supervisory personnel to properly respond to, investigate, and report all crashes involving any assigned police vehicle occurring within and outside of the City of Miami jurisdiction. For the purposes of this policy, vehicles rented by the Miami Police Department shall be treated as City vehicles when utilized by members.

**9.2 ORGANIZATION:** Although this chapter is assigned to the Traffic Crash Investigations Unit (TCIU), it is applicable Department-wide to all members trained and certified to investigate traffic crashes pursuant to Florida Statutes. The TCIU is part of the, Criminal Investigations Section under the Criminal Investigations Division.

**9.3 RESPONSIBILITIES:** All members involved in a crash while operating a City vehicle shall report the crash, regardless of the amount of damage incurred, and whether or not any party was injured.

**9.4 PROCEDURES:** The following procedures will be followed by members when involved in a City vehicle crash or investigating a City vehicle-related crash.

**9.4.1 Crash Within the City of Miami:** When a member is involved in a City vehicle crash within the City's jurisdiction (on or off duty), the driver will notify Communications. Communications will dispatch a patrol officer from another neighborhood area to investigate the crash along with a patrol supervisor. If the crash involves serious bodily injury, and/or a fatality, a Traffic Homicide investigator will respond and investigate the crash.

The supervisor and the officer generating the Florida Traffic Crash Report will not confer but will arrive at their findings individually.

City vehicle crashes within the City of Miami jurisdiction to include all interstate highways, expressway systems, and all roadways will be handled by the City of Miami Police department as set forth in this chapter.

**9.4.2 Crash Outside the City of Miami:** Whenever a member is involved in a City vehicle crash outside the city limits (on or off duty), the driver will notify Communications. Communications will dispatch a supervisor to conduct an independent administrative investigation of the crash and generate the Supervisor's Report of City Vehicle Crash (RF # 33) as per this policy. The supervisor and the officer generating the Florida Traffic Crash Report will not confer, but will arrive at their findings individually.

The agency within that jurisdiction will conduct the investigation and complete the Florida Traffic Crash Report. The responding supervisor will obtain a copy of the Florida Traffic Crash Report generated by the outside agency.

A Traffic Homicide investigator shall respond when there is serious bodily injury and/or a fatality involving the member or other involved party. The investigator shall assist the other agency and facilitate gathering information for our records. This will also include any member who is off-duty in their personal vehicle and is seriously injured or dies in a traffic crash.

**9.4.3 Supervisor to Respond to Police Vehicle Crashes:** Regardless whether or not the crash occurred **within or outside** the City of Miami's jurisdiction, an on-duty supervisor will be dispatched to conduct an independent administrative investigation of the crash. If the member is assigned to another division other than FOD, an on-duty supervisor from the member's unit or section shall respond. If there is no on-duty supervisor available, an on-duty FOD supervisor shall respond. The supervisor and the officer completing the Florida Traffic Crash Report will not confer, but will arrive at their findings individually. If the crash involves serious bodily injury and/or a fatality, a Traffic Homicide supervisor shall respond and investigate the crash.

**9.4.3.1** The injury report shall be completed by the member's immediate supervisor or other supervisor from the member's unit or section regardless of assignment (CID, ADM, FOD, etc.), or by the investigating supervisor responding to the scene. The original injury report form will be forwarded through the member's chain of command to the Health Service Detail.

**9.4.3.2** The investigating supervisor must be of a higher rank than that of the member involved in the crash. When a lieutenant or higher is involved, the crash shall be handled by a lieutenant or above. TCIU members, when approved by the TCIU Commander, can handle any crash regardless of the rank of the member involved in the crash.

**9.4.3.3** The investigating supervisor will request a Crime Scene Investigator to respond and process the scene as appropriate.

**9.4.3.4** Communications will notify the City of Miami's Risk Management office when there are serious injuries or a fatality.

**9.4.3.5** On all City vehicle crashes, a City case/report number shall be generated.

**9.4.3.6 Supervisory Report of City Vehicle Crash Package:** The below-listed documents and reports shall be submitted, by the investigating supervisor, as a complete package to the ARB Detail, before the end of their tour of duty.

1. Supervisor's Report of City Vehicle Crash, Memorandum, RF# 33, Revised: 12/09
2. Vehicle/Property Damage Report, Form # PM/AL040 Revised: 10/14.
3. Cover Page with Miami Police Badge Logo
4. Parked Vehicle Form RF# (TBA), **Note:** Only to be used if the vehicle was properly, operationally, or improperly parked and unoccupied.
5. Florida Traffic Crash Report
6. Crime Scene Investigation Photos
  - a. When authorized by a **commanding officer**, crashes not involving injuries and/or with damages totaling under \$500 (between all vehicles involved), where



CSI response would be unreasonably delayed, may direct that the crash scene photographs be taken by a supervisor, in lieu of requesting the Crime Scene Detail. The photos must depict the following:

- i. Photographs capturing each vehicle in its entirety.
  - ii. Individual close-up photographs of the damage on each vehicle involved
  - iii. Entire scene photographs depicting the **entire** scene location of initial impact, any vehicle debris on the scene, and the **entire** scene where vehicles came to rest in relation to each other.
  - iv. The photographs shall be taken to CSI, for uploading into their centralized data base.
7. Hit and Run Report Form
  8. Copy of the Supervisor's Accident/Injury Investigation Report, Form PM/AL 008 (if applicable)
  9. Any other related documentation.
  10. Any external video or body worn camera footage (when available)

**9.4.3.7** The investigating officer shall ensure that the original Florida Traffic Crash Report is directed to the investigating supervisor for review. If the investigating officer completed the crash report in TRACS, the report shall be forwarded to the investigating supervisor for approval.

**9.4.3.8 Paperwork/Package Submission:** Once the Police Vehicle Crash Investigation package is completed and approved by a commanding officer, it will be submitted through the ARB Detail's chain of command to the Specialized Operations Section commanding officer. After the chain of command review is completed, it will then be sent back to the Accident Review Board (ARB) Detail for the Accident Review Board process. Once the review is complete, the package shall be forwarded to the Field Operations Division Chief for final disposition.

**9.4.3.9 Charging Police Personnel in Crash Cases:** Supervisors and/or commanders of personnel involved may issue a traffic citation to an officer involved in a traffic crash for an infraction for which a citation is routinely issued. Supervisors and/or commanders of personnel involved in a traffic crash resulting from a criminal infraction shall issue the appropriate traffic citation.

**9.4.3.10** Police members appearing in court as a result of being charged with a crash shall appear in civilian attire.

**9.4.3.11** The investigating supervisor, upon completing the administrative investigation, shall determine the appropriate administrative category.

**9.4.3.12** In addition to the ARB penalty schedule, supervisors and/or commanders of members may consider non-punitive measures such as remedial driver's training and evaluation.

**9.4.3.13** Staff members above the rank of Captain are exempt from the ARB penalty schedule. Staff members above the rank of Captain will be disciplined by a supervising rank and not a subordinate rank. Staff members involved in a traffic crash are subject to discipline meted out by the Chief of Police (or designee).

## CRIME SCENE PROCEDURES

### Section

- 10.1 Policy
- 10.2 Organization
- 10.3 Responsibilities
- 10.4 Procedures
- 10.5 General Crime Scene Instructions
- 10.6 Special Crime Scene Instructions

**10.1 POLICY:** The policy of the Miami Police Department (MPD) is to ensure proper investigation, protection and preservation of potential evidence at crime scenes. The coordination of crime scene evaluations and processing is between the investigative elements (personnel) of MPD and other involved agencies.

**10.1.1 Crime Scene Defined:** A crime scene is any structure, location, or area in which a known or suspected violation of the law has occurred. MPD has three main classifications of crime scenes.

**10.1.1.2 Minor Crime Scene:** Includes petty larcenies or other violations of small monetary loss or property damage.

**10.1.1.3 Major Crime Scene:** Includes burglaries, grand larcenies, and other offenses of large value loss or property damage, as well as violent crimes such as aggravated assaults, armed robberies, extortions, kidnappings, etc. where no death is involved.

**10.1.1.4 Capital Crime Scene:** Includes a scene where the prosecution of the offender could result in the death penalty or life imprisonment (i.e., murder, rape, and bombing). All cases in which deadly force is used against an offender by an officer and against an officer by an offender which results in injury or death to either person are considered Capital Crime Scenes.

**10.2 ORGANIZATION:** This chapter pertains to all personnel of MPD who have the responsibility to participate in the investigation of a crime scene.

**10.3 RESPONSIBILITIES:** It is the primary responsibility of the primary officer (dispatched) to secure the crime scene. This responsibility will extend to other personnel throughout the investigation. These responsibilities are to include: securing and protecting the scene as well as documenting all entries of persons into the scene. Under exigent circumstances, the officer may photograph, diagram, and sketch the scene; along with protecting, collecting and preserving evidence. This will be immediately reported to the criminal investigator and properly documented.

### **10.4 PROCEDURES:**

**10.4.1 Duties at the Crime Scene - First Officer:** The first officer on the scene shall initiate the necessary measures to preserve all physical evidence, which includes but not limited to, weapons, DNA, video, digital, audio, etc, and roping off the crime scene, assuring that any physical evidence present is not disturbed. The primary officer will document all entries of persons

into the crime scene, and will secure and protect the scene until this responsibility is relinquished to the criminal investigator or Crime Scene Investigator (CSI). The primary officer shall observe all conditions, events, and remarks, and locate and identify any and all witnesses. The primary officer shall ensure the victim or complainant, witnesses, and suspects are interviewed and all statements are documented. The primary officer, unless relieved of the scene by the criminal investigator or CSI, will be responsible for submission of any physical evidence requiring laboratory analysis. CSI's are not armed. For their personal protection, they may request an officer to remain on a crime scene or return to a crime scene if circumstances, location, and/or time of night dictate. Officers refusing to comply with requests from CSI's to stay or return to the crime scene will be denied the services of a CSI to the unsecured crime scene.

**10.4.2** The primary officer will brief the CSI on the circumstances of the commission of the crime in order to enable them to determine the most efficient and effective methods of collecting, identifying, and preserving all available physical evidence. Unless otherwise directed by the criminal investigator, the CSI will examine the scene and determine what evidence is available and the methods to be used for its collection and preservation. In the event no investigator responds to the scene, the scene investigation will be determined by the CSI. Any conflicts arising in the determination of what activities are necessary at the scene will be referred to a supervisor.

**10.4.3** The scene preservation will be the direct responsibility of the primary officer assigned to the call until relieved by the assigned criminal investigator. Other officers, Fire Rescue personnel, civilians, supervisors, and commanding officers shall not enter the crime scene area unless their assistance in rescue efforts or offender apprehension is required. The assigned criminal investigator, upon arrival, will assume responsibility for the crime scene and will direct the efforts of the CSI's and uniform officers on the scene.

**10.4.4 Patrol Sergeant's Duties:** Upon arrival, the patrol sergeant shall ensure that the scene is being preserved and that all special equipment and assistance has been requested. The sector sergeant shall take command in coordinating the search for the offender.

**10.4.5 Criminal Investigator's Duties:** Upon arrival at a crime scene, the criminal investigator shall, unless otherwise directed by a superior officer, assume command of the investigation and become fully familiarized with the police action already taken. It is the ultimate responsibility of the investigator to ascertain that all available evidence of the case is preserved.

**10.4.6 Crime Scene Investigation Detail:** This detail shall conduct crime scene investigations in all actual or suspected major and capital cases and in any other case when so requested by the officer or criminal investigator at the scene. Upon request, the Fire Department will furnish additional lighting, large ladders, ropes, and other such equipment as needed at crime scenes.

**10.5 GENERAL CRIME SCENE INSTRUCTIONS:** The primary uniform officer assigned to the call shall complete all necessary preliminary reports.

**10.5.1** Officers will use their own discretion in reference to requesting criminal investigators or CSI's at minor crime scenes. However, appropriate criminal investigators and CSI's shall be notified and will respond to all major and capital crime scenes.

**10.5.2** Every item, article, or other entity at a crime scene has potential evidentiary value and is to be treated accordingly. In emergencies, and when dictated by circumstances which do not permit an officer to await the arrival of the CSI, the officer or criminal investigator should carefully record, collect, and preserve the evidence and submit a detailed supplemental report depicting the exact location, chain of custody, and disposition of all evidence collected. Unless there is a true emergency, no evidence at a capital crime scene should be disturbed prior to arrival of the Crime Scene Investigation Unit.

**10.5.2.1** Do not move or touch any weapon on a crime scene, unless the weapon presents a threat to the officers or other persons present. The relative position of the weapon is important to the reconstruction of the events. The position of ammunition in a weapon is very important, and latents may be found on ammunition, ammunition clips, and magazines. Insertion of any object into the barrel may alter ballistic comparisons. Weapons should not be opened unless ordered by the CSI.

**10.6 SPECIAL CRIME SCENE INSTRUCTIONS:** Special crime scenes (e.g., police shootings) involve investigative responsibilities of several agencies and are dependent on the category of the discharge (see Departmental Order 6, Chapter 21 Use of Force & Administrative Procedures). In general:

**10.6.1** The first officer on the scene is responsible for securing the scene, roping off the scene, and taking necessary steps to preserve all physical evidence. The supervisor of the officer should be notified and should respond to the scene.

**10.6.2** The lead criminal investigator (i.e. Homicide team supervisor, Internal Affairs supervisor, FDLE investigator) will have primary access to the crime scene until such time that the scene has been fully searched and all items of evidence are noted.

**10.6.2.1** The term of primary access will exist until the lead criminal investigator has obtained enough information to comprehend the scene and to recognize items of evidential value.

**10.6.3 The Special Crime Scene** will consist of several levels or perimeters of access.

**10.6.3.1 Scene to be Processed:** This may be a room, a house, or an entire block. Access to this scene will be granted only to those persons who have investigative responsibility and are assigned to the investigation.

**10.6.3.2 Investigative Coordination Perimeter:** This perimeter will be roped off and will be the scene Command Post. All persons having investigative responsibility will be directed to this scene Command Post.

**10.6.3.2.1** Persons who may be given access to the scene Command Post or investigative coordination perimeter include, but are not limited to, depending upon the situation, the following; C.I.S. commanders, Internal Affairs commander, Patrol commanders, and the Staff Duty officer.

**10.6.3.2.2** These persons must stand by at the investigative coordination perimeter until advised by the lead criminal investigator that they may be escorted through the scene to be processed.

**10.6.3.3 Response Coordination Perimeter:** This perimeter will be roped off and those personnel who are participating in directing the support response function (area searches, perimeter searches, area canvasses, etc.) will be allowed access. Personnel in this perimeter will gather information from the scene Command Post to facilitate their response activities and responsibilities.

**10.6.3.4 Public Restriction Perimeter:** This perimeter will be roped off and only persons previously determined by this order will be allowed past this perimeter.

**10.6.3.4.1** In the initial stages, all members of the public, including the media, will be restricted to this perimeter.

**10.6.3.4.2** When no investigative objective will be compromised and with permission of the lead criminal investigator, the public, including members of the media, may be allowed to have greater access to the scene.

**VICTIMS ADVOCATE SERVICES**

Section

- 11.1 Policy
- 11.2 Organization
- 11.3 Responsibilities
- 11.4 Procedures

**11.1 POLICY:** It shall be the policy of Miami Police Department to treat every victim and witness with fairness, compassion and dignity. The Department is committed to the continuation of appropriate victim/witness assistance program and activities.

**11.2 ORGANIZATION:** This department order is applicable to all units within the Department.

**11.3 RESPONSIBILITIES:** The violent crime administrator coordinates and is responsible for administering, implementing and supervising the Department's victim/witness assistance services. The violent crime administrator will:

**11.3.1** Respond to a crime scene or the office as soon as being notified by a detective or sworn officer.

**11.3.2** Identify who is the victim, witness or survivor of the crime as well as if there are any secondary victims.

**11.3.3** Assess the needs of the victim, witness or survivors in a homicide.

**11.3.4** Assist the detective in identifying the legal guardian or parent if a minor is the victim.

**11.3.5** Inform the victim, witness or survivors that they are protected from intimidation from the defendant or any member of their family.

**11.3.6** Insure that the victims, witnesses, and homicide survivors are informed of their rights and the proper assistance and services.

**11.3.7** Insure the victim receives information on local community services to include counseling, shelter, legal assistance, compensation programs, emergency financial assistance or other types of help, depending on the particular circumstances and victim advocacy.

**11.4 PROCEDURES:** Once an individual has identified himself or herself as a victim or witness of a crime, the appropriate steps will be taken to assist the victim or witness.

**11.4.1** The victim of a crime, or the next of kin of a homicide victim, will be provided with the guaranteed rights under the Florida Constitution and the Victims Rights Act, 1988. See Departmental Order 9, Chapter 6 for specific rights and duties of the violent crime administrator, Communications Section, member conducting preliminary investigation, and detective/investigator conducting follow up investigation.

**CONFIDENTIAL INFORMANTS/SOURCES**Section

- 12.1 Policy
- 12.2 Organization
- 12.3 Responsibilities
- 12.4 Definitions
- 12.5 Procedures

**12.1 POLICY:** The utilization of confidential informants/sources is lawful and often essential to the effectiveness of properly authorized criminal investigations or intelligence gathering activities. At the same time, such utilization carries with it special challenges and risks that warrant prudent and responsible efforts. The Miami Police Department (MPD) acknowledges that special care must be taken to carefully evaluate and closely supervise the use of confidential informants/sources. Due to the inherent dangers associated with the investigations of drug-related crimes and other serious offenses, or similar concerns in any situation in which the use of a confidential informant/source is anticipated, a priority of such operations is the safety of the persons involved, including the confidential informant/source, agency personnel, target offender(s), and the public. Operational decisions and actions regarding the use of confidential informants/sources must keep the safety of involved persons a top priority, and agency personnel should exercise the utmost care and judgment in order to minimize the risk of harm to all persons involved. Therefore, it is the policy of the MPD to ensure that confidential informants/sources are properly documented and managed to meet all legal and ethical considerations.

**12.2 ORGANIZATION:** Unit commanders are authorized to establish and maintain a confidential informant/source file for their respective units. This departmental order is applicable to all members of the MPD who document, manage, or utilize confidential informants/sources.

**12.3 RESPONSIBILITIES:** It is the responsibility of the commanding officer of the personnel involved with confidential informants/sources to ensure that all procedures are adhered to. The use of individuals who furnish information with the expectation that their identity will not be disclosed requires detailed documentation and administrative control. All actions by the confidential informant/source must be carefully supervised to ensure investigative integrity.

**12.4 DEFINITIONS:**

**12.4.1** "Confidential informant" means a person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and:

**12.4.1.1** Seeks to avoid arrest or prosecution for a crime, or mitigate punishment for a crime in which a sentence will be or has been imposed; and

**12.4.1.2** Is able, by reason of their familiarity or close association with suspected criminals, to:



**12.4.1.2.1** Make a controlled buy or controlled sale of contraband, controlled substances, or other items that are material to a criminal investigation;

**12.4.1.2.2** Supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or

**12.4.1.2.3** Otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

**12.4.2** "Confidential Source" means a person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and:

**12.4.2.1** Is not seeking to avoid arrest or prosecution for a crime, or mitigate punishment for a crime in which a sentence will be or has been imposed;

**12.4.2.2** Is compensated; and

**12.4.2.3** Is able, by reason of their familiarity or close association with suspected criminals, to:

**12.4.2.3.1** Make a controlled buy or controlled sale of contraband, controlled substances, or other items that are material to a criminal investigation;

**12.4.2.3.2** Supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or

**12.4.2.3.3** Otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

**12.4.3** "Controlled buy" means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender which is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant/source.

**12.4.4** "Controlled sale" means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender which is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant/source.

**12.4.5** "Target offender" means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant/source.

**12.5 PROCEDURES:** All personnel of the MPD will adhere to the following when using a confidential informant or confidential source.

**12.5.1** The officer who initiated the contact shall interview the potential confidential informant/source. A records check shall be conducted to determine motivation, associates, and past criminal activity.

**12.5.2** Prior to utilizing a person as a confidential informant/source, the following minimum factors shall be considered in assessing the suitability of such person:

**12.5.2.1** The person's age and maturity;

**12.5.2.2** The risk the person poses to adversely affect a present or potential investigation or prosecution;

**12.5.2.3** The effect upon MPD efforts that the disclosure of the person's cooperation in the community may have;

**12.5.2.4** Whether the person is a substance abuser or has a history of substance abuse or is in a court-supervised drug treatment program;

**12.5.2.5** The risk of physical harm that may occur to the person, their immediate family, or close associates as a result of providing information or assistance, or upon the disclosure of the person's assistance to the community;

**12.5.2.6** Whether the person has shown any indication of emotional instability, unreliability, or of furnishing false information;

**12.5.2.7** The person's criminal history and/or prior criminal record; and

**12.5.2.8** Whether the use of the person is important to or vital to the success of the investigation.

**12.5.3 Juveniles**

Juvenile confidential informant/sources are to be used only with parental consent and with prior authorization from the respective Unit Commander. The proper juvenile forms will be completed.

**12.5.4 A Confidential Informant/Source Will Not Be Utilized If They Have:**

**12.5.4.1** Previously been Black-listed by any other Law Enforcement Agency.

**12.5.4.2** Previously been Black-listed by any unit within the MPD.

**12.5.4.3** An outstanding arrest warrant, unless prior approval from a unit commander and/or an Assistant State Attorney is obtained.

**12.5.4.4** Proven to be unreliable or not credible.

**12.5.4.5** Violated criminal statutes while serving as a confidential informant/source.

**12.5.5 Confidential Informant/Source Documentation:**

If approval is granted to utilize confidential informants/sources, a master file will be established containing file folders and code numbers that will be assigned to the confidential informants/sources starting with the unit that will be handling the confidential informant/source. For example, Homicide 001, Homicide 002, Burglary 001, Burglary 002, etc. and continue

chronologically in numerical order. The same procedure will apply to each individual unit within the Criminal Investigations Section and any other MPD unit maintaining confidential informant/source files. Strict security shall be maintained and the unit commander will specify any access to information within these files.

**12.5.5.1** A confidential informant/source log containing the following information will be maintained within each respective unit subject to:

- Code number
- Confidential informant or sources name and nickname
- Address
- Race, sex and date of birth
- Phone Number(s)

**12.5.5.2** A pressboard folder (8 ½" x 11 ") will be used. The assigned confidential informant/source's code number will be typed on the appropriate label. A Confidential Informant/Source Expenditure Control Sheet (each unit will create one) will be affixed inside the front cover of the file folder.

**12.5.5.3** The right-hand side of the file folder will be organized in the following chronological order:

- Confidential informant/source information sheet;
- A current photograph of the confidential informant/source;
- Confidential informant/source agreement sheet;
- Confidential informant/source waiver form;
- Consent to search form;
- Confidential informant/source sheet;
- Standard finger print card or equivalent print classification;
- Photo copy of confidential informant/source's driver licenses or I.D. card;
- Criminal history information/another agency information;
- Investigative reports;
- If the confidential informant/source is a juvenile, the appropriate forms shall be included; and
- Fund Receipt (RF#135) attached to the Expense and Investigative Report Sheet and the Accounting for Investigative Funds (RF#101). The most recent always on top.

**12.5.5.4** Records relating to confidential informants/sources will be maintained in accordance with Section 119.021 Fla. Statutes, as amended.

**12.5.6 Confidentiality of Informant/Sources' Records:**

In order to protect the confidentiality of active and deactivated confidential informants/sources, and to encourage others to come forward with relevant useful information regarding criminal activity, it is necessary to take steps in the utilization and documentation process which inhibit the release of their identities to unauthorized sources. Therefore, the below procedures will be followed:

**12.5.6.1** Access to records relating to confidential informants/sources shall be limited to those within the MPD or other law enforcement agencies having a need to know or to review those records, or to those whose access has been required by court process or order.

**12.5.6.2** In written reports, the confidential informant/source will only be referred to by their departmental code number.

**12.5.6.3** No officer will discuss, except as necessary in the course of duty, the name or any other information or knowledge they may have regarding the confidential informant/source.

**12.5.6.4** Except under court order, the identity of the confidential informant/source shall not be released to any non-departmental person or entity without approval from a Section Commander.

**12.5.6.5** A notation of each person who accesses such records and the date that the records are accessed shall be made. Such notation shall be made in the Master Access Log which will be maintained by the Unit Commander.

**12.5.6.6** Active and non-active confidential informant/source files will be maintained in locked file cabinets within each individual unit.

**12.5.6.7** The Unit Commander will periodically review and ensure that the above security procedures are followed.

**12.5.7 Expenditures for Confidential Informants/Sources:** A supervisor must approve all payments to confidential informants/sources recommended by an officer. A supervisor or second officer must witness this payment. **For authorized uses of investigative funds refer to Budget Unit Departmental Order 8, chapter 5.**

**12.5.7.1** A supervisor may authorize expenditures for confidential informants/sources under the following circumstances:

**12.5.7.1.1** The information or service is not available through normal investigative procedures and the officers are unable to induce the person to cooperate with the authorities by other means.

**12.5.7.1.2** Payment of expenses incurred by the confidential informant/source who contributes to a criminal investigation.

**12.5.7.1.3** Purchase of illegal narcotics, stolen property, or other contraband/evidence relating to a criminal investigation.

**12.5.7.2** The unit commander will approve the amount of expenditure, and will base the payment on a case-by-case evaluation.

**12.5.7.3** Upon payment, the confidential informant/source will sign the fund receipt (R.F. #135) in the presence of a supervisor or officer.

**12.5.7.4** The confidential informant/source can use a signature symbol or a fictitious name as long as the real name and signature is on file. A copy of the signature or symbol must be on file.

**12.5.8 Reports Needed To Cover Expenditures For A Confidential Informant/Source:**

**12.5.8.1** Inter-office memorandum to the Chief of Police or designee, listing funds and receipt numbers.

**12.5.8.2** Original of Expense and Investigation Report with all information of buy, time, place, offender(s), and officers involved, monies spent, and case number.

**12.5.8.3** Copy of fund receipt (R.F. #135) from Property Unit.

**12.5.8.4** Copy of arrest reports resulting from information supplied by the confidential informant/source if applicable.

**12.5.8.5** The officers shall obtain a receipt for all payments made indirectly, such as meals and rooms. The officer in their report will justify any exception. Originals will be attached to the package.

**12.5.8.6** Copy of receipts will be kept in the confidential informant/source's file.

**12.5.9 Contact with Confidential Informants/Sources:** Whenever a confidential informant/source is contacted; at least two officers will be present. At no time will an officer meet a confidential informant/source alone.

**12.5.9.1** The exception to the above will be when no other officer is available and time constraints prohibit delaying the meeting. In that event an officer must meet with a confidential informant/source alone, a supervisor shall be contacted for approval of the "one on one" contact. Supervisors will be advised of meetings with confidential informants/sources as well as the purpose and results of the meeting.

**12.5.9.2** In the event a female confidential informant/source needs transportation and a second officer is not present, a supervisor will be contacted for approval. The transporting officer will then go to the working channel and advise of his departure mileage and destination. Upon arrival, the officer will advise of the ending mileage and location.

**12.5.10 Utilization of Confidential Informants/Sources**

**12.5.10.1** Any Officer utilizing a confidential informant/source will:

**12.5.10.1.1** Inform each person who is requested to serve as a confidential informant/source that the agency cannot promise inducements such as a grant of immunity, dropped or reduced charges, or reduced sentences or placement on probation in exchange for serving as a confidential informant/source.

**12.5.10.1.2** Inform each person who is requested to serve as a confidential informant/source that the value of their assistance as a confidential informant/source and any effect that assistance may have on pending criminal matters can be determined only by the appropriate legal authority.

**12.5.10.1.3** Provide a person who is requested to serve as a confidential informant/source with an opportunity to consult with legal counsel upon request before the person agrees to perform

any activities as a confidential informant/source. However, this section does not create a right to publicly funded legal counsel.

**12.5.10.1.4** Be trained in the MPD's policies and procedures prior to utilizing any such confidential informants/sources. Unit Commanders shall keep and maintain documentation that demonstrates the date of such training.

**12.5.10.1.5** Advise the confidential informant/source of the conditions, restrictions, and procedures associated with participating in the MPD's investigative or intelligence gathering activities.

**12.5.11 Handling of Confidential Informants/Sources:** Officers will make it clear to confidential informants/sources that they are not police officers and advise them of the following:

**12.5.11.1** They have no arrest powers.

**12.5.11.2** They are not permitted to carry a gun.

**12.5.11.3** They are not to perform searches and seizures.

**12.5.11.4** Advise them they are not to initiate any contact without the knowledge and consent of their controlling officer. These contacts, when approved, should be audio-recorded whenever possible.

**12.5.11.5** Any violations arising from their actions in violation of the above will result in an investigation of matters and if the charges are substantiated, appropriate action (including the possibility of criminal prosecution) will be taken.

**12.5.11.6** A confidential informant/source is not the exclusive responsibility of any one officer. Their information is the property of the Department.

**12.5.11.7** Every contact with a documented confidential informant/source will generate a memorandum of the meeting even though no information or results were obtained. This is for the protection of the officers at a later date. A second officer shall always be present when meeting with a confidential informant/source. Extra caution should always be used in dealing with a confidential informants/source of the opposite sex. All contact must be strictly professional. It is important to remember that confidential informants/source inform on their friends. Any improprieties by officers during their contacts with confidential informants/sources are just as likely to be reported.

**12.5.11.8** Officers involved in investigative or intelligence gathering with confidential informants/sources shall not have any off-duty association or social relationships with said confidential informants/sources.

**12.5.12 Rules of Conduct for Confidential Informants/Sources:**

Confidential informants/sources are forbidden to do any of the following:

**12.5.12.1** Sell or deliver any controlled substance, dangerous drug, marijuana or any substance purported to be same, to anyone.

**12.5.12.2** Sell or deliver or cause to be sold or delivered any controlled substance purported to be same, to any person who would then in turn sell or deliver said controlled substance dangerous drug, marijuana, or any substance purported to be same to any member of the unit or any other person.

**12.5.12.3** Use sex; sexuality, or sexual activity to induce or persuade any individual to sell or deliver a controlled substance, dangerous drug, marijuana or any other substance purported to be same to any member of the unit.

**12.5.12.4** Search any suspect, person, house, papers or personal effects.

**12.5.12.5** Become involved in any activities that would constitute entrapment.

**12.5.12.6** Engage in any illegal or improper conduct.

**12.5.13 Confidential Informant/Source File Review:**

Unit supervisors on at least an annual basis must periodically review confidential informant/source files to ensure conformity with the herein policies and procedures and with applicable state law.

**12.5.14 Confidential Informants/Sources Who Are Defendants, Serving Sentence, or On Probation:** Officers who desire to use confidential informants/sources that are pending charges, serving sentence, or on probation, will get approval from a unit commander and consult the State Attorney's Office.

**12.5.15 Confidential Informants/Sources Conducting Controlled Purchases:** Only units with a Division Chief's approval will conduct operations where confidential informants/sources will engage in complex duties where the confidential informant/source will handle money. Once approval has been received, the following procedures shall be adhered to:

**12.5.15.1** A written statement describing the confidential informant/source's participation and observations shall be taken from all confidential informants/source after they have completed a controlled purchase or when present during the direct purchase of any contraband such as but not limited to narcotics, illegal firearms, illegal gambling bets, etc.

**12.5.15.2** Either the confidential informant/source or the officers may write the statement in longhand. The statement shall be signed and dated by the confidential informants/sources. The statement shall become a part of the confidential informant/source's file and shall be taken as soon as possible immediately after the transaction is completed. No funds shall be paid to the confidential informants/source until the statement is taken.

**12.5.16 Deactivation of Confidential Informants/Sources:**

**12.5.16.1** The confidential informant/source may be deactivated as a result of the below listed scenarios:

**12.5.16.1.1** The confidential informant/source requests to be deactivated.

**12.5.16.1.2** The confidential informant/source was previously Black-listed by any other Law Enforcement Agency.

**12.5.16.1.3** The confidential informant/source was previously Black-listed by any unit within the Miami Police Department.

**12.5.16.1.4** The confidential informant/source has an outstanding arrest warrant.

**12.5.16.1.5** The confidential informant/source proves to be unreliable or not credible.

**12.5.16.1.6** The confidential informant/source violates criminal statutes while serving as a confidential informant/source.

**12.5.16.1.7** The confidential informant/source becomes inactive for a period longer than one year.

**12.5.16.2** The handler shall promptly advise the confidential informant/source of their deactivation as soon as practicable.

**12.5.16.3** A deactivation notation will be made in the confidential informant/source's file if they are no longer of use, but the file will remain secured in the filing system.

**12.5.16.3 Black-listing:** When behavior of a confidential informant/source reduces their credibility, the concerned officer shall notify their immediate supervisor. Should the supervisor determine that the confidential informant/source should no longer be used, the supervisor shall Black-list the confidential informant/source causing the following to occur:

**12.5.16.3.1** The confidential informant/source's code number will be suffixed with the letter B. Example, Homicide 001B.

**12.5.16.3.2** A memorandum detailing the reason for the Black-listing shall be prepared and placed in the confidential informant/source's file. A copy of the memorandum will be distributed to other units within the department that use confidential informants/sources thus preventing the confidential informant/source from being used by any other unit of the Miami Police Department.

**12.5.16.2.3** The confidential informant/source shall not be used again without written approval of the concerned supervisor.



**GENERAL INVESTIGATIONS UNIT**

Section

- 13.1 Policy
- 13.2 Organization
- 13.3 Responsibilities
- 13.4 Procedures

**13.1 POLICY:** The Miami Police Department recognizes a need within the law enforcement function to investigate criminal activity by utilizing personnel specifically trained to investigate certain enumerated offenses. As such the General Investigations Unit (GIU) is designed to provide effective and efficient investigative techniques aimed at identifying, apprehending and prosecuting criminal offenders.

**13.2 ORGANIZATION:** The General Investigations Unit is part of Criminal Investigations Division.

**13.3 RESPONSIBILITIES:** GIU is comprised of the Auto Theft Detail and the Economic Crimes Detail. 24 hour coverage is not provided, but there is an on-call roster for after hours call outs. GIU is responsible for the investigation of auto thefts, embezzlements, fraud, forgeries and identity theft.

**13.4 PROCEDURES:** GIU will conduct investigations of the aforementioned offenses. The investigation will consist of, but not be limited to:

- a) Response to, and examination of the incident location.
- b) Gathering of any additional information or evidence not recorded by the original officer's investigation.
- c) Interviewing of victims and witnesses to obtain additional information.
- d) Preparation of information for the filing of charges and court presentations.

**13.4.1 On-Scene Arrest Policy:** The Miami Police Department shall make on-scene arrests for felony offenses when probable cause exists and the suspected offender's whereabouts are known, including cases where the victim(s) indicate a desire not to prosecute.

**13.4.2 Notification of Investigators:** Available GIU Investigators will respond to all crime scenes when requested by a patrol unit or when requested by Communications during normal duty hours. Unavailability or higher operational priorities will be determined by the GIU Commander. Communications maintains an on-call list for GIU for after hour call outs.

**13.5 Auto Theft:** The detail will investigate automobile and boat thefts within the City of Miami. They will also inspect auto repair shops and auto body shops within the City of Miami.

**13.5.1** An auto theft investigator will be notified of all auto thefts where an arrest has been made in connection with the theft of an automobile. The auto theft investigator will assist patrol officers with questions concerning any investigation dealing with an auto theft. This will also extend to outside agencies requiring assistance within the City of Miami.

**13.5.2** Call outs of auto theft investigators shall be authorized by the GIU Commanding Officer or his designee.

**13.6 Economic Crimes:** The detail will investigate types of fraud to include but not limited to:

- a) Identity theft
- b) Counterfeiting
- c) Flim-Flams
- d) Commercial fraud

**13.6.1** The detail will collaborate with federal and local agencies to combat the above listed crimes.

**13.6.2** Economic Crimes Detail Investigators shall provide information and direction to assist victims of identity theft and provide information to the public on preventing becoming a victim of these types of crimes.

**ROBBERY UNIT**

Section

- 14.1 Policy
- 14.2 Organization
- 14.3 Responsibilities
- 14.4 Procedures

**14.1 POLICY:** It is the policy of the City of Miami Police Department to investigate all robberies, kidnappings and extortions when the investigation reveals that a crime has been committed. Every effort will be made to arrest the offender and aid in prosecution.

**14.2 ORGANIZATION:** The Robbery Unit is part of the Criminal Investigations Division and is comprised of robbery investigators. The Robbery Unit is divided between the three districts with each investigator assigned to a designated neighborhood area.

**14.3 RESPONSIBILITIES:** The Robbery Unit will be responsible for the investigation of:

- a) All robberies (not domestic related)
- b) Robberies by sudden snatching (not domestic related)
- c) Kidnappings (other than parental and domestic related kidnappings)
- d) Extortions

**14.4 PROCEDURES:** Robbery Unit Investigators will be notified by the first arriving patrol officer or Communications on all cases meeting the criteria for investigation.

**14.4.1** The first arriving patrol officer and/or the appropriate supervisor will take control of the crime scene until the arrival of a robbery investigator, if applicable. The robbery investigator will then assume control of the scene.

**14.4.2** The robbery investigator shall conduct interviews of witnesses, victims, and offenders.

**14.4.3** The robbery investigator will draft all warrants, crime scene requests, and arrest affidavits when applicable.

**14.4.4** Robbery Unit investigators will investigate the case and submit all related paperwork to their respective supervisors.

**14.4.5** During the hours when investigators are not available Communications will maintain an on-call schedule for robbery investigators.

ASSAULT UNIT

Section

- 15.1 Policy
- 15.2 Organization
- 15.3 Responsibilities
- 15.4 Procedures

**15.1 POLICY:** It is the policy of the Miami Police Department to investigate all assault /or battery cases, that do not result in death within the jurisdiction of the City of Miami. When probable cause exist every effort will be made to arrest the offender and aid in prosecution.

**15.2 ORGANIZATION:** The Assault Unit is part of the Criminal Investigations Section. When an Assault Unit is not available for assault related calls, a Homicide Unit Investigator shall be contacted. An on-call investigator list is available for calls that meet the assault call-out criteria.

**15.3 RESPONSIBILITIES:** The Assault Unit will be responsible for the investigation of:

- A. Attempted Murder
- B. Aggravated Assaults (misdemeanors with unusual circumstances)
- C. Aggravated Battery (misdemeanors with unusual circumstances)
- D. Stalking (Excluding Domestic Violence cases)
- E. Arson involving attempted murder; excluding domestic and property crimes
- F. Hate Crimes
- G. Assaults on Police Officers and Fire Fighters

**15.4 PROCEDURES:** It is the responsibility of the responding unit to make an initial assessment of the situation to determine if an aggravated assault or battery has occurred. Upon determining that a crime was committed proper notifications should be made to the assault unit giving criteria for investigation.

**15.4.1** The first arriving patrol officer and/or the appropriate supervisor will take control of the crime scene until an assault investigator arrives. The assault investigator will then assume control of the scene.

Note: the age of the victim is vital information

**15.4.2** The first arriving unit will secure and preserve the crime scene and its contents, and attempt to locate witnesses and suspects.

**15.4.3** The assault investigator shall conduct interviews of witnesses, victims, and offenders.

**15.4.4** Assault Unit Investigators will investigate the case and submit all related paperwork to their respective supervisors.

**15.4.5** During the hours when investigators are not available Communications will maintain an on-call schedule for assault investigators.

## EYEWITNESS IDENTIFICATION / SHOW UPS

### Section

- 16.1 Policy
- 16.2 Organization
- 16.3 Definitions
- 16.4 Responsibilities
- 16.5 Procedures

**16.1 POLICY:** In order to ensure that the highest quality, accurate, reliable, and unbiased identification is obtained from eyewitnesses, it shall be the policy of the Miami Police Department (MPD) to comply with established protocols designed to maintain consistency and reduce the potential for erroneous identification by eyewitnesses in criminal cases.

**16.2 ORGANIZATION:** This chapter is assigned to the Criminal Investigations Division, but it is applicable department wide.

### **16.3 DEFINITIONS:**

- **Blank Photo:** A blank sheet of paper the same size and of the same material as the photos utilized in the photo lineup. (Blank photos are utilized in sequential photo line-ups)
- **Blind Testing Procedure:** A procedural safeguard wherein the person administering the photographic line-up does not know the identity of the suspect.
- **Confidence Statement:** Documentation accurately and completely reflecting the identification results obtained from the eyewitness, to include the identification or non-identification of a suspect.
- **Digital Imaging System:** Computer-based system consisting of collections of photos which may be used to prepare a photo array.
- **Eyewitness:** A person, including a victim, whose identification by sight of another person may be relevant in a criminal proceeding.
- **Filler Photos:** Photos of persons NOT suspected of an offense used to complete a photo array.
- **Functional Equivalent Procedures:** Procedures utilized when an Independent Administrator is not utilized, permitting the investigator to conduct a sequential photographic lineup in a manner that precludes him from knowing when the suspect is presented to the witness.
- **Independent Administrator:** An individual administering a photo array who has no knowledge of the suspect's identity. (Sometimes referred to as a "Blind Administrator.")
- **Photographic Lineup:** An identification procedure wherein an array of photographs of

individuals, including a photograph of the suspect of an offense, and additional photographs of other persons not suspected of the offense, who are similar in age and general appearance, and who are of the same race and sex as the offender are displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the offender of a crime. Photographic line-ups may be presented simultaneously or sequentially. The group of photos used in a photographic lineup is called a "photo array".

- **Sequential Photographic Lineup:** A method of presentation where photographs, are shown to an eyewitness, in random order, one at a time, with an independent decision on each, before the next photo is shown.
- **Investigatory Stops; Show-ups:** A field identification procedure in which an eyewitness is presented with a single suspect, within a short time following the commission of a crime for the purpose of determining whether the eyewitness identifies this individual as the offender.

**16.4 RESPONSIBILITIES:** It is the responsibility of each investigator to ensure all photographic line-ups abide strictly by these procedures in order to avoid the possibility of error or undue suggestiveness. Being aware that innocent persons may, on occasion, become involved in criminal matters; equal importance must be given to clearing innocent persons as to arresting those who are guilty.

Mug books (photographs) generated by officers will not be shown to eyewitnesses for identification purposes.

**16.5 PROCEDURES:** In order to prevent eyewitnesses from making relative judgments when viewing photographic line-ups, and minimize the risk of unintentionally influencing an eyewitness during a photographic line-up, MPD employs the use of the Sequential Blind Photographic Line-Up procedure wherein an Independent Administrator presents the photographic line-up to the eyewitness and/or the use of the Functional Equivalency Procedure. The lead investigator will determine which procedure will be utilized.

**16.5.1** In the event that no Independent Administrator is available, then the lead investigator shall follow the Functional Equivalent Procedures outlined in this order.

**16.5.1.2** Photographic arrays may be constructed using the digital imaging systems database available for department use.

**16.5.1.3** When feasible, the photographic line-up procedure should be audio and/or video recorded.

**16.5.2 Creation of the Sequential Photographic Line-ups:** Sequential photographic line-ups are designed to reduce an eyewitness' tendency to compare one photo to another by presenting the eyewitness a number of photographs one at a time. Each photograph shall be numbered in the upper right-hand corner of the back of the photo prior to being presented to the eyewitness.

**16.5.2.1** Sequential photographic line-ups shall consist of a minimum of five filler photographs per identification procedure, plus a photograph of the suspect arranged in random order and two blank photographs/pages introduced as the last two in the array arranged in the following manner:

**16.5.2.2** Research suggests that eyewitnesses may be reluctant to identify someone in the first position of sequential photographic arrays; as such, a filler photo shall be inserted in the first

position of the array.

**16.5.2.3** The suspect's photo shall be randomly inserted between the first actual photo and the first blank photo. (Note: The practice of commonly assigning a suspect to a specific location within the photo array is prohibited).

**16.5.2.4** The last two photos in the array shall be the blank photos.

**16.5.2.5** In creating a sequential photographic array, the following should be considered:

**16.5.2.6 Suspect's Photo:**

**16.5.2.6.1** If there are multiple suspects, only one suspect shall be included in the array. If multiple photos of the suspect are reasonably available, then the photo that most resembles the suspect's description at the time of the crime should be used. The suspect's photo should be placed in different positions in each line-up, both across cases and with multiple eyewitnesses in the same case. Do not include more than one photo of the same suspect.

**16.5.2.7 Filler Photos:**

**16.5.2.7.1** Filler photos shall be contemporary photographs of individuals, who are reasonably similar in age, height, weight, and general appearance and are of the same sex and race, in accord with the witness' description of the suspect. Do not mix color and black and white photos. Use photos of the same size and basic composition. Cover or crop any portion of a mug shot or other photo that provides identifying information on the suspect or other persons included in the photographic lineup.

**16.5.2.8 Blank Photos:** Introducing the blank photos as the last two in the array prevents an eyewitness from knowing they have viewed the last actual photo and acts to reduce any pressure the eyewitness may have to select the final photo. The suspect's photo shall not be inserted immediately between the two blank photos.

**16.5.3 Standardized Instructions:** In order to ensure consistency, promote reliability, fairness and objectivity standardized instructions will be read to the eyewitness prior to viewing the line-up. The eyewitness must acknowledge the specific instructions prior to viewing the lineup by signing the form indicating they understand the instructions. After viewing the lineup, the witness will indicate if they were able or unable to make an identification. The form will be signed by the witness and by the person administering the lineup.

**16.5.3.1 Eyewitness Instruction for Photographic Lineup:** The instruction should be read aloud at the beginning of each identification procedure:

*In a moment, you will be asked to view a series of photographs. It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.*

*The person of interest may or may not be in this photo array and the photos are not in any particular order. I do not know whether the person being investigated is included in the photo array. Regardless of whether you make an identification we will continue to investigate the incident.*

*Keep in mind that individuals presented in this series may not appear exactly as they did on the date of the incident because features such as hairstyles and facial hair are subject to change. Also, photographs may not always depict the true complexion of a person. The person's*



*complexion may be lighter or darker than shown in the photo. Pay no attention to any markings or numbers that may appear on the photos or any other differences in the type or style of the photographs.*

*You should not feel that you have to make an identification. If you do identify someone, I will have you sign and date the photograph of the person you have identified.*

*The photos will be shown to you one at a time and are not in any particular order. Take as much time as you need to examine each photo. If you do make an identification before reviewing all the photographs I will continue to show you the remaining photos. There are some blank photos in the series. This is part of the normal process. If you recognize anyone, tell me which photograph you recognize and how you recognize the individual.*

*Since this is an ongoing investigation, you should not discuss the identification procedures or results.*

*Do you understand the way the photo array procedure will be conducted and the other instructions I have given you?*

**16.5.3.2 Presentation of Line-up:** The photographic line-up should be presented to the eyewitness by the Independent Administrator one at a time. The Independent Administrator should allow the eyewitness to determine when to view the next photo (within a reasonable amount of time) in the array. Each photograph will be removed after it is viewed and before the next photograph is presented. There should never be more than one photograph displayed at once.

**16.5.3.3 Request for Additional Viewing:** Photographic line-up arrays shall be redisplayed to an eyewitness ONLY if the eyewitness requests it. The entire photo array may be repeated only once and in the same sequence as originally presented. The entire sequence shall be presented even if the witness only requests to see a specific photo. At no time will the suggestion for review be made by departmental employees.

**16.5.3.4 Multiple Witnesses:** The following considerations shall be made when showing a photographic lineup to multiple witnesses:

- The suspect's photograph shall be placed in a different position in each sequential photographic array for each witness.
- Each witness is to view any identification procedure separately.
- Witnesses shall be separated to ensure that they are not aware of the responses of other witnesses.
- Witnesses shall not be permitted to communicate with each other until all identification procedures are completed, and shall be instructed not to discuss the identification procedure or results with anyone else.

**16.5.4 Investigator's/Administrator's Actions During Lineup:** Great care must be exercised when administering an identification procedure. As such, administrators must not, by word or gesture, directly or indirectly, influence a witness's decision or otherwise offer any opinions or suggestions to any witness concerning the guilt or innocence of a suspect in any identification procedure. Witnesses making inquiries about an administrator's opinion shall be informed of this restriction.

**16.5.5 Documentation:** The recording of the outcome of the identification procedure should reflect the identification results obtained from the eyewitness. All information regarding the identification procedure shall be documented and preserved by the administrator, including but not limited to:

- Names of all persons present during identification procedure including the administrator's name
- Date, time and location of the procedure
- The total number of filler photos and blank photo
- Any comment that is made by the witness while viewing the lineup shall be documented word for word. Any non-verbal communication such as nodding, or any action by the witness shall be noted in the administrator's notes (i.e., upon viewing photo number four, the witness stated, "That's the one! He's the one that pointed the gun at me and said he was going to kill me." The victim then started to cry.)
- Document the level of certainty and confidence expressed by the witness. (e.g., Ask the witness, how confident are you?)
- The photographs used in conducting line-ups shall be preserved in the investigative file and in order in which they were presented to the eyewitness.
- In order to document which photos were viewed by the eyewitness, the witness shall initial and date any photo identified.
- If additional viewing occurred.

**16.5.6 When Identification Procedures Unnecessary:** The use of an identification procedure may be unnecessary when the witness knows the identity of the suspect before the offense occurred or learned the suspect's identity without police assistance after the offense. A single photograph of the suspect named by the witness may be shown to the witness for confirmation that the person named is the offender, or a photograph line-up may be performed to establish additional probable cause. The identification procedure may also be unnecessary when the witness would be unable to recognize the suspect of the offense, such as when the suspect's face was completely covered during the commission of a crime.

**16.5.6.1 Single Photographs of a Known Suspect:** When the suspect is personally known to the witness, a single photograph of the known suspect may be shown to that witness in order to confirm the suspect's identity.

**16.5.6.2 Surveillance Photographs:** A surveillance photograph of a subject whose identity is unknown to law enforcement may be shown to a witness in an attempt to identify the subject.

**16.5.6.3** A surveillance photograph of a subject whose identity is unknown to law enforcement may be shown to a witness in order to determine if the same suspect has committed similar crimes.

**16.5.6.4** If the subject in a surveillance photograph has been identified and is known to law enforcement, a photo line-up must be constructed and shown to witnesses in accordance with

established protocols.

**16.5.7 Independent Administrator:** An Independent Administrator may be utilized for conducting photographic line-ups to eyewitnesses. The Independent Administrator should not have any knowledge of the case and should not know which photo in the array is the suspect.

**16.5.8 Functional Equivalent Procedures:**

**16.5.8.1** The following shall be adhered to when arranging a sequential photographic array using the Functional Equivalent Procedure, or when the use of a computer-based system randomly presenting the photos to an eyewitness out of view of the investigator is not available.

**16.5.8.2** Gather all required photographs (minimum of five filler photos, plus one of the suspect and two blank photos).

**16.5.8.3** Gather a sufficient number of folders each large enough to hold and fully conceal one photograph.

**16.5.8.4** Set aside one filler photo to be used as the lead filler, and the two blank photos.

**16.5.8.5** Randomly place the remaining photos, including the suspect's, one photograph per folder.

**16.5.8.6** Shuffle the folders so that you no longer know which folder contains the suspect's photo.

**16.5.8.7** Place the lead filler photo in a folder and place the folder on top.

**16.5.8.8** Place the blank photos in the remaining folders, one per folder, and place those folders at the bottom.

**16.5.8.9** The photographic array is now ready to be presented to the eyewitness, one at a time. Have the eyewitness open the folder in such a manner that the investigator cannot see the photographs.

**16.5.8.10** Once the photographic array has been viewed by the eyewitness, the investigator shall number each photo (including the blanks) in the upper right-hand corner of the back of the photograph in the view of the eyewitness in the order the witness viewed them.

**16.5.9 Physical Line-ups:** The City of Miami Police Department does not have a dedicated room or facility for conducting physical line-ups. As a result, physical line-ups will not be utilized as an investigative tool.

**16.5.10 Investigatory Stops: Show-Ups:** A show-up is a field identification procedure performed when the circumstances require the prompt display of a suspect(s) to a witness for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator. In order to minimize the possibility of suggestiveness or misidentification, the following factors must be considered prior to conducting a show-up.

1. The opportunity of the witness(es) to view the subject at the time of the crime;
2. The witness' degree of attention;
3. The accuracy of the witness' prior description of the subject;
4. The level of certainty demonstrated by the witness at the confrontation;

5. The length of time between the crime and the confrontation; and,
6. Whether the witness was a "casual observer" or the victim of the crime.

**16.5.10.1** All show-ups will be coordinated and conducted by investigators. In the event that an investigator is unable to conduct the show-up, an officer may conduct a show-up with the authorization of their commanding officer.

**16.5.10.2** The following procedures shall be adhered to when conducting a show-up:

**16.5.10.3** Pursuant to Florida Statutes, the temporary detention authorized during an investigatory stop does not extend beyond the place where it was first effected or the immediate vicinity thereof. Therefore, the suspect shall not be removed from the immediate area to conduct show ups. In such cases, the victim or witness must be brought to the area where the suspect is located.

**16.5.10.4** Show-ups shall not be conducted when the suspect is handcuffed or sitting in the back of a patrol vehicle. Practical steps to minimize any suggestiveness shall be taken whenever circumstances dictate that the suspect be physically controlled or restrained during a show-up. Additionally, when practical, the subject should not be surrounded by uniformed officers, making the process suggestive.

**16.5.10.5** Show-ups shall not be conducted if the suspect is violent or combative.

**16.5.10.6** Multiple suspects should not be shown to the witness(es) at the same time.

**16.5.10.7** Prior to conducting the show-up, the witness' detailed description of the suspect must be documented and preserved for future use.

**16.5.10.8** Prior to conducting the show-up, cautionary instructions must be provided to the witness. The eyewitness must be advised that they are going to be shown a person or persons; that the person may or may not be the person that was involved in this incident, and that the investigation will continue whether or not an identification is made.

**16.5.10.9** All portions of the show-up, to include: the date; time; location; circumstances surrounding the detention of the suspect; statements made by the eyewitness, and any incriminating or exculpatory statement made by the suspect must be documented on an Offense Incident report or on an Arrest/Complaint Affidavit, as applicable.

**16.5.10.10** If there are several witnesses, they shall not be allowed to view the suspect at the same time, in the same show-up. Each witness must be given the opportunity to view the suspect without other witnesses being present.

**16.5.10.11** Multiple suspects will not be shown to the witness(es) at the same time.

**16.5.10.12** Witnesses must not be allowed to confer with one another about their identification before, during or after the show-up.

**16.5.10.13** Witnesses will be kept at a safe distance from the suspect during the show-up.

**16.5.10.14** Viewing can take place from a patrol vehicle or investigator vehicle providing that there is an unobstructed view.

**16.5.10.15** Without exception, photographs shall be taken of the suspect and his appearance at

the time of the show-up. The photographs shall be properly stored for future use.

**16.5.10.16** Absent some great need or unusual circumstances, show-ups shall not be conducted more than after the incident occurred.

**16.5.11 Training:** Section commanders or their designee shall ensure that all investigators who administer line-ups receive periodic in-service training in the compliance and procedures established by this order in order to establish uniformity and consistency. Section commanders or their designee will be responsible to maintain documentation of the training provided in each employee's unit file.

**16.5.11.1** Any employee transferring into an investigative unit shall receive initial training in the compliance and procedures established by this order within two (2) weeks of their transfer. Section commanders or their designee will be responsible for ensuring the training takes place and will be responsible to maintain documentation of the training provided in each employee's unit file.

**16.5.11.2** Department personnel shall report any known errors, flaws or non-conformance with established identification procedures that they may observe or become aware of to their supervisor in order that corrective actions may be taken and safeguards established to protect the innocent.

**16.5.11.3** A copy of this order and any subsequent revisions shall be filed with the Office of the State Attorney by the Assistant Chief, or his designee, of the Criminal Investigations Division.

## PHOTOGRAPH VIEWING SYSTEM

### Section

- 17.1 Policy
- 17.2 Organization
- 17.3 Responsibilities
- 17.4 Procedures

**17.1 POLICY:** It is the policy of the Miami Police Department (MPD) to maintain software to allow investigators to view photographs taken by Crime Scene Investigators that are related to cases assigned to them.

**17.2 ORGANIZATION:** This departmental order is applicable to any employee that is authorized to access the photograph viewing system. The photograph viewing system is maintained by the Crime Scene Investigations Unit.

**17.3 RESPONSIBILITIES:** Investigators are responsible for only viewing photos that pertain to the particular investigative unit they are assigned to. The Criminal Investigations Section command staff may view any photo(s) on cases assigned to the Criminal Investigations Section. Investigators assigned to Internal Affairs may view any photo(s) on the photograph viewing system. Photographs assigned to Internal Affairs may not be viewed by any investigator not assigned to Internal Affairs. Investigators assigned to the following sections/units shall have access to the photograph viewing system:

- a) Criminal Investigations
- b) Special Investigations
- c) Traffic Homicide
- d) Internal Affairs

### **17.4 PROCEDURES:**

**17.4.1** In order to access the photograph viewing system, investigators will open the link to access the photograph viewing system and log into the system using their user name and password.

**17.4.2** To maintain the security of the photograph viewing system, investigators shall not leave their computer terminals unattended when they are logged into the system.

**17.4.3** Investigators will only be able to view photographs on the photograph viewing system. The system will not allow the printing or downloading of any photos. If photographs are required for a case file, they must be requested from the Crime Scene Investigations Unit.

**17.4.4** Investigators' user names and passwords are stored by the photograph viewing system as they log on to view photos.

## SQUATTER DETAIL

### Section

- 18.1 Policy
- 18.2 Organization
- 18.3 Definitions
- 18.4 Responsibilities
- 18.5 Procedures

**18.1 POLICY:** It is the policy of the Miami Police Department to investigate reports of squatting made by persons who own dwellings that are vacant and have discovered persons occupying the property who may claim to be a valid lessee.

**18.2 ORGANIZATION:** The Squatter Detail is under the General Investigations Unit which is part of the Criminal Investigations Section. Generally, the Squatter Detail will operate from 0800 through 1800 hours.

### **18.3 DEFINITIONS:**

- a) Squatting: Consists of occupying an abandoned or unoccupied area of land and/or building, usually residential, that the squatter does not own, rent, or have lawful permission to utilize.
- b) Property Owner: A person or entity that holds a title for land, building, or a dwelling. This information must be verified as part of the investigation into an incident of squatting.
- c) Lease: A written or implied contract by which a property owner of a specific property, building or dwelling grants a second party the right to its exclusive possession and use for specified period and under specified conditions, in return for specified rental period or lease payments.
- d) Lessee: Individual who appears on a lease and is responsible for the terms presented in the agreement. There may be more than one individual on a lease. The lessee must pay any fees that are agreed upon.
- e) Lessor: Property owner or title holder of the leased asset or property.
- f) Written Affidavit: A written and signed declaration of facts made by a property owner regarding ownership of the property in question, period of time the dwelling has been unoccupied, squatters lack of permission to occupy property in question, existing leases (if any), etc.

**18.4 RESPONSIBILITIES:** City of Miami Police officers responding to incidents of squatters shall generate an offense incident report regarding the alleged incident of squatting. If the property owner is present he will be instructed to complete a written affidavit regarding ownership of the property, how long the dwelling has been unoccupied, and squatters lack of permission to occupy the property..

**18.4.1** If the incident takes place during the normal hours of operation of the Squatter Detail, the responding officer shall raise a unit assigned to the Squatter Detail to advise them of the incident.

**18.4.2** Neighborhood Resource Officers (NRO's) will assist with the investigation of dwellings located within their respective areas.

**18.5 PROCEDURES:**

**18.5.1** If the responding officer makes contact with the alleged squatter and its alleged that a valid lease is in effect the responding officer will include in the report the information regarding the landlord's/lessor's information as well copies of the supporting documents (i.e., written lease, receipts of rent payments, etc.)

**18.5.2** The completed report shall be forwarded to the Squatter Detail for investigation and verification of property owner.

**18.5.3 Verification:** Once the report is received by the Squatter Detail, the ownership information, property's title records, current court proceedings, foreclosure status, co-owners (if any), and liens shall be verified by the Office of the City Attorney to determine and advise who is the legal property owner/authorized agent of the subject property. The validity of any other documents presented by occupant, including leases shall also be reviewed by the Office of the City Attorney.

**18.5.3.1** After the investigation has determined the rightful ownership of the property an investigator assigned to the Squatter Detail will contact the owner of the property and coordinate a date and time for the owner to be present at the subject property in order to issue a trespass warning to the squatter in the presence of the investigator. The owner will be responsible for retaining the services of a locksmith who must be present at the date and time of the approach to change all the locks and secure the property.

On the day of the approach, the Squatter Detail investigator will, along with the property owner and a uniformed officer, conduct a knock and announce at the property. Once the investigator announces his reason for being there, he shall ascertain if others are at the property. If so, the investigator shall instruct the squatter to summon all individuals in the property to gather at the same location outside the residence. Once all individuals have been brought together, the uniformed officer(s) shall conduct a safety sweep throughout the dwelling for their safety and safety of those present.

Once the dwelling has been rendered safe, the rightful owner of the property or his representative will issue a trespass warning to the squatter(s) in the presence of the investigator.

**18.5.3.2** If after the trespass warning is issued the squatter refuses to leave immediately the squatter shall be arrested for trespass.

**18.5.4** If it is revealed during the investigation that the squatter is in fact a victim of renter's fraud and that the property was leased to them by a person that is not the property owner, an agent for the property owner, or any person authorized to lease the property, then the victim will be given the opportunity to file an offense incident report for fraud. Regardless of the fraud committed the individual must still vacate the property.



## EMERGENCY MOBILIZATION

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** The policy of the Miami Police Department is to respond to any situation that occurs in the City of Miami, which results in a threat to public safety. The department's objective is to maintain control of any situation that requires emergency mobilization. To achieve this objective, departmental resources will be committed to reduce the danger to life and property, and every effort will be made to restore order in an expeditious manner.

**1.2 ORGANIZATION:** All Miami Police Department personnel shall follow the procedures outlined in this order whenever an emergency mobilization of police personnel becomes necessary.

**1.3 RESPONSIBILITIES:** An emergency mobilization will be initiated in order to achieve the following results:

- The protection and/or evacuation of citizens.
- The management or control of large groups of people.
- The protection of property from damage and/or destruction.

**1.4 PROCEDURES:** To provide an adequate response to threats that affect the City of Miami, the appropriate operational phase of this order will be implemented based upon the gravity of the threat.

**1.4.1 Operational Phases:** There are five (5) operational phases implemented incrementally by increasing levels of threat. These operational phases are: **(CALEA 46.1.5 a)**

**1.4.1.1 Phase I:** Phase I is handled with manpower and resources assigned to the on-duty patrol shift. This phase may be requested by any supervisor and instituted by an on-duty patrol commanding officer.

**1.4.1.2 Phase II:** Phase II is handled with manpower and resources assigned to the Patrol Section. This phase may be requested by any Patrol Commanding Officer and instituted by the Patrol Section Commander or the Staff Duty Officer.

**1.4.1.3 Phase III:** Phase III is handled with manpower and resources assigned to the Field Operations Division. This phase may be requested by any Field Operations Division Section Commander or the Staff Duty Officer and instituted by the Field Operations Division Chief.

**1.4.1.4 Phase IV:** Phase IV is handled with manpower and resources of the entire department. This phase may be requested by a Division Chief and instituted by the Chief of Police. It may involve a declaration of a state of emergency by the city manager and assistance from county or state agencies.

**1.4.1.5 Phase V:** Phase V involves the mobilization of National Guard Units. It is requested by the chief of police/city manager through the director of the Miami-Dade Police Department and instituted by the governor or the adjutant general of Florida. **(CALEA 2.1.4; 46.1.5 a)**

**1.4.2 Establishment of Command Post (CP):** Upon the institution of any operational phase, the commanding officer that authorizes that phase will establish or cause a field command post (CP) to be established. This commanding officer (CPCO) or designee will establish a field command post that is suitable and secure for the assembly of manpower, vehicles, and extra communications and support equipment. **(CALEA 46.1.1; 46.1.3 b; 46.1.6 b)**

**1.4.2.1** The CP will be staffed according to the level of the phase that is instituted. By phase, the CPCO will be as follows:

Phase I: On-duty Patrol Commanding Officer or on-duty Patrol Sergeant.

Phase II: On-duty Patrol Commanding Officer, Staff Duty Officer, or Patrol Section Commander.

Phase III: Field Operations Division Section Commander, Staff Duty Officer, or Field Operations Division Chief.

Phase IV: Staff Duty Officer or Division Chief.

Phase V: Staff Duty Officer or Division Chief.

During Phases III, IV, and V, the Chief of Police will maintain control of all MPD forces via the Emergency Operations Center (EOC) at the MPD headquarters.

**1.4.2.2 Requirements of a Field Command Post (CP):** In a field command post, the following should occur:

**1.4.2.2.1** There should be adequate space for use by all support agencies and, if possible, a helicopter landing pad.

**1.4.2.2.2** The Communications Unit will be advised of the identity of the CPCO, the location of the CP, and any subsequent changes.

**1.4.2.2.3** After establishment of communications, the CPCO will ensure that radio(s) and telephone(s) are manned. **(CALEA 46.1.6 a)**

**1.4.2.2.4** A chronological log of all activities will be maintained for the duration of the mobilization. An after action report will be generated by each CPCO at the end of their tour of duty. The after action reports will be forwarded to the Field Operations Division Chief. The Field Operations Division Chief will submit the log and after action reports to the Chief of Police within 72 hours of the termination of the mobilization. **(CALEA 46.1.3 h)**

**1.4.2.2.5** All press release information will be disseminated by the Public Information Office (PIO), under the direction of the Chief of Police. In instances where this is not possible (during Phases III, IV, and V), the CPCO has discretionary authority to release information to the media. These releases will be logged in the CP log. **(CALEA 46.1.3 f)**

**1.4.2.2.6** A separate detention area will be selected for temporary holding and field processing of prisoners. This area should be in close proximity to, but not within, the CP. **(CALEA 46.1.4 d)**

**1.4.2.3 Guidelines for Command Post(s):** These guidelines are provided to permit an essential coordination of effort. The command post commanding officer shall maintain overall command and control of the operation; therefore, whenever a subordinate officer establishes a command post (CP), the concerned supervisor/CO, after being notified, shall promptly respond to the scene and assume command. Relief of the CPCO for other than a routine change of command will be reported at once to the concerned division chief.

**1.4.2.3.1 Duties:** The following actions will be initiated immediately after a CP is established:

**1.4.2.3.1.1** If a crime scene is present, protect the scene and preserve physical evidence. **(CALEA 46.1.4 c)**

**1.4.2.3.1.2** Notify the dispatcher, report the location of the CP, and identify the radio call sign of the CP. **(CALEA 46.1.3 c)**

**1.4.2.3.1.3** Request assistance, as needed, and advise the location to report to.

**1.4.2.3.1.4** Advise appropriate supervisors of the situation.

**1.4.2.3.1.5** Request additional support equipment as needed. **(CALEA 46.1.6 e)**

**1.4.2.3.1.6** Report all pertinent information that is available (a CP log will be maintained to record all details). The CP Supervisor/CO will assign tasks to responding units. **(CALEA 46.1.5 b)**

**1.4.2.4 Communications For Command Post(s):** Communications are critical; therefore, the CP Supervisor/CO will coordinate with the Communications Unit and establish the most practical means of communications during CP operations. To provide communications support, it may be necessary to dedicate a radio frequency for exclusive use by the CP.

**1.4.2.4.1** Radio traffic will be limited to essential transmissions.

**1.4.2.5 Coordinator of Resources:** The CP supervisor/CO will coordinate resources of operations and support units by doing the following:

**1.4.2.5.1** Advising responding units of suitable routes into the area.

**1.4.2.5.2** Requiring units to report to the CP supervisor/CO unless otherwise directed.

**1.4.2.5.3** Designate the units that are to remain at the scene and which units are to return to service. **(CALEA 46.1.5 c)**

**1.4.2.5.4** Place specialized units (S.W.A.T., K-9, Marine Patrol, Aviation, etc.) on standby. **(CALEA 46.1.6 e)**

**1.4.2.6 Other Police Resources:** Restraint should be exercised when requesting the assistance of other agencies' resources due to the increased challenges posed by coordination, control, and communication with multiple agencies. If other agencies are utilized, the CP supervisor/CO can ensure operational success by making requests through the appropriate chain(s) of command. **(CALEA 46.1.3 d; 46.1.7 b)**

**1.4.2.6.1** When outside law enforcement agencies or specialized MPD Units are utilized, command or supervisory personnel of that department or MPD Unit will report to the CP as soon as practical to assist in the coordination of their personnel.

**1.4.2.6.2** The CP supervisor/CO will not relinquish or subordinate their position to a member of another law enforcement agency. Supervisors/CO's from the on-duty patrol shift will be in charge of the CP.

**1.4.2.7 Command Post Log:** It is important to maintain an accurate, concise, and chronological record of events. The CP log must contain the location, date, time established and terminated, and all pertinent information describing the circumstances of the operation. A list of all departmental personnel who were activated or who performed any function relative to the operation along with a copy of all logs will be included as part of the after action report. **(CALEA 46.1.3 h; 46.1.7 a)**

**1.4.2.7.1** The highest-ranking officer in charge of the CP will submit an after action report within seventy-two (72) hours after termination of the incident. The Field Operations Division chief will assign responsibility for completing the after action report, if equal ranking commanders shared duties during extended mobilizations. **(CALEA 46.1.3 h)**

**1.4.3 Duty Shifts:** During Phases III, IV, and V, Alpha/Bravo shifts will be implemented. Precise times cannot be predicted for Alpha/Bravo shifts during an emergency mobilization. When mobilized Alpha/Bravo shifts will be for a 12 hour period.

**1.4.3.1** Days off (except sick leave and disability leave), training activities, support activities, extra duty employment and vacations will be canceled upon implementation of Phases III through V.

**1.4.3.2** Upon implementation of Phase III, IV, or V, all sections will provide the manpower desk with a list of sworn personnel who are unassigned. This will be done as soon as possible following implementation of either of these phases. These personnel will be divided by need into alpha and bravo shifts. Manpower requests from this pool will be directed to the manpower desk.

**1.4.3.3** The Station Security Detail will be responsible for securing all MPD buildings and providing other support services. These activities will be carried out under the direction and control of the station security commanding officer(s). **(CALEA 46.1.4 c)**

During Phases III, IV, and V, these activities may be manned by light/limited duty officers and recruits.

**1.4.4 Command Authority and Relief:** Departmental command and relief, except as indicated herein, will be through the normal chain of command.

**1.4.4.1 Command Post Authority:** F.O.D. personnel at the shift level usually establish the command post, therefore when possible, relief of the CPCO should be by an F.O.D. commander.

Senior ranking officers will immediately upon their arrival at a CP notify the CPCO of their presence and implement one of the following options:

**1.4.4.1.1** Relieve the CPCO and assume full responsibility for directing and controlling the operation.

**1.4.4.1.2** Advise the CPCO that their role (as senior in rank) will be one of assistance to the CPCO and that the CPCO is to continue in the performance of their duties.

**1.4.4.1.3** If the senior officer issues directions or orders to operational or administrative personnel at the scene or to an off-scene support position, they will immediately notify the CPCO of the action taken. A notation regarding this notification will be recorded in the CP log.

**1.4.4.1.4** Neither of the above options relieves the senior officer from exercising command authority in the event of an emergency requiring immediate action if the CPCO is not present.

**1.4.4.1.5** Nothing contained in this section is intended to restrict senior officers from assuming full command at their discretion in conformance with all provisions of this emergency mobilization order.

**1.4.4.2 Relief of Command:** During any operational phase, an officer who is senior in rank or delegated authority may relieve the CPCO.

**1.4.4.3** When deemed necessary, any staff CO, regardless of rank, may relieve the CPCO; however, the relieving CO shall immediately advise the concerned division chief of this action.

**1.4.4.4 Staff Duty Officer:** The Staff Duty Officer (SDO) will report to the command post upon institution of any phase of mobilization. During Operational Phases III, IV, and V, the staff duty officer will assume command of the operation until he is relieved by the designated alpha or bravo field commander.

**1.4.5 Alert Notification Procedures:** All organizational elements shall maintain updated emergency mobilization lists. These lists shall contain current addresses and phone numbers of all personnel assigned to each element. These lists are confidential in nature, and they will not be posted or placed in any unsecured area.

**1.4.5.1** Upon institution of operational phase III, IV, or V, the Communications Unit will immediately notify all section commanders and the F.O.P.

**1.4.5.2** Upon notification section commanders will implement alpha/bravo mobilization procedures for their assigned personnel (sworn & civilian.)

**1.4.5.3** The Communications Unit will take the following actions upon mobilization:

**Operational Phase I :**

- (a) Initiate alert notification.
- (b) Alert the GSA Communications Technical Support Department & Police Computer Support Detail.

**Operational Phase II:**

- (a) Complete Operational Phase I duties.
- (b) Secure a radio frequency for the incident. Calls for service in non-affected areas will continue to be dispatched by the Communications Unit on the appropriate channel.
- (c) Notify the Crime Scene Investigation Unit to dispatch a Crime Scene investigator(s) to the Field CP.

- (d) Notify the Crime Scene Investigation Unit to be prepared to respond with video recording camera(s) and personnel to the Field CP.
- (e) Establish liaison with the fire department through the fire alarm office. **(CALEA 46.1.6 c)**

**Operational Phase III:**

- (a) Complete Operational Phase II duties.
- (b) When instructed by a division chief, activate the Emergency Operations Center (EOC) for the chief and staff.
- (c) When instructed by the chief's office, establish communication with other police agencies. **(CALEA 46.1.6 a)**

**Operational Phase IV:**

- (a) Complete Operational Phase III duties.

**Operational Phase V:**

- (a) Complete Operational Phase IV duties
- (b) When instructed by the Chief or his designee, establish radio and telephone communications with other law enforcement agencies (FDLE & Mutual Aid Agencies) and the National Guard.

**1.4.6 Standing Procedures:**

**1.4.6.1** The staff duty officer will respond to the scene of the incident or the CP of any incident requiring a mobilization. Upon obtaining the details of the incident the SDO will notify the chief of police with the information. **(CALEA 46.1.5 b)**

**1.4.6.2** Section and unit commanders are responsible for implementing and maintaining up to date Alpha/Bravo notification lists.

**1.4.6.3** S.W.A.T. personnel will be responsible for inventory and maintenance of all equipment and supplies in the department's special weapons vault.

**1.4.6.4** The Logistics Detail will be responsible for procurement and distribution of food during emergency mobilizations. **(CALEA 46.1.6 d)**

**1.4.6.5** All section commanders will prepare and implement SOP's to ensure the proper training of their section's personnel.

**1.4.6.6** The Training Unit will assist in the preparation of appropriate training.

**1.4.7 Handling Field Reports:** Report writing procedures must be modified during mobilizations to include the following elements:

**1.4.7.1 Incident Numbers:** The case number assigned to the original incident that precipitated the mobilization will be utilized as a "Master Case Number".

- 1.4.7.2** Incidents & reports not associated with the mobilization will be handled in a routine manner.
- 1.4.7.3** All incidents and crimes, which are disturbance, related shall be handled in the usual manner regarding the issuance of case numbers and report writing procedures. The case numbers will be cross-referenced to the master incident number and noted as such on the report. The master case number will reflect all case numbers relating to the incident.
- 1.4.7.4** The Communications Center bridge supervisor shall create a record to be maintained of all incident numbers that relate to the master incident number. This record reflects the master incident number, the cross-referenced incident number(s), date and time, and unit(s) that received the assignment. This information will be forwarded to the EOC when it becomes operational.
- 1.4.7.5** In the event that multiple unrelated incidents occur simultaneously, master case numbers shall be issued for each incident. In each case, the aforementioned paragraphs will apply.

## AIRCRAFT CRASHES

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures
- 2.5 General Rescue Procedures
- 2.6 Additional Procedures for Military Aircraft

**2.1 POLICY:** The policy of the Miami Police Department is to protect lives and property. The department will provide support services to the Miami Fire Department and other agencies with direct responsibility for aircraft crashes.

**2.2 ORGANIZATION:** The Field Operations Division will have the primary responsibility for providing a police response at aircraft crash scenes. Patrol officers shall perform traffic control as a primary responsibility; they will be assisted by Public Service Aides (PSAs), Traffic units and any other units, when necessary. **(CALEA 46.1.4 e)**

**2.3 RESPONSIBILITIES:** The responsibility for action following aircraft crashes within the City of Miami rests primarily with the Miami Fire Department. The Miami Police Department will provide support services so that the fire department can effectively accomplish its mission. The role of the Miami Police Department will be traffic control, perimeter security, and crowd control. **(CALEA 46.1.4 a, e)**

**2.4 PROCEDURES:** The first unit on the scene shall contact the Complaint Sergeant and relay the following emergency information: **(CALEA 46.1.5 b)**

- a) Location or direction of the crash
- b) Type of aircraft and size (military or civilian)
- c) Whether aircraft is on fire
- d) Type of building involved, e.g., school church, factory, etc.
- e) Whether buildings are on fire
- f) Whether additional assistance is required, e.g., police, fire, rescue, etc.
- g) Additional information through continuous contact with the station

**2.5 GENERAL RESCUE PROCEDURES:** After emergency information has been transmitted to the Complaint Sergeant, the rescue work shall begin. Rescue procedures will include the following:

**2.5.1** A field sergeant will be dispatched immediately to assist the Miami Fire Officer, who is in charge until a commanding officer arrives. After a commanding officer arrives, coordination with the Fire Department will be initiated to establish a Unified Command Post. **(CALEA 46.1.1)**

**2.5.2** Road blocks will be established to keep spectators at least 1,500 feet (approximately 3 blocks) from the scene. Access routes to the scene, for the Fire Department and rescue personnel will be maintained.



**2.5.3** No one will be allowed to remove or tamper with the aircraft wreckage except for rescue purposes.

**2.5.4** Emergency corridors shall be established to allow emergency vehicles to reach the crash site.

**2.5.5** Escape hatches, doors, and exits will be located. They are indicated by orange-yellow marking on the fuselage. A rescue arrow, with instructions stenciled thereon, will indicate the rescue mechanism.

**2.5.5.1 Military Aircraft:** On a military aircraft, do not raise, move, or tamper with arm rests of crew members' seats, as they may activate the ejection seats and are extremely dangerous. These seats are marked with a triangle that reads: "**Danger, Ejection Seats.**"

**2.5.6** Assisting in the removal of injured person and administration of first aid will be performed if requested by the Fire Department commanding officer. **(CALEA 46.1.4 b)**

**2.5.7** Deceased persons will be removed only if they are in danger of destruction by fire and the officer can accomplish this safely.

**2.5.8** If a building is involved, caution must be exercised not to expose rescue personnel unnecessarily to danger of a potential building collapse. **(CALEA 46.1.3 g)**

**2.5.9** When Fire Department teams arrive, police personnel shall follow the directions of the Senior Fire Department Commanding Officer as relayed through the MPD Incident Commander within the Unified Command Structure. Police duties will be primarily traffic, scene security and crowd control **(CALEA 46.1.1)**

**2.5.10** Fire line passes will not be honored. Any personnel, other than police or fire, should report to the command post.

**2.5.11** Inquiries will be referred to the Public Information Office (PIO) at the scene or at the station. **(CALEA 46.1.3 f)**

**2.5.12** The names and addresses of witnesses, whose testimony may aid in the investigation, should be obtained. This will be done when the ranking officer assigns an officer to make a police report.

**2.5.13** The decisions of when and how to clear the crash scene will be made by the Federal Aviation Administration (FAA) and the National Transportation Safety Board (NTSB). The FAA and NTSB will have authority and control of aircraft crash scenes after initial emergency responses. Once the crash scene is cleared, police personnel should return to regular patrol duty. **(CALEA 46.1.4 f; 46.1.5 c)**

**2.6 ADDITIONAL PROCEDURES FOR MILITARY AIRCRAFT:** No unauthorized photographing of classified military equipment shall be allowed. Refer all public press photographers to public information officers at the command post.

**2.6.1** Allow no one except Military Crash Teams to touch or remove anything from the scene.

**2.6.2** Advise the complaint sergeant to notify the Miami Police Bomb Squad. **(CALEA 46.1.6 e)**

**2.6.3 Nuclear Weapons:** Only Explosive Ordinance Disposal (EOD) personnel should attempt to handle or clean up a crash scene involving nuclear weapons.

## HURRICANE & SEVERE WEATHER RESPONSE PLAN

### Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures
- 3.5 Equipment
- 3.6 General Hurricane Information

**3.1 POLICY:** The policy of the Miami Police Department is to protect life, property, and maintain order within the community during a weather related emergency. Appropriate levels of police services will be maintained before, during and after a hurricane or severe weather incident.

These services will include, but are not limited to the following:

- a) Protecting life and property.
- b) Rerouting traffic in areas of severe damage or flooding. (**CALEA 46.1.4 e**)
- c) Responding to requests for emergency assistance, when practical.
- d) Providing access routes to affected areas.
- e) Assisting in the orderly evacuation of coastal or low lying areas.

**3.2 ORGANIZATION:** The Emergency Operations Center EOC is the central facility for coordinating the departmental response to a hurricane or severe weather incident and is located in the headquarters building. In the event that this facility becomes inoperable, operations will be re-directed to the secondary EOC in the North District Station. (**CALEA 46.1.3 b**)

**3.3 RESPONSIBILITIES:** When a hurricane, tropical storm or weather related incident threatens the City of Miami, department personnel are responsible for performing the duties outlined in this order.

**All personnel shall be prepared to report for duty in the event that hurricane or tropical storm conditions develop. To this extent, it is the responsibility of all department personnel to make every effort to remain abreast of developing severe weather information.** (**CALEA 46.1.2**)

**3.3.1** All section and unit commanders should forward their requests for emergency preparedness needs to the commander of the Budget Unit by March 31 of each year.

**3.3.2** The Field Operations Division chief will designate staff assignments by June 1st, (start of hurricane season). (**CALEA 46.1.1**)

They shall include, but are not limited to, the following:

- 1. North District Substation
- 2. Central District Station
- 3. South District Substation
- 4. Manpower Coordinator(s)
- 5. Rumor Control & Information Hotlines

6. EOC
7. Logistics Coordinator (Equipment & Supplies)
8. Special Response Unit(s)
9. S.I.S.
10. External EOC

**3.3.3** Section commanders are responsible for maintaining an updated Emergency Mobilization List. All units, except those with specialized assignments will be committed to operational assignments.

**Per departmental order, ALL department personnel will provide current accurate information as it pertains to their residence address and telephone number for the purpose of emergency notifications.**

**Once a “hurricane or tropical storm warning” is issued sworn personnel are required to make every effort to contact the department to advise of their status and to receive instructions for reporting to work (on duty personnel can not be released until replacements report to work).**

**3.3.4** All police department personnel, both sworn and civilian, shall make advanced preparations to ensure the safety and security of their family & personal property. Members should be prepared to work extended hours prior to and immediately after a storm. Family contingency plans should be developed in anticipation of a member’s extended absence from home during these incidents.

**3.3.5** The Chief of Police and senior staff will make the final determination as to when a mobilization will begin.

**3.3.6 Off duty personnel shall begin preparations for mobilization as early as possible to insure that their homes and families are secure. This step is critical for the smooth transition and timely release of on duty personnel so that they may in turn be able to go home and secure their families.**

**3.3.7** Sworn personnel who are not on duty during the storm shall do one of the following as soon as the storm passes:

- A. If phone service is available call their unit/section commander or Rumor Control to advise if they need assistance from the department and to receive up to date instructions for reporting to work.
- B. If within range of the station monitor Channel 13 (Police Info Channel) to request assistance and/or instructions for reporting to work (dispatcher will repeat instructions “in the blind” every 30 minutes, should you be in an area where you are unable to transmit an acknowledgement.)
- C. Monitor local television and/or radio stations for reporting instructions.

**3.3.8** Sworn personnel are to bring the following items with them:

- Extra set of uniforms
- Rain gear
- Shoes/sneakers or rubber knee boots
- Toiletries, including towels
- Any special dietary needs and medications
- Flashlight
- Personal protection gear

**Optional:** Though food and water will be provided, personnel may bring food as long as it does not require refrigeration and can fit within a police vehicle with consideration that the vehicle will be used by three other individuals.

**3.3.9** The Emergency Planner is responsible for reviewing and/or updating this order and the operational plan each year or when necessary. (**CALEA 46.1.10 e**)

**3.4 PROCEDURES:** Seven hurricane response phases have been devised to facilitate departmental response to the intensifying threat of a hurricane emergency. Each phase has specific duties to be implemented and/or completed during that phase. Upon the completion of a task, the responsible person will call the EOC and advise of such completion. The EOC staff will make an appropriate entry in the log.

In the event of a hurricane Phase I through Phase VII, the applicable portion of this order shall be implemented. Staff personnel and commanders should thoroughly evaluate the storm forecasts, as this will assist them in making priority field assignments, ordering supplies and equipment.

Phases I and II will be implemented during the hurricane watch; Phases III and IV will be implemented during the hurricane warning; Phase V will be implemented when the hurricane makes landfall; Phase VI will be implemented after the hurricane has passed; Phase VII will be implemented whenever normal operations are restored. (Refer to the Hurricane Response Plan for specific assignments.)

**If radio communications fail while field units are deployed, commanders will:**

- Respond to and establish a field command post at the nearest fire station or police substation.
- Field units shall immediately report to the nearest fire/police substation should this type of system failure occur.
- Until communications is re-established with the EOC Response Platoon commanders shall assume responsibility and authority based upon their risk assessment to provide police service within a safe distance of the command post. All personnel shall make every attempt to establish contact with a command post or EOC (police or fire).

Commanders of specialized units are to ensure that mobilization procedures are addressed in their respective SOP's. Specialized units must continue to be staffed during a hurricane emergency these units include: Public Information Office (PIO), Homicide, Mounted, Marine Patrol, Communications, Building Maintenance and Internal Affairs. Commanders of these units will assign their personnel to Alpha/Bravo shifts and provide the EOC with a P-Sheet to include: IBM numbers, unit numbers, cellular phone, and the location where on duty personnel will ride out the storm.

**3.4.1 PHASE I:** Hurricane Watch occurs approximately 48-hours before the anticipated hurricane landfall. This is the initial tracking phase of the storm. When Phase I is declared, the below listed tasks shall begin and/or be completed. Upon completion of a task, the responsible party will notify the EOC of the task being accomplished. The EOC staff will make an appropriate entry in the hurricane log.

The EOC will begin limited operations manned by a Commander or their Deputy, a scribe, call taker and any additional staff deemed necessary. This phase is designed to monitor the storms development in anticipation of a full mobilization.

**3.4.1.2** The EOC Commander will contact all Section Commanders and advise them that Phase I has been declared. The Section Commanders will advise their personnel to begin making arrangements for their families and personal property; otherwise, they may have less than eight hours to complete these

activities later. Additional announcements will be broadcast over the air and via the public address system at all three stations. **(CALEA 46.1.3 c)**

**3.4.1.3** The commander of Community Relations will contact Camilus House and all other social service agencies to insure that they are making arrangements to transport the homeless population to safer sites. They will notify the EOC commander when this has been accomplished and a notation will be entered into the hurricane log. **(CALEA 46.1.10 d)**

**3.4.1.4** The Logistics Coordinator will insure that a supply of food and drinking water is procured in sufficient amounts so as to be able to support department personnel for at least 48 hours.

**3.4.2 PHASE II:** Phase II occurs approximately 36 hours before the anticipated hurricane landfall and upon notification of a hurricane watch. Steps must be taken to protect the city against the impending storm and to prepare for a potential evacuation order. When Phase II is announced, the following tasks shall be started and/or completed:

**3.4.2.1** All "V" and "EO" requests are cancelled. All personnel will come to work in Class "B" uniform.

**3.4.2.2** All section commanders will insure that all vehicles under their command are fueled and ready for service. **(CALEA 46.1.6 b)**

**3.4.2.3** In anticipation for a Phase III mobilization, North and South District commanders will arrange to bring all spare or unassigned vehicles including prisoner transports to central station. The keys to these vehicles will be dropped at the EOC or the manpower desk if operational.

Due to storm surge, some low-lying areas within the city may become flooded. Police vehicles may not be able to access these areas after the storm. Police personnel are to refrain from subjecting vehicles to extreme situations (high water) if possible. Alternate transportation may be obtained by using vehicles borrowed from GSA or the Fire Department (front loaders, spare fire trucks, inflatable boats, amphibious craft etc.) Police Fleet Management will assist in locating these vehicles.

**3.4.2.4** District commanders will ensure that all essential records and equipment are covered and moved as far away from windows as possible. All computer files should be backed onto external drives and/or servers and properly secured. Window blinds will be raised to the top of windows.

The District commander will also ensure that all mini-stations, neighborhood offices and off-site facilities will be secured and will notify the EOC of the actions taken. Each commander will have SOP's addressing these procedures.

**3.4.2.5** The commander of Business Management will ensure that all vehicles not in use are secured in order to prevent or minimize damage.

**3.4.2.6** The Commander of Support Services will ensure that level A (ground floor) and roof floors of the parking garage are roped off and will also order sand bags to be used to control flooding of the lower level of the Central Station.

**3.4.2.7** The Emergency Planner will advise the EOC & designated staff level commander when they are to respond & establish liaison with the Miami-Dade Office of Emergency Management. The responding staff level commander will provide the EOC with a contact number and once liaison is established should contact the EOC at least once an hour with information updates via phone and/or fax.

**3.4.2.8** The commander of Special Operations Section will cancel all off-duty jobs.

**3.4.2.9** The Community Relations Unit Commander will ensure that the hurricane information line is manned throughout the hurricane emergency and publicized through the Public Information Office. They will ensure contact is made with all senior centers and local hospitals to ascertain if they are evacuating and if they require police assistance. Community Relations will maintain an up to date list of addresses, contact persons and relevant information of these facilities. The Community Relations Commander will notify the EOC for appropriate documentation of their progress. (**CALEA 46.1.3 f**)

**3.4.3 PHASE III:** Phase III occurs approximately 24 hours before the anticipated hurricane landfall. The hurricane warning and evacuation orders are issued during this phase. A departmental mobilization shall begin and Alpha/Bravo assignments will be implemented. (**CALEA 46.1.3 a**)

**Duty Hours Shifts During Emergency Mobilizations:**

Precise times cannot be predicted for Alpha and Bravo Shifts during a hurricane emergency.

The general rules for implementation of Alpha/Bravo shifts are as follows:

*If a mobilization is implemented between the hours of 2400-1200, Alpha will be the first shift on duty.*

*If mobilization is implemented between 1200-2400 hours, Bravo will be the first shift on duty.*

When mobilized, department personnel shall report to the Central Station, through the rear gate. Arriving marked units will be parked in field force configuration along NW 5th Street (two response platoons north/south sides of the street), NW 3rd Avenue (two response platoons east/west sides of the street), and NW 2nd Street (one response platoon north side of the street). A commanding officer will direct arriving units to the above locations and the lieutenant in charge of each response platoon will supervise the arrival at the designated locations.

All officers arriving after the response platoons are staffed with sufficient vehicles will park in the Central Station garage on levels B-K (space permitting.) If the Central Station garage is full, personnel may park their vehicles in county garage #5 located at 270 NW 2 Street. They will report to the assignment desk where they will turn in the keys to their city issued vehicles and advise the location of their parked vehicles, and will then be given their assignments.

From Phase III on, each commander will provide the EOC with a daily after action report, worksheet/overtime slips, arrest reports, gas usage, property/equipment damage reports, etc. at the end of their shift (See 10.3.4.6.7.3.). (**CALEA 46.1.7 a**)

When Phase III is announced, the following tasks shall be started and/or completed:

**3.4.3.1** The EOC should notify all departmental personnel that Phase III is declared. The EOC commander will then fully activate the Emergency Operations Center with appropriate staffing. The On-duty EOC commander will ensure that sufficient support personnel are assigned to the EOC during each duty shift. Staff support personnel will be requested from the Support Services and Communications Sections. They will serve in the following capacities:

Deputy EOC Commander: This will be a lieutenant or above who acts as EOC commander during the absence of the EOC commander.

EOC Officer: They will maintain status boards and maps in the EOC.

Scribe: A scribe will be assigned to maintain a typed chronological log of activities.

Dispatchers: One Emergency Dispatch Supervisor and one Emergency Dispatcher will be assigned to dispatch Response Platoons. **(CALEA 46.1.6 a)**

Call Answerers: Two Emergency Dispatch Assistants will handle incoming telephone calls.

Runners: A civilian or limited duty officer(s) will be assigned to the EOC for the purpose of delivering messages/supplies etc.

**3.4.3.2** Staff members will assume the appropriate assignments as designated by the Chief of Police or designee.

**3.4.3.3** The EOC Commander will coordinate the issuance of warnings to local residents when an evacuation is ordered and will direct the Public Information Office to provide the public with this information and the number to the hurricane information line. Evacuation information will be provided via patrol vehicles broadcasting the evacuation message on their public address systems, and/or knocking door to door. Every effort must be made to assist residents evacuating from the area. Response Platoon commanders will notify the EOC upon completion of this task for documentation in the log. **(CALEA 46.1.10 a)**

**3.4.3.4** The first shift that reports for duty will be relieved approximately eight hours prior to landfall to allow them time to complete their personal preparations. After the first shift reports for duty, the second shift of personnel will be instructed to report to work approximately eight hours before the storm arrives; this group will ride out the storm on duty.

**3.4.3.5** The Logistics Coordinator will insure that the required food, water, equipment and supplies have been delivered. These supplies should be acquired in sufficient quantities to last at least 48 hours (storm strength & magnitude should be taken into consideration when performing this task.) **(CALEA 46.1.6 d)**

**3.4.3.6** The Manpower Coordinator will ensure that all arriving personnel are assigned. Response Platoons will be assigned to the following details:

**3.4.3.6.1 Red Cross Shelter Security:** The majority of the storm shelters in the city are located within public schools. Therefore, Miami-Dade County School Board Police has the primary responsibility for providing security at these shelters. (The department should be prepared to provide relief or assistance at these shelters should the need arise.) A detail consisting of one sergeant and seven officers per shelter should be assigned.

Red Cross shelter security officers will perform the following duties: **(CALEA 46.1.3 d; 46.1.10 d)**

- a. Report to the shelter manager immediately and maintain a cooperative working relationship.
- b. Become familiar with shelter rules posted near registrar's desk and assist the shelter manager in the enforcement of these rules.
- c. Continue to exercise regular police duties while at the shelter.
- d. Assist with traffic control in the immediate area of the shelter.
- e. Make his/her whereabouts known to the shelter manager at all times.
- f. Remain on duty at the shelter until properly relieved.

**3.4.3.6.2 Evacuation Routes:** The primary responsibility of this detail is to expedite the movement of traffic from the evacuation areas. These areas include the four causeways leading from Miami Beach, Key Biscayne, the barrier islands and the coastal areas along the southern & eastern shoreline within the city. Any change in traffic flow or direction(s) will be coordinated through the Miami-Dade EOC and FHP, where applicable. The lieutenant in charge of this detail will complete a P-Sheet and deliver a copy to the Manpower Desk/EOC before leaving for this assignment. **(CALEA 46.1.4 b)**

These personnel will take shelter at the nearest district station when sustained winds reach 35 MPH. After the storm clears, they will return to their posts for traffic control and to assess damage to the area. The lieutenant in charge will forward that assessment to the EOC to assist in determining if the evacuated area is to be reopened. **(CALEA 46.1.3 g)**

**3.4.3.6.3 Special Details (Fire Stations and Business Districts):** The primary responsibilities of these details will be calls-for-service and high visibility to prevent looting, prior to landfall. The lieutenants in charge of the special details will complete P-Sheets and deliver a copy to the manpower desk/EOC before leaving for their assignments.

Personnel assigned to fire stations will ride out the storm at their designated fire station. Personnel assigned to business districts will ride out the storm at the nearest district station.

After the storm clears, personnel assigned to fire stations may have to combine their efforts with Miami Fire Department personnel this determination will be made by the EOC Personnel assigned to business districts will return to their designated areas to prevent looting and to assist with damage assessment. They may be used in other duties as directed by the EOC.

**3.4.3.6.4 Response Platoons** will be used to announce evacuation orders in designated areas and to respond to crisis situations that occur throughout the city. They will respond to calls-for-service before and after the storm. Some of the Response Platoon personnel may be designated to ride out the storm at a local hospital or assist Community Relations with senior center security. The lieutenant in charge of the Response Platoon will complete a P-Sheet and deliver a copy to the Manpower Desk/EOC before leaving for this assignment.

**3.4.3.6.5 Station Security:** Central headquarters security personnel will initially assist with the manpower desk. Light/Limited-duty Officers, PSA's, and police recruits should be the first personnel assigned to this detail, supplemented by full duty personnel when necessary. These individuals will report to the station security commander; any change in assignment requires the approval of the Manpower Coordinator. **(CALEA 46.1.4 c)**

The commander in charge of station security will insure that colored wristbands are issued to and worn by all personnel assigned to this detail. The commanders in charge of station security at each station will complete a P-Sheet and deliver a copy to the Manpower Desk/EOC at the beginning of this assignment.

**3.4.4 PHASE IV:** Phase IV occurs approximately 8 hours before the anticipated hurricane landfall. Personnel working during this Phase will ride out the storm on duty. Non-essential civilians will be sent home at the beginning of Phase IV.

Weather forecasting lacks sufficient accuracy in predicting landfall therefore precise times cannot be predicted for initiating Alpha/Bravo shifts during a storm related mobilization.

Due to safety concerns personnel will not be released once sustained winds reach 35 MPH.

Civilian personnel who were not on duty (at work) during the storm will do one of the following as soon as the storm passes:

- If phone service is available call their unit/section commander or Rumor Control to advise if they need assistance from the department and to receive instructions for reporting to work.
- They shall also monitor local television and/or radio stations for reporting instructions.

The following essential civilians may be assigned to duty during Phase IV of a hurricane emergency:



Emergency Dispatchers  
Emergency Dispatcher Assistants  
Record Clerks  
Property Specialists  
Community Involvement Specialists

Stable Attendants  
Crime Scene Investigators  
Public Information Officers  
Building Maintenance personnel

Measures have been taken to protect the headquarters building in an effort to reduce its susceptibility to damage from a storm; therefore, the need to evacuate the facility is very unlikely. Additionally, two emergency power units (generators) capable of extended operation have been installed in the event that F.P.& L. service is interrupted.

**3.4.4.1** Second shift personnel (alpha or bravo) and essential civilian personnel will report to work at central headquarters through the rear gate. This shift will ride out the storm on duty.

**3.4.4.2** As second shift personnel report for duty first shift personnel (alpha or bravo) will be relieved and sent home until the storm subsides. Delay or failure of second shift personnel to report will cause first shift personnel to be held over. Prior to being released (before the storm), first shift personnel will be provided with return to work instructions by the EOC.

**3.4.4.3** The Manpower Desk will ensure that all arriving second shift personnel are assigned in a prompt manner to expedite the release of first shift personnel.

**3.4.4.4** Response Platoon Commanders will ensure that their personnel have a sufficient amount of first aid supplies and blankets prior to their leaving the headquarters building and will document the same.

**3.4.4.5** Field units will continue to provide emergency assistance until the EOC advises that weather conditions are unsafe (sustained wind speeds of 35 MPH). They will then be directed to take shelter and to remain in shelter unless a life or death emergency dictates otherwise and a safe rescue can be made. The utmost discretion must be used when trying to resolve an emergency that requires exposure to the elements. High winds and flying debris can place units in jeopardy.

**3.4.4.6** The EOC will maintain contact with the Miami-Dade Office of Emergency Management via the MPD Staff-level commander assigned to that location. **(CALEA 46.1.10 b)**

**3.4.4.7** As hurricane-force winds arrive, the EOC will commence a roll call to ensure that all field units have taken shelter in the nearest designated facility for field units.

**3.4.5 Phase V:** Phase V occurs when the hurricane makes landfall and impacts our community. When Phase V is announced, the following tasks shall be started and/or completed:

**3.4.5.1** The EOC should notify all department personnel that Phase V is declared, and that all personnel should remain indoors until the storm subsides.

**Supervisors should assess risk factors and mission success probabilities when sending units on emergency requests for assistance after sustained tropical storm force winds begin.**

**3.4.5.2** The EOC will conduct shelter roll calls every hour during Phase V.

**3.4.5.3** When possible the EOC should be notified of any emergency situation or significant event(s). Commanders are to use mobile phones, radio, landlines or any other means to establish communications.

**3.4.6 PHASE VI:** Phase VI is the recovery phase and occurs after storm force winds have subsided. The next duty shift will return to work during Phase VI. The duration of this phase is determined by the extent of damages and the recovery effort(s) required to return to normal operations. When Phase VI is announced, the following tasks shall be started and/or completed:

**3.4.6.1** The EOC commander will notify all departmental personnel that Phase VI is declared. Personnel at home will be advised via the media (civilian radio & television) & (see D.O. 10.3.3.3) this information should also be relayed to the personnel manning the hurricane information line.

**3.4.6.2** The EOC commander will commence a roll call to verify the condition of all field units. An assessment of vehicles and equipment will be made at this time and field force commanders will advise the EOC of their operational status.

**3.4.6.3** In the event radio or telephone communications are not in service after the storm, personnel shall first try Zone 4, channel 1 (Miami 16) the "talkaround" car-to-car channel, in an attempt to establish contact. If that fails, personnel are directed to contact the nearest fire station. The communications system may be operating in a talkaround mode to the Fire Department EOC. All personnel shall make every attempt possible to establish contact with an EOC (Police or Fire).

**3.4.6.4** If communications is severed, each Response Platoon commander should establish a command post at the nearest fire station or police substation until communications with either the main EOC or the secondary EOC becomes operational.

**Commanders & supervisors should assess risk factors involved and mission success probabilities when sending units on emergency requests for assistance.**

**3.4.6.5** Personnel who worked during the storm will be relieved and sent home as soon as sufficient relief manpower arrives. Prior to being relieved, the EOC will advise when to report back to work.

**3.4.6.6** District commanders will assess the hurricane impact/damage on their respective districts, i.e. observable structural damage to a station building, vehicle damage, inaccessible roads, etc., and advise the EOC. The EOC commander will coordinate the total damage assessment for the department and will then forward the information to the City EOC and the Hurricane Hotline.

**3.4.6.7** District commanders shall follow the below listed procedure concerning city property or equipment damage:

**3.4.6.7.1** All losses/damage should be reported to the EOC. A separate loss/damage log will be kept and later forwarded to the Law Department, Claims Division, and a copy sent to General Services Administration, Property Maintenance Division. (**CALEA 46.1.7 c**)

**3.4.6.7.2** Temporary repairs shall be made by General Services Administration, Property Maintenance Division. No permanent repairs for hurricane-damaged items shall be made until such time as the insurance adjuster has inspected such item.

**3.4.6.7.3** All reports will be detailed to include individual items, make, model number, city serial number, style, color, and any other distinguishing features. If possible, photos should accompany this report. Promptness in reporting damage will expedite claims and final repair to city structures.

**3.4.6.8** After conducting a storm damage assessment, the EOC will ensure that the following issues are addressed:

- Maintain traffic Control.
- Secure and/or limit access to unsafe or evacuated areas.
- Secure and/or limit access to unsafe areas.
- Respond to emergency/rescue requests. (**CALEA 46.1.6 c; 46.1.10 c**)
- Reduce the potential for looting by using Response Platoons and elements thereof.
- Forward information about inaccessible and damaged areas to field personnel, personnel returning to work, PIO, and the Hurricane Information Line. (**CALEA 46.1.10 a**)
- Provide security at Red Cross shelters.
- Respond to calls-for-service using Response Platoons or a contingent thereof (dictated by each situation).

**3.4.6.9** If the storm causes substantial damage, the EOC commander will provide the on-site commander with the support necessary to ensure that the following tasks are accomplished (**CALEA 46.1.4 c; 46.1.6 c**):

- Secure the area
- Maintain scene integrity
- Limit access to the secured area
- Coordinate rescue operations with the Miami Fire Department
- Provide crowd control
- Prevent looting

**3.4.7 PHASE VII:** Phase VII occurs whenever normal operations are restored within the community. When Phase VII is announced, the following tasks shall be started and/or completed:

**3.4.7.1** The EOC commander should notify all department personnel that Phase VII has been declared.

**3.4.7.2** The EOC commander will provide personnel with instructions for returning to regular work schedules.

**3.4.7.3** The EOC commander will insure that security for areas requiring extended law enforcement presence is maintained.

**3.4.7.4** The logistics coordinator will ensure the return of all unused emergency equipment and supplies and will provide documentation of their activities for the duration of the incident.

**3.4.7.5** It will be the responsibility of each commanding officer to prepare a daily after-action report and turn it in to the EOC commander. The Support Services Section commander will prepare a comprehensive after-action report for the department. (**CALEA 46.1.3 h**)

**3.5 EQUIPMENT:** Standard equipment for emergency mobilization includes the following:

**3.5.1 Mobilization Kits:** Mobilization kits are stored in the Property Unit and must be signed out by either a lieutenant or sergeant. Lieutenants will be responsible for all of the equipment in the mobilization kit. For any items that need to be replenished, the replacement form must be filled out and turned in with the kit to the Property Unit at the completion of each tour of duty. The Property Unit will inventory the mobilization kits and make any necessary replacements. If any gas is dispersed, the

appropriate form must also be completed and attached to the after-action report (a copy will accompany the kit when returned.) (CALEA 46.1.6 e)

**3.5.2 Identification Wristbands:** All police officers, sergeants, and lieutenants will be issued an identification wristband, which corresponds to their assignment, to be worn for the duration of that assignment (see hurricane plan for color designations). Any officer observed without a wristband will be assumed to be without an assignment and should be directed to the assignment desk for deployment instructions. The lieutenant for each assignment will be responsible for collecting all wristbands and returning them to the appropriate kit at the end of the mobilization (unless they are of the disposable type.)

**3.6 GENERAL HURRICANE INFORMATION & TERMINOLOGY:** During a hurricane threat, a great deal of information is disseminated by the National Weather Service. An understanding of key terms and descriptions will greatly facilitate an appropriate response by department personnel. The definitions of critical terms relative to a hurricane emergency include the following:

**Tropical Wave or Disturbance:** A cluster of clouds and/or thunderstorms without an organized circulation and top winds of less than 30 MPH.

**Tropical Storm:** An organized system of strong thunderstorms with a defined circulation and top winds of 39-74 MPH. Tropical storms can quickly develop into hurricanes. Storms are named when they reach tropical storm strength.

**Tropical Storm Watch:** Tropical storm conditions are possible in the specified area of the watch, usually within 36 hours.

**Tropical Storm Warning:** Tropical storm conditions are expected in the specified area of the warning within 24 hours.

**Hurricane Watch:** Hurricane conditions are possible in the specified area of the watch, usually within 36 hours. During a hurricane watch, prepare to take immediate action to protect your family and your property in case a hurricane warning is issued.

**Hurricane Warning:** Hurricane conditions are expected in the specified area of the warning within 24 hours. Complete all storm preparations and evacuate dangerous or low-lying locations as soon as possible.

**Hurricane:** An intense tropical weather system with a well-defined circulation and a sustained wind speed of 74 MPH or higher.

**Storm Surge:** A dome of sea water up to 20' high that arrives with a hurricane and can affect as much as 100 miles of coastline. Evacuation zones are identified by their likelihood of being flooded by this rising water, which is responsible for most hurricane deaths.

**Saffir/Simpson Scale:** This is a hurricane classification system used by the National Hurricane Center to assess potential damage due to winds and storm surge. Evacuation orders are based on these assessments and are continually reevaluated.

**Evacuation Order:** Life-threatening conditions are possible in the specified area and you are to vacate immediately.

**Hurricane Classification Winds**

Category 1	74-95 MPH
Category 2	96-110 MPH
Category 3	111-130 MPH
Category 4	131-155 MPH
Category 5	above 155 MPH

## CIVIL DISORDER

### Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures
- 4.5 Chemical Agents
- 4.6 Chemical Agent Deployment Specialists
- 4.7 Recovery
- 4.8 Office of Emergency Management/Homeland Security

**4.1 POLICY:** The policy of the Miami Police Department (MPD) is to protect life, property and to maintain order. Of paramount concern is ensuring public safety and providing safe access or egress from areas that may be affected by a demonstration, civil disturbance or similar situation.

The Miami Mobile Field Force concept is used to achieve the following objectives:

- 4.1.1 Provide high visibility police presence in the affected areas.
- 4.1.2 Provide a prompt response to major incidents in order to prevent further escalation.
- 4.1.3 Restore order by using crowd control tactics and/or making arrests when necessary.
- 4.1.4 Effectively respond to incidents, which threaten persons or property. **(CALEA 46.1.10 c)**

**4.2 ORGANIZATION:** All MPD personnel shall follow the procedures outlined in this Departmental Order whenever an emergency mobilization becomes necessary.

**4.2.1 Patrol Mobilization:** Any situation, which affects calls-for-service and requires the temporary redistribution of on-duty patrol personnel.

**4.2.1.1** Authority to implement a patrol mobilization rests with the ranking on-duty Patrol commander. The Staff Duty Officer (SDO) must be notified of the mobilization as soon as possible. The SDO will make the determination as to whether the Emergency Operations Center will be activated. **(CALEA 46.1.3 a)**

**4.2.2 Field Operations Division Mobilization:** For incidents affecting a single district, i.e., North, South, or Central, an FOD mobilization will be implemented.

**4.2.2.1** Once implementation of an FOD mobilization occurs, notifications must be made by Communications. The Incident Commander will determine if the Emergency Operations Center (EOC) shall be activated.

**4.2.2.2** Field Operations Division (FOD) personnel will form into the appropriate Response Platoons and man, a perimeter. Administration and/or Criminal Investigations Division (CID) officers will be assigned to the Field Operations Division to handle calls-for-service.

**4.2.3 Departmental Mobilization:** When an incident extends beyond one district, a departmental response will be initiated. Homicide and Internal Affairs will continue to conduct operations within their respective units along with any other unit at the discretion of the Chief of Police (or designee). **(CALEA 46.1.3 c)**

**4.2.3.1** Upon implementation of a departmental mobilization, requests for mutual aid should also be considered. Mutual Aid Agreements are located in the office of the police legal advisor.

**4.2.3.2** Authorization for a departmental mobilization must be received from the Chief of Police or designee.

**4.2.3.3 National Guard Assistance:** The request for National Guard assistance is made by the Chief of Police, after consultation with the City Manager, via the Director of the Miami-Dade Police Department. The Governor of the State of Florida is responsible for issuing an executive order authorizing the use of the National Guard. **(CALEA 46.1.3 d; 2.1.4)**

**4.3 RESPONSIBILITIES:** All sworn department personnel are responsible for providing a rapid, organized response in order to quickly control a civil disorder. **(CALEA 46.1.2)**

#### **4.4 PROCEDURES:**

**4.4.1 General Mobilization Instructions:** Each organizational element is responsible for establishing Standard Operating Procedures, which describe in detail, the process and procedures for mobilizing all of its sub-elements during a civil disorder.

**4.4.1.1** Sworn personnel will report to the Manpower desk to receive their operational assignment.

**4.4.1.2** Departmental personnel who are not part of a Response Platoon or SWAT team will remain clear of the affected area.

**4.4.1.3** Personnel responding to a mobilization will report to Central Station in uniform with their issued personal protection equipment and sufficient personal supplies to sustain them for at least 48 hours.

**4.4.2 Command Centers:** The EOC shall be staffed and operational for FOD and departmental mobilizations. A Field Command Post (FCP) may be established during patrol mobilizations. A Field Command Post may be staffed in addition to the EOC at the discretion of the Incident Commander or the Response Platoon Commander **(CALEA 46.1.3 b)**

**4.4.2.1 Emergency Operations Center (EOC):** The EOC is the central facility for coordinating and controlling departmental response. The authority for opening the EOC rests with the Staff Duty Officer or, in their absence, any responding Staff Officer (Commander or above). The EOC is located in room 411, and key card access is available from the Communications supervisor.

**4.4.2.1.1** Any questions regarding department policy during a disturbance will be referred to the EOC.

**4.4.2.1.2** The Incident Commander will keep the EOC apprised of all field operations, incidents, and disposition of forces. The EOC commander will keep the Incident Commander apprised of any information affecting field operations.

**4.4.2.1.3** The EOC is responsible for personnel scheduling, logistical support to forces in the field, and maintenance of up-to-date status reports. **(CALEA 46.1.6 d)**

**4.4.2.1.4** The EOC will remain operational throughout an FOD or departmental mobilization.

**4.4.2.1.5** Access to the EOC is restricted to staff and assigned personnel only.

**4.4.2.1.6 EOC Staff:** The following are the recommended staff positions for the EOC per shift:

**4.4.2.1.7 Commander of EOC:** The EOC commander shall be a staff position (Commander or above) and shall coordinate all field operations. Tactical decisions shall remain with the Incident Commander or the Response Platoon commander.

**4.4.2.1.8 Deputy Commander of EOC:** The deputy commander (Lieutenant or Captain) will act as EOC commander during any absences of the commander.

**4.4.2.1.9 Executive Officer:** A lieutenant/sergeant in this position will monitor communications; coordinate the activities of the personnel assigned to the EOC Room and ensure that all appropriate records are kept.

**4.4.2.1.10 Scribe:** The scribe (one person) maintains a log of activities.

**4.4.2.1.11 Dispatchers:** Three Emergency Dispatchers will dispatch Response Platoons.

**4.4.2.1.12 Communications Center:** Three police officers or sergeants will assist the dispatchers and maintain an accurate log of the activities on each dispatch frequency.

**4.4.2.1.13 Call Answerers** - Three call answerers will handle incoming telephone calls.

**4.4.2.1.14 Runners** - Two police officers will maintain status boards and maps. Maps will depict the location of all field forces and designate locations where fires, looting, or gunfire has occurred.

**4.4.2.2 Field Command Post:** When appropriate a Field Command Post (FCP) under the command of a Major, Commander or Captain will be established in proximity to the affected area. The FCP will serve as a forward staging area for personnel/equipment, prisoner processing and as a point of contact for the media and community leaders. **(CALEA 46.1.3 e, f; 46.1.4 d)**

A Major, Commander or Captain shall take direct on-scene command in situations requiring multiple Response Platoons at one location. Periodic situation assessments are to be conducted and the Situation Reports (SitReps) are to be forwarded to the EOC in an expeditious manner.

**All actions and/or directives instituted by the FCP are to be communicated to the EOC in a timely manner. (CALEA 46.1.6 e)**

**4.4.2.2.1 Guidelines for an FCP:**

**4.4.2.2.1.1** Field Command Posts should be located in a secure area, at a safe distance from the incident. **(CALEA 46.1.4 c)**

**4.4.2.2.1.2** Command Posts should have adequate space for the secure assembly of manpower, vehicles, and equipment.

**4.4.2.2.1.3** Command Posts should have restroom facilities nearby, if practical.

**4.4.2.2.1.4** Command Posts should have telephone communications available. **(CALEA**



**46.1.6 a)**

**4.4.2.2.2 Requirements for an FCP:**

**4.4.2.2.2.1** Once an FCP is established, all available communications equipment (radios and telephones) will be staffed. **(CALEA 46.1.6 a)**

**4.4.2.2.2.2** The FCP Commander will maintain a log documenting all incidents, actions and/or directives originating from the FCP and forward it along with the after-action report to the EOC at the end of the shift. **(CALEA 46.1.5 a)**

**4.4.2.2.2.3** A comprehensive After-Action Report will be prepared by the FCP and forwarded to the EOC at the end of the tour of duty. This report may be produced in a hand-written draft form, with the final report submitted to the Field Operations Division Chief within two working days. **(CALEA 46.1.3 h)**

**4.4.3 Mobile Field Force Strategies:** Resources should be committed in sufficient quantity by the EOC and Response Platoon commanders to safely achieve their assigned mission. The following actions should be taken: **(CALEA 46.1.3 g)**

**4.4.3.1** Establish and maintain control of the area.

**4.4.3.2** Arrest law violators if conditions permit.

**4.4.3.3** Once an area has been secured, sufficient personnel should be committed to maintain control of that area, if practical.

**4.4.3.4** Use perimeters to keep bystanders out. **(CALEA 46.1.10 a)**

**4.4.3.5** Staff special details when necessary.

**4.4.4 Field Force Training:**

**4.4.4.1** The department will conduct a minimum of one field force training exercise per year (this directive may be overridden at the direction of the Chief of Police.) These exercises shall be conducted at times, locations and for durations determined to be appropriate by the Training Personnel Development Section (TPDS) Commander. **(CALEA 46.1.9)**

**4.4.4.2** Every full-duty sworn officer from the rank of Police Officer through Captain will actively participate in these training sessions.

**4.4.4.3** The Office of Emergency Management (OEM) will provide the Subject Matter Experts (SME) to deliver Response Platoon training, using the best practices for deploying and utilizing Response Platoons as determined by the OEM Commander. Officers from the Personnel Training Development Section (TPDS) and/or other elements throughout the department may be enlisted to assist in the training. The Training Section will coordinate and oversee the scheduling and attendance of all department personnel.

**4.4.4.4** Training exercises will address the Response Platoon concept, with a focus on best practices, techniques, tactics and procedures as determined by the OEM Commander. The TPDS Commander will oversee the training and upon completion prepare a summary report for the Chief of Police. **(CALEA 46.1.10 e)**

**4.4.5 Perimeters:** Establishing perimeters to ensure that innocent civilians are kept out of an affected area is critical. The EOC via the on-scene Commander or Response Platoon

Commander is responsible for establishing and maintaining perimeters. **(CALEA 46.1.4 a; 46.1.10 d)**

**4.4.5.1** The Communications Center Bridge Supervisor or any on-duty Patrol Commander may establish a perimeter.

**4.4.5.2** It will be the responsibility of the perimeter commanding officer to ensure the security of the perimeter.

**4.4.5.3** Personnel relieving perimeter posts will assume responsibility for any equipment assigned to their position. The perimeter commanding officer will ensure that all equipment is accounted for at the end of the shift or tour of duty.

**4.4.6** Response Platoon commanders are responsible for the equipment in the Mobilization Kit. Each kit has a seal on the backpack that indicates the kit was inventoried by OEM, **once the seal is broken, the kit must be inventoried as soon as it is retrieved from the Property Unit.** Any supplies used from the kit will be documented in the After-Action Report and a copy must accompany the kit when it is returned to the Property Unit. Items used will be replenished by OEM. OEM will inventory the items in the kit and replace the seal upon its return. **(CALEA 46.1.8; 46.1.6 e)**

If any gas is expended, it must be documented in the After-Action Report and a copy must accompany the kit when it is returned. Each kit will be labeled with a letter designation corresponding to a Response Platoon assignment.

**4.4.7 Mutual Aid: The Chief of Police or Senior Staff must initiate a request for Mutual Aid assistance.** Assistance from other police agencies may be necessary if the scope of the incident exceeds the capabilities of on-duty personnel. As previously stated, the use of these personnel should be restricted to ensure compliance with the Miami Police Department's policies and procedures. **(CALEA 46.1.6 d)**

It is imperative that liaison and communications be established with assisting agencies. Mutual Aid Agencies should be kept abreast of situations, as they develop to reduce the inherent "lag" time between the request and response for Mutual Aid. Assisting agencies must have a command level representative present in the EOC when their officers are actively involved in an incident. An MPD supervisor will be assigned as liaison to the field commander of any outside agency providing assistance. Outside agency personnel will be used primarily to staff perimeters and special details, thereby freeing MPD personnel to staff Response Platoons. In the event of a multi-jurisdictional incident, a Staff Level Commander will be assigned to the Miami-Dade County Emergency Operations Center as liaison. The Emergency Planner is responsible for coordinating their scheduling. **(CALEA 46.1.6 e; 46.1.10 b)**

**4.4.7.1** Agencies responding in full Response Platoon configuration may retain their agency/detail integrity. A liaison officer (Sergeant or Lieutenant) will be assigned to coordinate their operations. **(CALEA 46.1.6 b)**

**4.4.7.2** Agencies responding in less than Response Platoon strength will report to the roll call room for integration into an MPD Response Platoon using MPD vehicles, if available.

**4.4.7.3** Outside agency Response Platoons may be assigned to active missions by the EOC or multi Field Force Commander. Outside agency personnel are to be used primarily to replace/relieve MPD personnel on perimeter positions.

#### **4.4.8 Arrest Policies and Procedures:**

**4.4.8.1 Felonies:** Enforcement action involving felonies should, in most cases, result in an arrest; however, circumstances may dictate a delay in making the arrest until a more appropriate opportunity presents itself.

**4.4.8.2 Misdemeanors:** Misdemeanor arrests should be made if the arrest contributes to the safety and security of the situation.

**4.4.9 Chemical Agents:** The use of chemical agents (tear gas or O.C.) is intended to stop or disrupt unlawful activities and to disperse and/or disable individuals in a safe, humane and effective manner. An important and equally desirable effect of chemical agents is the reduction or elimination of physical confrontations between police and demonstrators.

**4.4.9.1** A container with twenty-four (24) teargas grenades and two (2) MK-46 chemical agent aerosol projectors are part of every mobilization kit. This equipment will provide every Response Platoon Leader with the ability to deploy chemical agents any time a response platoon is deployed.

**4.4.9.2** The Response Platoon leader is responsible for the chemical agents issued to the Response Platoon. When chemical agents are deployed, the Response Platoon Leader must complete a Chemical Agent Usage report and articulate the need and the quantity used. This report will be submitted to the EOC as part of the Response Platoon After Action Report.

#### **4.4.9.3 Chemical Agent Usage Guidelines:**

**4.4.9.3.1** Chemical agents will not be utilized under the following circumstances:

**4.4.9.3.2** If there is a hospital, nursing home, school, or elderly housing in the immediate area that may be affected.

**4.4.9.3.3** If the deployment of chemical agents may result in a fire.

**4.4.9.3.4** Passive crowd(s) who are not offering resistance to the Response Platoon.

#### **4.4.9.3.5 Prior to the deployment of gas, consideration should be given to the following:**

**4.4.9.3.6** Will chemical agents interfere with expressways or highways where drivers may be affected?

**4.4.9.3.7** Have non-involved residents been advised of the pending use of chemical agents?

**4.4.9.3.8** Will the use of chemical agents force non-involved residents to flee from their homes?

**4.4.9.3.9** Are all Response Platoon personnel prepared for the deployment of chemical agents?

**4.4.9.3.10** Are other police units in the area prepared for the deployment of chemical agents?

**4.5 When the determination to deploy chemical agents is made the following guidelines will be in effect:**

**4.5.1** If possible/practical, smoke should be used prior to the deployment of chemical agents to determine wind direction.

**4.5.2** Prior to deployment a warning must be broadcast over the police radio that chemical agents are about to be utilized. **(CALEA 46.1.10 a)**

**4.5.3** The EOC will be notified prior to the deployment of chemical agents (conditions permitting.)

**4.5.4** Chemical agents will only be used under the direction of a Response Platoon Leader or staff level officer.

**4.5.5** If practical, the ranking District Commanding Officer will be notified and respond to the scene prior to the deployment of chemical agents.

**4.5.6** Situation permitting, the demonstrators will be warned via bullhorn or loudspeaker that chemical agents are about to be utilized.

**4.5.7** Tear gas or other chemical agents will not be used indiscriminately. Its use must be predicated on need, which must be articulated on the Chemical Agent Usage Report.

**4.6 Chemical Agent Deployment Specialist (Grenadier)**

**4.6.1** Chemical agents will be deployed by Chemical Agent Deployment Specialists (Grenadiers) under the direction of the Response Platoon leader utilizing the chemical agent dispersal guidelines contained within this Departmental Order.

**4.6.2** In the event that a Chemical Agent Deployment Specialist is not available, the Response Platoon leader may assign an interim officer to act as Chemical Agent Deployment Specialist.

**4.7 Recovery After Disorder: (CALEA 46.1.5 c)**

**4.7.1** Emergency staffing should be withdrawn incrementally.

**4.7.2** Field Force organization should be realigned to provide routine Patrol functions.

**4.7.3** A return to normal schedules and duties should be implemented.

**4.7.4** Complaints about police misconduct should be addressed as soon as practical. Complainants should be referred to the Internal Affairs Section to insure timely initiation of the report. If a complainant attempts to lodge a complaint and a referral results, the same should be noted on the worksheet of the individual taking the complaint or on the activity log including complainant-identifying data. **(CALEA 46.1.4 f)**

**4.7.5** Daily After-Action Reports will be prepared by all Command Level Officers (COs) with specific assignments (Response Platoons, Perimeters, Special Details, Station Security, Manpower Desk, etc.). **(CALEA 46.1.3 h)**

**4.7.6** After-Action Reports are due by the end of the tour of duty, prior to 06.

**4.7.7** A comprehensive After-Action Report will be prepared by the Commander of the OEM.

**4.8 Office of Emergency Management:** The OEM Commander is responsible for coordinating the planning functions for unusual occurrences and is the agency's principal advisor to the Chief of Police on unusual occurrences. OEM is assigned as staff support to the Field Operations Division. The responsibilities of the OEM Commander are outlined below. Additional responsibilities are delineated in the Unit's Standard Operating Procedures: **(CALEA 46.1.1)**

**4.8.1** Assessing the department's civil disorder response capabilities and producing the necessary plans and training recommendations to maintain an acceptable level of proficiency. **(CALEA 46.1.10 e)**

**4.8.2** Maintaining the EOC room with the necessary items to facilitate emergency operations, including the following:

Emergency Operation Center's Civil Disorder Notebook.

Status maps of North, South, and Central Districts.

Situation Board, which designates status of operational functions. Emergency Mobilization

Call-Out Books for Alpha and Bravo shifts.

**4.8.3** Reviewing and updating this order and the operational plan at least annually.

**4.8.4** Ensuring that emergency operations plans are accessible to all command personnel and can be obtained by the Emergency Planner.

## Fire

### Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibilities
- 5.4 Procedures
- 5.5 Gas Leak Emergencies

**5.1 POLICY:** The policy of the Miami Police Department is to provide traffic direction and crowd control at fire scenes.

**5.2 ORGANIZATION:** The Field Operations Division will have the primary responsibility for providing police services at fire scenes. At fire scenes, the ranking fire officer shall have primary responsibility for the scene. To assist them, the police department shall provide support. Traffic officers will be used, when possible, and supplemented with patrol officers, when necessary.

**5.3 RESPONSIBILITIES:** The ranking fire officer will have command of all fire scenes. In the case of most structural fires, this will usually be a District Fire Chief. Fire command personnel are identifiable by their helmets, e.g., white helmet, District Chief; yellow helmet, Captain; red helmet, Lieutenant; and black helmet, firefighter. Police personnel will comply with orders from the ranking police supervisor on the scene. The incident commander and coordinate a unified command with the Fire Department incident commander. The support services that are provided by the police department include the following: maintaining perimeter integrity, directing traffic, protecting fire suppression apparatus, and protecting fire department personnel. (**CALEA 46.1.4 c, e**)

### **5.4 PROCEDURES:**

**5.4.1** Before Fire Department units arrive any police officer who discovers a fire shall notify the Complaint Sergeant and give the following: the exact address, the size and type of building, a visual estimate of the fire (smoke, flames, etc.), and other pertinent information. The officer should then act to save lives and assist persons with evacuation. (**CALEA 41.2.4; 46.1.4 b; 46.1.5 b**)

**5.4.2** Upon arrival, police units shall establish fire lines/perimeters, establish traffic control posts, protect fire hoses and other fire equipment, and prevent unauthorized persons from entering the area. Only persons with fire line passes, issued by the Fire Chief's Office, will be permitted in the secured area. (**CALEA 46.1.4 a**)

**5.4.3 Reporting Fires:** Except for extinguished grass fires, police officers should relay pertinent information to the Fire Alarm Office when they encounter evidence that a fire existed and was probably extinguished by an agency other than the Fire Department. (CALEA 46.1.5 b)

**5.4.4** Any information regarding a threatened or attempted arson should be immediately relayed to the Complaint Sergeant for referral to Miami Fire Department Operations. Although Fire Operations may communicate with patrol units, a copy of the written police report will be sent to the Miami Fire Prevention Bureau. In the case of arson or possible arson, where a serious injury may result in death, the Homicide Unit will be notified. (CALEA 46.1.4 f; 46.1.7 d)

**5.5 GAS LEAK EMERGENCIES:** Procedures for gas leak emergencies are as follows:

**5.5.1** The first officer on the scene shall notify the Complaint Sergeant, who will notify the Miami Fire Department. (CALEA 41.2.4)

**5.5.2** The police officer shall conduct evacuation procedures, pending the arrival of fire units. (CALEA 46.1.4 b)

**5.5.3** After fire units arrive, the police officer will maintain crowd control, unless additional support is requested from the ranking fire officer.

## POLICE BUILDING EVACUATION

### Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Responsibilities
  - 6.3.1 General Evacuation Responsibilities
  - 6.3.2 Floor Evacuation Personnel and Floor Marshals' Evacuation Responsibilities
  - 6.3.3 Police Headquarters Building: Assigned Responsibilities
  - 6.3.4 South District Substation: Assigned Responsibilities
  - 6.3.5 North District Substation: Assigned Responsibilities
  - 6.3.6 Grapeland Heights: Assigned Responsibilities
  - 6.3.7 David Herring Center: Assigned Responsibilities
  - 6.3.8 Other Police facilities: Assigned Responsibilities
- 6.4 Procedures
  - 6.4.1 General Evacuation Procedures
  - 6.4.2 Bomb Threat
  - 6.4.3 Fire Procedures
  - 6.4.4 Fire Drills

**6.1 POLICY:** The policy of the Miami Police Department is to provide a safe and orderly system for evacuating all personnel from any Police Department building in an emergency and to provide a means for testing and evaluating the established evacuation procedures. **(CALEA 46.1.4 b)**

**6.2 ORGANIZATION:** During an evacuation, except for fire drills, the Floor Marshals and Floor personnel shall report directly to the Staff Duty officer or the on-duty commanding officer who in turn shall report to the Chief of Police. To ensure a safe and thorough evacuation of any police facility, the evacuation plan is designed around the floor levels. Each floor has several Floor Marshals assigned to various locations to assist in the smooth orderly flow of personnel to and through the evacuation routes. Designated commanders or their designee are assigned to clear their respected floor of all personnel. **(CALEA 46.1.1)**

### **6.3 RESPONSIBILITIES:**

#### **6.3.1 GENERAL EVACUATION RESPONSIBILITIES:**

**6.3.1.1** Employees should familiarize themselves with their building emergency evacuation routes, the location and operation of its fire extinguishers, fire hoses and fire alarm pull switches.

**6.3.1.2** When the fire alarm is sounded and/or an evacuation announcement is made over the public-address system, all employees will proceed to the nearest safe stairwell, exit the building, and assemble in their building's designated assembly area.

**6.3.1.3** Employees will escort their visitors to the designated assembly area.

**6.3.1.4** All prisoners will be safely and securely evacuated.



**6.3.1.5** Generally, employees will unlock and close the doors as they leave their assigned work area. Windows and doors should be opened if an evacuation is due to a bomb threat or discovery of a suspected explosive device.

**6.3.1.6** Employees will gather according to their working groups in the designated assembly area. The ranking person present will determine if someone may still be in the building.

**6.3.1.7** Unit Commanders or, in their absence, the senior ranking person will ensure that sensitive or valuable property is secured prior to evacuation, when reasonable.

**6.3.1.8** Communications Center personnel will notify the Fire Department when alerted of an emergency evacuation of any police facility to:

- 1) Request appropriate assistance.
- 2) Transfer the Communications Center operation to the Fire Department's Communications Center, if necessary. **(CALEA 46.1.3 d)**

**6.3.1.9** Unit Commanders or in their absence the senior ranking officer will be responsible for the safe evacuation of physically handicapped personnel under their command.

**6.3.1.9.1** Prior to any evacuation, Unit Commanders or their designee will assign two specific individuals to assist each handicapped employee in the event of an evacuation.

**6.3.1.10** Section Commanders are responsible for designating Floor Marshals as required by this Departmental Order.

### **6.3.2 FLOOR EVACUATION: PERSONNEL AND FLOOR MARSHAL'S EVACUATION RESPONSIBILITIES:**

**6.3.2.1** Floor Marshal responsibilities:

**6.3.2.1.1** Floor Marshals and alternates are appointed by Section Commanders and are responsible for the evacuation of assigned areas.

**6.3.2.1.2** Floor Marshals will try to determine the reason for a sounding fire alarm by contacting the Communications Center.

**6.3.2.1.2.1** In cases where determination for a sounding fire alarm cannot be made, personnel shall follow General Evacuation Procedures.

**6.3.2.1.3** Floor Marshals will monitor their assigned areas and alert other employees as to the reason for the alarm (drill or actual emergency). If there is a false alarm, Floor will alert personnel in their assigned area that there is no need to evacuate.

**6.3.2.1.4** Floor Marshals will ensure that stairwells, and not elevators, are used by persons evacuating their respective areas.

**6.3.2.1.5** Floor Marshals will ensure that their floors are evacuated by checking bathrooms and offices in their area.

**6.3.2.1.6** Floor Marshals will notify the Command Post by radio or in-person when their areas are completely evacuated.

**6.3.2.1.7** During emergencies Floor Marshals will evacuate after their area is cleared.

**6.3.2.1.8** Within five working days, Floor Marshals will prepare a written evaluation of the evacuation and forward the original to the Division Chief of Field Operations and a copy to the Emergency Planner in the Office of Emergency Management/Homeland Security.

**6.3.2.1.9** Floor Marshal Alternates will check to ensure that the regularly assigned Floor Marshal is in place during an evacuation. If not, the assigned Alternate will assume the Floor Marshal's duties.

**6.3.2.2** Floor Evacuation Personnel's Responsibilities.

**6.3.2.2.1** Floor Evacuation Personnel are ranking individuals who are responsible for the safe evacuation of specific floors or buildings

**6.3.2.2.2** Floor Evacuation Personnel will appoint, replace or assist Floor Marshals as necessary during an evacuation. If necessary, they will assume the responsibilities of a Floor Marshal.

**6.3.2.2.3** Floor Evacuation Personnel will notify the Command Post either by radio or in person when their floors have been completely evacuated.

**6.3.3 POLICE HEADQUARTERS BUILDING:** Assigned Evacuation Responsibilities.

**6.3.3.1 Business Hours** (Monday through Friday from 0800 hours to 1700 hours, except holidays):

**First Floor:**

Floor Evacuation Person: The Property Unit Commander or designee.

One Floor Marshal from:

Property for the West Employee Entrance, including all rooms #107 through #111, (N.W.) elevator, and stair #3 (bottom half).

Property for the South Employee Entrance, including both (main) elevators, and all rooms #102 through #105.

Property for the South Service Entrance, including all rooms #101 through #103 and #113 through #118, and (S.W.) elevator.

Training for Stair #4 (Bottom Half), and room #103.

**Second Floor:**

Floor Evacuation Person: The Patrol Central District Commander or designee.

One Floor Marshal from:

Patrol for Stair #3.

Records for the West Employee Entrance, including all rooms #213.5, #211 through 215, and the (N.W.) elevator.

Patrol for the Main Entrance, including all rooms #210, #217, and #220.

Community Relations for the East Employee Entrance, including all rooms #201 through #208, the (main) elevators, and (top half) stair #4.

**Third Floor:**

Floor Evacuation Person: The Personnel Resource Management Section Commander or designee.

One Floor Marshal from:

S.I.S. for Stair #4 (entire), including all rooms #301 through #311, and (main) elevators.

Payroll for Stair #2 (bottom half/3rd to 4th floor) (top half/2nd to 3rd floor)

Training for Stair #1, including all rooms #301 through #328, the (S.W. and N.W.) elevators and the Police College classrooms and stairs.

**Fourth Floor:**

Floor Evacuation Person: The Division Chief of Administration or designee.

One Floor Marshal from:

Budget for Stair #2, including all rooms #405 through #416 and #425 through #426, and (N.W.) elevator.

Support Services for Stair #1, including all rooms #403 D and #417 through #420, and the (main) elevators.

**Fifth Floor:**

Floor Evacuation Person: The Division Chief of Investigations or designee.

One Floor Marshal from:

Criminal Investigation Division for Stair #1, including all rooms #501 through #527 and #519 through #522, and the (main) elevators.

Criminal Investigation Division for Stair #2, including all rooms #511 through #513 and #515 through #517, and the (N.W.) elevator.

**Roof:**

Floor Evacuation Person: The Communications Center Bridge Supervisor (includes stairs to roof).

**6.3.3.2 After Hours** (Mondays through Fridays from 1700 to 0800 hours and all day Saturdays, Sundays, and holidays):

**First Floor:**

Floor Evacuation Person: The Property Unit Shift Supervisor.

One Floor Marshal from:

Property for the West Employees and South Service Entrances, including all rooms #101 through #103, #107 through #111, and #113 through, #118, the (N.W. and S.W.) elevators, and stair #3 (bottom half).

Property for the South Employees entrance and the bottom of Stair #4, including all rooms #102 through #105, and the (main) elevators.

**Second Floor:**

Floor Evacuation Person: The On-Duty Patrol Central District Shift Commander.

One Floor Marshal from:

Records for the entire second floor, including all rooms, elevators, stairs, etc.

**Third Floor:**

Floor Evacuation Person: The On-Duty Patrol Central District Shift Commander.

One Floor Marshal from:

Patrol Central District for the entire third floor, including all rooms, elevators, stairs, etc.

**Fourth Floor:**

Floor Evacuation Person: The Communications Center Bridge Supervisor.

One Floor Marshal from:

Communications for the entire fourth floor, including all rooms, elevators, stairs, etc.

**Fifth Floor/Roof:**

Floor Evacuation Person: The Communications Center Bridge Supervisor.

One Floor Marshal from:

Criminal Investigations Division for the entire fifth floor and the roof, including all rooms, elevators, stairs, etc.

**6.3.3.3** The Communications Center will be responsible for announcing the evacuation and warning anyone in the roof area of the emergency.

**6.3.3.4** The Criminal Investigations Division Chief's designee will be responsible for checking the CID interview rooms. If they are occupied, during an emergency evacuation they will designate an adequate number of personnel to escort any detainees to a safe area and maintain custody of them.

**6.3.3.5** The Patrol Central District Commander or a designee will be responsible for checking the Prisoner Interview Area. If there are any prisoners in this area during an emergency evacuation they will designate an adequate number of sworn personnel to escort them to a safe area and maintain custody. **(CALEA 46.1.4 d)**

**6.3.3.6** The on-duty Shift Commander will summon additional personnel from the field, as needed, to ensure a safe and swift evacuation and to take additional security measures if needed. **(CALEA 46.1.3 c)**

**6.3.3.7** During any evacuation, a Command Post with radio communications will be established in the area south of the police complex by the Division Chief of Administration or the Staff Duty Officer. Floor Marshals and Floor Evacuation Personnel shall notify the Command Post by radio on TAC 3 or by personal contact when their floors are completely evacuated. **(CALEA 46.1.6 a)**

**6.3.3.8** The incident commander at the Command Post will advise when the evacuation is over and when personnel may return to the building. **(CALEA 46.1.5 c)**

**6.3.3.9** Upon completion of any emergency evacuation, the Patrol Central District Commander or a designee (on-duty Shift Commander) will complete and submit, within five days, a comprehensive report on the incident to the Chief of Police. **(CALEA 46.1.4 f)**

**6.3.3.10** Evacuating Employees will assemble in the area south of the Police complex.

**6.3.3.11 Vehicle Removal:** During any evacuation, vehicles on the west ramp (second floor) and at the transfer point (first floor) must be removed to avoid congestion. The assigned drivers are responsible for moving vehicles from the ramp and transfer point.

**6.3.4 SOUTH DISTRICT SUBSTATION:** Assigned Evacuation Responsibilities.

**6.3.4.1** Floor Evacuation Personnel:

During any evacuation, Floor Marshals and the following persons will be responsible for ensuring that floors are evacuated:

All Floors: The Patrol South District Commander or designee (On-duty Shift Commander or Supervisor).

**6.3.4.2** The Patrol South District Commander or designee (On-duty Shift Commander or Supervisor) will notify the Communications Section of any evacuation.

The Shift Commander or designee will be responsible for checking the prisoner interview area. If it is occupied during an emergency evacuation, they will designate an adequate number of personnel to escort any prisoners to a safe area and maintain custody of them. **(CALEA 46.1.4 d)**

**6.3.4.3** The on-duty Patrol South Shift Commander will summon additional personnel from the field, as needed, to ensure a safe and swift evacuation and to take additional security measures if needed.

**6.3.4.4** During any evacuation, a Command Post with radio communication will be established in the area outside of the compound on the southwest of the police building. Floor Marshals shall notify the Command Post by radio, TAC 7 or by personal contact when their floors are completely evacuated.

**6.3.4.5** The Incident Commander at the Command Post will advise when the emergency is over and when personnel may return to the building.

**6.3.4.6** Upon completion of any emergency evacuation, the Patrol South District Commander or a designee (on-duty Shift Commander) shall complete and submit, within five days, a comprehensive report on the incident to the Chief of Police. **(CALEA 46.1.4 f)**

**6.3.4.7** Evacuating employees will assemble in the area outside of the compound on the southwest of the police building,

**6.3.5 NORTH DISTRICT SUBSTATION:** Assigned Evacuation Responsibilities.

**6.3.5.1** Floor Evacuating Personnel:

During any evacuation, Fire Marshals and the following persons will be responsible for ensuring that floors are evacuated:

All Floors: The Patrol North District Commander or designee (on-duty Shift Commander or Supervisor).

**6.3.5.2** The Patrol North District Commander or designee (on-duty Shift Commander or Supervisor) will notify Communications of the evacuation.

**6.3.5.3** The Patrol North Shift Commander will be responsible for warning anyone in the roof area of the evacuation.

**6.3.5.4** The Shift Commander or designee will be responsible for checking the prisoner interview area. If it is occupied during an emergency evacuation, they will designate an adequate number of personnel to escort any prisoners to a safe area and maintain custody of them. **(CALEA 46.1.4 d)**

**6.3.5.5** The on-duty Shift Commander will summon additional personnel from the field, as needed, to ensure a safe and swift evacuation, and to take additional security measures if needed.

**6.3.5.6** During any evacuation, a Command Post with radio communication will be established in the area east of the police complex by the Patrol North District Commander or the Staff Duty Officer. Floor Marshals shall notify the Command Post by radio, TAC 1 or by personal contact when their floors are completely evacuated.

**6.3.5.7** The Incident Commander at the Command Post will advise when the emergency is over and when personnel may return to the building.

**6.3.5.8** Upon completion of any emergency evacuation, the Patrol North District Commander or a designee (on-duty Shift Commander) shall complete and submit, within five days, a comprehensive report on the incident to the Chief of Police. **(CALEA 46.1.4 f)**

**6.3.5.9** Evacuating Employees will assemble in the area east of the police complex.

**6.3.6 Grapeland Heights Sub Station:** Assigned Evacuation Responsibilities.

During any evacuation, Floor Marshals and the following persons will be responsible for ensuring that floors are evacuated:

All Floors: The Special Operations Section (SOS) Commander or designee (on-duty Shift Commander or Supervisor)

**6.3.6.1** The SOS Commander or designee will notify Communications of any emergency evacuation.

**6.3.6.2** The SOS Commander or designee will summon additional personnel from the field, as needed, to ensure a safe and swift evacuation and to take additional security measures if needed.

**6.3.6.3** During any evacuation, a Command Post with radio communication will be established in the area in the front of the building east side of the parking lot, closest to Delaware Parkway.

**6.3.6.4** The Designated Floor Evacuation Person(s) shall notify the Command Post by radio (appropriate channel for the sector) or by personal contact when their floors are completely evacuated.

**6.3.6.5** The Incident Commander at the Command Post will advise when the emergency is over and when personnel may return to the building.

**6.3.6.6** Upon completion of any emergency evacuation, the SOS Commander or designee shall complete and submit, within five days, a comprehensive report on the incident to the Chief of Police. **(CALEA 46.1.4 f)**

**6.3.6.7** Evacuating employees will assemble in the area in front of the building west side of the parking lot, closest to NW 30 Ave.

**6.3.7 David Herring Center:** Assigned Evacuation Responsibilities

During any evacuation, Floor Marshals and the following persons will be responsible for ensuring that floors are evacuated:

All Floors: The Office of Emergency Management/Homeland Security (OEM) Commander or designee (on-duty Shift Commander or Supervisor)

**6.3.7.1** The OEM Commander or designee will notify Communications of any emergency evacuation.

**6.3.7.2** The OEM Commander or designee will summon additional personnel from the field, as needed, to ensure a safe and swift evacuation and to take additional security measures if needed.

**6.3.7.3** During any evacuation, a Command Post with radio communication will be established in the area in the front of the building southeast side of the building, closest to NW 23 Ave and NW 23 Street.

**6.3.7.4** The Designated Floor Evacuation Person shall notify the Command Post by radio (appropriate channel for the sector) or by personal contact when their floors are completely evacuated.

**6.3.7.5** The Incident Commander at the Command Post will advise when the emergency is over and when personnel may return to the building.

**6.3.7.6** Upon completion of any emergency evacuation, the OEM Commander or designee shall complete and submit, within five days, a comprehensive report on the incident to the Chief of Police. **(CALEA 46.1.4 f)**

**6.3.7.7** Evacuating employees will assemble in the area in front of the building southeast side of the building, on NW 23 Ave, south of the Command Post near the railroad tracks.

**6.3.8 OTHER POLICE FACILITIES:** Assigned Evacuation responsibilities.

**6.3.8.1** The Senior Ranking Person present will be responsible for ensuring that the buildings are evacuated.

**6.3.8.2** The Senior Ranking Person will notify Communications of any emergency evacuation.

**6.3.8.3** Communications will dispatch necessary police units (including the Sector Sergeant) and contact the Fire Department.

**6.3.8.4** The Senior Ranking Person will assume the responsibilities of a floor evacuation person.

**6.3.8.5** The Senior Ranking Person, the on-duty Sector Sergeant, or the Staff Duty officer will establish a Command Post in the front of the building if possible, or at an area that is at a safe distance.

**6.3.8.6** The Designated Floor Evacuation Person shall notify the Command Post by radio (appropriate channel for the sector) or by personal contact when their floors are completely evacuated.

**6.3.8.7** The Incident Commander at the Command Post will advise when the emergency is over and when personnel may return to the building.

**6.3.8.8** Upon completion of any emergency evacuation, the Patrol District Commander in whose district the building is located or designee (appropriate on-duty Shift Commander) shall complete and submit, within five days, a comprehensive report on the incident to the Chief of Police. **(CALEA 46.1.4 f)**

**6.3.8.9** Evacuating employees will assemble in the area in front of the building or designated assembly area.

**6.4 PROCEDURES:**

**6.4.1 GENERAL EVACUATION PROCEDURES:** The Fire Alarm should be sounded for all evacuations; an announcement should be made over the Public Address (P.A.) System stating the nature and extent of the evacuation.

**6.4.1.1** If the fire alarm sounds and no announcement is made, those persons designated as Floor Marshals should determine the reason for the alarm from the Communications Center.

**6.4.1.2** Unless otherwise directed, when the fire alarm is sounded, all personnel shall proceed to the nearest emergency stairwell and advance downward in a calm and safe manner. They should then exit the building and assemble in the designated assembly area.

**6.4.1.2.1** Maps indicating a primary evacuation route and an alternative route will be posted in strategic areas of the building. These areas will include places of heavy pedestrian traffic, hallways, large offices, and places where the public has general access and or lobbies. Floor Marshals and other designated personnel will be assigned to assist in the evacuation process.

**6.4.1.2.2** Emergency stairwells will be used to descend to ground level during an evacuation. Elevators will not be used during an emergency evacuation.

**6.4.1.2.3** In order to account for all persons who were in the building, personnel are to assemble and remain with other persons from their respective units in the assembly area.



**6.4.1.2.4** When the entire floor has been evacuated, each Floor Marshal will notify the Command Post that their area is clear. During fire drills, Floor Marshals will maintain security of their floors until the "all clear" signal is given. Under actual fire conditions, Floor Marshals will leave the building by the evacuation route.

**6.4.1.3** Designated Evacuation Assembly Areas:

Police Headquarters Building - South of the Complex.

North Substation - East of Building.

South Substation - Southwest of building.

Grapeland Heights Substation: Northwest side of the building (parking lot)

David Herring Center: Southeast side of the building (NW 23 Ave and NW 23 Street)

Other police facilities - In front of building or designated assembly area.

**6.4.2 BOMB THREAT PROCEDURES:** If a bomb threat is received by any person within any Police Department facility, the Communications Center Bridge Supervisor shall be notified immediately with all available details of the threat.

**6.4.2.1** The Communications Center Bridge Supervisor shall immediately notify the affected on-duty Patrol Shift Commander, the Staff Duty Officer, and the commanding officer of any affected Patrol District.

**6.4.2.2** The decision to evacuate the building or any part of it will be made by the Staff Duty Officer, the Commanding Officer of a specific substation, the affected on-duty Patrol Shift Commander, or any other Staff Officer. Normally, there will be no evacuation for bomb threats unless a device or suspected device is found or the threat is from a credible source that would indicate that a device might be present.

**6.4.2.3** Occupants of the facility will be notified of the threat. All members of the general public will be directed to leave the affected building until the threat passes. **(CALEA 46.1.10 a)**

**6.4.2.3.1** Police Headquarters: The Communications Center will notify occupants throughout the building (public address system or other means).

**6.4.2.3.2** North and South Substation: The Patrol District Commander or the on-duty Shift Commander will notify occupants throughout the building.

**6.4.2.3.3** Grapeland Heights Substation: The Senior Ranking person will alert the other occupants of the threat.

**6.4.2.3.4** David Herring Center: The Senior Ranking person will alert the other occupants of the threat.

**6.4.2.3.5** Other Police Facilities: The Senior Ranking person will alert the other occupants of the threat.

**6.4.2.4** Each employee in the area to which the threat applies will search their own working area and report any suspicious object to their supervisor who will notify the Communications Center.

**6.4.2.5** The search of public areas will be conducted by supervisors and police officers who are designated by the on-duty Patrol Commander in the District; they will ensure a complete and thorough search.

**6.4.2.6** If a suspect device is located, a complete or partial building evacuation, as determined by the appropriate authority will proceed according to subsection 6.4.1 (General evacuation procedures) and subsection 6.3 (Responsibilities) of this Order.

**6.4.2.7** During any evacuation for bomb threats or suspect devices, unit commanders or designees shall ensure that doors and windows are opened to minimize damage in the event of an explosion.

**6.4.2.8** Supervisors of each area will notify Communications when their area has been found to be clear.

### **6.4.3 FIRE PROCEDURES:**

**6.4.3.1 Discovery of a Fire:** Any person discovering a fire within a police facility should immediately confine the fire by closing the doors around it. Then proceed to the nearest fire pull station and activate it. The person should then proceed to the nearest safe telephone and call the Communications Center (911) and advise regarding the condition and location of the fire. The Communications Center will immediately alert the Fire Department. **(CALEA 46.1.10 b)**

**6.4.3.2 Response to Fire Alarms:** All departmental personnel will respond to police facility fire alarms as outlined in subsection 6.4.1 (General Evacuation Procedures) and subsection 6.3 (Responsibilities) of this Departmental Order.

### **6.4.3.3 Blocked Escape Routes:**

**6.4.3.3.1** If all your escape routes are blocked and you are trapped, keep all the door around you closed, and seal off the crack under the door with any cloth material. Call the fire department and advised your exact location. Responding fire teams will search involved areas to rescue trapped or injured persons. If you are unable to call the Fire Department, go to a window to signal firefighters. Hang any light-colored material out of the window to attract attention, or attach your signal to the inside of the window if it will not open. Open or break the window only if the air in the room becomes unbreathable or to signal firefighters. Remember, an open window may draw smoke into the room.

**6.4.3.3.2** If you must go through an area filled with smoke to get to an exit, it is important to stay low. The air will be cooler near the floor and there will be less smoke. This does not mean to crawl with your face against the floor. It is best to have your face 18 to 24 inches from the floor because the smoke from burning plastics and other synthetics is highly toxic, and tends to settle along the first few inches above the floor.

**6.4.3.3.3** Before opening any door leading into a suspected fire area, feel it first. If it is hot, do not open it.

### **6.4.4 FIRE DRILLS:**

**6.4.4.1** The Division Chief of Field Operations or designee, will periodically schedule fire drills for Police Headquarters and the two Substations.

**6.4.4.2** When a fire drill is conducted, the building fire alarm will be activated.

**6.4.4.3** Departmental Personnel will respond to police facilities' fire alarms as outlined in subsection 6.4.1 (General Evacuation Procedures) and subsection 6.3 (Responsibilities) of this Departmental Order. Exceptions are noted below (see subsection 6.4.4.4).

**6.4.4.4** Exceptions to assigned Evacuation responsibilities during fire drills.

**6.4.4.4.1** The Criminal Investigations Division Chief's designee will check the C.I.S. interview room. If it is occupied, they will designate someone with access to the room to stand by until the drill is completed.

**6.4.4.4.2** The Patrol Central District Commander or a designee will check the Prisoner Interview area. If the area is occupied, they will designate someone to stand by the area until the drill is completed.

**6.4.4.4.3** The Patrol North District Commander or designee will check the holding cells in the North District Substation. If rooms are occupied, they will designate someone with access to the cells to stand by the area until the fire drill is completed.

**6.4.4.4.4** During Fire Drills, Personnel in Communications will conduct a limited evacuation, as determined by the Communications Bridge Supervisor, so that communications will not be disrupted.

**6.4.4.4.4.1** Once a year, Communications will conduct a full evacuation of all personnel as requested by the Assistant Chief of the Administration Division or designee. All personnel will be evacuated and all calls to Communications will be forwarded to the Fire Department's Communications (**CALEA 46.1.9**).

**6.4.4.4.5** The Property Unit commander or a designee will assign two sworn employees to remain in the Property Unit during a fire drill. The rear Property Unit storage area will be evacuated and locked when the fire alarm is sounded. One sworn officer will remain in the counter area and the other will remain in the desk area until the drill is completed. If two sworn personnel are not available, one Property Specialist will be assigned to remain with the officer.

**6.4.4.4.6** During a fire drill, a Section Commander may decide that an operation being conducted (e.g., taking a statement, interrogating a suspect, conducting a polygraph examination, etc.) should not be disrupted and permit the persons involved to remain in the building.

**6.4.4.4.7** During fire drills, Unit or Section Commanders with personnel who have physical handicaps will designate someone to stand by with each handicapped person until the "all clear" signal is given. Under actual fire conditions, the person on stand by will alert fire personnel that a handicapped person needs assistance, if unable to evacuate.

**6.4.4.4.8** **Command Post:** For the North District facility, refer to section 6.3.5.6; for the South District facility, refer to section 6.3.4.4; and for the Headquarters facility, refer to section 6.3.3.8. (**CALEA 46.1.3 b**)

**6.4.4.4.9** When their entire floor has been evacuated, during fire drills, Floor Evacuation Personnel and Floor Marshals will notify the Command Post that their area is clear either by radio, using the appropriate Tac channel (1, 3, or 7), or preferably, in-person.

**6.4.4.5** **After Action Report:** Within five working days after a fire drill, Floor Marshals and the Emergency Planner will forward a written evaluation of the drill to the Division Chief of Administration.

Floor Marshals will also forward a copy of their written evaluation to the Emergency Planner in the Office of Emergency Management and Homeland Security **(CALEA 46.1.3 h)**.

**6.4.4.6** After Hours (Monday through Friday from 1700 to 0800 hours, Saturdays, Sundays, and holidays) Drill Procedures: After hours fire drills will be coordinated in advance with the assigned Staff Duty Officer or the on-duty commanding officer. They will participate in the drill. The Staff Duty Officer or the on-duty commanding officer, within five working days of an after-hours drill, will submit a critique of the drill to the Division Chief of Field Operations.

## DISTURBANCES AT CONFINEMENT FACILITIES

### Section

- 7.1 Policy
- 7.2 Organization
- 7.3 Responsibilities
- 7.4 Procedures
- 7.5 Confinement Facility Locations

**7.1 POLICY:** The policy of the Miami Police Department (MPD) is to provide perimeter control assistance at any confinement facility located within the City of Miami, when requested due to rioting, fighting, or general disorder.

**7.2 ORGANIZATION:** The Patrol Section routinely responds to requests for assistance at local confinement facilities. The Patrol Section is comprised of three shifts; they are termed A, B and C respectively.

**7.3 RESPONSIBILITIES:** In the event that rioting, fighting, or general disorder occurs at any confinement facility located within the City of Miami, the jurisdiction having authority will have the primary responsibility for assisting the facility's staff in quelling the disturbance. MPD may be requested to furnish perimeter control assistance. The role of MPD will be perimeter security, crowd control, traffic control and or any other requests. (**CALEA 46.1.2**)

**7.4 PROCEDURES:** If the MPD is requested to assist at a confinement facility, the following procedures will be in effect:

**7.4.1** The complaint sergeant shall immediately dispatch patrol units and a sector sergeant. The sector sergeant will assess the situation and advise the complaint sergeant of the extent of the disturbance.

**7.4.2** The complaint sergeant shall notify the on-duty patrol commander and the staff duty officer upon receipt of a request for assistance. The on-duty patrol commander will respond to the scene of the disturbance and place themselves in command. (**CALEA 46.1.1**)

**7.4.3** The MPD incident commander will direct perimeter security, traffic control, and crowd control. They shall coordinate with the on-scene appropriate jurisdiction incident commander who will be in charge of the inner perimeter and response to the disturbance inside the facility. (**CALEA 46.1.4 a, e**)

**7.4.4** The MPD incident commander shall request additional units as required and shall release units to resume patrol when sufficient appropriate jurisdictional personnel are on the scene to control both the interior and exterior perimeter. (**CALEA 46.1.3 c; 46.1.5 c**)

**7.4.5** The MPD incident commander shall forward an after action report to the Chief of Police, through channels, detailing MPD's involvement at the disturbance. (**CALEA 46.1.3 h**)

**7.5 CONFINEMENT FACILITY LOCATIONS:** The following confinement facilities are located within the City of Miami:

**7.5.1 Men's Detention Facility:** 1351 NW 12 Street. Maximum security facility with 210 staff personnel and a capacity of 700 male inmates.

**7.5.2 Women's Detention Facility:** 1401 NW 7 Avenue. Maximum security facility with 40 staff personnel and a capacity of 135 female inmates.

**7.5.3 Juvenile Services Department (JSD):** 275 NW 2<sup>nd</sup> Street. This facility is located south of the Central police headquarters and is responsible for processing all juvenile arrested in Miami-Dade County.

**INCIDENT COMMAND SYSTEM**

## Section

- 8.1 Policy
- 8.2 Organization
- 8.3 Responsibilities
- 8.4 Procedures
- 8.5 Unity of Command
- 8.6 Unified Command
- 8.7 Organization terminology
- 8.8 Demobilization procedures

**8.1 POLICY:** It is the policy of the Miami Police Department that personnel implement and utilize the Incident Command System (ICS) when responding to situations of an emergency nature. The Incident Command System is an effective tool for the command, control, and coordination of a response and provides for the efficient management of personnel and resources and enhances the safety and welfare of both emergency responders and the community. **(CALEA 46.1.2)**

This Departmental Order is produced in accordance with the Federal Emergency Management Agency (FEMA), National Incident Management System (NIMS) and parallels the FEMA Incident Command System (ICS). All supervisory and management personnel shall be proficient in the FEMA Incident Command System.

**8.2 ORGANIZATION:** ICS provides the model for command, control and coordination of a response and provides a means to coordinate the efforts of multiple agencies and/or disciplines as they work toward the common goal of stabilizing the incident and protecting life, property, and the environment.

**8.2.1** To coordinate the effective use of all available resources, the Incident Command System utilizes a formalized management structure that lends consistency, fosters efficiency, and provides direction during a response. The ICS organization is built around the following major components, Command, Planning, Operations, Logistics, and Finance/Administration.

**8.2.2** These five major components are the foundation upon which the ICS organization develops. They apply to all situations from the handling of routine emergencies to the response of major disasters.

**8.2.3** To establish a clear and precise method of communication with and distinguishing the persons assigned to a specific responsibility during a major ICS event, the use of individual radio call signs/numbers will be suspended. The call signs for the various functions will be that specific function (i.e. Command to Operations).

**8.2.4** The ICS organization has the capability to expand or contract to meet the needs of the incident, however all incidents, regardless of size or complexity, will have an Incident Commander.

### 8.3 RESPONSIBILITIES:

**8.3.1 Command Function:** The command function is directed by the Incident Commander, who is the person in charge at the incident, and who must be fully qualified to manage the response. Major responsibilities for the Incident Commander include:

- Performing command activities, such as establishing command and establishing the Incident Command Post (ICP). **(CALEA 46.1.3 a, b)**
- Establishing Incident Priorities.
- Protecting life and property.
- Initiating the notification and mobilization of personnel and equipment resources. **(CALEA 46.1.3 c)**
- Maintaining accountability for responder and public safety, as well as for task accomplishment.
- Establishing and maintaining an effective liaison with outside agencies and organizations (unified command), including the EOC, when it is activated. **(CALEA 46.1.3 d, e)**
- Establishing a staging area if needed. **(CALEA 46.1.3 f)**
- Preparing a documented after action report. **(CALEA 46.1.3 i)**

**8.3.1.1** Initially, the Incident Commander will be the senior first-responder to arrive at the scene. As additional responders arrive, command may transfer on the basis of who has primary authority for overall control of the incident. As incidents grow in size or become more complex, a higher ranking or more qualified Commander may assume command.

**8.3.1.2** The Incident Commander will base the decision to expand (or contract) the ICS organization on three major incident priorities:

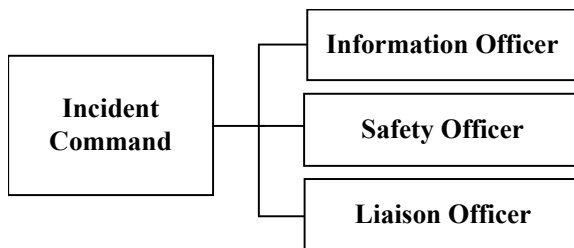
- Life safety - The Incident Commander's first priority is always the life safety of the emergency responders and the public. **(CALEA 46.1.3 h)**
- Incident stability - The Incident Commander is responsible for determining the strategy that will:
  - Minimize the effect that the incident may have on the surrounding area.
  - Maximize the response effort while using resources efficiently.
- Property conservation - The Incident Commander is responsible for minimizing damage to property while achieving the incident objectives.



**8.3.1.3** The size and complexity of the command system that the Incident Commander develops should be in accordance with the complexity (i.e., level of difficulty in the response) of the incident, not the size (which is based on geographic area or number of resources).

**8.3.1.4** For complex incidents, the Incident Commander may elect to expand the ICS and activate additional General Staff sections (i.e., Planning, Operations, Logistics, and/or Finance/Administration) as necessary. The Incident Commander will designate a Section Chief for each needed section. Each Section Chief, in turn, will have the authority to expand internally to meet the specific needs of the situation.

**8.3.1.5** As incidents grow, the Incident Commander may delegate authority for performing certain activities to others, as required. When expansion is required, the Incident Commander will establish the other Command Staff positions shown in the graphic below.

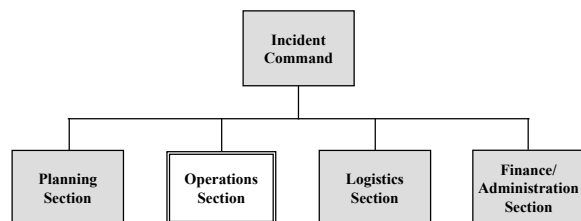


**8.3.1.6** The Information Officer handles all media inquiries and coordinates the release of information to the media with the Public Information Officer at the EOC. **(CALEA 46.1.3 g)**

**8.3.1.7** The Safety Officer monitors safety conditions and develops measures for ensuring the safety of all assigned personnel. **(CALEA 46.1.3 h)**

**8.3.1.8** The Liaison Officer is the on-scene contact for other agencies assigned to the incident.

**8.3.2 Operations Section (ICS):** The Operations Section is responsible for carrying out the response activities described in the Incident Action Plan. The Operations Section Chief reports to the Incident Commander and determines the required resources and organizational structure within the Operations Section.

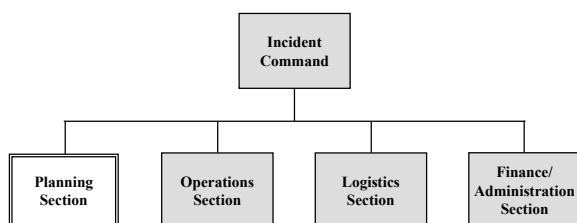


Depending on the type of incident, the Operations Section Chief may be a police or fire responsibility.

**8.3.2.1** The main responsibilities of the Operations Section Chief are:

- Direct and coordinate all operations, ensuring the safety of Operations Section personnel.
- Assist the Incident Commander in developing response goals and objectives for the incident.
- Implement the Incident Action Plan. (to include) **(CALEA 46.1.4 a, b, c, d, e, f)**
  - Establishing perimeters
  - Conducting Evacuations
  - Maintaining Command Post and scene security
  - Providing for Detainee Transportation, Processing and Confinement
  - Directing and Controlling Traffic and,
  - Conducting Post-Incident Investigation
- Request resources through the Incident Commander.
- Keep the Incident Commander informed of situation and resource status within operations. **(CALEA 46.1.5 b)**

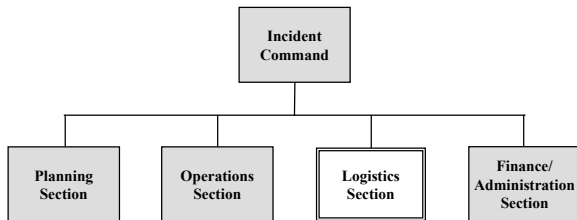
**8.3.3 Planning Section (ICS):** In smaller events, the Incident Commander is responsible for planning, but when the incident is of larger scale, the Incident Commander establishes the Planning Section. The Planning Section Chief's function is responsible for the collection, evaluation, dissemination, use of information and intelligence about the development of the incident and status of resources. Responsibilities also include the development of an Incident Action Plan (IAP), which defines the response activities and resource utilization for a specified operational period. Participating in a Continuity of Operations Plan (COOP) through the City of Miami Department of Emergency Management. **(CALEA 46.1.5 a, b, c)**



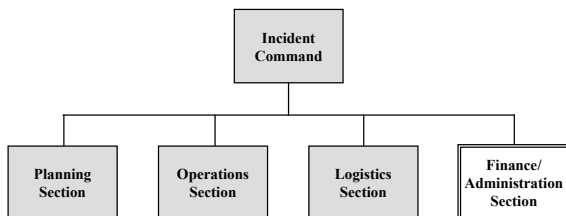
**8.3.4 Logistics Section (ICS):** The Logistics Section Chief is responsible for coordinating facilities, services, and materials, including personnel to operate any requested equipment for the incident. These include the following:

- Communications
- Transportation
- Medical Support
- Supplies
- Specialized team and equipment needs

The logistics Section functions are specifically geared to support the incident responders and not the general public and/or victims. This section is especially significant in long-term or extended operations. **(CALEA 46.1.6 a, b, c, d, e)**



**8.3.5 Finance/Administration (ICS):** The Finance/Administration Section’s primary responsibilities include tracking costs and accounting, preparing appropriate reimbursement documents, if applicable for reimbursement purposes, procuring additional resources, and documenting any injuries and liability issues. It is critical that all operational costs and expenses are carefully recorded and justified so as to ensure proper reimbursement. The Finance/Administration Section is especially important when the incident is of a magnitude that warrants a Presidential or Emergency Declaration and documentation for resource recovery. Additional documentation is also collected and maintained by this section. **(CALEA 46.1.7 a, b, c, d, e)**



**8.4 PROCEDURES:**

**8.4.1 Establish Command:** The first supervisor on the scene should initiate whatever components of the ICS that are needed to effectively manage the incident scene. **(CALEA 46.1.3 a)**

**8.4.2 Functions of Command:**

- Announce command and establish an effective command post.
- Rapidly size-up and evaluate the situation.
- Determine available resources and identify any others that may be needed. **(CALEA 46.1.3 c)**

- Initiate, maintain, and control the communications process.
- Develop an action plan and assign personnel accordingly.
- Review, evaluate, and revise action plan as needed.
- Provide for the continuity, transfer, and termination of command.

#### **8.4.3 Transfer of Command:**

**8.4.3.1** The first supervisor arriving on the scene will automatically assume command. Taking command will be affected by getting on the working channel and announcing the phrase “show me in command.”

**8.4.3.2** Higher-ranking commanders may choose to assume command of the incident, or assume an advisory role, or delegate command.

**8.4.3.3** When being relieved, the outgoing Incident Commander will thoroughly brief the incoming Incident Commander. This briefing should take place in person, not via the radio.

**8.4.3.4** Whenever an Incident Commander is replaced, the new Incident Commander will advise Communications via the radio of their identity. The same radio notification indicated above will be required. The outgoing Incident Commander will remain available for consultation as necessary.

#### **8.4.4 Organizational Structure:**

**8.4.4.1** The size and complexity of the Incident Command organizational structure will be determined by the scope of the incident.

**8.4.4.2** The incident Command organization must develop at a pace that appropriately deploys personnel and resources.

#### **8.4.5 Command Structure:**

**8.4.5.1** Complex emergency situations often require that management duties be subdivided into sectors to facilitate more efficient and effective handling. The Incident Commander should subdivide work in sectors when:

- The number of employees involved in handling the incident exceeds the ability of the Incident Commander to directly control them.
- The situation is complex, requiring the utilization of specialized units such as SWAT, Bomb Squad or the Hostage Negotiation Team. **(CALEA 46.1.6 e)**
- Those handling the incident are physically removed from the Incident Commander.

**8.4.5.2 Supervisor's Responsibilities:**

- Complete assignments issued by the Incident Commander.
- Maintain accountability for all assigned personnel and ensure their welfare.
- Conduct operations safely.
- Monitor work progress.
- Redirect activities as necessary.
- Coordinate with other supervisors.
- Provide command with progress reports. Command must be notified immediately of significant changes in the ability or inability of a sector to accomplish its objectives.

**8.5 Unity of Command:**

**8.5.1** In a single agency, single jurisdiction incident. The Miami Police Department would be the sole responding agency.

**8.5.2** Unity of command is the concept by which each person within an organization reports to only one designated person. (i.e. a perimeter, or other police activity not involving another agency).

**8.6 Unified Command:**

**8.6.1** A unified command allows all agencies with responsibility for the incident, either geographic or functional, to manage an incident by establishing a common set of incident objectives and strategies.

**8.6.2** Unified command does *not* mean losing or giving up agency authority, responsibility, or accountability. The concept of unified command means that all involved agencies contribute to the command process by:

**8.6.3** Determining overall objectives.

**8.6.4** Planning jointly for operational activities while conducting integrated operations.

**8.6.5** Maximizing the use of all assigned resources.

**8.6.6** Members of the Unified Command will work together to identify the Operations Section Chief.

**8.6.7** The incident functions under a single, coordinated Incident Action Plan.

8.6.8 One Operations Section Chief has responsibility for implementing the IAP.

8.6.9 One Incident Command Post is established.

8.7 **Organization Terminology:**

8.7.1 At each level in the ICS organization, in accordance with FEMA guidelines, individuals with primary responsibility positions have distinctive titles. To facilitate communications clarity, personnel assigned to a specific responsibility assume the radio call sign

Primary Position	Title	Support Position
Incident Commander	Incident Commander	Deputy
Command Staff	Officer	Assistant
Section	Chief	Deputy
Branch	Director	Deputy
Division/Group	Supervisor	N/A
Strike Team/Task Force	Leader	N/A
Unit	Leader	Manager
Single Resource	Use Unit Designation	N/A

8.7.2 Base: The location at which primary logistics functions for an incident are coordinated and administered. There is only one Base per incident. (Incident name or other designator will be added to the term Base.) The Incident Command Post may be collocated with the Base.

8.7.3 Incident Command Post: The location at which the primary command functions take place. The Incident Commander is located at the ICP.

8.7.4 Staging Area: Staging Areas are locations set up at an incident where resources can be placed while awaiting a tactical assignment. The Operations Section manages Staging Areas. (CALEA 46.1.3 e)

8.8 **Demobilization Procedures:**

8.8.1 The Demobilization Unit, a function of the Planning Section, is responsible for the development of the Incident Demobilization Plan that includes specific instructions for all personnel and resources that will require Demobilization. (CALEA 46.1.5 d)

8.8.2 When an individual, unit, group, section or command is/are notified that they will be demobilized, the officer in charge shall:

- Complete all work in progress, unless otherwise directed.
- Ensure that all of your records and files are up to date.
- Brief their relief (or, if the unit is not being relieved, the immediate supervisor) on the status of all work.

- Brief your subordinates, and introduce the relieving officer, as necessary.
- Return or otherwise transfer custody of all equipment that has been signed out.
- Complete the worksheet PD/FO 669 Rev. 11/99 with the proper account code before leaving the incident area. **(CALEA 46.1.7 a)**

**8.9 After Action Report:**

Commander’s “After Action Report” Checklist: Each Lieutenant is responsible for the completion of a daily after action report. This daily report will be turned in daily upon the completion of their tour of duty. The Daily After Action Report should include the following:

**(CALEA 46.1.3 j)**

<b>Listed below are some of the incidents that should be documented</b>	<b>Completed</b>
Injuries & Fatalities	
Blocked streets	
Locations where barricades were deployed	
Perimeter boundaries	
Areas of power outages	
Damage to property and buildings that pose a threat to public safety	
Inoperative or damaged Traffic Signals or signs	
Request for assistance from other agencies	
Key personnel utilized	
Special Response Units used	
Emergency purchases	
Chronological escalation & de-escalation of event	

**8.10 Training:**

**8.10.1** The Department shall include the ICS training in at least one exercise annually. Training shall be conducted by TPDS. Every three years, the department shall conduct an analysis of incidents and training effectiveness. The department shall conduct biennial documented training consisting of a table top exercise or full-scale exercise to assess the department’s capabilities with an all hazards plan and Incident Command System. **(CALEA 46.1.9 a, b)**

## LOCAL SUPPORT SERVICES

### Section

- 9.1 Policy
- 9.2 Organization
- 9.3 Responsibilities
- 9.4 Procedures

**9.1 POLICY:** The policy of the Miami Police Department is to facilitate the delivery of emergency care and other emergency assistance to citizens and communities within the City of Miami, whenever the need arises.

**9.2 ORGANIZATION:** The Field Operations Division has primary responsibility for responding to local support service needs and/or requests. Traffic and patrol units routinely provide these services for the department; however, all Miami Police Department personnel shall follow the procedures outlined in this order whenever the need arises.

**9.3 RESPONSIBILITIES:** All personnel within the Miami Police Department shall familiarize themselves with the procedures to be followed in response to local support service needs and/or requests. The Miami Police Department will facilitate the delivery of the following local support service needs and/or requests:

- Animal Control
- Ambulance Service
- Electrical Emergencies
- Social Assistance Emergencies
- Barricades to Prevent Accidents
- Miami Fire Department's Rescue Unit
- Routine Complaints Involving Animals
- Underwater Recovery and the Miami Marine Patrol

**9.4 PROCEDURES:** Whenever departmental personnel discover or respond to local support service needs and/or requests within the City of Miami, these procedures will be followed:

**9.4.1 MFD Rescue Unit:** The Miami Fire Department Rescue Unit will be called when life threatening injuries are evident or when the victim is unconscious. To request a rescue unit, the officer will contact the Miami police operator and provide essential information about the patient, e.g., extent of injury, age, sex, and whether conscious. The operator will communicate the aforementioned information and the officer's call number to the rescue unit.

**9.4.2 Ambulance Service:** Ambulance service will only be requested or cancelled by the rescue unit after it has been assigned to the scene of an emergency; therefore, police personnel only need to be concerned with requests for a rescue unit.

**9.4.2.1 Ambulance Service for Violent Persons:** If ambulance service is used for violent or potentially violent persons, the officer will do one of the following:



Ride in the ambulance  
Follow the ambulance to its destination  
Call for an escort to follow the ambulance

**9.4.2.2 Taking Injured Persons To The Hospital Of Their Choice:** As a general rule, injured persons shall be taken to Jackson Memorial Hospital. However, injured persons may be taken to the hospital of their choice or to the hospital designated by a member of their family in cases involving minors or unconscious victims.

**9.4.2.3 Discussion of Ambulance Fees:** Officers shall not discuss ambulance fees. Questions concerning ambulance fees shall be referred to the ambulance company.

**9.4.2.4 Police Complaints Concerning Ambulance Service:** All complaints shall be in written form (inter-office memorandum) and prepared by the unit where the complaining officer is assigned. Complaints shall be forwarded to the Miami Fire Chief's office, through channels.

**9.4.3 Social Assistance Emergencies:** Social assistance emergencies should be referred to the United Way, e.g., emergency food and shelter, job assistance, day care, and counseling.

**9.4.4 Electrical Emergencies:** In connection with electrical accidents or emergencies, even though no injuries are involved, the complaint room shall be advised immediately; and the Florida Power & Light Trouble Desk shall be notified at once.

**9.4.5 Underwater Recovery and the Miami Marine Patrol:** Certain water-related emergencies or circumstances will require the use of Miami Police patrol boats and/or divers. The Miami Marine Patrol works seven days a week, but it does not provide 24-hour a day coverage. If the need arises for a boat and/or diver and there is a crew on duty, they can be raised on Channel 7 or by calling the Miami Marine Patrol office.

If the need arises for these services when a crew is not working, the complaint sergeant shall be notified. He will notify the on-call Miami Marine Patrol officer who will coordinate an appropriate response.

**9.4.6 Animal Control:** Field reports involving animal bites are not necessary unless a police canine is involved or when another person uses a dog as a weapon. In cases involving dog bites other than a police canine, the complaint room or an officer on the scene shall advise the complainant to do the following:

**9.4.6.1** If the animal or its owner is known by the complainant, the complainant shall call the Miami-Dade County Health Department at (305) 324-2400. The Health Department's Dog Bite Division will initiate quarantine procedures.

**9.4.6.2** If the owner of the animal is unknown, the complainant shall notify the Health Department who will provide the follow-up investigation.

**9.4.7 Routine Complaints Involving Animals:** It shall be the policy of the Miami Police Department to only respond to calls for service where an animal is endangering life or property. An officer responding to the type of call shall advise the complaint room to request Miami-Dade County Animal Control or the proper service agency to come to the scene and to take custody of the animal, if necessary. Animal control will respond if the animal is contained. (If an officer is watching the animal, it is considered contained).

**9.4.7.1** State law permits a "seeing-eye dog" to accompany its blind master into any hotel or eating establishment. It is unlawful for any person directly or indirectly to interfere.

**9.4.7.2** In the event of dead animals, the officer should notify the complaint room to call for pick up by the city's Department of Solid Waste (public property only). Pick up from private property is the responsibility of the property owner.

**9.4.7.3** The Complaint Room shall maintain a list of enforcement or assistance agencies to refer complaints involving animals.

**9.4.8 Barricades To Prevent Accidents:** When barricades are needed to prevent accidents, the officer who makes that determination shall advise the complaint room of this need. This request shall include the approximate number of barricades which are needed and the address to which the barricades are to be sent.

**9.4.8.1** If the hazard that necessitates the request for barricades poses a serious threat to safety, the officer will stand by until the barricades are in place.

**9.4.9 Assisting Other Law Enforcement Agencies:** The Miami Police Department periodically receives requests to assist other law enforcement agencies for execution of search or arrest warrants, multi-jurisdictional investigations, and routine emergency field support supplementation. Inter-agency assistance is provided in accordance with the following:

Concurrent Jurisdiction - Two or more law enforcement agencies having equal jurisdiction, or law enforcement powers, in the same geographic area.

Mutual Aid - An exchange of services, personnel, and/or equipment between law enforcement agencies, pursuant to a written agreement executed in accordance with the Florida Mutual Aid Act (contained in Chapter 23, Florida Statutes.)

**9.4.9.1** Requests received to assist other law enforcement agencies are granted within legal and administrative guidelines established to protect M.P.D. personnel and citizens of the City of Miami.

**9.4.9.2** Mutual Aid: Mutual Aid, in the context of the Florida Mutual Aid Act, between the MPD and other Dade County law enforcement agencies is governed by specific mutual aid agreements and joint declarations executed with participating agencies. Circumstances and conditions under which mutual aid may be requested and rendered are depicted within the joint declarations and may be amended as needs dictate. Mutual aid with other county law enforcement agencies is governed by the statewide Operational Assistance Agreement entered into by all Florida law enforcement agencies under the provisions of the Florida Mutual Aid Act. State, county, and municipality agreements are on file in the Office of the Police Legal Advisor.

**9.4.9.2.1** Only the Chief of Police, an Assistant Chief, the Deputy Chief, or the Staff Duty Officer may approve requesting or rendering aid under a mutual aid agreement.

**9.4.9.3** Concurrent Jurisdiction: The Miami Police Department has concurrent jurisdiction with Miami-Dade Police Department for the incorporated territorial boundaries of the City of Miami, however, the MPD is responsible for initial calls for service within the designated areas of concurrent jurisdiction.

**9.4.9.3.1** Incidents which occur on the Metro-rail, Metromover, or within any area within the confines of the respective rail stations will be handled by Miami-Dade Police Transit Division, while MPD will respond to assist MPD personnel upon request.

**9.4.9.3.2** The MPD will provide perimeter control assistance at any confinement facility located within the City of Miami, when requested due to rioting, fighting, or general disorder. (Refer to D.O. 10, Ch. 7 for further information).

**9.4.9.3.3** The MPD Communications Unit provides radio networks and telephone-teletype linkages for joint agency use in the cited areas of concurrent jurisdictions.

**9.4.9.3.4** The Florida Uniform Crime Reporting Program (UCR) governs agency reporting responsibilities.

**9.4.9.3.5** Prosecution and court responsibilities for the areas of concurrent jurisdiction are vested in the Eleventh Judicial Circuit Court, Dade County.

**PATROL**Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures
- 1.5 Deputy N.E.T. Commander
- 1.6 Roll Call Procedures
- 1.7 Field Interviews
- 1.8 Bicycle Detail
- 1.9 Problem Solving Teams

**1.1 POLICY:** It is the policy of the Miami Police Department to provide general law enforcement, order maintenance, emergency response, and social service functions to the citizens who reside, work, and visit in the City of Miami. These services are provided primarily through the Field Operations Division.

**1.2 ORGANIZATION:** The Field Operations Division provides the patrol function of the City of Miami Police Department. The Field Operations Division is comprised of the following: North District, Central District, and South District, the Special Operations Section, Communications Section, Office of Emergency Management and Homeland Security (O.E.M.), and the Community Relations Section. Each district and the Communications Section is composed of Platoon "A" (Day Shift), Platoon "B" (Afternoon Shift), Platoon "C" (Midnight Shift) and Problem Solving Teams (P.S.T.). The Special Operations Section is comprised of specialized units, such as Marine Patrol, Mounted Patrol, Enforcement (Motors), K-9, S.W.A.T., Special Events, Public Service Aide (P.S.A.) Detail, Environmental Detail, and the Crime Suppression Unit (C.S.U.). These specialized units work varied shifts. The Section Commanders (Majors) report directly to the Division Chief of the Field Operations Division.

**1.3 RESPONSIBILITIES:** The following are declared to be the Patrol Section's primary responsibilities:

**1.3.1** Police patrol focuses on the detection and prevention of crime, and the maintenance of public order; to protect life and property from the criminal element; to provide for the general welfare and safety of our residents and visitors alike; to aid and assist the community with referrals to social services and governmental agencies.

**1.3.2** Crime prevention activities and units, e.g., "directed patrol", "park and walk", "watch orders", "problem solving teams," and other special details.

**1.3.3** Respond to calls for police service.

**1.3.4** The primary officer assigned to a call for service or an officer who self-initiates a call for service is responsible for the preliminary investigation of that crime or incident. Under some circumstances, the primary officer's preliminary investigation may constitute the entire investigation of the crime or incident as in the on-scene arrest of an

offender. In most instances however, the primary officer will be involved in the preliminary investigation only while the responsibility for the follow-up investigation of the offense will reside with an investigator from a specialized unit. In conducting preliminary investigations of crimes, offenses, incidents, or conditions, the primary officer is responsible for the following:

1. Observing all conditions and events in and around the crime or incident scene.
2. Rendering aid to the injured.
3. Maintaining and protecting the crime scene and arranging for the collection of evidence.
4. Interviewing the complainant, witnesses and suspects.
5. Obtaining suspect information and the issuance of a "B.O.L.O."
6. Locating and identifying all witnesses.
7. Notifying specialized units, e.g., Homicide, C.S.I., etc.
8. Preparing the appropriate reports.
9. Conducting an area canvass.
10. Apprehending and arresting criminal offenders.

**1.3.4.1** Back-up officers assigned to a call for service or who respond to a call for service will assist the primary officer in carrying out all of the responsibilities outlined in this chapter.

**1.3.4.2** Officer Safety: Hazardous conditions shall be the primary consideration when the normal control of traffic is impaired due to flooding conditions, hurricanes, downed power lines or other hazardous conditions. Patrol officers shall maintain a coordinated effort with the Complaint Commanding Officer or Complaint Sergeant regarding flooded areas, road or bridge closures and other traffic problems.

**1.3.4.3** Facilitate the provision of other non-police related services.

**1.3.4.4** Make business and community contacts to enhance the public's understanding of, and cooperation with, the Department.

#### **1.4 PROCEDURES:**

An extensive Standard Operating Procedure, detailing chain of command responsibilities has been prepared and will be utilized to guide the day-to-day operations.

#### **1.5 Deputy N.E.T. Commander Staffing:**

**1.5.1 Police** Lieutenants who are assigned to monitor field operations will staff the Deputy N.E.T. Commander position.

While on duty, the Deputy N.E.T. Commander is the direct representatives of the Division Chief of Field Operations, unless a higher-ranking command level officer-from the concerned chain of command is present.

**1.5.2 Deputy N.E.T. Commander Duty Hours:** Day shift duty hours are 0500 -1500 hours. Afternoon shift duty hours are 1400-2400 hours (or 1200 to 2200 in the South District). Midnight shift duty hours are 2000 -0600 hours.

**1.5.3 Deployment:** Shift assignment of the Deputy N.E.T. Commanders is by bid (see D.O. Personnel Assignment Procedures). The assignment for district will be made by the Division Chief of the Field Operations Division.

**1.5.3.1** When only one Deputy N.E.T. Commander is on duty, he will be responsible for monitoring all field operations activities in his assigned district as well as the entire city.

**1.5.3.2** When two Deputy N.E.T. Commanders are on duty, one will assume primary responsibility for monitoring the police district and the other will provide assistance to the primary Deputy N.E.T. Commander.

**1.5.4 Operating Procedure:**

**1.5.4.1** At the beginning of each shift, the Deputy N.E.T. Commander will be required to contact and check-in with the Communications Section. The Deputy N.E.T. Commander will advise of their duty hours and contact number in case of an emergency. Additionally, the Communications Section will provide the Deputy N.E.T. Commander with a verbal situational awareness report of all ongoing events city-wide.

**1.5.4.2** At the beginning of each shift, the Deputy N.E.T. Commander will be required to contact the previous shift Deputy N.E.T. Commander to be briefed on major events in progress and existing operational conditions.

**1.5.4.3** At the beginning of each shift, the Deputy N.E.T. Commander will be required to check his e-mail and in-basket.

**1.5.4.4** At the beginning of each shift, the Deputy N.E.T. Commander will be required to check daily "P" sheets to insure proper distribution of personnel with established minimum staffing for district, shift and N.E.T. areas. Additionally, when only one Deputy N.E.T. Commander is on duty, he will be responsible for monitoring all field operations activities in his assigned district to include allocation of personnel (P-Sheets). The Communications Section will be available to assist the Deputy N.E.T. Commander in the field, as needed.

**1.5.4.5** At the beginning of each shift, the Deputy N.E.T. Commander will be required to conduct a visual inspection of the station to ensure operational readiness for the shift.

**1.5.4.6** At the beginning of each shift, the Deputy N.E.T. Commander will ensure that a sufficient number of F.T.O. vehicles are available, as needed, for the shift, and submit any concerns to the District Major.

**1.5.4.7** At the beginning of each shift, the Deputy N.E.T. Commander will prepare for Roll Call.

**1.5.4.8** At the beginning of each shift, the Deputy N.E.T. Commander will ensure that all proper documentation related to Roll Calls is addressed and/or completed (i.e. "I" papers, shift concerns, missing reports, ticklers, etc.).

**1.5.4.9** At the beginning of each shift, the Deputy N.E.T. Commander will ensure that in-service transfer line is conducted properly and that a visual inspection of vehicle and personnel takes place.

**1.5.4.10** During his shift, the Deputy N.E.T. Commander will ensure that 06-transfer of the prior shift is conducted.

**1.5.4.11** During his shift, the Deputy N.E.T. Commander will respond to his N.E.T. service area to:

- Monitor routine transmissions.
- Respond to routine calls for service and police initiated activity for the purpose of monitoring performance of the supervisors and officers.
- Address crime and neighborhood concerns as directed by N.E.T. Commander.
- Monitor special events, tactical operations and other projects of departmental interest,

**1.5.4.12** During his shift, the Deputy N.E.T. Commander will access/analyze C.A.D. Live View, Crystal Report, Crime View and any other report, as needed, to ensure operational efficiency. He will disseminate the information to subordinates, as needed.

**1.5.4.13** During his shift, the Deputy N.E.T. Commander will debrief the incoming Deputy N.E.T. Commander on major events in progress and existing operational conditions.

**1.5.4.14** At the end of each shift, the Deputy N.E.T. Commander will check his e-mail and in-basket. He will check "P" Sheets to ensure proper staffing for following day and take appropriate action, as needed.

**1.5.4.15** At the end of each shift, the Deputy N.E.T. Commander will be required to contact and check out with the Communications Complaint Commanding Officer or Sergeant who will be required to provide him with a verbal situational report of city-wide issues.

**1.5.5 Notifications:** When monitoring or responding to scenes requiring notifications, the Deputy N.E.T. Commander must:

**1.5.5.1** Contact the Communications Section and advise of all important information regarding the incident/scene.

**1.5.5.2** Advise the Staff Duty Officer of operational situations as needed.

**1.5.5.3** The Deputy N.E.T. Commander will not duplicate the Communications Section's notifications, unless there is additional information received that must be disseminated in an expeditious manner.

**1.5.5.4** The Deputy N.E.T. Commander will advise the Communications Section in a timely manner of important events.

**1.5.5.5** The Deputy N.E.T. Commander will make additional updates as deemed necessary via the Commander.

**1.5.6** The following is a partial generic list of incidents that will require an immediate response:

**1.5.6.1** Newsworthy events, which attract significant media attention.

**1.5.6.2** Events that significantly affect government services including natural disasters, labor actions, a public crisis or a serious health crisis.

**1.5.6.3** The critical or fatal injury of any well-known person occurring within this jurisdiction.

**1.5.6.4** Death or serious injury of any Miami Police Department employee.

**1.5.6.5** Racial, religious or ethnic incidents involving well known persons or significant damage that affects public or commercial facilities or religious institutions.

**1.5.6.6** Verified barricade or hostage incidents.

**1.5.6.7** Confirmed or detonated explosive device.

**1.5.6.8** Arrest of and/or official police contact with a well-known person or diplomat.

**1.5.6.9** Escape from police custody or escape from corrections custody requiring police assistance.

**1.5.6.10** Prisoner in police custody suffers a critical or fatal injury or illness.

**1.5.6.11** Kidnapping with a ransom demand.

**1.5.6.12** Serious city/county communications system failure.

**1.5.6.13** Significant police/citizen confrontation.

**1.5.6.14** Any event which may appear insignificant, but due to the parties or the particulars involved, may generate inquiries from the media.

**1.5.7 Assuming Command at a Scene:** The Deputy N.E.T. Commander may take command of a scene as outlined in the Departmental Orders.

**1.5.7.1** Whenever the Deputy N.E.T. Commander takes formal command of a scene, he will announce such over the police radio.

**1.5.7.2** The Deputy N.E.T. Commander shall complete other documentation as required by departmental rules or procedures.

**1.5.8 District Sergeants/Supervisors.** District Sergeants/Supervisors are responsible for ensuring the efficiency, discipline, and productivity of officers under their supervision. They shall motivate, train and direct their employees to carry out the mission and goal of the department.

**1.5.8.1** District Sergeant duty hours will be governed according to shift assignments and/or Early and Late Sergeant duties and responsibilities as outlined in the Field Operations Division Standard Operating Procedures governing chain of command responsibilities.

**1.5.8.2** District Sergeant duties and responsibilities include, but are not limited, to:

- Supervising subordinates in the field and office.
- Direct, coordinate and monitor subordinates' activities.



- Train subordinates.
- Analyze information and develop plans.
- Ensure departmental records, i.e. administrative, incident, accident and arrest reports, comply with departmental guidelines.
- Performs related work as directed by Departmental Orders, Standard Operating Procedures, or established guidelines.

**1.6 Roll Call Procedures:** Reporting for duty: Employees shall report to roll call at a time and place designated by their commanding officer. Employees shall wear the correct uniform and be properly equipped so that they may assume their duties immediately following the shift briefing. Failure to report to roll call will be deemed neglect of duty.

**1.6.1 Roll Call Training:**

1. Supervisors shall coordinate training through the F.T.O. program to provide roll call training to keep members informed between formal training sessions.
2. Field Training Sergeants and Field Training Lieutenants are responsible for planning and organizing roll call training to meet the needs of departmental personnel. Supervisors are encouraged to maintain contact with the Training Unit to ensure the most current information and techniques are being utilized.
3. Lectures, videotapes, demonstrations, or other means may be used in roll call training.
4. Certified instructors or supervisory personnel may provide training of a specialized nature.
5. Roll call training may consist of:
  - Reading and discussing Training, Legal, Special, and Official Bulletins
  - Information regarding crime problems occurring within the N.E.T. areas
  - Reviewing new and revised Departmental Orders and Standard Operating Procedures
  - Potential and actual Police hazards
  - Watch orders, traffic conditions
  - B.O.L.O. on wanted persons, stolen vehicles, major investigations
  - Discussion and review of legal bulletins, new laws and Ordinances
  - Recent State and Supreme Court decisions
  - New developments, methods and techniques in Law Enforcement
  - Information regarding relevant community-based initiatives, if any
  - Line inspections to evaluate officers readiness to assume duty
  - Subjects of departmental-wide concern
6. Supervisors will document roll call training on daily "P" sheets. Administrative shift personnel will keep documentation of roll call training. Documents should include copies of materials discussed and names of personnel in attendance.

**1.7 Field Interviews:**

Field interviews are an important crime prevention and information gathering tool utilized by police officers. Contacts by law enforcement officers with selected pedestrians and

motorists can result in field interview reports (F.I.V.O. cards) that may be valuable in developing leads and preventing criminal acts. An officer may approach and detain any person under circumstances that reasonably indicate that such person has committed, is committing, or is about to commit a violation of criminal law. Because the stop and detention may lead to an arrest and court appearance, officers shall rely on their knowledge, experience, and good judgment surrounding each individual case when deciding to detain a person for a field interview. Officers must be able to articulate facts to support the detention under guidelines for a legal stop and frisk and must not act on the basis of a hunch. Further guidance on stop and frisk issues can be found in the Florida Law Enforcement Handbook under the Legal Guidelines section and in Florida Statute 901.151.

#### **1.7.1 Procedures for Field Interviews:**

1. Non-uniformed police personnel shall identify themselves by prominently displaying police insignia or departmental credentials.
2. The person shall be told of the purpose of the detention and must be released as soon as practicable if no probable cause for the arrest is developed.
3. Field interview cards (F.I.V.O.) may be completed when the officer feels the information they are gathering is relevant to criminal activity and may be utilized for investigative purposes.
4. Persons shall not be transported from the immediate area of the stop unless there are compelling safety concerns, or the individual gives their consent to do so, or they are arrested.

Officers are not precluded from approaching an individual for the purpose of engaging in voluntary conversation that may provide information that could assist them in carrying out their law enforcement duties. During these encounters, officers may complete a field interview card, (F.I.V.O.) however they must be aware that the individual they approach is not under any obligation to answer their questions and is free to leave at any time. Any information provided by an individual during this type of contact is strictly voluntary.

**1.8 BICYCLE DETAIL:** It is the Policy of the Miami Police Department Bicycle Detail to provide specialized support to the patrol function. The Bicycle Detail accomplishes this by providing mobile, and effective patrol in each N.E.T. Area of the City of Miami. Bicycle officers are deployed in areas of the City of Miami containing the greatest concentration of pedestrians, businesses and vehicular traffic, with the goal of enhancing public safety, facilitating police community interaction, and improving the quality of life in those areas.

The allocation and distribution of bicycle officers throughout the N.E.T. service areas of the City of Miami shall be the responsibility of the Bicycle Patrol Detail Commander. Manpower allocations will be based upon the individual needs of each N.E.T. Service Area. Additionally, critical factors such as chronic and persistent crime problems, quality of life issues and calls for services will be utilized to determine staffing needs for each N.E.T. Service Area, along with input from N.E.T. Commanders.

**1.8.1 Organization:** The Bicycle Patrol Detail is a function of the Downtown N.E.T. and members are assigned to the Filed Operations Division, to the three districts (North, Central, and South).

**1.8.2 Responsibilities:** Bicycle officers will be responsible for the following:

**1.8.2.1** Prompt response to all dispatched calls for service in their assigned N.E.T. service areas.

**1.8.2.2** Establish personalized contact by interacting with merchants, residents and public community organizations.

**1.8.2.3** Handling patrol activities, such as calls for service, enforcement of traffic and parking laws and regulations in their assigned N.E.T. service area.

**1.8.2.4** Patrol and concentrate in business districts, alleyways, parking lots, and all other areas that are not accessible by patrol cars.

**1.8.2.5** Assist other units.

**1.8.2.6** Take proper action when a violation of an ordinance and/or statute is observed.

**1.8.2.7** Provide a presence for deterrence in order to insure a safe and secure atmosphere for citizens and businesses.

**1.8.2.8** Represent the Detail and the Department as the need arises in special events.

**1.8.3 Procedures:** Extensive standard operating procedures (S.O.P.'s), detailing the responsibilities for the personnel assigned to the Bicycle Detail, have been prepared and will be utilized to guide the day-to-day operations of the Detail.

**1.8.3.1** Safety inspection of all issued bicycle equipment must be conducted prior to riding.

**1.8.3.2** The Detail will maintain an accurate monthly bicycle worksheet containing all information.

**1.8.3.3** All full-time members must keep their bicycle issued equipment including bicycle uniform available at all times. Part-time bicycle officers must keep all issued equipment, excluding the bicycle, available at all times.

**1.8.3.4** Members must keep all issued bicycle equipment clean and within the Bicycle Detail S.O.P.'s to maintain a highly professional image.

**1.8.3.5** Members must have available inside the bicycle issued rack bag, all necessary reports, summonses and citations to efficiently perform their daily duties.

**1.8.3.6** Certified Bicycle Officers assigned to a beat position, are considered full time Bicycle Detail officers and must ride their assigned police bicycle during their tour of duty unless authorized otherwise by the Bicycle Patrol Commander.

**1.8.3.7** Part-time bicycle officers will be permitted to check out bicycles from the Bicycle Detail office in order to facilitate special details. Requests should be made 24-hours before actually needing the bicycle.

**1.8.3.8** All police bicycles will be stored at the officer's residence or Bicycle Detail offices. The Bicycle Patrol Commander must authorize any other locations.

**1.8.3.9** Only bicycle certified officers are permitted to possess or utilize Bicycle Detail equipment. Any officer transferring out of the Bicycle Detail must return the bicycle to the Bicycle Detail. Additionally, the Bicycle Detail Office is restricted to bicycle certified officers.

**1.8.3.10** All personnel not bicycle certified are prohibited from having a bicycle rack on their assigned take-home vehicle unless authorized in writing by the Bicycle Detail Commander.

**1.8.3.11** It is each member's responsibility to maintain his or her bicycle secured at all times, while not in use, with a bicycle lock, including while the bicycle is in storage at the member's residence or bicycle office.

**1.8.3.12** The repairs, modification or maintenance of any bicycle issued equipment will only be conducted by the private bicycle dealers with a City of Miami contract and only after it has been authorized by the Bicycle Detail Commander or his designee.

**1.8.3.13** Members must notify the Bicycle Detail Commander of any change in their assignments within (5) days of the change.

#### **1.8.4 Training:**

**1.8.4.1** All Officers must satisfactorily complete the City of Miami Police Department 40-hour course in order to be certified.

**1.8.4.2** Certified Bicycle Officers must satisfactorily complete the 10 hours Re-certification course as directed by the Detail Commander to maintain their certification.

**1.9 Problem Solving Teams:** The Problem Solving Teams (P.S.T.) are a function of the Patrol Districts and under the Field Operations Division and are assigned to designated neighborhoods within the City of Miami.

**1.9.1 Responsibilities:** The Problem Solving Teams are **uniformed personnel** primarily responsible for addressing quality of life issues in designated neighborhoods, which require the specialized skills of the teams. These issues include the identification of abandoned buildings, overgrown lots, and unsafe structures. Additional responsibilities include but are not limited to:

- Identifying stakeholders in their areas, establishing partnerships, and using the S.A.R.A. model to resolve chronic problems.

- Review crime analysis information to establish trends and patterns of criminal activity.
- Work with Neighborhood Resource Officers and Code Enforcement Officers to improve quality of life issues and combat minor crimes.
- Actively work with community-based organizations and other government agencies to coordinate problem-solving plans of action.
- Assessing community wellness to include: crime, fear of crime, trash, abandoned vehicles, public nuisances, business regulations, etc.
- Work with Patrol Officers, Investigators, and Crime Suppression Teams in joint operations.
- Participate in surveillances and undercover assignments. Team members are to adhere to departmental policy concerning proper attire while in plainclothes.
- Represent the Department as the need arises in special events.

**1.9.2 Procedures:** Extensive standard operating procedures, detailing the responsibilities of the personnel assigned to the Problem Solving Teams, have been prepared and will be utilized to guide their day-to-day operations.

## PATROL SERVICE AREAS

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures

**2.1 POLICY:** It is the policy of the Miami Police Department to ensure that all patrol service areas are adequately staffed on a daily basis. The determination of what minimum staffing should be for each platoon will be contingent upon periodic analysis of calls for service and special details, as determined by the Division Chief of the Field Operations Division. It should, therefore, not be permanently set. Beat officers, both foot and bicycle patrols, are provided in business districts with heavy vehicular and pedestrian traffic. Public service aides will be dispatched to alleviate the necessity for assignment of sworn officers on calls for service in routine, non-hazardous situations.

The allocation and distribution of personnel shall be based upon the principles of community policing and documented assessments of workload demands, which shall be assessed annually. The nature and number of tasks, as well as their complexity, location, and time required for completion are factors that shall be considered when allocating and distributing personnel.

**2.2 ORGANIZATION:** Uniformed patrol of the service areas is a function of the District Substations (North, Central, and South), which consists primarily of platoons "A", "B", and "C." The patrol zones are staffed by the individual platoons on a 24 hours a day, seven days a week basis. The North Substation is responsible for service areas Model City, Little Haiti, and Upper Eastside. The Central Substation is responsible for service areas Allapattah, Wynwood, Overtown, Edgewater, and Downtown. The South Substation is responsible for service areas Flagami, Little Havana, Coral Way, Brickell-Roads, and Coconut Grove.

**2.3 RESPONSIBILITIES:** Patrol and beat officers will be responsible for the following:

- 2.3.1 Prompt response to all dispatched calls for service.
- 2.3.2 Advising the dispatcher of any changes in location (QTH) during the handling of dispatched calls.
- 2.3.3 Establishing personalized contact and interacting with merchants, residents and public community organizations.
- 2.3.4 Resuming patrol activities upon termination of dispatched calls.
- 2.3.5 Obtaining authorization from his/her supervisor prior to leaving assigned sector for any reason other than responding to a dispatched call.

## **2.4 PROCEDURES:**

**2.4.1 Radio Call Signs:** Officers assigned to platoons "A", "B", and "C", will be assigned four digit radio call signs to correspond with their service area, shift and zone assignment.

**2.4.1.1** First & second digits - represent the service area.

**2.4.1.2** Third digit - represents the shift.

**2.4.1.3** Fourth digit - represents the zone.

**2.4.1.4** Officers assigned to other units within the Field Operations Division will be assigned radio call signs as designated by the Communications Section.

**2.4.1.5** Call signs for public service aides will be designated per this policy, but they will be followed by the letter "P", e.g., "4416P".

**2.4.2 Patrolling Zones:** A unit shall patrol within the assigned zone unless authorized otherwise by the field duty lieutenant, service area supervisor, or when dispatched out of the area.

**2.4.3** Service areas not covered by a unit due to personnel shortages will be delegated to an adjacent unit by a field duty lieutenant or supervisor.

**2.4.4** All units not assigned to an incident or administrative detail shall patrol their assigned service area.

**2.4.5** Each zone within the service area should receive periodic attention.

**2.4.6** Officers shall be aware of crime patterns and activities within their service area and shall pay particular attention to reducing the potential for crimes to occur.

**PERIMETERS**Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** In an effort to effect the apprehension of criminals, it will, at certain times, require several units to contain the fleeing offender. It is the policy of the Miami Police Department that the initiating officer will determine when and how a perimeter should be established. However, a field supervisor may override directives from the officer in order to ensure effectiveness and efficiency in the utilization of perimeters. In any event, field personnel (initiating officer or their superiors) will direct the establishment of perimeters.

**3.2 ORGANIZATION:** Perimeters may be activated by any sworn personnel. The overall direction of perimeters will be the function of the Patrol Section's field supervisors with required assistance from Communications Section personnel.

**3.3 RESPONSIBILITIES:**

**3.3.1 Initiating Officer Responsibilities:** The initiating officer is responsible for:

- a) Giving accurate and detailed description of suspects or vehicles involved.
- b) Informing whether suspect is armed.
- c) Relaying the type of offense committed.
- d) Requesting a perimeter.
- e) Remaining at the most logical point of flight.

**3.3.2 Communications Section Responsibilities:** The Communications Section acts as a support function to the officers and supervisors in the field to include but not limited to:

- a) Assisting the initiating officer in the placement of responding units by using a neighborhood area map.
- b) Advising the field supervisor of the perimeter and providing relevant information without compromising ability of the initiating officer in communicating ongoing information.
- c) Advising the field supervisor of other calls for service being held.
- d) Ensuring that other units are available for calls.



**3.3.3 Field Supervisor's Responsibilities:** Upon learning that a perimeter is being established, the officer's supervisor shall:

- a) Respond to and assume command of the incident on the radio.
- b) Direct the placement of additional responding units to ensure that all perimeter coordinates are covered.
- c) Ensure that responding units hold their assigned positions and not allow the perimeter to break down and ensure no one enters the perimeter.
- d) Discontinue/secure the perimeter.
- e) Keep informed of other calls and requests for service requiring police presence.

### **3.4 PROCEDURES:**

**3.4.1** A vehicle with two officers can contain one large square or a rectangular area for a short time (until assistance arrives) by separating and taking corner positions diagonally to one another, thereby allowing each officer to view two sides of the block or containment area.

**3.4.2** All units shall maintain radio silence (QAH) when requested to do so by the dispatcher.

**3.4.3** Any unit wishing to raise the station during a radio silence situation will transmit giving his/her unit number and saying the word "reference", e.g., "4121 reference". This will place all affected personnel on notice of what is to follow regarding the emergency or the perimeter.

**3.4.4** Whenever possible, all units involved in perimeter situations should use the appropriate TAC channel. This will ensure proper radio frequency availability for other personnel.

**STATION SECURITY**Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures

**4.1 POLICY:** The nature of the work performed by police departments necessitates that a high level of security be provided to protect the employees, facilities, and equipment. The public that is served must also feel that their police department is freely accessible to them.

**4.2 ORGANIZATION:** Station security is a function of the Patrol Section, and it is comprised of the Front Desk Detail and Rear Gate Detail. These details are manned on a 24-hour basis. The Front Desk Detail will be staffed by personnel assigned to Platoons "A", "B" and "C". The Rear Gate and headquarter lobby Magnetometer and X- Ray Scan will be staffed by uniformed guards. Substation security and parking procedures will be the responsibility of the district commanding officer in accordance with Patrol Section Standard Operating Procedures.

**4.3 RESPONSIBILITIES:** It will be the responsibility of every employee of the Police Department to promote and enforce station security. Employees will be responsible for immediately reporting any breach of security (unauthorized or suspicious person, package, activity, etc.) to the commanding officer, or designee. Specific and detailed responsibilities for the Front Desk Detail and Rear Gate Detail are outlined in the Patrol Section's Standard Operating Procedures.

**4.4 PROCEDURES:**

**4.4.1 Card Key Access:** Employees of the department are issued card keys to provide them with access to authorized areas of the facility, and all non-uniformed employees are required to wear their card key (picture side forward) visibly on their person at all times while in the complex. The only access to the facility that does not require a card key is the public entrance located at the second floor lobby. The elevators in the building require activation by a card key for access above the third floor.

Sworn personnel performing field duties will not wear the card key affixed to their outer garment's as there is a great possibility that the card key could get lost in a chase or physical confrontation.

**4.4.2 Issuance of Card Keys:** All card keys are issued by the Technical Services Detail in room 211 of the Central Station. The hours of operation are from 0730-1430, Monday through Friday. Employees must submit a Police I.D. and Keycard Authorization form when applying for a new or replacement card. Card keys will be issued upon receipt of the form, at which time a photograph and color code designation will be assigned.

Card keys are the property of the Department and it is the employee's responsibility to maintain control of same. If the card key is lost or stolen, it must be reported immediately to the Real Time Crime Center so that the card key can be invalidated. This will prevent unauthorized use of the card key. The employee will submit a Request for Replacement of Lost or Damaged Equipment Form, through channels, for replacement.

**4.4.3 Helicopter Pad and Roof Access:** Restrictions on access to the roof top areas and the helicopter pad shall be strictly adhered to. Employees will not be allowed on the roof of any Police Department building unless authorized. It will be the responsibility of the communications commander or supervisor to authorize a helicopter landing at the Police Department Headquarter building and to advise the pilot or agency owning the helicopter of the restrictions and guidelines governing landings.

**4.4.4 Unauthorized Access:** It is the responsibility of each employee to challenge anyone in any area not authorized by a pass, or when no pass is visible. These persons shall be escorted to the front desk and a note of the breach of security shall be made on the log. Unauthorized persons found inside the compound shall be challenged, properly identified, and ordered to leave immediately.

**4.4.5 Vehicle Gates:** The vehicle gates around the complex are not capable of handling a large volume of traffic, and the gates on Third Avenue are left open when manned by security personnel. The gate at N.W. 5th Street is for freight deliveries and emergencies, and it is not to be used for ingress or egress when the Third Avenue gates are operational.

**4.4.6 Abuse to the Security Systems:** Employees shall not willfully abuse any part of the security system, and they shall report any abuse by others, in writing, to their section commander.

**4.4.7 Employee Parking:** Parking is provided for employees of the Miami Police Department. Employees who violate parking restriction will be subject to disciplinary action.

**4.4.7.1** All employees shall affix a parking permit to the rearview mirror of their vehicles. The permits are available in the Personnel Unit. No vehicle will be parked in the garage over a 24-hour period without approval of the employee's commanding officer. Marked and unmarked City vehicles must park on level "G" or higher.

**4.4.7.2** All parking slots under the expressway, between 4th and 5<sup>th</sup> streets, are reserved for special purpose vehicles only.

**4.4.7.3** Disabled employees may park in slots designated as "disabled".

**4.4.7.4** The Downtown Service Area has the overall responsibility for enforcement of parking and traffic control in the complex and around the building.

**4.4.7.5** Parking of any unattended vehicles at transfer point is prohibited. Parking on the ramp is reserved for officers with detainees only, and should not exceed one hour.

**4.4.7.6** All parking within the police compound shall be assigned by the Administration Division. This will be announced through publications in the Official Bulletin.

**4.4.7.7** Parking on N.W. 5th Street is permitted for all on-duty police vehicles.

**4.4.7.8** It is the responsibility of the Administration Division to assign parking slots in the complex and under the expressway. Any changes will be published in the Official Bulletin.

**4.4.7.9** Commanding officers will have the responsibility for controlling the parking of vehicles assigned to their section or unit, within the guidelines published by the Administration Division.

**4.4.8 Police Facility Visitors:** For security reasons, there must be restricted access to the Miami Police Department (M.P.D.) building. At the same time, security measures must not be so foreboding as to intimidate person(s) who wish to come to the M.P.D., or those who have to come on legitimate business.

**4.4.8.1** All persons wishing to conduct business, other than on the second floor (lobby), will be issued a visitor's pass only for the area they wish to visit. The only exception to this will be persons being escorted by a police officer. All visitors will be screened, and they must produce valid identification. Only after the person has established a legitimate reason to enter the M.P.D., will a pass be issued. The procedure for issuing passes will be as follows:

**4.4.8.1.1** The visitor must present positive identification, e.g., driver's license with photograph, or I.D. issued by a governmental agency or a recognized private concern. Social Security cards and unsealed documents will not be acceptable identification. Any conflicts will be resolved by the on-duty Patrol Administrative Supervisor.

**4.4.8.1.2** The visitor must present a legitimate reason to enter the Police building.

**4.4.8.2** Anyone wishing to tour the building will be directed to the Community Relations Section.

**4.4.8.3** Anyone wanting to visit a specific employee will not be issued a pass until the employee has been contacted and approves the visit. Verbal approval via telephone will suffice.

**4.4.8.4** Anyone wanting to visit a unit or section will need approval from a member of that unit before a pass is issued.

**4.4.8.5 Visitors From Another Police Agency:** Visitors from other police agencies will be logged in upon presentation of official documentation from a governmental law enforcement agency. There is no need to hold I.D. documents in exchange for the visitor's pass. Personnel manning the front desk shall retrieve the visitor's pass upon completion of the visitor's business.

**4.4.8.6 Credit Union/Cafeteria Pass:** All persons wishing to visit the credit union or cafeteria facilities must obtain a visitor's pass. These individuals must follow the same procedures as regular visitors by leaving the proper identification at the front desk. These individuals are restricted to the third floor only.

**PRISONER INTERVIEW AREAS**Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibilities
- 5.4 Procedures

**5.1 POLICY:** The Miami Police Department is committed to the safety and well-being of all its detainees. Furthermore, the Department is dedicated to the efficient and expeditious movement to the appropriate correctional facility of all persons taken into custody by its employees. To facilitate this concept the Department will establish and maintain Prisoner Interview Areas. Said areas are set aside to provide a controlled environment for the interview of arrested individuals and the timely completion of necessary paperwork.

**5.2 ORGANIZATION:** The Prisoner Interview Areas are components of the District Sub-stations. Furthermore, each District Substation will maintain its own designated Prisoner Interview Area.

**5.3 RESPONSIBILITIES:** Each District Commander shall have an approved standard operating procedure governing the operation and utilization of the Prisoner Interview Area located within his/her substation.

**5.4 PROCEDURES:** Officer(s) interviewing/transporting prisoners will adhere to the following procedures:

**5.4.1** The Technical Services Unit does not staff the Prisoner Interview Area for photograph or fingerprint requests, subsequently it **shall not** be utilized as a holding facility or to temporarily detain prisoners for any reason except for interview purposes and/or to facilitate the completion of arrest affidavits, incident reports and any necessary paperwork. The arresting/interviewing/transporting officer(s) **shall not leave an arrestee alone at any time for any reason.** The arresting/interviewing/transporting officer(s) will be responsible for the supervision of the arrestee at all times while in their custody and also completing all relevant paperwork in reference to the arrest.

**5.4.2** Sick, injured, elderly or handicapped prisoners shall not be brought into the Prisoner Interview Area.

**5.4.3** Unruly and/or violent prisoners shall not be locked inside any of the interior rooms inside the facility. Prisoner(s) must be transported immediately to a correctional facility.

**5.4.4** Juveniles: Juvenile offender(s) will not be placed in the Prisoner Interview Area under any circumstances.

**5.4.5** No prisoners will be detained in the Prisoner Interview Area for more than one (1) hour. All prisoners will remain handcuffed while in the Prisoner Interview Area.

**5.4.6** The Arresting/Interviewing/Transporting Officer(s) will be responsible for logging the arrestee in on the Prisoner Interview Area Log.

**5.4.7** No weapons or flammable materials will be brought inside the Prisoner Interview Area.

**5.4.8** In the event of an extreme emergency, e.g. prisoner disturbance or hostage situation, a commanding officer will determine when armed personnel will be deployed inside the Prisoner Interview Area.

**5.4.9** Officer(s) shall secure their weapons before entering the Prisoner Interview Area.

**5.4.10** All prisoners shall be thoroughly searched prior to entering the Prisoner Interview Area. Prisoner(s) will be searched in a systematic and orderly manner so that no areas are missed. It is mandatory that only female officers search female prisoners.

**F.T.O. PROGRAM**Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Responsibilities
- 6.4 Procedures

**6.1 POLICY:** The Miami Police Department recognizes the need to provide professional "on the job training" to its new police officers and public service aides (P.S.A.'s) through the Field Training Officer Program (F.T.O.). The primary goal is the development of a police officer/public service aide able to work in a solo assignment in a safe, skillful, productive, and professional manner; consistent with the standards set by the Miami Police Department.

**6.2 ORGANIZATION:** All activities directly related to the Field Training Officer Program (training and evaluation functions), move upward from the probationary officer/P.S.A. level through the field training officer (F.T.O.), field training supervisor (F.T.S.), field training lieutenant (F.T.L.), platoon commander, and the field training program commander. All other platoon activities are responsive to the normal chain of command.

**6.3 RESPONSIBILITIES:** The F.T.O. has three primary roles to fulfill: that of a police officer assuming full field responsibility that of a trainer of new personnel and promoting ethics and professionalism at all times.

**6.4 PROCEDURES:** The Field Operations Division has complete control and responsibility for the Field Training Officer Program. An extensive Field Training Guide has been prepared and will be used, maintained and carried by all officers/P.S.A.'s going through the Field Training Program. The Field Training Guide will be distributed to all new officers and P.S.A.'s by the field training program commander or designee during Post Orientation.

**6.4.1** The Field Training Program (F.T.O.) will consist of Scenario Based Training, four phases of F.T.O. followed by two Solo phases.

**6.4.1.1** The 1<sup>st</sup> month Phase I will be R-1.

**6.4.1.2** The 2<sup>nd</sup> month Phase II will R-2.

**6.4.1.3** The 3<sup>rd</sup> month Phase III will R-3.

**6.4.1.4** The 4<sup>th</sup> month Phase IV will R-4.

**6.4.1.5** The 5<sup>th</sup> month will be Solo 1.

**6.4.1.6** The 6<sup>th</sup> month will be Solo 2.

**6.4.2** During Scenario Based Training the program coordinator or designee will be responsible for maintaining a training booklet.

**6.4.3** In the role as a trainer, the F.T.O. provides ongoing instruction in the traditional sense, utilizing innovative and practical techniques.

**6.4.4** The F.T.O. must have the requisite skills necessary to become a reliable evaluator of an officer/PSA trainee's performance

**6.4.5** Upon the first day of F.T.O. assignment the trainee will provide his/her F.T.O. with his/her Field Training Guide.

**6.4.5.1** The F.T.O. is responsible for reviewing the Field Training Guide with his /her trainee and following the steps set up in each phase of the F.T.O. Program.

**6.4.5.2** The F.T.O. will initial, PIN and date entries into the Field Training Guide ensuring that training during his/her phase was covered.

**6.4.5.3** The F.T.S. will review the Field Training Guide on a weekly basis to ensure compliance and accuracy.

**6.4.6** **6.4.6** The trainee's weekly written evaluations begin the second week of Phase I.

**6.4.7** The F.T.O. is required to write weekly evaluations of the trainee's performance and submit additional documentation as requested by the F.T.S. and or F.T.L.

**6.4.7.1** On a weekly basis, the F.T.O. presents a verbal and written report on the relative progress of the trainee to the F.T.S.

**6.4.8** During Phase III, the F.T.O. will monitor and evaluate the driving of the trainee.

**6.4.8.1** During the 4<sup>th</sup> month (Phase IV), the trainee will operate in a quasi-solo capacity.

**6.4.8.2** The trainee will operate the police vehicle and carry on all police activities without the direct control of the F.T.O.

**6.4.8.2.1** The F.T.O. shall accompany the trainee during this time, but will be in the car in plain clothes only as an observer.

**6.4.8.3** The F.T.O. shall avoid interfering with the trainee's police performance except in emergencies or in situations which have developed beyond the trainee's ability to control.

**6.4.8.4** Whenever an F.T.O believes that a trainee has gained sufficient skills and knowledge to operate in the capacity as a solo officer, the F.T.O. will make the recommendation to the F.T.S. in his/her evaluation.

**6.4.8.5** Prior to the end of Phase IV, the trainee will be required to take an oral examination in front of a board of officers prior to being released to Solo status. The trainee will be accompanied by the Phase IV F.T.O. and must achieve a score of 90%,



or better, in order to be released from Phase IV. Trainees will be allowed two attempts to pass the oral board examination. Failure to pass will result in a recommendation to the Chief of Police for termination of employment.

**6.4.8.6** If during any stage of the Field Training Program a trainee is rated unsatisfactory by an F.T.O., a decision will be made by the immediate F.T.S., F.T.L. and the program commander to extend the F.T.O. phase.

**6.4.8.6.1** The trainee will meet with the F.T.O., F.T.S. and F.T.L. to be evaluated weekly, daily and monthly.

**6.4.8.6.2** After the evaluation period, if the trainee is successful then he/she will be carried over to solo status.

**6.4.8.7** Finally, the F.T.O. is charged with the responsibility for recommending termination of a recruit when the prospect for retention no longer exists. The F.T.S., F.T.L. and program commander will make the final recommendation to the Chief of Police.

**6.4.9** The F.T.O.'s performance is also subject to evaluation; therefore, and the F.T.O.'s professional and personal conduct shall be exemplary.

**6.4.9.1** An F.T.O. should possess and recognize the need for possessing a higher sense of idealism than that generally found throughout the Miami Police Department.

**6.4.9.2** The F.T.O. must understand that the effectiveness, image, and the future of the Department are substantially decided by the quality, professionalism and ethics of its personnel.

**VEHICLE PURSUIT DRIVING AND POLICE  
VEHICLE OPERATION POLICY**

Section

- 7.1 Policy
- 7.2 Organization
- 7.3 Responsibilities
- 7.4 Procedures
- 7.5 Pursuit Procedure
- 7.6 Guidelines for Pursuit
- 7.7 Emergency Equipment
- 7.8 Pursuit Roadblocks/Vehicle Containment
- 7.9 Termination of Pursuit
- 7.10 Inter-Jurisdictional Pursuits
- 7.11 Radio Transmission
- 7.12 Vehicular Pursuit Review and Analysis
- 7.13 Specialized Police Vehicles
- 7.14 Following
- 7.15 Police Emergency Response
- 7.16 Routine Response

**7.1 POLICY:** It is the policy of the Miami Police Department to operate all vehicles in a safe and prudent manner and to only pursue fleeing violent felony offenders in conformance to our ethical and legal obligation to the citizens of the City of Miami. In the interest of public safety, it is the Department's position that the apprehension of traffic law violators, misdemeanants, and nonviolent felony offenders are of lesser importance than the well being of our officers and the general public. All pursuits, other than violent felony offenders, are prohibited.

**7.2 ORGANIZATION:** Although this chapter is assigned to the Patrol Section, it is applicable to all departmental sworn employees.

**7.3 RESPONSIBILITIES:** Pursuit, interception, and apprehension of violent, felony offenders are within the public expectation of police efforts to prevent and deter further acts of crime or actions which threaten life. Our officers will pursue such offenders in accordance with the dictates of this departmental order.

**7.3.1 Definitions:**

**7.3.1.1 Vehicle Pursuit:** An active attempt by a law enforcement officer in an authorized emergency vehicle equipped with emergency equipment and siren to apprehend one or more occupants of a moving motor vehicle where the driver of the fleeing vehicle is resisting apprehension by increasing vehicle speed or taking other evasive actions in an attempt to avoid apprehension.

A suspect's driving behavior, which did not exist prior to the pursuit shall not be used as grounds to justify continuing a pursuit.

**7.3.1.2 Violent Felony:** A felony resulting in serious bodily injury or the threat of serious physical injury to another person. Such crimes include murder, manslaughter, sexual battery, kidnapping, robbery, aggravated battery, aggravated assault, carjacking, home invasion robbery; unlawful throwing, placing, or discharging of a destructive device or bomb, or any other felony which involves the use or threat of physical force or violence against any individual.

**7.3.1.2.1** The crime of aggravated assault, or aggravated battery, where the deadly weapon is a motor vehicle, will not be justification for a pursuit unless the victim is injured to such extent as to require hospitalization.

**7.3.1.3 Reasonable Belief:** Facts that would cause a reasonable person to conclude that the point at issue is probably true.

**7.3.1.4 Fresh/Hot Pursuit:** Police personnel shall not go outside the City except in fresh (hot) pursuit of known or suspected criminals or as authorized by the Chief of Police or a commanding officer in response to a request received from an outside authority because of grave emergency or urgent need for police assistance, or authorized by mutual aid.

**7.3.1.5 Emergency Equipment:** Vehicles authorized to engage in a pursuit must be properly equipped with, and use, the following audible and emergency signal devices: Siren, roof mounted permanently installed overhead emergency lights and headlights with high beams on – day or night.

## **7.4 PROCEDURES:**

**7.4.1 Authorization for Pursuit:** An officer may pursue a vehicle only after the criteria for pursuit outlined in this policy has been met.

### **7.4.2 Factors To Be Considered Before Engaging And Continuing A Pursuit:**

**7.4.3** Officers will not initiate a pursuit or will immediately terminate a pursuit when the risks to their own safety, or the safety of others, outweighs the danger to the community if the suspect is not apprehended. These considerations include, but are not limited to:

- a. Seriousness of the crime.
- b. Potential for apprehending the suspect in the pursuit or by other means.
- c. Pedestrian and vehicle traffic in the area of the pursuit.
- d. Potential risk to citizens using the highway.
- e. Current street and traffic conditions, including the presence or absence or traffic control devices.
- f. Current weather conditions.
- g. Current road conditions, including lighting (visibility).
- h. Risk to the public if the suspect escapes.
- i. Known identity of the suspect or means to ascertain the suspect's identity and immediately apprehend the suspect.
- j. The manner in which the driver of the fleeing vehicle is being driven, to include:
  - 1) Speeds.
  - 2) Regard for other traffic.
  - 3) Regard and observance of traffic control signs and devices.
  - 4) Driver's control of the fleeing vehicle.
  - 5) Type and condition of fleeing vehicle.
  - 6) Age of the suspect, if known.

## **7.5 Pursuit Procedures:**

**7.5.1** Immediately upon initiating a pursuit, the officer in the primary unit will notify Communications of the following:

- a. Unit identification, followed by the word "PURSUIT". (note: the term "chase" will be considered synonymous with pursuit.)
- b. Officers will identify themselves and provide information on location, speed, direction of travel, and vehicle description, including license number if known.
- c. Crimes(s) that occupant(s) of the fleeing vehicle are believed to have committed.
- d. Number and description of occupants.
- e. Information on weapons.
- f. Traffic conditions.

**7.5.2** The primary function of the secondary unit while the pursuit is in progress is to move into position and assume the communications responsibilities.

**7.5.3** The secondary unit (back up unit), or monitoring supervisor, will coordinate the activities of other assisting or support units. The support units will not participate in the actual pursuit, but assist by providing traffic control, vehicle stopping methods, and as resources for the aftermath of the vehicle pursuit terminations, e.g., high risk stop, search for suspects fleeing on foot, crime scene security, traffic control at termination point, etc.

**7.5.4** Communications will notify the pursuing officer's immediate supervisor and the Aviation Detail of the pursuit. The supervisor shall assert control of the pursuit while moving in the general direction of the pursuit route and shall be responsible for:

- a. Ensuring the pursuit meets department policy.
- b. Terminating or allowing the pursuit to continue.
- c. Continuously monitoring and directing specific units into or out of the pursuit.
- d. Re-designating primary pursuit unit, support, or other back-up unit's responsibilities.
- e. Continual monitoring and weighing the risks based on information being received from Communications and the pursuing units.
- f. Immediately terminating the pursuit when, it is determined not to be in compliance with this policy, or when, in the supervisor's determination, the pursuit poses a risk to the public, the officers, or the suspects greater than the risk posed to the public by the suspect's escape or delay in capture.
- g. Submission of appropriate reports.

**7.5.4.1** In the event the pursuing officer's immediate supervisor is not available to assert control or monitor the pursuit, Communications will notify the closest supervisor who shall assume this responsibility. If no supervisor is available, the next higher ranking supervisor will assume control of the pursuit.

**7.5.4.2** The first commanding officer to respond to the pursuit on the radio will become the primary commander and assume command of the pursuit.

**7.5.5** It is the responsibility of any pursuing officer to immediately terminate a pursuit when the pursuit does not meet the criteria for a pursuit. It is the responsibility of any supervisor or commanding officer to immediately terminate a pursuit when becoming aware that the pursuit does not meet the criteria for a pursuit. Officers shall immediately decelerate to the posted speed limit

and change direction of travel away from the fleeing vehicle. Officers shall not “parallel”, “actively follow” or continue in the direction of any fleeing vehicle.

**7.6 Guidelines for Pursuit:**

**7.6.1** Officers may not ram, bump, or collide with a fleeing vehicle nor pull alongside the vehicle to force it off the roadway unless deadly force is necessary.

**7.6.2** Officers involved in a pursuit will not attempt to, drive alongside the pursued vehicle when it is in motion, nor attempt to pass other field units unless specifically authorized by the primary unit or supervisor.

**7.6.3** Reckless or hazardous driving maneuvers by the driver of the pursued vehicle shall not be duplicated by any pursuing vehicle.

**7.6.4** Driving on the wrong side of a controlled access highway on/off ramp, or divided highway is prohibited.

**7.6.5** Officers involved in a pursuit will maintain proper spacing between vehicles to allow proper braking and reaction time in the event that the lead vehicle stops, turns, or slows.

**7.6.6** Pursuits are limited to two police vehicles, a primary and back up unit. Additional units may participate if directed by the supervisor.

**7.6.7** Pursuant to applicable statutes, police officers, while engaged in a pursuit, with emergency equipment activated, although not required to obey traffic regulatory controls, must at all times operate the vehicle in manner so as to not endanger life or property and exercise due regard for safety of all persons. Emergency vehicle operators are neither immune from liability nor relieved of responsibility for consequences arising from negligent operation of an emergency vehicle or from reckless disregard for the safety of others.

**7.6.8** Maneuvering a pursuit vehicle during the course of an active pursuit into the path of the pursued vehicle is prohibited.

**7.6.9** If person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer will stop, give their location, and continue efforts to apprehend on foot (i.e., establish a perimeter). The secondary units and support units will be dispatched in close proximity to offer assistance.

**7.6.10 Pursuit with Passengers Prohibited:** Officers shall not engage in a pursuit when their vehicle is occupied by prisoners, suspects, complainants, witnesses or any other persons not authorized.

**7.6.11 Personal Vehicles:** Use of a personal or private motor vehicle to engage in a pursuit is prohibited.

**7.7 Use of Emergency Equipment:** A pursuing vehicle must use the following audible and emergency signal devices: Siren; roof mounted permanently installed overhead emergency lights, and headlights with high beams on – day or night.

**7.7.1** Four way flashers may interfere with brake lights and turn signals and should not be used while the vehicle is in motion during a pursuit.

**7.7.2** Dash lights, visor lights or magnetically mounted lights are permitted as a means of assisting officers conducting special enforcement details however, they are not authorized as emergency equipment.

**7.8 Pursuit Roadblocks/Vehicle Containment:** Pursuit roadblocks, and/or vehicle containment tactics may only be utilized by officers trained in the proper use of their application

**7.8.1 Pursuit Roadblocks:** Any method, restriction, obstruction, or device used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of an actual or suspected violator in a motor vehicle.

Pursuit roadblocks are designed to produce a stop by physical impact if voluntary compliance does not occur. The application of pursuit roadblocks should be used as a last resort to stop a fleeing vehicle and then only when deadly force is justified and **only** upon the order of a commanding officer.

When a roadblock is determined to be necessary, the following procedures shall be followed:

**7.8.1.1** A supervisor must be present at the roadblock scene.

**7.8.1.2** Assemble the personnel and equipment necessary to establish the roadblock.

**7.8.1.3** Brief all personnel to assemble equipment necessary to establish the roadblock.

**7.8.1.4** Establish the roadblock with an escape route for law enforcement officers and the public.

**7.8.1.5** The initiating supervisor shall advise Communications of the time the roadblock was initiated, the location of the roadblock and the units involved.

**7.8.1.6** The initiating supervisor shall continuously monitor the roadblock to ensure that it is fulfilling its function, meeting criteria, and is not presenting unnecessary safety risks.

**7.8.1.7** The roadblock shall be immediately discontinued upon accomplishing its goals, or when the risk involved endangers public safety.

**7.8.1.8** The initiating supervisor shall advise Communications of the time the roadblock was discontinued.

**7.8.1.9** Stationary roadblocks should provide the suspect with a choice of stoppage; therefore, roadblocks will not be situated on curves, bridges or areas where stopping safety is not an option.

**7.8.1.10** No private vehicle shall be used in roadblocks.

**7.8.1.11** Lights should never be used in a roadblock to blind the suspect.

**7.8.1.12** Only marked police units shall participate in the roadblock with their emergency overhead lights activated at all times during the duration of the roadblock.

**7.8.1.13** Roadblocks should not be situated in such a location or manner as to endanger any other persons.

**7.8.2 Vehicle Containment:** A deliberate tactic by three or more authorized vehicles to contain a stationary vehicle to restrict further movement.

**7.8.2.1** Vehicle containment tactics shall only be used upon order or approval of a supervisor.

**7.8.3** A written report and an administrative review of each incident will be conducted by the officer's chain of command whenever vehicle containment tactics are implemented.

**7.9 Termination of Pursuit:** Pursuit will be immediately terminated under the following conditions:

**7.9.1** After initiation the offense is determined to be a traffic infraction, misdemeanor, or nonviolent felony.

**7.9.2** The distance between the officer and violator is so great that further pursuit is futile.

**7.9.3** The officer loses visual contact with the violator for an extended period of time (approximately 15 seconds).

**7.9.4** A supervisory or higher authority orders the pursuit terminated.

**7.9.5** When there is an equipment failure involving the emergency lights, siren, radio, brakes, steering or the essential mechanical equipment.

**7.9.6** When there is a clear and unreasonable danger to the officer, and/or other citizens. A clear danger exists when speed dangerously exceeds the normal flow of traffic or when vehicular or pedestrian traffic necessitates dangerous maneuvering exceeding the performance capabilities of the vehicle and/or the driver. When conditions are such that environmental factors (i.e. rain, fog) significantly increase the potential for loss of control of the vehicle.

**7.9.7** Because of the limitations of radio frequencies, it will be the responsibility of the commanding officer to immediately terminate the chase once radio communications begin to become impaired. If the commanding officer does not terminate the chase, the Communications supervisor will raise them and advise that transmission is weakening and request the decision as to whether the chase should be terminated. Until the commanding officer makes a decision to terminate, the assumption is to be made by Communications that the chase is still in progress.

**7.9.8** Under the following conditions the primary pursuing unit will reduce the level of pursuit to that of a support or backup unit.

**7.9.9** The fleeing vehicle comes under the surveillance of an air unit.

**7.9.10** Another police vehicle comes into closer proximity to the vehicle being chased. Officers are reminded that they are not to overtake a primary or support unit unless specifically requested to do so.

**7.10 Inter - Jurisdictional Pursuits:**

**7.10.1** When a Miami police officer is involved in an authorized pursuit of a vehicle into another agency's jurisdiction, Communications will notify that agency and request assistance. Pursuits involving violent felons will continue outside City limits until the appropriate jurisdiction can take over the pursuit in their jurisdiction. Miami Police units (including supervisors or commanding officers) will continue their pursuit as the secondary or support units to the appropriate jurisdiction and will proceed in compliance with this policy. Communications will verify with the other jurisdiction to ascertain that their units have joined the pursuit.

**7.10.1.1** Upon being made aware of an in progress, inter-jurisdictional pursuit entering into the City of Miami, Communications will notify the affected districts by radio broadcast.

**7.10.1.2** Officers shall not become involved in the inter-jurisdictional pursuit unless it meets the guidelines for pursuit, and the pursuing agency specifically requests assistance in the pursuit.

**7.10.1.3** Other agencies may prohibit their officers from pursuing vehicles entering their jurisdiction if the criteria does not meet their department's pursuit guidelines.

**7.10.1.4 Caravans are Prohibited:** The following and direct participation in a pursuit by police vehicles other than the primary or back up unit is prohibited.

**7.11 Radio Transmissions:** Radio transmissions shall be restricted to the primary or back up unit and the supervisor. Other units will not advise their locations or other information unless deemed necessary for the apprehension efforts.

**7.11.1** Officers are prohibited from conducting pursuits off the air or off the assigned frequency. Officers involved in special operations using dedicated channels shall immediately broadcast the pursuit on the regular working channel.

**7.12 Vehicular Pursuit Review:**

**7.12.1** The Communications supervisor will initiate a written report (R.F. #512) reference the pursuit and forward it to the Division Chief of the Field Operations Division (FOD).

**7.12.2** Upon receipt of the initial pursuit report (R.F. # 512) from the Division Chief of FOD, the commander for the unit initiating the pursuit shall be responsible for the report's completion and submission of a detailed written analysis (facts, circumstances and conclusion) through channels back to the Division Chief of FOD.

**7.12.3** The Vehicular Pursuit Report will be reviewed by the pursuing officer's chain of command to determine if the pursuit was within Departmental guidelines as outlined in this policy. The Vehicular Pursuit Report package must include, if applicable, all incident, arrest, accident, Response to Resistance Reports, discharge of firearms, injury reports and/or any other document completed in relation to the pursuit

The report will then be forwarded within 10 days to the Division Chief of Field Operations for review and filing.

**7.12.4 Annual Analysis of Pursuits:** The Division Chief of FOD or designee will conduct an annual analysis of all police pursuits and forward the report to the Chief of Police by January 15 of each year. The report will document a review of the current policy and recommend any policy change or training needs. A copy of the annual analysis will be forwarded to the Accreditation Unit upon completion.

**7.13 Use of Specialized Police Vehicles During Pursuits:**

**7.13.1 Police Vehicles Without Emergency Equipment:** Unmarked or marked police vehicles not equipped with emergency equipment shall not engage in pursuits. **The use of rental vehicles to conduct pursuits poses a great threat to public safety and is prohibited.** Should a situation occur wherein an officer in an unmarked vehicle or a vehicle not equipped for a pursuit confronts an incident in which a pursuit meets the department's pursuit policy, the officer will not engage in a pursuit, but shall initiate the required notifications to Communications as outlined in the policy.



**7.13.2 Special Purpose Vehicles With Emergency Equipment:** Only under extreme circumstances shall special purpose police vehicles designated for highway use and equipped with emergency equipment, department designators i.e. decals, striping and vehicle number engage in pursuits, and then only until such time as assistance can be obtained from a marked police vehicle. When a marked patrol police vehicle becomes available to take over the pursuit, the initiating unit shall assume the role of support unit.

**7.13.3 Special Enforcement Aggressive Driving Vehicle:** The department may authorize the use of unmarked vehicles for the interdiction of aggressive driving. These vehicles have been specifically equipped with emergency equipment to include a permanently installed emergency light bar visible to the front and rear of the vehicle. Emergency lights shall not be obscured by window tinting. All officers assigned the aggressive interdiction vehicle shall be in full class "B" uniform to facilitate their identification as a law enforcement officer.

**7.13.3.1** Prior to stopping a motorist, the officer of the special enforcement aggressive driving vehicle shall:

**7.13.3.2** Activate all emergency equipment.

**7.13.3.3** Use discretion and patience while attempting to stop a violator. The violator will be allowed to slow and proceed to a populated area or other site, i.e. well-lit site, where the motorist feels at ease stopping.

**7.13.3.4** If the motorist fails to immediately stop after the emergency equipment has been activated, but is not attempting to flee and elude, the officer will follow the violator in a safe manner and obtain assistance from a marked unit. The possibility of the violator being afraid and of being stopped by someone other than law enforcement officer shall be considered by the officer. This action by the motorist shall not be considered a pursuit as defined in this policy.

**7.13.3.5** Officers assigned to aggressive driving interdiction shall not engage in pursuits. They may follow in a safe manner and request the assistance of a marked unit.

**7.14 Following:**

**7.14.1** The practice of following is acceptable provided all traffic laws are strictly complied with (whether in marked or unmarked vehicle). Once there is a clear indication that traffic laws are no longer being complied with, the officer will attempt a traffic stop. In the event the vehicle does not pull over but begins to speed-up or take evasive action, the decision to pursue the fleeing vehicle will be based on the criteria in this pursuit policy.

**7.15 Police Emergency Response:** Emergency response is operation of a police vehicle, with all emergency equipment activated, in response to authorized information that an actual emergency exists or is believed to exist. In order to minimize the risks associated with emergency response driving all requests requiring emergency response shall be limited to vehicles marked with distinctive emblems and/or colors equipped with emergency equipment.

**7.15.1** All vehicles identified as emergency vehicles must activate their emergency lights, siren and high beam headlights when responding to emergency signals.

**7.15.2** Speed should not exceed 15 MPH over the posted speed limit unless circumstances exist that would provide for the safe operation of the emergency vehicle at higher speeds and the gravity of the situation warrants it.

**7.15.3** No unit or motorized equipment assigned to departmental personnel shall be driven in such a manner that can be deemed unreasonable or unsafe while on an emergency assignment or in hot pursuit.

**7.15.4** The driver of an emergency vehicle shall exercise that degree of care, which, under all circumstances, will not impose an unreasonable risk of harm upon others.

**7.15.5** The driver of an emergency vehicle shall slow down at all street intersections to such degree that when crossing, they will have safe and full control of their vehicle, especially when crossing street intersections controlled by a traffic control device or stop signs.

**7.15.6** Only those officers dispatched to an actual emergency call for service or authorized by a supervisor may respond with activated emergency equipment. Officers will not self assign to an emergency call for service. However, an officer may request permission to respond over the radio when closer to the incident than the assigned units(s).

**7.15.7** Upon approaching a controlled intersection or when confronted with traffic congestion, officers shall reduce the speed of the police vehicle and shall not proceed through an intersection until all traffic has yielded the right of way to the police vehicle.

**7.16 Routine Response:** Routine response is the operation of an emergency vehicle without activating emergency equipment, in response to a situation of a nature which does not pose an immediate threat to human life and does not require extraordinary measures. Police personnel responding to routine response calls shall do so in a manner consistent with normal traffic flow and must observe all regulatory signals devices or signs.

**7.16.1 Escorts of Civilian Vehicles in Medical Emergencies:** Officers are prohibited from providing emergency escorts for civilian vehicles in medical emergencies.

**7.16.2 Escorts of Public Officials, Dignitaries, Funerals, Oversize Vehicles and Hazardous or Unusual Cargo:** All routine escorts shall be coordinated by the commander of the Traffic Unit or designee.

## REPORTING PROCEDURES

### Section

- 8.1 Policy
- 8.2 Organization
- 8.3 Responsibilities
- 8.4 Procedures

**8.1 POLICY:** It is the policy of the Miami Police Department that when a Police unit is dispatched on a call for police service, a field report shall normally be completed. Exceptions to the general policy of making field reports are traffic complaints, administrative calls and "Information Only" calls.

**8.2 ORGANIZATION:** This chapter is applicable department wide. All department members shall be governed by it.

**8.3 RESPONSIBILITIES:** It is the responsibility of all officers who respond to police related incidents to obtain all appropriate information and complete the appropriate reports. It is also the responsibility of the officer to ensure accuracy and completeness of every report written. The officer will also ensure that these reports are turned in to his/her Sergeant for review at the end of his/her tour of duty.

### **8.4 PROCEDURES:**

**8.4.1 When to Make a Field Report:** It is the policy of this department that when a police unit is dispatched on a call for police service, a field report shall normally be completed. Field reports must contain only facts. Conclusions or opinions of the police officer, unsubstantiated by facts, are improper and should not be included in field reports. A supplemental report shall be made when the officer's opinions or conclusions are that the complainant or witnesses are not believable. No reports are written for civil matters.

**8.4.1.1** Exceptions to the general policy of making field reports are traffic complaints, and administrative calls.

**8.4.1.2** When a Domestic Violence Report is written a Domestic Violence Continuation/Risk Screen Report must also be completed. In cases of domestic violence between spouses or former spouses, the officer assigned will supply the victim with the Petition for Injunction for Protection Against Domestic Violence Form.

**8.4.2 Intoxicated Complainant:** If the investigating officer makes a determination that the complainant is intoxicated to such a degree that any information obtained is unreliable, and in the total absence of collaborating witness(es) and/or evidence, the officer shall proceed as follows:

**8.4.2.1** Make a detailed entry on the work sheet, noting the date, type of complaint, and the condition of the complainant.

**8.4.2.2** Advise the complainant that a report will be taken by the police when he/she calls back in a sober state.

**8.4.2.3** If the complainant is arrested, then the complaint shall be noted in the narrative portion of the complaint affidavit or arrest form.

**8.4.2.4** Exceptions: A report shall be made when one or more of the following occur:

**8.4.2.4.1** There is visible injury to the complainant or another.

**8.4.2.4.2** The offense was witnessed by a sober person.

**8.4.2.4.3** It is obvious that a crime was committed.

**8.4.3 Transporting Officers:** Transporting officers are responsible for any incident that may occur while transporting prisoners. There are some situations which require the transporting officers to complete field reports:

**8.4.3.1** Prisoner is injured in transit - Persons Report.

**8.4.3.2** Prisoner becomes sick in transit - Persons Report.

**8.4.3.3** Loss of personal property by the prisoner in transit - General Report.

**8.4.4 Crimes Where the Victim is Gone on Arrival:** An officer on the scene of a reported crime, who has made a determination based upon investigation that a crime has in fact been committed, but cannot locate the victim shall:

**8.4.4.1** Complete a proper field report corresponding to the alleged crime.

**8.4.4.2** Include a complete physical and clothing description of the victim in the narrative, if available.

**8.4.4.3** Include names and addresses of all witnesses.

**8.4.5 Walk-in Complaints and Telephone Reports at Police Headquarters, Substations, and Neighborhood Offices:** The following procedures are applicable to walk-in complaints and telephone reports.

**8.4.5.1** Citizens who come to the police headquarters building, or any police substation, or neighborhood office, for the purpose of reporting a crime, shall be able to complete a field incident report at that facility regardless of where the crime occurred in the City of Miami. Citizens that wish to report a non-emergency type of crime over the telephone shall be referred to the appropriate neighborhood area office for assistance in completing a field incident report. Citizens will be encouraged to complete all field incident reports in person. However, reports may be completed over the telephone if it is not practical for the complainant to respond to the police station or neighborhood office. An example of a case where a telephone report would be appropriate is if the complainant is in poor physical health, is calling from out of town, or if traveling to a neighborhood office would cause an undue hardship.

**8.4.5.2** If the citizen reporting the crime wants a warrant issued for a misdemeanor, a report shall be made and the citizen can take a copy to the State Attorney's Office.

**8.4.5.2.1** If a felony is involved, a report shall be made and an investigation by the responsible C.I.D. Unit shall be initiated. The investigation will determine if there is probable cause for an arrest. If a warrant is needed, the victim and the investigator shall go to the Intake Division of the State Attorney's office and secure a warrant for the arrest of the offender(s).

**8.4.6 Unsafe Building or Structure:** Officers who notice an unsafe building or structure shall complete a C.R.S. (Citizen's Request for Service) form which shall include the following information:

**8.4.6.1** Address or exact location of such building or structure.

**8.4.6.2.** Brief description of the condition of the building or structure.

**8.4.6.3** The report shall be forwarded to the appropriate neighborhood office for appropriate action.

**8.4.7 Incidents Requiring Notification of Criminal Investigator:** The following circumstances will necessitate requesting a Criminal Investigator to respond to the crime scene:

**8.4.7.1** When any crime of unusual importance is reported. See Order 11 for notification requirements.

**8.4.7.2** When an officer feels that an investigator should be called regardless of the nature of the case.

**8.4.7.3** C.I.S. must be notified on all cases of dead on arrival and cases where death appears imminent. The 24 hour Desk must be notified in all cases of alleged auto theft, lost or stolen tags and stolen firearms. When the 24 hour Desk is not open, the information is to be given to the Channel 9 operator.

**8.4.7.4** In cases of missing persons and runaway juveniles, the 24 hour Desk must be notified.

**8.4.7.5** The 24 hour Desk must also be notified when missing persons and juveniles are found and when stolen autos and firearms are recovered.

**8.4.8 C.A.R.E. False Alarm Report:** The CARE False Alarm Report will be made on all burglary/robbery alarms when no evidence of criminal activity can be found.

**8.4.8.1 Officer's Responsibilities:** To avoid both personal and departmental embarrassment, a thorough check of the scene of an alarm will be mandatory. If no evidence of criminal activity can be found, the call will be considered a false alarm and the CARE False Alarm Report will be made. Efforts will be made to contact the owner or representative of the business/residence using the following guidelines:

**8.4.8.1.1** If someone is going to respond to the scene in fifteen (15) minutes or less, the officer should wait for his/her arrival and check the scene with him/her.

**8.4.8.1.2** If arrival is more than fifteen (15) minutes, the Complaint Room will dispatch a unit to check the scene with the owner/representative.

**8.4.8.1.3** It will be the responsibility of the unit completing the investigation to contact the original reporting unit if additional information should be added to the False Alarm Report.

**8.4.8.1.4** If evidence of criminal activity is present, change to the appropriate report signal and complete the CARE Report.

**8.4.8.1.5** If the alarm was a fire or automobile alarm, change the signal to a "13". A report is not necessary.

**8.4.8.2 False Burglary/Robbery Report:** Billings for police service and subsequent hearings in reference to the service charge are base on the accurate and thorough completion of the CARE Report.

**8.4.9 Instructions for all Field Reports and Signals:** Matching signals and reports: When given a radio call, the officer shall determine if the signal matches the type of incident and report to be made. When checking in service, if the type of incident or signal needs to be changed, the officer should advise the dispatcher to do so. The officer must check in and out on the appropriate signal.

**8.4.9.1** All field supplementary reports will be completed on signal 13. The original incident number must be included by the reporting officer. EXCEPTION: IF AN ARREST IS INVOLVED, A SIGNAL 39 MUST BE USED.

**8.4.9.2** Field Arrest Reports on previously reported City of Miami offenses must bear the previous incident number. The reporting officer will include previous incident numbers in the report and notify the dispatcher.

**8.4.9.3** Administrative signals 1 through 12 shall not be given an incident number. No original field report shall be completed while checked out on these signals. The officer must check into service from the Administrative signal and then check back out of service on the appropriate signal.

**8.4.10 Radio Communication Signals:**

**8.4.10.1 Non Request for Service and Administrative Signals:**

<u>SIGNAL</u>	<u>EXPLANATION</u>
01	<u>Call your office</u>
02	Call (Phone number will be given)
03	<u>To Radio Repair Shop.</u> Make out a work order. If radio repair will take 30 minutes or less, wait for repairs: if repairs will take longer or if the shop is closed, check out a spare vehicle.
04	<u>To Motor Pool.</u> Used when vehicle is disabled and Motor Pool is requested to scene, or when checking out at Motor Pool for repairs, service, etc. Give car number and nature of difficulty.
05	<u>To Your Station.</u> Is given to or requested by a unit if it is necessary to perform some administrative function at the station. A reference and location must be given when requesting this signal.

- 06      Transfer. Used to remove a unit from service at the end of a tour of duty. It is mandatory that this signal be taken on the air by each unit at the end of its tour of duty. No automatic 06's will be given.
- 07      Cancel. Used to cancel a signal.
- 08      Court.
- 09      In Service. Used when a unit checks into service.
- 10      Administrative Detail Out of Service. Used for details or for any reason which does not involve police actions or requests for service. Also used for units on details which are compensated by private interests. EX: court, range, training, physical, motorman out of service for rain.
- 11      Out of Service. (2) personal
- 12      Eat. Permitted once during a tour of duty and limited to a 30 minute maximum time period.

**8.4.10.2 Calls for Service:** The following calls are for police service (criminal or non-criminal).

<u>SIGNAL</u>	<u>REPORT</u>	<u>EXPLANATION</u>
13	None	Conduct Investigation or Detail. Ex: Prostitution Detail, Motor Strip Enforcement Detail, School Crossing Detail, Contact Citizens reference Information.
13CC	None	Contacting the community
14	General	<u>Conduct Investigation</u> (Incident Number). Signal used for any arrest for which there is no specific signal, or a prowler call. Also, when there is not sufficient information to place a unit on a specific type signal, unit will be given or request a Signal 14. After arrival and investigation, the unit will change the signal to the most appropriate for type of report being prepared.
14CC	Civil Citation	Citations issued by Officers in lieu of an arrest (ex: milk crates, shopping carts, liter, cannabis/ paraphernalia).
14I	Information Report	To document an incident that occurred.
15	None	Meet an officer or back up another unit: If a backup unit completes a report connected with the offense, the original case number shall be used on the report. However, if the backup unit is completing an original report, the unit shall check in and then check out on appropriate signal.

16	DUI	Used for handling a traffic violation in which a driver is arrested for driving under the influence.
16A	DUI Accident	A traffic accident involving a person driving under the influence.
16FA	Fatal DUI Accident	A fatal traffic accident involving a person driving under the influence.
17	Accident	<u>Accident</u> (No Incident Number). Investigate accident and prepare an accident report. If the accident involves a DUI arrest, change the signal to a 16 and advise of Dade County Arrest Report.
17CVI	City Vehicle Accident in City	A traffic accident involving a police vehicle within City.
17CVO	City Vehicle Accident Out of City	A traffic accident involving a police vehicle outside of the City limits.
17FA	Fatal Accident	A fatal traffic accident.
17M	Accident, Minor	A traffic accident with no injuries.
18	Accident	Hit and Run (No Incident Number). Investigate hit and run accident. Complete accident report and Hit and Run card.
18FA	Fatal Hit and Run Accident	A fatal traffic accident in which one or more of the parties involved fled the scene.
19	Traffic Violation	Stopping Car (No Incident Number). Stopping traffic violator and all miscellaneous traffic incidents not specifically covered by other signals, including blocked driveway.
20	Stolen Decal	Decal sticker stolen.
21	Motor Vehicle	<u>Stolen Tag</u> (Incident Number). Make a Motor Vehicle Report.
22	Motor Vehicle	<u>Stolen Vehicle</u> (Incident Number).
23A	OOT Recovery of Stolen Article	Recovery of any stolen article (electronics, bike, scooter, etc.) that was originally reported to another agency.
23D	OOT Recovery of Stolen Decal	Recovery of a stolen decal sticker that was originally reported to another agency.
23P	OOT Recovery of Missing Person	Recovery of a missing person that was originally reported to another agency.



23T	OOT Recovery of Stolen Tag	Recovery of a stolen tag that was originally reported to another agency
23V	OOT Recovery of Stolen Vehicle	Recovery of a stolen vehicle that was originally reported to another agency.
23W	OOT Recovery of a Stolen Weapon	A Recovery of a stolen weapon that was originally reported to another agency.
24A	City Recovery of Stolen Article	Recovery of any stolen article (electronics, bike, scooter, etc.) originally reported to the City.
24D	City Recovery of Stolen Decal	Recovery of a stolen decal sticker that was originally reported to the City.
24P	City Recovery of Missing Person	Recovery of a missing person that was originally reported to the City.
24T	City Recovery of Stolen tag	Recovery of a stolen tag that was originally reported to the City.
24V	City Recovery of Stolen Vehicle	Recovery of a stolen vehicle that was originally reported to the City.
24W	City Recovery of Stolen Weapon	Recovery of a stolen weapon that was originally reported to the City.
25	None	<u>Burglar Alarm Ringing</u> (Incident Number). Investigate alarm and make appropriate report. If a break is found, change signal to 26.
25N	False Alarm	No Response 14 Alarm permit that is on Do Not Respond (Suspended or Revoked) due to unpaid fees.
26	Burglary	<u>Burglary-Break</u> (Incident Number)
26I	Burglary	Break into a structure or conveyance that is in Progress, does not matter if occupied or unoccupied.
26O	Burglary	Occupied Break into a structure or conveyance while it was occupied.
27	General or Motor Vehicle	<u>Larceny</u> (Incident Number). For all larcenies, make a General Report except when from a motor vehicle, then make a Motor Vehicle Report.
27R	Larceny, Retail	Theft of property from a retail store.

27V	Larceny, Vehicle	Theft of property from a vehicle.
28	General	<u>Vandalism</u> (Incident Number).
29	Robbery	<u>Holdup</u> (Incident Number). Armed, strong arm, purse snatch with excessive force.
29S	Robbery, Sudden Snatch	Taking or attempting to take anything of value where the only force used was the taking of the property (purse snatch).
30	General	<u>Shooting</u> (Incident Number). Use this signal for discharge of firearms. If someone is shot at or shot, change to appropriate signal, i.e., shot at - change signal to 32 and complete a Persons Report.
30N	Shots Fired in Area	Unfounded Call of shots fired that was unfounded. No scene was located and no witnesses.
30SS	ShotSpotter Shots Fired	Calls of Shots Fired received from the ShotSpotter software.
31	Persons	<u>Homicide</u> (Incident Number).
32F	Aggravated Assault/Battery (Felony)	Person shot or stabbed, or w/significant injury, or involving a pregnant female, threats with a gun, etc.
32L	Assault/Battery on a LEO	Officer spit on, punched, shot at, etc.
32M	Simple Assault/Battery Misdemeanor	Unlawful use of force to the body of another person, which results in an unwanted touching: person slapped or punched, threats of bodily harm with no weapons, etc.
33	Persons	<u>Sex Offenses</u> (Incident Number). Peeping Tom calls are included.
33F	Forcible Sex Offense	Rape or forced sex offense.
33FJ	Forcible Sex Offense, Juvenile	Rape or forced sex offense on a juvenile.

34	None	<u>Disturbance</u> (No Incident Number). A minimum of two officers shall be dispatched on all signals involving domestic situations. If available, information on type of disturbance will be given over radio. If an assault is involved, unit will change signal to a 32. If any other offense is involved, unit will change signal to appropriate signal.
35	None	<u>Drunk</u> (No Incident Number). If drunk is G.O.A., signal will be changed to a 13.
36	General	<u>Missing Persons</u> (Incident Number). O.O.T. Messages located - General, Local, C.I.S. messages located change signal to a 13 and make a supplementary.
37	None	<u>Suspicious Car</u> (No Incident Number). Observation card may be prepared. It is not necessary to notify dispatcher that a V.O. card was prepared.
38	None	<u>Suspicious Person</u> (No Incident Number). A Field Interrogation card may be prepared. It is not necessary to notify dispatcher that an F.I. card was prepared. If arrested, or a prowler is involved, use signal 14.
39	Arrest	<u>Prisoner</u> (Incident Number). Used for arrests on previously reported offenses. On City of Miami offenses previously reported, use the previous incident number and advise the Complaint Sergeant that the old incident number is being used. Unit will advise the station by what means prisoners are being transported. If other than a previous offense is involved, the appropriate signal will be used.
40	None	<u>Subject Possible Wanted</u> (No Incident Number). Used by dispatcher to alert a unit to a possible wanted individual being checked out by a unit.
41	Persons	<u>Sick or Injured Person</u> (Incident Number). Report written only in cases of possible City of Miami Liability. If circumstances concern criminal offenses, change to appropriate signal.
42	None	<u>Ambulance</u> . This signal is not used by the Miami Police Department. When requesting ambulance, officer will state whether "routine" or "emergency" and specify number of persons to be transported by ambulance.
43	None	<u>Special Details or Assignments in Stationary Location</u> . To be used by units for any detail, which lasts longer than two hours and is in a fixed location; Ex: City Hall.

43S	Special Detail-School	School Resource Officer Program.
44	Persons	<u>Attempted Suicide</u> (Incident Number).
45N	Death, Natural	Death due to natural causes.
45OD	Death, Overdose	Death due to an overdose.
45S	Death, Suicide	Death by suicide.
45U	Death, Unclassified	Suspicious or unknown cause of death.
46	None	<u>Off-Duty Jobs – To be used when working Off-Duty jobs.</u> Members assigned to Off-Duty jobs shall check out of service using a signal “46” and their unit number. On completion of the Off-Duty Job, members shall check into service and take a “06” with their Off-Duty Unit number.
47	General	<u>Bomb or Explosive Alert</u> (Incident Number). Officers are reminded of policy which prohibits transmitting on radio about suspected bomb areas.
48	General or Persons	<u>Explosion</u> (Incident Number). If no injuries involved, make General Report. If there are injuries, make a Persons Report.
49	General	<u>Fire-Arson or Suspected Arson</u> (Incident Number). Use 13 for traffic assistance at fire scene.
50	None	<u>Directed Patrol.</u>
51	General	<u>Nuisance/Hazardous Location</u> (Incident Number).
52	None	<u>Watch Order</u> (Incident Number). If a report is needed, the "52" should be changed to the appropriate signal.
53A	Abduction	Forcibly taking someone away against their will (parental abduction, etc.)
53H	Hostage	Holding someone against their will.
53HT	Human Trafficking	Illegally transporting people from one place to another for purposes of forced labor or commercial sexual exploitation.
54	General	<u>Fraud/Forgery</u> (Incident Number).
55	Persons	<u>Domestic Violence</u> (Incident Number).
55F	Domestic Violence (Felony)	Domestic related aggravated assault or battery.

55M	Domestic Violence (Misdemeanor)	Domestic related simple assault or battery.
56	Crisis Intervention Call	Mentally ill person causing a disturbance, mentally ill person who needs to be baker acted, etc.
57	Narcotics Related Incident or Arrest	People selling narcotics on corner, possession of narcotics, etc
58	Prostitution Related Incident or Arrest	Solicitors on the corner, etc.
59	Court	Court, Order/Injunction,
60	Abused/Abandoned/Neglected Person	Child being abused, elderly person in unlivable conditions, etc.
61	Transport	For wagon unit or any transport that is not directly associated to a report or incident already active.
62	Suspicious Package/Device	Suspicious package, brief case left unattended, etc.
ID	Crime Scene Investigation	Crime scene incident to process a scene.
FL	Fuel	Getting gas.
RC	Roll Call	Attending roll call.
WO	Watch Order	Conducting a watch order.

#### **8.4.10.3 Q Calls**

<u>SIGNAL</u>	<u>EXPLANATION</u>
QSL	Acknowledge or Affirmative
QTR	Time
QRU	Not Wanted or Negative
QSM	Repeat
QTH	Location
QSK	Proceed with Transmission
QRM	Repeat - I have Interference
QRX	Stand By
QSY	Change Channels
QRR	Call for Assistance
QAH	Quiet, Air Holding

**DEALING WITH FOREIGN NATIONALS****Section**

- 9.1 Policy**
- 9.2 Organization**
- 9.3 Responsibilities**
- 9.4 Definitions**
- 9.5 Procedure**

**9.1 POLICY:** It is the policy of the Miami Police Department to comply with all United States Government treaty obligations –Vienna Convention Treaty-, protocols and procedures regarding the arrest, detention and death of all foreign nationals regardless of their immigration status within the City of Miami.

**9.2 ORGANIZATION:** All employees shall abide by the guidelines set forth concerning consular notification and access procedures to the arrest, detention or death of foreign nationals they come in contact with.

**9.3 RESPONSIBILITIES:** This chapter is intended to establish a guidelines and guidance for employees coming in contact with foreign nationals. As Miami Police Department employees we all act as goodwill ambassadors and must whenever possible assist foreign nationals regardless of their immigration status.

**9.4 DEFINITIONS:**

- A. **Consular Officer:** A citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country.
- B. **Foreign National:** Any person who is not a U.S. citizen including undocumented persons.
- C. **Detainee:** A person held in the custody of or whose freedom of movement is at the will of Departmental employees. Note. Brief routine detentions, such as traffic violations or accident investigations do not constitute detention.

**9.5 PROCEDURES:** The following procedures shall be adhered to whenever an employee establishes contact with foreign nationals.

**9.5.1** When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified. The advisement shall occur without unnecessary delay. Some notifications are mandatory, others are optional. (Department employees are encouraged to visit the State Department's website for additional information.)

**9.5.1.1** In some cases, the nearest consular officials **must** be notified of the arrest or detention of a foreign national, **regardless of the national's wishes.**

**9.5.1.2** Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance.

**9.5.1.3** When an employee becomes aware of the death of a foreign national, consular officials must be notified.

**9.5.1.4** When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.

**9.5.1.5** When a foreign ship or aircraft wrecks or crashes, consular officials must be notified.

**9.5.1.6** In determining a foreign national's country of origin, and in the absence of other information, it can be inferred that it is the country on whose passport or other travel document the foreign nationals possesses.

**9.5.1.7** The foreign national should be informed that notification has been made, if mandatory, or may be made, if optional.

**9.5.2 Mandatory Notification:** The nearest consular officials must be notified of the arrest or detention of a foreign national regardless of the national's wishes if the national is from one of the following countries:

Algeria	Great Britain	Russia
Antigua and Barbuda	Grenada	Saint Kitts and Nevis
Armenia	Guyana	Saint Vincent and Grenadine
Azerbaijan	Hong Kong (2)	Seychelles
Bahamas, The	Hungary	Sierra Leone
Barbados	Jamaica	Singapore
Belarus	Kazakhstan	Slovakia
Belize	Kiribati	Tajikistan
Brunei	Kuwait	Tanzania
Bulgaria	Kyrgyzstan	Tonga
China (3)	Malta	Trinidad and Tobago
Cyprus	Mauritius	Tunisia
Czech Republic	Moldova	Turkmenistan
Dominica	Mongolia	Tuvalu
England	Nigeria	Ukraine
Gambia, The	Philippines	United Kingdom (4)
Georgia	Poland (1)	U.S.S.R. (5)
Ghana	Romania	Uzbekistan
		Zambia
		Zimbabwe

1 Non-permanent residents only.

2 Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region or "SAR." Under paragraph 3(f)(2) of the March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special

Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports -i.e., immediately, and in any event within four days of the arrest or detention.

3 Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request.

4 British dependencies also covered by this agreement include Anguilla, Bermuda, Montserrat, the Turks and Caicos Islands, and the British Virgin Islands. Their residents carry British passports. In addition to the preceding, United Kingdom citizenship also covers persons carrying U.K. passports or who indicate that they are from Great Britain/England, Wales, Scotland, and Northern Ireland.

5 Although the U.S.S.R. no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above.

### **9.5.3 Statement to be read to Arrested or Detained Foreign National when mandatory notification is required:**

"Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible."

### **9.5.4 Optional Notification:** If the foreign national's country is **not** on the mandatory notification list:

#### **9.5.4.1 Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.**

#### **9.5.4.2 Statement to be read to Arrested or Detained national when Consular Notification is at the Foreign National's Option:**

"As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?"

#### **9.5.4.3 If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.**

### **9.5.5 Recordkeeping:** The State Department requires that law enforcement agencies keep written records sufficient to show compliance with the notification requirements mandated by the treaty. This shall be accomplished in the following manner:



**9.5.5.1** Consular notification may be made by phone or fax.

**9.5.5.2** If notification is made by fax, a copy of the fax confirmation receipt shall be submitted to the Communications Section for inclusion in the Consular Notification Log. This copy will suffice that the consulate was notified.

**9.5.5.3** If notification is made by phone, a notation indicating the name, location of the embassy notified, the name of the person whom the information was given, and the date and time the notification was made shall be documented on the Consular Notification Log by the Communications Section.

**9.5.6** In the event the Department becomes aware of the death of a foreign national, the investigating unit shall be responsible for notifying the nearest consulate of that national's country of origin, and for notifying the Communications Section for inclusion in the Consular Notification Log.

**9.5.7** Consular notification is not required during brief routine detentions of foreign nationals i.e. traffic stops, accident investigations or at any time when the national is free to contact consular officials independently.

**HOMELESS**Section

- 10.1 Policy
- 10.2 Organization
- 10.3 Responsibility
- 10.4 Mission
- 10.5 Definitions
- 10.6 Procedures
- 10.7 Property

**10.1 POLICY:** It is the policy of the City of Miami Police Department to ensure that personnel are sensitive to the needs and rights of our Homeless population, as well as knowledgeable of the department's arrest policies concerning such persons.

**10.2 ORGANIZATION:** The City of Miami has a policy that we shall not arrest visibly homeless persons who live in public for performing acts, criminalized as misdemeanors, such as sleeping, eating, lying down, or sitting in public, when there is no available shelter. It is not a crime to be homeless. This policy should not be construed as protecting persons (whether homeless or not) from arrest for engaging in any other type of criminal activity.

**10.3 RESPONSIBILITY:** It is the responsibility of all City of Miami Police Officers, whether working in an on-duty or off-duty capacity, to abide by this Departmental Order.

**10.4 MISSION STATEMENT:** We must continue to vigorously do our job and enforce the law's which were enacted to ensure a safer community, while extending compassion for homeless persons.

**10.5 DEFINITIONS:**

**10.5.1** A "homeless person". An individual is considered a "homeless person" if he or she " lacks a fixed, regular and adequate night time residence and has a primary night time residency that is: (a) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; (b) an institution that provides a temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. The term "homeless person" does not include any person imprisoned or otherwise detained pursuant to an Act of Congress or a state law". The term "homeless person" does not include any person identified as a registered sex offender under section 775.21 Fla. Stat., as amended, or sexual predator under section 775.215 Fla. Stat., as amended, or sections 21-277 to 21-2185 Miami-Dade County Code. An officer is allowed to make reasonable inquiry to make this determination.

**10.5.1.2** An "available shelter" means a shelter for a period of at least, with a bed, or a mat at least (3) inches thick, at no cost to the homeless person, within the territorial boundaries of the City or within one mile thereof, or if agreed to by the homeless person, within Miami-Dade County, that treats homeless persons with dignity and respect, imposes no religious requirements, and unless agreed to

by the homeless person, does not impose involuntary substance abuse or mental health treatment as a condition for shelter.

**10.5.1.3 "PUBLIC PROPERTY":** "Public Property" includes all property owned by any governmental entity (federal, state or local). "Public Property" shall not include property which has become subject to

**10.5.1.4** A leasehold interest, management agreement or other possessory interest of a nongovernmental lessee, licensee or manager, which is operated as a private business. A public park shall always be public property within the meaning of this definition.

**10.5.1.3.1 "EXEMPT PUBLIC PROPERTY":** The following are "exempt public properties" (1) City of Miami, City Hall, 3500 Pan American Drive; (2) Miami Riverside Center, 444 SW 2<sup>nd</sup> Avenue; (3) City of Miami Fire Stations; (4) City of Miami Police Stations and (5) City of Miami neighborhood offices. A homeless person's presence in the interior of an "exempt public property" is not a trespass within the meaning of 10.6.2.3.3 (11) where the homeless person's activities are reasonably related to the governmental business activities normally performed within these physical structures.

## **10.6 PROCEDURES:**

**10.6.1** An officer always has the right to approach any individual including a homeless person to allay any suspicions an officer may have about the individual, and ascertain that no criminal activity is occurring.

**10.6.2** At any time, and for any reason a law enforcement officer may approach a homeless person, who has not been observed engaging in any criminal conduct, to advise him or her of shelters, services, or assistance which are currently available. The officer may also call for the assistance of an outreach worker. The homeless person may or may not accept the advice or referral or he/she may even walk away from the area prior to the outreach worker/arriving. The rationale is to pro-actively have an outreach worker address the homeless person with referrals. If such an approach and advice occurs by a law enforcement officer, that officer shall complete a Field Information Card, or its electronic equivalent, with the facts of the incident, the referral and indicate at the top of the card "Homeless". The officer will turn the pink Field Information Card, or its electronic equivalent, in to his supervisor. The supervisor will check the Field Information Card for completeness, sign the top right hand corner with his name and IBM number and deliver to the Records Unit daily. In the case of a homeless person who refuses and who has refused assistance in the past thirty (30) days, a new Field Information Card, or its electronic equivalent, is not required to be completed for each encounter as long as the prior-filed Field Information Card, or its electronic equivalent, is update with the new date of contact with the homeless person. The pink Field Information Card, or its electronic equivalent, shall be filed with the Records Unit within the Miami Police Department.

**10.6.2.1** When a homeless person meets the criteria for involuntary examination under Florida Law (§394.463, Fla. Stat., as amended) "Baker Act" a law enforcement officer may, in his discretion, take the homeless person to the nearest receiving facility for involuntary examination. If the homeless person is taken to such a receiving facility for involuntary examination, a copy of the "Baker Act Forms" shall be filed with the nearest receiving facility. In addition, the officer shall complete an Field Information Card, or its electronic equivalent, The officer will turn the pink Field Information, or its electronic equivalent, card in to his supervisor. The supervisor will check the card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card to the Records Unit daily.

**10.6.2.2** If a homeless person is observed violating a "Life Sustaining Conduct" misdemeanor, (as listed under 10.6.2.3.3) the law enforcement officer may exercise the following courses of conduct.

**10.6.2.3** If an officer determines that an individual is a homeless person and through his observation determines that a "Life Sustaining Conduct" misdemeanor (as listed under 10.6.2.3.3) is occurring in his presence, he must first check to see if there is an available shelter. The officer will contact the communications unit to ascertain if there is an available shelter. If there is an available shelter, the officer will offer the shelter to the homeless person, if the homeless person chooses shelter rather than arrest. An Outreach Team will respond to transport the homeless person to the shelter. If the Outreach Team (if available) is unavailable the law enforcement officer will transport the homeless person. If the homeless person is transported to a shelter, the officer will complete a Field Information Card, or its electronic equivalent, with the facts of the incident and indicate at the top of the card "Homeless". The officer will turn the pink Field Information Card in to his supervisor. The supervisor will check the card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card, or its electronic equivalent, to the Records Unit daily.

**10.6.2.3.1** If the officer has probable cause to arrest the homeless person for a "Life Sustaining Conduct Misdemeanor," (as they are listed under 10.6.2.3.3) and there is an "available shelter" and the homeless person refuses the shelter, or if the sole available shelter at the time is a shelter from which the homeless person is barred from because of his own purposeful misconduct, criminal or otherwise, which occurred at that shelter, the officer may arrest the homeless person. The officer must document on the A form, beyond the probable cause for the arrest, the offer of shelter, the refusal by the homeless person to accept the "available shelter," the name of the shelter, and the word "Homeless" should be written at the top of the Arrest Affidavit. A copy of the Arrest Affidavit will be forwarded to the Miami Police Records Unit in conjunction with a pink Field Information Card, or its electronic equivalent.

**10.6.2.3.2** If the officer has probable cause to arrest the homeless person for a "Life Sustaining Conduct Misdemeanor" (as they are listed under 10.6.2.3.3), and there is no "available shelter," the officer shall not make an arrest nor take any other police action (warnings, etc). The officer will complete a Field Information Card, or its electronic equivalent, explaining the circumstances of the initial contact with the homeless person, the fact that there was no "available shelter," the fact that no arrest was made and the word "Homeless" should be written at the top of the card. The officer will turn the pink Field Information Card, or its electronic equivalent, in to his supervisor. The supervisor will check the Field Information Card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card, or its electronic equivalent, to the Records Unit daily. However, if the homeless person described above is observed committing one of the below listed "life sustaining conduct" misdemeanors, and the life sustaining conduct misdemeanor causes imminent threat of physical injury to the homeless person or other person(s), the law enforcement officer must warn the homeless person to stop and if they refuse to do so, may arrest them regardless of whether there is an available shelter.

**10.6.2.3.3** "Life Sustaining Conduct Misdemeanors" are the following:

1. Being in park after hours. Current Provisions (38-3 1-13, F.S. 162.22)
2. Public nudity where necessary to carry on the daily necessities of life, such as bathing or responding to a call of nature. If the public nudity is done intentionally in plain view of others and the exposure or exhibition of the sexual organs, or nakedness was in a vulgar, indecent, lewd or lascivious manner, the law enforcement officer may arrest the person regardless of whether there is an available shelter. Moreover, in no circumstance shall public nudity be allowed for a call of nature if there

exists an open public restroom within one-quarter of a mile (1.320 feet) of the homeless person performing a call of nature. Current Provisions (F.S. 800.03, 37-1, 38-62)

3. Reserved
4. Obstructing passage on sidewalks, except that after one warning, no person or persons may lie on the sidewalk in a perpendicular fashion blocking the sidewalk, or may obstruct a sidewalk in such a way as to endanger other persons by requiring them to walk onto a street where but for the obstruction, such persons would otherwise have been able to safely walk on the sidewalk. Obstructing a street, road, or highway shall not be construed to be a "Life Sustaining Conduct Misdemeanor" within the meaning of this departmental order. Current Provisions 54-1 to 54-3, 37-3, FS 316.2045)
5. Vehicles, living or sleeping in. Current Provision (37-4)
6. Loitering in Restrooms. Current Provision (38-68)
7. Littering, except if within 300 feet of a usable trash receptacle, a law enforcement officer must warn the homeless person to stop and if they refuse to do so, may cite them regardless of whether there is an available shelter. Current Provision (FSS 403.314, 22-6, 38-17, 38-63)
8. Camping in parks. Current Provision. (38-71)
9. Use of facilities for other than intended purpose (e.g. sleeping on park bench). Current Provisions (38-54).
10. Reserved
11. Trespass on "public property" other than structure or conveyance. Current Provision. (F.S. 810.09 (1). Trespass on private property or in an "exempt public property" is not a "Life Sustaining Conduct Misdemeanor" within the meaning of this departmental order.

**10.6.2.3.4** Nothing in 10.6.2.3.3 listing the "Life Sustaining Conduct Misdemeanors" shall prevent an immediate arrest under 800.04 FS entitled "Lewd, lascivious, or indecent assault or act upon or in presence of a child" if the officer has probable cause to make such an arrest.

**10.6.2.3.5** Homeless Persons observed violating a misdemeanor, which is not classified above as "Life Sustaining Conduct Misdemeanors". Under this category the existence of an available shelter will not dictate whether an arrest is effected. However, officers can still refer homeless persons to the Outreach Team. A referral to an appropriate shelter rather than an arrest might be a better solution to minor misdemeanor arrests. In lieu of arrest the officer may warn the homeless person to stop the unlawful conduct, and refer the person to a shelter, or if the officer deems it appropriate, the officer may detain or arrest the homeless person. If the homeless person is arrested, the word "Homeless", should be printed on the top of the "A" form. A copy of which shall be filed with the Records Unit within the Miami Police Department. If the officer makes a decision not to make an arrest, and a referral is made, the officer shall complete a Field Information Card, or its electronic equivalent, with the facts of the incident, the referral and indicate at the top, "Homeless". The officer will turn the pink Field Information Card, or its electronic equivalent, in to his supervisor. The supervisor will check the card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card, or its electronic equivalent, to the Records Unit daily.

## **10.7 PROPERTY:**

**10.7.1** The City shall respect the personal property of all homeless persons. Officers shall follow existing policies for taking custody of personal property. In no event shall any officer destroy any

personal property known to belong to a homeless person, or readily recognizable as property of a homeless person unless it is contaminated or otherwise poses a health hazard to an officer or to members of the public. Officers are not responsible for taking custody of mattresses.

**10.7.2** The disposition of personal property shall never prevent an officer from effectuating an arrest. However, the following safeguards shall be undertaken by the arresting officer to preserve the property of a homeless person, to the extent feasible:

**10.7.2.1** The arresting officer shall always attempt to secure personal items such as identification, medicines and eyeglasses and other small items of importance identified by the arrestee, which are not large or bulky, in accordance with the police department's existing procedures;

**10.7.2.2** The arresting officer shall ensure that large or bulky items (which are not contaminated or otherwise pose a health hazard to the officers or to members of the public) are not abandoned at the point of arrest, but rather secured by an outreach worker and maintained by existing outreach procedures. If an outreach worker is unavailable, then it must be secured by the arresting officer until an outreach worker becomes available to assume its maintenance in accordance with existing outreach procedures;

**10.7.3** In no event shall any law enforcement officer destroy any personal property known to belong to a homeless person, or readily recognizable as property of a homeless person (i.e. clothing and other belongings organized or packaged together in a way indicating it has been abandoned) except as permissible by law (in accordance with the department's operating procedures), or if the property is contaminated or otherwise poses a health hazard to officers or to members of the public.

**10.7.4** When a homeless person is placed in a shelter, large and bulky items, which are not contaminated or otherwise pose a health hazard or obvious safety issue, and that are not abandoned, shall be secured by an outreach worker and maintained in accordance with existing outreach procedures.

## CRISIS INTERVENTION TEAM

### Section

- 11.1 Policy
- 11.2 Organization
- 11.3 Responsibilities
- 11.4 Procedures
- 11.5 Training Requirements and Guidelines

**11.1 POLICY:** It is the policy of the Miami Police Department to implement a humane approach preserving the dignity and confidentiality of those recognized as suffering from mental illness or emotional disorders by diverting them from the criminal justice system to a mental health facility pursuant to the Florida Mental Health Act (Baker Act).

**11.2 ORGANIZATION:** The Crisis Intervention Team (CIT) is a component of the Patrol Section and is staffed by each individual shift ("A", "B", and "C"). The Crisis Intervention Team consists of officers, sergeants, and lieutenants of the Miami Police Department that have successfully completed the 40-hour Crisis Intervention Training approved by the Miami Police Department.

**11.2.1** Crisis Intervention Team members will be identified on the daily roster as the following:

- "CIT A" for members occupying an active CIT spot and receiving pay supplement
- "CIT C" for members certified but not occupying an active CIT position or receiving pay supplement

**11.3 RESPONSIBILITIES:** Crisis Intervention Team officers will:

**11.3.1** Promptly respond to calls involving persons with emotional disorders or mental illness.

**11.3.2** Be dispatched by the Communications Section on calls involving Ex Parte orders.

**11.3.3** Respond to calls involving persons threatening to commit suicide.

**11.3.4** Respond to calls where a psychiatrist, physician, clinical psychologist, psychiatric nurse or clinical social worker has executed a certificate stating they have examined a person within the preceding forty-eight (48) hours and find that the person meets the criteria for involuntary examination.

**11.4 PROCEDURES:** Employees of the department will adhere to the following procedures:

**11.4.1** Summon a CIT officer whenever they encounter a person who appears to meet the involuntary examination criteria (Baker Act).

**11.4.2** Maintain a helpful and professional demeanor when contacting a person with a mental illness or emotional disorder.

**11.4.3** Maintain a helpful and professional attitude when dealing with persons with emotional disorders or mental illness and must refrain from making any comments or inferences concerning the behavioral conditions of the mentally ill.

**11.4.4** If no active (A) CIT member is available, any available certified (C) CIT member will handle the call. If neither an active (A) or certified (C) CIT member is available, the call will be handled by patrol officers in accordance with the Florida Mental Health Act (Baker Act) D.O. 11 Chapter 12.

**11.4.5** The CIT member or patrol officer handling a signal 56 (Baker Act) regardless of voluntary or involuntary Baker Act will complete a CIT Report on the designated reporting system.

**11.4.5.1** Officers shall request a supervisor's authority to modify a signal 56 to a signal 13 or 34. The supervisor must ensure that no criteria for a Baker Act exists prior to approving the signal change.

**11.4.6** The CIT member or patrol officer handling an overt act or physical attempted suicide (signal 44) other than threats will complete an Offense Incident report (see Patrol SOP 2-9), a CIT Report and notify CID personnel.

**11.4.6.1** To modify a signal 44 to a signal 56 requires a supervisor's authority.

**11.5 Training Requirements and Guidelines:** All sworn agency personnel are provided entry-level training in Crisis Intervention during the Basic Law Enforcement course at the police academy. **(CALEA 41.2.7 d)**

**11.5.1** All sworn personnel receive a block of Crisis Intervention refresher instruction during annual mandatory departmental training. This training covers potential interaction of agency personnel with persons suspected of suffering from mental illness. **(CALEA 41.2.7 e)**

The following non-sworn personnel have the potential for interaction with persons suspected of suffering from mental illness and will be provided with classroom instruction on crisis intervention and will receive refresher training annually.

- Communications Section personnel
- Crime Scene Investigations personnel
- Public Service Aides

**A. GUIDELINES FOR THE RECOGNITION OF PERSONS SUFFERING FROM MENTAL ILLNESS:**  
**(CALEA 41.2.7 a)**

The following are generalized signs and symptoms of behavior that may suggest mental illness although members should not rule out other potential causes such as reactions to narcotics or alcohol or temporary emotional disturbances. Employees should evaluate the following and related symptomatic behavior in the total context of the situation when making judgments about an individual's mental state and the need for intervention.

- Mentally ill persons may show signs of strong and unrelenting fear of persons, places, or things.
- A mentally ill individual may demonstrate extremely inappropriate behavior for a given context.
- A mentally ill individual may be easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation



**B. ADDITIONALLY, A MENTALLY ILL PERSON MAY EXHIBIT ONE OR MORE OF THE FOLLOWING CHARACTERISTICS: (CALEA 41.2.7 A)**

- Loss of memory
- Delusions
- Hallucinations of any of the five senses
- Extreme fright or depression.

**C. GUIDELINES FOR SWORN PERSONNEL ENCOUNTERING THE MENTALLY ILL: (CALEA 41.2.7 c)** Should an employee determine that an individual they have encountered meet the Baker Act criteria the following guidelines should be considered:

- Request a CIT officer or a back up officer.
- Take steps to calm the situation by assuming a quiet nonthreatening manner when approaching or conversing with the person. Take time to assess the situation.
- Provide reassurance that the police are there to help and that appropriate care will be provided.
- Talk with the person and try to determine how you can assist them. If possible obtain information from others that may assist in communicating with the person.
- Do not verbally threaten the person with arrest as this will create additional fright and increase the potential of aggression.
- Avoid topics that may agitate the person.
- Always attempt to be truthful with a mentally ill individual. If the person becomes aware of deception they may withdraw or retaliate in anger.
- Civilian police employees encountering the mentally ill in the field, on calls for service, or in any job-related situation shall remove themselves from situations where they feel threatened or endangered and notify Communications Section.
- CIT officers should assist civilian employees who are dealing with the mentally ill in obtaining information or cooperation for them to carry out their duties.

**D. GUIDELINES FOR CIVILIAN EMPLOYEES ENCOUNTERING THE MENTALLY ILL: (CALEA 41.2.7 c)**

- Civilian employees encountering the mentally ill in the field or on a call for service or in any other work related incident will retreat from situations where they feel threatened or in danger and immediately summon assistance via radio, if available or by calling 911.
- Civilian employees who are dealing with a mentally ill victim or witness who does not pose any danger or threat to them may request a CIT officer to assist them in obtaining information or cooperation in order for them to carry out their duties.
- 911 Communications Operators will adhere to established Communications Section standard operating procedures detailing the responsibilities and procedures used when dealing with callers suspected of suffering from mental illness.

**FLORIDA MENTAL HEALTH ACT (BAKER ACT)**Section

- 12.1 Policy
- 12.2 Organization
- 12.3 Definitions
- 12.4 Procedures

**12.1 POLICY:** It is the policy of the Miami Police Department to ensure that members of the department protect the individual dignity of all persons suffering from emotional disorders or mental illness. This shall include when a person is taken into custody, detained, or transported to a receiving facility.

The Florida Mental Health Act is designed to reduce the occurrence, severity, duration and disabling aspects of mental, emotional, and behavioral disorders.

**12.2 ORGANIZATION:** The Miami Police Department provides social services to the citizens who reside, work and visit the City of Miami. Part of this service includes providing a diversion program for mental illness, or emotional disorders. The diversionary program occurs pursuant to the Mental Health Act (Baker Act) and is a responsibility of the Patrol Section.

**12.3 DEFINITION:** Mental illness may be characterized by many symptoms including loss of memory, delusions, depression, and extreme fright; all of which may vary in different degrees. There are three types of admission to a receiving facility:

**12.3.1** Emergency Admission (Involuntary Admission)

**12.3.2.** Voluntary Admission

**12.3.3** Ex-Parte Order

**12.4 PROCEDURES:****12.4.1 Initiation of Involuntary Admission:**

**12.4.1.1** A Law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody when there is *reason to believe* the criteria for involuntary examination exists. The person shall be transported to the nearest receiving facility unless the person is suffering from an emergency medical condition, in which case they should be taken to the nearest emergency room.

The criteria requires the person to be mentally ill and because of his illness has either **refused** voluntary examination **or** is unable to determine for himself/herself whether examination is necessary; and

Without care or treatment, the person is likely to suffer from neglect or is likely to refuse to care for himself/herself; such neglect or refusal poses a real and present threat of substantial harm to his/her

well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or

There is substantial likelihood that without care or treatment the person will cause serious bodily harm to himself/herself or others in the near future, as evidenced by recent behavior.

**12.4.1.2** Members may take a person into custody when the criteria for involuntary examination are met in one of the following three situations:

**12.4.1.2.1** A member executes an Ex-Parte Order for Involuntary Examination, signed by a judge, commanding a law enforcement officer to take a person, who appears to meet the criteria for involuntary examination, into custody and deliver him to the nearest designated receiving facility.

**12.4.1.2.2** A member encounters a person who appears to meet the criteria for involuntary examination and takes the person into custody and delivers the person to the nearest designated receiving facility. The member shall complete a report entitled "Report of Law Enforcement Officer Initiating Involuntary Examination" detailing the circumstances under which the person was taken into custody. The form must accompany the person to the receiving facility.

**12.4.1.2.3** If the involuntary examinations have been initiated by a physician, or clinical psychologist, psychiatric nurse or clinical social worker a certificate must be completed by the professional stating that he or she has examined a person within 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based.

**12.4.2 Voluntary Admission:**

**12.4.2.1** Members have no responsibilities to transport persons for voluntary admission to a mental health facility. Neither are members responsible for transporting persons from a hospital where they may have been medically examined or treated to a Baker Act receiving facility.

**12.4.3 Ex-Parte Orders:** Ex-Parte Orders for involuntary admissions are issued by a County Court Judge requiring a law enforcement member to deliver a person to a mental health receiving facility. When Department members are provided a signed order for emergency admission the following procedures will be employed: Prior to execution, members must examine the Ex-Parte Order for Involuntary Examination for authenticity by locating the circuit or county court seal and signature of deputy clerk.

**12.4.3.1** A Crisis Intervention Team (CIT) member will be dispatched to the indicated location.

**12.4.3.1.1** A backup unit is mandatory unless the CIT unit is a two-person unit.

**12.4.3.1.2** Upon arriving at the location and ascertaining the presence of the person named in the order the person will be transported in accordance to the receiving facility indicated in the order.

**12.4.3.1.3** A member acting in accordance with an Ex-Parte order may serve and execute such order on any day of the week, at any time of day or night.

**12.4.3.1.4** A member acting in accordance with an Ex-Parte order may use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises to take custody of the person who is the subject of the Ex-Parte order.

**12.4.4 Persons with Criminal Charges:** When a member has custody of a person based on either non-criminal or minor criminal behavior that meets the statutory guidelines for involuntary examination under the Baker Act, the member shall transport the person to the nearest receiving facility for examination. Mentally ill individuals meeting Baker Act criteria who are arrested for Domestic Violence or any felony charge will be transported directly to the Miami-Dade County Corrections Facility for processing.

**12.4.5 Physically Injured Persons:** Members transporting a person for involuntary examination initiated by a court, an authorized professional, or law enforcement believes that a person has an emergency medical condition, the Miami Fire Rescue will be summoned to the scene to render first aid and transport to a hospital or emergency room for medical treatment.

**12.4.6 Handling of Persons:** Persons are to be treated with courtesy, consideration and dignity.

**12.4.6.1** If a person indicates that he/she is likely to injure himself/herself or others, all necessary measures may be employed for his/her protection and that of other persons, specifically including department members.

**12.4.6.2** Members should avoid making any comments concerning the emotional condition of the person.

**12.4.6.3** All adults will be handcuffed with their hands behind their backs prior to being transported.

- All juveniles will be handcuffed with their hands behind their backs prior to being transported with the exception of juveniles aged 12 and under, who shall not be handcuffed unless the juvenile poses a safety threat to themselves or others.
- Officers applying handcuffs to juveniles under the age of 12, shall notify a supervisor or commanding officer.

**12.4.6.4** All juveniles will be transported restrained by a safety belt.

**12.4.7 Receiving Facilities:**

**12.4.7.1** Individuals suffering from mental illness which are being transported by members of the department shall be transported to the nearest mental health receiving facility.

**12.4.7.2** Violent or intoxicated mentally ill persons shall be transported to Jackson Memorial Hospital's Crisis Intervention Unit.

**12.4.7.3** Members are reminded that authorized mental health receiving facilities may refuse to accept the mentally ill individual only for medical reasons and/or intoxication or if the individual is violent. They may not refuse to accept a Baker Act merely because they have no beds available.

**SUBSTANCE ABUSE SERVICES (MARCHMAN SERVICES ACT)**Section

- 13.1 Policy
- 13.2 Organization
- 13.3 Definitions
- 13.4 Procedure

**13.1 POLICY:** It is the policy of the Miami Police Department to divert responsibility of substance abuse impaired persons from the criminal justice system to the social health system. With this diversion program, substance abuse impaired persons are offered the opportunity to participate in meaningful rehabilitative programs.

**13.2 ORGANIZATION:** The Miami Police Department provides social services to the citizens who reside, work and visit the City of Miami. Part of this service includes providing a diversion program for substance abuse impaired persons. The diversionary program occurs pursuant to the Marchman Act and is the responsibility of all members of the Miami Police Department.

**13.3 RESPONSIBILITIES:**

**13.3.1 Alcoholism:** A disturbance in function or structure of any organ or part of the body possessing certain recognizable symptoms. Alcoholism is a disease. The victim drinks repeatedly to drunkenness despite the fact that it injures them physically or mentally, or adversely affects his social and family life.

**13.3.2 Drugs:** A drug is a substance used as a medicine or in making medicines, a narcotic substance or preparation, a substance, natural or artificial that by chemical nature alters the structure or function of a living organism. It is any substance that in small amounts, produces changes in the body, mind, or both.

**13.4 PROCEDURES:** Members may take a person into custody when the criteria for examination are met in one of the following situations:

**13.4.1 Voluntary Treatment:** Any person may voluntarily apply directly to any treatment resource facility for treatment for substance abuse impairment. Consent to such treatment by a minor shall have the same force and effect as though it were executed by an adult. Any such consent shall not be subject to later disaffirmance by reason of age.

**13.4.2 Involuntary Treatment Petition Process:** A person meets the criteria for involuntary admission if there is good faith reason to believe the person is substance abuse impaired and, because of such impairment:

**13.4.2.1** Has lost the power of self-control with respect to substance use; and either

**13.4.2.2** Has inflicted, or **threatened** or attempted to inflict, or unless admitted is likely to inflict, physical harm on himself/herself or another, or

**13.4.2.3** Is in need of substance abuse services and, by reason of substance abuse impairment, his/her judgment has been so impaired that the person is incapable of appreciating his/her need for such services and of making a rational decision in regard thereto; however, mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his/her need for such services.

**13.4.3** A member may implement protective custody measures when a minor or an adult who appears to meet the involuntary admission criteria is:

**13.4.3.1** Brought to the attention of the member; or

**13.4.3.2** In a public place.

**13.4.4** Persons impaired from substance abuse will be detained in accordance with the Marchman Act as follows:

**13.4.4.1** Who are in need of help and who give consent may be taken home or to an appropriate treatment resource facility.

**13.4.4.2** Who are in need of immediate emergency attention or are unable to make rational decisions about their needs for care and who give voluntary consent shall be taken to a hospital or appropriate treatment resource facility.

**13.4.4.3** Who are in need of immediate attention or are unable to make rational decisions about their needs for care and who refuse voluntary treatment may be taken to a hospital or other appropriate treatment facility. Florida Statutes provide that an individual may be detained in protective custody in a county jail or other detention facility for up to 72 hours for his/her own protection. However, policy of the Miami-Dade County Department of Corrections and Rehabilitation is that only individuals accompanied by a Complaint/Arrest Affidavit will be admitted at any of their facilities.

**13.4.5** Members encountering veterans who are in need of assistance as outlined in the Marchman Act should contact the Veterans Administration Hospital before taking action.

**13.4.6** Upon arrival at a treatment resource facility, members and facility personnel will complete the Petition for Involuntary Assessment and Stabilization form provided by the facility.

**UNDOCUMENTED PERSONS  
(Illegal Aliens)**Section

- 14.1 Policy
- 14.2 Organization
- 14.3 Responsibilities
- 14.4 Procedures

**14.1 POLICY:** It is the policy of the Miami Police Department to treat all persons with dignity and respect regardless of whether they are legal or illegal residents of the United States of America. This departmental policy is intended to clarify the Miami Police Department's position and procedures in regards to the handling of undocumented persons or illegal immigrants arriving or residing within the jurisdiction of the City of Miami.

Police officers of the Miami Police Department shall treat all individuals who are undocumented aliens with respect, dignity, and without regards to their nationality, ethnic composition, or religious background. All individuals shall be treated under the guidelines and protection of the United States of America Constitution.

Officers shall not initiate police contact solely because a person is suspected of being in violation of immigration laws.

**14.2 ORGANIZATION:** This chapter is applicable department-wide. All department members shall be governed by it.

**14.3 RESPONSIBILITIES:** The Miami Police Department recognizes and values the cultural diversity of the community it serves. The purpose of this policy is to ensure the safety and well-being of all persons, regardless of their immigration status. The primary responsibility for the enforcement of federal immigration laws rests with the Immigration and Naturalization Services and the U.S. Border Patrol. State and local police officers have the authority to enforce immigration laws. It is the policy of the Miami Police Department that officers shall not make an effort to look for violations of immigration laws.

The Miami Police Department's officers will focus their efforts in educating the public on crime prevention methods, detecting criminal activities, and apprehending individuals involved in criminal activities. The Miami Police Department may provide assistance to the Immigration and Naturalization Services, as well as to the U. S. Border Patrol in criminal investigations.

**14.4 PROCEDURES:**

**14.4.1 Contacts with Adult Undocumented Persons:** Miami Police officers are responsible for the enforcement of all federal, state, and local laws, and for the safety and protection of all persons. Therefore, officers have a duty to contact any person(s) when there is a "reasonable suspicion" to believe they are involved in criminal activity. If, upon investigation, probable cause to arrest exists, unrelated to the person's immigration status, officers will effect an arrest for the offense.

**14.4.2** If the subject is booked in the Miami-Dade County jail and found to be illegally in the United States, a hold for INS/U.S. Border Patrol shall be placed on the prisoner.

**14.4.3** Immigration documents identified as evidence in a criminal investigation will be impounded per **Departmental Order 14, Chapter 3.**

**14.4.4** Officers are required to notify INS/Border Patrol if there is “probable cause” to arrest and there is “reasonable suspicion” that criminal activity unrelated to immigration status still exists, after the investigation determines that the detainee(s) is/are in violation of immigration laws.

**14.4.5** The duration of the stop or detention prior to the detainee’s release to INS/Border Patrol shall be in accordance with **State of Florida Stop and Frisk Law 901.151 (2) and (5)**, and departmental procedures. Such factors as remoteness and safety considerations for the person(s) detained may extend the reasonable time of detention prior to INS/Border Patrol release.

**14.4.6** Officers are prohibited from transporting detained undocumented persons to a police facility for the sole purpose of releasing them to INS/Border Patrol. However, undocumented persons may be transported if they **voluntarily consent** in order to complete or further an investigation. If, after an investigation, it is determined that the person(s) is/are not involved in criminal activity unrelated to immigration status, the person should be released, regardless of immigration status.

**14.4.7 Exceptions:** Certain criminal situations, because of their inherent danger to citizens of the United States and undocumented persons as well, require immediate action by police officers. Officers are authorized to detain and release undocumented persons to INS/Border Patrol when contacted under the following conditions:

**Drop House:** A house or building being utilized as a transfer/holding facility for persons engaged in smuggling undocumented persons.

**Load Vehicles:** Vehicles engaged in smuggling undocumented persons.

**Drug House:** House or building being used to facilitate narcotics trafficking.

**Smuggling Vessel:** Vessels used for the illegal transportation of undocumented persons. Vessels arriving and transporting undocumented persons on the waterways within the City of Miami jurisdiction.

**14.4.8 Situations Where Border Patrol Involvement is Prohibited:** Officers are prohibited from releasing undocumented persons to INS/Border Patrol under the following conditions:

- a. When they are victims or witnesses of a crime, unless a determination has been made by investigators to hold them as material witnesses.
- b. When contacted during a family disturbance.
- c. Generally, during the enforcement of minor traffic offenses (infractions and non-bookable misdemeanors).
- d. When the person(s) is/are seeking medical treatment.

**14.4.9 Labor Pools:** Officers are generally prohibited from detaining undocumented persons in this setting for INS/Border Patrol unless there is probable cause to arrest for a crime not related to immigration violations. If probable cause to arrest exists, officers will follow the procedures laid out in this policy.



**14.4.10 Documentation of Detentions:** All undocumented persons who are arrested will be booked or cited and appropriate reports prepared. When undocumented persons are detained and released to INS/Border Patrol, officers will prepare an information incident report to SIS documenting the circumstances of the release in every case.

**14.4.10.1** Arrest affidavits and reports involving undocumented persons must list in detail the reasons for the detention, including all facts that led to the “reasonable suspicion” that the subject was involved in criminal activity unrelated to immigration status.

**14.4.10.2** In the event officers locate a drop house, load car, drug house or a smuggling vessel containing multiple undocumented persons; they will document the event by preparing an Incident Report on each subject detailing the circumstances of the detention. A supervisor will be immediately notified, and he/she will respond to the scene to monitor the situation until INS arrives.

**14.4.10.3** The name(s) and identification number(s) of the agent(s) who take custody of the detainees will be included in the incident report generated.

**14.4.11 Assistance to Law Enforcement Agencies:** Officers are directed to provide necessary assistance to all law enforcement agencies including the Immigration and Naturalization Service, and the U.S. Border Patrol when requested to do so during criminal investigations including, but not limited to, felonies, terrorists, narcotics related activities, and issues involving national security.

**14.4.12 Undocumented Juveniles:** During encounters with juveniles who are undocumented aliens and there is reasonable suspicion that they have been abandoned, the officer will contact the Department of Children and Families, notify Juvenile/Missing Persons Unit, and request that a representative respond to the scene to provide proper assistance to the child. INS will be contacted and the information will be provided.

Juveniles who are arrested for a criminal offense will be transported to the Miami-Dade Juvenile Assessment Center.

**14.4.13 Curfew, Truants, and Runaways:** During these types of situations the juvenile will be detained and released consistent with **Florida State Statute 984, 985 Miami-Dade Ordinance 21-201 to 21-211, and our current guidelines.** It is incumbent upon the police department to return juveniles without parental supervision to their parents, guardians, or school officials. If the parents or guardians are in the United States and can be contacted, the juvenile will be released to them. If the parents reside in a foreign country, **and there are no guardians**, the Department of Children and Families, and Juvenile/Missing Persons Unit will be contacted and requested to respond to the scene to provide the child with proper assistance. INS will be notified and the information will be provided.

**14.4.14** Officers will prepare an information incident report to SIS, and Juvenile/Missing Persons documenting the circumstances of the release in every case when undocumented juveniles are detained, arrested, or released to INS/Border Patrol, or the Department of Children and Families.

**PARKING ENFORCEMENT**Section

- 15.1 Policy
- 15.2 Organization
- 15.3 Responsibilities
- 15.4 Procedures
- 15.5 Employee Parking

**15.1 POLICY:** Street parking within the corporate limits of the City of Miami is restricted in various areas to insure fair access to parking and to expedite the flow of traffic. All existing parking regulations shall be reasonably and impartially enforced in all areas of the City.

**15.2 ORGANIZATION:** The enforcement of street parking is primarily the responsibility of the Field Operations Division.

**15.3 RESPONSIBILITIES:** The objective of parking enforcement is to minimize traffic flow delays that result from vehicles being parked in restricted areas. The enforcement of parking violations is mostly accomplished during normal workdays in the business and commercial districts of the jurisdiction.

The enforcement of street parking violations is performed by uniformed members of the Police Department.

**15.4 PROCEDURES:**

**15.4.1 Parking Meter Enforcement:** On-street parking meters are in effect from 0700-1800 hours except Sundays, unless otherwise posted.

Off-street parking meters shall be enforced as designated by posted signs in individual lots. Exceptions include the parking meters in the inner lanes of Biscayne Boulevard and at each end of Bayfront Park, which shall be enforced from 0700 to 2200 hours.

**15.4.2 Parking Courtesies Extended To Working Members of the Media:** Immunity is granted to members of the media while on assignment and covering emergency situations such as fires, significant police actions, or major disasters. Valid identification are those credentials, which satisfy the officer that the representative is indeed a member of the working press.

**15.4.2.1** This immunity includes restricted parking areas such as loading zones, etc.; however, it does not extend to blocking traffic or emergency access routes.

**15.4.2.2** In those instances where the media desires to position special apparatus to facilitate immediate and complete coverage of an incident, the on-scene commander or his designee will indicate an appropriate location.

**15.4.2.3** Members of the media who are covering events of a routine and pre-scheduled nature such as commission meetings, court hearings, trials, speeches, V.I.P. appearances, etc. **will not** receive immunity from parking regulations.

**15.4.3 Overtime Parking By Consular Vehicles:** Vehicles with Consular Corps and Honorary Consular Corps license tags are exempt from violations for overtime meter parking only. All other parking and moving violations will be enforced by City of Miami Police officers by using discretion based on the nature of the violation and the individual circumstances present.

**15.4.4 Double Parking By Waste Division:** Members of the Department of Police are instructed to permit double parking by Waste Department vehicles while engaged in regular pick-up duties throughout the City.

**15.4.4.1** Vehicles of the Sanitation inspectors from the Department of Solid Waste will be allowed to park in loading zones in the downtown area when they are actually working. These vehicles will be identified by a sign stating "Solid Waste - City of Miami Official Business."

**15.4.5 Parking of Departmental Vehicles on Official Business:** City employees who park vehicles while on official City business are subject to all parking restrictions that are applicable to the general public. This includes attendance at all courts.

Departmental employees are responsible for payment of parking tickets; however, in the event an employee receives a parking ticket for overtime parking because the employee's job prevents him/her from meeting the requirements of the law, a request for dismissal of parking complaint, R.F. #137, may be submitted.

**15.4.6 Request for Dismissal of Parking Complaints - Form R.F. #137:** Police Department employees receiving parking violations in City vehicles while conducting official City business are required to fill out R.F. #137 and submit the same to their supervisors for approval. A copy of the form shall be sent to the City Manager, through channels, and the original shall be forwarded to the Traffic Court.

**15.4.7 Parking of Marked Police Vehicles at Metro Justice Building:** All police personnel will obey all parking regulations in the Metro Justice Building parking area except that marked vehicles may use any metered parking spaces in the area without putting money in the meter.

#### **15.4.8 RESERVED**

**15.5 Employee Parking:** Posted signs regulate parking in the Miami Police Department parking garages. Parking is provided for employees of the Miami Police Department. Employees who violate parking restriction will be subject to disciplinary action.

Penalties for the parking related violation shall be as follows:

1<sup>st</sup> occurrence a record of formal counseling will be written.

2<sup>nd</sup> occurrence a reprimand will be written.

3<sup>rd</sup> occurrence a reprimand with a 10-hour forfeiture.

4<sup>th</sup> occurrence a reprimand with a 40-hour forfeiture.

5<sup>th</sup> occurrence a reprimand with a 80-hour forfeiture.

6<sup>th</sup> occurrence a reprimand with a 120-hour forfeiture.

**15.5.1** All employees shall hang a parking permit on their front rearview mirror. The permits are available in the Personnel Unit. No vehicle will be parked in the garage over a 24-hour period without

approval of the employee's commanding officer. Marked and unmarked City vehicles must park on level "G" or higher.

**15.5.1.1** All parking slots under the expressway, between 4th and 5<sup>th</sup> streets, are reserved for special purpose vehicles only.

**15.5.1.2** The Downtown Service Area has the overall responsibility for enforcement of parking and traffic control in the complex and around the building.

**15.5.1.3** Parking of any unattended vehicles at transfer point is prohibited. Parking on the ramp is reserved for officers with detainees only, and should not exceed one hour.

**15.5.1.4** Parking on N.W. 5th Street is permitted for all on-duty police vehicles.

**15.5.1.5** It is the responsibility of the Administration Division to assign parking slots in the complex and under the expressway. Any changes will be published in the Official Bulletin.

**15.5.1.6** Commanding officers will have the responsibility for controlling the parking of vehicles assigned to their section or unit, within the guidelines published by the Administration Division.

**ARREST PROCEDURES**

## Section

- 16.1 Policy
- 16.2 Organization
- 16.3 Responsibilities
- 16.4 Procedures

**16.1 POLICY:** It is the policy of the Miami Police Department that all lawful means of apprehending and arresting identified criminal offenders are pursued by each individual member, whether on or off-duty. However, nothing within the language of this order shall supersede Florida State Statutes governing arrests.

**16.2 ORGANIZATION:** It is the function of every sworn member of the Miami Police Department to enforce all laws in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority, while protecting the constitutional rights of all persons and arrest violators when appropriate.

**16.3 RESPONSIBILITIES:** Every sworn member, when effecting an arrest, will be responsible for the following:

**16.3.1** Employing officer safety techniques when apprehending the subject.

**16.3.2** Adhering to all laws and departmental directives governing the use of force and treatment of prisoners.

**16.3.3** Providing for the expedient and safe transport of the prisoner to the appropriate facility.

**16.3.4** Fully and accurately completing the complaint/arrest affidavit and any other applicable reports.

**16.3.5 Guaranteed Rights of Suspects:** The purpose of this section is to provide officers with guidelines for observing all constitutional and statutory protections applicable to all suspects regarding custodial interviews and the right of access to counsel.

Varying levels of protection apply to persons who are being interviewed or interrogated by officers. Faulty investigative methods which abrogate the rights of an accused person may invalidate evidence obtained or discovered through the faulty methods. Members of the department will learn and observe all requirements of the constitutions of Florida and the United States.

Generally, a subject is entitled to consult with an attorney once the investigation has focused on that subject. The right to invoke or waive the presence of an attorney remains with the questioned subject. Generally, non-custodial interviews do not require officers to offer warnings or obtain a rights waiver form, while custodial interrogations do require an intelligent and knowing waiver of rights by the subject.

Because the law in reference to suspects rights is in a state of constant change through new case

law, any officer with a question about the proper procedure will consult with an assistant state attorney or the police legal advisor, prior to taking action.

The following steps shall be followed:

1. *Miranda* warnings are required and shall be administered prior to “custodial interrogation.”
2. *Miranda* warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.
3. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.
  - a. Waivers of one or both of the *Miranda* rights must be understood clearly by the suspect.
  - b. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate form.
4. When a suspect invokes his right to remain silent, all interrogation shall terminate immediately.
5. Officers may interrogate a suspect who has previously invoked his right to silence, if, after the passage of time, the suspect initiates communication with officers. However, prior to questioning, *Miranda* warnings shall be re-administered and a waiver obtained.
6. Officers shall cooperate in any reasonable way with efforts by suspects to contact or meet with council.
7. The circumstances surrounding the conduct of interrogations and recording of confessions shall be documented.
8. The lead investigative officer may decide in which cases audio or video recordings may be appropriate and whether covert or overt procedures may be used.

**16.4 PROCEDURES:** When a felony or misdemeanor arrest is made, the arresting officer shall:  
**(CALEA 1.2.5)**

**16.4.1** Establish probable cause for the arrest.

**16.4.2** All prisoners will be handcuffed with their hands behind their backs before transporting. Any deviation must be approved by a supervisor or commanding officer.

**16.4.3** Once a prisoner has been handcuffed, the following search procedures will be adhered to:

**16.4.3.1** Prisoners shall be thoroughly searched by an officer of the same sex immediately following the arrest.

**16.4.3.2** If a same sex officer is not available, an opposite sex officer, through necessity, may conduct a cursory pat down type search (witness should be present) for weapons or evidence.

**16.4.3.3** If the arresting officer is not completely satisfied with the cursory search, the prisoner shall be handcuffed, hands behind back, and transported to the nearest station where a thorough search will be conducted.

**16.4.3.4** Officers may search a prisoner's handbag or other items in their possession at the time of arrest.

**16.4.3.5 Religious Headwear Defined:** The wearing of a head covering or headscarves that may include apparel that covers the neck which is part of the observance of the religious faith practiced by the member of a religion. These include but are not limited to, the hijab, burqa, khimar, chador, niqab, yarmulke, turban, bonnet, or other head covering worn by members of any religion.

**16.4.3.5.1 Religious Accommodation:** The religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason, and denying the request is the least restrictive means available to ensure the security or safety of all persons.

**16.4.3.5.2 Removal of Religious Headwear:** The removal of a religious head covering for any religion is a significant event. Officers need to be mindful of their location, presence of others, and whether the religion allows for others to touch/search the head covering. Officers shall consider all available information at the time the subject is placed into custody.

1. Prior to removing the subject's headwear, the officer should explain that the religious headwear must be searched before it can be returned and worn.
2. Subjects that are a threat to themselves or others or have used the headwear as a weapon shall not have the headwear returned.
3. Officers shall articulate the steps taken during the removal and search of any religious headwear in the appropriate reports.

**16.4.3.5.3 Searches and Confiscation of Religious Headwear:** All religious headwear is subject to search at any time for the purposes of maintaining the safety and security of the officer, subject, and the public.

1. Religious headwear may be searched as any other article of clothing. Reasonable efforts shall be made to conduct the search in a private area, out of the public view, and in the presence of an officer of the same gender/gender identity.
2. When there is a request to wear religious headwear, the officer shall inform the subject that the headwear must be searched before it can be returned and worn
3. All searches shall be performed in a respectful manner that preserves the dignity of the subject's personal property, taking all reasonable measures to ensure that the property is handled with care, while still conducting a thorough search.
4. If during a search, contraband or weapons are discovered, the items must be seized, photographed, and documented in the appropriate report(s) with any additional charges. When the search is completed, the headwear may be returned to the subject if requested. If the subject does not request to wear the religious headwear, it shall accompany the subject as part of their personal property.
5. If during a search the religious headwear has been found to be altered, defaced, modified in any way, used to conceal contraband, weapons, or used for anything other than its intended purpose, it shall be confiscated and handled as contraband.
6. Religious headwear that is contaminated will not be returned to the subject and shall be handled as personal property.

**16.4.4** Inform the individual of the specific charges.

**16.4.5** Advise the individual of his constitutional rights by reading the "Miranda" card. This is only required where there is both custody and interrogation.

**16.4.6** Determine if the individual fully understands his rights, when an interrogation is to be conducted.

**16.4.7** If the arrest is by warrant, verify status of the warrant at the Miami-Dade Police Department's Warrant Bureau. Take reasonable precautions to determine that the person named in the warrant is the suspect. Physical descriptions, dates of birth, and other identifying features should be evaluated on the scene. If doubt exists, additional identification procedures will be initiated at the booking facility.

**16.4.8** The arresting officer shall obtain a complete record check on the prisoner.

**16.4.9 Investigative Support:** When arresting a subject on a warrant that has been secured by a member of the Miami Police Department; when arresting a subject who is listed only as a suspect in the original offense report (e.g., subject confesses his involvement in the incident); when the arrest takes place twenty-four hours or more after the time of the original offense; the respective C.I.D. or G.I.U. investigator will be contacted. If you are unable to contact the appropriate investigator a C.I.D. or G.I.U. commander will be contacted for instructions.

**16.4.9.1** Suspects arrested for murder will be screened by homicide personnel. Arrests for robbery will be screened by robbery personnel. Other felony arrests will be screened by the appropriate unit.

**16.4.10 Misdemeanor "Notice to Appear" Arrests: (CALEA 1.2.6)** If a person is arrested without a warrant or *capias* for an offense declared to be a misdemeanor of the first or second degree, or for a violation of a municipal or county ordinance that is prosecutable in the County Court, and he does not demand to be taken before a magistrate, the arresting officer may issue such person a "Notice to Appear," unless

**16.4.10.1** The accused fails or refuses to sufficiently identify himself or supply the required information.

**16.4.10.2** The accused refuses to sign the "Notice to Appear."

**16.4.10.3** The accused has no ties with the jurisdiction reasonably sufficient to assure their appearance, or there is substantial risk that they will refuse to respond to the notice.

**16.4.10.4** The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to their self or others.

**16.4.10.5** The officer has any suspicion that the accused may be wanted in any jurisdiction.

**16.4.10.6** It appears that the accused has previously failed to respond to a notice or a summons or has violated the conditions of any pretrial release program.

**16.4.10.7** "Notice to Appear" means a written order that is issued by a law enforcement officer, in lieu of physical arrest, requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. **(CALEA 1.2.6)**

**16.4.10.8** If a "Notice to Appear" is issued for a misdemeanor or violation of a municipal or county ordinance, the notice shall be issued immediately upon arrest or after the person has been taken to police headquarters.



**16.4.10.9** If the arresting officer, in lieu of issuance of a "Notice to Appear," determines that the accused person should be taken to police headquarters, a supervisor may issue a "Notice to Appear" if they determine that there is a likelihood that the accused will appear as directed, based on a reasonable investigation of the following: **(CALEA 1.2.6)**

**16.4.10.9.1** Length of residence in the community

**16.4.10.9.2** Family ties

**16.4.10.9.3** Employment record

**16.4.10.9.4** Character and mental condition

**16.4.10.9.5** Past record of convictions

**16.4.10.9.6** Past history of appearance at court proceedings

**16.4.10.9.7** The supervisor may then make the release only after the arresting officer is notified of the issuance of the "Notice to Appear."

**16.4.10.9.8** The arresting officer shall prepare the standard arrest form containing the name and address of the person, the offense charged, the name of the arresting officer, and the signature of the person. "Notice to Appear" will proceed with the above-mentioned information. The original report will be delivered to the Central District for processing.

**16.4.10.9.9** The issuance of a "Notice to Appear" shall not be construed to affect a law enforcement officer's authority to conduct an otherwise lawful search as provided by law.

**16.4.10.9.10 Failing To Respond To a "Notice to Appear":** If any person fails to appear as scheduled, a capias will be issued, by the court, for the original offense and the person should also be charged with "Failing to Appear" as promised.

**16.4.11 On View Liquor Arrests:** When an arrest is made for an "On View Liquor Violation" involving licensed establishments, the narrative of the arrest report shall contain the following:

**16.4.11.1** State Liquor Number

**16.4.11.2** License series

**16.4.11.3** To whom the license is specifically issued

**16.4.11.4** The last notation in the narrative should read "Subpoena the Custodian of Records, Division of Beverage, State of Florida."

**16.4.12 Juvenile Arrest Procedures:** Refer to the appropriate departmental order.

**16.4.13 Shoplifting Arrests:** The uniform officer handling the arrest has the responsibility to make sure that the offense report is made along with the arrest affidavit. The uniform officer will request a sergeant to the scene of the shoplifting arrest to review the facts and sign the arrest affidavit. If no sergeant can respond to the call, the officer may relate the facts of the arrest to the sergeant verbally and have it approved later. The store security officer's statement must be written into the narrative portion of the complaint/arrest affidavit that they swear that the facts of the case are true and correct.

**16.4.14 Arrest of Military Personnel:** If a member of the armed forces is physically arrested on any charge, the member shall be booked at the Miami-Dade County Jail. The desk sergeant shall notify the appropriate branch of the service.

**16.4.15 Police Officers Assisting Military Personnel:** When a member of the armed forces voluntarily requests aid from a police officer, the officer shall bring the serviceman to the Patrol Section office. The on-duty patrol commander shall then notify the appropriate branch of the service.

**16.4.16 A.W.O.L. (No Additional Charges):** Only a complaint/arrest affidavit will be prepared and the subject will be booked into the Miami-Dade County Jail. The charge will be A.W.O.L. and the narrative should indicate (example) "Hold for U.S. Army." An indication of whether or not the subject surrendered their self to the arresting officer should also be included in the narrative.

**16.4.17 A.W.O.L. (Charged with Felony or Misdemeanor):** The subject shall be processed as any prisoner would be, with the addition of (Example) "Hold for U.S. Army." Do not state that the subject is A.W.O.L. in the narrative. Verification of A.W.O.L. and deserters may be obtained, if necessary, by calling the U.S. Army Deserter Information Point, Ft. Benjamin Harrison, Indiana at (317) 510-3355, collect.

**16.4.18 Alternatives to Arrest:** There may be instances when a crime may occur and no physical arrest will be made. When the offense is of a minor nature, a verbal warning or other direction may be given. Law, policy, and the facts of the situation will guide the decision not to arrest. **(CALEA 1.2.6; 1.2.7)**

**16.4.19 Releasing Prisoners:** If it is determined that a prisoner should be released, prior approval must be obtained from the on-duty patrol commanding officer, the arresting officer's commanding officer, the Staff Duty Officer, an Assistant Chief, the Deputy Chief, or the Chief of Police. Once approval has been obtained, the releasing officer will adhere to the following procedures:

**16.4.19.1** A general report will be made by the releasing officer or supervisor stating the reasons for such release and the approving authority.

**16.4.19.2** The arrest report and general report will be assigned the same incident number.

**16.4.19.3** In addition to normal distribution, a copy of the report package will be sent to the Deputy Chief.

**16.4.20 Escaped Prisoners:** If a prisoner escapes from the custody of an officer, the officer will:

**16.4.20.1** Immediately notify communications of the reason the escapee was arrested and other pertinent information relating to the escapee.

**16.4.20.2** Initiate a search.

**16.4.20.3** Notify a supervisor.

**16.4.20.4** Prepare a general report.

**16.4.20.5** The officer making the original arrest will contact the Warrant Management Detail for assistance in obtaining an arrest warrant for the escapee(s). A Warrant Management detective will contact the State Attorney's Office to begin the process of obtaining a warrant.

**16.4.20.6** The Warrant Management Detail will be responsible for creating and disseminating a wanted bulletin for the escapee(s). This will include sending copies to all patrol districts, which will be read at roll calls and distributed to patrol officers and investigators.

**16.4.20.7** An original arrest report for the escapee(s) will be available in the Warrant Management Detail until a Circuit Court Judge signs the warrant, should the escapee be arrested on probable cause.

**16.4.21 Transportation of Prisoners:** Officers must adequately provide for the safe and secure transportation of prisoners, by using the vehicle's safety equipment (i.e., seat belts, etc.) in addition, adhere to the following procedures:

**16.4.21.1** Officers must search prisoners prior to placing a prisoner in a police vehicle. It cannot be assumed that a prisoner is free of weapons or contraband, even if previously searched. The responsibility for the search is incumbent on the officer who places the prisoner in the police vehicle.

**16.4.21.2** Prisoners will be transported directly to a police station or a Miami-Dade Jail or holding facility. If there is a delay in transporting, or another destination, supervisory approval is required. Officers are prohibited from walking prisoners through the lobby of the Headquarters Building or the lobby of any District station. Officers are required to escort prisoners directly to prisoner processing, a designated prisoner holding area, or to the appropriate investigative unit when required. When escorting a prisoner to an investigative unit in the Headquarters Building, officers shall utilize the rear elevators or the main elevators via the first floor if the rear elevator is out of order.

**16.4.21.3** Vehicles used to transport prisoners are to be inspected at the beginning of each tour of duty to ensure that the vehicle is safe to operate and is properly equipped.

**16.4.21.4** Officers are required to search the transport vehicle before and after transporting.

**16.4.21.4.1** All vehicles used for transporting prisoners must have the driver separated from the prisoner by a clear safety barrier or cage, which prevents the prisoner from having access to the driver's compartment.

**16.4.21.4.2** Each patrol vehicle used for transporting prisoners must have the window cranks and door handles removed from the rear compartment. The door release locks should operate from the front compartment or from the outside of the vehicle. This would minimize the opportunity for the prisoner to exit from the rear compartment.

**16.4.21.5** Officers transporting prisoners will remain alert for violent behavior, illness, or attempts to escape.

**16.4.21.6** If vehicles without cages are used to transport, the officer shall:

**16.4.21.6.1** Place the prisoner in the right rear seat.

**16.4.21.6.2** Position one officer in the rear seat with the prisoner.

**16.4.21.7** Officers must not lose sight of prisoners while transporting. Stopping for prisoners to use toilet facilities or to eat is prohibited unless approved by a supervisor. Then, the facility will be chosen at random with security of the prisoner in mind.

**16.4.21.8** Transporting officers will stop to respond to the need for law enforcement services only when the risk to third parties is both clear and grave, and the risk of injury to the prisoner or opportunity of escape is minimal.

**16.4.21.9** Transporting officers may allow prisoners to talk to anyone as long as there are no safety or security concerns.

**16.4.21.10** Prisoners will be transported by officers of the same sex whenever practicable.

**16.4.21.11** When a prisoner must be transported by an officer of the opposite sex, the transporting officer will:

**16.4.21.11.1** Advise the dispatcher when they are departing with their starting mileage.

**16.4.21.11.2** Advise the dispatcher when they have arrived at the destination with their ending mileage.

**16.4.21.11.3** Record the departure and arrival times and mileage on their worksheet.

**16.4.21.11.4** Female prisoners should not be transported with male prisoners, unless arrested at the same time for offenses constituting the same act or for complicity in the same offense.

**16.4.21.12** When a prisoner must be transported by officers of the opposite sex, the transporting officer should, if practicable, have a second officer accompany or follow them to the destination.

**16.4.21.13** A handicapped prisoner who should not be transported in a police vehicle will be transported by ambulance. Police vehicles will not be used if it is unsafe for the handicapped prisoner due to the handicap.

**16.4.21.13.1** Violent handicapped prisoners will be restrained as necessary. If transported in an ambulance, one officer will ride in the ambulance and a second will follow.

**16.4.21.13.2** Handcuffing of nonviolent handicapped prisoners will be at the discretion of the arresting officer. Generally, felons will be handcuffed.

**16.4.21.14** Officers will not handcuff prisoners to any part of a transporting vehicle, e.g., a door part.

**16.4.22** When transporting a prisoner to a Miami-Dade holding facility or jail, the following procedures will be followed:

On felony arrests and upon arrival at the booking facility, the officer will enter the parking area and will wait until the gate is completely closed before taking the prisoner out of the vehicle. The officer's firearm, ammunition and all weapons will be secured before the prisoner is removed from the vehicle. The officer will position the prisoner(s) while logging in to maintain control and sight of the prisoner(s). The prisoner(s) will remain handcuffed at all times while in the booking facility. Officers will not enter any gate with a prisoner who is not handcuffed.

Officers will escort prisoners to the sign in table where the prisoner will be searched, and all property will be inventoried and placed in the plastic bag provided by corrections. Officers will then escort the prisoner into the processing area and prisoners will sit on the bench until called by the corrections/medical staff for processing.

Any cash belonging to the prisoner will be placed in the currency machines and the receipt will be placed into the prisoner's property bag.

Once the prisoner has been checked in and cleared by medical, the officer will escort the prisoner to the booking window and the prisoner's armband is scanned and a booking number is issued. At this time, the officer will replace their handcuffs with the flex cuffs provided by corrections.

You are to inform the corrections officers if the prisoner made threats, and/or was violent or exhibited the potential for violence. If the prisoner is violent and struggling, Corrections will immediately take control of the subject and will place them in a cell until such time as the subject can be dealt with. The officer is relieved of any responsibility at this point and Corrections will take "official custody" of the prisoner.

Corrections will not take "official custody" of a passive prisoner until a booking number is issued. Officers will exchange their handcuffs for the flex cuffs provided by corrections. If the arresting/transporting officer was personally involved in a physical altercation with the arrestee, common sense dictates that the potential for becoming violent exists. The officer should consult a sergeant to allow for appropriate support, etc. Additional restraining devices will be made available and officers should always use caution. A spirit of cooperation between both agencies should prevail.

Note: Although written directives call for an official transfer to occur upon the issuance of a number, Miami-Dade County Jail staffing will not allow for Corrections personnel to escort an officer or take responsibility for turning in property. Officers with questions regarding this policy should contact the Legal Advisor at 579-6576.

**16.4.23 Injured Prisoner:** If the injury requires emergency medical treatment, the Fire Rescue Squad shall be dispatched to the scene. If no emergency medical treatment is required, the following procedures will be adhered to:

**16.4.23.1** Minor injuries, such as a small cut, bruise, abrasion, sprain, etc., can be transported by ambulance or in the arresting officer's vehicle. The officer must complete the arrest form, and have it approved. J.M.H. will not treat the prisoner unless the form accompanies the prisoner.

**16.4.23.2** Officers are responsible for providing for the security of their prisoners at medical facilities other than a "Baker Act" receiving facility. The prisoner will be kept in sight whenever possible.

**16.4.23.3** A patient who is under arrest at a receiving hospital may not be transferred to J.M.H. solely at the request of the arresting officer nor the arresting police department. Prior approval must be obtained by the transferring physician from the administrator on-call, and a receiving physician at J.M.H. The reason for this approval is due to civil liability.

**16.4.23.4** A violent prisoner who is seriously injured will be transported by ambulance. Do not handcuff a prisoner to a stretcher. Handcuff the prisoner's hands together, and the attendant will strap the prisoner to the stretcher. If the responding vehicle is a two-person car, one officer will ride in the ambulance and the second will follow the ambulance in the police vehicle. If the responding unit is a one- person car, they may request the assistance of a second unit.

**16.4.23.5** If a prisoner is sent to J.M.H. prior to the completion of the arrest affidavit form, the arresting officer shall notify the Complaint Room of the prisoner's name or description. As soon as the paperwork is completed, the arresting officer shall deliver same to J.M.H.

**16.4.23.6** If the injured prisoner refuses medical attention, they must be taken to J.M.H. where they may sign a refusal for treatment slip. At this time, they may be observed by on-duty physicians and their opinions will be noted on the appropriate reports.

**16.4.24** Arresting officers are responsible for their prisoners and the completion of all paperwork. They must remain with the prisoners unless relieved of that responsibility by another police officer.

**16.4.25** The use of interview rooms will be governed by the appropriate district or section SOP's.

**16.4.26** If the prisoner is violent prior to arrival at the police station, they shall be taken directly to the Miami-Dade County Jail. It shall be the responsibility of the arresting officer to ensure that all copies of arrest reports are turned in.

**16.4.27** All prisoners, 18 years or older, shall be booked at the Miami-Dade County Jail.

**16.4.27.1** An exception to this procedure is when the officer releases the prisoner under the "Promise to Appear" section of the complaint/arrest affidavit form.

**16.4.28 Complaint/Arrest Affidavit:** The complaint/arrest affidavit will be completed in every instance wherein an arrest is made.

**16.4.28.1** When a prisoner is booked into the Miami-Dade County Jail, the arresting officer shall complete the complaint/arrest affidavit, which must accompany the prisoner to the booking desk. The complaint/arrest affidavit covers both felony and misdemeanor arrests.

**16.4.28.2** The arresting officer shall complete the complaint/arrest affidavit, which shall include a complete and comprehensive witness list on the reverse side of the court copy and the State Attorney's copy, noting which officers transported, or will give duplicate testimony.

**16.4.28.3** The complaint/arrest affidavit will contain information pertinent to the defendant and the circumstances of the arrest. The narrative section must be complete, concise, indicate all elements of the offense, and the probable cause for the arrest. Additionally, any information regarding the prisoner's escape or suicide potential or other personal traits of a security nature must be included in the narrative portion of the complaint/arrest affidavit. The defendant shall be properly charged with the correct Florida State Statute or section of the Miami-Dade or City Code that was violated, along with the appropriate enabling code when necessary. Each complaint/arrest affidavit must be sworn to before a deputy clerk of the court.

**16.4.28.4** The complaint/arrest affidavit is a six-part form. One page of the form is the police officer's copy to be used for future court testimony. It is imperative that the officer completes the form properly since the assistant state attorney will use the information in preparing the case. The form and the witness list will accompany the defendant when booked at the Miami-Dade County Jail. The Miami- Dade County Jail will not accept any prisoner unless accompanied by this properly completed form.

**16.4.28.5** The arresting officer may indicate in the narrative portion of the form that the appearance of the defendant at the first appearance hearing is requested for the purpose of presenting to the court good reasons for the setting of a higher bond. The officer must also appear.

**16.4.28.6** The witness list will indicate the names, addresses, and telephone numbers of the witnesses and a synopsis of their testimony. The witness list will be made available only to the court and to the assistant state attorney assigned to the case.

**16.4.29** All reports concerning an arrest, must be reviewed by a supervisor. The supervisor must ensure the reports are thoroughly completed and contain the proper elements.

**PERSONNEL ASSIGNMENT PROCEDURES**Section

- 17.1 Policy
- 17.2 Organization
- 17.3 Responsibilities
- 17.4 Procedures

**17.1 POLICY:** It is the Department's policy to assign personnel based on merit, efficiency, character, industry and seniority. The purpose of this departmental order is to establish a procedure for the selection and re-assignment of departmental members, both sworn and non-sworn, to a specialized unit.

Personnel are chosen for specialized units on merit basis to provide a higher level of effectiveness and efficiency, and to insure that specialized units reflect minority and female representation whenever possible, consistent with departmental minority and female percentages.

**17.2 ORGANIZATION:** The Department's Staffing Unit records all assignments, maintains files relating to assignments and staffing, and makes proper notifications of assignments.

**17.3 RESPONSIBILITIES:** It is the responsibility of command level personnel involved in the assignment of personnel to ensure that all personnel assignments are based on merit, efficiency, character, and industry, and that there is no discrimination based on race, color, religion, sex, national origin, age, marital status and sexual preference.

**17.4 PROCEDURES:****17.4.1. Assignment:**

**17.4.1.1** There are three ways in which personnel will be assigned:

- a. Specialized Units: Open competition based on background analysis, interview by board and, in some cases, demonstration of physical or other abilities.
- b. Appointment by Assistant or Deputy Chief, or Chief of Police;
- c. Standard Uniform Patrol: Bidding based on seniority.

**17.4.1.2** Any specialized unit intending to have personnel assigned to it will prepare the Personnel Assignment Request form. The form will be sent through channels to the Deputy or Assistant Chief of the Staffing Unit. Upon the approval of the Deputy or Assistant Chief of the receiving Division, the signed Personnel Assignment Request form will be delivered to the Deputy or Assistant Chief of the Division where the requested personnel will emanate from. Upon the approval of the Personnel Assignment Request by the emanating Division's Deputy or Assistant Chief, the form will be delivered to the Department's Staffing Unit where the change will be recorded.

**17.4.1.3** The receipt by the Staffing Unit of the Personnel Assignment Request form with required approval signatures from the Deputy Chief or Assistant Chief of the affected Divisions will serve as approval confirmation of the assignment. The Staffing Unit will notify personnel and the effected Division Major of the assignment and will obtain a signature of acknowledgement on the Personnel Assignment Notification form. All assignment notifications will be announced to personnel at least six (6) calendar days prior to the effective date of the assignment, unless the person to be assigned waives the six-day notification.

**17.4.1.4** Personnel Assignment Notification Distribution: The notification form will be disseminated in paper form to units requiring notification. The assignment requested on the Personnel Assignment Request form will not become valid until personnel named in the Personnel Assignment Request form receive the Personnel Assignment Notification form with all signatures affixed.

**17.4.1.5** To prevent work-continuity interruptions, all assignments will become effective on the last Sunday of the month (shift change), unless approved by the Chief of Police or designee.

#### **17.4.2 REASSIGNMENTS:**

**17.4.2.1** It is the responsibility of the Staffing Unit to make all the appropriate notifications. All personnel reassignments will be communicated to the Payroll Unit through the Personnel Management Unit.

**17.4.2.2** It will be the responsibility of the person being reassigned to get the necessary signatures affixed to the Reassignment Form. The Staffing Unit will then finalize the reassignment to the appropriate Unit. Required signatures include the following:

- Staffing Coordinator
- Section Reassigned from Commander
- Section Reassigned to Commander
- Computer Support
- Fleet Liaison
- Court Liaison
- Records Unit
- Personnel
- Budget Unit

**17.4.2.3 Notification of Reassignment:** An employee must be notified at least six (6) calendar days prior to the effective date of the reassignment. An employee can waive the six (6) day notification requirement by checking the "yes" box on the reassignment notice.

**17.4.3** Initiation of Request for Reassignment Notice: A Reassignment Notice will only be initiated by the Staffing Unit on all personnel Reassignments, including permanent changes within the Patrol Section from one platoon to another. Any temporary change in assignment that is scheduled to last more than one week, must also be reported on a "Reassignment Notice". The "remarks" should, in such a case, indicate that the work is "Temporary".

**17.4.4** Reassignment Effective Dates: No personnel reassignments will occur, nor will they become effective until the required superior officers or their designees along with the Staffing Coordinator and



Chief of Police have approved the reassignments and affixed their signatures. It will be the responsibility of the Staffing Coordinator to advise the person being reassigned of the date for reporting and will not take effect until the required approvals and signatures have been obtained.

**17.4.4.1** Reassignments within a Section require only the Section Commander's final approval and signature prior to the reassignment effective date.

**17.4.4.2** Reassignments between Divisions require the final approval and signatures of the affected Division Chief, Chief of Police, or their designees prior to the reassignment effective date.

**17.4.4.3** Reassignments of all commanding officers (Lieutenants and above) between Sections and Divisions require the approval and signature of a Division Chief, the Chief of Police, or their designee.

**17.4.4.4** Reassignments will become effective on the first day of the week (Sunday). If possible, they will become effective the Sunday beginning the pay period.

**17.4.5 Specialized Units:** All units, with the exception of the Patrol Section, are considered specialized units. Since patrol platoons are considered basic functions, inter-platoon reassignments shall be at the discretion of the District Major with the approval of the Division Chief and will not come under the guidelines of this departmental order regarding applicant selection. However, the District Major shall establish written guidelines within the Patrol District S.O.P.'s to minimize conflict between individuals seeking assignment to the same platoon.

**17.4.5.1** At the Division Chief's discretion, nothing in this Departmental Order is intended to usurp the Section Commander's authority over intra-sectional reassignments, when such reassignments are on a one-for-one basis between units of their sections, subject to review of the Division Chief. If a vacancy occurs due to promotional reassignment or departmental separation of a member, the guidelines of this Departmental Order will be followed.

As it pertains to the Criminal Investigations Division nothing in this Departmental Order is intended to usurp the Division Chief's authority over intra-divisional re-assignment, when such re-assignments are on a one for one basis between units of their sections, subject to review of the Division Chief. If a vacancy occurs due to promotional reassignments or departmental separation of a member, the guidelines of this Departmental Order will be followed.

**17.4.5.2** When an Intra-Division reassignment takes place an Intra-Divisional Reassignment Form will be required to be filled out completely with all signatures affixed. The Intra-Divisional Reassignment Form will then be hand delivered to the Staffing Unit Coordinator where it will be signed for accountability and then forwarded to the office of the Chief of Police or his designee for final approval.

**17.4.5.3** Notwithstanding the provisions of this order, the Chief of Police shall retain the right to grant or deny reassignments when, in his/her judgment, such action is necessary for the efficient operation of the Miami Police Department.

**17.4.5.4** Upon being selected to fill a vacancy in a specialized unit the sergeant and/or officer must give a two (2) year commitment before applying for any vacancies in any other specialized unit. Additionally the name of the selected sergeant and/or officer will be removed from any other active lists they have applied for.

**17.4.5.5** In order to transfer from a specialized unit the sergeant and/or officer must have completed their two (2) year requirement. The only exception to the two (2) year rule is transfers approved by the Chief of Police.

**17.4.6 Announcement of the Vacancy:**

**17.4.6.1** When a vacancy for a sworn position is to be filled, an announcement will be published in the Official Bulletin giving a general description and duties of the job. This announcement must be published ten (10) calendar days prior to the commencement of the selection process.

**17.4.6.2** Within this ten (10) day period, sworn applicants should submit a Reassignment Application Form (R.F. #224) to the unit with the vacancy. Applications on file for more than one (1) year will not be considered.

**17.4.7 Background Review of All Applicants:**

**17.4.7.1** The receiving Unit Commander or designee will conduct a background review of each applicant. The following areas shall be researched when considering applicants (at least, but not limited to, the previous 12 months):

- Attendance Reports
- Driving Records
- Internal Affairs Profile
- Performance Evaluation Reports
- Special Training and Schools attended
- Education
- Proficiency skills (if applicable)
- Previous assignments

**17.4.7.2** Should any applicant be deemed less competitive after the completion of the administrative review, the correlation between the duties and responsibilities of the vacant position and the area(s) in which the applicant is deemed to be least competitive must clearly be established.

**17.4.7.3** All applicants rated as competitive after completion of the administrative review will be interviewed by a selection board. The Board Chairperson for reasons may inform those rated as less competitive. The applicant may protest (appeal) in writing to the receiving Section prior to the commencement of the interview process.

**17.4.7.4 Structure of the Selection Board for Officers and Sergeants:**

**17.4.7.4.1** The purpose of this order is to assure each applicant for selection to specialized units an equal opportunity without regard to that person's race, color, sex, religion, creed, national origin, disability, marital status, sexual preference, or age. It is the intent of this order to establish a practice in which the same interview board is utilized throughout the interviews and a written record of the interview process shall be required:

**17.4.7.4.1.1** The Selection Board will consist of four voting members, a Black, White, Hispanic and female. The Chief of Police will assign the Lieutenants and Captains.

**17.4.7.4.1.2 Chairperson:** The receiving unit's Section Commander will sit as the Chairperson and as a voting member.

**17.4.7.4.1.3 2nd Voting Member:** When both the supervisor and the Section Commander are of the same ethnicity, an alternate supervisor of a different ethnicity shall be selected, preferably from the receiving unit. If this is not possible, the voting supervisor shall be chosen from within the same section.

**17.4.7.4.1.4 3rd and 4<sup>th</sup> Voting Members:** The two other board members shall be of the same rank or higher as the applicant with at least one member not assigned to the receiving unit.

**17.4.7.4.1.5 Non-Voting Member:** The receiving unit Commander will sit as a non- voting advisor to the board.

**17.4.7.4.1.6 Record keeping:** A record of interviews shall be made by completing the appropriate interview rating form as well as a written summary of the interview results shall make a record of the interviews. The summary shall include the names and results of the candidates participating in the interview process as well as the names of the raters. Other pertinent information such as candidates withdrawing or interview dimensions with special weights shall also be included in the summary. A signed copy of the interview summary shall be prepared by the Unit Commander and submitted to the Personnel Unit. The Unit Commander shall also be responsible for tabulating all interview scores and placing the candidates in the appropriate band.

**17.4.7.4.2 Structure of the Selection Board for Non-Sworn Employees:** Interviews will be held in conformity with LMP 3-92: Interview Procedures.

#### **17.4.8 Convening of a Selection Board:**

**17.4.8.1** It shall be the Chairperson's responsibility to insure ethnic and gender representation of the board, and that there is no actual or perceived conflict of interest between candidates and panel members. The objective here is to ensure objectivity and fairness in the rating process.

**17.4.8.2 Date and Time of Meeting:** The Chairperson or designee will set the date of the applicant's interview, not sooner than fifteen (15) calendar days after the initial announcement of the vacancy.

**17.4.8.3** The Chairperson or designee will have the responsibility to notify each applicant of his or her interview date and time.

**17.4.8.4** Each applicant shall be advised that no overtime will be authorized for his or her appearance before the board.

**17.4.8.5** The receiving Unit Commander will ensure that the background information compiled on each applicant to be interviewed is available for use by the Selection Board.

**17.4.8.6** Those applicants not selected to participate in the interview process will be informed by the Selection Board Chairperson (i.e., receiving unit's Section Commander).

#### **17.4.9 Conducting the Interview:**

**17.4.9.1 Control Questions:** The receiving Unit Commander shall devise a series of questions to be asked of all applicants. The questions should directly address the relevant job dimensions for the position for which the interview is being conducted.

**17.4.9.1.1** Prior to developing the interview questions, the receiving Unit Commander or the designee, shall identify the job dimensions in the interview rating form that are to be tapped or measured through the interview process. After the relevant dimensions have been identified and linked to the job, the interview questions shall be developed to address the job dimensions. Examples of job dimensions are, educational background, work experience, written communication skills, problem analysis abilities, job knowledge, etc. Upon developing the control questions, the Unit Commander shall forward the questions to the senior staff of the Personnel Unit and the Division Chief for review to insure proper job relevancy and linkage to the dimensions that are to be measured.

**17.4.9.1.2** All candidates shall be asked the same questions and will be allowed to elaborate on their responses.

**17.4.9.1.2.1** Each applicant should be afforded an opportunity to make a statement about his/her suitability for the vacancy that may not have been covered in the interview.

**17.4.9.1.2.2** Rating: Each applicant shall be rated utilizing the City of Miami Interview Rating Form PM/AL 003. Each applicant will be ranked in one of the following bands, A, B, C, or D, based upon a score of 100%.

Example: Candidates that score 90-100, A - Band: 80-89, B - Band; 70-79, C - Band: 69-below, D - Band.

#### **17.4.10 Band Descriptions:**

**17.4.10.1** Band A - candidates who were exceptionally well suited for the position in question.

**17.4.10.2** Band B - candidates who possess sound qualifications for the position in question but are not as well suited for the position as those candidates that were assigned to Band A.

**17.4.10.3** Band C - candidates who have adequate qualifications for the position in question, but they were not as well qualified for the position as those candidates assigned to Bands A or B.

**17.4.10.4** Band D - candidates who have minimum qualifications for the position in question, but they were not as well qualified for the position in question as those candidates in ranking bands A, B, or C.

**17.4.10.4.1** The cumulative points (add points awarded under each dimension) will be based on a score of 100%. The current Interview Rating Form (PM/AL003) maximum score if all dimensions are utilized is 192, 48 times four raters.

**17.4.10.4.2** The receiving Unit Commander or designee shall determine the dimensions that shall be utilized for all applicants. The number of dimensions will determine the maximum point total. The maximum point total will be divided into the applicant's total score, resulting in a percentage based on 100%.

Example: The maximum point total of six dimensions is 125. The candidate scored a total score on all dimensions of 110. Divide 125 into 110 = 88, which is band B.

**17.4.10.4.3** Each voting member will rate the applicant individually. After all the applicants have been interviewed, the receiving unit commander will total each applicant's interview score and rank them in the appropriate band.

**17.4.10.4.4 Justification:** Each Selection Board should be able to establish a correlation between job specifications and any disqualifying rating against an applicant.

**17.4.10.4.5** After the scores have been totaled and ranked, a red-line memorandum with the results will be forwarded to the Staffing Unit.

**17.4.10.4.6** If the Unit conducting the interviews has a shortage of personnel (reassignment, retirement, etc.) then the Commanding Officer of the Section will notify the Staffing Unit via a red-line memorandum requesting a replacement along with the interview results.

**17.4.10.4.7** All requests of personnel will be evaluated by the Staffing Unit on a monthly basis. All reassignments will be effective on the first Sunday of the month (shift change). The only exception to this policy is a written authorization from the Deputy Chief of Field Operations or the Chief of Police.

#### **17.4.11 APPOINTMENTS:**

**17.4.11.1** The Chief of Police has the authority to appoint and place personnel when the needs of the Department warrant.

**17.4.11.2** During critical needs of the Department when a list is not available and the Unit has experienced an emergency for staffing the Asst. Chief, Deputy Chief, or the Chief of Police can appoint someone on a temporary basis to fill the vacancy.

**17.4.11.3** If an opening arises and no qualified person has applied, the Deputy Chief, or the Chief of Police has the authority to appoint the most qualified individual to the unit to ensure the course of the organization.

**17.4.11.4** Members who are classified into a Light or Limited Duty or Relieved of Duty (R.O.D.) and in a reassigned capacity, are to report to the Staffing Unit immediately after they have notified the Health Services or Internal Affairs Unit. The member will then be placed at the direction of the Staffing Unit Coordinator.

**17.4.11.4.1** Members who are in a Light Duty capacity will be temporarily assigned to an opening by the Staffing Unit.

**17.4.11.4.2** Light Duty personnel do not count against a budgeted position. Members who are Light Duty will be reassigned every 30-days to a new assignment to allow them to experience an insight to other aspects of the Department.

**17.4.11.4.3** Members who have become injured outside the workplace (non-duty related incident) and return to work with limitations will be reassigned to the Staffing Unit and their case will be evaluated on an individual basis.

**17.4.11.4.4** Members who have been classified in a Limited Duty capacity, which is a budgeted position, will be a position that is permanent within the Miami Police Department.

**17.4.11.4.5** Members who have been Relieved of Duty Reassigned (R.O.D.) will be placed by the Staffing Unit.

**17.4.11.4.6** All members who are classified Light, Limited or in a R.O.D. reassigned status will adhere to the dress policy in the Departmental Orders.

**17.4.12 BIDDING:**

**17.4.12.1** Bids within The Field Operations Division are based on seniority.

**17.4.12.2** Officers that are interested in bidding must be in uniform patrol prior to the bid.

**17.4.12.3** Positions will be available for bidding on a quarterly basis.

**17.4.12.4** Those officers wanting to bid must submit to the Staffing Unit a Bid Request Form RF #804 located on the server under New Documents in the folder labeled Patrol.

**17.4.12.5** Bid Request Forms can be turned in to the Staffing Duty Office or e-mailed to the Departmental Staffing Coordinator.

**17.4.12.6** Officers filling out the Bid Request Form must include the following information:

- a. Name
- b. Date
- c. P.I.N. #
- d. Social Security Number
- e. B.L.E. Class
- f. Date of Hire
- g. Lateral (*if yes list prior agency*)
- h. S.W.A.T., F.T.O., C.I.T., BTO, BIKE

**17.4.12.7** In order to equitably distribute the above listed resources and not disrupt normal patrol operations during their utilization, the following will be the "Maximums" for any individual patrol Team:

S.W.A.T.

Maximum 1 (one) active S.W.A.T. certified officer per team.

Maximum 2 (two) active S.W.A.T. certified officers per District on the same shift with the same E-Days.

F.T.O.

Maximum 2 (two) Field Training Officers per team.

Maximum 18 (eighteen) per District and 6 (six) per shift.

C.I.T.

Maximum 1 (one) Crisis Intervention Team officer per team.

BIKE

Maximum 2 (two) Bike officers per team.

Maximum 2 (two) Bike officers per District on the same shift with the same E-Days.

**17.4.12.8** When a C.I.T. (Crisis Intervention Team) member is deactivated by the C.I.T. Commander, that officer who is occupying a C.I.T. position on a team will be required to relinquish that position so that the position will be available for bidding to another activated C.I.T. officer.

**17.4.12.9** Upon being deactivated, the Staffing Unit will place the officer in another team on a temporary basis until he/she is able to re-bid (quarterly bid). The Staffing Unit will make every attempt to place that officer on the same shift and days off in a temporary position.

**17.4.13 Seniority Issues:**

**17.4.13.1** Laterals are based on date of hire.

**17.4.13.2** Officers joining the department earlier than 1980 will be based on date of hire.

**17.4.13.3** Officers prior to BLE 154 will be based on academy graduation date.

**17.4.13.4** Officers in BLE 154 and above will be based on the date they passed the State Exam.

**17.4.13.5** Any officer who is bidding should check the intranet to ensure that the seniority date is correct. Any questions that pertain to the date of swearing in will be addressed with the Personnel Unit.

**17.4.13.6** Officers and Sergeants bid for shift, days, and District. **(CALEA 41.1.1 d, f)**

**17.4.13.7** Lieutenants bid only for shift, and days off and will be placed in the Districts by the Deputy Chief of the Field Operations Division. **(CALEA 41.1.1 d, f)**

**17.4.13.8** Officers must be off probation to be eligible to bid.

**17.4.13.9** Officers in the following status will be ineligible to bid:

“D”(Disabled)

Extended “I” (Over 90 days)

ROD (Relieved of Duty)

“LD” (Limited Duty)

FMLA (Family Medical Leave Act)

Leave of Absence

**LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENCY  
(LEP) PERSONS**Section

- 18.1 Policy
- 18.2 Organization
- 18.3 Responsibilities
- 18.4 Definitions
- 18.5 Procedures

**18.1 POLICY:** The Miami Police Department recognizes the importance of effective and accurate communication between department employees and the diverse community we serve. Hampered communication with Limited English Proficient (LEP) victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary, ethical and investigative challenges. It is the policy of the Miami Police Department that employees take every reasonable step to ensure timely and accurate communication access to all individuals regardless of national origin or primary language or limited ability to speak, read, write or understand English. The purpose of this order is to establish language access procedures, consistent with the Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Street Act of 1968 when encountering or interacting with a Limited English Proficient person.

Miami Police Department employees shall treat all individuals with respect, dignity, and without regard to their nationality, ethnic composition, race, religious background, immigration status, or communication proficiency. All individuals shall be treated under the guidelines and protection of the United States of America Constitution. Additionally, it shall be the policy of this department to inform members of the public that language assistance services are available free of charge to LEP persons and that the Department will provide these services to them. It is also established that the secondary languages mainly spoken in the City of Miami are Spanish and Creole.

The Miami Police Department LEP Plan, which supplements this departmental order, is accessible to all employees via the Miami Police Intranet. A hard copy is maintained in the Office of the Chief of Police.

**Background:** This order is issued pursuant to a mandate by the Department of Justice (DOJ).

**18.2 ORGANIZATION:** This chapter is applicable department-wide.

**18.3 RESPONSIBILITIES:** All employees within the organization must comply with these orders as if they were verbal directives of the Chief of Police.

**18.4 DEFINITIONS:**



- A. PRIMARY LANGUAGE: An individual's native tongue or the language in which an individual most effectively communicates.
- B. LIMITED ENGLISH PROFICIENCY (LEP) PERSON: Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.
- C. INTERPRETATION: The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- D. IMMEDIATE SOURCES OF INTERPRETATION: Refers to those individuals an employee may use for interpretation during very informal, non-confrontational contexts. Immediate sources of interpretation may include family friends, or bystanders.
- E. TRANSLATIONS: The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- F. BILINGUAL: Refers to the ability to use two languages proficiently.
- G. LANGUAGE ACCESS PLAN COORDINATOR (LAPC): The Department's designated coordinator responsible for coordinating and implementing all aspects of the Department's Language Access Plan.

**18.5 PROCEDURES:** Miami Police Department employees shall adhere to the following procedures in all encounters, absent exigent circumstances, i.e. the need to obtain descriptive information on a fleeing suspect or identifying information of an injured person may require some deviation.

Personnel should avoid assumptions about an individual's primary language and should make every effort to ascertain an individual's primary language to ensure effective communication.

**18.5.1 Procedures for accessing interpretation services:**

Emergency and Non-Emergency Calls Received by Communications

**18.5.1.1 Emergency and Non-Emergency Calls Received from LEP Callers:** Whenever a call-taker receives a call from a LEP caller, the call-taker shall inform the LEP caller to the best of their ability, that he will find an interpreter within Communications and keep the caller on the line. The call-taker shall attempt to determine if it is an emergency or non-emergency in accordance with established

protocols. If there is no language skill call taker available for interpretation in Communications, then the call-taker will immediately use the existing contracted interpreter services and establish a three-way call between the call-taker, the LEP caller, and the interpreter. The call-taker shall follow the standard operating procedures used for all calls and dispatch appropriate personnel to the incident location as needed.

**18.5.1.2 Dispatching to the Incident Location of a LEP Caller:** When dispatching an officer to an incident location of a LEP person, the call taker/dispatcher shall make reasonable efforts to locate an officer who speaks the primary language of the LEP person, absent exigent circumstances (i.e.: calls requiring immediate police response) If there are no bilingual officers available within the district of the LEP call, the dispatcher will review the P-sheets indicating the names of on-duty officers who are fluent in Spanish, Creole or other language and assign an officer, regardless of the district, to the call after notifying the officer's supervisor of the need for interpretation. The dispatcher will note in the call that the caller is a LEP person and the LEP person's language for tracking purposes.

If there are no bilingual officers available to dispatch after a diligent review of the P-sheets (*reflecting officers on duty who are able to interpret in Spanish, Creole or other language*), then the call-taker will contact the contracted telephone interpretation service directly upon a Communication supervisor's approval to assist the officer on the scene with interpretation. The Communications supervisor shall ensure the call is properly logged for tracking purposes, whether an emergency or not.

## **18.5.2 Miami Police Personnel Requesting Interpretation Services:**

### Responding Personnel Responsibilities:

**18.5.2.1 Personnel in the field:** in need of interpretation services will attempt to identify the LEP individual's primary language using a Language Identification Flash Card in order to determine the language spoken by the LEP person. Upon determining the LEP's primary language, the employee shall request Communications to locate an interpreter. Additionally, the employee may identify immediate sources of interpretation available on the scene for interpreting in very informal, non-confrontational contexts and only to obtain basic information.

**18.5.2.2 Exigent Circumstances:** Personnel are expected to follow the general procedures outlined in this directive; however, exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available. Examples may include the need to obtain descriptive information on a fleeing suspect, identifying information of an injured person, or any calls requiring immediate response. However, once an exigency has passed, personnel are expected to revert to the general procedures in this directive.

**18.5.2.3 Communications Personnel Responding to Field Requests:** Upon request, the Communications Operators will refer to the P-sheets which note language

skills in order to determine if an interpreter is available to respond to the assignment. If no interpreter on the P-sheet is available, the operator will contact the contracted telephone interpretation service.

**18.5.2.4 Telephone Calls:** Communications personnel taking calls from a LEP person and who cannot communicate with the LEP person, will transfer the call immediately to the contracted language interpretation service. Do not place the caller on hold. The call taker must stay on the line until you hear the interpreter is on the line and able to determine the caller's needs.

**18.5.2.5 Non-Communications personnel:** taking calls from a LEP person and who cannot communicate with the caller, will contact Communications for an operator to access the contracted language interpretation line and establish communication between department personnel and the caller.

**18.5.2.6 District Station/Front Desk Personnel/In-Person Contacts:** Translated written forms and documents for the benefit of LEP individuals shall be kept on hand at all front desks. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to the LEP individuals in the primary language using an appropriate bilingual employee or the telephonic interpretation service provider.

The employee can provide the LEP person the Language Identification Flash Card in order to determine what language they speak.

The employee on duty will attempt to locate an interpreter in the station to interpret. If an interpreter is not available, the employee shall request Communications to raise a unit, upon review of the P-sheet reflecting officers on duty who can interpret. If a field officer is not able to report to the front desk to interpret, the employee shall contact Communications and request the services of the contracted telephone interpretation service.

### **18.5.3 Interrogation, Interviews , and Complaints:**

**18.5.3.1 Criminal Interrogations and Crime Witness Interviews:** During the beginning of a formal statement, the bilingual employee, on the record, will announce both in English and in the secondary language, his/her dual role as a department employee and interpreter. If the detective or supervisor is unable to locate an employee who can interpret (in-person) in the language involved, assistance in locating an in-person interpreter shall be requested from the local consulates, embassies or the U.S. State Department Miami Field Office, Bureau of Diplomatic Security, (305) 536-5781 (M-F from 8:00 a.m. – 5:00 p.m.). On weekends or after hours, contact the U.S. State Department, Diplomatic Security Command Center in Washington, DC at (571) 345-3146 who will in turn locate the Miami Field Office duty agent (on-call person) to assist in locating an interpreter for the language in question.

**18.5.3.2 Miranda Warnings/Other Vital Material:** Miranda Warnings and all other vital written materials will be available to the suspect or witness in the primary languages spoken, Spanish and Creole. If another language is involved and in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using an interpreter. If the detective or supervisor is unable to locate an employee who can read the Miranda Warning (in-person) in said language, assistance in locating an in-person interpreter shall be requested from the local consulates, embassies or the U.S. State Department Miami Field Office, Bureau of Diplomatic Security, (305) 536-5781 (M-F from 8:00 a.m. – 5:00 p.m.). On weekends or after hours, contact the U.S. State Department, Diplomatic Security Command Center in Washington, DC at (571) 345-3146 who will in turn locate the Miami Field Office duty agent (on-call person) to assist in locating an interpreter for the language in question.

**18.5.3.3 Interpreter's Role:** When an employee uses an interpreter to conduct a criminal investigation or crime witness interview, it is the responsibility of the employee conducting the interview or interrogation to develop and ask any questions. Under no circumstances will an interpreter independently question a LEP individual.

**18.5.3.4 Complaint Procedures for LEP Persons:** Any LEP individual, who wishes to file a complaint with the Miami Police Department regarding language access or about a Miami Police officer, shall be provided with the translated versions of the complaint forms. These are available in Spanish and Creole.

**18.5.3.4.1 Internal Affairs Section Investigators:** Refer to 18.5.2.6, "District Station, Front Desk Personnel, In-person contacts," 2<sup>nd</sup> paragraph, and proceed in this manner as delineated.

**18.5.4 Limited English Proficiency Coordinator (LAPC) Duties and Responsibilities:** The Miami Police Department Language Access Plan Coordinator reports to the Office of the Chief of Police.

The LAPC shall be responsible for classifying which departmental forms or documents are considered vital and determining which should be translated into Spanish and Creole.

**18.5.4.1 Monitoring Languages:** The LAPC or a designee shall assess demographic data and review contracted language interpretation service records yearly in order to ensure that Spanish and Creole remain as the secondary languages spoken in the city. The LAPC shall assess the need to revise the Language Access Plan accordingly and revisit all vital documents and LEP procedures for updating and potential translation.

**18.5.4.2 Documents:** The LAPC or a designee will be responsible for reviewing new documents/forms issued by the City of Miami Police Department to assess and determine if said documents should be considered vital and be translated.

**18.5.4.3** The LAPC's office will serve as the central repository of all translated documents and will make them available to the agency's division, section, unit or detail which uses the form.

**18.5.4.4 Requests by Other Units for Document Translation:** Although the LAPC's office shall be the central conduit for document translation, all personnel may request this service through the following procedures:

**18.5.4.5** If there is a need for a specific document to be translated, an interoffice memorandum from the Section Commander will be forwarded to the LAPC. A copy of the English version of the document must be attached to the memorandum. Verbiage on the memorandum shall indicate why there is a need for said translation and the required date for submission. The LAPC will review the request and determine appropriate action and estimated date for submittal.

**18.5.5 Training:** The Miami Police Training Unit will conduct LEP training as part of its mandatory training for sworn employees every four years, in compliance with Florida Department of Law Enforcement (FDLE) standards for mandatory re-training. Additionally, all sworn and civilian employees will be required to pass an on-line training course once every two years. Compliance with all related training will be monitored by the MPD Training Unit.

**18.5.6 On-Line Resource Available:** Personnel may access a translation website from their patrol car's mobile data terminal, laptop or office terminal via the following link: <http://translate.google.com/#> during the course of handling a call for service, investigation or other encounter involving a LEP person. This site can provide immediate translation assistance upon inputting a phrase or word in English. To determine which language the LEP person speaks, refer to the Language Identification Flashcard. The employee can then notify Communications to access the contracted language interpretation service if necessary and note that it involves a LEP person and the language in question. Personnel should be aware that the use of the Google translation site should only be used to communicate with LEP individuals for very basic information in non-confrontational situations.

**VEHICLE IMPOUNDMENT PROGRAM DETAIL**Section

- 19.1 Policy
- 19.2 Organization
- 19.3 Responsibilities
- 19.4 Procedures

**19.1 POLICY:** It is the policy of the Miami Police Department to promote, protect and improve the health, safety and welfare of the citizens of the City of Miami by utilizing all available resources to discourage and reduce the commission of prostitution, narcotics and illegal dumping of litter within the City of Miami. As such, the Miami Police Department will utilize the Vehicle Impoundment Program (VIP) provision enumerated in the City of Miami, Code of Ordinances, Chapter 42, Article V, Sections 42-120 through 42-125 to seize and temporarily impound motor vehicles used in the violation of the ordinance.

**19.2 ORGANIZATION:** The Vehicle Impoundment Program (VIP) Detail is a function of the Field Operations Division directly under the Assistant Chief of the Field Operations Division and acts as liaison between the Miami Police Department and the City Law Department in the administration of the impoundment of vehicles used in the commission of drug related crimes, prostitution, and illegal dumping of waste.

**19.3 RESPONSIBILITIES:** The VIP Detail shall process in a timely and expeditious manner all cases of vehicle impoundment as authorized and outlined in the ordinance.

**19.3.1** Officers may impound any motor vehicle used in, or is being used to facilitate the commission of certain law violations related to controlled substances, prostitution and illegal dumping of waste.

**19.4 PROCEDURES:** Factors which should be considered in determining whether to impound the motor vehicle for a violation of the enumerated offences.

- 19.4.1** The impounding is based upon probable cause that the vehicle:
- a) Contains any controlled substances or cannabis as defined in Chapter 893 FSS;
  - b) Was used in the purchase, attempt to purchase, sale or attempt to sell controlled substances or cannabis;
  - c) Was used to facilitate the commission of any act of prostitution, assignation or lewdness as defined in Chapter 796.07 FSS;
  - d) Was used to dump litter in any manner prohibited by law in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, or in any quantity for commercial purposes, or dumps litter which is hazardous waste.

**19.4.2 Impoundment process pursuant to City Ordinance, Chapter 42:**

**19.4.2.1** Upon proper determination to impound the motor vehicle the impounding officer shall:

**19.4.2.1.1** Provide for the towing of the vehicle pursuant to the City rotational wrecker system

**19.4.2.1.2** Clearly mark on the Vehicle Storage Receipt (tow sheet) that the vehicle is a "VIP" vehicle

**19.4.2.1.3** Adhere the fluorescent VIP violation sticker to the impounded vehicle's front windshield (passenger side) after properly marking the violation for which the driver was arrested.

**19.4.2.1.4** Have the vehicle towed to the wrecker company for storage and safekeeping.

**19.4.2.1.5** Complete a "NOTICE OF VEHICLE IMPOUNDMENT" form which serves as notice of intent to impound the vehicle under the constraints of the Ordinance.

The form will be distributed in the following manner:

- 1) Original - VIP Detail
- 2) Yellow copy – Hand delivered to the vehicle driver
- 3) Pink Copy – Property Unit

Note: The original form must have all supporting documentation attached i.e. arrest reports, incident reports, copy of storage receipt, property receipts, etc...

**19.4.2.1.6** The entire package must be forwarded to the VIP Detail prior to the end of the officer's tour of duty.

**19.4.2.1.7** Within forty-eight (48) hours of impoundment, excluding Saturdays, Sundays and legal holidays, the VIP Detail shall give notice by certified mail, return receipt requested, to all person(s) having a legal interest in the vehicle.

**19.4.3** Vehicles will not be impounded if:

- a) The possession, use or sale of the controlled substance and/or cannabis is authorized by Chapter 893 or Chapter 499, Florida Statutes;
- b) The vehicle was reported stolen at the time it is subject to impoundment;
- c) The vehicle was operating as a common carrier at the time it is subject to impoundment;
- d) A law enforcement agency has expressed its intent, in writing, to institute state forfeiture proceedings on the vehicle; or
- e) The vehicle is rented from a company engaged in the business of renting vehicles.

**19.4.4 Release of impounded Vehicle:** The Impounded vehicle shall be released to the owner(s) or bona-fide lien holder(s) under the following provisions:



**19.4.4.1** Upon payment of a \$500.00 administrative penalty, plus the actual costs of towing, administrative and daily storage fees; or

**19.4.4.2** Upon the posting of a cash bond of \$500.00 to avoid accumulating further storage fees plus the costs of towing and administrative fees, pending the outcome of the timely request and outcome of the hearing process; or

**19.4.4.3** If the owner chooses to not pay the administrative penalty nor to post the \$500.00 bond and requests a preliminary hearing, the owner will continue to accrue daily storage fees, plus the cost of towing and administrative fees until the outcome of the hearing.

**Sec. 42-121. - Impoundment of motor vehicles, controlled substances, prostitution, and illegal dumping of waste.**

A motor vehicle shall be subject to seizure and impoundment whenever a police officer has probable cause to believe that the vehicle:

- (1) Contains any controlled substances or cannabis as defined in Chapter 893, Florida Statutes;
- (2) Was used in the purchase, attempt to purchase, sale, or attempt to sell such controlled substances or cannabis;
- (3) Was used to facilitate the commission of any act of prostitution, assignation or lewdness as defined in F.S. § 796.07; or
- (4) Was used to dump litter in any manner as prohibited in F.S. § 403.413(4) (1997), in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in weight or 100 cubic feet in volume and not for commercial purposes; or
- (5) Was used to dump litter as prohibited in F.S. § 403.413(4) (1997) in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, or dumps litter which is hazardous waste.
  - i. (b) Upon seizing the motor vehicle, the police officer shall:
    - b) Provide for the towing of the vehicle pursuant to the city rotational wrecker system and all applicable towing procedures; and
    - c) Provide written notice of such seizure and impoundment to all persons whom the city knows, or with reasonable investigation should know, have a legal interest in the subject property. The written notice shall advise the persons of the following:
      - d) The right to request a preliminary hearing pursuant to section 42-122 to contest the seizure and impoundment of the vehicle;



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- e) The right to request a preliminary hearing pursuant to section 42-122 to contest the seizure and impoundment of the vehicle and immediately retrieve the vehicle from the towing facility upon the posting with the city of a cash bond in the amount of \$500.00, plus towing and storage costs; or
- f) The right to waive the preliminary hearing and immediately retrieve the vehicle from the towing facility upon the payment of the \$500.00 administrative penalty, plus towing and storage costs.
  - (c) The required notices to be given pursuant to this section shall be provided by hand delivery at the time of the seizure and impoundment of the vehicle to the person in control of the vehicle and all other persons whom the city knows, or with reasonable investigation should know, have a legal interest in the subject property by certified mail, return receipt requested, within 48 hours of the time of the impoundment excluding Saturdays, Sundays, and legal holidays.
  - (d) This section shall not apply and the vehicle shall not be seized or impounded if:
    - (1) The possession, use or sale of the controlled substance and/or cannabis is authorized by F.S. ch. 893 or ch. 499;
    - (2) The vehicle was reported stolen at the time that it is subject to seizure and impoundment;
    - (3) The vehicle was operating as a common carrier at the time it was subject to seizure and impoundment;
    - (4) A law enforcement agency has expressed its intent, in writing, to institute state forfeiture proceedings on the vehicle; or
    - (5) The vehicle is rented from a company engaged in the business of renting vehicles.

*(Ord. No. 11445, § 2, 2-20-97; Ord. No. 11592, § 1, 1-13-97; Ord. No. 11621, § 2, 3-10-98; Ord. No. 11700, § 2, 9-28-98; Ord. No. 13088, § 2, 9-24-09; Ord. No. 13146, § 2, 3-11-10)*

**PUBLIC SERVICE AIDES**

## Section

- 20.1 Policy
- 20.2 Organization
- 20.3 Responsibilities
- 20.4 Procedures

**20.1 POLICY:** Public Service Aides (PSAs) are not sworn officers. PSAs are utilized to handle a portion of non-enforcement police service calls allowing officers to dedicate more time enforcing laws and apprehending criminals. PSAs may also be utilized to supplement other department functions as needed.

**20.2 ORGANIZATION:** Generally PSAs will be assigned to patrol, however they may be assigned to other duties as needed based upon the discretion and direction of the Chief of Police.

**20.3 RESPONSIBILITIES:** PSAs have responsibilities that differ from officers in the area of enforcement authority, except for the issuance of traffic citations in conjunction with the investigation of traffic crashes and parking violations. When PSAs are assigned duties their actions are regulated by Departmental Orders, regulations, and procedures that apply to officers performing those same duties. PSAs who have successfully completed the S.T.E.P. (Selective Traffic Enforcement Program) training are authorized to investigate traffic crashes, aid motorists, direct traffic, and handle routine traffic complaints (i.e., blocked driveways, road debris, roadways hazards). All PSAs must attend the Public Service Aide certification course in accordance with Chapters 316 and 943 of Florida Statutes.

**20.4 PROCEDURES:**

**20.4.1 Assignments that Public Service Aides can handle:** PSAs may be utilized for the following assignments after it has been determined that no hazardous conditions exist:

- a) Field report calls with the exception of robbery, homicide, assaults, sexual battery, kidnapping, and arson
- b) Assisting officers in any non-hazardous situation which does not involve the physical apprehension of offenders
- c) Traffic crashes not involving criminal offenses (e.g., hit and runs, DUI, fatalities)
- d) Enforcement of parking violations or routine parking complaints
- e) PSAs may issue traffic citations as long as they are issued in conjunction with a traffic crash investigation.
- f) Miscellaneous details (i.e., locate and notify calls, traffic direction, school crossing guard details)
- g) Other assignments as designated by the Chief of Police (e.g., Crime Scene Investigations, Records)

**20.4.2 Assignments that Public Service Aides cannot handle:** The following are the main types of situations that PSAs should not be assigned to:

- a) Any call for service where it cannot be determined whether an offender is still on the scene or likely to return
- b) Any call that involves a person that is intoxicated or mentally ill
- c) Alarm calls
- d) Police vehicle traffic crashes
- e) Traffic crashes involving criminal violations (e.g., hit and run, DUI, etc.)

**20.5 Vehicles:** PSAs shall not operate marked police vehicles. Vehicles utilized by PSAs will be distinctly marked in order to distinguish them from a marked police vehicle.

**20.5.1** Public Service Aide vehicles will be white with amber colored warning lights. The vehicles will have the words "Public Service Aide" in reflective decals affixed to the doors and the rear portion of the trunk.

**20.5.2** Prior to each tour of duty the vehicle will be inspected to ensure that the vehicle and all the equipment is in proper working order. Any observed damage or missing equipment shall be reported immediately to a supervisor. Damage occurring during the tour of duty will be reported immediately.

**COMMUNICATING WITH DEAF OR HARD OF HEARING**

## Section

- 21.1 Policy
- 21.2 Organization
- 21.3 Responsibilities
- 21.4 Procedures

**21.1 POLICY:** It is the policy of the Miami Police Department to ensure that a consistently high level of service is provided to all members of the community, including those that are deaf or hard of hearing. The Miami Police Department is committed to complying with the Americans with Disabilities Act to communicate effectively with people that are deaf or hard of hearing.

**21.2 ORGANIZATION:** This departmental order is applicable departmentwide, to all employees of the Miami Police Department.

**21.3 RESPONSIBILITIES:** All Miami Police Department employees will make every effort to effectively communicate with people that are deaf or hard of hearing. Effective communication with a person that is deaf or hard of hearing is essential in determining what actually occurred, urgency of the matter, and type of situation. This is regardless whether the person is a victim, witness, suspect, or arrestee.

**21.4 PROCEDURES:** Various types of communication aides are available to communicate with the deaf or hard of hearing. The type of aide required for effective communication will depend on the individual's usual method of communication. The employee shall take into consideration the nature, importance, and duration of the communication at issue.

**21.4.1 Techniques That May be Used:** Employees may use any of the following aides when communicating with a deaf or hard of hearing person.

- a) Use of hand gestures
- b) Use of visual aides
- c) Use of a notepad and pencil
- d) Use of a computer or typewriter
- e) Use of assistive listening system or device
- f) Use of a teletypewriter (TTY)

**21.4.2** Employees should evaluate the situation, determine the most effective approach to communication, assess the need for an interpreter, and assess their own ability to communicate effectively when attempting how to best communicate with a person that is deaf or hard of hearing.

**21.4.3** Employees should be mindful that when communicating with a deaf or hard of hearing person the possibility of miscommunication is possible and any information obtained should be verified with the person to ensure that what they are saying being understood accurately. Also when communicating with a person that is deaf or hard of hearing the employee should be

patient and understand that there will be barriers to overcome to achieve effective communication.

**21.4.4** If an officer utilizes a note pad or sheet of paper to communicate with a person that is deaf or hard of hearing while investigating a criminal case, the material used to communicate should be retained by the officer in the event that the communication is required in future court proceedings.

**21.4.5** Initial officers responding to incidents where a family member or other person involved is utilized as a sign language interpreter should be aware that the person may not be an effective interpreter because of their emotional involvement. In this type of situation a person that is not involved may be a more effective interpreter.

**21.4.6 TTY and Relay Services:** The department shall be equipped to receive telephone calls from deaf or hard of hearing persons utilizing a teletypewriter (TTY). Employees must also accept calls placed by deaf or hard of hearing persons through a telecommunications relay service (Florida Relay Service).

**21.4.7 Sign Language Interpreter Services:** The City of Miami provides an on-call sign language interpreter services that can be utilized by employees for deaf or hard of hearing individuals that prefer to communicate using sign language. When an employee needs to utilize a sign language interpreter they will contact the Communications Unit and the service will be requested.

**21.4.8** It should be noted that people that are deaf or hard of hearing who are involved in incidents have just as much input to the law enforcement process as others. Employees should be mindful not to draw conclusions about incidents unless they fully understand, or are fully understood by all parties involved including those that are deaf or hard of hearing.

## FOOT PURSUIT

Section

- 22.1 Policy
- 22.2 Organization
- 22.3 Responsibilities
- 22.4 Procedures

**22.1 POLICY:** Foot pursuits are inherently dangerous police actions requiring sound tactics and heightened officer awareness. It is the policy of the Miami Police Department that officer and public safety shall be the overriding consideration when deciding to initiate or continue with a foot pursuit. This policy is intended as a general guideline for officers when deciding if foot pursuits are warranted and how they should be conducted.

**22.2 ORGANIZATION:** Foot pursuits may be initiated by any officer.

**22.3 RESPONSIBILITIES:** Officers may initiate a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in, or has engaged in criminal activity.

**22.3.1** An order by a supervisor to terminate a foot pursuit shall be promptly obeyed.

**22.3.2 Initiating Officer Responsibilities:** Unless relieved by another officer or a supervisor, the initiating officer is responsible for:

**22.3.2.1** Coordinating the progress of the pursuit with other officers to establish a perimeter in the area to contain the suspect(s).

**22.3.2.2** Broadcasting the following information as soon as it becomes practicable and available:

- a. Unit identifier;
- b. Number of suspects and description
- c. Location and direction of travel;
- d. Reason for the foot pursuit (e.g., crime committed); and
- e. Whether the suspect is known or believed to be armed

**22.3.2.2** If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

**22.3.4 Communications Responsibilities:** Upon being notified of a foot pursuit the communications operator assigned to the channel shall immediately notify a field supervisor and provide available information.

**22.3.4.1** The communications operator/dispatcher shall be responsible for receiving, recording and immediately relaying information on the pursuit, the officers involved and the suspect information.

**22.3.4.2** The communications operator/dispatcher shall be responsible for clearing the radio channel of all non-emergency traffic.

**22.3.4.3** The communications operator/dispatcher shall coordinate and dispatch backup assistance in emergency mode, unless directed to do otherwise, and air support, if available, under the direction of the field supervisor.

**22.3.5 Supervisor's Responsibilities:** Upon becoming aware of a foot pursuit, the officer's supervisor shall:

**22.3.5.1** Respond to and monitor the incident on the radio. Upon arrival, assume command of the incident.

**22.3.5.2** Continuously assess the situation in order to ensure the foot pursuit is conducted within established departmental policies.

**22.3.5.3** The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

**22.3.6 Backup Officer Responsibilities:**

**22.3.6.1** Whenever any officer announces that they are engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the initiating officer maximum access to the radio frequency.

**22.3.6.2** Assisting officers shall immediately attempt to contain the pursued suspect by taking a perimeter post. If the suspect is spotted, the officer shall advise the direction of travel and move the perimeter if necessary. Officers shall not enter the perimeter unless exigent circumstances exist.

**22.3.6.3** Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect shall act reasonably and in accordance with departmental policy, based upon available information and their own observations.

**22.4 PROCEDURES:** In deciding whether to initiate or continue a foot pursuit, officers shall consider the following risk factors:

**22.4.1 Foot Pursuit Restrictions:** Officers shall immediately discontinue a foot pursuit and seek alternate means of apprehending the suspect (e.g., perimeter, containment, canine search, etc.) under the following conditions.

**22.4.2** If the officer reasonably believes that the danger to pursuing officers or the public outweighs the necessity for quick apprehension

**22.4.3** When the suspect is known or suspected to be armed with a deadly weapon unless, in extreme circumstances, no other alternative strategy (as defined in 22.4.1 above) is feasible and a delay in the apprehension of the suspect would present an imminent threat of death or serious physical injury to others (e.g., an active shooter situation).

**22.4.4** When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The

primary officer shall discontinue the pursuit and coordinate containment pending the arrival of sufficient officers.

**22.4.5** If the officer loses possession of their firearm or essential equipment.

**22.4.6** When the officer loses sight of the suspect (e.g., around a building).

**22.4.7** When the officer is unsure of his location or direction of travel.

**22.4.8** When the officer loses radio contact (to include radio malfunctions) with the station or with backup officers.

**22.4.9** When the officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render aid.

**22.5 Foot Pursuit Termination:** Upon terminating a foot pursuit, the officer shall broadcast their location and the status of the pursuit termination (e.g., suspect in custody, suspect's location not known), and will direct further actions as reasonably necessary, including, but not limited to broadcasting a B.O.L.O. and establishing a perimeter.

**22.5.1** The initiating officer shall complete the appropriate reports (e.g., Offence Incident Reports, Arrest Reports, Response to Resistance Reports).

**22.5.2** The apprehending officer shall ensure the suspect receives medical/first aid treatment, if necessary.



## DETENTION OFFICERS

### Section

- 23.1 Policy
- 23.2 Organization
- 23.3 Responsibility
- 23.4 Procedures

**23.1 POLICY:** It is the policy of the Miami Police Department when arresting, transporting or detaining individuals to employ methods that ensure the safety of the public, the detainee/arrestee, the officer and to prevent escape. Additionally, in an effort to streamline the time officers spend processing detainees/arrestees, the Department utilizes Detention Officers to transport persons in custody to a detention facility.

**23.2 ORGANIZATION:** The Detention Officer Detail is a component of Patrol, under the Field Operations Division.

**23.3 RESPONSIBILITY:** Detention Officers are responsible for the safe and expeditious transport of arrestees to a receiving facility and maintaining a constant service for patrol and special operations.

**23.4 PROCEDURES:** The Department does not operate holding facilities, as such detainees should be transported to a receiving facility as expeditiously as possible. The following procedures shall be adhered to when requesting Detention Officers for transport:

**23.4.1** Units in the field shall transport their arrestees to Central District Station Detainee Interview Area to be transported to the receiving facility by a Detention Officer.

**23.4.2** If the transport unit is unable to respond, the field unit shall deliver the arrestee to the transport unit who will transport the arrestee to the detention facility for processing.

**23.4.3** If an investigator requests a transport unit, the investigator will escort the arrestee to the Interview Area located on the second floor and turn over the arrestee to the transport unit.

**23.4.4** Arrestees shall not be left unattended in the Detainee Interview Area.

**23.4.5** Detention Officers shall be responsible for the arrestee's safety and well being while in custody.

**23.4.6** Detention Officers shall only be used to transport individuals charged with a criminal offense.

**23.4.7** Juveniles shall not be transported by Detention Officers

**23.4.8** Detention Officers shall not transport more than ten (10) arrestees at a time.

**23.4.9** Two (2) Detention Officers shall transport arrestees to receiving facilities. In the event that only one (1) Detention Officer is available, a patrol officer shall follow the Detention Officer to the receiving facility until another Detention Officer arrives.

**23.4.10 Mass Arrests:** In situations where mass arrests are anticipated (e.g., Operations, Reverse Sting, pre planned protests) the Central District Administrative Sergeant should be contacted seven (7) days prior to the event to ensure proper staffing of Detention Officers.

**23.4.11** When transport units are not available anyone requiring transport shall abide by the guidelines enumerated in the arrest procedure order.

**23.4.12** Detention Officers will inspect the Detainee Interview Area located in the Central District for officer safety concerns and cleanliness at the end of their tour of duty.

**23.4.12.1** Detention Officers will immediately notify their supervisor of any safety or cleanliness issues.

**23.4.13 Spit Sock Hood:** The Spit Sock Hood is a lightweight, see-through, protective mesh material designed to allow unrestricted breathing that effectively prohibits the arrestee from projecting expectorant or blood onto others.

**23.4.13.1 PROCEDURES:** The Spit Sock Hood is a disposable piece of equipment that can only be used once and is only used on an arrestee to deter spitting or contact with blood.

**23.4.13.2** At least two (2) Officers should be present whenever the Spit Sock Hood is placed over an arrestee's head.

**23.4.13.3** After placing the Spit Sock Hood on an arrestee, the Officer shall immediately notify a supervisor. The supervisor shall ensure that the Spit Sock Hood has been applied as per policy.

**23.4.13.4** An arrestee wearing the Spit Sock Hood shall be monitored by the arresting/transporting officer. If the officer observes any signs of injury, they shall immediately request Fire-Rescue for medical treatment and notify a supervisor.

**23.4.13.5** The Spit Sock Hood shall not be worn by an arrestee over two (2) hours unless a supervisor provides authorization.

**23.4.13.6** When a Spit Sock Hood is removed from the arrestee and no longer needed, the Officer shall properly dispose of the used hood.

**23.4.13.7** When a Spit Sock Hood is removed from the arrestee due to being covered with expectorants and the hood is still needed, a new one shall be placed on the arrestee. The Officer shall properly dispose of all used hoods.

**23.4.14 Reporting Procedures for Spit Sock Hood:** Officers shall be required to generate an information report after the use of the Spit Sock Hood on an arrestee.

**23.4.15 Prohibited Use:** The Spit Sock Hood shall not be used for any other purpose.

**RAPID RESPONSE TO AN ACTIVE SHOOTER**Section

- 24.1 Purpose
- 24.2 Organization
- 24.3 Responsibilities
- 24.4 Procedures

**24.1 PURPOSE:** The Miami Police Department recognizes the significant need for preparation and having the capability to effectively counteract an active shooter incident. The Department regards an active shooter incident as a very serious event which requires procedures to ensure the safety of the public and police officers alike. The philosophy driving this policy recognizes that the active shooter must be neutralized to mitigate the loss of any life.

**24.1.1** Active Shooter is defined as one or more suspects who participate in a random or systematic shooting spree, demonstrating their intent to continuously harm others. Their overriding objective appears to be that of mass murder, rather than other criminal conduct, such as robbery, hostage taking, etc.

**24.1.2** For the purpose of this policy, the term "Active Shooter" will also include anyone who uses any other deadly weapon (knife, club, bow and arrow, explosives, etc.) to systematically or randomly inflict death or great bodily harm on people.

**24.2 ORGANIZATION:** City of Miami police officers must, be prepared to operate in a Unified Command configuration with other agencies to form a multi-agency response.

**24.3 RESPONSIBILITIES:** In the event of an active shooter, the response shall be designed to swiftly neutralize the attack and mitigate the loss of life. The scope of this response shall depend on the known threat conditions, available resources to law enforcement and the likelihood of a successful intervention.

**24.3.1** As soon as personnel arrive on the scene, the first responder/incident commander shall assess the situation ensuring every action taken is in furtherance of neutralizing the active shooter and mitigating the loss of life.

**24.3.2** The Communications Section shall immediately assign an incident commander and will make the appropriate support notifications (i.e., S.W.A.T., Fire Rescue, Aviation, etc...) as directed.

**24.4 PROCEDURES:** In the event of an active shooter incident, it is likely that the Police Department will be notified only after the suspect(s) have initiated their plan (i.e. have begun shooting innocent victims). It is imperative that the police response be swift, with the primary objective being to neutralize the threat and minimize the loss of life.

**24.5** Secondary Objectives: Rendering aid and assisting with evacuating critically injured persons to designated areas where medical personnel may provide medical attention. Police shall also aid in preserving the crime scene, and conducting a post-incident investigation.

While it is important to provide medical treatment to the wounded, it is our duty as law enforcement officers to first protect all innocent life by stopping the actions of the active shooter.

**24.5.1 THE LAWS AND DEPARTMENTAL POLICIES REGARDING THE USE OF DEADLY FORCE REMAIN THE SAME IN AN ACTIVE SHOOTER INCIDENT. OFFICERS MUST ABIDE BY THOSE LAWS AND DEPARTMENTAL POLICIES.**

**24.5.2** All sworn members of the Miami Police Department are to adhere to training protocol and guidelines. Members will use discretion and reasonable judgement consistent with appropriate tactics required ~~and adequate~~ to overcome resistance or attack.

**24.5.3** Training on active shooter/active threat incidents will be provided on an annual basis by the Training Section, City policy and training programs will be reviewed and evaluated annually by the Training and Personnel Development Section to assess effectiveness.

## Juvenile Procedures

## Section

- 25.1 Policy
- 25.2 Organization
- 25.3 Responsibilities
- 25.4 Definitions
- 25.5 Procedures

**25.1 POLICY:** It is the policy of the Miami Police Department (MPD) to ensure that procedures regarding the proper handling and disposition of juvenile matters are followed. When juveniles are taken into custody, MPD will adhere to Florida State Statutes (FSS) Chapters 984, and 985 (as amended).

**25.1.1** MPD is committed to the development and implementation of programs designed to prevent and control juvenile delinquency through prevention methods, proper handling and disposition of juvenile matters, and the safety of children through safety awareness programs. **(CALEA 44.2.1d, 44.2.2)**

**25.2 ORGANIZATION:** This Departmental Order (DO) is applicable to every MPD employee.

**25.3 RESPONSIBILITIES:** It is the responsibility of every MPD employee, when dealing with juveniles to make use of the least coercive methods among reasonable alternatives consistent with preserving public safety, order, and individual liberty.

**25.3.1** When dealing with alleged neglect that constitutes an immediate danger to the health and welfare of a juvenile, the MPD employee shall contact the Department of Children and Families (DCF) which will handle the placement of the juvenile with an appropriate agency.

**25.3.2 Criminal Investigation Division (CID) and Patrol Officer Responsibility:** Primary responsibility for crime investigation, whether juvenile or adult offender, shall remain with the appropriate unit of the CID or, under certain circumstances, may be handled by the uniform officer.

**25.4 DEFINITIONS:**

**25.4.1 Child/Youth/Juvenile:** Any unmarried person under 18 years of age who has not been emancipated by order of the court.

**25.4.2 Abandonment:** A situation in which the parent or legal custodian of a child or, in the absence of a parent, or legal custodian, the caregiver while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

**25.4.3 Absentee Booking Process:** The Juvenile Services Department (JSD) protocol for juveniles transported and/or admitted to the hospital for medical/mental health treatment and completion of the approved arrest affidavit in the Arrest Form Management system (AFM). MPD officers would select JSD as the booking facility. MPD will provide security at the hospital until the court determines the detention status at the detention hearing. The original Complaint/Arrest

Affidavit (A-Form) will be delivered to the JSD for processing.

**25.4.4 Dependent Child:** A child who is found to be “dependent” is a child who, has been abandoned, abused, or neglected by the child’s parent or parents or legal custodians; has been surrendered to DCF, or a licensed child-placing agency for purpose of adoption; has been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, DCF, after which placement, under the requirements of State Statute a case plan has expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan; has been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure; has no parent or legal custodians capable of providing supervision and care; is at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians; or who has been sexually exploited and to have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care.

**25.4.5 Delinquent Child:** A juvenile who has committed a delinquent act, pursuant to the provision of Florida State Statute, Chapter 985, is found by a court to have committed a felony, misdemeanor, contempt of court, or violation of a local penal ordinance other than juvenile misdemeanor traffic offense, and whose case has not been prosecuted as an adult case.

**25.4.6 Endangered Child:** An endangered child is a juvenile who is missing under circumstances indicating that the juvenile’s physical safety is in danger, such as a predatory abduction or kidnapping.

**25.4.7 Juvenile Services Department (JSD):** The JSD, formerly referred to as the Juvenile Assessment Center (JAC), has been established to centralize the various components of the juvenile justice system. It provides a complete intake, referral, and disposition of a juvenile. Any juvenile taken to the JSD must be accompanied with a completed arrest affidavit.

## **25.5 PROCEDURES:**

### **25.5.1 HANDLING A JUVENILE OFFENDER(S) IN CUSTODY:**

Law enforcement officers have the authority to take a juvenile offender into custody under the same circumstances and in the same manner as if the juvenile were an adult. Although taking a juvenile into custody does not differ from an adult detention situation, procedural requirements safeguarding the distinct rights of a juvenile shall take place immediately after the juvenile is taken into custody. **(CALEA 44.2.2c)**

**25.5.1.1** When a felony or misdemeanor arrest is made, the arresting officer shall:

- All juveniles will be handcuffed with their hands behind their backs prior to being transported with the exception of juveniles aged 12 and under, who shall not be handcuffed unless the juvenile poses a safety threat to themselves or others.
- Officers applying handcuffs to juveniles under the age of 12, shall notify a supervisor or commanding officer.

All juveniles arrested and transported to the JSD will be fingerprinted and photographed by JSD.

Once the officer has dropped the juvenile off at the JAC, the officer should immediately proceed to the SAO on the 2<sup>nd</sup> floor of the JAC for pre-file with a paralegal from the State Attorney's Office **(CALEA 1.2.5)**.

**25.5.1.2** MPD officers, when dealing with a juvenile, have the authority to use alternatives to arrest to include, but not limited to: **(CALEA 1.2.6)**

- warn and dismiss
- release to parent, legal guardian or another responsible adult, as determined by a supervisor with no further action **(CALEA 44.2.1a)**
- issue written citations or summonses **(CALEA 44.2.1b)**
- Initiate the Juvenile Civil Citation Program process as outline in this Order **(CALEA 44.2.1c)**
- refer to juvenile court, when applicable **(CALEA 44.2.1d)**

**25.5.1.3** MPD officers may also refer juveniles to one or more community-based rehabilitation programs that may be available for the appropriate intervention to include, but not limited to:

- Parents/Legal Guardian
- School
- Florida Department of Children and Families (DCF)
- Crisis Intervention Center programs
- Churches, synagogues, or other faith-based community locations

When any alternatives are used, the following factors shall be taken into consideration:

- Age, maturity, mental capacity, and environmental circumstances of the alleged offender.
- Nature of the alleged offense. When considering this factor, the alleged offense must be non-malicious, i.e., no great bodily harm, no financial loss, no property loss, or property damage.
- Criminal history of the alleged offender, if any to include the officer's personal knowledge and past activities of the alleged offender.

#### **25.5.2 JSD Admission Guidelines:**

The JSD will admit any juvenile taken into custody for the following offenses unless the juvenile is injured, intoxicated or under the influence of a controlled substance:

- All Felonies
- All misdemeanors except traffic misdemeanors
- Felony traffic offenses
- Pick Up Orders

The JSD will not accept juveniles solely with violations of non-criminal County, City, or Municipal ordinances. This includes curfew violations, truants, lockouts and runaways. Additionally, officers do not have to contact the JSD prior to transporting the juvenile.

**25.5.3 Juveniles Injured, Intoxicated, or Under the Influence of a Controlled Substance:**

- Prior to transport to the JSD, all injured juveniles require treatment and a signed medical release form from Jackson Memorial Hospital (JMH) or similar medical facility.
- JMH requires the written authorization of a parent or legal guardian for treatment except for life threatening situations. Officers must wait with the juvenile until a parent or legal guardian authorizes treatment.
- Depending on the nature of the injury and at the discretion of the JSD Shift Commander, if the officer is unable to locate a parent or legal guardian, an Emergency Medical Service (EMS) treatment form may be accepted by the JSD.
- If the medical condition requires admission to the hospital, officers must contact a supervisor.
- Any officer transporting a juvenile to a detox facility for an evaluation prior to being transported to the JSD, must obtain a release form from the facility which must be presented to the JSD before the juvenile will be accepted.
- A detox facility will take custody/admit for treatment a juvenile whose intoxication or substance abuse is severe. The facility will take custody of the child who will be transported to a secondary site until the juvenile is ready to go to the JSD.

**25.5.4 TAKING A JUVENILE 12 YEARS AND UNDER INTO CUSTODY:**

**25.5.4.1** Officers taking a juvenile age 12 or under into custody for committing a misdemeanor or nonviolent felony, must first contact the JSD Intake/Booking desk; the JSD Intake/Booking Desk telephone number may be obtained from Communications. The JSD will consult with the Miami Dade Office of the State Attorney to determine if there are any alternatives to arrest.

**25.5.4.2** Within a reasonable period of time, but not exceeding 30 minutes, the JSD and the Assistant State Attorney (ASA) will make a decision as to the best course of action and the officer will be advised.

**25.5.4.3** The officer will thoroughly document the decision in the appropriate Offense/Incident report.

**25.5.5 24-HOUR DETENTION HEARING NOTICE:**

Juveniles arrested for a criminal violation must be provided with a detention hearing within twenty-four hours. Failure to hold a hearing within twenty-four hours may lead to a juvenile offender being released from custody regardless of the seriousness of the crime. To ensure that a timely detention hearing takes place, the following steps must be taken by the arresting officer:

**25.5.5.1** Accurately document the arrest date and time. This date and time will serve as the beginning of the 24- hour period. The officer must ensure to include A.M. or P.M.

**25.5.5.2** If during the course of an interrogation, there is probable cause to charge the juvenile offender with a separate charge on a different case, then officers shall prepare a separate arrest



affidavit and document the date and time that probable cause was established for the new charges; this begins a new 24-hour time period.

**25.5.5.3** If a juvenile offender is in investigative custody six (6) hours after the time of arrest, the arresting officers must notify the JSD Booking/Intake desk; the JSD Intake/Booking desk is open 24-hours and the telephone number may be obtained from Communications. This applies to misdemeanors, felonies, pick-up orders, etc.

**25.5.5.3.1** To ensure that Detention Hearings take place within the 24-hour time frame, officers must be aware that the JSD requires a minimum of six (6) hours to complete the risk assessment and to transport a juvenile to a detention hearing.

**25.5.5.4** Juvenile offenders admitted to a medical or mental health facility are not excluded from the 24-hour detention hearing requirement. The arresting officer shall leave a copy of the Complaint/Arrest Affidavit (A-Form) at the hospital with the officer who will take "official custody" of the juvenile offender.

**25.5.5.4.1** The arresting officer shall take the original Complaint/Arrest Affidavit (A-Form) to the JSD as soon as possible for processing.

**25.5.5.4.2** The arresting officer shall deliver copies of the Complaint/Arrest Affidavit (A-Form) to the JSD and the ASA. This will ensure that the court is properly notified.

**25.5.6** The Complaint/Arrest Affidavit (A-Form), must include (if known), the name of the school that the juvenile attends.

### **25.5.7 Warrants:**

**25.5.7.1** Officers arresting juveniles with outstanding Alias-Capias, Capias, or Probation Warrants that have been bound over for Circuit Court, must verify with the JSD that the juvenile has been adjudicated as an adult prior to transporting the juvenile to an adult correctional facility. **(CALEA 44.2.1d)**

**25.5.7.2** Juveniles with Alias-Capias or Capias Warrant, Bench Warrants, or Probation Warrants, which do not remand the juvenile to secure detention, will not be transported to or accepted by the JSD.

**25.5.7.3** All local, State and out-of-state pick up orders must be verified prior to an arrested juvenile being taken to the JSD. The following procedures should be followed:

**25.5.7.3.1** Miami-Dade Police Department (MDPD) Warrants Section must be contacted for verification of the warrant(s) and the juvenile shall be transported to the MDPD Warrants Section, if necessary.

**25.5.7.3.2** In cases of out-of-state warrants, it must be confirmed that the issuing jurisdiction will extradite the juvenile. An IN-STATE/OUT-OF-STATE Arrest Affidavit shall be completed on the arrested juvenile.

**25.5.7.3.3** The arrest affidavit must clearly state that MDPD Warrants Section was contacted and must contain the name of the person in the Warrants Section that verified the warrant.

**25.5.7.3.4** If the juvenile pick up order has not been verified by the arresting officer prior to responding to the JSD, the officer must verify the pick-up order at the JSD before the juvenile will be accepted to the facility.

**25.5.7.3.5** In situations where the arresting or transporting officer(s) transports a juvenile to the JSD and it is determined that the pick-up order is not valid, the responsible officer(s) will remove that juvenile from the JSD and follow the procedures for the releasing of prisoner.

**25.5.8** The arresting officer shall consult with the JSD to determine if the juvenile will be accepted for a particular penal ordinance violation.

**25.5.8.1 Traffic Offenses:** Juveniles are subject to the same laws as adults governing use of motor vehicles and will appear in regular Traffic Court. Upon the discretion of the officer, the juvenile can be issued a traffic citation for minor traffic infractions. **(CALEA 61.1.3b) (CALEA 44.2.1b)**

**25.5.8.1.1 Traffic Offenses/Acts of Delinquency:** Juveniles apprehended for felony traffic offenses shall be processed at the JSD.

**25.5.8.1.2 Traffic Offenses / Non Delinquent:** A juvenile cited for a violation of state traffic laws may be allowed to sign the citation and released or be held in non-secure custody for the purpose of identification and notification, and released to a parent, guardian, or legal custodian; or, if the juvenile's parent, guardian, or legal custodian is unavailable, unwilling, or unable, to take custody of the juvenile, the juvenile may be released to a "responsible adult".

**25.5.8.1.2.1 Unavailability of Parent, Guardian, or Legal Custodian:** If a parent, guardian, or legal custodian cannot be contacted or located and a "responsible adult" is not identified within four (4) hours, and releasing the juvenile would be adverse to the juvenile or to the community, DCF shall be contacted regarding accepting the juvenile as a dependency case. **(CALEA 44.2.1c)**

**25.5.8.1.2.1.1 Releasing Custody to a "Responsible Adult":** Before releasing custody of the juvenile to a "responsible adult", the officer must conduct a criminal history check of the "responsible adult". If the "responsible adult" has a prior felony, drug trafficking, child abuse, or prostitution conviction, that person shall not be considered a "responsible adult" and the Florida Department of Children and Families (DCF) shall be contacted and DCF shall decide how to proceed with the juvenile **(CALEA 44.2.1a)**

**25.5.8.2 Misdemeanor Traffic Citations:** Juveniles cited for misdemeanor traffic offenses are not accepted at the JSD.

**25.5.8.3 Medical Clearance upon DUI Felony Related Arrest:** The juvenile will be accepted at the JSD only after the juvenile has been examined at a medical facility and a medical letter of clearance has been provided.

**25.5.9 Dependent Juveniles or Juveniles in Need of Services:** A juvenile may be taken into protective custody whenever an officer has reasonable grounds to believe that the juvenile has been abandoned, abused, neglected, is suffering from illness, injury, or is in immediate danger from their surroundings and the removal is necessary to protect the juvenile.

**25.5.9.1 The DCF Abuse Hot Line:** The DCF Abuse Hot Line, 1-866-LEABUSE (1-866-532-2873), must be called and DCF will decide how to proceed with a dependent juvenile or a juvenile

in need of services. After notification is made to DCF, officers taking juveniles into protective custody must notify their supervisors.

**25.5.9.2 Juveniles in Immediate Danger by Person of Familial or Custodial Authority:** A juvenile is considered in immediate danger if the juvenile alleges or has been reported as being physically, mentally, or sexually abused by a person of familial custodial authority and the accused lives within the juvenile's residence or has access to the juvenile. In such cases of child abuse, the officer may take a child into custody for the wellbeing of the child if/when any of the following circumstances are encountered:

- a. Extreme neglect.
- b. Malnutrition.
- c. Severe physical injury (not accidental).
- d. Obvious failure of the parent, guardian, or legal custodian, to provide food, clothing, shelter, or medical attention.
- e. Sexual abuse.
- f. The child is forced to appear in sexual movies, shows, or pictures that depict sexual conduct, sexual abuse, or sadomasochistic abuse for the intent of creating sexual arousal or excitement.
- g. Prostitution-related crimes: If a juvenile is suspected of being involved in a prostitution-related crime, the officer shall immediately contact the Special Victims Unit (SVU) via Communications.

**25.5.9.2.1 Procedures When Encountering Child Abuse and Child Neglect:** The greatest degree of tact and consideration shall be utilized in the handling of the victims of child abuse and child neglect cases in order to minimize trauma to the child and to develop a sufficient legal case. In cases of child abuse and/or child neglect, the officer shall **(CALEA 44.2.2B)**:

- a. If the juvenile is in need of medical attention, request EMS.
- b. Immediately notify DCF Abuse Registry Hotline, telephone number 1-800-962-2873 (1-800-96-ABUSE), when child abuse/neglect is known or suspected, including when a child has died as a result of abuse/neglect. The fact that someone else may have reported the abuse DOES NOT relieve the officer from the responsibility /requirement of notifying DCF.
- c. Contact SVU and follow established criminal investigations procedures.
- d. Prepare necessary reports containing the names and addresses of the abused/neglected child, the parents or other person responsible for the child's care, and other children threatened by the abusive conduct. The report must contain the name of the abused/neglected child(ren) and the nature, extent and description of the injuries.
- e. Wait at scene for arrival of the DCF child protective investigator when practicable; the

appropriate investigative unit may relieve an officer to wait for the DCF child protective investigator after completion of all necessary reports. Under no circumstances will a victim of child abuse or child neglect be left unattended by an MPD sworn or civilian employee. The responsibility for care and custody of the affected child(ren) is only relinquished when the DCF child protective investigator assumes the responsibility at the scene.

- f. The SVU, will be responsible for follow-up investigations of child abuse involving acts other than homicide. **(CALEA 44.2.2b)**

#### **25.5.10 Runaways:**

Upon reason to believe that a child has run away from the parent, guardian, or legal custodian, the officer may take the child into custody to be delivered without unreasonable delay to the parent or legal guardian.

If unable to make contact with the parent, guardian, or legal custodian, the officer shall contact DCF for the purpose of seeking a shelter home. **(CALEA 44.2.2a)**

1. If the child is a local runaway, an effort shall be made to return the child to the parent, guardian, or legal custodian.
2. If the parent, guardian, or legal custodian cannot be contacted or the child is a non-local runaway, the officer shall contact DCF for the purpose of placing the child in a temporary shelter.
3. If the child is likely to injure themselves or others or is in need of care and does not have the capacity to act in their own best interest, the child shall be treated in accordance with the Florida Mental Health Act (Baker Act).
4. An appropriate Offense/Incident report shall be completed for all runaways and the report shall contain the names of persons contacted and, if applicable, location of the shelter home.
5. The officer shall contact the 24-Hour Desk via telephone with information pertaining to the runaway. **(CALEA 44.2.2a)**

#### **25.5.11 Truants:**

Truancy is not a crime. Florida law requires all children to attend school, unless a child attains the age of 16 and files a formal declaration of intent to terminate enrollment with the school board.

F.S. 984.13 (as amended) authorizes police officers to take a child into custody when the officer has reasonable grounds to believe that the child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent or legal guardian for the purpose of delivering the child, without unreasonable delay, to the appropriate school system site.

A school system site includes, but is not limited to, a center approved by the superintendent of schools for counseling students and referring them back to the school system or an approved alternative to a suspension or expulsion program.

If a student is suspended or expelled from school without assignment to an alternative school placement, the officer shall deliver the child to the parent or legal guardian, to a location

determined by the parent or guardian, or to a designated truancy interdiction site until the parent or guardian can be located.

If an officer has reasonable suspicion to believe a child is of school age and is truant from school, the officer may stop and question the child. Accordingly, it is necessary that an officer observe that a child appears to be of school age, that it is a school day, and that the observation occurs at a time when schools are in session.

If there is reasonable suspicion that the truant is carrying a dangerous weapon, the truant should be frisked for weapons prior to being delivered to the appropriate school system site.

If the frisk produces evidence leading to a conclusion that there is probable cause for arrest, then the procedures for juvenile arrest shall be followed.

Officers shall document incidents of truancy on the Juvenile Truancy Violation Form (See Flow Chart) and forward copies of the form as indicated on the form. **(CALEA 44.2.2a)**

The search incident to arrest exception to the warrant requirement does not apply to taking a truant child into custody because truancy is not a crime and is not an arrest.

**25.5.12 Handling Juveniles in Custody - Search of Juveniles:** Male and female juvenile offenders, in custody, shall be searched immediately for weapons and items of an evidentiary nature, by officers of the same gender.

**25.5.13 Request for Officer of Same Gender of Juveniles in Custody:** When a juvenile is apprehended by an officer of a different gender, the officer shall request an officer of the same gender of the juvenile to respond to the scene to search the juvenile prior to transport.

**25.5.13.1 Juveniles in Custody not searched at the Scene:** Juvenile offenders, in custody not searched at the scene, shall be given a visual search, possessions such as umbrellas, handbags, raincoats, jackets, and packages shall be thoroughly searched prior to transporting.

**25.5.13.2 Juveniles Searched at the Station:** When any juvenile is not searched at the scene, they shall be searched at the station by an officer of the same gender.

**25.5.14 Transporting Juveniles:**

**25.5.14.1** Immediately following arrest, the juvenile will be transported to the JSD for processing. The juvenile shall not be placed or transported in any police vehicle which contains an adult prisoner unless the adult is involved in the same offense or transaction with the juvenile.

**25.5.14.2** All juveniles will be transported restrained by a safety belt.

**25.5.14.3** When transporting a juvenile(s) the officer must advise communications dispatch the beginning mileage when departing and ending mileage when arriving at the destination.

**25.5.14.4** Officers will travel by the most expeditious route **(44.2.2d)**.

**25.5.14.5** All of this information, including the beginning and ending mileage and times shall be entered on the officer's work sheet.

**25.5.14.6 Arrest for Intoxication:** When a juvenile is arrested for intoxication, the officer should endeavor, by all proper means, to ascertain the place or places at which the minor obtained the alcohol and to forward such information to the Special Investigations Section.

**25.5.15 Juveniles in Need of Medical Attention:**

Emergency Medical Services (EMS) will be requested to respond for juveniles in custody suffering an immediate medical emergency.

If the juvenile is cleared by EMS personnel, but immediate treatment is recommended, the officer must document the clearance on the Offense-Incident Report and Complaint/Arrest Affidavit (A-Form), by including the statement "Fire Rescue Advised Further Medical Attention is Necessary." The narrative must also include the rescue unit commander's name and rescue alarm number. The officer must then transport the juvenile to the nearest medical facility for treatment and medical clearance.

In the event EMS personnel advises the arresting officer that immediate follow-up care or treatment is not required, and the injury or ailment is minor in nature, the JSD may accept the juvenile. In this case the arresting officer will be required to include the following in the narrative section of the Complaint/Arrest Affidavit (A-Form):

- EMS personnel initially assessed the juvenile's injury or complaint of injury/illness during the arrest process, and
- EMS personnel has advised the arresting officer that immediate follow-up care or treatment was not required.

The Complaint/Arrest Affidavit (A-Form) must also include the EMS rescue unit number, the rescue alarm or response number, a brief description of the injury or medical concern that was assessed by EMS personnel, and the recommendation for treatment.

**25.5.16 JSD Medical Clearance Guidelines:** The ultimate decision whether a youth/juvenile will be accepted without a medical clearance at the JSD will be made by the JSD Shift Commander.

**25.5.16.1** The following are injuries/conditions that the JSD will not accept without prior medical clearance.

- a) any injury, regardless of cause that affects the juvenile's ability to focus or open their eyelids.
- b) any injury, regardless of cause that causes the youth /juvenile severe pain or that result in difficulty breathing
- c) extreme bloodshot appearance to the eyes
- d) any injury that results in the loss or loosening of a tooth
- e) any mouth injury which prevents a youth/juvenile from speaking clearly, and which continues to bleed after first aid is applied
- f) any injury that results in severe complaints of pain, broken bones,
- g) head or chest injuries
- h) an injury resulting in wounds that are actively bleeding

**25.5.17 Juveniles Requiring Medicine for Treatment:** JSD will not accept juveniles with conditions which require medicine for treatment;

**25.5.18 Juveniles Under the Influence of Alcohol:** JSD will not accept juveniles who are under the influence of drugs or alcohol (BAC level greater than .06) JSD evaluates the juvenile(s) by their appearance, and asking them a series of questions.

After treatment or medical release, the juvenile will be transported to the JSD by the transporting officer or unit assigned security of the hospitalized juvenile. All juveniles accepted to the JSD must be able to walk into the facility on their own without any assistance. **(CALEA 44.2.2d)**

If the juvenile is transported to a medical facility, security of the juvenile is the responsibility of the transporting officer until the juvenile is medically processed and released by the medical facility either to the JSD, or to a parent, guardian, or legal custodian.

**25.5.19. Juveniles Admitted to a Medical Facility:** In the event the juvenile needs extended hospitalization and the juvenile was not processed by JSD, the officer will utilize the absentee booking process. MPD will assume the responsibility for security until the court determines the detention status at the detention hearing.

**25.5.20 Absentee Booking Process:** MPD officers can utilize the JDS protocol for juveniles transported and/or admitted to the hospital for medical/mental health treatment by;

- Completing the arrest affidavit, and have it approved in the Arrest Form Management system (AFM). The officer would still select JSD as booking facility.
- Officer calls JSD at 305-755-6130 or 305-755-6137 to advise an A-Form has been created for a juvenile. The officer should provide JSD with a contact number in order to receive updates.
- JSD will book the case and place on calendar for the next available detention hearing (within 24 hours).
- MPD will provide security at the hospital until the court determines the detention status at the detention hearing.
- JSD or Department of Juvenile Justice (DJJ) staff will contact MPD once a decision is provided in court by a judge.
- If the court orders the juvenile detained, DJJ will respond to the hospital to relieve MPD.
- If the court does not detain the juvenile, MPD will be notified that security can cease. DJJ will also notify the juvenile's parent or guardian of the custody status.

The original Complaint/Arrest Affidavit (A-Form) will be delivered to the JSD for processing.

The arresting officer will notify the juvenile's parent, guardian, or legal custodian as soon as practicable. The officer shall advise the parent to bring the appropriate identification to the JSD. **(CALEA 44.2.2e)**

**25.5.21 Juvenile Interrogation:** Juveniles are entitled to the same constitutional safeguards and protections regarding criminal matters as adults and all juveniles shall be given the "Miranda" warning. If the appropriate investigator requires specific assistance regarding the proper handling of a juvenile interrogation, a SVU investigator shall be contacted; however, the following procedures will be followed: **(CALEA 44.2.2c) (CALEA 44.2.3a)**

- a. Whenever feasible, a parent or guardian should be present during the interrogation.
- b. Careful consideration shall be given to the youth's age, apparent intelligence, and grade level at school.
- c. Interrogations should be conducted at a police facility or any other interview room deemed appropriate by the investigator ensuring that the juvenile is separated from adult offenders of sight and sound.
- d. Interrogations shall be audio recorded absent exigent circumstances.
- e. In any interrogation, the length of time that a juvenile may be questioned must be reasonable. As a general rule, the interrogation should not exceed one (1) hour, unless supervisory approval is obtained.
- f. The interrogation must include the start and stop times of the interrogation.
- g. Consideration must be given to the juvenile's comfort, surroundings, privacy, physical needs, requests, etc.
- h. In order to reduce the implication of coercion or intimidation, all weapons must be secured prior to conducting the interview of the juvenile. As a general rule, two (2) officers will participate in the interrogation process depending on the nature of the investigation (e.g. violent offender, gang member, etc.).
- i. The interrogating officer shall confer with the juvenile and parents or guardians to explain procedures.

**25.5.22 Delinquent Juveniles in Schools:** Officers have no absolute right to enter school premises to interrogate a juvenile.

All efforts to contact juveniles after school hours and away from school grounds shall be made. If the juvenile is to be interrogated/contacted at the school, the following guidelines shall be followed while interrogating the juvenile:

- A) Juveniles shall be questioned in a private room or office, and a representative of the school shall be present to act as advocate for the juvenile.
- B) Juveniles shall not be taken from a regular academic class.
- C) The officer(s) shall make an effort to prevent other students from being aware of the interrogation.
- D) Officers shall not remove a juvenile from school for the purpose of interrogation, unless the



officer has the specific consent of the parent or guardian.

Serving Subpoenas at a School: Police officers have an absolute right to enter schools and serve subpoenas. All possible steps should be taken to ensure minimum embarrassment or loss of class time for the juvenile.

Subpoenas or any other legal papers shall be served in the presence of the juvenile's parents or guardians as recommended by Circuit Court, Juvenile and Family Division policy, and the Florida Statutes.

**25.5.22.1 Taking a Juvenile into Custody at a School:** Whenever possible, officer(s) shall notify a school administrator prior to apprehending or taken into custody a juvenile during school hours. Once the juvenile is in custody, the officer shall immediately notify the school principal or designee.

**25.5.23 Civil Citation Program:** Eligible juvenile misdemeanor offenders are afforded the opportunity to participate in the Miami Dade County Civil Citation Initiative. The participation is voluntary and the eligibility criterion is as follows: **(CALEA 1.1.3) (CALEA 44.2.1bcd)**

- a. All first and second time misdemeanor cases.
- b. All second misdemeanor cases if the first referral is closed and the youth is not under the supervision of the Department of Juvenile Justice or other Diversion initiative.
- c. Third misdemeanor cases may be accepted into the Civil Citation Program at the discretion of the State Attorney's Office.
- d. All cases referred will be reviewed by the State Attorney's Office for final approval.

The juvenile that is ineligible for the Civil Citation Program is as follows:

- a. Any misdemeanor that involves the possession/use of a firearm.
- b. Any misdemeanor that involves exposure of sexual organ or other sexual related behavior (i.e. prostitution, lewd and lascivious behavior).
- c. Any misdemeanor that is directly related to (or part of) gang activity.

**25.5.24 Civil Citation Issuance in the Field:** The following are the procedures to follow in order to issue a Civil Citation in the field:

1. The officer will contact the Juvenile Services Referral Reduction Coordinator (JSRRC) at 305-755-6239 and verify the juvenile is eligible to participate.
2. The officer may issue the juvenile a Civil Citation in the field by completing the Miami Dade Juvenile Services Department's Civil Citation form along with the original arrest form, and release agreement using the 50-day court calendar. The officer can then release the juvenile to a parent, relative, guardian, or other responsible adult.
3. The officer must positively identify the juvenile using a Florida ID card/drivers license, school picture ID, and/or parents.

4. After releasing the juvenile to a parent, guardian, or other responsible party, the officer will submit a package copy containing the original arrest affidavit along with the Civil Citation form, and release agreement to the Juvenile Services Referral Reduction Coordinator.
5. The original package will be forwarded to the Juvenile Services Department at 275 NW 2<sup>nd</sup> Street, Miami, Florida, within 48 hours.

**25.5.25 Civil Citation Juvenile Transported to the JSD:** The following are the procedures to follow in order to transport a juvenile to the JSD with a Civil Citation: **(CALEA 44.2.2d)**

1. If the officer decides to transport the juvenile to the Juvenile Services Department's JSD for positive identification and Civil Citation processing, the officer will sign the Civil Citation form, and complete all of the required forms and paperwork for booking a juvenile into the JSD.
2. The officer will then bring the copy of the (A-Form) to the State Attorney's Office located at the JSD.

**25.5.26 Truancies, Curfews and other minor violations/instances:** When a juvenile offender is taken into custody for non-criminal violations such as truancies, curfews, minor traffic infractions, dependency (i.e., runaways), or other minor situations, the following shall be performed:

A juvenile will be detained and released consistent with Florida State Statute 984, 985 (as amended) and Miami-Dade Ordinance 21-201 to 21-211.

Officers shall return juveniles without parental supervision to their parents, guardians, or school officials.

If the parents or guardians are in the United States and can be contacted, the juvenile will be released to them. **(CALEA 44.2.1a)**

If the parents reside in a foreign country, and there are no guardians DCF shall be contacted and requested to respond to the scene to provide the child with proper assistance. **(CALEA 44.2.1b).**

**BODY WORN CAMERA (BWC)**Section

- 26.1 Policy
- 26.2 Organization
- 26.3 Responsibilities
- 26.4 Procedures

**26.1 POLICY:** The use of a body worn camera (BWC) system will provide documentation of the interactions between City of Miami Police Employees and the public by video recording evidence of actions, conditions and statements that may be used by judicial, internal review, or by the public through a formal public records request. The primary use of the BWC is to enhance employee safety, public safety, and promote accountability and transparency. The equipment will allow the Department to document statements and events during the course of an incident, enhance the employee's ability to document and review statements and actions for internal reporting and preserve visual and audio information. The Department recognizes that the BWC will not capture exactly what an employee sees and/or hears or what an employee senses or experiences. Footage captured by BWCs is only a portion of the encounters between an employee and individuals. The Department acknowledges that an employee's recollection of specific details may be different from what is captured by the BWC. Although the BWCs do not capture an employee's full knowledge of any particular situation, they are a valuable tool to capture and preserve data. **(CALEA 41.3.8 a)**

**26.2 ORGANIZATION:** This policy shall be applicable to all employees (sworn and civilian). The Chief of Police will decide which employees will be issued a BWC. The issuance of BWC equipment, data access, and maintenance will be handled by the Body Worn Camera Detail.

**26.3 RESPONSIBILITIES:** Any employee utilizing BWC equipment shall ensure the device is in proper working order prior to starting their tour of duty and shall activate the BWC at all times when they become involved in any official action, enforcement action, are in the custody of or transporting a detainee, or engage in any self-initiated interactions with citizens. In addition to the employee, Supervisors will be held strictly accountable, and subject to disciplinary action, for any failure on a subordinate's part to adhere to this policy. Violation of this policy will be addressed in accordance with progressive discipline. **(CALEA 41.3.8 b)**

**26.4 PROCEDURES:**

**26.4.1 PRE-SHIFT INSPECTION:** Prior to each shift, any employee assigned a BWC will ensure the BWC is adequately charged. Furthermore, employees will inspect their BWC equipment to ensure the device is in proper working order, has no visible damage and is their assigned BWC. Any visible damage or concerns about the functionality of any BWC equipment will be brought to the attention of the employee's immediate supervisor without delay. If an employee's BWC is lost or discovered to be missing from its last docked location, the employee shall notify their supervisor and the Body Worn Camera Detail immediately. **(CALEA 41.3.8 e)**

**26.4.2 AUDIO / VIDEO RECORDING:**

**26.4.2.1 WEARING POSITION AND USE OF THE BWC:** BWCs shall be worn on the chest, on the employee's outermost garment (i.e. raincoat, jacket, etc.), using the mounting equipment issued by the Body Worn Camera Detail. BWCs shall not be mounted on another object or other position on the employee's body. Employees shall only wear and operate their assigned BWCs.

**26.4.2.2 USE OF AND RECORDING WITH THE BWC: (CALEA 41.3.8 b)**

- a) While in their possession, any employee assigned a BWC must wear it in the On/Standby Mode at all times when on duty, while in uniform and operating a police department vehicle to or from work/home or court, while performing or likely to perform assigned duties, or while performing an extra-duty detail/special event. Employees shall be in uniform while operating a marked police department vehicle to and from work, extra-duty detail/special event, or other function where they would otherwise be expected to report in uniform or is traveling from a function where the employee worked in uniform. Employees shall turn off BWC equipment while in bathrooms, however, will resume On/Standby Mode upon exiting bathroom facilities.
- b) BWCs are considered a tool in the performance of law enforcement duties. Employees assigned a BWC shall not erase, alter, modify, destroy, abuse, tamper with, or intentionally interfere with the capabilities of the BWC equipment, including any audio/video recordings or the device.
- c) The Department recognizes that employee safety is paramount. Employees are directed to activate their BWC immediately upon being dispatched to a call for service or engaging in a self-initiated call for service. In the event that an employee cannot safely begin recording at the time of dispatch or upon initiating a self-directed call for service, they must start recording as soon as it is safe and practical to do so. If multiple employees are on scene with a BWC, all employees with a BWC will record. Likewise, if multiple Detention Officers are transporting detainees, all Detention Officers will activate the record mode during this task.
- d) Employees with a BWC shall activate their BWC for all investigative or enforcement contacts including, but not limited to:
  - 1. Responding to calls for service in an emergency mode
  - 2. All vehicle pursuits, or foot pursuits
  - 3. All traffic stops including the investigation of a vehicle and vehicle occupants
  - 4. All searches including, but not limited to, people, vehicles, and buildings
  - 5. All requests for a consent to search without a warrant, including searches of persons, buildings, or vehicles
  - 6. All requests for searches and deployments of drug detection canines involving vehicles, when practical

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7. All arrests and/or citations.
  8. While in custody of a detainee
  9. Statements from victims/witnesses
  10. Any incident upon the direction of a supervisor, at the request of another employee, or on any incident where the employee deems it appropriate to activate the body camera
  11. Employees shall only use the Department issued BWC equipment to record official Departmental activities
  12. Any other legitimate law enforcement contacts, including contacts made while working the front desk at any Departmental facilities.
- e) Employees assigned a BWC and with a detainee will record until all paperwork associated with the arrest/incident is completed and the detainee is placed inside of a Prisoner Interview Area in the custody of Detention Officers, or if a detention officer in the field takes custody of the detainee and the completed paperwork associated with the arrest and the officer proceeds to clear the location. Detention Officers shall initiate recording immediately upon taking custody of a detainee in the field, or immediately prior to leaving the Prisoner Interview Area with a detainee and shall continue recording until arrival at the Miami Dade Corrections facilities, or other destination where detainee(s) are delivered into the custody of another authority.
  - f) Employees will continue to record while at the Miami Dade Correctional facility unless directed by a Miami Police supervisor to cease recording.
  - g) Employees will cease recording upon entering any court facility unless the employee is responding to a call for service at the facility, or law enforcement action becomes necessary while at the facility. In the event that the employee is responding to a call for service at the facility, the BWC recording shall continue until the employee concludes the call, or is directed by a Miami Police supervisor to cease recording.
  - h) Once a BWC is recording, employees must continue to record until their involvement in the event ceases and they leave the scene.
  - i) While **not required** by policy or state law, employees assigned a BWC may find it valuable to inform other parties that they are being recorded. This has proven to be influential in garnering cooperation and has been shown to reduce incidents of use of force.
  - j) A BWC is not specifically designed to log evidence or to be used for any situation where fine detail and resolution is necessary. Employees are encouraged, however, to use their assigned BWC to record crime scenes prior to the arrival of crime scene technicians or forensic investigators, especially if the scene may change or be compromised.

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- k) For efficiency, employees assigned a BWC will have the ability to properly ID, title, categorize and view via the smartphone application "Axon View", prior to uploading to the evidence management system (EMS). Employees that are unable to properly ID, title, categorize, or view videos will have the ability to do so via Evidence.com after uploading videos into the EMS.
- l) Employees will activate or deactivate the BWC pursuant to this Department Order and not upon the request of a citizen.
- m) **EXTRA-DUTY DETAILS** (Extra-Duty Details/Special Events): Employees assigned a BWC must wear it in the On/Standby Mode at all times when working an extra-duty detail or special event. Employees are to initiate recording while working extra-duty/special event assignments and take any action(s) that would otherwise require the activation of the BWC as if the employee was on-duty. The employee must notify a supervisor working the same extra-duty detail or special event if one is assigned (to include Special Events Supervisors), if the employee is involved in an arrest, response to resistance, injury to an employee or other, including arrestee/detainee, vehicle pursuit (even if it was cancelled/concluded), a complaint against the employee is made, or any serious incident. The supervisor will determine if there is a need for the employee to dock and upload the BWC prior to the employee's next regular scheduled workday. If the employee is working an extra-duty detail/special event assignment where there is no supervisor assigned, the employee must notify Communications and request that an on-duty supervisor be notified. The supervisor will determine if there is an immediate need for the employee to dock and upload the BWC prior to the employee's next regular scheduled workday. Employees that are directed by a supervisor to immediately dock the BWC will be compensated accordingly. Employees shall be in uniform while operating a marked police department vehicle to and from an extra-duty detail/special event assignment.
- n) **PORTAL to PORTAL TRAVEL:** An employee operating a city vehicle while in possession of their BWC, must wear it in the On/Standby Mode when traveling portal to portal in uniform and is to initiate recording if they take any action(s) that would otherwise require the activation of the BWC if the employee was on-duty. When the BWC activation becomes necessary, the employee is to dock the BWC, ID, title, and categorize the video upon returning to their next regular scheduled workday. The employee must notify Communications and request that an on-duty supervisor be notified if the employee becomes involved in an arrest, response to resistance, injury to an employee or other including arrestee/detainee, vehicle pursuit (even if it was cancelled/concluded), a complaint against the employee is made, or is involved in a serious incident. The supervisor will determine if there is an immediate need for the employee to dock and upload the BWC prior to the employee's next regular scheduled workday. Employees that are directed by a supervisor to immediately dock the BWC will be compensated accordingly. Employees shall be in uniform while operating a marked police department vehicle to and from work, extra-duty detail/special event, or other function where the employee would otherwise be expected to report in uniform or is traveling from a function where the employee had worked in uniform.

**26.4.3 EXCEPTIONS TO RECORDING:** While it is the intent of this policy to require the BWC recording of any incident, interaction, investigation or enforcement contact not be interrupted prior to its conclusion and the employee clears the scene, or has completed the transport of a detainee, the Department recognizes that there will be times when private conversation prior to the conclusion of the incident may be necessary. An example of such instances when private conversation may be necessary is during strategy discussions with a supervisor or other employee. Prior to such discussion employees may activate the Mute function on the BWC. Prior to activating the Mute function on the BWC the employee shall indicate the reason for muting the video. Employees shall not activate the Mute function while actively engaged or interacting with a member of the public, suspect or detainee. Employees shall not deactivate the recording unless specifically directed to do so by a supervisor. In such instance, the employee is to indicate the supervisor's name who authorized deactivating the recording prior to doing so.

**26.4.3.1** Supervisors may authorize an employee to deactivate BWCs during non-enforcement activities such as:

**(CALEA 41.3.8 b)**

- a) Traffic control at fires, crime scenes, or crash scenes when the employee's likelihood of being involved in enforcement activities is low.
- b) Lengthy hospital stays awaiting medical clearance (unless enforcement actions are likely, the likelihood of additional criminal activity or escape attempt is high, the suspect is making voluntary statements, or the employee is gathering additional evidence, e.g., DUI blood draws).
- c) Employees shall make a verbal notation on the recording anytime they are directed by a supervisor to stop a recording. The verbal notation must include the reason why the employee is stopping the recording and the name of the supervisor who authorized the halting of the recording. Employees shall note the appropriate incident/case number on any subsequent video recordings associated with each case due to the stops and restarts during a call. (e.g., Employee is directed by a supervisor to stop the BWC and restarts the BWC prior to clearing the call. In this particular circumstance, the employee will generate multiple videos on the one call, therefore, the same incident/case number shall be used.
- d) When in close proximity to a suspected explosive device or package. Employees assigned to a perimeter will have their BWC active and recording unless directed by a supervisor to stop recording.

**26.4.3.2 PROHIBITED RECORDINGS:** In keeping with the Department's core values of respect and integrity, employees assigned a BWC will adhere to the following guidelines: **(CALEA 41.3.8 b)**.

1. BWCs will not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms and restrooms unless while handling a legitimate call in one of these locations.
2. BWCs shall not be used to record a strip search or a body cavity search conducted in accordance with Florida Statutes 901.211.

3. BWCs will not be intentionally activated to record conversations of fellow employees without their knowledge during routine and non-enforcement activities.
4. BWCs will not be utilized to surreptitiously record conversations of the public and/or other members of the Department.
5. Employees utilizing a BWC will not knowingly record undercover employees or confidential informants.
6. BWCs will not be utilized to record any personal activity.
7. BWCs will not be utilized to record roll call activities.
8. BWCs will not be utilized in DUI processing rooms where a Breath Testing Instrument is located. (Due to radio frequency interference)

**26.4.4 CRITICAL INCIDENT PROTOCOL:**

**26.4.4.1** A critical incident for the purpose of this departmental order is any police action or activity that directly or indirectly results in serious bodily injury or death to an employee and/or a citizen.

**26.4.4.2** In the event of a critical incident, an employee assigned a BWC shall refrain from viewing the recorded data until the investigative entity responsible for the investigation arrives on scene and authorizes the employee to do so. This section does not prohibit employees in critical incidents with ongoing exigency from viewing BWC recordings that may aid the present investigation (e.g., suspect descriptions, suspect vehicles, direction of travel). **(CALEA 41.3.8 c)**

**26.4.4.3** If there are BWCs in use during a critical incident, a police supervisor or an investigator assigned to the Internal Affairs Section and not involved in the actual critical incident will immediately take physical custody of any BWC's that may have captured the incident. The investigator will contact the Body Worn Camera Detail to have an employee respond and facilitate with the video uploaded from the BWC into the evidence management system (EMS) without delay and provide copies as authorized.

**26.4.4.4** Employees will be able to review video before giving any statements. **(CALEA 41.3.8 c)**

**26.4.5 DATA UPLOADING AND VIDEO CATEGORIZATION:**

**26.4.5.1** Prior to docking their BWC, employees on an FTO rotational phase shall use the smart phone application, or computer program to assign the appropriate ID, title, and category to each individual recording. For efficiency, employees are to ID and categorize their videos throughout their shift using the mobile application, "Axon View", or computer program. Instructions for identifying "ID", titling and categorizing each individual recording follow: **(CALEA 41.3.8 d)**

a) ID field: Enter the CAD number (when applicable).

1. Employees shall use the following formats in the ID field:  
170103123456



b) Title field:

1. Provide final signal and FTOs IBM (e.g., signal 55, with FTO's IBM).
2. Include citation numbers when issued.

c) Category fields:

There are 20 category choices for each individual recording. If multiple categories apply to an event, employees shall select the category with the highest retention period available to them.

1. Recording Management Categories

- a. The following recording categories are to be used.

<b>Categories</b>	<b>Retention Duration</b>
1 Baker Act	1 Year
2 Crime Stoppers Tip	1 Year
3 Damage to MPD-City Property	1 Year
4 Death Investigations	100 anniversary years after crime was committed
5 Detention Officer Transport (Incident)	1 Year
6 Detention Officer Transport (No Incident)	1 Year
7 DUI Investigation	3 Years
8 Felony Investigation	5 Years
9 Field Contact /Traffic Stop (No Citation)	1 Year
10 Homeless Encounter	4 Years
11 IA Case (Closed)	5 years after complaint disposition
12 IA Case (Open Pending)	100 Years (BWC access restricted)
13 Misdemeanor Investigation	3 Years
14 Police Involved Shooting	100 anniversary years after date of incident
15 Response to Resistance	5 Years
16 Test/ Training Videos	90 Days
17 Traffic Crash Investigations	5 Years
18 Traffic Stops (Citation Issued)	1 Year
19 Uncategorized	1 Year
20 Vehicle Pursuits	5 Years

**26.4.5.1.1** Employees assigned a BWC must dock their camera a minimum of twice per week when taking the camera home. Employees are responsible for ensuring all video evidence that is uploaded has the proper ID, title, and category before the end of their workday. At the end of each shift, employees assigned a BWC must dock their camera under the following circumstances:

- An arrest was made.
- A Use of Force occurred.
- A RF 121 was generated involving the officer.
- Or a supervisor instructs them to do so.

**26.4.5.1.2** Upon completion of an Extra Duty assignment, employees do not have to dock their BWC unless they were involved in one of the following:

- An arrest was made.
- A Use of Force occurred.
- A RF 121 was generated involving the officer.
- Or a supervisor instructs them to do so.

**26.4.5.1.3** Any evidence recorded by any other employees shall be ID'd and categorized the same as the primary employee, to include signal, case number, disposition, etc. **(CALEA 41.3.8 g)**

**26.4.5.1.4** If an employee does not dock their BWC at the end of their shift or Extra Duty assignment, it is their responsibility to ensure that the camera has been fully charged (at home or in vehicle) prior to their next tour of duty.

**26.4.5.1.5** If an employee has their BWC in their possession while traveling portal to portal, it must be worn and used if police action is taken.

Upon upload to the EMS, the BWC will be cleared of existing data and ready for use during the employee's next shift.

**26.4.5.2** Employees on Solo 1 phase and beyond are not required to categorize and ID each video prior to docking their BWCs if docking occurs within 8 hours from the end of their scheduled shift as CAD information will be automatically uploaded and used to categorize and ID the individual videos recorded during that shift. However, employees in this status are to afterwards review the entries in Evidence.com and validate that each of the videos previously uploaded were correctly categorized and ID'd in the system, by the end of their next tour of duty. In the event that the information on any given video is not correct, employees must manually make the necessary corrections. Employees are encouraged to use the Title field to enter brief descriptions of the incident recorded, including final signal and outcome as this information as it will serve as a reminder and assist the employee in locating a particular video in the future. Any employee in Solo 1 phase and beyond who docks the BWC after 8 hours from the end of their scheduled shift shall manually input the information as required in 6.4.5.1.

**26.4.6 REPORTING / DOCUMENTATION (Self-Reporting Form and Supervisor Compliance Audit):**

**26.4.6.1** The use of a BWC will be documented at the end of the paragraph of an incident or supplemental report.

**26.4.6.2** When a BWC records an incident resulting in either an arrest or citation, the use of the BWC will be documented in the citation and/or the arrest report narrative. If a citation is issued, the words "BWC utilized" will be written in the lower right-hand corner of a paper citation or typed in the arrest form.

**26.4.6.3** Any employee who fails to activate their BWC and or record an incident as directed by this policy is to complete and submit a BWC Self-Reporting Form to their immediate supervisor explaining the circumstances prior to the employee's end of shift. The supervisor will review the report and determine if the failure to record was warranted. In the event that the supervisor determines that the failure to activate the BWC in accordance with policy is not justified, the supervisor shall document the facts and forward to the disciplinary review panel. The Self-Reporting form shall be submitted through channels to the Field Operations Division Chief with a copy submitted to the Body Worn Camera Detail.

**26.4.7 DEPARTMENT REVIEW / TRAINING:**

**26.4.7.1** All recordings made with a BWC are the property of the Miami Police Department.

**26.4.7.2** Recordings may be reviewed: **(CALEA 41.3.8 c)**

- a) By a Department employee to ensure a BWC system is working properly.
- b) By an employee viewing their individually assigned recordings to assist with writing a report, supplement, citation, memorandum, or court case preparation.
- c) By authorized persons for the purpose of reviewing evidence and processing records requests.
- d) By a supervisor to investigate a specific act or allegation by another employee or by a member of the public. However, recorded data shall not be randomly viewed by supervisors for the sole purpose of enforcing policy violations, except as directed in **6.5.2 Audits**.
- e) The Chief of Police or designee may order periodic integrity inspections of recordings to be conducted by the Internal Affairs Section.
- f) By authorized Department personnel participating in an official investigation, such as a citizen complaint, administrative inquiry, or criminal investigation.
- g) By others with permission of a supervisor if they are participating in an official investigation.

**26.4.7.3** BWC recordings may be used for the purposes of training. Employees aware of BWC recordings that may serve as a training aid for other employees should notify a supervisor who will review the recording to determine its feasibility as a training aid.

**26.4.7.4** BWC recordings will never be used with the intent of belittling, ridiculing, or embarrassing any employee of the Department, notwithstanding the potential use of BWC recordings in disciplinary matters.

**26.4.7.5** Supervisory personnel shall review all BWC video relevant to a serious incident involving an employee, including any response to resistance, vehicle pursuit, employee involved crash, firearm discharge, complaint against employee(s), injury to an employee or others, etc., prior to completing any supervisory report of the incident.

**26.4.7.6 DISCOVERY OF POTENTIAL MISCONDUCT DURING AUTHORIZED REVIEW:**

1. Employees reviewing recordings should remain focused on the incident captured in the BWC and should review only those recordings relevant to the investigative scope. If an employee discovers potential misconduct during any review of the BWC, the employee shall report the potential misconduct to a superior. The superior shall adhere to the provisions of Departmental Order 2. Nothing in this procedure prohibits addressing Department Order violations.

**26.4.8 DATA PRIVACY / RETENTION OF RECORDINGS / RECORDS REQUESTS:**

**26.4.8.1** All digital media that is captured with a BWC is the property of and will be retained by the Miami Police Department for a minimum of 90 days following the date it is recorded. Captured video may be retained for longer periods in the event the video is the subject of a litigation hold, a criminal case, part of discovery, etc. **(CALEA 41.3.8 d)**

**26.4.8.2** Unauthorized accessing, copying, or releasing captured video without the approval of the Chief of Police or designee is strictly prohibited. Employees are prohibited from making copies of a BWC audio/video recording by using another recording device such as a cell phone.

**26.4.8.3** With the proper EMS permission level, recordings may be duplicated or shared with criminal justice agencies or when otherwise authorized by the Chief of Police or designee.

**26.4.8.4** Employees will not allow citizens to review video captured by a BWC unless there is an investigative reason to do so and such viewing has been approved by a supervisor. Employees shall advise citizens that they may request a copy of the recording through the public records process.

**26.4.8.5** The release of video requested through a public records request will be handled in accordance with existing policy. The City of Miami Police Department will follow the Public Records Law Chapter 119. Reproduction fees for duplication of recordings will be established by the City of Miami Records Unit.

**26.4.8.6** Prior to the release of any BWC recording to the public, the Body Worn Camera Detail will ensure that proper redactions have been made in accordance with state law.

**26.4.8.7** Accidental recordings may be deleted prior to the standard 90-day retention period only after a Redline Memorandum is submitted through the employee's chain of command and approved by the employee's Division Chief. The approved Redline Memorandum will then be forwarded to the Body Worn Camera Detail for deletion.

**26.4.8.7.1** If a BWC accidentally or inadvertently makes a prohibited recording as described above, the employee will submit a memorandum through their chain of command specifying the date, time and location, and a summary of the unintentionally recorded event. This memorandum once approved by the employee's Division Chief shall be forwarded to the Commanding Officer of the Body Worn Camera Detail for appropriate action.

**26.5 GENERAL GUIDELINES:**

**26.5.1 TRAINING:** Employees will receive prescribed training prior to being assigned a BWC. Employees will also go through a refresher course for BWC as needed to cover any new changes, affecting the use of the BWC. **(CALEA 41.3.8 f)**

**26.5.2 AUDITS:** Supervisors will be responsible for conducting a minimum of one compliance audit of one full incident a month per subordinate employee to verify compliance with policy, BWC performance and usage. Evidence.com will generate a random video for supervisors to review on the website. **(CALEA 41.3.8 g)**

**26.5.3 POLICY REVIEW:** BWC policies will be reviewed yearly or when a significant change is made related to BWC.

**26.5.4 CARE AND EQUIPMENT:**

- a) The only BWCs authorized by the City of Miami Police Department is the Department-issued BWC. Personal video recording devices are prohibited.
- b) All BWCs and related equipment will be issued to individual employees by the Body Worn Camera Detail.
- c) A record of inventory will be maintained by the Body Worn Camera Detail.
- d) Only employees who have received the prescribed training will be assigned or permitted to wear a BWC.
- e) Employees assigned a BWC are responsible for the proper care of the equipment.
- f) Employees will not deface or alter the BWC. This includes, but is not limited to painting, engraving, and any other permanent markings.
- g) Employees are responsible for turning in BWCs to the Body Worn Camera Detail when transferring to an assignment not requiring a BWC.

**26.6 REPAIR / REPLACEMENT: (CALEA 41.3.8 e)**

**26.6.1** Replacement BWC equipment will be available in the Body Worn Camera Detail.

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**26.6.2** Any BWC equipment, including mounts, cameras, cords, etc., that is lost, stolen, or damaged will be immediately reported to the employee's supervisor and a Request for Replacement of Lost or Damaged Equipment Form will be generated and sent through the employee's chain of command, detailing the circumstances leading to the damage or loss. A copy of the form with a commanding officer or command staff member's signature will be taken to the Body Worn Camera Detail for equipment replacement. Employees shall be financially responsible for replacing equipment lost or damaged as a result of the employee's carelessness.

**26.6.3** BWC replacement parts and/or systems are available by contacting the Body Worn Camera Detail, Monday thru Friday from 0600 hours to 1600 hours. The proper documentation, outlined above, must have been submitted along with a copy made available for review by the Body Worn Camera Detail Commander or designee before replacement parts or systems will be issued.

**SHOTSPOTTER**

## Section

- 27.1 Policy
- 27.2 Organization
- 27.3 Responsibilities
- 27.4 Procedures

**27.1 POLICY:** The purpose of this order is to create consistent policies and procedures for the receipt, dispatch, and investigation of gunfire incidents that are received by the City of Miami Police Department personnel using the ShotSpotter Gunfire Location, Alert and Analysis Service.

**27.2 ORGANIZATION:** The ShotSpotter Gunfire Location, Alert and Analysis Service is intended to enhance the Department's ability to respond effectively to and investigate violent crime involving gunfire. The system uses audio sensors placed in selected areas to identify the location of gunshots. ShotSpotter incidents may be replayed to hear the actual audio component of the incident, aid in the collection of evidence at crime scenes, and aid in the investigation and prosecution of crimes. ShotSpotter incidents shall be dispatched in accordance with long-standing department policy of the dispatch of crimes in progress involving the use of firearms. The purpose of the system is to reduce violent crime and incidents of indiscriminate gunfire in the City of Miami and to be incorporated into the Department's overall violent crime reduction efforts.

**27.3 RESPONSIBILITIES:** This chapter is intended to establish guidelines and guidance for members utilizing the ShotSpotter Gunfire Location, Alert and Analysis Service.

**27.4 PROCEDURES: (COMMUNICATIONS)****27.4.1 Communications:****A. ShotSpotter Dispatch Application and Alerts:**

1. All Bridge Personnel and Dispatchers will log into the ShotSpotter Dispatch application at the beginning of their tour of duty.
2. When an alert is received, the Dispatcher for the Channel where the alert originated will immediately dispatch units, while the Bridge Supervisor or a Dispatcher from another channel simultaneously enters the call into the CAD System.
3. Alerts will be promptly acknowledged and reviewed.
4. The person who enters the call into the CAD System will add the associated incident number and any other pertinent comments to the ShotSpotter Dispatch application.

**B. CAD Entry:**

1. All ShotSpotter alerts will be entered as a signal 30SS – Shots Fired ShotSpotter.
2. ShotSpotter alerts of confirmed shots fired will be entered as a Priority 3.
3. ShotSpotter alerts of possible shots fired will be entered as a Priority 4.
4. All ShotSpotter CAD entries will include all the information captured by the ShotSpotter Alert System, which may include:
  - a. The address provided by the alert.
  - b. Dispatch to the “Dot” – while an address will be provided, it is the closest property address to the location of the “Dot”, which is the center of a 25-meter circle representing the location of the shooter. Therefore, the “Dot” will provide a more accurate location.
  - c. Provide exact description of the location of the “Dot”; (e.g., “in the alley to the rear of ...”, “on the north side of the house”, “in the street in front of...”, etc.).
  - d. Whether it is possible or confirmed shots fired.
  - e. The number of shots fired.
  - f. The time of the alert.
  - g. The ShotSpotter Incident Number.
  - h. Any additional information indicated in the alert; (e.g., “possible multiple shooters”, “high-capacity weapons”, “possible mobile shooter(s) with the shooter’s speed and direction of travel”, etc.).

**C. Dispatch Procedures:**

1. At minimum, two officers shall be dispatched to each ShotSpotter alert.
2. The Dispatcher shall ensure that all units who are responding (i.e., self-dispatch) are assigned to the ShotSpotter incident.
3. The Dispatcher will hold the air upon the dispatch of a ShotSpotter Priority 3 call and continue to hold the air until the units advise it is safe to clear the air.
4. The Dispatcher will hold the air upon the units request on a ShotSpotter Priority 4 call and continue to hold the air until the units advise it is safe to clear the air.
5. Dispatchers will advise the units on a ShotSpotter call to search the area within 82 feet (25 meters) of the incident “Dot” location.



6. The Dispatcher shall remain attentive to possible related calls for service in the vicinity of the ShotSpotter incident.
7. The Dispatcher will relay pertinent information provided by citizen callers to responding units.
8. The Dispatcher will associate any duplicate calls entered to the original ShotSpotter incident.
9. Each ShotSpotter incident received will be entered as a separate incident regardless of the location and time proximity. Calls may be associated, but not terminated (closed) as duplicate incidents. Each call will require a report, unless a commanding officer provides the authority.
10. ShotSpotter notifications received for areas out of the City of Miami's jurisdiction will be forwarded to the appropriate agency.
11. All ShotSpotter incidents require a report to be written. Therefore, the disposition for all 30SS will be 01R – Call Completed, Report Written or 01A – Call Completed, Arrest Made.
12. The Dispatcher will obtain the following information from the responding units and notate it in the CAD incident:
  - a. Whether a victim was located and the location. If a victim is located, the Dispatcher will submit a request for Fire/Rescue response.
  - b. Whether a scene was located, type of scene and the location.

**D. Bridge Procedures:**

1. Bridge Supervisors will assist with acknowledging and entering ShotSpotter incidents into the CAD System.
2. The Bridge Supervisor will refer to the ShotSpotter cameras when available and provide Dispatch and/or responding units with any information obtained.
3. The Bridge Supervisor will send out an e-mail to the "ShotSpotter Alert" e-mail group with the ShotSpotter information and outcome.
4. The Bridge Supervisor will complete the "ShotSpotter Log" located on SharePoint with the ShotSpotter alert notification information, dispatch information and outcome.
5. The Bridge will generate the ShotSpotter Enhanced Incident Report (EIR) for all ShotSpotter alerts with 5 or more rounds and no scene found. The EIR will be emailed to the "ShotSpotter EIR" e-mail group, the Communications Lieutenant and Major, and the respective Neighborhood Commander.

#### **27.4.2 Celebratory Gunfire on Holidays:**

- a) Holidays that have been known for celebratory gunfire are, Independence Day July 4<sup>th</sup> and New Year's Eve December 31<sup>st</sup>.
- b) ShotSpotter alerts during celebratory gunfire should only be dispatched if a 911 call taker receives a call confirming the alert, and it is safe to do so. If someone is injured, the ShotSpotter alert will be dispatched immediately to render aid and assistance.

#### **27.4.2.1 Emergency Dispatch Assistants:**

- a) All calls reference shots fired shall be entered obtaining complete information from the caller (name, address, telephone number and description on the offender, vehicle, and direction of shots being fired).
- b) The following calls will be entered as **PRIORITY 3**:
  - Calls of "shots fired" into an occupied dwelling.
  - Calls of "shots fired" into an occupied vehicle.
- c) The following calls will be entered as **PRIORITY 4**:
  - Calls of "shots fired" where the caller is able to provide a description of the subject with the gun.
  - Calls of "shots fired" where the caller is able to provide a description of a vehicle from which the shots are being fired or in which the offender fled.
- d) The following calls will be entered as **PRIORITY 6**:
  - Calls of "shots fired in the area" where the caller is unable to provide a description of a subject or vehicle involved.

**27.4.2.1.1** If any Emergency Dispatch Assistant receives one of these calls, and based on the information provided are not certain of the priority, they must contact the Bridge Supervisor.

#### **27.4.2.2 Bridge Personnel:**

- a) While reviewing pending incidents, if there are a high volume of Priority 6: shots fired in the area" calls at or near the same location, one Priority 4 incident listing the information in the comment field shall be generated. Other calls shall be associated into the priority call and terminated as duplicate calls.

- b) While reviewing the pending incidents, if there is a priority 6 “shots fired in the area” call, and the station has not received any additional calls at the same location, the call shall be terminated after two (2) hours if there are no units available to be dispatched.
- c) **ShotSpotter Confirmed Shots Fired** calls, whether single or multiple, will continue to be entered as PRIORITY 3.
- d) **ShotSpotter Possible Shots Fired** calls, will continue to be entered as PRIORITY 4.
- e) If the station receives numerous ShotSpotter notifications throughout the City, the station will not dispatch the call unless a call is received from a citizen and the procedures above are followed.

#### **27.4.3 District Patrol Response:**

- a) Responding officers must be made aware of the precise location of the event.
- b) Officers must be reminded in the case of a ShotSpotter alert to search the area within 82 feet (25 meters) of the incident location.
- c) Responding officers must be made aware of the time that the incident was reported.
- d) Responding officers are to take a safe and strategic approach to the incident, bearing in mind that the subject may still be armed and on scene.
- e) Responding officers shall acknowledge over the police radio, the severity of the incident, (i.e., single or multiple shooters, multiple gunshots, direction and speed of fleeing shooters).
- f) When appropriate, responding officers shall stage backup units at possible and likely escape routes.
- g) When available, responding officers will request aviation support for subject tracking.
- h) When available, responding officers will attempt to locate video surveillance system(s) that may provide visibility of the crime scene.
- i) Responding officers shall canvass on foot the 82 foot (25 meter) “Dot” identified via the ShotSpotter system for victims, evidence, and/or potential witnesses.
- j) The primary unit will generate a Signal “30SS” (Shots Fired/ShotSpotter) Offense/Incident (O/I) report when the alert is received from ShotSpotter, even if no scene is located.

ShotSpotter alerts include, "Single Shot", "Multiple Shots", and "Possible Shots" The O/I report must include:

- Officers responded to a ShotSpotter alert.
  - Officers canvassed the area for a scene, victims, and witnesses.
  - The actions taken by the officers, if any (e.g., jumped fence, checked a backyard, etc.).
  - Report should also include the information provided by the ShotSpotter alert. (Example: Location and/or number of shots fired).
- k) When a shooting incident meets the below three criteria, the reporting officer must recover the identified spent casing, taking due care not to contaminate the spent casings, and turn it in to the Property Unit as evidence. The officer must fill out the appropriate form(s) and submit it to the Property Unit with the evidence. A designated Crime Scene Investigator will routinely check with the Property Unit for outstanding evidence that was submitted. All collected casings will be processed for latent and DNA evidence. Once processed, the evidence will be retrieved by the Crime Gun Intelligence Detail for N.I.B.I.N. processing. The collection of casings for officers will only apply to shooting incidents that meet the three criteria below:
- 1) A shots-fired call where 10 spent casings or less were recovered from the scene.
  - 2) No victims are identified and/or injured.
  - 3) No strike marks are located on buildings or vehicles.

#### **27.4.4 Collection of Evidence: (CRIME SCENE PERSONNEL)**

- a) The Crime Scene Investigation (CSI) Unit must be made aware of the precise center point location of the reported incident.
- b) CSI personnel must be aware of the severity of the event, (e.g., number of gunshots detected, direction and speed of the fleeing suspect, if any ballistic evidence was located, any strikes to buildings or vehicles, any additional scenes beyond the primary, and if any subjects were hit).
- c) A thorough evidence search following standard evidence collection/documentation procedures must be adhered to. This evidence includes, but is not limited to: 11 or more spent shell casings found, projectiles or projectile fragments found, discarded weapons, bodily fluids and/or suspected blood.
- d) In the case of a ShotSpotter alert, the Crime Scene Investigator should search the area included with a minimum of an 82 foot radius from the center point location of the incident.
- e) All firearm evidence collected by CSI personnel shall be processed for latent fingerprints and DNA evidence prior to submission to the MPD Property Unit.
- f) All reports involving "ShotSpotter" shall be noted on the Crime Scene report.

**27.4.5 Investigative Follow-up: (Criminal Investigations Division)**

- a) Investigating officers shall have access to the ShotSpotter Investigator portal and must be trained on the proper use of the application.
- b) Investigating officer shall request a copy of the Enhanced Incident Report (EIR) through the proper channels to obtain documentation that depicts the details of an incident.
- c) Any other requests related to an investigation, regarding the ShotSpotter Application, shall be submitted to the Real Time Crime Center Detail through proper channels.
- d) For investigative and prosecution purposes, investigators shall be aware of the processes for acquiring detailed forensic reports of ShotSpotter incidents and the securing of expert witnesses relative to their investigation.

**27.4.6 Crime Analysis Utilization:**

- a) MPD analysts must access the information collected by the ShotSpotter system to identify potential gunfire related trends.
- b) The gunfire information must be collated from other crime incidents so that specific gunfire locations and incidents can be strategically addressed.
- c) High frequency areas must be documented and presented for an appropriate strategic response which could include patrol officers follow up, high profile enforcement missions, community awareness outreach, etc.
- d) Crime Analysis information relative to gunfire must be incorporated into a regularly scheduled COMPSTAT or similar strategic response/planning management program.

**27.4.7 Program Management (Real Time Crime Center Detail):**

- a) MPD must provide consistent leadership and direction in their effort to reduce gunfire and related crimes by designating a person as the Program Manager.
- b) The MPD Program Manager shall maintain regular information reports relative to the increase or decrease of gunfire activity in the surveillance area.
- c) The MPD Program Manager shall maintain a thorough and general knowledge of the system's operation.
- d) The MPD Program Manager shall act as a liaison with various operational units of the Department that have access and utilize the ShotSpotter system.

- e) The MPD Program Manager shall maintain records of arrests, gun confiscations, and prosecutions of crimes detected through the ShotSpotter system.

**SPECIAL EVENTS UNIT / EXTRA DUTY**Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Definitions
- 1.5 Procedures

**1.1 POLICY:** It is the policy of the Miami Police Department to coordinate police services for special events and allow members to engage in extra duty employment, provided the activity has prior departmental approval. Job basis members are prohibited from working extra duty jobs. Working special events or extra duty jobs shall be considered a privilege, not a right, to the members of the Miami Police Department.

**1.2 ORGANIZATION:** The Special Events Unit is a function of the Specialized Operations Section under the Field Operations Division.

**1.3 RESPONSIBILITIES:** The Special Events Unit is primarily responsible for the planning, implementation, and analysis of police services required for maintaining public safety for citizens who patronize special events within the City of Miami. These events occur throughout the City on a continual basis, thus requiring a special unit of the Police Department to coordinate staffing, payroll, pre-event coordination with event sponsors, other governmental services, post-event analysis, and documentation.

The Special Events Unit is also responsible for the management of extra duty employment. This includes the responsibility for the monitoring of roadway construction projects, utility maintenance work, and related functions, which temporarily close streets or sidewalks and impede the normal flow of vehicular or pedestrian traffic. As part of the monitoring process, extra duty employees are used to direct traffic around such construction sites.

**1.4 DEFINITIONS:**

**1.4.1 Extra Duty Police Jobs:** Extra duty police jobs are any approved jobs worked by members in which a non-routine police service is provided to a private entity. Non-routine is defined as any service similar in scope to routine police functions but, because of resource limitations or those that serve a limited segment of the community, cannot be provided by on-duty personnel. All uniformed police officers are expected to enforce all laws as they would normally enforce on-duty while working in an extra duty capacity.

**1.4.2 Temporary Extra Duty Police Jobs:** Short term, non-repetitive in nature, and usually occur on short notice (i.e., parties, dances, traffic assignments, etc.). Such assignments must be made in conformance with this order. All temporary extra-duty assignments must be approved by the neighborhood Commander.

**1.4.3 Permanent Extra Duty Police Jobs:** Repetitive jobs extending more than a three month period and involving the same employer. The assignment will be made in conformance with this

order. All permanent extra-duty assignments must be approved by the neighborhood Commander via an annual Operational Plan.

**1.4.4 Special Events:** Events coordinated through the Special Events Unit and require a permit from the Office of Film and Entertainment. They usually require specific planning, scheduling, budgets, notifications, payroll, p-sheets, logistics and coordination with outside resources. Special Events include, but are not limited to:

- a) Sporting Events (e.g., Miami Heat, Miami Marlins)
- b) Concerts
- c) Street Festivals (e.g., Calle Ocho, Coconut Grove Arts Festival)

**1.4.5 RollKall Technologies:** A third party extra-duty platform used by the City of Miami Police Department to coordinate all extra-duty assignments. All extra-duty requests must be scheduled, and payment must be processed through RollKall.

**1.4.5.1 RollKall Service Fee:** A service fee paid by the client to hire extra-duty officers via RollKall Technologies. RollKall service fees rates are set in accordance with the current contract between the City of Miami and RollKall Technologies, LLC.

**1.4.6 City Administrative Surcharge Fee:** Administrative Fee rates are set in accordance with Sec. 42-8 of the city code as amended.

**1.4.6.1 Specialized Unit Surcharge:** Administrative Fees rates for specialized equipment such as Marine Patrol and Police Motors will be governed by the prevailing rate as approved by the Chief of Police.

**1.4.6.2 Outside Agency Surcharge:** When an outside agency police officer is hired for an extra-duty assignment, the surcharge fee will be paid to the City of Miami at the rate listed above. The City of Miami will not bill the client the surcharge rate of the respective outside agency.

**1.4.7 Non-Supervised Jobs:** A non-supervised job is any job staffed by three or less officers, where none of the officers are acting in a supervisory capacity. Officers may be of different ranks but are acting as a police officer and are being compensated at the extra duty job officer rate. (e.g., a sergeant and an officer working together on a job and both paid as officers.)

**1.4.8 Supervised Jobs:** A supervised job is a job where more than three officers are required to fulfill the requirements of the job. These are jobs where there is a supervisor holding the rank of Sergeant or above, acting in a supervisory capacity to the other officers. On supervised jobs, there cannot be another officer of the same rank working as a subordinate to the job supervisor. (e.g., a sergeant working as an officer on a job supervised by another sergeant.)

**1.4.9 Outside Agency Officers:** Law Enforcement Officers and/or Public Service Aides from other Law Enforcement agencies may work within the jurisdiction of City of Miami at **supervised** extra-duty assignments upon the approval from the Unit Commander. An active Mutual Aid Agreement must be on file and may not exceed 50% of the allotted staffing.



## **1.5 PROCEDURES:**

**1.5.1 Extra Duty Job Approval and Denial:** All Extra Duty jobs require a preliminary approval from the area Neighborhood Commander. This approval may be given in writing via email or a direct signature on the Application for Volunteer Extra Duty Police Services form. Once approved by the Neighborhood Commander, the Special Events Unit will determine the necessary staffing based on a wide variety of factors, including but not limited to, size and scope of the event, anticipated attendance, type of crowd and entertainment, traffic issues and an assessment of potential risk of injury to the officers. Applicants will be notified by the Special Events Unit of a final approval or denial of an extra duty job, in writing when possible. All extra-duty request will be entered into RollKall.

**1.5.1.1 RollKall Sign up:** Members will be required to download the RollKall App and create a profile in order to search and sign up for extra-duty jobs. RollKall verification will be done by the Special Events Office and a photo of the member must be added as the profile picture; city seals or other images are not accepted.

**1.5.1.2 Extra Duty Payments:** All extra-duty payments will be processed via RollKall therefore it is the members responsibility to ensure their bank account information is entered accurately; exempt from payment will be W2 establishments and Taxing Districts.

**1.5.1.3 Tax Documentation:** RollKall will provide one 1099 at the end of the year for all extra-duty assignments worked and paid via RollKall within the current taxing period. It will be the members responsibility to obtain their tax documents and file accordingly.

**1.5.2 Temporary Extra Duty Police Job Assignment Procedures:** Signing up for any temporary extra duty job will be done on a voluntary basis only. Once the member has voluntarily signed up for the job, they will be responsible for the job. The Miami Police Department shall not draft its members to fill temporary jobs.

**1.5.2.1** All temporary jobs must be submitted to the Special Events Unit by the person requesting the job (applicant). The applicant must complete the Application for Volunteer Extra Duty Police Services form in the Special Events Unit or online.

**1.5.2.2** All temporary extra duty jobs must be approved by the Neighborhood Commander of the area where the job will take place.

**1.5.2.3** Once the temporary job is approved by the Neighborhood Commander, the job will be entered into RollKall by a member of the Special Events Unit. An invoice will be sent to the client for payment, once the invoice has been paid the extra-duty request will be posted on RollKall as 'first come first serve '.

**1.5.2.4** Members desiring to work temporary extra duty police jobs must electronically register for the job using RollKall application. Members are prohibited from signing up for other members and/or intentionally signing up for an extra-duty job to give away to another member.

**1.5.2.5** In the event that the member who originally signed up for a job is unable to work, the member is permitted to find a replacement of the same rank for the job. In instances where the same rank is not available, the replacement may be one rank higher in conformance with this order. All schedule changes must be made on the RollKall app prior to the commencement of the job. Extra-duty assignments worked outside of the RollKall app must be approved in writing by the Special Events Unit Commander.

**1.5.2.6** Upon arrival to the job site, members must check in on the radio and clock in on the RollKall app. At the conclusion of the shift, members must check out on the radio and clock out on the RollKall app.

**1.5.2.7** Members are responsible for submitting accurate timecards via RollKall at the conclusion of their shift. In the event the extra duty job is extended longer than fifteen minutes beyond the scheduled time, members, round to the next half hour for the extra time worked. Time cards submitted more than thirty days late, will require a red-line memo.

**1.5.2.8** Members must report all problems or changes at the job site immediately or as soon as practical to the Special Events Unit.

**1.5.3** In the case of an emergency (downed power lines, ruptured water pipe, burglary after hours where building is unsecure etc.) where the Special Events Unit is closed, the on-duty Field Duty Lieutenant may approve the emergency job on site. The Field Duty Lieutenant will notify any Special Events Unit Supervisor and the respective Neighborhood Commander via Email, prior to the end of their tour of duty for the day the following: reason for emergency services, job location, officer information and hours worked, person responsible for making extra-duty service payments.

It will be the responsibility of the notified Special Events Supervisor to enter the extra-duty assignment in RollKall within a timely manner.

**1.5.4 Permanent Extra Duty Police Jobs Assignment Procedures:** All permanent extra duty job requests will be submitted to the area Neighborhood Commander for an approval, in the form of an operational plan, then to the Special Events Unit for documentation.

**1.5.4.1** Upon approval by the area Neighborhood Commander, the job will be classified as a permanent extra duty job. A job coordinator will be named on all permanent extra duty jobs and will be assigned in RollKall under the client's portal by the Special Events Unit. Under no circumstances, will a member with coordinator access enter extra-duty clients and/or assignments that are not authorized to do so.

**1.5.4.1.1** It shall be the job coordinator's responsibility to submit an updated operational plan annually to the area Neighborhood Commander for approval. This must be completed and submitted to the Special Events Unit by December 15<sup>th</sup> of the preceding year.

**1.5.4.2** The Special Events Unit will create and maintain a job file for each permanent job. Each job file will contain the following:

- a) The name of the coordinator assigned by the Special Events Unit.
- b) An operational plan approved by the Neighborhood Commander for the area, reviewed and revised annually by December 15<sup>th</sup> of each year, and submitted to the Special Events Unit by the job coordinator.

**1.5.4.3** The job coordinator will be responsible for the coordination of entering an accurate schedule into RollKall, ensuring officers are hired, processing / approving invoices, ensuring collection of payment via RollKall W2 extra-duty coordinators will be responsible for ensuring their job schedules are accurate (member name, date, and hours) and will submit their surcharge report via RollKall by the 5<sup>th</sup> of the following month.

**1.5.4.4** Minor changes or substitutions in work schedules must be reported immediately to the job coordinator. Members must notify the job coordinator immediately of any tardiness or inability to work the extra duty job. All schedule changes must be made on the RollKall app prior to the commencement of the job. If the job coordinator is not contacted, the Special Events Unit or Communications Bridge Commander must be notified. Any member who holds a rank higher than that of the job coordinator is prohibited from working the job.

**1.5.4.5** Upon arrival to the job site, members must check in on the radio and clock in on the RollKall app. At the conclusion of the shift, members must check out on the radio and clock out on the RollKall app.

**1.5.4.6** Members are responsible for submitting accurate timecards via RollKall at the conclusion of their shift. In the event the extra duty job is extended longer than fifteen minutes beyond the scheduled time, members will round to the next half hour for the extra time worked. Time cards submitted more than thirty days late, will require a red-line memo.

**1.5.4.7** The job coordinator will be held accountable for the job and the personnel assigned to the job. The job coordinator will have the preliminary approval over all officers who work the permanent extra duty job. The job coordinator can make their selection based on job performance and dependability. The job coordinator can replace an officer based on job performance or conflict between the officer and the employer.

**1.5.4.8** The Special Events Unit Commander can replace or suspend a job coordinator or any member working the job based on performance or a conflict involving the coordinator, member, and or the employer.

**1.5.4.9** All disputes involving members and job coordinators on permanent extra duty jobs will be resolved by the Special Events Unit Commander.

**1.5.5 Special Events:** The Special Events Unit will coordinate all Special Events.

**1.5.5.1** All Special Events will be entered into RollKall by a member of the Special Events Unit. Each event will have an opening and closing date, during which all members interested in the job will be permitted to electronically register for the job.

**1.5.5.2** Members will be selected for the job based the total number of extra-duty hours worked for the last year prior to the desired event.

**1.5.5.3** It shall be the member's responsibility to verify their selection for a Special Event by reviewing their individual profile on RollKall prior to the event.

**1.5.5.4** Officers who sign up for Special Events will be assessed the hours for which they have been selected. Officers who fail to show for any reason, or are replaced by another officer, will be assessed double the hours initially given. The officer who serves as a replacement will be assessed only the hours worked.

**1.5.5.5** Special Event extra-duty requests made within a week of the event, will be posted as sign and work.

**1.5.5.6** All post assignments will be assigned by the Special Events Unit.

**1.5.5.7** Special details and post assignments will be based on training, qualifications, or experience, at the discretion of the Special Events Unit Commander or designee. Members of the Special Events Unit will be required to work Special Events and Temporary Extra duty Jobs as members of the Special Events Unit. This may include being the Special Events Coordinator or the need for a liaison officer or someone with specific knowledge of the job requirements. Thus, the members are exempt from any assessment of hours and will be assigned at the discretion of the Special Events Unit Commander.

**1.5.6 Extra Duty Job cancellation Process:** Once an Extra Duty Job is approved, it can be cancelled at any time, based on a conflict of interest, whether real or apparent, violations of Departmental Policies, or if the required work casts a negative perception to the image of the City of Miami or the Miami Police Department. Any cancellation to an Extra Duty Job can only be done by the Chief of Police or designee. The Special Events Unit will notify the employer of the reasons for the cancellation in writing, on the very next business day.

## **1.6 General Rules and Responsibilities of Employees Working Extra Duty:**

**1.6.1 Conduct During Extra-Duty Assignments:** Any member of the department working in an extra-duty capacity will conduct themselves in the same manner as if the member was on-duty; conduct, performance of duty, and compliance with Rules and Regulations shall apply.

**1.6.2 Rank** The Miami Police Department prefers that all extra duty jobs are filled by the required rank. Therefore, preference will be given to the required rank. All extra duty jobs will be paid at the required rank, not the individual's rank. This shall not be applicable when the form of payment is at time and one half city payroll.

**1.6.3** All extra duty jobs where there are three officers or less and no supervisor is required, shall be considered non-supervised jobs.

**1.6.4** When four or more police officers are needed, a supervisor will be one of the four. When two supervisors are needed, a lieutenant will be the commanding officer.

**1.6.5** Under no situation will a supervisor or commanding officer work an extra duty job that is coordinated by, supervised, or controlled in any way by a member subordinate in rank.

**1.6.6** Sergeants are supervisors and will only be permitted to work as Sergeants on Special Events. For temporary jobs staffed by the Special Events Unit, Sergeants should only work as police officers as a last minute fill in, after a reasonable effort is made to fill the job by a police officer. Sergeants will be permitted to work as supervisors on permanent extra duty jobs and as police officers on permanent single officer jobs. Sergeants will be permitted to work as supervisors or officers on all special request temporary jobs. No sergeant shall work as a subordinate to another sergeant. Any exceptions must be approved by the Special Operations Section Commander or designee.

**1.6.7** Lieutenants are Commanding Officers and will only be permitted to work as Lieutenants on Special Events. For temporary jobs staffed by the Special Events Unit, Lieutenants should only work as a Sergeant or officer as a last minute fill in, after a reasonable effort is made to fill the job at the required rank. Lieutenants will be permitted to work as supervisors on permanent extra duty jobs and as police officers on permanent single officer jobs. Lieutenants will be permitted to work as supervisors or officers on all special request temporary jobs. No lieutenant

shall work as a subordinate to another lieutenant. Any exceptions must be approved by the Special Operations Section Commander or designee.

**1.6.8** Captains are Commanding Officers and will only be permitted to work as Captains on Special Events. For temporary jobs staffed by the Special Events Unit, Captains should only work as a Lieutenant, Sergeant, or officer as a last minute fill in, after a reasonable effort is made to fill the job at the required rank. Captains will be permitted to work as supervisors on permanent extra duty jobs and as police officers on permanent single officer jobs. Captains will be permitted to work as supervisors or officers on all special request temporary jobs. No captain shall work as a subordinate to another captain. Any exceptions must be approved by the Special Operations Section Commander or designee.

**1.6.9** Members are prohibited from working more than sixteen (16) hours during a (24) hour period. The (16) hour maximum will include a combined total of extra duty and on duty working hours. The total extra duty hours worked during a given work week (Sunday through Saturday) shall not exceed (36) hours. Any exceptions must be approved by the Special Operations Section Commander or designee.

**1.6.10** Members scheduled to attend an extra duty job while suspended must notify the Special Events Unit of their inability to attend.

**1.6.10.1 Attendance at Extra Duty Jobs:** Members are reminded that attendance at scheduled extra duty jobs is mandatory. Extra duty jobs, including special events, are staffed at the necessary level by the Special Events Unit. Officers who fail to report at the scheduled time create several issues for the job, including the creation of an officer safety situation. It is therefore imperative that officers selected to work any extra duty job report to the designated roll call at the scheduled place and time. Members failing to report to an extra duty job at a designated place and time are subject to progressive discipline.

**1.6.11 Notification:** Members must notify the Special Events Unit of any tardiness, no later than one (1) hour prior to the commencement of the job. If the Special Events Unit is closed the employee must call Communications. The Special Events Unit is open Monday through Friday from 0700 to 1700.

**1.6.11.1** Any member arriving late to an extra duty job will be subject to removal from the job at the discretion of the event supervisor or commander. Members removed from an extra duty job due to being late will not be entitled to compensation for the job.

**1.6.12 Calling in "I" or "IF" to an Extra Duty Job:** Members unable to report or who will be late to an extra duty job, must call the Special Events Unit one (1) hour prior to their scheduled arrival time. If the Special Events Unit is closed the member must call Communications. The Special Events Unit is open Monday through Friday from 0700 to 1700.

**1.6.12.1** Members calling in "I" or "IF" to an extra duty job will not be able to work any other extra duty job for a period of twenty-four (24) hours.

**1.6.12.2** Members unable to attend an extra duty job as a result of calling in "I" or "IF", will not be able to report to regular duty for a period of twenty-four (24) hours. Members scheduled to work regular duty within that twenty-four (24) hour period, will be carried "I" or "IF" during their regular work hours, unless approved by their Commanding Officer.

**1.6.12.3** Members who call in “I” or “IF” to their regular duty assignment or court are prohibited from working any extra duty job for a period of 24 hours, or until they have completed a regular tour of duty. Any exceptions must be approved by the Specialized Operations Section Commanding Officer or designee.

**1.6.12.4** A member who fails to attend a Special Event or temporary extra duty job that was coordinated by the Special Events Unit, as a result of calling into that Special Event “I”, “IF”, will be assessed double the hours of the Special Event ~~in the Extra Duty Trak.~~ on the RollKall app.

**1.6.13 No Show to an Extra Duty Job** A member who fails to attend a Special Event or temporary extra duty job that was coordinated by the Special Events Unit, as a result of being a “No Show”, will be subject to written discipline and suspended from working extra duty for a period of no less than 30 days, unless appealed to the Specialized Operations Section Commander. The Specialized Operations Section Commander, or designee, must approve exceptions to the member’s suspension.

1<sup>st</sup> Occurrence – Written reprimand and 30 day suspension from all Extra Duty Employment

2<sup>nd</sup> Occurrence – Written reprimand and 60 day suspension from all Extra Duty Employment

3<sup>rd</sup> Occurrence – Written reprimand and 120 day suspension from all Extra Duty Employment

4<sup>th</sup> Occurrence – Written reprimand and a one year suspension from all Extra Duty Employment

**1.6.14 Uniform Required To Work Extra duty:** Complete police uniform (Class B) must be worn when working extra duty police jobs, unless prior approval has been obtained from Special Operations section Commanding Officer or designee.

**1.6.14.1** Any member reporting for duty at an extra duty job, who is out of uniform, will be subject to written discipline and removal from the job at the discretion of the event supervisor or commander. Members removed from an extra duty job due to being out of uniform will not be entitled to compensation for the event.

**1.6.15 Radios:** Provisions of the departmental order pertaining to "Radio Communications" will be complied with when a radio is used on any extra duty job.:

**1.6.15.1** Members assigned to extra duty jobs shall check in service using a signal “46” and their unit number. They will provide the dispatcher with an anticipated time for transfer (06). Should they go beyond that time, they will advise the Communications Section.

**1.6.15.2** Members shall monitor the radio while working an extra duty job, unless the situation requires otherwise. If the radio cannot be monitored, the dispatcher shall be advised when taking the signal.

**1.6.15.3** Upon completion of the extra duty job, members shall check out of service (06).

**1.6.15.4** Major events, as designated by the Special Events Unit, are exempt from this requirement.

**1.6.16 Extra Duty Employment Restriction :** All authorization to work extra duty police jobs is immediately suspended whenever the member is/or:

- a) Relieved of regular duty with or without pay
- b) Serving a suspension from regular duty
- c) On leave of absence with or without pay
- d) Receiving a rating of "needs improvement" or "unsatisfactory" in the overall category on an annual or probationary evaluation. ( refer to 1.6.15.1)
- e) Listed as "not qualified" with the service weapon by the completion of the qualification period
- f) Placed on "D" – Disability or Permanent Light Duty Status
- g) Light Duty Status (refer to 1.6.15.2)
- h) Has applied for workmen's compensation benefits
- i) Carried "W" or "WW"
- j) On Military Leave
- k) Scheduled for training or court
- l) Unable to report for regular duty or court due to illness, or illness in the family, until they have completed a full tour of regular duty or a time period of 24 hours has elapsed since scheduled reporting time, unless approved by a Commanding Officer.
- m) Involved in a conflict or apparent conflict of interest between their on duty and extra duty responsibilities
- n) The extra duty job is at a place of business involved in a labor/management dispute (strike), work slowdown, etc.
- o) The extra duty job is part time work for another city employee, unless the job has been approved by the City Manager
- p) The extra duty job creates circumstances, real or perceived, which may be construed as a conflict of interest.
- q) Suspended by the Special Events Unit

**1.6.16.1 Unsatisfactory or Needs Improvement Evaluation:** Sworn members receiving a rating of "needs improvement" or "unsatisfactory" in the overall category on an annual or probationary evaluation will be restricted from working any police related extra duty employment until they receive a subsequent evaluation with an overall rating of "satisfactory" or above. This policy refers to both annual evaluations and probationary evaluations.

**1.6.16.2 Light Duty Employees:** Employees on Light Duty may work a supervised extra-duty assignment as long as the scope of work does not require a uniformed police officer and carrying out law enforcement duties; i.e – command post officer for large scale Special Events. Employees must obtain written approval from the Labor Relations Unit Commander as well as the Special Events Unit Commander prior to engaging in any extra-duty assignments.

**1.6.16.3** All appeals to this policy will be made in writing to the appropriate section commander for consideration. Under exigent circumstances, a section commander may grant authorization for the member to work extra duty assignments. A copy of the approved paperwork must be forwarded to the commander of the Special Events Unit.

**1.6.16.4** Commanding officers will be responsible for notifying the Special Events Unit and the affected officer that extra duty working privileges have been suspended.

**1.6.16.5** It must be understood that this is not a disciplinary measure. It is being implemented to ensure that members apply their best efforts to their primary responsibilities with the department.

**1.6.16.6** This policy is designed to be in the best interest of the member and the department and will not be construed to inhibit management's right to assign members to any function or special event when circumstances dictate.

**1.6.16.7 Probationary Police Officers:** Probationary police officers are prohibited from working extra duty jobs while in the Field Training Officer (FTO) program, unless authorized by the Chief of Police. Upon successful completion of Phase VI of the program, the probationary officer may work supervised extra duty jobs and Special Events with written approval of their shift Field Training Lieutenant (FTL). Employment at unsupervised extra duty jobs by probationary police officers is prohibited.

**1.6.17 Volunteer Extra Duty Officers:** Any member desiring to work extra duty in a volunteer capacity, where the member is acting in their capacity as a City of Miami Employee but not compensated for the job, must obtain written approval from the Chief of Police prior to the event.

### **1.7 General Prohibitions of Outside Employment:**

**1.7.1** Outside employment shall not constitute a real or perceived conflict of interest with one's City employment. The member's foremost responsibility is to their primary employer, the City of Miami. A few examples are, but not limited to, traffic accident reconstruction and consultation, working as private investigator, bodyguard, conducting pre-employment screening and personnel testing and third party management of properties located within the City.

**1.7.2** Under no circumstances shall outside employment be performed during a member's regular working hours.

**1.7.3** Under no circumstance shall outside employment be performed on City premises.

**1.7.4** Under no circumstances shall City property/equipment be used for outside employment.

### **1.8 Line Of Duty Injuries In The Course Of Extra Duty Police Employment:**

**1.8.1 Supervised Extra Duty Employment:** If there is a supervisor present on the scene of the extra duty police employment, the initial reporting procedures set forth for line-of-duty injuries in the departmental orders will be followed except that the first notation in the narrative shall be "Extra Duty Employment".

**1.8.2 Non-Supervised Extra Duty Employment:** If there is no supervisor at the scene of the extra duty police employment, the member will be responsible for contacting their commanding officer or designee or the on duty patrol commanding officer or designee to arrange for a supervisor to be dispatched to the scene, or appropriate medical facility, if applicable. Upon arrival, the supervisor will follow the procedures set forth for line-of-duty injuries in the departmental orders. The first line of the report narrative shall be "Extra Duty Employment."

**1.8.3 Workers Compensation:** While working in an extra-duty capacity, workers' compensation claims arising out of and in the course and scope of the assigned extra-duty will be covered by the City of Miami; in the same manner it would on-duty.



**1.9 Extra Duty Pay Rates:** The rate of pay for all extra duty police jobs will be governed by the prevailing rate as approved by the Chief of Police.

**1.9.1 Special Event Rate:** The rate of pay for Special Events will be governed by the prevailing rate as approved by the Chief of Police

**1.9.2** All extra duty jobs worked on a designated extra duty holiday will be compensated at time and one half the extra duty pay rate. Designated extra duty holidays are identified as Thanksgiving Day, day after Thanksgiving Day, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Dr. Martin Luther King Jr. Day, President's Day, Mother's Day, Memorial Day, Juneteenth (National Independence Day), Father's Day, Fourth of July, Labor Day, Columbus Day and Veterans Day. Holiday pay is compensated on the actual date of the holiday.

**1.9.3 Job Coordinator's Fee:** Job coordinators are prohibited from receiving additional compensation for coordinating a job. The job coordinator will be paid the prevailing extra duty job rate for the time worked the job only.

**1.9.4 Surcharges:** Outside employers of police officers who provide a police service will be required to pay an administrative surcharge to the City of Miami. The surcharge rate is set in accordance with Sec. 42-8 of the city code as amended.

**1.9.4.1 Specialized Equipment Surcharge:** Administrative Fees rates for specialized resources such as Marine Patrol and Police Motors will be governed by the prevailing rate as approved by the Chief of Police.

**1.9.4.2 Outside Agency Surcharge:** When an outside agency police officer is hired for an extra-duty assignment, the surcharge fee will be paid to the City of Miami at the rate listed above. The City of Miami will not bill the client the surcharge rate of the respective outside agency

**1.9.5 RollKall Service Fee:** A services fee paid by the client to hire extra-duty officers via RollKall Technologies. RollKall service fees are set in accordance with the current contract between the City of Miami and RollKall Technologies, LLC.

**1.9.5.1 Exempt from Service Fees:** The following clients are exempt from paying the RollKall Service Fee:

- a) Educational Establishments – Public , Private and Charter
- b) Purpose of Religious Activities
- c) Non-Profit Organizations – Must provide documentation
- d) Clients who use RollKall for scheduling purposes only ( Overtime details, W2 Clients and Taxing Districts )

**1.10 Restaurants/Bars/Nightclubs:** Officers may work extra duty assignments at alcohol service establishments, including restaurants, bars, and nightclubs so long as the officer works exclusively in the exterior of the premises and only when the alcohol service establishment provides private security for the premises.

**1.10.1** The Chief of Police or designee reserves the right to cancel any extra duty job at any establishment where it deems that the conduct of officers, employees, employers or clientele in any manner detracts from the department's professional stature.

**1.10.2** Officers are prohibited from entering any alcohol service establishments unless enforcement action is necessary. Officers are responsible for ensuring public safety and shall not enforce administrative policies (e.g. dress code, identification checks, etc.) of the alcohol service establishment.

**1.10.3** Officers are prohibited from having a 'permanent work schedule' at the same restaurant, bar, or nightclub and creating a patterned schedule there.

**1.10.3.1** Officers that work any alcohol service establishments shall not patronize that establishment in which they work extra duty at least eight (8) hours prior to or after their extra duty shift of employment.

**1.10.4** If a call for service or incident occurs at the alcohol service establishments where an extra duty service is being provided, a patrol supervisor shall be dispatched.

**1.11 Street Closure Permits:** Any person performing construction work on a public right of way must maintain a valid City of Miami Police Department Special Events Permit and Maintenance of Traffic Plan (MOT) on-site.

**1.11.1** Any officer encountering a street closure may request to review a copy of the Public Works permit, the Special Events Permit and/or the MOT to ensure compliance. If the officer determines that there is a possible violation of the permit or unsafe conditions which warrant a closure of the construction site, the following procedures shall be followed:

**1.11.2** During regular business hours, the officer may contact the Special Events Unit for guidance. A member of the Special Events Unit will verify the information and take necessary corrective action to remedy the situation, or shut down the site.

**1.11.3** If the Special Events Unit is closed, then a Field Duty Lieutenant will be notified via the police radio and must respond to the site. Once on the scene, the Field Duty Lieutenant will verify the information and take necessary corrective action, including, but not limited to, assisting the person performing the construction to come into compliance with the permit and MOT, or shutting down of the site, if necessary.

**1.11.4** Under no circumstances will an officer or supervisor shut down a construction site due to permit violations. The shutting down of any construction site will only be conducted by members of the Special Events Units, a Field Duty Lieutenant or a neighborhood Support Sergeant.

**1.11.5** Any Field Duty Lieutenant or a neighborhood Support Sergeant closing down a job site, must submit an email to the Commander of the Specialized Operations Section detailing the date and time, location, contractor on scene, and specific violations that warranted the closing of the site prior to the end of their tour of duty.

**1.12 Extra Duty Traffic Control Assignments:** City of Miami police personnel assigned to extra-duty traffic assignments will make themselves aware of security and traffic concerns in their immediate area and report potential problems to supervisors. The primary function is to maintain the flow of vehicular traffic while assisting the safe movement of pedestrians.

**1.12.1** Personnel assigned to traffic control will wear the proper safety equipment and position themselves where they will provide the most visibility for motorists; including a traffic vest and whistle.

**1.12.2** While working an extra-duty construction assignment and/or street closure, personnel will remain vigilant, and assist with traffic management; to include directing traffic and operating traffic control devices if necessary.

**1.12.3** While working Special Events, personnel will remain vigilant, outside of their vehicles at their assigned traffic posts all times unless approved by a supervisor.

**1.13 Parking:** All officers working any extra duty or special events shall legally park their vehicles unless the nature of the assignment requires deviation from this policy for the safety of the officers or the public.

**TRAFFIC ENFORCEMENT**Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures

**2.1 POLICY:** It is the policy of the Miami Police Department to facilitate the safe flow of traffic, reduce unwarranted delays, to provide traffic enforcement city wide, and to provide additional attention to specified areas, which have been identified as high frequency crash locations.

**2.2 ORGANIZATION:** Although this chapter is assigned to the Traffic Enforcement Unit, it is applicable Department-wide. All officers shall be governed by it. The Traffic Enforcement Unit is a function of the Specialized Operations Section, Field Operations Division.

**2.3 RESPONSIBILITIES:** The primary responsibility of the Traffic Enforcement Unit is to reduce traffic crashes and fatalities by vigorously enforcing traffic laws, and to make it a high priority the enforcement of D.U.I., speeding violation, aggressive driving, red-light running, motorcycle violations, pedestrian/bicycle violations, and seat belt violations. Promote traffic safety by providing lectures and demonstrations to students attending Miami-Dade County Public Schools, Private Schools and Universities within the City of Miami. The unit also participates in and hosts Press Conferences related to traffic safety and enforcement efforts. The unit also has a partnership with the Miami-Dade County Community Traffic Safety Teams (CTST) which is headed by the Florida Department of Transportation (FDOT). The common goal of the CTST is to reduce the number and severity of traffic crashes in the community. Florida's Community Traffic Safety Teams (CTSTs) are locally based groups of highway safety advocates who are committed to solving traffic safety problems through a comprehensive, multi-jurisdictional, multi-disciplinary approach.

Officers assigned to traffic enforcement duties shall respond to all calls for service including the following:  
**(CALEA 61.1.1e)**

**2.3.1** Provide traffic direction and control duties at accident scenes, fires, traffic light malfunctions, and other traffic hazards or emergency situations.

**2.3.2** Provide routine patrol of city streets and assist stranded or disabled motorists. **(CALEA 61.4.1c)**

**2.3.3** Provide backup assistance for Patrol units.

**2.3.4** Investigate vehicular/pedestrian related crashes and prepare Florida Traffic Crash Reports when applicable.

**2.3.5** Enforce traffic laws, through the issuance of Florida uniform traffic citations.

**2.3.5.1** Traffic enforcement action will be taken upon detection of an illegal and potentially hazardous act, without regard to such factors as quantitative enforcement activities, such as, (ticket quotas), attitude, intent, or excuse. Both qualitative and quantitative emphasis is integral to the Department's Traffic Enforcement Program. **(CALEA 61.1.5d)**

**2.3.5.2** When the violation is hazardous in nature, or when it becomes apparent that voluntary compliance to traffic regulations may not be accomplished through issuing a verbal warning, a Florida Uniform Traffic Citation may be issued. **(CALEA 61.1.2b, 61.1.5d)**

**2.3.5.3 Unknown Risk Traffic Stops:**

**2.3.5.3.1** Vehicles stops pose potential risks to police personnel and the public and must be conducted with caution and forethought. Routine, unknown, or high-risk traffic stops may develop into serious confrontations or pursuit situations, and officers must be prepared to react accordingly. Officers should be cognizant of the various tactical options available, including emergency disengagement techniques taught at the academy, and in-service training courses. **(CALEA 61.1.7b,c)**

**2.3.5.3.2** When conducting a traffic stop, officers must be cognizant of the roadway, traffic, and lighting conditions. The safety of the officer, the violator, and other roadway users is a prime concern. If the violator stops in an unsafe location, the officer shall direct the violator to move to a more suitable location by use of signals and/or public address system. Under no circumstances will an officer allow a violator who is suspected of driving under the influence to move his vehicle once it is stopped. **(CALEA 61.1.7a)**

**2.3.5.3.3** Uniformed and non-uniformed police officers are authorized to stop vehicles and their occupants in order to enforce traffic laws, to conduct investigations, and to stop criminal activity. Non-uniformed officers conducting traffic stops will conspicuously display departmental credentials to the vehicle occupants and announce that they are police officers. Whenever possible, non-uniformed officers shall request assistance from a uniformed officer with a marked unit prior to conducting a stop. All police vehicles used to conduct vehicle stops will be equipped with operable, visible, and audible emergency signal devices.

**2.3.5.3.3.1 Use of Unmarked or Unconventional Vehicles:** Unmarked vehicles used primarily by officers in plain clothes for covert or proactive purposes shall be equipped, at a minimum, with a visible emergency signal; for example, dash, visor, or similar blue light. Additionally, during catastrophic and/or natural disasters there may be the need to use unmarked or unconventional vehicles for traffic enforcement. The use of such a vehicle is permitted if it is equipped with necessary emergency equipment, i.e., blue light on the dash, flares, and flashers. It must be noted that the use of unmarked vehicles is more hazardous than the marked vehicle, as the public does not notice this type of vehicle as easily as a fully marked unit. The driver must be extra careful in the operation of the unmarked vehicle when engaged in traffic enforcement. **(CALEA 61.1.6c)**

**2.3.5.3.4** When conducting a traffic stop, officers shall advise the dispatcher of location and vehicle tag number. If the vehicle has a temporary paper tag, the officer shall provide the dispatcher with a description of the vehicle and its occupants.

**2.3.5.3.5** When conducting a traffic stop, officers shall use high beams, flashing emergency lights, takedown lights, flashers, and spotlights when applicable. The officer shall approach the violator's vehicle from behind unless circumstances dictate a different angle of approach. The officer will have the discretion of approaching the violator's vehicle from either the driver's side or the passenger side. Officer Safety is paramount to the tactics the officer chooses to use.

**2.3.5.3.6** Whenever possible, officers will position police vehicles in such manner to allow a safety zone between the officer's and the violator's vehicle.

**2.3.5.3.7** The decision on whether to approach the violator's vehicle on foot or order the violator

out of the vehicle shall be made by the officer.

**2.3.5.3.8** While writing Uniform Traffic Citations (UTC) or conducting a records check on the radio, the officer shall situate himself in a manner affording maximum cover and protection from the violator or other motorists. At all times, the officer shall maintain visual contact with the violator and passengers. Officers shall not allow persons to approach the driver's side door of the police vehicle while the officer is sitting inside.

**2.3.5.3.9** While issuing Uniform Traffic Citations, officers shall position themselves in a manner that does not expose their weapon to the violator.

**2.3.5.3.10** During communication with the violator, officers shall exhibit a professional image through actions and appearance. Officers shall address violators courteously and answer all inquiries and give information to attempt to favorably alter the violator's future driving habits. Officers are to check for signs of chemical impairment or emotional distress during communication with the violator. Officers shall complete the required forms or reports that result from the traffic infraction. **(CALEA 61.1.8)**

**2.3.5.3.11** Upon termination of the traffic stop, the officer shall ensure the safety of the violator by remaining on the scene until the violator leaves. In situations where the violator's vehicle becomes disabled and cannot be moved, the officer shall assist the violator in obtaining a wrecker or an alternate means of transportation.

**2.3.5.4 Traffic Law Enforcement Practices: (CALEA 61.1.6a,b)**

- A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their duties.
1. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
  2. Line patrol involves traffic enforcement with a concentration on a particular section of the roadway.
  3. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
  4. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.

**2.3.5.4.1** Covert operations shall be utilized only when gathering information for eventual action through overt patrol for future traffic enforcement operations.

**2.3.5.5 Visible Traffic Patrol:**

**2.3.5.5.1** Vehicles routinely used for traffic enforcement shall be equipped with red and blue emergency lights, sirens, and be properly marked (Exception: Aggressive Driving Vehicles would be unmarked).

**2.3.5.5.2** The public address system may be used during emergencies, pursuits, traffic stops, crowd control, and related officer safety requirements.

**2.3.5.5.3** Hazard warning lights are used to identify a stopped/parked vehicle and caution other drivers to avoid the vehicle.

**2.3.5.5.4** Any tendency of motorists to knowingly violate traffic laws is deterred by open and visible patrol. However, when there is an unusual or continuing enforcement problem at a particular location, officers may park in a conspicuous location and observe traffic.

**2.3.5.5.5** This function includes the aggressive enforcement of traffic-related violations with high priority given to driving under the influence (DUI), seatbelt enforcement, child passenger safety restraint violation, and speed enforcement. Further enforcement will be directed toward high crash intersections, speeding complaints, and other traffic-related issues indicated by statistical reports.

**2.3.5.5.6** Officers are encouraged, when completing reports or doing other activities that keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.

**2.3.6** Report any traffic hazard to the proper authority (e.g. DOT, F.P.L., Miami–Dade Water and Sewer, AT & T phone company, Florida East Coast Railway, etc.)

**2.4** **PROCEDURES:** Even though the City of Miami Police Department does not issue written warnings, officers are allowed to use their discretion to give verbal warnings. **(CALEA 61.1.5h)**

**2.4.1** **Warnings:** Verbal traffic warnings should not be issued in the following circumstances: **(CALEA 61.1.2c)**

**2.4.1.1** Driver's License Violations

**2.4.1.2** No Proof of Insurance

**2.4.1.3** Faulty Equipment

**2.4.1.3.1** Seatbelt & Child Restraint Violations

**2.4.1.3.2** When a Uniform Traffic Citation (UTC) is issued to the operator of a non-commercial vehicle for an equipment violation, the issuing officer shall explain the procedure that allows the operator to make the necessary repairs and contact a police agency for inspection of the vehicle. **(CALEA 61.1.5f)**

**2.4.1.4** Arrests

**2.4.1.5** Crashes

**2.4.1.6** Any Felony Arrests

**2.4.1.7** When the violation is hazardous in nature (ie; D.U.I., Reckless Driving, etc...)

**2.4.1.8** All other violations will be left to the officer's discretion.

**2.4.2** **Uniform Traffic Citations:** At the time a motorist is charged with a violation, the officer must provide the violator with information relative to the specific charge by providing a traffic infraction information pamphlet to include mandatory court appearance, information in regard to paying a fine, citation instructions, etc. **(CALEA 61.1.4a,b,c)**

**2.4.2.1** **Definition:** For the purpose of this chapter, UTC refers to "Florida Uniform Traffic Citation."

**2.4.2.2 Separate Traffic Citation For Each Violation:** On traffic charges, other than careless or reckless driving, a separate traffic citation shall be issued for each moving violation.

**2.4.2.3 UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS:**

**2.4.2.3.1 Multiple Violations:** When an officer observes, a violator commit more than one violation, consideration will be given as to the number of citations to be written. The issuance of multiple citations will be dependent upon all contributing circumstances and will be at the discretion of the officer. When more than one citation is issued, all companion citations shall be appropriately checked in the box marked "If companion citation(s) 'X' here" on the Florida Uniform Traffic Citation. **(CALEA 61.1.5i)**

**2.4.2.3.2 Procedures for Suspended, Revoked, or Canceled Driver Licenses:** The offense of Driving While License Suspended, Revoked or Canceled, Florida Statute 322.34, will be charged as an infraction under subsection (1), a misdemeanor under subsection (2), or a felony under subsection (5), depending on the specific circumstances. If subsection (1), (2), or is not listed on the Florida Uniform Traffic Citation, the Clerk of Courts will return the citation to MPD for amendment. **(CALEA 61.1.5b)**

**2.4.2.3.3** In order for an officer to charge appropriately, dispatchers will ensure that all information accompanying a driver license check is provided to the requesting officer. Only providing a driver license status and last date of suspension will no longer suffice.

1. When information reveals that a violator's driver license has been suspended, revoked, or canceled, except for "habitual traffic offender" as defined in Florida Statute 322.264, the proper charge will be Florida Statute 322.34(1), a traffic infraction, unless the violator admits knowledge, or there is other evidence of knowledge by the violator, that the driver license was suspended, revoked, or canceled.

2. When information reveals that a violator's driver license has been suspended (including suspension due to a failure to appear or financial responsibility), revoked, or canceled, except for "habitual traffic offender" as defined in Florida Statute 322.264, and the violator admits knowledge, or there is other evidence of knowledge by the violator, that the driver license was suspended, revoked, or canceled, the proper charge will be Florida Statute 322.34(2), a misdemeanor, and the officer may arrest the violator.

**2.4.2.3.4** Evidence that the violator had knowledge of the suspension, revocation, or cancellation of the driver license may include:

(1) Violator previously cited for Driving While License Suspended, Revoked, or Canceled.

(2) Violator received notice of suspension, revocation, or cancellation of the driver license via court order.

(3) Violator received notice of suspension/disqualification of the driver license via a Florida DUI Uniform Traffic Citation (see DUI Enforcement) which automatically suspended the driver license; i.e., Driving with an Unlawful Blood Alcohol Level or Refusal to Submit to Lawful Breath, Blood, or Urine Test.

(4) Florida DHSMV advised that a notice of suspension, revocation, or cancellation of the Driver license was sent and received at the same address that the violator is currently providing.

**2.4.2.3.5** When there is doubt regarding the status of the driver license, or doubt regarding the violator's knowledge or awareness that the driver license was suspended, revoked, or canceled, the violator will not be charged or arrested for this offense.



**2.4.2.3.6** Pursuant to Florida Statute 322.264, a "habitual traffic offender" is defined as any person whose Florida Driver License record shows that the person has accumulated a specified number of convictions for certain offenses detailed within the statute within a five-year period. The Florida Driver License of any person meeting the definition of "habitual traffic offender" is subject to mandatory revocation by Florida DHSMV. When a violator who's Florida Driver License has been revoked pursuant to the habitual traffic offender statute, drives in a motor vehicle on the highways of the State of Florida while the Florida Driver License is revoked, the proper charge will be Florida Statute 322.34(5), a third-degree felony, and the officer must arrest the violator.

**2.4.2.3.7** When taking a violator into custody, it is necessary to complete both a Florida Uniform Traffic Citation and a Complaint/Arrest Affidavit. Officer must contact the State Attorney's Office to set a pre-file conference. **(CALEA 61.1.2a)**

**2.4.2.3.8 Uniform Traffic Citations Requiring Fingerprints:**

Officers issuing citations under Florida Statute 322.15(2), License to be carried and exhibited on demand, must have the person imprint either thumbprint on the reverse of the white copy of the Uniform Traffic Citation. Officers are required to pick up a print kit from the Property Unit.

**2.4.2.3.9 Commercial Vehicle/Common Carriers:** The Department will send selected officers to special schools to learn about these types of vehicles, and only those officers will have enforcement authority over these types of vehicles. **(CALEA 61.1.5g)**

**2.4.2.3.10 Newly Enacted Laws and/or Regulations:** Officers may arrest (charge) violators under newly enacted laws and/or regulations; however, consideration should be given as to the ignorance of the general public in these cases. **(CALEA 61.1.5j)**

**2.4.2.3.11 Drivers Re-examination:** During routine enforcement and crash reporting, investigation activities frequently lead to the discovery of drivers who may be incompetent, have a physical or mental disability, disease, or other conditions that might prevent the person from exercising reasonable and ordinary care in operating a motor vehicle. During an investigation, if a driver is believed to be incompetent, the appropriate blocks on the crash form shall be checked and an explanation given in the narrative. A request for re-examination shall be initiated by completing a Re-examination Investigation report (Form HSMV 72419), which will be attached to the crash report or mailed to the Florida DHSMV, Division of Driver Licenses. If the operator's license was issued by another state, the appropriate licensing state can be contacted by Teletype, via the CIS 24-hour desk or by written correspondence, and notified of the request for re-examination. Form HSMV 72419 may be obtained in the Traffic Homicide Unit or Traffic Enforcement Unit Office. **(CALEA 61.1.12)**

**2.4.2.3.12 Bicycle/Pedestrian Traffic Enforcement:**

Verbal warnings and uniform traffic citations may be given to bicycle operators or pedestrians who violate traffic laws. **(CALEA 61.1.5l)**

a.) Officers shall exercise discretion when enforcing bicycle and pedestrian traffic laws. Emphasis is directed toward the education of the pedestrian/bicycle or operator. Enforcement activities will be commensurate with crash experience. Violation and/or crash statistics will be utilized to develop countermeasures to reduce crash frequency.

b.) Enforcement of traffic regulations pertaining to pedestrian and bicycle operator actions is a routine part of the uniform Patrol Division's duties. The Records Unit shall maintain records of all bicycle and pedestrian crashes. The data will be reviewed to develop crash countermeasures to reduce or eliminate human or vehicular actions, decisions, and events that contribute to the cause of these incidents.

c.) Further enforcement information is found in Florida Statute, Chapter 316, Section 316.2065, Bicycle regulations and Florida Statute, Chapter 316, Section 316.130, Pedestrian obedience to traffic control devices, and traffic regulations.

#### **2.4.2.3.13 Off-Road Vehicle Violations:**

It is the policy of the Miami Police Department to enforce traffic law violations equally, regardless of the type of vehicle being operated. **(CALEA 61.1.5e)**

#### **Definitions:**

- a.) All-Terrain Vehicle: Is defined by the State of Florida as a motorized off-highway vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more non-highway tires, and manufactured for recreational use by one or more persons.
- b.) Roadway: That portion of public right-of-way designed for vehicular travel.

The following instructs officers on regulating off-road and all-terrain vehicles operations:

1. Juveniles operating off-road vehicles who violate traffic laws shall be treated as any other juvenile traffic offender operating a licensed motor vehicle.
2. Any unlicensed vehicles being operated on the traffic way shall be removed from the traffic way. Such vehicles are not to be operated on any city right-of-way, including dirt or grass alleys, and access roads. A method of removal is at the officer's discretion.
3. Off-road vehicles are required to be licensed, registered, and equipped as all other motor vehicles when operated on public roadways.
4. Public trails for bicycling or walking are not to be used by off-road vehicles.
5. When crossing streets, off-road vehicles are to be pushed by the driver and are not to be driven. Off-road vehicles that are driven across streets are considered to be operating an off-road vehicle on a public right-of-way.
6. Every vehicle driven, stopped, or parked on any street or roadway of this state shall be licensed. Off-road vehicles are not required to be licensed or registered. A title will be necessary to verify ownership.

#### **Crashes:**

- a. If an off-road vehicle crash results in death or injury to any person, the operator of each all-terrain vehicle involved shall report said crash to the proper authorities per Florida Statute 316.2074(5)(6).
- b. If an off-road vehicle is operated on the roadway and involved in a crash, it shall be reported on the standard DHSMV crash form.
- c. If an off-road vehicle operated off the roadway is involved in a crash, the standard DHSMV crash form will be prepared if there is property damage, death, or injury.

**2.4.2.3.14 Traffic Violations (Special Handling):** The National Highway Traffic Safety Administration, Uniform Vehicle Code, has been adopted by a majority of the states. Nonresident drivers are rarely confronted with unfamiliar traffic signs or inconsistent regulations; therefore, residency should not be an enforcement consideration.

1. Nonresidents, legislators, or military personnel may be warned, cited, or arrested depending upon the seriousness of the violation committed, however, the penalty imposed for a specific violation of law will mirror the penalty imposed upon a resident for the commission of a similar violation. Additionally, whenever the violator does not have a valid driver's license in his/her possession, positive identification shall be established and an imprint of the persons' thumb will be included on the uniform traffic citation. Non-residents who fail to appear in court or pay a fine will be issued a driver's license number by DHSMV which will indicate a suspension for failure to appear in court or pay his/her fine. During subsequent traffic stops, the violator may be arrested for the suspension of his/her license issued through this process. **(CALEA 61.1.3a,c,e)**
2. Under prevailing international law and agreement, a foreign career consular officer is not liable for arrest or detention pending trial, except in the case of a grave felony offense that would endanger the public safety, and pursuant to a decision by the competent judicial authorities. When a consular officer is stopped for a traffic violation, the officer on the scene, upon being advised by the driver that he is a consular officer and ascertaining that he possesses the proper credentials, should exercise discretion based on the nature of the violation and either let him/her go with a verbal warning or proceed with the issuance of a citation. Mere issuance of a traffic citation does not constitute arrest or detention in the sense referred to above. For further guidance on this subject see the Florida Law Enforcement Handbook under "Legal Guidance." **(CALEA 61.1.3d, 61.1.2b,c)**
3. **Juveniles:** Delinquent Acts: Juveniles are subject to the same laws as adults governing the use of motor vehicles and will appear in regular traffic court. For additional information regarding handling arrest and detention of juveniles for traffic violations, refer to Juveniles Departmental Order 9 Chapter 3. **(CALEA 61.1.3b)**

**2.4.2.3.15 Florida Uniform Traffic Citation Data Collection:** With the ongoing demand for data collection and maintenance for statistical analysis or review, the Information Technology Section along with the Records Unit will capture and conduct data entry on Florida Uniform Traffic Citation (UTC). In order to reduce data entry of paper files and increase file security, the implementation of the auto-upload of uniform traffic citation information is essential in maintaining continuity and accountability in UTC. The Records Unit shall maintain records of specified traffic violations such as the following:

1. Red-light running
2. Seatbelt violations
3. Child restrains violation
4. Aggressive driving
5. Careless driving
6. Speeding violation

**2.4.2.3.16 Requirements for Careless Driving Charge:** Officers should not issue a citation for careless driving without sufficient supporting information, which must include a combination of two or more charges. An exception to this would be charges as a result of an accident such as careless driving by following too closely, resulting in an accident.

**2.4.2.3.17 Information Requests by Traffic Violators:** When a traffic charge requires a court appearance, the officer shall not discuss any fines with the violator. However, if the fine is a payable offense, the officer will direct the violator to the information on the payment envelope that explains the fines and the procedures

for requesting a court hearing. **(CALEA 61.1.4 a,b,c)**

**2.4.2.3.18 Submission of Citations:** Summons and citations are to be transmitted electronically via the TRACS system. Supervisors will ensure that the Electronic Transmittal is submitted, when the electronic transmission is not functioning, a written/printed Transmittal Form will be turned into the Records Unit.

**2.4.3 Physical Arrests:** Officers may arrest violators after confirming the existence of an active warrant, observing the effects of chemical impairment, or after determining that drivers who have committed arrestable criminal traffic violations may not appear in court. When taking a violator into custody for a criminal traffic offense, an officer must complete both a Florida Uniform Traffic Citation and a Complaint /Arrest Affidavit. Officers may or may not complete a Complaint/Arrest Affidavit if the violator is not being taken into custody and the violator signs the citation. **(CALEA 61.1.2a)**

**2.4.3.1 Traffic Arrests:** The officer will check out of service on the appropriate signal. Officers are to request an incident number and advise the dispatcher of arrest reports, when the offense is a traffic charge, at the in-service time, indicating "1 – Traffic Arrest." In the event of a D.U.I arrest, the signal shall be changed to a "16", an incident number will be requested, and the arrest report will be announced at in-service time. An approving supervisor will assure that only the officer necessary to present the case is listed on the report to be subpoenaed. **(CALEA 61.1.2a)**

**2.4.3.2** If the violator refuses to accept and sign a summons, when required indicating a "Promise to Appear", he/she will be subject to arrest on a second-degree misdemeanor charge. The utmost discretion will be exercised in situations of this type. Officers may allow the violator to accept the summons after writing "Refused to Sign" on the signature line. The likelihood of the violator honoring the requirement of the summons (e.g., community ties or previous bench warrants, proper mailing address) is an important factor in determining whether an arrest should be made.

**CANINE**

Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** The policy of the Miami Police Department (MPD) is to provide highly trained canine teams to protect persons and property in the City of Miami and to enhance the safety of police officers where an offender or offenders are believed to be a threat. The MPD will provide highly trained dogs capable of detecting controlled substances, explosives and the tracking of missing persons. Canine activities will be conducted with the care and restraint necessary to ensure constitutional policing.

**3.2 ORGANIZATION:** The Canine Unit is assigned to the Specialized Operations Section, under the Field Operations Division.

**3.3 RESPONSIBILITIES:** The Canine Unit is charged with responding to situations that necessitate the specialized skills of the canine teams. These situations include building searches, area searches, and other calls relating to police officer protection. Additional responsibilities include:

**3.3.1** Providing assistance to patrol districts, police officers, and investigators by using canines that are capable of detecting hidden narcotics, explosives, guns, ammunition, and the tracking of missing persons.

**3.3.2** Providing basic police patrol services to assigned areas.

**3.4 PROCEDURES:**

**3.4.1 Canine Handling Methodology:** The MPD Canine Unit utilizes a handler control policy. Through the training of both handlers and canines, the handler maintains control of the canine through the use of verbal, hand and leash commands.

**3.4.2 Canine Utilization:** Police service canines of the MPD will be employed for searches and tracks only when the handler has probable cause to believe that the suspect to be searched for has committed a felony, is resisting arrest, and/or is attempting to evade or escape arrest through concealment.

**3.4.3 Area Searches:** If an area search is to be conducted by a canine unit, the perimeter will be maintained until the canine team conducting the search advises the sergeant or commanding officer on the scene that the area being searched is secure. It will be the responsibility of the sergeant or commanding officer to advise the dispatcher that all units can secure the perimeter. Officers involved in holding the perimeter shall station themselves outside the police vehicles to afford an unobstructed view of the area being contained. If the canine indicates the presence of a concealed suspect, every objectively reasonable effort will be made to make the apprehension without the suspect being bitten. If the suspect ignores the

order and refuses to surrender, the handler is responsible for coordinating the apprehension with a back-up officer. The initial responding unit will be responsible for:

**3.4.3.1** Providing a description of the offender and setting up a perimeter to prevent the escape of same.

**3.4.3.2** Assisting arriving units in keeping all persons clear of the area until the arrival of the canine unit and the search is complete.

**3.4.3.3** Coordinating any possible apprehension with the canine handler.

**3.4.3.4** Once the canine has begun the search no officers are to enter the area being searched. Under no circumstances will any officer or civilian be placed in a position of hazard in order to make an apprehension without the use of the canine.

**3.4.4 Building Searches:** When any police unit arrives at the scene of a burglary and has reason to believe the offender is still inside the building or if a building search is to be conducted, the officer will not allow the building to be entered if a canine unit is on duty and available for a building search. The initial responding unit will be responsible for:

**3.4.4.1** Setting up a perimeter to prevent the escape of the offender.

**3.4.4.2** Requesting that an available canine unit be dispatched, maintaining the perimeter of the building, and keeping all persons and police units clear of the interior of the building until the arrival of the canine unit.

**3.4.4.3** Coordinating the apprehension with the canine handler.

**3.4.4.4** Once the canine has begun the search no officers are to enter the building being searched. Under no circumstances will any officer or civilian be placed in a position of hazard in order to make an apprehension without the use of the canine.

**3.4.5 Controlled Substance Searches:** The canine officer will use his dog to assist officers and investigators in finding controlled substances that are hidden or concealed. Controlled substance searches will be limited to approximately fifteen (15) minutes to provide an adequate rest period without fatiguing the dog.

**3.4.6 Explosive Searches:** The Explosive Ordinance Device (EOD) Canine is only a tool to assist in the location of a suspected explosive. The Canine will be used to search locations, which cannot be visually checked and to check packages, locked compartments, and areas with a high probability of hidden explosives.

**3.4.6.1** In suspicious package incidents where the location is known, the canine will not be utilized.

**3.4.6.2** The on-call bomb technician will be notified prior to beginning any search. Deployment of the EOD canine will be at the discretion of the handler and/or canine unit supervisor.

**3.4.6.3** The canine unit supervisor or the senior handler present will direct and control the search and will determine the number of canines needed and appropriate rest breaks for the canines.

**3.4.6.4** An alert by the EOD canine to any object will cause the object to be designated as a "suspect device". Communications will be notified and they will make appropriate notifications.

**3.4.7 Prohibited Canine Use:** The following are situations where the use of a canine is not justified:

**3.4.7.1** To effect the arrest of a highly intoxicated or feeble person who cannot escape or resist the officer.

**3.4.7.2** To intimidate or frighten a suspect.

**3.4.7.3** To apprehend traffic violators, unless it is a 1<sup>st</sup> or 2<sup>nd</sup> degree felony.

**3.4.7.4** To apprehend retail theft offenders (shoplifters), unless the property stolen is valued over \$300 or more. The canine will not be utilized for any other retail theft offenses.

**3.4.7.5** To search for known juvenile offenders, unless there is probable cause to arrest the juvenile for a violent persons crime (e.g., homicide, rape, armed robbery).

**3.4.8 Eligibility:** Canine members will maintain eligibility criteria throughout their tenure in the Unit by maintaining their canine partners as outlined in the Canine Standard Operating Procedures (SOP). Failure to maintain this criteria by the canine handler as outlined in this SOP will result in removal from the Canine Unit.

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**SPECIAL THREAT RESPONSE UNIT**

Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Responsibilities
- 6.4 Procedures
- 6.5 Staffing
- 6.6 Eligibility

**6.1 POLICY:** It is the policy of the City of Miami Police Department (MPD) to provide the Department and community with highly skilled personnel capable of responding to special threats in order to safeguard the lives of citizens and/or fellow police officers. The Special Threat Response Unit (STRU) will be utilized as a reactive function and will not be called upon to perform regular patrol activities. **(CALEA 46.1.10 c)**

**6.2 ORGANIZATION:** STRU is a function of the Specialized Operations Section (SOS) under the Field Operations Division. STRU is comprised of the Special Weapons and Tactics Detail (SWAT), and the Crisis Negotiations Team (CNT), which is a special detail.

**6.3 RESPONSIBILITIES:** STRU shall be responsible for responding to “special threat” incidents when requested and for carrying out negotiations, tactical responses, and /or other activities to ensure the protection and safety of citizens as well as for apprehending or neutralizing any criminal element.

STRU shall be responsible for, but not limited to, responding to the following types of incidents:

- a) Barricaded subjects
- b) Hostage Taking
- c) Kidnappings
- d) Protection of vital installations
- e) Serving selected search warrants
- f) Snipers
- g) Civil disturbances
- h) Canine perimeters involving subjects armed with a firearm

**6.3.1** Crisis negotiators shall respond to “special threat” incidents when communication with the subject will facilitate goal accomplishments.

**6.3.2 Patrol Responsibilities:** On incidents that are not pre-planned by SWAT personnel, the responding patrol units will be responsible for the initial containment of the structure and/or of the incident location. Upon arrival of SWAT personnel, the patrol officers will be relieved of their assignments relevant to the actual containment of the structure and/or incident location however; patrol supervisors will remain responsible for staffing the inner and outer perimeters to include traffic and pedestrian restrictions. **(CALEA 46.2.1 a, c)**

**6.4 PROCEDURES:** **(CALEA 46.2.1 b)**

**6.4.1** SWAT shall be requested by the field duty lieutenant when a situation has escalated to a point that exceeds the capabilities of standard patrol resources and there is a potential threat to citizens and/or police officers.

**6.4.2 Under no circumstance** are STRU/SWAT personnel to be mobilized and utilized for general patrol functions or any other functions which are not beyond that which patrol can handle; such as those listed under the "Responsibilities" section of this Departmental Order.

**6.4.3** When the field duty lieutenant determines that the mobilization of SWAT is necessary, the field duty lieutenant will contact Communications.

**6.4.4.** In order to verify that the request meets the call-out criteria, Communications personnel will contact the STRU Commander prior to initiating the call-out. This applies to all requests made for STRU during any incident.

**6.4.4.1** Whenever a SWAT mobilization is authorized, Communications personnel shall notify the Staff Duty Officer without any delay.

**6.4.5** The STRU Commander shall determine the need for the mobilization of the CNT. If the CNT Team is mobilized, then SWAT shall be mobilized as well. The CNT Team shall not be mobilized independently of SWAT.

**6.4.6** Once on the scene, the ranking SWAT member will serve as the tactical commander until relieved by a higher ranking SWAT member. If immediate action is required, the on-scene tactical commander will initiate the appropriate response action. If immediate action is not required, the SWAT supervisor will stabilize the situation pending the arrival of a higher ranking SWAT member who will provide overall command of the incident.

**6.5 STAFFING:** STRU shall be composed of a sufficient number of members to ensure that its goals, responsibilities, and objectives are realized.

**6.5.1** A full-time element will be assigned to SWAT. This element will consist of a minimum of one (1) supervisor and a select group of SWAT certified officers. Their schedule and shift will be set by the Section Commander depending on organizational needs. All other personnel who are assigned to STRU and are not part of this element, will be considered collateral-duty personnel and assigned as needed.

**6.5.2** SWAT members may be assigned to Patrol, or other units throughout the Department, but be readily available in the event of a SWAT mobilization.

**6.5.3** The Chief of Police, at his discretion, may choose to prohibit SWAT members from serving in specified specialized units.

**6.5.4** Members of the CNT Team are generally assigned to other units throughout the Department and are mobilized pursuant to incident needs.

**6.6 Eligibility:** STRU members will maintain eligibility criteria throughout their tenure in the unit. The STRU Commander will ensure that members consistently demonstrate the capacity to carry out their respective missions.

**6.6.1** Extensive standard operating procedures (SOPs) delineating the utilization of STRU have been prepared and shall be used to guide their operations.

## MARINE PATROL

### Section

- 7.1 Policy
- 7.2 Organization
- 7.3 Responsibilities
- 7.4 Procedures

**7.1 POLICY:** There are 20 square miles of navigable waterways and 26 linear miles of coastline within the jurisdictional limits of the City of Miami. Increases in recreational and commercial marine activity have resulted in a growing concern for the health, safety and welfare of the marine community. Drugs and illegal aliens also find their way into the city via these waterways. The Marine Patrol Detail was created and exists to address the concerns of our citizens about crime and safety upon the waterways within the city. The Marine Patrol Detail provides both a police presence to discourage criminal activity and the ability to respond to marine emergencies.

**7.2 ORGANIZATION:** The Marine Patrol Detail is part of the Specialized Operations Section of the Field Operations Division. The Detail is assigned to the Patrol Support Unit.

**7.3 RESPONSIBILITIES:** They will respond to calls for service including, but not limited to, the following:

**7.3.1** Perimeters bordered by any body of water.

**7.3.2** Boating accidents, including fatalities or extreme injuries. Officers will protect the scene and summon the Florida Marine Patrol who will take over the investigation.

**7.3.3** Requests for back-up by any other law enforcement agency.

**7.3.4** Hazards to navigation.

**7.3.4.1** Officers will report hazards to navigation to the appropriate authority.

**7.3.5** Stranded/disabled vessels or vessels in distress.

**7.3.5.1** Officers will assist, secure, or advise on commercial assistance. Marine Patrol vessels are not designed or equipped to pull or tow stranded or disabled vessels and will only do so in case of an emergency situation.

Commercial assistance will be called or offered to the stranded or disabled vessel operator. Vessel operators should be encouraged to request commercial assistance via their vessel radio to U.S. Coast Guard on channel #16. If the standard vessel's radio is inoperative, the Marine Patrol officer will notify the Coast Guard of the commercial assistance case.

**7.3.5.2** Officers will remove and transport sick or injured citizens to the nearest medical facility or waiting ambulance.

**7.3.5.2.1** For extreme illness or injury, an air ambulance will be called.

**7.3.6 Limitations of the Marine Patrol Detail:** The Marine Patrol Detail will respond to any water related emergency, but might be limited in what they can do and may only monitor and assist. Some examples include, but are not limited to, the following (In all of the below situations, the Complaint Sergeant will be requested to notify the appropriate agency).

**7.3.6.1** Boat fires in the Miami River or adjacent to land, call the Miami Fire Department. If not accessible by land, the Coast Guard and the MFD amphibious fireboat shall be notified.

**7.3.6.2** In an aircraft crash, all law enforcement agencies, the Coast Guard, and the Civil Aeronautics Board shall be notified.

**7.3.6.3 Sinking Vessels:** The Coast Guard and the MFD amphibious fireboat shall be notified.

**7.3.6.4 Hazardous Substance/Oil Spill:** The Coast Guard shall be notified.

**7.4 PROCEDURES:** Certain water related emergencies or circumstances will require the use of Miami Police patrol boats and/or divers. The Marine Patrol works seven days a week, but it does not provide 24-hour a day coverage. Should the need arise for a boat and/or diver and there is a crew on duty, they can be raised on Channel 7 or by calling the Marine Patrol office.

If the need arises for these services when a crew is not working, the Complaint Sergeant should be notified. The Complaint Sergeant will notify the on-call Marine Patrol officer who will coordinate an appropriate response.

If the Miami Police Marine Patrol is unable to respond due to equipment failure or other unforeseen circumstances, the Complaint Room should then contact the Miami-Dade Police Department's shift commander and seek assistance from that agency.

**7.4.1** Divers will be requested in circumstances that require a scuba diver's assistance at the scene. Examples of such circumstances include, but are not limited to, the following:

**7.4.1.1** Recovery of the victims of drowning where the victim is not visible on the water's surface or cannot be reached and brought to shore by units on the scene.

**7.4.1.2** Rescue of persons trapped in sinking or submerged vehicles.

**7.4.1.3** Recovery of evidence, contraband, or victims which the officer has reason to believe are submerged in a certain underwater location and are required for investigative purposes.

**7.4.1.4** When practical, to aid citizens by retrieving lost articles of value. This is not intended to provide a substitute for commercial services; it is to provide citizens with assistance if it is practical and if it does not impair the unit's priority services.

**7.4.2** Marine Patrol police boats will be requested in circumstances where a boat's assistance will be required. Examples of such circumstances include, but are not limited to, the following:

**7.4.2.1 Drug/Alien Interdiction:** All Miami police vessels are equipped with U.S. Customs Service radios, and they may be dispatched by the U.S. Customs Service to interdict vessels incoming from foreign ports. All Marine Patrol officers are cross designated as U.S. Customs officers.

**7.4.2.2** Recovery of evidence, contraband, or victims, which the officer can see floating upon a body of navigable water, that are not accessible by units on the scene.

**7.4.2.3** To lend assistance to boats or persons in distress upon navigable waters.

**7.4.2.4** To lend assistance to other police departments and government agencies when the need arises and is within our capabilities.

**7.4.2.5** Detention or apprehension of witnesses or suspects when such action can only be accomplished with the assistance of the police boat.

## MOUNTED PATROL

### Section

- 8.1 Policy
- 8.2 Organization
- 8.3 Responsibilities
- 8.4 Procedures

**8.1 POLICY:** It is the policy of the Miami Police Department to promote police/public relations, provide support to field units and specialized police service to specific business areas within the city where, because of the nature of business, there is extensive vehicular and pedestrian movement. The mounted officer is basically a beat officer on a horse who is able to cover a greater area more frequently and thoroughly.

**8.2 ORGANIZATION:** The Mounted Patrol Detail is assigned to the Patrol Support Unit which is a part of the Specialized Operations Section, under the Field Operations Division.

**8.3 RESPONSIBILITIES:** The Mounted Patrol Detail provides Specialized Operations services that include, but are not limited to, the following:

**8.3.1** Minimizing the criminal activity within the areas assigned by maintaining readiness, availability and high visibility.

**8.3.2** Providing a support force for passive crowd control where hostilities are minimal, at parades, picket lines, park concerts, and events in city facilities. City horses will not be used in hostile situations where an injury may result to the officer or his mount due to gunfire or objects being thrown.

**8.3.3** Establishing community support for the Miami Police Department by rendering services and through personal contacts in the area assigned.

**8.3.4** Improving and maintaining the proper Miami police image through exemplary appearance and concern for the problems of assigned areas.

**8.4 PROCEDURES:** The Mounted Patrol Detail shall carry out its responsibilities in the following manner:

**8.4.1** Providing backup service to patrol units by responding to calls whenever possible.

**8.4.2** Maintaining high visibility in areas of assignment.

**8.4.3** Riding in the street and concentrating patrol in the problem areas of their assigned beat.

**8.4.4** Dismounting often while on patrol and mixing with the public. Making frequent contacts with the merchants in their assigned area to learn of specific problems they might have.

**8.4.5** Enforce all traffic violations in their assigned area.



**8.4.6** Carry out other duties as assigned by the Mounted Patrol Detail supervisor or the unit commander.

**8.4.7** City of Miami police horses are housed at Lummus Park located at 360 N.W. 3<sup>rd</sup> Street. The horses are deployed to assigned areas throughout the City of Miami via horse trailers.

**8.4.8** In the event of an emergency involving mounted personnel or a city horse, immediate notification of the Complaint Sergeant and the mounted supervisor is required. The mounted supervisor will be responsible for notification of other personnel or the veterinarian.

**8.4.9** Personnel not assigned to the Mounted Detail shall not at any time sit on, or ride any City of Miami Police horse unless properly trained and authorized by the Chief of Police.

**8.4.10** If it is determined by the Unit Commander that additional personnel are necessary to subsidize the Mounted Detail for an event, or other situation, those individuals will be selected from a pre-approved list of riders that have successfully completed a training program as designated by the Unit Commander and Mounted Detail Supervisor.

**8.4.11** All other persons including citizens, or other City of Miami Employees, etc. are strictly prohibited from sitting on, or riding a City of Miami Police horse.

**8.4.12** The Mounted Detail will train once a month, or at the discretion of the Unit Supervisor. Personnel assigned to the unit must complete a six (6) week training course in basic equestrian, as deemed appropriate by the Unit Commander and Supervisor.

## SCHOOL CROSSING GUARD DETAIL

### Section

- 9.1 Policy
- 9.2 Organization
- 9.3 Responsibilities
- 9.4 Procedures

**9.1 POLICY:** To provide a degree of safety in assisting school children crossing streets near schools within the City of Miami.

**9.2 ORGANIZATION:** The School Crossing Guard Detail is a component of the Traffic Unit, which is assigned to the Specialized Operations Section under the Field Operations Division.

**9.3 RESPONSIBILITIES:** The primary responsibilities of the School Crossing Guard Detail are as follows:

**9.3.1** To ensure the safety of children crossing at designated crossing posts.

**9.3.2** To report any and all dangerous obstacles, which may impede the safe passage of children at certain locations near schools.

**9.3.3** To maintain a good working relationship with parents and school officials.

**9.3.4** To educate the children in the importance of utilizing school cross walks and crossing streets at intersections.

**9.4 PROCEDURES:**

**9.4.1** The school crossing guard will be responsible to cross all children that approach their post during their working hours.

**9.4.2** The school crossing guard will utilize the crosswalk as a safety zone when crossing all children (when applicable).

**9.4.3 Uniforms:**

**9.4.4** The school crossing guard uniform is to be worn only when the guard is performing their duties and to and from work.

**9.4.5** The school crossing uniform will consist of:

**9.4.6** Light blue short sleeve shirt with City of Miami patches on each sleeve.

**9.4.7** Dark blue pants.

**9.4.8** Black shoes.

**9.4.9** Black belt.

**9.4.10** Baseball cap with City of Miami patch.

**9.4.11** Reflective vest with the words school crossing guard written on it.

**9.4.12** Green reflective gloves.

**9.4.13** The reflective vest is a part of the uniform and shall be worn at all times.

**9.4.13.1** The green reflective gloves shall be worn when the school crossing guard is actively assisting children across the street, working on the roadway, or working adjacent to the roadway.

**9.4.14** Locations requiring school crossing guards shall be based on requests received from school officials and through site criteria established by the Traffic Unit.

**9.4.15 Site Criteria:** Site criteria shall include, but not be limited to, the review of the following factors: Traffic volume/speed, number of turning movements, the width of an intersection, physical terrain, the existence or absence of traffic control devices, and number and age at children utilizing the crossing.

**9.4.16 Site Surveys:** An annual survey shall be conducted to review all locations requiring school crossing guard assignments. Based on an analysis of the survey, locations requiring adult school crossing guards will be identified.

## WRECKER DETAIL

### Section

- 10.1 Policy
- 10.2 Organization
- 10.3 Responsibilities
- 10.4 Procedures

**10.1 POLICY:** It is the policy of the Miami Police Department to facilitate a cooperative effort between the Department, towing firms, immobilization contractor (booting companies), and citizens utilizing towing services.

**10.2 ORGANIZATION:** The Wrecker Detail is a function of the Traffic Enforcement Unit. Although this chapter is assigned to the Traffic Enforcement Unit, it is applicable department-wide. The Traffic Enforcement Unit is a function of the Specialized Operations Section under the Field Operations Division.

**10.3 RESPONSIBILITIES:** The primary responsibility of this detail is to oversee the wrecker companies under contract with the City of Miami Police Department. It also approves the issuance of licenses to towing firms and booting companies engaged in the business of towing or booting of illegally parked vehicles from private property. Lastly, it investigates complaints, which are made against wrecker companies and booting companies, under contract or private, which do business within the City of Miami.

**10.4 PROCEDURES:** Employees authorized to impound vehicles and/or vessels shall be responsible for following the procedures outlined in this order. In addition to the below prescribed procedures employees authorized to impound vehicles and/or vessels shall refer to the policy for impounding of vehicle/vessels for guidance.

**10.4.1** Whenever a vehicle must be towed, an “Authorized wrecker operator” must be requested via the police radio only. “Authorized wrecker operator” means any wrecker operator or business enterprise who has been designated as part of the City’s wrecker operator system by entering into a valid and current agreement with the City and assigned a zone for the provision of such services.

**10.4.2** Crash Scenes-Towing of Disabled Vehicle(s): The primary responsibility of the investigating Officer/PSA is to secure the crash scene and clear any obstructed roadway as soon as possible. At a crash scene involving a “disabled” vehicle(s), the investigating Officer/PSA will request a “Authorized wrecker operator” via the police radio. “Disabled vehicle(s)” for the purpose of this section shall mean any motor vehicle which has been involved in a traffic crash, not drivable and is obstructing traffic.

**10.4.2.1** Only “Authorized wrecker operators” will be dispatched by the Police Department to the traffic crash scene involving a disabled motor vehicle(s).

**10.4.2.1.1** If a driver/owner wants to have their “disabled vehicle” towed to a different location other than the tow company’s yard, the Officer/PSA will change the tow request to a “private

request” and the vehicle may be towed by the “authorized wrecker operator” to a location of their choosing. No vehicle impound/tow slip will be required on a private request tow.

**10.4.3** Under any other circumstances, i.e. vehicle is drivable, not obstructing traffic and/or no arrest is being made, the owner/driver may call any wrecker company of their choice.

**10.4.4** The investigating/requesting Officer/PSA will stand by and not leave the scene until after the wrecker has cleared with the vehicle in tow. The investigating/requesting Officer/PSA shall also ensure the removal of all crash related debris from the roadway that could possibly cause a traffic hazard (e.g., oil, battery fluid, transmission fluid, antifreeze, broken glass, etc.)

**10.4.5 Wrecker Requests:** Employees shall not contact any wrecker companies directly. All requests for wreckers shall only be made via the police radio and Communications personnel will contact the appropriate wrecker company with the request.

**10.4.6** All vehicles towed by a “Authorized wrecker operator” require a vehicle storage receipt/pound slip, no exceptions. The wrecker operator must receive a printed copy of the tow slip on scene, or if emailing, must be sent and received by the tow company prior to the wrecker operator leaving the scene. When an Officer/PSA cancels an “Authorized wrecker operator” tow request, the Officer/PSA must state the reason for cancelation, and, if applicable, the name of the private tow company towing the vehicle, via the police radio.

**10.4.7 Congregating at Wrecker Company Facilities:** To avoid the appearance of a conflict of interest employees shall not congregate at the facilities of the various wrecker companies under contract with the City unless they are dispatched to the location.

**10.4.8 Notification of 24 Hour Desk:** Employees shall notify the 24 Hour Desk of all towed vehicles by emailing a copy of the vehicle impound/tow slip to CISDesk@Miami-Police.Org. The 24 Hour Desk shall maintain a log of all towed vehicles.

**10.4.9 Special Events Wrecker Service:** The Wrecker Detail shall coordinate wreckers for special events or special operations that occur within the City of Miami.

**10.4.10 Wrecker Service Charges:** In order to assist the Property Unit in deciding when overtime wrecker charges shall be paid by the City, all officers investigating crashes where a vehicle will be placed in the Auto Pound shall indicate on a Pound Slip the arrival and departure time of the wrecker company handling the call. Any extra charges for heavy-duty wreckers, tow dollies, dropping of linkage, or winching shall be noted on the Pound Slip, and the officer shall sign their name to the slip.

**10.4.11 Complaints on Contract Wrecker Service:** The Wrecker Detail shall investigate and resolve all complaints regarding towing services and booting companies, i.e., damage to vehicles, overcharging, failure to respond to a call, refusal to release vehicle.

**10.4.12** Wrecker drivers responding to remove vehicles from the scene of a traffic crash are required per the contract with the City to clear debris from the roadway and spread absorbent material on fluid spills that result from the crash.

**10.4.13** Wreckers shall not be utilized to clear debris or downed trees from roadways that are not the result of traffic crashes. In these instances, the responding employee shall notify Communications of the hazard via the police radio. Communications shall notify the proper authorities (e.g., Solid Waste, Public Works) for the removal of the hazard from the roadway. In case of emergencies, if there are no other resources, a wrecker may be used to clear obstructions from the roadway to facilitate the flow of traffic.

**10.4.14** For the impoundment of vehicles refer to the Property and Criminal Investigations Divisions chapters.

**10.4.15 Enforcement Action of Wrecker Violations:** If any enforcement action is taken against any wrecker company, either rotation or private, for a towing violation a copy of the arrest affidavit and/or uniform traffic citation shall be forwarded to the Wrecker Detail.

## AVIATION DETAIL

### Section

- 11.1 Policy
- 11.2 Organization
- 11.3 Responsibilities
- 11.4 Procedures

**11.1 POLICY:** The policy of the Miami Police Aviation Detail is to protect the homeland, reduce crime, enhance officer safety and mitigate natural or man-made disasters through professional airborne law enforcement in the safest manner possible.

**11.2 ORGANIZATION:** The Aviation Detail is assigned to the Tactical Operations Section, under the Field Operations Division.

**11.3 RESPONSIBILITIES:** The primary mission of the Aviation Detail will be to protect citizens and critical infrastructures by using the Detail's capabilities to detect, interdict and prevent acts of terrorism. The secondary mission will be to fly in direct support of patrol functions as well as special flights in support of other divisions and City of Miami departments when approved by the Tactical Operations Section Commander.

The Aviation Detail is responsible for, but not limited to:

**11.3.1.1** Providing air support to patrol operations by;

**11.3.1.1.1** Reducing vulnerability to terrorism by enhancing patrols of critical infrastructure locations and mitigating the consequences of a terrorist attack via the deployment of rapid response teams and command and control personnel;

**11.3.1.1.2** Assisting with traffic control;

**11.3.1.1.3** Searching for lost or stranded persons and/or suspects and enhancing search and rescue operations for persons and vessels in distress;

**11.3.1.1.4** Providing assistance to incident commanders during unusual occurrences, disasters and special events.

**11.3.1.1.5** Enhancing patrol coverage and domestic security over areas of the City inaccessible to ground units (i.e. fenced compounds, roofs, parking lots);

**11.3.1.1.6** Reducing response time to certain calls (i.e. in-progress calls);

**11.3.1.1.7** Providing increased police presence in high crime areas and critical infrastructure targets subject to criminal activity or terrorist attack;

**1.3.1.1.8** Reducing the inherent liability to the City for certain police activities (i.e. high speed vehicle chases);

**11.3.1.1.9** Providing an aerial platform or command post and downlink video transmissions during special events, civil disorders, disasters, etc;

**11.3.1.1.10** Enhancing officer safety by illuminating nighttime operations;

**11.3.1.1.11** Reducing man-hours searching for suspects attempting to conceal themselves by utilizing on board infrared video and night vision goggle technology;

**11.3.1.1.12** Coordinating operations with the Fire Department to support firefighters during highrise fires.

**11.3.1.2** The Tactical Operations Section Commander must approve special flights. Special flights include and are not limited to:

**11.3.1.2.1** Provide a platform for aerial photography of crime and traffic accident scenes;

**11.3.1.2.2** Providing aerial security of V.I.P. and foreign dignitaries as required;

**11.3.1.2.3** Transportation of employees, cargo and other City and departmental personnel, when appropriate;

**11.3.1.2.4** Conduct airborne surveillance of suspects or locations for criminal investigations;

**11.3.1.2.5** Any other missions deemed necessary by the Chief of Police.

#### **11.4 PROCEDURES:**

**11.4.1** Employees shall not approach the aircraft when the rotors are in motion unless escorted by a member of the flight team.

**11.4.2** All Miami Police Department Aviation Detail personnel shall be responsible for adhering to Federal Aviation Administration (FAA) guidelines for all flight operations, takeoffs and landings.

**11.4.3** All requests for Aviation shall be made on channel 1.

**11.4.4** Any requests to ride along in the aircraft shall be approved only by the Chief of Police.



**RESERVED**

## ACCIDENT REVIEW BOARD (ARB)

### Section

- 13.1 Policy
- 13.2 Organization
- 13.3 Responsibilities
- 13.4 Procedures
- 13.5 Accident Review Board

**13.1 POLICY:** The purpose of this policy is to establish guidelines for sworn and civilian employees and supervisory personnel to properly respond to, investigate, and report all crashes involving any assigned police department vehicle occurring within and/or outside of the City of Miami jurisdiction. For the purposes of this policy, vehicles rented by the Miami Police Department shall be treated as City vehicles when utilized by police officers.

**13.2 ORGANIZATION:** Although this chapter is assigned to the Specialized Operations Section (SOS), it is applicable department-wide to all employees who operate police department vehicles.

**13.3 RESPONSIBILITIES:** All employees involved in a crash during the operation of a police department vehicle will report the crash, regardless of the amount of damage incurred and whether there are injuries or not.

**13.4 PROCEDURES:** The following procedures outlined in Departmental Order 9 Chapter 9 Police Vehicle Crash Investigation shall be followed by employees when involved in a police department vehicle crash or investigating a police department vehicle-related crash.

**13.5 Accident Review Board (ARB):** The ARB was established to review all Departmental vehicle crashes,

**13.5.1** The ARB has the responsibility of tracking and processing all Supervisor's Report of City Vehicle Crash packages and issuance of disciplinary action if applicable in accordance with the penalty schedule for preventable crashes.

**13.5.1.1** On a weekly basis, the ARB Detail coordinator will compare the Supervisor's Report of City Vehicle Crash packages received with the Communications 24 Hour Incident Log to ensure that all Supervisor's Report of City Vehicle Crash packages have been properly submitted and received.

**13.5.1.2** The ARB Detail will prepare a yearly ARB hearing schedule with tentative dates for the ARB hearings. The ARB Detail may conduct at least one hearing a calendar month.

**13.5.1.3** Once the hearing date is scheduled, the ARB Detail will prepare the cases to be heard and create a case calendar listing the names of the affected employees and the names of the corresponding investigating supervisors. A list of employees who requested to attend the ARB hearing will be forwarded to the Court Liaison Unit to be notified via the E-Notify System.

**13.5.1.4** The ARB Detail is responsible for notifying the lieutenants selected to sit on the ARB as voting members.

**13.5.1.5** Prior to the ARB Hearing, the ARB Detail will attach the employee's driving profile to the case. The ARB Detail Supervisor will write the reprimand for those cases that are pre-determined to be preventable by the investigating supervisor and/or the ARB.

### **13.5.2 ARB PROCEDURES:**

**13.5.2.1** The Accident Review Board shall consist of three (3) members. The Board is chaired by the Specialized Operations Commander or Deputy Commander, and two (2) lieutenants. The selection of lieutenants is department-wide. The Traffic Enforcement Unit supervisor will sit as an advisor to the Board. Cases will be prepared by the ARB Detail. Each case will be presented by supervisory personnel assigned to the Accident Review Board Detail.

**13.5.2.2** The Board shall convene once a calendar month to review the cases received. The ARB Detail Coordinator will schedule the cases for the hearing review. It shall be the responsibility of the involved employee to notify and furnish any witnesses not listed on the original crash report by the investigating officer and supervisor. It is the responsibility of the involved employee to notify witness(es) to appear at the ARB Hearing if so desired.

**13.5.2.3** The ARB Hearing is conducted to determine crash preventability and not to determine disciplinary action. Disciplinary action will be in conformance with the current labor contract and the procedures set forth in this chapter. If an employee disagrees with the findings of the supervisor's investigation, a notation will be made on the Supervisor's Report of City Vehicle Crash and attested by the signature of the employee.

**13.5.2.4** Although strongly encouraged, it is not mandatory for the employee to appear before the Accident Review Board. The employee involved must check the appropriate box on the Supervisor's Report of City Vehicle Crash requesting the opportunity to appear before the board and discuss the facts of the accidents. Notice of the ARB Hearing will be sent via E-notify system. Once the employee is notified that attendance is mandatory via the **E-notify System**, the employee must appear to the ARB Hearing.

**13.5.2.5 No overtime compensation will be granted for attending the hearing. Attendance must be on-duty.** Any change in duty hours must be approved by the employee's current commanding officer.

**13.5.2.6** If for any reason the employee involved cannot attend the scheduled hearing, they must contact the ARB Detail Coordinator as soon as possible and no later than *one hour prior to the scheduled date and time of the hearing* in order to reschedule. If the employee is out "I", "IF" or "D", they must notify Court Liaison as well to make note of the ARB absence. Failure to appear and/or make proper notifications after being notified will result in the employee's case being heard in their absence.

**13.5.2.7** The ARB Chairperson may have members and supervisors appear before the Board to offer additional information if needed.

**13.5.2.8** The Accident Review Board will conduct the hearing and render one of the following conclusions:

- a) Preventable
- b) Non-Preventable
- c) Operational
- d) Inconclusive (No Police Action (NPA))

**13.5.2.9** If the ARB rules the case Preventable, the ARB Detail Supervisor will write the reprimand and send it through the chain of command of the Traffic Enforcement Unit.

**13.5.2.10** After, the ARB has reviewed the case; the Board's findings will be forwarded to the Assistant Chief of the Field Operations Division along with any written reprimand for Preventable cases.

### **13.5.3 Administrative Categories:**

**13.5.3.1 Preventable:** This category shall be used when the investigation results in the police department employee being at fault in the crash. The results will be based on the objective factual investigation founded on physical, testimonial, or other evidence from the crash scene.

**13.5.3.2 Non-Preventable:** This category shall be used when the investigation results in the police department employee not being a fault in the crash. The results will be based on the objective factual investigation founded on physical, testimonial or other evidence from the crash scene.

**13.5.3.4 Operational:** This category shall be defined as a crash resulting from the lawful efforts of the employee where the intent and actions were prudent and official. The conditions, obstructions, or actions leading up to the crash, although deemed in violation of a traffic regulation or Departmental Order, were unavoidable. It will not be a substitute phrase for a non-preventable crash. The ARB will closely scrutinize such findings to ensure that the intent and spirit not be violated. The existence of an operational category should not excuse any employee from the consequences of the negligent, careless, or reckless operation of a Departmental vehicle under any circumstances.

It is recognized that a clear and precise definition is not possible to cover all circumstances. If any reviewing investigative supervisory or command personnel need guidance or clarification as to anything herein, the Traffic Crash Investigations (TCI) Unit Commander or a supervisor from the Traffic Homicide Detail should be contacted.

**13.5.3.5 Inconclusive:** This category shall be used when the crash investigation cannot clearly and factually show that the employee involved could or could not have prevented the crash. This is standard practice used when conflicting statements, lack of witnesses and/or lack of physical evidence at the scene of a crash cannot clearly and factually show who is at fault. The term **No Police Action (NPA)** is synonymous with inconclusive.

The following are some examples of NPA, but are not limited to these:

1. Both drivers state they had the green light.

2. Both drivers state they were at the stop sign first.
3. One driver states he was rear-ended and the other driver states that the other party backed up.

**13.5.4 Penalty Schedule:** The automatic penalty schedule is listed below. The first preventable crash will begin a twelve-month annual period. During this time, any subsequent preventable crashes will be counted and charged against the employee. Upon completion of the twelve-month period, any subsequent preventable crashes would begin a new annual period.

Example: 1st preventable crash on 04/12/2015. Twelve (12) month annual period will run to 04/12/2016.

Note: The next preventable crash after 04/12/2016 will start a new twelve (12) month annual period.

**Penalty schedule for preventable crashes is:**

**13.5.4.1 First preventable crash:** Reprimand and counseling.

**13.5.4.2 Second preventable crash within twelve (12) months:** Automatic suspension of ten (10) hours.

**13.5.4.3 Third preventable crash within twelve (12) months:** Automatic suspension of forty (40) hours, loss of driving privileges for three (3) months, and/or remedial driver's training.

This will take effect upon the employee's next preventable crash.

**13.5.4.4 Fourth preventable crash within twelve (12) months:** Automatic suspension of eighty (80) hours, and 10% of repair cost of the police department vehicle, and loss of driving privileges for nine (9) months or termination.

**13.5.4.5** The 10% repair cost is based on the estimate of the General Services Administration representative.

**13.5.5 Suspension of Take-Home Vehicle Privileges Penalty Schedule for Preventable Crashes:** The following is a minimum time frame for the suspension of take-home vehicle privileges for those employees involved in a preventable police vehicle crash. The Accident Review Board (ARB) will evaluate the facts of the crash and assign the correct suspension time frame in accordance with the current labor agreement.

<b>13.5.5.1</b>	Reasonable Action No injuries Under \$1,000 Damage	No suspension of take-home vehicle privileges
<b>13.5.5.2</b>	Reasonable Action No injuries Over \$1,000 Damage	1-month suspension of take-home vehicle privileges

<b>13.5.5.3</b>	Reasonable Action Injuries	2-month suspension of take-home vehicle privileges
<b>13.5.5.4</b>	Unreasonable Action No injuries	3-month suspension of take-home vehicle privileges
<b>13.5.5.5</b>	Unreasonable Action Injuries	6-month suspension of take-home vehicle privileges

**13.5.6 Additional Penalties:** In addition to the above-outlined penalties, the chain of command of the involved employee, may at their discretion, enhance the aforementioned penalties. Such enhancements may include sanctioning walking beats, forfeiting the employee's driving privileges, and/or disallowing the employee to drive a new vehicle, etc.

**13.5.6.1** Section commanders will review the crash case for completeness of investigation and appropriateness of recommendations. Upon completion of the review, the section commander will forward the reports to the appropriate Division Chief for review. The appropriate Division Chief will review the crash case for completeness of investigation and appropriateness of recommendations.

**13.5.7 Division Chief Review and Reprimand Signing:** The FOD Assistant Chief will review the recommendations of the ARB and make a final determination to the findings.

**13.5.7.1** If the FOD Assistant Chief agrees with the findings of the ARB, the FOD Assistant Chief will approve the package.

**13.5.7.2** If the FOD Assistant Chief disagrees with the ARB findings, the FOD Assistant Chief will render a final decision.

**13.5.7.3** After review by the FOD Assistant Chief, the original case package will be returned to the Traffic Enforcement Unit, ARB Detail for filing and record keeping.

**13.5.7.4** If a sworn member refuses the recommended discipline, they may request a review through the Departmental Disciplinary Review Board (DDRB) process. The DDRB will only review the recommended penalty.

**13.5.8 Remedial Driver Training:** All sworn members shall be scheduled for mandatory remedial Driver Improvement Program training following the determination of their first Preventable Crash. All subsequent Preventable Crashes shall be subject to additional remedial training based on the recommendation of the Special Operations Section Commander, Training and Personnel Development Section Commander, or the member's chain of command.

**SPEED ENFORCEMENT**

Section

- 14.1 Policy
- 14.2 Organization
- 14.3 Responsibilities
- 14.4 Procedures

**14.1 POLICY:** It is the policy of the Miami Police Department to establish guidelines and procedures for the use, care, maintenance, and calibration of all speed measuring devices operated by the Department.

**14.2 ORGANIZATION:** Although this chapter is assigned to the Traffic Enforcement Unit, it is applicable Department-wide to all officers certified to operate speed measuring devices. The Traffic Enforcement Unit is a function of the Specialized Operations Section, Field Operations Division.

**14.3 RESPONSIBILITIES:** The Traffic Enforcement Unit has the primary responsibility of reducing traffic crashes and fatalities related to speeding problems. Even though this primary responsibility is given to the Traffic Enforcement Unit, all officers assigned to patrol and authorized to operate a speed measuring device can perform this function.

**14.4 PROCEDURES:** Miami Police Department utilizes speedometer and speed measuring devices, for example, radar and laser, as tools for traffic enforcement. Officers using radar shall be certified according to requirements in FS, Legal Note 85-7, and Florida Administrative Code, Chapter 15 B-2. Calibration will be checked according to the existing directive (**CALEA 61.1.5c; 61.1.9a, e**).

**14.4.1** Speed measuring devices may be used for the following purposes:

**14.4.1.1** Enforcing speed regulation at crash locations where speed is a factor.

**14.4.1.2** Enforcing speed regulation in areas where speed violations are prevalent.

**14.4.1.3** Enforcing speed regulation in response to citizen complaints concerning speeders.

**14.4.1.4** When conducting traffic volume and speed studies.

**14.4.2 Pace Car Speed Enforcement by using Speedometer:** All patrol vehicles utilized as tools for traffic speed enforcement must have their speedometer tested every six months by an authorized speedometer shop as specified by Florida Administrative Code, Chapter 15 B-2. This certification is required to be carried as part of the vehicle's issued equipment.

**15B-2.011 F.A.C. Motor vehicle speedometer devices shall be tested by a speedometer testing shop prior to being put into use for speed enforcement and it shall be retested by a speedometer testing shop not less than once each six (6) months thereafter. After September 1, 1994, all tested speedometers shall read within plus or minus three (3) mph**

of the actual reading and be tested by a speedometer shop registered with the Florida Department of Agriculture and Consumer Services as a motor vehicle repair shop according to ss. 559.901-559.9221, F.S. The person making the tests shall issue a certificate dated, signed, and witnessed showing the degree of accuracy. Only the most recent six-month test certificate is required in order to establish the presumption available under s.316.1905(3)(b), F.S. *Specific Authority 316.1905, 321.02 FS. Law Implemented 316.1905(3)(a) FS. History–New 9-11-78, Formerly 15B-2.11, Amended 11-16-92, 10-18-94 (CALEA 61.1.9d).*

**14.4.2.1 Speed Violations:** Officers using their patrol vehicle's speedometer for pacing to establish probable cause to cite a violator shall ensure a current speedometer certificate is available as required for traffic court. A violator shall be followed for an adequate distance to ensure the fairness of probable cause. The officer must include the vehicle number in the UTC.

**14.4.3 Procedures for Use of Radar (CALEA 61.1.9b):**

All Radar Speed Measuring Devices (RSMD's) used in this state shall be subject to periodic bench tests at intervals not to exceed six months, to be conducted by an electronic technician who has a Federal Communications Commission, General Radiotelephone Operator License or a certification issued by one of the following:

- a. Association of Public-Safety Communications Officials-International (APCO).
- b. Personal Communications Industries Association (PCIA), formerly known as the National Association of Business and Educational Radio (NABER).
- c. National Association of Radio and Telecommunications Engineers (NARTE).

Only the most recent six (6) months test certificate is required in order to establish the presumption available under FS 316.1905(3)(b).

Prior to an operator using radar for enforcement activity and at the end of the operator's shift, the following accuracy checks shall be made:

- a. An internal accuracy check shall be performed, and the check is passed only if the proper numbers recommended by the manufacturer appear exactly on the radar readout. The internal accuracy check consists of a light segment check and internal circuit test.
- b. The external tuning fork accuracy check shall be made with certified tuning forks (plus or minus one (1) mile per hour tolerance) furnished by the manufacturer.
- c. A written log of each internal and external tuning fork accuracy checks shall be maintained. Log forms may be of a design suitable to the particular needs of the operator's jurisdiction. Radar and Laser logs may be obtained from the Traffic Enforcement Unit.

**14.4.4 Procedure for Use and Testing the Hand Held/Stationary Radar Unit (CALEA 61.1.9b):**

**14.4.4.1** Ensure the radar unit is turned off before connecting to a power source.

**14.4.4.2** Turn the unit on and conduct a light segment check.

**14.4.4.3** Conduct an internal circuit check.



**14.4.4.4** Conduct stationary *external tuning fork test* by striking fork against a firm non-metallic surface, holding the vertical shaft of the vibrating fork facing the Radar in the central portion of the radar beam 3-5 inches away from the unit, and verify reading displayed on units within plus/minus one mile per hour of the speed stamped on the tuning fork. The radar should display a speed that matches the speed on the correlated cycles per second at which the fork is designed to oscillate. The operator will hold one fork at a time. The external tuning fork test shall be conducted only with the calibrated tuning fork(s) supplied by the manufacturer and assigned to that particular radar unit.

**14.4.4.5** If the radar unit fails to operate properly, the radar unit shall be immediately removed from service, and taken to the Traffic Enforcement Unit so that it can be transported to the maintenance facility for calibration or repairs.

**14.4.4.6** The light segment test, internal circuit test, and external tuning fork test will be performed again at the end of each shift in which the Radar speed-measuring device is used.

**14.4.4.7** A Daily Radar Test Log shall be created and completed by each individual officer depicting the light segment tests, internal circuit tests, external tuning fork tests, and device information. Each officer is responsible for maintaining their own filing system of completed Radar Logs for future court presentation and introduction as evidence in court. Each officer will retain a Radar Log for a minimum of three years or until it is no longer of any evidentiary value, whichever is longer. NOTE: A blank copy of a Radar Log may be obtained from the Traffic Enforcement Unit. **(CALEA 61.1.9d)**

**14.4.4.8** The effective range of the particular radar unit must be thoroughly understood by the operator so visual observations can support the speed meter reading (i.e.: Tracking History).

Proper Tracking History of a vehicle for Stationary Radar includes the following:

- a. Observe the violator and make an independent visual speed estimation of the vehicle.
- b. The audio Doppler feature of the Radar Unit must be audible, clear, and steady.
- c. The Radar Speed Display (Read Out) must correlate to the radar operator's independent visual estimate.

**14.4.4.9** The operator should choose a location where a demonstrated need has been established such as speed being a factor causing traffic crashes.

**14.4.5 Procedures for Use and Testing of Moving Radar Unit (CALEA 61.1.9b):**

**14.4.5.1** Attach the antenna to the counting unit before connecting it to the power source.

**14.4.5.2** Attach the antenna and counting unit in the desired location, ensuring the counting unit is not in the path of the radar beam to eliminate panning effect interference.

**14.4.5.3** Adjust the antenna to point forward.

**14.4.5.4** Follow the same steps as prescribed for hand-held stationary radar in addition to the following procedures:

For moving radar, set the Radar in moving mode, this ensures the Radar can receive the high Doppler and low Doppler signal. Using both tuning forks at the same time, strike each one on a non-metallic surface and hold them both in front of the Radar Unit. As you do so, move the low-speed tuning fork into the position in front of the Radar first. Notice that the speed of this tuning fork is displayed in the patrol window. Then move the high-speed tuning fork in next to it in front

of the radar unit. The difference between the two tuning forks is now showing in the target (violation) window. The result of this step must be within  $\pm 1$  M.P.H. per tuning fork.

Speedometer and Radar Unit Check: Put the radar unit in moving mode and begin driving. The difference between the patrol window on the radar and the vehicle speedometer must be with  $\pm 3$  M.P.H.

Proper Tracking History of a vehicle for Opposite Moving Radar includes the following:

- a. Observe the violator and make an independent visual speed estimation of the vehicle.
- b. The audio Doppler feature of the Radar Unit must be audible, clear, and steady.
- c. The Radar Speed Read Out must correlate to the radar operator's independent visual estimate.
- d. Conduct a Speedometer Check - The radar patrol window readout must be with plus/minus  $\pm 3$  M.P.H. of the police vehicle's speedometer.

Proper Tracking History of a vehicle for Same Direction Moving Radar includes the following:

- a. Independent visual speed estimation of the vehicle made by the officer
- b. The audio Doppler feature of the Radar Unit must be audible, clear, and steady.
- c. The Radar Speed Read Out must correlate to the radar operator's independent visual estimate.
- d. Conduct a *Speedometer Check* - The radar patrol window readout must be with plus/minus  $\pm 3$  M.P.H. of the police vehicle's speedometer.
- e. Conduct a *Patrol Speed Discrimination Check* by putting the unit in a fast or slow mode and then accelerate or decelerate. Compare the speed displayed on the Radar Patrol Unit with the speed of the police vehicle speedometer. The target window should remain unchanged as the vehicle is accelerating or decelerating as confirmed by the patrol window.

#### **14.4.6 Court Testimony for Radar:**

**14.4.6.1** The officer must establish the following elements in court:

**14.4.6.2** Time and location where the vehicle was checked.

**14.4.6.3** The identity of the vehicle and operator.

**14.4.6.4** The speed of the vehicle.

**14.4.6.5** The visual and radar speed check.

**14.4.6.6** Their qualifications and training.

**14.4.6.7** That the radar unit was operated properly on the date of the enforcement activity.

**14.4.6.8** That the unit was tested for accuracy prior and at the end of the enforcement activity and at the end of the shift by the approved method.

**14.4.6.9** Identify the vehicle and made an independent visual observation of its apparent speed.

**14.4.7 Procedure for Using and Testing Laser Speed Measuring Devices (LSMD):** A laser speed measuring device, which meets the minimum design criteria set forth according to Florida Administrative Code, Chapter 15B-2, must be used. **(CALEA 61.1.9b)**

- (1) Prior to an operator using a Laser Speed Measuring Device (LSMD) and at the completion of an operator's shift. The following checks shall be performed:
  - (a) Display Check – Activate the display test procedure to verify that all segments and other light indicators are functioning properly.
  - (b) Internal Accuracy Check – The internal accuracy check shall be made in accordance with the manufacturer's specifications.
  - (c) Laser Distance/Alignment Check –
    1. In a convenient location, establish permanent known distances using a steel measuring tape or surveyor's instrument to check targets set at 100 and 200 feet. The targets shall be not more than one (1) feet square, the center of which shall be mounted not less than three (3) feet nor more than nine (9) feet from ground level. Both targets must be clear of all obstructions from the measurement starting point.
    2. The operator shall check the alignment both vertically and horizontally.
    3. The operator shall align the device at the established starting point and take a measurement of both the 100 foot and 200-foot check targets, to verify its accuracy of plus or minus one (1) foot, i.e. distance check.
- (2) A written log shall be maintained. The log shall contain an entry for the accuracy checks (date and result of the check) performed at the beginning and end of each shift in which the LSMD is used. The written log forms may be of a design that meets the needs of particular jurisdictions.
- (3) Proper Tracking History also known as operator confidence of a vehicle for the Laser includes the following:
  - a. Observe the violator and make an independent visual speed estimation of the vehicle.
  - b. Determine the Laser Unit has acquired the target vehicle by giving an acquisition tone.
  - c. The Laser Speed Read Out must correlate to the Laser operator's independent visual estimate.
  - d. Confirm the target violator's direction of travel. Vehicle approaching will display a positive speed. Vehicle going away will display a (-) number.

**15B-2.016 Tests to Determine Accuracy of Laser Speed Measuring Devices.**

- (1) All Laser Speed Measuring Devices (LSMD) used in this state shall be subject to periodic tests at intervals not to exceed six (6) months, to be conducted by a Florida registered professional engineer or by an electronic Technician who has a Federal Communication Commission, General Radiotelephone Operator License, or certification issued by one of the following:
  - (a) Association of Public-Safety Communications Officials-International (APCO)
  - (b) National Association of Business and Education Radio (NABER)
  - (c) National Association of Radio and Telecommunications Engineers (NARTE).
- (2) Only the most recent six (6) month test certificate is required in order to establish the

presumption available under 316.1905(3)(b), F.S.

**14.4.7.1** A light/display segment test, internal circuit test, sight alignment test, and distance test must be conducted prior to beginning enforcement activity and at the end of the shift.

**14.4.7.2** If the unit fails to operate properly, the laser unit shall be immediately removed from service and taken to the Traffic Enforcement Unit so that it can be transported to the maintenance facility for calibration or repairs.

**14.4.7.3** The operating officer must make an independent visual determination that the subject vehicle is in excess of the posted speed limit.

**14.4.7.4** A citation based on evidence obtained from a laser speed-measuring device may be written when conditions permit the clear assignment of speed to a single vehicle.

**14.4.7.5** A daily Laser Test Log shall be created and completed by each individual officer depicting the light/display segment tests, internal circuit tests, sight alignment tests, distance tests, and device information. Each officer is responsible for maintaining his own filing system of completed Laser Test for future court presentation and introduction as evidence in court. Each officer will retain a Laser Test and Citation Log for a minimum of three years or until it is no longer of any evidentiary value, whichever is longer.

**14.4.8 Court Testimony for Laser Speed-Measuring Device:**

**14.5.8.1** The officer must be in compliance with Florida Statute 316.1906(2)(a-f) and Florida Administrative Code, Chapter 15B-2 (including all requirements to bring all applicable logs and certificates to court), and establish the following elements in court:

1. Qualifications:
  - a. Trained in the use of the speed measurement device.
  - b. Certified as a Radar or Laser operator.
2. Facts related to the incident:
  - a. The date, time, location (venue), and speed violation.
  - b. The Radar Speed Measurement Device was operated within legal guidelines as verified by standard internal checks, standard external checks, and light segment checks conducted prior to beginning the enforcement activity and at the end of the shift.
  - c. The Laser Speed Measurement Device was operated with legal guidelines as verified by standard internal, sight alignment, and distance checks conducted prior to beginning the enforcement activity and at the end of the shift.
3. Facts leading to the uniform traffic citation (Tracking History):
  - a. Made an independent visual speed estimation that the identified vehicle was operating in excess of the applicable speed limit.
  - b. Engaged the speed measurement device and received a clear and steady audio Doppler tone (Radar) or a target acquisition tone (Laser) corresponding to the speed estimation.

- c. Made a clear assignment of speed to the vehicle.
- d. The readout on the unit correlated to the independent speed estimate.
- e. Identified the operator of the vehicle.
- f. Ensure the device information is included in the UTC.

**14.4.9 Supervisor's Accountability for Equipment Care and Maintenance and Certification:** Supervisor of personnel trained to operate speed-measuring devices shall establish procedures to:

**14.4.9.1** Ensure that proper care and upkeep is given to the measuring devices (**CALEA 61.1.9c**).

**14.4.9.2** Ensure that programmed maintenance, testing, and calibration of speed measuring devices are completed every 6-months.

**14.4.9.3** Ensure that adequate maintenance, calibration, and operation records systems are maintained. The record must be suitable for introduction as evidence in court (**CALEA 61.1.9d**).

**14.4.9.4** Ensure that a copy of the active state FDLE certificate is maintained in the officer's personnel file (**CALEA 61.1.9e**).

**UNDER 21 IMPAIRED DRIVING ENFORCEMENT**

## Section

- 15.1 Policy
- 15.2 Organization
- 15.3 Definitions
- 15.4 Responsibilities
- 15.5 Procedures

**15.1 POLICY:** It is the policy of the Miami Police Department (MPD) to establish guidelines and procedures for handling drivers charged with operating/driving a vehicle who are under the age of 21 and have a breath alcohol level of .02 grams per 210 liters of breath or higher or refuses to submit to a breath test authorized by Florida State Statutes (FSS).

**15.2 ORGANIZATION:** Although this chapter is assigned to the Traffic Enforcement Unit (TEU), it is applicable Department-wide to all officers. The Traffic Enforcement Unit (TEU) is a function of the Specialized Operations Section (SOS), Field Operations Division (FOD).

**15.3 DEFINITIONS:**

- A. **Zero Tolerance Law (.02 Law):** FSS 322.2616(1)(b) makes it unlawful for a person under the age of twenty-one to have .02 grams per 210 liters of breath alcohol level or higher and drive, or be in actual physical control of a motor vehicle. A violation of FSS 322.2616 is not a traffic infraction or criminal offense; the person that is being detained is for consensual breath testing and does not constitute an arrest. Section 322.2616(1)(b) permits a law enforcement officer to detain any person under the age of 21 to obtain a breath test if the officer has probable cause to believe that the person was driving or in actual physical control of a motor vehicle while having a measurable alcohol level.
- B. **Standardized Field Sobriety Test (SFST):** a set of tests and observations developed by the National Highway Traffic Safety Administration (NHTSA) and administered to suspected impaired drivers to determine their degree of impairment.  
Note: For purpose of this policy, Roadside Test, Field Sobriety Exercise or Task means the same.
- C. **DUI Trained:** means that the officer is Standardized Field Sobriety Testing trained. All Law Enforcement Officers, as part of the Florida Department of Law Enforcement (FDLE) Standard and Training Commission Basic Recruit Training Curriculum, are trained in the Detection and Apprehension of Impaired Drivers by alcohol and/or drugs.
- D. **DUI:** means Driving Under the Influence pursuant to Florida State Statute (FSS).
- E. **Breath Test Operator (BTO):** A person who has been issued a Breath Test Operator permit by FDLE as defined in Chapter 11D-8, FAC.

- F. **BTO Permit**: when issued by the Department (FDLE), certifies that the holder has met all necessary qualifications, remains in full compliance with these rules, and is authorized to perform all related duties.

**15.4 RESPONSIBILITIES**: The TEU has the primary responsibility of reducing traffic crashes and fatalities involving impaired drivers by vigorously enforcing Driving Under the Influence (DUI) traffic laws and the Zero Tolerance Law (Under the age or 21 Drinking Law). Even though the TEU oversees this, all officers are responsible for the detection and apprehension of impaired drivers. Only trained and certified BTO officers and Public Service Aides (PSA) are allowed to administer the breath test to the driver using a Department of Transportation (DOT) approved instrument.

**15.5. PROCEDURES: (ZERO TOLERANCE ENFORCEMENT)**

**15.5.1 Lawful Contact**: A lawful contact must be made before an underage driver can be checked for a violation of FSS 322.2616. Lawful contacts include:

- a. A traffic stop related to a violation of Florida law.
- b. Contact at a sobriety checkpoint.
- c. Contact at the site of a traffic crash.
- d. A consensual encounter with an underage driver.

**15.5.2 Rule Out a Violation of FSS 316.193**: Before checking the driver for a violation of FSS 322.2616, the officer will rule out the possibility that the driver is legally impaired under the DUI, FSS 316.193:

- a. Interview the driver, verify the driver's age, and check for signs of impairment.
- b. Check the driver for a medic alert I.D.
- c. Have the driver perform the standardized field sobriety tests if reasonable suspicion exists.
- d. Rule out probable cause to make an arrest for DUI.

**15.5.3 Check for Violation of FSS 322.2616**: If probable cause does not exist to arrest the driver for DUI, but there are indications that the driver has been consuming alcohol, the officer will determine if the driver is in violation of FSS 322.2616.

**15.5.4** A Breath Test Operator who possesses a valid permit to conduct a chemical or physical analysis of breath will conduct the breath test.

**15.5.4.1** Only officers that have been trained will conduct breath alcohol tests using the DOT approved Portable Breath Testing (PBT) device to obtain a breath sample of this violation in the field.

NOTE: There will be no unnecessary delays in processing juveniles suspected of violating FSS 322.2616.

**15.5.5** If there is a backlog of zero tolerance suspects and there are no other PBT devices available in the field, the detaining officer will transport the suspect to the nearest DUI Processing Facility for breath testing. The driver shall be advised that they will be transported to the nearest breath testing facility to analyze their breath alcohol level or will request the Breath

Alcohol Testing (BAT) Mobile truck if available. Since underage drivers are not facing criminal charges, they will not be handcuffed and placed in an area with persons who are under arrest. At no time shall the driver be handcuffed since they are not under arrest, but only detained for the purpose of breath testing under FSS 322.2616. If the driver is under the age of 18, they will be separated from any adult prisoners amid being processed at a DUI Testing Facility. No adult prisoner shall be allowed to enter the testing facility being occupied by a juvenile.

1. The officer will remain with the underage driver always while in the secure area of the facility. Under no circumstances will persons detained under the guidelines of FSS 322.2616 be placed in a holding cell; and
2. All persons detained will be searched prior to the breath test. All personal property will be placed in a bag and will be given to the officer.

**Note:** A concern for the officer and the driver's safety: prior to the transporting of the underage driver to a breath test facility, the officer must conduct a pat down for possible weapons.

**15.5.6** If a PBT device is not available and the driver elects to go to the testing facility, they must sign a "Disclaimer of Liability Form" (RF #228) to leave their vehicle on the scene if they have no one else to drive their vehicle to the testing facility.

**15.5.6.1 Procedure for Conducting a Breath Test:** When conducting a breath test using an approved PBT device, the officer will ask the driver if they are willing to take the approved chemical test for intoxication. Once the person agrees to submit to the test, the officer will, without unnecessary delay, begin the 20-minute observation period immediately followed by the testing procedure as outlined:

1. Note the time of first observation (beginning of 20-minute observation period). If the person is transported to a testing facility, the 20-minute observation period will commence after they arrive at the facility. During this time, the person shall not be allowed to smoke, eat, drink, or take anything by mouth. Should the person regurgitate, they must be observed for an additional 20-minutes prior to administering another breath test.
2. Finish the required 20-minute observation period and start the test, using the DOT approved PBT device.
3. Obtain two breath samples with the DOT approved PBT device.

**NOTE: Under the guidelines of FSS 322.2616, if the breath sample yields a breath alcohol level in excess of .08 grams per 210 liters of breath, the charge cannot be changed to FS 316.193, Driving Under the Influence.**

4. Complete the Under Age 21 Notice of Suspension (HMSV 72103).
5. If the driver refuses to submit to the breath test or refuses to provide two breath samples, the driver will be processed as a refusal. The officer will complete the Zero Tolerance Refusal Affidavit form. If the driver refuses to be transported to a testing facility for the purpose of analyzing their breath alcohol level, the officer will read the implied consent warning to the driver. If the driver continues to refuse, the officer will



take the driver's license, and issue a suspension using forms provided by the Department of Highway Safety and Motor Vehicles (DHSMV), and they will be released and advised not to drive. If the driver is under the age of 18, refer to the appropriate departmental order for additional action required.

**Note:** The Implied Consent warnings are printed on the first page of the instruction form provided by DHSMV on the Zero Tolerance Form.

**15.5.7** If the driver gives one (1) breath sample, and then refuses to give a second sample, the officer will take whatever action is warranted based on the first sample.

**15.5.8** Any personnel requiring the use of the DUI Testing Facility must meet FDLE/ATP requirements, and must sign in and out on the access key log.

**15.5.9** During the test, the Breath Test Operator will follow FDLE/ATP procedures for breath testing.

**15.5.10** The officer will transport the driver back to the scene if the breath alcohol level is below .02 grams per 210 liters of breath without any further delay.

**15.5.11** If the breath samples yield breath alcohol levels of 0.02 grams per 210 liters of breath or higher and the driver is age 18-20, they will be released and advised not to drive. The driver will be given an opportunity to secure alternate means of transportation.

**15.5.12** Since probable cause for the DUI arrest has already been eliminated, if the two (2) breath samples yield a breath alcohol level above 0.08 grams per 210 liters of breath, an arrest shall not be made under FSS 316.193; a notice of suspension under the Zero Tolerance .02 Law FSS 322.2616 shall be issued.

**15.5.13** When dealing with a driver under the age of 18 with a breath alcohol level of 0.02 grams per 210 liters of breath or higher or refuses the breath test, the officer will take a signal "14" on the radio and request a case number.

**15.5.14** If a driver under the age of 18 has a breath alcohol level of .02 grams per 210 liters of breath or higher or refuses to take the test, the officer will retain custody of the juvenile under FSS 39.401, Dependent Child Law, until they can be released to a parent, guardian, or responsible adult (Refer to Juvenile Procedures DO).

**15.5.15** For a juvenile apprehension in violation of the Zero Tolerance (.02) Law, the officer will complete a Miami Police FIVO card, record the case number, and write a brief narrative on the back.

**15.5.16** The officer will be required to record the name, relationship, and the time of notification and release of the juvenile to the parent/guardian or responsible adult. The officer will also request that the parent/guardian or responsible adult sign next to their name the time that the juvenile is released to them.

**15.5.17 Documenting Suspension Under FSS 322.2616:** The officer will insert the following documentation in the Zero Tolerance Under the Age of 21 that will be turned in by the end of their tour of duty in the DUI room in boxes marked DHSMV and Station Copy.

1. DOT approved PBT Breath Test Checklist
2. Fill out and issue Notice of Suspension Citation provided by the Department of Highway Safety and Motor Vehicles (HMSV 72103).
3. Driver's License, if surrendered, will be attached to the Notice of Suspension
4. Complete Affidavit of Probable Cause, if applicable.
5. Complete Affidavit of Refusal to Submit to Breath Test, if applicable.
6. Complete Breath Test Affidavit for Under Age 21 Suspensions, if applicable.
7. A copy of all documentation will be placed in the box labeled DHSMV inside the DUI facility for delivery to DHSMV, 7795 West Flagler Street.
8. A copy will be placed in the box labeled "Station" inside the DUI facility.

**15.5.18** The DOT approved PBT device will be calibrated each calendar month. The officer will deliver their assigned DOT approved PBT device to the DUI Coordinator on the Wednesday of the first week of the month so it can be inspected by conducting a Calibration Check.

## IMPAIRED DRIVER ARREST & PROCESSING

### Section

- 16.1 Policy
- 16.2 Organization
- 16.3 Definitions
- 16.4 Responsibilities
- 16.5 Procedures

**16.1 POLICY:** It is the policy of the Miami Police Department (MPD) to establish guidelines and procedures for handling drivers charged with operating/driving a vehicle while under the influence of alcohol and/or drugs.

**16.2 ORGANIZATION:** Although this chapter is assigned to the Traffic Enforcement Unit (TEU), it is applicable Department-wide to all officers. The TEU is a function of the Specialized Operations Section (SOS), Field Operations Division (FOD).

### **16.3 DEFINITIONS:**

- a. **Standardized Field Sobriety Test (SFST):** a set of tests and observations developed by the National Highway Traffic Safety Administration (NHTSA) and administered to suspected impaired drivers to determine their degree of impairment. The tests were developed and validated under clinical conditions.

Note: For purpose of this policy, Roadside Test, Field Sobriety Exercise or Task means the same.

- b. **DUI Trained:** means that the officer is Standardized Field Sobriety Testing (SFST) trained. All Law Enforcement Officers, as part of the Florida Department of Law Enforcement (FDLE) Standard and Training Commission Basic Recruit Training Curriculum, are trained in the Detection and Apprehension of Impaired Drivers either by alcohol and/or drugs.
- c. **DUI:** Driving Under the Influence pursuant to Florida State Statute (FSS).
- d. **Breath Test Operator (BTO):** A person who has been issued a Breath Test Operator permit by FDLE as defined in Chapter 11D-8, FAC.
- e. **BTO Permit:** when issued by the FDLE, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules, and is authorized to perform all related duties.
- f. **Drug Recognition Expert (DRE):** A certification resulting from the successful completion of an intensive course of instruction in basic drug terminology and pharmacology, in the identification of the signs and symptoms of drug impairment associated with the seven drug categories, and in the process of the 12-step Drug Influence Evaluation.

**16.4 RESPONSIBILITIES:** The TEU has the primary responsibility of reducing traffic crashes and fatalities involving impaired drivers by vigorously enforcing DUI traffic laws. Even though this primary responsibility is given to the TEU, all officers are responsible for the detection and apprehension of impaired drivers. Only trained and certified BTO officers and Public Service Aides (PSA) are allowed to process impaired drivers by administering the breath test to the arrestee using an approved instrument. When it is determined after a breath test that impairment is inconsistent with the breath test reading, the arresting officer shall further the investigation by contacting a DRE. A Drug Influence Evaluation will only be conducted by certified DRE.

**16.5 PROCEDURES: IMPAIRED DRIVER ARREST AND PROCESSING (CALEA 61.1.11, 61.1.5 a)**

**NOTE:** For guidance on Consular Officers Driving Under the Influence, see the Florida Law Enforcement Handbook under Legal Guidelines and Departmental Orders.

**16.5.1 DUI ARREST:** A lawful contact must be made before a driver can be checked for a violation of FSS 316.193 (DUI). Lawful contact shall include, but is not limited to:

1. A traffic stop related to a violation of Florida law.
2. Contact at a traffic safety and/or sobriety checkpoint (roadblock).
3. Contact at the site of a traffic crash.
4. A consensual encounter with a driver.

**16.5.2** After the lawful contact, the officer will begin to further their observations (personal contact). The clues listed below are some of the most common indicators that the driver may be impaired.

1. The odor of an alcoholic beverage on the driver's breath.
2. The odor of marijuana.
3. Strong odor of a mouthwash, breath mint or other cover-up odors.
4. Watery, red, bloodshot eyes.
5. Soiled clothing.
6. Open containers of alcoholic beverages inside of vehicle.
7. Drugs or drug paraphernalia.
8. Slurred speech.
9. Admission of drinking.
10. Abusive language.
11. Unusual statements and/or inconsistent responses.
12. Difficulties in locating a driver's license, vehicle registration, insurance card, etc.
13. Dexterity is slow and/or clumsy.
14. Pupils of the eyes are constricted, dilated, or abnormal.
15. Driver uses vehicle to stabilize balance.
16. Cannot open the door.
17. Leaves the vehicle in gear.
18. Staggered walk or problem maintaining balance.

**16.5.2.1** If the officer making the traffic stop for a suspected impaired driver is not BTO certified, they are responsible for conducting the investigation for the offense of DUI and will ultimately make the final decision to arrest if probable cause exists. The traffic stop officer will administer the SFST and complete all related paperwork in accordance with this section.

**16.5.3** When the officer believes that the driver's ability to operate a motor vehicle is impaired, the officer will advise the driver that they are conducting an investigation to see if the person is okay to drive, and subsequently request the driver to submit to five (5) field sobriety tests.

**16.5.4** The driver shall be asked to move to an area a safe distance from the traffic way, and onto a reasonably level, dry, hard, and non-slippery surface. There should be sufficient room for the driver to complete the tests.

**16.5.5** The driver can and should be asked the following questions before the field sobriety tests are given. The driver's responses should be noted.

1. Do you have any physical or medical problems?
2. Are you diabetic or epileptic?
3. Are you taking any medication? If yes, what are they, and what are they for?
4. Do you have any eye problems?
5. Do you wear contact lenses? If yes, what type?

**NOTE:** The officer should check the driver for a medic alert identification and document properly.

**16.5.6** The officer will administer the five (5) field sobriety tests to the driver. The first three (3) SFST are validated by the NHTSA. The officer will immediately stop the tests if safety is a concern.

1. **Horizontal Gaze Nystagmus**
2. **Walk and Turn**
3. **One Leg Stand**
4. **Modified Romberg Balance**
5. **Finger to Nose**

**16.5.7** The decision to arrest or not to arrest the driver for DUI will be based on all of the evidence that has come to light since the officer's attention was first drawn to the person. The officer must rely on the DUI detection process in order to establish probable cause to affect an arrest. There are cases in which the officer will not administer the field sobriety tests to the driver. These may occur when the driver is grossly intoxicated or seriously injured, or refuses to submit to the field sobriety tests. The officer must take into account the totality of the evidence displayed during the three (3) separate and distinct phases of a DUI investigation:

Phase One: Vehicle in Motion

Phase Two: Personal Contact

Phase Three: Pre-arrest Screening (Standardized Field Sobriety Tests)

**16.5.8** SFST shall be administered only in the field, at the scene of the traffic stop, and are conditional to the officer's and driver's safety, the weather, and road hazards. With these hazardous conditions, the officer may opt to transport the driver to a safe location nearby for the purpose of administering the SFSTs. This is strictly on a volunteer basis if the officer doesn't have probable cause yet to make the arrest without the performance of the SFSTs.

**Exception:** The driver is already under arrest for another crime and/or is combative and/or is a flight risk.

**16.5.9** SFSTs will not be administered at the DUI Testing Facility unless it's under the above exceptions. The repeating of tests is limited to the Drug Influence Evaluation process utilized by DRE's.

**16.5.10 Physical Arrest:** Once the officer places the violator under arrest, they will request the appropriate signal.

**16.5.10.1** Towing the arrestee's vehicle will be handled according to vehicle impoundment procedures.

**16.5.10.2** The arrestee will be transported in a caged police vehicle only to a MPD, DUI Testing Facility, or to the location of the Breath Alcohol Testing Mobile truck if in the field, for the purpose of:

Obtaining a breath test to determine the alcohol content of his/her breath,

Conducting a Drug Influence Evaluation for those persons whose breath alcohol content is below .08 grams per 210 liters of breath and who shows impairment inconsistent with the breath alcohol reading.

**16.5.11 Using Outside Agency DUI Testing Facility:** Approval by a commanding officer will be obtained prior to using an outside police agency's DUI Testing Facility.

**16.5.12 DRE CALL-OUT PROCEDURE:** A DRE shall only be requested for conducting a Drug Influence Evaluation for those persons already under arrest for Driving Under the Influence and whose breath alcohol level is **below .080 grams per 210 liters of breath** and who's impairment is inconsistent with the breath alcohol reading; or at the request of a Traffic Homicide Supervisor when it involves a crash involving serious bodily injuries or a fatality and the driver is suspected to be impaired. Refer to the TEU SOP's for further.

**16.5.13 DUI TESTING PROCEDURES:** The officer making the stop, who is trained and certified to conduct both the Standardized Field Sobriety Tests and to operate the Department of Transportation (DOT) approved instrument, shall conduct their own DUI processing unless authorized by a supervisor to bring another officer to administer the breath test. The arresting officer, in conjunction with the Breath Test Operator, will ensure that all DUI paperwork is complete in its entirety as listed below:

- a) DUI Package Cover Page (Document Checklist)
- b) DUI Test Report (Page 1 and 2)
- c) Request to Submit to a Chemical Test/Implied Consent Law Form
- d) Miranda Warning Form
- e) Affidavit of Refusal (if applicable) *Note: Must be notarized or attested to.*
- f) Certification of Blood Withdrawal (if applicable)
- g) Blood Withdrawal Request Form (if applicable)
- h) Breath Alcohol Test Affidavit *Note: Must be notarized or attested to*
- i) Uniform DUI Citation
- j) Uniform Traffic Citation(s) (if applicable)
- k) Arrest Affidavit (A-Form) *Note: Must be notarized by a supervisor*
- l) Offense Incident Report (if applicable)
- m) Crash Report (if applicable)
- n) Tow Slip (Vehicle Storage Receipt)
- o) Property Receipt (if applicable)
- p) Lab Analysis Request (if applicable)

**16.5.13.1** Upon arrival at the test site, the officer shall reasonably ensure that the subject has not taken anything by mouth or has not regurgitated for at least twenty (20) minutes before administering the test. Should the subject regurgitate, they must be observed for an additional twenty (20) minutes prior to administering another breath test.

**16.5.13.2** A BTO who possesses a valid FDLE permit to conduct chemical or physical analysis of breath will administer the breath test in accordance with the FDLE/ATF Form 37 Operational Procedures.

**16.5.13.3** After administering the breath test using the approved DOT instrument, the BTO will properly complete the Breath Alcohol Test Affidavit (FDLE/ATP Form 38).

**16.5.13.4** A Law Enforcement officer is the only person authorized to read the Florida Implied Consent Warning to a driver who refuses to submit to any lawful test (breath, urine or blood).

**16.5.13.5** If the driver refuses to submit to a breath, urine, or blood test, the requesting officer will complete the Department of Highway Safety and Motor Vehicle (DHSMV) Affidavit of Refusal to submit to any of the listed tests. The requesting officer must have the Refusal Affidavit notarized or attested by another sworn officer.

**16.5.13.6** If the driver agrees to take the breath test and their breath alcohol content is below .080 grams per 210 liters of breath, and impairment is inconsistent with the breath test reading, the officer will make every attempt possible to contact a DRE.

- a) If a DRE is contacted, the officer will wait for further instruction from the responding DRE. The officer will not take any further action in the DUI portion of the investigation.
- b) If a DRE is unavailable, then the officer will request a urine sample from the driver and continue with the DUI portion of the investigation.

**16.5.13.7** A DRE will conduct all Drug Influence Evaluations.

**16.5.13.8** A breath alcohol reading of **.30 grams per 210 liters of breath or higher** requires that the person be taken to a medical facility for examination without any further delay for medical clearance.

**16.5.13.9** If at any time during the DUI arrest or processing period the person requires medical attention, the officer will immediately request Fire Rescue to respond.

**16.5.13.10 Miranda Warning:** The officer must read to the driver their Miranda Warnings prior to interrogation and only after a breath, urine, and/or blood sample has been collected; or after the subject refused the requested test(s). In cases where a DRE has been called in, the officer will wait until the DRE arrives and takes over the investigation.

**16.5.13.11 Breath Alcohol Test Affidavit Must Be Notarized or Attested to:** The Breath Alcohol Test Affidavit (FDLE/ATF Form 38) must be notarized in order to be admissible in evidence under the exception to the hearsay rule in Florida State Statutes.

**16.5.14 BTO Permit Maintenance Required:** All BTOs must attend all required FDLE Standard and Training Commission approved BTO renewal courses. Supervisors will ensure that BTO certified personnel under their command requiring this training submit in a timely manner (no later than six months prior to their permit expiration) a request for training.

**16.5.15 Removal of DOT approved Breath Testing Instrument(s):** DOT approved breath testing instrument(s) will not be removed from a DUI testing facility unless:

- a. The DUI testing facility is going to undergo repairs, painting, or cleaning with the use of harsh chemicals.
- b. The instrument(s) are going to be utilized for training.
- c. The instrument(s) are going to be repaired.
- d. The instrument(s) are going to be relocated to another DUI testing facility.
- e. The instrument(s) are going to be temporarily stored inside a locked and secured room for safekeeping during hurricane threat or while the Breath Alcohol Test (BAT) mobile vehicle is going to undergo repairs, painting, or cleaning.
- f. The approved breath testing instrument is going to be used in the field with the approval of the DUI Detail Supervisor.

**16.5.16 Authorization for Removal of DOT approved Breath Testing Instrument(s):** Only a MPD DUI Coordinator or designee of the Traffic Unit with an FDLE/ATP valid permit (BTO or Agency Inspector) is authorized to remove the department's DOT approved breath testing instruments from a DUI Testing Facility. The current model being used, the Intoxilyzer 8000, is a portable instrument and does not require to be inspected before removal. The DUI Detail Supervisor or the Traffic Commander must be notified prior to the removal of the DOT approved breath testing instrument.

**16.5.17 Access to DUI Testing Facility:** As set forth in Rule 11D-8.007(1), FAC Approved Breath Test Instruments - Access.

Evidential breath test instruments shall only be accessible to a person issued a valid permit by the FDLE, and to persons authorized by a permit holder. This section does not prohibit agencies from sending an instrument(s) to a manufacturer authorized repair facility. Only authorized repair facilities are allowed to remove the top cover of an evidentiary breath testing instrument.

**16.5.17.1** Any personnel requiring the use of the DUI Testing Facility and who meet the above requirements will sign in and out the access key log.

**16.5.17.2 DUI Testing Facility to be Secured:** The administrative officer or supervisor of each substation where a DUI Testing room is located will ensure that the DUI Testing room remains locked at all times when not in use. The front desk officer or designee will ensure that any personnel requiring the use of the DUI testing room signs the log prior to issuing the access key(s). Upon completion of the use of the DUI Testing room, the key(s) will be returned and signed back in.

**16.5.18 Arrestee to be Secured:** The arresting officer is responsible for their arrestee and they must remain with the arrestee unless relieved of that responsibility by another officer. **Officers are to never leave an arrestee alone with a Public Service Aide (PSA). Reminder that PSAs are civilian employees of the Department and their safety is paramount.**

**16.5.19 Firearms to be Secured:** The arrestee will be secured prior to the removal of the officer's firearms(s). Once the prisoner has been secured, the officer(s) will secure their firearm(s) inside a locked weapons locker. No firearm(s) will be brought inside the DUI testing facility while an arrestee is inside.



**16.5.20 Arrest Affidavit:** The arresting officer will complete the arrest affidavit, which shall include a complete and comprehensive witness list on the State Attorney's copy, with a written explanation of each officer's involvement in the DUI arrest.

**16.5.20.1 Supervisor's Responsibility To Review DUI Package:** The supervisor reviewing the arrest affidavit will ensure that the arresting officer and BTO accurately complete the DUI package before distribution as noted in this section. It is the supervisor's responsibility to review the witness list to ensure the officers listed had a direct involvement in the case. The supervisor will also review all DUI related paperwork to ensure completeness.

**16.5.21 DUI Paperwork Completeness:** Upon concluding the DUI process, the officer will complete the DUI test report and all other related paperwork neatly, accurately, and filled out in their entirety. All forms must be printed or typed. The use of correction fluid on any document is strictly prohibited to correct a mistake. Instead, a line must be drawn across the mistake, and affix the initials of the person making correction(s).

**16.5.22 DUI Paperwork/Package Preparation for Distribution:** The processing and/or arresting officer will provide a copy of all DUI-related paperwork to a Miami Police DUI Testing Facility as follows in their respective trays:

1. Records Unit
2. State Attorney's Office
3. DHSMV copy

The officer will maintain a copy of all DUI-related paperwork as stated in this chapter.

**16.5.23 DUI Detention and Disposition:** Once the DUI Testing Process is completed, the arrestee will be transported to the Turner Gilford Knight Center (TGK) and will not be allowed to sign a "Promise To Appear" (PTA) and released by the arresting officer. However, in very rare situations the DRE coordinator or designee may issue a PTA after a DRE evaluation has been conducted. Notwithstanding this, the arrest procedures of the departmental orders govern this section.

**16.5.24 DUI Juvenile Detention and Disposition:** The Juvenile Assessment Center (JAC) will not accept Misdemeanor Traffic offenses except Felony Traffic Offenses. Refer to the appropriate departmental order on arrest procedures for juvenile offenders as well as the Under 21 Impaired Driving Enforcement departmental order.

**16.5.24.1 Felony Juvenile DUI offenses:** A juvenile arrestee who is impaired must be medically cleared by a medical facility before being transported to the JAC for processing.

**16.5.25 DUI Serious Bodily Injury (SBI) or Fatality crashes:** When the driver is determined to be impaired and there is Serious Body Injury (SBI) to a human being, a Traffic Homicide Investigator and DRE will be requested to respond to the scene of the crash. Due to the nature and complexity of this type of case, the Traffic Homicide Investigator or designee will take the lead in obtaining a blood draw from the driver that is determined to be DUI and caused the crash. For specific procedures on how to conduct a blood draw, refer to the Traffic Homicide SOP's for further. **(CALEA 61.2.1 d)**

**16.5.26 Blood Alcohol Test:** When the breath and/or urine test cannot be given, or is impractical, to an injured or sick person and they appear for treatment at a hospital, clinic, or other medical facility, a blood alcohol test may be administered. Only those persons authorized under Florida State Statutes may draw blood.

1. **Minor Injury:** A blood draw will be requested from a driver who is conscious and consents.
2. **Blood Test for Impairment of Intoxication in Cases of Death or Serious Bodily Injury; right to use reasonable force.** Blood will be obtained from a driver who the officer has probable cause to believe was operating a motor vehicle or in actual physical control of a motor vehicle while under the influence of alcoholic beverages, any chemical substances, or any controlled substances, and has caused the death or serious bodily injury of a human being including the driver, as set forth in FSS 877.111, and Chapter 893. The officer may use reasonable force (only with a search warrant) if necessary to require the driver to submit to the administration of the blood test, as set forth in FSS 316.1933(1). Blood must be drawn in accordance with FDLE rules and compliance with FSS 316.1933(2)(a). An officer may request paramedics at the scene of the crash to draw blood from the driver, provided that one of the paramedics at the scene is not attending an injured person and is free to draw the blood.
3. **Unconscious Subject Blood Draw:** Blood will be obtained from a driver who is unconscious only via a search warrant. A driver must be conscious to consent or refuse a blood test.
4. **Blood Drawn Under Implied Consent Warning:** When blood is requested from an arrestee who is capable of refusal, the officer shall advise the arrestee of the Florida Implied Consent Law, as set forth in Florida State Statutes. This is not applicable when a search warrant is being executed.

Note: If arrestee refuses to give a blood sample, a Refusal Affidavit will be completed.

**16.5.27 Urine and Blood Specimens Collection Procedure:** When obtaining urine and/or blood, the officer will use an approved urine and blood collection kit which can be obtained at each MPD DUI Testing Facility, or at the MPD Property Unit. The collecting officer will follow the enclosed list of procedures when dealing with urine and/or blood specimens. Once completed, they will transport the blood collection box to the MPD Property Unit. A Miami-Dade Police Department (MDPD) case number is needed so they must contact the MDPD Communications Section for one. No forms should be sealed with the box; they should be kept with the DUI package.

**16.5.28 Independent Blood Test:** Florida Implied Consent Law provides that drivers who are under arrest for DUI have an opportunity to have an independent blood test conducted at the driver's own expense. If a driver requests an independent blood test, the officer will provide the driver with a telephone book, and allow the driver to make arrangements for an independent blood test. If a telephone phone book is not available, the officer will allow the driver reasonable time to make a phone call to another person to make arrangements for them. Officers are reminded that they do not have any affirmative duty to transport the driver to any medical facility for the purpose of obtaining an independent blood test. If, after reading the subject the Florida Implied Consent Law, the driver does not request an independent blood test, a notation shall be made on the DUI Test report form. The driver will also be reminded that an independent blood test does

not permit them to refuse a chemical test requested by the officer without the penalty under provisions of the State of Florida as stated in the Florida Implied Consent Law.

#### **16.5.29 FOLLOW-UP PROCEDURE FOR USE OF BLOOD TOXICOLOGY TEST RESULTS WHEN NO ARREST WAS MADE ON A DUI INVESTIGATION**

In situations where no arrest is made but a DUI blood kit was collected from the driver, it is the officer's responsibility to follow-up on toxicology test results and to contact the State Attorney's office to set up a meeting to direct file charges against the driver. If there are any questions, the officer is to contact a Traffic Homicide Investigator for further assistance.

##### **16.5.29.1 It is the original crash investigating officer's responsibility to do the following:**

1. Upon receiving the University of Miami Toxicology Report, the officer will review the report to see if the driver's blood alcohol level was above the 0.08 g/100 mL.
  - a. If the blood alcohol result is below 0.08 g/100 mL and there are positive results for drugs, the officer will contact a Traffic Homicide Investigator before proceeding for further instruction.
2. The officer will obtain a copy of the Florida Crash Report to review. The officer must write an Update Florida Crash Report stating that the subject's blood toxicology report was received by the agency showing the driver's blood alcohol level was above the legal limit. The officer will also notate that the information was provided to the State Attorney's Office and the Bureau of Administrative License Review.
3. The officer will contact the State Attorney's Office DUI & Misdemeanor Division to set up an appointment for a direct file of charges. If the State Attorney's Office recommends that the officer arrest the driver, then a summons will be written and issued to the driver and the information will be added to another Update Florida Crash Report.
4. Pursuant to Florida State Statutes, in order to initiate an administrative license suspension proceeding on behalf of DHSMV on a DUI offender, a copy of the entire DUI package along with the Toxicology Report showing a blood alcohol level that was above the 0.08 g/100 mL will also need to be taken to the DHSMV Bureau of Administrative Review located at 7795 W. Flagler Street.

## MANUAL TRAFFIC CONTROL

### Section

- 17.1 Policy
- 17.2 Organization
- 17.3 Responsibilities
- 17.4 Procedures

**17.1 POLICY:** It is the policy of the Miami Police Department to establish guidelines for the proper manual traffic direction and control over situations arising from traffic crashes, traffic activities and roadway hazards in conjunction with traffic engineering authorities to facilitate the safe flow of traffic, and reduce unwarranted delays.

**17.2 ORGANIZATION:** Although this chapter is assigned to the Traffic Enforcement Unit, it is applicable Department-wide. All Department employees trained to conduct manual traffic direction shall be governed by it. The Traffic Enforcement Unit is a function of the Specialized Operations Section, Field Operations Division.

**17.3 RESPONSIBILITIES:** Manual Traffic Control is the responsibility of all trained employees in the Department. It is the primary responsibility of personnel assigned to the Field Operations Division; Traffic Enforcement Unit and the Crash Investigation Unit (Public Service Aide Detail) to conduct traffic control related duties as the need arises.

### **17.5 PROCEDURES:**

**17.5.1 Manual Traffic Direction:** When the necessity arises where manual traffic direction is required, the employee will make himself highly visible by wearing a reflective traffic vest, using a whistle, and at night; a flashlight with a red cone wand attachment and flares or traffic cones with reflective collars. The employees will utilize uniform hand signals and gestures for manual traffic direction and control. Circumstances, which warrant manual operation, are:

- a) Traffic Signal Malfunction
- b) Special Events
- c) Disasters (Hurricanes, etc.)
- d) Construction sites that required road closure and/or traffic detours.
- e) Abnormal Traffic Congestion
- f) Facilitating movement of traffic at crash scene
- g) Adverse road and weather conditions
- h) Sobriety / Traffic Safety Checkpoints

- i) Assisting stranded motorist on a roadway

**17.5.2** Officers shall wear the Department approved and issued reflective traffic vest at all times when working on or near a roadway. The reflective traffic vest should be readily accessible in the vehicle.

**17.5.3** **Circumstances Warranting Manual Operation of Traffic Control Signals:** The decision to manually operate traffic control signals shall be based upon traffic conditions and the limitations of the signal device. Supervisors shall ensure their officers are trained in the use of traffic signal controls and have ready access to signal controller boxes.

**17.5.4** **Use of Temporary Traffic Control Devices:** During peak traffic hours or special events, officers may utilize temporary control devices such as movable barriers, reversible or temporary signs, or any device, which may facilitate the control and flow of traffic. Requests for reflective traffic barricades will be made to the Department of Public Works, which is responsible for their placement and removal.

**17.5.5** **Procedures for Traffic Direction and Control:**

- a) **Position:** Employees should select a position to direct traffic, which provides a full view of the intersection or incident scene, and is prominently visible to drivers and pedestrians.
- b) **Stance:** Employees shall assume a posture at the control position, which reflects confidence, command, and courtesy.
- c) **Command responsibility:** When more than one employee is involved in manual direction or control of traffic within the same area, the first employee on the scene shall assume the responsibility of coordinating traffic control.

**17.5.6** **Signals:**

- a) Whistles along with hand signals and of sufficient volume as to be audible with respect to surrounding conditions. Use one long whistle blast to command, "Stop", two short whistle blasts to command "Proceed or Go", and a series of short whistle blast to command "Attention".
- b) Hand signals:
  - 1) Stop Signal - Arm extended, hand up and palm outward pointed at approaching traffic
  - 2) Proceed Signal - Point at the driver or pedestrian you want to move and establish eye contact. Bend arm at elbow indicating, "Proceed or Go" in the direction intended.
  - 3) Left Turn - Ensure conflicting traffic is stopped. Establish eye contact and point at the driver you want to move. Indicate the turn by exhibiting a proceed signal and pointing to the left turn directions

**SAFETY BELT USAGE LAW DATA COLLECTION**

## Section

- 18.1 Policy
- 18.2 Organization
- 18.3 Definitions
- 18.4 Responsibilities
- 18.5 Procedures

**18.1 POLICY:** It is the policy of the Miami Police Department to comply with Florida's safety belt usage law. The 2005 Florida legislature amended section 316.614., Florida's safety belt usage law, to require that all Florida law enforcement agencies adopt policies prohibiting racial profiling by January 1, 2006. The amended law also requires that beginning July 1, 2005, law enforcement officers who issue a citation for a violation of this section must record the race and ethnicity of the violator. These records must be submitted to the State of Florida, Department of Highway Safety and Motor Vehicles database at the end of each calendar year using the DAVID (Driver and Vehicle Database) computer system.

**18.2 ORGANIZATION:** Although this chapter is assigned to the Traffic Enforcement Unit, it is applicable Department-wide. All Department members shall be governed by it.

**18.3 DEFINITIONS:**

- a. **RACE OF VIOLATOR:** race is based on observed physical characteristics. Estimates should be based on apparent ancestry.
- b. **White** – primarily descended from native peoples of Europe, the Middle East, and North Africa.
- c. **Black** – primarily descended from native peoples of Africa south of the Sahara.
- d. **American Indian or Alaskan** – primarily descended from the native peoples of north and South America
- e. **Asian** – primarily descended from the native peoples of Far East Asia, Asian portions of Russia, and the Indian sub-continent.
- f. **Unknown**
- g. **ETHNICITY OF VIOLATOR:** Ethnicity is an estimate, based on physical characteristics, language, and/or name of a person's cultural affiliation with countries in Central or South America, or the Caribbean Islands.
- h. **Hispanic or Latino**
- i. **Not Hispanic or Latino**

**18.4 RESPONSIBILITIES:**

The Traffic Enforcement Unit has the responsibility to oversee compliance of this legislative mandate. The Traffic Enforcement Supervisor or designee will collect the seatbelt usage data and transmit it to the State of Florida, Department of Highway Safety and Motor Vehicles by the first of February each calendar year.

**18.5 PROCEDURES:**

**18.5.1 Safety Belt Violation Race & Ethnicity Data Collection:**

All officers must fill out the seatbelt usage section of their electronic worksheets on a daily basis. All supervisors will be held accountable for ensuring that officers fill out the required section on their worksheets and that the data is accurate.

**18.5.2 Reporting to the State of Florida, Department of Motor Vehicles:**

The Traffic Enforcement Supervisor or designee will run a yearly report by January 31<sup>st</sup> of each calendar year on the TRAC's system indicating the totals for the seatbelt usage as required by the State of Florida, Department of Highway Safety and Motor Vehicles Database. This report will then be uploaded into the Department of Highway Safety and Motor Vehicles using the State of Florida's "DAVID" system (Driver and Vehicle Database). This process must be completed by February 01<sup>st</sup> of each calendar year.

**DIRECTED TRAFFIC ENFORCEMENT STANDARD**

Section

- 19.1 Policy
- 19.2 Organization
- 19.3 Definitions
- 19.4 Responsibilities
- 19.5 Procedures

**19.1 POLICY:** It is the policy of the Miami Police Department to facilitate the safe flow of traffic, reduce unwarranted delays, to provide traffic enforcement city wide, and to provide additional attention to specified areas, which have been identified as high frequency crash locations.

**19.2 ORGANIZATION:** Although this chapter is assigned to the Traffic Enforcement Unit, it is applicable Department-wide. All Department members shall be governed by it. The Traffic Enforcement Unit is a function of the Specialized Operations Section, Field Operations Division.

**19.3 DEFINITIONS:**

- a) UTC refers to "Florida Uniform Traffic Citation."
- b) Aggressive Careless Driving: Means committing two or more traffic violations simultaneously or in succession.
- c) Roadway: That portion of public right-of-way designed for vehicular travel.

**19.4 RESPONSIBILITIES:** The primary responsibilities of the Traffic Enforcement Unit are to reduce traffic crashes and fatalities by vigorously enforcing traffic laws, and to make the enforcement of D.U.I., speeding violation, aggressive driving, red-light running, distracted driving, and seat belt violation a high priority. We promote traffic safety by providing lectures and demonstrations to students attending Miami-Dade County Public Schools, Private Schools and Universities within the City of Miami. We also participate and host Press Conferences related to traffic safety and enforcement efforts. We also have a partnership with the Miami-Dade County Community Traffic Safety Teams (CTST) which is headed by the Florida Department of Transportation (FDOT). The common goal of the CTST is to reduce the number and severity of traffic crashes in the community. Florida's Community Traffic Safety Teams (CTSTs) are locally based groups of highway safety advocates who are committed to solving traffic safety problems through a comprehensive, multi-jurisdictional, and multi-disciplinary approach (**CALEA 61.4.4**).

**19.5 PROCEDURES:**

**19.5.1 Directed Traffic Enforcement Program:** The City of Miami Police Department utilizes various combinations of counter-measures in the directed enforcement program to combat traffic collisions, violations of traffic control devices, as well as enforce vehicle safety equipment, DUI, seatbelt & child restraint violations, aggressive driving, speeding violation, distracted driving and driver's license violations.



Selection of Traffic Enforcement activities is based in part on a comprehensive semi-annual analysis with the ultimate goal of reducing traffic collisions and unlawful driving behavior **(CALEA 61.1.1c).**

The techniques and assignments used will depend on the result of the analysis, which depicts collision data such as time, location, traffic control violations, road condition, traffic volume, and other available data **(CALEA 61.1.1 a, b).**

Efforts to address the analysis should include the following:

1. Personnel shall be assigned to locations where analysis has shown a significant number of violations and/or crashes. The analysis will also include impaired drivers, if applicable **(CALEA 61.1.1d).**
2. Traffic Enforcement Officers will be deployed at locations in which a high incident of speeding violations and other traffic control device infractions are occurring **(CALEA 61.1.1e).**
3. Traffic Enforcement Officers will be deployed at locations where citizens of the city of Miami have reported repeated violations of speeding and other traffic control device violations.
4. Saturation Patrols will be deployed at various locations throughout the City of Miami to address Traffic Concerns and Problems.
5. Upon completion of the selected traffic enforcement activities, a follow-up evaluation of their effectiveness will be conducted by the Traffic Enforcement Unit **(CALEA 61.1.1f).**

**19.5.2 Aggressive Driving Enforcement Program:** In recent years, state and federal highway safety experts have begun focusing attention on the increasingly common and dangerous driving behaviors collectively known as “aggressive driving”. One of the problems police officers encounter in prosecuting and convicting aggressive drivers is the difficulty in gathering evidence of their unlawful actions such as unsafe speeds, unsafe lane changes, failure to signal, tailgating, ignoring yield signs, and running red lights. Aggressive drivers are not a new phenomenon, but the stressful pace of modern life and the ever growing volume of traffic have combined to make their behaviors increasingly reckless and hazardous. The Miami Police Department has made a commitment to combat this growing traffic safety concern by employing unconventional traffic enforcement with special vehicles.

**19.5.2.1 Aggressive Driving Enforcement Program: Special Vehicles**

To help obtain such evidence, the Miami Police Traffic Enforcement Unit has specially designed marked and unmarked (unconventional) vehicles in its fleet **(CALEA 61.1.6c).**

The Miami Police Department has unmarked unconventional high performance vehicles that are being utilized in our Directed Traffic Enforcement Program which include DUI Enforcement, Aggressive Driving Enforcement, and Seatbelt Enforcement. The Traffic Enforcement Unit also has marked low profile (LP) vehicles also known as “slick top” vehicles that are marked as Miami Police patrol cars, but do not have the telltale emergency lights on the roof to conduct traffic enforcement. Thus, although easily identified as a police vehicle at close range, they are less detectable at a distance. Patrolling the City of Miami roadways, the LP car can mingle with traffic and apprehend aggressive drivers before being identified as a police vehicle. The traditional emergency lights have been replaced by strobe/L.E.D. lights

mounted in several unconventional locations – headlights, grille, tail lamps, turn signals, backside of the exterior rearview mirror housings. When activated, the strobe/L.E.D. lights emit high intensity flashers which make the low profile police vehicle even more visible than conventional marked police cars.

**19.5.3 Traffic Law Enforcement Practices: (CALEA 61.1.6a, b).**

Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their duties.

- a) Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
- b) Line patrol involves traffic enforcement with concentration on a particular section of roadway.
- c) Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
- d) Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.

**19.5.3.1** Covert operations shall be utilized only when gathering information for eventual action through overt patrol for future traffic enforcement operations.

**19.5.4 Visible Traffic Patrol:**

**19.5.4.1** Vehicles routinely used for traffic enforcement shall be equipped with red and blue emergency lights, sirens, and be properly marked (Exception: Aggressive Driving Vehicles would be unmarked).

**19.5.4.2** The public address system may be used during emergencies, traffic stops, crowd control, and related officer safety requirements.

**19.5.4.3** Hazard warning lights are used to identify a stopped/parked vehicle and caution other drivers to avoid the vehicle.

**19.5.4.4** Any tendency of motorists to knowingly violate traffic laws is deterred by open and visible patrol. However, when there is an unusual or continuing enforcement problem at a particular location, officer may park in a conspicuous location and observe traffic.

**19.5.4.5** This function includes the aggressive enforcement of traffic related violations with high priority given to driving under the influence (DUI), seatbelt and child passenger safety restraint, and speed enforcement. Further enforcement will be directed toward high crash intersections, speeding complaints, and as indicated by statistical reports.

**19.5.4.6** Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.

**TRAFFIC ENGINEERING AND ROADWAY HAZARDS**Section

- 20.1 Policy
- 20.2 Organization
- 20.3 Responsibilities
- 20.4 Procedures

**20.1 POLICY:** It is the policy of the Miami Police Department to gather and utilize information on traffic crashes, traffic activities and roadway hazards in conjunction with traffic engineering authorities to facilitate the safe flow of traffic, reduce unwarranted delays, to provide traffic enforcement city wide, and to promote a safe, efficient roadway system.

**20.2 ORGANIZATION:** Although this chapter is assigned to the Traffic Enforcement Unit, it is applicable Department-wide. All Department members shall be governed by it. The Traffic Enforcement Unit is a function of the Specialized Operations Section, Field Operations Division.

**20.3 RESPONSIBILITIES:** The primary responsibilities of the Traffic Enforcement Unit are to reduce traffic crashes and fatalities by vigorously enforcing traffic laws, and to make the enforcement of D.U.I., speeding violations, aggressive driving, red-light running and seat belt violation a high priority. MPD promotes traffic safety by providing lectures and demonstrations to students attending Miami-Dade County Public Schools, Private Schools and Universities within the City of Miami. We also participate and host Press Conferences related to traffic safety and enforcement efforts.

**20.4 PROCEDURES:**

**20.4.1** The Miami Police Department maintains a liaison with traffic engineering authorities from the County and State. We have a partnership with the Florida Department of Transportation (FDOT) and its partners. The common goal of the FDOT is to reduce the number and severity of traffic crashes in the community. FDOT and its partners are locally based groups of highway safety advocates who are committed to solving traffic safety problems through a comprehensive, multi-jurisdictional, and multi-disciplinary approach.

**20.4.2 Traffic Engineering Studies:** The Miami Police Department defers all matters relating to traffic engineering to the Miami-Dade County Traffic and Transportation Department (MTTD). The MTTD collects and compiles traffic data, conducts special traffic surveys and studies, analyzes crash and enforcement data, prepares special reports making recommendations concerning the efficient use of traffic control devices, new or revised laws or ordinances, engineering improvements, and participates in local and regional transportation system management planning. All reports generated by the MTTD are provided to the Miami Police Department upon request.

**20.4.3 Complaints or Suggestions:** All formal complaints or suggestions concerning traffic engineering deficiencies will be forwarded to the Miami-Dade County Traffic and Transportation Department by submitting a Traffic Hazard Report that are available online at Miami-Dade Traffic website

**20.4.4 Traffic Control System Defects:** Officers who discover, or become aware of, defects in the traffic control system, which includes the lack of, improper, visually obstructed, down or damaged mechanical traffic control devices and/or informational signs, shall notify Communications.

**20.4.5 Observed Hazards:** When hazards are observed such as debris in the roadway, lack of or defects in highway safety devices, reflectors, lack of or defective roadway lighting systems, the reporting officer shall notify Communications. Communications will notify the county Public Works Department.

**20.4.6 Hazardous Roadway or Roadside Conditions:** Debris in the roadway, defects in the roadway, lack of or defects in highway safety features such as impact attenuation devices and reflectors, lack of, improper, visually obstructed, or down or damaged mechanical traffic control devices and/or traffic control and informational signs, lack of or defective roadway lighting systems, and other roadside hazards, including vehicles and other objects on or near the roadway will be reported to Communications.

**20.4.6.1** Removal of Debris not related to a traffic crash: Officers shall not utilize wreckers to clean the street, remove trees, debris, etc.

**20.4.6.2** If no immediate danger exists, the Department of Transportation and Public Works (DTPW) will be notified during normal working hours. When an immediate danger is present, police personnel will be sent to the location and the supervisor on duty will be notified. The officer on the scene will either stand by until DTPW arrives, or put out flares and/or barricades to warn the public before clearing the scene.

**20.4.6.3 Signs:** Signs that are down or obstructed will be reported to the Communications. The Complaint Sergeant will in turn notify the proper authority (Miami-Dade Signs and Signals).

**20.4.6.4 Traffic Signals:** Malfunctioning traffic control signals will be reported to the Communications. Communications will notify the proper authority (Miami-Dade Signs and Signals).

**20.4.6.5 Roadway Lighting:** Streetlights that are out will be reported to Communications. Communications will notify the proper authority (Florida Power and Light Co.).

**20.4.6.6 Power, Telephone, and Cable Lines:** When a live power line is down, Florida Power and Light will be notified by Communications. A police officer(s) or Public Service Aide will be dispatched to the location and stand by until Florida Power and Light arrives. When telephone lines are down, AT & T will be notified by Communications. When cable television wires are down, the appropriate cable company will be notified by Communications.

**20.4.6.7** For total power outage of all traffic signals, the supervisor assigned to the signal will strategically place available officers at primary intersections throughout the City. If necessary, the supervisor will arrange a frequency for the units involved in the power outage by switching to a "Tac" channel.

**20.4.6.8** All the above situations will be the responsibility of the Communications personnel. They will notify the proper agency and document the situation in the appropriate incident log.

**20.4.6.9 Vehicles:** when a vehicle is parked or abandoned in or near the roadway, creating a hazard, a police officer(s) will be sent to the location to determine whether the vehicle is stolen, should it be towed, or removed off the roadway.

**20.4.7 Inclement Weather Conditions:** Adverse weather conditions will include, but are not limited to:

1. Large spills or sitting water
2. Above normal rain
3. Above normal wind
4. Heavy fog
5. Thunderstorm

**20.4.7.1** Officer safety shall be the primary consideration when the normal control of traffic is impaired due to flooding conditions, hurricanes, downed power lines or other hazardous conditions.

**20.4.7.2** For large spills or sitting water, the police officer(s) will re-route traffic around the spill, if possible. If not, the police officer(s) will close down the roadway with marked units, flares, cones, and barricades. The police officer will contact Communications so that the proper authority is contacted in order to clear the roadway obstruction.

**20.4.7.3** The same procedures for traffic direction and control shall apply (See Manual Traffic Departmental Order).

**20.4.7.4** Additional officers or equipment should be used, if necessary, to adequately perform the traffic control duty in a safe and efficient manner.

**20.4.8 Assisting Highway Users:** Police officers often come in contact with motorists requesting directions or who have become stranded or disabled. Officers shall be courteous when providing information or directing motorists to where information may be found. **(CALEA 61.4.1 A)**

**20.4.8.1** Assistance offered to motorists shall include providing communications regarding response from a repair service, tow truck, family or friends.

**20.4.8.2** Police officers shall request a tow truck for stranded motorists upon request. Should a motorist have a preference for a towing company, the preferred company will be requested. If not, a contract wrecker will be requested. All towing requests shall be made through the complaint room. **(CALEA 61.4.1 B)**

**20.4.8.3** The Police officer's primary concern is the safety of the motorist and the protection of their property. Police officers are not required to repair vehicles, change flat tires, or provide fuel. Police officers shall be cognizant of the time of day and whether the motorist is in a high crime area. Should concern exist for the safety of the motorist, then transportation shall be made available. The transportation may be to the nearest police station or other safe place where they may make arrangements for themselves and the vehicle. **(CALEA 61.4.1 B,C)**

**20.4.8.4** Police officers shall provide assistance as required regarding first aid, obtaining medical assistance, fighting fires or requesting fire rescue to respond should an emergency exist. Civilians shall be transported only after other reasonable means have been exhausted. **(CALEA 61.4.1 D)**

## Staged Crash Detail

### Section

- 21.1 Policy
- 21.2 Organization
- 21.3 Definitions
- 21.4 Responsibilities
- 21.5 Procedures

**21.1 POLICY:** The Miami Police Department recognizes a need within the law enforcement function to investigate criminal activity by utilizing personnel specifically trained to investigate certain enumerated offenses.

**21.2 ORGANIZATION:** The Staged Crash Detail is a function of the Crash Investigation Unit.

**21.3 DEFINITIONS:**

- a) **Staged Crash Scene:** This is where both parties intentionally crash into each other to file an insurance claim with their insurance carrier.
- b) **Caused Crash Scene:** This is where one of the parties involved intentionally crashes into an innocent party to file an insurance claim with their insurance carrier.
- c) **Fictitious Traffic Crash Report:** This is where a fictitious Traffic Crash Report is generated in order to file an insurance claim with their insurance carrier.

**21.4 RESPONSIBILITIES:** The primary responsibility of the Staged Crash Detail (SCD) is to provide effective and efficient proactive and reactive techniques aimed to identify, apprehend and prosecute criminal offenders involved in the act of fraudulent insurance claims and related staged traffic crashes.

**21.5 PROCEDURES:** The Staged Crash Detail will conduct investigations of the aforementioned offenses. The investigation will consist of, but not limited to:

- a) Fictitious traffic crash reports.
- b) Fraudulent insurance claims.
- c) Interview of victims, witnesses and offenders.
- d) Gathering of any and all additional information or evidence not recorded within the crash report.
- e) The detail will collaborate with local, state and federal agencies to combat the above listed crimes.
- f) Prepare and serve search and arrest warrants.
- g) Confiscate any and all property or equipment used in the crime.
- h) Properly prepare and maintain case files to assist the Miami-Dade State Attorney's Office with the successful investigation and prosecution.

**BOMBS, BOMB THREATS, EXPLOSIVES,  
AND HAZARDOUS MATERIALS EMERGENCIES**

Section

- 22.1 Policy
- 22.2 Organization
- 22.3 Responsibilities
- 22.4 Procedures
- 22.5 Specific Police Duties
- 22.6 Specific Miami Fire Department Duties
- 22.7 Bomb Scene Evacuation
- 22.8 Hazardous Materials Incident
- 22.9 Bomb Threat Procedure at MPD
- 22.10 Weapons of Mass Destruction

**22.1 POLICY:** The Police Department is jointly responsible with the Fire Department for the protection of life and property in the event of misuse, accidental exposure, or intentional placement of hazardous materials or devices. Swift coordination and clear responsibilities must be delineated to ensure the public safety in any emergency involving potential or threatened explosion, fire, or lethal or harmful substances.

**22.2 ORGANIZATION:** Both, the Police and Fire Departments, are public safety agencies within the City of Miami Government. This section deals with the responsibility of both departments.

**22.3 RESPONSIBILITIES:** Fire and Police

**22.3.1 Police:** The initial investigation of a complaint of a suspected bomb or explosive is a police responsibility. The police will confer with the manager or the owner of the premises to decide whether to evacuate and conduct a search. In most cases a search will be agreed to and will present no problem. The ultimate responsibility to evacuate and search is the management's. However, if a device is found, the police can order the evacuation in the interest of public safety. If applicable, police officers will prevent unauthorized persons from entering the area, and they will handle traffic problems.

**22.3.1.1 Vehicles:** Due to the extreme dangers encountered with vehicular or car bombs, a vehicle can only be searched by a certified bomb technician with remote entry tools and equipment. When a vehicle becomes suspected as either containing or having an explosive device attached, it will be immediately secured. The S.I.S. Bomb Squad will be called to the scene for an evaluation to complete the search. Searches will only be done by the S.I.S. Bomb Squad. Due to the increasing threat of the use of Large Vehicle Bombs (LVBIED), the FBI has identified "Bomb Squads" as the first line of response to such incidents.

**22.3.2 Fire:** When requested by the Police Department, the Fire Department will standby at the scene in the event of a possible explosion. The Police Supervisor or Commanding Officer will meet with the Senior Fire Officer upon their arrival to exchange information and decide on tactics.

**22.3.2.1** During standby operations, the scene is a police responsibility.

**22.3.2.2** During search operations by the Fire Department, the scene becomes their responsibility, and police personnel shall concern themselves with crowd control and traffic assignments. However, the S.I.S. Bomb Squad may be called to standby to render safe any suspect devices found during the search.

#### **22.4 PROCEDURES:**

**22.4.1** The police radio will not be used in the area of a suspect device or bomb due to the possibility of detonation during transmission. It should be understood that certain types of radios are actually transmitting at intermittent times when turned on, even when not keyed for voice transmission therefore, it should be turned off completely.

**22.4.2** The person in charge should be asked if they have an existing bomb threat search plan, and if so, if it has been implemented. If implemented, the officer should standby until the search is completed. If not, a search team should be organized by the supervisor on the scene.

**22.4.3** When organizing a search team, it is recommended that employees or occupants who are familiar with the area be used. Whenever possible, civilians should be accompanied by a police officer or fireman. The searchers will look for any box, package, valise, briefcase, or other objects not belonging in the area. Persons involved should be instructed not to touch or move a suspect object.

**22.4.4** If a suspect object is found, note its description and advise the Communications Section Bridge Supervisor immediately by telephone. A police officer shall not move or handle a suspect explosive bomb device. These responsibilities are handled by the Bomb Technicians of the S.I.S. Bomb Squad.

**22.4.5** At no time will a member of this Department call a fire company directly to request assistance. All calls for assistance will be routed through the Communications Section.

**22.4.6** If the search is not fruitful and a time of detonation was given in the bomb threat, the supervisor in charge of the scene will designate units, which will remain until after the reported time has passed.

#### **22.5 Specific Police Duties:**

**22.5.1** Communications Section Bridge Supervisor's Duties: Upon receiving information that a bomb or other explosive device has been planted, is alleged to have been planted, or is actually found, the Communications Supervisor shall notify the following, in order:

**22.5.1.1** Dispatch a Patrol Unit and Sergeant.

**22.5.1.2** Notify the Patrol Shift Commander and, if directed, notify the Staff Duty Officer.

**22.5.1.3** Notify Fire Operations to inform them of the nature of the call and the type of assistance that is requested for purposes of standby, for purposes of search, or for information only.

**22.5.1.4** Notify the on-call S.I.S. Bomb Squad Supervisor and the on-call technicians as directed by the Bomb Squad Supervisor.

**22.5.1.4.1** In the event that a device of military origin is found, the S.I.S. Bomb Squad Supervisor or Senior Bomb Technician on the scene will notify the appropriate branch of the military.

**22.5.1.5** Explosive devices which are located on Federal Property are the responsibility of the Air Force E.O.D. Team located at Homestead Air Force Base.



**22.5.1.6** If a hospital is involved, notify the hospital director. At Jackson Memorial Hospital, the switchboard will be notified, and the appropriate chapter and page of the HOBS Plan will be followed.

**22.5.1.7** If a public school is involved, notify the principal of the school and the School Resource Officer (when one is assigned). The responsibility for notifying school security will be the school's principal.

**22.5.2** First Officer on Scene: The first officer on the scene of a bomb or explosive threat shall do the following:

**22.5.2.1** Contact the person in charge.

**22.5.2.2** Notify the Communication Section Bridge Supervisor by telephone and advise him of the situation. Make no radio transmissions in the adjacent area.

**22.5.2.3** Determine if the threat is a threat alone or if it is accompanied by a suspect explosive device. If no suspect device is present, the officer may recommend an evacuation, but the authority for such evacuation rests with the person in charge of the business. However, if a suspect item is found, the officer may order a partial or complete evacuation for the safety of persons.

**22.5.2.3.1** Responding officers must keep in mind the potential for secondary and/or multiple explosive devices when completing an evacuation of the area and establishing a command post. As a result of this added threat, a search should be conducted for secondary devices.

**22.5.2.4** Secure and protect the crime scene by establishing a perimeter. The rule for perimeter distance in post blast situations is to add 50% to the distance between the seat of the explosion and farthest fragment that is found or seen.

In situations involving suspect or actual devices, the immediate and surrounding area should be evacuated immediately. Consideration of distance will depend upon size and containment of the device and the existence of barriers for protection against flying fragments and blast pressure.

**22.5.2.5** Await further instructions from the Patrol Supervisor.

**22.5.2.6** Complete the offense/incident report by obtaining all pertinent information. Prior to leaving the scene, the officer making the original field report shall note if permission was granted or denied for conducting a search or evacuation and the name of the person granting or denying the permission.

**22.5.3** Sergeant's Duties:

**22.5.3.1** Assume command of police activities on the scene until the arrival of the S.I.S. Bomb Technician.

**22.5.3.2** Evaluate each situation and determine if additional assistance is needed.

**22.5.3.3** Notify the Communications Section Bridge Supervisor if the Fire Department is needed and advise whether M.F.D. is needed for standby or search.

**22.5.3.4** Establish a Command Post a safe distance from the scene, in an area with easy access to telephones, and that is easily accessible by emergency equipment.

**22.5.3.5** Act as liaison between police, fire, and other agencies that are involved.

**22.5.3.6** Supervise all police activities at the scene of an explosion, e.g., crime scene preservation and perimeter, locating witnesses, and traffic control.

**22.5.3.7** After the arrival of the S.I.S. Bomb Technician, the Patrol Supervisor shall command all police activities outside the crime scene perimeter that is established.

**22.5.4** S.I.S. Bomb Technician: The S.I.S. Bomb Technician shall be dispatched to any scene when a suspected explosive or incendiary device has been located or an actual explosion has taken place. He will also be dispatched to the scene of suspected car or vehicle bombs and/or searches and to the scene of fire bombings. His other duties include the following:

**22.5.4.1** Assume command of the crime scene.

**22.5.4.2** Assume command of the suspect device, and take charge of reconnaissance, control, search, and disposal or storage of explosive materials.

**22.5.4.3** Advise the Communications Section Bridge Supervisor or the Command Post of additional equipment that is needed.

**22.5.4.4** Determine the extent of damage to assist in determining the extent of evacuation, and assist in implementing safe evacuation procedures.

**22.5.4.5** Conduct "Render Safe Procedures" or vehicle searches when needed.

**22.5.4.6** Act as liaison with M.P.D. or M.F.D., F.B.I., A.T.F., and other interested personnel.

**22.5.4.7** Be responsible for follow-up investigations and court presentations of cases involving the findings of un-detonated explosives, improvised military or commercial explosive devices, and cases involving actual detonation or explosion, but not involving injury or death.

**22.5.4.8** Assist the Homicide Unit in cases involving injury or death.

**22.5.4.9** Assist the Fire Department Arson Investigator in the investigation of fire bombings.

**22.5.5** The Homicide Unit will be notified in cases of explosive devices, which result in persons being injured or killed.

**22.5.6** Patrol Duty Commanding Officer: In cases involving large buildings, many occupants, and/or congested areas which are likely to cause problems of evacuation or coordination for the police and fire departments, the Patrol Duty Commanding Officer will send a Patrol Command Level Officer to the scene. If none is available, then any other command level officer will be sent.

## **22.6 Specific Miami Fire Department Responsibilities:**

**22.6.1** Fire Command Stand-By Assignments: When requested by the Police Department, the Fire Department will respond to the scene for standby assignment in case of an explosion or fire.

**22.6.1.1** When the Fire Department is requested for standby assignment only, the scene remains the responsibility of the police

## **22.7 Bomb Scene Evacuation Responsibilities:**

**22.7.1 Public and Semi-Public Buildings:** The first officer on the scene shall do the following:

**22.7.1.1** Contact the building manager or custodian and advise him of the threat.

**22.7.1.2** If requested by the manager or custodian, move everyone out of the building, using caution not to excite the people.

**22.7.1.3** The forced evacuation of a public or semi-public building may not be ordered unless a suspect explosive device is found.

**22.7.1.4** Emphasize to the building manager that he assumes full responsibility for the occupants if he refuses to authorize an evacuation in situations where the police have no authority to order a forced evacuation.

**22.7.2 Private Homes or Buildings:** The first officer on the scene shall do the following:

**22.7.2.1** Advise the resident or residents of the nature of the situation if they are unaware of the danger.

**22.7.2.2** Request all occupants to leave the building during search operations.

**22.7.2.3** If no adult is present, remove all children from the building.

**22.7.3 Open Areas:** The first officer on the scene shall do the following:

**22.7.3.1** When approaching a suspect area in the open, stop the car at least 300 feet away or behind a secure barrier. Do not handle, move, or disturb the object. Clear the area of all spectators, etc. From at least 300 feet from the object or behind secure barriers, establish a perimeter and protect the scene. When a second officer is unavailable, the first officer shall appoint a civilian to guard and maintain the perimeter while he telephones the Communications Section Bridge Supervisor.

**22.7.3.2** After making the initial investigation, report to the Communications Section Bridge Supervisor by phone and give a general description of the suspect device, if known. Await instructions from the Communications Supervisor.

**22.7.3.3** After making the initial telephone report, return to the scene, reestablish a perimeter, insure that spectators stay out of the immediate area, and proceed as directed by the Communications Section Bridge Supervisor or Field Supervisor.

**22.7.4 Hospitals:** Duties of Miami Police Officers include the following:

**22.7.4.1** If the hospital is Jackson Memorial, the first officer on the scene shall go directly to the Miami-Dade Police Office in the west parking garage, S.W. corner, room G307, to act as liaison officer between Miami-Dade Police Department and the Miami Police. When any other hospital is involved, go directly to the hospital switchboard and remain in contact with the Communication Section Bridge Supervisor.

**22.7.4.2** Jackson Memorial Hospital: Miami Dade Police Department is responsible for evacuation, building search, and traffic control within the hospital grounds. If requested, City of Miami Police will assist in any way possible. The City of Miami Police Department is responsible for traffic on 10th and 12th Avenues. Close coordination with Miami-Dade Police Department must be maintained.

**22.7.4.3** Private Hospitals or Rest Homes: The first police officer on the scene shall coordinate all action with the director of the hospital. Evacuation and search is the director's responsibility at private

hospitals or rest homes. Police shall assist the hospital director and Fire Department in every way possible.

**22.7.5 Schools, Public and Private:** The first Officer on the scene shall do the following:

**22.7.5.1** Quietly and discreetly contact the principal of school and the School Resource Officer, if applicable, and act as liaison between the school and the Communications Section Bridge Supervisor.

**22.7.5.2** Be prepared to assist the principal in any way possible.

**22.7.5.3** The principal of the school is responsible for the evacuation and search for explosives. The Police and Fire Department shall assist as requested by the principal.

**22.7.5.4** The schools have their own plan for bomb threats.

**22.7.5.5** The primary duty of the police is traffic control.

**22.8 Hazardous Materials Incidents:** A hazardous material is any substance (in a quantity or form) that may pose a substantial risk to health, safety, or property. The risks from hazardous materials may be due to explosiveness, flammability, corrosiveness, toxicity, biological infectiousness, or radioactivity.

A hazardous materials incident is any incident that involves the presence of hazardous materials. A hazardous materials incident shall include but not be limited to traffic accidents, train derailments, vessel accidents, aircraft incidents involving the release or potential release of hazardous material cargo. A hazardous materials incident shall also include the discovery of hazardous materials in connection with clandestine drug labs and incidents of a non-criminal nature, where the presence of hazardous material is suspected and/or detected.

**22.8.1** The primary responsibility for handling hazardous materials emergencies shall lie with the Fire Department, regardless of the presence or potential of fire.

**22.8.1.1** The Fire Officer in charge shall direct and coordinate the control, containment, and disposal of exposed hazardous materials as well as rescue and evacuator efforts.

**22.8.1.2** Fire operations shall be continuously informed of the situation and shall notify available emergency response teams, if additional expertise is required to handle extensive exposures or particularly dangerous substances.

**22.8.2** The Police Department may become involved in the handling of hazardous material incidents in the course of routine investigations of traffic accidents, industrial accidents, search warrants and commercial burglaries, where the presence of hazardous materials is discovered. The police Bomb Squad may be requested to assist the Fire Department with the removal of chemicals. This involvement shall be limited to the use of remote control equipment assigned to the Bomb Squad.

**22.8.2.1** If an officer arriving on the scene of an accident discovers or suspects the presence of any hazardous material, he shall immediately notify the Communications Section and give the following information as available:

The nature and type of materials present as determined from Department of Transportation placards and labels and from information supplied by the vehicle's driver or person in custody of the materials. If the material can be specifically identified from markings or shipping papers, it is extremely important that the exact spelling be given. The officer should also give any identification of the particular vehicle or container including the name of the manufacturer, shipper, and any lot or serial numbers on the container.

The first responding officers shall advise the Communications Section of the direction from which the wind is blowing, the direction of flow of the product runoff, the shape of the hazardous materials containers and a brief description of injuries.

**22.8.2.1.1** The first responding officer(s) will remain upwind when approaching the scene and will refer to the D.O.T. Emergency Response Guide to determine a suitable evacuation distance.

**22.8.2.2** The Communications Section shall relay the above information to Fire Operations which will determine the necessity of dispatching fire units to the accident.

**22.8.2.3** If Fire Units are dispatched, the Communications Section will dispatch a Field Supervisor to the scene of the accident.

**22.8.2.3.1** The supervisor will coordinate with the F.O.I.C. at the scene and determine the necessity of additional police assistance.

The supervisor will notify the Communications Section of the "HOT ZONE" determined by the fire department. Communications will then relay that information to all responding units. A HOT ZONE is an area in a hazardous materials incident that shall not be entered due to contamination. Responding police units will not approach the scene of an incident down wind of a HOT ZONE.

**22.8.2.3.2** The Communications Section shall notify the On-Duty Commanding Officer and the Staff Duty Officer who will determine the extent of police commitment and the need for emergency mobilization depending on the seriousness of the situation.

**22.8.2.3.3** In the event of extensive commitment of police personnel, a Field Command Post will be established and a field commander will be designated by the Staff Duty Officer.

The command post should be established in an area that is not subject to the possibility of a change in the prevailing winds. The command post should also remain relatively mobile in the event of a rapid escalation of the incident.

**22.8.3** Assistance by the Police Department may be requested at the scene of a hazardous materials incident. However, due to the probable presence of large quantities of hazardous materials, the seriousness of the situation will be greatly magnified and police personnel will necessarily be committed to the following duties.

**22.8.3.1** Rescue: The first officers on the scene of an incident shall make every effort to direct the injured to safety until the arrival of fire/rescue personnel. Direct contact with contaminated personnel should be avoided due to the risk of secondary contamination of the emergency providers. Accidental contact or exposure to hazardous materials by police personnel shall be immediately reported to the first responding fire/rescue officer.

Personnel shall immediately remove all contaminated clothing. Contaminated clothing and equipment shall be released to the Fire Department for proper disposal. Personnel shall exercise special care to avoid inhaling the contaminants or allowing the material to contact the eyes.

**22.8.3.1.1** The Fire Officer In Charge will coordinate the evacuation and establish a field transfer point with available rescue or paramedical personnel.

**22.8.3.1.2** All injured or contaminated persons and those suspected of contamination shall be taken or directed to the field transfer point for immediate first aid and then taken to a hospital, if further treatment is required.

**22.8.3.1.3** Records will be kept of all persons who are taken to the transfer point, in the event that future contact with the victims becomes necessary.

**22.8.3.2** Traffic and Crowd Control: A perimeter will be established, as designated by the Fire Officer In Charge, on the scene of an incident involving hazardous material exposure.

**22.8.3.2.1** Police personnel will be responsible for maintaining the perimeter and restricting vehicles and pedestrians from entering the accident area.

**22.8.3.2.2** Police personnel on the perimeter will ensure that corridors of access remain open for emergency equipment and for evacuation of injured.

**22.8.3.2.3** Police personnel will assist in protecting equipment at the scene of the accident and in preventing interference from crowds with the deployment of control efforts.

**22.8.3.2.4** In the event that a hazardous material emergency occurs on an expressway, police personnel shall coordinate with the Florida Highway Patrol in closing access to the expressway and removing vehicles or occupants already committed to the involved section, if they are in danger.

**22.8.3.3** Evacuation: Accidents involving hazardous materials may present risks to life or health ranging from slight to extremely serious. The dangers involved may require evacuation of all persons that might be exposed to the material or its effects.

**22.8.3.3.1** The evacuation radius will be determined by the Fire Officer In Charge. His decision is made by relying on information available to him about the particular substance that is involved.

**22.8.3.3.2** Police personnel will assist in advising all persons within the designated area of the dangers present and to leave immediately.

**22.8.3.3.3** Police personnel will stand by the perimeter of the area that is evacuated to prevent reentry of unauthorized persons. They will also secure the area when feasible without exposure.

**22.8.3.3.4** Police personnel will maintain security of the area that is evacuated after danger has passed, and they will assist with the reentry of evacuees.

**22.8.4** Technical Assistance. The Miami Police Bomb Squad shall respond to the scene of a hazardous materials incident and provide technical assistance to the Fire Department. The scope of this assistance shall include the operation of the remote control equipment normally used in hazardous device disposal and the explosive destruction of unstable chemicals at the request of the Fire Department or other authorized agency. Additional assistance shall be provided as requested by the Fire Department Incident Commander. Due to the number of chemicals and their various properties, the Bomb Squad is not equipped for proper exposure to hazardous materials and will not be permitted to make direct contact with them.

**22.8.5** Clandestine Drug Laboratories. Due to the inherent dangerous properties of the various chemicals used in the production of illegal drugs, the following additional guidelines shall be adhered to.

Once an investigation has determined the presence of or the possible presence of a clandestine drug lab, the investigator shall attempt to determine the type of product being produced and the possible size of the lab. This will assist the chemist and the Fire Department in the dismantle plans.

**22.8.5.1** Executing warrants. Typically, the chemicals found in a clandestine drug lab will be flammable or corrosive. The production of cocaine requires the use of Acetone and Ether (flammables) and Hydrochloric Acid (corrosive). Secondly, the products are also toxic. Amphetamine and methamphetamine labs require the use of a heat source and contain products that may be in various stages of production.

The induction or removal of heat sources may cause a violent reaction within the chemical vessel. The greatest danger appears to involve the designer drug labs. Exposure to improperly produced drugs has been known to produce the symptoms of Parkinson's Disease. The products produced in the labs can be absorbed into the skin, inhaled from the ambient air, ingested from food or tobacco products or injected. Therefore, the following safety procedures shall be followed in any incident involving a clandestine drug lab.

**22.8.5.1.1** Every effort shall be made to protect personnel from exposure to contaminants. Entry to the clandestine lab shall be limited to the minimum number of personnel necessary to effect the warrant and secure the lab. All personnel required to enter a suspect lab shall be issued and required to don eye protection, respirator, gloves and protective chemical resistant coveralls. This material shall be maintained and issued by the S.I.S. Bomb Squad.

**22.8.5.1.2** The on scene supervisor shall request the Miami Fire Department Hazardous Team to respond to the scene.

**22.8.5.1.3** Disposal and transportation of the hazardous materials shall be the responsibility of D.E.R.M. via private contract. The exception to this order shall apply to materials that the proper authorities have determined are dangerously unstable. Materials shall be deemed "unstable" if the transportation of them would present an unacceptable risk to public safety. Unstable materials may be thermally disposed of by the Bomb Squad with the approval of and under the direction of the authorizing government agency.

**22.8.5.1.4** The investigating officer shall attempt to develop intelligence as to the presence of booby traps or other self-destruct devices present in the lab. Once the presence of booby traps has been determined, all operations will cease and personnel will be withdrawn to a safe area. The Bomb Squad shall be responsible for render safe procedures of suspect items. No one shall be permitted to enter the lab until it has been declared safe by the Incident Commander in consultation with the senior bomb technician on scene.

**22.8.5.1.5** All electrical appliances and fixtures shall be left in their discovered position. In the event that flashlights are required, only intrinsically safe flashlights shall be used. These will be maintained and issued by the Bomb Squad. No one is permitted to use any other light source.

**22.8.5.1.6** Smoking in a lab is prohibited. Personnel will not carry matches, lighters or any other spark-producing article into a lab.

**22.8.5.1.7** Protective clothing shall be removed in the manner to minimize contamination followed by proper decontamination procedures as directed by the Fire Department Hazardous Materials Team.

**22.8.5.1.8** Analysis of the contents of the lab and its products shall be the responsibility of the responding chemist from any of the available agencies.

**22.8.5.2** Chemicals of evidentiary value shall be photographed or video taped for court presentation. The investigating officer shall also attempt to photograph or video tape the destruction of said materials. Copies of all documents pertaining to the identification and destruction of the hazardous materials shall be obtained by the investigator.

**22.8.5.3** Should the presence of a clandestine lab be determined by any other means, the responding units shall evacuate the lab as quickly as possible. A perimeter shall be established around the lab and an evacuation shall be made of persons within two blocks of the lab. The Communications Section Bridge Supervisor shall be notified and the Bomb Squad requested.

**22.9 Bomb Threat Procedures At Miami Police Buildings:** In the event a bomb threat is received by any person within a Police Department building, the Communications Section Bridge Supervisor shall be notified immediately with all available details of the threat.

**22.9.1** The Communications Section Bridge Supervisor shall immediately notify the on-duty Patrol Commander, Staff Duty Officer, and Commanding Officer of any substation affected.

**22.9.2** The decision to evacuate the building or any part of it will rest with the Staff Duty Officer, on-duty Patrol Commander, or any other Commanding Officer of a Mini Station. Normally, there will be no evacuation for bomb threats unless a device or suspected device is found or the threat is from a source that would indicate that a device might be present.

**22.9.3** An announcement will be made by Communications Section Bridge Supervisor over the P.A. System, if available, concerning the threat. All members of the general public will be directed to leave the building until the threat passes.

**22.9.4** Each employee in the area to which the threat applies, will search his/her own working area and report any suspicious object to the supervisor who will notify the Communications Section.

**22.9.5** The search of public areas will be conducted by supervisors and police officers who are designated by the on-duty Patrol Commander. They will ensure a complete and thorough search.

**22.9.6** If a suspect device is located, a complete or partial building evacuation as determined by the Staff Duty Officer or Patrol Commander, will proceed in accordance to Departmental Orders.

**22.9.7** During any evacuation for bomb threats or suspect devices, unit commanders shall ensure that all doors and windows are opened to minimize damage in the event of an explosion.

**22.9.8** Supervisors of each area will notify the Communications Section when their area has been found to be clear.

**22.10 Weapons of Mass Destruction:** Due to the increasing threat of the use of Weapons of Mass Destruction (WMD), involving Chemical, Biological, or Radiological agents (CBR), or the use of Large Vehicle Bombs (LVB), special technical expertise in a coordinated manner is a must. All WMD responses will involve close operation of the Miami Police Bomb Squad, Miami Fire Department Hazardous Materials Response Team (MFDHMRT), and the Office of Emergency Management and Homeland Security.

The senior bomb technician at the scene shall jointly establish a tactical response plan with the MFDHMRT, Commander on scene. The FBI Miami Field Office shall immediately be notified of all WMD incidents.

**22.10.1 Responsibilities:** The initial investigation of a complaint of a WMD incident containing a suspect bomb is a Police responsibility. WMD incidents where no suspect explosive device is found, becomes a Fire Department responsibility.

**22.10.2 WMD Response Notifications:** The Communications Section Bridge Supervisor shall notify the



Patrol Shift Commander, and if directed, notify the Staff Duty Officer.

Notify Fire Operations to inform them of the nature of the call and the type of assistance that is requested.

The on-call S.I.S. Bomb Squad Supervisor shall be immediately notified of all WMD incidents, including, explosives, radioactive materials, and materials of military origin

All out of city and county responses shall be routed through the Communications Section Bridge Supervisor.

The Communications Section Bridge Supervisor shall be notified of all Bomb Squad emergency responses.

**22.10.3** WMD incidents that require inter-agency support will be coordinated through the Miami Police Office of Emergency Management and Homeland Security.

**22.10.4** Once the incident is determined to be a potential terrorist event the FBI will become the lead agency.

**22.10.5** WMD Response Safety Support: Miami Fire Department Hazardous Materials Team maintains proficiency in emergency support of the Bomb Squad. The senior bomb technician on an incident may request MFD Haz-Mat support on any situation where the technician feels is appropriate. Such support should be requested on any incident involving a suspected bomb attached to a suspected (WMD) device, or high hazard situation.

During WMD incidents involving a suspect bomb, Haz-Mat personnel at a scene will function as safety officers for the technician(s) responsible at the scene. Haz-Mat personnel will first obtain basic medical vital signs of each technician operating at the scene. They will then assist the technician in donning and doffing of protective equipment (Class A & B suits). While the technician is down range on a suspect item, the Haz-Mat personnel shall be the only personnel other than bomb technicians allowed in the warm/hot zone areas. Haz-Mat personnel will be prepared for emergency rescue / extraction of the technician in the event of a detonation or other life threatening situation. Upon completion of the operation, they will again monitor medical vital signs, and take whatever medical steps necessary to stabilize the technician's condition. During the operation, the Haz-Mat personnel will monitor the scene for safety, maintaining surveillance for unauthorized persons within the operational area, and observe the operation for any safety hazards not immediately apparent to the technician.

On a working scene, zones shall be maintained for access. Only the bomb technician(s) rendering safe the suspect device shall enter the hot zone, an area to be delineated at least 1500 feet, upwind, uphill, and/or upstream.

**22.10.6** Bomb technicians shall confer with Miami Fire to determine the "Hot Zone". A HOT ZONE is an area that shall not be entered due to contamination. Responding units will not approach the scene of a WMD incident from downwind of a HOT ZONE.

**22.10.7** To ensure safe communications between bomb technicians and fire personnel, all technicians should maintain verbal contact with fire personnel when working with a suspected bomb and/or WMD incident. Police/Fire radios, cellular phone and/or beepers will not be used in the area of a WMD that is suspected of containing an explosive device.

**22.10.8** In order to ensure compliance with federal regulations, the bomb disposal team shall be prepared to operate under incident command systems in cooperation with fire rescue.

**22.10.9** Police personnel who are involved in handling a WMD or hazardous material emergencies should observe the following precautions:

**22.10.9.1** Get as much information from the dispatcher as possible before responding. Police personnel should ascertain if the following primary indicators exist on the scene: Symptoms of the victims on the scene, mass casualties on the scene, casualty pattern if the same, are there any disseminations of information on the scene, warning was given or credit was taken for the incident.

**22.10.9.2** Police personnel should be aware of secondary indicators such as: Dead animals or birds on the scene, statements of the victims, things which seem out of place, unexplained liquids or strange odors.

**22.10.10** Upon arrival on the scene, police personnel shall position equipment upwind, uphill, and upstream from the incident maintaining a minimum distance of 1500 feet set forth by the MFD Senior Officer on the scene. Police personnel should be aware of ventilation exhaust ports directing contaminated air from the incident site (e.g., from subways, buildings).

**22.10.11** Arriving police personnel shall stay within the designated cold zone as set forth by the MFD Senior Officer on the scene. A cold zone is an upwind safe area designated by the Miami Fire Department.

**22.10.11.1** Upon arrival, police personnel must don appropriate personal protective equipment (PPE). In the event that Police personnel must enter either the warm or the hot zone this must be done with the use of a Level A or Level B protection suit, and under the direction of the Bomb Detail senior officer on the scene.

**22.10.12** Except for necessary rescue, police personnel shall keep away from the scene, and stay away from escaping liquids. Personnel will stay out of vapors or smoke resulting from activity at the scene of the accident if possible.

**22.10.13** Police personnel shall not touch anything unnecessarily, nor pick up any objects found at the scene. Dust should be brushed or washed off skin and clothing as soon as possible.

**22.10.14** Police personnel shall not eat, drink, or smoke in the area. Personnel should not use food or water that may have been contaminated by material involved in the incident.

**22.10.15** Perimeter responsibilities for police personal will require the corralling of casualties and victims at the incident site. Care for non-ambulatory victims and rescue operations shall be done within the limitations of your PPE. At no time shall an Officer touch any of the victims in an attempt to maintain perimeter control. Police personnel are to use discretion with personal safety becoming the primary goal. Using an amplified, authoritative voice, direct walking victims to a holding area to await for decontamination procedures.

**22.10.16** Disposal and decontamination are the responsibilities of the Fire Department or Emergency Response Teams at the scene. Police personnel will only become involved at the request of Miami Fire Department, and under their direction.

**22.10.17** WMD Post Blast Operations: Bomb technicians must be prepared to respond to post blast situations to conduct technical scene investigations. The technician responding to a WMD post blast

shall conduct initial safety examination of the area for secondary devices. The technician shall also be responsible for primary post-blast scene documentation and evidence collection, dependant upon the nature of the incident. WMD incidents require the notification of the FBI/WMD coordinator.

Based upon the situation encountered, the bomb technician may call for additional support. The FBI will be responsible for all crime scenes activities, and will deploy evidence collection teams to the scene. In addition to other bomb technicians, Miami Police Crime Scene Technicians may be required to assist in the collection of evidence.

**COMPUTER STATISTICS (CompStat) SUPPORT UNIT****Section**

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** The CompStat Support Unit provides a comprehensive crime and operations analysis information service to the Miami Police Department (MPD), which by design, validity, and value, will generate analysis products instrumental to the accomplishment of tactical crime control and prevention and establish the basis for the decision-making processes relative to the allocation and deployment of resources.

**1.2 ORGANIZATION:** The CompStat Support Unit is a function of the Information Technology Support Section (ITSS) and reports directly to the section commander. The CompStat Support Unit commander is the liaison for the Department to other City departments along with internal units of the MPD in matters concerning reporting services, crime data, and statistics for calls for police service.

**1.3 RESPONSIBILITIES:** The CompStat Support Unit is a law enforcement function whereby data relating to crime is collected, collated, analyzed and disseminated via electronic formats.

**1.4 PROCEDURES:** The CompStat Support Unit procedures are specific to their unit. Extensive Standard Operating Procedures (SOP's), detailing the procedures of the personnel assigned to the CompStat Support Unit have been prepared and will be utilized to guide the day-to-day operations.

**1.4.1** The CompStat Support Unit is a function consisting of a system utilizing regularly collected information on reported crimes and criminals to prevent and suppress crime and apprehend criminal offenders.

**1.4.2** Crime analysis is a process that involves the collection of timely and accurate data, employment of systematic techniques of analysis, to determine for predictive purposes, the frequency by which events occur and to the extent to which they are associated with other events.

**1.4.3** Upon analyzing and grouping the available data, information is distributed to Neighborhood Commanders, investigators and other departmental personnel who exchange information and provide feedback. The data is provided by forms of reports that are electronically e-mailed to interested personnel. The data is also available through the Reporting Server. A link to available reports is located on the intranet homepage of the Department. **(CALEA 15.3.1 b)**

**1.4.4** Information relating to crimes, calls for police service, and arrest data may be made available to Department employees or to members of, any other recognized law enforcement agency. Requests by private citizens will be reviewed and responded to pursuant to applicable laws.

**1.4.5** The CompStat Support Unit is a function consisting of a process of tabulating, analyzing and evaluating calls for police service, crime patterns, incidents of crime, along with temporal and geographic distribution aspects, in order to assist the Neighborhood Commanders with the deployment of resources to meet the public demands for service and the suppression of crime. Sources for these reports are information entered into Computer Aided Dispatch (CAD) and Law Records Management Systems (LRMS) (CAD record, Offense Incident (OI) reports, Supplemental Incident reports, Field Based Reports (FBR), and other electronic gathered information sources). **(CALEA 15.3.1 a)**

**1.4.6** The technical support analysis process involves collecting data and analyzing the data in order to provide relevant and timely analytical reports for operational managers and staff members.

**1.4.7** Timely bulletins and reports of crime data depicting trends and patterns can be proactively acted upon by deploying a sufficient number of personnel at the proper time and day which increases the probability of apprehending criminals.

**1.4.8** The information made available to operational managers is a valuable tool in which to deploy resources and establish task forces and properly manage a quality neighborhood patrol program. The information also enables managers to utilize strategic planning when deploying police resources.

**1.4.9** The City of Miami Police Department has a responsibility to report accurate crime statistics to the Florida Department of Law Enforcement (FDLE) on a semi-annual basis. To accomplish this, the Department adheres to the guidelines established by FDLE in the "Florida Uniform Crime Report" (UCR) guide. These reports are produced and provided to the Chief of Police (COP) for review and final sign off. **(CALEA 15.3.1 c)**

**1.4.10 METHOD:** The semi-annual FDLE Report will derive and count statistics in the following manner:

**1.4.10.1** In most cases only data from cases which were entered, reviewed and printed during the current reporting month will be counted in this report. Cases from previous time periods may be included if the arrest date, property recovery date or clearance date is within the current month and the case was updated reviewed and printed during the current month.

**1.4.10.2** In cases of murder, rape and assault, it is the number of victims counted, not the number of incidents.

**1.4.10.3** In robbery, burglary and larceny cases, it is only the number of incidents counted, not the number of victims.

**1.4.10.4** In auto theft cases, it is the number of vehicles stolen counted, not the number of incidents.

**1.4.11** Requests to the Miami Police Department by the public for information contained in the FDLE reports will be forwarded to the CompStat Support Unit.

**1.4.11.1** Public records requests for information compiled, maintained, filed or stored or otherwise kept by the CompStat Support Unit shall be directed to the Unit for processing. Information obtained from any other source, directly or indirectly, is not warranted as accurate and shall not be disseminated to the public.

**1.4.12 DISSEMINATION OF DATA:** In order to provide guidelines for the utilization and dissemination of the FDLE Reports, the following will be adhered to:

**1.4.12.1** The CompStat Support Unit shall administer the central repository of the FDLE reports. The COMPSTAT Support Unit shall assume the responsibility of disseminating this data, on a monthly and quarterly basis, to the COP via a report which contains the following:

**1.4.12.1.1** Index Crime Comparison,

**1.4.12.1.2** Total Arrest comparisons (adult and juvenile),

**1.4.12.1.2.1** Arrest comparison by age groups (adult and juvenile). This report contains cumulative y-t-d data and compare current year versus previous year information.

**1.4.13** The COMPSTAT Support Unit of the Information Technology Support Section will be the repository for these Reports. The unit will be responsible for responding to all in-house requests regarding data contained in the CompStat Reports, to include:

**1.4.14** Distributing regularly scheduled computer reports to the appropriate units via electronic formats and ensuring that they are placed in a downloadable location.

**1.4.15** Completing public records requests for computer searches in accordance with established fees.

**1.4.16** Maintaining an electronic library of summary and statistical reports.

**1.4.17** The CompStat Support Unit is responsible for only Citywide statistics and information. Crime analysis information requests that are not citywide in nature will be fulfilled by the crime analysts assigned to the Investigative Support Section.

**COMPUTER SUPPORT UNIT**

Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures
- 2.5 Computer Support Services

**2.1 POLICY:** The function of the City of Miami Police Department's Computer Support Unit is to develop new information systems, maintain and improve existing information systems and coordinate activities with the Information Technology Support Section (ITSS) regarding mainframe and microcomputer applications, as well as coordinate specialized training for departmental personnel with ITSS as needed.

**2.2 ORGANIZATION:** The Computer Support Unit is comprised of three distinct elements, i.e., (1) On-Line Systems, (2) Personal Computer (PC) Systems and (3) Mobile Data Computers (MDCs). These elements function as a liaison between the Miami Police Department and the Information Technology Support Section (ITSS).

**2.2.1 ON-LINE SYSTEMS:** The Computer Support Unit works in conjunction with ITSS to insure that computer equipment, supported by on-line systems, is maintained to facilitate and satisfy the department's needs.

**2.2.1.1** The need for information applies to:

- Calls for service data
- Report data
- Scheduling data
- Summary and statistical data

**2.2.1.2** The focal point of the Computer Support Unit is to coordinate, develop & implement with the appropriate departmental business units and ITSS using Business Process Reengineering Methodologies systems such as:

Computer Aided Report Entry	CARE	
Computer Aided Dispatch System	CADS	
Personnel System	PERS	
Criminal Investigation Section System	CISS	
Property System	PROP	
Alarm Permits System	ALRM	
Pawn System	PAWN	
Remote Data Base		
Cyberlynxx	NCIC/FCIC	RDBS
Internet Websites		
Intranet Websites		
Geographical Information System	GIS	

**2.2.2 PC SYSTEMS:** The Computer Support Unit evaluates requests for and determines which environment is best suited for the application.

**2.2.2.1** PC applications software can best be defined as any computer programs that are compatible with departmental approved PC's and have been tested and approved for use by Computer Support. (Any application not pre-approved will not be installed or supported.)

**2.3 RESPONSIBILITIES:** The Computer Support Unit's responsibilities shall include:

**2.3.1** Processing all valid requests for computer services in a timely manner by coordinating their subsequent resolution.

**2.3.2** Providing support for all computer software/hardware systems.

**2.3.3** Coordinating the scheduling and training of departmental personnel with ITSS or with training vendors.

**2.3.4** Coordinating the maintenance and/or repair of computer equipment with ITSS or appropriate vendors.

**2.3.5** Coordinating UCR data accuracy with ITSS and FDLE in Tallahassee.

**2.3.6** Maintaining liaison with Metro-Dade County concerning MPD access to the DCJIS system.

**2.3.7** Scheduling and chairing monthly computer users meetings.

**2.3.8** Maintaining the computer password access system(s).

**2.3.9** Review all requests for additional computer or related hardware. Such requests shall be made, through channels, to the Computer Support Unit with justification and funding source for the equipment sought. This applies to all types of computers.

**2.3.10** The Computer Support Unit shall review each request and develop or amend the request so that all hardware or software is compliant with the current departmental standards. The purchase of computer equipment shall be coordinated with the ITSS.

**2.3.11** The Computer Support Unit will insure the highest possible availability to Police Systems through PCs and terminals that are distributed throughout the department and are available to Police employees 24 hours by 7 days a week.

**2.3.12** The detail will manage the backup of all PC Server related systems. Automated backups will be designed and implemented providing both disaster recovery and archival functions. The backup policies put into practice by software will reflect any applicable regulations as to retention.

**2.4 PROCEDURES:** The Computer Support Unit is available to provide assistance to all units regarding computer related problems and needs or in an advisory capacity.

**2.4.1** The Computer Support Unit shall provide an efficient and reliable system of maintenance for all computers within the department. Service for hardware malfunctions and software upgrades will be coordinated with appropriate vendors in a timely manner to insure minimal down time for the affected unit.

**2.4.2** Ordinary requests for microcomputer hardware repair shall be made ONLY to or through the Computer Support Unit.



**2.4.3** The unit will provide support for the computer's operating system.

**2.4.4** The unit will provide support for approved applications software for the computers (support refers to the installation, configuration, and parameter settings).

**2.4.4.1** The responsibility for the effective use of specific software applications rests with the users. Users may seek to improve their skills by attending training classes offered, ITSS or studying the instruction manuals, and/or calling the ITSS Help Desk.

**2.4.4.2** Computer users must be cognizant of software copyrights and avoid any possible infringements. All microcomputers must not contain software that is installed or copied contrary to its licensing agreement. The copying of any software in violation of the copyright restrictions is prohibited. Any employee doing so assumes sole responsibility for any civil or criminal liability of the copyright violation. If you are unsure about the legality of a computer program installed in a computer you use, please call the Computer Support Unit.

**2.5 COMPUTER SUPPORT SERVICES:** Requests for mainframe computer hardware services are to be made through the Computer Support Unit during normal office hours. After hours and on weekends, emergency requests can be made via the on duty communication supervisor or designee.

**2.5.1** Requests for computer program changes, new programs, and computer terminal relocations shall be made by completing the information request form for computer services (R.F. #598) obtainable from the Computer Support Unit. This form must be signed and dated by the requesting section commander, then routed through the Computer Support Unit for approval by the Information Technology Support Section Commander.

**2.5.2** Computer hardware, i.e., terminals, keyboards, printers, etc. will not be moved from their installed locations without a request directed through channels to the Information Technology Support Section Commander.

## Information Technology

### INFORMATION TECHNOLOGY SUPPORT SECTION

#### Section

- 3.1 Policy
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**3.1 POLICY:** The Miami Police Department (MPD) relies on its computer network to conduct its business. To ensure that the Department's computer resources are used properly by its employees, independent contractors, agents, and other computer users, the MPD Information Technology Support Section (ITSS) has created this Computer Use Policy (the "Policy"). This policy recognizes and establishes the IT governance model that will be adhered to by the Department. The overriding goal of this policy is to comply with the CJIS Security Policy requirements. Due to the evolving nature of the CJIS Security Policy, it is necessary to separately communicate the requirements of the CJIS Security Policy as they are developed and enhanced. These additional requirements are intended to be an enhancement to the existing Standard Operating Procedures of the MPD. The agency shall adhere, at a minimum, to the CJIS Security Policy. While the agency may augment or increase the standards, it cannot detract from the minimum requirements set forth by the FBI CJIS Security Policy.

The rules and obligations described in this policy apply to all users (the "Users") of the MPD's computer network, wherever they may be located. Violations of this policy will be taken very seriously and may result in disciplinary action, to include a written reprimand, possible termination, civil and/or criminal liability.

Computer resources are the property of the MPD and may be used only for legitimate business purposes. Users are permitted access to computer resources to assist them in the performance of their duties. Use of a computer resource is a privilege that may be revoked at any time.

Employees shall make electronic communication truthful and accurate, using the same care in drafting e-mail and other electronic documents as for any other written communication. Users should keep in mind that anything created and/or stored on a computer resource may, and likely would be reviewed by others.

In using or accessing departmental computer resources, users must comply with the provisions outlined in this chapter, as well as any updates that may follow.

**3.1.1** Nothing in this order is intended to limit or prohibit specialized units from intentionally contradicting portions of this order while conducting authorized investigations, covert or otherwise.

**3.2 ORGANIZATION:** This policy recognizes the authority and responsibility of the Information Technology Support Section (ITSS) to establish and govern technology policies, procedures and best practices for the Miami Police Department's technology infrastructure, in order to support the department's business and IT strategies. The ITSS is an element of the Administration Division.

**3.3 RESPONSIBILITIES:** All users of the MPD network are responsible for the proper use of and shall abide by this order.

### **3.4 DEFINITIONS:**

**3.4.1 Computer Resources:** Refers to the MPD's entire computer network. Specifically, computer resources include, but are not limited to: host computers, file servers, application servers, communications servers, and mail servers. Web servers, routers, switches, hubs, printers, scanners, workstations, Personal Computers (PCs), stand-alone computers, laptops, Mobile Digital Computers (MDCs), Personal Digital Assistants (PDAs), software, data files, telephone services, Voice Over Internet Protocol (VOIP) telephones and all internal and external computer and communications networks (for example, Internet, commercial online services, value-added networks, e-mail systems) that may be accessed directly or indirectly from the MPD computer network.

**3.4.2 Users:** Refers to all authorized MPD employees, authorized City of Miami employees; authorized external members of other law enforcement agencies, independent contractors, consultants, temporary workers, and other authorized persons or entities who use or have access to the MPD computer resources.

### **3.5 PROHIBITED ACTS:**

**3.5.1 Abusive Use of Computer Resources:** Users shall not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, viewing non-work related streaming media including movies and online radio, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups or social media sites, printing multiple copies of documents, or otherwise creating unnecessary network traffic. Because audio, video, streaming media and excessive size picture files require significant storage space, files of this sort shall not be downloaded or streamed unless they are business related.

**3.5.1.1** Department-wide sending of e-mails is prohibited unless specifically authorized by the Chief of Police or designee. Only ITSS may forward departmental-wide e-mails. Requests for department-wide e-mails must be requested through channels to ITSS. Department-wide e-mails not originating from the "MPD-Mailer" are not authorized.

**3.5.2 Inappropriate or Unlawful Material:** Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate shall not be sent by e-mail or other forms of electronic communication (such as social networking sites, newsgroups, chat groups, neighborhood-meetings) downloaded from the Internet or displayed on or stored in the Miami Police Department's Computer Resources. Users encountering or receiving this kind of material are required to immediately report the incident to their unit commander and the ITSS Commander.

Without prior written permission from the ITSS Commander, the Miami Police Department's Computer Resources may not be used for dissemination or storage of commercial or personal advertisements, solicitations, promotions, destructive programs, (such as, viruses or self-replicating code), playing games, political material, or any other unauthorized use.

**3.5.2.1 Occasional personal use of MPD E-mail account is permitted so long as it does not violate any of the following provisions:** It is the policy of MPD to allow and encourage the use of MPD e-mail services to support the accomplishment of the various missions of the Department. MPD e-mail accounts may not be used for transmitting, retrieving, viewing, or storage of any communications of a discriminatory or harassing nature or materials that are obscene or pornographic. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual preference shall be transmitted. No abusive, profane, or offensive language is to be transmitted through the department's e-mail system. E-mail messages or attachments may not be used for solicitation of non-City business. Users should avoid using MPD E-mails for personal and/or private activities.

**3.5.3 Personal Equipment/Devices/Software not allowed:** Personally owned computing devices may not be used on, connected to, or installed in, any of the Miami Police Department's Computer Resources without written permission from ITSS.

**3.5.3.1** Users are prohibited from bringing into the MPD network personal software, whether purchased or acquired through the "public domain."

**3.5.4 Communication of MPD Confidential/Private Information:** Unless expressly authorized by unit commanders, users shall not send, transmit, or otherwise disseminate investigative information, proprietary data, internal communication, or other confidential and/or law enforcement sensitive information. Violation of this subsection may result in substantial civil liability as well as severe criminal penalties under various statutes.

**3.5.5 Illegal Copying:** Users shall not illegally copy material protected under copyright law or make that material available to others for copying. Users are responsible for complying with copyright laws and applicable licenses that apply to software, files, graphics, documents, messages, and other material you wish to download or copy. Users shall not agree to a license or download any material for which a registration fee is charged. All software acquisition must be through established channels.

**3.5.5.1** Users must be cognizant of software copyrights and avoid any possible infringements. Computers must not contain software that is installed or copied contrary to its licensing agreement. The copying of any software in violation of the copyright restrictions is prohibited. Any individual doing so assumes sole responsibility for any civil or criminal liability of the copyright violation.

**3.5.6 Accessing Other User's Files:** Users shall not access, alter, or copy a file belonging to another user without first obtaining permission from the owner of the file. Ability to read, alter, or copy a file created by another user does not imply permission to read, alter, or copy that file. Users may not use the computer system to, "snoop" or pry into the affairs of other users by unnecessarily reviewing their files and e-mail.

**3.5.7 Accessing other Computers and Networks:** A user shall not connect to other computer systems through a network connection or by a modem unless specifically authorized by the Network Administrator of those systems and the MPD ITSS Commander.

**3.5.8 Sending Unsolicited E-mail (Spamming) Prohibited:** Users will not send unsolicited e-mail to persons via any department system with whom they do not have a prior relationship or there is no official city business purpose. Each user shall be responsible for the content of any data they place or send over the MPD's Internet system.

**3.5.9 Altering Attribution Information Prohibited:** Unless required for documented investigative purposes, employees shall not alter the "From:" line or other attribution-of-origin information in e-mail, messages, or postings. Anonymous or pseudonymous electronic communications are forbidden. Users shall identify themselves accurately when participating in authorized law enforcement chat groups, making postings to authorized law enforcement newsgroups, sending e-mail, or otherwise communicating online. All messages communicated on the department's e-mail system shall contain the user's name unless exempted by this order.

**3.5.10 Chain E-mail prohibited:** Chain e-mail is a message sent to a number of people asking each recipient to send copies with the same message to a specified number of others. Users shall not initiate or participate in chain e-mail.

**3.5.11 Encryption Software Prohibited:** Users shall not install or use any type of encryption software on any computer resource nor to be placed on the Internet or transmitted in any way outside the United States.

### **3.6 PRIVACY:**

**3.6.1 No Expectation of Privacy:** The computers and computer accounts given to users are to assist them in the performance of their duties. Users are cautioned that there is no expectation of privacy in anything they create, store, send or receive on any computer resource. The computer resource and the information within belong to the Miami Police Department and may be used only for business purposes. The Chief of Police may authorize any unit or other law enforcement entity to investigate use of the computer resource.

**3.6.2 No Privacy in Communications:** Users shall never consider electronic communications that either leave the Miami Police Department computer network or originate from outside the Miami Police Department computer network to be private or secure (unless encryption technologies are used). E-mail may be stored indefinitely on any number of computers, including that of the recipient. Copies of user's messages may be forwarded to others either electronically or on paper. In addition, e-mail sent to non-existent or incorrect usernames may be delivered to persons which were never intended recipients.

**3.6.2.1** MPD reserves the right to monitor e-mail content ensuring that the e-mail system is used for its intended purpose only. All messages created, sent, or retrieved over the MPD e-mail network become the property of the MPD and may be released pursuant to applicable laws.

**3.6.3 Waivers of Privacy Rights:** USERS EXPRESSLY WAIVE ANY RIGHT OF PRIVACY IN ANYTHING THEY CREATE, STORE, SEND, OR RECEIVE ON THE COMPUTER RESOURCE. USERS CONSENT TO ALLOWING PERSONNEL OF THE MIAMI POLICE DEPARTMENT TO ACCESS AND REVIEW ALL MATERIALS USERS CREATE, STORE, SEND, OR RECEIVE ON THE COMPUTER RESOURCE. USERS UNDERSTAND THAT THE MIAMI POLICE DEPARTMENT MAY USE MANUAL OR AUTOMATED MEANS TO MONITOR USE OF ITS COMPUTER RESOURCES.

**3.6.4 Monitoring of Computer Usage:** The Miami Police Department has the right, but not the duty, to monitor any and all aspects of its computer resources, including but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.

**3.6.4.1** ITSS personnel routinely monitor usage patterns in MPD Internet communications. All messages created, sent, or retrieved over the Department's Internet infrastructure are the property of the Department and may be released pursuant to applicable laws.

### **3.7 COMPUTING HARDWARE:**

**3.7.1 Equipment Installation/De-Installation/Relocation:** The installation and relocation of any computing equipment will be coordinated through the ITSS Computer Support Unit. Users are expressly forbidden to install or move any computing resource from its authorized location without written authorization from ITSS Support Unit. The ITSS Computer Support Unit will coordinate any installation, de-installation, or relocation with the proper entities.

**3.7.2 Equipment Disassembly/Modification:** Users are expressly forbidden from opening the cases or cabinets of any computing resource, removing or installing any components from within the defined equipment. Only ITSS personnel are authorized to perform these functions.

**3.7.3 Installation of Computer Peripherals:** Users are expressly forbidden from installing or connecting any internal or external peripherals or upgrades to computing resources.

**3.7.4 Computing Resource Acquisition:** Users who become aware of any misuse of software or violation of copyright law shall immediately report the incident to the ITSS Commander.

### **3.8 COMPUTING SOFTWARE:**

**3.8.1 Software Acquisition:** All computer resources software selections and acquisitions will be coordinated through the ITSS.

**3.8.2 Misuse of Software:** Without prior written authorization from the ITSS Commander, **USERS SHALL NOT DO ANY OF THE FOLLOWING:**

**3.8.2.1** Copy software for use on their personal computers.

**3.8.2.2** Provide copies of software to any independent contractor or any third person. Department's computer resources (includes but is not limited to operating systems, application programs, utilities, games, entertainment software, screen savers, desktop themes).

**3.8.2.3 Compliance with Applicable Laws and Licenses:** Users shall not install any software on any Miami Police Department's computer resources.

**3.8.2.4** Attempt to bypass system security by starting any computer resource with any media other than the authorized boot devices by the use of bootable media.

**3.8.2.5** Modify, revise, transform, recast, or adapt any software; or

**3.8.2.6** Reverse-engineer, dis-assemble, or de-compile any software.

### **3.9 SECURITY:**

**3.9.1 Password:** Users will be authenticated as to their identity when logging into any computer resource. The authentication process will be comprised of entry of a valid username (PIN number) and its associated password. For users of highly secured sensitive information, the use of additional authentication techniques will be utilized (e.g., the use of specifically assigned security tokens).

Each user account shall have an associated password. New users will have accounts assigned to them by the Computer Support Unit. The security access to these accounts will be coordinated with the Unit Commander that is responsible for the information. The Unit Commander will notify ITSS in writing of the security access being assigned to the user. The following password policy will be automatically enforced and audited by the Network Operating System Software:

Valid passwords shall be at least 8 characters in length and should contain three (3) of the four (4) character sets:

- a. No Dictionary Words
  - b. Uppercase Letters (A, B, C, D, E, F, G....)
  - c. Lowercase Letters (a, b, c, d, e, f, g....)
  - d. Digits (0,1,2,3,4,5,6,7,8,9)
  - e. Special characters or symbols (~!#\$%^&\*()\_:"';<>?,.)
- \*\*\*NOTE: DO NOT USE the @ symbol! \*\*\*

Passwords shall be valid for ninety (90) days. When changing passwords, the previous ten (10) passwords will not be eligible for reuse. Users who have not changed their passwords within the time prescribed will not be allowed to login without first changing their password. This policy should be considered a minimum standard; more restrictive policies can be applied at any time as circumstances may require.

Specific policies surrounding the use of security token technology are closely tied to the specific technology employed. (Refer to the instructions disseminated at the time of issuance).

**3.9.2 Responsibility for Passwords:** Users are assigned a secure account(s) with password (or pass-phrase) to access Computer Resources within the Miami Police Department. Users are responsible for safeguarding their account passwords for access to the computer system. Individual account passwords shall not be printed, stored online, or given to others.

**USERS ARE RESPONSIBLE FOR ALL TRANSACTIONS MADE USING THEIR USER ACCOUNTS.**

**No user shall access the computer system with another user's account/password. Users shall not disguise their identity while using the computer system.** Only the owner of the user account will be able to request password reset(s). The user shall be responsible to change default password(s) to one that has the features described in this section.

**3.9.3 General Security:** Each user is responsible for ensuring that the use of external computers and networks, such as the Internet or CJNET does not compromise the security of the Miami Police Department's Computer Resources. This duty includes taking reasonable precautions to prevent intruders from accessing the department's network without authorization and to prevent the spread of viruses.

Spot security reviews/audits of all system accesses will be conducted on a monthly and annual basis to maintain the highest levels of security and integrity of all the Police Department's computer systems. Items reviewed include but are not limited to account codes, password age, access violations and intrusion detection.

**3.9.3.1** Each user is responsible for locking their workstation when stepping away from their work area.

**3.9.4 Virus Detection:** Viruses can cause substantial damage to computer systems. Each user is responsible for taking reasonable precautions to ensure they do not introduce viruses into the MPD's Computer Resources. To that end, all material received on data media, USB drives and all material downloaded from the Internet, newsgroups, bulletin boards, or other online services, files attached to e-mail, and files provided by citizens, vendors or from computers or networks that do not belong to the MPD MUST be scanned for viruses and other destructive programs before being placed onto the computer resource.

Users should understand that their home computers and personal laptops may contain viruses. All files or information transferred from these computers to the MPD's computer resource MUST be scanned for viruses irrespective of the media used for transfer. Employees should never download files from the Internet, accept e-mail attachments from external entities. External entities are defined as all persons or entities not in the MPD network, or use media from non-business related sources, without first scanning the material with Miami Police Department approved virus checking software.

**Users suspecting that a virus has been introduced into the MPD network must notify the Computer Support Unit Supervisor immediately.**

**3.10 INTERNET AND E-MAIL USE:**

**3.10.1** Users requiring access to the Internet must request this access with justification through channels to the ITSS Commander. The justification must indicate the Internet access level desired.



**3.10.2 Internet Use:** It is the policy of MPD to allow and encourage the use of internet services to support the accomplishment of the various missions of the Department. The Department provides Internet access for official use only. Every authorized Internet user has the responsibility to use the Internet in an accountable and productive manner that reflects well on the organization. Users shall not use the Miami Police Department's Internet connections to download or play games, entertainment software, social networking sites, streaming movies and music, or other personal reasons.

**3.10.2.1** MPD's Internet access may not be used for transmitting, retrieving, viewing, or storage of any communications of a discriminatory or harassing nature or materials that are of adult content in nature, pornographic, or obscene. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual preference shall be transmitted. No profane or offensive language is to be transmitted through the MPD's Internet system. Electronic media may also not be used for any other purpose that is illegal or in violation of departmental policy or contrary to the Department's best interests. Users should avoid using the MPD internet services for personal and/or private activities.

**3.10.3 Loss of Internet Use:** If a user abuses their privilege to use the Internet, it will be removed. In addition, the user may be subject to disciplinary action, including possible termination, and civil and criminal liability.

**3.10.4 Disclaimer of Liability for Use of Internet:** The Miami Police Department is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains an abundant amount of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and/or adult content material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

**3.10.5 Blocking Inappropriate Content:** The ITSS will implement a robust web filtering gateway to prevent users from accessing inappropriate, unlawful, or unauthorized web sites. Investigators requiring access to blocked content must submit a request for access through channels to the ITSS Commander. Users attempting to use web filter avoidance websites, software, or other methods to bypass the web filter will be subject to disciplinary action.

**3.10.5.1** Although the MPD may use software to identify inappropriate or sexually explicit Internet sites, users may encounter inappropriate or sexually explicit material while browsing on the Internet. Users shall immediately disconnect from the site, regardless of whether the site was subject to Miami Police Department's web filter and notify ITSS.

**3.10.6 Standard Footers for E-mail:** This footer should be appended to all e-mail sent externally of the Miami Police Department:

*The City of Miami is a public entity subject to Florida Statutes Chapter 119, Public Records. E-mail messages are subject to public records disclosure, and with limited exceptions are not exempt from chapter 119.*

**3.10.7 Client Communications:** E-mail sent from or to the City Attorney or an attorney representing the Department should include this warning header on each page: "ATTORNEY-CLIENT PRIVILEGED; DO NOT FORWARD WITHOUT PERMISSION".

**3.11 WORK FILE LOCATION AND BACKUP:**

All users will save work related files and information on provided network access points to departmental file-servers (for example the, Unit drive or "U:" drive). No finished work product may be stored permanently on local hard disks or removable media without a source copy on the departmental file-server.

Departmental file-servers will be configured to have redundant components to provide varying levels of fault tolerance. To prevent data loss, regularly scheduled backups will be performed.

**3.12 LOST AND DAMAGED EQUIPMENT:**

Computer resources lost due to carelessness, negligence, or purposeful destruction will be replaced at the user's expense. Notwithstanding emergency police operations, users without laptop brackets must not leave laptops visible inside of the vehicle when the vehicle is not in use. Users must make their best effort to protect and safeguard computer resources issued to them.

**3.12.1 Procedure for Reporting Lost or Damaged Computer Resources:** Users shall report all damages or loss of issued computer resources immediately to their supervisor and submit a completed REQUEST FOR REPLACEMENT OF LOST OR DAMAGED EQUIPMENT (Form PD/AD 201) describing the circumstances. The report shall contain all pertinent information, including the incident number if an official report is made. The user's supervisors will verify the circumstances only; however, the supervisor will not be the approving authority. The Assistant Chief of the Administration Division is the only approving authority.

**3.13 CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) SECURITY:**

**3.13.1 Policy:** It is the policy of the City of Miami Police Department that all users accessing information from the Criminal Justice Information Service including the Florida Crime Information System (FCIC) and any other data source containing CJIS data abide by all policies, procedures, and directives created and disseminated by the Department of Justice and the Florida Department of Law Enforcement. In addition, all users shall follow all established policies and procedures of the City of Miami Police Department in the operation of the computer equipment as governed by the Computer Use Policy.

**3.13.2 Definitions:**

- A. FLORIDA CRIME INFORMATION SYSTEM, (FCIC) – A statewide, computerized telecommunications system designed to provide services, information, and capabilities to the law enforcement and criminal justice community in the state of Florida. FCIC gives these agencies access to information stored in various computerized files, and through FCIC, gives them access to other criminal justice information systems nationwide.

- B. **USER AGREEMENT** – A written and signed agreement between the Florida Department of Law Enforcement, Control Terminal Agency, the City of Miami Police Department, and Users of the System, stating that the City of Miami Police Department will abide by all policies and procedures in the use of the terminals, software, and the information obtained from the system.
- C. **ACCESS** - The ability of a user to communicate with (input to or receive output from) the Information Technology Support Section or have entry to a specified area. This definition does not include those persons (customers) who simply receive products created by the system and who have no communication or interface with the ITSS or its members.
- D. **ADVANCED AUTHENTICATION** – The verification of a user’s identity utilizing two (2) or more authentication methods, i.e.: Username/Password, Biometrics (fingerprint, iris scan), Proximity Card, Secure Tokens, etc.
- E. **BASIC SOFTWARE (NON-FUNCTIONAL)** - Those routines and programs designed to extend or facilitate the use of particular Information Technology Unit equipment. As a rule, the Information Technology Unit vendor provides this software which is usually essential for the system’s operation. Examples of basic software are executable and operating systems, diagnostic programs, compilers, assemblers, utility routines such as sort, merge and input or output conversion routines, file management programs, and data management programs. Data management programs are commonly linked to, or under the control of, the executable or operating system programs.
- F. **CONTROLLED ACCESS** - The process of limiting access to the resources of an information technology system only to authorized members, users, programs, processes, or other information technology systems (as in computer networks).
- G. **CONTROLLED AREA** - An environment, considered in part or as a whole, where all types and aspects of access are checked and controlled.
- H. **CRIMINAL JUSTICE INFORMATION (CJI)** - The abstract term used to refer to all of the FBI Criminal Justice Information Services provided data necessary for law enforcement agencies to perform their mission and enforce the laws, including but not limited to: biometric, identity history, person, organization, property, and case/incident history data. In addition, criminal justice information refers to the FBI Criminal Justice Information Services provided data necessary for civil agencies to perform their mission; including, but not limited to data used to make hiring decisions.
- I. **ELECTRONIC MEDIA** - Electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, optical disk, flash drives, external hard drives, or digital memory cards.

- J. INFORMATION SECURITY PLAN - The confidential document that establishes and states the security policies governing the agency's objectives for managing and controlling information security activities. This plan represents the protocols for achieving and maintaining the internal and external controls over information systems as well as compliance with the requirements imposed on the agency.
- K. INTERNAL SECURITY CONTROLS - Hardware and software features within the Information Technology Support Section which restrict access to objects (hardware, software, and data) to only authorized subjects (persons, programs, or devices).
- L. MATERIAL - Refers to data processed, stored, used, or generated by an information technology system, regardless of form or medium; for example, programs, reports, data sets, files and records.
- M. MOBILE LAPTOP COMPUTER - The laptop computers used by field personnel to transmit data/information to and from the servers or secure police department network.
- N. PASSWORD - A protected word or string of characters which identifies or authenticates a user for access to a specific resource such as a data set, file, record, etc.
- O. PERSONALLY IDENTIFIABLE INFORMATION (PII) - Any information about an individual maintained by the agency, including any information that can be used to distinguish or trace an individual's identity, such as name, social security number, driver's license numbers, state resident/personal identification numbers, passport numbers and alien registration numbers, health insurance identification numbers provided by insurance carriers, Military ID number, date and place of birth, mother's maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.
- P. PHYSICAL MEDIA - Any printed or written document, or printed imagery.
- Q. PHYSICALLY SECURE LOCATION - A facility or an area, a room, or a group of rooms within a facility, or the secure space within an agency vehicle, with both the physical and personnel security controls sufficient to protect sensitive information and associated information technology systems.
- R. REMOTE ACCESS - Any temporary access to the secure police department network and/or information systems by a user (or information system) communicating temporarily through an external, non-agency controlled network (e.g., the Internet).
- S. SECURE NETWORK - The police department's secure network facilitates the transmission of sensitive and non-sensitive information from terminal to terminal within the department.

- T. SECURITY INCIDENT - Any act or circumstance that involves sensitive information in which there is a deviation from the requirements of governing security regulations (e.g. compromise, inadvertent disclosures, need-to-know violations, and administrative deviations).
- U. SENSITIVE INFORMATION - Agency generated or captured data, including, but not limited to information pertaining to the security of facilities, employees, and information, all personally identifiable information, digitized signatures (ink signatures that have been digitized), ongoing investigation information, and investigative technique information.
- V. SYSTEM ACCESS CONTROLS - Access control mechanisms to enable access to sensitive information shall be restricted by object (e.g., data set, volumes, files, records) including the ability to read, write, or delete the objects.
- W. USER - Any person(s) or organization(s) who has access to an information technology via communication through a remote device or who is allowed to submit input to the system through other media, for example, tape or diskettes.
- X. USER IDENTIFICATION - A plain text or computer language set of characters that uniquely identifies any authorized person, office, or staff agency who may directly use and receive products or services from a computer system.
- Y. VULNERABILITY - A weakness in information technology security procedures, administrative controls, internal controls, etc., that could be exploited to gain unauthorized access to classified information.
- Z. WIRELESS NETWORK - A wireless network that enables one (1) or more information systems/devices to communicate without physical connections, without requiring network or peripheral cabling. Wireless network technologies include, but are not limited to: 802.11x, cellular networks, Bluetooth, satellite and microwave. Wireless network technologies shall require at least the minimum security applied to wired technology and based upon the specific technology, may require additional security controls.

### **3.13.3 Regulations:**

- A. USE OF THE SYSTEM: Use of the CJNet and any system accessed via the CJNet is restricted to the administration of criminal justice or as otherwise specifically authorized or required by statute. Information obtained from FCIC/NCIC files, or computer interfaces to other state or federal systems, by means of access granted through CJNet, can only be used for authorized purposes in compliance with FCIC/NCIC and III rules, regulations and operating procedures, and state and federal law.
- B. All users who operate the CJIS system must be certified by the Florida Department of Law Enforcement.

- C. Unauthorized persons shall not be permitted access to the CJIS system.
- D. Information obtained from the FCIC/NCIC hot files, CJNet or computer interfaces to other state or federal systems by means of access granted pursuant to Section 943.0525, F.S., can only be used for official criminal justice purposes.
- E. All Departmental IT personnel, including any vendor, responsible for maintaining/supporting any IT component used to process, store or transmit any unencrypted information to or from the FCIC II message switch, to successfully complete the CJIS Online Security Training provided by FDLE.

**3.14 MIAMI POLICE DEPARTMENT COMPUTER/SERVER ROOM ACCESS POLICY:** It is the policy of the MPD to restrict access to the department's computer/server room to only those personnel who require access. The computer/server room hosts the connection point to the CJNET/NCIC/FCIC network as well as critical computer systems for the MPD.

**3.14.1 Regulations:**

- A. The Information Technology Support Section Commander or designee is responsible for granting access to the MPD computer/server room.
- B. All personnel must meet the CJIS Security Policy requirements, prior to being granted unescorted access, to include:
  - i. All personnel requiring unescorted access to the MPD computer/server room must be fingerprinted and undergo a criminal history check and will not be granted access should they fail to meet the standards as set forth in the CJIS Security Policy.
  - ii. All personnel requiring unescorted access must possess a valid FCIC/NCIC certification or have completed the Online CJIS Security Awareness Training (<https://www.cjisonline.com>).
  - iii. Copies of the completed criminal background check and CJIS Certificate will be provided to the Commander of the I.T. Support Section or designee prior to access being granted.
  - iv. Vendors or contracted employees must provide, in addition to the criminal history check and security awareness training, a signed copy of the CJIS Security Addendum.
- C. All access rights to the computer/server room will be audited quarterly to ensure that access is restricted to only those personnel who require access and meet the eligibility requirements for access.
- D. The I.T. Support Section Commander or designee will conduct random inspections to ensure compliance.
- E. All other personnel who do not meet the necessary requirements must be escorted at all times.
- F. Personnel no longer requiring access, separated or retired, or who no longer meet the CJIS Security Requirements will have their access removed immediately.

### **3.14.2 Procedure for Requesting Access:**

All personnel requesting access to the computer/server room must forward a written request, justification, and required proof of CJIS Security Compliance, to the Commander of the I.T. Support Section. For any questions, please contact the I.T. Support Section at 305-603-6155.

### **3.14.3 Personally Identifiable Information (PII):**

The Miami Police Department policies and procedures provided in this Departmental Order shall be required to protect sensitive information, which includes criminal justice information and personally identifiable information (as defined in the FBI Criminal Justice Information Services Security Policy). Personally identifiable information extracted from criminal justice information shall only be used for official business. This Departmental Order shall adhere to Chapter 815, F.S.S., which pertains to computer-related crimes and to the FBI Criminal Justice Information Services Security Policy.

### **3.14.4 Security Incident Response:**

- A. The Information Technology Support Section Commander shall designate a Computer Security Incident Response Team to respond to suspected computer security incidents by identifying and controlling the incidents, notifying designated Computer Security Incident Response Team responders, and immediately reporting the findings to the Chief of Police.
- B. The Computer Security Incident Response Team shall include at a minimum the ITSS Commander, Computer Support Unit Commander, and an additional member from either an administrative or investigative position.
- C. The Computer Security Incident Response Team shall develop, document, and implement the agency's computer security incident reporting process.
- D. The Computer Security Incident Response Team shall document and implement the agency's computer security incident response process.
- E. The agency's computer security incident response process shall include notification procedures to be followed for incidents where the investigation determines non-encrypted personal information was, or is reasonably believed to have been, accessed by an unauthorized person, as required by F.S.S. 817.5681.
- F. The Computer Security Incident Response Team, under the direction of the ITSS Commander or the Computer Support Unit Commander, shall determine the appropriate response required for each suspected computer security incident.
- G. Agency members shall notify the ITSS of computer security incidents, including suspected or confirmed breaches, immediately upon discovery. The ITSS Commander shall immediately notify the Chief of Police through channels, of each suspected computer security incident. Each suspected computer security incident, including findings and corrective actions, shall be documented and maintained for a minimum of three (3) years or until legal action (if warranted) is complete. These documented findings shall be

considered confidential and exempt from disclosure pursuant to F.S.S. 119.071(3)(a).

- H. The agency's Information Technology Security Officer shall be responsible for the prompt reporting of a computer security incident to the Florida Department of Law Enforcement (FDLE) Criminal Justice Information Services Information Security Officer, the FDLE Customer Support Center, or the FDLE Network Administrator, in accordance with the FBI Criminal Justice Information Services Security Policy.
- I. Suspected computer security incidents shall be reported according to agency reporting procedures.
- J. The method(s) and area(s) of storage for policies and procedures applicable to maintaining the agency's security system shall be considered confidential and exempt from disclosure pursuant to F.S.S. 119.071(3)(a).

#### **3.14.5 Security Alerts and Advisories:**

- A. The Information Technology Local Agency Security Officer (LASO) shall:
  - 1. Receive information system security alerts/advisories on a regular basis.
  - 2. Issue alerts/advisories to appropriate members.
  - 3. Document the types of actions to be taken in response to security alerts/advisories.
  - 4. Take appropriate actions in response to security alerts/advisories for all devices on the secure Department network.

#### **3.14.6 Electronic and Physical Media Protection:**

- A. The agency shall take measures to ensure that all electronic and physical media is properly protected at all times.
- B. The agency shall securely store electronic and physical media within physically secure locations or controlled areas. The agency shall restrict access to electronic and physical media to authorized agency members. If physical and personnel restrictions are not feasible then the data shall be encrypted using agency approved data encryption methods.
  - 1. Encryption shall be a minimum of one hundred twenty-eight (128) bit.
  - 2. When sensitive information is transmitted outside the boundary of the physically secure location, the data shall be immediately protected via cryptographic mechanisms (encryption).
  - 3. When sensitive information is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected via cryptographic mechanisms (encryption).



- C. The agency shall protect and control electronic and physical media during transport outside of controlled areas and restrict the activities associated with transport of such media to authorized personnel.
  - 1. Electronic Media in Transport: Controls shall be in place to protect electronic media containing sensitive information while in transport (physically moved from one location to another) to prevent data from being comprised.
  - 2. Physical Media in Transport: The controls and security measures shall also apply to sensitive information in physical (printed documents, printed imagery, etc.) form. Physical media shall be protected at the same level as the information would be protected in electronic form.
- D. The agency shall sanitize (overwrite at least three [3] times) or destroy electronic media by physical means prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed. Specific sanitation and destruction procedures for electronic and physical media shall be maintained in the information security plan. Members shall ensure the sanitization or destruction of electronic or physical media containing sensitive information is either witnessed by authorized agency members or carried out by authorized agency members.
- E. Physical media shall be securely disposed of when no longer required, using formal procedures. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information being compromised by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.

**3.14.7 Software Patch Management:**

- A. The agency shall identify applications, services, and information systems containing software or components affected by software flaws and potential vulnerabilities when they are announced by software vendors.
- B. The agency (or the software developer/vendor in the case of software developed and maintained by a vendor/contractor) shall ensure prompt installation of newly released security relevant patches, service packs and hot fixes.
- C. The agency's patch management strategy shall include:
  - 1. Testing of appropriate patches before installation;
  - 2. Rollback capabilities when installing patches, updates, etc.;
  - 3. Automatic updates without individual user intervention; and
  - 4. Centralized patch management.

- D. Patch requirements discovered during security assessments, continuous monitoring, or incident response activities shall also be addressed expeditiously and be included in the information security plan.

**3.14.8 Information Exchange:**

- A. Prior to releasing Criminal Justice Information (CJI), departmental employees shall verify the identity of the person receiving the information and validate that they are authorized to receive the information. In general, this means that the receiver of the information must be employed by a criminal justice agency and have an official purpose of the information.
- B. When CJI is released to any other authorized agency or person, a secondary dissemination logbook shall be maintained with the proper notations prior to releasing the information.
- C. This policy shall also apply to using CJI shared with or received from CJIS for non-criminal justice purposes. In general, non-criminal justice purpose includes the use of criminal history records for purposes authorized by federal or state law other than purposes relating to the administration of criminal justice, including but not limited to; employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.

**3.14.9 Access Control:** The Miami Police Department prohibits running concurrent active sessions on different computers while accessing Criminal Justice Information (CJI).

**3.14.10 Wireless Access Restrictions and WIFI Logs:** All Departmental wireless network traffic, both cellular and 802.11 shall be monitored, controlled, and restricted to authorized usage only. Automated monitoring systems have been setup, configured, and maintained to monitor all aspects of the network for unusual activity. These automated systems will alert the Information Technology Support Section to any suspected issues or concerns. WIFI logs shall be reviewed at least month for any unusual activity.

**3.14.11 Authentication Strategy:**

- A. All Departmental users will comply with the provisions of this Departmental Order in regard to access and use of the Department's computer hardware, software, network, and other technology systems.
- B. All Departmental users using a mobile device and/or remote access or working in uncontrolled locations shall utilize the provided advanced authentication system deployed by the Information Technology Support Section.
- C. The advanced authentication system shall be in compliance with the latest CJIS Security Policy Requirements and may include biometric devices, proximity key card readers, tokens, security certificates, and other approved solutions.

**3.15 PENALTIES:** Any member found in violation of any part of the Departmental Order shall be subject to progressive discipline up to and including termination and/or criminal prosecution under applicable State and Federal law.

**SOCIAL MEDIA/SOCIAL NETWORKING**Section

- 4.1 Policy
- 4.2 Organization
- 4.2 Definitions
- 4.4 Responsibility
- 4.5 Procedures

**4.1 POLICY:** Public employees occupy a trusted position in the community, and thus their statements have the potential to contravene the policies and performance of the Department. Due to the nature of the work it is necessary that employees of the Department be subject to certain reasonable limitations on their speech and expression. The City of Miami Police Department recognizes that social media provides a valuable means by which may engage in the exchange of information as well as to interact with others. The purpose of this policy is to outline expectations of all Department employees with respect to their personal use of social media, blogging and social networking sites.

Employees should consider that biased-based or derogatory posting may have adverse consequences such as being used as exculpatory evidence in the impeachment of witness testimony in court proceedings, and public as well as private embarrassment.

**4.2 ORGANIZATION:** This policy shall apply to all Miami Police Department employees. Employees should be aware that postings on media or social networking sites are not private; nor all form of speech posted protected by the First Amendment and may tarnish both the employee's and the Department's reputation and diminish the public's trust and confidence.

**4.2.1** This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

**4.2.2** The absence of, or lack of explicit reference to a specific site, does not limit the extent of the application of this order. Where no policy or guideline exist, employees should take the most prudent action possible, which includes, but is not limited to, consultation with a supervisor or with a representative of the Information Technology Support Section.

**4.3 DEFINITIONS:**

**4.3.1 Blog (Web log):** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

**4.3.2 Page:** The specific portion of a social media website where the content is displayed, and managed by an individual or individuals with administrator rights.

**4.3.3 Post:** Content an individual shares on a social media site or the act of publishing content on a site.

**4.3.4 Social Media:** A category of Internet-based resources that integrate user-generated content and user participation. This includes but is no limited to, social networking sites, microblogging sites, photo and video sharing sites, wikis, blogs, and new sites. Social Media is an umbrella term that defines the various activities that integrate technology, social interaction, and the construction of words and pictures

**4.3.5 Social Networks:** Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

**4.4 RESPONSIBILITY:** It shall be the responsibility of all department employees to become familiar with and abide by this order. Any online action taken that detracts from the mission of the Department, or reflects negatively on the Department or individual employee shall be viewed as a direct violation of this order. All information created while on duty is the property of the Miami Police Department and is to be guarded and treated as confidential and proprietary and not for dissemination, unless authorized by the Chief of Police or applicable law.

**4.5 PROCEDURES:** Employees who choose to maintain or participate in social media or social networking platforms shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the Department, its mission, or the employee.

**4.5.1** Barring federal law, state law, Administrative Policies, or other authorized exclusions, Department employees shall abide by the following when using social media.

**4.5.1.1** Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this Department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Department.

**4.5.2** All employees are cautioned that speech on-or off duty, made pursuant to their official duties is not protected under the First Amendment and may form a basis for discipline.

**4.5.3** Employees shall not post, transmit or otherwise disseminate any information to which they have access as a result of their employment without written authorization from the Chief of Police.

**4.5.4** Unless authorized, by the Chief of Police employees shall not implicitly or by inference identify themselves as an employee of the Miami Police Department.

**4.5.5** Department logos, uniforms, or similar identifying items shall not be used on personal web pages without approval from the Chief of Police.

**4.5.5.1** Weaponry, owned by this Department and/or owned personally or privately, shall not be displayed or referenced to, in any multimedia format, on a social media, or social networking sites if such displays or depiction promote or glorify violence.

**4.5.6** Employees are prohibited from posting any speech containing unlawful, derogatory, harassing, torturous, threatening, or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals, or speech reflecting behavior that would reasonably be considered reckless or irresponsible.

**4.5.7** Employees are prohibited from divulging information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or position of the Department without express authorization.

**4.5.8** Employees should be aware they may be subject to civil litigation for:

**4.5.8.1** Publishing or posting false information that harms the reputation of another person, group, or organization.

**4.5.8.2** Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.

**4.5.8.3** Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

**4.5.8.4** Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

**4.5.9 Reporting Violations:** Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy shall notify the Information Technology Support Section Commander immediately for follow-up action.

**4.5.9.1** Employees will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that identifies the individual as an employee of the Department.

**4.5.10 Expectation of Privacy:** Employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view.

**4.5.10.1** The Department also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

**4.5.10.2** All messages, pictures and attachments transmitted or accessed over department networks are considered department records and, therefore, are the property of the Department. The Department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any department system or device, or any such information placed into any department storage or device. This includes records of all key-strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a

user name or password will not create an expectation of privacy if it is accessed through a department computer or network.

**4.5.10.3** Employees shall not “friend” or “follow” any minors they come in contact with as a result of their employment, or engage with witnesses and/or defense attorneys on any social media website.

**4.5.10.4** Employees shall not post, transmit or otherwise disseminate their employment status with the City of Miami Police Department on social media websites. Professional networking service websites are exempt from this requirement.

**GLOBAL POSITIONING SYSTEM (GPS)**

## Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibilities
- 5.4 Definitions
- 5.5 Procedures

**5.1 POLICY:** Global positioning system (GPS) and vehicle metrics data from police vehicles will provide critical information to inform emergency responses and optimize mobile resource allocations for the Miami Police Department. The intended use of the GPS data is to improve officer safety, public safety, transparency, and accountability.

**5.2 ORGANIZATION:** This policy shall be applicable to all police department members.

**5.3 RESPONSIBILITIES:** The Information Technology Support Section is responsible for managing GPS and vehicle metrics systems configuration, maintenance and operability. The Fleet Liaison Unit is responsible for coordinating the installation of GPS devices in police vehicles. The Internal Affairs Section is responsible for filling internal and public records requests for historical GPS and vehicle metrics data.

**5.4 DEFINITIONS:**

**5.4.1 GPS:** Refers to the Global Positioning System, a satellite system operated by the United States Air Force that provides geolocation and time information to GPS receivers.

**5.4.2 GPS Data:** Refers to geolocation data provided by the Global Positioning System.

**5.4.3 GPS Device:** Refers to a device capable of receiving and transmitting GPS data.

**5.4.4 Vehicle Metrics Data:** Refers to vehicle reporting information, including but not limited to, engine diagnostics, emergency light and siren activations, idling time, and speed.

**5.4.5 GPS System Administrator:** Refers to an individual authorized to access GPS and vehicle metrics systems for configuration, maintenance and operability.

**5.4.6 Historical Data:** Refers to data documenting past events.

**5.4.7 Live Data:** Refers to data representing events in real-time.

**5.5 PROCEDURES:**

**5.5.1 TAMPERING:** Officers with GPS devices installed on their vehicles are prohibited from tampering with or removing those devices.



**5.5.2 FLEET VEHICLE GPS DEVICE INSTALLATIONS:** Fleet Liaison will coordinate the installation of GPS devices in fleet vehicles.

**5.5.3 RENTAL VEHICLE GPS DEVICE INSTALLATIONS:** Members assigned a rental vehicle must contact the Administration Division prior to exchanging their vehicle for a new rental. The Administration Division will coordinate both the removal of the current vehicle's GPS device and the installation of the GPS device into the new vehicle. The GPS device must be installed in the new rental vehicle prior to the conclusion of the tour of duty in which the vehicle was issued. Any deviation from this policy must be approved by the member's Section Commander.

**5.5.4 SYSTEM ACCESS:** GPS system access will be restricted by rank and assignment as follows:

- GPS System Administrators and Internal Affairs Section personnel are authorized full access to both live and historical GPS and vehicle metrics data for assigned vehicles.
- Sworn employees of the rank of lieutenant or above may access live views of GPS and vehicle metrics data for which they have appropriate permissions and historical data for which they have made an appropriate request.
- All sworn and civilian employees assigned to the Communications Unit and the Real Time Crime Center may access live views of GPS and vehicle metrics data for which they have appropriate permissions.

**5.5.5 INTERNAL HISTORICAL DATA REQUESTS:** Except for GPS system administrators and Internal Affairs Section personnel, individuals wishing to access historical GPS and/or vehicle metrics data must issue a formal request to Internal Affairs through channels identifying:

- The employee or vehicle for which the data is needed
- The type of data needed (e.g., GPS, speed, direction of travel, etc.)
- The time frame for which the data is needed
- The reason for the request

Historical GPS and vehicle metrics data may only be accessed for appropriate reasons. Examples of appropriate reasons for retrieving GPS data include:

- Investigating a citizen complaint
- Documenting events observed directly either in person or via the live view of GPS/vehicle metrics data
- Supporting an Internal Affairs investigation
- Retrieving aggregate data for trend analysis

**5.5.6 PUBLIC RECORDS REQUESTS:** Public records request for GPS and/or vehicle metrics data must be retrieved using a defined algorithm to redact any information exempt from such requests under FSS 119. Public records requests for GPS and/or vehicle metrics data will be handled exclusively by the Internal Affairs Section to avoid the inadvertent disclosure of exempt data.

**5.5.7 EXEMPTED LOCATIONS:** Locations which are exempt from public records requests under FSS 119 will be added to an exempted locations list.

- Officer home addresses will be automatically added to the exempted locations list based on the home address listed for the officer in the agency's personnel database.
- Requests to add additional addresses to the exempt locations list must be submitted to the Internal Affairs Section through the redaction portal. For the location to be added to the exempted locations list, the requestor must submit the address and a case identifier to the portal. For investigative exemptions, it is the responsibility of the lead investigator or confidential informant handler to submit sensitive locations for redaction.

## UNIFORMS, EQUIPMENT, AND DRESS

### Section

1.1 Policy

1.2 Organization

1.3 Responsibilities

1.4 Procedures

**1.1 POLICY:** The Miami Police Department is to be represented by its employees with pride and dignity. Members are to dress in a manner that presents a professional image to the public. Issued equipment and required personal items are to be readily available and serviceable.

**1.2 ORGANIZATION:** The issuance and replacement of uniforms and equipment is a function of the Property Unit, which is an element of the Property Section. Key card issuance and replacement is the function of the Technical Services Unit, which is an element of the Criminal Investigations Section, Criminal Investigation Division.

**1.3 RESPONSIBILITIES:** The Quartermaster Detail of the Property Section has responsibility for the issuance and replacement of uniforms and equipment.

**1.4 PROCEDURES:** The following procedures apply to police uniforms and equipment, personal equipment requirements; plainclothes dress requirements, and personal appearance requirements. If an item of clothing, uniform, equipment, jewelry, or accessory is not prescribed in this Chapter, it is not to be worn, unless independently approved by the Chief of Police.

**1.4.1 Operational Regulations:** The complete uniform shall be worn on duty at all times. Members holding the rank of Captain or above may wear civilian clothing as prescribed and authorized by the Chief of Police.

**1.4.1.1** The uniform shall not be worn while off duty, except when traveling to and from work, attending court, or engaging in approved outside employment or other departmentally sanctioned activities.

**1.4.1.2** Uniforms will be classified under Classes A through O for sworn personnel and classes A through F for civilian personnel.

**1.4.1.2.1** Only City issued uniform clothing will be worn.

**1.4.1.2.2** No officer will wear a specialized unit uniform unless they are currently working in a specialized unit capacity.

**1.4.1.2.3** Non-sworn civilian personnel are prohibited from wearing any uniform with the words police on it.

**1.4.1.2.4** Once new equipment is issued, old equipment must be returned to the quartermaster.

**1.4.1.2.5** Sneakers are prohibited unless specifically outlined for a specialized uniform.

**1.4.1.2.6** Protective Body Armor Vest. The department encourages officers to wear their body armor vests at all times, especially during high-risk situations such as civil disturbances.

**1.4.1.2.7** Deviations from the above uniforms require the approval of the Chief of Police.

**1.4.2 Class A Uniform - Sworn Formal Uniform:** The Class A (formal) uniform will be worn with the long sleeve shirt and is required when participating in formal occasions; e.g. Enforcement or Honor Guard Details, Funerals, Civic Functions, or any special event designated by the Chief of Police.

- Hat: Garrison cover
- Shirt: Navy blue long sleeve with City of Miami patches on shoulders. Breast badge worn on upper left side of shirt over pocket. Name tag or plate is to be located over flap of right breast pocket.
- Undershirt: White, short sleeve, V-neck shirt.
- Tie: Black with silver Miami Police insignia tie bar for officers and gold Miami Police insignia tie bar for sergeants and above ranks.
- Pants: Navy blue.
- Gun Belt: Patent leather black, 2 1/4 inches wide and smooth finish with nickel or brass buckle, as appropriate.
- Shoes: Military type, patent leather, black, high or low cut, with plain toe. Solid black or navy blue socks will be worn.



Shoulder Patch, Breast Badge



Patent Leather Gun Belt



**1.4.2.1 Class B Uniform – Sworn Informal Uniform:** The Class B (informal) uniform will be worn with the short sleeve shirt or long sleeve shirt without a tie for all authorized uniform assignments other than formal occasions.

- Hat: Soft Police cap or garrison cover
- Shirt: Navy blue short sleeve or long sleeve shirt with City of Miami patches on shoulders. Breast badge worn on upper left side of shirt over pocket. Name tag or plate is to be located over flap of right breast pocket.
- Undershirt: White, short sleeve, V-neck shirt, or black crewneck shirt.
- Pants: Navy blue.
- Gun Belt: May be Class A type or nylon web gun-belt, black, 2 1/4 inches wide with a black plastic clip buckle.

Shoes: Black high top or low top uniform shoes or boots (regular black leather or patent leather). Boots must be plain, without ornamentation. Shoe or boot heels shall be no more than 1 1/2 inches high.



**1.4.2.3 Class C Uniform – Training/Tactical Uniform:** The Class C (utility/training) uniform will be worn during Field Force Mobilizations, Tactical Operations or when attending training unless otherwise exempt by the Training Commander. The only exemption allowed for class “C” uniform, will be business attire.

- Hat: Soft Police cap
- Blouse: Long sleeve utility, black, tucked into pants. A badge patch is sewn on the upper left side of shirt over left pocket. Name tag sewn over right breast pocket.
- Undershirt: Navy blue polo or T-Shirt with embroidered or silkscreen badge over the left breast and “MIAMI POLICE” on the back in two lines.
- Pants: Side cargo pocket utility trousers, black, worn over boots. Name tag sewn on right rear pocket.
- Gun Belt: Nylon web gun-belt, black, 2 1/4 inches wide with a black plastic clip buckle.
- Shoes: Black high top or mid top boots. Boots must be plain, without ornamentation and shall be no more than 1 1/2 inches high.



Class C Uniform



Breast Badge, Shoulder Patch



Sewn Name Tag

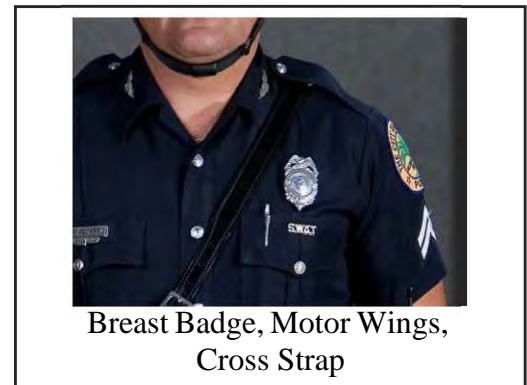


Nylon Web Gun Belt

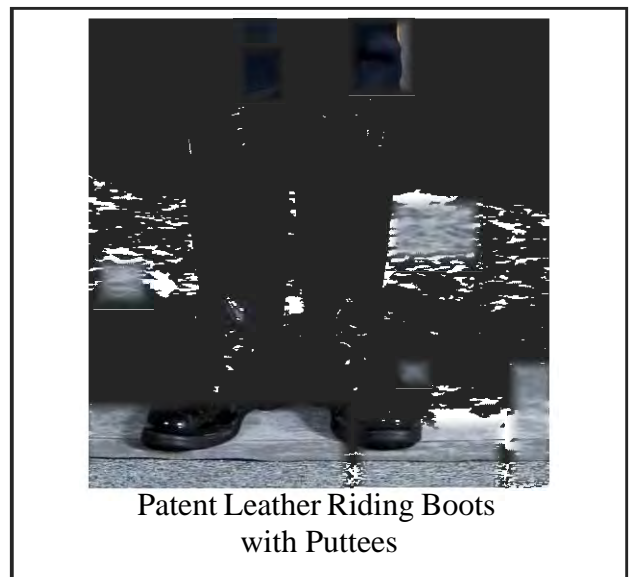


**1.4.2.4 Class D Uniform – Motorcycle Detail (B):**

- Hat: Authorized motor helmet or motor soft police cap (when not riding).  
Shirt: White or navy blue short or long sleeve shirt adorned with buttons on breast pockets, gig line, shoulder and sleeves. The motor wings insignia is to be worn 1 ½ inches from the side of the collar. Breast badge worn on upper left side of shirt over pocket. Name tag or plate is to be located over flap of right breast pocket.  
Undershirt: White, short sleeve, V-neck shirt.  
Pants: Issued riding breeches.  
Gun Belt: Patent leather black, 2 1/4 inches wide and smooth finish with nickel or brass buckle, as appropriate. In addition, a black cross strap over the shoulder.  
Shoes: Patent leather riding boots with patent leather puttees.



Breast Badge, Motor Wings,  
Cross Strap



Patent Leather Riding Boots  
with Puttees

**1.4.2.5 Class E Uniform – Motorcycle Detail (A):**

- Hat: Authorized motor helmet.
- Shirt: Navy blue long sleeve shirt adorned with buttons on breast pockets, gig line, shoulder and sleeves. The motor wings insignia is to be worn 1 ½ inches from the side of the collar. Breast badge worn on upper left side of shirt over pocket. Name tag or plate is to be located over flap of right breast pocket. Citation cord will be worn on left shoulder. Also, officers will wear a white ascot while supervisors and above will wear a gold ascot.
- Undershirt: White, short sleeve, V-neck shirt.
- Pants: Issued riding breeches.
- Gun Belt: Patent leather black, 2 1/4 inches wide and smooth finish with nickel or brass buckle, as appropriate. In addition, a black cross strap over the shoulder.
- Shoes: Patent leather riding boots with patent leather puttees.

Class E Uniform Photo



Citation Cord, Ascot

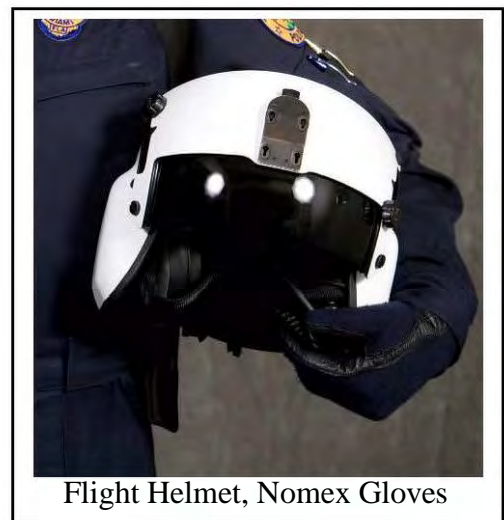


Patent Leather Riding Boots  
with Puttees



**1.4.2.6 Class F Uniform – Aviation:**

- Hat: Flight helmet or soft police cap.
- Shirt: Navy blue flight suit made of Nomex fire retardant material with Velcro name plate.
- Jacket: Navy blue flight jacket made of Nomex fire retardant material.
- Gloves: Nomex fire retardant gloves.
- Gun Belt: Flight crew shoulder holster.
- Shoes: Leather laced boots.



Flight Helmet, Nomex Gloves

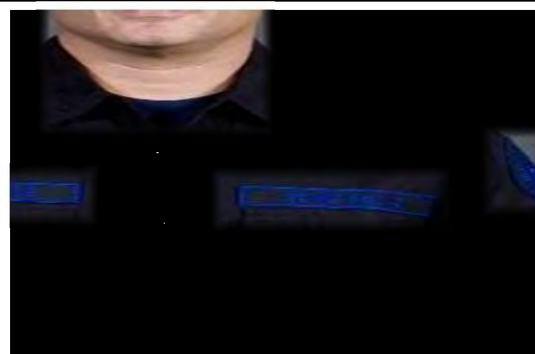


Velcro Name Plate

**1.4.3.7 Class G Uniform – Bomb Squad:**

- Hat: Soft Police cap
- Blouse: Long sleeve utility, black, tucked into pants. A patch with “Miami Police” over the right pocket flap of blouse. A patch with “BOMB SQUAD” over the left pocket flap of blouse. The patches are blue tactical color.
- Shirt: Navy blue t-shirt with Miami Police badge over left breast.
- Undershirt: White, short sleeve, V-neck shirt.
- Pants: Side cargo pocket utility trousers, black, worn over boots.
- Gun Belt: Nylon web black, 2 ¼ inches wide, smooth with a black plastic clip.
- Shoes: Issued black high top or mid top boots. Boots must be plain, without ornamentation and cannot have more than a 1 1/2 inch heel.

Class G Uniform



Bomb Squad Patch

**1.4.2.8 Class H Uniform – Canine:**

- Hat: Soft Police cap  
Blouse: Short sleeve utility, black, with City of Miami subdued tactical patches on shoulders tucked into pants. A subdued tactical badge patch is sewn on the upper left side of shirt over left pocket. A subdued tactical patch with name sewn over right breast pocket flap. Patch with "K-9" sewn over left breast pocket flap. Additional patch indicating K-9 placed on the back.  
Shirt: Navy blue t-shirt with Miami Police badge over left breast.  
Pants: Side cargo pocket utility trousers, black, worn over boots. Name tag sewn on right rear pocket.  
Gun Belt: Nylon web black, 2 ¼ inches wide, smooth with a black plastic clip.  
Shoes: Black high top or low top uniform shoes or boots.

Class H Uniform



Breast Badge, K-9 Patch

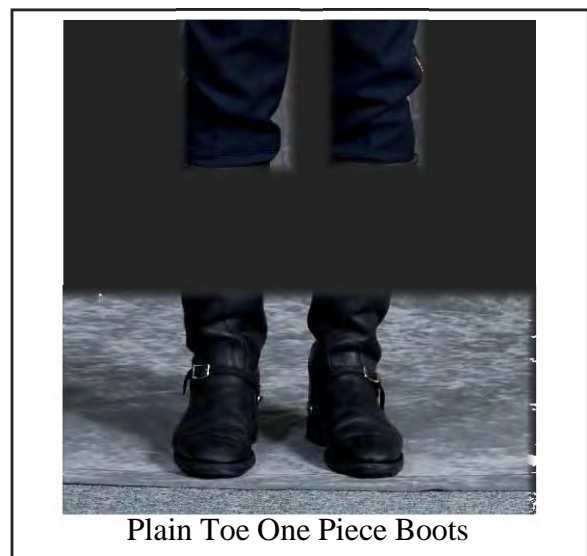
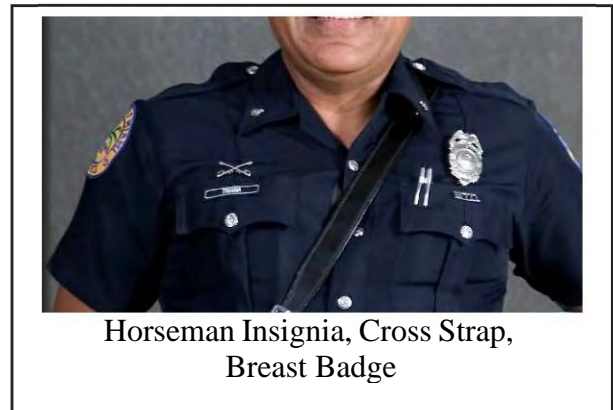


MIAMI  
POLICE  
K-9

Back of K-9 Shirt

**1.4.2.9 Class I Uniform – Mounted (B):**

- Hat: Authorized riding helmet.  
Shirt: White or navy blue short sleeve shirt adorned with buttons on breast pockets, gig line, shoulder and sleeves. The horseman insignia is to be worn 1 ½ inches from the side of the collar. The cross sabers insignia centered on flap or right shirt pocket.  
Undershirt: White, short sleeve, V-neck shirt.  
Pants: Navy blue breeches with a gold pin stripe.  
Gun Belt: Patent leather black, 2 1/4 inches wide and smooth finish with nickel or brass buckle, as appropriate. In addition, a black cross strap over the shoulder.  
Shoes: Black, leather, plain toe, one piece boots. Boot heels should not exceed 1 1/2 inches.



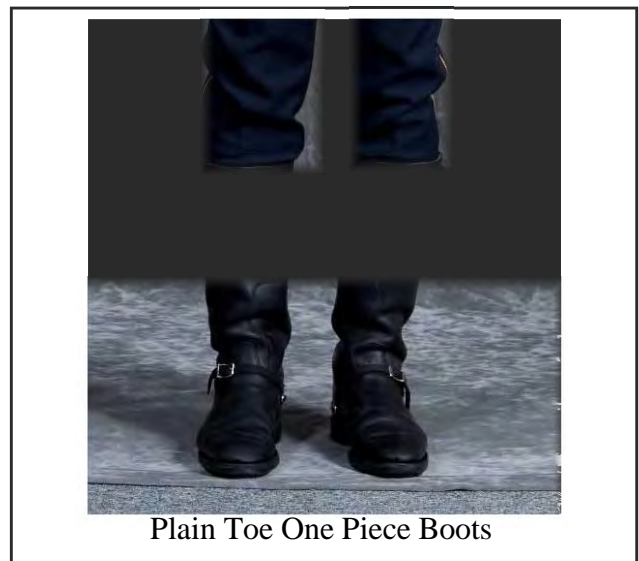


**1.4.2.10 Class J Uniform – Mounted (A):**

- Hat: Stetson Hat (Not Riding).  
Authorized riding helmet (Riding).
- Shirt: Navy blue long sleeve shirt adorned with buttons on breast pockets, gig line, shoulder and sleeves. The horseman insignia is to be worn 1 ½ inches from the side of the collar. The cross sabers insignia centered on flap or above right shirt pocket. Citation cord will be worn on left shoulder. Also, officers will wear a white ascot while supervisors and above will wear a gold ascot.
- Undershirt: White, short sleeve, V-neck shirt.
- Pants: Navy blue breeches with a gold pin stripe.
- Gun Belt: Patent leather black, 2 1/4 inches wide and smooth finish with nickel or brass buckle, as appropriate. In addition, a black cross strap over the shoulder.
- Shoes: Black, leather, plain toe, one piece boots. Boot heels should not exceed 1 1/2 inch.



Horseman Insignia, Citation Cord,  
Ascot



Plain Toe One Piece Boots

**1.4.2.11 Class K Uniform – Marine Patrol:**

- Hat: Soft Police cap
- Shirt: White short sleeve with City of Miami patches on shoulders. A badge patch is sewn on the upper left side of shirt over left pocket. Patches with “Marine Patrol” placed under both shoulder patches. “Police” patch sewn on back.
- Undershirt: White, short sleeve, V-neck shirt.
- Pants: Issued navy blue unpadded shorts or long pants depending on weather.
- Gun Belt: Nylon or web gun-belt, black, 2 1/4 inches wide with a black plastic clip buckle.
- Shoes: Low top uniform boots. Socks must be white in color, ankle cut and visible above the shoe.



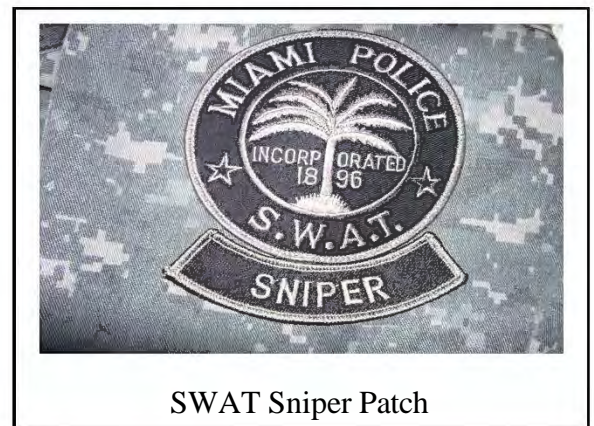
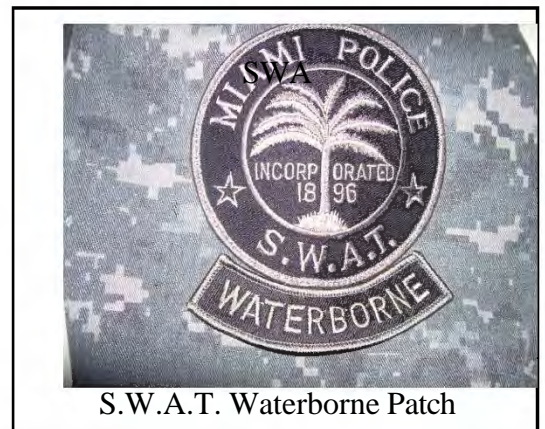
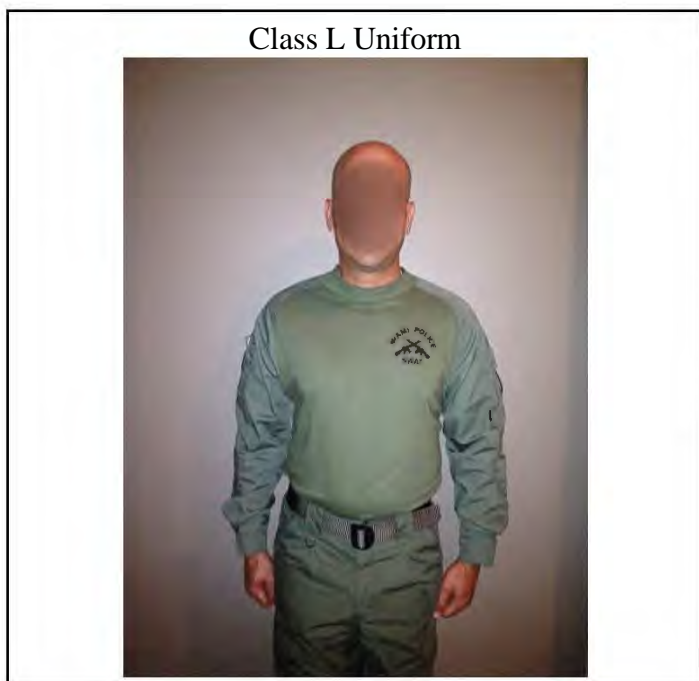
Breast Badge, Patch



Back Patch

**1.4.2.12 Class L Uniform – S.W.A.T.:**

- Hat: Soft Police cap
- Blouse: Long sleeve olive green fatigue utility. "S.W.A.T." patch sewn over the left breast pocket. Patch with "Miami Police" over the right pocket flap of blouse. The patches are tactical color.
- Polo Shirt: Blue polo knit shirt with elastic sleeves and an embroidered cloth or silk screen city S.W.A.T. insignia and the words "S.W.A.T."
- T-Shirt: T-shirt, navy blue with S.W.A.T. insignia over left breast and S.W.A.T. insignia on back. S.W.A.T. trainer can wear SWAT polo shirt.
- Pants: Military olive green fatigue trouser Battle Dress Uniform (BDU's).
- Gun Belt: Black modified tactical nylon web belt, and tactical holster.
- Shoes: S.W.A.T. issued boots.





**1.4.2.13 Class M Uniform – Bicycle Patrol:**

- Hat: Issued bicycle helmet with “POLICE” decals on side.
- Shirt: White short sleeve with City of Miami patches on shoulders. A badge patch sewn over the left breast pocket. Patches with “BICYCLE PATROL” placed under both shoulder patches and a reflective “POLICE” patch on the back.
- Undershirt: White, short sleeve, V-neck shirt.
- Pants: Blue padded six pocket bike pants or shorts.
- Gun Belt: Nylon web black, 2 ¼ inches wide, smooth with a black plastic clip.
- Shoes: Low top uniform boots. Socks must be white in color, ankle cut and visible above the shoe.



Class M Uniform



Badge Patch, Bicycle Patrol Patch



Back Patch



Low Top Boots



**1.4.2.14 Class N Uniform – Training:**

- Shirt:** Red polo knit shirt with elastic sleeves and an embroidered cloth or silk screen city police badge with the words "TRAINING STAFF" below. Personnel may also wear a red, long sleeve collarless shirt with an embroidered, cloth or silk screen city police badge over the left breast. The left sleeve will have the word "POLICE." The right sleeve will have the word "INSTRUCTOR." The words "POLICE INSTRUCTOR" centered across the back.
- Undershirt:** White, short sleeve, V-neck shirt.
- Pants:** Side cargo pocket utility trousers, black, worn over boots. Name tag sewn on right rear pocket. Or issued navy blue pants.
- Gun Belt:** Nylon web black, 2¼ inches wide, smooth with a black plastic clip or Garrison type belt at the discretion of the section commander.
- Shoes:** Black high top or low top uniform shoes or boots. Sneakers will only be worn with physical training (PT) & range uniform.
- PT & Range Uniform:** Navy Blue New Balance running shorts with "Training Unit" embossed on left leg. Red shirt with silk screen city police badge over the left breast with the words "TRAINING STAFF" below. Navy blue sweat pants with "Training Unit" embossed on left leg. Red sweat shirt silk screen city police badge with the words "TRAINING STAFF" below. Red sweat shirt, red parka jacket and rain jacket with silk screen city police badge with the words "TRAINING STAFF" below.



**1.4.2.15 Class O Uniforms - Sworn Honor Guard Uniform:**

- Hat: Garrison cover
- Shirt: Issued dress blouse, navy blue long sleeve with City of Miami patches on shoulders. Breast badge worn on upper left side of shirt over pocket. Name tag or plate is to be located over flap of right breast pocket. Citation cord located on shoulders.
- Undershirt: White, short sleeve, V-neck shirt.
- Tie: Black with silver Miami Police insignia tie bar for officers and gold Miami Police insignia tie bar for sergeant and above ranks.
- Pants: Navy blue.
- Gun Belt: Patent leather black, 2-1/4 inches wide and smooth finish with nickel or brass buckle, as appropriate.
- Shoes: Military type, patent leather, black, high or low cut, with plain toe. Solid black or navy blue socks will be worn.

Honor Guard Class O Uniform



Honor Guard Class O Pants w/gloves



Honor Guard Shoulder w/patch



#### 1.4.2.15.1 Class P Uniform-Police Athletic League (P.A.L.)

- Shirt: White polo style short sleeve with City of Miami patches on shoulders with P.A.L. rocker. Miami Police embroidered badge with the words "Miami Police" on top and "Police Athletic League" on the bottom of the embroidered badge and reflective "POLICE" patch on the rear of the shirt
- Undershirt: White short sleeve V-neck shirt.
- Shorts: Blue padded six pocket bike shorts.
- Gun Belt: Nylon web black, 2 ¼ inches wide, smooth black with black plastic clip.
- Shoes: Low top uniform boots. Socks must be white, ankle cut and visible above the shoe.

This uniform is only to be worn while conducting P.A.L. activities.



#### 1.4.2.16 Class A Uniform - Civilian Formal Uniform:

Civilian personnel wearing uniforms will adhere to the same standard as sworn uniformed personnel.

Departmental Order 14  
Chapter 1

- Shirt: Long sleeve light blue (white for supervisor) button shirt with City of Miami MPD patches on shoulders. A badge patch sewn over the left breast pocket flap. Additional patch sewn under shoulder patches indicating the unit assigned.
- Undershirt: White, short sleeve, V-neck shirt.
- Pants: Navy blue.
- Belt: Black.
- Shoes: Military type, patent leather, black, high or low cut, with plain toe. Solid black or navy blue socks will be worn.
- Tie: Black



Shoulder Patch "MPD", Unit Patch



**1.4.2.17 Civilian Class B Uniform:**

- Shirt:** Short sleeve light blue shirt (white for supervisor) with City of Miami MPD patches on shoulders. A badge patch sewn over the left breast pocket flap. Additional patch sewn under shoulder patches indicating the unit assigned.
- Undershirt:** White, short sleeve, V-neck shirt.
- Pants:** Navy blue.
- Belt:** Black.
- Shoes:** Black high top or low top uniform shoes or boots. Boots must be plain, without ornamentation. Shoe or boot heels shall be no more than 1 1/2 inches high.

Civilian Class B Uniform



**1.4.2.18 Civilian Class C Uniform:**

- Shirt:** Polo style short sleeve shirt, navy blue in color, with City of Miami low profile blue patches on shoulder. Embroidered white City of Miami badge on upper left side of shirt (top of badge indicates M.P.D. bottom of badge indicates unit).
- Undershirt:** White, short sleeve, V-neck shirt.
- Pants:** Side cargo pocket utility trousers, black, worn over boots. Name tag sewn on right rear pocket.
- Belt:** Black.
- Shoes:** Black high top or low top uniform shoes or boots. Boots must be plain, without ornamentation. Shoe or boot heels shall be no more than 1 1/2 inches high.

**NOTE:** For Crime Scene Investigations (CSI) uniforms see addendum at the end of this departmental order. (Section 1.4.26 New approved uniform)

Civilian Class C Uniform



Shoulder Patch "MPD",  
Breast Badge Embroidery

**1.4.2.19 Civilian Class D Uniform – Public Service Aide:**

- Shirt:** Short sleeve light blue shirt with City of Miami MPD patches on shoulders. A badge patch sewn over the left breast pocket flap. Additional patch sewn under shoulder patches indicating “Public Service Aide.” Lettering will be in white or gold as appropriate
- Undershirt:** White, short sleeve, V-neck shirt.
- Pants:** Navy blue.
- Gun Belt:** Patent leather black, 2 1/4 inches wide and smooth finish with nickel buckle, as appropriate.
- Shoes:** Issued black high top or mid top uniform shoes or boots. Shoes or boots must be plain. Shoe or boot heels shall be no more than 1 1/2 inches high.

Civilian Class D Uniform



Shoulder Patch “MPD”, Public Service Aide Patch, Breast Badge Patch

**1.4.2.20 Civilian Class E Uniform – Explorer:**

- Shirt: Short sleeve light blue shirt with City of Miami Police Explorer Program patches on shoulders. A badge patch sewn over the left breast pocket flap indicating explorer. Lettering will be in white or gold as appropriate
- Undershirt: White, short sleeve, V-neck shirt.
- Pants: Navy blue.
- Belt: Black.
- Shoes: Issued black high top or mid top uniform shoes or boots. Boots must be plain. Shoe or boot heels shall be no more than 1 1/2 inches high.

Civilian Class E Uniform



Police Explorer Shoulder Patch



**1.4.2.21 Civilian Class F Uniform – School Crossing Guard:**

- Shirt:** Short sleeve light blue shirt with City of Miami patches on shoulders. A school crossing guard patch sewn over the left breast pocket. Lettering will be in white or gold as appropriate. Additional patches sewn under shoulder patches indicating “School Crossing Guard.”
- Undershirt:** White, short sleeve, V-neck shirt.
- Pants:** Navy blue.
- Belt:** Black.
- Shoes:** Issued black high top or mid top uniform shoes or boots. Boots must be plain, without ornamentation. Shoe or boot heels shall be no more than 1 1/2 inches high.
- Additional:** Each crossing guard will also wear, while performing duties, a neon traffic vest with the words “School Crossing Guard” on the back. Also, a pair of reflective gloves will be worn.



**1.4.2.22 Civilian Class G Uniform – Citizens on Patrol:**

- Shirt: Navy blue polo style short sleeve shirt. White circle “Citizens on Patrol” silk screen over left breast. The words “MPD Volunteer” in large bold letters across back.
- Undershirt: White, short sleeve, V-neck shirt.
- Pants: Dark colored pants.
- Belt: Black with a nickel buckle.
- Shoes: Military type, black, high or low top with a plain toe.



**1.4.2.23 Civilian Class H Uniform – Crime Scene Investigation (CSI):**

**Shirt:** Polo style short sleeve shirt, gray in color, with “Crime Scene” silk screened on the back. Embroidered white City of Miami badge on upper left side of the shirt (top of the badge indicates M.P.D. bottom of badge indicates unit) and the Crime Scene Investigator’s name embroidered on the side of the shirt.

**Pants:** Side cargo pocked utility trousers, black, worn over boots. Name tag sewn on right rear pocket.

**Belt:** Black.

**Shoes:** Black high top or low top uniform shoes or boots. Boots must be plain, without ornamentation. Shoe or boot heels shall be no more than 1 ½ inches high.



**1.4.3. Uniform Designations and Requirements:** The following uniform items shall be worn as prescribed by the Chief of Police:

**1.4.3.1 Headgear: Wearing of Hats:** Generally, the hat or helmet will be worn when performing police services that require the officer to be immediately identified as a police officer, e.g., handling calls for service involving crowd situations and calls that require instant recognition as police officers, directing traffic, parades, and other special events.

**1.4.3.2** The hat need not be worn during the following times:

- On lunch breaks

- While chasing offenders
- While handling the initial phase of an emergency
- Inside police vehicles
- Inside the police building
- Handling calls for service at private homes and businesses when there is no doubt as to the identification of officers, e.g., writing a police report, attending court, etc.

**1.4.3.3** Headgear Types: Garrison Cover – Issued navy blue with a silver metal badge and band for officers, gold metal badge and band for sergeants, gold metal badge and gold cloth band for lieutenants, and gold metal badge and gold cloth band and gold laurels for personnel with rank of captain and above.

**1.4.3.4** Soft Police Cap – Issued soft black cloth cap with “MIAMI POLICE” on front. Lettering will be in white for officers and gold for the rank of sergeant and above. Captains and above will also have gold embroidered laurels on the brim of the cap.

**1.4.3.5** Motor Helmet – Issued helmet with band placed over the visor (silver denoting officer, gold denoting supervisor). Hat badge signifying rank is affixed to the front of the helmet. The motor helmet will be worn during the operation of the motorcycle.

**1.4.3.6** Mounted Helmet - Issued helmet with band placed over the visor (silver denoting officer, gold denoting supervisor). Hat badge signifying rank is affixed to the front of the helmet. The mounted helmet will be worn while riding a horse.

**1.4.3.7** Bicycle Helmet – Issued bike helmet with “POLICE” decals located on sides. Bike helmet will be worn by bike officers while operating bicycles, segways, and ATVs.

**1.4.3.8** Stetson Hat – Navy blue with silver badge and tassel for officers, and gold badge and tassel for sergeant or above.

**1.4.3.9** Soft Civilian Cap - Soft black cloth cap with MPD silk screen on front.

**1.4.4** Shirt - Sworn

**1.4.4.1** Navy blue (short or long sleeve) shirts, with a shoulder patch on each sleeve, are issued to uniform personnel.

**1.4.4.2** Uniform short sleeve shirts must extend a minimum of nine inches from the top of the shoulder seam to the cuff or edge of the shirt.

**1.4.4.3** Shoulder patches shall not be moved, removed or altered in any fashion on any issued uniform shirt or jacket.

**1.4.4.4** Short sleeve uniform shirts may be tapered. If tapered or altered from the original manufacture design it must meet the following criteria:

**1.4.4.5** The maximum allowable tapering will be as follows: A standard ruler (12 inches by one inch) may be easily inserted on its edge at the cuff between the shirt and the bicep or triceps.

**1.4.4.6** Uniform shirts for commanders and above will have shoulder patches on each sleeve, and adorned with gold "P" buttons on breast pockets and epaulets.

**1.4.5 Rank Insignia:**

**1.4.5.1** Sergeants will have black and gold chevrons sewn on each sleeve and centered one inch below the shoulder patches.

**1.4.5.2** The following shall wear the designative rank insignia on the collar of the uniform shirt:

**Civilian:**

Communications Supervisor	"C.O.S."
Property Supervisor	"Property Supervisor"

**Sworn:**

Lieutenant	Single Gold Bar
Captain	Double Gold Bar
Executive Assistant	Single Round Pin with Star in Center
Commander	Gold Diamond
Major	Gold Oak Leaf
Assistant Chief	Two Gold Stars
Deputy Chief	Three Gold Stars
Chief of Police	Four Gold Stars

**1.4.5.3** Metal insignias for ranks of Lieutenant to Major, excluding Commander, are centered on each collar one half-inch from, and parallel to, the forward collar edge. Metal insignias for Commanders are placed on each collar with the center line of the insignia bisecting the collar point and the bottom of the insignia one half-inch from the collar point. Metal insignias for the ranks of Assistant Chief through Chief of Police through Assistant Chief are centered on each collar one half-inch from the forward collar edge parallel to the top of the collar.

**1.4.5.4** Senior Uniform Patrol Sergeant and Senior Uniform Patrol Officer Designators:

**1.4.5.5** Sergeants and Officers meeting the contractual criteria will wear the appropriate designators on their sleeves in recognition of their tenure in uniform patrol services.

**1.4.5.6** Although the designators do not denote a civil service rank, by default an eligible officer or sergeant has supervisory responsibility by virtue of his or her seniority. When two or more members are on duty working together, the member of the highest rank is in command and will be held responsible. If the members are of equal rank or grade, the member having the greatest seniority in rank shall, unless otherwise ordered, be in charge.

**1.4.5.6.1 Senior Uniform Patrol Sergeants meeting the below criteria may wear an additional gold “rocker” added to the bottom of the chevrons on each sleeve of their uniforms.**

**1.4.5.6.2 Senior Uniform Patrol Officers meeting the below criteria may wear two (2) silver chevrons on each sleeve of their uniforms.**

**1.4.5.6.2.1** The chevrons will be centered directly below the Round Miami Police Patch

**1.4.5.6.2.2 Hash Marks:** For every three years of service, uniform personnel will be permitted to place a single hash mark on the left forearm of their long sleeve uniform shirt.

**1.4.6 Medals and Pins:** A maximum combination of three medals or pins, approved by the Chief of Police, may be worn with the uniform at the same time. If one is worn, it will be centered on the left shirt pocket flap, or one centered on each shirt pocket flap. The pin or metal on the right shirt pocket flap will be centered on the pocket, below the name tape. When a third pin or medal is worn, two will be worn on the left shirt pocket flap and the third pin or metal will be worn on the right shirt pocket flap, centered under the name tape.

**1.4.6.1** Authorized pins include the following:

**1.4.6.1.1** City of Miami Service and Annual Outstanding Officer pins.

**1.4.6.1.2** Fraternal Order of Police, International Association of Chiefs of Police and Dade County Chiefs of Police pins.

**1.4.6.1.3** F.B.I. National Academy (NA), Southern Police Institute (SPI), and Northwestern University Traffic Institute pins.

**1.4.6.1.4** Northwestern University Traffic Institute, Southern Police Institute, and Federal Bureau of Investigation National Academy Achievement pins.

**1.4.6.1.5** American Flag lapel pin (1 ½ inches width by ½ inch height), and any other pins which may be approved in writing by the Chief of Police.

**1.4.6.1.6** Explosives Ordinance Disposal, Field Training Supervisor (F.T.S.), Field Training Officer (F.T.O.), Special Weapons and Tactics (SWAT), Special Threat Response Unit (STRU), School Resource Officer (SRO), Canine Detail (K-9), Accident Investigation Unit (A.I.U.), Marine Patrol (SCUBA Diver), Aviation (Pilot & TFO Wings) Driving Under the Influence (D.U.I), Drug Recognition Expert (D.R.E.), Crisis Intervention Team (C.I.T.), Neighborhood Resource Officer (NRO), Rapid Deployment Force (R.D.F.).

**1.4.6.1.7** The Firearms Qualification and Expert (AR-223/Carbine) bar may be worn, centered on the left pocket flap of the uniform shirt, directly below the badge. This status must be continually earned, and it may be displayed only as long as the member maintains the level of firearms proficiency as indicated on the bar.

**1.4.6.1.8** Members of the Enforcement Detail are required to wear gold or silver wings (according to rank) on the collar of their uniform shirt.

**1.4.6.1.9** Military Branch Service Pins: There are a maximum of five authorized pins that (current or former) military members may wear on the uniform. Each pin represents the five Military Service Branches and are: "ARMY", "NAVY", "USAF", "USCG", and "USMC". These pins will be issued by the Military Liaison Officer after proof of military service is provided.

**1.4.7 Name Tapes:** Name tapes with the member's last name, will be sewn on the right shirt pocket. Members have the option of wearing engraved pin-on type name tapes, silver for officers and gold for sergeants and above. The font on pin-on type name tapes will be consistent with the sewn on tapes. Name tapes shall be worn on the member's outermost garment (i.e. raincoat, jacket, etc.).

**1.4.7.1 Police Officer:** Sewn name tapes will have text in white with white border.

**1.4.7.1.2 Sergeant through Chief:** Sewn name tapes will have gold text with gold border.

**1.4.7.1.3 Sergeant through Chief:** Side cargo pocket utility trousers will have the name tape sewn on the flap of the rear right pocket. The name tape will include the officer's last name and rank insignia.

**1.4.7.1.4** Name tapes will also be sewn on the right rear pocket of Class-C utility trousers.

**1.4.7.2 Tie:** The tie will be of the plain black, four-in-hand type; the tie-on or clip-on variety is optional.

**1.4.7.2.1 Female Officers:** Black crossovers may be worn by female officers, in lieu of the standard black uniform tie.

**1.4.7.2.2 Ascot / Turtle Neck:** Uniform officers (male and female) of all ranks may wear an ascot or turtle neck in lieu of the tie when wearing the long sleeve uniform shirt. Commanding Officers may wear the black or gold ascot in lieu of the tie.

**1.4.7.2.3 Tie Bar:**

**1.4.7.2.3.1** The tie bar is silver for police officers; and gold for the ranks of Sergeant through Chief; the bar will bear the city seal.

**1.4.7.2.3.2** The tie bar shall be centered on the uniform between the pocket flaps.

**1.4.8 Jackets** The non-sworn personnel must clearly differentiate them from sworn officers. The jacket will have the appropriate designation, for example, P.S.A s will have "Public Service Aide." Communications Operators or Assistants will have "Communications," Property Specialists will have "Property," Records Personnel will have "Records" etc. Additionally, the sleeves will have embroidered tapes below the City of Miami patch depicting the same designation.

**1.4.8.1** A combination/lightweight/heavy blue jacket with a shoulder patch on each sleeve is issued along with the unit insignia and rank when applicable. All buttons must be secured. Only approved departmental jackets will be worn.

**1.4.8.1.1 Jacket Types:** Lightweight Reversible: Issued reversible jacket. One side navy blue with sewn badge patch above left breast, shoulder patches, and name sewn over right breast. Reverse side is high reflective green with "Miami Police" centered across back.

**1.4.8.1.2** Civilian Lightweight Jacket: Issued navy blue jacket. With City of Miami MPD patches on shoulders, name patch sewn over right breast, and badge patch sewn above the left breast pocket flap. Additional patch sewn under shoulder patches indicating the unit worked for.

**1.4.8.1.3** Bicycle Jacket: Issued yellow and blue jacket. With City of Miami patches on shoulders. A badge patch sewn over the left breast pocket. Patches with "BICYCLE PATROL" placed under both shoulder patches and "POLICE" patch on the back.

**1.4.8.1.4** Leather Motor Jacket: Issued leather jacket with "MIAMI POLICE" embroidered on back.

#### **1.4.9 Gun Belt:**

**1.4.9.1** Commanding officers will have the option of wearing the smooth finish clarino, nylon web, or basket weave belt with matching accessories. Staff Officers will wear the smooth patent leather, nylon web, or basket weave belt with matching accessories.



**1.4.9.1.1** While in uniform, commanding officers must wear holster with weapon and magazine with holder, either open or closed type.

**1.4.9.1.2** Field Duty Lieutenants must wear holster with weapon, magazine with holder (open or closed type) and handcuffs and case.

**1.4.9.1.3** At the discretion of the Section Commander, sworn personnel who are assigned primarily to support, administration, or the station with administrative type duties, may wear the 1-3/4 inch black, Garrison type belt with the appropriate holster, authorized weapon, magazine pouch with spare magazine. Standard nickel (Officer) or brass (Sergeant and above) buckle will be used, as appropriate. This uniform configuration is limited while in the station(s) only. If a member leaves the station for any reason in a "Field Operational Capacity," they must adhere to Class-A, B, or C uniform requirements accordingly.

**1.4.9.1.4 Holster with City Issued Firearm:** The holster will be high rise style with a thumb activated safety strap. The holster must be designed to allow access to the magazine release button while the weapon is holstered, and the trigger guard must be encased on the side and



back to prevent holstering with the finger in the trigger. The holster must be designed to provide security from the rear, and must have an open bottom for drainage. Holster will be worn on the dominant shooting hand side.

**1.4.9.1.5** All sworn personnel shall carry their authorized firearm during duty hours. Firearms shall be concealed from public view whenever the officer is outside the police compound.

**1.4.9.1.6 Magazine Pouch:** Only single or double Velcro or snap flap magazine pouch(s) will be used. The magazine pouch(es) will contain fully loaded magazine(s) of departmentally issued or personally purchased ammunition. Rounds in excess of the number issued shall be of the approved type, and they will be purchased at the member's expense. A maximum of two spare magazines will be carried; this will not apply to SWAT members while performing SWAT duties. Double or single vertical magazines will be worn in front of the gun belt on the opposite side of the holster close to the buckle. If horizontal magazines are used, they will be worn on the same side of the holster close to the buckle.

**1.4.9.1.7 Handcuff Case and Handcuffs:** The handcuff case will be of the enclosed flap type. The handcuff key, which is issued, will be carried at all times while on duty. Non-Field Lieutenants and higher ranking personnel are not required to carry handcuffs. Handcuff case will be worn in the rear opposite side of the holster.

**1.4.9.1.8 Belt Keepers:** Four belt keepers with two in the front, two in the rear and evenly spaced attach the gun belt to the trouser belt. Officers will have silver metal snaps and personnel of the rank of sergeant and above will have gold snaps.

**1.4.9.1.9 ASP and Holder:** The issued ASP will be worn in front of the holster.

**1.4.9.1.9.1 OC Spray and Holder:** The issued OC Spray and holder will be carried in front of the ASP.

**1.4.9.1.9.2** Officers are required to carry with them at all times at least 2 less than lethal weapons, consisting of a combination of an Electronic Control Device, Asp, and OC Spray. If an officer has been certified to carry a Electronic Control Device, he must carry it along with at least 1 other less than lethal weapon.

**1.4.9.1.9.3 Electronic Control Device and Holster:** The issued Electronic Control Device and holster will be carried by all personnel that are Electronic Control Device certified. The issued Electronic Control Device and holster will be carried opposite the gun holster in front of the radio.

**1.4.9.1.10 Radio Cases:** Radio cases will have a safety strap. Radio case is to be worn on the side opposite the gun holster. Under no circumstances are members to utilize after market (metallic or non-metallic) radio holders that are not authorized in writing by the Communications Technical Support Detail.

**1.4.9.1.11 Cutting Instrument:** Sworn and civilian personnel in uniform or plain-clothes will be authorized to carry a multitool, knife, or folding knife that is secured while on-duty or working extra duty.

**1.4.9.1.12 Cellular Phone Holder:** single, velcro or snap, flap style magazine pouch matching the material of the belt will be used. In conformance with Departmental Orders.

**1.4.9.1.13 Latex Glove Case Holder:** single, velcro or snap, flap style magazine pouch matching the material of the belt will be used. It is to be worn *in the rear of the belt*)

**1.4.9.1.14 Flashlight and Holder:** Black plastic, patent leather, nylon or "O" ring. Material must match belt type. Flashlight and Holder will be worn behind the radio.

**1.4.9.1.14.1** Employees hired prior to 9/13/83 are authorized to carry and use a city plastic or metal flashlight with a plastic cone, for use in traffic control situations.

**1.4.9.1.14.2.** Employees hired after 9/13/83 will secure and use a plastic flashlight or metal flashlight not to exceed 6 inches in length and 1 inch in diameter, with a plastic cone for use in traffic control situations.

**1.4.9.1.14.3** Flashlights are not intended to be weapons, and the calculated use of a flashlight as a weapon is hereby prohibited.

#### **1.4.10 Pants:**

**1.4.10.1** Uniform pants may be modified or tapered as long as the cuff fits easily over the top of a pair of standard issue boots, high top shoes.

**1.4.10.2** The pants legs must fall straight and not blouse or balloon over the top of the shoe or boot.

**1.4.10.3** The use of the navy blue uniform skirt for female officers shall be optional when assigned to administrative duties only.

**1.4.11 Socks:** Solid black or navy blue socks will be worn.

**1.4.11.1 Exceptions:** Any color of socks or nylons are permissible if they are concealed from view by boots or high cut shoes, or if they are authorized due to medical reasons from the City Physician. Copies of medical approval must be forwarded to the Personnel Unit, through channels, and they will be included in the officer's personnel folder.

**1.4.11.2 Additional Uniform Accessories:** Undershirts, if worn, must be of the "V" neck type unless a tie is worn. Employees wearing a white shirt (e.g. Bike Patrol) must wear all white undergarments.

**1.4.11.3 Female:** Female officers shall wear a brassiere unless a bulletproof vest is worn. White undershirts are mandatory when wearing a white uniform shirt.

**1.4.11.4** Purses for female officers will be plain, navy blue or black, shoulder type, not to exceed 11x11 inches in size.

**1.4.11.5** Coveralls may be worn by I.D. and Property personnel only at the discretion of the employee's Division Chief.

**1.4.11.6 Timepiece:** All sworn/civilian personnel, uniform personnel and PSAs shall carry an operable timepiece while on duty.

**1.4.11.7 Definition of Facial Covering:** The Centers for Disease Control (C.D.C.), recommends a mask or facial covering, whether store bought or homemade, have two or more layers of washable, breathable fabric, completely cover the nose and mouth, fit snugly against the sides of the face without gaps, and be able to be laundered and machine dried without losing shape.

**1.4.11.7.1 Facial Coverings:** Sworn and civilian members may be required to wear facial coverings over the mouth and nose when in contact with members of the Department and/or the public as directed, particularly where appropriate social distancing as determined by the Centers for Disease Control (C.D.C.), cannot be maintained. Disposable surgical grade style coverings must be a solid color, with no designs, patterns, or wording. Cloth coverings and/or neck gaiters must be navy blue or black in color, with no designs or patterns other than approved City of Miami or Miami Police Department insignia, or a small manufacturer's logo. Neck gaiters shall be worn folded downward from the bridge of the nose to create two layers of protection as per C.D.C. guidelines. Tactical facial coverings such as a balaclava, ski mask, or similar are prohibited (with the exception of tactical operations conducted by specialized units).

**1.4.12 Plainclothes Dress Requirements:** Sworn members will dress in a manner that presents a professional image to the public. Members shall dress appropriately for their assigned duties, and their dress shall conform to good taste. Neatness and cleanliness shall be stressed.

**1.4.12.1** Unless otherwise directed by a special notice from the Chief of Police, suits, sportcoats and slacks, or guayabera shirts and slacks may be worn by male employees. When dress shirts (long or short sleeved), suits or sports coats are worn, a tie is mandatory.

**1.4.12.2** Sworn female employees shall wear dresses, pantsuits, coordinated pants and blouses, or skirts and blouses that conform to contemporary fashion trends in the business community. Dress and skirt lengths will be no more than two inches above the knee. Uniform skirt lengths will be no more than two inches above or below the knee. Articles of clothing which deviate from a business like appearance are not acceptable and will not be worn (i.e. leggings or stirrup-type pants, all spandex-lycra apparel, etc.).

**1.4.12.3** Provisions of this section will also apply to those situations such as court appearances and public appearances where members represent the Police Department.

**1.4.12.4** Provisions of this section may be waived by a Division Chief depending on duty assignments.

**1.4.12.4.1** Waivers of dress requirements under this order do not extend to court appearances. Dress requirements must be followed by all members when attending court. Waivers of this requirement will be issued by the Division Chief on a case by case basis. The Division Chief shall notify Court Liaison of the waiver.

**1.4.12.5 Denim Apparel:** Except when approved for investigative purposes by a Division Chief, blue jeans or other denim items of apparel will not be worn.

**1.4.13 Initial Uniform Issue:** The Section Commander of the Property Section will determine the type and amount of uniforms to be issued for initial uniform issue and the annual replacement issue. The decision will be based on budget constraints, employee contract specifications and administrative directive from the Chief of Police.

**1.4.13.1** Uniform chits will be issued by the Quartermaster. The chit bears an expiration date and must be presented to the uniform vendor before that date. If a member fails to utilize the chit before it expires, a memo, approved by the Unit Commander, explaining the circumstances requiring issuance of a new chit, shall be presented to the Property Unit Quartermaster.

**1.4.13.2** Members will only receive those items that are specified on chits. Substitution of uniform items is prohibited. The member will bear the cost for any items, which are, received other than those specified on chits.

**1.4.13.3** Notices will be sent to each employee by the Quartermaster Detail when uniforms are ready for pickup. It is the member's responsibility to try on each item and to check for workmanship (stitching of seams, pockets, etc.) before accepting uniforms.

**1.4.13.4** Uniforms which are not in an acceptable condition should be refused. The vendor should be advised by the member of the corrections that are needed, and the Property Unit Quartermaster should be advised by interoffice memorandum of the problem.

**1.4.13.5** A Uniform Receipt and Vendor Evaluation Form (PD/AD #202) is attached to each chit. Members are required to complete this form in its entirety upon receipt of uniforms. Any complaints or concerns should be explained in detail.

**1.4.14 Plainclothes Officers:** Sworn personnel receiving a clothing allowance will, upon request, be issued one (1) pair of trousers, one (1) shirt, one (1) uniform hat, and one (1) soft cap.

**1.4.14.1** The annual replacement issue includes one (1) pair of trousers, one (1) shirt, one (1) uniform hat, and one (1) soft cap. A leather option may be available based on guidelines in the FOP Contract.

**1.4.15 Uniform Changes:** Sworn personnel who are promoted shall return the lower rank badge and insignia to the Property Unit.

**1.4.16 Replacement of Uniform Issue:** Uniforms are replaced by presenting a Request for Replacement of Lost or Damaged Equipment form (PD/AD #201) to the Property Unit Quartermaster. The Quartermaster will issue a chit authorizing replacement.

**1.4.16.1** This chit bears an expiration date and the same process as outlined in Section 1.4.13.1 will be followed regarding utilization.

**1.4.17 Replacement of Uniform & Personnel Property Damaged in the Line of Duty:** Special replacements due to line-of-duty accidents may be made from Police Department stock. Uniforms will not be replaced or altered when they no longer fit due to wearer's gain or loss of weight.

**1.4.17.1 Replacement of Damaged Personal Property:** The City of Miami is responsible for the replacement of personal property that is damaged or destroyed in the line of duty. The amount of the replacement is subject to the limits of reimbursement set by the Budget Unit. An approved request will be sent to the Budget Unit if the property is to be replaced by the City. The employee shall purchase equipment and submit the **original** receipt for this purchase within thirty (30) days of the loss, along with the Request for Replacement of Lost or Damaged Equipment Form. The Budget Unit shall prepare a direct payment to reimburse the employee the maximum limit of reimbursement. If disapproved, the request will be returned to the officer.

All personnel should also be aware that, with the exception of a watch, wedding band, or religious medal, other jewelry items will not be replaced by the city, even if they are damaged or destroyed in the line of duty.

**1.4.17.1.1** Receipts, which are dated more than thirty (30) days after the date of the loss, will not be honored.

**1.4.17.2 Procedures for Reporting Stolen City-Issued Property:** The procedure for reporting stolen city-issued property is the same as reporting lost or damaged city-issued property. However, under certain circumstances, additional information must be furnished and, in some instances, the employee must replace the equipment.

**1.4.17.2.1 Equipment** lost due to carelessness, negligence, etc., will be replaced at the employee's expense. When any vehicle containing city-issued property will be unattended, whether locked or unlocked, it is required that the property be placed in the trunk of the vehicle. When there is no trunk, the property must be removed from the vehicle. If these procedures are not followed, and the property is subsequently stolen, the employee will be liable for the replacement of the property.

**1.4.17.2.2** If the property is stolen from the employee's residence or vehicle and the employee is covered by homeowner's insurance, the employee, in addition to making the required forms as outlined in this Departmental Order, must submit the name of the insurance company that has the policy. A copy of the claim made to the insurance company indicating the total loss, and the disposition of the claim, will be submitted.

**1.4.17.2.3** The City will only reimburse the portion of the loss that is not covered by insurance. In the case of deductible insurance, the value of the property, which was issued by the City, will be compared to the total loss and reimbursement of the deductible portion will be made accordingly.

**1.4.17.3 Procedure for Reporting Lost, Destroyed or Stolen City Issued Property:** For lost or damaged equipment, employees shall, at the earliest opportunity, advise their immediate supervisor and submit a completed Request for Replacement of Lost or Damaged Equipment Report, PD/AD #201, describing the circumstances. The officer's immediate supervisor will verify the circumstances only; however, the supervisor will not be the approving authority. The first-level staff officer is the only approving authority. The report shall contain all pertinent information, including the incident number if an official report is made.

**1.4.17.3.1** The employee's immediate supervisor shall check all damaged equipment at the time of the incident and review the circumstances. The report will then be forwarded to his section commander. The employee's Section Commander shall determine if the loss or destruction occurred through the employee's negligence or through the line of duty.

**1.4.17.3.2** All copies will be forwarded to the Property Section for a final decision as to reimbursement at the city's expense or employee's expense.

**1.4.17.3.3** Damaged City issued property for which replacement is requested shall be turned in to the Property Unit for disposition.

**1.4.17.3.4** The employee's Commanding Officer can authorize, via memorandum, temporary replacement for up to ten (10) days.

**1.4.18 Limits of Reimbursement:** Reimbursement for the actual cost of replacement or repair will be made upon proper authorization. The maximum reimbursable dollar amount is to be found in the current schedule of reimbursement. Annually, the Budget Unit will publish a schedule of reimbursement, which will be adjusted as needed to reflect current retail replacement costs. Items not listed (I.D. bracelets, lodge rings, etc.) shall be worn at the employee's own risk.

**1.4.18.1** Police officers who wear plainclothes while on duty and receive a clothing allowance shall not be reimbursed for any attire that is damaged or destroyed. The clothing allowance will cover all items of dress.

**1.4.18.2** Employees not receiving a clothing allowance shall be reimbursed in accordance with the current schedule of reimbursement.

**1.4.19 Recalling Equipment During Prolonged Absences:** Employees who are on prolonged absence from the Department shall turn in their gun (including extra magazine), ammunition, gun belt, holster, badges (including off duty badge if any), handcuffs, night stick, uniform items which are designated Miami Police Department, key card, and identification card to the Property Unit to be reissued upon the employee's return to duty. Prolonged absences include: a disability illness (a leave of absence due to a physical disability, pregnancy, or illness), a suspension, or relieved of duty.

**1.4.19.1** Exceptions to this rule shall be made for vacations, leave of absence for attending school or a course of training for the purpose of professional improvement, and up to (17) days of military leave.

**1.4.19.2** A "prolonged absence" is when a member is off under the status of W, I, IW, D, L, or S for a period of four consecutive work weeks.

**1.4.19.3** The commanding officer of the affected employee is responsible for ensuring compliance with this directive.

**1.4.19.4** When an officer is relieved of duty, it shall be the responsibility of whoever effects the action to obtain the equipment and to place same in the Property Unit.

**1.4.19.5** In cases of suspension, it shall be the responsibility of Internal Affairs Division to obtain the equipment and to place same in the Property Unit.

**1.4.19.6** The aforementioned equipment will only be released upon an employee's return to duty with authorization from the Personnel Unit.

**1.4.20 Procedures for Issuing Police Equipment:** The Property Unit shall provide a system of control for all equipment issued to employees and to organizational elements of the Department.

**1.4.20.1** Each employee of the Department or authorized personnel shall print their name and IBM number legibly on the appropriate equipment control or sign out card, as directed by the Property Specialist.

**1.4.20.2** Each employee or authorized person making use of or returning equipment will remain at the service counter of the Property Unit until the transaction is completed. The employee shall observe as the Property Unit Specialist prints his/her name and IBM number on the sign-out card or initials the control card. Sign-out cards will be used for temporary use of equipment and control cards will be used for permanent issue.

**1.4.20.3 Equipment Issued for Marked Police Vehicles:** The Property Unit will issue the following items to be carried in the trunks of the marked police vehicles:

- 1 fire extinguisher, 6 road flares
- 1 roll of crime scene tape, 1 roll of rope
- 1 life saving ring, 1 reflective traffic vest
- 1 crow bar, 1 disposable blanket
- 6 flex cuffs, 1 bio-hazard exposure kit
- 1 C.P.R mask (issued by training) 1 pair of latex gloves
- 1 riot shield & carrying bag, 1 gas mask & carrying bag
- 1 riot helmet & bag, "V Top" protective gear & case
- 1 first aid box containing:
  - Bandages, antiseptic, ammonia inhalants and compresses

It will be the responsibility of the individual assigned officer to re-supply his/her police vehicle with the necessary listed equipment. Any requests for replacement of non-expendable items require the submission of a Lost or Damaged Equipment Report. Supervisors must assure that all police vehicles assigned to their respective subordinates are properly outfitted with the necessary required listed equipment through either monthly, semi-annual or spot inspections.

**1.4.20.4 Shotguns:** In no case will shotguns be checked out for more than 24 hours unless authorized in writing by a Section Commander.

**1.4.20.5 Portable Radios:** All portable radios not specifically assigned to other segments of the Police Department by the Communications Section Commander will come under the control of the Property Unit. The Property Unit will be responsible for the integrity and accountability of the portable radios under its care and custody. Therefore, when not issued to an individual, all portable radios shall remain secured in the Property Unit (unless out for repair). No spare batteries will be issued unless authorized in writing by a staff level officer and approved by the Property Unit Commander or his designee.

**1.4.20.5.1** Portable radios in need of repair will be taken to the Repair Shop only by the Communications Unit. A separate log of all radios in the Repair Shop shall be maintained by the Communications Unit.

**1.4.20.5.2** Before a portable radio is issued, the Property Unit will determine that the person requesting is authorized to check out a portable radio. If at any time a question of identity arises, the person requesting a radio will present his City identification card to the Property Unit.



**1.4.20.5.3** No person will be permitted to check out a portable radio, for any reason, without first signing the control card.

**1.4.20.5.4** Portable radios will be carried by uniform personnel in a carrying case. This case will be attached to the officer's gun belt.

**1.4.20.5.5** It is the responsibility of the person checking out a portable radio to ascertain that he/she is signing the correct card.

**1.4.20.5.6** All portable radios will be checked into the Property Unit at the end of the tour of duty. Returned radios will be signed in by the individual user. Police Department personnel who have been issued a portable radio will be held accountable for the radio until they have personally returned it to the Property Unit and have signed it in.

**1.4.20.5.7** No person will simply leave a radio on the Property Unit counter and walk away. They will remain at the counter until the property specialist checks in the radio.

**1.4.20.5.8** Any portable radio found abandoned will be returned to the Property Unit by the finder.

**1.4.20.5.9** Any radio not functioning properly in the field will be replaced at the Property Unit by the officer before the end of the tour of duty. A "Portable Radio Complaint", R.F. #243, will be completed by the officer prior to receiving a replacement.

**1.4.20.5.10** In no case will portable radios be checked out for more than 24 hours, unless authorized in writing by a Section Commander.

**1.4.20.6 Protective Equipment:** It is the responsibility of all police personnel that have been issued protective gear to maintain the equipment in a constant state of readiness. All personnel will be required to have immediate access to said equipment, which will be inclusive of, but not limited to the following:

1. Riot helmet and carrying bag
2. Riot shield and carrying bag
3. Gas mask, filters and carrying bag
- 4." V-Top" crowd control equipment and carrying case
5. Body armor (bulletproof vest)

**1.4.21 Shoulder Patch Requests:** The Chief of Police has authorized the Property Unit to distribute police patches by submission of written requests.

**1.4.21.1** The department will only honor requests from law enforcement connected organizations/ groups requesting standard uniform patches.

**1.4.21.2** Requests will include the name and address of the law enforcement person(s) and /or organizations/groups requesting patches.

**1.4.21.3** Miniature replica patches are available to the general public.

#### **1.4.22 Personal Equipment Requirements:**

**1.4.22.1 Driver License:** All sworn personnel and those non-sworn personnel who are authorized to drive city vehicles shall have a valid Florida Driver License. Any individual who is authorized to drive a City vehicle shall report any loss of driving privileges (by revocation, or suspension), as soon as possible after notification, to the Chief of Police through channels. A city employee who does not have a valid driver license shall not drive a City vehicle, nor shall they drive any other vehicle until their drivers license is valid. Police personnel will not be in uniform when they are photographed for their Florida Driver License.

**1.4.22.2 Key Card:** All personnel, except sworn personnel in uniform, shall wear their key card on their person with the photo visible while in the Department complex. The key card will not be displayed while outside the complex.

**1.4.22.3** The badge and identification card shall be carried at all times. Whenever the member is on the scene of any activity where it is necessary to be readily identified as a police officer, the badge and/or I.D. card shall be displayed or attached to the outer clothing in an obvious place.

**1.4.23 Personal Appearance Requirements for Sworn & Civilian Employees:** At all times while on duty, all sworn and civilian personnel shall be well groomed, clean in their person, and conform to the standards of appearance.

**1.4.23.1** Sworn and uniformed civilian male employees will conform to the below standards:

**1.4.23.1.1 Hairstyles:** Hair must be neat, well-groomed and present a business-like appearance while in an official capacity. The maximum extension of hair that is combed outward from the top of the head and the sides of the head shall be no more than two (2) inches. In addition, the hair on the side of the head shall be gradually tapered and must not protrude outward beyond the top (under helix) of the ear so that it gives an overall even appearance. At no time shall the hair obstruct the name, rank, badge, and patches on the uniform, they shall be clearly visible at all times. Under no circumstances will hairstyles that maybe considered "fad" (i.e., mohawks, shaved patterns, lines, man-buns, ponytails, braids/cornrows, symbols, names) or any other unprofessional images, special designs or colors be acceptable. Only natural hair colors are permitted. Hair colors considered extreme or non-naturally occurring such as purple, pink, green, blue, etc. are prohibited. Ornaments, beads, or head wraps are prohibited. No style shall interfere with the proper wearing of the uniform dress hat, nor shall the hair extend beyond the circumference of the hat.

**1.4.23.1.2 Sideburns:** Sideburns shall not extend below the tip of the lower lobe of the ear. The maximum width at the bottom of the sideburns shall not exceed 1 3/4 inches.

**1.4.23.1.3 Mustache:** Mustaches are permitted. The vermilion line of the upper lip shall show at all times. Mustaches shall be neatly trimmed and may not extend more than 1/2 inch below or beyond the corners of the mouth.

**1.4.23.1.4 Beards and Goatees:** Permanent members of MPD are permitted to have facial hair that is neatly trimmed and conservative in appearance.

**1.4.23.1.4.1 Beards:** Shall be worn with a mustache, and cover the complete jawline, the cheeks shall be shaved on and above the cheekbone, and the neck shall be no more than one inch (1") below the jawline. Employees may not have any designs or patterns groomed into their facial hair.

**1.4.23.1.4.2 Goatee:** A mustache that extends down around the sides of the mouth and joins hair on the chin, also referred to as a circle beard. This style of facial hair shall be worn with a mustache, and the cheeks, jawline, and neck shall remain clean-shaven.

**1.4.23.1.4.3 The following are examples of the APPROVED facial hairstyles:**



Fig 1



Fig 2



Fig 3



Fig 4

**Fig. 1 Clean Shaven:** No facial hair.

**Fig. 2 Mustache:** Hair below the nose and upper lip, which shall be trimmed and not extend below the upper line of the upper lip. If worn alone, shall NOT extend below the corners of the mouth, and extreme styles such as handlebar mustaches are prohibited.

**Fig. 3 Goatee:** A mustache that extends down around the sides of the mouth and joins hair on the chin, also referred to as a circle beard. This style of facial hair shall be worn with a mustache, and the cheeks, jawline, and neck shall remain clean-shaven.

**Fig. 4 Natural Beard:** Also referred to as a full set. This style of facial hair shall be worn with a mustache, shall cover the complete jawline, the cheeks shall be shaved on and above the cheekbone, and the neck shall be no more than one inch (1") below the jawline.

**1.4.23.1.4.4 Prohibited Beard Styles:**

- Chin Strap – Beards that are trimmed to a thin line along the jawline.
- Patchy – Beards of uneven or patchy growth
- Stubble – Beards shorter than one-quarter (1/4") in length, also referred to as a "five o'clock shadow."

**1.4.23.1.4.5 On-Duty Growth Periods:** The growth period for beards and goatees shall be as follows:

- Spring growth period – June 1<sup>st</sup> through July 15<sup>th</sup>
- Fall growth period – November 1<sup>st</sup> through December 15<sup>th</sup>

**1.4.23.1.4.6 Leave Growth Periods:** Any time periods including but not limited to vacation time, compensatory time, medical leave, where a member is not working in an on-duty capacity and does not work any permanent or temporary extra-duty detail, or Special Event detail.

**1.4.23.1.4.7 Administrative Assignment Growth Periods:** Any time periods including but not limited to training, special assignment, administrative, etc. for a minimum of two weeks, the member must wear civilian attire, is prohibited from wearing any uniform and restricted from working any permanent or temporary extra-duty detail, or Special Event detail.

**1.4.23.1.4.8 End of Growth Periods:** If a member's beard/goatee is still not a minimum of ¼" in length, the member shall be required to be clean-shaven until the next growth period (except for approved mustaches).

**1.4.23.1.4.9 Beard / Goatee Length and Color:** Shall not be less than ¼" in length and not more than ½" in length. Members shall not be permitted to simply have what is known as a "five o'clock shadow." If a member grooms their beard/goatee below the minimum ¼" in length, the member shall be required to completely shave all facial hair (except for approved mustaches) and will **NOT** be permitted to grow a beard/goatee again until the next authorized growth period.

**1.4.23.1.4.10** Beards shall be groomed by members not to extend to any part of the neck. Facial hair shall cover below the jaw horizontally, but end before the downward curve of the neck at a clean shave line. (Fig. 5 below)



Fig. 5

**1.4.23.1.4.11 Beard / Goatee Color:** Shall be consistent with the member's regular or natural hair color to include those members without hair (shaved or hair loss). Un-natural or multi-coloring shall not be permitted.

**1.4.23.1.4.12 Exemptions:**

- Members while working in an approved undercover capacity (e.g., Narcotics, Intelligence, etc.)
- Members that have a Shaving Waiver as outlined in Departmental 6, Chapter 3.

**1.4.23.1.4.13 Members NOT authorized to wear and maintain a beard or goatee:**

- All sworn Executive Staff members of the MPD unless approved by the Chief of Police.
- All recruits.
- Additionally, if a member is called to perform a task or function that requires a clean-shaven appearance, (special assignment, exigent circumstances, response to civil unrest requiring the donning of a gas mask, etc.) that member shall be required to shave and must wait until the next growth period to regrow a beard/goatee.

**1.4.23.1.4.14 Commander Discretion:** If at any time while on-duty a commanding officer determines that a member's beard/goatee is not in compliance with this policy, they may direct the member to remove some (beard leaving a goatee, neck area shortened, etc.) or all facial hair (except for approved mustaches). The member shall not be permitted to regrow their beard/goatee until the next approved growth period.

**1.4.23.1.4.14.1** Members deemed not in compliance who are ordered to shave, shall be required to do so prior to reporting to their next tour of duty. Members that fail to comply with the order are subject to progressive discipline.

**1.4.23.2** Sworn and uniformed civilian female employees will conform to the below standards:

**1.4.23.2.1 Hairstyles:** Hair must be neat, well groomed, and present a business-like appearance while in an official capacity. Hair may touch, but not extend below the shoulder, unless worn in an upward sweep or ponytail which may then extend to the mid back area. Hair clasps or barrettes worn while in uniform must correspond with the hair color. At no time shall the hair obstruct the name, rank, badge, and patches on the uniform, they shall be clearly visible at all times. Under no circumstances will hairstyles that may be considered "fad" (i.e., mohawks, shaved patterns, lines, symbols, names, beehives) or any other unprofessional images, or special designs or colors be acceptable. Only natural hair colors are permitted. Hair colors considered extreme or non-naturally occurring such as purple, pink, green, blue, etc. are prohibited. Ornaments, beads, or head wraps are prohibited. No style shall interfere with the proper wearing of the uniform dress hat, nor shall the hair extend beyond the circumference of the hat unless worn in a ponytail or bun.

**1.4.23.3 Fingernails:** Fingernails shall not extend over the end of the finger for more than one-half (1/2) of an inch. Fingernails will be rounded, kept clean, and free of stick-on, or painted on decorations. Personnel will not use fluorescent or multicolored nail polish, and will adhere to subdued colors of fingernail polish, e.g. pastel.

**1.4.23.4 Jewelry Worn by Sworn & Civilian Personnel:** A watch, a bracelet, and a maximum of three rings may be worn. These items must not be of such size or shape that they would impair job performance and will not be a hazard to the employee. All personnel should also be aware that with the exception of a watch, wedding band or religious medal, other jewelry items will not be replaced by the City even if they are damaged or destroyed in the line of duty.

**1.4.23.4.2** Necklaces of any type shall not be worn unless completely concealed by the uniform at all times.

**1.4.23.4.3** Earrings of the small post type that do not hang below the ear lobe may be worn by sworn and civilian female employees. However, no more than one such earring shall be worn in each ear at any time.

**1.4.23.4.3.1** Any jewelry worn with the uniform will not be gaudy, will not hinder performance, and will not be a hazard to the officer.

**1.4.23.4.4** Officers will not adorn weapons or magazines with ornate jewelry, badges, etc.

**1.4.23.5** Sunglasses: While in uniform, sunglasses will be of a "conservative" nature with black, brown, dark blue or dark green lenses; Mirror is unacceptable. Frames will be silver, gold, black, brown, or dark blue in color. Cords will be either black or dark blue in color.

**1.4.23.6 Special Assignments:** Special assignments may exempt sworn & civilian employees from the above requirements, e.g., narcotics officers. The Division Chief may authorize these exemptions. All times while on duty, all civilian employees shall be well groomed, clean in their person and conform to the following standards of appearance:

**1.4.24** Civilian personnel will adhere to the same standards as sworn uniformed personnel.

**1.4.24.1** If an item of clothing, uniform, equipment, jewelry, or accessory is not prescribed in this Chapter, it is not to be worn, unless independently approved by the Chief of Police.

**1.4.25 Body Ornamentation, Body Piercing, Body Alterations, Tattoos:** Members of the Department hold a position of public trust and it is essential that their behavior and appearance remain professional and inspire confidence in the citizens they serve. Body Ornamentation shall include but is not limited to; tattoos, brandings, body or tongue piercing, and body mutilation. Body ornamentation **does not** include the normal piercing of the lower earlobe as governed in D.O. **1.4.23.4.2**

**1.4.25.1 Body Piercing:** Members of the Department are prohibited from attaching, affixing or displaying objects, articles, jewelry or ornamentation to, or through the ear (except normal piercing of the lower earlobe as governed in D.O. **1.4.23.4.2**), nose, tongue, eye brows, lips or any exposed body part, or in such a manner that it is visible through the uniform.

**1.4.25.2 Body Alterations:** Members of the Department are prohibited from intentionally altering, modifying, or mutilating any part of their bodies in order to achieve a visible, physical effect that disfigures, deforms or otherwise detracts from a professional image. Mutilation is considered extreme and is defined as the intentional radical alteration of the body, head, face, or skin for the purpose of, and or resulting in an abnormal appearance. Examples of mutilation include but are not limited to: A split or forked tongue; foreign objects inserted under the skin to create a design or pattern; enlarged or stretched out holes in ears (other than a normal piercing of the lower earlobe as governed in D.O. **1.4.23.4.2**); intentional scarring on neck, face, or scalp; or intentional burns creating a design or pattern.

**1.4.25.3 Tattoos:** For the purposes of this policy, prohibited tattoos refers to visible tattoos/body art/brandings that are prejudicial to professional image, good order and discipline or that are of a nature that would bring discredit upon the Miami Police Department. Specific examples of prohibited tattoos are defined below. Questions regarding the acceptability of a visible tattoo will be determined by the procedures outlined below.

- 1.4.25.3.2** Tattoos/body art/brandings anywhere on the body that are extremist, indecent, sexist, or racist are prohibited.
- 1.4.25.3.3** Extremist tattoos/body art/brandings are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities.
- 1.4.25.3.4** Extremist philosophies, organizations, and activities are those which advocate racial, gender, sexual orientation, or ethnic hatred or intolerance; advocate, create, or engage in discrimination based on race, color, gender, ethnicity, religion, sexual orientation, or national origin; or advocate violence.
- 1.4.25.3.5** Indecent tattoos/body art/brandings are those that are offensive and tend to shock the moral sense. Visible indecent tattoos/body art/brandings are prohibited.
- 1.4.25.3.6** Sexist tattoos/body art/brandings are those which advocate a philosophy that degrades or demeans a person, group or class of persons, based on gender or sexual orientation, but that may not meet the same definition of “indecent.”
- 1.4.25.3.7** Racist tattoos/body art/brandings are those which advocate a philosophy that degrades or demeans a person, group or class of persons, based on race, ethnicity, or national origin.
- 1.4.25.3.8** Tattoos/body art/brandings that are associated with gang affiliations are prohibited.
- 1.4.25.3.9** Tattoos/body art/brandings that illustrate or advocate illegal activity (i.g., drug use) are prohibited.
- 1.4.25.3.10** Tattoos/body art/brandings visible anywhere on the head, face, and neck above the shirt collar in uniform or civilian attire are prohibited.
- 1.4.25.3.11** Members with tattoos/body art/brandings not in compliance with this policy will be required to: Maintain complete coverage of the tattoos/body art/brandings using current uniform items (e.g. long-sleeved shirt, slacks, etc.); at their own expense, use commercially available tattoo/body art/brand covering products closest to the member’s skin tone; or wear a long-sleeve form fitting undershirt (i.e., fitted wicking athletic style) solid black in color, or remove the tattoos/body art/brandings.
- 1.4.25.3.12** Tattoos/body art/brandings on the torso area of the body shall not be visible through uniform clothing.
- 1.4.25.3.13** Members failing to cover, remove or alter unauthorized tattoos/body art/brandings in a timely manner will be subject to disciplinary action.
- 1.4.25.4 Dental Ornamentation:** For purposes of this policy, dental ornamentation includes decorative veneers or caps with metallic-colored coverings like gold, platinum, or similar colors. Dental ornamentation also includes letters, jewels, designs, etc. This does not include natural-colored caps, veneers, or metallic-colored fillings or orthodontia used for commonly accepted medical or dental purposes.
- 1.4.25.4.2** Dental ornamentation is not permitted.
- 1.4.25.4.3** Grandfather provisions will be considered for current members who have no more than one tooth with dental ornamentation.

**1.4.26** Members shall cover or remove any questionable body ornamentation, body piercing, body alterations, tattoos, or dental ornamentation when directed to do so by a commanding officer.

**1.4.27 Appeal Process:** Members that have been directed by a commanding officer to cover or remove any questionable body ornamentation, body piercing, body alterations, tattoos, or dental ornamentation may appeal that order via Redline memorandum through channels along with a photograph to the Personnel Resource Management Section Commander for review within thirty (30) days of the receipt of the order.

**1.4.28 Personnel Resource Management Section Review Panel:** The Panel will consist of three (3) members. The Personnel Resource Management Section Commander will be the Chairperson, with one (1) Lieutenant from Labor Relations, and (1) Lieutenant **not** from the appealing member's Division, that will meet on a monthly basis or as needed. The panel will evaluate the request and render a decision. The member shall be provided documentation of the panel's decision and copies shall also be placed in the member's personnel file. Members who lose their appeal, shall be able to appeal the panel's decision to the Office of the Chief of Police within thirty (30) days of the Panel's decision. The ruling from the Office of the Chief of Police shall be final.

**1.4.29 Applicants:**

**1.4.29.1** Applicants must disclose in writing and provide photographs of all body ornamentation, body piercing, body alterations, or tattoos, that will be visible while in uniform during the employment application process.

**1.4.29.2** An Applicant with body ornamentation, body piercing, body alteration, or tattoos that is recommended for hire, must be reviewed and approved by the Personnel Resource Management Section's Review Panel prior to being employed by the Miami Police Department.

**1.4.29.3** An Applicant with body ornamentation, body piercing, body alteration, tattoos or dental ornamentation determined by the panel not to be in compliance with this policy **shall not** be entitled to an appeal to the Office of the Chief of Police.

**1.4.29.4** An Applicant determined by the panel not to be in compliance with this policy must at their own expense, complete the removal of the body ornamentation, body piercing, body alterations, tattoos or dental ornamentation documented in the panel's decision prior to being employed by the Miami Police Department.

**1.4.29.5** Applicant's who are determined by the panel not to be in compliance with this policy who correct the violation, must have a second review resulting in an approval by the panel prior to being employed by the Miami Police Department.

**1.4.29.6** A copy of the approval from the Panel, including all documentation and photographs submitted during the employment process shall be placed into the Applicant's/Member's personnel file.

**1.4.29.7** Members hired after the effective date of this policy shall be restricted to the body ornamentation, body piercing, body alterations, or tattoos, that is documented in their personnel file.

**1.4.29.8** Members hired after the effective date of this policy who add any body ornamentation, body piercing, body alterations, tattoos, or dental ornamentation that is not documented in their personnel file and which is in violation of this policy, will be subject to disciplinary action to include discharge of employment (termination).



**1.4.30** Undercover officers must obtain written permission from their Section Commander to deviate from this policy while working in an undercover capacity.

## FLEET LIAISON

### Section

- 2.1 Policy
- 2.2 Organization
- 2.3 Responsibilities
- 2.4 Procedures

**2.1 POLICY:** It is the policy of the Miami Police Department to acquire the best possible vehicles and equipment within budgetary constraints and provide the proper maintenance of City owned/leased vehicles and light trucks.

**2.2 ORGANIZATION:** The Fleet Liaison Unit is a function of the Property Section.

**2.3 RESPONSIBILITIES:** The Fleet Liaison Unit is responsible for advising the Chief of Police of the best equipment available, ensuring a maintenance and repair program for vehicles, coordinating vehicle distribution, and maintaining a spare fleet. Every individual who is authorized to have an assigned vehicle shall ensure that his/her vehicle is properly maintained according to the schedule provided by the Fleet Liaison Unit and operated according to this departmental order. The individual's supervisor shall be responsible to ensure that usage and maintenance is properly monitored and performed.

### **2.4 PROCEDURES:**

#### **2.4.1 Definitions:**

**2.4.1.1 Vehicle:** Means any car, truck, van, motorcycle currently owned, leased or rented by the Miami Police Department.

**2.4.1.2 Assigned Vehicle:** Any vehicle that is specifically assigned to an employee for on-duty use and allowed to be kept at the employee's primary residence.

**2.4.1.3 Operational/Special Purpose Vehicle:** Any vehicle that is not an assigned vehicle. Such vehicles have limitations that generally prohibit them from becoming an assigned vehicle and are restricted for use by the entire detail, unit or section. Special purpose vehicles include all vehicles requiring special training or authorization for deployment and include (but are not limited to): S.W.A.T. trucks, bomb disposal vehicles, mobile command posts and buses. This also includes special equipment such as watercrafts, aircrafts, motorcycles, bicycles, and Segways.

**2.4.1.3.1** Utilization of special purpose vehicle(s) will be limited to the assigned section/unit or detail and usage will be restricted according to its specified function. Any use of the vehicle/equipment other than for its intended operational purpose must be authorized by the section commander.

**2.4.1.3.2** Unit commanders will insure that the operator of the special purpose vehicle receives proper training, certification, and/or authorization which must be documented and recorded in the appropriate unit in which the vehicle is assigned. Certain vehicles

may require periodic operator training which must be documented and recorded. Unqualified persons are prohibited from operating such vehicles.

**2.4.1.3.3** Unit commanders in which the vehicle is assigned are responsible for the maintenance and general upkeep of the vehicle. The operator shall inspect the vehicle prior to its usage and report any deficiencies. Proper maintenance records will be documented and updated quarterly, and maintained in the unit file.

**2.4.1.3.4** Unit commanders will be responsible for maintaining a document log of all equipment assigned to the vehicle. All equipment will be inspected per usage and/or replaced as needed. The equipment log shall be updated yearly or at frequent intervals as dictated by usage.

**2.4.1.4 Staff Vehicle:** Vehicles assigned to staff members are regulated by the direction of the Chief of Police.

**2.4.1.5 Primary Residence:** Is the address listed in the Departmental Emergency Mobilization List (E.M.L.).

**2.4.2 Vehicle Status:** Records are maintained by the Fleet Liaison Unit reflecting the current status of all City owned/leased vehicles. They include the following pertinent information:

- 1) Vehicle assignment.
- 2) Make, type of vehicle, markings, lettering, color and tag number.
- 3) Emergency equipment permanently installed.
- 4) Maintenance reports.
- 5) Accident reports and vehicle damage estimates.

**2.4.3 Assignment of Operational Vehicles:** As a general policy, the Fleet Liaison Unit assigns vehicles to all the sections, units, or details based on availability, condition, and use. Requests for an additional or replacement vehicle requires a redline memorandum addressed to the Fleet Liaison Unit commander submitted through channels. The memorandum shall state the justification for the request. Additional or replacement vehicles generally come from the existing fleet as vehicles are rotated out from an assignment.

**2.4.4 Assigned Vehicles Issuance:** Vehicles under the "Assigned Vehicle" program are issued to a specific employee once a determination has been made that the person is eligible to receive such vehicle, and a vehicle, police radio, and required equipment is available. Once a vehicle has been issued, the employee shall be responsible to insure that the vehicle is properly maintained and is operated under all stated guidelines, laws, rules, and regulations.

The assigned vehicle will generally follow the individual from assignment to assignment with the following exceptions:

- 1) Specialized Units: Any unit that utilizes a rental, leased or confiscated vehicle in the normal performance of its function is considered a "Specialized Unit" for the purpose of this chapter. Upon receiving the rental, leased or confiscated vehicle, the

employee will return his or her assigned vehicle to the Fleet Liaison Unit for reassignment.

- 2) **Unit/Operational Vehicles:** Any vehicle that is assigned to a section, unit, or detail and not to a specific individual shall remain with the section, unit, or detail unless the Division Chief approves the reassignment of the vehicle along with the transferring employee.
- 3) **Different Vehicle Configuration:** When changing assignments, the vehicle will not be altered to match the new assignment's requirements for vehicle use. The vehicle(s) shall not be "marked or unmarked". The officers will trade their vehicles.
- 4) Assignment of civilian employee vehicles will be in accordance with City of Miami Administrative Policy APM -3-99.

Ten (10) days prior to retirement or other separation of employment from the City of Miami Police Department, the individual will turn in his/her assigned vehicle to the Fleet Liaison Unit.

**2.4.4.1 Transfer of Assigned Vehicle:** In situations where two or more officers are transferred between two units in a reciprocal trade, the officers shall trade their vehicles. In situations where the transfer is not reciprocal, the officer shall contact the Fleet Liaison Unit in order to trade his/her vehicle for one configured to the needs of the new assignment. If a vehicle is not available, the officer may temporarily keep his/her vehicle for use in the new assignment. However, as soon as a vehicle becomes available, he/she will then exchange his/her vehicle. Unless approved by the Administration Division Chief, the vehicle shall not be "marked or unmarked" while being used in an assignment without the required configuration. Written notification shall be made within 10 days to the Fleet Liaison Unit stating the changes made.

**2.4.4.2 Limitation on Issuance:** For the purpose of issuing a vehicle as an "assigned vehicle", no one issued an assigned vehicle shall commute with the assigned vehicle from beyond Miami Dade and Broward Counties.

**2.4.4.3 Limitations on Vehicle Use:** Assigned vehicles will only be used to and from an employee's primary residence, or approved parking location within Miami Dade and Broward Counties, and work, or any function within the scope of his/her official duties.

**2.4.4.3.1 Employees who reside outside Miami Dade and Broward County:** Employees are prohibited from taking an assigned vehicle outside of Miami Dade and Broward County. Employees must identify a location within Miami Dade or Broward County where they can legally park their assigned vehicle. The employee must request approval on a redline memorandum through their chain of command to the Administration Division Chief, that includes the address and contact information where their assigned vehicle will be parked. After the request is approved a copy of the approval shall be returned to the employee and the original shall be forwarded to the Fleet Management Detail for filing.

**2.4.5 Marked and Unmarked City Owned Vehicles:** All police vehicles will either be marked and equipped with the necessary and available patrol equipment or unmarked and have limited equipment as required for the performance of the individual's current assignment. For clarification, patrol equipment includes, but is not limited to: department designation, decals, striping, vehicle number, blue and red overhead lightbar, siren, cage, communication equipment, and operational supplies. Unmarked vehicles may

have communication equipment and vehicle numbering. Any other marking(s) or equipment requires the approval of the Chief of Police.

**2.4.6 Notifications:** Any transfer of personnel with assigned vehicles, vehicle reassignments or any other change affecting a City owned, leased, rental, or confiscated vehicle, shall require a redline memorandum delivered through channels to the Fleet Liaison Unit stating the changes within 10 days of the effected transfer or reassignment date.

**2.4.7 Spare Vehicles:** Spare vehicles will be issued on a temporary basis, not lasting more than seven (7) days unless approved by the Fleet Liaison Unit commander or supervisor. An Informal Inter-Office A.V.O., must be submitted by the person requesting the use of the spare vehicle for approval by the individual's commanding officer. The approved A.V.O. shall be delivered to the Fleet Liaison Unit officer prior to the individual's being issued a spare vehicle.

**2.4.8 Operating Procedures:** Before use, the driver shall inspect the vehicle and its equipment, and the condition of the vehicle shall be noted on the operator's work sheet, where applicable.

**2.4.8.1 "Operational Vehicle" Damage Reporting:** Loss or damage discovered prior to driving shall be immediately reported to a supervisor. The supervisor shall authorize replacement of expendable items and initiate requests for Replacement of Lost or Damaged Equipment (form PD/AD 201). The supervisor shall also be responsible for determining that the items used were legitimate expenditures. In case of missing equipment, the preceding driver of the vehicle will be held responsible for those items.

Damage not reported before accepting the vehicle will be the responsibility of the current driver. Damage to a vehicle while it is in use, but not as the result of a traffic accident, requires the completion of a Vehicle/Property Damage Report (form PM/AI040) i.e., damage from rocks and bottles, or by prisoners, etc.

**2.4.8.2 "Assigned Vehicle" Damage Reporting:** Loss or damage discovered prior to driving shall be immediately reported to a supervisor. The supervisor shall authorize replacement of expendable items and initiate requests for replacement of lost or damaged equipment (form PD/AD 201). The supervisor shall also be responsible for determining that the items used were legitimate expenditures.

Damage to a vehicle while it is in use, but not as the result of a traffic accident, requires the completion of the completion of a Vehicle/Property Damage Report (form PM/AI040) i.e., damage from the rocks and bottles, or by prisoners, etc.

**2.4.8.3** Drivers of all vehicles equipped with seat belts shall use them while operating the vehicle. This directive also includes passengers and prisoners. When child safety restraint seats are needed, employees will contact the Special Victims Unit for assistance.

**2.4.8.4** Vehicles will not be taken out of the City unless on an authorized assignment or for Assigned Vehicles traveling to and from their residence and work, authorized court, and authorized off-duty work.

**2.4.8.5 Rental Vehicles:** When operating rental vehicles, all regulations governing City owned vehicles will be adhered to. Rental vehicles will be fueled at Miami-Dade fuel

facilities. However, the companies from which the vehicles are leased shall handle servicing. Section commanders may authorize the purchase of fuel if duties so require.

Additionally, each section commander shall forward to Fleet Liaison by the fifth of each month, a list of the individuals under his/her command that have a rental car assigned to them. The report shall include information as prescribed by the Fleet Liaison Unit.

**2.4.8.6** Any employee operating a City vehicle shall be dressed in the proper attire as directed under Departmental policy. Any dress outside the Departmental Order must be in accordance to with the Standard Operating Procedure of the employee's unit.

**2.4.8.7 Police Radio:** The police radio shall be monitored at all times while operating any City vehicle. The appropriate working channel shall be monitored.

**2.4.8.8** Vehicles shall be operated in accordance with all laws, rules, regulations, and other official memoranda unless specifically exempt under law, rules, regulations, or official memoranda.

**2.4.8.9 Vehicle Inspection:** Any City owned or leased vehicles and their related equipment (i.e., trunk organizer) are subject to inspection to include all areas and space within the vehicle with the exception of the employee's personally owned container(s) such as a briefcase or personal bag. Any supervisor and/or commanding officer reserves the right to conduct the inspection at his or her discretion at any time or any place.

**2.4.8.10 Personal Equipment/Property at Risk:** The Department is not responsible for any personal property that is left in any City owned or leased vehicle that is lost, stolen, or damaged due to an accident, theft, fire or any other cause whether or not the employee and or vehicle is being used on or off duty. The member assumes full responsibility for the safe keeping of his or her personal property.

**2.4.8.11 City Issued Equipment/Property at Risk:** Whenever a City issued or leased vehicle is delivered to G.S.A. or any other maintenance or repair facility, the vehicle's operator is responsible for removing all unsecured property items (trunk organizer, fire extinguisher, flares, first aid box/supplies, flex cuffs, barricade tape, blanket, life ring/rope, crowbar, gas/toll cards, M.D.C., etc.) that may be subject to theft.

**2.4.9 Maintenance of Police Vehicles:** All vehicles, with the exception of rental or leased vehicles, shall be maintained according to the schedule designated by the Fleet Service Center. Rental or leased vehicles will be maintained according to the rental company terms.

**2.4.9.1 Repairs and Maintenance:** All work requires the approval of The Fleet Service Center. All work shall only be performed by the authorized Contractual Service Provider or the Fleet Service Center.

**2.4.9.2 Fueling:** City owned vehicles shall be fueled when the vehicle gas gauge reads one half (1/2) full, unless otherwise specified by unit or section commanders. Rental vehicle gas tanks must be filled immediately prior to turning in or exchanging said rental vehicle.

**2.4.9.3 Preventive Maintenance:** All vehicles are to be maintained according to the preventative maintenance schedule designated for that particular vehicle. The maintenance schedule generally follows a mile and/or time limitation and is the

responsibility of the individual to whom the vehicle is assigned. For operational vehicles, the section, unit or detail supervisor or commanding officer shall ensure that the vehicle assigned to their section, unit or detail is maintained according to the preventative maintenance schedule.

**2.4.9.3.1** All Employees shall maintain an updated maintenance log on all assigned vehicles.

**2.4.9.4 Tire Changes and Disabled Vehicles:**

**2.4.9.4.1 Tire Change:** Operators are to routinely inspect their assigned vehicle tires for wear, and to ensure the timely replacement of worn tires by the Fleet Service Center. Immediate need of a replacement due to puncture or other situation shall be performed by the Fleet Service Center or the roadside service vendor. An operator of a rental vehicle will contact the rental agency to coordinate tire replacement or repairs.

However, for all vehicles, if the flattening of the tire occurs outside the City's jurisdiction, the operator shall be required to change the tire. Thereafter, the vehicle should be brought to the appropriate facility, Fleet Service Center or rental agency, at the earliest opportunity for a spare tire replacement.

Individuals who reside outside the City limits and have an assigned vehicle shall ensure that a fully inflated spare is kept in the trunk.

**2.4.9.4.2 Road Service Request While Off-Duty:** In situations where the vehicle is, or becomes disabled, or is in need of road service while the operator is off-duty, the following procedure shall be followed:

- 1) The operator shall immediately contact his/her office to advise of the situation if a delay at arriving for his/her tour of duty is expected.
- 2) If the vehicle is City owned or leased, the Fleet Service Center shall be contacted directly or through the Communications Section via the telephone or police radio and advised of the situation. If necessary, the Fleet Service Center will dispatch a wrecker to retrieve or repair the vehicle.
- 3) If the vehicle is a rental, the operator shall contact the rental agency for further instructions.

For all situations, the operator is not required to be present with the vehicle in order to have the vehicle towed or repaired. A disabled vehicle does not preclude the individual from making an attempt to respond to his or her scheduled tour of duty.

**2.4.9.4.3 Road Service While on Duty:** When requesting road service from the Fleet Service Center, the driver shall remain with the vehicle until the serviceman arrives, and repairs are completed, or the vehicle is towed.

**2.4.9.5 Minor Repairs:** These repairs include light bulb burn-outs, loose parts and minor adjustments. If the on-duty Fleet Service Center's foreman determines that approximately 15 or 20 minutes are needed for repairs, the driver shall wait. This time limit does not apply to units called to the Fleet Service Center for service. If a longer time is required, a spare car may be checked out, if available. On all repairs, the driver shall complete a work order and turn it in to the duty foreman before repairs are begun.

**2.4.9.6 Major Unscheduled Repairs:** Vehicles that sustain damage shall immediately be brought to the Fleet Service Center and shall be accompanied by the corresponding documentation, reports or memorandum indicating the circumstances surrounding the damage. Vehicles will not be repaired unless the proper documentation is delivered to the Fleet Service Center and signed by a commanding officer. A spare vehicle may be checked out, if available.

**Individuals are prohibited from requesting repairs, service or other work directly from Fleet Service Center personnel.**

**2.4.9.7 Gas Cards:** Requests for replacement gas cards will be made via the City of Miami Request for Replacement of Lost or Damaged Equipment Form (PD/AD 201). A copy of the form signed by the immediate supervisor must be sent to the Fleet Liaison Unit.

**2.4.9.8 Unsafe or Defective Equipment Report:** Any piece of equipment that is not repaired properly the first time and could result in an unsafe condition, will be taken out of service immediately and an "Unsafe-Defective Equipment Report" (SAFI-86) will be prepared by the driver and distributed in accordance with the instructions on the form.

**2.4.10 Unauthorized Use of Assigned Vehicles:**

**2.4.10.1** Unauthorized persons (non-city employees, family members, etc.) will not be transported in an assigned vehicle, unless on official business. Official business does not include social functions, ceremonies, or other non-operational events.

**2.4.10.2** AM/FM car radios, car alarms, and any other device equipment or mechanism shall not be installed, attached to, or be made part of any city vehicle without the written approval of the officer's Division Chief and the Fleet Liaison Unit commander.

**2.4.10.2.1 Window Tinting:** Police officers are authorized to tint the windows of their police vehicles at their own expense. The City of Miami will not pay for, nor reimburse any officer for window tinting or for maintenance of window tinting on an employee vehicle. The officer may have the window tinting installed at any location of his choosing, however, the officer must ensure that the following provisions are strictly adhered to:

**2.4.10.2.2 Marked Patrol Vehicles:** The only tint film allowed for use on any window (other than the front windshield which is prohibited from any tinting) on fully marked police patrol vehicles (FOD) is: **AT35 (GR) gray SR (scratch resistant) HPR (high performance)**. The total percentage of light that passes through the window when the tint meter is applied must be **28% or higher, which is inclusive of the margin of error recorded by the tint meter.**

**2.4.10.2.3 Canine Vehicles:** Police vehicles used in canine operations are authorized a state exemption from the 28% light transmittance. The type of tint film allowed for canine vehicles is: **at 05 (GR) gray SR (Scratch Resistant) HPR (High Performance) for the entire vehicle (other than the front windshield which is prohibited from any tinting)**. The total percentage of light that passes through the windows when the meter is applied must be **5% or higher, which is inclusive of the margin of error recorded by the TINT meter.**

**2.4.10.2.4 Undercover Vehicles:** The type of tint film authorized for police vehicles used in undercover operations will be left up to the discretion of the officer's Division



Chief. The Division Chief has the discretion of allowing these vehicles, on a case by case basis, to have a tinting level equivalent to fully marked vehicles: **At 35 (GR) Gray SR (Scratch Resistant) HPR (High Performance), or equivalent to the tint level of a canine vehicle: At 05 (GR) Gray SR (Scratch Resistant) HPR (High Performance) for the entire vehicle (other than the front windshield which is prohibited from any tinting).** A memorandum indicating the type of tinting allowed by the Division Chief must be submitted to the Fleet Liaison Unit, along with the receipt, within ten (10) days after the tinting is installed on the vehicle.

**2.4.10.2.5 Proof of Compliance:** The tint installer must affix a label to the driver's doorjamb of the vehicle stating that the tint material complies with state law, the installer must also supply a written receipt for the work performed to the officer, who must submit the receipt to the Fleet Liaison Unit, within ten (10) days.

Supervisors shall be responsible for inspecting their subordinates' vehicles to verify whether each vehicle is in compliance, with state window tinting standards, during the semi-annual departmental inspection.

The assigned operator of a vehicle with window tinting found to be out of compliance with departmental policy after verification with a tint meter will be subject to disciplinary action. Additionally, window tinting found not in compliance must be removed from the vehicle at the driver's expense. Furthermore, supervisors will be subject to disciplinary action for failing to ensure subordinates adhere to this policy. **No Exceptions.**

**2.4.10.3 Prohibited Work:** No one shall allow or perform any maintenance, repairs, or alteration on any vehicle without direct and written consent from the supervisor of the Fleet Liaison Unit. All work requires the approval of the Fleet Liaison Unit supervisor. All work shall only be performed by the authorized contractual service provider. Any vehicle found to be in violation of this order will be taken by the Fleet Liaison Unit and have the prohibited work corrected. Additionally, the Fleet Liaison Unit will notify the individual's commanding officer of the incident.

**2.4.10.4** Officers will **not** be authorized to drive their assigned vehicle under the following conditions. Additionally, depending on the circumstances, the vehicle may be retrieved by the department:

- leave of absence without pay.
- during extended leave of absence due to illness ("I") or disability ("D").
- while in a relieved-of-duty status.
- individuals in limited or light duty status that are medically restricted from driving a vehicle.

**2.4.10.4.1 Exception:** Individuals who are assigned a marked vehicle and who are either on light duty status or administrative assignment shall not be authorized to drive their marked vehicle. The individual shall turn in their marked vehicle to the Fleet Liaison Unit and checkout an unmarked loaner for use during their temporary status. All rules and regulations applicable to their assigned vehicle shall also apply to the loaner.

**2.4.10.5** The utilization of assigned vehicles for the consumption, purchase and/or transportation of alcoholic beverages are prohibited except as part of the officer's official duties. This includes the time traveling portal to portal and all time in between.

**2.4.11 Relinquishing Use of Assigned Vehicle:**

**2.4.11.1** The use of the assigned vehicle shall normally be limited to the individual to whom the vehicle is assigned, however, his/her use is not exclusive. In certain situations, i.e., mobilizations, other sworn police personnel may use the vehicle. In addition, management reserves the right to recall assigned vehicles for investigative or administrative purposes, at any time.

**2.4.11.2 Mobilization Use:** During situations requiring departmental mobilization of personnel, all personnel with an assigned vehicle will report to work with their assigned vehicle and ensure that their vehicle is available for departmental use or as instructed by the E.O.C.

**2.4.11.3 Vacations Extending Over 30 Days:** The individual shall turn in to the Fleet Liaison Unit their assigned vehicle prior to commencing their vacation.

**2.4.12 Personal Use:** In accordance with the collective bargaining agreement, sworn employees may only utilize their assigned vehicle for personal use within the boundaries of the City of Miami, when traveling to and from the employee's home to work or any function within the scope of their official duties (i.e. court, off duty jobs).

Employees are reminded that Departmental policy prohibits employees from shopping or trading while on-duty. Also, employees are prohibited from placing any item or their purchase in the vehicle in such a manner that it either protrudes (unless for official City business and void of hazard) from the vehicle or obstructs the driver's view.

Employees shall follow the procedures outlined in this Chapter along with those procedures relating to purchases while on-duty, radio communication, dress requirement, and authorized occupants.

Additionally, employees are reminded that in accordance with the collective bargaining agreements officers involved in a vehicular accident determined to be preventable by the Accident Review Board will lose the privilege of a twenty-four (24) hour vehicle in accordance with the current labor contract. This penalty schedule is applicable to all sworn personnel and regardless of the type of vehicle driven, example: City or rental car and motorcycle. In situations involving K-9 officers, they shall be permitted to use their vehicles only for transporting their animals to and from their residences and work.

Assignment of civilian employee vehicles will be in accordance with City of Miami Administrative Policy APM -3-99.

**2.4.13 Mandatory Penalty for Violations of This Chapter:** The section commander shall forward through channels to the Fleet Liaison Unit within 10 days from the time the discipline is in effect, a redline memorandum stating: the vehicle number, the officer's name and IBM, the penalty applied, and the time frame involved. Penalties are based on a 24-month period from the date of the incident, and may be increased if warranted. The penalties are for any violation of this order except as provided for vehicular accidents. However, the penalties could be in addition to any penalty that is levied as a result of a vehicular accident. Example; a officer is involved in a vehicular accident while transporting an unauthorized passenger. If the charges are sustained, the officer shall be penalized for both the accident and the carrying of an unauthorized passenger as two separate instances, each carrying its own penalties subject to any past violation of this chapter within the last 24 months from date of incident.

Penalties for civilian employees in violation of this chapter will be governed by the current collective bargaining agreement and A.P.M. 3-99.

**2.4.13.1 First offense:** Reprimand.

**2.4.13.2 Second offense:** Reprimand, 5-hour forfeiture of E.O. and loss of use of the vehicle as an assigned vehicle for the purpose of taking the vehicle home, use for off-duty court or off-duty work for a period of three (3) months. Vehicle can only be utilized for on-duty work. At the end of the officer's tour of duty, the vehicle shall be parked at the district parking lot.

**2.4.13.3 Third offense:** Reprimand, 20-hour forfeiture of E.O., and loss of use of the vehicle as an assigned vehicle for the purpose of taking the vehicle home, use for off-duty court or off-duty work for a period of six (6) months. Vehicle can only be utilized for on-duty work. At the end of the officer's tour of duty, the vehicle shall be parked at the district parking lot.

**2.4.13.4 Fourth offense:** Reprimand, 40-hour forfeiture of E.O., and loss of use of the vehicle as an assigned vehicle for the purpose of taking the vehicle home, use for off-duty court or off-duty work for a period of twelve (12) months. Vehicle can only be utilized for on-duty work. At the end of the officer's tour of duty, the vehicle shall be parked at the district parking lot.

**2.4.13.5 Fifth offense:** Reprimand, 80-hour forfeiture of E.O., and permanent loss of use of the vehicle as an assigned vehicle for the purpose of taking the vehicle home and use for off-duty court or off-duty work. Vehicle can only be utilized for on-duty work. At the end of the officer's tour of duty, the vehicle shall be parked at the district parking lot.

**2.4.13.6 Sixth offense:** Recommendation of termination.

**2.4.14 Use of an "Operational Vehicle":**

**2.4.14.1** Unauthorized persons (non-city employees) will not be transported in a vehicle, unless on official business. Official business does not include social functions, ceremonies, or other not-operational events.

**2.4.14.2** Portal-to-Portal: Operational vehicles may **NOT** be driven from place of duty to individual's residence unless permission is obtained by the individual's section commander and is for temporary use. The vehicle would then be considered "assigned" and fall under the "assigned vehicle" guidelines.

**2.4.14.3** Section commanders will immediately turn in operational vehicles under their control to the Fleet Liaison Unit officer:

1. When the unit or detail to which the vehicle is assigned is no longer operational or has been dissolved and the vehicle is not needed for other functions within the section;
2. When the vehicle will not be utilized for periods exceeding 21 days. The vehicle will be temporarily used as a spare and returned to the original unit or detail when required. This is to prevent deterioration of the vehicle from non-use.

**2.4.14.4** Mobilization Use: During situations requiring departmental mobilization of personnel, all operational vehicles shall be made available for departmental use.

Section commanders will ensure that the vehicle keys are brought to Fleet Liaison Unit or a designated area.

**2.4.15 Duty Requirements and Overtime Compensation While Operating Vehicle in an Off-Duty Capacity or Traveling Portal to Portal:**

**2.4.15.1** Unless the officer witnesses a crime or serious incident, his/her normal role will be that of a back up and he/she will clear upon arrival of the primary or back up City of Miami unit. If the incident occurred outside the City's jurisdiction the officer will clear upon the arrival of the other agency's unit(s).

**2.4.15.2** Incidental occurrences of police/citizen encounters will not be compensated. The field supervisor or commanding officer on the scene must authorize compensation for any major act of police work in which the officer is an integral part, if the incident occurs within the City of Miami jurisdiction. All other situations require the authorization of the on-duty commanding officer.

1. In those instances wherein the total time spent at an incident is less than 15 minutes, no overtime compensation will be authorized.
2. If an incident occurs while the officer is enroute to begin his/her normal shift, he/she shall be considered on duty from that time. The officer may transfer early at the supervisor's discretion.
3. If, after due consideration is given to reducing the overtime and the necessity for the officer to participate in the resolution of the incident, the on-duty field supervisor or commanding officer may authorize overtime compensation.

Commanding officers and supervisors of officers with assigned vehicles shall constantly monitor overtime claimed by individuals. Abuses shall be dealt with appropriate disciplinary action.

**2.4.16 City Vehicle Accidents:** Refer to Departmental Order policy referring to accident investigation.

**2.4.17 Out of Town Trips:**

**2.4.17.1** No vehicle will be taken on "out of town" trips without prior approval from the Chief of Police.

**2.4.17.2** Travel using a city vehicle is governed by City Administrative Policy APM-1-77, Travel on City Business and Departmental policy.

**2.4.17.3** For all travel, prior to leaving on the trip, the driver shall ensure that the vehicle is equipped with a spare tire, jack and other emergency tools and that the vehicle has been recently serviced.

**2.4.17.4** For all travel, Form PD/FO 122 rev. 09/07 shall be completed and forwarded through channels to the Chief of Police for approval.

Additionally, for trips exceeding 250 miles, a notation describing the approximate length of the trip shall be made on the back of the form and shall include the individual's Division Chief's signature of approval.

**2.4.18 Use of State Toll Roads:** The Fleet Liaison Unit shall develop and maintain a system for issuing and accounting for SunPass Transponders and authorization cards. Fleet Liaison is responsible for coordinating all matters relating to SunPass Transponders and authorization cards with the appropriate state agency.

**2.4.18.1** Vehicles with a SunPass Transponder will proceed through the appropriate booth. Personnel in vehicles not having a SunPass Transponder will stop at an attended toll booth and follow the attendant's direction for proceeding through the toll booth.

**2.4.18.2 Pursuit and Emergency Signals:** Authorized emergency vehicles involved in a pursuit or on an emergency signal are exempt from toll restrictions and will proceed through the lane of any appropriate toll booth cautiously.

**2.4.19 Prohibited Use of Tobacco Products or e-cigarettes:** Employees of the City of Miami Police Department are prohibited from using tobacco products or e-cigarettes while inside any Department vehicle while on-duty, off-duty, or working extra-duty.

The use of tobacco products will include smoking cigarettes, cigars, pipes, chewing, dipping, or vaping.

Marked and unmarked patrol cars, special purpose, spare, and rental vehicles are designated Departmental vehicles.

**PROPERTY AND EVIDENCE MANAGEMENT SECTION**Section

- 3.1 Policy
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** The Miami Police Department provides a comprehensive program of services for members and the public through the operation of the Property and Evidence Management Section's Quartermaster and Fleet Unit and Property and Evidence Unit. This is accomplished by utilizing the most modern and efficient procedures available for the, recording, storing, issuing and disposing of property, evidence and other items daily.

To assure that the Property and Evidence Management Section's accountability and security procedures are properly maintained, it will be subject to unannounced inspections by the Professional Compliance Section and/or as directed by the Chief of Police. **(CALEA 84.1.6d)**

Property and Evidence Unit members are available to assist sworn and civilian members of the department and the public on weekdays between the hours of 6:00 am and 3:00 pm. Outside of these hours, property and evidence may be turned in using the FileOnQ kiosks, lockers and designated drop off locations.

**3.1.1 ON-CALL CRITERIA:** The Counter Detail will only respond during off-duty hours when circumstances meet the on-call criteria, at the discretion of the Property and Evidence Unit Commander. The following situations qualify as on-call criteria:

- Officer involved shooting
- Multiple vehicles towed from a scene
- Large volume of narcotics
- Civil disturbance
- U.S. currency \$5,000 or more, or the equivalent amount of foreign currency
- Warrants (medical facility, pawn shop, etc.)
- Mass arrests
- Large quantity of evidence (jewelry, ID's, credit cards, shoes, clothing, electronics, etc.)

**3.2 ORGANIZATION:** The Property and Evidence Unit is a function of the Property and Evidence Management Section, under the Administration Division.

**3.3 RESPONSIBILITIES:** The Property and Evidence Unit is a secured area responsible for the intake and release of evidence and property.

**3.4 PROCEDURES:**

**3.4.1 Property and Evidence Management Section Records:** The Commander of the Property and Evidence Unit shall ensure that an adequate and accurate recording system is kept, to provide a ready reference of all property within the official possession of the Property and Evidence Unit. **(CALEA 84.1.5)**

**3.4.1.1 Record of Persons Entering the Property and Evidence Unit.** No one shall enter the Property and Evidence Unit without the express approval of the Commander of the Property and Evidence Unit or designated representative. A sign-in log shall be maintained by the Property and Evidence Unit to be completed by all members, sworn and civilian, who enter. They will indicate their name, IBM number, time, and reason for entry. Visitors, other than City employees, shall provide the log with their official title, name, and address, in addition to the other required information. **(CALEA 84.1.2)**

**3.4.2 Policy for Handling Evidence, Found Property, and Personal Property:** Property taken into custody by any member or unit of the Department of Police shall be delivered to the Property and Evidence Unit and receipted as soon as possible and practicable, but no later than the end of the member's tour of duty. In addition, a written report detailing the circumstances by which the property came into the member's possession and a description of the property must be completed. Final disposition/destruction of found, recovered, and evidentiary property shall be accomplished within six months after legal requirements have been satisfied. This procedure will facilitate the management and disposal of property and reduce storage space. **(CALEA 84.1.1a,b,c; 82.3.2c; 83.3.2a,b)**

**3.4.2.1** The Commander of the Property and Evidence Unit shall require all property coming into the unit to be properly marked, tagged, and packaged. A receipt shall be issued for all property. Officers requesting evidence to be scientifically analyzed shall complete a Miami-Dade County Property Receipt form (RF# 32.12.07-2) at the time the evidence is submitted to the Property and Evidence Unit. **(CALEA 84.1.1 a,b; 83.3.2b,c,d)**

**3.4.2.1.1 All containers,** including but not limited to bags, boxes, briefcases, and luggage, must be opened, and the contents inventoried.

**3.4.2.1.2** It is the ultimate responsibility of the member submitting property to the Property and Evidence Unit for storage to ensure that the receipt contains an accurate and exact description of said property, prior to submission. This is especially important when the property submitted is money, guns, narcotics, or valuables. **(CALEA 84.1.1 c; 83.3.2b)**

**3.4.2.2 Prisoner's Personal Property:** Personal property taken from prisoners will be checked in at the Booking Desk at the Turner Guilford Knight Correctional Center (T.G.K.). The County facility will accept only one bag per prisoner and it can be no larger than 17" inches by 12" inches by 6 ¾" inches. The Property and Evidence Unit will store larger items such as duffel bags, suitcases and other containers that are not accepted at T.G.K..

**3.4.2.3 Perishable Property:** Perishable property will not be placed into the Property and Evidence Unit. Officers must photograph and document these items and properly dispose of them.

**3.4.2.4 Explosive Property:** Explosive property will not be placed into the Property and Evidence Unit. When an explosive is found, it shall be handled in accordance with the Departmental Order referring to Bomb Threats, Explosives, and Hazardous Materials. Small arms and long rifle ammo may be placed in the Property and Evidence Unit Gun Vault only.

**3.4.2.5 Combustible Property:** Combustible property shall be taken to the Property and Evidence Unit for receipt and then stored at the Auto Pound.

**3.4.2.6 Department of Police Member's Personal Property:** No property of any kind shall be checked into the Property and Evidence Unit for safekeeping as a convenience or service for non-official purposes.

**3.4.2.7 Property in Impounded Vehicles:** Valuables and firearms found in vehicles to be impounded shall be removed and placed in the Miami Police Property and Evidence Unit. It is the responsibility of the impounding officer to inventory and list all contents of impounded vehicles on the officer's report. Items such as firearms, money, jewelry, and other valuables shall be removed from the vehicle by the impounding officer and placed in the Property and Evidence Unit under a property receipt number to be cross referenced with the claim check number. **(CALEA 84.1.1e; 83.3.2c)**

**3.4.2.7.1** All containers, including boxes, bags, briefcases, and luggage must be opened, and the contents inventoried.

**3.4.2.7.2** All compartments on vehicles, including glove boxes and trunk areas, must be opened and the contents, including all containers, must be opened and inventoried.

**3.4.2.8 Property Seized by Officers and Not Placed in the Property Unit:** Property and/or evidence seized by police officers in exceptional cases, i.e., truckload of contraband, large boats, etc., shall be handled as follows:

**3.4.2.8.1** Written authorization must be obtained from the impounding officer's unit commander or a designated representative. This authorization shall be in red-line memo form addressed to the Property and Evidence Unit Commander.

**3.4.2.8.2** Property and/or evidence shall be listed on a Property Receipt form, completed by the impounding officer, and filed at the Property and Evidence Unit. This form is held in lieu of the physical property. The location where the property is to be stored shall be determined by the Commander of the Property and Evidence Unit or designee from various locations based on type of property and circumstances. The location of the property shall be noted on the Property Receipt form. **(CALEA 82.3.2c; 83.3.2c; 84.1.2)**

**3.4.2.9 Evidence to be Scientifically Analyzed:** All drugs, liquor, or any substance that requires chemical analysis should be taken to the Property and Evidence Unit during the time an Arrest Report or Complaint Affidavit is being prepared. The Property and Evidence Unit shall accept the evidence and seal the same with a police seal. Each item must be marked with the date and time of the seizure and the officer's initials before it is placed in the property package. Once this is completed, the package will be sealed and readied for transportation to the Miami-Dade Police Department's Crime Lab. **(CALEA 83.2.1c; 83.3.2a,b,c)**

**3.4.2.9.1** The impounding officer is responsible for filling out the necessary MDPD forms:

Narcotics:

- (1) MDPD Property Receipt form (RF# 32.12.07-2)
- (2) Analyst Work Sheet (RF#114-10-17)



Non-Narcotics:

- (1) MDPD Property Receipt form (RF# 32.12.07-2)
- (2) Analyst Work Sheet (RF#110-10-17)
- (3) Lab Analysis Request (RF# 32.12.54-421)

These forms should be filled out as completely as possible.

**3.4.2.10 Withdrawal of Evidence for Court:** Seized funds and/or other evidence withdrawn from the Property and Evidence Unit for presentation in court shall be returned immediately after the court session, and in no event later than 24 hours. If the court case is continued with no disposition of funds or evidence, the evidence shall be checked back into the Property and Evidence Unit within 24 hours. **(CALEA 84.1.1e)**

**3.4.2.10.1** If the property is retained by the court, the member of the Department of Police, in whose possession such property was entrusted, shall return to the Property and Evidence Unit the standard Property Receipt signed by the member of the court staff or State Attorney's staff upon whose order the property was retained. The member will make a signed and dated notation on the Property and Evidence Unit copy of the receipt showing disposition of the evidence.

**3.4.2.10.2** When a disposition of funds or other property is made by a court without issuing a written order, officers involved must make an appropriate entry on the back of the Property Receipt and have the Court Clerk sign and notarize the Property Receipt.

**3.4.2.11 Releasing Funds Held as Evidence:** Members of the Department wishing to release funds held as evidence will observe the following guidelines: **(CALEA 84.1.1e)**

**3.4.2.11.1** Funds may be released with a court order or a letter from the State Attorney's Office authorizing the release.

**3.4.2.11.2** In cases where the Police Department wishes to release funds held as evidence, and a court order or letter from the State Attorney's Office is not obtainable, the following shall apply: In cases where the total funds involved are \$1,000.00 or more, approval for release must be authorized by signature of the Commanding Officer of a C.I.D. Unit, the On-Duty Patrol Commander, the Commander of the Traffic Unit, a Major of Police, an Assistant Chief of Police, an attorney assigned to the Legal Unit, or the Chief of Police.

**3.4.2.11.3** The authority may release the funds by signing the Property Receipt and designating to whom the funds shall be distributed. The authorizing signature will, when possible, be in addition to the signature of the impounding officer.

**3.4.2.11.4** Members requesting release of funds by this method, if possible, should direct their request to the appropriate C.I.D. Commander when a criminal investigation is involved, e.g., auto theft, homicide, etc., or to the commanding officer of the police officer who impounded the funds.

### **3.4.2.12 MANDATORY REVIEW OF EVIDENCE PRIOR TO SEPARATION OF EMPLOYMENT**

**3.4.2.12.1** Any member intending to resign, retire, transfer to another department, etc., shall notify the Property and Evidence Unit at least 10 days prior to their intended termination of employment with the police department. Once notified, the Property and Evidence Unit will retrieve and prepare all property files for the member to review prior to the set date of separation.

**3.4.2.12.2** Members shall research and review their evidence files held in the Property and Evidence Unit in order to determine the disposition of all impounded evidence.

**3.4.2.12.3** Members unable to confiscate the evidence held in the Property and Evidence Unit shall provide a printed status report, such as the Miami-Dade County Criminal Justice Information System report, indicating the case is still open.

**3.4.2.12.4** The Property and Evidence Unit will not sign a member's "Clearance for Separation of Employment" form RF# 2017-1, until after the member has reviewed all evidence and other property that the member is currently holding in the Property and Evidence Unit.

**3.4.2.12.5** On high profile cases, such as murder, rape, etc., the member shall contact the appropriate investigative unit and obtain written authorization indicating whether the evidence must be held or can be confiscated and destroyed by the Property and Evidence Unit.

### **3.4.2.13 DESTRUCTION OF WEAPONS, FLASHBANGS, AND INCENDIARY DEVICES FROM OTHER DEPARTMENTAL UNITS OR DETAILS**

**3.4.2.13.1** The Property and Evidence Unit is responsible for the destruction of items that are stored within the confines of the unit. The Property and Evidence Unit will only assist other units or details with the destruction of weapons, flashbangs or incendiary devices if the following requirements are met.

1. An information report must be completed.
2. A copy of the red-line memorandum from the unit or detail's chain of command authorizing the destruction must be submitted.
3. The items must be submitted to the Property and Evidence Unit through its intake process.
4. All firearms must be submitted with an FCIC/NCIC report in addition to the information report.
5. All weapons, flashbangs or incendiary devices must be itemized on the information report (including serial numbers).
6. A copy of the incident report, red-line memorandum authorizing the destruction, and FCIC/NCIC report will be uploaded to the EvidenceOnQ inventory management system and attached to the receipt number of the corresponding item(s) submitted. (*Property Specialists will perform this task.*)

**3.4.2.13.2** The Property and Evidence Unit will not accept any equipment other than the previously listed items. All other equipment such as ballistic shields, helmets, uniforms etc. must be submitted to the Quartermaster Detail for destruction.

**3.4.2.13.3** The Property and Evidence Management Section shall be responsible for conducting all destruction details of any property and/or equipment from all MPD elements that do not have their own destruction protocol.

**3.4.2.13.4** There will be **NO EXCEPTIONS** to this procedure.

**3.4.3 Cancellation or Reduction of Towing and/or Storage Charges:** Towing and/or storage charges will only be canceled or reduced upon approval of one of the following authorities:

- City of Miami Police Property Section Commander
- City of Miami Police Property Deputy Section Commander

No storage charges are to accrue on any vehicle which is impounded by the Miami Police Department where a Hold Order is placed on the vehicle. Property unit supervisors will handle the necessary paperwork to cancel these storage charges only. From the date the Hold Order is lifted, the owner must pay daily storage charges at the prevailing rate. The charge for towing is not affected by Hold Orders, and it will remain in effect.

**3.4.3.1** The detective must indicate the reason why any fees should be waived on the release form. The detective assigned to the case or their supervisor shall forward the release form to the Auto Pound for review. The Auto Pound personnel shall forward the completed form to the Commander of the Property Unit or designee for approval.

**3.4.3.2 Justification:** The authority canceling or reducing towing and/or storage charges will affix their signature to the release form along with an explanation of the reasons for such cancellation or reduction. Victims of a crime and family members having power of attorney of a victim who was murdered will not pay any fees. Additional examples of valid reasons for cancellation or reduction include but are not limited to; the following:

**3.4.3.2.1** The vehicle was towed in error or through poor judgment on the part of the police officer.

**3.4.3.2.2** The vehicle was held for processing for an extended period of time.

**3.4.3.2.3** The vehicle had a hold placed upon it and the owner could not obtain the vehicle through no fault of their own.

**3.4.3.2.4** There was an undue delay or problem in attempting to notify the owner that their vehicle was in the pound.

**3.4.3.2.5** Any reasonable adjustment in the best interest of the City of Miami.

**3.4.3.3** No fees will be waived for:

- Lien holders
- Rental car companies
- Anyone who is identified as an involved party of a crime

**3.4.3.3.1** If the person authorized to cancel or reduce such charges determines that a cancellation or reduction should be made, then an authorizing signature and an explanation of the reason for such cancellation or reduction shall be affixed to the release form.

**3.4.3.3.2** The Property Unit Commander will submit a weekly report to the Assistant Chief of the Administration Division, through channels, listing the vehicle FileOnQ #, reason, and authority for all cancellations or reductions in towing and/or storage fees.

**3.4.4 Mail and Office Supply Detail:** The Mail and Office Supply Detail is a part of the Quartermaster and Fleet Unit of the Property and Evidence Management Section. All mail, including incoming and outgoing, both U.S. and interoffice, will be handled through the Quartermaster and Fleet Unit's Mail and Office Supply Detail. The Mail and Office Supply Detail will be responsible for sorting all mail (including substations), the distribution of mail at central headquarters and mail pickup at the Post Office. Mail is to be brought to the Mail and Office Supply room and dropped off. Mailboxes for the substations are located in the Mail and Office Supply Detail Room # 114.

**3.4.5 Office Supplies:** The Mail and Office Supply Detail orders and issues office supplies for use throughout the department.

## IMPOUNDING VEHICLES/VESSELS

### Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Responsibilities
- 4.4 Procedures

**4.1 POLICY:** It is the policy of the Miami Police Department to provide a process and a facility for the impoundment of vehicles and vessels.

**4.2 ORGANIZATION:** The Miami Police Auto Pound, the facility for housing impounded vehicles, is operated by the Property Unit, which organizationally reports to Administration Division.

**4.3 RESPONSIBILITIES:** All field units, uniform and plainclothes, periodically impound vehicles and/or vessels, and are responsible for knowing and following procedures set forth in this chapter. The Property Unit is responsible for the coordination of paperwork, the housing of records on the impoundment process, and operating the Auto Pound facility.

### **4.4 PROCEDURES:**

#### **4.4.1 Definitions:**

**4.4.1.1 Abandoned or Junked Vehicles:** Unclaimed vehicles, regardless of condition, left continuously for 24 hours on the streets of Miami, or vehicles left for extended periods of time (more than two weeks) on private property.

**4.4.1.2 Wrecked Vehicles:** Vehicles that are involved in an accident and are inoperable, or are in such condition that driving would be hazardous.

**4.4.2 Reasons for Impoundment at Auto Pound:** Vehicles are to be placed in the Auto Pound when the following circumstances occur:

**4.4.2.1 Vehicle Is of Evidentiary Value:** If the vehicle is of evidentiary value e.g., Homicide, Hit and Run, Robbery, etc, it shall be impounded at the Auto Pound.

**4.4.2.2 Forfeiture Vehicles:** If the vehicle is pending a Forfeiture action the vehicle shall be impounded at the Auto Pound. The forfeiture paperwork must be submitted to the Property Unit before the officer's tour of duty ends.

**4.4.2.3 Other;** In other cases involving unusual circumstances, vehicles will be sent to the Auto Pound only upon approval of the Sector Sergeant or a higher authority. The name of the approving supervisor must be placed on the Vehicle Storage Receipt. In addition, a general report shall be forwarded to the appropriate investigative unit detailing the circumstances under

which the vehicle was impounded, the supervisor authorizing the impoundment, and the necessary information for follow-up investigation.

**4.4.3 Reasons for Impoundment at Wrecker Company:** Vehicle are to be impounded at the wrecker company under the following circumstances:

**4.4.3.1 Vehicle Impoundment Program:** If vehicle is impounded for VIP it should be towed directly to the wrecker company.

**4.4.3.2** All recovered stolen vehicles and vehicles suspected of being stolen shall be sent to the wrecker company when space is not available at the Auto Pound.

The impounding officer shall note on the Vehicle Receipt "Stolen Vehicle," "Suspected Stolen Vehicle," "Hit and Run Vehicle," etc., to prevent the release of stolen and other wanted vehicles. The incident number shall also be written in the appropriate space.

**4.4.3.3 Vehicle Owner Or Driver Placed In Custody:** If possible, the vehicle should be released to another person or owner who has signed the Election to Leave Vehicle Form, R.F. #228. In either case, the officer making the decision will comply with this section. The "Election to Leave Vehicle" form shall be turned in to the Property Unit. The officer shall, prior to impounding a vehicle, afford the owner or the driver at his or her option, a reasonable opportunity in light of the circumstances in which to provide for the removal of the vehicle within a reasonable length of time. In lieu of impounding the vehicle in cases where neither the driver nor the owner can provide for the removal of the vehicle within a reasonable length of time, the owner or the driver may elect in writing to allow the vehicle to remain in place, if lawful.

**4.4.3.4 Vehicle Is Involved In An Accident:** If the owner or driver is unavailable for determination of the vehicle's destination, the vehicle shall be impounded at the wrecker company.

**4.4.3.5 Vehicle Is Creating A Traffic Hazard:** If the driver cannot be located, the vehicle may be impounded at the direction of a field supervisor.

**4.4.3.6 Vehicle Is Of Evidentiary Value:** If the vehicle is of evidentiary value, e.g., hit and run or homicide, it shall be impounded by the Auto Pound, if possible.

**4.4.3.7 Reports To Be Made:** In situations covered under section 4.4.2.3, a General Report shall be forwarded to the appropriate investigative unit detailing the circumstances under which the vehicle was impounded, the supervisor authorizing the impoundment, and the necessary information for follow-up investigation.

**4.4.4 Abandoned Vehicles:** Under no circumstances are "junkers" or abandoned vehicles to be sent to the Auto Pound.

**4.4.4.1 Vehicles or Parts of Vehicles on Private Property;** These vehicles are the responsibility of the property owner. The field officer will run a check on the vehicle to insure that it has not been reported stolen.

**4.4.4.2 Vehicle on City Streets:** When an abandoned, wrecked, or junker vehicle is found on a city street, the officer shall place form "Notice of Removal", on the front windshield of the

vehicle. This form constitutes notice to the owner that the vehicle will be taken into custody if not removed within 48 hours. Form "Notice of Removal", may be obtained from the Property Unit.

#### **4.4.5 Impounding Officer's Responsibilities:**

**4.4.5.1 Vehicle Tag and VIN Records Checks:** The tag and VIN records check is an essential responsibility of the impounding officer, regardless of the reason for impoundment. In this manner, he or she may detect any wants, messages, and registration discrepancies. Include the pertinent information on the Vehicle Storage Receipt, and take necessary action.

**4.4.5.2 Completion of the Officer's Vehicle Storage Receipt:** Officers are reminded that vehicle storage receipts for impounded vehicles are to be filled out completely. The reason for impounding the vehicle must be given, e.g., driver arrested, stolen vehicle, etc. Extra labor shall be authorized by the impounding officer who shall sign the vehicle storage receipt approving the extra labor charge. If the driver is arrested, the officer should indicate if the driver is the owner of the vehicle and whether the vehicle is registered in the driver's name. Additionally, all vehicle storage receipts must contain the CIS Desk clerk's IBM number and date and time notified.

Officers impounding vehicles are responsible for turning in a vehicle storage receipt (pound slip) to The Property Unit prior to the conclusion of their tour of duty for each and every vehicle that is towed.

**4.4.5.2.1 CIS Desk Notification:** Whenever a vehicle is towed, for any reason, the impounding officer must notify the CIS 24 Hour Desk at the time of impoundment. All vehicle storage receipts must contain the CIS Desk clerk's I.B.M. number, date and time notified.

**4.4.5.2.2 Cross-Referencing Vehicle Storage Receipts:** Each vehicle storage receipt will contain either an incident number or a citation number, to establish the cause for impounding the vehicle and to aid in follow-up procedures.

**4.4.5.2.3 Incident Numbers on Vehicle Storage Receipts:** Bench Warrant Numbers, traffic summons numbers, or parking citation numbers will be placed on the Vehicle Storage Receipt for impoundment due to traffic or bench warrant arrests, vehicles creating a traffic hazard, or vehicles involved in an accident and drivers charged with the accident.

**4.4.5.3 Hold Orders On Vehicles Impounded at the Auto Pound:** When a hold order is placed on an impounded vehicle, the following shall be noted:

**4.4.5.3.1 Vehicle Holds:** No vehicle holds are to be placed unless an investigator assigned to the pertinent investigative unit, or the Patrol Duty Commander, approves and signs the vehicle storage receipt. In either case, the investigator authorizing the hold must sign the hold card at the Property Unit within 72 hours of the vehicle arriving at the Auto Pound. A release of a vehicle hold may be authorized only by the unit listed on the hold card.

**4.4.5.3.2 Hold For Information:** The name of any section or unit for which an impounded vehicle is to be held shall be indicated on the vehicle storage receipt. The name of the person requesting the Hold order shall be included. Hold orders will not be honored without the name of the person requesting the hold.

**4.4.5.3.2.1** When a hold is a request from an outside agency, the hold will be made for our Department's unit that investigates the type of offense or handles the incident in question. The name of the agency and the person requesting the hold must be included in the space designated "reason for hold". It is that same unit's responsibility to release the hold on the vehicle after the outside agency has given notice of completion of the investigation.

**4.4.5.3.2.2** When the only reason for a hold is crime scene processing, "ID" and "owner" will be written on the space designated hold for, and the "reason for hold" should read: "processing only". The ID Technician will release the hold when he/she completes the processing of the vehicle.

**4.4.5.3.2.3** Processing of a vehicle should not be the sole reason for impoundment unless processing and release of the vehicle at the scene is impractical or impossible.

**4.4.5.3.2.4** When the driver/owner is arrested or when the driver/owner and/or vehicle is suspected of being involved in a crime, a hold for the pertinent investigative or specialized unit will be mandatory. A legal reason for impoundment must exist.

**4.4.5.3.3 Offense or Citation Number:** If the vehicle is to be held, a case, offense, incident, or citation number must be entered in the Vehicle Storage Receipt unless it becomes impossible for the officer to determine or obtain same. In that case, the officer must provide sufficient information for the investigative or specialized unit to identify the incident and to obtain the necessary information to determine whether to continue the hold or release the vehicle. The exception to this requirement will occur when CID, AID, ID, or some other specialized unit requests the hold. In that case, the officer will write the name of the unit and the name of the person authorizing the hold in the appropriate space on the vehicle storage receipt. When possible, the officer will still provide an offense or citation number.

**4.4.5.3.4 Property Receipt Number:** When a vehicle storage receipt is completed, the property receipt number shall be placed on the receipt (when applicable).

**4.4.5.3.5 Reason for Hold:** An explanation for a hold order shall be entered.

**4.4.5.4 Vehicles to be Processed by I.D.:** A vehicle to be processed, other than at the scene of the crime, shall be impounded and placed in the City of Miami Auto Pound. The recovering officer has the following responsibilities:

**4.4.5.4.1** Advise the Property Specialist on duty that the vehicle is there for processing and which C.I.D. Unit is in charge of the investigation.

**4.4.5.4.2** Complete the request for processing form. Notify the I.D. Unit office of the location of the vehicle and request that it be processed. The incident number (preferably the original incident number on the offense) will be given to I.D. at this time. The reasons for the request, e.g., vehicle involved in B & E, robbery, homicide, etc., must also be provided. Refer to the departmental order on Criminal Identification for additional procedures.

**4.4.5.4.3** The impounding officer will write in the lower bottom margin of the vehicle storage receipt the name of the person (e.g., Complaint Sergeant, Channel 9 Dispatcher, I.D. Technician, etc.) notified, the time notified, and the expected delay in processing, if any.



**4.4.5.5 Inventory of Impounded Vehicles:** When a vehicle is towed to the Auto Pound, the impounding officer shall:

**4.4.5.5.1** Insure that the vehicle is completely inventoried at the scene of the impoundment unless circumstances warrant delaying the inventory until the vehicle reaches the Auto Pound. Such circumstances may include lack of sufficient personnel to secure the vehicle, location of the vehicle, the hour of impoundment, or conditions in the locale where the vehicle is impounded. When processing at the Auto Pound is necessary, the impounding officer will be solely responsible for inventory of the vehicle.

**4.4.5.5.2** Whenever possible, the inventory should be conducted in the presence of another police officer, who shall also sign the vehicle storage receipt.

**4.4.5.5.3** Items valued in excess of \$100 shall be removed by the impounding officer and placed in the Property Unit. All other items need not be removed but shall be left in the vehicle and secured by locking the property out of view in the vehicle or in the trunk. The vehicle storage receipt shall list all items whether they remain in the vehicle or they are placed in the Property Unit. (See also D.O. 14 Chapter.3.4.2.7)

**4.4.5.5.4** Whether or not a key is immediately obtainable, the impounding officer is responsible for opening all locked compartments to inventory all items, including items in closed containers. The Property Unit will assist in opening all containers.

**4.4.5.5.5** If items of evidence of a serious criminal case are found, an I.D. Technician will be contacted to process the vehicle and collect the evidence. The impounding officer will be responsible for placing any evidence that is found into the Property Unit, notifying the appropriate C.I.D. unit, and completing the necessary reports.

**4.4.5.6 Delivery Of Vehicles To Auto Pound:** Vehicles to be impounded are to be towed with approval from a sector sergeant. In emergency situations, vehicles that are safe and in operable condition may be driven by an officer to the Auto Pound. These circumstances require the approval of the sector sergeant and the registered owner or driver of the vehicle. If crime-scene processing of the vehicle is to be conducted, the vehicle must be towed.

**4.4.5.7 Arrival at Auto Pound** When a vehicle is driven to the Auto Pound by an officer, the officer shall:

**4.4.5.7.1** Notify the Property Unit and remain with the vehicle until it has been admitted. The officer and Property Specialist will then re-inventory the vehicle together.

**4.4.5.7.2** Under no circumstances will any vehicle be taken to the Auto Pound and left outside the gate. The officer will not leave the Auto Pound until the delivered vehicle has been received by a property specialist. The vehicle will be considered "received" when the Property Specialist personally advises the impounding officer that he or she has obtained all of the information required for impoundment.

**4.4.5.8 Authorization For Private Citizens To Enter The Auto Pound:** Any requests by private citizens for information pertaining to impounded vehicles will be referred to the Property Unit.

**4.4.6 Impounding Boats:**

**4.4.6.1** The Auto Pound will accept only boats that are being impounded for forfeiture or have been used in a major crime and are of evidentiary value.

**4.4.6.2 Reasons For Impoundment:** All recovered stolen boats, suspected stolen boats and other watercraft including jet skis, boat trailers and rafts will be sent to the wrecker company.

**4.4.6.2.1 Boat Owner Or Operator In Custody:** If possible, the boat should be released to another person's custody with the owner's consent.

**4.4.6.2.2 Boat Is Of Evidentiary Value:** Boats and other watercraft used in a major **crime** are to be impounded at the Auto Pound.

**4.4.6.2.3 Other:** In the event a large vessel (40' or more) must be impounded and the wrecker company is unable to accept it, a Marine Patrol Supervisor will be contacted to identify a storage facility.

**4.4.6.3 Reports to be made:** In situations covered under section 4.4.6.2.3, a general report shall be forwarded to the appropriate investigative unit detailing the circumstances under which the boat was impounded, the supervisor authorizing the impoundment, and the necessary information for the follow-up investigation.

**4.4.6.4 Impounding Officer's Responsibilities:**

**4.4.6.4.1 Boat Vin Records Check:** The VIN Records Check is the responsibility of the impounding officer, regardless of the reason for impoundment. In this manner, he/she may detect any wants or messages and registration discrepancies. All pertinent information must be included on the vehicle storage receipt.

**4.4.6.4.2 Completion of Officer's Vehicle Storage Receipt:** Officers are reminded that vehicle storage receipts for impounded boats are to be filled out completely. The reasons for impounding the boat must be given such as "Operator Arrested," "Stolen Boat," etc. Extra labor shall be authorized only by the impounding officer's supervisor who shall sign the vehicle storage receipt approving the extra labor charge. In addition, the impounding officer must write a general report directed to the specialized unit. If the operator is arrested, the officer should indicate if the operator is the owner of the boat and if the boat is registered in the operator's name.

**4.4.6.4.3 Cross Reference Vehicle Storage Receipts:** Each vehicle storage receipt shall contain either an incident number or a summons number to establish the cause for impounding the boat and to aid in follow-up procedures.

**4.4.6.4.4 Claim Check Number on Vehicle Storage Receipts:** Each vehicle storage receipt shall contain a property unit claim check number (for boats being stored at the auto pound only). It is the impounding officer's responsibility to contact the Property Unit to obtain a claim check number before the boat is stored at the Auto Pound. The officer will provide the Property Unit with basic information on the boat such as make, model, and size.

**4.4.6.4.5 Hold Orders on Impounded Boats:** When a hold order is placed on an impounded boat, the following shall be noted:

**4.4.6.4.5.1 Boat Holds:** No boat holds are to be placed unless the supervisor assigned to the pertinent investigative unit or the Patrol Duty commander approves and signs the vehicle storage receipt. In either case, the impounding officer must include in the narrative portion of the report the fact that the boat has been impounded with a hold placed on it. A release of the hold may be authorized only by the unit listed on the hold card.

**4.4.6.4.5.2 Hold for Information:** The name of any section or unit for which an impounded boat is to be held shall be indicated on the Vehicle Storage Receipt. The name of the person requesting the hold order shall be included. The hold order will not be honored without the name of the person requesting the hold.

**4.4.6.4.5.3** When a hold is a request from an outside agency, the hold will be made for our department's unit that investigates the type of offense or handles the incident in question. The name of the person placing the hold must be included in the space designated "reason for hold". It is that same unit's responsibility to release the hold after the outside agency has given notice of completion of the investigation.

**4.4.6.4.5.4** When the only reason for a hold is crime scene processing, I.D. and owner will be written on the space designated for "hold for" and the "reason for hold" should read, "processing only". The I.D. Technician will release the hold completion of processing.

**4.4.6.5 Inventory of Impounded Boats:** When a boat is towed to the wrecker company the impounding officer shall:

**4.4.6.5.1** Insure that the boat is completely inventoried at the scene of the impoundment unless circumstances warrant delaying the inventory until the boat reaches the storage facility.

**4.4.6.5.2** The inventory will be conducted in the presence of the agent in charge of the marine storage facility. The receiving agent will print his/her full name on the upper right corner of the vehicle storage receipt. The agent will then sign beneath his/her printed name, attesting that the inventory listed on the receipt is accurate. The storage facility will retain a copy of the inventory and the vehicle storage receipt.

**4.4.6.5.2.1** All compartments must be opened and all contents therein inventoried, including the contents of all containers.

**4.4.6.5.3** All removable electronic equipment will be taken from the boat and placed into the property unit by the impounding officer. Safety items are to be left on the boat. Items which are considered normal safety items are:

Life Preservers  
First Aid Kits  
Lights  
Ropes  
Horns

Fire Extinguishers  
Cushions  
Paddles  
Boat Hooks  
Anchors

**4.4.6.5.4 Property Receipt Number:** When a vehicle storage receipt is completed, the property receipt number shall be placed on the report (when applicable).

**4.4.6.5.5** The impounding officer will turn the original vehicle storage receipt and inventory into the Property Unit as soon as practicable during his/her tour of duty.

**4.4.6.6 Delivery of Boats to the Auto Pound:** The impounding officer will accompany the boat to the Auto Pound. Boats on trailers will be delivered to the Auto Pound via wrecker using normal procedures. The Miami Police Department Marine Patrol will be responsible for delivering boats seized in the water to the Auto Pound. No other officers will move a boat in water except in an emergency. No boats will be stored in the water without the consent of the Property Unit Commander or the Marine Patrol Supervisor.

**4.4.6.6.1 Authorization For Private Citizens to Enter Auto Pound:** All requests by private citizens for information pertaining to impounded boats will be referred to the Property Unit.

**4.4.6.6.2 Junk Boats:** Boats that cannot be identified and are of little economic value will not be impounded unless they are of evidentiary value (major crime or subject to forfeiture). Officers who encounter junk boats on the street must fill out a vehicle storage receipt and request a wrecker to transport the derelict vessel to a county waste facility.

**BODY ARMOR**

## Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Definitions and Types
- 5.4 Procedures

**5.1 POLICY:** The purpose of this policy is to provide sworn employees of the Miami Police Department with guidelines for the issuance, use and care of body armor. It shall be the policy of the Miami Police Department to provide body armor to all sworn personnel. The Miami Police Department also provides specialized equipment including body armor to full-time or part-time tactical teams. Personnel are reminded that although body armor provides a significant level of protection, it is not a substitute for the observance of safety procedures and tactical training techniques. **(CALEA 41.3.5, 46.2.3)**

**5.2 ORGANIZATION:** This policy shall apply to all sworn employees of the Miami Police Department.

**5.3 DEFINITIONS AND TYPES:**

- A. Soft Body Armor: This armor utilizes soft ballistic panels and is normally used by employees assigned to field duty during the answering of calls for service. Soft body armor protects against most handgun bullets and shotgun pellets.
- B. Active Shooter Kit: This armor utilizes steel plates and contains a First Responders Trauma Kit. The steel plates are designed to defeat most rifle projectiles. The Active Shooter Kit is normally utilized for high risk calls for police service.
- C. Body Armor Carrier Types:
  - 1. Standard body armor carrier (normally worn under the uniform).
  - 2. Police Uniform styled carrier to match Class B uniform (worn on top of uniform).
  - 3. Tactical body armor carrier (Raid Vest): used by full-time or part-time tactical teams
  - 4. Active Shooter Kit carrier

**5.4 PROCEDURES:**

- A. Issuance of Body Armor and approved Threat Levels of Armor: (CALEA 41.3.5)
  - 1. All body armor must comply with protective and related requirements prescribed under current standards of the National Institute of Justice (NIJ) minimum performance testing standards.
  - 2. All employees shall be issued department-approved body armor which is rated at a minimum of Threat Level II. Threat Level II soft body armor is tested to stop 9mm

and .357 Magnum ammunition fired from short barrel handguns. Threat Level IIA provides no rifle ammunition protection. Threat Level IIIA soft body armor is tested to stop .357 SIG and .44 Magnum ammunition fired from longer barrel handguns. Threat Level IIIA provides no rifle ammunition protection. All soft body armor will consist of front, rear and side ballistic panels with a washable carrier.

B. Use of Body Armor:

1. Employees shall wear only department-approved body armor.
2. Employees may elect not to wear body armor during their normally assigned shift, but use of body armor maximizes safety in combination with prescribed safety tactics and procedures.
3. Employees who elect not to wear body armor shall have it readily available in their vehicle.
4. Employees assigned to patrol field-duty may wear body armor outside their Class B Uniform shirt as long as the carrier is designed and styled to match the Class B Uniform and has the police badge and name tape on the front of the body armor carrier.
5. The Active Shooter Kit armor is designed to protect against rifle fire and shall only be utilized during active high-risk incidents

C. Pre-Planned High Risk Operations: (CALEA 41.3.6)

1. Body armor shall be worn by officers under the following situations and circumstances:
  - a. Pre-planned high risk operations
  - b. Tactical raids
  - c. Warrant service

D. Care and Maintenance:

1. Employees are responsible for the proper storage, maintenance and care of issued body armor in accordance with manufacturer's instructions.
2. Employees are responsible for reporting excessive wear to the ballistic panels or to the body armor carrier to their supervisor.
3. Body armor that is worn out or damaged from age shall be replaced by the department. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice (NIJ).
4. Body armor that must be replaced due to misuse, or neglect by the employee shall be paid for by the employee.

E. Inspections of Body Armor:

1. Employees that are issued body armor will be familiar with the manufacturer instructions and warranty expiration date of their issued body armor.
2. Supervisors will ensure that body armor is worn and maintained as required by this policy through routine observation and periodic documented line inspections. These conducted inspections shall address proper fit of the body armor, as well as cleanliness, signs of damage, abuse and wear.

F. Replacement of Body Armor:

1. Employees are responsible for reporting damage or excessive wear or warranty expirations of their issued body armor.
2. Should the body armor require replacement, a Lost and Damage Report shall be completed. After approval of the report by the chain-of-command, the report and the body armor in question shall be presented to the Quartermaster Detail within the Property Unit.
3. Replacement cost of the body armor will be controlled by the current Collective Bargaining Agreements.

G. SWAT Team Members: Shall be issued the appropriate protective equipment for training scenarios and SWAT missions conducted as a team member. The SWAT trainer shall be responsible for issuing and maintaining the following and any other specialized equipment that is provided to a SWAT Team member. **(CALEA 46.2.3)**

- a. Ballistic Helmet
- b. Body Armor
- c. Tactical Holster
- d. Rappelling Harness
- e. Tactical Gloves
- f. Eye protection
- g. Tactical Communications Ear Piece
- h. Shin-Guards

## TRAINING

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** It is the policy of the Miami Police Department (MPD) to require its commanders and supervisors to assess the training needs of its personnel and to provide training to meet those needs. The function of the Training and Personnel Development Section (TPDS) is to facilitate this requirement.

**1.2 ORGANIZATION:** The TPDS is located at the Miami Police College and at MPD Headquarters.

**1.3 RESPONSIBILITIES:** The TPDS is responsible for ensuring that MPD personnel receive State-mandated and salary incentive training through the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission (CJSTC) Region XIV Funds, annual firearms qualifications training, and incentives for advanced education and degrees.

**1.4 PROCEDURES:**

**1.4.1 Recruit Training:** MPD recruits are trained at the Miami Police Training Center.

**1.4.1.1 Probationary Officers:** Recruits, during their probationary period, will be assigned to the Miami Police Academy Unit.

- a) Recruits will not be authorized to carry weapons or make arrests: while undergoing recruit training,
- b) until successfully completing Police Academy Class (PAC) basic Law Enforcement training,
- c) becoming state certified by passing the State Officer Certification Examination (SOCE),
- d) and taking their sworn oath of office.

**1.4.2 Preliminary Officer Standard Training (POST):** To provide mandatory training for all newly hired police officers.

**1.4.2.1** The POST is designed to assist the new police officers to apply the principles, learned in the police academy to the organizational functions of the MPD.

**1.4.3 Salary Incentive Courses:** The Florida Department of Law Enforcement CJSTC will approve courses as part of the Salary Incentive Program (SIP). These courses are revised periodically and are announced in the Official Bulletins.



**Departmental Order 15**  
**Chapter 1**

**1.4.3.1** Subject to the provisions of Florida Statutes, full time sworn law enforcement officers will receive incentive pay for every eighty 80 hours of approved training received under the SIP, up to a maximum per month as set by Florida State Statute.

**1.4.3.2 Education Incentive Program:** In accordance with the current collective bargaining agreement (CBA).

**1.4.4 Requests to Attend Region XIV or In-Service Training Courses:** Employees will submit electronic Request for Training forms (RF #19) through SharePoint/Intranet. The sight also allows employees to view their Training profiles on line.

**1.4.5 Attending Training outside of Region XIV:** When an employee elects to attend training outside Region XIV, they must complete the RF #122 process.

**1.4.5.1 TPDS Bulletin Board:** The TPDS Bulletin Board, lists available courses including Region XIV Courses. The Bulletin Board is accessible at the end of the automated RF #19 process under "Training Bulletin Board other Training Options".

**1.4.5.2 Training Bulletins:** Training Bulletins are official publications containing information pertinent to police duties. They shall be prepared and distributed by TPDS once monthly or as needed.

**1.4.5.3 Fitness Center and Police College Gymnasium:** The Fitness Center and Police College Gymnasium are available to provide departmental personnel with facilities and equipment with which they may maintain proper levels of physical fitness.

**1.4.5.3.1** The use of the Fitness Center and Police College Gymnasium is restricted MPD employees and others as authorized by the Chief of Police (or designee).

**1.4.5.4 Fitness Center Facility Operations:**

- a) The Fitness Center facility is open 7-days a week/24-hours a day, including holidays.
- b) Use is restricted to MPD employees and those authorized by the Chief of Police (or designee). All MPD employees have the authority to enforce the eligibility requirement.
- c) Employees may use the Fitness Center ONLY during their off duty hours unless, authorized.

**1.4.5.5** The TPDS shall be responsible for assuring that the Fitness Center facility is properly maintained. Damage to, or malfunction of any equipment or the facility, shall be reported to the Fitness Center Manager as soon as possible.

**1.4.5.6** All individuals using Fitness Center facilities must abide by the posted rules and regulations.

**1.4.5.7** Locker use in the police Fitness Center is considered a privilege. No employee has a privacy interest, and lockers may be inspected at any time.

**Departmental Order 15**  
**Chapter 1**

**1.4.6 Training Instructors:** All Certified Instructors conducting training for the department or any other outside entity must maintain an instructors' log (RF #TBA). Certified instructors must teach a minimum of two (2) hours per year for a total of eight (8) hours every four (4) years in order to maintain Instructor Training Workshop (ITW) certification. The TPDS will maintain a file of all ITW certified instructors and the file must include copies of the instructors' Log (RF #TBA).

**1.4.7 Responsibilities:** Training instructors will be responsible for keeping unit commanders informed of their training activities.

**1.4.7.1** Unit commanders are responsible for notifying the TPDS of the selection of substitute trainers if original coordinators are transferred.

**1.4.7.2** Unit commanders are responsible for notifying the TPDS of training activities within their units.

**1.4.7.3** A section or unit desiring to conduct a training course shall notify TPDS of the following:

- a) Course title Course objectives
- b) Instructional method
- c) Lesson plan (if a certificate is to be issued)
- d) Roster(s) of attendees
- e) Roster(s) of instructors
- f) Duration of each program
- g) Unit or section involved

**1.4.8 School of Professional Development:** The TPDS personnel will design and implement Career Development training programs that are department-wide in scope.

**1.4.9** The TPDS personnel are responsible for designing and implementing training programs that are specific to specialized and advanced courses.

**1.4.10** Training Coordinators will be responsible for the logistics of each course and must incorporate the use of the Automated Training Management System (ATMS) for the electronic collection of employee training data in compliance with FDLE.

**1.4.11** MPD requires that all sworn personnel receive annual retraining, as needed, to enhance skills and increase knowledge for their job responsibilities.

**1.4.11.1** Officers are required to demonstrate proficiency with:

- a) assigned/personal authorized firearm,
- b) Expandable Baton,
- c) Oleoresin Capsicum (OC) Spray
- d) Conductive Electrical Weapon (CEW)
- e) the use of other tools and procedures, as needed,
- f) and the application of cardiopulmonary resuscitation (CPR).

- 1.4.12** During annual retraining sessions, information about the use of force policy, changes in Florida State law, local ordinances, FDLE mandates, and officer safety concerns shall be presented.
- 1.4.13** The annual retraining sessions shall also be used to provide training on specific subjects, which would enhance the performance of the MPD employees.
- 1.4.14** Retraining information will be recorded in the TPDS training files of all employees.
- 1.4.15** In accordance with Commission on Accreditation for Law Enforcement Agencies (CALEA) standards, all Department employees will complete an Ethics training course annually.
- 1.4.16** **Coordination of Field Training Officer (FTO) Program:** The TPDS, in cooperation with the Field Operations Division (FOD) Patrol Districts, will ensure that the initial 40-hour training and retraining of FTOs takes place as required.
- 1.4.16.1** **Training Committee:** TPDS shall be responsible for the establishment of the Training Committee to assist in the development and evaluation of the Department's training needs, and serve as a focal point for input from those representing agency components. The committee will meet on an as needed basis and is chaired by the TPDS Commander.
- 1.4.16.2** The committee will consist of seven members:  
Field Operation Division Assistant Chief  
Administration Division Assistant Chief  
Investigations Division Assistant Chief  
Internal Affairs Commander  
TPDS Commander  
City of Miami Police Legal Advisor  
Fraternal Order of Police (FOP) Representative
- 1.4.16.3** Training Committee members will be appointed by the COP with the following exceptions:  
a) The City Attorney will appoint a representative of the City Law Department, The FOP President (or designee) will appoint its representative.  
b) Other members may be appointed at the discretion of the COP (or designee).
- 1.4.16.4** In the event a committee member is unable to participate on the committee, the COP (or designee) will select a replacement. The FOP will be responsible for selecting and providing its own replacements.
- 1.4.16.5** TPDS will provide the committee with reference material needed for research and development or logistical support to achieve training goals and objectives.
- 1.4.16.6** **Authority and Responsibility of the Training Committee:** The Committee has the authority and responsibility to provide training and direction to meet the training needs of the department and to guide and assist the department through the implementation of programs

designed to meet departmental training needs.

**1.4.16.7** The Training Committee will report all training recommendations directly to the COP.

**1.4.17 On the Job Development Program:** The training of a sworn police officer continues after graduation through assignment with training officers, roll call training, and supervision. It is the responsibility of all sworn officers to teach those with whom they work the skills and knowledge necessary to perform the job at hand.

**1.4.18** Supervisory and commanding officers have the responsibility to not only train subordinates to perform assigned tasks, but also to familiarize subordinates with the basic principles of the supervisory job as well, so that officers are prepared to assume additional responsibilities should the need arise.

**1.4.19 In-Service Mandatory Training:** Provides at minimum forty (40) hours of FCJSTC training to active police officers, and/or reserve/auxiliary officers.

**14.19.1** The training shall consist of mandatory courses and hands-on scenario based training with new and updated techniques in different role-playing scenarios.

**14.19.2** It is the responsibility of the MPD to provide proper documentation to FDLE to meet mandatory re-certification requirements.

**1.4.20 First Line or Middle Manager Supervisor Training:** Sworn employees promoted to a first-line supervisor (Sergeant of Police) or middle manager (Lieutenant and Captain of Police) supervisor position, shall successfully complete the training. **(CALEA 33.8.2)**

**1.4.21 Specialized/Advanced Training:** The department provides specialized or advanced training in areas where a need has developed. Specialized or advanced training provided to employees includes the following:

- a) development and/or enhancement of the skills, knowledge, and abilities particular to the assignment or specialization;
- b) management, administration, supervision, personnel policies, and support services of the function or components;
- c) performance standards of the function or component;
- d) agency policies, procedures, rules, and regulations specifically related to the function or component;
- e) and supervised on the job training.

**1.4.21.1 Mandatory Specialized or Advanced Training and/or Certification:** Because of particular assignments or particular duties, some police officers are required by federal and/or State regulations to complete one or more types of specialized or advanced training and/or attain certification.

**1.4.21.2** The following are some of the specialized or advanced assignments requiring certification by the State of Florida, the federal government, or other certifying service provider:

- a) Radar/Laser Operator
- b) Drug Recognition Expert (DRE)
- c) Intoxilyzer 5000 Operator
- d) Firearms Instructor
- e) Cardiopulmonary Resuscitation (CPR) Instructor
- f) National crime Information center (NCIC) Florida Crime Information center Terminal Operator
- g) First Responder Instructor
- h) Defensive Tactics Instructor
- i) General Instructor
- j) Diving Instructor
- k) Defensive Driving Instructor

**1.4.21.3** The following are some of the specialized assignments that that require specialized or advanced training:

- a) Investigators
- b) Field training Officers (FTO) / Sergeants (FTS)
- c) School Resource Officer (SRO)
- d) Traffic Enforcement Officers (TEO)
- e) Crisis Negotiators
- f) Canine Officers
- g) Mounted Patrol
- h) Special Weapons and Tactics (SWAT) Officers
- i) Bicycle Patrol Officers
- j) Marine Patrol Officers

**1.4.22 Executive/ Command Level Development Training:** Executive or Command level training may be provided at the discretion of the COP. This type of training is designed to improve the professional competence of sworn supervisors' who have demonstrated leadership capabilities.

**1.4.22.1 Selection Criteria for Executive/ Command Level Development Training:**

**1.4.22.2** Applicants to the FBI National Academy must have attained the rank of Lieutenant of Police or higher and must pass an FBI background investigation.

**1.4.22.3** Applicants to the Southern Police Institute (SPI) must have attained the rank of Sergeant of Police or higher.

**1.4.22.4** The names of qualified applicants shall be submitted for selection to the Administration Division Assistant Chief and to the COP.

**1.4.22.5** Upon successful completion of FBI or SPI training, selected candidates will return to

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their previous assignments; appointment to a new assignment shall be allowed at the discretion of the COP.

**1.4.22.6** Supervisors successfully completing FBI or SPI courses may use their course credits to satisfy the State mandated retraining requirements.

**1.4.23 Civilian Personnel Training:** All newly-appointed civilian personnel will be required to receive training to meet the requirements of job responsibilities as identified by a job task analysis. A representative from the Department of Human Resource Management (or designee) (HR) will conduct new employee orientation. In-service training is offered by HR and TPDS (or designee) on an ongoing basis.

**1.4.23.1** The curriculum will consist of:

- a. Orientation to the Department's role, purpose, goals, policies, and procedures. **(CALEA 33.7.1 a)**
- b. Relate the employee to the working conditions and regulations of the Department. **(CALEA 33.7.1 b)**
- c. Responsibilities and rights of employees. **(CALEA 33.7.1 c)**

**1.4.23.1.1** The following list of civilian positions currently receive specialized training. This list is not an all-inclusive list of positions that may require specialized training. HR or their designee may identify positions that may be added to or removed from this list. **(CALEA 33.7.2):**

- a. Communications Operator
- b. ID Technician I
- c. Public Service Aide
- d. Property Manager/Property Specialist I
- e. Latent Print Examiner
- f. School Crossing Guard
- g. CIS Desk Operator
- h. Traffic Control Specialist

**1.4.24 Training Records:** TPDS shall maintain records and documentation of each MPD employee's training history, to include all records associated with training classes and certifications for federal, State, and local requirements, mandatory training, and incentive pay.

**1.4.24.1** The TPDS will maintain records for each employee, including date, type of training, certificate received, attendance, and test scores (if applicable).

**1.4.25 Outside Training Course Attendance:** It shall be the responsibility of the officer attending an outside course, to submit to the TPDS the following documentation to ensure official recognition/credit:

- a) Date of training;
- b) type of training;
- c) certificate received;

**1.4.26 Accreditation:** Training on the Accreditation process is provided to all agency personnel.

**1.4.26.1** All newly hired personnel will be briefed on Accreditation and our agency's involvement in that process.

**1.4.26.2** History and background of Accreditation and our agency's involvement in that process.

**1.4.26.3** The Accreditation process

**1.4.26.4** Goals and objectives of Accreditation

**1.4.26.5** Advantage of Accreditation During every phase of the Accreditation process.

**1.4.26.6** During every phase of the Accreditation process, the Accreditation Manager or their designee shall be responsible for the training and education of all personnel on every aspect of the process.

**1.4.27 Retraining:** All sworn personnel will be required to complete an annual retraining program, inclusive of legal updates and firearms re-qualification.

**1.4.27.1** Per the FDLE/CJSTC, a student in attendance of any approved course shall attend all sessions of a course, except for absences approved by the TPDS Commander (or designee).

**1.4.27.2** A student shall not be considered to have successfully completed a FDLE/CJSTC course if the student has any unexcused absences. If a student incurs an excused absence, the TPDS Commander (or designee) shall schedule makeup work, which shall be comparable in content and quantity to the course instruction missed.

**1.4.28 Court Notification Procedures:** The TPDS shall be responsible for notifying the Court Liaison Unit of an employee's inability to attend court during the employee's approved training dates.

**1.5 REMEDIAL TRAINING:** The purpose of remedial training is to address, identify, and correct performance deficiencies with a goal of enhancing the knowledge, skills, and abilities of all MPD employees.

**1.5.1** Sworn or civilian employees **MAY** be recommended to attend remedial training after an area in their performance has been identified as "Needs Improvement" or employee receives an "Unsatisfactory" during an evaluation period.

**1.5.2** Sworn or civilian employees **MAY** be required to attend remedial training, after attending any in-service training course, i.e. Skill Development Training or a specialty training class, once a supervisor, commanding officer or lead instructor identifies a performance deficiency.

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**1.5.3** Sworn or civilian employees who are unable to qualify with an authorized weapon shall attend remedial training and demonstrate proficiency prior to resuming official duties with that weapon (**CALEA 1.3.11 c**). For additional information related to firearms procedures and qualification, refer to the Firearms DO.

**1.5.4** Sworn or civilian employees **MAY** be required to attend remedial training after a specific incident occurs in which a performance issue, liability issue, or a safety concern is identified by a supervisor or commanding officer and/or the employee was issued any written discipline, with or without any penalties.

**1.5.5** It shall be the responsibility of TPDS to schedule and to ensure that mandatory training is attended and successfully completed by the employee.

**1.6 REMEDIAL TRAINING PROCEDURES:**

**1.6.1** Commanding officers and/or supervisors assigning or recommending an employee to attend remedial training will complete a Remedial Training form (RF #799). The RF #799 which is available in the "Training Folder" located on the MPD Intranet SharePoint site. The Remedial Training form (RF #799) must include:

- a) The reason the training is being recommended or mandated;
- b) the suggested type of training necessary to address the deficiency;
- c) and a timetable indicating when the training is to occur.

**1.6.2** If the employee is issued a Record of Formal Counseling (RF #805) or a Letter of Reprimand (RF #37) with or without time loss, and remedial training is assigned the suggested Remedial Training form (RF #799) must be attached to the original package when forwarded through channels.

**1.6.3** The TPDS and/or the commanding officer of the employee must approve all assignments or recommendations to attend remedial training prior to the employee's attendance.

**1.6.4** TPDS will document all remedial training.

**1.6.5** The Commander or Supervisor assigning or recommending remedial training will be responsible for forwarding the approved remedial training form (RF #799) to the TPDS and adding a copy of the form (RF #799) to the employee's personnel file once the training has been completed.

**1.7 TYPES OF REMEDIAL TRAINING:**

**1.7.1** Remedial training may consist of, but is not limited to:

- a) Work deficiency
- b) In-Service training not previously attended
- c) Repeat of an In-Service training course
- d) Re-attend a specific class with an In-Service training course (e.g., Defensive Tactics Class In-Service curriculum)
- e) Remedial firearms training



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- f) Direct training by Commanding Officer/Supervisor (or designee)
- g) Outside agency training course (In a format outlined by a Commanding Officer/Supervisor to directly address a deficiency)

**1.7.2** Failure to attend scheduled remedial training will result in disciplinary action in accordance with current progressive disciplinary procedures.

## FIREARMS PROCEDURES

### Sections

- 2.1 Policy
- 2.2 Organization
- 2.3 Definitions
- 2.4 Responsibilities
- 2.5 Firearm, Caliber, Ammunition, and Accessory Specifications
- 2.6 Procedures
- 2.7 Cleaning, Care and Maintenance of Firearms and Ammunition

**2.1 POLICY:** The Miami Police Department (MPD) recognizes the need for all sworn employees to be properly trained, completely familiar, and proficient with any departmentally authorized firearm before they are approved to carry it. This is done to ensure the safety of its officers and the citizenry and to conform to the Florida Department of Law Enforcement (FDLE) Standards. **(CALEA 1.2.2, 4.3.2)**

**2.2 ORGANIZATION:** The Training and Personnel Development Section (TPDS), an element of the Administration Division, promulgates firearms training and regulations to sworn employees.

### **2.3 DEFINITIONS:**

**2.3.1 Primary Firearm:** Any approved or City issued firearm to be carried as a sidearm.

**2.3.2 Secondary Firearm:** Any firearm that is not an approved primary firearm. Any approved back-up firearm carried on-duty or during extra duty jobs.

**2.3.3 On-Duty:** Working in an official capacity during scheduled duty hours and overtime.

**2.3.4 Off-Duty:** Not working in an official capacity.

**2.3.5 Extra-Duty:** Working in an official capacity outside of scheduled duty hours; extra duty work includes overtime work, Temporary Extra-Duty Jobs, Permanent Extra-Duty Jobs, and any Special Request Temporary Jobs (Special Events).

**2.3.6 TPDS:** Training and Personnel Development Section.

**2.3.7 FDLE:** Florida Department of Law Enforcement.

**2.3.8 CJSTC:** Criminal Justice and Standards Training Commission.

**2.3.9 Sworn Employee:** Anyone who holds a certification from CJSTC as a law enforcement officer (including detention, auxiliary, and reserve officers) and who is attached to the MPD in the

FDLE Automated Training Management System (ATMS.)

**2.3.10 Senior Staff Officers:** The Chief of Police (COP), Assistant Chiefs of Police, Majors of Police, Commanders of Police, Sergeant at Arms, and the Executive Officers to the Chief of Police are designated as Senior Staff Officers.

**2.3.11 Captain of Police:** A Captain of Police is a commanding officer and is designated as a Mid-Management Commander.

**2.3.12 Sworn FOD Personnel:** Sworn employees of the Field Operations Division (FOD) assigned to the following areas:

**2.3.12.1 Patrol Districts:** North, Central and South District Sub Stations

**2.3.12.2 Specialized Operations Section (SOS):** Traffic Enforcement Unit, Traffic Crash Investigations Unit, Patrol Support Unit, Special Events Unit, Special Threat Response Unit (STRU), the K-9 Unit, the Aviation Unit Tactical Robbery Unit and the Office of Emergency Management and Homeland Security (OEM)

**2.3.13 Plainclothes Investigator:** All other sworn employees who do not fall under the definition of Senior Staff Officer, Captain of Police, or sworn FOD personnel.

## **2.4 RESPONSIBILITIES: (CALEA 4.3.1 c, 4.3.4)**

**2.4.1** To provide firearms training to sworn employees by a certified firearms instructor. **(CALEA 4.3.3 a)**

**2.4.2** To ensure that only weapons, firearms, and ammunition authorized by the Department be used by departmental personnel. This directive shall apply to weapons, firearms, and ammunition carried on duty. **(CALEA 4.3.1)**

**2.4.3** To maintain accurate documentation of qualifications dates, training certificates, and firearms (to include model, serial numbers, type, description, and identity of the assignee). **(CALEA 4.3.1 e, 4.3.3 b)**

**2.4.4** To conduct remedial training for compliance with Departmental guidelines, and with the rules and regulations promulgated by FDLE and CJSTC. **(CALEA 4.3.3 c)**

**2.4.5** To approve and make modifications (as needed) to firearms. All firearm modifications shall be made by certified TPDS personnel armorers. Special Weapons and Tactics (SWAT) armorers shall only be authorized to make modifications (as needed) to SWAT Detail issued firearms and/or to the authorized personally owned firearms of SWAT personnel.

**2.4.6** To ensure all ammunition complies with Departmental guidelines.

**2.4.7** To ensure officer and citizen safety.

**2.4.8** To provide a copy of the Use of Force policy, prior to any sworn employee being authorized to carry a firearm.

**2.5 FIREARM, CALIBER, AMMUNITION, AND ACCESSORY SPECIFICATIONS:**

**2.5.1 Specifications for Authorized Firearms Utilized by Sworn Employees: (CALEA 4.3.1 a)**

**2.5.1.1** The following primary firearm is issued by the City of Miami Police Department:

Make: Glock  
Models: Standard G17  
Caliber: 9mm  
Action: Double (Glock Safe Action® System)  
Trigger Pull: 5.5 lbs.\*  
Barrel: Glock Marksman's  
Magazines: 3  
Ammunition: Winchester Ranger® Centerfire Luger +P+ 127 Grain

**2.5.1.1.1** The following primary firearm that was initially issued by the City of Miami Police Department and retained by the member upon retirement, may be utilized as their primary firearm while serving as an active member of the Miami Police Reserve and Auxiliary Volunteer Officer Detail.

Make: Glock  
Models: Standard G22  
Caliber: .40  
Action: Double (Glock Safe Action® System)  
Trigger Pull: 5.5 lbs.\*  
Barrel: Miami  
Magazines: 3  
Ammunition: Speer Gold Dot 180 Grain

\* Personnel issued a firearm with an 8 lbs. trigger pull, are exempt until their firearm is modified by a certified Glock armorer from the Miami Police Department's Training and Personnel Development Section.

**2.5.1.2** The following secondary firearms may be issued by the City of Miami Police Department:

**2.5.1.2.1 Shotgun:**

Make: Remington or Other Authorized  
Model: 870 or Other Authorized  
Caliber: 12 Gauge  
Action: Single Pump  
Trigger Pull: Factory (No modifications)  
Barrel: 18 inches  
Sling: Single Point or Two-Point  
Ammunition: OO Buck and/or Rifled Slug

**2.5.1.2.2 Rifle:**

Make: Departmental Approved  
Model: .223/5.56 caliber  
Action: Single  
Trigger Pull: Factory (No modifications)

Barrel: Minimum 16" – Maximum 20"  
Safety: Manual  
Magazines: 3  
Sling: Single Point or Two-Point  
Ammunition: .223/5.56 Federal 55 Grain Jacketed Bonded Soft Point

**2.5.2 Specifications for Authorized Personally Owned SECONDARY Firearms Utilized by Sworn Employees for On Duty and Extra Duty Use (in the performance of their official duties):**

**2.5.2.1 Semi-Automatic Pistol:**

Make: Any  
Model: Any  
Caliber: .380/.38/9mm/.40/.45 Auto  
Action: Double (only)  
Trigger Pull: Factory (No modifications)  
Barrel: Factory  
Magazines: 3  
Safety: Factory

**2.5.2.2 Revolver:**

Make: Any  
Model: Any  
Caliber: .38/9mm/.45 Auto  
Action: Double (only)  
Barrel: Factory

**2.5.2.3 Shotgun:**

Make: Any  
Model: Any  
Caliber: 12 Gauge  
Action: Pump  
Trigger Pull: Factory (No modifications)  
Barrel: 18" in.  
Safety: Manual  
Sling: Single Point or Two-Point  
Stock: Fixed or Telescopic Stock

**2.5.2.4 Rifle:**

Make: Any (AR-15 Style)  
Model: Any  
Caliber: .223/5.56  
Action: Single / Semi-Automatic  
Trigger Pull: Factory (No modifications)  
Barrel: Minimum 16" – Maximum 20"  
Safety: Manual  
Sling: Single-Point or Two-Point or Three-Point  
Magazines: 3  
Stock: Fixed or Telescopic Stock

**2.5.3 Firearm Accessories:**

**2.5.3.1 Firearm Tactical Flashlights Mounted to Primary Firearms:**

**2.5.3.1.1** Tactical flashlights may be mounted on departmentally approved firearms.

**2.5.3.1.2** Sworn employees wishing to mount a flashlight to their primary departmentally approved firearm may do so at their own expense and only after complying with the following requirements:

**2.5.3.1.2.1** Attend a departmentally approved or FDLE firearm mounted tactical light manipulation course.

**2.5.3.1.2.2** Qualify with the flashlight mounted on the approved firearm on a Departmentally approved or FDLE qualification course.

**2.5.3.1.3** The Commander of the Training and Personnel Development Section (or designee) shall have final approval on all mounted tactical flashlights.

**2.5.3.2 Sights:**

**2.5.3.2.1** Sworn employees wishing to attach enhanced sights to their personally owned auxiliary firearm(s) may do so at their own expense. No modifications to any departmentally issued firearms will be authorized.

**2.5.3.2.1.1** The sights must be factory manufactured and without modifications to the original design.

**2.5.3.2.1.2** Enhanced iron sights mounted on a flat top Picatinny rail or other rail system may also be installed with prior approval.

**2.5.3.2.1.3** Any optics installed on a rifle must be co-witnessed with the iron sights.

**2.5.3.2.1.4** Approved brand name optics include, but are not limited to:

- a) Eotech,
- b) Aimpoint,
- c) Sig Sauer Romeo,
- d) Mepro Light,
- e) Truglo,
- f) Vortex,
- g) Leupold,
- h) Trijicon Red Dot Sights.

**2.5.3.2.1.5** The Commander of the Training and Personnel Development Section (or designee) shall have final approval on all sights.

**2.5.3.3 Lasers:** Lasers will be NOT be used on any firearm, except for Active SWAT team members authorized by the SWAT Commander.

**2.5.3.4 Additional Firearm Accessories:** The approval of the Commander of the Training and Personnel Development Section (or designee) must be obtained before any other equipment is attached to any firearm.

**2.5.4 Ammunition and Calibers (CALEA 4.3.1 b):** The following will be the approved ammunition and caliber for authorized firearms for use in On-Duty and Extra-Duty firearms:

.40 caliber Smith and Wesson 180 Grain Speer Gold Dot, Speer Gold Dot .380 caliber 90 Grain, .45 caliber 230 Grain Speer Gold Dot HP, Speer Gold Dot .38 Special +P 135 Grain.

**2.5.4.1 Handgun:** Winchester Ranger® Centerfire 9mm +P+ 127 Grain, Jacketed Hollow Point T-Series is the only ammunition authorized for use in the departmental issued primary firearm.

**2.5.4.2 Shotgun:** Winchester or Remington OO Buck and Rifled Slug is the only ammunition authorized for ON DUTY use.

**2.5.4.3 Rifle:** The .223 Federal 55 Grain Jacketed Bonded Soft Point is the only ammunition authorized for ON DUTY use.

**2.5.5 Unauthorized Ammunition:** Teflon coated, armor-piercing handgun rounds, and exploding ammunition are **NOT** authorized.

## **2.6 PROCEDURES:**

### **2.6.1 General Firearms Procedures:**

**2.6.1.1** All sworn employees shall be armed with their City-issued/departmentally approved primary firearm while on duty. Sworn employees in police uniform, shall only carry departmentally issued/approved handguns, as their primary firearm on-duty/extra duty. All firearms and magazines must be carried at full capacity at all times.

**2.6.1.2** Supervisors shall be responsible for periodic inspections of all authorized on-duty firearms and ammunition to ensure sworn employees are in compliance with this policy.

### **2.6.2 Issued Firearms Full Capacity Round Count:**

#### **2.6.2.1 Handguns:**

**2.6.2.1.1** Each magazine shall be filled to capacity, plus one (1) round in the chamber.

#### **2.6.3 Rifle:**

**2.6.3.1** Sworn employees requesting to have an assigned City issued rifle, must submit the request via a memorandum, through channels, to the Commander of the Property and Evidence Management Section; a copy of their Firearms Qualifications (PD/RF #398 Rev 08/03) shall be submitted with the memorandum. The Chief of Police or designee will approve or disapprove the

request for the rifle.

**2.6.3.2** The rifle will be carried encased in the trunk of a police vehicle, in the issued/approved trunk mount or secured lockbox, with the chamber empty and bolt in the forward position.

**2.6.3.2.1** Each magazine for the rifle will be loaded with 30 rounds. A round will only be chambered when the rifle is deployed during a police incident.

**2.6.4 Shotgun:**

**2.6.4.1** Sworn employees requesting to have an assigned City issued shotgun must submit the request via a memorandum, through channels, to the Commander of the Property and Evidence Management Section; a copy of their Firearms Qualifications (PD/RF #398 Rev 08/03) shall be submitted with the memorandum.

**2.6.4.2** The shotgun will be carried with the chamber empty and the slide forward with four (4) rounds of OO Buck in the magazine tube.

**2.6.4.3** A round will only be chambered when the shotgun is deployed during a police incident. Once a round is chambered, an additional round may be field loaded into the magazine tube.

**2.6.4.4** Rifled slugs will only be used under the direction of a supervisor or during exigent circumstances, i.e., subject with body armor, barricaded subject, etc.

**2.6.5 Personally Owned Firearm AS PRIMARY FIREARM for Plainclothes Investigators for On Duty/Extra Duty Use:**

**2.6.5.1** In lieu of the standard issued Glock Model 17, 9mm, plainclothes investigators may carry departmentally approved models.

**2.6.5.1.1 Approved Glock Personally Owned Firearms AS PRIMARY FIREARM for Plainclothes Investigators for On Duty/Extra Duty Use**

- a) Glock Compact Model 19; 9 mm.
- b) Glock Subcompact Model 26; 9 mm.
- c) Glock Compact Model 45; 9mm.

**2.6.5.2** All plainclothes investigators shall carry their personally owned firearms and magazines at full capacity at all times, with departmentally issued ammunition. Plainclothes investigators shall be required to carry one additional magazine at all times while on-duty/extra-duty.

**2.6.5.3 Weapon Proficiency:** The sworn employee must demonstrate annual proficiency with the approved personal firearm using the departmentally approved or FDLE course of fire.

**2.6.5.4** All Glock firearms shall comply with the manufacturer's specifications and have a 5.5 lb. trigger. Modifications to the trigger must be performed by a certified Glock armorer from the Miami Police Department's Training and Personnel Development Section. All firearms shall be subject to the approval of the Commander of the Training and Personnel Development Section (or designee).



**2.6.6 Firearms Qualifications Form (PD/RF #398 Rev 08/03):** Once the sworn employee satisfactorily meets the proficiency requirements with the approved firearm, an Officer Skills Development Detail supervisor (or designee) will prepare the Firearms Qualifications Form CJSTC-86A Law Enforcement Officer Firearms Qualification Standard) and submit it through channels to the Training and Personnel Development Section Commander.

**2.6.6.1** The approved Firearms Qualifications Form CJSTC-86A Law Enforcement Officer Firearms Qualification Standard) will be filed in the following manner:

- a) A copy will be filed in the TPDS,
- b) A copy will be filed for FDLE records,
- c) A copy is retained by the sworn employee.

**2.6.6.2** A Firearms Qualifications Form (PD/RF #398 Rev 08/03) shall be issued to the sworn employee and shall include information for each personally owned firearm that the employee qualified with and is authorized to carry that is not listed in the CJSTC-86A Law Enforcement Officer Firearms Qualification Standard Form. The form will expire 12 months from the date of issue, and it shall be the responsibility of the employee to requalify before its expiration date.

**2.6.7 Personally Owned Firearm AS A SECONDARY FIREARM for On Duty and/or Extra Duty Use (in the performance of official duties):**

**2.6.7.1 Firearm Proficiency:** Sworn employees must demonstrate proficiency annually on the departmentally approved or FDLE Course of Fire with each personally owned firearm that is to be used as an on duty and/or extra duty secondary firearm.

**2.6.7.2** All personally owned firearms for on-duty and/or extra-duty use as a secondary firearm (HANDGUN) must comply with manufacturer's specifications and are subject to the approval of the Commander of the Training and Personnel Development Section (or designee).

**2.6.7.3** Purchasing of an approved firearm and associated equipment for on-duty and/or extra-duty use as a secondary firearm (HANDGUN) will be at the cost of the sworn employee.

**2.6.7.4** All sworn employees are limited to qualify with two (2) personally-owned handguns, one (1) personally owned shotgun, and one (1) personally owned rifle at any one time at the range.

**2.6.7.5** Ammunition for up to three (3) magazines will be issued for personally owned firearms.

**2.6.8 Safe Handling and Carrying of Firearms:** All MPD employees will adhere to the following basic safety rules at all times while handling and carrying any firearm.

**2.6.8.1** Firearms will not be unnecessarily handled or displayed.

**2.6.8.2** Always treat the firearm as loaded.

**2.6.8.3** Always keep the muzzle (firearm) pointed in a safe direction. If a firearm is pointed in a safe direction and fires, it is unlikely to cause personal injury or property damage. The environment shall dictate which direction is safe.

**2.6.8.4** Unless ready to discharge a firearm, fingers must always be kept off the trigger, outside the trigger guard, and along the frame.

**2.6.8.5** Always perform a safety check each time a firearm is to be picked up, put down, or handed to another person by opening the action of the firearm and physically and visually inspecting it to ensure that the firearm is NOT loaded.

**2.6.8.5.1** The firearm shall be handed to another person with the butt or breach of the firearm facing the receiving person.

**2.6.8.6** A firearm shall never be left unsecured.

**2.6.8.7** A bullet trap shall be used, when practical, to make all firearms safe, clear, and empty.

**2.6.9 Marker Rounds/Marker Cartridges Firearm Training (i.e., Simmunitions, Force on Force, etc.):** Only sworn employees assigned to TPDS, SWAT, or K-9 and who are certified instructors in the use of marker rounds/marker cartridges firearms shall be authorized to conduct such training.

**2.6.10 Receiving Loaded Firearms:** Upon receiving a loaded firearm for any reason, an authorized employee of the Department shall immediately unload it (if possible). If the firearm is to be used as evidence, it shall be secured in the same condition as found, until turned over to the appropriate CID Unit.

**2.6.11** Once authorization is obtained to transport a firearm as evidence or for confiscation, the following procedures will be adhered to:

- a) **Unload the Firearm:** All ammunition shall be removed from the firearm;
- b) **Taken out of Battery:** The slide, bolt, action, or cylinder will be locked to the rear and opened. If this cannot be done/accomplished, then a flex cuff or similar object will be used to keep the firearm open. No foreign object shall be inserted down the **barrel** of the firearm;
- c) **Safety:** Firearms that have a safety will be in "safe" or "on" position.
- d) **Transporting/Carrying:** The firearm will be transported/carried with the barrel pointed in a safe direction; the environment shall dictate which direction is safe.

**2.6.12 Rifle and Shotgun Deployment:** The MPD recognizes that sworn employees may be placed at a substantial disadvantage by criminal elements armed with superior firearms and other dangerous weapons, which may preclude the safe use of the sidearm to effectively defend themselves and the public. In the initial phase of certain critical life threatening situations, the immediate resource of a rifle and/or shotgun deployed by selected Patrol District sworn employees may be paramount to saving lives and/or achieving containment until specialized tactical personnel can be deployed.

**2.6.12.1** Rifles and/or shotguns shall not be deployed for routine calls.

**2.6.12.2** Rifles and shotguns can be deployed per policy or when authorized by a supervisor.

**2.6.12.3** All sworn employees will use the departmental authorized sling for rifle or shotgun deployment.

**2.6.12.4** Patrol District sworn employees may deploy rifles and/or shotguns when they can clearly justify the need of the rifle or shotgun at critical or high-risk incidents requiring above normal capabilities of a handgun. Deployment consideration and justification should include the type of incident, background, distance and cover. Some examples include, but are not limited to:

The suspect is situated in a tactically advantageous position (due to distance or a fortified location) in which the deployment of a rifle or shotgun by a Patrol District sworn employee may stop the threat posed by the suspect(s) and minimize the risk of death or serious bodily injury to officers or others;

a subject is armed, wearing body armor;

high-risk (felony) vehicle stops involving suspected armed individual(s); armed robbery in progress;

active searches for armed suspects;

**2.6.12.4.1** Active shooter incidents.

**2.6.12.4.2** An officer deploying a rifle or shotgun shall function only as a cover officer, with no other assigned duties, e.g., searching or handcuffing of a subject unless exigent circumstances exist.

**2.6.12.5 Supervisor Responsibilities:**

**2.6.12.5.1** Ensure sworn employee(s) is/are deploying their rifles and shotguns within the guidelines of departmental policies and procedures.

**2.6.12.5.2** Any supervisor that identifies a training deficiency, shall complete a "Remedial Training Form" (RF #799).

Any supervisor may issue discipline for a violation of departmental orders for the improper deployment of the rifle or shotgun.

The sworn employee's commanding officer may also refer to Departmental Order 15, Chapter 2, Section 2.6.18 below for revocation of Firearms Qualifications Form (PD/RF #398 Rev 08/03).

**2.6.12.5.3** During a critical incident, a supervisor will make an assessment of the incident and could request the assistance of specialized tactical units.

**2.6.12.5.4** **Ensure** all rifles and shotguns are secured, in the trunk of the vehicle, once the incident is resolved.

**2.6.13 Evidence handling, collection of, or transporting firearms.**

**2.6.13.1** All sworn employees shall use extreme caution while handling firearms of evidentiary value or as found property.

**2.6.13.2** Due to the potential evidentiary value, firearms at a crime scene shall not be disturbed prior to the arrival and authorization of a Criminal Investigations Division (CID) unit, unless exigent circumstances exist for officer and/or public safety.

**2.6.13.3** All sworn employees will follow the safe handling and clearing of all firearms in accordance with the procedures outlined in Departmental Order 15, Chapter 2.

**2.6.13.4** Sworn employees who cannot render any firearm safe will contact the TPDS and request a firearms instructor to respond. If a firearms instructor is needed after normal duty hours, contact the Communications Unit to request that a commander from the TPDS send a firearms instructor.

**2.6.13.5** Once the firearm is rendered safe, clear, and empty, a flex cuff or similar device will be used to keep the action from closing. Sworn employees are prohibited from placing anything down the barrel of the firearm, in order to minimize evidence contamination.

**2.6.13.6** When handling any firearms, the sworn employee shall minimize contact and shall carry the firearm by the pistol grip when practical.

**2.6.13.7** Protective gloves will be worn while handling all firearms, barring exigent circumstances.

**2.6.14 Firearms Qualification: (CALEA 4.3.3;16.3.6)** All sworn employees are required to demonstrate proficiency with authorized firearms during qualification periods, which are conducted within each calendar year, to include:

**2.6.14.1 Handgun:**

**2.6.14.1.1** Sworn employees will qualify on all courses recommended by FDLE or those courses developed by The Officer Skills Development Detail. You will have two (2) attempts to qualify.

**2.6.14.2 Handgun with Mounted Tactical Light:**

**2.6.14.2.1** Sworn employees will qualify on all courses recommended by FDLE and courses developed by The Officer Skills Development Detail.

**2.6.14.2.2** FDLE's Firearms Qualification Standard Course

**2.6.14.2.3** Low/no light qualification course.

**2.6.14.2.4** Discretionary qualification course.

**2.6.14.3 Shotgun:**

**2.6.14.3.1** Sworn employees will qualify on a course recommended by the FDLE or those courses developed by The Officer Skills Development Detail.

**2.6.14.3.2** Sworn employees will have two (2) attempts with 00 Buck, and two (2) attempts with rifled slugs to qualify.

**2.6.14.3.3** Sworn Employees who qualify with 00 buck and rifled slug, will be issued a Firearms Qualifications Form (PD/RF #398 Rev 08/03), to corroborate that they are authorized to carry a shotgun and both 00 buck and rifled slug ammunition.

**2.6.14.4 Rifle:**

**2.6.14.4.1** Sworn members wishing to carry a rifle while on duty will attend and successfully complete a departmentally approved rifle certification course, and demonstrate proficiency. Sworn employees will be required to qualify annually on a course designed and administered by the Officer Skills Development Detail. The sworn member will have two (2) attempts to qualify.

**2.6.14.4.2** Sworn members with optic sights must qualify twice. They must qualify with the iron sights and again with the optic sights. The iron sight qualification must be co-witnessed by a firearms instructor from the Training and Personnel Development Section while the optic site is mounted on the firearm.

**2.6.14.4.3** Sworn members shall qualify with all approved optics and shall not attach any optics to any firearm without the approval of the Commander of the Training and Personnel Development Section or designee.

**2.6.14.4.4** Patrol Rifle certification shall expire 12 months from the date of the member's last qualification. It shall be the sole responsibility of the sworn member to contact or inform the Firearms Detail to request to be scheduled for annual requalification. Failure to attend annual rifle qualification prior to the expiration date shall result in the immediate revocation of any police related rifle carrying privileges.

**2.6.15 Failure to Demonstrate Firearms Proficiency and Departmental Qualification Standards with Authorized Firearms: (CALEA 4.3.3 c)**

**2.6.15.1 Handgun:** Sworn employees who fail two (2) attempts to qualify on the designated qualification course will be placed on Relieved/Reassigned as outlined in D.O. 1, Chapter 11, and will be scheduled to attend the next available remedial training and qualification date. The sworn employee will then be given two (2) attempts to qualify after receiving remedial training.

**2.6.15.2** Failure to attend scheduled remedial training will result in the sworn employee reporting to the Internal Affairs Section and being relieved of duty. Their firearm must be turned in to the supervisor of The Officer Skills Development Detail or designee.

**2.6.15.3** If the sworn employee again fails to qualify (after the first remedial session), they will return their firearm to the supervisor of The Officer Skills Development Detail or designee. The sworn employee will be scheduled for a second remedial training session on the next available date. During the remedial session, the sworn employee will be given two (2) attempts to qualify after remedial training and practice.

**2.6.15.4** If the sworn employee again fails to qualify (after the second remedial session), they will return their firearm to the supervisor of The Officer Skills Development Detail or designee. The

sworn employee will be scheduled for a third remedial training session on the next available date. During this remedial session, the sworn employee will be given two (2) attempts to qualify after remedial instructions and practice.

**2.6.15.5** If the sworn employee fails to qualify after the fourth attempt (after the third remedial session), they will return their firearm to the supervisor of The Officer Skills Development Detail or designee. The sworn employee will be recommended for termination in accordance with the procedures outlined in Internal Affairs Departmental Order 2, Chapter 2.

**2.6.15.6 Suspension of Extra Duty Employment for Failure to Qualify:** At the point of the initial failure to qualify, the sworn employee is suspended from extra duty work until such time that the sworn employee has successfully qualified. The supervisor or designee of The Officer Skills Development Detail will notify the Special Events Unit and the sworn employee's commanding officer.

**2.6.15.7** During this period, if the sworn employee is observed working any extra duty employment, the sworn employee will be relieved of duty, their firearm will be removed per departmental orders, and disciplinary action will be initiated by the sworn employee's immediate or designated commanding officer.

**2.6.16 Handgun with Mounted Tactical Light Qualifications:**

**2.6.16.1** Sworn employees who fail to meet any requirements will not be authorized to carry their firearm with the mounted tactical light attached.

**2.6.17 Shotgun:**

**2.6.17.1** Sworn employees who fail to qualify with the rifled slug, but qualified with OO buck, will be issued a Firearms Qualifications Form (PD/RF #398 Rev 08/03), which corroborates that they are authorized to carry a shotgun with #00 buck ammunition only.

**2.6.17.2** Sworn employees who fail to achieve a qualifying score will not be authorized to carry a shotgun and will be scheduled to attend the next available remedial training and qualification date. During this remedial training, the sworn employee will be given two (2) attempts to qualify after remedial instructions and practice. If the sworn employee fails to qualify, the carrying of a shotgun will not be authorized.

**2.6.17.3** Sworn employees will have to present a current Firearms Qualifications Form (PD/RF #398 Rev 08/03) to the issuing authority prior to being issued a shotgun. The Firearms Qualifications Form (PD/RF #398 Rev 08/03) will be valid from the date of issue until the final day of the next scheduled shotgun qualification course.

**2.6.18 Attendance to all Firearms Training:**

**2.6.18.1** All sworn employees are required to attend firearms qualification, scheduled remedial training, and practice programs at the specified time. While attending firearms training, sworn employees are under the direct supervision of The Officer Skills Development Detail Supervisor.

**2.6.18.2 Attendance During Vacation, Suspension, Illness, etc.:** During any qualification period or during any remedial program, it will be the sworn employee's responsibility to notify The Officer Skills Development Detail or designee by memorandum and/or email of their inability to attend. It will also be the sworn employee's responsibility to make the necessary arrangements with the Officer Skills Development Detail Supervisor or designee for any rescheduling. Sworn Employees in limited or light duty status, shall attend firearms training unless they are physically unable to shoot a firearm, at which time, notification is necessary.

**2.6.19 Failure to attend any qualification session by the end of the qualification program:**

Sworn employees who fail to attend the qualification program will be assigned to an administrative position and will not be allowed to work extra duty employment.

**2.6.19.1** It will be the responsibility of the sworn employee's immediate supervisor to ensure that the above is adhered to.

**2.6.20 Failure to Attend Scheduled Qualification:**

**2.6.20.1** The supervisor of The Officer Skills Development Detail or designee will forward notice of absences for scheduled firearms training to the sworn employee's section commander. The section commander will be responsible for ensuring that an evaluation is made by the immediate supervisor of all instances of absence by the sworn employee.

**2.6.20.2** The immediate supervisor shall require a response from the sworn employee that states the reason for not appearing at the scheduled time. The supervisor shall review the employee's response and their record for the previous 12 months. Supervisors will make a determination of whether the excuse is acceptable or unacceptable.

**2.6.20.3** If the sworn employee has a valid reason for failure to attend qualification, the supervisor shall return the notice of failure to attend scheduled qualification with the findings to the supervisor of The Officer Skills Development Detail, through channels, for inclusion in the sworn employee's firearms profile.

**2.6.20.4** If the reason is unacceptable, the supervisor shall initiate appropriate corrective action in accordance with the disciplinary policy of this chapter. The original notice of failure to attend scheduled qualification shall be returned to The Officer Skills Development Detail, through channels, with the findings and a notation as to the action taken.

**2.6.20.5** The following minimum disciplinary policy shall be adhered to in all instances where the investigation findings are sustained, within the preceding 12-month period:

**2.6.20.5.1** 1st Occurrence: Record of Formal Counseling.

**2.6.20.5.2** 2nd Occurrence: Reprimand.

**2.6.20.5.3** 3rd Occurrence: Reprimand (with loss of 40 hours suspension).

**2.6.20.5.4** 4<sup>th</sup> Occurrence and subsequent failures to attend: Reprimand (Relieved of Duty up to and including termination of employment).

**2.6.21 Permit (RF#398) Revocation Procedures:**

**2.6.21.1** In addition to any other action taken by the Department, the Firearms Qualifications Form (PD/RF #398 Rev 08/03) may be revoked at the discretion of the sworn employee's commanding officer. If the sworn employee demonstrates careless handling or misuse of an authorized firearm, Firearms Qualifications Form (PD/RF #398 Rev 08/03), may be revoked for a period of up to six (6) months, or they may be permanently revoked. Revocations may be imposed as follows:

**2.6.21.2** In cases where a sworn employee possesses a semi-automatic pistol Firearms Qualifications Form (PD/RF #398 Rev 08/03) indicating multiple gun ownership; a violation and subsequent revocation of a Firearms Qualifications Form (PD/RF #398 Rev 08/03) will result in the revocation of all Firearms Qualifications Form (PD/RF #398 Rev 08/03) issued to that sworn employee.

**2.6.21.3** Revoked Firearms Qualifications Form (PD/RF #398 Rev 08/03) will be taken from the sworn employee by his commanding officer and forwarded to the Training and Personnel Development Section with a memorandum describing in detail the reason for the revocation, with a copy to the Chief of Police. The Training and Personnel Development Section will permanently maintain these revoked Firearms Qualifications Form (PD/RF #398 Rev 08/03) and reports on file for reference and appeal proceedings.

**2.6.21.4** A commanding officer will complete a Remedial Training Form (RF #799) recommending the sworn employee attend a Remedial Training, administered by the Training and Personnel Development Section.

**2.6.22 Firearms Qualifications Form (PD/RF #398 Rev 08/03) Revocation Appeal Procedures:**

**2.6.22.1** Sworn employee who desires to appeal the revocation of a permit Firearms Qualifications Form (PD/RF #398 Rev 08/03) can do so by submitting a memorandum, through channels, to the Chief of Police.



**2.6.22.2** The memorandum will include a brief synopsis of the incident that led to the revocation of the Firearms Qualifications Form (PD/RF #398 Rev 08/03). This synopsis will be written from the sworn employee's point of view.

**2.6.22.3** The decision of the Chief of Police regarding an appeal will be final in all cases.

**2.6.23 Range Practice:**

**2.6.23.1** For range practice, range hours will be announced through the Official Bulletin at the conclusion of each qualification program. Practice shooting will not be allowed during the qualification period.

**2.7 Cleaning, Care, and Maintenance of Firearms and Ammunition:**

**2.7.1** Sworn employees are responsible for the care and cleaning of all authorized firearms to be carried. Firearms shall be clean, lubricated, and operational at all times.

**2.7.2** Field Stripping: disassembly of departmental firearms for cleaning is limited to field stripping only. (Sworn Employees who are assigned to The Officer Skills Development Detail and SWAT Detail, who are trained to further disassemble firearms are exempt from this section.)

**2.7.3** Repairs: Firearms in need of repair or that are unsafe will be taken to The Officer Skills Development Detail without delay. If the Officer Skills Development Detail is closed, the firearm will be taken to property and exchanged for another firearm. The firearm will be repaired by The Officer Skills Development Detail Armorer and returned to the sworn employee as soon as possible.  
**(CALEA 4.3.1 d)**

**2.7.4** Firearm cleaning is not permitted in public places or any office area within the police complex.

**2.7.5** While field stripping and cleaning your firearm, sworn employees will follow these important steps:

**2.7.6** Safety check the firearm.

**2.7.7** Remove live ammunition from the cleaning area.

**2.7.8** Visually and physically inspect the chamber, magazine well, and barrel. Look for ammunition casings and obstructions.

**2.7.9** Remove the ammunition from the magazine(s).

**2.7.10** Place the ammunition in a secure area away from the firearm.

**2.7.11** It is recommended that you observe the manufacturer's guidelines for cleaning any firearm. Make sure the tools you use do not invalidate the manufacturer's warranty or conflict with the manufacturer's recommendations.

**2.7.12** Remove all lead, powder, debris, and dirt. These substances can cause a malfunction if they build-up

**2.7.13** Lubricate firearm to factory specifications

**2.7.14** When you finish cleaning and lubricating your firearm

**2.7.15** Reassemble the firearm and its magazines

**2.7.16** Perform a function check of the firearm for proper operation

**2.7.17** Any ammunition assigned to a sworn employee will be available for inspection at any time.

**2.7.18 Damaged Ammunition:** Any issued ammunition that is damaged or contaminated will be turned into The Officer Skills Development Detail supervisor or designee, and new ammunition will be issued.

**2.7.19 Lost Ammunition:** Any issued ammunition not accounted for will be documented on a memorandum and submitted, through channels, to their commanding officer.

**2.7.20 Expended Ammunition:** Replacement ammunition will be issued by presenting a memorandum, signed by a supervisor, to the Officer Skills Development Detail supervisor or designee.

**2.7.21 Safe Firearm Storage: (CALEA 4.3.1 f)** Safe and proper storage of firearms is critical to the safety of all employees, their families, and others who may come in contact with a firearm.

**2.7.21.1** Sworn employees of the Department need to consider their particular situation when storing a firearm at their residence. Factors such as the presence of children and other minors in the household or the probability of unauthorized persons, possibly gaining access to the firearm should be considered when storing firearms. There are several ways to provide safe storage of a firearm and multiple safeguards that may be used in conjunction to increase storage safety. The individual will need to make a determination based on their needs as to which method will best address concerns of personal defense and home safety. When home defense becomes an issue, the owner must balance the need to have the firearm readily available yet inaccessible to children and unauthorized persons.

**2.7.21.2** Sworn employees will not store any firearm in the police vehicle unless the sworn employee is acting in an official capacity.

**2.7.21.3** Rifles and shotguns will be encased in a case manufactured for that purpose while in the trunk or lockbox of the patrol vehicle. All firearms will be secured in the trunk or lock box in a manner that would prevent the firearms from being moved around if the vehicle was to be placed in motion.

**2.7.21.4 Provisions of Florida State Statute Chapter 790:** Florida State Statute has set forth provisions for the storage of firearms in section 790.174, making it unlawful to allow easy access

of a firearm to a minor. The gun owner must keep the firearm in a securely locked box or container or in a location in which a reasonable person would believe to be secure or shall secure it with a trigger or cable lock.

**2.7.21.5** Sworn employees should refer to the aforementioned Florida Statute in order to fully understand the responsibilities and criminal charges that may arise for violation of state statute.

## SCENARIO BASED TRAINING

### Section

- 3.1 Purpose
- 3.2 Organization
- 3.3 Responsibilities
- 3.4 Procedures

**3.1 POLICY:** To establish minimum training guidelines while conducting all scenarios based training (Career Development, Recruits, Independent and International Students).

**3.2 ORGANIZATION:** The Training & Personnel Development Section will ensure that all training will be conducted with certified instructors, training safety officers, equipment officers in a properly marked staging area. This area is designated with cold, warm and hot zones. Training Scenario Action Plan and Training Scenario After Action Report must be completed for each tour of duty for each scenario based training.

**3.3 RESPONSIBILITIES:** To establish a systematic process for the safety of all participants and to develop an accountability process of resources, equipment, and training. This process is applicable to all Scenario based training in which Simunition and Blank Ammunition weapons are used, blue or red guns (plastic), and the use of departmental issued weapons.

**3.3.1** In addition, it is to establish the Basic Safety Guidelines for handling firearms as follows:

1. Safety is the most important element.
2. All Scenarios will have dedicated personnel and zones to ensure compliance.
3. All equipment and rounds will be inventoried and verified.
4. Defensive Tactics and Vehicle Operations will also ensure safety measures are in effect and practiced.

**3.4 PROCEDURES:** All rules and procedures will be covered under the Training & Personnel Development Section SOP #7.

There will be no live ammunition or loaded firearms during training exercises.

**3.4.1** The Laser Rule is to treat the muzzle of each firearm as if it is a laser gun with the Beam always on. Other rules include the following:

- treat all ammunition as lethal;
- all participants are to immediately stop all action upon hearing, "cease fire";

- if a student feels uncomfortable for any reason, the student must inform the instructor;
- unsafe frivolous behavior will not be tolerated;
- report any and all injuries immediately to the instructor;
- student must disclose any existing health conditions to the instructor prior to the beginning of class;
- activities, which may aggravate a health condition or chronic injury, are to be avoided;
- protective equipment must be worn during all Simunitions training exercises for both participants and observers.

**3.4.2 Staffing Requirements** To safely and efficiently conduct scenario based training, the minimum requirements shall be one (1) Training Safety Officer for every six (6) participants.

**3.4.2.1** The Lead Instructor, Class Coordinator, and Training Advisor, are responsible for documenting in a lesson plan format the type of scenario being conducted and the equipment necessary for application.

**3.4.2.2** Location: to identify a safe and isolated location for the training, this allows adequate space to accommodate for the four safety areas, such as the staging area, the cold zone, the warm zone, and the hot zone.

**3.4.2.3** Controller (Supervisor): responsible for the following:

- a) the overall command and control of the scenario based training;
- b) the implementation to all standard operating procedures related to scenario based training;
- c) the visual inspection of all equipment brought into the warm zone along with a Training Safety Officer;
- d) to ensure that blank ammunition and Simunitions rounds are visually inspected along with the Training Safety Officer prior to entering into the warm zone. Upon the completion of this inspection, the rounds will be turned over to the Equipment Officer.

**3.4.2.4** Training Safety Officer(s): responsible for the following:

- a) the overall safety of the scenario and to provide security for those individuals involved in the scenario;
- b) to ensure that participants are not in possession of any weapons not authorized to be in the scenario;
- c) notify the Communications Bridge of the practicum location and advise them of the Training & Personnel Development Section Radio Channel in use;
- d) not be an active participant during any portion of the scenario based training;
- e) be a FITW certified instructor when utilized for all weapon based scenario practicum;
- f) be identified by wearing a safety vest, a police radio, whistle, air horn, and armed.

**3.4.2.5** Equipment Officer(s): responsible for the following:

- a) the issuance and collection of all equipment to be utilized for the scenario;
- b) to ensure that participants are not in possession of any weapons not authorized to be in the scenario.

**3.4.3 Staging Area:** the area will be utilized to conduct the briefing and debriefing of the training, and to provide instructions.

**3.4.3.1 Cold Zone:** identify and properly mark the cold zone preparatory area in which the Instructor outlines the scenario being conducted, prepares the participants to engage in the training, and conducts a safety check.

**3.4.3.2 Warm Zone:** identify and properly mark the warm zone area where the Equipment Officer provides the equipment and conducts a safety check.

**3.4.3.3 Hot Zone:** identify and properly mark the hot zone area in which the scenario is actually taking place and the Training Safety Officer(s) along with the Controller (Supervisor) has complete command and control of the training and its safety.

**3.4.4 Training Scenario Action Plan and Training Scenario After Action Report:** for each tour of duty in which equipment was used for scenario based training and submit through channels.

### **3.5 Procedures for checking out weapons that have been identified to discharge blank ammunition**

**3.5.1** A Sign-in/Sign-out Sheet, located in the Firearms Bunker, must be completed for use and return of the Blank Shotgun or Blank Handgun. The following procedures are in effect:

- a) a designated “blank shotgun” and “blank handgun” with orange stock/grip will be the only shotgun or handgun authorized;
- b) the shotgun or handgun will be encased in a pelican case and locked at all times, until ready for use;
- c) the approved shotgun case will contain 4 boxes, 25 rounds per box of blank rounds;
- d) the approved handgun case will contain 2 boxes, 50 rounds per box of blank rounds;
- e) the only authorized blanks that will be used with this shotgun/handgun are blank rounds issued from the Firearms staff and will have a spray painted head-stamp in bright orange on all blank ammunition. Blank ammunition will not be allowed out of the Firearms Bunker unless the head-stamps are painted in bright orange.
- f) During the scenario, the shotgun muzzle will be pointed in a safe direction to be utilized for effect only.

**3.6 Defensive Tactics Scenarios:** during these scenarios, the Lead Instructor, Training Advisor, and Safety Officer(s) assigned to the practicum must ensure that the following procedures are adhered to at all times:

- a. only plastic handguns, knives, or rifles (blue or red) will be utilized for scenarios design to implement defensive tactics techniques;

- b. all personnel involved in the defensive tactics exercises will not wear any loaded firearms on their persons.

**3.7 Vehicle Operations:** the following procedures are adhered to at all times:

- a. the Range Master designated by the Training & Personnel Development Section will ensure the safety and proper operation of vehicles under all weather conditions;
- b. all vehicles designated to participate in these exercises will have a certified Driving Instructor in the vehicle at all times;
- c. the Range Master is responsible for ensuring the maintenance and care of all vehicles assigned to the Training & Personnel Development Section, which are used in the vehicle operations training;
- d. any damages as a result of an accident must be reported in the proper forms, i.e. Accident Reports, Supervisory Reports;
- e. the maximum number of four (4) occupants in the vehicle includes the Instructor.

**3.8 Instructor Certification:** in the instances where the Departmental Orders does not contain specific procedures to conduct training, the Instructor's certification will dictate the course of action taken and safety needed for the training being provided.

## BIAS BASED PROFILING

### Section

- 4.1 Policy
- 4.2 Definition
- 4.3 Organization
- 4.4 Responsibility
- 4.5 Procedures

**4.1 POLICY:** It is the policy of the Miami Police Department to provide police services that are fair, unbiased, judicious, and respectful of the dignity of all individuals. The department's legitimate objective to protect the public by enforcing the law shall be reached through enforcement actions towards individuals, which are not based solely upon that individual's race, ethnicity, gender or national origin. These actions include, but are not limited to, vehicle stops, stop and frisk of an individual, arrests, searches and seizures, the application of force, and the initiation of forfeiture proceedings. Bias based profiling is a violation of the 14th Amendment to the Constitution and it is illegal. The Miami Police Department strictly prohibits of the use of bias based profiling by its members. **(CALEA 1.2.9 a)**

**4.2 DEFINITION:** BIAS BASED PROFILING: The selection of an individual(s) based solely on a common trait to a particular group for enforcement action. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group. Enforcement action must be within legal guidelines and departmental policy.

**4.3 ORGANIZATION:** All members of the Miami Police Department are mandated to adhere to this policy.

**4.4 RESPONSIBILITY:** Bias based profiling shall not be used when sworn members of the Miami Police Department exercise police authority. It is the responsibility of all members of the Miami Police Department to adhere to this policy. It is further the responsibility of all supervisors and commanding officers to ensure that all members in their command are knowledgeable, trained and in compliance with this policy.

### **4.5 PROCEDURES:**

**4.5.1 Training:** The Training and Personnel Development Section shall ensure that this bias based profiling policy is appropriately addressed in training programs, including Basic Law Enforcement. Officers will receive initial and annual training in conducting professional traffic stops and other citizen type contacts. Training programs will emphasize the need to respect the right of all persons to be treated equally and to be free from unreasonable searches and seizures. In developing these training programs, the department shall consider the following aspects of professional traffic stops and citizen contact: officer safety, courtesy, cultural awareness/language barriers, search and seizure laws, interpersonal communications skills and other related constitutional issues. **(CALEA 1.2.9 b)**



**4.5.2 Annual Review:** The Internal Affairs Section shall be responsible for the annual review of bias based profiling complaints and other related citizen concerns. **(CALEA 1.2.9 c)**

**4.5.3 Disciplinary Action:** A member of the department found to be in violation of this order shall be subject to the appropriate disciplinary action and training.

**BATON PR-24  
(Training Unit)****Section**

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibilities
- 5.4 Procedures

**5.1 Policy:** This order is issued to provide members of the department with information and guidelines on the use of, and qualification procedures pertinent to the PR-24 baton.

**5.2 Organization:** The PR-24 is only authorized to be used by the Miami Police Department (MPD) members while assigned to a Response Platoon.

**5.3 Responsibilities:** All authorized less-lethal weapons will be used with discretion and common sense, consistent with approved techniques necessary and sufficient to overcome resistance or attack. Unnecessary, excessive, or brutal use of the PR-24 in subduing a prisoner is forbidden. The PR-24 shall not be used in a tomahawk manner. The PR-24 shall not be carried or utilized by members who are not certified as having received departmentally approved training.

**5.4 Procedures:**

**5.4.1 Qualification Procedures:** An officer can receive "Certification of Competency" ONLY from a certified MPD PR-24 instructor. After satisfactory completion of basic PR-24 training, the officer will be awarded a qualification certificate.

Periodic demonstration of skills will be required to continue certification, which allows the officer to carry the PR-24 baton while assigned to a Response Platoon. This will be accomplished annually during the annual Basic Field Skills and Survival Training Program or during Response Platoon Training.

**5.4.2 PR-24 Issue:** Members who have qualified to carry the departmentally-approved PR-24 shall be issued a PR-24 by MPD while assigned to a Response Platoon as part of the officer's personal protection gear and used only where incidents require deployment of personal protective gear.

**5.4.3 PR-24 Recall:** Members issued a PR-24 shall immediately return the issued PR-24 upon being released from the Response Platoon assignment.

**5.4.4 PR-24 Reporting Procedures:** When a PR-24 is used to strike a subject a Response to Resistance Report (BTW RF #186) will be completed.

**5.4.5 Approved PR-24 Batons:** Unauthorized alterations or modifications to the PR-24 batons are strictly prohibited. ONLY CITY issued batons may be carried and used by members, while assigned to a Response Platoon.

**EXPANDABLE BATON**

Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Responsibilities
- 6.4 Procedures

**6.1 POLICY:** This order is issued to provide members of the department with information guidelines on the carrying, use of, and qualification procedures pertinent to the expandable baton.

**6.2 ORGANIZATION:** The expandable baton is the only baton authorized to be used by the City of Miami Police Department.

**6.3 RESPONSIBILITIES:** All authorized, nonlethal weapons will be used with discretion, consistent with approved techniques necessary and sufficient to overcome resistance or attack. The expandable baton shall not be carried or utilized by members who are not certified as having received departmentally approved training.

**6.3.1 Use of Expandable Baton:** Excessive or brutal use of the expandable baton in subduing a prisoner is forbidden. Strikes with the expandable baton in the face, head, and neck areas may produce injuries, which are eventually fatal and are strictly prohibited.

**6.4 PROCEDURES:**

**6.4.1 Qualification Procedures:** An officer can receive "Certification of Competency" only from a certified MPD expandable baton instructor, after satisfactory completion of basic expandable baton training. The officer will be awarded a qualification certificate and issued an expandable baton. Periodic demonstration of skills will be required to continue certification, which allows the officer to carry the expandable baton. This will be accomplished annually during the basic field skills and survival training.

**6.4.2 Carrying the Expandable Baton:** Officers will carry the expandable baton on their duty belt at all times. Plainclothes officers will carry the expandable baton in a manner that conforms with their duties.

**6.4.3 Reporting Procedures for Expandable Baton:** When an Expandable Baton is used to strike a subject a Response to Resistance Report (BTW RF #186) will be completed.

**6.4.4 Approved Expandable Batons:** Only the MPD-issued expandable baton will be carried by personnel. Unauthorized alterations or modifications to the expandable baton are strictly prohibited.

**6.4.5 MPD-Approved Accouterments:** Truax Engineering, Inc., (T.E.I.), baton flashlight.

**6.4.6 Use of Breakaway subcap:** Officers may encounter exigent circumstances in which they may have to break a vehicle's window to gain access to its interior. The ASP Breakaway subcap

is designed to be interposed between the cap and handle of the expandable baton. Removing the baton cap exposes the three ceramic pins of the Breakaway.

**6.4.6.1** It shall be the responsibility of all patrol officers to use the ASP Breakaway subcap in accordance to training and procedures.

**6.4.6.2** Use of Breakaway subcap: Officers shall only use the ASP Breakaway subcap for lifesaving vehicle extrication, (e.g., infant inside a locked vehicle).

**6.4.6.3** The ASP Breakaway Subcap is intended to be used on vehicle windows.

**6.4.6.4** When feasible, the officer shall advise a supervisor of the incident and obtain approval before breaching the vehicle's window.

**6.4.6.5 Reporting Procedures for Breakaway subcap:** Officers shall be required to generate an information report after the use of the Breakaway subcap on a vehicle's window.

**6.4.6.6 Personal Protection Equipment:** Officers shall take precautions, when feasible, to don personal protective equipment, (e.g., gloves, glasses, and or departmental-issued long sleeve shirts or jackets). Officers shall be cognizant of possible injuries that may occur to the occupants of the vehicle when it is being breached.

**6.4.6.7 Prohibited Use:** Officers are prohibited from using the exposed ceramic pins of the Breakaway Subcap to strike a subject.

**6.4.6.8** Officers are prohibited from having the ceramic tip un-capped and exposed while in the ASP holster.

## OC SPRAY

### Section

- 7.1 Policy
- 7.2 Organization
- 7.3 Responsibilities
- 7.4 Procedures

**7.1 POLICY:** This order is issued to provide members of the department with information and guidelines on the carrying, use and certification procedures pertinent to the departmentally approved O.C. (Oleoresin Capsicum) spray.

**7.2 ORGANIZATION:** Only the O.C. spray issued by the department is authorized to be carried and used by department personnel.

**7.3 RESPONSIBILITIES:** The O.C. spray will only be carried by department personnel that have successfully completed the certification training. The O.C. spray will be used with discretion and common sense, consistent with approved training and techniques necessary and sufficient to overcome resistance, attack or threat of attack. Unnecessary or excessive use of the O.C. spray is forbidden. The O.C. spray will be cared for and maintained by department personnel to ensure it is kept in working order.

### **7.4 PROCEDURES:**

**7.4.1 Certification Procedure:** All sworn personnel, except those exempted by the Chief of Police, will successfully complete the Basic O.C. User Certification course. After successful completion of the course, department personnel will receive a Certificate of Competency. All courses will be instructed by certified O.C. instructors. The certification course will consist of classroom and hands-on training. Annual training will be conducted in conjunction with survival training.

**7.4.2 Carrying the Approved OC Spray:** Certified department personnel whose normal duties/assignments may require them to make arrests or supervise arrestees shall carry the O.C. spray and holster on their gun belt at all times while on duty. Alterations or modifications to the department issued O.C. spray or holster are strictly prohibited. Only the department issued O.C. spray will be used by certified personnel.

**7.4.3 Discharging OC Spray:** O.C. spray can be used when a suspect poses a threat to assault, batters an officer or citizen, or resists arrest; and

**7.4.3.1** Verbal dialogue has failed to bring about the subject's compliance; and

**7.4.3.2** The subject has signaled his intention to actively resist the officer's effort to make a lawful arrest.

**7.4.3.3** Whenever practical and reasonable, officers should issue a verbal warning prior to using O.C. against a suspect.

**7.4.3.4** Handcuffed subjects should only be O.C. sprayed as a last resort to prevent injury. A supervisor shall be contacted prior to the use of O.C. spray on a handcuffed subject. Prior to use of O.C. spray on a handcuffed prisoner, a clear and concise verbal warning **must** be given.

**7.4.3.5** Anytime an officer discharges O.C. spray the officer will notify the Communications Unit and a supervisor.

**7.4.3.6** The supervisor will respond to the scene if possible. The supervisor will interview the offender and witnesses and verify if the offender received any injuries. The supervisor will ensure the O.C. Usage Report is completed.

**7.4.4 Unintentional Bystander Contamination:** Every effort will be made by department personnel not to contaminate innocent bystanders when discharging O.C. spray. Unintentional contamination shall be dealt with as quickly as possible. Department personnel will remain on the scene until the bystander is decontaminated.

**7.4.4.1** A supervisor must be contacted as soon as possible whenever a bystander is contaminated. The supervisor will respond to the scene and ensure all procedures are followed. An O.C. supplement report shall be completed annotating the pertinent information (name, address, phone, area on body and degree exposed) for each bystander contaminated. It should be noted in the original O.C. report that bystanders were contaminated and a supplement report was done.

**7.4.5** Unless deadly force is justified, an officer will not use O.C. spray on the driver or occupants of a vehicle that is being driven or if the driver is in constructive control of the vehicle.

**7.4.6 Decontamination:** One or more of the following decontamination procedures shall be followed after an O.C. discharge:

1. Officers should not touch their faces or hands until they have had the opportunity to wash them with soap and water.
2. Officers should advise suspects and citizens not to touch their face or eyes until they have had the opportunity to wash them with soap and water.
3. Allow the suspect to stand in the open and air out if possible.
4. Afford the suspect the opportunity to use department issued decontamination wipes or sprays.
5. If available, a copious amount of water can be used to flush the area.

**7.4.7** The effects of O.C. spray should wear off in 45 minutes. Any person that has been sprayed should be observed for that time period.

**7.4.7.1** If a person that was sprayed with O.C. complains of trouble breathing after two minutes from the exposure, afford them emergency medical treatment. Medical personnel should be warned that O.C. spray has been used.

**7.4.8 OC Spray Reporting Procedures:** Anytime O.C. spray is used the "Response to Resistance Report" must be completed before the officer checks into service from the incident. One report will be completed for each subject contaminated. If more than one officer is involved, each officer will print and sign his/her name on the report.

**7.4.8.1** The report will be routed in the following manner: Originals will go through channels to Internal Affairs. Before the officer's end of tour of duty, a copy will be placed in the Internal Affairs locked box that says RESPONSE TO RESISTANCE REPORT, located in the Sergeant's office in the Patrol Unit at Central Station. It will be the Field Lieutenants responsibility to review, sign and ensure that the report is placed inside of the Internal Affairs control of persons box. Failure to submit the copy at the end of tour of duty will result in a disciplinary action. A copy should be forwarded to the Training Unit, and the original unit will keep a copy. A copy will be forwarded to Risk Management if the offender is hospitalized due to an adverse reaction to O.C.

**7.4.9 Replacement of Used Canisters:** Replacements of expended O.C. canisters shall be provided to police officers upon the submission of a "DRAFT" copy of the Response to Resistance Report to the Property Unit. The "DRAFT" of the Response to Resistance Report must contain signatures of the involved officer and supervisor.

## CONDUCTIVE ENERGY WEAPON

### Section:

- 8.1 Policy
- 8.2 Organization
- 8.3 Responsibility
- 8.4 Procedures

**8.1 POLICY:** It is the policy of the Miami Police Department (MPD) to apply the least force necessary when subduing or apprehending a subject. To that end, the Conductive Energy Weapon (CEW) is a less than lethal alternative available to members. The CEW shall be deployed under the conditions set forth in this order. **(CALEA 1.3.4)**

**8.2 ORGANIZATION:** The Training and Personnel Development Section (TPDS) shall be responsible for the overall coordination of all matters pertaining to the CEW. The current CEW approved by the MPD for duty use is "Taser, International ". **(CALEA 1.3.9 a)**

**8.3 RESPONSIBILITY:** It shall be the responsibility of the TPDS to train and certify all eligible members on the proper techniques and use of the CEW. Additionally, the TPDS shall be responsible for compiling and analyzing data from incidents involving the use of the CEW to identify training related needs.  
**(CALEA 1.3.4, 1.3.11 b)**

**8.3.1** The Internal Affairs Section shall review all reports concerning the use of the CEW for compliance.

**8.3.2** It shall be the responsibility of the respective chain-of command of the members issued the CEW to ensure proper supervision, managerial controls, and compliance.

**8.4 PROCEDURES: Training and Qualification:** All eligible members who successfully complete the Department's authorized training course and demonstrate the required proficiency in the use of the CEW, shall be certified to carry the CEW. All training and qualification for the CEW shall be documented by TPDS and conducted by certified CEW instructors. **(CALEA 1.3.10; 1.3.11 a, b)**

**8.4.1 In-Service Training:** In order to maintain proficiency in the use of the CEW, all members certified to carry the weapon shall receive mandatory in-service/online training annually. **(CALEA 1.3.11)**

**8.4.1.1 Remedial Training:** A member shall be recommended to attend remedial training (RF# 799) by a supervisor, commanding officer, or lead instructor if deficiencies are identified. **(CALEA 1.3.11 c)**



**8.4.2 Carrying the CEW:** Certified members shall carry the CEW on their duty belts, opposite their duty issued firearm, and secured in the Department's approved holster. The CEW shall never be left unsecured.

**8.4.3 Authorized Use of the CEW:** The CEW may be deployed in a situation during which the person or subject of the arrest or custody escalates resistance to the member from passive physical resistance to active physical resistance and the person;

- (a) Has the ability to physically threaten the member or others; or
- (b) Is attempting to flee or escape at any time before, during, or after the incident.

**8.4.3.1** Use of the CEW may be appropriate in situations including, but not limited to, situations involving a violent combative subject, an emotionally disturbed person, a person suffering from the symptoms of Excited Delirium or a subject under the influence of a mind-altering drug.

**8.4.3.2** The CEW may be deployed to defend against an attack from a dangerous animal. If an animal is subdued with the CEW, Miami-Dade Animal Control shall be notified. The member will then document the circumstances in the Response to Resistance Report (Blue Team).

**8.4.3.3** Current handcuffing policies shall apply to subjects taken into custody with the use of the CEW.

**8.4.4 Special Considerations for the Deployment of the CEW; unless Deadly Force is justified:**

**8.4.4.1** Members shall not deploy a CEW when flammable gases, liquids, or explosives are known to be near the subject.

**8.4.4.2** Members shall not deploy a CEW when the elevated location of the subject poses the potential risk of serious injury or death to the subject from a fall. This includes proximity to deep water.

**8.4.4.3** Members shall not deploy a CEW, unless deadly force is justified, when the person:

- (a) is known to be or is visibly pregnant;
- (b) is known to be or physically appears to be younger than fourteen (14) years of age;
- (c) is known to be or is visibly elderly or sickly;
- (d) very thin persons that have visibly low body-mass.

**8.4.4.4** Members shall not deploy a CEW on a handcuffed prisoner(s), without the express authority of a supervisor or exigent circumstances (such as to prevent the subject from seriously injuring their self or others).

**8.4.4.5** Members shall not deploy a CEW when the subject is in physical control of a motor vehicle while the engine is running or in motion.

**8.4.4.6** Members shall not deploy a CEW, unless deadly force is justified, when the subject is visibly confined to a wheelchair except when necessary to prevent serious injury to the subject or another person including the member.

**8.4.4.7** Members shall not deploy a CEW when the subject is in physical control of an infant or toddler.

**8.4.5** **Warnings:** Prior to deploying the CEW, verbal warnings shall be issued to the subject, whenever reasonable and practical, to allow the subject the opportunity to comply with the member's commands.

**8.4.6** **Announcements:** If circumstances permit, prior to deploying the CEW, the deploying member shall announce the word "Taser" to alert others of the use of the CEW.

**8.4.6.1** The word "**Clear**" shall be announced by the deploying member subsequent to the use of the CEW and prior to affecting the arrest, so as to alert others that the CEW is no longer being deployed. Once the CEW is discharged, the deploying member must make an assessment in between cycles to determine if an alternative intermediate weapon would be more viable. Members must be mindful that when the CEW's trigger is pulled and immediately released, it discharges an electrical current for a five (5) second cycle.

**8.4.7. Removal of Probes:** CEW probes shall be removed as soon as possible. CEW probes that are imbedded in a subject's skin (as opposed to just clothing), shall only be removed by Fire Rescue personnel, other medical personnel, or members who are trained in the removal of the probes. Members shall not remove CEW probes that have struck a subject's head, throat, groin, or any other sensitive area. CEW probes that have penetrated a person's skin shall be considered a biological hazard and shall be handled with the appropriate care.

**8.4.8 CEW Reporting Requirements:**

**8.4.8.1** A supervisor will be notified in all instances wherein the CEW has been deployed. The supervisor will respond to the scene, as well as, an on-duty field duty lieutenant to conduct an inquiry into the incident. Said inquiry will include, but not be limited to, a review of the evidence, interviews of witnesses, and an interview of the subject. The supervisor will ensure that a Response to Resistance Report (Blue Team) and any other applicable reports are completed by the end of the tour of duty. The supervisor will notify Communications and obtain a log number. The supervisor and respective chain of command will review the incident for compliance. **(CALEA 1.3.6 b, c; 1.3.7)**

**8.4.8.1.1** If three or more cycles are used on a subject, the on-duty field duty lieutenant responding to the scene must explain the necessity for the additional cycles in the Response to Resistance Report (Blue Team).

**8.4.8.2** Fire Rescue shall be requested to respond to all instances where the CEW has been deployed and the subject is injured or complains of injury. In those instances, the requesting member shall monitor the subject until Fire Rescue personnel arrives. **(CALEA 1.3.5)**

**8.4.8.3** A Response to Resistance Report (Blue Team) will be completed on all CEW incidents. Members must clearly articulate and justify each cycle in the Response to Resistance Report when more than one cycle was used on a subject.

**8.4.8.4** Photographs shall be taken of both the subject and officer in all instances where a subject is injured or complains of injury as a result of the use of the CEW. Puncture wounds caused by the deployment of a CEW shall be considered an injury.

**8.4.8.5** All CEW deployments including test firings, shall be documented in an CEW log. A supervisor must review and sign the CEW log monthly verifying that the information contained therein is accurate. The presence of a supervisor during testing is not required.

**8.4.8.6** Replacements for expended CEW cartridges shall be provided to members upon the submission of a "DRAFT" copy of the Response to Resistance Report (Blue Team) to the Property Unit.

**8.4.9 CEW Response to Resistant Report (Blue Team) Routing:** The Response to Resistance Report (Blue Team) Package will be forwarded through the chain of command electronically. The distribution will be as follows:

- a. An electronic copy containing the attached documents of the report will be submitted to the Internal Affairs Section before the end of the supervisor's tour of duty;
- b. An electronic copy containing the attached documents of the report will be submitted to the TPDS;
- c. An electronic copy containing the attached documents of the report will be submitted to the deploying member's unit for record archives;
- d. An electronic copy containing the attached documents of the report will be submitted to the City's Risk Management Department (only in instances wherein the subject is hospitalized).

Communications shall be notified by the supervisor in order for the Response to Resistance Log to be completed with the required information (e.g., incident number, date, time, officer involved, subject, sergeant, and field duty lieutenant). The communication's log number must be included in the Response to Resistance Report.

The supervisor must ensure that all supporting documents are attached to the Response to Resistance report as a package and it shall be the commanding officer's responsibility to review the report, date, and confirm that the electronic copy was submitted.

**8.4.10 Inspection:** Periodically, supervisors shall, inspect their member's CEW data-port and log to determine if there have been any discharges since the previous inspection. Any undocumented discharges shall require the member to prepare a memorandum through channels to the Internal Affairs Section explaining the circumstances surrounding the discharge. The Internal Affairs Section shall maintain and store the appropriate equipment for determining the number of discharges from a specific CEW.

**8.4.11 Alternative Deployment Method:** The CEW drive stun method may be applied as a deployment method, under the following conditions: when both probes fail to make contact with the subject and its effectiveness is reduced or the regular deployment method is either not possible or likely to be effective. The use of a drive stun method on a subject shall require the same reporting requirements as the probe method.

**8.4.11.1 Prohibited Contact Areas for Drive Stun:** Members are prohibited from applying the drive stun method to a subject's trachea, back of the neck, and genitals.

**8.4.12 Maintenance and Care:** Members issued the CEW shall be responsible for the proper maintenance and care. This shall include periodically checking the battery charge and expiration date of the Smart cartridges, wiping away dirt and dust, and ensuring the rubber stopper is secured on the data port. Members are reminded that CEWs exposed to significant moisture or water may experience an unintentional discharge. Cartridges that are exposed to significant moisture shall be disposed of in a safe manner and turned into the Property Section.

**8.4.12.1 Smart Cartridges:** Members shall carry two (2) operational Smart cartridges at all times.

## LEG RESTRAINTS

### Section

- 9.1 Policy
- 9.2 Organization
- 9.3 Responsibilities
- 9.4 Procedures

**9.1 POLICY:** This order is issued to provide members of the department with information and guidelines on the use of the leg restraint.

**9.2 ORGANIZATION:** Only the leg restraint issued by the department is authorized to be used by department personnel to restrain a combative, violent, high risk subject.

**9.3 RESPONSIBILITIES:** The leg restraint will be utilized only by officers who have successfully completed a training session on its safe and proper usage.

**9.4 PROCEDURES:** The leg restraint will be used to restrain combative, violent, high-risk subjects who pose a threat to themselves, the public or police officers.

**9.4.1** The leg restraint will be used to restrain a subject's ankles, knees or elbows as needed to prevent the subject from striking or kicking.

**9.4.2** The leg restraint will never be used around a subject's neck, chest or in any way that would restrict the subject's breathing.

**9.4.3** Whenever the leg restraint is utilized, two officer transportation is recommended. If a two officer transport is not available, a supervisor must be notified.

**9.5** "Hog-tying" a subject is strictly prohibited.

## DOJ AGREEMENT AND STANDARDS TRAINING

### Section

- 10.1 Policy
- 10.2 Organization
- 10.3 Responsibilities
- 10.4 Procedures

**10.1 POLICY:** It is the policy of the Miami Police Department (MPD) to comply with the mandatory standards outlined in the Department of Justice (DOJ) Agreement.

**10.2 ORGANIZATION:** Compliance with the DOJ Agreement and standards training are mandated by all units of the Miami Police Department.

**10.3 RESPONSIBILITIES:** It is the responsibility of Training and Personnel Development Section (TPDS) of the Miami Police Department to adhere to this policy in order to maintain compliance with the DOJ Agreement.

**10.3.1** It is the responsibility of the Training and Personnel Development Section of the Miami Police Department to adhere to the DOJ Agreement and standards training on an annual basis.

### **10.4 PROCEDURES:**

**10.4.1 Miami Agreement Training (MAT):** All police officers, sergeants, lieutenants, captains, reserve (part-time) and auxiliary officers, are mandated to complete 40 hours of MAT curriculum training annually, to include the following primary components:

**10.4.1.2** MPD's Use of Force policy, use of force reporting requirements, judicial developments in use of force, and use of force decision making.

**10.4.1.3** Developing effective decision making skills and when to display /point firearms.

**10.4.1.4** Scenario based training, to include live components and computer simulated components.

**10.4.1.5** Reality based training utilizing both live action and computer simulated components.

**10.4.1.6** Continuous threat assessment techniques.

**10.4.1.7** De-escalation training and techniques.

**10.4.1.8** The MAT curriculum will include comprehensive testing on rules, regulations, and skills.

**10.4.1.9** Demonstrate proficiency with authorized weapons during qualification periods to include:

**10.4.2 Qualification Course:** Qualifications will continue to adhere to policy set in previous Departmental Orders and Standard Operating Procedures pertaining to the Training and Personnel Development Section.

**10.4.3 Miami Agreement Supervisor Training (MAST):** In addition to completing the mandatory MAT training, all sergeants, lieutenants, and captains are mandated to complete 40 hours of MAST training. The program is comprised of online training and classroom sessions. The courses include the following requirements:

**10.4.3.1** Incident management.

**10.4.3.2** Evaluation of written reports for thoroughness, accuracy, and completeness.

**10.4.3.3** Strategies for effectively directing officers to avoid unnecessary critical firearms discharges.

**10.4.3.4** Responding to critical firearms discharges.

**10.4.3.5** Techniques for de-escalating conflict, including peer intervention when necessary.

**10.4.3.6** Community engagement, to include developing positive relationships with diverse community groups.

**10.4.3.7** Deadly force and use of force policy reporting requirements.

**10.4.3.8** Conducting use of force investigations, including supervisor investigatory responsibilities.

**10.4.3.9** Processing and preservation of crime scenes and forensic evidence, to include care and custody of video recordings.

**10.4.3.10** Burden of proof obligation, interview techniques, and factors to consider when evaluating officer, complainant, or witness credibility, to include developing unbiased, uniformed, and legally sound investigative findings, conclusions, and recommendations.

**10.4.3.11** Strategies for effectively directing officers to minimize uses of force and to intervene effectively to prevent or stop unreasonable force.

**10.4.3.12** Responding to an investigating allegations of officer misconduct.

**10.4.3.13** Role in supporting officers who report unreasonable or unreported force or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force.

**10.4.3.14** Techniques for effectively guiding/directing officers and promoting effective police practices.

**10.4.3.15** Yearly evaluation of officer performance.

**10.4.3.16** Role in fostering positive career development and imposing appropriate disciplinary sanctions and non-disciplinary corrective actions.

**10.4.4** The Training and Personnel Development Section will continue to provide mandatory supervisory training for all new first line supervisors, which shall be completed prior to assuming supervisory duties.

**10.4.5** The Training and Personnel Development Section will continue to develop, review, and provide mandatory training for all new second-line supervisors (lieutenants and captains), which shall be completed prior to assuming duties/responsibilities.

**10.4.6 Compliance with the DOJ Agreement and Standards Training:** Compliance with the DOJ Agreement and Standards Training is mandatory. **Any officer who fails to attend or complete the mandatory MAT and/or MAST** course(s) will be subject to disciplinary action and administrative re-assignment.



**EXCITED DELIRIUM**Section

- 11.1 Policy
- 11.2 Organization
- 11.3 Purpose
- 11.4 Definitions and Indicators
- 11.5 Incident Management
- 11.6 Officer(s) Response Procedure
- 11.7 Subject Handling and Custodial Procedure

**11.1 POLICY:** This policy applies to the Department's response to subjects who appear to be suffering from Excited Delirium. Supervisors and/or officers may come into contact with individuals exhibiting bizarre behavior. This behavior is often a result of alcohol intoxication, the influence of drugs, mental illness, uncontrolled anger, or a combination of these factors. However, in some cases the bizarre behavior may be associated with a serious medical condition referred to as Excited Delirium, which in some instances has a high risk of death. It is believed that intense physical exertion, such as when an Excited Delirium subject violently resists arrest for prolonged periods, may increase the risk of death.

**11.2 ORGANIZATION:** This policy applies to all employees of the City of Miami Police Department.

**11.3 PURPOSE:** The purpose of this policy is to help supervisors and/or officers identify behavioral cues commonly associated with individuals who may be in a state of Excited Delirium. This policy is intended to assist supervisors and/or police officers in the management of Excited Delirium situations that reduces the risks to all involved, including innocent bystanders and the subject. This policy will also facilitate the early intervention of medical care for the subject as soon as practicable. This policy is to serve as a general guideline.

**11.4 DEFINITION AND INDICATORS:** Excited Delirium is a condition exhibiting a combination of violent or bizarre behavior, confusion, anxiety, hallucinations, higher pain tolerance, elevated body temperature, and unbelievable strength. Gaining physical control of the subject may be dangerous and difficult. Excited Delirium is described as a syndrome characterized by psychosis and agitation, and may be caused by several underlying conditions. Underlying conditions may include, but not limited to, chronic drug use (particularly cocaine or methamphetamine abuse), substance abuse withdrawal, and/or in individual's with a history of mental illness and who are not taking their medications properly. The individual's ability to focus, sustain or shift attention is impaired, and is easily distracted. The individual's speech may be rambling and incoherent, and it may be difficult or impossible to engage the individual in conversation. The individual may also be disoriented in regards to time and/or location, misinterprets perceptions, be delusional, and/or experience hallucinations. In some of these cases, the individual is medically unstable and in a rapidly declining state, which poses a high risk of death in the short term, even with medical intervention.

**Due to an elevated body temperature, many of these individuals remove one or more items of clothing, and they often appear impervious to pain. In addition, a person in an Excited Delirium state may also exhibit one or more of the following:**

- Bizarre, irrational behavior/violent resistance/struggling, paranoia
- Constant yelling/screaming/talking incoherently
- Grunting or animal-like sounds
- Self inflicted injuries/aggression toward inanimate objects
- Excessive body temperature/profuse sweating or profoundly dry
- Dilated pupils, drooling, foaming at the mouth

When an officer reasonably believes an individual may be in an Excited Delirium state, the individual should be treated as if they are in a medical crisis and requires Emergency Medical Services (EMS) attention. The individual must receive medical attention regardless of whether they are also suspected of being under the influence of drugs and/or alcohol.

**11.5 INCIDENT MANAGEMENT:** Upon arrival, if officer(s) reasonably suspect that an individual is suffering from Excited Delirium, the officer(s) will request a supervisor to respond. The supervisor will provide close and effective supervision necessary to direct and guide officers in handling the incident. The incident shall be managed as a **MEDICAL EMERGENCY**, in addition to any other law enforcement response that may be required under the circumstances.

**11.6 OFFICER(S) RESPONSE PROCEDURE:**

1. Assess the situation for any possible Excited Delirium indicators, conferring with on-site witnesses if possible and safe to do so.
2. Request a Crisis Intervention Team Unit (CIT) if available.
3. Request EMS personnel and verify emergency response.
4. If Excited Delirium is suspected, request back-up officers. Notify responding officers of drug use (if known) and use discretion to determine if an emergency backup (Signal 3-15) is warranted.
5. Use appropriate Personal Protection Equipment (PPE) if practical.
6. Whenever possible establish a containment area and await sufficient assistance, including EMS personnel, unless there is a significant public safety risk that requires immediate police intervention.
7. Formulate a custody plan prior to making physical contact with subject. Attempts to de-escalate the situation by talking calmly to the subject should be undertaken if officers are able to do so safely, although subjects are typically unresponsive to verbal direction.
8. Attempt to have the individual sit down, which may have a calming effect.

9. If a family member or another person who has a rapport with the individual and can safely participate, enlist their assistance in attempting to gain the individual's cooperation.
10. Once a sufficient number of officers are present and officers determine it is appropriate to take the subject into custody for their own safety and/or for criminal conduct, the custody plan must be executed as quickly as possible to prevent the escalation of the excited state of the subject or a prolonged exertion by the subject.
11. It may be possible to limit the subject's resistance by employing several officers simultaneously to restrain the subject quickly.
12. If Oleoresin Capsicum (OC) spray has been used, officers must be particularly aware of asphyxia issues in conjunction with compressed and restrained positioning.
13. Conductive Electrical Weapon (CEW) application in probe mode may be a better option to consider, however continuous cycling may increase risk to the subject. One CEW firing in the probe mode, followed by a restraint technique that does not impair breathing, may provide the optimum outcome.
14. Once controlled, secure with handcuffs and continue to try verbally calming the subject. Based on subject's size, two sets of handcuffs (double cuffing) may be considered. This allows the chest to have better expansion for breathing. **Be aware of positional asphyxia. If possible, keep subject in an upright position. Establish and maintain an open airway for breathing.**
15. The Total Appendage Restrain Procedure (TARP) method using the Auxiliary Restraint device issued by the Department may be used to restrain combative, violent, high-risk subjects who pose a threat to themselves, the public, or police officers.
16. A SUBJECT WHO SUDDENLY BECOMES QUIET, LIMP, OR WHO NO LONGER OFFERS RESISTANCE SHALL BE IMMEDIATELY ASSESSED TO ENSURE ADEQUATE BREATHING AND THE PRESENCE OF A PULSE. If necessary and safe, provide basic life support (BLS) until arrival of EMS.

#### **11.7 SUBJECT HANDLING AND CUSTODIAL PROCEDURE:**

##### **Whenever possible:**

1. Place subjects in sitting position or lay them on their side to facilitate breathing.
2. Unless reasonably needed to protect the lives of officers or the public, do not place knees onto the subject's back or do anything to restrict breathing.
3. **The subject's breathing shall be monitored at all times.** Some individuals experiencing Excited Delirium have gone into cardiac arrest shortly after a struggle ended.
4. Coordinate with on scene EMS personnel to transfer custody of the subject to them, assisting in any way to avoid delay in transport to a medical facility.

5. Be observant for sudden lack of responsiveness or sudden quietness.
6. Respond to a medical facility to assist and brief medical personnel as necessary.
7. Continue regular monitoring if the subject is transferred back to police custody after being treated and evaluated by medical personnel.

## TOURNIQUET

### Sections

- 12.1 Policy
- 12.2 Organization
- 12.3 Responsibility
- 12.4 Procedures
- 12.5 Reporting Procedures
- 12.6 Maintenance and Care

**12.1 POLICY:** The City of Miami Police Department (MPD) has distributed tourniquets to members assigned to patrol, and specialized units as part of an officer safety and crisis response strategy that includes responding to “Active Killer” incidents where immediate care is needed to prevent the loss of life. Tourniquets are designed to treat severe wounds to arms and legs with severe bleeding caused by gunshot wounds, vehicle crashes, and injuries from explosives. The application of a tourniquet may be the best initial option to control severe extremity bleeding when a person has signs of hypovolemic shock (caused by blood loss), extremity injuries from explosive devices with complete or partial severing of limbs, in mass casualty situations, or when bleeding is profuse. Members shall not apply a tourniquet in situations where immediate care isn’t needed and the injury is minor with little to no blood loss.

**12.2 ORGANIZATION:** The Training and Personnel Development Section (TPDS) shall be responsible for the overall coordination of all matters pertaining to the tourniquet.

**12.3 RESPONSIBILITY:** It shall be the responsibility of the TPDS to train and certify all eligible members on the proper techniques and use of the tourniquet. Additionally, the TPDS shall be responsible for compiling and analyzing data from incidents involving the use of the tourniquet to identify training related needs and issues. The TPDS, City Legal, and The City of Miami Risk Management Department shall review all reports concerning the use of the tourniquet for compliance with standards. The member’s chain of command shall be responsible to ensure proper supervision, managerial controls, and compliance with this order.

### **12.4 PROCEDURES:**

**12.4.1 Training and Qualification Procedures:** All members who successfully complete the Department’s training course in the use of the tourniquet shall be certified to carry the tourniquet. All training for the tourniquet shall be conducted by Certified First Aid Instructors in the TPDS.

**12.4.2 In-Service Training:** Members shall receive initial training for critical casualty care. Tourniquets shall be issued to members as part of their Individual First Aid Kit (IFAK).

**12.4.3 Carrying the Tourniquet:** Certified members shall always carry the tourniquet on their duty belt. Tourniquets shall be kept in a holder/holster with a hood to protect the tourniquet from the elements.

**12.4.4 Inspection:** Supervisors shall inspect their members' tourniquet in accordance with the current uniform policy (Departmental Order 14 Chapter 1).

**Note:** In accordance with Departmental Order 14 Chapter 1 Uniforms, Equipment and Dress, all equipment, including the tourniquet, shall be maintained in good working condition and kept clean and presentable at all times. Regulatory inspections will be conducted by supervisory personnel.

**12.4.5 Protocol:** The tourniquet shall be used in a manner consistent with the established training and as part of the overall sequence for treatment of hemorrhage control (Direct Pressure, Z-Fold Combat Gauze, & S-Rolled Gauze). To maintain proficiency in the use of the tourniquet, all certified members shall receive mandatory in-service refresher training.

1. POSITION THE TOURNIQUET - Place the tourniquet around the limb and as high as possible above the wound, but not over a joint.
2. PULL THE STRAP THROUGH THE BUCKLE- Route the tag end of the strap through the buckle, if necessary. Pull the strap tightly and secure it in place. Ensure the Velcro Section (hook and loop) is fully secured.
3. TWIST THE ROD-Tighten the tourniquet by twisting the rod until the flow of bleeding stops and secure the rod in place. Do not cover the tourniquet with clothing whenever possible.

\*NOTE: Tightening the tourniquet depends on how severe or profuse the bleeding is and whether it is arterial or venous (or both). The tourniquet should be gradually tightened until all hemorrhaging ceases.

4. RECORD TIME - Note and record the time the tourniquet was applied and provide this information to Fire Rescue and/or personnel at a medical facility. When feasible, the member shall also write the time the tourniquet was applied on the windlass strap.

\* Only tourniquets issued by MPD are authorized for use by members. Always follow universal precautions for blood borne pathogens and training guidelines when applying a tourniquet.

**12.4.6 Removal of Tourniquet:** Once the tourniquet has been applied, it shall only be removed by Fire Rescue or medical personnel at a medical facility. In a crime related incident, the tourniquet shall be placed into a red biohazard bag and shall be submitted to the Property Unit to be processed and held as evidence. In a non-crime related incident, the tourniquet will be properly disposed of.

**12.5. Reporting Requirements:** Any member that applies a tourniquet must advise Communications the nature of the injury, the appendage it was applied to, the time it was applied, and who it was applied to. A supervisor shall be notified in all instances where a tourniquet has been utilized. The supervisor shall respond to the scene and conduct an inquiry into the incident, to include but not limited to, a review of the evidence, interviews of witnesses, and the subject. The supervisor shall notify a commanding officer of the incident and ensure an incident report is generated. The supervisor shall obtain a Communications Log number and complete a Tourniquet Use form RF# TBA.

**12.5.1** Fire Rescue shall be requested to respond to all instances where the tourniquet has been applied. The requesting member shall monitor the subject until Fire Rescue personnel arrive.

**12.5.2** An incident report shall be completed on all tourniquet incidents. Members must clearly articulate and justify the application of the tourniquet.

**12.5.3** The responding supervisor shall complete a Tourniquet Use form RF# TBA, documenting their review of the incident. A copy of the form shall be submitted with the incident report. The original form shall be forwarded through channels to the member's chain of command to review the incident for compliance with policy. The original form shall be completed within 15 working days, and forwarded to the TPDS, with copies forwarded to City Legal, the City's Risk Management Department and Health Services, if the injured is a City of Miami employee.

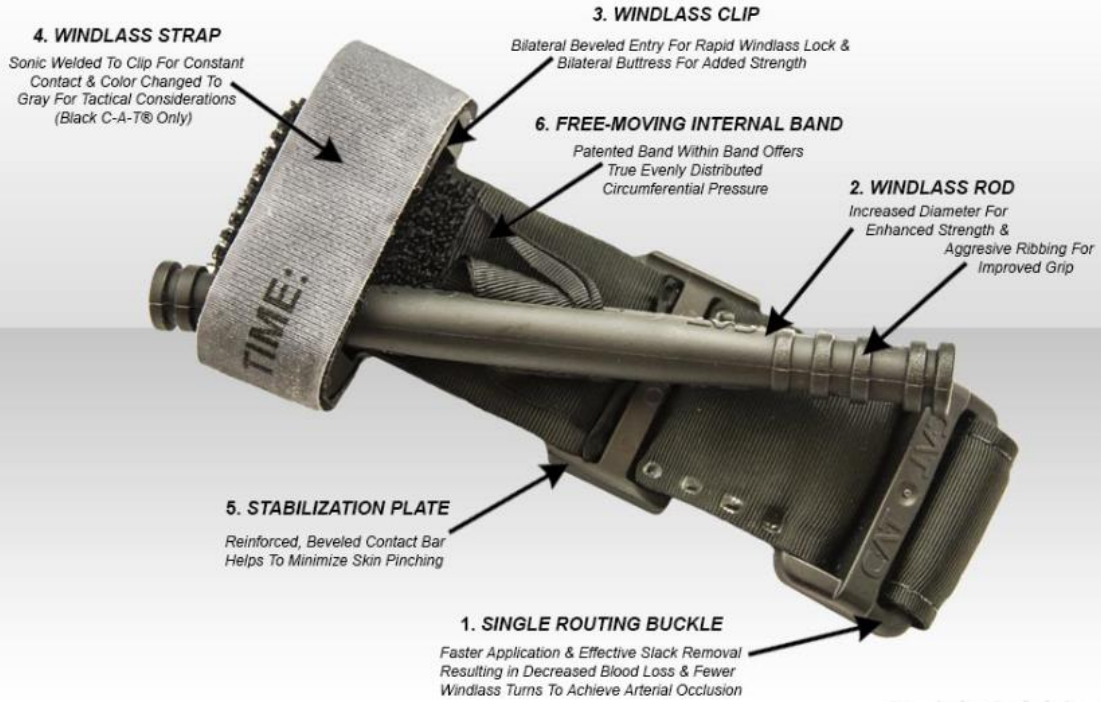
**12.5.4** Replacements for contaminated, used, or defective tourniquets shall be provided to members upon the submission of a copy of an Incident or Damage report to the Property Unit.

**12.5.5 Report Routing:** Copies of the Incident Report and the Tourniquet Use form shall be forwarded through channels, to City Legal, the City's Risk Management Department, the TPDS, and to Health Services if the injured is a City of Miami employee. The supervisor must ensure that copies of all supporting documents are attached to the report as a package.

**12.6 Maintenance and Care:** Members issued the tourniquet shall be responsible for the proper maintenance and care of the device. This shall include periodically checking the;

1. Single Routing Buckle: Ensure the Single Routing Buckle is intact and free of cracks.
2. Windlass Rod: The Windlass Rod should be clean, and inspected to ensure there no cracks, or jagged edges.
3. Windlass Clip: The Windlass Clip should be clean, intact and free of cracks, chips or damage.
4. Windlass Strap: The Windlass Strap should be clean, intact and the hook and loop of the Velcro should be free of lint or contaminants that may impede its ability to create a positive closure with the Windlass Clip.
5. Stabilization Plate: The Stabilization Plate should be clean, and inspected to ensure there are no cracks, or jagged edges. Inspect the Stabilization Plate to ensure the strap/body of the tourniquet is clean, free of tears, holes, rips or damage.
6. Free Moving Internal Band: The Free Moving Internal Band should be clean, free of tears, holes, rips or damage.
7. Velcro: The hook and loop of the Velcro should be inspected to ensure it is in good condition, it is intact, and free of lint or contaminants that may impede its ability to completely bind to itself.

## COMBAT APPLICATION TOURNIQUET® GENERATION 7



(C-A-T®) GEN 7 - New & Enhanced Features

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## BREACHING TOOLS

### Section

- 13.1 Policy
- 13.2 Organization
- 13.3 Definitions
- 13.4 Responsibilities
- 13.5 Procedures

**13.1 POLICY:** It is the policy of the Miami Police Department (MPD) to provide sworn members with information and guidelines regarding training procedures, carrying and proper use of Departmentally approved Breaching tools.

**13.2 ORGANIZATION:** This policy shall apply to all sworn members authorized to carry and use Breaching tools issued by MPD.

### **13.3 DEFINITIONS:**

**13.3.1 Breach:** To create a gap or opening through a wall, door, barrier, or other obstruction.

**13.3.2 BlackHawk Dynamic Entry Backpack Kit:** A tool-carrying backpack composed of a Halligan tool, Maul tool, and Bolt cutters.

**13.3.3 Halligan tool:** A multipurpose tool used for prying, twisting, punching, or striking, consisting of a claw (or fork), a blade (wedge or adze), and a tapered pick especially useful in quickly forcing open many types of locked doors.

**13.3.4 Maul tool:** A multi-purpose tool designed for striking and chopping, consisting of a sledgehammer type head and ax type blade.

**13.3.5 Bolt Cutters:** A tool utilized for cutting chains, padlocks, bolts, and wire mesh, comprised of long handles, short blades, and compound hinges to maximize leverage and cutting force.

**13.4 RESPONSIBILITIES:** Members shall **only** use Breaching tools with discretion and consistent with approved training techniques, to penetrate an obstruction or barricade. Unnecessary or excessive use of Breaching tools is strictly forbidden.

**13.5 PROCEDURES:** Breaching tools will only be utilized by sworn members who have completed a Training/Certification course on the proper use of such equipment conducted and/or authorized by the Training & Personnel Development Section (T.P.D.S.). Breaching tool courses shall be conducted only by certified instructors and shall consist of classroom instruction and practical (hands-on) exercises. Additionally, annual training shall be held in conjunction with in-service training. Members who are assigned to specialized units (e.g.,

**Departmental Order 15**  
**Chapter 13**

FAT, S.I.S, Gangs, S.W.A.T.) who utilize other entry tools, shall comply with their respective Standard Operating Procedures regarding training, and the use of other entry tools.

**13.5.1 Use of Breaching Tools:** Officers may encounter situations in which innocent civilians may be locked or trapped in buildings or dwellings, at risk of imminent danger. Examples of such situations may involve an Active Killer and/or individual(s) trapped in a burning building.

## BALLISTIC SHIELD

### Section

- 14.1 Policy
- 14.2 Organization
- 14.3 Responsibilities
- 14.4 Procedures

**14.1 POLICY:** To provide sworn members with directives and guidelines regarding the training procedures, carrying, and use of the departmentally approved ballistic shield.

**14.2 ORGANIZATION:** The Department issued ballistic shield is authorized to be carried and utilized by sworn members who have successfully completed an approved training course held by the Training and Personnel Development Section (TPDS).

**14.3 RESPONSIBILITIES:** The ballistic shield will be used with discretion and consistent with approved training techniques to overcome an attack or threat of an attack. Unnecessary or excessive use of the ballistic shield is strictly prohibited.

### **14.4 PROCEDURES:**

**14.4.1 Training/Certification:** The ballistic shield will only be utilized by S.W.A.T. personnel or sworn members who have completed the training provided by the Training & Personnel Development Section (TPDS). The introductory ballistic shield course will only be conducted by TPDS certified instructors and will consist of classroom and hands-on training. Annual training on the proper use of the ballistic shield will also be provided in conjunction with in-service training.

**14.4.2 Assigning and Carrying the MPD authorized Ballistic Shield:** Only the Department issued ballistic shield will be utilized by trained personnel. Alterations and/or modifications to the Department issued ballistic shield are strictly prohibited. Patrol sergeants shall acquire the ballistic shields at the beginning of their tour of duty from the previous shift supervisors and maintain them readily available for immediate deployment if necessary. The respective Field Duty Lieutenant/Early Sergeant shall ensure that the ballistic shields are evenly distributed throughout their respective District. The ballistic shield shall be carried in the vehicle's trunk with the viewport facing up and clear of any debris. Under no circumstances will ballistic shields be taken home by any member.

**14.4.3 Deployment/Utilization of the Ballistic Shield:** Ballistic shields shall be deployed only under established policies and where situations pose an imminent threat and/or danger to citizens present, but not limited to an Active Shooter situation to minimize the loss of life, and;

**14.4.3.1** When a need arises to protect while evacuating personnel/citizens from an actual threat.

**14.4.3.2** To provide additional protection for Emergency Medical Service personnel during Rescue Task Force (RTF) entry or exit into a "Warm-Zone".

**14.4.3.3** To provide a fixed defensive position for sworn personnel to use as cover, such as a car door, hallways, large open areas, or rooms.

**14.4.3.4** The ballistic shield shall never be used in place of an officer's personal body armor. Body armor should be worn by all officers deploying the shield whenever practicable.

**14.4.4 Ballistic Shield Deployment Element:** The configuration of sworn personnel to safely deploy the ballistic shield to provide for custody, rescue, and/or rendering aid shall be consistent with training previously established by TPDS. The configuration for a Rescue Task Force (RTF) element shall consist of two to four (2-4) officers accompanied by two to three (2-3) Fire Rescue personnel who enter a "cold or warm area" to transport, treat, and aid victims.

**14.4.5 Prohibited Use of Ballistic Shield:** The ballistic shield shall not be deployed unless responding to an imminent incident or rescue operation. The ballistic shield shall not be used to intimidate or coerce subjects who are not combative or disorderly, and do not pose a threat to officers or the public.

(a) Exceptions to the above policy must be based upon exigent circumstances that would cause an officer reason to believe that a particular action is necessary to prevent physical harm to any person(s).

(b) Under no circumstances shall the ballistic shield be deployed in lieu of a request for a S.W.A.T. response as per Departmental policy.

**14.4.6 Supervisor Responsibilities:** Field Duty Lieutenants and/or Supervisors shall ensure the following:

(a) Ballistic shields are available daily for use during their assigned shift.

(b) Deployment of the ballistic shield is appropriate given the totality of the incident and the risks present.

(c) Should the risk factors weigh against using the ballistic shield, supervisors should consider alternate tactics up to and including a S.W.A.T. response.

(d) Supervisors will be responsible for ensuring that the ballistic shield team is adequately configured and deployed.

**14.4.7 Reporting Requirements:** A supervisor shall be notified and must respond to all instances where a ballistic shield has been deployed. Whenever possible, an on-duty Field Duty Lieutenant shall also respond to assess the incident.

**14.4.7.1** The deployment/utilization of the ballistic shield as an additional layer of defense itself, shall not be reported as a Use of Force Incident requiring a Report to Resistance Report (RRR). However, any ballistic shield application as a control device or other such use, shall be reported according to the Department's Use of Force Policy and documented in Blue Team.

**14.4.8 Care and Replacement of Ballistic Shields:** The ballistic shield will be cared for by sworn members and assigned District personnel, to ensure it is kept clean and in proper working order. Any maintenance required for the ballistic shield will be the responsibility of the TPDS. The TPDS and the Quartermaster Detail shall coordinate the replacement of damaged ballistic shields.

## NARCAN SPRAY

### Section

- 15.1 Policy
- 15.2 Organization
- 15.3 Responsibilities
- 15.4 Procedures

**15.1 POLICY:** This order is issued to provide members of the Miami Police Department (MPD) with information and guidelines on the carrying, use and training procedures pertinent to the departmentally approved Narcan (naloxone) nasal spray kits.

**15.2 ORGANIZATION:** Only the Narcan nasal spray kits issued by the MPD are authorized to be carried and used by MPD personnel.

**15.3 RESPONSIBILITIES:** The Narcan nasal spray kits will only be carried by MPD personnel that have successfully completed the training. The Narcan nasal spray will be used with discretion and in accordance with the training provided, aiming to effectively counteract the effects of opioid overdose. Unnecessary or excessive use of Narcan nasal spray is prohibited. MPD personnel are responsible for the proper care and storage of their Narcan nasal spray kits to ensure they are kept in working order.

### **15.4 PROCEDURES:**

**15.4.1 Certification Procedure:** All sworn personnel will complete the MPD approved Narcan nasal spray user training course. All courses will be instructed by trained instructors. The Training and Personnel Development Section will ensure that the training provided is in-line with modern protocols and practices. The MPD will provide refresher training every two years.

**15.4.2 Carrying the Approved Narcan Kit:** Certified personnel whose normal duties/assignments may require them to respond to opioid overdose incidents will ensure that the Narcan kits are readily available and accessible at all times while on duty. Alterations or modifications to the MPD issued Narcan kits is strictly prohibited. Only MPD issued Narcan kits are to be used by trained personnel.

**15.4.3 Administering Narcan:** Narcan may be administered when an individual is suspected of experiencing an opioid overdose, when the officer has arrived on the scene of a medical emergency prior to the arrival of Fire-Rescue, and:

**15.4.3.1** Efforts to revive the individual through standard first aid or verbal stimuli have been unsuccessful; and

**15.4.3.2** The individual shows signs of opioid overdose as per the training provided, the officer should administer four (4) milligrams of Narcan (naloxone) to the individual by way of one of the nasal passages. The following steps should be taken:

1. Officers should use universal precautions by avoiding contact with bodily fluids.
2. Officers should use personal protective gear.
3. Officers will ensure the scene is safe by removing any items from the individual's immediate reach.

**15.4.3.3** Officers should be prepared for a wide range of physical and psychological responses from the individual once the Narcan (naloxone) takes effect, including but not limited to:

1. Projectile vomiting and nausea
2. Violent or agitated behavior
3. Severe headache
4. Confusion
5. Chest pain, fast or irregular heartbeat
6. Seizures or convulsions

**15.4.3.4** The individual should continue to be observed and treated as the situation dictates.

**15.4.3.5** Officers will inform the Communications Section about the treatment and condition of the individual and inform Fire-Rescue personnel once they arrive on the scene.

**15.4.3.6** Officers will not relinquish care of the individual until relieved by a person with a higher level of training or by Fire Rescue personnel.

**15.4.3.7** A supervisor must be notified following the administration of Narcan (naloxone). The supervisor will ensure that a Narcan Utilization Report is completed along with the corresponding incident report documenting the incident.

**15.4.4 Unintentional Exposure:** Care should be taken to avoid unnecessary exposure of Narcan to individuals not experiencing an opioid overdose. In cases of unintentional exposure, officers will follow the appropriate steps to ensure the individual's safety and well-being.

**15.4.5** Unless in a situation where it is absolutely necessary to save a life, Narcan should not be administered to individuals who are in control of a vehicle or machinery, however; personnel will take proper measures to mitigate potential dangers regarding the vehicle and/or machinery prior to administering.

**15.4.8 Narcan Reporting Procedures:** Anytime Narcan is administered, an offense incident report and a "**Narcan Utilization Report**" must be completed before the officer concludes their involvement in the incident. This report will be routed through the appropriate channels for review and approval.

**15.4.9 Replacement of Used Narcan Kits:** Officers will place the used Narcan dose back in the original packaging and place it into an evidence bag, labeled "Used" with the report number. Officers will be provided with replacements for used Narcan kits upon submitting the used Narcan dose and a copy of a completed "**Narcan Utilization Report**" to the Property and Evidence Unit. The report copy must be signed by both the involved officer and their supervisor.

## INVESTIGATIVE INTELLIGENCE UNIT

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Procedures

**1.1 POLICY:** It is the policy of the Miami Police Department to provide supportive data.

**1.2 ORGANIZATION:** The Crime Analysis Detail and Career Criminal Detail are functions that support and manage information pertinent to investigations.

**1.3 RESPONSIBILITIES:** The Crime Analysis Detail is responsible for providing the criminal investigators, patrol officers, and officials from other law enforcement agencies, with information that has been obtained and recorded about active criminal activity.

### **1.4 PROCEDURES:**

**1.4.1 CRIME ANALYSIS DETAIL:** The detail provides and disseminates crime data to Departmental elements and other law enforcement agencies via reports by:

1.4.1.1 Identifying evolving or existing crime patterns

1.4.1.2 Forecasting future crime occurrences

1.4.1.3 Initiating target profiling

1.4.1.4 Providing investigative leads

1.4.1.5 Providing support data to community policing and internal crime prevention programs.

1.4.1.6 Assisting in case clearance processes

1.4.1.7 Providing data support to departmental planning activities.

**1.4.2 CAREER CRIMINAL DETAIL:** It is the responsibility of the Career Criminal Detail to target and assist in the prosecution of subjects that qualify as habitual offenders.

**1.4.2.1** The Career Criminal Detail is a component of the Investigative Intelligence Unit and as such falls under the command of the Unit Commander.

**1.4.2.2** The Career Criminal Detail will be responsible for the following:

- a) The tracking of subjects that qualify as habitual offenders.

- b) Assisting the Miami-Dade State Attorney's Office with the successful prosecution and enhancement of prison sentences.



## CRIME SCENE INVESTIGATIONS UNIT

### Section

#### 2.1 Policy

#### 2.2 Organization

#### 2.3 Responsibilities

#### 2.4 Procedures

**2.1 POLICY:** It is the policy of the City of Miami Police Department to provide high level technical equipment and personnel to support criminal investigation, with the utilization of Crime Scene Investigators (CSI's), Latent Print Examiners (LPE's), photographic equipment, Automated Fingerprint Identification System (AFIS) equipment and the most up to date forensic techniques available. The Crime Scene Investigations Unit also provides photographic archiving, management and dissemination services, fingerprint classification and identification, employee photographing and fingerprinting and the issuance of employee identification cards.

**2.2 ORGANIZATION:** The Crime Scene Investigations Unit is a function of the Criminal Investigations Division. The Crime Scene Investigation Unit is comprised of the Crime Scene Investigations Detail and the Technical Services Detail.

**2.3 RESPONSIBILITIES:** The Crime Scene Investigation Detail provides coverage 24 hours 7 days a week and processes crime scenes at the request of patrol officers or investigators in order to develop and secure physical/forensic evidence . The Technical Services Detail encompasses the following functions:

- a) Latent Print: Provides identification and comparison services to the investigators elements of the Department including state and federal agencies when requested.
- b) Employee Identification: Provides identification cards to employees and fingerprint services for City of Miami applicants and employees.
- c) Photo Lab: Is the repository of all photographs taken by members of the Crime Scene Investigation Detail.
- d) Equipment and Supply: Maintains and supplies the Crime Scene Investigations Unit with the various camera equipment, repairs and expendable supplies. In addition, Departmental members are provided with batteries, audio cassette tapes and compact discs as needed for their job functions.

#### **2.4 PROCEDURES:**

**2.4.1 Crime Scene Investigation Detail:** Crime Scene Investigators shall conduct crime scene investigations at the scenes of actual or suspected major and capital cases. The determination of the evidentiary value of physical evidence and/or the necessity of the photographic documentation at a scene shall be determined by the Crime Scene Investigator or the lead investigator on the scene. The Crime Scene Investigator shall be responsible for the recording, collection and preservation of all evidence unless otherwise instructed by the investigator. The Crime Scene Investigator will also coordinate all activities with the lead investigator or investigating officer and provide for the analytical needs of said evidence. When a Crime Scene Investigator is dispatched to the scene of a suspected serious crime and no

evidence is collected, or no photographs are taken the Crime Scene Investigator will note the circumstances in a Crime Scene Investigation report.

**2.4.1.1** When additional Crime Scene Investigators are needed Communications shall be notified. Communications shall advise the on-duty Crime Scene Investigation shift supervisor of the need. If the need arises to call in off duty Crime Scene Investigators the commander of Crime Scene Investigations shall be notified.

**2.4.1.2 Vehicles to be Processed at Auto Pound or Forensic Processing Lab:** A vehicle to be processed, other than at a crime scene, shall be impounded and placed in the City of Miami Auto Pound. If the vehicle is to be processed in reference to a crime against persons case, the vehicle shall be placed at the forensic processing lab unless otherwise directed by the investigator or Crime Scene Investigator. The Forensic Processing Lab is not to be used as a storage facility. Vehicles shall be processed and then moved to the auto pound or released once the processing is completed. A Request for Processing form must accompany the vehicle to be processed. After the vehicle is processed the Crime Scene Investigator will advise a property specialist who will notify the rotation wrecker company to move the vehicle to the auto pound for storage.

**2.4.1.3** Any evidence found in the vehicle by a Crime Scene Investigator will be placed into the Property Unit by the Crime Scene Investigator. If any personal property is located the Crime Scene Investigator will notify the lead investigator or a patrol unit will be dispatched to have the personal property placed into the property unit for safekeeping.

**2.4.1.4** Abandoned stolen vehicles that have been recovered and not involved in any other crime shall not be processed for latent fingerprints by Crime Scene Investigators. The recovering patrol officer will examine the vehicle for any evidentiary items and those items will be placed into the Property Unit. Stolen vehicles will only be processed for fingerprints if they are involved in another crime, or if a witness can place the offender in the vehicle, or if other special circumstances are present. In these instances, the Crime Scene Investigator supervisor is to be contacted.

**2.4.2 Latent Prints:** Investigators submitting a suspect's prints for comparison shall be notified of the results. If the requestor is not the lead investigator a copy of the results will be forwarded to the lead investigator. In all cases where an identification is made using latent prints a supplementary report shall be forwarded to the lead investigator.

**2.4.2.1** Any requests for latent print comparison on an emergency basis requiring a Latent Print Examiner to be called in must have the approval of the Crime Scene Investigations Unit Commander of his designee. The on-duty Crime Scene Investigation Unit shift supervisor will contact the appropriate Latent Print Examiner.

**2.4.3 Employee Identification Cards:** Initial issue of employee cards shall be accompanied by an authorization form.

**2.4.3.1** Replacement of lost/stolen employee identification cards shall be accompanied by a Lost or Damaged approved by the requestor's commanding officer.

**2.4.4 Photograph Requests:** Requests for crime scene photos must be accompanied by a Photograph Request form approved by the investigator's commanding officer.

**2.4.4.1** All photograph requests from any source other than a law enforcement agency must be submitted to the supervisor of the Photo Lab.

**2.4.4.2 Photographic Services Requests:** The Photo Lab may provide on duty photographic services for functions of the Miami Police Department. These services shall be requested through the Criminal Investigations Division. The request shall only be honored with the approval of the Criminal Investigations Division Chief or his designee.

## TACTICAL INVESTIGATIONS UNIT

### Section

- 16.1 Policy
- 16.2 Organization
- 16-3 Responsibilities
- 16-4 Procedures

**16.1 POLICY:** It is the policy of the Miami Police Department (MPD) to provide highly trained police personnel dedicated to proactively prevent robberies by focusing its resources to apprehend the subjects that commit robberies, and/or violent crimes. The unit is also dedicated to the apprehension of wanted felons within the jurisdiction of the City of Miami or outside the jurisdiction pursuant that there is a nexus to the City of Miami.

**16.2 ORGANIZATION:** The Tactical Investigations Unit (TIU) is an element of the Investigative Support Section (ISS), under the Criminal Investigations Division (CID). TIU consist of the Tactical Robbery detail (TRD) and the Felony Apprehension Team (FAT) detail.

**16.3 RESPONSIBILITIES:** TRD is tasked with the prevention of robberies by identifying subjects that commit robberies and with analyzing the areas where these crimes occur in order to apprehend those responsible, disrupt crime patterns, and further robbery investigations. TRD will work closely with all investigative units and cooperate with the Office of the Miami-Dade County State Attorney in the prosecution of these subjects. TRD will also collaborate with Miami Dade County Police Department's (MDPD) Robbery Intervention Detail (RID) in order to pursue, further, and/or investigate robbery investigations in the City of Miami and Miami-Dade County's jurisdictions pursuant to its Mutual Aid Agreement (MAA).

**16.3.1** FAT is a detail of TIU, and officers assigned to FAT will identify, locate and apprehend wanted felony subjects and fugitives.

**16.4 PROCEDURES:** TIU will respond to situations that require the specialized skills of its members. These situations may include, but are not limited to the following:

- a. Building searches;
- b. area searches;
- c. provide assistance to Patrol Districts and the Criminal Investigations Division (CID);
- d. provide high visibility and supplement Patrol Districts;
- e. other situations where a tactical response is needed.

**16.4.1** FAT may only be utilized in attempting to locate and apprehend subjects wanted for felonies. FAT shall not be utilized to locate and apprehend subjects wanted for misdemeanors or for questioning on open cases unless authorized by the section commander.

**16.4.2 Surveillances:** Officers assigned to TRD or FAT will notify a supervisor of the need to conduct a surveillance. The TRD/FAT sergeant will contact the TIU lieutenant to determine the operational needs of the surveillance.

**16.4.3 Informants:** Informants are frequently utilized during surveillance situations. Once the use of an informant is authorized by the TIU lieutenant, the directives enumerated under the Criminal Investigations Division (CID) "Confidential Informant Sources" Departmental Order will be strictly adhered to.

**16.4.4** FAT members are cross-deputized as US marshals and work in conjunction with that federal law enforcement agency in locating, tracking and apprehending fugitives wanted for felonies committed in and outside of the State of Florida.

**16.4.5** When working local and national cases that have been adopted by the US Marshals Service Florida/Caribbean Regional Fugitive Task Force, FAT members will work under the delegated apprehension authority in the capacity of a Special Deputy US Marshal.

**FACIAL RECOGNITION TECHNOLOGY**

## Section

- 4.1 Policy
- 4.2 Organization
- 4.3 Definitions
- 4.4 Responsibilities
- 4.5 Procedures

**4.1 POLICY:** It is the policy of the Miami Police Department to utilize facial recognition technology to examine and compare distinguishing characteristics of a human face through the use of biometric algorithms contained within a software application. This technology can be a valuable investigative tool in developing leads for a criminal or Internal Affairs investigation, detecting and preventing criminal activity, reducing an imminent threat to health or safety, and helping in the identification of deceased persons or persons unable to identify themselves.

**4.2 ORGANIZATION:** This policy shall apply to all sworn and civilian members. The Chief of Police or his/her designee will authorize access to facial recognition platforms.

**4.3 DEFINITIONS:**

**4.3.1 Probe Photograph:** A still shot/image which is uploaded to the facial recognition software/application. The probe photograph may be enhanced or edited in a manner which does not substantively alter the content of the image (for example, cropping, lightening, or darkening). However, enhancements or edits which substantively alter the content of the probe photograph (for example, adding, removing, or altering physical features such as eyes, hair, lips, moles, scars, tattoos, etc.) are prohibited. Composite sketches shall not be used as probe photograph.

**4.3.2 Facial recognition technology:** A computer software/application capable of comparing specific physical features of a person depicted in a probe photograph against a database of images of persons identified through other means.

**4.3.3 Facial recognition search result:** An image returned by facial recognition technology that represents a potential investigative lead based on an algorithmic similarity to the submitted image.

**4.3.4 Identification:** The action or process of identifying a person. A positive facial recognition search result alone does not constitute probable cause for arrest.

**4.3.4.1** The search result shall be evaluated by the arresting officer or lead investigator and requires investigative follow-up to corroborate the lead by taking such actions including but not limited to: reviewing all relevant reports, conducting interviews, presenting photographic line-ups, and examining all other evidence (i.e. latent prints and DNA). When deciding to

arrest based on all factors, the arresting officer or lead investigator shall take into consideration the quality of the probe photograph and the facial recognition search results.

**4.3.5 Commercial facial recognition platform:** Facial recognition software/application that is owned and operated by a private sector entity.

**4.3.6 Face Analysis Comparison & Examination System (F.A.C.E.S.) NXT:** FACENXT is a facial recognition database operated by the Pinellas County Sheriff's Office (P.C.S.O.). FACESNXT is an investigative tool and any law enforcement action taken based on a submission to FACESNXT shall be based on personnel's own identity determination and not solely the results of a FACESNXT search. P.C.S.O. grants access to its database to other law enforcement agencies, including the Miami Police Department.

**4.4 RESPONSIBILITIES:** It is the purpose of this policy to provide members with guidelines and principles for the collection, access, use, and dissemination of images and related information applicable to the use of facial recognition technology. This policy will ensure that all facial recognition technology uses are consistent with authorized purposes while not violating the privacy, civil rights, and civil liberties of individuals. All members who make use of facial recognition technology shall familiarize themselves with the limitations of such technology, including algorithmic biases toward affected demographic groups. Additionally, authorized users of facial recognition technology platforms shall comply with all the terms of service of the respective program and complete an online training prior to gaining access.

**4.5 PROCEDURES:** Facial recognition technology shall only be utilized by authorized Real Time Crime Center (R.T.C.C.) personnel and others authorized by the Chief of Police and his/her designee. **(CALEA 41.3.7a)**

**4.5.1 Authorized uses for commercial facial recognition technology:** Facial recognition technology shall only be used for the identification of the following: **(CALEA 41.3.7b)**

- a) Potential suspects, witnesses, and/or victims in a criminal investigation.
- b) Principal officers, witnesses, or other involved person(s) in an Internal Affairs investigation.
- c) Persons in need of assistance from law enforcement and who lack the physical, mental, emotional, or cognitive capacity to identify themselves or are otherwise unable to identify themselves.
- d) Unidentified deceased persons.
- e) Lawfully detained persons refusing to identify themselves or whose identity cannot be established.

**4.5.2 Prohibited use of commercial facial recognition technology:** Facial recognition technology shall be used for official law enforcement and criminal justice purposes and shall not be used for:

- a) Personal use, queries not related to legitimate agency duties, sharing, copying, or the passing of information to unauthorized personnel.
- b) Harassing and/or intimidating any individual or group.
- c) Facial recognition technology shall not be used to conduct surveillance of persons or groups based solely on their religious, political, or other constitutionally protected activities, their race, ethnicity, gender, sexual orientation, sexual identity, or other constitutionally protected class membership.
- d) Facial recognition technology shall not be used to monitor persons in real-time.
- e) Any other purpose, access, use, disclosure, or retention that would violate applicable local, state, or federal law or agency policy.

**4.5.3 Process for utilizing all facial recognition platforms from the R.T.C.C.:**

**4.5.3.1** Requests for facial recognition services shall be submitted to the Real Time Crime Center via e-mail (rtcc@miami-police.org) with the probe photograph(s) to be reviewed, the incident number (if applicable), the incident type, and any other pertinent information.

**4.5.3.2** Authorized R.T.C.C. members will conduct a search of the facial recognition software/application and provide all search results and pertinent information to the requestor. If the investigation requires a case file (e.g., criminal cases assigned to a Criminal Investigations Section investigator), all search results shall be maintained within the investigator's case file. The lead investigator in a criminal investigation will also be cautious in not succumbing to confirmation bias and focusing solely on a "top" search result when attempting to identify a suspect; a reasonable effort must be made to fully investigate other possible suspects identified in search results.

**4.5.3.3** The R.T.C.C. shall maintain a log documenting all facial recognition searches performed. The log shall include the date and time the search was performed, incident number (if applicable), incident type, name of the officer/detective (and agency, if applicable) requesting the search, and the name of the detective/analyst performing the search.

**4.5.3.4** The R.T.C.C. may conduct subsequent searches of the probe photograph if an identification is not made during the initial search. All subsequent searches, however, shall be logged, as per Departmental Order 16, Ch. 4.5.3.3.

**4.5.4 Audits:** The R.T.C.C. supervisors responsible for administering facial recognition software account(s) shall conduct a monthly audit to ensure the R.T.C.C. members'



**Departmental Order 16**  
**Chapter 4**

compliance with policy as well as managing user accounts and immediately deactivating users who are terminated, retire or no longer need access. **(CALEA 41.3.7e)**

## CLOSED CIRCUIT TELEVISION (CCTV)

### Section

- 5.1 Policy
- 5.2 Organization
- 5.3 Responsibilities
- 5.4 Procedures

**5.1 POLICY:** It is the policy of the City of Miami Police Department to utilize state of the art video recording and closed circuit television (CCTV) to enhance the delivery of police services and safety to the community while respecting the privacy rights of the public and maintain compliance with all applicable laws and policies. CCTV shall not be utilized to target or track individuals arbitrarily or based on race, gender, ethnicity, sexual orientation, disability, or other classification protected by law.

**5.2 ORGANIZATION:** The operation and monitoring of CCTV equipment will be handled by the Virtual Policing Unit under the Administration Division.

**5.3 RESPONSIBILITIES:** All personnel assigned to the Virtual Policing Unit operating CCTV equipment shall be trained in the procedures required and conduct prohibited under this policy and all applicable laws.

### **5.4 PROCEDURES:**

**5.4.1 Access to CCTV Video Room:** Access to the CCTV Video Room will only be authorized to personnel assigned to Virtual Policing Unit, or other personnel authorized by the commanding officer, or designee.

**5.4.2** All CCTV recordings shall remain property of the City of Miami Police Department. These recordings shall be stored on City of Miami Police Department servers.

**5.4.2.1** All CCTV Recordings will be maintained for a period of thirty (30) days. Requests for recordings will be handled under current public records request laws.

**5.4.3** Personnel may not access, copy, or release CCTV recordings for other than departmental requirements.

**5.4.3.1** Personnel may not duplicate CCTV recordings for personal use. This includes the duplication of CCTV recording with the use of any video recording device. Personnel duplicating CCTV recording shall be subject to discipline, up to and including termination.

**5.4.4** Personnel assigned to the Virtual Policing Unit shall receive training on technical, legal, ethical parameters of appropriate CCTV camera use.

**5.4.4.1** Personnel assigned to the Virtual Policing Unit shall not monitor the activities of individuals based on race, gender, ethnicity, sexual orientation, or disability.

**5.4.4.2** CCTV monitoring shall only be used to deter crime and assist the Miami Police Department to enhance the public safety.

**5.4.4.3** CCTV may be actively monitored by the Virtual Policing Unit personnel for crime prevention, observation, and traffic issues.

**MOBILE AND FIXED LICENSE PLATE RECOGNITION (LPR)**

## Section

- 6.1 Policy
- 6.2 Organization
- 6.3 Definitions
- 6.4 Responsibilities
- 6.5 Procedures

**6.1 POLICY:** It is the policy of the Miami Police Department to utilize License Plate Recognition (LPR) technology to enhance its efforts in locating and apprehending violators of laws and locating wanted and missing persons that otherwise might be overlooked.

**6.2 ORGANIZATION:** The Department's mobile LPR's are affixed to marked and unmarked police vehicles that are utilized by MPD sworn personnel. Fixed LPR's are affixed to poles throughout the city. The Real Time Crime Center Detail will manage the department's LPR's.

**6.3 Definitions:**

- a) License Plate Recognition (LPR) system: Equipment consisting of camera(s), computer, and software used to automatically recognize and interpret the characters on vehicle license plate.
- b) LPR Manager: Person responsible for the management of the LPR program including administration, troubleshooting, training, repairing, and coordinating all aspects of the LPR system.
- c) LPR generated data: All information including GPS coordinates, date and time of a license plate reading, the optical character recognition data, and any LPR generated digital photographic image(s) of the license plate and vehicle generated entirely through the use of and by the LPR equipment.
- d) Alert: A positive indication, by visual and/or audible signal, of a potential match between data on FCIC/NCIC and a license plate scanned by the LPR system. An alert is not conclusive confirmation that a license plate has a "hit".

**6.4 RESPONSIBILITIES:** The FOD shall be responsible for the deployment of vehicles equipped with LPR equipment and ensuring that LPR equipped vehicles are operated by officers that are certified in the use of the LPR equipment.

**6.5 PROCEDURES:**

**6.5.1 Use of LPR Vehicles:** The officer using the LPR vehicle must fill out the LPR vehicle log prior to using the vehicle. The vehicle will be inspected for damage prior to use and if any damage is discovered it shall be reported immediately to the field duty lieutenant.

**6.5.2** Prior to use the officer will visually inspect the lenses are clear and the cameras have not been altered in any way.

**6.5.3** The officer using the LPR vehicle shall log into the LPR software prior to patrolling with the LPR vehicle.

**6.5.4** Officers using the LPR vehicle shall only log into the LPR software with the password assigned to them.

**6.5.5** LPR Officers encountering any issues with malfunctions of the LPR equipment and/or the LPR software must report this information to the LPR Manager.

**6.5.6 Use of Fixed LPR:** Officers using the fixed LPR system must first have Target Alert Service (TAS) installed on their laptop by computer support. After the TAS program is installed, officers will respond to the Real Time Crime Center Detail to program the system. Once setup, officers will be trained in LPR operations.

**6.6 LPR Training:** Officers shall only use the LPR vehicle or the TAS alert system after completing the LPR Officer Certification Course taught by the Real Time Crime Center Detail and being issued a log-in password by the Real Time Crime Center Detail.

**6.7 Data Storage:** All data retrieved by the LPR system is uploaded to servers owned, operated, and maintained by the vendor. These servers are located off-site at a location leased to the vendor and the data is stored on the servers for one hundred twenty (120) days.

**6.7.1** LPR Officers will only be able to access data retrieved by the LPR system while they are logged into the system. The information available will be limited to license plates that have been scanned by the LPR equipment from the time the LPR Officer logged in to the LPR system.

**6.8** As the LPR scans license plates the data is sent to the server and automatically run through FCIC/NCIC. If a license plate has a hit the LPR sounds an audible alert accompanied by a visual alert containing information about the "hit".

**6.8.1** Upon receiving the alert the LPR Officer must verify the "hit" by verifying the picture of the license plate scanned by the LPR system matches the actual license plate run through FCIC/NCIC (i.e., correct letters, numbers, state, and any other information that may be matched).

**6.8.2** Once the information is verified the LPR Officer may initiate a traffic stop, however before taking any enforcement action the information on the "hit" shall be verified by running a records check on the information channel.

**6.8.3** An alert for a "hit" based only on a driver license violation is not a probable cause to initiate a traffic stop. This is even if the registered owner description matches that of the individual driving the vehicle.

**6.8.4 Prohibited Uses:** Use of the LPR system for any personal uses is prohibited. Any officers utilizing the LPR system for personal uses shall be subject to discipline, up to and including termination. This also includes accessing the LPR software or database for personal reasons.

## USE OF FORCE & ADMINISTRATIVE PROCEDURES

### Section

- 1.1 Policy
- 1.2 Organization
- 1.3 Responsibilities
- 1.4 Definitions
- 1.5 Procedures

**1.1 POLICY:** The Miami Police Department (MPD) recognizes the value of human life and is committed to respecting the dignity of every individual. The primary duty of all officers of the department is to preserve human life. Officers shall only use reasonable force to accomplish lawful objectives (**CALEA 4.1.1**).

**1.1.1 Use of Force Generally – “Minimum Necessary Force”:** It is the policy of the MPD that officers shall use only the minimum amount of force that is necessary to effect an arrest, apprehension, or physically control a violent or resisting person.

**1.1.2 Deadly Force:** The most serious act in which a police officer can engage is the use of deadly force. The authority to carry and use firearms in the course of public service is an enormous responsibility. Respect for human life requires that, in all cases, deadly force be used as a last resort, and then only to protect an officer or another person from imminent danger of death or serious physical injury. Officers should use only the minimal amount of force necessary to protect human life. Where feasible, and consistent with personal safety, some warning, such as “**POLICE-DON’T MOVE,**” should be given. If appropriate, officers should employ non-lethal alternatives prior to utilizing deadly force. Deadly force is never justified in the defense of property. Above all, the safety of the public and officers must be the overriding concern whenever the use of deadly force is considered.

Therefore, it is the policy of the Miami Police Department that officers are prohibited from using deadly force against any person, including fleeing felons, except as necessary in self-defense or the defense of another person when those officers have a reasonable belief that they or another person are in imminent danger of death or serious physical injury. When the decision is made to use deadly force, officers must cease its application when they no longer have a reasonable belief that they or another person are in imminent danger of death or serious physical injury. (**CALEA 4.1.2**)

**1.1.3 Duty to Intervene:** At the scene of a police incident, many officers of the Department may be present, and some officers may not be directly involved in taking police actions. However, this does not relieve any officer present, regardless of rank, of the obligation to ensure that the law's requirements and the Department regulations are complied with. Consistent with this obligation, officers shall take a preventive approach when observing any behavior that reasonably suggests that another officer is about to engage in or is engaging in unlawful or inappropriate behavior. Officers shall respond according to training standards when a reasonable opportunity presents itself to safely intercede to prevent the use of any force that is clearly beyond that which is objectively reasonable under the circumstances. (**CALEA 1.2.10**)

**1.1.3.1** Officers are required to prevent, maintain control, or intervene if the use of force is clearly beyond that which is objectively reasonable under the circumstances. Officers shall also intervene where an officer observes another officer treating a member of the public in any manner inconsistent with applicable law or departmental orders. Failure to intervene, or use strategies presented in training may result in disciplinary action up to and including dismissal, and criminal or civil liability.

**1.1.3.2** Officers shall ensure that appropriate medical attention is given to any person after the intervention of force.

**1.1.3.3** Officers shall be required to intervene when the Department is called to assist, or is assisting any other law enforcement agency.

**1.1.3.4** Intervention may be verbal and/or physical.

**1.1.3.5 Duty to Report Intervention:** Officers shall notify a supervisor immediately after conducting any type of intervention, that prevented or stopped the use of force that is in violation of departmental policy, State or Federal laws, or local ordinance. If a supervisory officer is involved, then a member of the next higher rank shall be notified. Physical and verbal interventions shall be documented and submitted through a Complaint Form (RF #121) no later than the end of the supervisor's tour of duty. As required by this order, failure to report any intervention may result in disciplinary action up to and including dismissal (**CALEA 1.2.10**).

**1.2 ORGANIZATION:** The Use of Force policy and procedures are mandated for all sworn officers of the Miami Police Department.

**1.3 RESPONSIBILITIES:** It is the responsibility of all MPD sworn officers to adhere to this policy.

**1.3.1** It is the responsibility of all MPD commanding officers to ensure that all sworn officers in their command are in compliance with this policy.

**1.3.2** It is the responsibility of the police officer to notify the supervisor that force, as outlined in this policy has been used. This should be done immediately and, if possible, while the officer is still at the scene of the incident.

#### **1.4 DEFINITIONS:**

**DEADLY FORCE:** Any use of force that creates a substantial risk of causing death or serious bodily injury.

**LESS-LETHAL FORCE:** Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

**OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

**SERIOUS BODILY INJURY:** Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

**DE-ESCALATION:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

**CHOKER HOLD (Prohibited):** The intentional and prolonged application of force to the throat, windpipe, or airway of another person that prevents an individual's ability to breathe.

**LATERAL VASCULAR NECK RESTRAINT (LVNR):** A vascular neck restraint that compresses certain veins and arteries on the side of the neck to cause a subject to lose consciousness.

**WARNING SHOT (Prohibited):** Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

**IMMINENT DANGER:** Imminent danger/threat means immediate danger that must be instantly met in self-defense or in the defense of another person.

**LAST RESORT:** Last resort means that all practical methods available to the officer to avoid using deadly force have been exhausted. Depending on the tactical situation, these methods may include verbal commands (i.e., "STOP POLICE, OR I'LL SHOOT") foot pursuit, using a lesser level of necessary force, establishing a perimeter, etc., when these means can be accomplished without endangering the officer or the public.

## **1.5 PROCEDURES:**

**1.5.1 Using Force:** Officers shall only use such force as is reasonably necessary and authorized to effect an arrest or defend themselves or others. The level of force used should be consistent with the subject's level of resistance, and in accordance with the Use of Force Matrix outlined in this Departmental Order.

**1.5.1.1 DE-ESCALATION:** An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with training whenever possible and appropriate before resorting to force and to reduce the need for force. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a subject, or commission of the crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.



**1.5.1.2 Use of Force/Levels of Resistance Matrix (Resistance Levels):**

RESISTANCE LEVELS	1 Officer Presence		2 Communication			3 Physical Control					4 Intermediate Weapons	5 Incapacitating Control	6 Deadly Force	
	Arrival	Interview Stance	Dialogue	Verbal Direction	Touch	Restraint Devices	Transporters	Take Downs	Pain Compliance	O.C. / ECD	Counter Moves	Intermediate Weapons	Incapacitation	Deadly Force
6 Aggravated Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5 Aggressive Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4 Active Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3 Passive Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2 Verbal	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
1 Presence	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

**RECOMMENDED RESPONSE LEVELS**  
**RESISTANCE MATRIX**

**1.5.1.3 Presence:** A subject is present, on the scene, involved in suspicious activity.

**1.5.1.4 Verbal Resistance:** A subject may verbally refuse to comply with an officer’s request or attempts to control the situation. The subject may threaten the officer with further resistance or, the subject may not respond to the officer.

**1.5.1.5 Passive Physical Resistance:** A subject physically refuses to comply or respond. The subject does not make any attempt to physically defeat the actions of the officer but forces the officer to employ physical maneuvers to establish control.

**1.5.1.6 Active Physical Resistance:** A subject makes physically evasive movements to defeat an officer’s attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away, or not allowing the officer to get close.

**1.5.1.7 Aggressive Physical Resistance:** A subject makes overt, hostile, attacking movements, which may cause injury, but are not likely to cause death or great bodily harm to the officer or others.

**1.5.1.8 Aggravated Physical Resistance:** A subject makes overt, hostile, attacking movements with or without a weapon with the apparent ability to cause death or great bodily harm to the officer or others.

**1.5.1.9 Police Officer Response Levels:**

**1.5.1.10 Level 1 – Officer Presence – Arrival:** The officer is present on the scene. This includes proper voice and/or other identification, body language, and awareness by the subjects that they are dealing with a police officer.

**1.5.1.10.1 Interview Stance:** The officer adopts a stance outside of the danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked. In such a stance:

- a) The firearm or strong side leg is back;
- b) the non-firearm or weak-side leg is forward;
- c) the feet are about shoulder-width apart;
- d) the knees are slightly bent giving balance, control, and a lower body center of gravity;
- e) the body weight is equally distributed;
- f) and the hands are up for guarding the upper body.

**1.5.1.11 Level 2 – Communication – Dialogue:** A two-way, controlled, non-emotional communication between the officer and subject, aimed at problem identification and/or resolution.

**1.5.1.11.1 Verbal Direction:** An officer tells or commands a subject to engage in, or refrain from a specific action or non-action.

**1.5.1.11.2 Touch:** An officer employs a soft assisting touch to comfort, console, or to obtain the attention of a subject or individual in a non-confronting situation.

**1.5.1.12 Level 3– Physical Control – Restraint Devices:** The tools used to restrict a subject's movement and facilitate searching, such as handcuffs, flex cuffs, or other authorized restraining devices, etc.

**1.5.1.12.1 Less Lethal Force:** Techniques used to control a subject when the subject threatens to assault an officer or individual(s) and:

1. Physically resists arrest;
2. verbal dialogue has failed to bring about compliance;
3. The subject has signaled his intention to actively resist the officer's effort to make a lawful arrest.

**1.5.1.12.2 Transporters:** Techniques used to control and/or move a subject from point A to point B with minimum effort by the officer in order to gain and retain control over the subject.

**1.5.1.12.3 Take Downs:** Techniques that redirect, in a controlled manner, a subject to the ground in order to limit their physical resistance and to facilitate the application of a restraint device.

**1.5.1.12.4 Pain Compliance:** Techniques that force a subject to comply with an officer as a result of the officer inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques.

**1.5.1.13 Level 4 – Intermediate Weapon** - Weapon that is primarily used to control a subject such as:

1. An expandable baton,
2. Baton PR-24,
3. Oleoresin Capsicum (OC spray),
4. Conducted Energy Weapon (CEW),
5. Restraint Devices,
6. Body parts, i.e., hands, feet, etc.

**1.5.1.13.1** Intermediate weapons approved for use **only** by members of the Special Weapons and Tactics Detail (SWAT) include kinetic energy impact projectiles (i.e., bean bags, stingers, pepper balls, rubber batons, rubber pellets).

**1.5.1.13.2 Counter Moves:** Techniques that impede a subject's movement toward an officer or others such as, blocking, striking, distracting, kicking, parrying, dodging, weaving, redirecting, or avoiding, followed by appropriate controlling techniques.

**1.5.1.13.2.1 Prohibited Strikes to the Head/Face/Throat:** Members are prohibited from striking the head, face or throat of a subject who is physically restrained, and/or who does not pose an imminent threat of injury to the officers or others on the scene.

**1.5.1.14 Level 5 – Incapacitating Control –**

**1.5.1.14.1 Incapacitating:** Techniques that are intended to stun or render a subject temporarily unconscious or unable to continue to resist. These techniques may be delivered with or without an impact weapon, such as a strike to a major nerve area. They may have moderate potential for physical harm.

**1.5.1.15 Level 6 – Deadly Force:** Techniques that may result in death, great bodily harm, or permanent disfigurement, such as impact weapon strikes to head or use of firearms.

**1.5.1.15.1** Deadly Force techniques are a last resort.

**1.5.1.16** The recommended Use of Force/Levels of Resistance Matrix is to be used as a guideline for officers to select effective, reasonable, and legal force options in a verbal or physical encounter.

**1.5.1.17** As a subject increases the resistance level from verbal to physical, an officer may have to increase the level of their response until the resistance ceases and the officer is able to gain control of the subject.

**1.5.1.18** As soon as the point of subject compliance is reached, the officer must de-escalate their response level to the minimum force necessary to control the subject.

**1.5.1.19 The Decision-Making Process:** In properly determining the appropriate response to a subject's resistance, the factors outlined below in the "Decision Making Process" should be evaluated by an officer:

**1.5.1.19.1 Subject Resistance**

Is the subject verbally or physically resisting my lawful authority?

Is the subject making attacking movements that are not likely to cause death or great bodily harm?

Is the subject making attacking movements that are likely to cause death or great bodily harm?

**1.5.1.19.2 Situational Factors**

What subject factors influence this situation? Weapon? Physical size? Demeanor? Others?

What officer factors influence this situation? Training? Experience? Physical size? Others?

What environmental factors influence this situation? Weather? Location? Presence of others?

**1.5.1.19.3 Officer's Response**

Can I physically control the subject?

Could I use non-lethal weapons not meant to cause death or great bodily harm?

Is deadly force the appropriate option to prevent death or great bodily harm to myself or others?

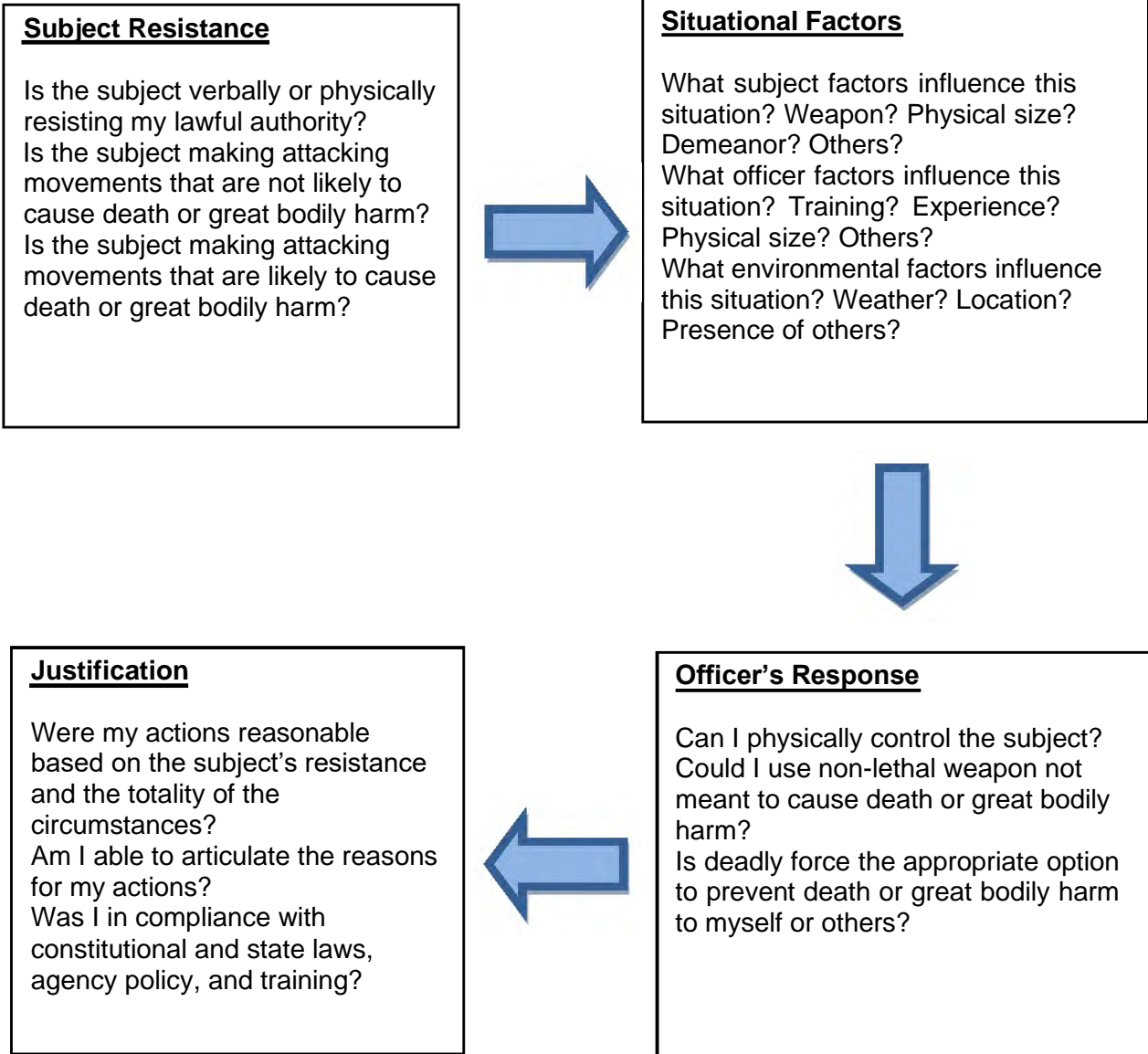
**1.5.1.19.4 Justification**

Were my actions reasonable based on the subject's resistance and the totality of the circumstances?

Am I able to articulate the reasons for my actions?

Was I in compliance with constitutional and state laws, agency policy, and training?

**Decision-Making Process Flow Chart:**



**1.5.1.20** Officers need not retreat in their efforts to lawfully control a subject but may utilize the amount of force necessary to accomplish the task. This is not to say that a tactical retreat in the face of overwhelming odds may not be a wise choice.

**1.5.1.21** Officers must be cognizant to follow the established procedures outlined in the Crisis Intervention Team (CIT) DO for handling subjects who suffer from mental illness or emotional disorders when determining the appropriate response to a subject's resistance.

**1.5.1.22.** Members shall only be authorized to use a Lateral Vascular Neck Restraint (LVNR), chokehold, neck hold, and/or any other restraint that restricts an individual's ability to breathe, as a last resort, and in situations where deadly force is necessary in self-defense of serious bodily injury or death. **(CALEA 4.1.6).**

**1.5.1.22.1** Members applying any restraint to the neck, shall have a reasonable belief that their life or the life of another individual is at risk of imminent serious physical injury or death **(CALEA 4.1.7).**

**1.5.1.22.2** In the absence of imminent serious physical injury or death, members are prohibited from using any prolonged neck restraint or application of force intended and purposely applied, to restrict an individual's ability to breathe. **(CALEA 4.1.7).**

**1.5.1.23 Unholstering/Drawing Firearms:** Certain situations require the use of extreme caution, and MPD acknowledges that during those situations, for the safety and welfare of officers, there is a practical need for officers to un-holster or draw their firearms. In those (i.e., building searches for burglary subjects, checking suspicious vehicles, etc.), an officer shall exercise all safety principles learned in their training, which consists of the following:

- 1) When a handgun is drawn from the holster, the trigger finger shall be kept outside the trigger guard and parallel to the cylinder or frame.
- 2) When a shotgun, carbine, or any other departmentally approved firearm is carried, the finger shall be kept outside the trigger guard and parallel to the receiver frame.
- 3) Unless imminent danger of death or great serious physical injury exists, officers shall maintain their trigger finger outside the trigger guard.
- 4) Before an officer places his finger on the trigger, he must have identified a target and be able to articulate the immediate need to use deadly force.
- 5) An officer shall not have an un-holstered weapon nor be in possession of a shotgun or carbine when searching, handcuffing, or handling a subject.
- 6) The hammer of a revolver or semi-automatic pistol will not be drawn back to the single-action firing position except when cleaning or disassembling the weapon.
- 7) A handgun, rifle, or shotgun muzzle will not be held in direct contact with an individual except as a last resort when the use of deadly force is justified, and it is the only manner in which the firearm can be discharged without increasing the danger of death or serious physical injury to the officer or another person.

**1.5.1.24 Medical Attention:** Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who is unconscious or has visible injuries, complains of being injured or of pain, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility **(CALEA 4.1.5).**

**1.5.1.24.1** If a subject is injured or complains of pain or injury, a supervisor shall be requested and must respond to the scene. If there is an obvious injury, Emergency Medical Services (EMS) must be dispatched to the scene.

**1.5.1.25 Administrative Assignment - Removal from Line Duty Assignment:** When the actions and/or use of force by any sworn or civilian employee acting in their official capacity results in death or serious bodily injury, the employee shall be removed from their line-duty assignment and be administratively reassigned pending an administrative review (**CALEA 4.2.3**).

**1.5.1.26 Psychological Services Provider (PSP):** IAS personnel will contact the on-call Psychological Services Provider (PSP) and schedule the employee(s) to attend post-traumatic stress counseling. The Psychological Services emergency telephone number may be obtained through Communications.

**1.5.1.26.1** Employees shall be required to attend post-traumatic stress counseling and must be cleared by the PSP prior to returning to their line-duty assignment and/or assigned to work extra duty assignments.

## **1.5.2 PROCEDURES FOLLOWING THE USE OF FORCE:**

**1.5.2.1** Response to Resistance Reports (BTW RF #186) will be initialized/generated via the Blue team Website located on the MPD Intranet site.

**1.5.3 Situations Requiring a Response to Resistance Reports (RRR) Blue Team Website (BTW)** (RF #186) A Response to Resistance Report (BTW RF #186) will be completed when force is used, whether or not an arrest is made, under the following circumstances (**CALEA 4.2.1 b,c,d**):

**1.5.3.1** When striking, kicking, hitting a subject.

**1.5.3.2** When an officer causes an injury or death by use of force other than with a firearm.

**1.5.3.3** When there is a complaint of injury.

**1.5.3.4** When there is a visible injury caused by the use of force.

**1.5.3.5** When a K-9 bite occurs.

**1.5.3.6** When an officer uses OC Spray.

**1.5.3.7** When an officer uses the CEW.

**1.5.3.8** When an officer uses the Expandable Baton to strike a subject.

**1.5.3.9** When an officer uses the Baton PR-24 to strike a subject.

**1.5.3.10** When an officer charges an arrestee with the crime of Assault or Battery of a law enforcement officer (Florida Statute 784.07) or Resisting officer with violence to his or her person (Florida Statute 843.01).

**1.5.3.10.1** After review of B.W.C video or witness testimony, a commanding officer shall have the authority to overrule this order if it is determined that the situation does not require a Response to Resistance Report in accordance to Departmental Order 17 Chapter 1.5.4.

**1.5.4 Situations Not Requiring a Response to Resistance Reports (BTW RF #186):** A Response to Resistance Report (BTW RF #186) will not be completed under the following conditions:

**1.5.4.1** When the force used was routine and normal in controlling, searching, and/or handcuffing a subject and the criteria requiring a Response to Resistance Report (BTW RF #186) has not been met.

**1.5.4.2** When the subject was injured prior to the arrest; e.g., fleeing, jumping a fence, etc., a Sick/Injured Person (Signal 41) report will be completed in these instances.

**1.5.4.3** When the subject is accidentally injured after the arrest, e.g., injured in transport, a Sick/Injured Person (Signal 41) report will be completed in these instances.

**1.5.4.4** When subjects accidentally or purposely injure themselves, e.g., strikes their head against the wall, etc., a Sick/Injured Person (Signal 41) report will be completed in these instances.

**1.5.5 Key Elements To Be Included In The Response to Resistance Report (BTW RF #186):**

One (1) individual report will be generated by the reporting supervisor for each subject for whom a physical response was necessary.

**1.5.5.1** Each involved officer(s) and officer witness(es), shall submit a written statement via the RRR (BTW RF #186) and forward to the supervisor-investigator.

**1.5.5.1.1** The statements of the involved officer(s) and officer witness(es) will be submitted to the supervisor-investigator via their MPD e-mail account;

**1.5.5.1.2** This narrative will be sent to the reporting supervisor via the involved officer/supervisor('s) City of Miami e-mail account.

**1.5.5.2 Incident Details:** The Response to Resistance Report will include all of the required information and incident details.

**1.5.5.3 Photographs:** Photographs of every subject must be taken showing area of injury or possible injury. Photographs of officers are mandatory when an officer is injured, and the injury is visible, but are discretionary if there is no visible injury to the officer.

**1.5.5.3.1** The Crime Scenes Investigations Unit (CSI) will be responsible for documenting the injuries through the use of color photographs. CSI will maintain the photographic evidence until such time as retention is no longer required by law, but not less than six (6) years. The reporting supervisor will note the number of photos taken and the photographer's PIN (Example: 3/6280).

**1.5.5.4 Involved Officer's Narrative:** Include an accurate description of conditions leading up to force and force used. Only the resistance and the use of force should be described. Specific injuries should be described in detail, as well as what caused them. (Example: "After the subject swung at me, I struck him on the right upper thigh with my Expandable Baton.") Use such descriptive words as "punched", "scratched", "bit", "kicked", "threw to the ground", etc., if they apply. Any officer who conducts an act as described in Department Order 17, Chapter 1.5.3, is



considered an “involved” officer. The actions of additional involved officers will also be included in the narrative. If the involved officer is of the rank of Sergeant of Police or above, then the report will be completed by an uninvolved supervisor.

**1.5.5.5 Reporting Supervisor’s Narrative:** A supervisor will respond to the scene and interview the subject and available witnesses. The on-duty field duty lieutenant shall be requested and must also respond to the scene. The supervisor shall investigate and make the narrative as complete and accurate as possible. The supervisor will include in the narrative a description of the injury; the details of the complaint of injury and to which specific part of the body; whether the subject was given or refused medical treatment; if treatment is refused, the responsibility to send the subject to the jail clinic or to the Hospital will continue to exist if injury is apparent or claimed; and, if known, cite the subject's past or current peculiar behavior, etc. The supervisor’s narrative should primarily deal with the justification and should not repeat the officer's narrative.

**1.5.5.6 Responding Commanding Officer Narrative:** The responding on-duty lieutenant or commanding officer will include a notation on the RRR (BTW RF #186) stating they were on the scene, reviewed the report, and concurs or does not concur with the initial facts.

**1.5.5.7 Distribution and Content of Response to Resistance Report Package:** A Response to Resistance Report package shall consist of the RRR (BTW RF #186), all reports generated relating to the incident, the CSI Unit photographs of the subject, and the officer (if required), and JMH Medical Reports, if available. The reporting supervisor and any supervisor reviewing the RRR (BTW RF #186) package will be responsible for ensuring that all associated documentation is attached to the RRR (BTW RF #186) and that the information included in the report is accurate and correct.

**1.5.5.7.1** The Response to Resistance Report Package and copies will be forwarded through the chain of command electronically for review (**CALEA 4.2.2**). The distribution will be as follows:

**1.5.5.7.2** The original Response to Resistance Report Package will be forwarded electronically through the chain of command to the Chief of Police, or designee.

**1.5.5.7.3** A copy containing the attached copies will be submitted electronically to the Internal Affairs Section before the end of the involved officers’ tour of duty. It will be the commanding officer’s responsibility to review the report and ensure that a copy of the report is forwarded to the Internal Affairs Section. Failure to submit the copy at the end of the tour of duty will result in disciplinary action.

**1.5.5.7.4** A copy containing the attached copies will be submitted electronically to the Training and Personnel Development Section (TPDS).

**1.5.5.7.5** A copy containing the attached copies will be submitted electronically to the Professional Compliance Section (PCS) High Liability Board (HLB) Coordinator.

**1.5.5.7.6** The Communications Section shall also be notified by the investigating supervisor in order for the Response to Resistance Log to be completed with the required information (e.g., incident number, date, time, officer-involved, subject, sergeant, field duty lieutenant). The Communications Log Number must be included in the Response to Resistance Report.

**1.5.6 PROCEDURES FOR THE USE OF DEADLY FORCE:** In determining whether an “Objectively Reasonable” belief exists, the standard is whether a reasonable police officer in the same circumstances and experiencing the same informational input would feel the same level of danger and the same need to use force.

**Prohibited Use of Firearms**

1. Sworn officers are prohibited from using deadly force against another person unless they have an objectively reasonable belief that they must protect themselves or another person present from imminent danger of death or serious physical injury **(CALEA 4.1.2)**.
2. Police officers are prohibited from discharging their firearms when doing so will unnecessarily endanger innocent persons.
3. Police officers are prohibited from discharging their firearms in the defense of property.
4. Police officers are prohibited from discharging their firearms to subdue a fleeing felon who presents no imminent danger of death or serious physical injury to them or to another person present.
5. Police officers are prohibited from firing warning shots **(CALEA 4.1.3)**.
6. Police officers are prohibited from discharging their firearms to summon assistance except in emergency situations when someone’s personal safety is endangered, and no other reasonable means are available.
7. Police officers are prohibited from discharging their firearms at or from a moving vehicle unless deadly force is being used against the police officer or another person present, by means other than the moving vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer’s use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. The only exception is an act of terrorism where the vehicle is being used as a weapon.
8. Police officers are prohibited from discharging their firearms at a dog or another animal except to protect themselves or another person from imminent danger of death or serious physical injury, and there are no other reasonable means to eliminate the threat.
9. Police officers are prohibited from discharging their firearms when the circumstances are clearly obvious to the officer that they have lost visual sight of the subject or have no identifiable imminent threat.
10. Police officers shall not unreasonably place themselves in a position where a threat of imminent danger of death or serious physical injury is created when attempting to approach, pursue, and/or stop a motor vehicle or armed subject. Police Officers will follow all training protocols regarding “felony stops” involving armed subjects or vehicles.

11. Police officers are reminded of the potential danger while encountering emotionally disturbed individuals. For the protection of police and such persons, officers will be guided by the Crisis Intervention Team (CIT) DO.

**1.5.7 Discharging Weapons:** These procedures shall be followed after a weapon is fired by an officer, whether on or off duty, excluding firing practice at an approved range, legal hunting, etc. The officer firing the weapon shall notify the Communications Section via police radio and their respective supervisor immediately. In the event they cannot communicate via the police radio, notifications will be made via telephone. The supervisor shall ensure the immediate notification of their respective Commanding Officer, the Staff Duty Officer, Homicide Unit, and the Internal Affairs Section. If the Commanding Officer is not available, the supervisor shall notify any on-duty Commanding Officer of the Patrol District. The Shooting Response Team will be notified on all discharges of firearms except on those involving animals or accidental discharges without injuries.

The scene of any discharge of firearms incident will be maintained until the on-scene investigation has been completed by the Commanding Officer, the Internal Affairs Section Investigator, and if appropriate, the Shooting Response Team.

The officer(s) involved in a discharge of firearms may be asked to do a walk through by the Internal Affairs Section with the investigators at the scene and point out any evidence or potential evidence.

**1.5.7.1** Officers involved in any Category 1, 2, 3, 4, or 5 Discharge shall be removed from line duty assignment and reassigned to administrative duties for a minimum of seven (7) calendar days by the Commander of the Internal Affairs Section (or designee) pending an administrative review. The officer shall not be returned to active duty status until:

1. The officer attends Critical Incident Stress Debriefing (CISD) provided by the Psychological Services Provider,
2. The officer completes any and all refresher training mandated by the Chief of Police,
3. A post-shooting briefing of the discharge of firearm occurs with the lead investigating agency (i.e., FDLE),
4. The Chief of Police will expressly approve the officer's return to work after a review of the available evidence that supports the return to active duty. The return to active duty will be documented in a memorandum.

#### **1.5.8 Categories/Types/and Responses/Reports:**

##### **Internal Affairs Summary of Findings Report:**

**1.5.8.1 Internal Affairs Summary of Findings Report** - The Internal Affairs investigator will submit a separate fact-finding report (Report of Investigations (memorandum), which will be routed to The Firearms/In-Custody Death Review Board. The Internal Affairs report will not render a conclusion.

**1.5.8.1.1** All pertinent details and facts of the shooting incident.

**1.5.8.1.2** A conclusion will not be rendered in the Internal Affairs Summary of Findings Report by the investigating Commanding Officer. The Firearms/In-Custody Death Review Board and/or other appropriate agencies will make a recommendation to the Chief of Police as to whether the discharge is in compliance with Florida Statutes, Departmental Rules and Regulations, and Departmental Orders.

**1.5.8.2** In the event there are multiple discharges of firearm incidents by multiple personnel, e.g., emergency situation, civil disturbances, etc., the Chief of Police may modify this procedure, if it is determined that the interest and safety of the public shall be best served.

**Shooting Response / Lead Investigator: Categories 1-5**

**1.5.9 Category 1 (No Injury, Accidental, or Dangerous Animal):** A discharge of firearm shall be investigated by the Internal Affairs Section. The commander of IAS or designee will assign a lead investigator from their section. The Internal Affairs Section will be responsible for investigating any departmental or procedural violations associated with the officer involved in the incident.

**1.5.9.1 Category 2 (No Injury, Duty Related):** A Category 2 discharge of firearm shall be investigated by the Homicide Unit. The Homicide Commander or designee will assign a lead investigator from their unit. The Homicide Unit will be responsible for investigating any criminal violations by any individual(s) against an officer. The Homicide Unit will only investigate the criminal aspect of the incident and any crime(s) and/or criminal activity directly or indirectly related to the incident.

The commander of IAS or designee will assign a lead investigator from their section. The Internal Affairs Section will be responsible for investigating any departmental or procedural violations associated with the incident. Additionally, it is the responsibility of the Internal Affairs Section to oversee the entire investigation as an independent body to ensure the integrity of the investigation and verify that all aspects of the process have been properly and fairly followed.

**1.5.9.2 Category 3 (Injury, Accidental);**

**1.5.9.3 Category 4 (Injury Duty Related);**

**1.5.9.4 Category 5 (Death, Accidental, or Duty Related):**

On a Category 3, 4 or 5 discharge of firearm the Florida Department of Law Enforcement (FDLE) will assume operational direction of investigations and forensic assistance or coordination as per the Memorandum of Understanding (MOU) agreement between the City of Miami and the FDLE.

**1.5.9.5** The Homicide Unit will conduct the investigation related to any underlying criminal activity that preceded or occurred at the same time as the predicate act.

**1.5.9.6 The Shooting Response Team:** The Shooting Response Team will respond to all Category 2, 3, 4, and 5 discharge of firearms.

**1.5.9.7 Notifications:** On a Category 2, 3, 4 or 5 discharge of firearm, the following notifications will be made by Communications:

Discharge Officer's Commanding Officer  
Internal Affairs Section  
Homicide Unit  
Crime Scene Investigation  
Risk Management  
Police Legal Advisor  
Staff Duty Officer

FDLE will be notified on Category 3, 4, or 5 discharge of firearm.

**1.5.9.8 Composition of Shooting Response Team:** The Shooting Response Team will be comprised of a supervisor from the Internal Affairs Section, a supervisor from the Homicide Unit, a supervisor from the Crime Scene Investigations Unit, and any additional support personnel identified by the respective Division/Section.

**1.5.9.9 Crime Scene Investigations Unit Supervisor:** Once notified, the Crime Scene Investigations Unit supervisor will be responsible for coordinating manpower and equipment need for the work to be performed by crime scene investigators at the scene. As a member of the Shooting Response Team, it is the responsibility of the supervisor of the Crime Scene Investigations Unit to ensure that the crime scene(s) is/are properly prioritized and handled correctly during the course of the investigation.

**1.5.9.10 Investigative Support:** The following units, details, or agencies will be notified on all Category 2, 3, 4, and 5 shootings.

State Attorney's Office Representative  
Medical Examiner's Office  
Representative

**1.5.10.1 Discharge of Firearm Outside of MPD Jurisdiction:** On all discharges (Categories 1 through 5), IAS will respond and coordinate their efforts with the involved jurisdiction, as needed.

**1.5.11 Discharge of Firearm Involving Multiple Law Enforcement Representative(s):** In the event that officers from any other law enforcement agency (local, state, or federal) are involved in a Category 5 Discharge of Firearms incident, a command or management level official of that agency should be on the Shooting Response Team.

**1.5.12 Discharge of Firearm by Outside Agencies in the City of Miami Jurisdiction:** In incidents not involving Miami Police employees, the Shooting Response Team will not respond, and the Homicide Unit will have the sole and primary responsibility for investigating the incident.

#### **Discharge of Firearms Statement Procedures:**

**1.5.13 Voluntary Statement:** All officers involved in a discharge of firearm shall be provided the opportunity to provide a voluntary statement to the lead investigator within **72 hours**, absent exigent circumstances, and will document same. Any and all officers involved in a police shooting when giving a voluntary statement must be informed that the statement is not compelled but is

voluntary. The fact that the officer is not compelled to give a statement and that the Garrity rule is not in effect will be clearly entered into the record.

**1.5.13.1 Compelled (Garrity) Statement:** Where there is a potential criminal investigation or prosecution of the officer, MPD will continue its efforts to complete the administrative investigation except that it is not required to conduct an interview of the involved officer(s) until completion of the criminal investigation unless, after consultation with the Office of the State Attorney and FDLE, such interviews are deemed appropriate because they will not interfere with any pending criminal investigation. MPD will continue to make documented efforts to work with the Office of the State Attorney to facilitate prompt determinations.

**1.5.13.2 Miranda Warnings:** If a discharge of firearm may result in a criminal case, Miranda Warnings shall be given in accordance with current case law. The fact that the officer is not compelled to give a statement and that the Garrity rule is not in effect will be clearly entered into the record.

**1.5.13.3 Persons Present During Sworn Statements:** The number of persons present at a sworn statement needs to be limited because the presence of an excessive number of people could have an adverse effect upon the witness' statement. The following are some of the people who may or may not be present during the taking of a statement, depending on the circumstances and at the discretion of the appropriate Shooting Response Team lead investigator. In an effort to limit distractions such as those that may be presented by having numerous individuals physically present in the interview room, the Homicide Unit lead investigator (commanding officer) may provide audio/visual access through the Closed Circuit Television system (CCTV):

1. Interviewee
2. Court Reporter
3. Lead investigator(s)
4. Assistant State Attorney
5. Attorney or representative of the involved officer
6. Police Legal Advisor

**1.5.13.4 Employee Representative/Attorney:** Preserving the integrity of the investigation is of paramount importance. Therefore, employee representatives/attorneys representing the officers should not be permitted to converse with more than one officer.

**1.5.13.5 Confer with Assistant State Attorney:** The Shooting Response Team will confer with the on-scene Assistant State Attorney regularly regarding Miranda, Garrity, voluntary statement issues and other aspects of the investigation. The Shooting Response Team will also comply fully with the current written "Police Shooting Policy" issued by the State Attorney's Office, the MOU with FDLE and adopted by the Miami Police Department.

## **TAKING OF FIREARMS:**

**1.5.14 Taking of Firearms from Officer - With Injuries:** In cases where anyone has been injured as a result of a discharge, the supervisor of the Crime Scene Investigations Unit (a Shooting Response Team member) or designee will take the firearm that has been discharged and submit it for ballistic tests. An Internal Affairs investigator will be present whenever a firearm is taken from an officer, in order to account for unused rounds. A replacement weapon will immediately, or as soon as practical, be issued to the officer, unless otherwise determined by the Commander of the Internal Affairs Section.

**1.5.14.1 Taking of Firearms from Officer - No Injuries:** In cases where no one has been injured by gunfire, an Internal Affairs investigator may take the firearm that has been discharged for testing. A replacement weapon will immediately (or as soon as practical) be issued to the Officer, unless otherwise determined by the Commander of the Internal Affairs Section.

**PRELIMINARY FINDINGS REPORT:**

**1.5.15 Report of Investigation:** In Category 1 shootings, the Internal Affairs Section will deliver a preliminary findings verbal report within seventy-two (72) hours after beginning its investigation. Additionally, in Category 2, 3, 4 and 5 shootings, the Homicide Unit's commanding officer shall also deliver an independent verbal preliminary findings report within seventy-two (72) hours after beginning its investigation.

**NEWS MEDIA AT POLICE INVOLVED SHOOTING:**

**The Public Information Office will be notified of all Police-Involved Shootings**

**1.5.16 News Media Coordination:** The Public Information Office representative will be responsible for responding to the scene of the incident, gathering information, and establishing a media contact point.

The Public Information Office representative will coordinate with the COP (or designee) to develop all media releases. The Public Information Office will issue news releases and coordinate news media interviews on the scene and/or later.

In the event that media concerns necessitate interviews or statements by persons involved in the investigation, the COP (or designee) will designate the appropriate person to handle the interview or statement.

**1.5.17 Inter Responsibilities and Coordination:**

**1.5.17.1** It is the duty of the Internal Affairs Section and the Homicide Unit to respond to Category 2, 3, 4, and 5 police-involved firearm discharges.

**1.5.17.2** The incident commander will ensure that the scene is secured, that physical evidence and documentation is protected and preserved and that all law enforcement and individual witnesses are identified and separated pending initial interview.

**1.5.17.3** The Homicide Unit will conduct the investigation related to any underlying criminal activity that preceded or occurred at the same time as the predicate act.

**INCIDENT COMMANDER BRIEFING:**

**1.5.18** Notwithstanding an investigative urgency and as soon as practical, upon arrival to a scene, the commanding officers of the Internal Affairs Section and the Homicide Unit, **together**, will be briefed by the incident commander. The FDLE Critical Incident Team will be briefed on all categories 3, 4, and 5.

The briefing will include, but will not be limited to, details related to the incident, crime scene perimeter, number of offenders at large, victim/witness information and the identification of the

officers involved in the discharge of the firearm. At the conclusion of the formal briefing, the commanding officer will officially transfer the command of the inner perimeter and notify the Communications Section of the change of command.

The Internal Affairs Section investigative team will have complete access to all areas of the shooting investigation and may directly observe and document all of its aspects to include but, not limited to, scene processing, witness interviews, suspect interrogation/interviews, reenactments, and area canvasses, etc.,

**PUBLIC SAFETY QUESTIONS:**

**1.5.19** The first supervisor or deputy N.E.T. commander on-scene will be responsible for obtaining pertinent public safety related information from the shooting officer, such as BOLO information, last direction of travel, direction of firearm discharge, and the general area of the crime scene location(s). The intent of this procedure is to ensure public safety.

**1.5.19.1** For public safety purposes it is the responsibility of the involved officer (including witness officer(s)) to provide pertinent information to assist in the identification and apprehension of the offender(s) to include: BOLO information, last direction of travel, the general crime scene location(s) and for public safety, direction of firearm discharge.

**INCIDENT COMMAND/INCIDENT MANAGEMENT:**

**1.5.20** In Category 1-5 discharge of firearm incidents, the deputy N.E.T. commander or district supervisor will be responsible for managing and controlling the scene(s) until the arrival of the Internal Affairs Section investigators and/or the Homicide Unit investigators. The deputy N.E.T. commander or district supervisor will be responsible for implementing the Incident Command System.

**1.5.20.1** The first supervisor or deputy N.E.T. commander on-scene will be responsible for establishing an Incident Command Post, identifying an ingress and egress from the location, and communicating that information to the Communications Section.

**1.5.20.2** The first supervisor or deputy N.E.T. commander on-scene will be responsible for contacting the Communications Section as soon as possible to ensure that the proper notifications have been made consistent with their Standard Operating Procedures.

**1.5.20.3** The first supervisor or deputy N.E.T. commander on-scene will be responsible for the integrity of the scene and for establishing an inner and outer perimeter. The outer perimeter will include an area for the responding investigative teams, command staff members, and supervisors.

**1.5.20.4** Entry into the inner perimeter will be strictly limited to members of the investigative team. Any request for a walkthrough must be approved by the lead investigator. Requests for walkthroughs shall only be made by, and authorized for, staff members within the principal officer's chain of command. The staff member(s) must have a compelling and overriding reason to request a walkthrough.

**1.5.20.5** The first supervisor or deputy N.E.T. commander on-scene will be responsible for ensuring that Crime Scene Investigators have been notified to respond to the scene.



**1.5.20.6** The first supervisor or deputy N.E.T. commander on-scene will be responsible for identifying a scribe to record all personnel who are on-scene or entering the scene.

**1.5.20.7** The first supervisor or deputy N.E.T. commander on-scene will be responsible for identifying and separating the involved officer(s) and all witnesses (police and civilian) to ensure the integrity of their subsequent statements. Contact with the officer(s) should be kept to an absolute minimum, excluding communication necessary for public safety purposes.

**1.5.20.8** An investigative walkthrough of any kind will only be coordinated by the lead investigator (or designee).

**1.5.20.9** Any inspection and/or round count of the officer's firearm(s) will only be coordinated by the lead investigator (or designee).

**1.5.21 In Police Custody Death:** A "in police custody death" will be handled in the same manner as a Category 5 Discharge of Firearm.

**1.5.21.1** Any officer involved in a "in police custody death" incident shall be reassigned to administrative responsibilities for a minimum of three (3) days or until such time that it has been determined that the officer is cleared to return to regular duty. Only the Chief of Police may authorize the officer's return to regular duty.

**1.5.21.2** The completed "in police custody death" investigations will be routed to the Firearms/In-Custody Death Review Board.

**1.5.22 The Firearms / In Custody Death Review Board:**

**1.5.22.1** As soon as practical, after the completion of the investigation, the Professional Compliance Section will convene the Firearms/In-Custody Death Review Board.

**1.5.22.2** The board will be comprised of the following personnel:

**1.5.22.3** The Assistant Chief of the Administration Division, Chairperson.

**1.5.22.4** The Assistant Chief of the Special Operations Division.

**1.5.22.5** The Assistant Chief of the Field Operations Division.

**1.5.22.6** The Assistant Chief of the Criminal Investigations Division.

**1.5.22.7** The Police Legal Advisor (Assistant City Attorney) to the Chief of Police.

**1.5.22.8** The commanding officer of the Training and Personnel Development Section, who serves in an advisory capacity.

**1.5.22.9** If a Division Assistant Chief is unable to attend, they may appoint a major from their division to represent them on the Firearms/In-Custody Death Review Board.

**1.5.23 Recommendations By the Firearms/In Custody Death Review Board:**

The Board will;

**1.5.23.1** Evaluate the actions of the officer(s) leading up to the discharge of firearm(s) or in-custody death.

**1.5.23.2** Determine if MPD policies and procedures provided adequate direction given the circumstances of the discharge or in-custody death.

**1.5.23.2** Determine if training, tactics and/or the officer's equipment were a factor in the discharge of firearm or in-custody death.

**1.5.23.4** Determine if the discharge of firearm or in-custody death is in compliance or out of compliance with policy.

**1.5.23.5** To reach and document their conclusions and recommendations, and forward a final report to the Chief of Police.

**1.5.24 Firearm/In-Custody Death Review Board Recommendations for Findings of Non-Compliance:** When the Board finds that the use of force was out of compliance with policy, their recommendation may include, but is not limited to:

- Remedial Training
- Equipment Modification
- Policy/SOP Modification
- Discipline up to and Including Discharge of Employment (Termination)