

# MONROE COUNTY SHERIFF'S OFFICE

## General Order

<b>CHAPTER:</b> 030		<b>TITLE:</b> Role and Authority
<b>EFFECTIVE DATE:</b> September 16, 2013	<b>NO. PAGES:</b> 4	<b>REVIEWED/REVISED:</b>
<b>REFERENCE:</b> CALEA 1.1.1, 1.1.2, 1.2.1, 1.2.6, 1.2.7, 15.1.3, 15.2.1, 15.2.1, 26.1.1, 61.1.5		<b>RESCINDS:</b>
 <b>Sheriff of Monroe County</b>		

- I. **PURPOSE:** The purpose of this directive is to establish guidelines and formulate policy for the role of the Monroe County Sheriff's Office and the limits of its authority.
- II. **DISCUSSION:** This directive shall apply to all Sheriff's personnel. As the Office defines its role, two broad purposes are served. First, members are made aware of the actions and attitudes expected of them and can, therefore, act without hesitation in consonance with Office policies and procedures. Second, members of the public are provided with a general standard by which they can measure the performance of the Office. Written policies and procedures defining the functional role set forth the purpose, mission, goals, and basic programs and priorities of the Office. Such policies and procedures demonstrate that the Office intends to be responsive to, and protect the constitutional rights of, the community.

### III. POLICY AND PROCEDURE

#### VALUES ARE COVERED IN THE MISSION STATEMENT IN THE BEGINNING OF MANUAL

- A. **Goals and Objectives:** The Office of Sheriff of Monroe County, Florida, has a duty, under the State Constitution and Statutes, to provide for the security, safety and well-being of its citizens. This is accomplished through the delivery of law enforcement services and the operation of the County Jail. To provide these services in an effective and efficient manner, organizational goals need to be established. The establishment of goals helps to ensure the direction, unity of purpose and the overall mission of the Sheriff and Office. The purpose herein is to establish procedures for the formulation, annual updating, distribution, inputs from personnel and submissions to the Sheriff's Office goals and objectives, their development, and evaluations pertaining to the progress of their attainment. Obtaining the input of personnel has great value in ensuring the relevancy and competency of goals and objectives.
1. Goals and objectives of the Sheriff's Office are outlined in the Sheriff's Strategic Plan.
  2. Bureau Chiefs/Majors will submit bi-annual reports to the Sheriff detailing their progress and status of the goals and objectives stated in the Sheriff's Strategic Plan. The Strategic Plan including the goals and objectives will be available to all employees in Outlook. [CALEA 15.2.1]
  3. Annually, in January of each year, the planning and research function will evaluate the Sheriff's Strategic Plan and forward any recommended changes to the Sheriff. [CALEA 15.1.3, 15.2.2]

**B. Oaths of Office:** Prior to assuming sworn status and beginning employment, all personnel will be required to take and abide the following oaths:

1. Sworn Positions

"I, \_\_\_\_\_, a citizen of the State of Florida, and of the United States of America, and being appointed by Richard A. Ramsay, Sheriff of Monroe County, and a recipient of public funds as such appointment, do hereby solemnly swear or affirm that I will support, protect, and defend the Constitution of the Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State of Florida and that I will well and faithfully perform the office of Deputy Sheriff on which I am about to enter, so help me God."

2. Non-Sworn Positions

"I, \_\_\_\_\_, a citizen of the State of Florida, and of the United States of America, and being appointed by Richard A. Ramsay, Sheriff of Monroe County, and a recipient of public funds as such appointment, do hereby solemnly swear or affirm that I will support, protect, and defend the Constitution of the Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State of Florida and that I will well and faithfully perform the office of Special Deputy Sheriff on which I am about to enter, so help me God." [CALEA 1.1.1, 26.1.1]

**C. Code of Ethics**

1. Each member will abide by the Offices' Code of Ethics. The Office of Sheriff has long stood for the safety and protection of the citizens it serves. The public, rightfully, can expect professional and courteous service when it so demands. The image the members of the office present, both on and off duty, serves as a tool for the public to measure the level of professionalism of the Office. Therefore, it is incumbent upon all members of the Sheriff's Office to guard their actions cautiously and for all personnel to abide by the following code of ethics.

"As a member of the Monroe County Sheriff's Office, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

I will act in the execution of my duties with integrity, dignity, and honor to merit the trust of the community and the profession, and apply honesty, skill, judgment, and initiative to contribute positively to the well-being of society.

I will treat people with dignity, good faith and equity; without discrimination; and have consideration for the values and cultural sensitivities of all groups within the community affected by my work.

I will follow recognized professional practice, and provide services and advice carefully and diligently only within my areas of competence.

I will develop my knowledge, skills, and expertise continuously through my career; contribute to the collective wisdom of the profession; and actively encourage my associates to do likewise.

I will advise my supervisor of any interest I have which may be, or may be perceived as being, in conflict with the interests of the public I serve or the agency, or which may affect the quality of my services or my impartial

judgment. I will refrain from furthering my own interests when such conflict or perceived conflict arises unless and until I receive direction from my supervisor.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others, honest in thought and deed in both my personal and official life. I will be exemplary in observing the laws of the land and the regulations of my agency. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of law enforcement service. I will constantly strive to achieve these objectives and dedicate myself before God to my chosen profession; law enforcement."

2. Biennially, training shall be conducted for all employees on the Offices' Code of Ethics and ethical issues employees may face in their position. This review of ethics may be in the form of classroom, shift briefing, computer based training and bulletins, or any combination of methods. [CALEA 1.1.2]

#### **D. Limits of Authority**

1. Limits of Authority and Jurisdiction [CALEA 1.2.1, 1.2.6]
  - a. The purpose herein is to establish the legally mandated authority vested in sworn agency personnel and to define the limits of law enforcement authority.
  - b. The Office of Sheriff receives its legally mandated authority from the Florida State Constitution, Article VIII, Section I, and from the Florida State Statutes, Chapter 30. In turn, the Sheriff is authorized by law to appoint deputies to act under him in the carrying out of those prescribed duties mandated by law.
  - c. The first duty of all certified law enforcement members of the Office, as upholders of the law, must be to know the bounds of the law established for its enforcement. Members of the Monroe County Sheriff's Office represent the legal will of the State of Florida, Monroe County, and all respective local communities. All certified deputies need to be aware of the limitations and proscriptions, which the people, through law, have imposed on the Sheriff and the Office.
  - d. The legally authorized geographical area acting under the Sheriff of Monroe County, Florida is Monroe County, Florida. The enforcement of the Florida State Statutes and Monroe County ordinances is authorized in Monroe County, Florida unless specifically prohibited or specifically allowed elsewhere by law.
  - e. Therefore, certified deputies of the Monroe County Sheriff will diligently apply themselves to the study of the laws and their principles which they are sworn to uphold and will ascertain their responsibilities in the particulars of their enforcement seeking aid from superiors in

technical matters or principles when such are not understood. Also, certified deputies will make special efforts to fully understand their relationship to other public officials, particularly in matters of jurisdiction, both geographically and substantively.

2. Discretion [CALEA 1.2.6, 1.2.7, 61.1.5]

- a. The purpose herein is to establish guidelines for use of discretion by certified deputies.
- b. Many instances of public contact will occur where an arrest may be made but should not be affected due to mitigating circumstances. Generally, it is not the role of the law enforcement officer to decide whether an offender should be prosecuted, rather, that decision lies with the State Attorney.
- c. It is the policy of the Sheriff that any decision by a certified deputy not to arrest should only be made after careful consideration of the following:
  - 1) The arrest would cause a greater risk of harm to the general public than by not arresting the offender;
  - 2) The arrest would cause harm to an offender who poses no threat of danger to the public; such as a juvenile offender whose wrongdoing would best be handled through informal warnings or a talk with the parent; and/or
  - 3) The seriousness of the crime committed.
- d. Remember, even though an arrest may not be made at the time of the offense, if necessary the deputy may swear out a complaint against the offender at a later date.
- e. A decision not to arrest when there are grounds for arrest is, at times, considered good law enforcement practice. Public empathy can be enhanced by the careful use of discretion and potential ill-will can be avoided.
- f. Should any questions arise concerning a particular situation, the deputy involved should confer with a supervisor.
- g. For further guidelines on alternatives to physical arrest, see:
  - 1) Chapter 90: "Notice to Appear"; and
  - 2) Chapter 43: "Juvenile Notice to Appear."