



Civil Service Board Regular Meeting

Agenda

February 6, 2024 @ 4:00 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/meetings and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

1. Call to Order

- a. Election of Chairman, Vice-Chairman and Chief Examiner

2. Consent Agenda

- a. Approve the minutes of December 5, 2023

3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker**4. Action Items**

- a. Off Duty Employment List - Fire Department
- b. Police Applicant Interview
- c. Police Sponsorship Interview
- d. Request to hold a Civil Service Test-Police
- e. Approval of SOP's- Police Department
 - SOP 140 Professional Standards
 - SOP 144 Performance Evaluations
 - SOP 269 Active Assailant Repsonse

5. Non-Action Items**6. Staff Updates**

- a. Police Department
- b. Fire Department

7. Board Comments**8. Upcoming Agenda Items****9. Adjournment**



Civil Service Board

agenda item

item type

Consent Agenda

meeting date

February 6, 2024

prepared by**approved by****subject**

Approve the minutes of December 5, 2023

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

1. December 5, 2023 Minutes



Civil Service Board Regular Meeting Minutes

December 5, 2023 at 4:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Bill Segal, Javier Rodriguez, Mary Daniels, Stephen Stutzer, Stockton Reeves, Terry Hotard, Tod Meadors, Police Chief Tim Volkerson, Fire Chief Dan Hagedorn and Kathy Reed, Recording Secretary

Absent

1. Call to Order

Chairman Steve Stutzer called the meeting to order at 4:00 p.m.

2. Consent Agenda

- a. Minutes for November 7, 2023

Motion made by Mr. Hotard to approve the minutes from the November 7, 2023 meeting; seconded by Mr. Reeves. Motion carried unanimously with a 7-0 vote.

3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker

None.

4. Action Items

The agenda was taken out of order. Items D and E were moved to the beginning of Action Items.

- a. Officer off of Probation- Officer Ariel Morillo

Motion made by Mr. Rodriguez to approve the permanent status of Officer Morillo; seconded by Mr. Hotard. Motion carried unanimously with a 7-0 vote.

- b. 2024 Police Department Representative Election

Mr. Rodriguez was unopposed and was re-elected as the Police Department Representative. **Motion made by Mr. Segal to certify the re-election of Mr.**

Rodriguez; seconded by Mr. Hotard. Motion carried unanimously with a 7-0 vote.

c. 2024 Fire Department Representative Election

Board members counted the ballots for the Fire Department representative which resulted in the re-election of Tod Meadors. Results were as follows: Tod Meadors – 41 and Zach Collins– 12.

Motion made by Mr. Segal to approve the re-election of Tod Meadors; seconded by Mr. Hotard. Motion carried unanimously with a 7-0 vote.

d. Approval of the New Hire Eligibility List-Firefighter

Chief Hagedorn requested Board Members to approve the New Hire Eligibility List for Firefighter that was provided in the agenda packet.

Motion made by Mr. Segal to approve the New Hire Eligibility List for Firefighter; seconded by Mr. Hotard. Motion carried unanimously with a 7-0 vote.

e. Firefighter Applicant Interviews (3)

Division Chief Jeff Spinelli introduced the following candidates to board members: Tymber McClain, Evan Cacciola and Tucker Jansen.

Each candidate gave a brief background and responded to questions from board members.

Motion made by Mr. Reeves to certify all three candidates; seconded by Mr. Segal. Motion carried unanimously with a 7-0 vote.

f. Approval of SOG 109 Annual Medical and Physical Fitness Requirements(tabled from November CSB Meeting)

g. Approval of SOG 119 Hiring Process for Firefighter/EMT and Firefighter/Paramedic (withdrawn during the November CSB Meeting)

Chairman Stuzer asked if any board member had an objection to review both SOG's at the same time. Hearing no objection, Division Chief Devlin proceeded with the review of SOG 109. Division Chief Devlin informed of one change that was requested after the SOG was reviewed by union representatives after the November 7, 2023, Civil Service Meeting. Members of the Union requested removing the language "audio recordings" under the PRC Review Process section. It was agreed upon by all parties and will be removed from SOG 109. Division Chief Devlin proceeded with SOG 119 and informed board members that SOG 119 was reviewed again with the Union after the November 7, 2023 Civil Service Meeting, and they did not have any objection to the revisions.

Motion made by Mr. Rodriguez to approve SOG 109 and SOG 119; seconded

by Mr. Segal. Motion carried unanimously with a 7-0 vote.

5. Non-Action Items

None

6. Staff Updates

a. Police Department

- 4 vacancies
- Civil Service Testing continues
- March 2024 / Community Service Position
- Several Christmas events were held this weekend, all very successful without any incidents.
- December 14th Holiday Open House@Public Safety Complex

b. Fire Department

- The holiday events this past weekend were a great success, record numbers set at all events.
- Santa on Shift was held on December 4th at the station. The event was overwhelmingly successful with over 500 people in attendance.
- CAAS Assessors were on site from November 16th-17th to review all EMS practices. The department passed with 100% compliance.

7. Board Comments

Mr. Reeves commended both departments on their exemplary organizations and staff.

Mr. Reeves expressed his gratitude for the opportunity to serve as a member of the Civil Service Board.

Ms. Daniels also commended both departments for their work and dedication to our community. Mr. Hotard thank Ms. Daniels for her many years of service to the City of Winter Park and its citizens.

Mr. Stutzer has enjoyed his time as a board member and hopes to continue as a member of the Civil Service Board.

8. Upcoming Agenda Items

None.

9. Adjournment

Meeting adjourned at 4:46 p.m.

ATTEST:

Approved by the board on
/s/ Kathy Reed, Board Secretary



Civil Service Board

agenda item

item type

Action Items

meeting date

February 6, 2024

prepared by**approved by****subject**

Off Duty Employment List - Fire Department

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

1. 2024 outside employment

2024 CSB Outside Employment

<u>Name</u>	<u>Company</u>
Ankeny, Brenden	VES
Ankeny, Brenden	Valencia
Bonnell, John	South West Aquatics Club
Brearily, Dudley	Valencia
Celletti, Joseph	First Response Training Group
Collins, Zachary	Orlando Medical Institute
Cravey, Ross	US Army Reserve
Fryer, Scott	Garl and Ina
Jackson, Angela	Seminole State College
Ketcham, Scott	Professional Testing Consultants
Ketcham, Scott	Valencia
Ketcham, Scott	VES
Meadors, Tod	CPR and ACLS educators LLC
Merrick, Stuart	Valencia
Mitchell, Edward	Integrity House to Home Inspections
Michlin, Rachel	Swimming Pool Inspection Services, Inc
Moman, Bryan	Valencia
Petravich, Nicholas	Valencia
Ribar, Richard	Adams, Cameron & Co Realtors
Schaumann, Drew	VES
Schaumann, Drew	Fannie Hillman
Tacner, Travis	Valencia
Templeton, Michael	Valencia
Timmes, Jack	Cox Arboriculture Services LLC
Wales, Rich	Global Medical Response
Wheaton, Eric	VES
Zaldana, Stephen	Blue Sky Villas



Civil Service Board

agenda item

item type

Action Items

meeting date

February 6, 2024

prepared by**approved by****subject**

Police Applicant Interview

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

None



Civil Service Board

agenda item

item type

Action Items

meeting date

February 6, 2024

prepared by**approved by****subject**

Police Sponsorship Interview

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

None



Civil Service Board

agenda item

item type

Action Items

meeting date

February 6, 2024

prepared by**approved by****subject**

Request to hold a Civil Service Test-Police

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

None



Civil Service Board

agenda item

item type

Action Items

meeting date

February 6, 2024

prepared by**approved by****subject**

Approval of SOP's- Police Department

- SOP 140 Professional Standards
- SOP 144 Performance Evaluations
- SOP 269 Active Assailant Repsonse

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

1. 269 Active Assailant Response 2-24
2. 144 Performance Evaluations 12-23
3. 140 Professional Standards 02-24

WINTER PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Title:	Active Assailant Response	SOP #: 269
Rescinds:	SOP #: 268	Amends:
Effective:	February 6, 2024	Pages: (11)

Attachments:

269-1 PURPOSE:

The purpose of this policy is to provide protocols for active assailant events by providing guidance on how to assess and respond to the threat thereby limiting serious injury or loss of life. This policy applies to all situations where it is believed there may be an active assailant or assailants posing an ongoing deadly threat, to include, but not limited to, those from firearms, vehicles, explosives, knives, and/or other means.

269-2 POLICY:

It is the policy of this agency that in active assailant situations law enforcement officers shall provide an expeditious and focused response to an ongoing violent, life-threatening situation, where delayed deployment could result in death or great bodily injury to innocent victims. This policy applies to law enforcement officers and civilian members who are assigned to field positions and Communications personnel.

269-3 DEFINITIONS:

Active Assailant(s) - An individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active assailants use firearm(s) and there is no pattern or method to their selection of victims. The active assailant(s) overriding objective appears to be that of mass murder in a populated area, rather than criminal conduct such as robbery, kidnapping, etc.

Active Assailant Event – An incident where one or more active assailants act to harm or kill others. Such events include, but are not limited to: school shootings, workplace violence, terrorist activities, and snipers.

After Action Report (AAR) - A document used to provide feedback to the agency and participating units or components on their performance during an incident. The AAR summarizes the incident and analyzes performance of the tasks identified as important during the planning process. It also evaluates achievement of the selected incident objectives and demonstration of the overall capabilities being validated.

Ambulance - A vehicle and its personnel that is specifically equipped for transporting sick or injured people to the hospital, especially in emergencies. Synonym: Rescue (R61), Medic Unit (Medic 14)

Ambulance Exchange Point - A specific location where an ambulance is sent to pick up evacuated casualties from a team operating in the Warm Zone.

Casualty Collection Point (CCP) - A temporary location used for the gathering, triage, subsequent medical care, and evacuation of nearby casualties. Based on location size, number, and location of victims, multiple CCPs may be required.

Clear to Contact Movement – A tactic of systematic and continuous searching for an active assailant(s) when their specific location is NOT known.

Coach Aaron Feis Guardian Program Participants (Guardian Program) - Employees of public/charter schools where part or all of the employees' responsibilities include providing services as a School Guardian defined in FS 1006.12 (3); or licensed security guard, defined in FS 1006.12 (4) and 493.6101(18). Guardian Program Participants shall meet and maintain the requirements required by FS 30.15.

Compromise Authority - Direct authority granted to any law enforcement officer authorizing the initiation of specific action and/or series of actions in response to actions taken by the suspect(s).

Contact Team - A law enforcement officer or a team of law enforcement officers at the scene of an active assailant tasked with locating the suspect(s) and stopping the threat.

Direct to Threat Movement - A tactic of moving directly to the location of an active assailant(s) when their specific location is determined through gunfire, witnesses, or other viable intelligence.

Immediate Action - Rapid response by one or more law enforcement officers to an active assailant based on a reasonable belief that failure to swiftly seek out and address the threat would result in death or serious bodily injury.

Incident Commander (IC) - The individual responsible for all incident activities, including the development of strategies, tactics, and the ordering and release of resources.

Incident Command System (ICS) - A specific component of an incident management system designed to enable effective and efficient on-scene incident management by integrating organizational functions, tactical operations, incident planning, incident logistics, and administrative tasks within a common organizational structure. See SOP 265 – Incident Command and Unusual Occurrences for more detailed information.

Notification Center - A secure facility in a centralized location that provides information about injured, missing, unaccounted for, or deceased persons and initial services for victims, family members, and designated points of contact. The notification center also

helps displaced survivors, including children, to re-establish contact with their family and friends after a period of separation.

Operational Zones

- Zone designations are dynamic and will change as the incident develops.
 1. Hot Zone - An area where there is a **known hazard or direct and immediate threat to life**. Only law enforcement should operate in the hot zone.
 2. Warm Zone - A geographic area where **law enforcement has either cleared or isolated the threat to a level of minimal or mitigated risk**; can be considered clear, but not secure.
 3. Cold Zone - An area where there is **little or no threat** due to geographic distance from the threat or the area has been secured by law enforcement.
- Inner Perimeter - An area established to keep the threat contained to a specified location.
- Outer Perimeter - An area established to keep the inner perimeter secured and to prevent outside elements from entering the incident.

Protected Corridor - Warm Zone response in which law enforcement forms a secure path through which Fire and EMS responders render aid and extract victims.

Protected Island - Warm Zone response in which law enforcement forms a secure perimeter around Fire and EMS responders in order for them to render aid until extraction and egress are available.

Rescue Task Force (RTF) - A team consisting of fire/emergency medical services (EMS) personnel, paired with law enforcement officers. Fire/EMS personnel are tasked with rendering aid, triage, and extraction of victims in the Warm Zone as their policies allow. Law enforcement officers are assigned as the protection for this team and should not separate from the Fire/EMS personnel.

Safety Priorities - A decision-making process which provides the framework for making tactically sound decisions, utilizing objective criteria based on an individual's current or likely risk of suffering serious bodily injury or death and their direct ability to remove themselves from that danger. The safety priorities value all life and its sole intent is to assist law enforcement in making tactical decisions to assist in saving lives. Those exposed to the greatest potential of injury with the least ability to escape the situation are placed at the top of the priorities:

1. Victims;
2. Innocent Civilians;
3. Law Enforcement;
4. Suspect(s).

Secondary Search - A calculated and methodical search of an area intended to locate and expose all possible threats after the known threat has been neutralized.

Staging Area - A location near the incident where outside resources respond and are inventoried for utilization and assignment at the incident. There may be more than one staging area per incident.

Unified Command (UC) - An incident command system used when there is more than one agency with incident jurisdiction, or when incidents cross political jurisdictions. Agencies work together through designated members of the UC, often the senior person(s) from agencies and/or disciplines participating in the UC, to establish a common set of objectives and strategies. The IC responsibility is shared within the UC, with the function most important at the time taking the lead role. The lead responsibility may shift as the incident progresses. Overall incident management will follow ICS protocols.

269-4 PROCEDURES:

A. The number one priority in an active assailant response is to **STOP THE KILLING** and all initial and feasible efforts should be taken in furtherance of this objective. Initial responders must be prepared to take immediate action and coordinate their responses with one another with the help of the Communication Section. Without delaying the initial response, the incident command system will be established, and the Incident Commander shall assume command of the scene and begin to coordinate the on-scene activities.

B. Situational Assessment:

1. Law enforcement officers at the incident scene shall verify that an active assailant situation exists through various means, to include, information provided by the communications section, from persons confined within or exiting the target location, from witnesses, and by reports of, or sounds of gunfire.
2. Upon verification of an active assailant incident, the communication section shall follow the established communications guidelines.

C. When available and as time permits, witnesses, or others should be asked about the location and number of suspects, the suspects' weapons, persons injured, the number and location of persons in possible jeopardy, and the use or location of improvised explosive devices (IEDs).

D. Initial Response:

The goal is to immediately stop the active assailant(s) from claiming more victims. Law enforcement officers shall provide an expeditious and focused response to an ongoing violent, life-threatening situation, where delayed deployment could otherwise result in death or great bodily injury to innocent victims. While this response should involve more than one law enforcement officer, individual action may become necessary based on the situation. **Law enforcement officers are expected to**

immediately seek out the active assailant(s) and eliminate the threat. Law enforcement officers shall:

1. Immediately assess conditions to develop and implement an appropriate response and notify communications of information obtained.
2. Utilize proper cover, and attempt to park in a manner that does not impede other arriving units.
3. When practical, equip themselves with a long gun, ballistic plate carrier/vest, entry tools, and first aid kit.
4. Remain aware of the safety priorities and the need for positive threat identification.

E. Contact Team or Single Law enforcement Officer Response:

1. The mission of the Contact Team is to locate the suspect(s) in the most expeditious manner possible, in order to STOP THE KILLING. In doing so law enforcement officers should not stop or render aid or assistance, but may, where reasonably possible, inform them that RTFs are forthcoming and direct them to a safe area of egress or hiding if they are able and it is safe to do so.
2. The Contact Team(s) shall select entry points that are tactically advantageous towards resolving the situation. This may include utilizing multiple entry points to effectively respond to the threat. When practical, entry points, and other pertinent information will be communicated to responding personnel.
3. Law enforcement officers arriving after the initial Contact Team has entered a structure shall make every effort to coordinate with the already deployed Contact Team(s). This coordination will enhance the speed and efficiency of the effort to STOP THE KILLING.
4. A supervisor's approval is NOT required for an immediate response until otherwise directed by the Incident Commander (IC). Law enforcement officers have Compromise Authority during an active assailant response.
5. Law enforcement officers shall use either the Direct to Threat or Clear to Contact movement based on the information available at that time.
6. When feasible, each Contact Team shall provide the following types of information:
 - a. Progress and location;
 - b. Number of suspects;
 - c. Suspect(s) description and weapons;

- d. Location of any suspected improvised explosive devices (IEDs) or other hazards; and
 - e. Location and number of victims.
7. Lacking actionable intelligence that demands a Direct to Threat response, the Contact Teams shall coordinate with each other to designate areas of responsibility beginning a Clear to Contact movement. This movement will prevent the delay of medical attention to casualties resulting from delays caused by slow and methodical searches.
 8. When feasible, law enforcement officers shall maintain the security of areas cleared by Contact Teams to prevent the delay of medical aid. Law enforcement officers shall consider the use of protected corridors and protected islands to initiate RTF response.
 9. Once it is confirmed that the suspect has fled, is deceased, has been captured or contained, the Contact Team shall immediately communicate this information to the IC. The subsequent course of action will be determined by the status of the suspect(s):
 - a. If the only known suspect is deceased, the IC may primarily shift the mission to STOP THE DYING.
 - b. If the only known suspect is confirmed to have fled, the IC can dedicate resources to STOP THE DYING while security is maintained.
 - c. If the known suspect is captured or contained, the IC should prepare as the situation dictates while simultaneously dedicating personnel to STOP THE DYING.
 10. Law enforcement officers shall assist in the screening and the orderly evacuation of persons to a designated area and locate any persons who may still be hiding. If victims are encountered who require immediate trauma care, the Contact Team(s) shall notify communications for a RTF response.
 11. If it becomes apparent there are sufficient contact teams actively engaged in the STOP THE KILLING phase, the IC shall coordinate the STOP THE DYING response. The IC may direct additional responding resources to designated staging location(s). Once the IC has established staging, self-deployment of units will cease.

F. Plainclothes Response:

The presence of plainclothes law enforcement officers on the scene of an active assailant incident presents a very high risk of "friendly fire" casualties. Every effort will be made to minimize the use, risk, and exposure of plainclothes law enforcement officers on an active assailant scene. Plainclothes law enforcement officers shall:

1. Wear clearly identifiable law enforcement insignia when in plainclothes and must make an effort to link up with uniform personnel when feasible.
2. Utilize their throw-on protective body armor vest with clear POLICE insignia, prior to entering a scene.
3. Provide a brief description of their identifiable characteristics and clothing prior to taking law enforcement action.
4. Plainclothes law enforcement officers may be replaced with uniformed law enforcement officers on an active assailant scene, as soon as practical.
5. When displaying firearms while in plainclothes, law enforcement officers shall verbally identify themselves as law enforcement officer, and conspicuously display their badge and/or other identification to alert security personnel, arriving law enforcement officers, or civilians who may be armed.

G. STOP THE DYING:

1. Life-saving efforts are categorized under the STOP THE DYING and include:
 - Establish communications and site security;
 - Providing emergency medical treatment;
 - Establishing protected corridors and islands;
 - Evacuating victims;
 - Establishing Warm Zones;
 - Establishing casualty collection points;
 - Establishing an ambulance exchange point(s); and
 - Deploying rescue task forces.
2. Every responding law enforcement officer must be prepared to transition to the STOP THE DYING phase as soon as tactically feasible. Quick integration and deployment of life-saving measures and personnel into the initial response effort must be accomplished to minimize the impact of these types of incidents. Early medical intervention and rapid transportation to an appropriate treatment facility are the most important factors to limit the loss of life.
3. Rescue Task Force (RTF):
 - a. Law enforcement officers must be prepared to immediately transition to the STOP THE DYING phase as soon as tactically feasible with the understanding

that it is critical to provide emergency medical care expeditiously after a victim sustains a traumatic injury.

- b. Once sufficient contact teams are deployed and additional resources arrive at the incident scene, Unified Command should confirm that RTFs are formed to provide trauma care and help evacuate victims.
- c. RTFs shall only be deployed into an identified Warm Zone.
- d. RTFs shall be organized under a team leader, deployed in tactical formations consistent with agency training, with law enforcement officers prepared to act as a protective element to the medical team in the RTF.
- e. Wounded and injured persons will be quickly triaged and treated for obvious life-threatening injuries and removed to the designated CCPs. When several casualties are found in one location, this triage and treatment may take place in protected islands and/or protected corridors with expeditious extraction in mind. When feasible, RTFs shall advise the IC/UC of any relevant information, including but not limited to, the location and conditions of victims.
- f. Rescue and recovery operations will continue until the Unified Command has declared the scene clear and safe.

H. Incident Command and Unified Command:

- 1. Establishing Incident Command and transitioning to Unified Command with other responding public safety agencies is crucial to managing an active assailant event.
- 2. Once Unified Command is established, law enforcement, fire rescue, and other supporting entities will work under a single incident action plan to meet the objectives of STOP THE KILLING and STOP THE DYING.
- 3. Both the STOP THE KILLING and STOP THE DYING operations can occur simultaneously based on various factors including, but not limited to, the number of law enforcement officers available, the suspect's location in relation to the location of the casualties, whether the suspect is actively killing, and the amount of time since the last actionable intelligence update.
- 4. The IC shall verify that the following critical tasks are accomplished:
 - a. Verify the Hot Zone is clearly communicated to responding personnel;
 - b. Establish a Command Post and assign a scribe to document actions at the command post;
 - c. Establish unified interagency communication(s);
 - d. Establish an inner perimeter to control ingress and egress from the Hot Zone;

- e. Establish an outer perimeter;
- f. Establish staging areas in the Cold Zone for the following purposes:
 - 1) Responding law enforcement and fire rescue personnel (a staging manager should be assigned to this staging area to brief arriving personnel, assist with the formation of contact teams and RTF teams, maintain communication with the command post, and assign duties as directed by the IC.);
 - 2) Triage, Treatment, and Transport (TTT), for treatment of the injured and evacuation by EMS or medevac (CCP);
 - 3) Ambulance exchange points;
 - 4) Individuals without injuries should be directed for identification and debriefing (evacuation area).

Note: When feasible the IC should co-locate law enforcement and fire rescue staging to assist in the rapid formation and deployment of RTFs. Additionally, this allows personnel already in staging to be assigned to security for the staging area.

- g. If necessary, request additional resources;
 - h. Establish traffic control and management for the ingress and egress of public safety vehicles. Special consideration should be given to maintaining open routes for rapid transport of the injured.
- 4. The IC/UC shall coordinate with the agencies where medical facilities are located to accomplish the following tasks:
 - a. Assist with security at the emergency room.
 - b. Identify potential victims, witnesses, or suspects from the incident for the investigation.
 - c. Crime scene preservation and evidence collection.
 - d. Reunification and notification.
 - 5. The IC/UC shall coordinate with the public information officer, city communications personnel, and communications center, or other designated individuals to confirm appropriate information is distributed to the community in a timely manner. This may include but is not limited to:
 - a. Shelter in place warnings for nearby locations;

- b. Alerts to avoid the area due to heavy law enforcement activity and potential road closures.

I. Recovery

1. The IC/UC shall coordinate the establishment of a Notification Center, which:
 - a. Should be located in a centralized location and secured by designated law enforcement officers.
 - b. Should provide information about injured, missing and unaccounted for, deceased persons, and initial services for victims/family members.
 - c. Helps survivors, including children, reestablish contact with family and friends.
 - d. Will be replaced by the Incident Assistance Center (IAC) after the immediate recovery operations have occurred. The IAC will continue to require site security.
2. Criminal Investigations Response to a Mass Casualty Incident:
 - a. Criminal Investigations Division (CID) will assist with Notification Center and IAC operations.
 - b. Once the STOP THE KILLING and STOP THE DYING phases of the incident are complete, WPPD will continue the investigation.
3. The Critical Incident Stress Management Team (CISM) shall be requested to assist WPPD members and the community, where appropriate, in coping with stress, related to an active assailant incident, in accordance with SOP 353 – CISM Team.

J. Post Incident Reporting:

1. A debriefing with members involved in the incident will occur as soon as reasonably possible after the incident. The debriefing will identify areas of potential improvement and determine whether changes in operational protocols, policy, or training may be necessary.
2. The IC/UC shall designate the appropriate members to complete the After-Action Report, documenting the incident and information obtained from the debriefing.

K. Training:

1. WPPD will provide initial training to all applicable members within required timeframes. Thereafter, all newly hired law enforcement officers, and any applicable newly hired members shall have training on active assailant events. Training for law enforcement officers and other members will occur while in the Field Training Program. Training methods of delivery may be in any format to

include Power DMS online training, in-person classroom training, scenario-based training or other formats, as determined by the Training Section.

2. Active assailant response related training shall be provided annually, to all sworn and applicable members. The Training Section shall coordinate the training and determine the appropriate method of delivery for the annual training.

Drafted: KEOF/GM 7-2023 /Filed:9-2023 /revised LS: 2-2024



Timothy Volkerson
Chief of Police

WINTER PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Title:	Performance Evaluations	SOP #: 144
Rescinds:	SOP #: 131, Dated 02-28-00	Amends:
Effective:	February 6, 2024 October 3, 2017	Pages: (07)
Attachments:	“A” FTO – Daily Observation Report (D.O.R.) “D” City’s Monthly Probationary Employee Evaluation Form	

144-1 PURPOSE:

The purpose of this directive is to provide guidelines for the completion of performance evaluations that will ensure that each member is rated in a fair and uniform manner in accordance with procedures approved by the Chief of Police.

144-2 POLICY:

It is the policy of the Winter Park Police Department (WPPD) to utilize and maintain a fair and equitable performance evaluation system for all members employees, document the member’s employee’s job performance, provide support and direction to members who need guidance, identify training needs and to inform members when performance is sub-standard. As part of WPPD’s the Department’s evaluation process, members who excel in their assigned tasks can be identified and rewarded for their performance efforts.

144-3 FORMAL EVALUATION PURPOSE AND FREQUENCY:

- A. All full-time, paid members shall be evaluated annually on or near their anniversary date. The annual performance evaluation shall be documented through the TrakStar online software program. Volunteers and part-time members, to include reserve officers are not required to have annual evaluations.
- B. All performance evaluations may be used for determining the eligibility for lateral or horizontal movement within WPPD the Department. The annual evaluation shall be used as a guide in helping determine the need for work improvement, the desirability and amount of a merit increase, if any, desirability of a transfer, and as a factor in promotion. They may also be used to provide information concerning suitability for assignment, training needs, ability to assume more responsibilities, extension of training status and effectiveness in the assigned position.
- C. The annual performance evaluation documents the performance of the member for the previous 12 months. The Supervisors are required to add notes as needed (previously

~~referred to as quarterly efficiency reports~~) into the electronic file ~~online software~~ **program** a minimum of once per calendar quarter. However, it is **Supervisors** are encouraged **to** and recommended that supervisors add notes on a regular basis, throughout the year. The notes entered will be utilized as supporting information in determining the annual performance assessment scores. In addition, notes can also be entered by the **member** employee (e.g. commendations, positive community feedback, pictures, etc.) ~~which are to~~ documented and also a record of the **member's** employee's performance throughout the year. The notes and related supporting documents and information can motivate members, serve written notice to the member of substandard performance prior to the end of the yearly appraisal period, or to encourage a member who had demonstrated positive change.

- D. While in the field training program, trainees shall be evaluated on a daily basis. Performance evaluations will be completed by the assigned Field Training Officer (FTO) utilizing a standardized Daily Observation Report (DOR) ~~(see Attachment "A")~~.
- E. Members on probation, as well as in the field training program, will be evaluated on a monthly basis by their immediate supervisor, utilizing the City's Monthly Evaluation **program** Form ~~(see Attachment "D")~~.
- F. Full-time, non-probationary members will be evaluated by their immediate supervisors on a continual basis via the ~~TrakStar~~ **online software** program.

144-4 TIMING SCHEDULE FOR PERFORMANCE EVALUATIONS:

- A. The Yearly Performance Appraisal will be completed at least ten (10) days prior to the **on or near** the **member's** employee's anniversary date.
- B. Monthly Assessments will be completed ~~before the 10th day of the month following~~ **on or near** the assessment period.
- C. ~~Quarterly Efficiency notes/entries will be conducted based on a member's performance during the following periods of each year:~~
 - 1. ~~Jan. 1 through March 31~~
 - 2. ~~April 1 through June 30~~
 - 3. ~~July 1 through Sept. 30~~
 - 4. ~~Oct. 1 through Dec. 31~~

144-5 EVALUATOR OR IMMEDIATE SUPERVISOR'S RESPONSIBILITIES:

- A. The immediate supervisor of the **member** employee being evaluated shall be the ~~sole person~~ responsible for completing evaluations of the **member** employee.

- B. The **member's** employee's immediate supervisor shall be directly responsible for assuring that the appropriate performance appraisals are completed properly and in accordance with time schedules indicated in this directive.
- C. Substandard Performance: If a non-probationary **member** employee is failing to meet standard (performance is **either** in the "unacceptable, 0" or "lacking, 1" range (as defined in this policy, Section 7, A, 1 and 2) ~~and their performance is deemed to be substandard,~~ the supervisor shall provide written notification to the **member, prior to the end of the rating period,** employee via the TrakStar **online software** program. Supervisors shall document the areas which are determined to be below standard and meet with the **member employee,** directing them to **review** the information within TrakStar **the online software program.** ~~The employee shall be directed to enter a comment (within Trakstar) indicating they have read and understand the issue(s) related their substandard performance.~~
- ~~D. The notice of substandard performance shall be documented as needed, as the intent of notification is to allow the member employee the opportunity to improve performance before the annual performance evaluation period ends. The supervisor should include the following:~~
- ~~1. The specific areas of unsatisfactory performance;~~
 - ~~2. Specific remedies consistent with the position tasks, which are clearly understood by the member and achievable within a designated time period;~~
 - ~~3. A date in which the member will be re-evaluated and a conference shall be conducted to go over the member's employee's performance within the specified time period.~~
- D. If substandard performance (after notification) continues to occur over a period of time and the supervisor **has** determined the **member** employee is not improving, the supervisor shall confer with the chain of command to determine if a formal Performance Improvement plan is warranted. **The formal plan will include the following:**
- 1. The specific areas of unsatisfactory performance;**
 - 2. Specific remedies consistent with the position tasks, which are clearly understood by the member and achievable within a designated time period;**
 - 3. A date in which the member will be re-evaluated and a conference shall be conducted to go over the member's employee's performance within the specified time period.**
- E. In the event the **member** employee worked for a different supervisor during the evaluation period, it is the responsibility of the present supervisor to obtain input from the preceding supervisor.

NOTE: If an immediate supervisor is out of service for an extended period or not available due to extenuating circumstances, another supervisor in the member's immediate chain of command shall complete the annual evaluation and all the requirements encompassed in the evaluation process.

144-6 ANNUAL PERFORMANCE EVALUATION PROCEDURE:

- A. The following procedure is applicable to all **annual** performance evaluations with the exception of performance evaluations conducted with probationary trainees as a part of the field training program. ~~Field training evaluation procedures are covered in the Field Training Manual, available in the office of the field training supervisor.~~
1. **The member shall have the opportunity to include their written comments in the evaluation system prior to completion of the evaluation within the TrakStar online software program.**
 2. The immediate supervisor of the member being evaluated shall complete all performance evaluations of the member. In circumstances where more than one supervisor is responsible for supervision of a **member** ~~an employee~~, the supervisor completing the evaluation shall confer with each of the other supervisors to obtain input prior to rating the employee.
 3. Performance evaluations shall be based only on the member's performance during the time frame covered by the evaluation and only for the position(s) to which they have been assigned.
 4. All annual performance evaluations shall be signed by the member and the member's immediate supervisor **(or rater, if different that the supervisor)**. All annual performances shall be reviewed through the chain of command, to the level of Chief of Police.
 5. All categories on a member evaluation shall be filled in. If there is an area - that does not apply to the member being evaluated, "N/A" shall be entered in the blank space.
 6. Should a performance evaluation contain ratings that are "0" (Unacceptable) or "4" (Distinguished) comments and documentation explaining these rating shall be included in the appraisal.
 7. During the annual performance evaluation conference, the member will be given the opportunity to discuss the evaluation with their **evaluator** ~~immediate supervisor~~ and the ~~evaluator supervisor~~ will be given an opportunity to clarify any areas of uncertainty. ~~between the member and the evaluator.~~ Areas to be covered in this session include, but are not limited to:
 - a. The task of the position occupied.

- b. The level of performance expected.
- c. Criteria used in rating performance for the present evaluation and criteria to be used in future evaluations.
- d. Goals for the next evaluation period shall be discussed (since this is the beginning of a new evaluation period).
- e. Career counseling relative to advancement, specialization or training appropriate for the employee's position or desired position.
8. The ~~evaluator~~ supervisor shall give the member the opportunity to include his/her written comments on their annual evaluation. Comments shall be submitted by the member in the form of a memorandum and attached to the member's annual evaluation in their personnel file. ~~and uploaded into the TrakStar program.~~
9. The member shall sign the evaluation to indicate that they he/she has have read the evaluation. The member's signature is not necessarily verification that the member agrees with the evaluation.
10. Upon request, the member shall be provided a copy of the completed evaluation.
11. All performance evaluations will be forwarded to the Chief of Police via the chain of command following the evaluation conference.

144-7 MEASUREMENT DEFINITIONS:

- A. The following numerical ratings shall be used when completing a performance evaluation. The numbers shall correspond with the literal definition of the numerical rating described herein.
 1. 0 means "Unacceptable"
 - Consistently fails to successfully complete assignments/tasks
 - Fails to demonstrate competence in job functions/duties
 - Not dependable and unreliable
 - Take little or no initiative
 - Consistently fails to meet job expectations
 2. 1 means "Lacking Performance"
 - Sometimes completes assignments/tasks in a competent manner and/or requires clarification or deadline extensions
 - Demonstrates minimal competence in their job functions/duties
 - Demonstrates little initiative
 - Requires additional supervision due to low performance and skill level
 3. 2 means "Effective Performance"
 - Competently performs job functions/duties on a day to day basis and regularly meets expectation and job description requirements
 - Is reliable and dependable
 - Demonstrates adequate initiative

- Works at an overall acceptable level of performance standards
4. 3 means “Commendable”
 - Routinely meets and exceeds expectations of role requirements by producing a high quality and quantity of work
 - Demonstrates full competence in their job functions/duties
 - Is highly dependable, reliable and follows through on all assignments
 - Is self-driven and exhibits high initiative
 - Demonstrates the ability and initiative to take on progressive responsibility with a high level of success
 5. 4 means “Distinguished”
 - Significantly and consistently exceeds expectations by producing a high quality and quantity of work
 - Demonstrates exceptional and in-depth competence in their job functions/duties
 - Is consistently dependable, reliable, and follows through on all assignments
 - Undertakes additional job functions/duties that demonstrates exceptional initiative and make significant contributions to the city
 - Skillfully handles multiple tasks with competing priorities

~~***NOTE—When an evaluation includes either a “0” or a “4”, the rater shall include an explanation and documentation of the numerical rating in the areas that merit these ratings.**~~

144-8 EVALUATION CONFERENCE:

The **member's** employee's immediate supervisor will present appraisals and assessments to the **member** employee in an atmosphere of privacy, ~~with not more than one other supervisor present.~~ This conference is an important aspect of the process in ~~that this is where the~~ individual's goals and objectives will be discussed in relationship to **WPPD** Department and unit/division goals and objectives.

144-9 RESPONSIBILITIES OF THE WATCH AND UNIT COMMANDERS:

- A. The Watch or Unit Commander must review all performance evaluations prior to ~~their~~ being submitted to the **member** employees. He/she **The Watch or Unit commander** must discuss with the immediate supervisor any areas that ~~he/she does~~ **they do** not understand or agree with and may add comments to the document that may constructively assist the member in ~~his/her~~ **their** professional growth.
- B. If there are any unresolved disagreements with the immediate supervisor, the Watch or Unit Commander ~~shall so indicate~~ **may document their comments** in the comments section.

144-10 RESPONSIBILITIES OF PERSONNEL AND TRAINING:

~~A lieutenant who has been assigned a newly promoted supervisor will be responsible for providing training on the performance evaluations process to each new supervisor who is responsible for submitting said evaluations. Employees~~ All **Members** who are promoted to a position responsible for completing performance evaluations will receive training in the **performance** evaluation process within sixty (60) days after being newly promoted to a first line supervisory position.

144-11 CONTESTING PERFORMANCE EVALUATIONS:

Should any full-time member (~~full-time~~) wish to contest the content of a performance evaluation, they shall do so in accordance with the procedures **s**et forth in ~~section 4 of SOP #147, Grievance Procedures, and the City of Winter Park Personnel Policy Manual (section 1.06).~~

144-12 RETENTION OF PERFORMANCE EVALUATIONS:

Performance Evaluations shall be maintained in the **member's** ~~employee's~~ personnel file in accordance with Florida State Statute chapter 119 and the State of Florida Records Retention Schedule.

Drafted: GB03-97/filed: 131.doc/revised: BCR02-00/revised: MD10-03/revised: JEA 10-11/revised TP06-12/revised: KG02-15/revised: KG10-15/revised: KG 9-17 revised: LS- 02-24



Timothy Volkerson
Chief of Police

WINTER PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Title:	Professional Standards and Compliance	SOP #: 140
Rescinds:	SOP #: 276, Dated 04-10-00	Amends:
Effective:	September 5, 2023	Pages: (16)
Attachments:	“A” Administrative Investigation Form “B” Initial Notice of Investigation “C” Administrative Warning/Garrity	

140-1 PURPOSE:

The purpose of this policy is to establish guidelines for the prompt, just and objective handling of complaints and investigations involving members of the Winter Park Police Department (WPPD).

140-2 POLICY:

It is the policy of the WPPD to completely and professionally investigate all allegations of misfeasance, malfeasance, or nonfeasance by employees, and complaints relating to the WPPD’s response to community needs. This policy applies to all WPPD members.

140-3 DEFINITIONS:

- A. Complaint – An oral or written statement alleging misconduct, unprofessionalism, or inadequate police service on the part of the WPPD’s or a WPPD’s member which constitutes a violation of WPPD’s rules, regulations, and procedures as outlined in general and specific orders. A member of the Command Staff may also generate a complaint if they observe or become aware of a possible violation. Note: If a complaint is initially investigated/reviewed and there is not clear and convincing evidence that there was a violation of WPPD rules, regulations or procedures, the complaint will not be classified as a complaint and will not require further investigation. An example of this would be a complaint on a law enforcement officer driving faster than the posted speed limit and once reviewed by the supervisor, it was determined the law enforcement officer was going to a call for service and no violation of policy occurred.
- B. Member – Any employee of the WPPD to include law enforcement officers (full-time, part-time and auxiliary), civilians (full and part-time), and volunteers.
- C. Employee – A member of the WPPD who is paid for their employment.

- D. Department – The Winter Park Police Department (WPPD).
 - E. Corrective Action – Instruction, retraining, or punitive actions, taken in order to educate the member and obtain compliance with rules and regulations, and ensure proper conduct.
 - F. Informal Personnel Action – Counseling/retraining, notices of caution, and other measures or tasks that do not involve a loss of time, pay, or grade for the member.
 - G. Formal Discipline – Corrective action resulting in a loss of time, pay, or grade for the member. Examples include termination, suspension, and demotion.
 - H. Formal Investigation – An investigation ordered by the Chief of Police of a complaint made against a member of the Department. A formal investigation may result in informal personnel action and/or formal discipline up to and including termination.
 - I. Informal Inquiry – Meeting by supervisory or command level personnel with a member about whom a complaint has come to the attention of such supervisory or command personnel, the purpose of which is to mediate the complaint or discuss the facts to determine whether a formal investigation should be commenced. During an informal inquiry, the member will be informed of the allegation of the complaint and any other reason for the meeting. An informal inquiry may result in corrective action other than suspension, demotion, termination, or de-certification.
- NOTE:** If, while speaking with a member during the course of an informal inquiry, information comes to light that would reclassify the inquiry to a formal investigation, all questioning will be stopped and the supervisory or command level personnel will complete the necessary documentation to request a formal investigation and forward it to the Chief of Police for review.
- J. Interrogation – To examine by formal questioning.
 - K. Command Staff – Command Staff shall be defined as first-line sworn supervisory personnel (sergeants) through the level of Chief of Police and includes civilian managers (Records and Communications) and civilian (Communications) supervisors.

140-4 CATEGORIES OF CITIZEN COMPLAINTS:

Specific categories of complaints that are subject to investigation are divided into two distinct areas:

- A. Category I complaints are more serious in nature that require review by the Professional Standards Lieutenant. These types of complaints may be assigned by the Chief of Police for a comprehensive Internal Investigation. The investigation shall be completed by either the Professional Standards Lieutenant or by an outside entity, as determined

by the Chief of Police. The following types of complaints may require assignment as a Formal Investigation.

1. Criminal Violations – Complaint regarding the possible involvement of criminal behavior by an employee.
2. Biased-Based, Discrimination or Harassment – Complaint that the taking, failing to take, or method of police action was predicated upon irrelevant factors, such as race, attire, sex, age, etc.
3. Excessive/Unnecessary Force – Complaint regarding the use or threatened use of excessive force against a person, or the use of force without legal justification.
4. False Arrest – Complaint that an arrest was not legally justified.
5. Moral Character Violations – Misconduct involving moral character as defined by Rule 11B-27.0011, Florida Administrative Code.
6. Sexual Harassment (to include internal and external complaints of) – Pursuant to and consistent with decisions interpreting the Code of Federal Regulations, Title 29, Section 1604.11, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when the harassment involves physical contact or misuse of official position and when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with a member's work performance or creating an intimidating, hostile, or offensive working environment.
7. General Harassment of Co-Workers – If the complaint is not investigated by the City of Winter Park's Human Resources Division, complaints of this nature **may** be investigated by the Professional Standards function of the WPPD.

B. Category II Complaints:

All complaints relating to inadequate police service and allegations lodged against members of the WPPD not specifically stated in Category I. These complaints (when determined to be an informal inquiry) may be investigated by line supervisors.

140-5 INVESTIGATION RESPONSIBILITY:

Formal investigations are a function assigned to the Office of the Chief of Police. The Chief of Police may at times, delegate this function to staff members.

The Chief of Police shall have the responsibility of assigning a staff member to investigate all formal investigations. A formal investigation may be conducted for any Category I complaint and may be conducted for select Category II complaints, as determined by the Chief of Police.

Category II complaints that result in an informal inquiry shall normally be investigated by the primary supervisor of the member allegedly involved in the complaint. The Chief of Police or their designee has the right to direct any command staff member to investigate Category II complaints based on the totality of circumstances.

NOTE: At any time during an investigation of a Category II complaint, if information comes to light that would elevate the complaint investigation to a Category I, the investigator/supervisor shall immediately stop the investigation and contact Professional Standards for review and possible reassignment, after consultation with the Chief of Police.

140-6 PROCEDURE – RECEIPT AND PROCESSING OF COMPLAINTS:

- A. The on-duty supervisor or Professional Standards Lieutenant shall be responsible for the initial receipt of all complaints. If possible, all Category I complaints will be received in person and the complainant should sign and swear to facts alleged in the Complaint. Category I complaints which are unable to be received in person will still be investigated fully. When possible, all complaints shall be recorded on issued body worn cameras and uploaded as directed by policy. The complainant shall be informed of the steps in the complaint process by providing them with the “Complaint Process” pamphlet.
 - 1. Category I complaints made against WPPD’s members shall be received, documented, and forwarded to the Chief of Police for review.
 - 2. Category II complaints received by a supervisor will be documented and forwarded along with any initial investigation and/or findings to the appropriate Division Captain under the following circumstances:
 - a. Complaints that, if sustained, could result in formal discipline according to the guidelines in SOP #141 – Corrective Action Policy; or
 - b. Any citizen or member complaint that includes a sworn statement; or
 - c. When a citizen complaint involves a violation AND when after the supervisor conducts a cursory review of the incident, determines that the complaint is invalid (evidence exists which directly contradicts the allegation of misconduct complaint), the supervisor shall document on the Complaint Form (as resolved) and indicate on the form that no further action is required (describing the details of the case). If, a complaint is received and the supervisor does NOT obtain evidence which exonerates the law enforcement officer, the complaint shall be documented on a Complaint Form with the appropriate requested action

NOTE: Category II complaints do not need to be documented under this policy unless they involve one of the above three circumstances. Sustained complaints shall be dealt with according to SOP #: 141, Corrective Action Policy.

- B. Any citizen wishing to lodge a complaint, regardless of category, will be accepted in a professional, polite, and courteous manner.
- C. Anonymous complaints will be reviewed on an individual basis and will be followed up to the extent possible.
- D. The above procedures should also be used when a Department member desires to enter a complaint against any other member governed by this Standard Operating Procedure.
- E. Complaints against members which are criminal in nature and/or may result in criminal charges shall be investigated, as determined by the Chief of Police, or by an agency independent of the WPPD. The Office of the Chief of Police shall also assign an agency staff member to institute a separate internal investigation to be completed at the conclusion of the criminal investigation. This does not include cases in which a law enforcement office uses deadly force. All of those cases shall be investigated by an outside entity.
 - 1. At the conclusion of the criminal investigation, copies of all reports and notes shall be turned over to the Professional Standards Lieutenant to be incorporated, if appropriate, into the administrative internal investigation.
- F. When a complaint against a member is received, in which member(s) body-worn camera(s) were activated and which recorded the incident, the recording(s) shall be viewed, prior to assignment for investigation. When the content of the body worn camera recording(s) clearly contradict the basis of the complaint and clearly disputes the allegations of member misconduct, the Chief of Police may determine if a complaint shall be investigated formally, be investigated via an administrative review, or be concluded as unfounded. Body worn camera recording contents may be used as evidence and assist in determining the category of the complaint.

140-7 RECORDING COMPLAINTS:

- A. The administrative investigation form (see Attachment "A") shall be used to record all documented complaints.
- B. It is essential that complete and accurate information be obtained and recorded on the form. Additional paper should be attached, if needed. The complainant should sign and swear to the facts alleged in Category I complaints, when given in person. Refusal to sign and/or swear to the complaint shall be noted on the form. Complaints which are not signed or sworn will still be investigated to the extent possible.

C. The completed form shall be processed as follows:

1. Category I Complaints:

Original to the Professional Standards Division

2. Category II Complaints requiring documentation:

a. Original to the Professional Standards Division

b. Copy to the appropriate Division Captain.

D. If applicable, the supervisor shall note the apparent mental and physical condition of all parties involved in the complaint on the completed form. Any visible marks or injuries relative to the allegations shall be noted and immediately photographed or recorded with the member's body-worn camera.

140-8 CENTRAL COMPLAINT INDEX: PROCEDURES FOR MAINTAINING A RECORD OF COMPLAINTS RECEIVED BY THE WPPD IN ACCORDANCE WITH FLORIDA STATUTES

The Central Complaint Index is located within Professional Standards and the functions are assigned to the Professional Standards Lieutenant. They shall be responsible for recording, registering, and maintaining custody of all investigations of alleged or suspected misconduct within WPPD and corrective action or disciplinary records according to Florida State Statutes (FSS) Chapter 119.

The responsibilities for the Index shall include:

- A. Maintain a numerical file of all documented complaints, findings, and corrective actions.
- B. Provide statistical analysis of complaints to identify trends or patterns developing within the WPPD, or its members, that may require training or corrective action.

140-9 ADJUDICATION OF COMPLAINTS:

- A. All investigations will be completed as soon as possible and not longer than fifty-six (56) calendar days for a formal investigation and twenty-one (21) calendar days for an Informal Inquiry, unless an extension is granted by the Chief of Police. If the internal investigation involves a criminal investigation, this time period will be tolled until the conclusion of the criminal investigation and/or criminal prosecution.
- B. The Investigator of the complaint will classify the completed investigation as follows:

1. Sustained – The allegations are supported in part or in all of the alleged acts of misconduct.
 2. Not-sustained – The investigation produced insufficient information to clearly prove or disprove the allegations.
 3. Exonerated – The alleged act occurred but was justified, legal, and proper.
 4. Unfounded – The allegations were demonstratively false or there is not credible evidence to support the complaint.
 5. Misconduct Noted – Acts of misconduct were discovered during the investigation that were not alleged in the complaint.
- C. The final disposition shall be recorded on the original Administrative Investigation Form, and the Professional Standards Lieutenant shall additionally complete form #CJSTC 78, which will both be retained in the Internal Affairs file maintained by Professional Standards.
- D. Once an investigation is completed and closed, the complainant **and affected member** shall be notified of the completion of the investigation and conclusion of fact (adjudication).
1. Notifications shall be made in writing for all complaints resulting in a **formal** investigation.
 - a. The written notification may be completed by either the investigating member or by the Chief of Police, or their designee. A copy of the written notification shall be maintained with the original investigative file in Professional Standards.
 - ~~b. A copy of the written notification letter/memo/email shall be placed in, and maintained with the original IA file.~~
 - c. If a written notification cannot be made after reasonable attempts to locate a valid address/email/etc. (e.g. a complainant is homeless), the attempt to provide written notification shall be noted in the IA file.
 2. **Informal inquiries** (complaints that do not result in a formal investigation), do not require notification to the complainant or the affected member(s). The complainant may be notified of the completion of the inquiry and the conclusion of fact (adjudication) by telephone or any other available means.
- E. For any investigation that results in a sustained violation of FSS 943.13(4) or involving moral character, WPPD shall submit form #CJSTC 78 to the Florida Department of Law Enforcement (FDLE) Criminal Justice Professionalism Program within 45 days

of the date that the allegation is sustained. The Professional Standards Lieutenant shall ensure that form #CJSTC 78 is completed and sent to FDLE, along with any other required documentation.

Moral character violations are listed and defined under Rule 11B-27.0011, Florida Administrative Code. Such moral code violations include, but are not limited to:

1. Any act constituting a felony offense regardless of criminal prosecution.
2. Pleading guilty, nolo contendere, or being found guilty of any misdemeanor offense involving perjury or false statement, regardless of withholding adjudication.
3. A plea of guilty or a verdict of guilty after a criminal trial of a misdemeanor offense enumerated in Florida Administrative Code Rule 11B-27.0011(4), or any act constituting one of the offenses regardless of criminal prosecution.
4. Any principal, accessory, attempt, solicitation, or conspiracy, pursuant to Chapter 777, F.S.S., which, had the crime been committed or completed, would have been a felony offense.
5. Committing an act in any jurisdiction other than Florida, which if committed in the State of Florida would constitute any offense listed in Florida Administrative Code Rule 11B-27.0011(4).
6. Committing any act or conduct constituting the below offenses:
 - a. Excessive use of force by an officer that is not justified under FSS 776.05, 776.07, or 944.35(1)(a).
 - b. Misuse of official position as defined in FSS 112.313(6).
 - c. Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee.
 - d. Sexual harassment involving physical contact or misuse of official position.
 - e. Engaging in certain sexual activity while on duty or under color of law.
7. False statements during the employment application process.
8. Testing positive for any controlled substance.

140-10 DISCIPLINARY/CORRECTIVE ACTION:

Formal discipline may only be administered by the Chief of Police or an authorized designee.

When a law enforcement officer is suspended, as a result of an internal investigation, they shall neither be permitted to wear their uniform nor work in a law enforcement-related job.

Law enforcement officers suspended from duty shall have no law enforcement authority, but they shall continue to be liable for any violation of general orders, policy, rules, and procedures.

Probationary law enforcement officers may be dismissed for any infraction of general orders, policy, rules, and procedures during their initial probationary period.

Previous disciplinary actions taken against a law enforcement officer shall not be used as evidence when determining whether a violation of policy, rules and/or procedures has occurred in the case under investigation. Previous violations may be considered, however, in deciding the level of disciplinary action to be imposed for a particular violation.

Corrective Action not resulting in discipline may be administered by all command staff members with approval of the Chief of Police.

140-11 MAINTENANCE AND RETENTION OF INTERNAL INVESTIGATION AND DISCIPLINARY FILES:

Professional Standards shall retain files on all closed internal investigations in a securely locked filing cabinet in a secure location within the WPPD. The Professional Standards Lieutenant and the Investigations & Administrative Captain will have access to the files.

Internal Investigation and resulting discipline files will be retained and maintained in accordance with the retention requirements established by the State of Florida, General Records Schedule. Professional Standards shall determine the method of retention (e.g. scanned electronic file, paper copy, etc.) and shall be responsible for determining retention period based upon the general records schedule. Professional Standards shall be responsible for disposal of said records when the retention period ends.

The contents of an active internal investigation file are confidential and exempt from the Public Records Law. During the investigation, the file will be maintained in a secure area until the investigation is concluded or becomes inactive.

Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation and the subject's legal counsel or a representative of their choice, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the investigation, including, but not limited to, the identity of the law enforcement officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree.

Press releases or media contacts regarding active administrative investigations will be the responsibility of the Chief of Police or their designee.

140-12 PROFESSIONAL STANDARDS DIVISION FILES :

Upon conclusion of an investigation any release of information, upon request, shall be in conformance with all applicable public records laws.

All requests to review an internal investigation file or report must be made to the Professional Standards Lieutenant. Where exemptions of access to internal affairs records are at issue, the Chief of Police or designee will review the documents to make appropriate redactions prior to those documents being released.

140-13 LEGAL OBLIGATIONS OF THE WPPD:

The Department will comply with Federal and State law when conducting an investigation.

140-14 LEGAL OBLIGATIONS OF DEPARTMENT MEMBERS:

WPPD members have the responsibility to fully cooperate with Professional Standards personnel or other Department personnel authorized to conduct such investigations.

If the member refuses to answer questions as required during an investigation, the member can be disciplined/dismissed. Answers to questions during such an investigation cannot be used against the member in any future criminal proceeding.

A member who is being investigated for a criminal violation is afforded all the rights provided for in the United States Constitution, Florida State Statutes and those rights based on applicable court rulings.

Per FSS 112.533, knowingly false statements given by a law enforcement officer under investigation may subject the law enforcement officer to prosecution for perjury.

140-15 NOTIFICATION TO MEMBERS IN AN INTERNAL INVESTIGATION:

All members shall be advised, by the investigating staff member, of all complaints and allegations against them on an Initial Notice of Investigation (see Attachment B). The member shall be provided with a written statement of the allegations against them and their rights and responsibilities as they relate to the investigation.

140-16 INVESTIGATIVE PROCEDURES TO BE USED IN DEALING WITH COMPLAINTS AGAINST LAW ENFORCEMENT OFFICERS:

Prior to beginning a formal investigation, the investigating officer shall review FSS Chapter 112, Sections 531 through 535, and this policy to ensure the investigation is in compliance with State law and internal policy.

140-17 LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS:

- A. Except as provided by law, no disciplinary action, suspension, demotion, or dismissal may be taken against a law enforcement officer for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within 180 days after the date the WPPD receives notice of the allegation by a person authorized by the WPPD to initiate an investigation of the misconduct. If the WPPD determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer of its intent to proceed with disciplinary action, along with a proposal of the specific action sought, including length of suspension, if applicable. Notice to the law enforcement officer must be provided within 180 days after the date WPPD received notice of the alleged misconduct, except as follows:
1. The running of the limitations period may be tolled for a period specified in a written waiver of the limitation by the law enforcement officer.
 2. The running of the limitations period is tolled during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct.
 3. If the investigation involves a law enforcement officer who is incapacitated or otherwise unavailable, the running of the limitations period is tolled during the period of incapacitation or unavailability.
 4. In a multijurisdictional investigation, the limitations period may be extended for a period of time reasonably necessary to facilitate the coordination of the agencies involved.
 5. The running of the limitations period may be tolled for emergencies or natural disasters during the time period wherein the Governor has declared a State of Emergency within the jurisdictional boundaries of the concerned agency.
 6. The running of the limitations period is tolled during the time that the law enforcement officer's compliance hearing proceeding is continuing beginning with the filing of the notice of violation and a request for a hearing and ending with the written determination of the compliance review panel or upon the violation being remedied by WPPD.
- B. An investigation against a member may be reopened, notwithstanding the limitations period for commencing disciplinary action, demotion, or dismissal, if:

1. Significant new evidence has been discovered that is likely to affect the outcome of the investigation; and
2. The evidence could not have reasonably been discovered in the normal course of investigation or the evidence resulted from the pre-disciplinary response of the officer.

NOTE: Any disciplinary action, against a law enforcement officer, resulting from an investigation that is reopened pursuant to this paragraph must be completed within the time period specified within FSS.

140-18 DISCIPLINARY ACTION:

- A. A dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against a law enforcement officer unless the law enforcement officer is notified of the action and the reason or reasons for the action before the effective date of the action.
- B. Whenever a law enforcement officer is subject to disciplinary action consisting of loss of pay, including suspension, demotion, or dismissal, the law enforcement officer or the law enforcement officer's representative shall, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, before disciplinary action is imposed. The contents of the complaint and investigation shall remain confidential, in accordance with Florida State Statutes, until such time as the WPPD makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide a law enforcement officer with a property interest or expectancy of continued employment.
- C. At the conclusion of a formal investigation with sustained violations, the affected member's Division Captain shall review the final investigative report and all evidence. The Division Captain may meet with the assigned formal investigator to clarify any portion of the investigation, but will not have authority to change any findings. The Division Captain shall then deliver the final investigative report to the affected member's supervisor, who will submit a written recommendation of Discipline and/or Corrective Action to the Chief of Police via the chain of command. The Chief of Police has the absolute authority to issue formal discipline and/or corrective action regardless of the supervisor recommendations.
- D. The Chief of Police shall provide the affected member with a written Notice of Intent to Discipline. The Notice of Intent to Discipline will identify the policy violation(s) and the recommended level of discipline and/or retraining. The Notice of Intent to Discipline shall direct the affected member to contact the Office of the Chief of Police within 48 hours to schedule a Pre-Determination Hearing. The Pre-Determination Hearing will provide the member an opportunity to present any evidence or testimony

not already on the record for the Chief of Police or designee to consider in determining if such formal discipline should be upheld or modified.

- E. Should the Chief of Police or their designee decide to mitigate Formal Discipline to Informal Personnel Action, a memorandum shall be prepared by the Chief of Police or designee containing the sustained violations and informal personnel action awarded as appropriate.

140-19 RELIEVING MEMBERS FROM DUTY:

Should a member be the subject of a criminal investigation, the member may be relieved of duty by the Chief of Police, or designee until a preliminary administrative review has been conducted.

Any supervisor may temporarily relieve a member from duty when their fitness for duty is in question due to any number of reasons, including, but not limited to:

- A. Emotional duress
- B. Suspected substance abuse
- C. Violation of City or WPPD policy which would, if proven, constitute reason for suspension or dismissal from employment; or
- D. Inability to perform assigned duties

In the event a member is temporarily relieved from duty, the initiating supervisor shall immediately notify the Chief of Police through the chain of command established for their division. In addition to verbal notification, a memorandum shall be submitted outlining the circumstances surrounding the relief from duty and the memorandum shall be forwarded through the chain of command prior to the supervisor completing their tour of duty. The Chief of Police or his designee shall evaluate the temporary relief from duty and notify the member in writing of their duty status within 24 hours.

140-20 WHEN A MEMBER'S ACTIONS RESULT IN DEATH OR SERIOUS BODILY INJURY:

When a member's actions result in a death or serious bodily injury, whether intended or not intended (e.g. use of force incident, vehicle crash or pedestrian hit, etc.), the following actions shall be taken:

- A. A report shall be completed detailing the incident.
 - 1. If the actions were the result of a use of force incident, the documentation of the incident shall be contained in the Incident Report (and not in a Use of Force Report).

2. If the actions were the result of a vehicle crash, the appropriate crash forms shall be completed.
3. If the death or injury was the result of some other action/incident, the appropriate Cafe report type shall be completed, detailing the incident.

NOTE: The member whose actions resulted in the death or serious bodily injury will not complete any written reports or use of force forms until a preliminary administrative review is concluded.

- B. The WPPD member shall be removed from their job assignment until a preliminary administrative review is conducted. The removal from job assignment shall be documented in a memorandum and provided to the affected member.
- C. A preliminary administrative review of the incident/actions of the member shall be conducted or assigned by the Chief of Police, or as determined by overriding authority (e.g. FDLE for officer-involved shootings and in-custody deaths). Once the review is concluded, the Chief of Police or designee may determine a return date of the member to their job assignment.
- D. Following the conclusion of any criminal investigation involving a death or serious bodily injury, the Chief of Police will assign a command staff member to conduct a use of force review or member action review of the circumstances that led to the death or serious bodily injury.
 1. For a death or serious bodily injury involving a use of force, the review shall determine whether the member's application of force was appropriate.
 2. For a death or serious bodily injury involving any other action, the review shall determine whether the member's actions were appropriate.

NOTE: The command staff review will not be assigned an internal investigation number unless there is evidence to indicate that a violation of policy led to the death or serious bodily injury.

140-21 USE OF INVESTIGATIVE TOOLS IN PROFESSIONAL STANDARDS (FORMAL) INVESTIGATIONS:

- A. In the course of a Professional Standards Investigation, investigative tools may be used by the investigator to assist with the investigation. When investigative tools are utilized, safeguards shall be applied to ensure that no less a standard of proof is used in the Professional Standards Investigation than those used in any other police investigation due to their utilization.

These tools include but are not limited to:

1. Medical or Laboratory Examinations to ensure compliance with the Winter Park Drug Free Workplace requirements;
 2. Official WPPD photographs of members for identification purposes.
- B. For the purposes of the Professional Standards Investigation, a member shall not be required to submit to an instrument for the purpose of detection of deception, nor shall a member be required to participate in a live line-up or “show-up”. Should financial disclosure information be required for the investigation, the investigator may obtain a court order for said disclosure information.

140-22 OFFICIAL MISCONDUCT/COMPLIANCE HEARING:

If any sworn law enforcement officer believes that an investigator in Professional Standards, or an assigned investigating supervisor, intentionally fails to comply with the requirements of FSS Chapter 112, the law enforcement officer shall advise the investigator of the intentional violation which is alleged to have occurred per FSS 112.534. All subsequent actions and required procedures, outlined in FSS 112.534, shall be followed by the investigated law enforcement officer, the investigator and the WPPD.

Refer to SOP 147- Grievance Procedures for any other complaint(s) involving the investigative process or outcome of the investigation.

140-23 DISMISSAL OF DEPARTMENTAL EMPLOYEE:

Any member dismissed as a result of an investigation of misconduct shall be provided the following:

- A. A statement indicating the reason for the dismissal;
- B. The effective date of the dismissal;
- C. A statement outlining the employee’s rights.

Refer to SOP 147- Grievance Procedures for the appeal process of a final outcome of an investigation of misconduct.

Drafted: BCR04-00/ filed: 276.doc/ revised: MD10-03/ revised: TP02-05/ revised: TP09-06/ revised: PM03-09/ revised: PM09-09/ revised: JEA10-11/ revised: KG,PM07-15/ revised: KG10-15/ revised: KG02-17/ revised: KWR,KEOF09-22/ revised: KEOF05-23/revised: KEOF2-24



Timothy Volkerson
Chief of Police



Civil Service Board

agenda item

item type

Staff Updates

meeting date

February 6, 2024

prepared by**approved by****subject**

Police Department

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

None



Civil Service Board

agenda item

item type

Staff Updates

meeting date

February 6, 2024

prepared by**approved by****subject**

Fire Department

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

None