



Civil Service Board Regular Meeting

Agenda

October 4, 2022 @ 4:00 pm

City Hall | Commission Chambers

401 S. Park Avenue | Winter Park, Florida

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm 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**
 2. **Consent Agenda**
 - a. [Minutes for September 6, 2022](#) 1 minute
 3. **Public Comments (for items not on the agenda): Three minutes allowed for each speaker**
 4. **Action Items**
 - a. [Fire Department SOG'S](#) 3 Minutes
 - SOG 100 Department Standard Operating Guidelines, Revisions, and City Policies
 - SOG 101 Chain of Command and Delegation of Authority
 - SOG 102 Personnel Assignments, Minimum Staffing and Out of Grade Assignments
 - SOG 103 Daily Operations
 - SOG 104 Uniform Dress
 - SOG 105 Personnel Transfers
 - SOG 106 Employee Transfers between Fire-Rescue, Fire Administration, and of the Office of the Fire Marshall
 - SOG 226 Breathing Apparatus
 - SOG 228 Personnel Alert Safety System
 - b. [Applicant interview Anthony DeJesus Jr \(FD\)](#) 5 minutes
 - c. [Police Department SOP's](#) 10 minutes
 - SOP 108 Computer Use Police
 - SOP 140 Professional Standards
 - SOP 222 Use of Force
 - SOP 255 Juvenile Procedures
 - SOP 380 Communications
 5. **Non-Action Items**
 6. **Staff Updates**
 - a. [Police Department](#) 5 minutes
 - b. [Fire Department](#) 5 minutes
 7. **Board Comments**
 8. **Upcoming Agenda Items**

9. Adjournment



Civil Service Board **agenda item**

item type	Consent Agenda	meeting date	October 4, 2022
prepared by	Kathleen Reed	approved by	
board approval			
strategic objective			

subject

Minutes for September 6, 2022

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[September 6, 2022.pdf](#)



Civil Service Board Minutes

Regular Scheduled Meeting

September 6, 2022 at 4:00 p.m.

City Hall | Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present:

Chairman Kip Marchman, Vice Chairman Steve Stutzer, Chief Examiner Pitt Warner, Board Members: Mary Daniels, Stockton Reeves, Javier Rodriguez and Tod Meadors.

Chief Tim Volkerson and Chief Dan Hagedorn.

1. Call to Order

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

2. Consent Agenda

a. Minutes for August 2, 2022

Motion made by Mr. Rodriguez and seconded by Mr. Stutzer to approve the minutes from the August 2, 2022, Regular Meeting. Motion carried unanimously with a 7-0 vote.

Police Awards Presentation (not on agenda)

Chief Volkerson presented the following awards:

Unit Citation Ribbon: Officers Mitchell, J. Dicarlo, Maingot, Wiley, Burkhardt, Meyn, Rodriguez, Easterbrook, Whitman, Angeles, Stanford, Rojas and Reneski.

Community Service Ribbon: Officers Slaughter, Cieszynski, Suepat, Whitman, Belcore, Millard, Watson, Campbell, Maingot and Crime Scene Technician.

Excellent Police Duty Ribbon: Officers Gerardi and Roman.

Excellent Police Duty Ribbon: Officer Burkhardt.

3. Public Comments (for items not on the agenda)

None.

4. Action Items

a. Officers off of Probation

- **Nadia Terc**
- **Richard Sotomayer**

Chief Volkerson requested Board Members to certify the Permanent Status of Officers Terc and Sotomayer. Motion was made by Mr. Stutzer and seconded by Mr. Reeves to certify the permanent status of Officers Terc and Sotomayer. Motion carried unanimously with a 7-0 vote

b. Police Applicant Interview -Ariel Morillo-Collado

Lieutenant Lisa Suepat introduced police candidate Ariel Morillo-Collado to board members. Mr. Morillo-Collado provided a brief background and responded to questions by board members. Motion was made by Mr. Reeves and seconded by Ms. Daniels to certify the candidate. Motion carried unanimously with a 7-0 vote

c. Off Duty Employment Request (PD)

Item tabled at this time.

d. Approval of SOPS(PD)

- **SOP 103 Code of Ethics**

Mr. Reeves stated he would amend section 103-6, The Badge as follows: His/her to be changed to their and before God to remain in the SOP. A motion was made by Mr. Reeves and seconded Mr. Warner to change his/her to their and before God to remain in SOP 103, Code of Ethics. Motion carried unanimously with a 7-0 vote.

- **SOP 104 Canons of Ethics**

Motion was made by Mr. Rodriguez and seconded by Mr. Stutzer to approve the revisions made to SOP 104-Canons of Ethics. Motion carried unanimously with a 7-0 vote.

- **SOP 115 Fiscal Activities**

Motion was made by Mr. Reeves and seconded by Mr. Warner to approve the revisions made to SOP 115 Fiscal Activities. Motion carried unanimously with a 7-0 vote.

- **SOP 130 Personal Appearance**

Motion was made by Mr. Reeves and seconded by Ms. Daniels to approve the revisions made to SOP 130 Personal Appearance. Motion carried unanimously with a 7-0 vote.

- **SOP 168 Firearms Training Range**

Motion made by Mr. Rodriguez and seconded by Mr. Stutzer to approve the revisions made to SOP 168 Firearms Training Range. Motion carried unanimously with a 7-0 vote.

- **SOP 181 Off-Duty Employment**

Motion made by Mr. Stutzer and seconded by Mr. Rodriguez to approve the revisions made to SOP 181 Off-Duty Employment. Motion carried unanimously with a 7-0 vote.

- **SOP 240 Persons in Crisis**

Motion made by Mr. Stutzer and seconded by Mr. Reeves to approve the revisions made to SOP 240 Persons in Crisis. Motion carried unanimously with a 7-0 vote.

6. Non- Action Items

7. Staff Updates

Fire Department

- 3 new hires successfully completed their 2-week orientation phase.

A brief discussion was held regarding the FD Pulse Point App.

Police Department

- Officer Patton started on September 6, 2022
- Ariel Morillo-Collado to begin in November

8. Board Comments

Brief discussion was held regarding motorized scooters, bikes, etc.
Brief discussion was also held regarding local joggers and the use of sidewalks.

9. Adjournment

Kathy Reed
Recording Secretary



Civil Service Board **agenda item**

item type Action Items	meeting date October 4, 2022
prepared by Kathleen Reed	approved by
board approval	
strategic objective	

subject

Fire Department SOG'S

item list

- SOG 100 Department Standard Operating Guidelines, Revisions, and City Policies
- SOG 101 Chain of Command and Delegation of Authority
- SOG 102 Personnel Assignments, Minimum Staffing and Out of Grade Assignments
- SOG 103 Daily Operations
- SOG 104 Uniform Dress
- SOG 105 Personnel Transfers
- SOG 106 Employee Transfers between Fire-Rescue, Fire Administration, and of the Office of the Fire Marshall
- SOG 226 Breathing Apparatus
- SOG 228 Personnel Alert Safety System

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[WPFD SOG 100 Department Standard Operating Guidelines, Revisions, and City Policies.pdf](#)

ATTACHMENTS:

[WPFD SOG 101 Chain of Command and Delegation of Authority.pdf](#)

ATTACHMENTS:

[WPFD SOG 102 Personnel Assignments, Minimum Staffing, and Out of Grade Assignments.pdf](#)

ATTACHMENTS:

[WPFD SOG 103 Daily Operations - Fire Department.pdf](#)

ATTACHMENTS:

[WPFD SOG 104 Uniform Dress - Fire Department.pdf](#)

ATTACHMENTS:

[WPFD SOG 105 Personnel Transfers.pdf](#)

ATTACHMENTS:

[WPFD SOG 106 Employee Transfers between Fire-Rescue, Fire Administration, and the Office of the Fire Marshal.pdf](#)

ATTACHMENTS:

[WPFD SOG 226 Breathing Apparatus - Refilling Station Procedures - Respiratory Protection Program.pdf](#)

ATTACHMENTS:

[WPFD SOG 228 Personal Alert Safety System \(PASS\).pdf](#)



Winter Park Fire-Rescue department

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STANDARD OPERATING GUIDELINE

Department Standard Operating Guidelines, Revisions, and City Policies

Date Issued	June 3 rd 2014	Revision No.	IV
Last Revision	October 4 th 2022	Total Pages	2

Purpose: To advise all employees of the existence of written policies, procedures, ~~and~~ guidelines pertaining to administrative functions, operations, and practices of the City of Winter Park and the Fire Rescue Department.

Scope: This procedure is designed to outline for all personnel, the methods of accessing applicable guidelines and policies.

100.01 Fire Department Standard Operating Guidelines

The department shall maintain current operating guidelines to direct effective and efficient operational practices. Every effort should be made to adhere to the guidelines set forth, deviation from said guidelines without reasonable cause could result in disciplinary action. All guidelines will be ~~available in PDF format on the department's intranet~~ published on the Department's current information sharing platform(s).

100.02 Standard Operating Guideline Revisions

The department will review and periodically revise SOGs as required. Following any substantive revisions, a draft will be presented to the Winter Park Civil Service Board for final approval. Following a change in practice or guideline, the department will notify employees via memorandum or email.



100.03 Personnel Policy Manual

The intent and will of the City Commission of the City of Winter Park is the personnel policy manual and all provisions contained in it shall apply to and govern all matters of and pertaining to employment, employee relations, personnel practices, and human resources within the City of Winter Park. The Human Resources Manager shall supervise and direct the administration of the personnel program and is responsible for the custody and use of all personnel records in the City. The personnel policy manual will be available on the city's intranet.

A handwritten signature in black ink, appearing to read "Dan Hagedorn", is positioned above a horizontal line.

Dan Hagedorn
Fire Chief



Winter Park Fire-Rescue department

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STANDARD OPERATING GUIDELINE

Chain of Command and Delegation of Authority

Date Issued	December 6 th 2005	Revision No.	IIV
Last Revision	October 4 th 2022	Total Pages	2

Purpose: To establish a well-defined Chain of Command within the organizational structure of the Fire Department that will encompass all Divisions and all personnel.

Scope: This procedure is designed to outline for all personnel the direct chain of command they are to follow when addressing department issues. Every effort should be made to follow this chain of command in order to keep all levels of management and personnel informed and instructed on their particular job function. In addition, this guideline outlines the procedure for the delegation of authority within the Department.

General: In order for an organization such as a fire department to operate, there must be a defined chain of command, and it must be adhered to as closely as possible.

101.01 Chain of Command

- An organizational chart will be published on the department's ~~R:-drive~~ current information sharing platform(s) that clearly depicts each position in relation to the established chain of command.
- All personnel, either on or off duty, should follow this chain of command. Some individuals have been given special responsibilities in addition to their normal duties. At times it will become necessary to have a direct contact with a member of management without following the direct chain of command. The Battalion Chief shall be notified of any special responsibilities given to any of their personnel.



- On emergency scenes, the chain of command by necessity may be broken. There will be times when more than one order will be given at a time. Under absolutely no circumstances is any order to be ignored, or do only as you see fit.
- If you are given one order by an officer, and either before, or during your carrying out of that order, you are given an additional order by another officer, you must inform the other officer of your previous order. The second officer may permit you to carry out his or her order. If you are directed to carry out the second order, the officer who does so accepts the responsibility for the original officer's order.
- When off-duty personnel are called-in, the senior ranking officer will assume command ~~at the station location~~. If the highest rank, regardless of seniority, is the same as the on-duty officer, then command will remain with the officer who is on-duty.
- When personnel from off-duty shifts are being compensated to participate in department-sponsored activities such as classes as a student or instructor, and other similar activities, they are working under the direction of the Battalion Chief that is on duty.
- The Fire Chief is the one person who has ultimate responsibility for the actions of the entire department; however certain areas of responsibility and authority are delegated to other officers within the operation.
- In the absence of the Fire Chief or Deputy Fire Chief the on-duty Battalion Chief or the Fire Chief's designee is in charge of the Fire Department.

Dan Hagedorn
Fire Chief



Winter Park Fire-Rescue department

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STANDARD OPERATING GUIDELINE

Personnel Assignments, Minimum Staffing, and Out of Grade Assignments

Date Issued	December 6 th 2005	Revision No.	IIV
Last Revision	October 4 th 2022	Total Pages	4

Purpose: To establish operational guidelines for the assignment of personnel to fire department units.

Scope: This procedure is to be followed by all members of this department. Authority to deviate from this procedure rests with the Battalion Chief who is solely responsible for the results of any deviation. Any deviation from the staffing levels outlined in this procedure should be reported to the Deputy Fire Chief.

General: The following staffing levels are designed to provide the best utilization of resources for the Department. It is required that certain units be staffed with a minimum number of personnel and a minimum number of certified Paramedics. Shift Commanders should be aware of these requirements and fill the positions **AS NEEDED REQUIRED**.

102.01 General Shift Staffing – Fire Rescue Operations:

The following will be the desired staffing levels for all Fire Rescue apparatus. Truck, Engine, and Rescue companies shall be staffed with a minimum of one Paramedic to provide Advanced Life Support capabilities.

Full Staffing = 23 Total

Battalion 61	(1)	1 Battalion Chief
EMS 61	(1)	1 EMS Captain
Engine 61	(4)	1 Lieutenant, 1 Engineer, 2 Firefighters
Engine 62	(4)	1 Lieutenant, 1 Engineer, 2 Firefighters
Engine 64	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Truck 61	(4)	1 Lieutenant, 1 Engineer, 2 Firefighters
Rescue 61	(2)	2 Firefighters
Rescue 62	(2)	2 Firefighters
Rescue 64	(2)	2 Firefighters



Personnel Assignments, Minimum Staffing, and Out of Grade Assignments

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Staffing = 22 Total (1 position off)

Battalion 61	(1)	1 Battalion Chief
EMS 61	(1)	1 EMS Captain
Engine 61	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Engine 62	(4)	1 Lieutenant, 1 Engineer, 2 Firefighter
Engine 64	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Truck 61	(4)	1 Lieutenant, 1 Engineer, 2 Firefighters
Rescue 61	(2)	2 Firefighters
Rescue 62	(2)	2 Firefighters
Rescue 64	(2)	2 Firefighters

Staffing = 21 Total (2 positions off)

Battalion 61	(1)	1 Battalion Chief
EMS 61	(1)	1 EMS Captain
Engine 61	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Engine 62	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Engine 64	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Truck 61	(4)	1 Lieutenant, 1 Engineer, 2 Firefighters
Rescue 61	(2)	2 Firefighters
Rescue 62	(2)	2 Firefighters
Rescue 64	(2)	2 Firefighters

Staffing = 20 Total (3 positions off)

Battalion 61	(1)	1 Battalion Chief
EMS 61	(1)	1 EMS Captain
Engine 61	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Engine 62	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Engine 64	(4)	1 Lieutenant, 1 Engineer, 2 Firefighter
Truck 61	(4)	1 Lieutenant, 1 Engineer, 2 Firefighters
Rescue 61	(2)	2 Firefighters
Rescue 62	(2)	2 Firefighters
Rescue 64	(0)	



Minimum Staffing = 19 Total (4 positions off)

Battalion 61	(1)	1 Battalion Chief
EMS 61	(1)	1 EMS Captain
Engine 61	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Engine 62	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Engine 64	(3)	1 Lieutenant, 1 Engineer, 1 Firefighter
Truck 61	(4)	1 Lieutenant, 1 Engineer, 2 Firefighters
Rescue 61	(2)	2 Firefighters
Rescue 62	(2)	2 Firefighters
Rescue 64	(0)	

102.02 Paramedic Staffing

As part of the minimum staffing requirements, the department shall maintain at least seven paramedics on duty at all times. The EMS Captain shall be ~~considered included a Fire Officer~~ for the purpose of ~~officer~~ paramedic staffing requirements ~~found in SOG 125.02~~.

~~**102.02 EMS Captain**~~

~~The position of EMS Captain shall be filled by an EMS Captain or a **qualified** Lieutenant Paramedic at all times. A list of qualified Lieutenant Paramedics will be approved by the Division Chief of EMS to fill the EMS Captain position as needed.~~

102.03 Out-of-Grade fill-in:

A minimum of four officers shall be **on duty** at all times. The Battalion Chief shall constitute as one of the four officers. Out-of-Grade (**OOG**) personnel may fill in positions on any of the three Engine companies or Truck 61. The position of EMS supervisor will be filled at all times by an EMS Captain or approved Lieutenant Paramedic. ~~An approved OOG list for the position of EMS Captain will be provided by the Division Chief of EMS.~~

The following will be the policy for filling positions with personnel from a lower grade:

- **Qualified** Captains and Lieutenants will be the only position to fill the Shift Commander position. i.e.: Battalion Chief.
- A list of qualified **OOG Battalion Chiefs, Captains, Lieutenants, and** Engineers ~~and Firefighters~~ will be created by the Division Chief of Training and will be approved by the Deputy Fire Chief to fill



Personnel Assignments, Minimum Staffing, and Out of Grade Assignments

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~~the EMS Captain-Lieutenant~~ positions as needed.

102.04 Minimum Staffing Limits:

Authorization for shift level staffing to drop below minimum rests solely with the Deputy Fire Chief and or the Fire Chief. It is the agency's policy to never drop below the minimum staffing levels indicated in this guideline. It shall be the responsibility of the Shift Commander to provide adequate staffing to conform to the requirements of this guideline.

A handwritten signature in black ink, appearing to read "Dan Hagedorn".

Dan Hagedorn
Fire Chief



Winter Park Fire-Rescue department

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STANDARD OPERATING GUIDELINE

Daily Operations-Fire Department

Date Issued	December 6 th 2005	Revision No.	IIV
Last Revision	October 4 th 2022	Total Pages	4

Purpose: To establish procedures for the daily functions of fire-rescue personnel.

Scope: This guideline is designed to outline expected daily operations. Personnel should use this guideline to accomplish daily tasks so that all equipment and facilities are maintained in good working order.

General: Shift change will occur at 0700 each day. At this time, all personnel should be on City property, in appropriate uniform, and ready to begin work. All turnout gear from the off-going shift will be removed from apparatus and the turnout gear for the on-coming shift will be placed on the assigned unit and prepared for response.

103.01 Daily Operations

Assigned Vehicle Inspection

- All apparatus and equipment should be checked completely. Note all maintenance discrepancies on the daily inventory sheet. Notify the Station Officer **immediately** of any and all safety concerns
- Wash and dry apparatus if dirty
- All medical equipment will be checked and inventoried ~~daily by 0800~~ as required in SOG 307
- ~~Read City/Department email for any pertinent information~~

Daily Station Cleaning

- All bathrooms, sinks, toilets, showers, urinals, and floors will be thoroughly cleaned
- Trash will be removed in the morning and evening as needed
- Vacuum all floors daily and as needed
- Apparatus floors cleaned and mopped as needed during throughout the day
- Tile floors will be wet mopped as needed



Task and Assignments

- Read City/Department email for any pertinent information
- Company-level training or task as assigned

Physical Fitness Activities

Physical fitness activities and training may take place at any time during the shift and based on the Company Officer's discretion. All crews shall ensure that events scheduled for the shift are not missed or delayed due to physical fitness activities and training. Refer to SOG 109 for physical fitness requirements.

Vehicle Refueling

Fueling of all units will take place on an as-needed (1/2 tank, 50% or less) basis. Fuel levels in all other vehicles will be checked on a daily basis during daily-morning equipment inspection.

Friday's are not exclusively reserved for the fueling of apparatus. Regardless of the day, all vehicles are to maintain no less than 50% or 1/2 of fuel capacity.

103.02 Areas of Concentration

Monday - Extended Weekly Vehicle Inspection and Cleaning

- A complete check of all front line and reserve department vehicles
- Perform a complete inventory of all apparatus and assigned equipment
- Check and update all repair sheets for each vehicle
- Check, update, and report all missing equipment, those needing repair or replacement on the appropriate sheet
- Ensure all equipment is in a constant state of readiness and repair
- ~~Company-level training or tasks as assigned~~
- A complete and thorough cleaning of department vehicles inside and out will include the following points:
 - Wheels and wheel wells to include tire dressing
 - All exterior surfaces
 - All ladders - remove from vehicle and clean
 - Hose covers - remove and clean
 - Floors - vacuum, sweep, and wash



- Clean all windows, inside and out
- Wipe down exterior surfaces and seats
- Wax vehicle designated on the wax schedule or as needed

Tuesday, Wednesday, and Thursday - Training

- Departmental training as assigned or as coordinated by the Company Officer
- Pre-Fire Planning as assigned
- ~~Any other duties~~ Company-level training or tasks as assigned ~~by the Battalion Chief~~

Friday - ~~Extended Vehicle Maintenance Detailing~~ Medical Director Meeting and TRT

- ~~A complete and thorough cleaning of department vehicles inside and out will include the following points:~~
 - ~~Wheels and wheel wells to include tire dressing~~
 - ~~All exterior surfaces~~
 - ~~All ladders remove from vehicle and clean~~
 - ~~Hose covers remove and clean~~
 - ~~Floors vacuum, sweep, and wash~~
 - ~~Clean all windows, inside and out~~
 - ~~Wipe down exterior surfaces and seats~~
 - ~~Wax vehicle designated on the wax schedule or as needed~~
- TRT Training will be as scheduled in the departments' current form of training assignment and record keeping
- Medical director meeting discussing topics outlined by the medical director. The following items will need to be met the Tuesday before the meeting:
 - Location and time (verify availability of training room)
 - Crews assigned (Station 61 or Station 62 and 64)
 - Access to the presentation. If possible have all of it up and ready in the designated location prior to 0830
 - Designated QA paramedic
 - Run numbers for review
 - Notes entered on Department's current information sharing platform

Saturday – Station Cleaning

Complete and thorough cleaning of department facilities, inside and out to include but not limited to:

- Refer to area of concentration schedule in the BC's office



- All items in the daily station clean up
- Sweep and mop all floors including the fitness areas
- Dust and clean baseboards, vents, and dorm furniture
- Clean windows and blinds
- Kitchen – Stove, oven, and refrigerator cleaned
- Remove spider webs in stations
- Canvas outside the station for trash and refuge
- Clean grills, smokers, and other outdoor cooking equipment
- monthly safety inspection as required in SOG 137
- Any other duties or tasks assigned by the Company Officer or Battalion Chief

Sunday – Battalion Chief's or Company Officers' Discretion

- all assignments missed from the week must be completed

~~103.02~~ — ~~Physical Fitness Activities~~

~~Physical fitness activities and training may take place at any time during the shift and based on the Company Officer's discretion. All crews shall ensure that events scheduled for the shift are not missed or delayed due to physical fitness activities and training. Refer to SOG 109 for physical fitness requirements.~~

~~103.03~~ — ~~Vehicle Refueling~~

~~Fueling of all units will take place on an as-needed (1/2 tank, 50% or less) basis. Fuel levels in all other vehicles will be checked on a daily basis during daily morning equipment inspection.~~

~~Friday's are not exclusively reserved for the fueling of apparatus. Regardless of the day, all vehicles are to maintain no less than 50% or 1/2 of fuel capacity.~~

It is the responsibility of the Station Officer(s) to see that this schedule is adhered to. Any deviation from this schedule will be at the authority of the Battalion Chief.

Dan Hagedorn
Fire Chief



Winter Park Fire-Rescue department

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STANDARD OPERATING GUIDELINE

Uniform Dress-Fire Department

Date Issued	December 6th, 2005	Revision No.	IIV
Last Revision	October 4 th 2022	Total Pages	!!!!

Purpose: To establish for all Fire Department personnel a uniformed dress code to adhere to while on-duty, and when conducting all other official department or City sponsored functions.

Scope: The intent of this guideline is to outline the appropriate uniform and grooming requirements for all personnel. All department supervisory personnel are responsible for enforcement of these guidelines.

~~Questions regarding the application of any guideline to a particular situation should be directed to the Fire Chief or the Deputy Fire Chief for interpretation.~~

General: The following approved uniform items will be issued to all personnel. It is the responsibility of all personnel to maintain uniform items in a ready state and immediately available for use. Uniform apparel and accessories are considered City property and will only be worn while performing department or City sponsored activities. [Questions regarding the application of any guideline to a particular situation should be directed to the Fire Chief or the Deputy Fire Chief for interpretation.](#)

104.01 Uniform Classification

Class "A" Formal Dress Uniform

The Class "A" uniform represents the highest level of dress uniform. The Class "A" Uniform shall be worn at all City or Department functions as determined by the Company Officer or higher-ranking Officer.

- Dress long-sleeve shirt, as assigned, White or Blue
- Rank assigned insignia and award/merit ribbons ([see Examples of Insignia\(s\) below](#))
- Dress pant, black
- Dress belt, smooth 1 ¾", black
- Dress shoes with black socks



- Black dress tie
- Bell-top cap as required
- Dress coat as required

Class "B" Dress Uniform

The Class "B" uniform should be used for presentations or functions where formal dress is warranted but not to the extent of Class "A". Class "B" shall be the minimum dress required for participation in promotional processes unless otherwise indicated.

Class "B" uniforms include items listed below. The use of long sleeves or short sleeves will be decided on by the Officer in Charge for Class "B" uniforms.

- Dress shirt, short or long sleeve
- Rank assigned insignia and award/merit ribbons ([see Examples of Insignia\(s\) below](#))
- Dress pant, black
- Dress belt, smooth 1 ¾", black
- Dress shoes with black socks

Class "C" Station Duty Uniform / Daily Work Uniform

The Class "C" uniform is considered the daily work uniform. All personnel shall remain in a **minimum** of a Class "C" uniform while on duty, on any scene, or while in view of the public.

- Polo-style shirt to be worn from 0700 - 1600.
- Department-issued T-shirt (short or long sleeve) can be worn after 1600 each day
- Dress shirt (short or long sleeve) will be determined by the company officer as seen fit for the occasion.
- Department-issued work pants ~~or work shorts~~
- Department-issued footwear
- Duty belt, issued by the quartermaster
- Uniform issued cap or cold weather knit cap
- Department-issued zip-up jacket or pullover

Class "D" Uniform – Physical Fitness -Training Exercises

The Class "D" uniform is designed for use during physical fitness activities and special training programs. It will remain the option of the Company Officer as to the dress required for any training exercise. The Class "D" uniform can be used during rest periods when out of the public view or in designated areas.



- Uniform T-shirt
- Uniform gym shorts
- Athletic socks – employee supplied
- Athletic shoes – employee supplied
- ~~Cut-off shirts are prohibited~~

104.02 Jewelry

Jewelry worn above the neck is prohibited, i.e.: earrings, piercings, clips, hairpins, etc. Necklaces or chains worn about the neck are permitted; under no circumstances will they extend out of the clothing.

104.03 Hair Guidelines

- The style of grooming shall present a neat appearance and will not interfere with the proper wearing of regulation headgear nor impede the donning/utilization of any equipment and/or accomplishing any function that a firefighter may be required to perform. **At no time should hair or facial hair come between the sealing surface of the face piece and the face, or interfere with valve function of any respirator required for use.**

Male Personnel

- Hair shall be worn to the general shape of the head. Hair is not to extend to the top of the collar of any department-issued uniform.
- Hair shall be maintained **so** as not to come between the sealing surface of the face piece and the face.
- Sideburns shall be neatly trimmed, **strait without flare**, not to extend below the earlobe. ~~At no time should the sideburns come between sealing surface of the face piece and the face, or interfere with valve function.~~
- ~~To stay compliant with respirator guidelines,~~ Mustaches shall be neatly trimmed, not to extend beyond the corners of the mouth nor drop below the corners of the mouth.

All other areas of the face must be clean-shaven. Any other facial hair besides mustaches will not be permitted (**see Male Hair Example below**).

Female Personnel



- Hair ornaments such as ribbons shall not be worn. Pins, combs, or barrettes may be worn as long as they are black in color or same as individual hair color, not to interfere with personal protective equipment.
- Hair shall be worn above the collar or kept in a clean ponytail, or braided style confined to the back of the body (not to lay over the shoulders), that which will not encumber the wearing of a helmet. ~~A clean ponytail is when the hair is restrained neatly and confined to the back of the body (not to lay over the shoulders).~~ The maximum length of a ponytail shall not extend below the bottom of the shoulder blade. ~~Hair shall not come between the sealing surface of the face piece and the face or interfere with valve function. (see Female Hair Example below).~~
- ~~Hair length shall not pose a safety risk at any time while wearing safety gear or performing firefighting and EMS duties.~~
- While wearing a Class A uniform for any function, hair must be worn above the collar.

104.04 Special Considerations and Approval

Weather Conditions

The daily uniform should be consistent with current weather conditions.

Permitted Items

All uniforms and accessories issued by the department shall be considered the **only approved** uniform items. Items and accessories must display the most current city and department logo/ insignia(s). Items not approved for use by the Deputy Chief, after the revision date of this guideline, are prohibited.

Maintenance and Alterations

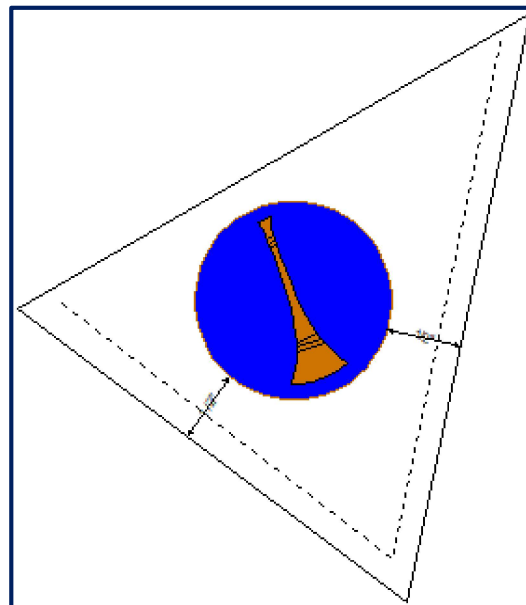
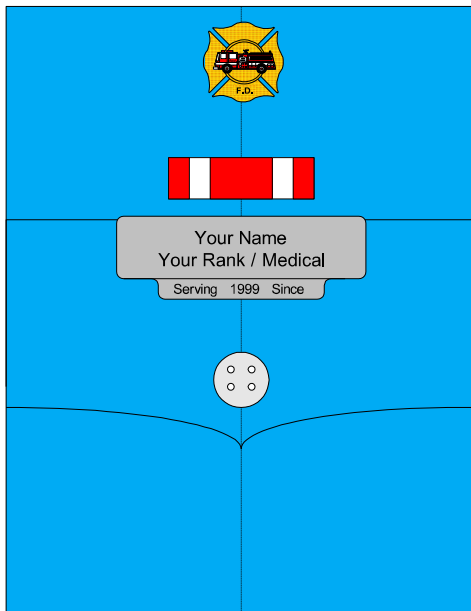
- Logos or insignias shall not be altered.
- Custom embroidery or non-departmental patches must be approved in writing by the Deputy Chief.
- Uniforms will be maintained by the employee. Faded, worn, torn, stained, and distressed uniform items should be removed from service.
- The size and fit of the uniform shall be appropriate to the individual. Loose-fitting or close-fitting uniforms may pose a safety risk to the wearer. All items should fit properly and be in good working condition at all times.



Examples of Insignia(s)

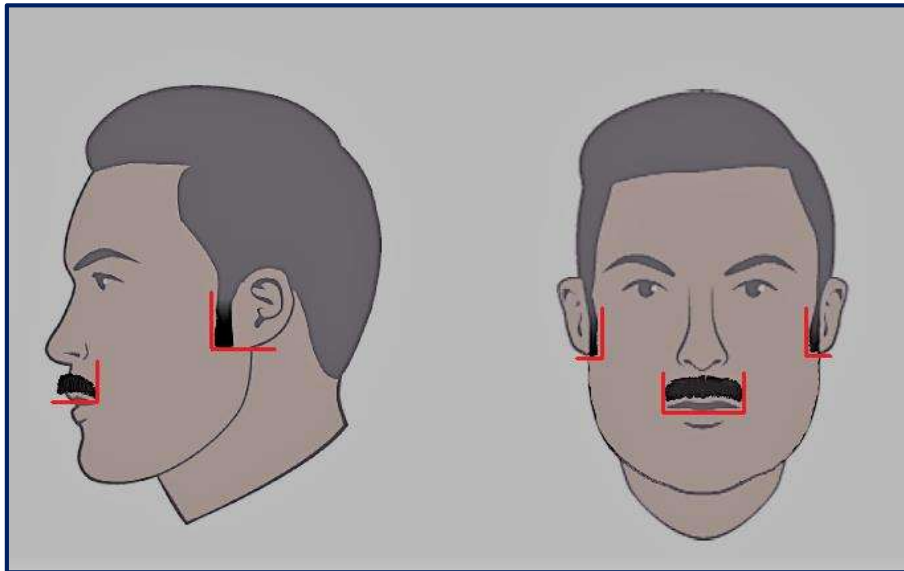
Class "A" & "B" uniform shift with insignia in the correct location:

1. The top of the nametag shall be centered along the top stitching of the right pocket.
2. Any issued ribbons shall be centered directly above the nametag. Multiple tags shall be centered along the stitched line of the pocket approximately 1/8" above the top stitching of the right pocket.
3. Approved pins (IAFF) shall be centered on the stitched seem above the ribbon and or nametag approximately 1/4" above the top stitch of the pocket.
4. The assigned badge shall be placed on the left side of the shirt, above the pocket where indicated by the cutouts on the shirt.
5. Collar insignia shall be placed with the designated center line pointed in a downward position at the point of the collar.
6. The insignia shall be approximately 1/2" from either side of the collar, approximately 1" from the bottom point of collar.

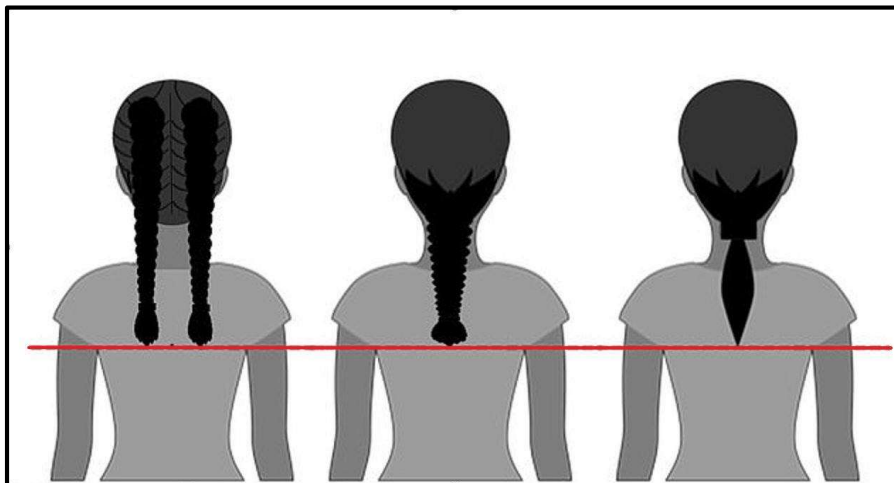




Male Hair Example



Female Hair Example



A handwritten signature in black ink, reading "Dan Hagedorn".

Dan Hagedorn
Fire Chief



Winter Park Fire-Rescue department

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STANDARD OPERATING GUIDELINE

Personnel Transfers

Date Issued	December 6 th , 2005	Revision No.	IIV
Last Revision	October 4 th , 2022	Total Pages	!!!!

Purpose: To establish the procedure transfer of Fire/Rescue personnel from one station to another, and from one shift to another.

Scope: This policy covers all personnel from Firefighter to Battalion Chief. Transfers of Battalion Chiefs will be at the discretion of the Deputy Fire Chief.

General: Station assignments shall be the responsibility of the Battalion Chief for each shift. Transfers of personnel between shifts shall be recommended by the Battalion Chief to the Deputy Fire Chief who will have final authority to grant or deny shift transfers. In order to maintain minimum staffing levels and to afford personnel the opportunity to transfer from one station to another and from one shift to another, the following procedures shall be used:

105.01 Personnel Assignment Considerations

- Personnel will be assigned by their Battalion Chief to a specific job task at an assigned station.
- Personnel may request a transfer to another station on the same shift by written request through the Chain of Command to their Battalion Chief.
- Battalion Chiefs should take into consideration the following when making assignments for each shift:
 - Operational needs of the department
 - Experience level
 - Time spent at a particular station
 - Timing of annual evaluation process
 - Medical certification, i.e.: Paramedic versus EMT
- Any Department-wide changes, if needed, should be scheduled to take place during the month of January.



- Upon transfer from one shift to another ~~a copy of the most recent~~ **notes** ~~annual evaluation shall~~ **will** be provided to the new supervisor **via the employee appraisal system**.
- If the transfer takes place within one month of the employee's annual evaluation all documentation will be completed by the employee's previous supervisor.

105.02 Personnel Transfers following Promotion

The department reserves the right to assign personnel to fill vacancies as needed including transferring personnel to meet staffing needs. Personnel who receive promotion may be required to transfer shifts and or stations at the discretion of the Deputy Chief.

105.03 Personnel Involuntarily Transferred

Personnel who are transferred involuntarily to meet the operational needs of the department shall have the **one time** option to schedule PTO on the shift before or the shift after their previously scheduled shift off. This only applies to previously scheduled leave.

105.04 Scheduled Personal Leave (PTO) and Kelly Days

- **PTO:** Personnel granted a voluntary shift transfer shall forfeit any scheduled personal leave on the shift they are transferring from. Personnel will have the option to schedule PTO **if available** on the shift they are transferring to. ~~Under no circumstances will leave be scheduled based on rank or seniority.~~
- **Kelly Days:** Personnel transferring from one shift to another voluntarily shall have their Kelly Days scheduled based on vacancy and availability.

A handwritten signature in black ink, appearing to read "Dan Hagedorn", written over a horizontal line.

Dan Hagedorn
Fire Chief



Winter Park Fire-Rescue department

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STANDARD OPERATING GUIDELINE

Employee Transfers between Fire-Rescue, Fire Administration, and the Office of the Fire Marshal

Date Issued	December 6 th , 2005	Revision No.	IIV
Last Revision	October 4 th , 2022	Total Pages	2

Purpose: To establish a policy whereby interested employees may transfer to other operations within the Fire Department.

Scope: This policy is designed to outline for all personnel the guideline for transferring from the Fire -Rescue Division to either the Fire Administration or the Office of the Fire Marshal and back to Fire - Rescue.

General: Anyone may apply for any appointed or specialty position from any rank they presently hold. An individual may request to return to the Fire - Rescue Division and do so only when there is an opening in the rank he or she held upon leaving, or in a lower rank.

Transfer Procedures:

Promotional procedure guidelines for those returning to the Fire - Rescue Division who left with a competitive rank are:

- Upon requesting to be reinstated to the Fire Rescue Division within the first year of appointment or specialty position the employee is eligible for the next promotional opportunity provided he or she has completed their first year's requirements and 12 month probationary period in the rank to which they are returning.
- Upon requesting reinstatement to the Fire Rescue Division after one year in a specialty or appointed position the employee is eligible to test for a promotion after he/she has returned to the Fire-Rescue Division for a period of six (6) months and after completing one (1) year of probation in the rank to which they are returning.
- If the employee chooses to return to a lower rank they are eligible to compete for the next highest position immediately.



Employee Transfers between Fire-Rescue, Fire Administration, and the Office of the Fire Marshal

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Promotional procedure guidelines for those returning to the Fire -Rescue Division who left with a non-competitive rank are:

- Anyone returning to the Fire - Rescue Division in a non-supervisory position may apply for the next highest promotion immediately, provided they meet the promotional requirements passed by the Civil Service Board in SOG 122 & 123.
- An individual who is in an appointed or specialty position may compete for the next highest position without returning to the Fire - Rescue Division provided they meet the promotional requirements passed by the Civil Service Board in SOG 122 & 123.

If an individual is the successful candidate and they do not accept the position, or do not obtain permanent status and either stays, or returns to the appointed position, the guidelines in this SOG under Section 1 will be followed for their next attempt for a Fire – Rescue Division promotion.

NOTE: For the purpose of this SOG the Fire - Rescue Division refers to those employees who are considered 56 hour per week employees.

Dan Hagedorn
Fire Chief



Winter Park Fire-Rescue department

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STANDARD OPERATING GUIDELINE

Breathing Apparatus - Refilling Station Procedures - Respiratory Protection Program

Date Issued	December 6 th , 2005	Revision No.	IV
Last Revision	October 4 th , 2022	Total Pages	8

Purpose: To establish a procedure for the use, maintenance, storage, and refilling of all self-contained breathing apparatus and emergency escape apparatus used by the Department.

Scope: General Industry standard 29 CFR 1910.134, Florida Statutes and Florida Administrative Codes, of the Occupational Safety Health Standards requires that a Respiratory Protection Program shall be established whenever respirators are required to be used in an occupational setting. This program is a guideline to prevent employee overexposure to atmospheric contaminants and oxygen-deficient atmospheres which are potentially harmful to health. This procedure will be followed by all members of the Department and will be supervised by the Deputy Fire Chief. Any deviation of this procedure will require prior notification of the Deputy Fire Chief and the Breathing Apparatus Specialist who will be assigned by the Fire Chief.

General:

226.01 Breathing Apparatus Assignments

All ~~Department vehicles~~ emergency apparatus are equipped with a minimum of (1) 4500psi MSA self-contained breathing apparatus. Each SCBA is labeled as to the apparatus it is assigned to. Every attempt should be made to keep the correct SCBA with the correct apparatus.

Truck 61 is assigned the (4) emergency Supplied Air Respirators (SAR) located in compartment #4 of the T-61 Vehicle Inventory. The inspection, the findings, required remedial action, & the identifier of the inspected respirator must be noted on the apparatus Daily/Weekly Log and stored within the SAR compartment for access and review. The equipment will be stored in accordance with manufacturer instructions.

Each employee of the Fire-Rescue Division and those in Fire Administration who operate as command on scene have been issued a facepiece for use in IDLH atmospheres for the following:



A full facepiece positive pressure SCBA certified by NIOSH for a minimum service life of thirty minutes or a combination full facepiece pressure demand/positive pressure supplied-air respirator (SAR) with auxiliary self-contained air supply for emergency escape certified by NIOSH (for confined space rescue).

All Skilled Support Personnel (ie: TECO Gas responders) will be required to wear appropriate PPE (including respiratory protection as required by 19 CFR 1910.120) when working with our personnel on an emergency scene.

All Skilled Support Personnel will be briefed prior to deployment on what safety/health precautions are being utilized and what duties are to be performed.

226.01 Repairing, Maintenance, Inspecting, Cleaning, Disinfecting, and Storing of All Breathing / Emergency Escape Apparatus

SCBA and SAR repair parts must only be installed by C.A.R.E. (Certified Airmask Repair Education) trained and certified repair technicians authorized by MSA and tested with an MSA approved dynamic flow tester.

Breathing apparatus must not be repaired beyond the manufacturer's recommendations. 29 CFR Part 1910.134, Par. (f) (4) makes these requirements clear: Replacement or repairs shall be done only by experienced persons with parts designed for the respirator. No attempt shall be made to replace components or to make adjustments or repairs beyond the manufacturer's recommendations. Reducing or admission valves or regulators shall be returned to the manufacturer or to a trained technician for adjustment or repair.

For maximum safety, all breathing cylinders should be stored with a pressure of 4500psi for SCBA and ~~2216~~3000psi for SAR, or at a pressure above ambient but less than 100psi at all times when not in use to be considered full, and ready for service.

Cylinders should not be stored partially charged for two reasons:

- If used without recharge, the service time of the apparatus is reduced.
- The cylinder burst disc vents excess pressure if a full cylinder is over-exposed to fire or heat. If the cylinder is not full it may be damaged or rupture before the burst disc vents.



Any issues with the equipment or repairs must be reported to the SCBA department via the chain of command.

Harness straps shall be kept in the fully open position while stored on the apparatus.

All facepiece mounted regulators shall be kept either attached to the belt clip holder for the unit or to the facepiece itself. This will keep dirt from getting into the regulator while it is not being used.

After each use, each unit shall be fully checked, washed if needed, sanitized with MSA solution, and dried properly.

If a unit is down for repair, a replacement unit will come from the MSA room, or off of an out-of-service apparatus. Any unit taken out of service for repair shall have notice attached to it explaining the problem, date, and name of the employee reporting the problem.

226.03 **Procedures for Use**

1. Contrary Use Indications

- a. The SCBA develops an obvious malfunction or leak.
- b. The wearer (senses) odor, taste, or smell indicative of compromised protection.
- c. The wearer experiences unusual sensations such as nausea, dizziness, eye or respiratory irritation, excessive fatigue, or difficulty breathing.

2. Inspection of SCBA

- a. Each SCBA and Pass device assigned to a fire department apparatus shall be inspected and put through their proper alarming sequences daily. This procedure shall be performed as soon as possible after any staffing change, and after each use.
- b. SCBA assigned to administrative vehicles will be inspected and put through their proper alarming sequence weekly, and after each use.
- c. Personnel will inspect the SCBA assigned to the seat or position they will occupy.
- d. If a seat that has been assigned an SCBA is not staffed, the engineer assigned to the apparatus or station will inspect the SCBA. This includes reserve apparatus.
- e. The minimum inspection will include the items on the MSA Maintenance checklist for the MSA G1 SCBA Operation Manual.



Breathing Apparatus - Refilling Station Procedures - Respiratory Protection Program

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- f. The entire SCBA shall be inspected more thoroughly monthly, in accordance with current policies and manufacturer's recommendations.
- g. No attempt should be made to breathe directly from an SCBA regulator during inspection or testing as the high pressures developed without the protection of the mask exhaust valve can cause injury (barotraumas).

3. SCBA Batteries

- a. The G1 contains an audible and visual low battery alarm. The alarm is emitted from the power module and will display an empty battery icon on the display of the module. The Heads up Display (HUD) will also emit a flashing yellow LED.
- b. Rechargeable Lithium Ion battery packs will be assessed for sufficient charge during morning checks. If the battery status icon shows yellow or red (20-39%), the battery pack will be placed in the charger located inside each station and replaced with a fully charged Lithium Ion battery pack. Charge time is approximately 4-6 hours.

4. RFID PASS Tag

- a. Prior to pressurizing the SCBA and during the inspection the user should "tag in" to their assigned pack by depressing and holding the top mode button (green) until the battery status appears on the display.
- b. While the battery status is displayed press the manual PASS activation button once and place the ID tag flat against RFID reader located on the back of the SCBA.
- c. The display will show a green RFID icon confirming that the ID data has been read.
- d. If the display shows a red RFID icon before the ID tag has been read the reader has timed out and the manual PASS button must be depressed again until the flashing white and yellow RFID icon reappears.

5. Storage of SCBA Equipment not Carried on a Vehicle

- a. Spare and out-of-service SCBA are to be kept at Station 61, in the SCBA repair room.
- b. A SCBA designated for training is provided for use and will be located at Station 61.

If an SCBA failure occurs on the fire ground, or an injury may be related to the failure of an SCBA, the SCBA involved is to be secured by the Incident Commander or the Safety Officer for testing per NFPA 1981 and F.S.S.633.502-633.536.



Each member of the Department has been individually issued an MSA facepiece, protective bag, and an RFID PASS ID Tag as part of your protective equipment. The member will be responsible for the following maintenance of the facepiece:

- Check that their facepiece is functioning properly and is in safe condition.
- Place their facepiece on their assigned apparatus for use each day.
- Remove their facepiece after their duty day and store it properly.
- Keep the face piece in a sanitary and clean condition.
- Report any problems to the MSA officer of the Department.

All personnel shall ensure that respirators are cleaned and disinfected using the procedures recommended by the respirator manufacturer. The respirators shall be cleaned and disinfected at the following intervals:

- Respirators issued for the exclusive use of a firefighter shall be cleaned and disinfected as often as necessary to be maintained in a sanitary condition.
- Respirators issued to more than one firefighter (SAR) shall be cleaned, disinfected, and inspected before being worn by different individuals.
- Respirators used in fit testing and training shall be cleaned and disinfected after each use.
- Respirator face pieces assigned to personnel (personal face pieces) shall be cleaned and disinfected as required by the user of the face piece.
- The facepiece shall be placed in a clean, dry protective bag and stored in a manner which prevents deformation of the face seal, other damage or contamination when not in use.

226.04 Use of Air Compressor and Refilling Station

Operational Procedure:

MAKO Breathing Air Module (Cascade Bank Filling)

1. Check the oil level by opening the front panel on the unit and viewing the sight glass on the compressor.
2. Drain condensation from the system by opening the lower left panel of the compressor and turning the ball valve open until all fluid has drained and close the valve.
3. Open slowly banks 1-4 on the fill station to equalize the pressure on all four banks.



4. Turn the compressor on by pressing the POWER ON switch located on the front panel. If oil pressure does not begin to rise within 10 seconds, turn the system off and notify the on-duty Battalion Chief. The system will run until it reaches a pre-set pressure and will cut off. The compressor panel will now indicate HIGH AIR meaning the compressor has reached its filling capability of 6000psi.
5. Close banks 1-4 on the fill station
6. Press the on switch to turn the compressor off.

Stationary Containment Fill Station (SCBA Cylinder Filling)

The four-bank (6000psi) cascade system is designed to refill the smaller pack cylinders (2) at a time and (single) refill of large stored air cylinders. Once cylinders are filled, caution should be used in removing the fill hoses from the cylinders. Hi-pressure air is filling the line and bleeding the line rapidly can cause eye or hearing injury if protection is not used.

ALL EMPLOYEES MUST UTILIZE EYE AND EAR PROTECTION DURING THE OPERATION OF THE FILL STATION AND COMPRESSOR.

Cylinder Filling

1. Load SCBA cylinders to be filled into the drawer, connect the fill hoses, close bleed valves, and open cylinder valves.
2. Close cylinder containment drawer.
3. Open "From Bank #1" valve. The inlet pressure gauge will now read the same as the "Bank # 1" gauge.
4. Adjust the regulator to appropriate cylinder psi. The regulator pressure will only go up to the same amount as indicated on the inlet pressure. If more air is needed close "Bank #1" and open and close each sequential bank until desired regulator pressure has been reached. Once regulator has been set close all banks and re-open "Bank # 1"



5. Open fill valve slowly. The cascade will now fill the cylinders to the set regulated pressure. If Bank # 1 has less than the required pressure, close bank #1 and open and close each sequential bank until desired pressure is reached.
6. Close fill valve.
7. Open cylinder containment drawer.
8. Close cylinder valves.
9. Close hose valves.
10. Open bleeder valves.
11. Disconnect fill hoses.
12. Remove cylinder.
13. Close cylinder containment drawer.
14. Bleed pressure off the regulator and system until "Inlet Pressure", "Outlet Pressure" and "Bottle Pressure" all indicate 0psi.

Any questions concerning the operation of the fill station should be directed to one of the department's certified SCBA Technicians or to the ~~Assistant Chief / Operations~~ Deputy Chief.

226.05 **Facepiece and Respirator Fit Testing**

Employees are not permitted to wear tight-fitting respirators if they have any condition such as facial scars, beards or other facial hair, or missing dentures that prevents them from achieving a good seal. Employees are not permitted to wear headphones, jewelry, glasses (other than those issued for use with the MSA facepiece and worn during annual fit testing), or other articles that may interfere with the facepiece-to-face seal. Each member of the department that is issued an MSA facepiece will be fit tested annually to ensure proper facepiece seal and sizing in accordance with the current OSHA Regulations, Title 29 CFR, Part 1910.134.



A thorough cleaning of each facepiece and any repairs will be conducted prior to this test in accordance with manufacture procedures.

A Quantitative Fit Testing Measure (QNFT) will be assessed and documented. It will be the responsibility of the SCBA Officer to ensure the maintenance and calibration of test equipment remains current and that all records are maintained.

226.06 Procedures for Evaluating the Respiratory Program

Each year the Department SCBA Officer shall initiate a review of the procedures contained in this program. All employees who wear, service, or supervise employees wearing respirators shall periodically be asked to provide information on:

- Adequacy and fit of the respirator(s) being used.
- Accidents, incidents in which the respirator failed to provide adequate protection.
- Adequacy of training and maintenance on respirator use.

The SCBA Officer shall recommend changes in the program and its implementation based on this information.

226.07 Recordkeeping

The Department is required to keep the following records to assure compliance with this written program:

1. Medical evaluation records
2. Fit testing records

In addition, the Department will maintain records of employee training (e.g., date, attendees, trainer(s), subject matter).

Dan Hagedorn
Fire Chief



Winter Park Fire-Rescue department

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STANDARD OPERATING GUIDELINE

Personal Alert Safety System (PASS)

Date Issued	December 6 th , 2005	Revision No.	IV
Last Revision	October 4 th , 2022	Total Pages	!!!!

Purpose: To provide a Personal Alert Safety System (**PASS**), to be worn by firefighters that will emit ~~an~~ a **visual and** audible alarm signal to summon aid in the event the firefighter becomes incapacitated or needs assistance.

Scope: These devices and their use will pertain to all ~~fire~~ Department personnel while operating in a hazardous environment where the possibility of injury is present.

General:

All personnel involved in rescue, firefighting, or other hazardous duties while wearing a self-contained breathing apparatus, shall use the integrated ~~Personal Alert Safety System device (PASS)~~ provided. ~~on the MSA / MMR breathing apparatus.~~ An integrated PASS device system is part of each **Self Contained Breathing Apparatus (SCBA)**. ~~unit.~~

Each device shall be tested on a weekly basis and prior to each use and shall be maintained in accordance with the manufacturer's instructions.

The PASS ~~alarm~~ is integrated into the ~~MSA / MMR SCBA device used by the department.~~ It and is activated upon the opening of the air cylinder ~~and must be turned off or manually activated by depressing the ALARM button~~ by the user. ~~A panic alarm button is located on top of the indicator device. This button may be activated~~ at any time ~~by the user~~ to indicate a problem. Air does not need to be flowing to initiate a panic alarm.

In the normal operations mode, the PASS will go into the first pre-alarm when 20 seconds of non-movement is detected with ~~four (4) red lights flashing on the outside of the PASS window~~ a red flashing **Attention Icon** in the Heads Up Display (HUD), red **Buddy Lights** on the SCBA, and the **Motion Pre-alarm Icon** displayed on the PASS. ~~After another 5 seconds, the second pre-alarm will sound.~~ After another **5 10**



seconds, the ~~third pre-alarm will sound. After another 5 seconds (totaling 35 seconds), the~~ PASS will go into full alarm with a solid red Attention Icon in the HUD, red Buddy Lights on the SCBA, and the Motion Full Alarm Icon displayed on the PASS. ~~Each~~ The pre-alarm and the full alarm have a different tone. The user must reset the full alarm activation ~~be pressing~~ by depressing either of the side-mounted RESET buttons on the ~~indicator~~ device twice. This will return the device to normal ~~operation~~ operating status.

Simple movement by the user will reset the pre-alarm warning.

Upon placing the SCBA back in-service (turning off the air cylinder), the user will need to turn off the PASS alarm by depressing either of the side-mounted RESET buttons twice. This will deactivate the alarm and turn off the ~~green lights on the indicator panel~~ PASS.

The PASS device also has a low air alarm integrated into the unit. This system is activated when air pressure reaches ~~1050 PSI~~ 1575 psig - approximately and is visible by the illumination of ~~four (4) yellow, flashing lights~~ a solid red LED in the HUD ~~in the center of the PASS window~~.

~~One set of lights will display on the indicator device:~~

~~1 Green light = PASS function is ON Air Cylinder is OPEN~~

~~After 20 seconds of inactivity is noted~~

~~4 Red lights/flashing with low audible warning PASS is in first pre-alert mode.~~

~~After another 5 seconds of inactivity is noted, the device will go into the second pre-alert mode.~~

~~After another 5 seconds of inactivity is noted, the device will go into the third pre-alert mode.~~

~~After another 5 seconds of inactivity is noted (35 seconds total), the device will go into the FULL ALARM MODE.~~

~~Once in the FULL ALARM MODE, the user must reset the system by depressing the side-mounted button on the indicator device twice.~~

~~4 Red lights/flashing with high audible warning PASS is in WARNING mode~~

~~See the training bulletin entitled, "Personal Alert Safety Systems" for information on usage and testing.~~



Personal Alert Safety System (PASS)

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If the device "~~chirps~~" or fails to operate in the manner indicated above the entire SCBA is to be taken out of service, tagged, and placed in the SCBA room for service [as per the guidelines in department SOG 226](#). ~~If no spare SCBA devices are available, a separate PASS device (old units) may be attached to the SCBA for use until a spare is available. Spare PASS devices will be available in the Battalion Chief's office.~~

A handwritten signature in black ink, appearing to read "Dan Hagedorn", written over a horizontal line.

Dan Hagedorn

Fire Chief



Civil Service Board agenda item

item type	Action Items	meeting date	October 4, 2022
prepared by	Kathleen Reed	approved by	
board approval			
strategic objective			

subject

Applicant interview Anthony DeJesus Jr (FD)

motion / recommendation

background

alternatives / other considerations

fiscal impact



Civil Service Board **agenda item**

item type	Action Items	meeting date	October 4, 2022
prepared by	Kathleen Reed	approved by	
board approval			
strategic objective			

subject

Police Department SOP's
SOP 108 Computer Use Police
SOP 140 Professional Standards
SOP 222 Use of Force
SOP 255 Juvenile Procedures
SOP 380 Communications

motion / recommendation

background

SOP 140, 222 and 255 to be published no later than Friday, September 30, 2022.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[108 Computer Use Policy 09-22.pdf](#)

ATTACHMENTS:

[380 Communications 09-22.pdf](#)

ATTACHMENTS:

[255 Juvenile Procedures 9-22 final.pdf](#)

ATTACHMENTS:

[222 Use of Force 09-22 - latest additions keof.pdf](#)

ATTACHMENTS:

[140 Professional Standards 09-22 keof review.pdf](#)

WINTER PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Title: Computer Access, Use and Security and Use of Issued Cell Phones **SOP #: 108**

Rescinds: **Amends:**

Effective: October 4, 2022 **Pages:** 10

Attachments: None

108-1 PURPOSE:

The purpose of this ~~directive is to establish the policy and procedure~~ is for the effective management of selected electronic systems and services of the Winter Park Police Department (WPPD), and addresses cellular telephones, email protocol, computer security policies and disaster preparedness

108-2 POLICY:

It is the policy of the ~~Winter Park Police Department~~ (WPPD) to regulate the use of the ~~Department's~~ WPPD's cellular telephones, computers, tablets and associated peripherals to ensure that they are used lawfully, efficiently, and correctly by ~~agency~~ WPPD members. ~~personnel.~~ Members shall comply with all applicable statutes related to access to and use of personal identification information contained in all electronic databases. This policy applies to all members.

Violations of this policy and misuse of accessing or using electronic information may result in discipline up to and including termination.

108-3 DEFINITIONS:

Citizen – a member of society/the public/community who is not employed by the City of Winter Park or who does not volunteer their time within the City of Winter Park or the WPPD.

Computer – for the purposes of this directive shall include any desktop computer, laptop computer, notebook computer, tablet or any other electronic data storage device owned or issued by the ~~Department~~ WPPD.

Electronic Mail (e-mail) – any text messages, instant messaging, computer files or attachments (such as word processing documents or other files) transmitted over a communications network to one or more individuals or groups.

Member - A generic term to describe all WPPD personnel, including law enforcement officers, paid civilian personnel, volunteers, auxiliary officers, and part-time personnel.

Network — a group of computers and associated devices that are connected by communications facilities.

Password – a security measure used to restrict access to a particular computer or system consisting of a unique string of characters that an authorized user may type in as a method of identification.

Peripheral – a device such as a disk drive, printer, modem, docking station or other hardware that is connected to a computer and controlled by the computer's microprocessor.

Personal Identification Information – Section 817.568 Florida State Statute defines it as means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any: name, postal or electronic mail address, telephone number, social security number, date of birth, mother's maiden name, official state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number, or personal identification number or code assigned to the holder of a debit card by the issuer to permit authorized electronic use of such card; unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation; unique electronic identification number, address, or routing code; medical records; telecommunication identifying information or access device; or other number or information that can be used to access a person's financial resources.

User ID – the name or set of characters by which an individual user is identified to a computer or network.

Users — individuals authorized to use ~~Department~~ WPPD computers as part of their assigned official duties.

108-4 ACCEPTABLE AND UNACCEPTABLE USES OF WPPD POLICE DEPARTMENT COMPUTER SYSTEM, E-MAIL TRANSMISSIONS AND INTERNET ACCESS:

Electronic information research skills are fundamental to members employees. Members Employees are provided access to the ~~Police Department~~ WPPD computer system (including the internet) as a resource to research thousands of libraries and databases.

A. Acceptable Uses:

Employees Members are permitted to access the computer system, including the internet, to further business, educational, or personal goals consistent with the ~~Police Department's~~ WPPD's mission and consistent with the same standards of integrity as in face-to-face transactions. Subject to the provisions of Section 2 below, minimal and incidental personal use of the email system and internet is permitted, but only so long as such use is not inconsistent and does not interfere with a member's employees' job duties and responsibilities. "Minimal and incidental personal use" does not include

solicitations. Abuse of this provision will provide grounds for discipline up to and including termination.

B. Unacceptable Uses - ~~Employees~~ **Members** may not:

1. Access, review, upload, download, store, print, post, or distribute pornographic, obscene, or sexually explicit material.
2. Access, review, upload, download, store, print, post, or distribute, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language or images.
3. Access, review, upload, download, store, print, post, or distribute materials using language or images inappropriate to a business setting or disruptive to the business process.
4. Access, review, upload, download, store, print, post, or distribute materials that use language or images advocating violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
5. Knowingly access, review, upload, download, store, print, post, or distribute false or defamatory information about a person or organization, or harass another person, or engage in personal attacks, including prejudicial or discriminatory attacks.
6. Engage in illegal acts or violate any local, state, or federal statute or law.
7. Vandalize, damage, or disable the property of another person or organization or make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means. Furthermore, users shall not tamper with, modify, or change the **WPPD's** system software, hardware, or wiring, or take any action to violate the agency system's security, and shall not use the ~~agency~~ **WPPD** system in such a way as to disrupt the use of the system by other users.
8. Gain unauthorized access to information resources or to access another person's materials, information, or files without authorization.
9. Post private information about another person or post personal contact information about themselves or other persons including, but not limited to, addresses, telephone numbers, ~~agency~~ **WPPD** addresses, identification numbers, account numbers, access codes or passwords. Furthermore, users shall not re-post a message that was sent to the user privately without permission of the person who sent the message.
10. Attempt to gain unauthorized access to the ~~agency~~ **WPPD** system or any other system through the WPPD system, attempt to log in through another person's account, or use computer accounts, access codes, or network identification other than those assigned to the user.

11. Violate copyright laws, or usage licensing agreements, or otherwise ~~to~~ use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any agency computer, and shall not plagiarize works they find on the internet.
12. Conduct any commercial business or business for personal financial gain.
13. Knowingly put the ~~agency~~ WPPD computers or software programs at risk by opening a suspected e-mail, e-mail attachment, or load files that may contain a virus. If the user suspects that they have an infected e-mail or files, the user shall immediately notify the City of Winter Park's (City's) Information Technology (I.T.) Division for instructions.
14. Knowingly pass infected e-mail files or damaging software to anyone in the agency or outside the agency that could cause the ~~Police Department~~ to be potentially liable for damages to other computer systems.
15. Forward or distribute official WPPD ~~Winter Park Police Department~~ memoranda or documents outside of the WPPD ~~Winter Park Police Department~~ to individuals or organizations without written authority from their Division Commander.
16. Place personal passwords on the computer system and email network in an attempt to prevent the ~~agency's~~ WPPD's access to or monitoring of the computer system.
17. Downloading of non-business-related files, including screen savers, wallpapers, music files, games, or other similar file types that interfere with normal computer operations or slow the computer's function are prohibited.
18. Accessing third party e-mail accounts.
19. Use of the City's computer equipment for political activities.

NOTE: Violation of these provisions may constitute grounds for discipline up to and including dismissal.

- C. If ~~employees~~ a member inadvertently accesses unacceptable materials or an unacceptable Internet site, they shall immediately disclose the inadvertent access through their Chain of Command to their ~~Division Commander~~ Captain in writing. A user may also, in certain rare instances, access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from their Supervisor.
- D. Restricted computerized records system (NCIC/FCIC, DAVID, LexisNexis, etc.) are to be used only to conduct official WPPD ~~Police Department~~ business. Members ~~Employees~~ are prohibited from accessing or using any system for personal or private reason. Information/intelligence/confidential and personal identification information received from databases and websites shall only be utilized for law enforcement purposes (including ~~agency~~ WPPD employment background checks,) and shall only be

disseminated to agencies or task force members who are assisting with a joint investigation and have a legitimate law enforcement purpose to view such information.

- E. E-mail systems are not intended for the archival storage of important information. Users shall regularly move important information from e-mail message files to word processing documents, databases, or other files to prevent accidental erasure, purging by ~~Department~~ **City** I.T. personnel, or loss due to unforeseen system failure.
- F. Approval is required ~~at the Lieutenant Level (or higher authority) before sending email to "all police users" and at the Division Commander level,~~ **at the Captain level or above** to send email to "all City personnel," and any such emails must be related to ~~Police Department~~ **WPPD** or City of Winter Park business only. The first line of the E-mail message must contain the statement "APPROVED BY: (name of approving supervisor)."
- G. E-mails sent by the Accreditation Manager or their designee in relation to the accreditation function do not require the aforementioned approval statement. These e-mails are authorized by the Office of the Chief to maintain the ~~agencies~~ **WPPD's** compliance with the accreditation process.
- H. E-mails sent by the Criminal Analyst or their designee in relation to the effective delivery of police services to the community or officer safety issues do not require the aforementioned approval statement. These e-mails are authorized by the Office of the Chief to maintain the ~~agencies~~ **WPPD's** high level of professional services to the community and to maintain appropriate officer safety measures as known safety issues, threats or trends develop.

108-5 TERMINAL ACCESS AND SECURITY:

- A. No unauthorized person shall have access to any Department computer system unless continually escorted by an authorized department member at all times.
- B. Passwords shall be ~~assigned to~~ **utilized** by all ~~members~~ **employees** who are granted computer access by the IT specialist. Passwords will generally restrict user access to the minimum level required to complete the user's duties and responsibilities.
- C. All members are ~~encouraged~~ **required** to change ~~their~~ **their** ~~his or her~~ password on a regular basis (as determined by the City's I.T. Department) for the initial logon to the City's computer system. Passwords shall be to prevent unauthorized access by others. Passwords should be selected using care, and should be difficult for others to figure out. The use of children's names, pet names, dates of birth, etc. should not be used as passwords. User IDs and passwords shall not be the same.
- D. Members must ensure that they protect their access codes and sign on and off the computer system as appropriate. **This includes members who conduct business and utilize a computer while working in the field. Careful attention must be conducted when the display and viewing capabilities of a user's computer screen is showing intelligence/confidential and personal identification information. The screen shall be**

closed when not in active use to prevent unauthorized access and viewing. Failure to prevent unauthorized access or viewing of sensitive data ~~do so~~ compromises the security of the system, and may subject the member to disciplinary action.

- E. School Resource Officers, **Task Force Members**, and any other member whom may be using computers outside of ~~Department~~ the **WPPD** should pay special attention to security as well, as it may be more difficult to prevent **citizens** ~~civilians~~ from viewing law enforcement sensitive materials.
- F. Windows Networking passwords shall be deleted by **City** I.T. personnel immediately following the resignation or termination of every employee. The Records Management System passwords of all former employees shall be replaced with new passwords known only to IT personnel to prevent unauthorized access.
- G. An annual audit of all members passwords shall be conducted by the I.T. Specialist to ensure that no unauthorized users can gain access to any City systems.
- H. The transfer of confidential information, intelligence files, and other sensitive materials from ~~department~~ WPPD computers to other computers or unauthorized persons, whether in electronic or printed format, is strictly prohibited.

108-6 NO EXPECTATION OF PRIVACY:

- A. The computer system is the property of **WPPD** ~~the agency~~, including all communications and information transmitted by, received from, or stored in the system. By authorizing use of the computer system, ~~the agency~~ **WPPD** does not relinquish control over materials on the system or contained in the system files. Users have no expectation of privacy in the contents of any item, file or matter, including personal files, on the ~~agency~~ **WPPD** system or in their use of the e-mail network or computer system including internet sites accessed or viewed and keystrokes entered. Supervisors have the right to review and monitor, either physically, or electronically the contents of all ~~member employee~~ computer files, including e-mails, as well as internet usage, including internet sites viewed or accessed and keystrokes.
- B. All information viewed, transmitted, or received on ~~department~~ **WPPD** computers may be archived by I.T., and may be public record. Websites visited on the internet, **e-mail** sent or received, and any other transmissions may be subject to disclosure to the public pursuant to Chapter 119, Florida Statutes.

108-7 AUTHORIZED SOFTWARE AND HARDWARE:

- A. Software that is issued by **City** I.T. personnel shall be the only authorized software allowed on ~~Department~~ **WPPD** computers.
- B. No personally-owned software applications or shareware software (including screen savers, games, entertainment software, mouse pointers, and other graphics not part of the original installation) may be utilized on ~~Department~~ **WPPD** computers unless

permission is granted by appropriate **City** I.T. personnel, and is allowed by the licensing agreement of the software manufacturer.

- C. City and **WPPD**-owned software shall not be copied for personal use, or introduced into other ~~Department~~ **WPPD** computers without authorization from **City** I.T. personnel. Such copying and transferring of software may violate licensing and/or user agreements.
- D. Personal hardware and peripheral equipment may be connected to city computers with the approval of the member's ~~Division Commander~~ **Division Captain** as long as the following criteria are met:
 - 1. The equipment must be installed by I.T. personnel, and;
 - 2. The installation of the equipment must be necessary to further the professional goals of the ~~agency~~ **WPPD**.
- E. ~~The Department~~ **WPPD** shall not be liable for any damage to personally-owned computer equipment used to perform ~~agency~~ **WPPD** business. The repair and replacement of damaged items, recovery of software or data, and any other losses incurred shall be the sole responsibility of the member.

108-8 VIRUS CONTROL MEASURES:

- A. No member shall knowingly introduce any computer virus into any computer operated by the City of ~~Winter Park~~ or the **WPPD** ~~Winter Park Police Department~~. Members shall also use due care and caution to avoid inadvertently introducing computer viruses into ~~Department~~ **WPPD** computers through the downloading of files, opening of e-mail attachments, or introduction of floppy disks.
- B. All software and programs that are introduced into Department computers by diskette, compact disk, or other media should be virus scanned prior to use.
- C. The ~~Department~~ **WPPD** runs antivirus software on all of its computers. A ~~member employee~~ **member** that receives a pop-up message that a virus was blocked by anti-virus software need not notify I.T. personnel of the occurrence.
- D. A user that suspects they may have obtained a computer virus (**and no pop-up message occurs**) should leave the terminal in its current state and contact **City** I.T. personnel immediately.

108-9 MOBILE DATA TERMINALS/LAPTOPS:

All members of the ~~WPPD Winter Park Police Department~~ shall abide by the following additional procedures regarding mobile data terminals/**laptops**:

All first responders shall have a mobile data terminal/laptop in their assigned patrol vehicle.

Only members with F.D.L.E. Limited Access Certification may operate the mobile data terminals/laptops.

Mobile data terminals/laptops that are not permanently assigned to a member will be stored in a secure location by in the WPPD's office of the Police Department's I.T. representative/liaison.

Mobile data terminals/laptops shall not be left in vehicles parked at the city garage or otherwise out of service.

The mobile data terminal/laptop shall be securely mounted in the docking station while the vehicle is in operation. Members will not operate the mobile data terminal/laptop while their vehicle is in motion, and the mobile data terminal/laptop shall be kept in the forward locked position during emergency operation.

Members shall log the mobile data terminal/laptop into the network at the beginning of the shift and remain so until the end of the shift.

The mobile data terminal/laptop shall be locked securely in its docking station or removed from the vehicle while parked during a member's off-duty time. The mobile data digital terminal/laptop may be secured in either the trunk or in an approved designated area.

108-10 DATA INTEGRITY:

City I.T. personnel shall ensure that all data files are backed-up on a regular basis to maintain the integrity of all data stored at the WPPD Department.

108-11 REPAIR AND MAINTENANCE:

Members shall report any damaged computer equipment to their his or her supervisor immediately and complete an I.T. Help Desk Ticket. The supervisor shall take the necessary steps to report any damage if necessary per SOP 136, Lost, Stolen or Damaged Department Property, and to ensure that City I.T. personnel are notified should repairs need to be made.

City I.T. personnel are the only persons authorized to make repairs to department computers.

108-12 WEBLOGGING, SOCIAL MEDIA SITES AND PERSONAL WEBSITES:

- A. While WPPD the agency respects a an member's employee's right to use personal websites, social media outlets and weblogs as a medium of self-expression during non-work hours, weblogging, posting to/commenting on posts at social media outlets and/or other use of personal websites is not permitted during work hours or on the agency's WPPD's computer system at any time.
- B. In the event that you choose, on your own time and on a non-agency computer system, to use personal websites, social media platforms or participate in weblogging, you may

not post, disclose, publish or permit to be published information that you are not permitted to disclose pursuant to the policies and procedures of the ~~agency~~ WPPD. If you have any questions as to what constitutes such information please ask the Deputy Chief. Furthermore, you should not post, disclose, publish or permit to be published defamatory or slanderous statements or engage in unlawful activities as such acts would constitute misconduct under Section 74-64 of the Civil Service Code for Firefighters and Police Officers.

NOTE: Additional information, policy and procedures related to social media by employees (personal use) is provided in SOP 109, Personal Use of Social Media.

108-13 CELLULAR (CELL) PHONES:

- A. There is no known federal, state or local law governing issues or use of cellular telephones by the ~~Police~~ Department. Until superseded, in whole or in part by higher legal authority, this policy represents the governing authority for cellular telephone use within the agency. Chapter 119, Florida Statutes sets forth public records requirements concerning telephone bills.
- B. The WPPD ~~Police Department~~ recognizes the importance of cellular telephones as a tool in conducting law enforcement business with residents, visitors, businesses, and governmental agencies located within and outside the City of Winter Park. Their mobility, ease of use, reliability and low cost make them indispensable time saving law enforcement tools.
- C. Use of Cellular (Cell) ~~Telephones~~:
 - 1. Cellular ~~telephones~~ are used as a supplement to existing communications systems and are not used to circumvent WPPD's ~~the Police Department's~~ radio system.
 - 2. Cellular ~~telephone~~ users should not ask Communications Operators to patch telephone calls from field personnel, or make calls for field personnel when a City-owned cellular phone is available, except in emergency situations or when technical failures make it necessary.
 - 3. Users of issued cellular phones are accountable for both incoming and outgoing calls. With limited exceptions, cellular telephone bills are open to public records inspection.
 - 4. Issued cellular ~~telephones~~ are for the express use only of the member employees to whom they have been issued (and who are accountable for their use).
 - 5. Issued cellular ~~telephones~~ should not be used when confidential communication is desired.
- D. Calling Plans (Use of Cellular ~~Telephones~~ for Personal Business)

1. All members who have city issued cellular phones must sign and follow city policy for their use.

~~2. The Police Department purchases cellular telephone services by subscribing to calling plans offered by selected vendors. Calling plans vary widely by vendor, and are subject to a term length after which the Police Department must renegotiate calling plans. Calling plans take into consideration evening and weekend work schedules.~~

~~3. Calling plans are based upon billing management reports, which indicate calling patterns of users assigned to specific functions. These reports are reviewed monthly and changes may be made to calling plans, as necessary.~~

~~4. If users exceed the minutes assigned under their calling plan, they become responsible for paying for the additional minutes.~~

~~5. If a user clearly demonstrates all phone bill minutes, including those exceeding the assigned calling plan, were for the conduct of official business, the Police Department will be responsible for the additional charges.~~

~~6. Minutes not used under assigned calling plans do not result in cost savings to the Police Department. For this reason, and the fact there may be other reasons during the work day which necessitate personal use of the telephone (family emergency, late work day, as further described below), the issued cell phone may be used for personal business subject to the following:~~

~~7. Personal phone calls during working hours should be limited to emergency calls or calls of short duration to ensure productivity and adherence to work place protocol.~~

~~8. Personal calls are allowed during periods when the user is not on duty, including free nights and weekend calling, but only as long as the Police Department is able to successfully negotiate this option.~~

~~9. If a user makes any personal phone calls during a monthly billing period, then any business/personal minutes in excess of those allowed under the user's calling plan are the financial responsibility of the user. Exceptions are based upon extenuating circumstances, and must be approved by the user's Supervisor. When reimbursement from the user is required, reimbursement must be remitted to the City of Winter Park within ten days of notification.~~

10. Users are responsible for paying any long distance, roaming, directory assistance, or other monthly expense, which is not business related.

E. Repair/Loss of Cellular Telephones:

1. Requests for the repair of cellular telephones should be directed to the Division **Captain** ~~Commander~~. If damage to the telephone is determined to be the fault of the

user, the user may be required to reimburse **WPPD** ~~the Police Department~~ for the cost of repairs.

2. Loss of a cellular telephone shall be immediately reported to the user's **Supervisor**. If loss of the telephone is determined to be the fault of the user, the user may be required to reimburse the ~~Police Department~~ **WPPD** for its loss.

~~F. Bluetooth Technology or Wireless Ear Phones:~~

~~Due to safety considerations, and in keeping with the professional image to be maintained by employees, Bluetooth or similar wireless ear pieces are not permitted to be worn by employees when in uniform. Exception to this may be made for negotiators actively engaged in that specific function.~~

Shutts and Bowen 07-08/Drafted: JEA 10-11/reviewed/revised: KEO 09-22



Timothy Volkerson
Chief of Police

WINTER PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Title:	Communications	SOP #: 380
Rescinds:	SOP #: 335, Dated 01-01-2000	Amends:
Effective:	October 4th, 2022	Pages: (16)
Attachments:		

380-1 PURPOSE:

The purpose of this policy is to establish guidelines for Communications, the Communications Center, and the Emergency Communications Operators.

380-2 POLICY:

It will be the policy of the Winter Park Police Department (WPPD) to establish guidelines for the Communications Center, and Emergency Communications Operators and systems that they employ to perform their duties.

380-3 COMMUNICATION CENTER SECURITY:

- A. The Communications Center is a secured area within the Police Department WPPD. central operations complex. Access to the Communications Center is controlled for the protection of personnel and equipment. The Communications Center is not secured by a single security resource, but relies on multiple security mechanisms to provide twenty-four hour security.
- B. The following mechanisms are in place to provide twenty-four hour security:
1. All windows are reinforced.
 2. The interior doors are computer-controlled and monitored by Emergency Communications personnel operators.
 3. Intercom systems exist to allow personnel the ability to verbally communicate with persons desiring entrance.
 4. Systems are in place to provide exterior lighting of the central operations complex.
 5. A video camera near the exterior of the central operations complex allows constant observation of the after-hours access door.

6. Video cameras are mounted strategically throughout the **central** operations complex building, allowing constant observation of the parking lots, holding cells, sally port, entry gates, outside doors and stairwells.
 7. The emergency generator, radio tower and transmission lines are under twenty-four-hour security through video cameras mounted on the exterior of the central operations complex.
 8. Monitoring of all video cameras and access to the **central operations complex building** is the responsibility of the Communications Center.
- C. The only persons authorized to access the Communications Center are:
1. The Chief of Police
 - ~~2. The Deputy Chief and **Captains** of Police~~
 3. Communications Center personnel
 4. Police Department Command Staff
 5. Fire Department Command Staff
 6. **Police Department Officers**
 - ~~7. Approved volunteers~~
 8. Other personnel at the direction of the Communications Manager or Shift Coordinator.
- D. All personnel not listed above will be denied access and directed to the service window for assistance.
- E. The doors to the Communications Center will be kept locked at all times. Entry will be made by the use of computer-controlled access cards.
- F. The service window will be utilized to conduct routine business. The service window should be kept in the closed position when not in use.
- G. Employees requesting access to any restricted area will be cleared through the Watch Commander or other Command Staff member.
- H. Routine custodial and non-emergency maintenance personnel will be allowed entry into the Communications Center, but only under the direct and continuous observation of Communications Center personnel.

- I. In the event there is a breach of the security of the Communications Center, said breach will be immediately reported to the Communications Manager or, if after hours, the Watch Commander. In every case where there is a breach of security, the Shift Coordinator will submit a written report to the Communications Manager.

380-4 OPERATIONAL INTEGRITY:

The Communications Center was constructed for the specific purpose of operating as an Emergency 911 Communications Center.

The Communications Center has an uninterrupted power supply (UPS) capable of maintaining power to the essential areas of Emergency Communications Center, including: the radio system, computer system, air conditioning system, and lighting systems. Coupled with the UPS is a fuel generator that has the capability with the of refueling of its tank to maintain the Communications Center indefinitely. The areas powered by this generator are the same ones connected to the UPS system.

The UPS and power generator shall be tested weekly by the City of Winter Park (City) Department of Building Maintenance. The City Building Maintenance Department maintains the generator and its test log.

The UPS system's battery and components shall be serviced on a quarterly basis and the Communications Manager maintains this record.

The Communications Center and radio tower are constructed to resist lightning strikes. The Communications Center has extensive grounding in the essential rooms including the main operations floor, radio-Central Electronics Bank (CEB) room, and computer room to prevent a direct strike from having a detrimental effect on essential emergency operations.

POLICE RADIO COMMUNICATIONS:

Commented [KR1]: Moved out of SOP 200

All members shall be issued radios with frequencies sufficient to perform assigned duties. Members will monitor the radio at all times while on duty or while operating an agency vehicle either on or off duty.

A. Uniform Patrol:

1. Radio designations for patrol units shall be determined by the member's unique employee identification (ID) number (e.g., a member with the ID number 123 will be referred to as "123").
2. Radio designations for Patrol Sergeants shall begin with letter "S" followed by the member's unique ID number (e.g., a sergeant whose ID number is 123 will be referred to as "S123").

3. Radio designations for Patrol Lieutenants shall begin with the letter “L” followed by the member’s unique ID number (e.g., a lieutenant whose ID number is 123 will be referred to as "L123").

B. Administration:

1. The Chief of Police shall be referred to as “Car 1”.
2. The Deputy Chief shall be referred to as "Car 2".
3. The Operations Captain shall be referred to as “Car 3”.
4. The Investigations & Administrative Division Captain shall be referred to as “Car 4”.

C. Members of the Special Operations unit are assigned the following radio call signs:

1. The Special Operations Lieutenant shall be referred to as 800.
2. The Special Operations Sergeant shall be referred to as 801.
3. Traffic Enforcement Officers are designated as 802, 803, 804, 805, 806, 807, 808, and 809.
4. The Traffic Enforcement Specialists are designated as 818 and 819.
5. Lakes Patrol units are designated as 820 and 830.

D. The Emergency Communications Manager shall be referred to as "Car 90".

E. Criminal Investigations Division (CID) and Investigative Criminal Intelligence Unit (ICIU):

1. The CID Lieutenant shall be referred to as “Car 20”.
2. The CID Sergeant shall be referred to as “Car 30”.
3. The ICIU Sergeant shall be referred to as "Car 40".
4. CID Detectives are designated as cars 31, 32, 33, 34, 35, 36, 37, 38, and 39.
5. ICIU Detectives are designated as cars 41, 42, 43, 44, 45, 46, 47, 48, and 49.
6. The Crime Scene Technicians shall be referred to as “Car 21” and "Car 22".
7. The Crime Analyst shall be referred to as "300".

F. Members of the Community Services Division (CSD) are assigned the following radio call signs:

1. The CSD Lieutenant shall be referred to as "900".
2. The CSD Sergeant shall be referred to as "901".
3. Other members of the CSD are designated as 902, 903, 904, 905, 906, 907, 908, 909, 910, and 911.

G. Professional Standards and Training:

1. The Professional Standards and Training Lieutenant shall be referred to as "700".
2. Other members of the Training shall be designated as 702, 703, etc.

H. All other personnel who have been assigned a radio shall be identified by their assigned employee identification number.

I. Off-duty Officers and Officers working special details shall identify themselves by their assigned employee identification number or call sign.

J. Members shall be alert to radio transmissions at all times when on duty or operating an WPPD owned vehicle. Members shall advise the Communications Center of their status, location and special circumstances when arriving, clearing or remaining on a scene whether self-initiated, dispatched or as a result of a direct request from a citizen. Members shall advise the Communications Center whenever they leave their patrol vehicle or change channels or talk groups on the department issued radio.

K. Department radio communications are conducted on six (6) different talk groups commonly referred to as channels that are described below:

1. TAC One is designated as the primary channel for all radio communications.
2. TAC Two is designated as a secondary channel to be used when the primary channel is unavailable.
3. TAC Three is designated as a car-to-car channel for uniform patrol units. This channel may also be used as a primary channel if channels one and two are unavailable.
4. TAC Four is designated as a special operations channel for surveillance or special events.
5. TAC Five is designated as the teletype channel.

6. TAC Six is designated for use for special functions or critical incidents.

L. Issued WPPD radios are equipped with multiple channels that are used by other city departments and law enforcement agencies. These channels are present to better facilitate coordination of efforts between them and the Winter Park Police Department. Members shall not use talk groups or channels outside those assigned for use by the Department unless in an emergency or as directed by the Communications Center or a Supervisor.

380-5 RADIO COMMUNICATIONS SYSTEM:

The ~~Department~~ WPPD operates an 800MHZ system on the established radio frequencies shared by the police, fire, and city government that is established by the Federal Communications Commission (FCC) license. In addition, the ~~Department~~ WPPD maintains and operates on the law enforcement VHF "Inter-city" frequency as needed for interdepartmental coordination.

Following FCC and Department established guidelines, members of the Department shall utilize the system with professionalism and assertiveness to obtain the best operation for the Department with the available resources.

The general established matrix for ~~Winter Park Police~~ WPPD talk groups is are established by the Chief of Police or his designee.

Any malfunctions in the system should be reported as soon as practical to the on-duty Supervisor, and the Communications Manager or his/her designee.

When transmitting over any of the ~~Department's~~ WPPD's radio talk group operators shall:

- A. Keep all transmissions clear, concise, and to a minimum.
- B. Refrain from all unnecessary conversation. The use of profanity, ethnic, racial or religious jargon or slurs is prohibited.
- C. Dispatchers are required to wear headsets at all times except during an electrical storm.
- D. Communications Operators shall precede all transmissions with "Headquarters", the unit designation, and a synopsis if possible.
- E. When answering the radio, Communications Operators shall preface his/her response with the above designation of headquarters and end the conversation by giving the time. Do not click microphone to respond. Patrol units will precede his/her response with the unit designation, no names. Use established "ten-codes" when feasible.

- F. A status check of all off-duty detail personnel shall be conducted at the commencement of each hour. During the hours of 0000 to 0600, ~~radio~~ communication operators shall include all on-duty personnel during the hourly status checks to ensure officer safety.
- G. Use secondary talk groups for longer or unit-to-unit transmissions of non-essential matters, special operations or details, surveillance, when directed by a competent authority.
- H. Institute emergency traffic (10-33) for: any felony crime in progress, encountering any subjects armed with a weapon, any alarm indicating robbery, any pursuits, open door searches, Officers down, or other Officer or public safety issues. Such calls require a minimum of two Officers dispatched. Additional Officers to be dispatched are at the discretion of the Officer(s) on scene and/or a Field Supervisor. Do not transmit on a channel secured for 10-33 unless the transmission is related to the actual emergency. Calls for service of a non-emergency nature require a minimum of one officer dispatched.
- I. All patrol units not involved in the emergency shall select and operate off the secondary talk groups until the emergency is cleared. The emergency talk group shall take priority over all other talk groups.
- J. Clear the channel of the emergency as soon as possible.
- K. Turn down the volume to avoid feedback when near other radios or when entering the Communications Center.
- L. Key the microphone approximately 2 seconds prior to transmitting to acquire a clear and sound transmission.
- M. Eliminate background noise, if possible, when transmitting and do not engage in unnecessary transmissions.

Due to the time lapse of the alert tone, foot pursuits will not have an alert tone used. All others will have the alert tone precede the 10-33 announcements. Dispatch will advise 10-33 without the alert tone as soon as possible to avoid covering the officer in the pursuit.

Communications should not be utilized to make non-police related telephone calls or page officers for non-police related activities including the use of 911. Officers, when possible, should make telephone calls themselves unless circumstances do not permit them to do so.

The use of talk groups other than those designated for police use is prohibited without the authorization of a Supervisor.

380-6 METRO TALK GROUPS:

This procedure shall be utilized by all agencies on the 1F36 Smart Zone Radio System. All agencies shall be responsible for their use of these specially designated Metro talk-groups. Any changes to these procedures must be agreed upon by a majority of the organization listed as co-signers to the radio system inter-local agreement. Orange County Radio Services will retain control of the Metro talk-groups. Use of these talk-groups for the purpose other than communications mutual aid patched conversations will require prior approval from the Orange County Radio Services. The assignments are as follows:

A. Metro 1-8 are reserved for mutual aid patching purposes only.

1. Metro 1-8 are clear channels (non-encrypted) and are only to be used if an agency OUTSIDE Orange County is coming into the city to assist Winter Park.
2. Metro 9-16 are encrypted channels and are to be used for any agency INSIDE Orange County coming into the city to assist Winter Park.

B. Talk-groups labeled Metro C/C are designed to be used by law enforcement officials when inter-agency communications is required without initiating a talk-group patch. Non-monitored communications within an agency should be conducted on that agency's own talk group.

C. Smart Zone radios should be programmed to steer Metro 1-4 to the City of Orlando radio site and Metro 5-8 and Metro C/C should be steered towards Orange County.

D. It will remain the responsibility of the agency initiating the use of these talk-groups to manage, control, and release their use of the Metro talk-groups.

E. The procedures listed shall be followed by all agencies on the 1F36 system. Individual agency communication policies will prevail over the use of the Metro talk group while a patch is initiated. All agencies will be responsible for the placement of the Metro talk group in their particular consoles and subscribers unit. During known multi-agency operations, or when an operation has the potential to move into another jurisdiction, such as a vehicle pursuit, any agency on the system may initiate a talk group patch between their original, operating talk group and one of the Metro talk groups.

F. Procedure for the use of Metro talk group:

1. Determine the need for multi-agency communications:
 - a. LEO Field Supervisor request
 - b. LEO request
 - c. Communications Supervisor request
 - d. Communication Operator Discretion / Incident requires agency assistance

2. Select appropriate, available Metro talk group for patch to **an** existing operational talk group.
3. Initiate console patch between existing operational talk group and the Metro talk group.
4. Advise other jurisdictions over Inter-City frequency that an incident exists, that assistance is required, and that a Metro talk group has been patched.
5. Continue normal operations over original operational talk group.
6. Assisting agencies shall select **the** appropriate Metro talk group and advise initiating agency of their status. (Responding, on scene etc.)
7. The originating agency will have responsibility and control over those units assigned to the incident while they remain on the Metro talk group.
8. When an incident is completed or when the assistance of other jurisdictions is no longer required, the Communications Operator, under discretion of the LEO supervisor on scene, may disconnect the patch. Prior to doing so an announcement must be made that the patch will be terminated and that all units should return to their own agency talk groups.

380-7 NATIONAL CALL CHANNEL:

The Communication Operators are to monitor the National Call Talk group. It will be maintained in the radio area and the volume will be kept at a level that enables it to be monitored. This 800MHZ talk group is to be used in conjunction with Inter-City as a multi-agency talk group on the 800MHZ band. Nat Tac2 and Tac4 are to be utilized for National Inter- Departmental Communications.

380-8 EMERGENCY NET:

The City Emergency Net talk group must be monitored at all times at full volume. This talk group is utilized for emergencies by city personnel and Rollins College to report emergencies to the Communications Center.

380-9 CALL HANDLING PROCEDURE:

Calls for service are to be handled according to severity and priority as established by the ~~department's~~ **WPPD's** "Priority Code".

Emergency Communications Operators are trained for Police-type calls utilizing an established call-taking guide located in **the** Communications Center.

During the call taking process, **Emergency** Communications Operators are to rely on training coupled with experience and common sense to obtain the best information in the timeliest fashion, ~~and~~ relay that information to patrol units and provide support for the caller until the arrival of those patrol units.

Operators that encounter a language barrier when assisting citizens will utilize the Language Line or Optimal Phone interpreters to obtain assistance in communicating with callers in crisis.

When an operator receives a TTY call, the operator will select the TTY function on the phone system. The operator will then communicate with the caller by keyboard and begin obtaining information to determine the level of service needed.

380-10 COMPUTER AIDED DISPATCH (C.A.D. SYSTEM):

The purpose of this section is to establish guidelines by which the activities and status of members of the ~~department~~ **WPPD** are tracked and maintained as required by ~~departmental~~ **WPPD** standards and the Florida Records Retention Schedule.

The members of the Communications Center shall follow the instructions and guidelines set forth by the **C.A.D.** training section of the Communications Training Manual originated by the Department of Information Technology Systems (ITS). The guidelines shall provide the basis for the records retention and the Department of ITS through acceptable computer back up procedures shall maintain the retention.

The **C.A.D.** system is designed to accurately record and maintain the status of on-duty units. **C.A.D.** will be used to coordinate periodic time stamps for the purpose of checking the well-being of units assigned to calls. The procedure is outlined in the **C.A.D.** training section of the Communications Training Manual that is maintained in the **Communications Center**.

380-11 MISDIRECTED AND ABANDONED EMERGENCY CALLS:

According to established practices by the Orange County 911 Office, ~~our agency~~ the **WPPD** will make every attempt to have the proper agency handle emergencies as called in on 911.

911 calls will be transferred by 1 button or speed dial to the proper agency. 911 calls are only to be transferred once. If the first transfer is not to the proper agency then the communications operators will take the information including a call-back number, and relay it to the proper agency.

When transferring 911 calls to other agencies, the Communications Operators shall identify themselves, the nature of the call, and call location. Communications Operators shall remain on the line long enough to ensure that the call has been transferred to the proper agency.

Emergency calls received via ~~our agency's~~ the WPPD 10-digit non-emergency telephone numbers will be handled according to severity and priority. If the call is an in-progress call, the Communications Operator shall take the information including a call back number and relay it to the proper agency or transfer the caller to the appropriate agency. ~~Otherwise, the Communications Operator is to have the caller immediately hang up and dial 911 should the call be relating to an incident in an outside jurisdiction~~

If the call comes in on a 911 telephone line and is of a non-emergency nature, the Communications Operator shall take the information from the caller and advise the caller of the proper use of 911. In the event there are no available 911 lines due to all being in use for emergency calls, the Communications Operator will determine if the caller can hang up and call back on ~~our~~ the WPPD non-emergency number, and if so, provide said number to the caller.

If the call comes in on our 10 digit non-emergency telephone number and is of a non-emergency nature outside our jurisdiction then the Communications Operator shall have the caller hang up and dial the non-emergency number for the appropriate agency. If possible the Communications Operator should provide the number for that agency to the caller.

Any problems within the 911 system are to be reported based on severity by the 911 trouble number. If the malfunction is not severe, it is to be documented through the established 911 procedure which consists of an inquiry form. Any problems with the 911 system effecting operations shall be reported to the on-duty supervisor and the Communications Manager or his/her designee.

Any phone problems not of a 911 nature shall be handled according to severity by calling the phone company, notifying the on-duty supervisor, and documenting it to the Communications Manager or his/her designee.

An officer will be dispatched to the provided location of all 911 abandoned (hang-up) calls in an attempt to determine the existence of any emergency. An officer will be sent to the approximate area if the exact location of the call is unknown (E.g. phase II cell phones that do not provide an exact location).

380-12 RECORDING PROCEDURES:

A. All primary talk groups, to include "Inter-city" are to be recorded along with all console phone lines by a reliable communication recording device. Outgoing calls from the Communications Center shall be recorded. The recording system shall be kept locked at all times unless accessed by the Communications Center Manager or his/her designee, or to allow access for qualified service personnel. Criteria for reviewing recorded conversations:

1. To gather additional facts;

2. To identify person(s) involved;
 3. To identify locations, descriptions, and landmarks; and
 4. To categorize chronological sequence of events.
- B. The Communications Center Supervisor or a designated Communications Operator shall check the recording system periodically to insure that it is secure and operating properly.
- C. All recordings shall be maintained in accordance with the current version of the State of Florida, Secretary of State General Records Schedule GS2 for Law Enforcement and shall be maintained for at least 30 days. These recordings may be copied upon written request by any **Command Staff Member**. Copies will be made by the Communications Center Manager or a designated Communications Supervisor.
- D. Civilian/**citizen** requests for recordings that are public record shall be received by the Records Supervisor. The Records Supervisor shall obtain a copy of the recording from the Communications Manager and shall release the recording in conformance with the laws regarding the release of such information.
- E. Any malfunctions in the recording equipment shall be reported to the Communications Center Manager or his/her designee.
- F. Each console has a call check system that is capable of recording the selected talk groups and all phone conversations occurring at that particular console position. The average playback time ranges from 10-30 minutes.

380-13 CALL OUT LIST:

The Emergency Communication Center shall maintain a call out book, a local phone book, a Florida Crime Information Center directory, and a National Crime Information Center (FCIC/NCIC) directory.

Call out books will be located at the resource desk. These books will contain call out lists for such external services as: **Fire suppression equipment**, environmental and human services, external ambulance service, **aircraft, wreckers** and other services that are not a component of the WPPD. **Contact numbers for other (internal) services from within the City (e.g. animal control, traffic engineering, streets and fleets, etc.) shall be available for Communications personnel.** External **and internal** services ~~shall be called at the~~ may be requested ~~by of an~~ **agency** ~~sworn~~ member.

At the request of the On Duty Law Enforcement Supervisor, aircraft for law enforcement and or medical purposes may be called upon from Orange or Seminole County Sheriff's Office, Orange County Fire Rescue Division or Air Care.

At the request of a patrol unit, a taxi may be called. The Communications Operator will call an available taxi from the current local phone book.

~~At the request of a patrol unit for a wrecker, the Communications Operator will call the current city contracted wrecker service.~~

The call out books shall be updated when appropriate.

380-14 TACTICAL DISPATCHING:

A designated **Emergency** Communications Operator shall be assigned to SWAT call outs and attend the briefing.

Any supervisor of the Police Department requiring additional Communications resources shall notify the Communications **Center** Manager.

The Communications Center has available and shall follow the City's established Civil Emergency Management Plan.

380-15 FEDERAL COMMUNICATIONS COMMISSION REQUIREMENTS:

The Emergency Communications Center will meet and operate within the guidelines as required by the Federal Communications Commission, Florida Crime Information Center, and National Crime Information Center.

All members of the Communications Center will follow the guidelines presented in the FCC/FCIC/NCIC Manuals, licenses, and user agreements, which are maintained in the **Communications** Center.

Any malfunctions with the computer or teletype systems are to be reported to the Communications Manager or his/her designee and the On Duty Supervisor.

380-16 TELETYPE PROCEDURES:

Teletype will be utilized under the rules and regulations of FCIC and NCIC. Every terminal is teletype capable and has the ability to print data. Information that is printed from the teletype system is to be either disseminated to officers or shredded. Criminal history information is not to leave the **Communications Center** unless authorized by a **Sworn Law Enforcement Officer** who will sign for the dissemination.

The following procedure shall be utilized when preparing a criminal history printout for dissemination:

A. Stamp each page with the Criminal History stamp.

- B. Log it in the Criminal History Dissemination Log (See 380-18).
- C. The officer obtaining the criminal history must print and sign their name prior to receiving the printed history on the criminal history log.

380-17 CRIMINAL HISTORY:

The following sections establish guidelines for the use and maintenance of files in the system derived criminal history and Interstate Identification Index (III) databases that evolve from FCIC/NCIC.

- A. **System Use** - Criminal history and III data obtained from FCIC files or obtained through computer interfaces to other State or Federal systems can only be used for criminal justice purposes. The information available in this way is restricted to law enforcement and other criminal justice agencies for official use only. All information obtained by direct access is not to be made available under provisions of the public records law (Chapter 119 F.S.S.). Compliance with Chapter 119 F.S.S. is still accomplished by directing records requests to FDLE per Chapter 11C-6, F.A.C., and section 943.053(3), F.S.
 - 1. Should any information be verified that any agency has received criminal history or III data and has disclosed that information to an unauthorized source, immediate action will be taken by FCIC/NCIC to discontinue Computerized Criminal History (CCH) and III service to that agency until that situation is corrected.
 - 2. Agencies should be instructed that their rights to direct access encompass only requests reasonably connected with their criminal justice responsibilities.
 - 3. NCIC/FCIC may make checks or audits, as necessary, concerning inquiries made of the system to detect possible misuse.
- B. **System security** - The computer sites, including the Mobile Data Computers (MDC's) assigned to the patrol vehicles and the Communications Center, must have adequate physical security to protect against any unauthorized personnel from gaining access to the computer equipment or to any of the stored data.
 - 1. Since personnel utilizing computer sites can access data stored in the system, they must be screened thoroughly. This screening will also apply to non-criminal justice maintenance or technical personnel.
 - 2. Computer screens displaying NCIC/FCIC and CCH information must be minimized or closed when visitors are present to prevent unauthorized persons from viewing sensitive information. It shall be the responsibility of the Communications Operator to insure ensure that no unauthorized persons be allowed to view any restricted information. All visitors viewing these computer sites must meet the

guidelines required by the Federal Communications Commission, Florida Crime Information Center and National Crime Information Center, and be accompanied by staff personnel at all times.

3. Computers having access to NCIC/FCIC and CCH information must have the proper computer safeguards and other built-in controls to prevent data from being accessible to any other terminals other than those authorized.
4. Computers having access to NCIC III, FCIC, and CCH must maintain a log of all printed criminal history, which is disseminated outside the Communications Center.
5. Any agency that transmits data intrastate over a communications circuit, which is also used to transmit or receive criminal history information, must be a Criminal Justice Agency or a Non-Criminal Justice Agency under the management control of a Criminal Justice Agency.
6. Audio response terminals and radio devices, whether digital or voice, shall not be used for the transmission of criminal history or III data beyond that information necessary to effect immediate identification to ensure adequate safety for officers and the general public. This includes not providing CCH information over a cell phone or pagers unless pertinent to officer safety.

380-18 CRIMINAL HISTORY DISSEMINATION LOG:

A Criminal History Dissemination Log will be kept in the Communications Center at all times. When a criminal history is removed from the center it is to be logged in the criminal history dissemination log.

380-19 FCIC/NCIC ENTRY AND AUDIT PROCEDURES:

- A. The following procedures will be followed each time an Emergency Communications Operator completes an entry into FCIC/NCIC:
 1. Another operator will review the entry and verify its accuracy, and
 2. The reviewing operator will sign the entry card verifying that he or she has reviewed the entry.
- B. The department will receive a monthly Validation Report from the Florida Department of Law Enforcement, which will be used as a guide to validate all hot file entries as follows:

1. A member of the ~~Emergency~~ Communications Center will compare each hot file entry listed in the FDLE Validation Report to the original and subsequent documentation in the case file, and
 2. The member (s) doing the comparison shall then be considered the validator, and shall add his or her own name and date to the original entry.
- C. A monthly internal audit of all previously validated entries shall be conducted by an appointed **Emergency** Communications Operator. (Persons previously involved with the validations in question may NOT conduct this internal audit.)
- D. A quarterly review of all previously validated entries shall be conducted by the Communications Manager or his or her designee.

380-20 COMMUNICATIONS OPERATORS TRAINING AND CERTIFICATIONS

- A. Communications operator training shall be in accordance with all applicable State requirements to include:
1. Personnel providing the training must be certified as a 911 Public Safety Telecommunicator by the Department of Health.
 2. The curriculum has been approved by the Department of Health.
- B. **All Public Safety Telecommunicators shall complete an approved training program.** Training may be accomplished in-house or with another agency, dependent upon available resources. The Communications Manager shall determine the means.
- C. All Communications Operators will be certified and recertified through the **Florida** Department of Health in accordance with Florida State Statute.
- D. The certification of Communications Operator trainees shall be in accordance with Florida **State** Statute to include:
1. The trainee will work under the direct supervision of a certified 911 Public Safety Telecommunicator, **who is acting as the trainee's** trainer;
 2. The trainee must complete an approved training program and receive 911 Telecommunicator certification; and
 3. The certification must be achieved within twelve (12) months of assignment.
- E. **Emergency** Communications Operators shall be trained in Emergency Medical Dispatching. The certification course shall be administered in accordance with training standards established by the Communications Manager. As part of the certification, applicable manuals and resource materials shall be available for reference.

Commented [KG2]: Per CFA standard change 25.15M Oct 2021.

Commented [KG3]: Per CFA standard change 25.15M Oct 2021.

Drafted: KB04-98/ filed: 335.doc/ revised: 07-99/ revised: MD10-03/ revised: TP05-06, 09-06,
04-07/ revised: PM06-08/ revised: PM11-09/ revised: JL11-11/ revised: TP03-12/ revised KG05-
15/ revised: KEOF06-22

A handwritten signature in blue ink, appearing to read 'T Volkerson', with a stylized, cursive script.

Timothy Volkerson
Chief of Police

**WINTER PARK POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

Title: **Juvenile Procedures** **SOP #: 255**
Rescinds: SOP #: 267, dated 01/03/2000 **Amends:**
Effective: **October 4, 2022** **Pages: (20upon)**

Attachments:

255-1 PURPOSE:

This directive is intended to familiarize ~~Department~~ **Winter Park Police Department (WPPD)** personnel with the special law enforcement requirements relating to juveniles and to establish guidelines for processing juvenile arrestees.

255-2 POLICY:

It is the policy of the ~~Winter Park Police Department~~ **WPPD** to enforce the laws relating to juveniles, to ensure that all department members are aware of special law enforcement requirements relating to juveniles, and to ensure that department members are aware of and actively use programs for the prevention and control of juvenile delinquency.

255-3 DEFINITIONS:

Alternative Center for Truancy (A.C.T.) – Designated truancy center for students aged 12 through 16 years inclusive.

Addiction Receiving Facility (ARF) – This facility accepts juveniles under the Marchman Act, and accepts juveniles charged with Driving Under the Influence (DUI) for detoxification, stabilization, and treatment.

Autism – A pervasive, neurologically-based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests. (Florida State Statute 393.063(5)).

Autism Spectrum Disorder – Any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association:

1. Autistic disorder
2. Asperger's syndrome

3. Pervasive developmental disorder not otherwise specified.

Civil Citation – A law enforcement officer-initiated diversion program which can be given in lieu of criminal prosecution for minor enumerated offenses. The juvenile must first admit to the crime to be eligible to participate in this diversion program. Law enforcement, the juvenile, the juvenile's parent or guardian, and the victim must all agree to the procedures.

Fantastic Foundations – This program is designed to educate children about the causes and effects of using drugs. The program teaches children how to respond to peer pressure, bullying, gangs and what to do when offered drugs. There is an additional element of character development through goal setting and conflict resolution.

Delinquent Child – A child who is found by a court to have committed a felony, a misdemeanor, a contempt of court or a violation of a city ordinance, whose case has not been prosecuted as an adult case.

Department of Juvenile Justice (DJJ) – State agency established by the Florida Legislature to address juvenile matters.

Department of Children and Family Services (DCF) – State agency responsible for the handling of all juvenile matters that do not fall within the purview of the Department of Juvenile Justice.

Dependent Child – A child who meets one or more of the following:

1. Has been abandoned by his/her parents or custodian.
2. For any reason is destitute or homeless.
3. Has no proper parental support, maintenance, care or guardianship.
4. Because of neglect by parents or guardian, is deprived of education as required by law, or of medical, psychiatric, psychological, or other care necessary for their well-being.
5. Is living in conditions or in an environment which may injure or endanger his/her welfare.
6. Is living in a home which is unfit by reason of neglect, cruelty, depravity, or other adverse condition of a parent or other person responsible for the care of the child.
7. Is surrendered to the Department of Children and Family Services or a licensed child placing agency for the purpose of adoption.
8. Is habitually truant from school.
9. Has persistently run away from his/her parents or legal custodian.

Forceable Felony - means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

Commented [KG1]: Language added per CFA change to 16.03M Oct 2021.

Juvenile Assessment Center (JAC) – Designated intake facility for juveniles arrested in Orange County (who have not previously been adjudicated an adult).

Juvenile (child) – Any unmarried person under the age of 18 years old alleged to be dependent; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years old or prior to being emancipated by the courts.

Juvenile Court – Juvenile Court in the Juvenile Division of the Ninth Judicial Circuit of the State of Florida.

Professional – (for this policy) a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional. The professional must have experience treating, teaching, or assisting patients or clients who have been diagnosed with autism or an autism spectrum disorder or related developmental disability, or must be certified in special education with a concentration focused on persons with autism or an autism spectrum disorder (Florida State Statute 943.0439).

Serious Habitual Offender Comprehensive Action Program (SHOCAP) – This Orange County program involves interagency cooperation to address juvenile crime. The program creates and maintains an organization to share, maintain and disseminate information on juveniles identified as serious habitual offenders in Orange County. It is designed to hold the juveniles accountable and prevent delinquent activity.

School Resource Officer (SRO) – ~~An~~ **A** officer **SRO** assigned to the public schools within the **City of Winter Park (City)** to encourage the growth of young people by development of a positive attitude toward law and its enforcement. Objectives of the ~~officers~~ **SRO's** are to reduce crime and delinquency by developing a positive rapport with students and promoting a better understanding and knowledge of the law.

Truant – A juvenile who fails to attend school in accordance with Florida State Statute (FSS) 1003.21.

Ungovernable Child – A child who persistently disobeys the reasonable and lawful demands of his/her parents or other legal custodian and is beyond their control. This child is classified as a dependent child.

Violation of Law – Violation of any law of the United States or the State of Florida which is a misdemeanor or a felony. Violation of law also means a violation of a city ordinance which would be punishable by incarceration if the violation was committed by an adult.

255-4 PROCEDURE:

The ~~Department~~ WPPD shall enforce all laws and ordinances relating to juveniles which fall within its legal and geographic jurisdiction.

255-5 JUVENILE PROGRAMS:

- A. The ~~Department~~ WPPD is committed to the development and implementation of programs designed to prevent and control juvenile delinquency. All ~~employees~~ law enforcement officers are encouraged to support and participate in these programs.
- B. The ~~Department~~ WPPD shall develop and maintain programs geared toward the prevention and reduction of juvenile delinquency. As a part of the agency juvenile strategy, the following programs have been established:

1. The School Resource Officer (SRO) Program:

The SRO has the following responsibilities:

- a. Providing a uniformed, armed presence at each public school in an effort to deter violence, and assisting in the protection of student, school personnel, school property, and visitors.
- ~~b. Presenting programs with a specifically mandated curriculum as in the Fantastic Foundations program.~~
- ~~c. Developing and instructing classes on crime prevention, safety, and law enforcement awareness to students and school employees.~~
- d. Acting as a liaison with the teachers and school administrative personnel for the ~~Department~~ WPPD and assisting in the development of education and social programs.
- e. Providing law enforcement services to the students, teachers, administration, and the community surrounding the school.
- f. Attending school-sponsored ~~upon request of the school~~ and community events including:
 - ~~1) Bicycle rodeos~~
 - 2) School dances
 - 3) School sporting events
 - 4) Parent Teacher Association (PTA) meetings
 - ~~5) Any Other school meetings or school fundraising events as requested by the administration or faculty and approved by the Department~~

- g. Maintaining contact with other ~~school-based officers~~ **SRO's**, ~~Department WPPD~~ officers, and other law enforcement agencies.
 - h. Acting as a resource to prevent and control delinquent behavior.
 - i. Providing explanations and education on law enforcement related issues and their implications on society, by teaching classes and establishing day-to-day contact with the students.
 - j. Providing guidance on ethical issues in classroom settings.
 - k. Providing individual counseling to students and parents as necessary.
2. Fantastic Foundations Program:
- a. This program has a specifically mandated curriculum of drug resistance and teaching kids how to “say no to drugs” that is directed towards fifth grade students.
 - b. The Fantastic Foundations officer is also the SRO assigned to the elementary schools, who instructs classes against use of violence and provides a positive role model to students.

~~3. Serious Habitual Offender Comprehensive Action Program (SHOCAP):~~

~~SHOCAP is an interagency effort to address juvenile crime problems in Orange County. It creates and maintains a cooperative community based organization to share and disseminate information on local youths who have been identified as serious habitual offenders. SHOCAP's goals are to keep track of SHOCAP juveniles to prevent further criminal activity, to bring violations of court orders to the attention of the court, and to intervene and deter the juveniles from delinquency. All local law enforcement agencies, The Orange County State Attorney's Office, the Orange County Circuit Court Juvenile Division, the Orange County Public Schools system, the Department of Children and Family Services (DCF), Department of Juvenile Justice (DJJ), Chamber of Commerce, and any other governmental organization or community agency, public or private, including religious organizations, counseling agencies, and public housing authorities are members of the program.~~

- ~~a. When in contact with a juvenile on the SHOCAP list, Department members will be responsible for carrying out the procedure established in this directive.~~
- ~~b. The Community Services Division will designate an officer to monitor the program within the Department and among members of the SHOCAP organization. Their responsibilities shall include but are not limited to:~~
 - ~~1) Acting as a liaison between the Department and the members of the SHOCAP program.~~

- ~~2) Being responsible for the dissemination of information documents, and records between the Department and program members.~~
- ~~3) Reviewing field contacts completed by Department members and identifying SHOCAP individuals.~~
- ~~4) Attending SHOCAP meetings.~~
- ~~e. The Community Services officer assigned will receive and provide Department members with bulletins from the SHOCAP program members.~~
- ~~d. Upon receiving the bulletins or documents identifying juveniles who are identified as SHOCAP individuals, officers should familiarize themselves with the juveniles that reside within the City.~~
- ~~e. When in contact with a SHOCAP juvenile for law enforcement matters where an arrest is not made, or the juvenile is not in violation of a school attendance order, an officer shall:~~
 - ~~1) Notify the juvenile's parents.~~
 - ~~2) Complete a field contact on the juvenile, noting any violations of court orders and describing the circumstances of the contact, and identify all other associates present.~~
 - ~~3) Forward a copy of all field contacts to the Community Services Division.~~
 - ~~4) The Community Services officer will then forward the field contact to the Orange County Circuit Court Juvenile Coordinator as soon as possible. The information will then be forwarded to the State Attorney's Office and the Department of Juvenile Justice.~~
- ~~f. If an officer makes contact with a SHOCAP juvenile who is a possible truant, the officer shall:~~
 - ~~1) Complete a field contact.~~
 - ~~2) Contact the school to determine if they are truant.~~
 - ~~3) If it is determined that the SHOCAP juvenile belongs in school, the officer shall request that the school notify the School Board's SHOCAP representative.~~
- ~~g. Officers making an arrest of a SHOCAP juvenile shall:~~
 - ~~1) Follow the guidelines for arrest as established in the department directives.~~
 - ~~2) Transport the arrested juvenile to the Juvenile Assessment Center for processing. If the juvenile has been adjudicated as an adult, they shall~~

~~instead be transported to the Orange County jail. The Department of Juvenile Justice detains all SHOCAP juveniles who meet statutory detention criteria.~~

- ~~3) When establishing contact with a SHOCAP juvenile, officers should use caution not to violate the juvenile's rights by stopping them merely because the juvenile appears in a SHOCAP bulletin. However, officers should pay more attention to the actions of individuals described on the SHOCAP bulletin. This does not mean the juvenile can be stopped, questioned, or searched without consent or legal justification.~~

255-6 ALTERNATIVES TO ARREST/JUVENILE CONSIDERATIONS:

- A. Initial Contact with Juveniles – Law enforcement officers should attempt to make initial contact with juveniles a positive experience for the juvenile, even when put in an adversarial position. Law enforcement officers should recognize that juveniles are in various developmental stages and that a juvenile's response to situations may appear inappropriate at times.

Interviews/Contact with Juveniles at Schools (Non-emergencies):

1. When a juvenile is in school attending classes and that school has an assigned school resource officer, an officer must contact the SRO prior to the interview/arrest of the juvenile student.
 2. When the SRO is unavailable, the officer must make contact with a member of the school administration at the specific school prior to making contact with the student.
 3. When interviewing a child at school and the child's parent cannot be present, a member of the school administration may be present during the interview.
- B. Law enforcement officers should consider alternatives to a physical arrest of a juvenile when, in their opinion, other resources would be more effective in handling the juvenile rather than the criminal justice system.
- C. The alternatives to physical arrest are available only when a juvenile has committed offenses such as traffic violations, city ordinance violations, or non-violent misdemeanor offenses and the victim is in agreement to the suggested alternative or the victims are the State of Florida or the City of Winter Park. Suggested alternative remedies to arrest and procedures that may be used by Law enforcement officers dealing with juvenile offenders are:
1. Release at the scene with no further action – Law enforcement officers will complete a field contact and then attempt to notify the juvenile's parents regarding the contact.

2. Parental release from the police station – Law enforcement officers notifies the parent/guardian and then transports the juvenile to the Police Department to be picked up by the parent/guardian. The juvenile will be released only after all parties agree that justice would best be served with an in-custody warning. This will only occur with the agreement/acknowledgement of the victim(s) involved. If an in-custody warning is the selected method, officers shall complete a police information report, documenting the juvenile's actions.
 3. Informal referral – An informal referral will be made if, in the opinion of the member, the juvenile is in need of services that could be provided by agencies other than the court system. Referral agencies to be considered include, but are not limited to, the Department of Children and Family Services, the public school system, and private counselors. This will be done only with the agreement of all parties involved and with the completion of a police information report or a field contact.
 4. Corrective action by parents – If all parties involved agree, the juvenile offender may be released to the parents for corrective action with no further action required by the member. A field contact or police information report will be completed documenting the contact and any action taken.
 5. Traffic citation – Juveniles may be issued traffic citations, up to and including criminal citations where a court appearance is mandatory, in lieu of physical arrest. The issuance of traffic citations to juvenile violators shall be handled in the same manner as stipulated for adult traffic violators.
 6. Civil citation – Civil citations may be utilized for non-violent misdemeanor offenses and City ordinance violations. Refer to Section 255-7 below for more information on civil citations.
 7. At-Large affidavit – A referral will be made to the State Attorney's Office to consider criminal charges; however, the member does not believe a physical arrest is necessary based on the circumstances of the violation or the juvenile is not able to be located. This referral will appear on the juvenile's record for future interactions.
- D. The criteria governing the referral of juvenile offenders to intake, physical arrest, or utilizing one or more of the aforementioned alternatives should be based on the:
1. Nature of the offense
 2. Age of the offender and circumstances involved
 3. Criminal record or history of the juvenile
 4. Juvenile's physical and mental condition
 5. Position and attitude of the parents

6. Point of view or request of the victim(s) or complainant(s)
7. Attitude of the juvenile
8. Available community-based rehabilitation programs

255-7 JUVENILE CIVIL CITATIONS:

- A. The purpose of the civil citation program is to provide an efficient and innovative alternative court diversion program. A civil citation requires that the juvenile complete sanctions in a timely manner and a juvenile who successfully completes those sanctions will have no documentation on their arrest history.
- B. The issuance of a civil citation is limited to juveniles who have committed delinquent acts that if committed by an adult would be considered a misdemeanor (including city ordinance violations). Traffic offenses are not eligible for civil citations. A ~~member~~ **law enforcement officer** may not give a civil citation to any juvenile who commits an offense that is sexual in nature, involves animal cruelty, or involves a weapon. A ~~member~~ **law enforcement officer** may also not give a civil citation to any juvenile who is believed to be involved in gang activity.
- C. For a juvenile to qualify he/she must not have had more than three prior civil citations, or contacts with the Department of Juvenile Justice for previous delinquent acts which resulted in a criminal prosecution. This condition must be verified by calling the Civil Citation Coordinator at (407) 836-8900. This phone is attended 24 hours a day. The investigating officer shall conduct a complete investigation to include appropriate documentation such as written reports and statements from victims and witnesses. All evidence must be obtained and preserved in the standard method. Only the civil citation form must be given to the juvenile.
- D. A juvenile who receives a civil citation will be required to complete 10 hours of community service, pay restitution, and complete any counseling recommended from an approved evaluation. The juvenile is responsible for calling the Department of Juvenile Justice for an appointment, and should be instructed of the fact. The contact information for the Department of Juvenile Justice is provided on the civil citation form. If the juvenile successfully completes the program, the issuing officer will not be required to make a court appearance.
- E. If the delinquent act involves a victim, the victim should be notified and they must agree to the issuance of the citation.
- F. The juvenile's parents/custodian should be contacted whenever possible to inform them that the juvenile has received a civil citation.
- G. The juvenile must admit his/her guilt and agree to abide by all the conditions set forth by the officer.
- H. After reading the citation the juvenile must sign the citation.

- I. Obtain the juvenile's thumbprint on the citation.
- J. The ~~member~~ law enforcement officer must complete all paperwork and receive witness statements as if the case was being prepared as an at-large affidavit. The first line of the narrative should read "This is a civil citation". The Records Section shall forward the packet including the civil citation form directly to the Juvenile State Attorney's Office. Civil citation paperwork shall not go to the clerk of court.
- K. It will be at the law enforcement officer's discretion as to whether or not a citation is issued.
- L. The issuance of a civil citation is encouraged when applicable.

255-8 JUVENILE ARREST PROCEDURES:

A. Physical arrest:

- 1. Law enforcement officers are required to notify the on-duty watch commander and obtain approval prior to ANY physical arrest of a juvenile under 11 years of age. During a lawful investigation or lawful detention, an officer may only handcuff a juvenile under 11 years old if they pose a risk of flight or of harm to themselves or others.
- 2. If an a law enforcement officer arrests a juvenile for an ordinance violation or non-violent misdemeanor, who would otherwise qualify for an alternative to arrest, the law enforcement officer shall document in their report narrative the reason why they made a physical arrest.

The documentation should be made at the beginning of the arrest narrative.

- a. Juvenile Release Agreement – A Juvenile Release Agreement is similar to an adult's Notice to Appear. In lieu of transporting the juvenile to the Juvenile Assessment Center, the member may release the juvenile from the station with a Juvenile Release Agreement instructing the juvenile to appear in court.
- b. Physical Arrest with Transportation to the Juvenile Assessment Center – The physical arrest of a juvenile offender should always be considered the last option. The arrested juvenile shall be promptly transported to the processing center and released to parents/guardian, with an appearance date for juvenile court set as dictated in ~~Departmental~~ WPPD procedures.

- 3. Per FSS 985.031, a child younger than seven (7) years of age may not be arrested, charged, or adjudicated delinquent for a delinquent act or violation of law based on an act occurring before he or she reaches 7 years of age, unless the violation of law is a forcible felony as defined in FSS 776.08 (forcible felony).

- 4. If the address of a juvenile is for a misdemeanor offense, the arrest report must include an explanation of why a civil citation was not appropriate under the circumstances.

Commented [KG2]: Language added per CFA change to 16.03M Oct 2021.

B. Juvenile Custody:

In all circumstances when a juvenile is taken into custody, law enforcement officers shall use the least amount of force necessary to make the arrest in accordance with the guidelines established in Department's SOP #: 222, Use of Force, and the guidelines set forth in Florida law which are:

1. Consistent with the preservation of public order;
2. Consistent with protection of individual liberty; and
3. Preserve the safety of the public and the law enforcement officer.

C. Arrest Procedures for a Juvenile:

~~Florida law does not specifically set a minimum age at which a juvenile may be presumed to have formed a criminal intent.~~ When a juvenile is arrested, the arresting officer shall do the following:

1. Take the juvenile into custody and prepare a charging affidavit.
2. Make a reasonable effort to notify the child's parents or custodians of the arrest and location where the juvenile will be taken.
3. School personnel (with the exception of SROs) may not use mechanical restraints on students with disabilities. SROs may only use mechanical restraints in the exercise of their powers and duties to restrict students with disabilities in grades 6-12 and only to the degree of force necessary to protect the student or others from imminent risk of serious injury.

D. Juveniles arrested for violations of FSS 562.111 (possession of alcoholic beverages by a minor) may only be taken into the booking area of the department long enough to be fingerprinted and photographed. The juvenile must then be removed from the booking area and moved to a non-secure area of the department WPPD for the remainder of the booking process. The completion of arrest paperwork, interviewing of the juvenile, contacting of parents, and arranging of alternative placement must all occur outside of the booking area. The juvenile may remain handcuffed at the officer's discretion, but may not be handcuffed to objects such as chairs, railings, or any other items.

E. Law enforcement officers shall not place the juvenile in any vehicle with an arrested adult unless the adult is involved in the same offense or transaction with the juvenile.

F. When transporting a juvenile, officers will notify the Communications Center of the presence of the juvenile, the beginning mileage, the destination, and the ending mileage upon arrival at the destination.

Commented [KG3]: This would not be correct since FSS 985.031? Yes?

Commented [PAM4R3]:

Commented [PAM5R3]: You are correct to remove

Commented [PAM6R3]:

Commented [KG7]: New legislation effective July 1.

- G. Juveniles shall be transported to the police station for booking procedures and on to the JAC (or the Orange County Jail, when the juvenile has been previously adjudicated as an adult) without undue delay, unless the juvenile is in need of medical treatment.
- H. **law enforcement officers shall** not issue a Notice to Appear to a juvenile, as no authority exists for the issuance of a Notice to Appear for juvenile offenders in the Ninth Judicial Circuit. Only a Juvenile Release Agreement shall be used in such circumstances.
- I. **When applicable, law enforcement officers shall** file an arrest affidavit with the notation "At Large" when an officer develops probable cause to arrest a juvenile and the juvenile cannot be located.

NOTE: Depending on the totality of circumstances, and with approval of their immediate supervisor, an officer may request issuance of a Juvenile Custody Order rather than file "At Large" charges.

J. Juvenile Violation of Community Control:

- 1. Juveniles who are on community control may be arrested on sight for a violation of their community control without a Juvenile Pickup Order. The following criteria must be present:
 - a. The juvenile must be on community control.
 - b. The **law enforcement officer** has to know the conditions of the release (attend school, curfew time, etc.).
 - 2. ~~An~~ **A law enforcement officer** who places a juvenile under arrest for violation of community control should:
 - a. Obtain a copy of the community control conditions from DJJ, or the Community Services Division if available, and attach it to the arrest affidavit.
 - b. Transport the juvenile to the JAC (or the Orange County jail when the juvenile has previously been adjudicated as an adult).
 - 3. If a juvenile is wearing an electronic monitoring device, that does not mean they are on community control. Juveniles who are waiting placement in a secure facility also have these devices.
- K. If a juvenile is encountered and believed to be on community control, probation, etc., **law enforcement officers will** have the Communications Center contact DJJ and determine the status of the juvenile or conditions of control or probation. If they are on community control and are in violation of their conditions, ~~an officer~~ **a law enforcement officer** can arrest immediately and charge with violation of community control under FSS 948.06.

L. If the juvenile is on “commitment status” waiting for placement in a facility and in violation of their conditions, ~~an officer~~ a law enforcement officer cannot arrest unless there is a pickup order.

M. Detention/Release of Juveniles: Juveniles arrested shall be transported to the ~~police station~~ WPPD for processing. The juvenile must be held in an area outside of the sight and sound of any adult prisoner. Law enforcement officers shall take measures to ensure there is no regular contact between adult and juvenile detainees and arrestees. Law enforcement officers shall enter required information onto the Juvenile Holding Facility Log.

N. Juveniles arrested by officers of this Department shall be held no longer than six (6) hours prior to being released or transported to the JAC (or Orange County jail, when previously adjudicated as an adult).

O. The on-duty supervisor, upon release of a juvenile, shall be responsible for making the proper entry on the monthly juvenile summary form.

P. The arresting law enforcement officer shall, as soon as practical, make every reasonable effort to notify the juvenile's parent or custodian of the circumstances of detention.

Q. A juvenile arrested for a felony shall be transported to the JAC (or Orange County jail, when previously adjudicated as an adult). They are not eligible for release to a custodian.

R. A juvenile arrested for a misdemeanor or City ordinance violation may be transported to the JAC (or Orange County jail, when adjudicated as an adult), or released on a Juvenile Release Form to a parent or guardian.

S. A juvenile cited through the use of a Juvenile Civil Citation may be transported to the police department for processing and released to a parent or guardian.

T. Before an officer has made the decision to release a juvenile offender from the police station the arresting officer shall:

1. Notify the on-duty supervisor.
2. Call the Juvenile Justice Screening Unit at the JAC to check on the record of the juvenile.
3. Conduct a warrant check through teletype.
4. Complete the appropriate juvenile forms.

255-9 TRUANCY - ALTERNATIVE CENTER FOR TRUANCY (A.C.T.):

A. The A.C.T. program is directed at students aged 12 through 16 years who are labeled truant from school without parent and/or school supervision or permission (FSS

1003.21). This program is a partnership between the Orange County Sheriff's Office, Orlando Police Department, Orange County Public Schools Board, Ninth Judicial Circuit Court, the State of Florida Juvenile Division, Orange County Family Services, and the Department of Child and Family Services, all working in conjunction with the truancy problem in Orange County. Before the student is returned back to school, the parent/guardian has to re-enroll the child.

- B. The cut off time to bring any student to the center is 1400 hours.
- C. The A.C.T. will accept students who are suspended or expelled, provided the student is not in the company of a parent, legal guardian or adult supervision.
- D. The A.C.T. will not accept students who display violence or are under any criminal charges.
- E. Students who are determined to be truant shall be taken to the A.C.T. unless otherwise directed by a supervisor. Students suspected of being truant but not fitting the age criteria for the A.C.T. should be released to the appropriate school or to a parent or responsible adult. To determine the immediate status of the student, the officer or the Communications Center operator shall contact the A.C.T. by phone at (407) 836-8886.
- F. Once at the A.C.T. the transporting officer shall complete the top part of a Truancy Interdiction Intake Form and a field contact and release the child to the intake officer/deputy.
- G. It is not necessary to contact the A.C.T. if the student is not being taken to the A.C.T. facility.

255-10 RUNAWAYS:

If ~~an officer~~ law enforcement officer comes in contact with a juvenile runaway, the law enforcement officer shall confirm that the juvenile is a runaway before taking them into non-criminal custody. The use of restraints may or may not be used depending on the situation and the juvenile's age. The juvenile can either be transported to Great Oaks Village or released to their parents if located.

255-11 MENTALLY UNSTABLE JUVENILES:

Procedures related to a Baker Act of a juvenile shall be followed in accordance with SOP #: 240, Persons in Crisis.

255-12 DEPENDENT CHILDREN:

- A. Florida law authorizes officers to take a child into custody when the criteria established for dependent children has been met and the child's welfare requires that appropriate action be taken.

- B. Taking custody of a child without an order from a circuit court judge, except when arresting for a delinquent act, shall be done only in those instances where the circumstances are of an emergency nature and immediate action is necessary for the child's welfare. The Department of Children and Family Services must be notified.
- C. When a child is not in immediate danger (taking into consideration the child's age, physical and mental condition, and the source of danger) and the parents or other responsible adults are present, the child may be released to the parents or a responsible adult.
- D. When circumstances require, a dependent child shall be taken into custody by the investigating law enforcement officer and transported to the appropriate receiving facility as directed by the personnel of the Department of Children and Family Services.
- E. The juvenile's parents or custodian must be notified at the earliest possible time.
- F. The name and location of the designated receiving facility shall not be given to any person except those who are acting in an official capacity with a duly recognized governmental agency.
- G. Inquiries pertaining to the child's whereabouts should be handled by advising that the child is in official custody and that further information is available through the Department of Juvenile Justice.

255-13 DELINQUENT CHILDREN:

- A. Florida laws of arrest and interrogation do not distinguish between adults and juveniles. Juveniles must be warned of their constitutional rights prior to a custodial interview when suspected of violating the law. Courts will take into consideration many factors involving the age and experiences of the juvenile before determining whether constitutional rights are knowingly waived. Parents, legal custodians, or attorneys may be present during the interview. When applicable, it is preferable that juveniles be questioned in the presence of the principal or dean of the school attended if the interview is conducted at the school during regular school hours.
- B. Children with Autism or Autism Spectrum Disorder:
 - 1. Per FSS 943.0439, upon the request of an individual or the parent/guardian of a child diagnosed with autism or an autism spectrum disorder, the interviewing law enforcement officer/detective shall make a good faith effort to have a professional (as defined in this policy) present at all interviews of the victim. Law enforcement officers and detectives shall first determine if the autistic individual has a professional whom they want present. If so, the law enforcement officer/detective shall request Communications contact such person, requesting they respond to a determined interview location. If the individual does not have a specific professional, the law enforcement officer/detective shall request Communications contact an approved provider/vendor on file for the purpose of complying with the statute.

2. All expenses related to the attendance of the professional at interviews shall be paid by the requesting individual or parent/guardian of the individual. A defendant may be ordered upon conviction to reimburse the victim for these expenses.
 3. If the said professional is not able to respond within a reasonable time period, the **law enforcement** officer/detective may proceed and interview the autistic individual without a professional present. Attempts to obtain a qualified professional shall be documented in the incident/arrest report.
 4. Juveniles may be interrogated by ~~an officer~~ a **law enforcement officer**, and the interview should be conducted in a controlled environment that is free from distractions, noise, and interruptions.
- C. Florida State Statute 985.101 requires that **law enforcement** officers who take a juvenile into custody attempt to notify the parent, guardian, or legal custodian of the juvenile, and continue trying until delivered to a Juvenile Probation Officer. Failure to successfully contact the parent shall not cancel the interview process and all attempts at notification shall be documented in a report. Should the juvenile who is being questioned express the desire to consult with his/her parent or guardian prior to or during the interview, the **law enforcement** officer/detective must cease questioning until that is accomplished. If the parent or guardian shows up requesting to talk to the child during the interview, the **law enforcement** officer must also cease questioning until the parent is allowed access to the juvenile.
- D. Supervisors shall be kept advised of the nature of complicated investigations and the need for lengthy interrogation of a juvenile suspect. The interrogation of the juvenile shall not last more than two (2) hours without a break for necessities, no more than four (4) hours without a meal, and shall last no more than eight (8) hours within a 24-hour period. ~~Officers~~ **Law enforcement officers** /detectives shall remember that the length of the interview will be a factor in the court's analysis of whether the juvenile freely waived their constitutional rights.
- E. Under normal circumstances, no more than two (2) **law enforcement** officers shall be present during the interrogation of a juvenile suspect. Under special circumstances, a supervisor may authorize additional **law enforcement** officers to be present during the interrogation.

255-14 TOBACCO VIOLATIONS:

- A. Florida State Statutes 569.11(1) and 877.112(6) govern the possession of tobacco or nicotine products by minors. This is a civil infraction and not a criminal offense. When ~~an officer~~ a **law enforcement officer** makes contact with a juvenile who is in possession of tobacco products the officer should:
1. Confirm the suspect's age to be under 18 years old
 2. Identify the tobacco or nicotine product

3. Fill out a Tobacco Civil Citation. The narrative portion of the citation must include the following:
 - a. Date and time of the issuance
 - b. Name and address of the person cited
 - c. Date and time the civil infraction was committed
 - d. Statute violated
 - e. Facts constituting the violation
 - f. Name and authority of the law enforcement officer
 - g. Procedure for the person to follow to pay the civil penalty, to contest the citation, or to appear in court
 - h. Applicable civil penalty if the person elects not to contest the citation
 - i. Applicable civil penalty if the person elects to contest the citation
 - j. Identify the juvenile or photograph for identification purposes
 - k. Then release the juvenile on his/her signature

255-15 JUVENILE TRAFFIC OFFENSES AND INTOXICATED JUVENILES:

- A. Juvenile Non-Criminal Traffic Infractions: A juvenile charged with a non-criminal traffic offense will be treated the same as an adult.
- B. Criminal Traffic Offense:
 1. The juvenile charged with a criminal traffic offense will be issued a traffic citation and be released on his/her own recognizance or released to a parent, custodian or a responsible adult. The law enforcement officer should make an effort to notify a parent or guardian.
 2. When the juvenile is arrested and/or detained, all copies of the citation except the defendant's and law enforcement officer's copy must be attached to the charging affidavit. All of the attached copies will then be forwarded to the traffic court.
 3. When a juvenile is arrested on a criminal traffic violation, excluding DUI, the traffic citation should be written. If the juvenile is physically arrested ~~he/she~~ **they** shall be released to a parent, custodian, or responsible adult. The JAC will not accept criminal traffic arrests on juveniles. If the juvenile has been adjudicated as an adult, they shall be transported to the Orange County jail.
- C. Juvenile Driving Under the Influence Arrest:

1. The same established procedures shall be followed for juveniles and adults arrested for DUI except that the arresting officer shall notify the juvenile's parents/guardian of the arrest. The juvenile will be processed for the DUI and then the officer will end the arrest with a DUI citation. The juvenile will then be taken into protective custody under a "Marchman Act" and transported to the Addiction Receiving Facility (ARF) at the JAC. If the ARF is unable to accept the juvenile, he/she can be released to a parent or legal guardian. A separate report must be generated for the "Marchman Act". If the juvenile has been adjudicated as an adult, they shall be transported to the Orange County jail.
2. When the juvenile is arrested and/or detained, all copies of the citation except the defendant's and officer's copy must be attached to the charging affidavit.

D. Underage Driver 0.02 B.A.C. Policy (Notice of Suspension):

1. For the purposes of this section, an Underage Driver shall be defined as a person less than 21 years old who is driving or is in actual physical control of a motor vehicle as defined in FSS Chapter 322.
2. To enforce Florida State Statute 322.2616 (0.02 alcohol violation), ~~an officer~~ a law enforcement officer must do each of the following prior to the issuance of the citation.
 - a. A lawful contact must be made of the underage driver before the individual can be checked for the violation of this statute. Lawful contacts include:
 - 1) A traffic stop related to a violation of Florida law
 - 2) Contact at a sobriety checkpoint
 - 3) Contact at the site of a crash
 - 4) A consensual encounter with an underage driver
 - b. The law enforcement officer will rule out the possibility that the driver is legally impaired under FSS 316.193 by:
 - 1) Interviewing the driver, verifying the driver's age, and checking for signs of impairment
 - 2) Checking the driver for a medical bracelet
 - 3) Having the driver perform standardized field sobriety tests if reasonable cause exists
 - 4) Ruling out probable cause to make an arrest for DUI
 - c. Check for violation of FSS 322.2616:

If probable cause does not exist to arrest the driver for DUI, but there are indications that the driver has been drinking, the law enforcement officer will determine if the driver is in violation of FSS 322.2616:

- 1) The law enforcement officer shall request that the driver perform a breath test consisting of two samples on the Portable Breath Test (PBT) unit. If the law enforcement officer is a trained PBT operator, the officer shall maintain contact with the driver for at least 15 minutes before requesting the test.
- 2) If the law enforcement officer is not a trained PBT operator, the law enforcement officer will request the assistance of a trained PBT operator. The trained operator will conduct the test after at least 15 minutes has elapsed since the initial officer contact with the driver.
- 3) If the two breath samples yield breath alcohol levels of 0.02 or higher, the law enforcement officer will seize the driver's license and issue a suspension using forms provided by the Department of Highway Safety and Motor Vehicles.
- 4) If the driver refuses to give a breath sample, the law enforcement officer will read the implied consent warning to the driver. If the driver continues to refuse, the law enforcement officer will take the driver's license and issue a suspension using forms provided by the DHSMV.
- 5) If the driver gives one breath sample and then refuses to give a second sample, the law enforcement officer will take whatever action is warranted based on the first sample.
- 6) If a driver age 18-20 years old is in violation of FSS 316.2616 and there is no arrest for another violation, the driver will be released and advised not to drive. Reasonable steps shall be taken to insure the safety of the individual.
- 7) If a driver under age 18 is in violation of FSS 316.2616 and there is no arrest for another violation, the officer will follow the department's established procedures regarding juvenile offenders.
- 8) Since probable cause for the DUI arrest has already been eliminated, if the two breath samples yield a breath alcohol level in excess of 0.08, an arrest under FSS 316.193 shall not be made. A suspension under FSS 322.2616 should be issued.

E. When documenting a suspension under FSS 322.2616 the law enforcement officer shall:

1. Fill out and issue a Notice of Suspension provided by the DHSMV

2. Complete a probable cause affidavit
3. Complete an Affidavit of Refusal to Submit to Breath Test, if applicable
4. Complete the PBT Test Result Affidavit, if applicable
5. Send all required forms to the DHSMV as required by FSS 322.2616
6. Operation of the Portable Breath Test unit:
 - a. Only law enforcement officers who are trained PBT operators shall administer breath tests with an agency owned PBT.
 - b. PBT operators will follow the manufacturer's procedure for conducting all breath tests.
 - c. A copy of the manufacturer's procedure shall be included in each PBT's carry/storage case.
 - d. PBT operators will maintain a log of all breath tests conducted on a PBT.
7. Routine care and service of the Portable Breath Test unit:
 - a. Only trained PBT service technicians shall perform service on ~~Department~~ WPPD's owned PBTs.
 - b. PBTs will be calibrated according to the manufacturer's recommendations.
 - c. PBTs shall be checked for accuracy according to the manufacturer's recommendations.
 - d. PBT service technicians will keep a service log of all service performed on the ~~Department's~~ WPPD's PBTs.
8. Intoxicated Juveniles: law enforcement officers who encounter intoxicated juveniles shall follow the procedures described in SOP #: 240, Persons in Crisis relating to juveniles.

255-16 JUVENILE RECORDS:

Florida statutes require that all law enforcement agencies take special precautions to ensure that law enforcement records concerning juveniles are protected against disclosure to any unauthorized person. The collection, dissemination, and retention of department juvenile records shall be in accordance with FSS Chapters 39 and 119.

255-17 FINGERPRINTING AND PHOTOGRAPHS:

Florida State Statute 985.11 states that juveniles charged with felonies and certain misdemeanors must be fingerprinted and photographed, and the fingerprints sent to the

Florida Department of Law Enforcement. Law enforcement officers shall ensure that all juveniles arrested for felonies and misdemeanors are fingerprinted according to Department WPPD's procedures.

Drafted: WF04-97 /filed: 267.doc /revised: MD10-03 /revised: TP07-05 /revised: TP07-06 /revised: JLL10-11 /revised TP07 /EDY08-14 /revised KG07-16 /revised: KG,KWR08-18 /revised: KWR10-19/revised: KEOF01-22

A handwritten signature in blue ink, appearing to read 'T. Volkerson'.

Timothy Volkerson
Chief of Police

**WINTER PARK POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

Title: Use of Force **SOP #: 222**
Rescinds: SOP #: 272, Dated 02-28-2000 **Amends:**
Effective: October 4, 2022 **Pages:** (18)
Attachments: "A" Use of Force Form

222-1 PURPOSE:

This policy establishes guidelines to govern the use of force, including deadly force, by members of the Winter Park Police Department (WPPD) and defines procedures for reporting and notification in incidents involving the use of force.

222-2 POLICY:

- A. Law enforcement Officers who are authorized to carry a weapon shall be given a copy of and instructed on this policy and the current law regarding the use of force before the member Law Enforcement Officer is authorized to carry a department-WPPD issued weapon or firearm. This Training for Law enforcement officers shall be conducted in the orientation phase of the field training program and their respective field training officer shall document the training. Non-sworn Civilian members shall receive this training prior to the issuance or carrying of any department weapon.
- B. Law enforcement officers of the WPPD Winter Park Police Department, while engaged in the lawful execution of a legal duty, will use the least amount of force reasonably necessary to accomplish their lawful objectives and adhere to all applicable laws. All prisoners and suspects will be treated in a fair and humane manner.
- C. All members law enforcement officers shall carry only those weapons authorized by the Chief of Police through the policies of the Department. Members Law enforcement officers must show proficiency using Department WPPD approved weapons (both lethal and less than-lethal) before carrying or using those weapons while exercising law enforcement authority.
- D. This policy applies to law enforcement officers who are issued all weapons types (e.g. firearm, Taser, chemical munitions, baton, etc.) and to civilian members who are assigned to a field position who are authorized to carry less lethal weapons (e.g. chemical munitions), as approved by the Chief of Police, for personal safety and protection

Commented [KG1]: Language now mirrors accred standard.

222-3 DEFINITIONS:

A. Chokehold (sometime called Lateral Vascular Neck Restraint LVNR) – The intentional and prolonged application of force to the throat, windpipe, or airway of another person that prevents the intake of air. This does not include any hold involving contact with another person’s neck that is not intended to prevent the intake of air.

B. Civilian - A paid full- or part-time person who is not certified and does not possess arrest powers.

C. Conducted ~~Energy~~ ~~Electrical~~ Weapon (Taser) – A device designed to disrupt a subject’s central nervous system by deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses (neuro muscular incapacitation).

D. Deadly Force – Force that is likely to cause death or great bodily harm.

E. De-escalation Techniques – A wide range of strategies and tactics used during a potential force encounter in an attempt ~~Taking actions to stabilize the a situation, and~~ In addition, to reduce the immediacy of the threat so that more time, options, and resources can be called upon ~~are available to resolve the situation without the use of force or with a reduction in the force necessary.~~ The goal of de-escalation techniques is to ~~gain voluntary compliance of a subject and thereby reduce or eliminate the necessity to use force~~ provide an environment where a person can choose to de-escalate themselves, while simultaneously maximizing the safety of the public and the officer.

F. Excessive Force – Force that exceeds the degree of authorized force justified or permitted by law, ~~Florida State Statute and policy, or the law enforcement officer's department in subduing and/or taking control of a suspect.~~

G. Hobble – A device that prevents or limits the movement of a person by tethering one or more legs.

H. Incident Commander – For this policy, the incident commander is the supervisor in charge of the immediate scene following a use of force incident. The supervisor filling the role of incident commander may change depending on the resources called to assist with the investigation.

I. Law Enforcement Officer/Sworn – A term used to describe a member, as defined by statute, who is certified by the Criminal Justice Standards and Training Commission (CJSTC), possesses full law enforcement and arrest powers, and is employed either full or part-time by a law enforcement agency. The law enforcement officer may or may not be compensated and includes reserve (part-time) officers as well as full-time officers.

J. Less Than Lethal Force – Force that is not likely to cause death or great bodily harm.

K. Less Than Lethal Weapon – a device that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without causing death or great bodily harm.

Commented [KR2]: Taken from the CFA/IACP definition, plus portions of Command Presence de-escalation training

Commented [KG3]: Should we have an entire separate section for de-escalation?

Commented [KWR4]: Yes, that has been added now

Commented [KWR5]: Updated per new CFA definitions, per Karen

Commented [ED6]: Do we need “ or officer’s department” in for accred? If not, I would take out.

Commented [KG7]: This is CFA's definition: Use of force that exceeds the degree of force permitted by law, policy, or the observing officer's employing agency.

Commented [KWR8]: I removed the term "on-scene senior supervisor" since it is unclear (senior meaning higher rank or senior meaning more time in grade, or meaning total length of service?), and because the supervisor in charge may not hold the highest rank (CID sergeant versus patrol lieutenant)

L. Less Than Lethal Launcher – A device which expels a projectile(s) that is intended to incapacitate a subject without causing death or serious bodily injury.

M. Member – A generic term utilized in policy/procedures/SOP to describe all agency personnel, to include law enforcement officers, paid civilian personnel, volunteers, reserve officers, auxiliary officers, and part-time personnel.

N. Lateral Vascular Neck Restraint (LVNR) – A neck hold or chokehold in which air flow to the lungs or blood flow to the brain is restricted. This type of physical force is not authorized by the department except in those situations where the use of deadly force is allowed by law.

O. Physical Force – The physical (weaponless) power used to overcome another person's resistance and gain compliance, which is not likely to cause death or great bodily harm. This does NOT include the drawing of a weapon without its discharge or use.

P. Unnecessary Force – Force that has no lawful justification.

Q. Volunteer or Intern – An unpaid member who performs tasks that do not require law enforcement certification.

R. Warning Shot – The intentional discharge of a firearm in an attempt to warn or frighten a suspect in some action or inaction. The use of warning shots is strictly prohibited.

Commented [KWR9]: This is already stated in the policy and I don't think definitions is the proper place for it.

Commented [ED10]: Is this just a different name for chokehold? If it is, can we change everything to chokehold if that is what accrued. Requires?

Commented [KR11]: Consider combining this into the definition of excessive force

222-4 GENERAL PROCEDURES:

A. In all situations, members will use only that force which they reasonably believe to be necessary to make an arrest or achieve lawful objectives.

B. All law enforcement officers shall be trained in the use of de-escalation techniques to help reduce or eliminate the need for any force. Law enforcement officers shall receive initial training during their orientation phase of the field training program, and all law enforcement officers shall receive annual continuing training in de-escalation techniques.

C. Law enforcement officers need not retreat or desist from efforts to make a lawful arrest because of the resistance or threatened resistance to the arrest. Law enforcement officers may use reasonable force in the performance of their duties. Law enforcement officers may use any reasonable force to gain compliance in the following circumstances:

1. When the law enforcement officer reasonably believes that such force is necessary to defend themselves or another from bodily harm while making an arrest.
2. To prevent a person from injuring the law enforcement officer(s), another person, or themselves.

3. When necessary in retaking felons fleeing from justice and the law enforcement officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the law enforcement officers or others; or the law enforcement officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

D. When using force, the law enforcement officer should consider:

1. What is the severity of the crime that the subject has or is committing?
2. Does the subject pose an immediate threat to the safety of law enforcement officers or others?
3. Is the subject actively resisting, aggressively resisting, or using deadly force resistance?
4. Is it feasible to give a warning prior to the use of force without compromising safety?

E. Unnecessary or excessive force is clearly improper and unlawful, and such force shall not be tolerated. All complaints of unnecessary or excessive force, whether made internally or externally, shall be reviewed by the Professional Standards lieutenant. The Professional Standards lieutenant shall then forward the complaint, along with any recommendations for investigations, to the Chief of Police.

F. The Department WPPD Force Guideline Flowchart shall be applied in all situations.

G. Non-sworn Civilian members who are issued less than lethal weapons may only use those weapons for self-defense or in defense of another, under the guidelines in Florida State Statute 776.012.

H. Prior to using force with a weapon, the member should attempt to give a verbal warning if circumstances time allows and it does not jeopardize the safety of the member or another person.

222-5 DE-ESCALATION:

A. De-escalation intended to result in voluntary compliance of subjects and thereby reduce or eliminate the necessity to use force.

B. Law enforcement officers shall use de-escalation techniques consistent with their training whenever possible and appropriate before resorting to force, and to reduce the need for force.

C. In order to attempt de-escalation, law enforcement officers must be able to establish:

Commented [KR12]: Consider "Excessive force shall not be tolerated. Any allegation of excessive force shall be forwarded to the professional standards section for investigation." This gives a process for relief but withholds judgment prior to a finding of fault.

Commented [KG13]: I concur that the mandatory investigation of allegations of excessive force should be addressed (in specifics and definitive terms in policy).

I added the review to be required by Professional Standards. There needs to be a mandatory review somewhere in the process and PS/IA should be involved (at some point).

Commented [KR14]: Suggested by Volkerson

Commented [KWR15]: New section

1. Containment of the scene to limit the subject's movements to a specific area. This "zone of safety" may expand and contract at the discretion of the law enforcement officers.
2. Control over the area to stop or prevent serious crimes, and to ensure the safety of the public.
3. Contact with the subject. As a condition of de-escalation, the subject must be willing and able to engage in conversation with the law enforcement officer.
4. Communication with the subject from a position of safety.

D. Law enforcement officers use de-escalation techniques in an attempt to avoid the escalation of a situation and to create time for communication to occur. The exact strategies and techniques used may vary widely for each situation, but will generally fall under the categories of:

1. Active listening
2. Empathy
3. Building rapport
4. Influence to suggest a course of action to the subject

E. Only the subject can decide to make a behavioral change. Law enforcement officers should recognize that, even when they properly use all the techniques available to them, de-escalation is not a guarantee.

222-6 DUTY TO INTERVENE:

- A. All members, both law enforcement officers ~~sworn~~ and civilians, and volunteers/interns have a duty to report any act they witness or discover that involves the use of excessive or unnecessary force by another member. Members shall report any excessive or unnecessary use of force to their supervisor as soon as reasonable following the event.
- B. Additionally, every law enforcement ~~police~~ officer has a duty to act and intervene if they observe another member using force which is objectively unreasonable. Law enforcement officers shall intervene to either stop or attempt to stop the use of unreasonable force.

222-7 REASONABLE FORCE:

- A. ~~At times, police~~ law enforcement officers must ~~frequently~~ employ force to make an arrest and ensure public safety. It is not intended that a suspect ever be allowed to be the first to use force, thus gaining an advantage in a physical confrontation. Nothing in this policy should be interpreted to mean that a law enforcement officer is required to engage in hand to hand combat (with all its risks) before resorting to the use of force that will more

quickly, humanely, and safely bring an arrestee under physical control. Law enforcement officers must use appropriate force and need not retreat or desist when physical force is necessary to make an arrest, prevent an escape, gain compliance, or overcome resistance.

- B. Justification for the use of force is limited to what is reasonably known by the law enforcement officer at the time of its use. The escalating scale of options does not change the standards that guide the use of discretion in the field. Options range from verbal persuasion to the use of a firearm or other deadly force.

222-8 LEVELS OF FORCE:

The WPPD Winter Park Police Department has adopted the recommended use of force/levels established by the Florida Department of Law Enforcement.

A. SUBJECT RESISTANCE LEVELS:

1. **Passive resistance** is a subject's verbal and/or physical refusal to comply with a law enforcement officer's lawful direction, causing the law enforcement officer to use additional techniques to establish control.
2. **Active resistance** is a subject's use of physically evasive movements directed toward the law enforcement officer such as bracing, tensing, pushing, or pulling to prevent the law enforcement officer from establishing control over the subject.
3. **Aggressive resistance** is a subject's attacking movements toward the law enforcement officer or another that may cause injury but are not likely to cause death or great bodily harm to the law enforcement officer or others.
4. **Deadly force resistance** is a subject's hostile, attacking movements with or without a weapon that create a reasonable perception by the law enforcement officer that the subject has the capability and intent to cause death or great bodily harm to the law enforcement officer or others. This includes actions by a subject that are likely to physically incapacitate the law enforcement officer.

B. LAW ENFORCEMENT OFFICER RESPONSE OPTIONS:

Law enforcement officers should always try to resolve a situation with the least amount of force necessary. Command presence and verbal communication often will defuse many volatile situations. Sometimes these are not enough or law enforcement officers may not have the opportunity to use them. Law enforcement officers need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, law enforcement officers need to respond with all the force reasonably necessary for the circumstances in each specific situation.

1. ~~**De-Escalation** is intended to gain voluntary compliance of subjects and thereby reduce or eliminate the necessity to use force. An officer shall use de-escalation techniques consistent with his/her training whenever possible and appropriate before resorting to force, and to reduce the need for force.~~

2. **Physical Control** is achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, and striking techniques.
3. **Less Than lethal Weapon** is use of a weapon that is not fundamentally designed to cause death or great bodily harm. Some examples of less than lethal weapons include conducted **energy electrical** weapons (CEW) such as a Taser, expandable batons, and chemical agent sprays.
4. **Deadly Force** is force that is likely to cause death or great bodily harm and should only be used in the protection of life.

NOTE: Use of deadly force may be a **law enforcement** officer's first and only appropriate response to a perceived threat. Deadly force does not necessarily mean that someone died from the force used. It can cause great bodily harm or no harm at all. For example, returning fire is deadly force even if the **law enforcement** officer misses the target. The **law enforcement** officer must base **their** ~~his/her~~ decision to use deadly force on a clear, reasonable belief that **they** ~~he/she~~, a fellow **law enforcement** officer, or another person faces an immediate threat of death or great bodily harm.

C. USE OF DEADLY FORCE:

Law enforcement officers may only use deadly force when they reasonably believe that it is necessary to:

1. Defend themselves from an immediate threat of death or great bodily harm.
2. Defend another person from an immediate threat of death or great bodily harm.
3. When the **law enforcement** officer reasonably believes such force is necessary to defend themselves or another from bodily harm while making an arrest.
4. When necessary in retaking felons who have escaped, and the felon poses an immediate threat of infliction or threatened infliction of serious physical harm to another.
5. When necessary in arresting felons fleeing from justice, and the **law enforcement officer member** reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the **law enforcement** officer or others; or the **law enforcement officer member** reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

NOTE: Use of a motor vehicle as a weapon constitutes the use of deadly force. A motor vehicle shall only be used if it meets the guidelines above.

222-9 FACTORS FOR DECIDING THE USE OF DEADLY FORCE:

- A. **Law enforcement** officers use three criteria for making deadly force decisions: ability, opportunity, and intent.
1. **Ability** refers to the subject having the means to carry out **their** ~~his/her~~ intent to cause death or great bodily harm. A **law enforcement** officer must determine whether the subject has the necessary means to cause death or great bodily harm to the **law enforcement** officer or others. A weapon is not required; a subject must only have the apparent ability to carry out **their** ~~his/her~~ intention. If the subject seems physically able to cause death or great bodily harm, then **they have** ~~he/she has~~ the ability. For example, a 6'4", 250-lb. muscular **person** ~~man/woman~~ threatening to do bodily harm to an officer does not necessarily need a weapon. By virtue of **their** ~~his/her~~ **size and physical** condition, **they have** ~~he/she has~~ the apparent ability.
 2. **Opportunity** means the subject is capable of carrying out an intention to cause death or great bodily harm to the **law enforcement** officer or others. The subject's weapon often determines opportunity. For example, a suspect armed with a knife may not be an immediate threat to a **law enforcement** officer standing far away. However, the same subject standing closer or carrying a firearm certainly has the opportunity to carry out **their** ~~his/her~~ intent to cause death or great bodily harm.
 3. **Intent** is a reasonably perceived, immediate threat to a **law enforcement** officer or another person based on the subject's actions, behaviors, words, or other indicators. It is a perception derived from the totality of the circumstances.
- B. **Law enforcement** officers should use the amount of force necessary and reasonable for the situation. If the ability, opportunity, and intent are present and the **law enforcement** officer cannot control the threat using lesser means, then deadly force is justified.

222-10 OBJECTIVE REASONABLENESS IN USE OF FORCE DECISIONS:

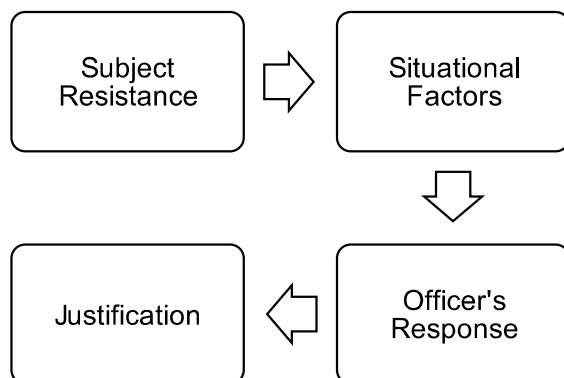
- A. Totality of circumstances is a **term the court** uses to refer to all facts and circumstances known to the **law enforcement** officer at the time or reasonably perceived by the **law enforcement** officer as the basis for a use of force decision. The courts will look at the totality of the circumstances in determining whether the decision was objectively reasonable and legally justified. The totality of circumstances includes consideration of the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the **law enforcement** officer.
- B. Some situational factors may include the following:
1. Severity of the crime
 2. Subject is an immediate threat
 3. Subject's mental or psychiatric history, if known to the officer
 4. Subject's combative skills

Commented [KR16]: Verify but I believe the courts use the term objectively reasonable BASED ON the facts and circumstances at the time the officer used force, *Graham v. Connor*. *Tennessee v. Garner* discusses totality only once and is a deadly force case.

5. Subject's access to weapons, to include the law enforcement officer's weapons
6. Innocent bystanders who could be harmed
7. Number of subjects versus number of law enforcement officers
8. Duration of the confrontation
9. Subject's size, age, weight, and physical condition
10. Law enforcement officer's size, age, weight, physical condition, and defensive tactics expertise
11. Environmental factors, such as physical terrain, weather conditions, etc.
12. If tactically feasible, whether a warning has been given

222-11 FORCE GUIDELINE FLOWCHART:

The Force Guideline Flowchart recognizes that law enforcement officers make use of force decisions based on the totality of circumstances at the time of the incident. Circumstances are fluid and dynamic.



A. Subject Resistance

1. Is the subject verbally or physically resisting my lawful authority?
2. Is the subject making attacking movements that are not likely to cause death or great bodily harm?
3. Is the subject making attacking movements that are likely to cause death or great bodily harm?

B. Situational Factors

1. What subject factors influence this situation? Weapons? Physical size? Demeanor? Others?
2. What law enforcement officer factors influence this situation? Training? Experience? Physical size? Others?
3. What environmental factors influence this situation? Weather? Location? Presence of others?

C. Law Enforcement Officer's Response

1. Can I physically control the subject?
2. Could I use a less than lethal weapon not meant to cause death or great bodily harm?
3. Is deadly force the appropriate option to prevent death or great bodily harm to myself or others?

D. Justification

1. Were my actions reasonable based on the subject's resistance and the totality of the circumstances?
2. Am I able to articulate the reasons for my actions?
3. Was I in compliance with constitutional and state laws, agency policy, and training?

222-12 RENDERING MEDICAL ASSISTANCE:

Law enforcement officers are responsible for rendering medical assistance at incidents where serious or life-threatening injuries are sustained by individuals.

- A. Law enforcement officers will attempt to protect injured persons from further injury.
- B. In all situations where force was used by a member and there is an injury, suspected injury, or complaint of injury, the member shall initiate first aid or summon EMS personnel to assess and aid the injured person, unless doing so would compromise the member's safety.
- C. Members will render medical assistance within the limit and scope of their training.

222-13 USE OF LESS THAN LETHAL WEAPONS, WEAPONS OF OPPORTUNITY, AND PHYSICAL FORCE:

- A. Conducted Energy Electrical Weapon – See SOP #: 216, Conducted Energy Electrical Weapon for additional policy and procedures.

1. Tasers issued by the **WPPD** ~~Winter Park Police Department~~ are the only conducted electrical weapon authorized for use.
2. All ~~uniform~~ **law enforcement** officers who have been issued a conducted ~~electrical energy~~ weapon shall carry the electronic control device while on duty and in uniform.
3. No **law enforcement** officer shall carry the conducted ~~electrical~~ **energy** weapon without proper training and certification.
4. The conducted ~~electrical~~ **energy** weapon shall be used judiciously and properly in accordance with this policy and SOP #: 216, Conducted ~~Electrical~~ **Energy** Weapon.
5. Any deployment of the conducted ~~electrical~~ **energy** weapon will be in accordance with ~~Department~~ **WPPD** training and the manufacturer's recommended guidelines.
6. Any discharge of the conducted ~~electrical~~ **energy** weapon, whether intentional or not, will necessitate the immediate notification of the on-duty supervisor and reporting as required in SOP #: 216 Reporting Requirements.

B. Chemical Agent

1. The chemical agent ~~is to~~ **may** be used when verbal persuasive measures have failed. The chemical agent's less than lethal effect makes its use more suitable in certain situations. Proper use will aid in making an arrest with minimum force.
2. All **law enforcement** officers shall carry the issued chemical agent while in uniform. All non-uniform **law enforcement** officers are encouraged to carry the chemical agent, but it is optional.
3. The chemical agent may be used when ~~personnel~~ **law enforcement officers** are required to use physical force for protection from assault and to take a person into custody.
4. The chemical agent may also be used against attacking dogs or other aggressive animals.
5. The chemical agent should be used before the use of impact weapons (batons) when possible.
6. Only under extreme conditions shall the spray be used at a distance of less than three feet. If the spray is dispensed closer than three feet to the suspect, a detailed explanation shall be included in the narrative portion of the Use of Force Report.
7. After spraying the suspect with the chemical agent, the arresting **law enforcement** officer will handcuff the individual to minimize the threat of injury to either the **law enforcement** officer or the suspect. The **law enforcement** officer will then expose

Commented [KR17]: Perhaps "may be used prior to applying physical force or when verbal..."

Commented [KG18]: concur

the suspect to fresh air or clean water to allow for decontamination and if necessary will provide emergency first aid.

8. Any intentional discharge of a chemical agent will necessitate the immediate notification of the member's on-duty supervisor.
9. Positional Asphyxia – Because of the danger of suffocation after the use of a chemical agent, law enforcement officers shall not allow a suspect who has been sprayed to remain on the suspect's stomach while the suspect is in a restraint device.
10. When transporting a prisoner to the jail, intake personnel will be notified if an arrestee was exposed to a chemical agent.
11. Use of the chemical agent will be in accordance with Department WPPD training and the manufacturer's recommended guidelines.

C. Impact Weapon (Baton)

1. The Department WPPD issues and authorizes the use of the expandable baton.
2. No law enforcement officer shall carry the expandable baton without proper training and certification.
3. The expandable baton must be used properly and judiciously in accordance with this policy.
4. When properly used, the baton is capable of stunning and incapacitating an aggressive opponent. The baton is also capable of permanently disabling or killing an opponent.
5. Intentionally striking the head, throat, side of the neck, or groin is not authorized unless deadly force is warranted.
6. Law enforcement officers shall carry only the issued batons, and no changes or modifications shall be made without prior Departmental WPPD approval through the chain of command.
7. Use of a baton, with contact, will necessitate the immediate notification of the law enforcement officer's member's on-duty supervisor.
8. A law enforcement officer will use a baton in accordance with Department WPPD's training and the manufacturer's recommended guidelines.

D. Less Than Lethal Launcher

1. No law enforcement officer shall carry a less than lethal launcher without proper training and certification.

2. A less than lethal launcher must be used properly and judiciously in accordance with this policy.
3. Only **law enforcement** officers trained in the use of a less than lethal launcher for deploying gas or projectiles shall use the device.
4. Deployment of Less Than Lethal Launchers – Less than lethal launchers may be used to de-escalate potentially deadly situations while reducing the likelihood of serious injury to all persons involved.
5. When properly used, a less than lethal launcher may dispense a round capable of stunning and incapacitating an aggressive opponent. It may include round projectiles (e.g. sponge, bean bag, hard rubber projectile) or a gas round.
6. Intentionally firing the less than lethal launcher at a suspect's head, throat, side of the neck, or groin is not permitted unless deadly force is warranted.
7. The Chief of Police, or **their** ~~his/her~~ designee, shall approve the issuance and use of less than lethal projectiles.
8. Use of the less than lethal launcher will be in accordance with training and the manufacturer's recommended guidelines.

E. Weapons of Opportunity

1. Nothing in this policy shall prevent a **law enforcement** officer from utilizing any readily available object as a defensive weapon in circumstances or situations where the actions of an assailant could result in injury or death.
2. The flashlight issued to Department **law enforcement** officers is not designed for use as a weapon and no training is conducted for its use as a weapon. A flashlight may only be used as a weapon as described in the above-paragraph (1).
3. Folding pocket knives (with a blade of less than 4 inches) may be carried for utility purposes. No training is conducted for their use as a weapon, and knives may only be used as a weapon as described in the above-paragraph (1).
4. The carrying or use of any weapon not authorized by the Department **WPPD** is prohibited. Examples of unauthorized weapons include, but are not limited to: saps, blackjacks, sap gloves, nun chucks, hunting, butterfly, or non-folding knives, brass knuckles, and kubotans.

F. Physical Force

1. While using physical force, **law enforcement** officers shall make every reasonable effort to prevent injury to the person the force is being used against as well as to the **law enforcement** officer.

2. Hands on, weaponless physical force may include, but is not limited to, tactical defensive maneuvers such as take downs, knee spikes, pressure points, etc.
3. Law enforcement officers shall not use chokeholds or the lateral vascular neck restraint (LVNR), or any other physical maneuver that restricts air flow to the lungs or blood flow to the brain, except in those situations where the use of deadly force is allowed by law.
4. Law enforcement officers should be aware of the potential for positional asphyxia after the use of physical force. Specifically:
 - a. Predisposing factors to asphyxia— Certain factors may render some individuals more susceptible to asphyxia following a violent struggle, particularly when prone in a face down position:
 - 1) Obesity
 - 2) Alcohol and high drug use
 - 3) An enlarged heart (renders an individual more susceptible to a cardiac arrhythmia under conditions of low blood oxygen and stress)
 - 4) Sprayed with chemical/OC spray
 - b. The risk of asphyxia is compounded when an individual with predisposing factors becomes involved in a violent struggle with a law enforcement officer or law enforcement officers, particularly when physical restraint includes the use of behind-the-back handcuffing combined with placing the subject in a stomach-down position.
5. Law enforcement officers will apply and utilize physical force in accordance with ~~Department~~ WPPD training.

222-14 USE OF FIREARM:

- A. Law enforcement officers shall not be authorized or allowed to carry a firearm as a ~~police~~ law enforcement officer for the City of Winter Park unless they have completed the minimum state required firearms certification training.
- B. Approved Use of Firearm:

Law enforcement officers approved to carry a department issued firearm may only discharge the weapon under the following circumstances:

 1. When the use of deadly force is justified.
 2. When conducting authorized ballistics tests.

3. When engaged in sporting activities or shooting exhibitions as a representative of the department.
4. At an authorized target range for practice or training purposes.
5. To kill a seriously injured or dangerous animal when necessary.

C. Prohibited Use of Firearms:

Law enforcement officers are **prohibited** from:

1. Firing warning shots.
2. Drawing or displaying a firearm unless there is a reasonable concern for the **law enforcement** officer's personal safety or the safety of others. Personal safety includes, but is not limited to, the search of a building for a suspected felon, felony stops, etc.
3. Discharging a firearm at a moving vehicle unless it is absolutely necessary to protect the ~~member~~ **law enforcement officer** or others from an immediate threat of death or great bodily harm.
4. Placing **themselves** ~~himself/herself~~ in the path of an oncoming vehicle in an attempt to escalate the situation to justify the use of deadly force.
5. Surrendering **their** ~~his/her~~ weapon. (Surrendering **your** ~~his/her~~ weapon may mean giving away the only chance for survival)

222-15 POST ACTION PROCEDURES FOR USE OF FORCE WITH SERIOUS INJURY OR DEATH OR WHEN DISCHARGE OF A FIREARM AT A SUBJECT WITH NO INJURY: DISCHARGE OF A FIREARM (NON-TRAINING INCIDENTS OR USE ON AGGRESSIVE ANIMALS):

The following procedures will be used to investigate for incidents involving any of the following: an use of force resulting in serious injury or death and for an accidental discharge of a firearm resulting in injury or death to a person; or and intentional discharge of a firearm at a subject, not resulting in injury to the subject. ~~an intentional discharge of a firearm which does NOT result in injuries or death to a person.~~

[NOTE: Additional policies and procedures relating to investigation of a use of force resulting in a serious injury or death, or officer involved shooting are located in SOP #: 223, Officer Involved Shootings (with injury or death)/Deadly Force Incidents/In-Custody Deaths.]

- A. Involved **law enforcement** officer responsibilities – The **law enforcement** officer shall immediately:

Commented [KG19]: IF the IOS new policy is not going to be issued soon, then this note should be taken out.

Commented [KG20]: Not sure on how much to put into this policy and make the referral to SOP 223 for OIS incidents.

1. Determine the physical condition of any injured person and render first aid when appropriate.
2. Request necessary emergency medical aid.
3. Notify Communications of the incident and location.
4. ~~The officer shall~~ Immediately report the incident to the on-duty supervisor for notification to the proper authority. If another ~~member~~ law enforcement officer has contacted the on-duty supervisor, the law enforcement officer ~~member~~ involved in the use of force or accidental discharge of a firearm resulting in personal injury will not be required to notify the on-duty supervisor again.
5. ~~The officer should~~ Remain at the scene (unless they are he/she is injured) until the arrival of the appropriate investigator. The ranking commanding law enforcement officer at the scene shall have the law enforcement officer move to a more appropriate location, if feasible.
6. ~~The officer will~~ Protect their his/her firearm or other weapons used during the incident.
7. Unless there is a public safety necessity, no personnel shall discuss the incident with the law enforcement officer who fired the weapon or engaged in the use of force which resulted in serious injury or death until the criminal investigation is over, or such communication is approved by the Chief of Police. Personnel may discuss the incident with the law enforcement officer at the law enforcement officer's request, if the personnel are the law enforcement officer's spouse, attorney, clergy member, or personal representative.

B. Communication center responsibilities – The dispatcher shall immediately:

1. Request medical aid.
2. Notify the shift supervisor.
3. Under the direction of the on-duty supervisor, in cases of injury or death, notify the Chief of Police through and including each member of the chain of command.

C. The on-duty supervisor shall:

1. Respond to the scene.
2. Ensure that all the following occur:
 - a. Medical attention is given to anyone in need.
 - b. Verify that there is not an ongoing public safety concern.

- c. Assign a law enforcement officer to ride with the person injured (by the law enforcement officer) to the hospital and document any spontaneous statements.
 - d. Collect the names of all medical personnel transporting or treating the injured.
 - e. Preserve the clothing from the injured person.
 - f. Preserve the scene(s) by putting up crime scene tape.
 - g. Start a crime scene log.
 - h. Collect witness names and information; however, statements should not be taken unless directed by the investigating authority.
 - i. Separate witnesses to the best of ability.
 - j. The law enforcement officer who used force should be separated off-scene and driven back to the station when feasible.
 - k. The law enforcement officer's firearm/weapon will NOT be collected by the on-scene supervisor, unless the law enforcement officer has been seriously injured and the firearm needs to be removed for medical purposes.
 - l. The on-scene supervisor will NOT request a statement from the law enforcement officer whose use of force application resulted in serious injury or death unless it is necessary for the public safety.
 - m. Render command assistance to the assigned investigator.
 - n. Assist the involved law enforcement officer(s) member(s).
 - o. Submit any reports as necessary.
3. Brief command personnel through their chain of command.
 4. Request the Criminal Investigations Unit (CID) supervisor, if there is a parallel criminal investigation, as directed by the Chief of Police or their his/her designee.
- D. ~~The Chief of Police or his/her designee will determine whether~~ When a law enforcement officer's use of force results in the death of any person, or when the intentional discharge of the law enforcement officer's firearm results in injury or death, the incident must be reviewed by an outside entity. In such situation, the incident commander will ensure that the Florida Department of Law Enforcement (FDLE) or other law enforcement agency is contacted and requested to respond and to assume control over the investigation. ~~If FDLE takes over the investigation, the scene(s) will be turned over to FDLE and/or CID. Prior to FDLE's or other law enforcement agency arrival, the incident commander shall make certain the scene remains secured. FDLE or other law enforcement agency will complete an independent report and will submit~~

Commented [ED21]: Do we need to add a caveat unless the officer is transported to the hospital with serious injuries and needs to be removed for medical purposes?

Commented [KG22]: CFA new standard requirement of an outside entity to conduct the investigation.

Commented [ED23]: MBI has had occasions where FDLE agent is shooter/witness. If MBI has a shooting in WPPD jurisdiction (or other unforeseen situation), this gives us the authority to have someone else come in.

their report to the State Attorney of the judicial circuit in which the use of force occurred.

- E. Criminal Investigation Responsibility: The ~~Department~~ Criminal Investigations Division Section, as requested, will assist the outside entity investigating authority in conducting a thorough investigation.
- F. SOP #: 140, Professional Standards contains additional policies and procedures that shall be followed when a members action result in serious bodily injury or death.
- G. Administrative Review: After the criminal investigation is completed, the Professional Standards Section will conduct an administrative review of the use of force to identify any administrative, supervisory, training, tactical, or policy issues that need to be addressed. This review will include input from the Training Section. After the Professional Standards review is complete, the Chief of Police will review the findings with the Civil Service Board.

222-16 UNINTENTIONAL DISCHARGE OF A FIREARM WITH NO INJURIES/ FORCE INVOLVING ANIMALS:

- A. The following procedures will be used for every incidents involving the unintentional discharge of a firearm (e.g. during training or cleaning) without injuries, or intentional discharge of a firearm involving animals.
 - 1. A law enforcement officer who unintentionally discharges a ~~Department~~ WPPD authorized firearm on or off duty which does not result in physical injury, within or outside their his/her jurisdiction, or intentionally discharges their firearm during except for formal training, recreation, or practice at the range and there are no injuries, shall make an oral report to the on-duty supervisor as soon as circumstances shall permit.
 - 2. The law enforcement officer shall also complete a City Incident report and forward it to the on-duty supervisor prior to ending their his/her tour of duty, or if the incident occurred off-duty, the on-duty supervisor to which the incident has been reported shall complete a City Incident report prior to ending their his/her tour of duty.
 - 3. The on-duty supervisor shall immediately notify the:
 - a. Law enforcement officer's immediate supervisor
 - b. Officer's ~~division chief~~
 - c. Chain of command
- B. A law enforcement officer who intentionally discharges their firearm to incapacitate or put down an animal shall make an oral report to the on-duty supervisor as soon as circumstances shall permit. In addition, the law enforcement officer shall document

Commented [KWR24]: Not needed if notifying the chain of command

the incident on the applicable form (e.g. if the action occurred during an arrest, the narrative portion of the incident report shall contain information/justification of the animal being shot; if the incident occurred without a concurrent incident, the shooting shall be recorded on an information report.)

NOTE: A Use of Force form will not be completed for unintentional discharge of a firearm (no injuries), or for incidents in which the firearm was used on an animal.

222-17 USE OF PHYSICAL FORCE INCIDENTS:

- A. The following procedures will be used when a law enforcement officer uses less than lethal physical (weaponless) force in the performance of their duty. The law enforcement officer shall immediately take the following actions:
1. Determine the condition of any injured person, render first aid, and summon medical assistance if appropriate.
 2. If the person is injured, transport them (or have them transported by rescue) to the nearest hospital emergency room.
 3. Notify their supervisor of the incident.
- B. ~~Professional Standards Investigations:~~ Any member action that causes or results in serious injury or death shall be investigated according to the procedures in SOP #: 140, Professional Standards and Compliance.

222-18 WRITTEN REPORT PROCEDURES:

- A. A law enforcement officer will not complete a Use of Force report if the law enforcement officer he/she is the subject of a criminal investigation involving:
1. Intentionally discharges their of a firearm either on duty or while acting in an official capacity off duty (other than for training purposes, recreational purposes, or to incapacitate an animal); or
 2. His/her actions or Uses of force that cause or results in serious injury or death.
 3. ~~An officer will not complete a Use of Force report if he/she uses~~ Discharges a firearm or weapon for training purposes or to incapacitate an animal.
 4. When the incident is to be investigated by an outside entity.
- B. Unless exempted from a situation listed above, a Use of Force report form (Attachment A) will be submitted when a law enforcement officer uses force against a person actively or passively resisting, which requires the law enforcement officer to go beyond routine handcuffing in order to gain control of the person. The use of force can occur within or outside of their his/her jurisdiction, accidentally or intentionally, on or off

Commented [KG25]: Formatting

Commented [ED26]: What about shoot and miss where outside criminal review is taking place? The officer should not be doing a use of force form.

duty. These incidents, which require the completion of a Use of Force Report, would include:

1. Discharge of a less than lethal launcher;
2. Use of chemical spray/munitions;
3. Deployment of a conducted electrical weapon;
4. Use of any type of impact weapon, whether issued or not;
5. Use of physical force beyond routine handcuffing (e.g. takedown, pressure points, knee spikes, etc.).

NOTE: The use of a hobble restraint without any other physical force (pressure points, knee spikes, etc.) does NOT require the completion of a Use of Force report.

C. Written reports will be completed prior to the end of shift. If the responsible member is unable to complete the Use of Force form, it will become the responsibility of the on-duty supervisor to submit this report. Every Use of Force form will be directed to the Chief of Police through the Professional Standards lieutenant, via the chain of command, with each all members of the chain reviewing and approving the level of force used. E.g. A law enforcement officer who used force would complete the Use of Force report and send it to the law enforcement officer's immediate supervisor for review, next in line for review would be the immediate supervisor's supervisor (normally a Lieutenant), next would be the Division's Manager (e.g. Captain); next it would be submitted to the Professional Standards/Training Lieutenant for review, then Deputy Chief. The final review would come from the Chief of Police.

Commented [KG27]: Example for clarification on routing of the form. PF Lt should be in this review process..

D. If any staff member in the review process chain of command does not approve the level of force used by a member, the staff member supervising law enforcement officer shall prepare a memorandum addressing any inappropriate use of force. This memorandum shall be attached to the unsigned Use of Force form to be forwarded to the Chief of Police through the chain of command.

E. The Chief of Police or their his/her designee will review all the materials and may recommend retraining, order an internal investigation of the incident, or determine that the force was justified and fell within policy.

F. The Professional Standards Section will maintain Use of Force reports and related records in accordance with State records retention laws. The Professional Standards Section will ensure that complete use of force information is entered into the FBI national use of force database for any case involving either:

1. Use of force by a law enforcement officer that results in serious bodily injury or death to a person;

2. A law enforcement officer who discharges their his/her firearm in the direction of a person.

G. The ~~Administrative division~~ Chief of Police or their designee shall ensure an annual administrative review and analysis of completed Use of Force reports, which occurred during the preceding year, is completed within the first quarter of the current year. A copy of the approved final report shall be submitted to the Accreditation Manager.

Commented [KG28]: This would make future SOP changes not necessary if there was any change of titles or change of responsibilities for this task.

Drafted: EDB03-97 /filed: 272.doc /revised: 08-99 /revised: MD10-03 /revised: TP09-06,05-07 /revised: PM06-08 /revised: JEA10-11 /revised: KG,PM05-15 /revised: KWR06-18 /revised: JMD07-20 /revised: KEOF,KWR08-22



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:	July 3, 2018	Pages: (15)
Attachments:	“A” Administrative Investigation Form “B” Initial Notice of Investigation “C” Administrative Warning/Garrrity	

140-1 PURPOSE:

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

140-2 POLICY:

It is the policy of the WPPD Winter Park Police Department to completely and professionally investigate all allegations of misfeasance, malfeasance, and or nonfeasance by employees, and complaints relating to bearing on the Department's WPPD's response to community needs.

140-3 DEFINITIONS:

- A. Complaint – An oral or written statement alleging misconduct, unprofessionalism, or inadequate police service on the part of the Department WPPD's or a Department WPPD's employee member which constitutes a violation of Department 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. Employee Member – Any member of the WPPD Winter Park Police Department to include sworn law enforcement officers (full-time, part-time and auxiliary), civilians (full and part-time), and volunteers.

- C. Department – The Winter Park Police Department (WPPD).
 - D. 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.
 - E. 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.
 - F. Formal Discipline – Corrective action resulting in a loss of time, pay, or grade for the member. Examples include termination, suspension, and demotion.
 - G. Formal Investigation – An investigation ordered by the Chief of Police of a complaint made against a member employee of the Department. A formal investigation may result in informal personnel action and/or formal discipline up to and including termination.
 - H. Informal Inquiry – Meeting by supervisory or command level personnel with a member employee 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 employee 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 employee 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.
- I. Interrogation – To examine by formal questioning.
 - J. 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 (to include all allegations of misconduct). Complaints which are more serious in nature that require (to include all allegations of misconduct). 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 ~~these~~ 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. ~~the restraint of a person's liberty was improper or unjustified.~~
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 an individual'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 ~~Department~~ WPPD's not specifically stated in Category I. These complaints (when determined to be an informal inquiry) may be investigated by line supervisors.

Commented [ED1]: Are we required to do this for accreditation? If Officer A complains that Officer B is mean to me – are we really going to do an IA investigation on that? The complaint will usually start as "so and so is harassing me" bc you want to use triggering language and it usually disclosed when there are performance issues. When clarification is asked, it is essentially they are mean to me – not based on any characteristic. We either need to clarify or remove.

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 ~~will~~ **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** ~~his/her~~ 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 ~~will~~ **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 issues body cameras and uploaded as directed by policy. The complainant shall be informed of the steps in the complaint process by being providing the “Complaint Process” pamphlet.**

1. Category I complaints made against ~~Department~~ **WPPD’s members** ~~personnel~~ 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** ~~Chief~~ 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 employee complaints that includes a sworn statement; or
 - ~~c. Citizen complaints involving a minor violations when, after the supervisor conducts an inquiry into the circumstances and provides feedback to the~~

~~complainant, the complainant expresses that they are not satisfied with those results.~~

- d. When a citizen complaint involves ~~ing~~ a minor violation ~~when~~, AND when after the supervisor conducts a cursory review of 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, when a minor violation 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 Department ~~member employees~~ desire to enter a complaint against any other ~~member employee~~ governed by this Standard Operating Procedure.
- E. Complaints against ~~members employees~~ which are criminal in nature and/or may result in criminal charges shall be investigated, as determined by the Chief of Police, ~~may be investigated internally, by a member of the Criminal Investigations Division. At the direction of the Chief of Police, such complaints may be investigated or~~ by an agency independent of the ~~WPPD Winter Park Police Department~~. The Office of the Chief of Police shall also assign an agency staff member to institute a separate internal investigation to be done at the conclusion of the criminal investigation. This does not include cases in which a law enforcement officer's use of force resulted in a death. All of those cases shall be investigated by an outside entity.
1. ~~If an investigation involves allegations of untruthfulness or the possible commission of a criminal act by a member, the investigator shall consult with General Counsel to ensure compliance with all legal requirements.~~
 2. At the conclusion of the criminal investigation, copies of all reports and notes shall be turned over to the Professional Standards ~~Lieutenant Division~~ to be incorporated, if appropriate, into the administrative internal investigation.

Commented [ED2]: We should add an exception for use of force review which is mentioned later

Commented [KG3]: Added for clarity

- F. When a complaint against a member is received, in which member(s) body 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 ADMINISTRATIVE INVESTIGATION FORM:

- A. The administrative investigation form (see Attachment "A") shall be used to record all documented complaints ~~under Section 140-6.~~
- 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~~ Chief.
- 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 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 the Professional Standards Division and the functions are assigned to the Professional Standards Lieutenant. ~~They~~ He/She shall be responsible for recording, registering, and maintaining custody of all investigations of alleged or suspected misconduct within the agency, and corrective action or disciplinary

records ~~from Informal Personnel Actions to notifications of dismissal~~ 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 Department WPPD, or its members employees, 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 the Professional Standards Division.
- D. Once an investigation is completed and closed, the complainant shall be notified of the completion of the investigation and conclusion of fact (adjudication).
 - 1. Notification shall be made in writing for all complaints resulting in a **formal** investigation.

- a. ~~The investigating member shall be responsible for sending the notification to the complainant.~~ The written notification may be completed by either the investigating member or by the Chief of Police, or ~~his~~ **their** designee. A copy of the written notification shall be maintained with the original investigative file in ~~the~~ 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~~ be made after reasonable attempts to locate a valid address/email/etc. (e.g. the complainant is homeless), the attempt to provide written notification shall be noted in the IA file.
2. ~~For 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. ~~At the conclusion of any documented investigation the employee will be notified in writing of the results.~~ Division.
- F. For any investigation that results in a sustained violation of FSS 943.13(4) or involving moral character, the agency 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 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., 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 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.

~~During the period~~ When a law enforcement officer ~~employees are~~ 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 ~~employees~~ 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 ~~employee~~ 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.]

Commented [KG4]: Moved these from the notification section to here. This makes more sense.

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:

~~The Professional Standards Division~~ shall retain files on all closed internal investigations in a securely locked filing cabinet in a secure location within the ~~Police Department WPPD~~. The Professional Standards Lieutenant and the ~~Administrative Division Chief~~ **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. ~~The Professional Standards Division~~ 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. ~~The Division~~ **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 agency's 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 of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree.

~~Any person(s) who willfully discloses, or permits to be disclosed, their intention to file a complaint, the existence or contents of a complaint which has been filed, or any document, action or proceeding in connection with a confidential internal investigation before such complaint, document, action or proceeding becomes public record, will be subject to disciplinary action or possible criminal prosecution.~~

Press releases or media contacts **regarding active administrative investigations** will be the responsibility of the Chief of Police or ~~his~~ **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** ~~Division~~. Where exemptions of access to internal affairs

records are at issue, the Chief of Police or his designee will review the documents to make appropriate redactions prior to those documents being released.

140-13 LEGAL OBLIGATIONS OF THE DEPARTMENT:

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

140-14 LEGAL OBLIGATIONS OF DEPARTMENT MEMBERS EMPLOYEES:

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

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

A member employee 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 OF LAW ENFORCEMENT OFFICER EMPLOYEE IN AN INTERNAL INVESTIGATION:

The employee Law enforcement officers 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 employee law enforcement officer shall be provided with a written statement of the allegations against them him/her and their his/her rights and responsibilities as they relate to the investigation.

~~The employee may be directed to relate in writing all facts and circumstances which have a direct bearing on the matter. If the matter involves a criminal investigation, the employee will not be directed to put facts into writing until the criminal investigation is completed. The response to such allegations shall be submitted to the investigating staff member without going through his/her chain of command. Employees~~

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 Florida State Statutes Chapter 112, Sections 531 through 535, and this policy to ensure the investigation is in compliance with State law and internal policy.

Commented [KG5]: totally agree and it should be removed as this section is for IA investigations.

Commented [ED6]: ??? How is this not a violation of the officer bill of rights? We need to clarify that if an IA, they will be provided all the evidence prior to being required to write a statement. Unless we are doing an IA for a matter which is not subject to a pay or demotion.

140-17 LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS:

Commented [ED7]: This is all covered in state statute. Is there a reason we are also putting in policy? Also, I have not compared this to the most current state statute – so we need to make sure it is identical to current statute

- A. Except as provided by law, no disciplinary action, suspension, demotion, or dismissal may not be taken against ~~the~~ **an** 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 ~~Department WPPD~~ receives notice of the allegation by a person authorized by the ~~Department WPPD~~ to initiate an investigation of the misconduct. If the ~~Department 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 the agency 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 the agency.
- B. An investigation against a **member** ~~officer~~ 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 90 days after the date the investigation is reopened.

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 imposing disciplinary action. The contents of the complaint and investigation shall remain confidential, in accordance with Florida State Statutes, until such time as the Department 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 Chief shall review the final investigative report and all evidence. The Division Captain Chief 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 Chief 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 his designee to consider in determining if such formal discipline should be upheld or modified.

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

140-19 RELIEVING EMPLOYEES FROM DUTY:

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

Any supervisor may temporarily relieve a **member employee** from duty when **their** ~~his/her~~ 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** ~~Police Department~~ policy which would, if proven, constitute reason for suspension or dismissal from employment
- D. Inability to perform assigned duties

In the event a **member employee** is temporarily relieved from duty, the initiating supervisor shall immediately notify the Chief of Police through the chain of command established for ~~his/her~~ **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** ~~his/her~~ 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** ~~his/her~~ duty status within 24 hours.

140-20 WHEN A MEMBER'S ACTION 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 ~~agency~~ 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 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 Department 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 ~~the~~ Professional Standards Division, or an assigned investigating supervisor, intentionally fails to comply with the requirements of FSS Chapter 112, ~~the following procedures apply. For purposes of this section, the term “law enforcement officer” includes the officer’s representative or legal counsel.~~ 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.

Commented [ED8]: This is also straight out of statute – not sure if we need to restate. Also, I have not compared to make sure the wording is exact

~~The officer’s notice of violation is sufficient to notify the investigator of the requirements of this part which are alleged to have been violated and the factual basis of each violation.~~

Commented [KG9]: How about leaving it at this - making reference to the FSS but not listed all of it?

A. ~~If the investigator fails to cure the violation or continues the violation after being notified by the law enforcement officer, the law enforcement officer shall request the agency head or his or her designee be informed of the alleged intentional violation. Once this request is made, the interview of the law enforcement officer shall cease, and the law enforcement officer’s refusal to respond to further investigative questions does not constitute insubordination or any similar type of policy violation.~~

1. ~~The law enforcement officer shall, within three (3) working days, file a written notice of violation and request for a compliance review hearing with the agency head or designee which must contain sufficient information to identify the requirements of this part which are alleged to have been violated and the factual basis of each violation. All evidence related to the investigation must be preserved for review and presentation at the compliance review hearing. For purposes of confidentiality, the compliance review panel hearing shall be considered part of the original investigation.~~

2. ~~The Department shall follow the requirements listed in FSS 112.534 regarding official misconduct and compliance review hearings.~~

140-23 DISMISSAL OF DEPARTMENTAL EMPLOYEE:

Any employee 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 advising the status of fringe and retirement benefits after dismissal;
(Provided by City, Dept of Human Resources)~~

D. A statement outlining the employee's rights.

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

A handwritten signature in blue ink, appearing to read 'T Volkerson', with a stylized flourish at the end.

Timothy Volkerson
Chief of Police



Civil Service Board **agenda item**

item type	Staff Updates	meeting date	October 4, 2022
prepared by	Kathleen Reed	approved by	
board approval			
strategic objective			

subject

Police Department

motion / recommendation

background

alternatives / other considerations

fiscal impact



Civil Service Board **agenda item**

item type	Staff Updates	meeting date	October 4, 2022
prepared by	Kathleen Reed	approved by	
board approval			
strategic objective			

subject

Fire Department

motion / recommendation

background

alternatives / other considerations

fiscal impact