



Civil Service Board Regular Meeting

Agenda

March 7, 2023 @ 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 February 7, 2023](#) 1 minute
 3. **Public Comments (for items not on the agenda): Three minutes allowed for each speaker**
 4. **Action Items**
 - a. [Fire Department](#) 10 minutes
 1. Approval of Battalion Chief's Promotional List
 2. Approval of Lieutenant's Promotional List
 3. Permission to hold an Engineer Promotional Process
 4. Staff Recognition-Division Chief Spinelli
 - b. [Police Department](#) 10 minutes
 1. SOP 300-Investigations
 2. SOP 393-Body Worn Cameras
 3. SOP 333- Attachment A -update
 4. Applicant Interview
 5. **Non-Action Items**
 6. **Staff Updates**
 - a. [Police Department](#) 3 minutes
 - b. [Fire Department](#) 3 minutes
 7. **Board Comments**
 8. **Upcoming Agenda Items**
 9. **Adjournment**



Civil Service Board **agenda item**

item type	Consent Agenda	meeting date	March 7, 2023
prepared by	Kathleen Reed	approved by	
board approval			
strategic objective			

subject

Minutes for February 7, 2023

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[February 7, 2023.pdf](#)



Civil Service Board Regular Meeting Minutes

February 7, 2023 at 4:00 p.m.

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

Present

Present in Person: Chairman Steve Stutzer, Vice Chairman Stockton Reeves, Board Members Terry Hotard and Tod Meadors, Fire Representative. **Also Present:** Police Chief Tim Volkerson, Fire Chief Dan Hagedorn, Deputy Chief Pam Marcum and Recording Secretary Kathy Reed.

Virtual: Chief Examiner Mary Daniels

Virtual: Javier Rodriguez, Police Representative

Absent: Bill Segal

(1) Call to Order

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

(2) Consent Agenda

Minutes for January 10, 2023

Motion made by Mr. Rodriguez and seconded by Mr. Reeves to approve the minutes from the January 10, 2023, Regular Meeting. Motion carried unanimously with a 6-0 vote.

(3) Public Comments (for items not on Agenda)

None

(4) Action Items

a. Police Applicant Interviews

- Raheem Watts
- Preston Newman

Deputy Chief Pam Marcum introduced police trainee candidate Preston Newman to board members. Mr. Newman provided a brief background and responded to questions by board members. Motion was made by Mr. Reeves and seconded by Mr. Hotard to certify the candidate. Motion carried unanimously with a 6-0 vote.

Next, Deputy Chief Pam Marcum introduced police trainee candidate Raheem Watts to board members. Mr. Watts also provided a brief background and responded to questions by board members. Motion was made by Mr. Reeves and seconded by Mr. Meadors to certify the candidate. Motion carried unanimously with a 6-0 vote.

b. Officer of off Probation

- **Gordon Shyy**

Chief Volkerson requested Board Members to certify the permanent status of Officer Gordon Shyy. Motion was made by Mr. Rodriguez and seconded by Mr. Hotard to certify the permanent status of Officer Gordon Shyy. Motion carried unanimously with a 6-0 vote.

c. Police Department SOP's

SOP 141 Corrective Action Policy
SOP 216 Conducted Energy Weapon
SOP 260 Agency Owned Vehicular Utilization
SOP 336 Police Officer Trainee Program
SOP 385 Community Service Officer Program

At this time, Mr. Meadors asked that the following corrections be made to SOP 141-9 (B)—the word *have* to be removed.

B. Appeals Process

1. **INFORMAL PERSONNEL ACTION:** Sworn members of the Police Department who wish to appeal any Informal Personnel Action must do so within 48 hours by submitting a written request through their chain of command to their assigned **Captain Division Chief**. The aggrieved sworn shall ~~have~~ be afforded the opportunity to meet with their **Captain Division Chief** and discuss the Informal Personnel Action and present any evidence or testimony in determining if such corrective action should be upheld or modified. The **Captain Division Chief** will make a final decision regarding the award of Informal Personnel Action. The sworn member shall be advised of the decision in writing.

Mr. Meadors also suggested the following corrections for SOP 336-5 (E)—replace review and approve with, *consider for approval*.

- E. The Chief of Police shall select police officer trainee positions. The Civil Service Board shall ~~review and approve~~ each selected trainee candidate.

Chief Volkerson also addressed the issue of pay in SOP 336 and if/when the rate of pay changes the SOP will be brought back to the board for review.

Mr. Stutzer asked about SOP 336-4(4) regarding commission of a felony. Chief Volkerson informed that a commission of a felony is not a conviction of a felony. If an applicant was convicted of a felony, it would automatically disqualify the candidate.

Motion was made by Mr. Rodriguez and seconded by Mr. Reeves to approve all of the SOP's with corrections addressed above. Motion carried unanimously with a 6-0 vote.

d. Promotional Process for Lieutenant-Fire Department

Chief Hagedorn requested permission to hold a promotional process for Lieutenant. Motion was made by Mr. Meadors and seconded by Mr. Reeves to hold a promotion process for Lieutenant. Motion carried unanimously with a 6-0 vote.

(5) Not Action Items

(6) Staff Updates

a. Police Department

- 2 candidates interviewed today will fill forthcoming retirements
- 2 sworn vacancies to fill immediately

b. Fire Department

- Currently in the Promotional Process Phase
- Promotional Candidates list by next meeting

(7) Board Comments

None

(8) Upcoming Agenda Items

PD-Revisions on SOP'S
FD-Revisions on SOG's

(9) Adjournment

Minutes approved by the board on ____ day of March, 2023.

/s/ Recording Secretary Kathleen Reed



Civil Service Board agenda item

item type Action Items	meeting date March 7, 2023
prepared by Kathleen Reed	approved by
board approval	
strategic objective	

subject

Fire Department

item list

1. Approval of Battalion Chief's Promotional List
2. Approval of Lieutenant's Promotional List
3. Permission to hold an Engineer Promotional Process
4. Staff Recognition-Division Chief Spinelli

motion / recommendation

background

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Civil Service Board **agenda item**

item type Action Items	meeting date March 7, 2023
prepared by Kathleen Reed	approved by
board approval	
strategic objective	

subject

Police Department

item list

1. SOP 300-Investigations
2. SOP 393-Body Worn Cameras
3. SOP 333- Attachment A -update
4. Applicant Interview

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[SOP 333 ATTACHMENT A -UPDATE.pdf](#)

ATTACHMENTS:

[sop 393 Body Worn Cameras.pdf](#)

ATTACHMENTS:

[SOP 300 INVESTIGATIONS.pdf](#)

EMPLOYMENT CONTRACT WITH THE WINTER PARK POLICE DEPARTMENT
DURING TRAINING

This Agreement, is made and entered into this _____ day of _____, 2023, by and between the City of Winter Park, a municipal corporation organized and existing under the laws of the State of Florida, herein referred to as “the City” and _____, and individual, hereinafter referred to as the “employee”.

WITNESSETH THAT:

WHEREAS, the City is desirous of augmenting its work force in the Winter Park Police Department with a person who will be employed by the City on an at-will status in order to attend a Police Training Academy, for a definite length of time and become a sworn officer with the Winter Park Police Department for at least three years; and

WHEREAS, the employee is desirous of obtaining employment on an at-will status during the attendance of the Training Academy and becoming a sworn officer with the Winter Park Police Department for at least three years as set forth in this Employment Contract;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

1. The City hereby agrees to employ the employee in the Winter Park Police Department for the period commencing on today’s date, as evidenced by both party signatures.
2. The employee hereby agrees to be employed by and to work for the City of Winter Park as a sworn officer for the City of Winter Park after completing the Training Academy and working as a sworn officer for at least three years.
3. The employee will be paid at a reduced rate of \$20.7259 per hour for training hours while in the Training Academy to include city benefits applicable to city employees and does not include any law enforcement officer pension. Once becoming a sworn police officer with the City of Winter Park, the employee will have a pay increase to the standard rate of pay for a beginning officer and any other benefits applicable to a sworn police officer.
4. During the course of the employee’s attendance of the Training Academy until such time as their one-year probationary period ends as a new sworn police officer (one-year probationary period starts the first day of Field Training at the agency and not when the employee is hired and attending the Training Academy), the employee will be an at will employee.
5. The employee agrees to abide by and comply with: all laws of the State of Florida, all ordinances, policies and procedures of the Winter Park Police Department, and the City of Winter Park; and all rules and regulations applicable to sworn members of the Winter Park

Police Department during employment. The employee acknowledges they are being hired initially as a civilian employee for the purpose of attending a Training Academy and will have no law enforcement powers until such time as they complete training, become state certified and are sworn in as a law enforcement officer. The employee will additionally not engage in any conduct which would reflect negatively on the Winter Park Police Department or the City of Winter Park to include but not limited to, identifying oneself as a Winter Park Police Officer. Nothing in this Agreement shall preclude the City from disciplining or terminating the employee for violation of any of these laws, ordinances, rules and regulations, policies and procedures or for any other reason whatsoever upon twenty-four (24) hours' notice by the City.

6. The employee agrees and acknowledges that they shall be subject to immediate termination should they for any reason whatsoever become physically or mentally unable to satisfactorily and/or safely complete the Training Academy program. Completion of the Training Academy program is defined to mean graduation from the Training Academy program on the date and time set for graduation of the academy class in which the Employee was originally enrolled. Additionally, the employee shall take and obtain a passing score on the state law enforcement officer certification exam on the first date the exam is offered after academy graduation. Furthermore, the employee acknowledges that his/her successful employment is conditioned on successfully completing the psychological and medical background tests. Should the employee fail to graduate from the Training Academy program that they are enrolled in or fail to take or pass the State Certification exam or fail to successfully complete the psychological or medical background test, as specified in this paragraph, the employee will be subject to immediate termination.
7. The employee agrees and acknowledges that should he/she, on his/her own initiative, fail to complete the Training Academy Program, or the Winter Park Police Department orientation program after becoming a certified officer with the Winter Park Police Department, or the Field Training Program of the Winter Park Police Department, or for any reason leave the City of Winter Park within three years of becoming a sworn officer, the employee shall reimburse the City for all costs associated with the employee's attendance at the Training Academy to include pre-employment examination fees, tuition, uniforms and equipment, books and other related costs paid by the Winter Park Police Department.
8. The employee further agrees and acknowledges that at the time of his/her termination, reimbursement may be taken from any monies due to the employee, including but not limited to salary, personal leave, comp time and pension refund. The employee agrees to pay any amount they owe to the City over and above these monies within the first thirty days following termination, with interest on the balance due at an annual rate of fifteen

percent. The employee further agrees that the reimbursement clause of this contract will remain in effect even if the employee signs a new employment contract with the City of Winter Park upon becoming a sworn police officer.

9. This Contract contains all the terms and conditions of the agreement between the City and the employee. No other agreements, oral or written, express or implied, exist between the parties regarding the subject matter of Employment Contract. The parties specifically agree and stipulate that any contract existing between the City and any bargaining unit, shall have no application to, or force of effect upon, this Temporary Employment Contract.
10. Both parties have had an opportunity to consider this agreement and are entering into the agreement of their own free will.

N WITNESS to their agreement to the terms set out herein, the parties have hereunder set their hands and seals the date written below.

Employee:

(Printed Name)

Signature

Date

STATE OF FLORIDA
COUNTY OF ORANGE

Personally appeared before me, the undersigned authority, _____, an individual who was identified as _____ and provided the following identification _____, the person described in and who executed the foregoing Agreement for temporary employment with the Winter Park Police Department, and the foregoing instrument was acknowledged before me this _____ day of _____, 2023 that he/she voluntarily executed the said instrument for the purpose expressed herein.

(Seal) Signature of Notary Public
Print, Type/Stamp Name of Notary

WINTER PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Title: Body Worn Cameras **SOP #: 393**

Rescinds: **Amends:**

Effective: March 7, 2023 **Pages:** (10)

Attachments:

393-1 PURPOSE:

This policy provides guidelines for the use, maintenance, storage, release, and management of body worn video recorders by members of the Winter Park Police Department (WPPD).

393-2 POLICY:

The Department WPPD recognizes the importance of using body worn video recorders to enhance trust and openness with the public, while also safeguarding the privacy of individuals. It is the policy of WPPD that transparency is critical to maintain accountability and enhance trust between WPPD and the public. WPPD's commitment to transparency shall be pursued without compromising ongoing investigations, legitimate privacy concerns, or applicable federal, state, and local laws. This policy applies to WPPD law enforcement officers and members who are assigned and wear a BWC.

393-3 DISCUSSION:

Mobile body worn video recorders provide Department WPPD members with the ready ability to capture their encounters with the public by recording audio and video onto a device worn by the member. Such recordings can provide valuable evidentiary information for situations including arrest, use of force, or the investigation of complaints against a member. In addition, recordings can provide valuable video to use for training purposes.

Due to their placement and the technology used, body worn video recorders may capture images and audio that are not observed by the member, or may not fully capture what the member sees and hears. The Department WPPD recognizes that body worn video recorders document a single viewpoint, and should be used to supplement investigations rather than relied upon as a definitive proof of what occurred.

393-4 DEFINITIONS:

- A. Body Worn Camera (BWC) – A mobile body worn audio and video recording device, positioned to record activity from the general point of view of the wearer.

- B. BWC Recording – The recorded activity from the body worn camera which can take the form of video, audio, or still photos, and may also include digital bookmarks and/or GPS information.
- C. Civilian – A paid full- or part-time member who is not certified and does not possess arrest powers.
- D. Digital Server – A cloud-based computerized storage system that is used to securely store uploaded BWC recordings. User access and read/write privileges to the digital server are restricted to the minimum level necessary to accomplish each user's job function.
- E. Docking Cradle – A device provided by the BWC manufacturer which downloads BWC recordings from the member's body worn camera, and uploads the recordings to the digital server. The docking cradle will also charge one or more BWCs.
- F. Activate – Placing the BWC in "record" mode to capture audio and/or video.
- G. Deactivate – Pausing or stopping the BWC from capturing audio and/or video.
- H. Body Worn Camera Program Administrator – A command staff member assigned by the ~~department~~ Chief of Police to supervise/oversee the body worn camera program.
- I. System ~~Manager Administrator~~ – A person designated by the ~~Department~~ WPPD to maintain all BWC recordings in compliance with ~~Department~~ WPPD policy and Florida State Statutes. The system ~~manager administrator~~ oversees all equipment comprising the mobile body worn video recorders, and is responsible for coordinating the proper release of BWC recordings for court and in response to public records requests. The system ~~manager administrator~~ sets access privileges for all BWC users based on their roles within the ~~Department~~ WPPD.
- J. BWC Software – Program supplied by the body worn camera manufacturer/vendor, used to manage BWC recordings and retention periods. This may include smart phone applications, programs installed on a computer, and web-based applications.
- K. Label – Digital marker in the BWC software used to link a BWC recording to a certain event type, event ID, or other keyword. These markers are used to help determine file retention periods and to identify the type of recording that is stored on the digital server.
- L. Law Enforcement Officer – 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. This member may or may not be compensated and includes reserve (part-time) officers as well as full-time officers.
- M. Category – A specific label within the BWC software that identifies a video as evidence, non-evidence, or restricted. The category label is used to set retention schedules for BWC videos.

- N. Records Retention Schedule – State of Florida General Records Schedule GS2 for Law Enforcement which defines how long body worn camera video/audio recordings must be retained.

393-5 PROCEDURE:

- A. ~~The Department~~ WPPD shall provide body worn cameras to ~~selected law enforcement officers~~ Uniform Patrol officers, Traffic Unit officers, and other civilian members, as determined by the Chief of Police designated by the Department. Only Department-approved issued BWCs are approved for use may be utilized.
- B. Each member who is issued a BWC shall be assigned a specific, serialized unit. The BWC shall be worn on the outermost clothing so that the camera lens faces in front and ahead of the member.
- C. No member shall utilize any BWC equipment or related software until they have completed training on its proper use.
- D. Members shall utilize their BWC in full compliance with all parts of this policy.
- E. Members issued a BWC shall inspect their BWC at the beginning of each work shift for any damage, and will ensure that the BWC is fully charged and in proper working order. If a member discovers that their BWC is damaged or malfunctioning, they shall immediately report this to their supervisor. The supervisor shall notify the system manager administrator via email so that a functioning BWC can be issued to the member.
- F. The BWC program system manager administrator shall be responsible for coordinating repairs to all BWC equipment.
- G. ~~BWC Body worn cameras~~ and other BWC equipment shall be maintained in accordance with the instructions provided by the manufacturer.
- H. When not in use, all BWC ~~body worn cameras~~ and equipment shall be stored in a secured location.
- I. Members are not required to inform the public when they are recording with the BWC, but shall should acknowledge that they are recording if asked. If the person is a suspect in a criminal investigation or if disclosure would interfere with an active criminal investigation, members do not have to disclose that they are recording.
- J. Members have the right to review their own BWC recordings, and may do so prior to writing a police report or providing an official statement. However, this does not apply when immediate disclosure of information is necessary to secure an active crime scene or identify suspects or witnesses.
- K. Supervisors shall view all BWC recordings that are related to any use of force, as a part of their official review of use of force incidents.

393-6 TRAINING:

- A. All training to ~~Department~~ WPPD members shall be from a standardized and approved lesson plan. All BWC training shall be documented and retained by the Training Section.
- B. Initial training on BWCs shall minimally include:
 - 1. Department policy and procedures regarding BWCs.
 - 2. Basic operation of the BWC and function of buttons/switches.
 - 3. Standard care and security of the BWC equipment.
 - 4. Field operation of the BWC.
 - 5. How to review, label, and download recorded footage using the docking cradle and BWC software.

393-7 CRITERIA FOR ACTIVATION:

- A. The protection of life and property is the first priority of the ~~WPPD Winter Park Police Department~~ and takes precedence over every other part of this policy. No member shall delay their response to a call for service or delay providing lifesaving measures due to the operation of their BWC.
- B. Members shall ensure that their BWC is recording under the below circumstances.
 - 1. All searches of vehicles, dwellings, and structures
 - 2. Under the direction of a Department supervisor
 - 3. Other legitimate law enforcement operations at the member's discretion, where recording is in the best interests of the Department and the community.
- C. Additionally, members shall ensure that their BWC is recording during all **citizen encounters** under the below circumstances. If practical, members should consider activating their BWC prior to making initial contact with the citizen(s).
 - 1. In-progress emergency calls
 - 2. All dispatched calls for service
 - 3. Verbal or physical disturbance calls
 - 4. Traffic stops
 - 5. DUI investigations

6. Investigative stops/interviews (Terry stops)
7. All searches of persons
8. Any physical arrest or when in contact with/transporting an arrestee
9. Vehicle or foot pursuits
10. Any encounter with the general public or a citizen that may become adversarial.

NOTE: The member has the discretion to record any law enforcement activity that is not otherwise prohibited by this policy.

D. SWAT operation BWC activations will be at the direction of the SWAT Commander.

E. Law enforcement officers assigned to a federal taskforce shall utilize their BWCs in accordance with WPPD policy anytime they are working under the direction of a WPPD supervisor. While working under the direction of their federal taskforce supervisor, they will abide by federal taskforce policy.

*Members assigned to the MBI taskforce will follow WPPD policy at all times.

F. Members shall activate their BWC as soon as they can safely and reasonably do so when recording encounters.

1. If the member does not activate their BWC or if the device fails to record, the member shall notify their supervisor immediately upon discovery.
2. The member shall document the reason they did not record the event, either in their report narrative or in written CAD notes if the event does not result in a WPPD Department report.

~~G. If time permits, members may state the type of call and any events that led to their activation of the BWC.~~

H. The BWC may be used to obtain sworn recorded statements from victims, witnesses, and suspects. In such situations, members should activate their BWC, then have the interviewee state their full name and answer that they swear, under penalty of perjury, that the statement they are about to give shall be true.

I. Members are not required to obtain consent to activate their BWC as long as they are conducting a legitimate law enforcement function.

J. Activation Exceptions: Members may deactivate their BWC under the below circumstances.

1. When performing routine law enforcement functions during an incident, away from the involved parties (e.g. researching driver licenses or tags at a crash scene, gathering paperwork, processing a crime scene).
2. When performing routine law enforcement functions during an incident, away from any suspect or arrestee, and the situation is non-confrontational (e.g. perimeter location, collecting written statements from a victim or witness).
3. After an arrestee has been secured in a WPPD Department holding facility cell which does not include the arrestee being secured to the bench. Members shall re-activate the BWC for any subsequent interaction with the arrestee.
4. While discussing operational, or strategic information or use of force, including officer involved shootings, with other members or supervisors and not engaged with confrontational subjects.
5. ~~Inside the secure areas,~~ Once past the sally port area, prior to entering the nurse station, of a county correctional facility
6. Inside the secure area of the or county DUI testing facility.
7. If a victim or witness refuses to provide information or a statement with the BWC activated, and the situation is non-confrontational. The member shall verbalize that they are stopping recording and the reason, prior to deactivating the BWC.
8. If, in the member's opinion, the continued use of the BWC would be detrimental to gathering information due to a subject's physical or emotional condition, age, or other sensitive situations. The member shall verbalize that they are stopping recording and the general reason, prior to deactivating the BWC.

NOTE: If a member deactivates their BWC under sections 6 or 7 above, the member shall document the reason, either in their report narrative or in written CAD notes if the event does not result in a WPPD Department report.

393-8 RESTRICTIONS ON USE:

- A. Members shall not purposely damage, disable, or modify their issued BWC in any way.
- B. No member shall use a BWC other than the one issued to them.
- C. The BWC shall not be used in place of taking crime scene photos using a department issued camera.
- D. BWCs shall only be activated during official law enforcement operations or during training.
- E. Unless there is an overriding safety concern, members **shall not** use their BWC to record in the following situations:

1. Communications with other City or ~~Department~~ WPPD members that are not part of a call for service.
2. Conversations with the ~~Department~~ WPPD general counsel or other legal counsel.
3. Inside the Public Safety Building when not on a call for service.
4. Encounters with undercover officers or confidential informants.
5. ~~During a strip search of an arrestee. Refer to SOP #: 250, Handcuffing, Searching, and Transporting Persons for officer safety procedures during an authorized strip search.~~
6. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room while not on a call for service.

393-9 VIEWING, LABELING, AND TRANSFERRING BODY WORN CAMERA RECORDINGS:

- A. All BWC recordings remain the exclusive property of the WPPD ~~Winter Park Police Department~~ unless they are publicly released by the ~~Department~~ WPPD. No member shall copy or distribute a BWC recording without first obtaining permission from the ~~Department~~ WPPD.
- B. At the conclusion of an event, but no later than before the end of their shift, members shall download each of their BWC recordings by placing their BWC in a docking cradle and ensure that all recordings begin downloading ~~are downloaded~~ from the BWC.
 1. If a charging/download port is not working, the member shall immediately notify their supervisor.
 2. Once notified, the supervisor shall place a note on the malfunctioning equipment and shall email the BWC ~~program~~ system manager administrator of the malfunction.
- C. Members shall add labels to all their BWC recordings before finishing their shift, unless approved by the on-duty supervisor. In such cases, the on-duty supervisor shall email the system ~~manager~~ administrator(s) to inform them which BWC recordings have not yet been labeled, and when the labeling is expected to be completed.
- D. All BWC recordings shall be labeled to include:
 1. ID – Case/event number associated with the BWC recording.
 2. Title – The CAD event final disposition (i.e. Battery, False Alarm, Overdose, Traffic Stop). No CAD codes shall be used.
 3. Category Type.

- a. Evidence – Any BWC recording that is part of a criminal case (an RMS offense report) or an arrest, whether custodial or non-custodial.
 - b. Non-Evidence – Used for encounters such as traffic stops that do not result in an arrest, traffic crash investigations that are not criminal in nature, alarm calls, field contacts, etc.
 - c. Restricted – This applies to a BWC recording that has been flagged to hold due to an agency internal investigation, upon direction of ~~the Department~~ WPPD general counsel, or for another legitimate agency purpose. This category type may be set by the BWC user but will most often be set by the system ~~manager administrator~~ or supervisor.
- E. If a CAFÉ report is NOT completed, the number of BWC recordings for an event shall be listed in CAD notes. If the BWC recording is associated with a police report, the member shall note in the proper field(s) of their Cafe police report that body worn camera video is included.
- 1. On the Incident tab, the member will select Yes for the LEO Camera field.
 - 2. Contact information for each member with associated BWC video/audio shall be included in the Business/LE/Others tab of the police report.
 - a. Within the Business/LE/Others tab of the police report, the member shall select the appropriate box(es) for the type of BWC recording associated with that report.
 - b. Within the comments section, the member shall include the number of BWC videos they have associated with that case.
 - c. The member may also include a brief description of each specific video segment in the comments section if they choose (e.g. arrest, transporting prisoner, photo lineup). BWC recordings associated with multiple case numbers will reference the related case numbers.

393-10 MAINTENANCE AND RETENTION OF BWC RECORDINGS:

- A. The system ~~manager administrator~~ is responsible for maintaining all BWC recordings once they are uploaded to the digital server.
 - 1. ~~During each shift, a~~ The system ~~manager administrator~~ shall verify that BWC recordings which were uploaded from the previous shift(s) have been properly labeled. The system ~~manager administrator~~ may correct improperly labeled recordings or else shall contact the submitting member to have them make the appropriate corrections.
 - 2. Only the system ~~manager administrator~~ may delete BWC recordings off the digital server, and only after consulting with ~~the Department~~ WPPD general counsel. This

does not apply to BWC recordings which are purged in accordance with records retention schedules.

- B. The system **manager administrator** shall set and maintain access levels for all users within the BWC software system.
- C. Members may only directly access their own BWC recordings within the BWC software, unless their position requires additional access privileges (e.g. supervisor, evidence custodian, etc.).
- ~~D. BWC recordings released to the public shall follow the Florida Constitution, State Statutes, and agency policies regarding public records and victim rights. No one shall release a BWC recording to the public unless they have first completed training on public records laws and this policy.~~
- E. The system **manager administrator** shall create and follow an internal process for the retention of BWC recordings.
 - 1. BWC recordings labeled and submitted as evidence shall be held according to the records retention schedules and agency policies for criminal cases.
 - 2. Non-evidentiary BWC recordings shall be retained for at least 90 days per records retention schedules for "video/audio recordings: body camera".
 - 3. BWC recordings from vehicle pursuits, any event involving injury to a member or civilian, or any other event that could reasonably lead to litigation shall be categorized as Restricted and held for a minimum of four years.
- F. The system **manager administrator** shall **may** purge BWC recordings following the end of their retention periods.
 - 1. BWC recordings categorized as evidence ~~shall~~ **may** be purged according to the procedures in SOP #: 390 and Florida State Statutes.
 - 2. The system **manager administrator** shall create and follow an internal process for purging all non-evidentiary BWC recordings.
 - 3. BWC recordings categorized as "restricted" shall not be purged without consulting the Professional Standards lieutenant and ~~the Department~~ **WPPD** general counsel.

393-11 REQUESTS FOR AND RELEASE OF BWC RECORDINGS:

- A. BWC recordings released to the public shall follow the Florida Constitution, State Statutes, and agency policies regarding public records and victim rights.
- B. Public records requests for BWC recordings shall be made via WPPD's Records Section or through the Deputy Chief. Public requests for information will be handled in accordance with public records guidelines as established in state and federal laws

and per SOP 370 - Records. The redaction review process will begin promptly in accordance with Public Records law and this policy.

- C. Fees assessed or charged by WPPD for copying, researching or dissemination of records shall be in accordance with the fee schedule approved by the Winter Park City Commission and the guidelines of Florida State Statute 119.
- D. The Chief of Police shall determine who has the authority to release BWC recordings. Persons authorized to release a BWC recording to the public will be familiar with public records laws and this policy.
- E. Prior to release of any BWC recording, all statutorily exempt sensitive or confidential data shall be removed/redacted (as defined per FSS 119).
- F. Incident Investigations by Outside Agency - When members of WPPD are involved in a critical incident that is being investigated by an outside agency, such as the Florida Department of Law Enforcement, WPPD will make every effort to release BWC recordings related to the incident upon notification from the outside entity that all initial interviews are complete and the outside agency does not have a statutory objection to the release. The public release of the video recordings in these circumstances shall occur no more than 30 days after the date of the incident, unless the Chief of Police or designee determines there are extraordinary circumstances which dictate that the release of the video be delayed. If a video cannot be released within 30 days, the reason for the delay will be disclosed.
- G. The Chief of Police may, on a case-by-case basis, make the determination to provide greater public disclosure of information or records that are otherwise exempt from disclosure unless the information is deemed confidential by law.
- H. The Chief of Police or their designee shall be the final approving authority regarding BWC recordings and data release as it relates to the media/press or general public.
- I. Prior to the release of BWC recordings, the Chief of Police or their designee may consult with the prosecutor's office or other legal counsel regarding appropriate release of BWC recordings while cases are pending.
- J. Waiver - The release of any video recording in any specific case does not waive WPPD's right to withhold records in the same case or any other case as permitted by law and this policy does not create any third party right with regard to the release of any video recording in possession of the agency.

393-12 BWC AUDITS:

- A. FSS 943.1718 requires that ~~the Department~~ WPPD perform a periodic review of actual agency body camera practices to ensure conformity with the Department's policies and procedures. ~~Winter Park Police Department~~ WPPD shall accomplish this through quarterly inspections.

- B. ~~The Department~~ WPPD shall develop a method to pull random samplings of calls for service for members who are issued body worn cameras, and generate an audit list for those members.
- C. Each supervisor shall be responsible to review the audit list for the ~~members~~ employees under their direct supervision, and shall note whether the event had an associated BWC recording, whether the recording was properly labeled and categorized, and whether the member's body worn camera was activated during the proper portions of the call for service. The purpose of audits is to:
1. Periodically assess officer/member performance.
 2. Ensure that video recording equipment is functioning properly.
 3. Determine if video recording equipment is being operated properly; and
 4. Identify any material that may be appropriate for training.
- D. Minor infractions (not criminal nor severe in nature, such as failure to activate or failure to cease recording) discovered during routine audits should be considered a training opportunity and not require further action beyond policy refresher training. Continued violations, after being informally addressed, may require additional corrective action. Supervisors will refer to SOP 141 – Corrective Action in response to continued policy violations. Major infractions (e.g. excessive use of force, violation of policy regarding procedures not related to the BWC policy or any other officer misconduct viewed) during an audit shall be immediately reported to the Deputy Chief, via the chain of command. All procedures and policies related to officer misconduct shall be followed.
- E. Once completed, the audit log will be maintained through WPPD's inventory program ~~returned to the body worn camera program administrator, who~~ and shall be retained ~~the~~ log according to Florida records retention schedules.

Drafted: KWR02-20 /Filed: 393.docx/revised: KWR/KEOF03-23



Timothy Volkerson
Chief of Police

WINTER PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Title:	Investigations	SOP #: 300
Rescinds:	SOP #: 227, Dated 02/28/2000	Amends:
Effective:	March 7, 2023	Pages: (20)

Attachments:

300-1 PURPOSE:

This policy provides direction for initial and follow-up investigations and for the effective use of resources to ensure that each case is properly assigned, investigated, documented, and recorded.

300-2 POLICY:

It is the policy of the **WPPD** ~~Winter Park Police Department~~ to utilize the integrated resources of investigative and patrol functions to maintain an effective criminal investigative function to combat criminal activity, in accordance to the laws of the State of Florida.

300-3 DEFINITIONS:

- A. Preliminary Investigation – The activity beginning when members first arrive at the scene of an incident. The investigation should continue until the assigned members reach a successful conclusion or, when necessary, transfer the responsibility for the investigation to other members or divisions.
- B. Follow-up Investigation – A continued investigation to examine and develop additional leads which contribute to the successful completion of the investigation.
- C. 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).
- D. Autism Spectrum Disorder – Any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:
 - 1. Autistic disorder

2. Asperger's syndrome
 3. Pervasive developmental disorder not otherwise specified
- E. 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).
- F. Dying Declaration – When someone makes a statement under the belief that he/she is going to die. A dying declaration is an exception to the hearsay rules.
- G. Excited Utterance – A statement made in proximity to an event, while the individual is still under the stress of the moment, without the opportunity to reflect on the matter. An excited utterance is an exception to the hearsay rules.

300-4 INVESTIGATIVE PROCEDURES:

A. Preliminary Investigations:

The initial responding law enforcement officer will generally conduct preliminary investigations. The preliminary investigation should be as complete as possible, including the arrest of the offender if probable cause exists. The investigation should continue until all relevant investigative actions have been taken and no further progress can be made at that time. WPPD The agency recognizes that each investigation is unique. (For more procedures on preliminary investigations, refer to SOP #: 200, Uniform Patrol). The following investigative steps are recommended courses of actions and should be taken when appropriate:

1. Upon arrival at scene, observe conditions, events, and any remarks made by witnesses.
2. Take control of the crime scene to protect potential evidence.
3. Identify any witnesses and assure their availability.
4. Interview victims and witnesses and take written statements, when appropriate.
5. When appropriate, interrogate suspects to identify the perpetrator.
6. Arrest the perpetrator if appropriate.
7. Take detailed photographs to document the crime scene, any physical evidence, injuries to parties involved, and of any suspect(s)/arrestee(s).

8. Process the crime scene for evidence to include searching for and processing latent fingerprints and collecting possible DNA samples.
9. Search for tools or other items left by the perpetrator at the scene.
10. Search for and recover property moved or taken by the perpetrator.
11. Recover and submit physical evidence to Property and Evidence Section.
12. Report the incident accurately and fully.
13. Particularly complex and/or serious cases may require Criminal Investigations Unit (CID) or Investigative Criminal Intelligence Unit (ICIU) detectives to respond immediately and conduct an investigation. Uniform Patrol supervisors are authorized to call CID and ICIU detectives to a scene. The Patrol supervisor will coordinate this response through the CID or ICIU supervisor.

B. Follow-up Investigations:

Uniformed law enforcement officers, CID detectives, and ICIU detectives may conduct follow up investigations. In some circumstances, follow-up responsibility may be assigned to other members personnel or routed to another division. The follow-up detective/officer member shall make a second contact with principals in cases requiring continuing investigation whenever possible within 24 hours of receiving the case, to ensure that all pertinent information has been received and to inform victims about the status of their case. Follow-up investigations will include the following:

1. Check to assure the preliminary investigation was thoroughly conducted.
2. Review/analyze previous reports prepared in the preliminary investigation.
3. Continue the investigation of those leads that have surfaced.
4. Plan, organize, and conduct searches when deemed necessary.
5. Determine if the crime is related to others of a similar type.
6. When an arrest is made, prepare the case packet for the prosecution.

300-5 INTERVIEWS, INTERROGATIONS AND MIRANDA WARNINGS:

A. Interviews and Interrogations:

1. Per Florida State Statute (FSS) 943.0439, upon the request of an individual 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 that individual (victim, suspect, etc.). Law enforcement officers and detectives shall first determine if the autistic individual has a professional 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 that they are requesting, the law enforcement officer/detective shall request Communications contact an approved provider/vendor on file for the purpose of complying with the statute.

- a. All expenses related to the attendance of the professional at interviews shall be paid by the requesting individual or parent/guardian of the victim. A victim can request restitution for these costs if a suspect is later convicted.
 - b. If the said professional is not able to respond within a reasonable time period, the law enforcement officer/detective may proceed and interview the individual with autism or autism spectrum disorder without a professional present. Attempts to obtain a qualified professional shall be documented in the incident/arrest report.
2. Suspect interrogations shall be conducted in accordance with established state and federal laws to ensure that the suspect's civil rights are not violated.
 - a. Investigating law enforcement officers shall ensure the suspect is not subjected to unusually long periods of incommunicado interrogations.
 - b. Do not deny the suspect necessities such as water, food, or use of toilet facilities.
 - c. Do not subject the suspect to an overly intimidating atmosphere.
 - d. Do not subject the suspect to physical or mental abuse or the threat thereof.
 - e. The suspect need not be informed that the interrogation is being recorded.
 3. Juvenile interviews shall be conducted in accordance with current juvenile procedures (see SOP #: 255, Juvenile Procedures) and established case law.

B. Miranda Warnings and Waiver of Rights:

1. All persons undergoing a custodial interview shall be advised of Miranda warnings. Miranda Warnings shall be fully read from agency issued cards.
 - a. Whenever possible, the reading of the Miranda warnings and the interrogation will be recorded (audio, visually, or obtained in writing).
 - b. The suspect shall be advised of the name(s) and authority of the interrogating law enforcement officer(s) or detective(s) and the nature of the matter in question.
2. Waiver of Rights: The burden of proof is on the state to establish that the suspect has waived their his/her rights. If the advisement of the Miranda warnings is not being recorded, a witness should be present if possible.

- a. Once recorded, it becomes evidence and shall be treated as such.
 - b. Once the suspect unequivocally indicates an intention to invoke the right to counsel or silence, interrogation into the particular offense will cease unless reinitiated by the suspect at a later time.
- C. Victim/Witness Statements: There is no requirement that victims or witnesses be advised of their rights prior to questioning.
 - 1. Victim/witness statements should be electronically recorded or written on a statement form. Victims and witnesses do not need to be advised that the interview is being recorded when the information obtained is to be used as evidence in a criminal case.
 - 2. Every statement should contain the following information:
 - a. The case number
 - b. The name, date of birth, race, sex, and address of the person giving the statement
 - c. Name of the person or persons taking the statement
 - d. The date, time, and location where the statement was taken
 - 3. All victim/witness statements shall become part of the official case file, with the original being forwarded to the State Attorney's Office as part of the case package if an arrest is made.
- D. Suspect Statements: If a suspect is in custody and subject to questioning by an **law enforcement** officer (other than routine booking questions), the suspect shall be given Miranda warnings prior to questioning.
 - 1. All recorded statements regardless of quality are official documents and shall be treated as such. Recorded statements will only be transcribed at a supervisor's direction. When a supervisor authorizes transcription, the original recording shall be duplicated. The original tape/recording will be submitted into evidence and a copy forwarded to the Criminal Investigations Section staff assistant for transcription. Upon completion the transcript shall be reviewed for accuracy by the case detective or investigating **law enforcement** officer.
 - 2. If the suspect or defendant handwrites a statement, the statement shall become part of the case file with the original being forwarded to the State Attorney's Office as part of the case package.
- E. Dying Declarations:

1. Dying declarations are exceptions to the hearsay rule. An law enforcement officer or detective who is present when a dying declaration is made shall document that statement in their report as the law enforcement officer may be able to testify to that declaration in court.
2. It is important that an law enforcement officer or detective accompany the vehicle transporting a critical person to the hospital, leaving the protection of the crime scene to assisting law enforcement officers. This law enforcement officer must position themselves ~~him or herself~~ near the injured person in order to listen for any utterance that may assist in the investigation. A seriously injured person, regaining consciousness for even a brief period of time, can often provide valuable information. Accusations made by a critically injured person may qualify as a dying declaration.
3. A dying declaration regarding the event may be written, oral, or may be conveyed by an act, sign, or signal equivalent to an oral statement.
4. Under the law, a dying declaration has the sanctity of an oath, since it is reasoned that a person realizing he or she is about to die will state the truth.

300-6 DEVELOPING INFORMATION:

- A. Law enforcement officers and detectives conducting criminal investigations shall adhere to the following procedures. These procedures should not be considered restrictive or all-inclusive in nature. The following general guidelines shall be followed whenever possible:
 1. Upon receipt of a case, the detective/ law enforcement officer will first analyze and review all reports as submitted.
 2. After review and analysis, it may be necessary to re-interview witnesses, complainants, suspects, or persons arrested. This process may develop additional valuable information.
 3. The detective/ law enforcement officer should attempt to gather additional information pertaining to the case by contacting pawn shops, checking with other agencies' intelligence and crime analysis units, checking with zone law enforcement officers, utilizing criminal history information, driver license checks, field contact cards, etc.
 4. Detectives/ law enforcement officers may utilize the public information officer to develop information to, for, and from the public.
 5. Whenever possible, witness statements should be sworn, and obtained in writing or electronically/digitally recorded.
 - a. When necessary, witnesses may be subpoenaed to provide information. Arrangements shall be made through the State Attorney's Office.

- b. Care should be taken to be sure that the subpoenaed witness is not considered a suspect, as the subpoena may grant immunity from prosecution.
- B. Informants include any source of information (e.g. criminals, concerned citizens, or other persons passing on information). Detectives and law enforcement officers should not overlook the function of informants in the investigative process. Investigative expense funds are available for information regarding crimes and criminals subject to the guidelines set forth in SOP #: 315, Confidential Informant Procedures and SOP #: 316, Investigative Funds.
- C. Other Sources: During investigations assigned detectives/ law enforcement officers shall determine what information will be helpful and be mindful of the potential sources available. These include but are not limited to:
 - 1. Other law enforcement agencies
 - 2. Local, state, and federal agencies
 - 3. Past and present employers
 - 4. Public records
 - 5. Department crime analyst
 - 6. The FDLE directory of informational sources.
 - 7. Information received from Crime Line
 - 8. The media
 - 9. Current and former neighbors, places of residence, and employers, as well as credit information
 - 10. Automated systems which link public records
 - 11. Composite creation software
 - 12. Various informational databases and social media sites
 - 13. License Plate Reader (LPR) systems

300-7 RESPONSE TO SEX OFFENSES/VIOLENCE:

Sex offenses may include adult or juvenile victims. In either case, the investigation must be conducted with the utmost care and compassion. The following guidelines will be followed when investigating these offenses.

A. Adult Victim

1. Upon initial contact, determine if the victim is injured and request emergency medical personnel if needed.
2. Document any excited utterances made by the victim regarding the offense.
3. If the suspect has recently fled, obtain a description, mode, and direction of flight.
4. If the suspect is known, obtain the suspect's name, address, and possible destination.
5. Obtain the basic facts and information necessary to facilitate the preliminary investigation.
6. Determine the location of the incident and secure the crime scene. Consult with a detective or crime scene technician specially trained in the collection of evidence in sexual violence cases. Based on this consultation, collect any evidence pertinent and relevant to the alleged crime in accordance with WPPD Department procedures. Should a detective or crime scene technician respond, they he/she shall be responsible for evidence collection.
7. In the event a victim advocate is needed, notification will be done by the case detective or a designee.
8. Request that a detective be notified and respond for the purpose of conducting a follow up investigation. The case detective will be responsible for completing supplemental reports as the investigation continues.
9. Upon arrival of the detective, advise the detective of the facts currently known.
10. When appropriate, a sexual battery examination will be conducted.
11. The investigating detective will be responsible for:
 - a. Informing the victim of the purpose of submitting DNA evidence for testing and the right to request DNA testing.
 - b. Informing the victim of the right to request testing by a law enforcement agency that collects other DNA evidence associated with the sexual offense, if a kit is not collected.
12. Transporting the victim(s) to either Orlando Regional Healthcare System via the Sexual Assault Treatment Center (SATC) or any other approved medical facility capable of collecting the appropriate evidence, for the purpose of having the examination completed.

NOTE: In the event the alleged sexual battery victim is deceased, the alleged victim's personal representative may request evidence which may contain DNA be tested.

13. Write a detailed report of the incident, including signed charging affidavits or arrest affidavits if the offender's identity is known and probable cause exists.

B. Juvenile Victim

1. Upon initial contact, determine if the victim is injured and request emergency medical personnel if needed.
2. Document any excited utterances made by the victim regarding the offense.
3. Determine if the offender is a family member or otherwise known to the family/victim.
4. If the suspect is known, obtain the suspect's name and address.
5. If the suspect has recently fled, obtain a description, mode, and direction of flight.
6. Determine the location and secure the scene.
7. Report the incident by phone to the Florida Department of Children and Families (DCF) abuse registry, if the offender is of family or custodial authority to the victim.
8. Conduct a cursory interview with the victim to determine if an offense has occurred. A more thorough interview will be conducted by the Child Protection Team. If the Child Protection Team will not be conducting an interview of the victim, a more thorough interview will be conducted by a properly trained member of this agency. Children should be interviewed as few times as possible to ensure the integrity of the investigation.
9. Notification of a victim advocate will be left to the discretion of the detective if one has not already been contacted by SATC or the Child Protection Team (CPT).
10. Request a detective be notified, and respond to the scene.
11. When appropriate, a sexual battery examination will be conducted.
12. The investigating detective will be responsible for:
 - a. Informing the victim (or the victim's parent, guardian or legal representative, if that person is not the suspect or perpetrator of the sexual battery) of the purpose of submitting evidence for testing and the right to request testing; and
 - b. Informing the victim (or the victim's parent, guardian or legal representative, if that person is not the suspect or perpetrator of the sexual battery) of the right to

request testing by a law enforcement agency that collects other DNA evidence associated with the sexual offense, if a kit is not collected.

13. Transport the victim to either the Orlando Regional Healthcare System via the Sexual Assault Treatment Center (SATC) or any other approved medical facility capable of collecting the appropriate evidence, usually done by a detective. If the incident is non-acute and involves a family member or person of custodial authority, DCF or the Child Protection Team will arrange for a medical examination at a later time.

NOTE: In the event the alleged sexual battery victim is deceased, the alleged victim's personal representative may request evidence be tested.

14. Write a detailed report of the incident, including signed charging affidavits or arrest affidavits if the offender's identity is known and probable cause exists.

300-8 OVERDOSE DEATH PROTOCOL:

- A. The Criminal Investigations Unit and Investigative Criminal Intelligence Unit supervisor(s) will be notified of any death scene where a drug overdose is suspected, and will determine whether detectives respond to the scene.
- B. Detectives will work to determine if the death resulted from the unlawful distribution of a qualifying substance by a drug dealer.
- C. Detectives will assess if the substance suspected of causing the overdose death is a controlled or scheduled drug, or derivative thereof; AND
 1. If an electronic communication device is on scene and law enforcement officers/detectives have access to it; OR
 2. If a witness/co-user can provide source information.
- D. Any manipulation of the decedent's electronic device will be documented in detail. Law enforcement officers shall follow all legal requirements for the search of any electronic device.
- E. Investigative Criminal Intelligence and Criminal Investigations detectives will work jointly to write related search and electronic warrants and conduct interviews with witnesses and suspects.
- F. Investigative Criminal Intelligence detectives will be the lead on all drug-related portions of death investigations and make any arrest related to homicide from unlawful distribution.
- G. Criminal Investigations detectives will be the lead on areas of the death investigation that are not drug-related, and will investigate the cause and manner of death according

to protocols in this policy and in SOP #: 200, Uniform Patrol. Criminal Investigations detectives will also investigate and charge any crimes that are not drug-related.

- H. No homicide arrests will be made until the Medical Examiner's Office has determined that a qualifying substance was the proximate cause of death.

300-9 VICTIM NOTIFICATION:

- A. Victims of crimes will be kept informed of the current investigative status. It will be the detective/**law enforcement** officer's responsibility to ensure victims are notified of any changes in the case status including the arrest of any suspect. When a case is inactivated for any reason, the victim will be notified and such notification will be documented in the supplemental report.
- B. Uniform ~~Patrol~~ **law enforcement** officers, CID detectives, and ICIU detectives assigned to conduct a follow-up investigation shall utilize a victim advocate as needed when victims require counseling, social services referrals, and criminal justice advocacy when there is reason to believe an event has had an unusually severe impact on witnesses or victims.
- C. When Uniform ~~Patrol~~ **law enforcement** officers and/or the detective in charge request assistance from the victim advocate, they should provide the assigned victim advocate with the necessary information to explain to the victim/witness the involved procedures in the investigation as well as prosecution of their case and their role in those procedures, so long as it does not endanger the successful prosecution of the case.

300-10 COMPONENTS OF THE INVESTIGATIONS SECTION AND CASE MANAGEMENT:

- A. The Investigations Section is divided into the Criminal Investigations Unit and the Investigative Criminal Intelligence Unit.
 - 1. The Criminal Investigations Unit (CID) detectives are primarily responsible for conducting criminal investigations, to include juvenile crimes.
 - 2. The Investigative Criminal Intelligence Unit (ICIU) detectives are primarily responsible for conducting special investigations relating to narcotics, vice, and other related types of criminal activity identified as critical to the mission of the department.
- B. Assignment of Cases: The CID or ICIU supervisor will be responsible for assigning follow up investigations to their respective personnel. The supervisor will:
 - 1. Review and analyze all previous reports prepared during the preliminary investigation.
 - 2. Assign incoming reports to the appropriate detective/**law enforcement** officer for follow up purposes.

3. The CID or ICIU supervisor is ultimately responsible for all aspects of any investigation assigned to a detective/ **law enforcement** officer under **their** ~~his/her~~ supervision.

C. Case Screening for CID and ICIU.

1. The objective of case screening is to apply available investigative resources to those cases that have the greatest potential for solution.
2. The investigative supervisor accomplishes case screening by identifying solvability factors (leads). The supervisor will be responsible for assigning cases to specific detectives for follow up investigation.
 - a. Cases with at least one solvability factor and workable lead will be assigned.
 - b. All major cases such as homicide, robbery, sexual battery, child abuse, elderly abuse and auto theft will be assigned regardless of solvability factors and workable leads.
 - c. Cases of a high profile and/or sensitive nature will also be assigned.
3. The investigative supervisor will evaluate the solvability factors (leads), which will in turn determine the case's assignment value. Solvability Factors may include:
 - a. Was there a witness to the crime?
 - b. Can a suspect be named?
 - c. Can a suspect be located?
 - d. Can a suspect be described?
 - e. Can a suspect be identified?
 - f. Can a vehicle, if involved, be identified?
 - g. Is there a significant method of operation?
 - h. Is there significant physical evidence present?
 - i. Is the crime of significant public interest to warrant a further investigation?
4. A waiver of prosecution should be obtained from the victim in all cases in which the victim will not assist with prosecution. A victim's refusal to sign a waiver of prosecution must be documented in a supplemental report.

- D. Case Status: Every assigned case will be designated as one of the seven below categories designed to assist in case management and control.

1. Active – an open case where the following shall apply: the victim/complainant will be contacted as soon as reasonable, preferably in person, but phone contact is permissible. Active status indicates that the case is an on-going investigation.
2. Cleared by Arrest – the suspect(s) was/were physically arrested and the case has been filed with the State Attorney's Office.
3. Transferred to SAO (also known as at-large) – an arrest affidavit has been completed and forwarded to the State Attorney's Office for review.
4. Cleared by Exception – the case is closed and there will be ~~not~~ **no** further investigation. This case status must include ALL of the following criteria:
 - a. The offender has been identified;
 - b. Enough evidence has been gathered to support an arrest, make a charge, and turn the offender over to the court for prosecution;
 - c. The offender's exact location has been identified so that the suspect can be taken into custody immediately; and
 - d. A circumstance outside of the control of law enforcement has been encountered which prohibits the agency from arresting, charging and prosecuting the offender.

NOTE: Examples of exceptional clearances include, but are not limited to, the death of the offender, the victim's refusal to cooperate with the prosecution after the offender has been identified, or the denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense. The recovery of property alone does not clear an offense.

5. Unfounded – no criminal violation exists. One of the following six criteria must be met before a case can be classified as "Unfounded:"
 - a. The victim states in a written sworn statement or recorded interview that the crime never occurred
 - b. The State Attorney's Office provides documentation stating that one of the following criteria exists based on the results of the investigation:
 - 1) No criminal violation occurred
 - 2) The elements of the incident do not constitute a criminal violation
 - c. Physical evidence does not support or corroborate the statements of the victim or eyewitnesses

NOTE: Inconsistent victim statements without supporting physical evidence will not support a case clearance of “Unfounded.”

- d. The reported criminal act occurred within another jurisdiction, and the case was forwarded to that jurisdiction
 - e. The assigned detective/ **law enforcement officer** determines through the course of the investigation that no criminal offense occurred
 - f. The investigation is of a death which is determined by the Medical Examiner’s Office to be natural or accidental.
6. Inactive – the case is no longer being investigated. This case status must include one of the following two criteria:
- a. All available leads have been exhausted, but the case has not been brought to a conclusion and the investigation has been suspended. Investigative efforts may be resumed if and when new information is received.
 - b. The victim does not wish to assist with prosecution. A waiver of prosecution should be obtained in this situation when possible.
7. Warrant Issued – an arrest warrant has been obtained, but the subject of the warrant has not been arrested.
8. **Transfer to Other Agency** – a criminal offense occurred within WPPD’s jurisdiction and the case was turned over to an outside local, state, or federal agency for investigation.

NOTE: An example is a bank robbery that occurred within WPPD’s jurisdiction and is transferred to the FBI.

E. Criteria for closing an active criminal investigation:

- 1. The criteria for ceasing investigative efforts shall include:
 - a. The absence of further leads or solvability factors.
 - b. Unavailability of investigative resources.
 - c. The case significance or insufficient degree of seriousness.
- 2. When new information or evidence is developed which upgrades the assignment value of a previously inactivated case, it may be re-opened.
- 3. The CID or ICIU supervisor will review and approve all assigned follow-up investigations prior to the case being inactivated, exceptionally cleared, unfounded, closed or cleared by arrest.

F. Investigative Summary:

1. All assigned cases will contain a detailed narrative describing the facts of the investigation.
2. The lead detective shall document dates, times, contact or attempts to contact, along with any pertinent information in an investigative summary prior to closing an assigned investigation.

G. Case Status Control System for CID: The CID supervisor will be responsible for assigning each case in the RMS and case management system.

H. Case File Maintenance System:

The purpose of this system is to provide immediate information resources to detectives and administrators regarding active case investigations.

1. All active assigned electronic case files involving criminal investigations will be maintained in Criminal Investigations, and shall be available to provide immediate information to detectives.
2. The files shall contain, when applicable, a copy of the preliminary report, records of statements, results of examinations of physical evidence and all other reports and records needed for investigative purposes.
3. All original documents and reports shall be maintained in the Records Section and/or Evidence Section when applicable.
4. Investigative files shall be maintained in accordance with public record laws.
5. Detectives shall maintain all case documents of active investigations assigned to them, stored in a secure manner, until the documents are provided to the Records Section and/or Evidence Section and the case is closed or inactivated.

I. Case Management Responsibility:

The CID and ICIU supervisors will monitor the progress of each continuing criminal investigation. The supervisor will advise detectives/ law enforcement officers regarding the need for:

1. Additional interviews and interrogations.
2. Additional information from various sources, including law enforcement, informants, or the private sector.
3. Additional review of department records, criminal histories, and crime analysis information.
4. Search warrants.

5. Specialized equipment such as audio, video and/or electronic surveillance
6. Specialized vehicles such as unmarked cars and surveillance platforms
7. Investigative expense funds
8. Review of laboratory or forensic tests to attempt to establish evidentiary facts.
9. Dissemination of information within this agency as well as other agencies in the county, state, and/or nation as appropriate.
10. Collection of additional physical evidence.
11. Checking criminal histories of suspects, witnesses, and/or victims.
12. Review the case file package prior to being forwarded to the State Attorney.
13. Provide all possible assistance to the State Attorney.
14. Evaluate the possibility that suspects may be linked to other crimes, resulting in additional charges and case closures.
15. Ensure that appropriate follow-up contact is made with the victim and principals in all cases.
16. Ensure that when a detective establishes probable cause to arrest a suspect, that they ~~he/she~~ makes a reasonable effort to locate the suspect and take ~~him/her~~ **them** into custody. If an arrest cannot be made in a reasonable amount of time **or there are other circumstances which make an arrest warrant preferable**, then the detective should secure an Arrest Warrant or have the appropriate paperwork filed with the State Attorney that will assist in an Arrest Warrant being issued.

300-11 SENSITIVE INVESTIGATIONS:

A. Notification Procedures:

1. When one of the two Criminal Investigations Section units initiates a sensitive investigation, the CID or ICIU supervisor will notify the Chief of Police via the chain of command. The nature of the investigation will otherwise remain confidential.
2. The Chief of Police will consider whether employees should continue the investigation or if the assistance of state or federal agencies should be enlisted.

B. Criminal Investigations Unit and Investigative Criminal Intelligence Unit Policy:

Detectives must often conduct criminal and background investigations that relate to white-collar crime, organized criminal activity or vice-related offenses. Due to the

sensitive nature of many of these investigations, the following guidelines will be followed to ensure that these cases are handled in a professional manner:

1. The purpose and need for the investigation will be carefully evaluated, based on a review of the preliminary investigation, any special request by the State Attorney's Office or substantial information from private individuals, corporate sources or reliable police informants.
2. The initial investigation by CID or ICIU will attempt to verify that criminal activity is involved and, if possible, the extent of the activity.
3. Additional sources of information include:
 - a. Department crime analyst
 - b. FCIC/NCIC
 - c. Federal agencies such as the FBI, DEA, Treasury Department, etc., which have extensive intelligence files available
 - d. The Florida Department of Law Enforcement (FDLE), State Comptroller, Attorney General, and Secretary of State's Office that can provide information on many individuals and businesses within the state
 - e. Local law enforcement agencies, both in Florida and throughout the country
 - f. Private organizations, such as the National Auto Theft Bureau, major credit card and banking institutions, local licensing bureaus, local watchdog agencies, etc.
 - g. The Metropolitan Bureau of Investigation (MBI) and other task force agents
 - h. Other available information sources
4. Information collected will be reviewed periodically by the lead detective/ law enforcement officer and the investigative squad supervisor and a decision made regarding the continuation and direction of the investigation.
5. ~~Personnel~~ Law enforcement officers will conduct background investigations only in correlation of ongoing criminal investigations (this does not preclude pre-employment background checks). Information gathered during background investigations may be used as evidence; reveal witnesses or others involved in criminal activity, or provide information essential to obtaining a search warrant.
6. All information obtained as the result of a background investigation shall be incorporated into a report, which shall become part of the case file. This information shall be available to agency personnel and other local, state, and federal agencies on a need to know basis.

7. The CID or ICIU supervisor, in coordination with the public information officer, will decide what information, if any will be released. Requests for information will be referred to the public information officer.
8. The purging of criminal and intelligence information will comply with **WPPD policy** ~~agency directives~~ and applicable law.

300-12 TECHNICAL AIDS AND COLLECTION OF EVIDENCE:

- A. Technical Aids – Members shall familiarize themselves with the various specialized equipment, vehicles, and services available such as:
 1. Video cameras
 2. Digital cameras
 3. Telephoto lenses
 4. Audio recording devices
 5. Surveillance platforms
 6. The use of polygraph and computerized voice stress analyzer
 - a. **WPPD** ~~The Department~~ recognizes that a polygraph or CVSA is good investigative tool that may be used in conjunction with investigative leads or conducting interviews of available suspects, victims, and witnesses during a criminal investigation.
 - b. When CID or ICIU detectives request an exam for detection of deception in conjunction with a criminal investigation, the following will apply. Juveniles must have the written permission from a parent or guardian. The polygraph/CVSA is used to test validity of statements, develop leads and obtain case direction. Prior to utilizing the polygraph/CVSA, the detective should have reason to believe that the victim, suspect, or witness is being deceptive. The detective must receive the approval of their supervisor prior to having a polygraph/CVSA administered.
 - c. **WPPD** ~~The Department~~ does not employ a polygraph/CVSA examiner. A **WPPD** ~~Department~~ approved examiner who possesses a certificate of training will be utilized.
 - d. This type of evidence is for investigative purposes only, and the results of the polygraph or computerized voice stress analysis will most likely not be admissible in trial; therefore, CID or ICIU detectives should ensure that other evidence collected creates probable cause without these results.

B. Collection of Evidence:

1. Evidence collected by Criminal Investigations will be obtained in a constitutionally correct manner.
2. When needed, search warrants will be used and affidavits and returns of inventory properly filed with the Clerk of Courts as set forth in SOP #: 323, Search Warrants.
3. If evidence is collected, its description, location, time of collection, and any other pertinent information will be recorded and made part of the investigative file.
4. Evidence collected will be reflected on a property receipt and chain of custody documented.
5. Law enforcement officers will use their training to effectively collect evidence and may request via their supervisor assistance from a crime scene technician or the Criminal Investigations Section when required procedures extend beyond their experience and/or training.
6. Policies regarding the collection and preservation of evidence will be followed.

300-13 CALL OUT POLICY AND CRITERIA:

A. Call Out Policy:

It is the policy of WPPD ~~the department~~ to have detectives/ law enforcement officers available 24 hours a day, 365 days a year. This coverage will be via an on-call status for hours other than those regularly scheduled and for weekends and holidays. The CID and ICIU supervisors will publish a complete on-call list. A copy of the current call-out schedule will be provided to the Communications Section and each investigator.

B. Call-Out Criteria:

1. A Patrol supervisor must first respond to and assess the scene to determine if a detective is needed. If the Patrol supervisor determines that a detective is needed, they he/she will contact the Criminal Investigations (CID or ICIU) supervisor. The Criminal Investigations supervisor will then contact the on-call detective and have the detective respond to the scene. During unusual or developing situations, the Communications Center may be used to contact the Criminal Investigations supervisor.
2. The person contacting the Criminal Investigations supervisor should be prepared to answer questions concerning the call-out.

Drafted: ASK01-00 /filed: 227 /revised: BCR02-00 /revised: MD10-03 /revised:TP11-06,07
/revised: ASK10-08 /revised: PM10-09 /revised: JLL10-11 /revised: RLJ06-12 /revised: PM07-14
/revised: KG07-16 /revised: KWR08-20 /revised: KEOF09-21/revised: JD/PM 02-23



Timothy Volkerson
Chief of Police



Civil Service Board **agenda item**

item type Staff Updates	meeting date March 7, 2023
prepared by Kathleen Reed	approved by
board approval	
strategic objective	

subject

Police Department

motion / recommendation

background

alternatives / other considerations

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subject

Fire Department

motion / recommendation

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fiscal impact