



Civil Service Board Regular Meeting

Agenda

February 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 January 10, 2023](#) 1 minute
 3. **Public Comments (for items not on the agenda): Three minutes allowed for each speaker**
 4. **Action Items**
 - a. [Police Applicant Interviews](#) 5 minutes
 - Raheem Watts
 - Preston Newman
 - b. [Officer off of Probation](#) 1 minute
 - Officer Gordon Shyy
 - c. [Police Department SOP's](#) 5 minutes
 - SOP 141 Corrective Action
 - SOP 216 Conducted Energy Weapon
 - SOP 260 Agency Owned Vehicular Utilization
 - SOP 336 Police Officer Trainee Program
 - SOP 385 Community Service Officer Program
 - d. [Promotional Process for Lieutenant-Fire Department](#) 1 minute
 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	February 7, 2023
prepared by	Kathleen Reed	approved by	
board approval			
strategic objective			

subject

Minutes for January 10, 2023

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[January 10, 2023.docx](#)



Civil Service Board Regular Meeting Minutes

January 10, 2023 at 4:00 p.m.

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

Present

Present in Person: Vice Chairman Steve Stutzer, Board Members: Stockton Reeves, Terry Hotard, Bill Segal, and Todd Meadors. **Also Present:** Police Chief Tim Volkerson, Fire Chief Dan Hagedorn, Interim Division Chief Dan Devlin and Recording Secretary Kathy Reed.

Virtual: Mary Daniels (joined at 4:15 p.m.)

Absent: Javier Rodriguez

Vice Chairman Steve Stutzer welcomed our two new board members, Terry Hotard and Bill Segal.

(1) Call to Order

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

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

(Agenda taken out of order)

(2) Consent Agenda

Minutes for December 6, 2022

Motion made by Mr. Meadors and seconded by Mr. Reeves to approve the minutes from the December 6, 2022, Regular Meeting. Motion carried unanimously with a 5-0 vote.

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

None

(4) Action Items

a. Fire Department SOG'S

SOG 231 Operational Procedures for Use of AC Hotstick

SOG 237 Hazardous Materials Response

SOG 501-Dispatching - Communication's Center Procedures

SOG 505 Quality Control Program - Emergency Communications

Mr. Reeves stated that in SOG 505, Eatonville is referred to as the City of Eatonville, when it should state the Town of Eatonville. Correction was noted and SOG 505 will be changed to reflect the Town of Eatonville. Motion was made by Mr. Reeves and seconded by Mr. Hotard to approve the above listed SOG's. Motion carried unanimously with a 5-0 vote.

b. Approval of Outside Employment - Fire Department

Chief Hagedorn requested board members to approve the list of outside employment. At this time, Chief Hagedorn answered questions from board members pertaining to the procedures of outside employment. Motion was made by Mr. Hotard and seconded by Mr. Reeves to approved the list of outside employment. Motion carried unanimously with a 6-0 vote.

c. Police Department SOP's SOP 141 Corrective Action Policy SOP 260 Agency Owned Vehicular Utilization

Chief Volkerson asked that SOP 141 and 260 be postponed to February when Javier Rodriguez the Police Representative is present. Mr. Reeves noted the following corrections to be made: his to their. SOP 141-Page 9 and on Page 10

Nothing in this regulation should be construed as prohibiting on-duty drinking when necessary to maintain cover or further an investigation when authorized to do so by the Chief of Police or his designee. Members are also prohibited from consuming any substance to the extent the on-duty performance is impaired.

4. Medical Examinations/Testing – Cite: City manual 2.07, 7.03

Members shall submit to any legally permissible and reasonable physical, psychiatric, breath test, chemical or laboratory tests or examinations, if ordered by the Chief of Police or his designee to determine fitness for duty or during the course of an internal investigation.

Vice-Chairman Stutzer inquired as to the meaning of a Notice of Caution in SOP 141. Chief Volkerson explained that a Notice of Caution is the last step before an employee will be moved into formal discipline.

d. Request to hold a Civil Service Exam-PD

Chief Volkerson requested to hold a Civil Service Test. Motion was made by Mr. Segal and seconded by Mr. Reeves to allow a Civil Service Test to be held. Motion carried unanimously with a 6-0 vote.

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

Motion was made by Mr. Meadors to elect Mr. Stutzer as the Chairman. Motion was made by Mr. Segal to elect Mr. Reeves as the Chairman. Mr. Reeves declined at this time.

Ms. Daniels seconded the motion to elect Mr. Stutzer as the Chairman. Motion carried unanimously with a 6-0 vote.

Motion was made by Mr. Meadors to elect Mr. Reeves as the Vice-Chairman.

Motion was seconded by Mr. Hotard to elect Mr. Reeves as Vice-Chairman. Motion carried unanimously with a 6-0 vote.

Motion was made by Mr. Reeves to elect Ms. Daniels as the Chief Examiner. Motion was seconded by Mr. Hotard to elect Ms. Daniels as the Chief Examiner. Motion carried unanimously with a 6-0 vote.

(5) Not Action Items

(6) Staff Updates

a. Police Department

- Ed Bigley has been selected to the newly funded city position as the Community Services Officer. This position will respond to minor crashes and over with property crimes.
- Annabelle Arciniega was promoted to the Senior Property Evidence Technician.
- One open position remains for a Property Evidence Technician.

b. Fire Department

- Two resignations in the last two months/pursuing careers outside of the fire service.
- Staffing is currently even at this time.
- Interim Chief Devlin was appointed to Division Chief of Fire and EMS Operations.
- Fire Department was awarded a federal grant in the amount of \$101,000.00. This grant will allow every intersection to be outfitted with a preemption device and transponders will be mounted in every emergency vehicle.

Chief Hagedorn requested permission to hold testing for the position of Battalion Chief. Motion was made by Mr. Reeves and seconded by Mr. Meadors to allow testing for the position of Battalion Chief. Motion carried unanimously with a 6-0 vote.

(7) Board Comments

Ms. Daniels asked for information regarding the position of Chief Examiner. Ms. Reed will forward requested information to Ms. Daniels.

(8) Upcoming Agenda Items

(9) Adjournment

Minutes approved by the board on

/s/ Recording Secretary Kathleen Reed



Civil Service Board **agenda item**

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

subject

Police Applicant Interviews

item list

- Raheem Watts
- Preston Newman

motion / recommendation

background

alternatives / other considerations

fiscal impact



Civil Service Board **agenda item**

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Officer off of Probation

item list

- Officer Gordon Shyy

motion / recommendation

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Civil Service Board **agenda item**

item type Action Items	meeting date February 7, 2023
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subject

Police Department SOP's

item list

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

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[SOP 385 Community Service Officer Program.pdf](#)

ATTACHMENTS:

[SOP 336 Police Officer Trainee Program.pdf](#)

ATTACHMENTS:

[SOP 260 Agency Owned Vehicle Utilization.pdf](#)

ATTACHMENTS:

[SOP 216 Conducted Energy Weapon.pdf](#)

ATTACHMENTS:

[SOP 141 Corrective Action.pdf](#)

**WINTER PARK POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

Title:	Community Service Officer Program	SOP #: 385
Rescinds:	NEW	Amends:
Effective:	February 7, 2023	Pages: (01)

Attachments:

385-1 PURPOSE:

The purpose of this order is to define the duties and responsibilities of a Community Service Officer position/program and to define the guidelines for their requirements, selection, training, authority, restrictions, assignment, responsibilities and supervision.

385-2 POLICY:

It is the policy of the Winter Park Police Department to utilize civilian members to respond to and handle calls which do not require full enforcement powers, are not-in-progress (over with), nonviolent crimes and customer service-type calls. This role will provide supplemental assistance to law enforcement officers, thus allowing additional time to respond to emergency calls and perform appropriate proactive enforcement activities.

Community Service Officers (CSOs) shall operate and adhere to all applicable regulations and WPPD policy and procedures and shall only perform those functions to which they have received training.

Supervision: The patrol supervisor shall have the primary duty to ensure that CSOs only respond to calls that are appropriate to their position, training, and authority. The patrol supervisor may reassign calls for service to a law enforcement officer or to a CSO as they determine appropriate.

385-3 AUTHORITY AND FUNCTION:

- A. The Community Service Officer (CSO) is a paraprofessional position intended to augment the sworn law enforcement of WPPD. CSOs are not sworn officers and do not have arrest authority; they DO NOT have arrest powers and shall NOT attempt to make an arrest.
- B. These members perform service and police functions that DO NOT require law enforcement or regulatory authority. These functions include, but are not limited to, responding to over-with calls, report writing, traffic direction and control, traffic crash investigation and non-criminal citation issuance.

C. Restrictions:

1. Under no circumstances will CSOs be dispatched to or respond to any crime in progress. Should a CSO inadvertently be in close proximity to an in-progress or potentially dangerous situation, the CSO shall move to a position of safety. The CSO shall immediately notify Communications of their location and relay all pertinent information to Communications and the responding law enforcement officers. CSOs shall not follow any suspect, suspect vehicle or suspicious vehicles.
2. Under no circumstances will a CSO be dispatched to any disturbance-type calls involving confrontations between individuals, family disturbances, neighborhood disputes, disorderly person, etc. If a confrontation occurs on any call, the CSO on the scene shall retreat to a place of safety, notify Communications, observe without becoming involved, and relay all pertinent information to Communications until a law enforcement officer arrives. The call shall then be reassigned to the responding officer.
3. A CSO shall not be dispatched to any call where the suspect is known and still may be on scene, or the suspect has recently left the scene and the suspect's return is possible, or when the scene has not been searched.
4. CSO will NOT be permitted to use physical force or any assigned and authorized weapon in the performance of their duty except in self-defense.
5. CSOs do not have general arrest powers: therefore, CSOs shall not attempt to make physical arrests, detain individuals or initiate traffic stops of any kind. A law enforcement officer will always be summoned to make any arrests, detain individuals or make a traffic stop.
6. A CSO who has full notary powers will be restricted to performing the same notary functions as law enforcement officers while on duty and no fee will be charged. A CSO using their full notary powers while off duty will be solely liable and must comply with all the laws set forth in Florida Statute Chapter 117, Notaries Public.
7. A CSO shall not act in the capacity of a sworn Reserve/Auxiliary Police Officer with WPPD or any other police agency.
8. At no time, while on duty, will a CSO be permitted to possess a firearm on their person or in the patrol vehicle. The only exception would be to transport a firearm as evidence or as found property, directly to the police station and submitted to Property and Evidence, as detailed in departmental policy.
9. CSOs may engage in extra-duty employment, as defined by agency SOP 180. CSOs may request to work off-duty employment per SOP 181 and shall follow procedures contained in that policy.

385-4 MINIMUM REQUIREMENTS AND THE SELECTION/HIRING PROCESS:

A. The minimum requirements for a CSO are as follows:

- Minimum 18 years of age;
- High school graduate or equivalent;
- Pass a background examination;
- Possess a current Florida Driver's License;
- Pass pre-employment polygraph examination(s);
- Pass a medical exam to include a drug screen; and
- Be able to work hours as assigned.

B. The CSO selection/hiring process shall include:

- Completion of an application
- Panel review board (by members assigned by the Deputy Chief)
- Background investigation (to include military service record review, social media review, fingerprinting, criminal history checks (local and national), DL check, driving history check, previous employment verification, employee references, personal references, credit history check and drug history review)
- Polygraph
- Psychological exam
- PAT test
- Interview with the Chief of Police
- Medical exam and drug screen

Note: CSO applicants do not need to be interviewed/approved by the Civil Service Board. The Chief of Police shall determine if the CSO applicant is hired for the position.

385-5 DUTY HOURS, UNIFORM AND EQUIPMENT:

A. CSOs will work shifts as needed to meet the needs of the agency. Modifications to the schedule may be made by the Operations Captain, with approval of the Deputy Chief. The hours/days of the CSOs assigned to Special Operations will correspond to the manpower needs of the Department and based on calls for service.

- B. CSOs assigned to a field position will wear a uniform which is clearly different from that of a law enforcement officer. The issued uniform shall consist of a light blue shirt, navy pants, approved footwear and a black belt.

NOTE: Refer to SOP 130 – Personal Appearance for details regarding required personal appearance regulations affecting this position.

- C. The uniform, at all times, will conform to Departmental directives concerning uniform requirements.
- D. Traffic vests or issued high-visibility clothing shall be worn at all times while directing traffic or pedestrians.
- E. CSOs will be issued body armor. The wearing of body armor will be required when in uniform and performing the general functions of a CSO (in the field). Situational exceptions to the requirement may include attendance at training functions, ceremonies, homeowner's association meetings, etc.
- F. A visual inspection of the CSO uniform and equipment shall be conducted on a routine basis. A formal inspection of the CSO vehicle for both cleanliness, content and readiness shall be conducted and documented on quarterly basis, in accordance with agency policy.

385-6 DUTIES AND RESPONSIBILITIES:

- A. Patrol Assignment Responsibilities: To assist and support the law enforcement officers in the performance of their duties and to assist in maximizing services to the public in non-hazardous situations.
- B. Duties may include but are not limited to:
 - 1. Respond to dispatched calls for service and complete reports as required.
 - 2. Monitor the radio at all times during their tour of duty, to include notifying Communications each time they change location.
 - 3. Conduct traffic crash investigations and issue non-criminal Uniform Traffic Citations (UTTs) (if training has been received).
 - 4. Process crime scenes and collect evidence.
 - 5. Issue parking citations.
 - 6. Fingerprint members of the public.
 - 7. Provide traffic direction and control.

8. Provide general information to members of the public as required (giving directions, references to City departments, medical facilities, shopping, public presentations, etc.).
 9. Check vehicles that have defective equipment and sign the backs of UTTs for defective equipment (certifying that the appropriate correction(s) have been made).
 10. Conduct same sex pat downs and searches of arrestees if a same sex law enforcement officer is unavailable, while under the direct direction and supervision of a law enforcement officer.
 11. Perform crossing guard duties.
 12. Respond to subpoenas and testify in court.
 13. Assist in the search for missing/endangered persons.
 14. Assist law enforcement officers as a scribe and/or runner at major crime scenes or ICS events.
 15. Participate in traffic operations by completing reports as needed.
 16. Park at highly-visible locations and provide extra patrol at high traffic accident locations in an effort to deter traffic violations.
 17. Patrol parking lots and residential neighborhoods where numerous vehicle and residential burglaries have been reported.
 18. Administering basic first aid within the scope of their training and abilities.
- C. CSOs shall also be on the lookout for any crimes in progress and immediately notify Communications of the location and nature of the activity without becoming directly involved.
- D. CSOs shall request assistance from their supervisor or a law enforcement officer when a situation presents special or unusual problems which they do not feel fully capable to handle.
- E. CSOs may be assigned to other Departmental components/functions deemed appropriate by the Chief of Police. These may include, but are not limited to Investigations, Special Operations or Community Services.
1. Tasks, duties and responsibilities, when assigned to any position outside of a patrol function, shall be documented and clearly conveyed to the CSO by the supervisor/manager of that particular unit/division.

2. Each area/function shall be responsible for the direct supervision of the CSO and shall ensure all training, which is needed for the specialized position, be conducted and documented.

385-7 VEHICLE UTILIZATION:

- A. CSO are authorized to utilize vehicles that have WPPD markings and amber lights and shall be clearly marked "Community Service Officer". No CSO vehicle shall have red or blue emergency lights. The vehicles will be equipped with a public address system. CSOs may use unmarked vehicles, with the approval of the Operations Captain.
- B. CSOs will not respond in emergency mode. Under no circumstances will CSOs be dispatched to any calls requiring emergency response of their assigned vehicles.
- C. The amber lights on CSO vehicles will only be used for traffic control and to protect the vehicle, the CSO, or other people or vehicles.
- D. While operating a City vehicle, CSOs will obey all traffic laws and will wear seatbelts in accordance with State, City and agency policy.
- E. All vehicles will be maintained in a safe and operative status at all times.
- F. All vehicles will be locked and secured when parked.
- G. Any damage to the vehicle will be reported in accordance with agency policy.
- H. When not being used in official capacity, CSO vehicles may be taken home, when approved by the Chief of Police. When approved, all rules and regulations on take-home vehicles (SOP-260) shall apply.

385-8 TRAINING:

A. FIELD TRAINING

1. Field Training Program -CSOs will successfully complete the specified field training program prior to assuming the responsibility of handling calls without supervision. The field training program will provide systematic, consistent and standardized training for CSOs.
2. CSOs shall be trained according to the curriculum provided in the CSO Field Training Guide. Along with essential job functions and departmental policy, training shall include driving proficiency, use of chemical munitions, exposure control/bloodborne pathogens, FCIC/NCIC certification, basic crime scene processing, traffic direction and control, CPR/first-aid, autism awareness, accreditation, ICS, and mental health awareness.
3. The field training program lieutenant shall be responsible for the administration of the CSO Field Training Program.

4. The CSO Field Training Program is designed to train the probationary CSO.
5. Probationary CSOs shall be trained by law enforcement officers and CSOs qualified to be, and selected as, Field Training Officers.
6. The program will be divided into multiple phases of training and shall be a minimum of 8 weeks in length. Each phase shall have a specific performance objective and shall be concluded with a written test and evaluation of the CSO.
7. WPPD's CSO Training Guide will contain:
 - a. The guidelines for evaluating members undergoing field training;
 - b. Applicable agency policies and procedures;
 - c. Appropriate tests and competency evaluation devices;
 - d. Forms and outlines to document the field training of individual members.
8. Remedial training shall be conducted as needed at the discretion of the CSO's Field Training Officer, or at the direction of the Field Training Program Supervisor or Lieutenant. All remedial training will be documented.
9. Remedial training will NOT exceed two weeks. If the CSO does not adjust to an acceptable level of performance after a two-week remedial period, the CSO may be terminated.
10. CSOs may be extended in any phase at the recommendation of the CSO's Field Training Officer and the approval of the Field Training Program Lieutenant. Any extensions beyond two weeks must be approved by the Operations Captain.
11. The Chief of Police shall make all final decisions regarding the termination of a CSO.
12. Release from the Program
 - a. Upon completion of the required program, the Field Training Program Lieutenant shall review the CSO's training record. The Field Training Program Lieutenant shall solicit input from the Field Training Officers in making a final recommendation on retention.
 - b. The recommendation on retention shall be forwarded to the Deputy Chief for review. The Deputy Chief will determine the release and assignment of the CSO who passes the training program successfully.
13. Once the CSO has successfully completed the field training program and is assigned a permanent shift assignment, their supervisor will complete mandatory

monthly evaluations, as dictated by City policy. The CSO shall be on probation for six (6) months.

NOTE: CSOs who have successfully completed the WPPD's Law Enforcement Officer Field Training Program will NOT be required to complete the CSO Field Training Program.

B. IN-SERVICE/BLOCK TRAINING

1. The Training Section shall schedule appropriate annual training for CSO positions.
2. Training may be alongside law enforcement officers during block training, dependent upon the training content.
3. All CSOs will receive annual training in accordance with agency policy, accreditation standards and state statutes.
4. All CSOs who are issued OC chemical spray will attend and complete annual training pertaining to use of force. If issued OC chemical spray, at a minimum, the CSO shall complete training annually and demonstrate proficiency.
5. CSOs will be required to attend any additional training as deemed appropriate to the CSO function.

C. Additional Training – CSOs may attend training in addition to the field training program and annual required training. All training requests and decisions shall follow the outlines contained in SOP 125 – Training Standards.

385-9 TYPES OF CALLS HANDLED BY COMMUNITY SERVICE OFFICER:

A. CSOs may respond to calls for service only under the following conditions:

1. Only when criminal activity is no longer present;
2. There is no indication that violence is occurring or is likely to occur;
3. There is no information to indicate that an arrest will be made at the scene (unless working a specific operation with law enforcement officers present, e.g. checkpoint, decoy operation).

B. CSOs may process crime scenes, collect physical evidence, take digital photographs of crime scenes, and other duties assigned.

C. Examples of calls that CSOs may respond to include the following:

1. Lost or stolen vehicle tags
2. Stolen/recovered/abandoned vehicles

3. VIN verifications
 4. Burglaries after business/residence/vehicle has been cleared
 5. Thefts
 6. Criminal mischief
 7. Lost/Abandoned property
 8. Found property
 9. Fraud
 10. Traffic crashes (when properly trained)
 11. Missing persons (to assist with searches)
 12. Harassing phone calls/cyber stalking
 13. Illegal dumping
 14. Civil property complaints where both parties are NOT present
 15. Other misdemeanor calls as directed by a supervisor
 16. Assisting with traffic control/directing traffic
- D. CSOs will request that a law enforcement officer respond if a situation appears it may necessitate the use of law enforcement powers or if the situation has the potential for violence and/or confrontation. The CSO will move to a position of safety and observe until a law enforcement officer arrives.
- E. CSOs will not respond to any call that is identified or perceived as hazardous
- F. If a CSO is working a traffic crash and suspects a crash may involve a person under the influence of drugs or alcohol or any other criminal violation, the CSO will request a law enforcement officer respond to the scene.
- G. Incidents where a CSO comes in contact with a sexual predator/offender, gang member, or a wanted person, they are to immediately contact a law enforcement officer for assistance. The law enforcement officer shall remain on scene while the CSO is completing the call, or have the call reassigned to them.
- H. When not handling a call for service, CSOs will perform preventative patrol, patrol of parks, shopping center parking lots and neighborhoods for the benefit of its users to facilitate a sense of security and to make general observations of suspicious activity which may pose a threat to public safety.

- I. Observation of suspicious activity will be promptly reported to Communications.
- J. CSOs will NOT handle the following calls:
 - 1. Any call for a crime in progress;
 - 2. Disturbances calls of any nature to include domestic disturbances, neighborhood disputes, disorderly persons, etc.;
 - 3. Calls where a suspect is still on-scene or has recently left the scene and the suspect's return is possible or probable.
 - 4. Calls in which there is a likelihood of an on-scene arrest.
 - 5. Active alarm activations.
 - 6. Trespass requests (when the suspect is still on-scene).
 - 7. Any call in which a hostile, violent, or argumentative person is reported to be on-scene.

385-10 USE OF AUTHORIZED WEAPONS AND USE OF FORCE:

- A. CSOs assigned a field position shall carry (while on-duty) the approved OC chemical spray. The OC chemical spray is NOT authorized for use/carrying while in an off-duty status.
- B. The OC chemical spray will be used only as personal protection as a defensive option. OC chemical spray may be used on aggressive animals for the protection of self or others.
- C. CSOs may be issued OC chemical spray ONLY after receiving appropriate training and successful demonstration of proficiency.
- D. When issued OC spray, CSOs will be required to attend annual training and demonstrate proficiency every other year. If they are unable to show proficiency, they shall immediately be given remedial instruction. If they are unable to show proficiency after remedial instruction, they shall be required to turn in their spray until remedial training is completed with a successful display of proficiency.
- E. When OC spray is deployed, the CSO will complete a Use of Force Report as prescribed in SOP 222, Use of Force.

Drafted: KEOF 8-22 /Filed: /revised:



Timothy Volkerson
Chief of Police

**WINTER PARK POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

Title:	Police Officer Trainee Program	SOP #: 336
Rescinds:	NEW	Amends:
Effective:	February 7, 2023	Pages: 6
Attachments:	Attachment "A" - Police Officer Trainee Contract/Agreement	

336-1 PURPOSE:

This policy establishes policies, procedures and requirements for the position of Police Officer Trainee at the Winter Park Police Department (WPPD).

336-2 POLICY:

- A. It is the policy of the WPPD to provide qualified (non-certified) candidates with a full sponsorship for costs associated with attending a Basic Law Enforcement Academy within the State of Florida. All sponsorships shall be based solely upon the City's non-discriminatory assessment of the best interests of the agency, including, but not limited to, the availability of an open position, the candidate's ability to perform the job, the candidate's qualifications, pre-employment test results, and Departmental needs. Upon successful completion of an academy and acquisition of a Florida Department of Law Enforcement (FDLE) law enforcement officer certification, the trainee will be appointed to the position of "Police Officer" with pay and benefits commensurate with the position.
- B. The City of Winter Park is an Equal Opportunity Employer in compliance with laws and prohibiting discrimination on the basis of race, color, sex, age, marital status, religion, national origin, or disability.
- C. To assure fairness, elements of the selection process shall be administered, scored, and interpreted in a uniform manner. The standards described herein are applicable to all applicants. All elements of the selection process shall be documented as job-related and non-discriminatory. To ensure Department processes meet industry and hiring standards, verification of the above (for law enforcement officer positions) shall be accomplished by a periodic review (occurring a minimum of once every three years) of the selection process by an independent authority.
- D. This policy will change as necessary to conform to the Criminal Justice Standards and Training Commission (C.J.S.T.C.) guidelines. Central to the successful performance of a law enforcement officer's job is the issue of trustworthiness. Any false information presented during any phase of the selection/hiring process will result in the candidate

being removed from processing and be disqualified for future employment with the WPPD.

336-3 DEFINITIONS:

Agreement/Contract – A legally binding document which is required for the position of police officer trainee. It stipulates the requirements of the police officer trainee position, the obligations to the City of Winter Park and the financial ramifications and reimbursement required if the program is not completed in the stipulated and defined duration.

Qualified Candidate – An individual who meets the job requirements of the program, meets all the qualifications to be a law enforcement officer at the WPPD (minus the State-certification, at the time of initial employment) and who is selected by the Chief Police to attend the academy as a police officer trainee.

Sponsorship Program - A program developed by the WPPD to assist qualified candidates attend a certified law enforcement academy within the State of Florida, be an employee of the City of Winter Park while enrolled, and be compensated while attending the academy.

Trainee – A civilian member attending a certified law enforcement academy in the State of Florida, who has been hired by the City of Winter Park and is employed as a WPPD police officer trainee.

336-4 ELIGIBILITY REQUIREMENTS, MINIMUM QUALIFICATIONS AND APPLICATION DISQUALIFIERS:

A. Applicant qualifications for the police officer trainee position are similar to the qualification for a law enforcement officer position with the City of Winter Park; applicants must:

- Be 19 Years of age;
- Be A U.S. Citizen;
- Possess a valid Florida driver's license;
- Meet vision requirements binocular and monocular vision of 20/50 uncorrected & 20/30 corrected;
- Have no problems with color vision;
- Be of good moral character;
- Pass a fingerprint check;
- Have no felony or misdemeanor convictions involving "moral turpitude";
- Have an honorable military release (if applicable);
- Pass an in-depth background check;

- Pass preliminary examinations; and
 - Possess an associate degree from an accredited college/university with a minimum 2.0 GPA, OR have two (2) or more years of active-duty military service with an honorable discharge, OR possess a high school diploma or an acceptable equivalency diploma/GED.
- B. The following list includes some background disqualifiers, set forth by established rules, policies and procedures. If any of these apply, application to the Police Officer Trainee Program will be terminated and the processing of the candidate discontinued.
- Any felony arrest or a misdemeanor arrest involving a violation of good moral character as defined by FSS 943.13 and Florida Administrative Rule 11B-27.0011.
 - Significant omission of information where it is later discovered the candidate could have made the information available.
 - A serious inability of a candidate to communicate in writing.
 - Commission of a felony crime within five (5) years of date of application.
 - Used or possessed any controlled substance as defined in Chapter 893 F.S.S. within three (3) years, the possession of which would constitute a felony offense under Florida Law.
 - Any illegal delivery of a controlled substance, whether or not for profit.
 - Five (5) convictions singly or in combination within three (3) years of any traffic violation which demonstrates a pattern of carelessness or driving negligence.
 - Has not possessed a valid operator's license for more than one (1) year.
 - Dishonorable discharge from the military.
 - Previous termination or resignation to avoid termination within the past three (3) years from any employer. (This does not include termination based on layoffs or downsizing).
- C. Tattoos that extend past the elbow must be approved by the Chief of Police to be visible. If not approved by the Chief of Police, the individual must be willing to cover tattoos with a long-sleeved uniform shirt to be considered for employment.
- D. In addition, the City of Winter Park is a non-tobacco workplace. The City will not consider applicants who are currently using or have used tobacco or nicotine products with the past 12-months, prior to application for employment. The definition of "tobacco or nicotine products" includes but is not limited to, cigarettes, cigars, chewing tobacco, pipes, snuff, e-cigarettes and nicotine patches or gum.
- E. Integrity is of the utmost importance at the WPPD; therefore, if it is determined that at any time during processing an applicant made false statements on any answers on the

application or in any portion/element of the application process, the applicant will be disqualified and reported to CJSTC.

336-5 APPLICATION AND SELECTION PROCESS:

- A. Potential applicants will be required to complete the following elements of the application process. These elements are the same for application as a full-time, fully-certified law enforcement officer at the WPPD. All elements are further detailed in SOP 120 – Selection and Hiring. Completion of the following is required (not necessarily in the stated order):
- An employment application with the City of Winter Park/WPPD;
 - Civil Service Cognitive Ability Written Test;
 - Panel Review Board;
 - Background Investigation;
 - Interview with the Chief of Police;
 - Physical Abilities Test (PAT);
 - Polygraph Interview and Examination;
 - Medical Exam;
 - Psychological Written Exam and Oral Interview;
 - Drug Screen; and
 - Review/Approval by the Civil Service Board.
- B. The Chief of Police may provide a conditional offer to any trainee candidate, at any stage of the selection/hiring process. Hiring will be predicated on passing each selection process element.
- C. Order of items can be modified based upon specific circumstances or when in the best interest of the WPPD and with the approval of the Deputy Chief.
- D. At any point of review and information collection, a candidate can be disqualified from the hiring process. The determination to end the selection/hiring process shall be determined by the Deputy Chief, with input provided by the background investigator(s) and any other resource involved in the selection/hiring process.
- E. The Chief of Police shall select police officer trainee positions. The Civil Service Board shall review and approve each selected trainee candidate.

336-6 TRAINEE RESPONSIBILITIES/EXPECTATIONS AND JOB DUTIES:

- A. The selected trainee applicant agrees to attend all classes and labs required to successfully pass the curriculum of the Basic Law Enforcement Academy. During periods of class recess, the selected trainee applicant agrees to perform work for the WPPD as assigned by the WPPD Community Services Lieutenant or their designee.
- B. Applicant must be able to attend a full-time (40-hours per week) Basic Law Enforcement academy. Exceptions will only be made for current full-time City employees attending a part-time Basic Law Enforcement academy.
- C. While employed as a police officer trainee, said trainees are expected to maintain contact and communication with WPPD as required. Response to calls and/or email initiated from WPPD shall be responded to within a reasonable time period.
- D. Trainees shall be provided a hard-copy Department SOP manual, after hired as a trainee and shall adhere to all policies and procedures of the WPPD.
- E. WPPD will pay for one (1) Florida State Certification examination. If the trainee does not pass the examination, WPPD reserves the right to terminate the trainee.
- F. Upon successful completion of the law enforcement academy and passage of the Florida State certification exam, the trainee shall be scheduled to begin employment with WPPD as a Police Officer Recruit and shall enter the Field Training Program.

336-7 COMPENSATION AND EMPLOYMENT STATUS:

- A. Selected applicants will receive a full sponsorship for the costs associated with attending a basic Law Enforcement Academy to include tuition, books, and fees not covered by the GI Bill (if applicable) plus, employment as a WPPD Police Officer Trainee, 40-hours per week, while enrolled in the academy.
- B. While in the police officer trainee position, the City employment classification shall be "probationary employee". The police officer trainee will be a civilian employee during this time.
- C. Upon successful completion of the Basic Recruit Law Enforcement Training Program and acquisition of the Florida Department of Law Enforcement (FDLE) law enforcement officer state certification, the police officer trainee will be eligible for promotion to (certified) law enforcement officer status and will receive pay and benefits commensurate with that classification (current City pay grade).

336-8 REIMBURSEMENT FOR NON-COMPLETION:

- A. Pursuant to Florida State Statute 943.16, the selected applicant (trainee) agrees to reimburse WPPD for all costs incurred during the sponsorship period including tuition, books and training material costs, pre-employment examination fees, and other associated costs in the event the selected applicant terminates employment prior to the conclusion of the employment agreement/contract.
- B. The agreement/contract signed at time of hiring shall provide a listing of the agreed upon terms. Termination status will include when:
- The trainee withdraws from the academy, or is terminated by academy authorities, or fails to complete the academy in a timely fashion; or
 - The trainee fails to obtain the law enforcement officer Florida State certification from FDLE; or
 - The trainee voluntarily resigns or abandons their position before working as a certified law enforcement officer for WPPD; or
 - The trainee voluntarily resigns or abandons their position PRIOR to a three-year time period, following the successful completion of the basic law enforcement academy and successful completion of the Florida State certification exam; or
 - The Chief of Police revokes the applicant's appointment during that period of time.

336-9 POSITION LIMITATIONS

While attending a law enforcement academy, the trainee shall possess no police powers and shall not be authorized nor vested to act in any capacity as a police officer or take law enforcement actions to include identifying themselves as a Winter Park Police Officer. Trainees shall adhere to all WPPD code of conduct and ethics as detailed in SOP 103 – Code of Ethics and 104 – Canons of Ethics.

Drafted: KEO&LS 12-2022 /Filed: /revised:



Timothy Volkerson
Chief of Police

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 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

SOP 336 Attachment A

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:	Agency Owned Vehicle Utilization	SOP #: 260
Rescinds:	SOP #: 278, Dated 01-01-2000	Amends:
Effective:	January 10 th , 2023	Pages: (06)
Attachments:	"A" Quarterly Inspection Checklist "B" Off Duty Incident Report	

260-1 PURPOSE:

To provide this agency with a mechanism to regulate assigned and/or agency owned vehicles and their utilization. This policy sets guidelines for such utilization and ensures that agency owned vehicles are used with the Department's mission in mind.

260-2 POLICY AND PROCEDURE:

It shall be the policy of the Winter Park Police Department that vehicles will be assigned according to the needs of the agency and vehicle availability.

260-3 VEHICLE UTILIZATION:

Operators of agency owned vehicles shall conform to all federal, state, county and municipal motor vehicle laws.

Operators of agency vehicles shall possess a valid Florida driver license.

Members shall exercise good judgment while operating assigned vehicles. Vehicles will not be operated in such a manner that will cause embarrassment or reflect discredit upon the agency.

Assigned vehicles are a privilege not a right. Chief reserves the right to revoke this privilege at their discretion.

All agency members issued a take home vehicle after January 10th, 2023, will have a drive camera installed in their assigned vehicle.

Drive camera incidents will be reviewed by agency driving instructors who will determine appropriate coaching measures. Drive camera coaching is not discipline and serves to improve the member's driving behaviors.

~~Personnel~~ **Members** assigned an agency vehicle may use their vehicle to drive to and from work if their residence is within thirty (30) miles of the city limits. Members hired prior to October 1, 2014 who reside outside the 30 mile limit are exempt from the residency restrictions.

Take-Home Vehicle Cost: ~~Personnel~~ **Members** residing within Winter Park city limits will not be required to pay a fee for fuel costs. ~~Personnel~~ **Members** whose residence is not located within the city limits, but not greater than ten (10) ~~fifteen (15)~~ miles from the closest city limit will be required to pay an **established** fee of ~~\$10.00-\$25.00~~ each pay period to offset fuel costs. ~~Personnel~~ **Members** whose residence is greater than ~~ten (10)~~ **fifteen (15)** miles, but less than ~~twenty (20)~~ **thirty (30)** miles from the closest city limit will be required to pay an **established** fee of ~~\$20.00-\$50.00~~ each pay period to offset fuel costs. **Members** whose residence is greater than twenty (20) miles but less than thirty (30) miles from the closet city limit will be required to pay an established fee of \$30.00 each pay period to offset fuel costs. If a member was hired before October 1, 2014 and resides outside the 30-mile limit, the member will pay an **established fee of \$30.00** ~~\$50.00~~ each pay period.

It will be the responsibility of each supervisor to verify residency of the members under ~~his or her~~ **their** command who are eligible to use a take-home vehicle. If there is a question as to the eligibility of a member to participate in the take home vehicle program, the responsible supervisor shall personally drive the distance to verify the mileage and residency requirements.

When an ~~employee member~~, who is assigned an agency vehicle, submits a change of address memorandum, it shall be the responsibility of the supervisor to verify if the new address is within Winter Park city limits or if the distance of the new address from the closest city limit meets the 30-mile limit requirement. If there is a question as to the eligibility of the member to participate in the take home vehicle program, the responsible supervisor shall personally drive the distance to verify the mileage and residency.

260-4 CLASSIFICATIONS OF VEHICLE USE:

A. Full use vehicles – These vehicles may be used to transport an employee to and from work and off duty within those counties contiguous to Orange County. Dependents may be transported in these vehicles. Full use vehicles are restricted to:

1. The administrative staff of the rank Lieutenant or above.
2. Those personnel who are on-call during any period when they are subject to callback (i.e., on-call detective).

NOTE: Full use vehicles are restricted to unmarked cars.

B. City limit vehicles – These vehicles may be used to transport an ~~employee~~ **member** to and from work and in addition, during off duty hours for personal use within the city limits of Winter Park. The use of city limit vehicles is restricted to those who reside

within the city limits of Winter Park and include both marked and unmarked vehicles. Dependents may be carried in these vehicles.

- C. Point to point vehicles – These vehicles may be used off duty only to transport the ~~employee~~ member from home to work and back, or to and from a private or public gym facility. The point to point vehicles will include take home marked cars and those unmarked cars issued to non-on-call personnel who reside outside the City of Winter Park. Dependents may be transported in a car on a case-by-case basis with the permission of the Captain ~~Division Chief~~, should a need be demonstrated. It remains the prerogative of the Chief of Police to assign vehicles and their use status as he/she finds necessary.

260-5 RESTRICTIONS ON USE:

Members whose driving privileges have been suspended or revoked or who are under disciplinary suspension or disciplinary probation will not participate in the individually assigned vehicle program. Supervisors have the authority to terminate members from the program for specified periods of time for just cause. Actions of this nature must be reported in writing to the Operations Captain ~~Division Chief~~.

During periods of leave exceeding five scheduled work days, personnel shall park their agency vehicle at the City garage if it is due for service, or in the secure parking lot at the Police Department.

Members on light duty will not be permitted to participate in the program. If it is deemed to be in the best interest of the agency, the Chief of Police or his/her designee is authorized to make exceptions to this provision.

Members may be permitted to carry dependents in their assigned vehicle. All dependents must be in either a seat belt or child safety seat at all times while riding in the assigned vehicle. No law enforcement action shall be taken with a dependent in the vehicle, except in exigent circumstances involving a life or death situation.

Agency vehicles shall not be used for pushing or towing any other vehicle, unless authorized to do so by the on-duty supervisor.

Agency vehicles shall not be used for transporting heavy, inappropriate, or excessive loads.

Members operating a department vehicle (whether in an on duty or off duty status) shall not utilize the texting function of any cell phone or electronic device when the vehicle is in motion. If members use the texting function while at a red light, they shall remain aware of the traffic flow and will not let texting interfere with the safe and responsible operation of the vehicle.

Except as otherwise authorized by the Chief of Police, only approved attire will be worn while operating marked agency vehicles. Agency issued shirts are authorized (to include Departmental t-shirt). ~~If shorts are worn, they must be hemmed.~~ A shirt may be untucked if it is done so for the purpose of concealing a weapon. ~~No bib overalls, cut offs, bathing suits, etc. will be worn.~~ Appropriate shoes shall be worn and sandals or open shoes of any type (including flip-flops) are not authorized.

No clothing which would be considered offensive is authorized. Sworn members must be dressed and armed with a department-approved handgun in the event that ~~he/she~~ **they** must take enforcement action while operating an agency vehicle.

Members driving to and from a physical workout program may wear appropriate physical fitness attire.

Members shall not permit unauthorized persons to operate a city owned vehicle.

~~Personnel~~ **Members** who are taking prescription or non-prescription drugs that may affect their ability to safely operate a motor vehicle shall not drive a department owned vehicle either on duty or off duty. They shall notify their immediate supervisor if unable to work or continue their shift.

If alcohol is purchased and transported in an unmarked agency vehicle, the member must not be wearing an agency uniform or displaying any article that expressly identifies them as a law enforcement officer or public safety employee, and the purchase and transport must be done while in an off-duty status. The alcohol shall remain unopened and transported in the trunk/cargo area. No alcohol, other than evidence, is permitted inside a marked vehicle or the passenger compartment area of any vehicle.

Off duty members who intend to consume, or who have consumed, alcoholic beverages or other intoxicants shall not **operate** ~~use their assigned~~ city vehicles. ~~Members participating in the program and operating marked vehicles are prohibited from patronizing drive in theaters, establishments whose primary business is the serving of alcoholic beverages, package stores, or any other establishment that may result in public criticism while using a Department owned vehicle as transportation. This prohibition does not apply to undercover officers patronizing these businesses during a lawful, agency approved investigation.~~

260-6 USE OF SEAT BELTS:

Only authorized seat belts will be installed in agency owned vehicles. No ~~employee~~ **member** has the authority to modify the safety belt system or any other part of the agency owned vehicle. ~~Personnel~~ **Members** shall utilize the installed seat belt while operating or riding as a passenger in any agency owned vehicle. Additionally, ~~employees~~ **members** shall ensure that all non-detained passengers are wearing their seatbelt while the vehicle is in motion.

260-7 CARE AND MAINTENANCE OF AGENCY VEHICLES:

Members shall be responsible for the general maintenance, care, cleanliness and condition of their assigned vehicle.

All operators of agency owned vehicles shall routinely complete the following tasks:

- A. Check all fluid levels. If fluids need to be adjusted, is shall be done by the City fleet maintenance personnel.
- B. Check and maintain proper tire pressure.
- C. Check and maintain sufficient fuel supply.
- D. Check fire extinguisher (date recharged).
- E. Check and maintain battery levels (if battery is so equipped).
- F. Check first-aid kit.
- G. Verify any other equipment is properly maintained and operable.

Members are prohibited from making any mechanical adjustments, alterations or repairs to vehicle. Should fluid levels need to be adjusted; the vehicle shall be serviced at the City garage.

Any damage to an agency owned vehicle due to improper fluid or air pressure levels may be the responsibility of the operator if it is determined the damage was caused by failure to have the vehicle levels checked and maintained by City fleet maintenance personnel. The responsible ~~employee~~ member may be subject to corrective action/discipline.

In the event any defect, damage, or missing equipment is noted; the inspecting member shall complete a City Incident Report Form identifying the condition. Failure to inspect a vehicle prior to assuming control or failing to identify any such existing condition may result in the assignment of responsibility for such defect, damage, or missing equipment to the member neglecting to adhere to this policy.

All vehicles shall be serviced according to the fleet maintenance facility schedule. The affected member may drive a pool car during the time ~~their~~ ~~his or her~~ vehicle is being serviced. It is the responsibility of the officer to coordinate the maintenance with the supervisor of Fleet Management.

City of Winter Park fleet maintenance personnel shall have absolute authority to hold deadlined vehicles (vehicles that have been removed from service for repair) in order to repair any safety related defects. Under no circumstance will vehicles that are deadlined for safety reasons be permitted to be driven away without repair.

In the event any damage is incurred, the operator must immediately advise ~~their~~ ~~his/her~~ supervisor who will then, within 24 hours, complete a City Incident Report Form.

When there is a major breakdown of a vehicle while outside the limits of the City of Winter Park, the operator shall notify the City fleet maintenance facility for further instructions on “how” and “where” to take the vehicle. After hours, the patrol shift supervisor will be contacted. The City fleet maintenance facility or its designee shall approve out-of-City repairs. Repair invoices shall be forwarded to the fleet maintenance facility.

Only the member’s ~~Captain~~ ~~Division Chief~~ shall approve additional vehicle equipment that does not require modifying or altering the vehicle or associated equipment, such as CB radios or scanners. All installations shall be either made or inspected by the City fleet maintenance facility supervisor or ~~their~~ ~~his/her~~ designee. No equipment (such as radar or deck lights) shall be placed or installed on the dashboard of any vehicle when it would affect the safe operation of air bags or other safety equipment.

260-8 RESPONSIBILITIES WHEN USING CITY VEHICLE:

When using the assigned vehicle during off duty periods, the following shall apply:

- A. Radio contact with Communications shall be available at all times to ensure availability for response to any emergency. Vehicle operators need not report in or out of service with the Communications Center when operating the vehicle off duty.
- B. Response to a call during off duty hours shall be consistent with the City of Winter Park’s vehicle operational procedures and properly documented.
- C. **Law enforcement** officers operating a vehicle off duty are expected to take appropriate police action when warranted. Any action taken outside of Winter Park’s jurisdiction must be in conjunction with the Mutual Aid agreements in effect and consistent with applicable written directives.
 - 1. If an **law enforcement** officer takes enforcement action in an approved jurisdiction, ~~they~~ ~~he/she~~ shall notify the Winter Park on duty supervisor and assure that the jurisdiction within which ~~he/she~~ ~~they~~ **has**ve taken enforcement action is notified. Notification should be made prior to the enforcement action whenever possible. However, subsequent notice is acceptable if exigencies necessitate immediate action.
 - 2. Off duty **law enforcement** officers shall refrain from using their police powers in the approved jurisdictions unless the incident is life threatening or of an emergency nature. Traffic violations and misdemeanors are normally not emergency situations.

3. In the event enforcement action is taken in an approved jurisdiction by an off-duty law enforcement officer, the on-duty supervisor shall coordinate a command staff member's response to the scene of the action.
- D. When responding to an incident or when taking enforcement action, members are required to assume full responsibility for the situation until relieved by on duty personnel.
- E. While off duty and wearing civilian attire, members are encouraged not to take traffic enforcement action unless it is necessary to protect life and/or property.

260-9 GENERAL PROVISIONS:

- A. Vehicles shall be secured and the keys removed when a vehicle is parked and unattended. When the vehicle is not in use during an off-duty period, all removable items (i.e. weapons, radios, etc.) shall be secured in the vehicle's trunk, operator's office, or residence.
- ~~B. When two or more members are assigned to attend the same school, conference, or meeting, a minimum number of vehicles will be used.~~
- C. Any defect or damage of assigned or pool vehicles shall be reported by the operator to their his/her supervisor.
- D. Vehicle inspections will be conducted on a quarterly basis. ~~on a Quarterly Inspection Checklist (Attachment "A") by the shift supervisor.~~ Vehicles will be checked for the following:
 1. Overall cleanliness.
 2. Condition of body paint, body damage, tires.
 - ~~3. Fluid levels: oil, transmission, radiator, and power steering.~~
 4. Operational equipment: all lights, mobile and portable radios, siren, video camera, and MDT's.
 5. Mandatory equipment:
 - a. properly charged and current fire extinguisher
 - b. ~~box of~~ flares
 - c. An issued first aid kit, containing current medical supplies/equipment and related supplies to include:
 1. Bandages
 2. Gauze wrap or squares
 - d. ~~jack and handle~~
 - e. ~~spare tire~~
 - f. personal protective equipment
 - g. vehicle registration
 - h. current city-issued vehicle insurance card.

Drafted: ASK06-97/ filed: 278.doc/ revised: EDB12-99/ revised: MD10-03/ revised: BCR08-05/
revised: TP05-07/ revised: AK10-11/ revised: AK08-14/ revised: KG01-15/ revised: KG,KWR05-
18/revised PM 12-22



Timothy Volkerson
Chief of Police

WINTER PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Title: Conducted ~~Electrical~~ Energy Weapon (Taser) **SOP #: 216**

Rescinds:

Amends:

Effective: February 7, 2023

Pages: (8)

Attachments:

216-1 PURPOSE:

The purpose of this policy is to establish guidelines to govern the training, use, and maintenance of Conducted ~~Electrical~~ Energy Weapons by members of the Winter Park Police Department (WPPD).

216-2 POLICY:

It is the policy of the ~~Winter Park Police Department~~ WPPD that all law enforcement officers ~~sworn personnel~~ that have been properly trained may use a department issued Conducted ~~Electrical~~ Energy Weapon to subdue a dangerous or violent subject when deadly force does not appear to be justified, when deadly force is justified but the officer believes a lower level of force may accomplish their objective, or when attempts to subdue the subject by other tactical means have been, or will be, ineffective. The Taser X26P 7 ~~Conducted Electrical Weapon (CEW)~~ is the only CEW authorized for use.

216-3 DEFINITIONS:

- A. ~~A.F.I.D. (Anti Felon Identification Device) Confetti like pieces of paper that are expelled from the cartridge when fired. Each contains an alphanumeric identifier unique to the specific cartridge used.~~
- B. Deadly Force – Force which is likely to cause death or great bodily harm.
- C. ARC Warning – Prior to cartridge deployment, law enforcement officers can utilize the ARC switch on their CEW to initiate a momentary warning arc. This procedure does not deploy the probes. An ARC warning can be utilized in conjunction with a verbal Taser warning in an effort to deescalate the situation and gain compliance without probe deployment.

- D. Close Quarters Cartridges (CQ) – Taser 7 CEW cartridges engineered with 12 degrees probe spread designed to achieve desirable CEW effects at a range four feet to twelve feet.
- E. Standoff cartridges (SD) – Taser 7 CEW cartridges engineered with 3.5 degrees probe spread designed to achieve desirable CEW effects at a range between eleven feet to twenty feet.
- F. Deployment – ~~The displaying of or~~ Intentional discharge of the Conducted ~~Electrical~~ Energy Weapon (CEW) at or towards a subject using either probes or drive stun mode.
- G. Conducted ~~Electrical~~ Energy Weapon (CEW) – A device designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.
- H. Active Resistance – A subject's use of physically evasive movements directed toward the law enforcement officer such as bracing, tensing, pushing, or pulling to prevent the officer from establishing control over the subject.
- I. Aggressive Resistance – A subject's attacking movements toward an law enforcement officer that may cause injury but are not likely to cause death or great bodily harm to the officer or others.
- J. Non-Deadly Force – Force which is not likely to cause death or great bodily harm.

216-4 WEAPON READINESS:

- A. The CEW will be issued to and carried by all law enforcement officers ~~uniformed sworn personnel in the following assignments~~ upon successful completion of training and proven proficiency. ~~Patrol officers and supervisors, Traffic Unit officers and supervisors, K-9 Unit officers and supervisors, School Resource officers, and Community Services Division unit officers. All other properly trained officers may be temporarily issued a device (if available) by the Training Section and/or person(s) designated by the Chief of Police for use upon approval of the member's division commander.~~
- B. Law enforcement officers who have been issued a CEW are required to carry the device at all times while in uniform. The device shall be carried in a department issued cross draw or straight draw holster on the non-dominant side of the body.
- C. Law enforcement officers wearing a load bearing vest shall have a CEW on their duty belt or in an agency approved holster located on the non-dominate side of the vest, consistent with agency training.

- D. The CEW shall be carried fully armed with the safety on in preparation for immediate use when authorized. ~~Officers will not test fire the CEW unless directed by a certified Winter Park Police Department instructor.~~
- E. All CEW models with the software capability shall be preprogrammed to automatically shut down electrical discharge after 5 seconds, regardless if the trigger or arc switch is being held down.
- F. Law enforcement officers who have been issued a CEW shall ~~be issued a minimum of one spare two cartridges as back up in case of cartridge failure or the need for reapplication. The spare cartridges shall be carried in a department issued holder in a manner consistent with training.~~ be issued a minimum of one close quarters (CQ) cartridge and one standoff (SO) cartridge. It is recommended the Taser 7 is preloaded with a CQ cartridge in bay 1 and a SO cartridge in bay 2.
- G. Only CEW's and cartridges issued by the Winter Park Police Department are authorized for use. No changes, alterations, modifications, or substitutions shall be made to the CEW.
- H. Law enforcement officers are prohibited from swapping or borrowing a battery from one another. All battery replacements should be retrieved from the Taser 7 battery docking/recharging stations.
- I. Law enforcement officers ~~Members~~ shall carry at least one other authorized intermediate weapon on the duty belt in addition to the CEW.
- J. CEW's shall be stored and safeguarded in the same manner as firearms when left unattended.

216-5 DEPLOYMENT:

- A. The CEW may be deployed on individuals exhibiting a Level 2 Active Resistance. A decision by the law enforcement officer to deploy the CEW must involve an arrest or a custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the officer from passive physical resistance to active physical resistance and the person:
 - 1. Has the apparent ability to physically threaten the officer or others, or
 - 2. Is preparing or attempting to flee or escape.
- B. Situational factors must be considered when deciding to deploy the CEW.
 - 1. When Using Force, the officer shall consider:
 - a. What is the severity of the crime that the subject has or is committing?

- b. Does the subject pose an immediate threat to the safety of officers or others?
- c. Is the subject actively resisting, aggressively resisting, or using deadly force resistance?
- d. Is it feasible to give a warning with a chance to comply prior to the use of force without compromising safety?

Other situational factors may include the following:

- ~~Severity of the crime~~
- ~~Subject is an immediate threat~~
- Subject's mental or psychiatric history, if known to the law enforcement officer
- Subject's combative skills
- Subject's access to weapons
- Innocent bystanders who could be harmed
- Number of subjects versus number of law enforcement officers
- Duration of confrontation
- Subject's size, age, weight, and physical condition
- Law enforcement officer's size, age, weight, physical condition and defensive tactics expertise
- Environmental factors, such as physical terrain, weather conditions, likelihood of falling off of a platform, etc.

Note: The fact that a subject is fleeing should not be the sole justification for the use of the CEW.

Note: Each deployment of the CEW is considered a new use of force, and a new use of force analysis should be made prior to its use.

- C. The CEW will not be used for extracting evidence or contraband from a subject that an officer believes has ingested a controlled substance in an effort to conceal or destroy evidence.

- D. The CEW will not be deployed on the following subjects absent exigent circumstances involving imminent great bodily harm:
1. Elementary school age children,
 2. The elderly,
 3. Females reasonably believed to be pregnant,
 4. Individuals with apparent disabilities that limit mobility, and
 5. Individuals operating a motor vehicle (unless the vehicle has been immobilized.)
- E. The preferred target area is just below the neck of the subject's back and extending all the way down the legs, when practical. For frontal shots lower-center mass is the preferred target area, when possible. The CEW should not be intentionally aimed at a subject's head, neck, chest area or groin.
- F. While manufacturers have generally recommended that reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, groin and chest, it is recognized that the dynamics of each situation and officer safety may not permit the law enforcement officer to limit the application of the darts to a precise target area. As such, law enforcement officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin.
- G. The deploying law enforcement officer ~~member~~ should broadcast "Taser" or "Clear" before discharging the CEW if practical to indicate that the use of the device is imminent. If practical, a warning should be given before each deployment of the CEW a verbal warning and a chance to comply shall be given unless doing so would place an individual at risk; CEW users may also initiate a momentary ARC warning in conjunction with a verbal warning.
- H. Law enforcement officers ~~Members~~ shall energize the subject no longer than necessary to cause the subject to cease his or her resistance or assaulting behavior. A maximum of two (2), five-second activation cycles may be deployed to the subject in most situations. After two (2), five-second activation cycle if additional force is necessary, a different method should be considered. Additional activation cycles may be justified only when exigent circumstances exist that creates considerable safety concerns to the officer or others. After three (3), five-second activation cycles, the ECW shall not be used unless deadly force is warranted.
- I. The use of a CEW is authorized on handcuffed individuals that are exhibiting Level 3 Aggressive Resistance.

216-6 SPECIAL CONSIDERATIONS:

Law enforcement officers should take into consideration environmental factors which could expose a subject to associated injury as a result of CEW deployment including:

- A. Muscle Contractions: Subjects could discharge a firearm, move a knife uncontrollably, or squeeze other dangerous or evidentiary items
- B. Falls: Subjects standing on a roof, on a bridge, near a window or stairs.
- C. Drowning: Subject in boats, or near bodies of water
- D. Flammable Liquids: **Law enforcement** officers should not discharge the CEW in any environment where potentially flammable, volatile, or explosive materials are present.
- E. Chemical Spray: The CEW should not be discharged if a flammable chemical spray has been deployed on the subject.
- F. Animals: A CEW may be used on animals in circumstances where the use of such device is necessary for the safety of the **law enforcement** officer, the public or the animal. The **law enforcement** officer should be aware of the possibility of an aggressive response from the animal after deployment.

216-7 MEDICAL CONSIDERATIONS:

Law enforcement officers shall adhere to the following procedure following deployment of the CEW:

- A. The **law enforcement officer** ~~member~~ shall summon paramedics or other emergency medical personnel to evaluate the subject as soon as practical. Immediate medical evaluation of the subject on-scene is preferred, but the evaluation may occur immediately after arrival at a booking or mental health facility if the scene is not secure, or if the probes have fallen out or been pulled out by the subject. An EKG must be requested from the responding emergency medical personnel.
- B. The **law enforcement** officer shall monitor the subject for signs of injury or medical distress following the initial medical evaluation and re-contact emergency medical personnel if necessary. Medical distress may include bizarre behavior, profuse sweating, paranoia, or other unusual conduct.
- C. The transporting **law enforcement** officer shall notify the medical staff at the receiving facility that the subject was controlled through the use of the CEW.

216-8 PROBE REMOVAL:

- A. CEW probes that have been used are a biohazard. Law enforcement officers shall wear latex gloves when contact with probes is anticipated, and the probes shall be handled in accordance with bloodborne pathogens protocols and exposure control procedures.
- B. Probes must be removed by paramedics or other qualified medical personnel, and should be removed as soon as the law enforcement officer has determined that the potential for further resistance from the subject has subsided. Special consideration should be given to subjects that are struck in the following areas: face, throat, genital area, female breast, and male nipple.

216-9 EVIDENCE COLLECTION:

- A. CEW probes are a biohazard, and shall be handled in accordance with bloodborne pathogens protocols and exposure control procedures.
- B. ~~Probes will be logged into evidence. The wires will be wound around the cartridge with the probes inserted into the cartridge portals from which they were deployed. Evidence tape is then placed over the portals to secure the probes. Deployed cartridges, probes and wires should be collected and packaged as evidence.~~ All packaging materials must be labeled as a biohazard.
- C. ~~It is recommended that the blast doors and A.F.I.D.s be collected when practical.~~
- D. Photographs shall be taken documenting the probe strike area, any secondary injuries that may have resulted from the use of the CEW, and any other facts pertinent to the event. The photographs shall be submitted into evidence.
- E. The supervisor will remove the CEW from the law enforcement officer member, secure it to assure the integrity of the evidence until it can be retrieved, and issue another device to the member to be used until the data can be retrieved by a law enforcement officer member of the Training Section and/or person(s) designated by the Chief of Police. The law enforcement officer's member's assigned CEW will be returned to the member by the Training Section and/or person(s) designated by the Chief of Police at the conclusion of the data transfer along with a new cartridge prepared for immediate use.
- F. ~~Audio and video~~ Downloaded data, if available will be retrieved by a member of the Training Section and/or person(s) designated by the Chief of Police at the earliest opportunity. This data will be submitted into evidence to assist with prosecution, and will also be maintained in a password-protected file.

216-10 REPORTING REQUIREMENTS:

- A. Law enforcement officers should notify their supervisor as soon as possible after each intentional or unintentional discharge of the CEW, with the exception of function tests and training exercises.

- B. An unintentional discharge of a CEW in which no other subjects were involved may be documented solely through the use of a memorandum through the chain of command to the Chief of Police.
- C. A Use of Force Form will be completed in all other occurrences in which a law enforcement officer ~~member~~ discharges a CEW, regardless of the outcome of the deployment. The deployment of a CEW shall also be noted in any accompanying incident or arrest report. ~~Pointing/displaying a CEW to alter behavior and gain compliance during contact with subject(s) will be documented on a Weapon Display Report Form.~~
- D. The data will be downloaded from the CEW as soon as possible following each discharge.

216-11 TRAINING:

- A. Each law enforcement officer ~~department member~~ shall undergo at least ~~eight (8)~~ six (6) hours of instruction on the use of the CEW, along with proven proficiency, prior to being authorized to use or carry such weapon. The training shall include, at a minimum, the following elements:
 - 1. Manufacturer's recommendations and maintenance,
 - 2. The effect that the CEW may have on a person,
 - 3. Department Force Guideline Flowchart and other tactical options,
 - 4. Discretionary scenario-based training exercises,
 - 5. Medical considerations, and
 - 6. Reporting requirements.
- B. Each law enforcement officer ~~department member~~ authorized to use or carry the CEW shall receive refresher training and at least once annually or in accordance with manufacturer's recommendations (whichever is more frequent.) Refresher training shall include an overview of the elements listed in Bullet A of this section.
- C. CEW instructors shall maintain instructor certification per manufacturer's recommendation and statutory requirements.

216-12 ADMINISTRATIVE FUNCTIONS:

- A. Law enforcement officers shall conduct a routine test/inspection of the CEW assigned to them to ensure that the device is functioning properly. This test/inspection should be conducted in a safe location out of public view.
- B. The issuance of new units and replacement cartridges, itemizing of assigned devices, testing, repair, maintenance, data downloads and documentation review shall be the

function of the Training Section and/or person(s) designated by the Chief of Police. Training shall be the responsibility of the Training Section.

- C. ~~The data from all CEW's shall be downloaded twice annually (even if the device has not yet been issued or deployed.) The data downloads shall take place in close proximity to Daylight Savings Time to insure that the correct time is always recorded.~~ When placed into the Axon Dock ecosystem, the Taser 7 rechargeable battery pack will upload the weapon data and firmware automatically as well as recharge and condition the battery. Law enforcement officer shall not take the Taser 7 rechargeable battery pack out of the docking station until the light is green.
- D. Taser 7 CEW users shall replace their CEW battery every thirty days, or sooner if the battery level drops to 20% or lower or as soon as practical following any intentional or unintentional discharge.
- E. All downloaded data shall be maintained in a password-protected file.
- F. ~~Department staff may request a data download at any time.~~ Supervisors may request a download at any time. Law enforcement officers shall respond to this request immediately as instructed by the requesting supervisor member.
- G. A final download of all data shall be done prior to sending any CEW for repairs.

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Timothy Volkerson
Chief of Police

WINTER PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Title:	Corrective Action Policy	SOP #: 141
Rescinds:		Amends:
Effective:	February 7, 2023	
Attachments:	"A" Informal Personnel Action	Pages: (20)

141-1 PURPOSE:

The intent of the corrective action policy is to establish a process to educate, teach and coach, and if necessary discipline members to comply with, follow and practice established policies and procedures.

141-2 POLICY:

Supervisors will view the corrective action process as an opportunity to develop members and not as a method for punitive measures or retaliation. Corrective Action will also be used to ensure consistency, fairness and accountability for policy and procedure violations.

Under no circumstances will corrective action be taken against a member because the person is a member of a protected class (e.g. based on race, gender, physical disability or national origin).

141-3 DISCIPLINARY PREVENTION:

It shall be the policy of the Winter Park Police Department to utilize the following preventative plan in order to afford members the best opportunity to be successful and avoid any policy or procedural violations.

- A. Clear standards will be explained to and reviewed with members through PowerDMS, block training, shift training and supervisory review.
- B. Recognition of members that do a good job which shall be accomplished through peer and supervisory submissions to the awards committee and the Chief of Police.
- C. All levels of supervision will practice communication with members that is open to hear their suggestions and provide an environment where they feel comfortable coming forward with problems.

- D. All levels of supervision will set a good example, one that exhibits acceptable work performance and conduct.
- E. All levels of supervision will be fair and impartial with members regardless of time or experience.
- F. The department will make training available to the members to ensure that they are able to perform at an expected level.
- G. Each supervisor has an obligation to monitor the behavior and performances of **their** ~~his/her~~ subordinates and provide appropriate counseling or retraining when the situation dictates. Effective counseling, provided in a timely manner, can possibly avert the need for future disciplinary action.

141-4 LEVELS OF CORRECTIVE ACTION:

A. VERBAL COUNSELING AND RETRAINING

Verbal Counseling and Retraining is a counseling session between a supervisor and subordinate discussing a minor policy or procedural violation. This is an opportunity to identify possible causes for the violation and remove any obstacles that are contributing to the violation.

- 1. A Verbal Counseling shall ~~not be maintained kept or documented in~~ on a verbal counseling log maintained by Professional Standards for a period of 36 months from entry records. ~~A supervisor may, at their discretion, place notes in the affected member's Trakstar to support additional counseling or discipline if necessary.~~
- 2. If a member transfers to a new division, the member's former supervisor is responsible for informing the new supervisor of prior Verbal Counseling that was issued to the member within the past three years.

B. INFORMAL PERSONNEL ACTION Retained for three years

Informal Personnel Action (IPA) should be considered educational in nature and not disciplinary action. Informal Personnel Action shall be documented on an IPA form (Attachment A). All sworn supervisors and civilian managers have the authority to generate IPAs as part of a corrective action.

- 1. **Written Counseling and Retraining** – Written counseling and retraining will be documented in an IPA form from the supervisor to the effected member. The IPA form should include a corrective action plan to be reviewed with the member at the time the written counseling is issued and signed by the member. A copy of the IPA form shall go to the member and another copy will be maintained in an Informal Personnel Action file independent of the discipline file.

2. **Notice of Caution** – A Notice of Caution will be documented on an IPA form and maintained in the member's Informal Personnel Action file. The Notice of Caution should serve as notification to the member that any other similar incidents may result in formal discipline action. A notice of caution may be combined with other corrective action to help the member avert the need for formal discipline.

C. FORMAL DISCIPLINE

Retained according to State of Florida, General Records Schedule

Supervisors shall follow the procedures outlined in SOP #: 140, Professional Standards and Compliance for any alleged violation or complaint that, if sustained, may result in formal discipline. Formal Discipline is defined as any of the below listed corrective actions.

1. **Suspension without Pay** – (Not to exceed 30 days)
2. ~~**Disciplinary removal from specialized unit**~~
3. **Demotion**
4. **Termination**

All Formal Discipline shall be approved by the Chief of Police. Only the Chief of Police or **their** ~~his/her~~ designee has the authority to issue disciplinary action to a member.

141-5 PROCEDURE:

- A. Investigation and Corrective Action using an IPA will be completed as soon as possible and not longer than twenty-one (21) calendar days following the discovery of the violation, unless an extension is granted by the **Deputy Chief** ~~Division Chief~~.
- B. Prior to awarding or recommending any type of corrective action to a member, the supervisor should review the member's Trakstar notes, IPA file, and disciplinary history file. The supervisor shall make a determination as to the level of corrective action for each violation based upon the following:
 1. Corrective action guidelines within this policy.
 2. Corrective action history of the member, to determine progressive corrective action.
 3. Any aggravating or mitigating circumstances directly related to the violation.
- C. Informal Personnel Actions (IPA) are not considered discipline and as such a Notice of Intent to Discipline is not required. Supervisors should discuss the level of Informal

Personnel Action with their immediate supervisors if there are any questions or concerns regarding whether or not the action taken is appropriate.

141-6 PROGRESSIVE CORRECTIVE ACTION:

- A. Progressive correction action shall be implemented in instances where members continue to commit the same or similar violations of agency policies and procedures. Progressive action allows a supervisor to elevate the corrective action in order to gain compliance with a particular policy or standard. In some instances, a member may have multiple unrelated violations within the established time that could also require progressive action.
- B. Progressive corrective action shall apply if a member violates a department policy or standard and they previously received corrective action for violating the same policy within the past three (3) years. Absent mitigating or aggravating circumstances, the member should be awarded corrective action at the next level up.
- C. If a member commits a violation of a policy then commits a second violation of the same policy prior to receiving corrective action, the second violation may not be addressed through progressive action. However, if the policy violation is egregious in nature progressive discipline may apply.
- D. Members can also receive other types of corrective action to include but not limited to the following:
 - 1. Suspension/ limitations for working details;
 - 2. Training or Retraining assignments;
 - 3. Limitation or suspension of use of agency vehicle;
 - 4. Corrective Action Plan;
 - 5. Written Contract Agreement

141-7 CORRECTIVE ACTION GUIDELINES:

Corrective Action Guidelines are established for each standard of conduct violation. Minor violations typically begin with Verbal Counseling or Informal Personnel Action (Written Counseling/Retraining, Notice of Caution) whereas, more serious violations will begin at Disciplinary Action (Suspension to Termination). These guidelines should be used as a guide in determining fair, consistent and progressive corrective action. The level of corrective action can be increased or decreased depending upon the history of the affected member as well as any mitigating and aggravating circumstances surrounding the violation.

A. JOB PERFORMANCE/VIOLATIONS OF LAW:

1. **Unsatisfactory Performance** – *Cite: City manual 8.02-I-5*

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of professionalism and efficiency in carrying out the functions and objectives of the Police Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the person's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police action; or absence without leave. In addition to other indications of unsatisfactory performance the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations, or a written record of repeated infractions of policies, procedures, directives, or orders of the Police Department.

1st Offense: Written Counseling/Retraining

2nd Offense: Notice of Caution

3rd Offense: Suspension – Termination

2. **Leaving Duty Post** – *Cite: City manual 8:02-I-3, 7*

Members shall not leave their assigned duty posts or assignment during a tour of duty except as authorized by proper authority.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

3. **Neglect of Duty** – *Cite: City manual 8:02-I-6*

Members shall not engage in any activities or personal business which would cause them to be inattentive to duty or neglectful in their assigned duties.

1st Offense: Written Counseling/Retraining

2nd Offense: Notice of Caution

3rd Offense: Suspension – Termination

4. **Cowardice** – *Cite: Ordinance 74-64(a)(1); City manual 8:02-III-1*

Officers are expected to perform their duties as law enforcement officers even at times where they may be in grave danger. It is incumbent that other law enforcement officers have the commitment that they will not be abandoned in the face of danger or eminent peril. Any officer who knowingly and willfully fails to respond to or abandons their duty or fellow law enforcement officers during a time of peril shall be deemed to commit an act of cowardice.

1st Offense: Termination

5. **Conformance to Laws** – *Cite: (Sworn only) Ordinance 74-64(a)(5). (All Members) City manual 8.02-III-18; SOP 104-7*

Members will comply with laws, ordinances, rules, and the Constitution of the United States and of the State of Florida, or any of their subdivisions.

- a. Felony or 1st degree Misdemeanor violation/conviction:

1st Offense: Termination

- b. 2nd degree Misdemeanor or Ordinance violation/conviction:

1st Offense: Notice of Caution – Termination

2nd Offense: Suspension – Termination

6. **Sexual/Racial Harassment** – *Cite: City manual 1.05, 8.02-III-21*

Unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of someone's employment;
- b. Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person; or
- c. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or of creating an intimidating, hostile, or offensive working environment.

Sexual harassment may occur between members of the opposite or same sex.

Engaging in any conduct constituting a material violation of the City's Policy on sexual, racial or other workplace harassment, including engaging in such harassment, retaliating against one who reports harassment, or intentional or negligent failure to report conduct prohibited by the policy.

~~Violation of any part of this section:~~

1st Offense: Notice of Caution – Termination

2nd Offense: Suspension – Termination

3rd Offense: Termination

7. **Domestic/Dating Violence (and Related Offenses)** – *Cite: Ordinance 74-64(a)(5); SOP 235-4G*

All members are expected to maintain their personal conduct in the same manner as their professional conduct when on duty. This conduct applies to matters of restraint during times a member is involved in any type of personal relationship

with another. Members shall refrain from violating any domestic violence injunctions or other acts of violence in the course of their personal relationships.

1st Offense: Termination

B. CONDUCT/ETHICS:

1. **Untruthfulness** – *Cite: (Sworn Only) Ordinance 74-64(a)(2). (All Members) City Manual 1.03*

Members shall not deliberately use deception, make false statements, mislead, or intentionally omit information unless conducted in the capacity of an investigatory tool.

1st Offense: Termination

2. **Courtesy and Respect** – *Cite: City manual 8.02-II-10, 11*

Members will be courteous and respectful to their superiors, fellow members, and members of the general public.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

3. **Behavior and Language** – *Cite: City manual 8.02-II-11*

In the performance of their duties, all members will maintain command of temper, patience, and discretion. They shall refrain from using improper, obscene, profane, or insolent language in public or in an open forum.

1st Offense: Written Counseling/Retraining – Termination

2nd Offense: Notice of Caution – Termination

3rd Offense: Suspension – Termination

4. **Moral Character** – *Cite: (Sworn only) Ordinance 74-64(a)(2), (5); SOP 103. (All Members) City Manual 8.02-III-12; SOP 104*

Members shall maintain a level of moral conduct in their personal and business affairs which is of the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral character which causes the Police Department to be brought into disrepute.

The moral character offense list is established by the Criminal Justice Standards and Training Commission and provides the guide for employment and certification of law enforcement officers in the State. Officers shall also abide by SOP 103 and all agency members shall abide by SOP 104.

1st Offense: Suspension – Termination

2nd Offense: Termination

5. **Gifts, Gratuities** – *Cite: (Sworn only) SOP 104-10. (All Members) City manual 1.03*

Members will not solicit or accept gifts, presents, or other gratuities in return for favor(s) or requested official act(s).

1st Offense: Suspension – Termination

2nd Offense: Termination

6. **Abuse of Position** – *Cite: SOP 104-13*

Members shall not abuse their official position, power, authority, or identification; nor shall they use their official position, official cards or badges for:

- a. Personal or financial gain.
- b. Obtaining privileges not otherwise available to them except in the performance of duty.
- c. Avoiding consequences of illegal acts.

Members shall not lend to another person their identification cards or badges, or permit them to be photographed or reproduced without the approval of the Chief of Police.

Members shall not authorize the use of their names, photographs, or official titles, which identify them as members of the Police Department, without the approval of the Chief of Police.

~~Violation of any part of this section:~~

1st Offense: Notice of Caution – Termination

2nd Offense: Suspension – Termination

3rd Offense: Termination

7. **Conduct Unbecoming a Member** – *Cite: (Sworn only) Ordinance 74-64(a)(2). (All Members) SOP 104-7, 8*

Any conduct which adversely affects the moral, operations, or efficiency of the agency or any conduct which has a tendency to adversely affect, lower, or destroy public respect and confidence in the Office of the Chief of Police, or any officer or member. Unbecoming conduct also includes any conduct which brings the agency or any officer or member into disrepute or brings discredit upon the agency, or any officer or member. All members shall conduct themselves in such a manner so as to reflect most favorably upon the Office of the Chief of Police at all times, both on and off duty.

1st Offense: Notice of Caution – Termination

2nd Offense: Suspension – Termination

C. ALCOHOL/DRUGS/TOBACCO:

1. **Use of Alcohol and Illegal Drugs** – *Cite: City manual 7.03, 8.02-III-13, 14; SOP 260-5*

No member shall at any time, possess, use, sell or distribute any drug or controlled substance, the possession, use, sale or distribution of which is illegal under any law of any state or any law of the United States of America, except while in the member's lawful performance of duty. This rule will be enforced regardless of whether the acts or events giving rise to its enforcement result in arrest, prosecution or conviction.

No member shall at any time be in possession of opened containers of alcohol while on duty. No alcohol shall be transported in a city vehicle, while operating a city vehicle or equipment, except as provided in SOP #: 260, Agency Owned Vehicle Utilization.

No member will report for work or will engage in any work while under the influence of any drug, illegal or legal, including alcohol, to the extent that their normal faculties are impaired.

Nothing in this regulation should be construed as prohibiting on-duty drinking when necessary to maintain cover or further an investigation when authorized to do so by the Chief of Police or his designee. Members are also prohibited from consuming any substance to the extent the on-duty performance is impaired.

1st Offense: Suspension – Termination

2nd Offense: Termination

2. **Use of Alcohol Off Duty** – *Cite: SOP 104-7, 140-19, 260-5*

Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment or intoxication which results in obnoxious or offensive behavior which discredits the Police Department, or which renders one unfit to report for their next regular tour of duty.

1st Offense: Suspension – Termination

2nd Offense: Termination

3. **Violation of City Smoking or Tobacco Policy** – *Cite: SOP 130-9*

Members may not smoke, vape, or use any other tobacco products on city property at any time, including city buildings or while operating city vehicles or other city equipment, or on any city grounds, such as parking lots, parks, golf course or otherwise. Similarly, members are not allowed to smoke or use any tobacco products at any time while acting within the scope of city employment.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

4. **Medical Examinations/Testing** – *Cite: City manual 2.07, 7.03*

Members shall submit to any legally permissible and reasonable physical, psychiatric, breath test, chemical or laboratory tests or examinations, if ordered by the Chief of Police or his designee to determine fitness for duty or during the course of an internal investigation.

1st Offense: Suspension – Termination

2nd Offense: Termination

D. TIME MANAGEMENT/REPORTING FOR WORK:

1. **Failure to Review Directives** – *Cite: SOP 110-10*

All members shall acknowledge receipt and understanding of newly issued or revised standards/directives by electronically signing each document in PowerDMS. Such acknowledgement shall be done no later than the due date listed for each standard and/or directive.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Verbal Counseling/Retraining

3rd Offense: Written Counseling/Retraining

2. **Failure to Honor Subpoena** – *Cite: SOP 154*

Each member is responsible for signing acceptance for and answering each subpoena, and appearing at the designated place at the designated time prepared to testify according to SOP #: 154, Subpoena Procedures. Each member who has been served with a subpoena must comply with the instructions on the subpoena. The member must contact Witness Management as required on the subpoena for the purpose of being placed on standby if necessary. In the event a member is placed on court standby, ~~he or she~~ **they** must be available to respond as needed.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

3. **Missed Extra Duty Detail** – *Cite: SOP 180*

Members are required to work or cover an extra-duty detail approved for or which they agreed to work for another member. Any missed details will be documented on an IPA form and the following sanctions will apply:

1st Offense: One month suspension from working all details

2nd Offense: (within one year of first offense) Two month suspension from working all details

3rd Offense: (within one year of second offense) Three month suspension from working all details

4th Offense: (within one year of third offense) One year suspension from working all details

NOTE: Suspension from working details shall begin the first day of the month following the missed detail.

4. **Reporting for Duty** – *Cite: City manual 2.10, 3.04, 8.02-I-5, 9, 10; SOP 131*
Members shall report for duty at the time and place required by assignment. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. This shall include prompt communication while in an on-call status and response while being compensated for being on call.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

5. **Availability by Telephone** – *Cite: City manual 2.23*
All members shall have an operational telephone at their residences, and shall within 48 hours report any change of telephone numbers or addresses to their supervisors and to such other persons as may be appropriate.

NOTE: Cellular telephone service will satisfy this requirement as long as reception of the service is available at the residence.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

6. **Malingering** – *Cite: City manual 8.02-III-7*
Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Police Department as to the condition of their health.

1st Offense: Suspension – Termination

2nd Offense: Termination

7. **Misuse of Work Breaks/M meal Periods** – *City manual 8.02-I-4*
Members are not permitted to take excessive time for work breaks and/or meal periods.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

8. **Chronic Absenteeism or Excessive Use of Unscheduled Leave – Cite: City manual 8.02-II-8**

Members who use more than three unscheduled sick events in a three month period or more than a total of six unscheduled sick events over the course of a twelve month period will be considered chronically absent and committing an excessive use of sick time. (Unscheduled sick day will be the first day that an employee calls in sick and subsequent days will be included as the same event)

1st Offense: Written Counseling/Retraining

2nd Offense: Notice of Caution

3rd Offense: Suspension – Termination

E. APPEARANCE/UNIFORMS AND EQUIPMENT:

1. **Personal Appearance – Cite: SOP 130, 131**

Members on duty shall wear uniforms or other clothing in accordance with established agency procedures, except when acting under proper and specific orders from superior. Members on duty shall maintain a neat, well-groomed appearance.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

2. **Use of Uniform and Equipment – Cite: SOP 131**

Members will not use their uniform or Police Department equipment in any manner other than authorized by the Chief of Police.

1st Offense: Written Counseling/Retraining

2nd Offense: Notice of Caution

3rd Offense: Suspension – Termination

3. **Carrying of Police Identification – Cite: (Sworn only) SOP 131-4**

Officers shall carry their badges and identification cards on their persons at all times on duty, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name to any person requesting that information, when they are on duty or while holding themselves out as having official capacity, except when withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

4. **Damage or Loss of Property** – *Cite: City manual 8.02-III-2; SOP 136*

Members shall utilize Police Department equipment only for its intended purpose, in accordance with established agency procedures, and shall not abuse, damage or lose Police Department equipment. All Police Department equipment issued to members shall be maintained in proper order. Members shall not inappropriately abuse or damage property belonging to another party.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

5. **Vehicle Maintenance and Care**- *Cite: SOP 260*

Members shall be responsible for the general maintenance, care, cleanliness and condition of their assigned vehicle.

1st Offense: Verbal Counseling

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution/loss of use of take-home vehicle (30 days)

F. **RECORDS/EVIDENCE/COMPUTER USE:**

1. **Destruction/Alteration of Records** – *Cite: SOP 108, 317, 370*

No member will intentionally alter, dispose of, destroy, or remove Police Department files, documents, or records, except as provided for by law or by an authorized superior. This also applies to removing computer software and the deletion/alteration of official computerized records/entries.

1st Offense: Notice of Caution – Termination

2nd Offense: Suspension – Termination

3rd Offense: Termination

2. **Falsification of Records** – *Cite: City manual 8.02-III-3*

Members shall not falsify any document, record, statements, report, or communication.

1st Offense: Termination

3. **Processing Evidence** – *Cite: SOP 390, 392*

Property or evidence which has been discovered, gathered, or received in connection with agency responsibilities shall be processed in accordance with established agency procedures.

1st Offense: Written Counseling/Retraining

2nd Offense: Notice of Caution

3rd Offense: Suspension – Termination

4. **Property & Evidence** – *Cite: (Sworn only) Ordinance 74-64(a)(2). (All Members) SOP 390-5, 14*

Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or intentionally withhold any property or evidence in connection with an investigation or other police action, except under established agency procedures. This ruling also applies to found, abandoned, surplus, and agency property.

1st Offense: Suspension – Termination

2nd Offense: Termination

5. **Dissemination of Information** – *Cite: FSS 119; SOP 317, 370*

Members shall treat the official business of the Police Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established agency procedures or state statute. Members may remove or copy official records or reports from the Police Department only in accordance with established agency procedures or state statute. Members shall not divulge the identity of persons giving confidential information, except as authorized by proper authority.

1st Offense: Notice of Caution – Termination

2nd Offense: Termination

6. **Violation of Computer Policy** – *Cite: SOP 108*

Except as authorized by policy, in the lawful performance of their duty, members, shall not access, review, upload, download, store, print, post, or distribute the following on any city electronic device:

- a. Pornographic, obscene, or sexually explicit material
- b. Abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language or images
- c. Materials using language or images inappropriate to a business setting
- d. Materials that use language or images advocating violence or discrimination toward other people
- e. False or defamatory information about a person or organization, or harass another person, or engage in personal attacks, including prejudicial or discriminatory attacks
- f. Any other violation listed in SOP#: 108-4B, Computer Access.

~~Violation of any part of this section:~~

1st Offense: Notice of Caution – Termination

2nd Offense: Suspension – Termination

3rd Offense: Termination

G. USE OF FORCE/WEAPONS PROCEDURES/VEHICLE OPERATION:

1. Unnecessary Use of Force – Cite: SOP 222-7

Officers shall not use force which has no lawful justification for any use of force or force utilized as punishment or for vengeance, in making an arrest or in dealing with a prisoner or any person. All prisoners and suspects will be treated in a fair and humane manner.

1st Offense: Suspension – Termination

2nd Offense: Termination

2. Excessive Use of Force – Cite: SOP 222-8

Officers shall not initiate or utilize any excessive levels of control of resistance directed against them other than that control which is reasonable and necessary under the circumstances. Officers shall control resistance against themselves in accordance with statutes, agency directives/policy and current judicial precedent.

1st Offense: Notice of Caution – Termination

2nd Offense: Suspension – Termination

3rd Offense: Termination

3. Weapons – Use or Display – Cite: SOP 166, 214, 216, 222

Officers shall not use or handle weapons, including chemical agents, in a careless or imprudent manner. Officers shall use weapons in accordance with law and Police Department procedures and guidelines.

1st Offense: Written Counseling/Retraining

2nd Offense: Notice of Caution

3rd Offense: Termination

4. Carrying Off Duty Firearms – Cite: SOP 166-7

~~All officers must have access to a firearm while in the City of Winter Park.~~ Officers must meet firearms and weapons qualification standards set forth by the Police Department. All weapons shall be used in accordance with departmental training for said weapon. The off-duty firearm and caliber shall be authorized and approved by the Chief of Police. Off duty weapons shall be concealed at all times. An authorized department badge and identification shall be carried at all times when carrying an off duty weapon.

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling

3rd Offense: Notice of Caution

5. **Unsafe Vehicle Operation** – *Cite: FSS 316, 322; SOP 286*

Members shall operate vehicles in a careful and prudent manner, and shall obey all laws and all agency orders pertaining to such operation. ~~Loss or suspension of any driving license shall be reported to the Police Department immediately. Members with assigned vehicles are responsible for the maintenance and cleanliness of such vehicles.~~

~~Violation of any part of this section or when a member is found at fault for a crash involving injury or damage to any property related to the crash:~~

1st Offense: Verbal Counseling/~~Retraining~~

2nd Offense: Written Counseling/Retraining/Drive Cameras (36 months)

3rd Offense: Notice of Caution/Permanent Drive Cameras

6. **At Fault Vehicle Crashes(minor)-** *Cite: SOP 286*

Members found at fault for a minor crash (less than \$1,500 to an agency vehicle):

1st Offense: Verbal Counseling

2nd Offense: Written Counseling/Progressive Retraining/Drive cam (12 months)

3rd Offense: Notice of Caution /Drive Cam (24 months)

7. **At Fault Vehicle Crashes(major)-** *Cite: SOP 286*

Members found at fault for a crash involving injury or property damage to an agency vehicle in excess of \$1,500:

1st Offense: Verbal Counseling/Retraining/Drive Cam (36 months)

2nd Offense: Written Counseling/Progressive Retraining/Re-start the Drive Cam for 36 months

3rd Offense: Notice of Caution/Progressive Retraining/Permanent Drive Cam

Note: At-fault vehicle crashes will be counted consecutively not concurrently.

8. **Violation of Pursuit Policy** – *Cite: SOP 285*

Pursuits of individuals reasonably suspected of committing non-forcible felonies are prohibited. Pursuits of individual(s) for misdemeanors, traffic infractions, or eluding the police solely from a traffic infraction are prohibited.

1st Offense: Written Counseling/Retraining

2nd Offense: Notice of Caution

3rd Offense: Suspension – Termination

H. CHAIN OF COMMAND/UNLAWFUL ACTIVITY:

1. **Violating Chain of Command** – *Cite: SOP #: 101-14*

The Chain of Command designates the accepted line of authority as established from top to bottom, by which all organizational commands are transmitted. The chain of command **should** ~~must~~ be followed, ~~unless as specified exceptions.~~

1st Offense: Verbal Counseling/Retraining

2nd Offense: Written Counseling/Retraining

3rd Offense: Notice of Caution

2. **Insubordination** – *Cite: City manual 8.02-III-8; SOP 101-15*

Any member who deliberately refuses or fails to obey any lawful or reasonable order given by a supervisor or who engages in mutinous conduct such as showing gross and direct disrespect to a supervisor.

1st Offense: Suspension – Termination

2nd Offense: Termination

3. **Illegal Orders** – *Cite: (Sworn only) Ordinance 74-64(a)(3). (All Members) SOP 101-17*

Members shall neither give, nor obey any order which they know, or should know, would require them to commit an illegal act. If in doubt as to the legality of an order, members shall request the issuing person to clarify the order or confer with higher authority. Members must refer to SOP #: 101-17, Authority for procedures.

1st Offense: Suspension – Demotion

2nd Offense: Termination

4. **Unlawful Intervention** – *Cite: (Sworn only) Ordinance 74-64(a)(1). (All Members) City manual 8.02-III-12*

Members shall not interfere with cases being handled by other members of the Police Department or by any other governmental agency unless:

a. Ordered to intervene by a superior officer; or

b. The intervening member believes, beyond a reasonable doubt, that a manifest injustice would result from failure to take immediate action.

Members shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor, unless the situation requires immediate action.

~~Violation of any part of this section:~~

1st Offense: Notice of Caution – Termination

2nd Offense: Suspension – Termination

3rd Offense: Termination

5. **Labor Activity** – *Cite: City manual 8.02-III-19*

Members shall not engage in any strike. “Strike” includes the concerted failure to report for duty, willful absence from one’s position, unauthorized holidays, sickness unsubstantiated by a physician’s statement, the stoppage of work, work speed-ups, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment; for the purpose of inducing, influencing or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

1st Offense: Suspension – Termination

2nd Offense: Termination

6. **Endorsements and Referrals** – *Cite: SOP 104*

Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a specific product, professional service, or commercial service (such as an attorney, towing service, bondsman, mortician, etc.). This policy does not prohibit members from helping citizens, when asked, by providing information on multiple resources in the area, such as restaurants and hotels. In the case of a towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, members shall proceed in accordance with established agency procedures.

1st Offense: Notice of Caution

2nd Offense: Suspension – Termination

3rd Offense: Termination

7. **Unlawful Political Activity** – *Cite: City manual 1.03; SOP 104*

On-duty members may not use their official authority to:

- a. Solicit or receive funds, assessments, subscriptions, or contributions for a political office.
- b. Participate in political activity on behalf of, or in opposition to any candidate for political office.
- c. Interfere with any election.
- d. Interfere with any person’s vote for a political party or candidate.

Personnel shall not:

- a. Display election campaign materials on Police Department vehicles or issued equipment.

- b. Wear or display election campaign articles on uniforms while on or off duty, or on civilian clothing while on duty ("I Voted" sticker is not a violation of this section).

~~Violation of any part of this section:~~

1st Offense: Notice of Caution

2nd Offense: Suspension – Termination

3rd Offense: Termination

8. **Discriminatory Profiling** – *Cite: (Sworn only) SOP 105*

Neither race, nor color, nor ethnicity, nor national origin shall be a factor in determining the existence of probable cause to place an individual in custody, or to arrest an individual. Neither race, nor color, nor ethnicity, nor national origin will be the only factor in determining a reasonable and articulable suspicion that an offense has been or is being committed to justify the detention of an individual or the investigatory stop of a motor vehicle.

The detention of any individual which is not based on factors related to violation of federal law, Florida Statutes, City Ordinances, or court order is prohibited.

1st Offense: Termination

9. **Failure to Cooperate with Inquiry/Investigation** – *Cite: SOP 140-14*

All members shall truthfully answer all questions related to the scope of employment and operations of the Police Department which may be asked of them by a superior officer, the Chief of Police or ~~his or her~~ **their** designee, or any member assigned to conduct an administrative or internal investigation.

1st Offense: Termination

141-8 CHIEF OF POLICE AUTHORITY:

A. No set of procedures can cover every situation which may occur in administering discipline; therefore, any situation not covered by these guidelines shall be determined by the Chief of Police, or ~~his/her~~ **their** designee, on a case-by-case basis.

~~B. The Chief of Police reserves the unilateral right to promulgate, amend, or delete policies and procedures.~~

141-9 CIVIL SERVICE CODE:

Note: Non-sworn members are not covered under this section and shall refer to the City of Winter Park's employee manual Section 1.06 – Grievance Procedure for procedures on any appeal process.

A. Civil Service Board – All sworn Police Department members, including the Chief of Police, shall be employed, retained, governed, directed and discharged as provided in the civil service code, as outlined in City of Winter Park Ordinance Chapter 74, Article III, unless otherwise specifically provided in the Charter.

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.
2. FORMAL DISCIPLINE: Any permanent sworn member who has been served a notice of disciplinary action shall have the right to appeal to the civil service board, as provided in City of Winter Park Ordinance Chapter 74-66 Appeals and Hearings. The member must file a written notice of appeal with the chairman or chief examiner of the civil service board within ten days of the day he/she was served with notice of suspension, discharge, or charges. Such appeal or request for hearing shall be deemed perfected when a notice thereof is filed in the office of the city clerk or with the chairman of the civil service board or with the chief examiner of the civil service board.

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Timothy Volkerson
Chief of Police



Civil Service Board **agenda item**

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

subject

Promotional Process for Lieutenant-Fire Department

motion / recommendation

background

alternatives / other considerations

fiscal impact



Civil Service Board **agenda item**

item type Staff Updates	meeting date February 7, 2023
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subject

Police Department

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Civil Service Board **agenda item**

item type	Staff Updates	meeting date	February 7, 2023
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