

# CITY OF WILLISTON HUMAN RESOURCES MANUAL





## TABLE OF CONTENTS

### Contents

GENERAL POLICY STATEMENTS.....	1
SECTION 1 - GENERAL PROVISIONS .....	2
1.01 PURPOSE.....	2
1.02 POSITIONS COVERED .....	2
1.03 ADMINISTRATION .....	2
1.04 COLLECTIVE BARGAINING AGREEMENTS .....	4
1.05 AMENDMENTS .....	4
1.06 DEPARTMENT POLICIES .....	4
1.07 PRIOR MEMOS, POLICIES AND REGULATIONS .....	5
SECTION 2 - DEFINITION OF TERMS.....	6
Administrative Personnel.....	6
ADA .....	6
Allocation.....	6
Appeal .....	6
Applicant .....	6
Appointing Authority.....	6
Appointment .....	7
Bonus .....	7
Calendar Year .....	7
Call Back Pay.....	7
CBA .....	7
Child .....	7
City .....	7
City Premises .....	7
City Property.....	7
Class .....	7
Classification Plan .....	8
Classification Seniority (also referred to as Job or Position Seniority) .....	8
Collective Bargaining Agreement (CBA).....	8
Compensation .....	8
Compensation Plan .....	8
Compensatory Time (Comp Time).....	8
Confidential Employee .....	8

Date of Hire.....	8
Demotion .....	9
Department Head .....	9
Departmental Seniority .....	9
Disability .....	9
Dismissal or Termination.....	9
DOL .....	9
DOT .....	9
Drug .....	10
Drug Test .....	10
Employee .....	10
Exempt Employee.....	10
FCRA .....	11
FEMA .....	11
Fiscal Year .....	11
FLSA .....	11
FMLA .....	11
FTO .....	11
Harassment.....	11
He/His/Him/Their .....	12
Immediate Family .....	12
Insubordination .....	12
Job Description .....	12
Layoff .....	12
Leave .....	12
Managerial Employee .....	12
Mandatory-Testing Position.....	12
May .....	12
Medical Review Officer (MRO).....	12
Merit Pay Increase .....	13
Non-Exempt Employee.....	13
Overtime .....	13
Parent .....	13
Pay Grade.....	13
Performance Evaluation (also referred to as “PE”).....	13
Personal Property .....	13

Position .....	13
Position Classification .....	14
Possession .....	14
Probationary Period .....	14
Prohibited Materials.....	14
Promotion.....	14
Public Safety Employee.....	14
Reasonable Suspicion .....	14
Reclassification .....	14
Reemployment (also referred to as “Reinstatement”).....	15
Regular Position.....	15
Resignation .....	15
Section 7(K).....	15
Seniority .....	15
Sexual Harassment.....	15
Shall .....	16
Special-Risk Position .....	16
Spouse .....	16
Suspension .....	16
Transfer .....	16
Workday .....	16
Work Week or Work Period .....	16
Working Time.....	16
Vacancy .....	16
SECTION 3 – TYPES AND TERMS OF EMPLOYMENT.....	17
3.01 BASIS OF EMPLOYMENT .....	17
3.02 PARTICIPATION IN BENEFITS.....	17
3.03 TERM OF EMPLOYMENT.....	17
3.04 PROBATIONARY EMPLOYEES.....	17
3.05 PROMOTIONAL PROBATION.....	17
3.06 LOYALTY OATH.....	18
3.07 TYPES OF EMPLOYMENT.....	19
3.07.1 FULL-TIME EMPLOYEES .....	19
3.07.2 PART-TIME EMPLOYEES.....	19
3.07.3 PROBATIONARY EMPLOYEES.....	19
3.07.4 SEASONAL EMPLOYEES .....	19

3.07.5	TEMPORARY EMPLOYEES .....	19
3.07.6	VOLUNTEERS AND RESERVISTS .....	20
	SECTION 4 - HIRING PROCEDURES .....	21
4.01	VACANCIES .....	21
4.02	RECRUITING .....	21
4.03	BASIS FOR SELECTION .....	22
4.04	TESTING .....	23
4.05	MEDICAL EXAMINATIONS AND DRUG TESTING .....	23
4.06	JOB OPPORTUNITIES FOR NON-EMPLOYEES .....	24
	SECTION 5 - TRANSFERS AND WORK OUT OF CLASSIFICATION .....	25
5.01	TEMPORARY TRANSFERS / WORK OUT OF CLASSIFICATION .....	25
5.02	RECLASSIFICATION .....	25
	SECTION 6 - PROMOTION / DEMOTION .....	27
6.01	PROMOTION .....	27
6.02	DEMOTION .....	27
	SECTION 7 - SENIORITY, LAYOFF AND RECALL .....	28
7.01	ACCRUAL .....	28
7.02	LOSS OF SENIORITY .....	28
7.03	LAYOFF SELECTION .....	28
	SECTION 8 - ATTENDANCE / TARDINESS .....	29
8.01	PRESENT AND ON TIME .....	29
8.02	CALL-IN .....	29
8.03	VERIFICATION .....	29
8.04	CONTINUING ABSENCE .....	29
8.05	ARREST OF CITY EMPLOYEE .....	30
	SECTION 9 - SEPARATION .....	31
9.01	TYPES OF SEPARATIONS .....	31
9.02	GENERAL SEPARATION PROCEDURES .....	31
9.03	RESIGNATION .....	32
9.04	RETIREMENT .....	32
9.05	DEATH .....	32
9.06	REDUCTION IN FORCE (LAYOFF) .....	33
9.07	DISABILITY .....	33
9.08	DISMISSAL OR DISCHARGE .....	33
9.09	EXIT INTERVIEW .....	33
9.10	RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS .....	33

9.11	UNEMPLOYMENT COMPENSATION .....	34
SECTION 10 - STANDARDS OF CONDUCT .....		35
10.01	POLICY .....	35
10.02	CONFLICTS OF INTEREST .....	35
10.03	POLITICAL ACTIVITY .....	37
10.04	EMPLOYMENT OF RELATIVES .....	37
10.05	OUTSIDE EMPLOYMENT .....	38
10.06	PUBLIC STATEMENTS .....	38
10.07	PERSONNEL RECORDS .....	39
10.08	SOLICITATION AND DISTRIBUTION .....	41
10.09	EMPLOYEES' PERSONAL LIFE AND DEBTS .....	41
10.10	UNIFORMS, DRESS AND APPEARANCE.....	42
10.11	GENERAL PROHIBITIONS .....	43
10.12	BULLETIN BOARDS .....	44
10.13	PURCHASES THROUGH THE CITY .....	44
10.14	EQUIPMENT USAGE .....	44
10.15	CELL PHONES .....	44
10.16	TOBACCO USE .....	45
10.17	WORKPLACE INSPECTIONS AND PRIVACY .....	46
10.18	WORKPLACE VISITORS.....	49
10.19	WORKPLACE VIOLENCE.....	49
10.20	CONCEALED CARRY AUTHORIZATION .....	50
SECTION 11 – SEXUAL AND OTHER ILLEGAL OR IMPROPER MISCONDUCT AND HARASSMENT POLICY .....		51
11.01	PURPOSE .....	51
11.02	APPLICABILITY .....	51
11.03	POLICY STATEMENT .....	51
11.04	GENERAL CONDITIONS.....	51
11.05	RESPONSIBILITY .....	51
11.06	DEFINITIONS.....	52
11.07	COMPLAINT PROCEDURES .....	53
SECTION 12 - DUI, DWI AND MOVING TRAFFIC VIOLATIONS .....		56
12.01	PURPOSE .....	56
12.02	DUI/DWI .....	56
12.03	MOVING VIOLATIONS .....	57
SECTION 13 - DRUG-FREE WORKPLACE AND ALCOHOL POLICY .....		59
13.01	PURPOSE .....	59

13.02	IMPLEMENTATION .....	59
13.03	ALCOHOL TESTING .....	63
13.04	DRUG (CONTROLLED SUBSTANCE) TESTING .....	64
13.05	DRUG TEST ADMINISTRATION .....	69
13.06	VIOLATION OF PROHIBITIONS .....	69
13.07	ROUTING.....	71
13.08	QUESTIONS OR CONCERNS .....	71
	SECTION 14 - COMPUTER EQUIPMENT, INTERNET AND E-MAIL POLICY .....	72
14.01	USAGE .....	72
	SECTION 15 - DISCIPLINARY ACTION.....	75
15.01	GENERAL STATEMENT .....	75
15.02	FORMS OF DISCIPLINE .....	75
15.03	BASIS FOR DISCIPLINARY ACTION.....	76
15.04	NOTICE OF DISCIPLINARY ACTION .....	76
15.05	TYPES OF OFFENSES .....	76
	GROUP I OFFENSES .....	76
	GROUP II OFFENSES .....	78
15.06	SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES .....	80
15.07	APPEALS .....	80
15.08	DOCUMENTATION .....	81
15.09	NAME CLEARING HEARINGS.....	82
	SECTION 16 - COMPLAINT PROCEDURE (NON -DISCIPLINARY MATTERS) .....	84
16.01	PURPOSE .....	84
16.02	DEFINITION OF A COMPLAINT .....	84
16.03	PROCEDURE .....	85
	SECTION 17 - HOURS OF WORK AND OVERTIME .....	87
17.01	HOURS OF WORK.....	87
17.02	REGULAR WORK WEEK OR PERIOD .....	87
17.03	OVERTIME AND COMPENSATORY TIME .....	88
17.04	COMPENSATORY PAY (COMP TIME) .....	89
17.05	ON-CALL PAY .....	89
17.06	CALL BACK PAY .....	90
17.07	PAYROLL PROCEDURES .....	90
	SECTION 18 - EMPLOYEE PERFORMANCE EVALUATION.....	92
18.01	POLICY .....	92
	SECTION 19 - COMPENSATION PLAN.....	95



19.01	COMPOSITION OF THE PLAN .....	95
19.02	DEVELOPMENT AND MAINTENANCE OF SALARY GRADES .....	95
19.03	SALARY GRADES.....	95
19.04	ENTRANCE AT THE MINIMUM .....	96
19.05	PAY RATES IN TRANSFER OR PROMOTION .....	96
SECTION 20 - HOLIDAYS .....		97
20.01	DAYS OBSERVED.....	97
20.02	HOLIDAY PAY .....	97
20.03	ELIGIBILITY FOR HOLIDAY PAY .....	98
20.04	ABSENCE DUE TO SICKNESS .....	98
20.05	HOLIDAY ON A LEAVE PAY.....	98
SECTION 21 - ANNUAL LEAVE (VACATION) .....		99
21.01	ELIGIBILITY AND RATE OF EARNING .....	99
21.02	CHARGING LEAVE .....	99
21.03	REQUEST FOR LEAVE.....	99
21.04	USE.....	100
21.05	ACCRUAL AND PAYMENT.....	101
21.06	PAYMENT FOR UNUSED ANNUAL LEAVE .....	101
21.07	RECORDING LEAVE .....	101
SECTION 22 - SICK LEAVE .....		102
22.01	ELIGIBILITY AND RATE OF EARNING .....	102
22.02	CHARGING LEAVE .....	102
22.03	REQUEST FOR LEAVE.....	102
22.04	USE.....	103
22.05	ACCRUAL .....	103
22.06	PAYMENT – UNUSED SICK LEAVE.....	103
22.07	GENERAL PROVISIONS .....	104
SECTION 23 - SICK LEAVE BANK.....		105
23.01	OBJECTIVE .....	105
23.02	ELIGIBILITY .....	105
23.03	CONTRIBUTIONS .....	105
23.04	WITHDRAWAL OF SICK LEAVE DAYS.....	106
23.05	SICK LEAVE COMMITTEE.....	106
SECTION 24 - LEAVES OF ABSENCE.....		108
24.01	CONFERENCE LEAVE .....	108
24.02	MILITARY LEAVE .....	108

24.03	VOTING LEAVE .....	108
24.04	LEAVE WITHOUT PAY .....	109
24.05	ADMINISTRATIVE LEAVE .....	110
24.06	QUALIFYING EXIGENCY LEAVE.....	110
24.07	MILITARY CAREGIVER LEAVE .....	113
24.08	LEAVE FORMS .....	114
	SECTION 25 - FUNERAL LEAVE.....	115
25.01	POLICY .....	115
	SECTION 26 - COURT LEAVE.....	116
26.01	POLICY .....	116
	SECTION 27 - WORKER’S COMPENSATION .....	117
27.01	POLICY .....	117
	SECTION 28 - FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA) .....	119
28.01	POLICY .....	119
	SECTION 29 - CONTINUING EDUCATION .....	123
29.01	MANAGEMENT APPROVAL.....	123
29.02	TUITION REIMBURSEMENT BENEFIT .....	123
29.03	TYPES OF COURSES APPROVED .....	123
29.04	REIMBURSABLE EXPENSES .....	124
29.05	NON-REIMBURSABLE ITEMS .....	124
29.06	EMPLOYEE TUITION REIMBURSEMENT AGREEMENT .....	124
	SECTION 30 - EMPLOYEES RECOGNITION PROGRAMS.....	125
30.01	PLAQUES.....	125
30.02	CERTIFICATES, LETTERS OF COMMENDATION AND LETTERS OF.....	125
	OF APPRECIATION.....	125
30.03	PARTIES .....	126
30.04	SERVICE PINS AND SERVICE CERTIFICATES .....	126
	SECTION 31 - OPTIONAL BENEFITS.....	127
31.01	POLICY .....	127
	SECTION 32 - HEALTH INSURANCE.....	128
32.01	PURPOSE.....	128
32.02	PROCEDURE.....	128
	SECTION 33 - PENSION (RETIREMENT PLAN) .....	130
33.01	POLICY .....	130
	SECTION 34 - EMPLOYEE ASSISTANCE PROGRAM (EAP).....	131
34.01	PURPOSE .....	131

34.02	ELIGIBILITY .....	131
34.03	WHAT KIND OF PROBLEMS ARE COVERED? .....	131
34.04	CONFIDENTIALLY .....	132
34.05	MANDATORY REFERRAL .....	132
34.06	SHORT-TERM COUNSELING.....	132
34.07	EAP 24-HOUR PHONE NUMBER .....	132
	SECTION 35 - EMPLOYEE SAFETY PROGRAM .....	133
35.01	POLICY .....	133
35.02	ELIGIBILITY .....	133
35.03	CRITERIA .....	133
35.04	NOTE.....	134
35.05	SAFETY GENERALLY.....	134
35.06	OTHER SAFETY CONSIDERATIONS.....	134
	SECTION 36 - RECORDS, REPORTS AND RETENTION .....	136
36.01	RESPONSIBILITY .....	136
36.02	RECORDS .....	136
36.03	POLICE RECORDS .....	138
36.04	PUBLIC RECORDS .....	138
36.05	RECORDS RETENTION AND DISPOSITION.....	139
	SECTION 37 - USE OF CITY VEHICLES AND EQUIPMENT .....	140
	SECTION 38 - POLICE DEPARTMENT PAY AND ALLOWANCES.....	142
38.01	FIELD TRAINING OFFICER PAY.....	142
38.02	CLOTHING AND EQUIPMENT ALLOWANCES .....	142
	Appendix A.....	143
	EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF HR MANUAL .....	677

## **GENERAL POLICY STATEMENTS**

A. No Discrimination: There shall be no discrimination in employment, employment opportunities, job actions, promotions, job assignments, job training and education on the basis of race, color, religion, age, sex, national origin, legally recognized disability, genetic information, pregnancy or marital status unless one or more of the above constitute bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be discriminated against or given preference because of any of the above characteristics, unless otherwise required by law. The City will ensure that all employment practices, including, but not limited to, hiring, recruitment, training, compensation, benefits, promotions, layoffs and terminations, are administered in a manner that provides full and fair opportunity to all persons.

B. Persons With Disabilities: Persons with known legally recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The City will offer to such persons reasonable accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided such further accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided further such accommodation does not create undue hardship on City operations.

C. Affirmative Action: The City will take affirmative recruitment actions to expand employment opportunities for groups that are underutilized in the City workforce, but not in any way which violates applicable law.

D. Drug Free Workplace: The City of Williston expressly prohibits employees from reporting to work or conducting City business while under the influence of illegal drugs or alcohol. Any substance abuse is a serious threat to the health, safety and well-being of the individual, other employees and the general public, and as such it will not be tolerated in the City's workplace.

E. No Harassment: The City of Williston will not tolerate unwelcome conduct, whether verbal, physical or visual, that is based upon a person's protected status, such as sex, race, national origin, religion, age, disability or other protected status. In addition, the City will not tolerate harassment of its employees by anyone, including City officials, department heads, supervisors, other employees, vendors or citizens.

## **SECTION 1 - GENERAL PROVISIONS**

### **1.01 PURPOSE**

The purpose of these Personnel Rules and Regulations (hereafter referred to as “HRM” or “Rules”) is to establish procedures which will serve as a guide to administrative actions covering most personnel actions which may arise. The final interpretation and application of these Rules shall be made by the City of Williston (hereafter referred to as “City”) or its designee. The City reserves the right to amend, alter, modify, delete and add to these Rules.

Nothing herein is intended to supersede the City Charter. In the event of any conflict between these Personnel Rules and Regulations and the City Charter, the provisions of the City Charter shall prevail.

Under the City Charter, the Police and Fire Department fall under the authority of the elected Mayor. Police and Fire procedures are sufficiently different to require certain specific variations in their HR procedures. The Police and Fire Departments are subject to the requirements enumerated in the Personnel Rules and Regulations except as modified by the General Orders of the Police or Fire Department, in which case the General Orders will prevail.

### **1.02 POSITIONS COVERED**

Unless a specific Section or Subsection provides otherwise, the provisions of these Rules shall be applicable to all City employees including members of City Council, General Employees and Public Safety Employees, except as designated in the policies listed in Appendix A. In the event of a conflict between the HR Manual and designated policy, the designated policy will supersede/take precedent.

Volunteers serving as members of Boards and Committees, and consultants engaged on a contractual basis are not considered to be City employees for purposes of this Manual. However, volunteers and contractors are subject to the non-discrimination and drug-free workplace policies contained herein where specified under state and federal contract requirements and as dictated under the terms of any active and binding agreement.

The City Manager and City Clerk may be employed under a contract approved by the City Council; however, the City Manager and City Clerk shall be subject to the provisions of the policies contained in this manual unless specifically exempted by their approved contract.

### **1.03 ADMINISTRATION**

- A. The City Manager or a designated administrative officer shall be responsible for the administration and technical direction of the City. The City Manager shall:
  - i. Prepare, install and maintain a position classification plan based on the duties, authority and responsibility of all positions in the City;

- ii. Prepare and maintain job descriptions;
  - iii. Prepare and maintain a Compensation Plan;
  - iv. Provide orientation for new Department Heads;
  - v. Approve payroll documents certified by Department Heads;
  - vi. Draft such administrative policies as may from time to time be necessary to carry out the intent and purpose of the provisions of these rules;
  - vii. Carry out such other duties as prescribed under the City Charter; ordinances, resolutions or these rules;
  - viii. Establish and maintain departmental standard operating procedures (SOP's) as needed.
- B. The City Manager, at their discretion, may delegate any of the duties assigned by these rules.
- C. The City Manager acts as the City's Human Resources Director, and will supervise and direct the administration and technical functions of the personnel program. In addition to the duties imposed on him/her by these personnel policies, it shall be his/her responsibility to:
- i. Apply equally and fairly all personnel regulations as adopted by the City Council;
  - ii. Render service to the City Departments in the area of personnel management;
  - iii. Setup and maintain all employee personnel files;
  - iv. Administer the adopted administrative policy and procedures for uniformity of personnel rules and procedures;
  - v. Properly compute, control and record all personnel matters required by administrative policy;
  - vi. Serve as the Americans with Disabilities Act (ADA) Coordinator for the City;
  - vii. Properly manage personnel records as required by Federal Laws.
- D. Department Heads are responsible for the efficient and effective operation and the direct supervision of the employees assigned to their department or area of responsibility and for the proper and effective administration and enforcement of

these Rules. These duties may be delegated by the Department Head, but the ultimate responsibility shall remain with the Department Head. Such responsibilities include, but are not limited:

- i. To administer, interpret and enforce these Rules, regulations and approved departmental standard operating procedures and to recommend modifications;
- ii. To recruit, hire, supervise, direct, discipline up to and including discharge, the workforce of the City subject to these Rules and any applicable collective bargaining agreement (hereafter referred to as “CBA”);
- iii. To provide initial orientation of employees to include familiarization with departmental or area policies, rules and regulations, working conditions, etc.;
- iv. To provide and/or coordinate job related employee-training programs;
- v. To foster and develop programs for the improvement of employee relations, morale and effectiveness; and,
- vi. To review and revise job descriptions as needed.

#### **1.04 COLLECTIVE BARGAINING AGREEMENTS**

Where these Rules or departmental rules and regulations are in conflict with the expressed terms of the Collective Bargaining Agreement (CBA), the terms of the CBA shall take precedence.

#### **1.05 AMENDMENTS**

Amendments to the HRM may be proposed by the City Manager and by resolution of the City Council.

#### **1.06 DEPARTMENT POLICIES**

- A. Departmental standard operating procedures (SOP’s) except Police and Fire will be reviewed periodically by department heads. Changes shall be submitted in writing to the City Manager for review and approval.
- B. Departmental standard operating procedures approved by the City Manager will serve as supplements to the HR Policies. In the event of conflict, the HRM shall prevail unless the departmental standard operating procedures has been specifically approved as an exception by the City Council.
- C. Approved changes in departmental policies and standard operating procedures shall be distributed to the affected employees upon approval.

#### **1.07 PRIOR MEMOS, POLICIES AND REGULATIONS**

All resolutions or ordinances, or parts of resolutions or ordinances, prior memos, policies, procedures and regulations in conflict with any of the provisions of this policy are hereby repealed.



## **SECTION 2 - DEFINITION OF TERMS**

### **Active Pay Status**

When an employee is working, on authorized paid leave, paid holidays or other time where pay is being credited to employee.

### **Administrative Personnel**

Any employee whose primary duty consists of:

- A. The performance of office or non-manual work directly related to management policies or general operations; or
- B. Who customarily and regularly exercises discretion and independent judgment; and
- C. Who regularly and directly assists an employee employed in a bona fide executive or administrative capacity; or
- D. Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge; or
- E. Who executes, under only general supervision, special assignments and tasks; and
- F. Who does not devote more than 20 percent of hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (A) through (C); and,
- G. Who is compensated for services on a salary or wage basis at a rate of not less than \$455 per week.

### **ADA**

Americans with Disabilities Act; Federal legislation that prohibits discrimination against persons with disabilities.

### **Allocation**

The assignment of an individual to an appropriate class on the basis of the type of work, difficulty, responsibility and other related job factors of the work performed.

### **Appeal**

An application for review of a disciplinary action submitted or instituted by an employee.

### **Applicant**

An individual who has completed and submitted an application for employment.

### **Appointing Authority**

The City Manager, Mayor or designees who have authority to appoint and remove employees

under their jurisdiction.

**Appointment**

The offer to and acceptance by a person of a position either on a regular or temporary basis.

**Bonus**

Discretionary and non-discretionary sums paid, or vacation time provided to qualified employees under the programs specified in this manual. Bonus programs include: Christmas pay (discretionary) - Christmas pay is distributed at the discretion of Council at a rate determined by Council to all full and part-time employees; Safety Incentive (non-discretionary) bonus hours and pay are provided as stated in Section 34 of this manual.

**Calendar Year**

The one-year period that begins on January 1 and ends on December 31, used to record certain types of leave and for reporting W-2 wages.

**Call Back Pay**

Payments posted for an employee who reports for work, prepared to perform assigned duties, at the direction of their supervisor, at a time other than the employee's regular work hours.

**CBA**

See Collective Bargaining Agreement.

**Child**

For FMLA purposes, a biological, adopted or foster child, stepchild, legal ward or child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time the FMLA leave commences. A person stands in loco parentis if that person provides day-to-day care or financial support for a child. Employees with no biological or legal relationship to a child can stand in loco parentis to that child and are entitled to FMLA leave.

**City**

City of Williston.

**City Premises**

All premises and locations under the control of the City, including offices, parking lots, locker rooms, files, drawers and storage areas, City vehicles, or vehicles or property located on City premises.

**City Property**

All equipment, documents, records, files and other property relating to the City, including computers, furnishings, lockers and vehicles, whether owned, leased, rented or used by the City.

**Class**

A position or group of positions which involves similar qualifications and is designated by a

title indicative of the kind of work and for which the same pay range can be applied with reasonable equity.

**Classification Plan**

An orderly arrangement of positions into separate and distinct classes so that each class will contain positions which have similar prerequisite qualifications as to education, knowledge, experience and ability, tests of fitness, and ranges of pay.

**Classification Seniority (also referred to as Job or Position Seniority)**

The length of time an employee has been continuously employed in his current position classification. Classification seniority will be lost or changed upon the loss of seniority under Section 9.02, the permanent transfer, promotion, demotion or reassignment to or from one job classification to another.

**Collective Bargaining Agreement (CBA)**

An agreement between an employee organization and the City, negotiated and ratified as required by the Public Employees Relation Act.

**Compensation**

Wages, salaries, fees, allowances and all other forms of valuable consideration or the amount of any one or more of them paid to an employee, by reason of service rendered, but not including any allowances for expenses authorized and incurred as incidental to employment and which may be separately authorized and/or reimbursed.

**Compensation Plan**

A schedule of compensation established for the classes of positions so that all positions of a given class will be paid in the same wage or salary range established for the class.

**Compensatory Time (Comp Time)**

Time off from work in lieu of monetary payment for having worked in excess of scheduled work week providing the time off is at time and one-half and is pursuant to an agreement or understanding, oral or written, with the employee prior to performance of work.

**Complaint (Non-Disciplinary Matters)**

A grievance, view or opinion pertaining to employment conditions, to relationships between employee and supervisor or to relationships with other employees. Within the context of the Collective Bargaining Agreement, a dispute involving the interpretation or application of the agreement. Disciplinary actions, dismissals, demotions, suspensions, fines, reductions in pay, and position classification allocations shall not be subject to review as a complaint.

**Confidential Employee**

An employee exempt from collective bargaining as defined by the Public Employee Relations Act.

**Date of Hire**

The date that the employee is present on the work or training site and is paid to perform or

train in the role for which he or she was hired. This date will establish the start date for the computation of seniority within the job classification.

**Demotion**

A change in employment status from a position of one class to a position of another class having a lower maximum wage/salary range than the original class (voluntary, non-voluntary and non-disciplinary).

**Department Head**

Any employee whose primary duty consists of:

- A. The management of a customarily recognized department; and
- B. Who customarily and regularly directs the work of other employees therein; and,
- C. Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring and firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and,
- D. Who customarily and regularly exercises discretionary powers; and,
- E. Who does not devote more than 20 percent of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (A) through (D); and,
- F. Who is compensated for his services on a salary basis at a rate of not less than \$455 per week, or as amended by the FLSA.

**Departmental Seniority**

The length of time an employee has been continuously employed in a department.

**Disability**

A physical or mental impairment that substantially limits one or more major life activities; having a record of such impairment or being regarded as having such impairment.

**Dismissal or Termination**

Involuntary separation from City employment.

**DOL**

Department of Labor

**DOT**

Department of Transportation

**Driving Position**

A position where the employee drives or may be required to drive a City vehicle or a personal

vehicle in the performance of their duties. Also refers to a position which requires a specific class of driver's license to operate an assigned vehicle under State law.

### **Drug**

As defined by state statute: alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

### **Drug Test**

As defined by state statute: any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

### **Employee**

- A. **Full-Time:** any employee, who has successfully completed their probationary period, who is assigned a regular schedule of a minimum of forty (40) hours or the regular Section 7(K) schedule, whichever applies, per week or per pay period and is classified as a regular full-time employee by the City.
- B. **Part-Time:** any employee who is assigned a regular schedule of less than thirty-two (32) hours per week. For the purpose of receiving a Health Benefit, the employee may work thirty (30) hours or more per week
- C. **Probationary:** any employee who has not completed the initial probationary period.
- D. **Temporary:** any employee that is not classified as a full-time, part-time or probationary employee, such as a seasonal or non-regular part-time employee who does not work a regular schedule.
- E. **Seasonal:** a temporary employee who is employed for a specific period of the year only.
- F. **Reserve:** individual who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered; offers services freely and without pressure or coercion; and is not otherwise employed by the City to perform the same type of services as those for which the individual proposes to volunteer. This individual is not considered a regular employee for the purposes of benefits eligibility.

### **Exempt Employee**

An employee exempt from the minimum wage and/or overtime under the Fair Labor Standards Act and paid \$455 weekly on a salary basis or, as a 'computer employee', at a rate of \$27.63 hourly for all hours worked in a workweek. The City Manager has full appointing, promotion, demotion and terminating authority over the Exempt Employee, unless otherwise stated in the City Charter.

**FCRA**

The Florida Civil Rights Act of 1992, state statute establishing freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.

**FEMA**

Federal Emergency Management Agency.

**Fiscal Year**

The twelve (12) month accounting period beginning October 1<sup>st</sup> each year which represents the City's budget year.

**FLSA**

The Fair Labor Standards Act, a federal law that sets minimum wage, overtime and minimum age requirements for employers and employees.

**FMLA**

Family Medical Leave Act - federal legislation entitling eligible employees of covered employers to unpaid, job-protected leave for specified family and medical reasons. For the purposes of eligibility under FMLA, a qualified employee must work a regular schedule of at least 25 hours.

**FTO**

FDLE-Certified Police Field Training Officer.

**Harassment**

Any verbal or physical conduct that degrades or shows hostility or aversion toward an individual because of race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability or impairment, or that of relatives, friends or associates and that for a reasonable person:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Examples include, but are not limited to: epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts that relate to race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability, or any display of written or graphic material that denigrate or shows hostility or aversion toward an individual or group because of the same. See also Harassment.

**He/His/Him/Their**

Generic and used for reference purposes to signal reference to both males and females.

**Immediate Family**

Includes spouse, children, parent, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandparents of spouse, grandchildren, step-parents, step-children, step-brothers and step-sisters, step-grandchildren, legal guardian, and any other relative living in the same household (this definition is for purposes of medical and funeral leave). Provided such definition shall not apply to FMLA leave which has its own requirements.

**Insubordination**

The refusal to perform work when and as assigned, failure to obey a direct legal order and/or any other act or acts of disrespect or disregard of proper managerial authority.

**Job Description**

A written description of some but not all of the duties, qualifications and responsibilities of a job.

**Layoff**

Separation of a regular employee from a position in the personnel system because of the reduction in workload available, lack of funds by the City, abolishment of the position after study, material alteration in the departmental organization or for other related reasons.

**Leave**

An approved type of absence from work as provided by these Policies and Procedures.

**Managerial Employee**

An employee exempt from collective bargaining, as defined by the Public Employee Relations Act.

**Mandatory-Testing Position**

A job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to FSS 110.1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

**May**

The word “may” shall be interpreted as permissive.

**Medical Review Officer (MRO)**

A licensed medical or osteopathic physician employed with or contracted with the City, not employed or contracted by a drug testing laboratory performing drug free workplace testing.

The MRO shall have knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures, verify positive, confirmed test results, and have the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information. Medical review officers shall be certified as medical review officers by the American Association of Medical Review Officers, American Society of Addiction Medicine or the Medical Review Officer Certification Council.

### **Merit Pay Increase**

An increase in compensation based on an annual performance evaluation completed on the employee's hire date.

### **Non-Exempt Employee**

Class of employees who receive hourly wages; they are subject to wage and hour laws set forth in the Fair Labor Standards Act (i.e. overtime pay).

### **Overtime**

Overtime is the performance of previously authorized work in excess of the normally full-time scheduled work hours per seven-day work period in accordance with Fair Labor Standards Act. Overtime is paid at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek for general employees and over 43 hours in a workweek for sworn police officers.

### **Parent**

For FMLA purposes, a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. (A person stands in loco parentis if that person provides day-to-day care or financial support for a child.) This term does not include parents-in-law.

### **Pay Grade**

The salary range which is assigned to a particular classification title expressed as a pay range number.

### **Performance Evaluation (also referred to as "PE")**

Written reports of an employee's job performance, conduct, attendance and potential; scheduled and completed by immediate supervisors.

### **Personal Property**

Items owned by an employee or others that are not City property, such as personal vehicle, briefcase, purse, lunch box, etc.

### **Position**

Employment involving an aggregation of duties to be performed and responsibilities to be discharged by one person, whether temporary, seasonal, part-time or full-time, occupied or vacant.



**Position Classification**

The relative allocation of a position within the classification plan based upon the current duties, responsibilities and general requirements of the position as compared to other positions within the plan.

**Possession**

On someone's person or otherwise under their control or within City premises.

**Probationary Period**

A period of time provided to allow the Department Head an opportunity to evaluate an employee's performance and ability, and to decide whether or not the employee is retained. After successful completion of the probationary period (six (6) months), the employee will be classified as a regular employee. A probationary period beyond that which is recognized by the State of Florida will not be applicable past the state established threshold for the purposes of Unemployment Compensation claims.

**Prohibited Materials**

Firearms or other weapons, except those issued or authorized by the City and except when in compliance with Section 790.251, Florida Statutes; explosives and/or hazardous materials or articles; illegal drugs or other controlled substances as defined by statute, the Florida Department of Law Enforcement (FDLE), or the City Drug-Free Workplace Policy; drug-related paraphernalia; alcoholic beverages; materials considered obscene which are not work/investigation related or City property that an employee is not authorized to have in their possession. Refer to Section 10 for additional information.

**Promotion**

Subject to completion of the promotional probationary period, permanent assignment of an employee to a higher-level job classification which has a higher maximum salary rate.

**Public Safety Employee**

A person employed to protect the general public from dangers affecting safety. May include persons employed by a police department, fire department, emergency medical services, utilities or any other agency tasked with protection from crime or disasters.

**Reasonable Suspicion**

Includes a suspicion that is based on specific personal observations such as, but not limited to, an employee's manner, disposition, muscular movement, appearance, behavior, or speech; information provided to management by an employee, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

**Reclassification**

The action taken to officially change an existing position to a different appropriate class because of a change in the duties, responsibilities, and/or requirements of the existing position, or because of an amendment of the classification.

**Reemployment (also referred to as “Reinstatement”)**

The hiring of a person who formerly worked for the City. Person(s) rehired shall be new employees for all purposes, unless the Department Head recommends, and the City Manager approves otherwise in a particular case.

**Regular Position**

A position which is established in the budget. It may be seasonal or part-time, but regular to the extent that it is established by the budget, designated by the City Manager, and filled with a regular employee, or trainee.

**Resignation**

Act of voluntarily withdrawing from City employment.

**Section 7(K)**

Section 7(K) of the Fair Labor Standards Act allowing certain employees in the Police Department to be paid overtime based on a schedule other than after forty (40) hours in a seven (7) day period and providing that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis, establishing a "work period" from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, fire protection personnel are due overtime after 106 hours worked during a 14-day work period, while law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

**Seniority**

The total time an employee has continuously worked for the City without loss of seniority under Section 7.

**Sexual Harassment**

Any verbal or physical conduct of a sexual nature or with sexual overtones, unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:

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

Examples of sexual harassment include, but are not limited to, lewd or sexually suggestive comments; off-color language or jokes of a sexual nature; slurs and other verbal, graphic or physical conduct relating to an individual's sex; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, films or cartoon.

**Shall**

The word “shall” will be interpreted as mandatory.

**Special-Risk Position**

A position that is required to be filled by a person who is certified under Florida State Statute Chapter 633: Fire Prevention and Control or Chapter 943: Department of Law Enforcement.

**Spouse**

For the purpose of FMLA leave, a husband or wife as defined or recognized in the state in which the individuals were married and includes individuals in common law or same-sex marriages.

**Suspension**

Employees may be suspended from work with pay by their Department Head under the Standards of Conduct policies, with the approval of the City Manager. Under extraordinary circumstances, when in the best interest of the City, an employee may be suspended without pay.

**Transfer**

The reassignment of an employee from one position to another. Transfers must be approved by both Department Heads concerned and the City Manager.

**Workday**

The scheduled number of hours an employee is required to work per day.

**Work Week or Work Period**

The number of hours regularly scheduled to be worked during any seven (7) consecutive days or other work period allowed by the Fair Labor Standards Act and adopted by the City Council for an employee or group of employees.

**Working Time**

Working time shall be all time employee performs actual work for the City and authorized break periods. An employee may take two (2) fifteen (15) minute breaks per day at the discretion of the Department Head.

**Vacancy**

A position established in a current budget as duly created and not currently occupied by an employee.

## **SECTION 3 – TYPES AND TERMS OF EMPLOYMENT**

### **3.01 BASIS OF EMPLOYMENT**

Employees are employed by the City as either full-time, part-time, seasonal, or temporary employees.

### **3.02 PARTICIPATION IN BENEFITS**

All regular full-time employees are eligible to participate in all City benefits. Other employees do not participate in employee benefit plans unless a particular plan so provides or unless required by law. Current federal law designates the following non-full-time employees as qualified under the corresponding plans listed. Benefit levels under these plans are subject to change in these laws. If the law is rescinded or abolished, then City policy will dictate eligibility in these programs:

City Health & Life Insurance Benefits – Employees must be regular employees working at least 30 hours per week (over a twelve-month period) per the Patient Protection and Affordable Healthcare Act.

FMLA – Employees must be regular employees working at least 25 hours per week and at least one-thousand two-hundred and fifty (1,250) hours for the City during the twelve (12) month period immediately preceding the date of the requested leave, unless the employee has a break in service due to military reservist duty.

### **3.03 TERM OF EMPLOYMENT**

All City employees subject to these Personnel Rules shall serve at the will and pleasure of the City and may be disciplined or dismissed, subject only to applicable law. All decisions concerning their wages, hours, working conditions (all conditions concerning employment) will be made by the City Manager. Nothing set forth in these policies creates a contract for employment between the City and its employees nor do these policies alter the at-will status of the City's employees.

### **3.04 PROBATIONARY EMPLOYEES**

- A. Subject to paragraph B, all regular full-time employees shall successfully complete an initial probationary period of six (6) months.
- B. When an employee is initially hired in a position which has a formal training program or requires certification or licensing, the probationary period shall be as set forth in Paragraph A, the period of the training program, or successful completion of certification or licensing requirements, whichever is longest.

### **3.05 PROMOTIONAL PROBATION**

- A. An employee promoted to a higher-level job classification shall serve an initial probation period of six (6) months except where a license or certification is a prerequisite to holding a job, the probationary period may continue until the license

or certification is successfully obtained. During the probationary period, the employee shall serve in the position to which he was promoted at the will and pleasure of the Department Head.

- B. During the probationary period, if the Department Head decides to remove the employee from the position, but determines the employee has otherwise performed satisfactorily: (1) if the job from which he was promoted has not been filled, he will be returned to his former position; or (2) if the job from which he was promoted has been filled, the employee will be given preferential treatment for six (6) months from the date of his removal for any vacancy in the City for which the City Manager considers him to be qualified to perform all the duties at the commensurate rate of pay.

### **3.06 LOYALTY OATH**

Pursuant to Florida Statutes 876.05, all persons who now or hereafter employed by the City shall subscribe to the following oath:

I, \_\_\_\_\_, being employed by or an officer of the City of Williston and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

And, do solemnly swear or affirm that I will, during my continuance in office or term of employment, to the best of my skill and ability, faithfully discharge all duties which may be required of me, and that I will in all cases conform to the ordinances of the City, and its policy, regulations, and forthwith report all violations of the ordinances which may come to my knowledge.

- A. The Human Resources Director or appropriate Department Head shall administer the above oath to each employee of the City and submit the signed oath to be filed in the employee's official personnel record file. The public employee's oath shall be given on or before the first day of employment and shall apply to all full, part-time, seasonal, volunteer, reserve and temporary employees.
- B. Per statute, the oath shall be filed with the Human Resources Director prior to approval of any payment of salary, expenses or compensation.
- C. Should any person provided for in this section refuse to execute the above oath, the Human Resources Director shall cause the said employee to be immediately discharged; in the case of a new employee, prohibit his employment.

### **3.07 TYPES OF EMPLOYMENT**

#### **3.07.1 FULL-TIME EMPLOYEES**

A full-time employee is any employee who has successfully completed the probationary period, who is assigned a regular schedule of at least forty (40) hours or the regular Section 7(K) schedule per week or per pay period and who is classified as a regular, full-time employee by the City.

#### **3.07.2 PART-TIME EMPLOYEES**

- A. A part-time employee is one assigned a regular schedule of less than thirty-two (32) hours per week and less than sixty-four (64) hours in a bi-weekly period.
- B. For the purpose of receiving health benefits the employee may work 30 hours or more per week.

#### **3.07.3 PROBATIONARY EMPLOYEES**

- A. A probationary employee is any employee who has not completed the initial probationary period.
- B. All regular full-time employees shall successfully complete an initial probationary period of at least six (6) months.

#### **3.07.4 SEASONAL EMPLOYEES**

A seasonal employee is a temporary employee retained for only a specific period of the year. Seasonal employees are not guaranteed forty (40) hours of work per week nor re-employment the next successive year and are not eligible for benefits unless a particular plan so provides or unless required by law.

#### **3.07.5 TEMPORARY EMPLOYEES**

- A. A temporary employee is one not classified as a full-time, part-time or probationary, such as a seasonal or a non-regular, part-time employee who does not work a regular schedule.
- B. A temporary position is one which is established and approved by the City Manager for a specific period of time since regular employment for the task is not anticipated. No such position can be established unless sufficient funds are provided in the budget. Appointments to temporary positions shall ordinarily be for a period of up to six (6) months, except that the City Manager may extend any appointment for up to an additional three (3) months, if conditions warrant. Such extension does not automatically make the appointment a full-time position.

- C. To facilitate meeting emergencies, a Department Head may employ a person on a temporary basis, within budget constraints, and put such person to work immediately with necessary documentation confirming the terms of the employment to follow. In such a situation the City Manager's approval shall be obtained during the first full day of employment. Requests for this action shall clearly state the circumstances requiring such employment and note the period of employment estimated to be required of such position.

#### **3.07.6 VOLUNTEERS AND RESERVISTS**

- A. A volunteer or reservist is any individual who performs hours of service for civic, charitable or humanitarian reasons without promise, expectation or receipt of compensation for services rendered; offers services freely and without pressure or coercion; and is not otherwise employed by the City to perform the same type of services as those for which the individual proposes to volunteer.
- B. Reservists working within the Police Department are required to carry the requisite certifications and maintain the same training standards as a regular, full-time officer.

## **SECTION 4 - HIRING PROCEDURES**

### **4.01 VACANCIES**

- A. All requests for employing personnel will be made by the Department Head to the City Manager, using the request form authorized by the Human Resources Department. The request should specify the following information:
  - i. New Position or Replacement
  - ii. Job Classification (Salary Range)
  - iii. Job Description and Qualifications Request
  - iv. Proposed Start Date
- B. The Department Head will assure that the position to be filled is properly authorized and budgeted prior to submission to the City Manager for approval.
- C. The City shall include notice of drug testing on vacancy announcements.

### **4.02 RECRUITING**

- A. The Department Head will distribute, for display in each Department, a Notice of Vacant City Position.
- B. City employees will be allowed five (5) days to request, in writing with notice to his/her supervisor, to be considered for the position. The Department where the vacancy exists, may advertise any vacancies in the appropriate media but may not initiate hiring of outside applicants until after the (5) day notice period for current employees has ended.
- C. All applicants will be required to fill out a standard application obtained from the Department with the vacancy. Completed applications will be forwarded to the appropriate Department Head for consideration.
- D. Advertisements and Notices shall contain the position title, essential job functions, minimum qualifications, closing date, EEO/Drug-Free Workplace statement and routing instructions for applications and questions related to the vacancy.
- E. All applications for employment shall be made on an approved City of Williston Employment Application, which will be developed and maintained by the Human Resources Director.
- F. All completed applications will be forwarded to the appropriate Department Head



for consideration. Upon review of the applications, the Department Head will create a list of qualified individuals to be interviewed. The Department Head will schedule and conduct the interviews.

#### **4.03 BASIS FOR SELECTION**

- A. Employment with the City shall be based on skills, experience, training, education, physical and mental ability to do the available work and other factors that are related to the performance of the job in question.
- B. As part of the pre-employment procedures, former supervisors, employers and references provided by candidates shall be checked by Department Head or designee as a precaution against obtaining unqualified employees. Reference checks made by personal or telephone contact will be documented and made part of the applicant's file.
- C. All employees shall go through a thorough background check, including but not limited to: criminal history record check, driver's license verification, sexual predator record search and drug screening. The Department Head or designee will make this request to the Human Resources Department in the course of the hiring process.
- D. The City does not prohibit members of the same family from working for the City; however, each situation involving employment of a relative must be reviewed by the City Manager.
  - i. The City will not allow the employment of relatives in any situation where a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise, such as
    - a. A relative working under the direct supervision of another;
    - b. A relative being responsible for the performance evaluation of another;
    - c. An employee being in possession of confidential information about another related employee.
  - ii. It is the obligation of all affected employees to immediately advise their Department Head if a change in a personal situation occurs or is anticipated that may result in such a conflict of interest, so appropriate action may be taken.
- E. The City reserves the right to reject any applicant for any reason or no reason subject only to applicable law.
- F. The City Manager shall review the Department Head's recommendation, and the supporting documentation, and shall approve or deny the recommendation based on that review. A conditional offer of employment shall not be made without the City Manager's approval.

- G. The Department Head shall notify the successful candidate and unsuccessful candidates at selection and will ensure that all personnel and payroll records are completed and submitted to the Human Resource Department prior to commencement of work.
- H. In accordance with Florida Statutes, Chapter 295, preference to veterans shall be granted.
- I. In cases where city residents and non-residents are equally qualified for the particular vacant position, the city resident shall receive first consideration for the position.

#### **4.04 TESTING**

At its option and expense, the City may use valid physical, written or oral examinations and performance tests in order to gauge applicants' skills. Any written exams will be maintained confidentially in accordance with Florida State Statute. Exam results will be recorded and placed in the applicants' files.

#### **4.05 MEDICAL EXAMINATIONS AND DRUG TESTING**

- A. Subject to applicable law, the City shall require submission to and successful passing of testing for the use of alcohol and illegal controlled substances as a condition for consideration for employment or continued employment with the City to comply with Drug Free Workplace requirements.
- B. Applicants in designated job classifications shall be required to take a medical examination after they have been given a conditional offer of employment. The examination will be narrowly tailored to determine whether the applicant can perform the essential functions of the job and will be required of all applicants within the specified job categories. Job classifications that require post-offer medical examinations will be designated by the City Manager or Human Resources Director. These classifications will be reviewed and updated annually.
- C. If, with prior approval of the City Manager, an applicant is placed on the payroll prior to having completed a required medical examination, he shall be advised in writing at the time he is placed on the payroll, that his employment will be conditional subject to passing a medical examination, if permitted by the job classification.
- D. Applicants and employees who are directed to take a medical or drug/alcohol examination under Paragraph A, B or C above and who refuse to do so will be automatically terminated.
- E. Applicants and employees who take a medical or drug/alcohol examination pursuant to Paragraph A, B or C above shall not be employed, or, if previously

employed, shall be terminated immediately if the results of the medical examination show that they are either mentally or physically unable to perform the essential functions of the job with or without reasonable accommodation. However, if they have a legally recognized disability, they will be terminated only if they cannot be reasonably accommodated to perform the essential functions of the job without undue hardship to the City, and such action shall be subject to applicable federal, state and local laws dealing with handicap status.

- F. Subject to applicable law, all medical or drug/alcohol examinations required to be taken under this section shall include testing to determine the presence or absence of illegal controlled substances in their body. Drug testing will be conducted under the Drug and Alcohol Policy of the City.

#### **4.06 JOB OPPORTUNITIES FOR NON-EMPLOYEES**

- A. Any advertisement or notice shall contain the title of the position, the essential functions of the job, the minimum qualifications for the job, and the date beyond which applications will no longer be received, contain the phrase “The City of Williston is an Equal Opportunity Employer, and a Drug Free Workplace,” and shall state that all applications or inquiries shall be directed to the Department Head.
- B. All applications for employment shall be made on a uniform City of Williston Application for Employment as developed and maintained by the Human Resources Director.

## **SECTION 5 - TRANSFERS AND WORK OUT OF CLASSIFICATION**

### **5.01 TEMPORARY TRANSFERS / WORK OUT OF CLASSIFICATION**

- A. The City will increase the pay of employees who are temporarily placed in positions of a higher pay grade on an interim basis.
- B. This is to assure a systematic and consistent method for remunerating employees for assuming additional and/or more responsible duties on a temporary basis.
- C. When it is learned that an employee will be absent from his or her job for an extended period of time and it is vital that these supervisory, technical or administrative duties need to be performed during the absence, a current employee may be selected to fulfill these responsibilities.
- D. If, and when, it is learned that the absence will exceed fifteen (15) or more working days, the individual performing the interim duties will begin to receive pay equivalent to the minimum of the incumbent's pay grade or ten (10%) of his or her current pay whichever is greater. The payment of these new wages will be retroactive to the beginning of the assumed responsibilities. A routine assumption of duties that occurs in the absence of another employee on vacation or with a short-term illness is not a transfer and does not affect salary.
- E. Upon return of the incumbent, the employee who has held the interim position will return to his or her original position and pay.
- F. When a non-exempt employee temporarily works in a lower pay grade, he or she shall receive the rate of pay for his or her regular job classification.
- G. It is the City Manager's responsibility to determine, prior to enacting this procedure, that there will be a need due to an anticipated lengthy absence. And, that the incumbent intends and is expected to return.

### **5.02 RECLASSIFICATION**

When a job is reclassified, the employee holding the reclassified position will be paid in accordance with the City's Compensation Plan and Section 7.02(B).

- A. Purpose
  - i. The most common type of reclassification is that of an entire class of jobs. Reclassification can also take place when the work performed on a particular job changes substantially over a period of time, due to new technology or a change in the department's focus, by design or evolution.

B. Request for Reclassification

- i. Reclassification can be initiated through independent, outside review conducted by or at the direction of the City or at the request of the individual or the supervisor, if accompanied by written supporting documentation. This documentation should be sufficient to support a reclassification, e.g., actual job duties and tasks.

C. Approval

- i. Implementation of a requested reclassification of an individual or individuals to another job title within the existing Classification Plan requires authorization by the City Manager. If the reclassification is for an entire class of jobs, it requires an amendment to the Compensation Pay Plan.

D. Effect on Pay

- i. When a reclassification occurs, the employee is placed in the new grade, but not below his current rate of pay.

## **SECTION 6 - PROMOTION / DEMOTION**

### **6.01 PROMOTION**

An employee may be promoted to a higher job classification. Upon promotion, the employee's pay grade, pay and classification shall be adjusted, accordingly. The Department Head shall complete a change of duty performance evaluation to cover the nonrated period from the anniversary date of hire to the time prior to promotion. Annual Performance Evaluations will follow yearly on the anniversary date from hire. The employee shall be placed in a probationary status for six (6) months.

### **6.02 DEMOTION**

An employee may be demoted to an available position in a classification of lower grade for which he/she is qualified.

- A. Demotion can be implemented for any of the following reasons:
  - i. When an employee would otherwise be laid off because the position is being abolished.
  - ii. When an employee does not possess the necessary qualifications to render satisfactory service in the position they hold.
  - iii. If an employee voluntarily requests such demotion.
  - iv. For disciplinary reasons.
- B. Effect on pay:
  - i. Pay will not exceed the maximum rate of the pay grade designated for the lower classification.
- C. The Department Head shall complete a change of duty performance evaluation to cover the nonrated period from the anniversary date of hire to the time prior to promotion.
- D. If an employee is demoted or transferred, they shall be placed in a probationary status for six (6) months; however, if an employee is voluntarily demoted or transferred, there will be no probationary period. Annual Performance Evaluations will follow yearly on the anniversary date from hire.

## **SECTION 7 - SENIORITY, LAYOFF AND RECALL**

### **7.01 ACCRUAL**

City, departmental and job classification seniority shall continue to accrue during all types of compensable leave approved by the City. Approved leaves of absences of thirty (30) or more consecutive workdays without pay shall not count towards the accrual of classification seniority unless the law requires otherwise.

### **7.02 LOSS OF SENIORITY**

An employee shall lose their seniority as the result of any one of the following:

- A. Discharge/dismissal
- B. Retirement (does not apply to active DROP participants)
- C. Voluntary Resignation
- D. Layoff exceeding one (1) year
- E. Failure to report to the Department Head the intention to return to work within five (5) working days of receipt of a recall notice.
- F. Failure to report from military leave within the time limits prescribed by law or any other leave unless an extension has been approved in advance by management.

### **7.03 LAYOFF SELECTION**

In the event the City decides to lay off employees within a department, the City will first lay off those employees employed on a part-time, temporary or probationary basis. If further layoffs are necessary, selection among regular full-time employees shall be based upon:

- A. Ability to perform all of the work available.
- B. Special skills essential to the performance of the available work.
- C. Job performance as reflected by the performance evaluations for the past three (3) years or the most recent evaluations available.
- D. Departmental classification seniority.

## **SECTION 8 - ATTENDANCE / TARDINESS**

### **8.01 PRESENT AND ON TIME**

- A. All employees are expected to report for duty at the scheduled time and remain there until the scheduled leaving time. Each Department Head shall be responsible for the attendance and timeliness of all persons within his department.
- B. If an employee is unable to work, they must ensure that the Department Head or designee is aware as soon as possible prior to the scheduled reporting time otherwise the day will be counted as leave without pay.
- C. It is the responsibility of the employee to notify their immediate supervisor if they are taking medication that may impair their ability to perform their essential functions of the job, such as operating machinery or vehicles.
- D. Repeated/unjustified absence or tardiness will result in disciplinary action up to and including termination.

### **8.02 CALL-IN**

Employees are required to call in before they are scheduled to report to work when they are going to be absent or late. (Check with your Supervisor or Department Head for specific instructions that pertain to your department). Failure to call in before the employee's shift begins will subject the employee to discipline, unless the Department Head is satisfied that the failure to call in was for a reason beyond the employee's control.

### **8.03 VERIFICATION**

The Department Head may require an employee to establish to his satisfaction that an absence or tardiness was for a legitimate reason. Such proof, in the case of sickness or injury, may include the presentation of a medical doctor's excuse from a doctor acceptable to the City.

### **8.04 CONTINUING ABSENCE**

In the case of a continuing absence, the employee must call in each day unless otherwise instructed by his Department Head or supervisor.



#### **8.05 ARREST OF CITY EMPLOYEE**

- A. If a City Employee is arrested, they shall notify the Department Head by telephone, in person or cause such notification to be made by a responsible person as immediately as reasonably possible. The employee shall furnish the following information:
  - i. Time and date of arrest;
  - ii. Place of occurrence;
  - iii. Present location of employee or place where he will be available for interview;
  - iv. Specific charges against the employee;
  - v. Date and location of court appearance;
  - vi. Temporary or final disposition.
- B. Any employee pending criminal charges, whether before or subsequent to hiring, shall notify the Department Head at the earliest possible time after the arrest and while the case is pending, keep them informed of the status of the case, all court dates, final disposition of the case, whether an appeal has been taken and the final disposition of any appeal. In any case, pending final disposition of the matter, the employee shall report at least once every thirty (30) days to the Department Head.

## **SECTION 9 - SEPARATION**

### **9.01 TYPES OF SEPARATIONS**

Separations and/or terminations from positions in City service are designated as one of the following types. Forms shall show the reason for the separation, and the last day worked. The effective date of the separation shall be the last day on which the employee is present for duty.

- A. Deceased
- B. Unable to perform the essential functions of the job with or without a reasonable accommodation in accordance with State and Federal Laws.
- C. Dismissed
- D. Laid off
- E. Probationary termination
- F. Resigned
- G. Retired
- H. End of temporary hire

### **9.02 GENERAL SEPARATION PROCEDURES**

- A. Both the Department Head and the Human Resources Director must clear any employee leaving City service before a final paycheck will be issued, in order to:
  - i. Assure the return of all City property;
  - ii. Settle any deductions for monies owed to the City and/or reimbursement due the employee;
  - iii. Explain the employee's status regarding retirement or unemployment benefits, if applicable;
  - iv. Provide explanation of the employee's right under Federal COBRA Act to continue health care coverage; and
  - v. Conduct an exit interview.

- B. The supervisor must submit the Personnel Action Form (or similar form designated for that purpose) and applicable timesheet to the City Manager by noon on the Thursday prior to the week of payroll in order for the employee's check to be available on the following Friday.
- C. The Department Head or his designee will notify Information Technology personnel when an employee is separating from the City.
  - i. IT personnel shall close or re-route any City email accounts as specified by the Department Head.
  - ii. The Department Head shall arrange to have all computer files on the separating employees' computer copied to disk, which will then be labeled and forwarded to the Records Archive Section of the City Clerk's Office.
- D. The City Clerk shall be advised by the Department Head when any Petty Cash Custodian is leaving City service. Such advisement must be given a minimum of five (5) working days prior to the employee's last day of service with the City so that an appropriate audit may be conducted.

### **9.03 RESIGNATION**

- A. An employee wishing to leave the City in good standing shall file a written resignation with their Department Head, stating the date and reasons for the resignation. Such notice must be given at least two weeks prior to the date of separation. Employees who give such notice may be considered for reemployment. A Department Head, with City Manager approval, may exempt an employee who has given less than the required notice if, in the Department Head's judgment, exceptional circumstances warrant such an exemption.
- B. Unauthorized absences or absences determined to be unexcused for a period of three (3) working days or more shall be treated as a resignation without notice and the employee will be automatically terminated. Employees terminated under these circumstances will not be eligible for re-hire.

### **9.04 RETIREMENT**

Retirement from City employment occurs when an employee retires under the terms and conditions set forth for the City-sponsored applicable Pension Plan.

### **9.05 DEATH**

Separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or to the estate of the employee as determined by law or by executed forms in the employee's personnel file.

#### **9.06 REDUCTION IN FORCE (LAYOFF)**

Reductions in force shall be in accordance with Section 7.

#### **9.07 DISABILITY**

When an employee is determined to have a legally recognized disability which impairs his ability to perform the essential functions of the job, which he still cannot perform with reasonable accommodation and without undue hardship to the City, the City Manager may take whatever action he deems in the best interests of the City, including termination of employment.

#### **9.08 DISMISSAL OR DISCHARGE**

- A. Temporary, part-time, seasonal and probationary employees serve at the will and pleasure of the City and may be dismissed without the City showing cause, per Florida law.
- B. Permanent, regular full-time employees are subject to dismissal from City employment pursuant to the progressive disciplinary process outlined in this Manual.

#### **9.09 EXIT INTERVIEW**

All employees who are departing from the City are to report to the respective Department Head. The Department Head will certify that all City-owned property has been returned and note the date and items returned on the form designated for that purpose. The employee shall contact the Human Resources Director to coordinate dispensation and termination of benefits and to complete an exit interview form.

#### **9.10 RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS**

- A. At the time of separation from employment, the employee shall return all records, books, assets, uniforms, keys, tools and other items of City property to his department supervisor or Department Head. Failure to return same in usable condition shall result in the maximum deduction allowed by law from the employee's final paycheck. The City may, through appropriate legal action, collect any balance due over and above the amount deducted from the employee's paycheck.
- B. All outstanding voluntary debts to the City incurred by the employee, such as the cost of non-compensatory training, shortages or advance of leave or expense accounts, advances on pay and other standing debts due to the City will be deducted from the employee's final paycheck.

- C. All deductions under paragraphs A and B above shall be subject to the applicable state and federal law.

#### **9.11 UNEMPLOYMENT COMPENSATION**

- A. The City is registered with the State of Florida. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation law may be eligible to receive unemployment compensation benefits. Employees who are terminated for violation of the City's Drug Free Workplace Policy may not be entitled to unemployment compensation under Florida Law.
- B. An explanation of employee's rights and responsibilities is available through Human Resources.
- C. Any correspondence received by employees regarding unemployment compensation must be forwarded to the Human Resources Department upon receipt.

## **SECTION 10 - STANDARDS OF CONDUCT**

### **10.01 POLICY**

- A. One of the primary objectives of the City of Williston, in accordance with the Charter, is to establish and administer a system of personnel management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties in a public service career.
- B. To an unusual extent and in a special way, employees in the City's organization are "Good Will Ambassadors". Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. All persons employed by the City must remain constantly aware of their responsibilities to the public and of the fact that they are representatives of the City. It is expected that their conduct and appearance shall be commensurate with the positions they hold.
- C. The attitude and behavior of a City employee should, at all times, promote the good will and favorable attitude of the public toward the City, its programs and policies.
- D. All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the City.
- E. It is the policy of the City to expect compliance from employees with this HRM, state statutes, federal regulations and departmental SOP's in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct included in this section, departmental SOP's, or the HRM shall be subject to disciplinary action under Section 15 of this manual.
- F. Employees shall be well informed concerning the policies and operations of City government. Such responsibilities increase with the importance of the position held. Admitting lack of knowledge concerning a question asked is far superior to an incorrect answer, but, if the situation requires it, the employee, under such circumstances, should refer the questioner to the proper source of information, or obtain the actual facts and inform the person making the inquiry.

### **10.02 CONFLICTS OF INTEREST**

- A. Employees in a position to influence actions and decisions of the City or a member of the managerial staff shall refrain from internal or external relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services and other persons not employed by the City.
- B. No City employee shall solicit or accept anything of value to the recipient,

including a gift, loan, reward, favor, service or promise of future employment, which might reasonably appear to influence him in the discharge of his official duties.

- C. An employee shall not use his position with the City to obtain or attempt to obtain any special preferences, favors, privileges or exemptions for himself or for any other person.
- D. No employee shall disclose confidential information gained by reason of his official position with the City except in and as a part of his normal duties as a City employee; nor shall such employee use such confidential information not available to the public for personal gain or benefit.
- E. When an employee has or anticipates creating a business relationship with another person, partnership, firm, corporation or other business entity which does or seeks to do business with the City, or any division thereof, the employee shall advise the City Manager in writing as soon as that potential relationship is known. Failure to so advise the City Manager may result in immediate termination. The City Manager will determine whether there is a conflict of interest or a potential conflict of interest and direct the employee's activities in such a way that the conflict or potential conflict of interest no longer exists. The City Manager's determination as to whether there is a conflict of interest or a potential conflict of interest and the actions required by the City Manager shall be final.
- F. No City employee shall transact any business in their official capacity with any business entity of which he or she is an officer, director, agent, or member, or in which he or she owns a controlling interest.
- G. No employee shall have or hold any employment or contractual relationship with any business entity or any agency that is subject to the regulation of or is doing business with the City, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the City; nor shall an officer or employee of the City have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties. This shall not prohibit an employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.
- H. All employees shall comply with the Code of Ethics for Public officers and employees under Florida State Statutes 112, as well as all City ordinances and policies, including this HRM.
- I. An employee shall not use his employment with the City to attempt to persuade any person, including, but not limited to, citizens, residents or guests, to make contributions to any personal cause, unless that cause has been specifically

approved by the City Manager.

### **10.03 POLITICAL ACTIVITY**

- A. All employees are encouraged to register to vote and exercise this privilege at each opportunity afforded. No employee shall be required to contribute to any political party or any candidate for public office. Solicitation during working time of any assessment, subscription or contribution in any manner for any political party or political purpose is prohibited, and such activity subjects the soliciting employee to discharge. Employees may take part in political campaigns, but only to the extent permitted by Florida Statutes, Section 104.31. Retaining employment with the City after becoming appointed or elected to any public office is prohibited in the same jurisdiction.
- B. Employees may engage in political activities during their non-duty time so long as their activities do not interfere with the operation of City business.
- C. Employees shall not wear or display political badges, buttons or stickers when on duty, when wearing a City insignia, riding in or on City equipment or when in a City uniform.
- D. Employees shall comply with all state and local laws involving political activity.
- E. Employees may run for elective office or be appointed to non-elective office other than those involving the City of Williston so long as the position in no way interferes with their work as a City employee.
- F. Florida Law contains Chapter 99, F.S. which includes what is commonly known as the "Resign to Run Law." Subject to the restrictions set forth in that law, employees may run for City office so long as they handle their candidacy in such a manner as to not interfere with the efficient operation of the City.

### **10.04 EMPLOYMENT OF RELATIVES**

The City does not automatically prohibit members of the same family from working for the City. Each situation involving employment of a relative must be reviewed on its own individual merits by the City Manager. As a general guideline, however, employees should know that the City will not allow the employment of relatives in any situation where a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise, such as a relative working under the direct supervision of another, one relative being responsible for the performance evaluation of another, or one employee being in possession of confidential information about another employee. It is the obligation of all affected employees to immediately advise their Department Head if a change in his situation occurs or is anticipated that will result in his becoming related to another employee so the effect, if any, of the relationship on City operations may be fully explored and appropriate action taken.



#### **10.05 OUTSIDE EMPLOYMENT**

- A. Subject to paragraphs B-E below, employees are not prohibited from engaging in other employment, including individually owned businesses, during their off-duty hours. However, City employment shall be considered the primary employment and no employee may engage in outside employment which interferes or tends to interfere with the interest of the City or the duties for which the employee is responsible as a City employee.
- B. Employees who have other jobs or who seek other jobs must immediately notify their immediate supervisor.
- C. If in the judgment of the City Manager, the employee's other employment causes or may cause absences, tardiness, or otherwise interferes or may interfere with the operations of the City or his responsibility as an employee of the City, including but not limited to availability for scheduled and unscheduled overtime and/or call-ins, the employee may be required to quit the other job or leave City employment.
- D. Outside employment may be withdrawn at any time if, in the opinion of the City Manager, the responsibilities of the job are inconsistent with the employee's responsibilities as an employee of the City.
- E. Employees who are injured while working another job or jobs are required to notify their Department Head, or his designee, as soon as possible.
- F. Exceptions to this Outside Employment policy may be made for Police Department employees by Police Department General Order, as approved by the Mayor.

#### **10.06 PUBLIC STATEMENTS**

- A. City employees may be asked, from time-to-time, to express opinions and to provide information concerning the City government, its operations and its policies. Expressions of opinions should be carefully weighed in the light of their probable effect and should be based only upon facts within the knowledge of the employee. A City employee is not deprived of the rights of citizenship, which affords him the right of free speech, however, he should be keenly aware of his responsibilities and privileges, and should understand that his opinions will often be taken by his listeners as representing the official opinion of the City.
- B. Official spokespersons for the City will be designated by the City Council or City Manager. Any other employee who is asked to make a public statement about the business of the City should clearly state that they are expressing their personal views only.
- C. Employees shall be well informed concerning the policies and operations of City

government. Such responsibilities increase with the importance of the position held. Admitting lack of knowledge concerning a question asked is far superior to an incorrect answer, but, if the situation requires it, the employee, under such circumstances, should refer the questioner to the proper source of information, or obtain the actual facts and inform the person making the inquiry.

- D. Employees are expected to refrain from repeating false rumors which would tend to create dissension within the organization, City government in general or the community.
- E. Employees shall always be courteous, friendly and helpful to those members of the public who seek information.
- F. All employees will observe Section 2-263 of the City Code of Ordinances – Public Records Copy Request Procedures. Employees will not release City records, including those concerning personnel records or the operations of City business, unless their job description authorizes them to do so. All other employees, if asked to release such records, will courteously and immediately direct such inquiries to the City Clerk or City Manager at the time of the request. If the City Clerk or City Manager is unavailable, the employee will determine how the requestor would like the records to be distributed (i.e. email address, physical address, pick up). The employee will always acknowledge receipt of the request and inform the requestor that it will be processed as soon as possible. At no time will the employee ask a requestor to identify himself as a requirement or condition of fulfilling the request.
- G. Managerial, confidential and supervisory employees are cautioned that subjects under discussion or consideration among City staff often change in content and meaning before becoming an accomplished fact. Discussions with anyone of such subjects, before final decisions or dispositions are reached, often cause misunderstandings and confusion which results in waste of time and money. Such discussions should be avoided.

#### **10.07 PERSONNEL RECORDS**

- A. It is the official policy of the City that employment applications, personnel records, and personnel files are public record and will be made available for public inspection, upon request, pursuant to Florida Statute 119. Exceptions can be found in FS 119.07. Release of medical records is covered by State and Federal laws. Job applicants and employees are to be so advised of the public records inspection laws.
- B. Human Resources will be responsible for maintenance of primary official personnel records for all Departments and Agencies of the City of Williston. Department Heads shall forward all pertinent employee material, including, but not limited to; employment applications, background check reports, medical reports, memorandums, disciplinary measures, letters of accommodation, completed evaluation forms, and payroll change forms, to Human Resources for review,

comment, and approval, prior to being placed into official personnel records. Departments may maintain supplemental files, however, the Human Resources Department must be informed that supplemental records are being kept by the Department.

- C. Personnel files will be housed and secured in the Human Resources Department. These files will be legally recognized as “official” and will be in a secured filing system. Access to these files will be limited to authorized personnel only, for placement of information, payroll purposes, medical, insurance, and retirement information.
- D. Personnel records and employment application submittals (exempt material excluded) will be subject to inspection by any person. Upon request an inspection of personnel records may be accomplished as follows:
  - i. Request to view a personnel record or records is to be directed to the Human Resources Manager, City of Williston, P.O. Drawer 160, Williston, FL 32696, or by dialing (352) 528-3060. Employees may review their personnel records upon request, other people must make a verbal or written request to review records.
  - ii. When requests are made by telephone, the Human Resources Department shall confirm when the individual wishes to review said records. Within a reasonable period of time, exempt material is to be removed and said records are to be made available for inspection.
  - iii. When a request is made in person, staff will determine whether the City has sufficient personnel to make available for inspection and or copying while the person waits or whether an appointment will be necessary at a later date or time to fulfill the request. Every effort will be made to make file material ready (exempt material excluded), and available for inspection within a reasonable time.
  - iv. Written requests are to be forwarded to the Human Resources Department. The Human Resources Department will inform the employee’s department that his/her records are about to be or have been inspected but in no case will an attempt to contact the affected employee, or department, delay review of said records.
  - v. The inspection of personnel records will only be made under the supervision of the Human Resources Department or assigned staff to perform that function.
  - vi. Excluding internal use, copied material will be released after payment has been received. The current fee schedule, at the date/time of copying, will be imposed.
  - vii. Department Heads and supervisory personnel are to forward original (when

possible) paperwork to Human Resources for review and insertion into the respective employee folder. At no time will departmental records substitute for the contents so contained in the official personnel file. Departments are encouraged not to maintain a personnel file, or any facsimile thereof, in their office.

- viii. Personnel file material is to be routed to the Human Resources Department in a sealed envelope, or other system that affords a degree of confidentiality. Sensitive information, so determined by the sender, should be routed in a sealed envelope.

#### **10.08 SOLICITATION AND DISTRIBUTION**

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Pursuant to the Florida State Statutes' Standard of Conduct for Public Officers and Employees of Agencies (FSS 112.313(2)): No City employee "shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby."
- C. Employees of the City are prohibited from conducting or promoting private business for gain while on duty or during scheduled working hours of any of the employees involved or within any City building.
- D. Employees are prohibited from soliciting for any reason during time they or the person they seek to solicit are being paid to perform actual work, including solicitations in behalf of or in opposition to a labor organization under circumstances which management determines interfere with the efficient operation of the City.
- E. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time under circumstances which management determines interfere with the efficient operations of the City.
- F. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the City or its managerial staff, when such is part of the normal operation of City business.

#### **10.09 EMPLOYEES' PERSONAL LIFE AND DEBTS**

Employees shall handle their personal life, including their financial obligations, in such a manner that it will not interfere with the efficient operation of City business or the performance of their own job responsibilities.

#### **10.10 UNIFORMS, DRESS AND APPEARANCE**

- A. Employees supplied uniforms by the City or expected to wear uniforms in the performance of their job, shall report in a clean full uniform on each day worked. Uniforms must also be worn in the manner prescribed by the Department Head. Failure to comply may result in the employee being sent home for the day without pay. Repetition of such conduct shall subject the employee to further discipline.
- B. Employees are expected to report to work in clean clothes.
- C. Employees are expected to observe normal and reasonable standards of personal hygiene and to present a professional appearance at all times. Failure to do so may result in the employee being sent home to correct the situation or for the day without pay. Repetition of such conduct shall subject the employee to further discipline.
- D. Beards and mustaches will be allowed, except as otherwise prohibited by law or where in the opinion of the City Manager they interfere or tend to interfere with the safe and efficient performance of the job. All hair, beards and mustaches must be of a length so as not to create operational or possible safety problems and must be maintained in a clean, neat and orderly fashion.
- E. Uniforms supplied by the City will be replaced by the City when they become unusable through normal wear and tear.
- F. The employee is responsible to reimburse the City for uniforms lost or damaged through the employee's negligence. The City Manager or his designee will determine whether an employee has been negligent.
- G. Uniformed personnel may at times be required to supplement their issued uniform parts. To maintain a professionally identifiable appearance for personnel assigned to work in an office or in the field, uniformed employees are to always report to work in the issued uniform, or in the event alternate clothing is warranted, employees are to wear attire that is similar in style to that of the issued uniform. Before reporting to work in supplemental clothing, or in attire other than the issued uniform, employees are to secure approval from the respective Department Head.
- H. An employee who reports to work in unsuitable clothing will be sent home to change and docked for the time lost at work or for the entire day if necessary. A written memorandum outlining the incident and reasons for the docking must be prepared by the employee's supervisor and routed through the chain of command to the Department Head for approval. If approved, a copy is to be forwarded to the City Clerk's Office for filing in the employee's folder. A continued failure to report to work in proper attire will lead to additional disciplinary action, suspension, and possible dismissal.

- I. At no time will employees be permitted to wear the City issued uniform or uniform parts while off duty; participating in a non-sanctioned activity or engaged in secondary employment except as approved by Police Department administration for off-duty police detail activities. City issued uniform parts are for official use only and are not to be worn or used for any reason other than while officially on duty, except as provided in Police Department General Orders. It will be the responsibility of employees to maintain the furnished City issued uniform to fit properly in a neat, orderly manner, excluding employee issued uniforms that are maintained on a rental service basis. At no time is an employee to report for duty wearing parts of the uniform that are soiled, wrinkled, or in disrepair.
- J. Employees who receive uniform parts on a rental basis will be responsible for the proper use of each item issued and will be required to return all uniform parts at the conclusion of the service contract period.
- K. No employee whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear them. Such badges, cards and insignia shall be used only in the performance of the official duties of the position to which they are related.
- L. Employees whose primary work is conducted in the administrative areas of the City organization are expected to report to work in appropriate business attire.

#### **10.11 GENERAL PROHIBITIONS**

- A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner which will in no way discredit the City, public officials, fellow employees or themselves.
- B. Employees shall avoid conduct or speech that is inconsistent with good order and discipline. They shall treat each other with the utmost courtesy and respect and at all times refrain from making any derogatory remarks concerning each other. Employees shall not make false, vicious or malicious statements concerning any employee, supervisor, the City or its operations. They shall direct and coordinate their efforts toward establishing and maintaining the highest level of efficiency, morale and achievement, and shall conduct themselves in such a manner as to bring about harmony among the various units of the City.
- C. City employees are encouraged to become involved in non-profit organizations, community functions, and community organizations. At no time shall a City employee, through an organization, provide information, or actively take part in an organization's negotiation or posturing, which will either directly, indirectly or adversely affect the City.

### **10.12 BULLETIN BOARDS**

There shall be an official City bulletin board in each building. Announcements of special events, changes in policies, transfer/promotional opportunities and other items relating to official City business will be posted there. No other information is to be posted on such bulletin boards without specific approval of the City Manager.

### **10.13 PURCHASES THROUGH THE CITY**

The City does not purchase from or sell, non-work-related materials to any City employee, in accordance with the guidelines of Florida Statutes. The City also does not purchase, or arrange for the purchase of, materials or services for City employees or for residents of the City.

### **10.14 EQUIPMENT USAGE**

- A. Employees are responsible for all City equipment in their care, custody and control. Employees are expected to exercise reasonable care and proper caution with equipment. Any equipment assigned solely for the duration of a work shift, including vehicles, must be returned in good condition at the end of the shift.
- B. Damage to City property caused by actions not contained in the employee's job description or due to negligence on behalf of the employee may result in disciplinary action. Intentional misuse or neglect of equipment may render the employee responsible for any repair or replacement cost.
- C. Equipment made available for employees is for official use only. Employees are not to use equipment when off duty or engaged in secondary employment except as allowed by Police Department policy.
- D. At no time should the operation of a motorized or power piece of equipment compromise the safety of one's self or others.
- E. All City property assigned to an employee must be returned upon separation of employment or transfer of duty. The cost of any equipment not returned may be deducted from an employee's final paycheck.

### **10.15 CELL PHONES**

When it is deemed that a City employee has a need for a cell phone to effectively perform their job requirements, the following policy shall apply:

- A. A requisition for the cell phone shall be submitted along with written authorization from the Department Head explaining the reason for the need for the employee to have a cell phone. Cell phone vendors must be approved in advance by the City Manager, or his designee. The cell phones shall remain the property of the City and will remain so until it is declared surplus and disposed of in a manner acceptable to

the City. All bills for the use of the cell phone shall be sent to the City, care of the Finance Department.

- B. If an employee is using their personal cell phone for City business calls, they shall be responsible for full payment of their bill and may submit requests for reimbursement for the City business calls only to the Finance Department using the proper form. Written authorization from the Department Head for the reimbursement along with a copy of the bill highlighting such calls must be submitted with the Check Request Form. Reimbursement will be given in the employee's name only, not to the cell phone service provider. The rates established for the cell phone service shall remain between the employee and the service provider. Should a dispute arise involving any of the above procedures, the decision of the City Manager shall be considered final and binding.
- C. Employees are discouraged from using cell phones for personal phone calls during working hours, except in emergency circumstances. Usage on City provided cell phones may be subject to IRS regulations and are considered taxable to the employees. The Finance Department may periodically require cell phone holders to highlight all personal phone calls on the monthly bills.
- D. All employees are strictly prohibited from texting on a cell phone while driving a city vehicle or personal vehicle in the course of City business. Violation of this prohibition will result in immediate termination after first warning.

#### **10.16 TOBACCO USE**

The purpose of this policy is to protect the public health, comfort, and environment for citizens and employees by creating areas in public places and at public meetings that are reasonably free from tobacco smoke, to comply with Florida Statute, the Florida Clean Air Act and problems created by the use of other tobacco products in the workplace.

- A. No person may smoke or use any tobacco product in any City building, facility or vehicle. This includes, but is not limited to, private offices, hallways, rest rooms, conference rooms and break rooms, even with only one occupant and during service calls.
- B. Smoking is permitted outdoors except for the following conditions:
  - i. Whenever a safety hazard exists;
  - ii. In any area where smoking is specifically prohibited by Federal, State, County or City Ordinance;
  - iii. In any area posted "No Smoking".
- C. The City Manager shall be responsible for ensuring City-wide implementation of



this policy. Department Heads and Managers shall be responsible for uniform implementation of this policy in their respective work areas, facilities and buildings.

- D. Violation of this policy shall subject the employee to disciplinary action up to and including termination.
- E. Citizens, clients, contractors and visitors to City facilities shall be expected to comply with this policy. Violators shall be requested to extinguish their smoking material or to leave the building/facility area if they refuse to do so.

#### **10.17 WORKPLACE INSPECTIONS AND PRIVACY**

- A. The City of Williston believes that maintenance of a workplace that is free of drugs, alcohol, and other harmful materials is vital to the health and safety of its employees and the public we serve. The City also intends to protect against the unauthorized removal or use of City property. In addition, the City intends to assure access at all times to City premises, property, records, documents and files. Accordingly, the City has established this policy concerning inspections and searches for prohibited materials and for City property on and off City premises. This policy applies to all employees of the City. Employees do not have any expectation of privacy with regard to City premises or property as defined herein. Although employees may from time to time be provided keys to an office, drawer, file cabinet or vehicle, or a password to a computer, this is not an indication of privacy from designated or authorized personnel, but rather to assure that City property is protected. If an employee desires personal property not be subject to this policy, employees should keep such property at home and not bring it on City premises.
- B. Definitions:
  - i Prohibited Materials means firearms or other weapons, except those issued or authorized by the City to certified employees *and except when in compliance with Section 790.251, Florida Statutes*; explosives and/or hazardous materials or articles; illegal drugs or other controlled substances as defined by statute, the Florida Department of Law Enforcement (FDLE), or the City Drug-Free Workplace Policy; drug-related paraphernalia; alcoholic beverages; materials considered obscene which are not work/investigation related or City property that an employee is not authorized to have in his or her possession.
  - ii City Property includes all documents, records, and files relating to the City; and all equipment and other property of any kinds, such as computers, office furnishings, lockers and assigned vehicles, whether owned, leased, rented, or used by the City.
  - iii City premises includes all premises and locations under the control of the City, including offices, parking lots, locker rooms, files, drawers and storage areas, City vehicles, or vehicles or property located on City premises.

- iv Personal Property includes items that are not City property owned by an employee or others that are brought on the City premises, such as personal vehicle, briefcase, purse, lunch box, etc.
- v Reasonable suspicion includes a suspicion that is based on specific personal observations such as, but not limited to, an employee's manner, disposition, muscular movement, appearance, behavior, or speech; information provided to management by an employee, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
- vi Possession means that an employee has the prohibited material or substance on his or her person or otherwise under his or her control or within City premises.

C. Inspections and Searches

- i The City reserves the right to inspect City premises or City property at any time for prohibited materials, regardless of whether the employee has commingled personal property with City property. Except as otherwise prohibited by applicable federal or state law, statute or regulation, such inspections may include, but are not limited to, an employee's office, desk, file cabinets, closet, locker, computer, email, and voice mail, assigned or used vehicles.
- ii Inspections or searches of personal property for prohibited materials will be conducted when the City has reasonable suspicion to believe that a particular employee or group of employees may be in possession of the prohibited materials or City property in violation of this policy. Personal property includes an employee's pockets, purse, briefcase, lunch box, vehicle or similar items owned by the employee.
- iii In cases where the employee is not present for the inspection or search of the employee's office, desk, locker, file cabinets, closet, or similar place where the personal possessions may be located, a second employee of management will observe whenever practicable, except for routine searches for City property.

D. In cases involving an inspection or search of an employee's pockets, purse, briefcase, or other item of personal property that is being worn or carried by the employee, the employee will be requested to conduct a self-search (i.e., by turning out or emptying pockets, purses, etc.) in the presence of an observer who will be a person of the same gender.

E. Employees who refuse to cooperate during an inspection or search should not be forcibly detained or searched. They should be informed, however, that the City will base any disciplinary decision on the information that is available, including their refusal to consent to the search as well as the information that gave rise to reasonable suspicion that the employee was in possession of prohibited materials or City property, and that their failure or refusal to cooperate could deprive the City

of information that may clear them of suspicion. In addition, the City reserves the right to take appropriate action to prevent the unauthorized removal from City premises of City property and to discipline an employee who refuses a direct order regarding a search or inspection.

- A. Monitoring – The City reserves the right to monitor the use by employees of the City telephones, computer networks, electronic mail systems and Internet. Monitoring may be performed by observation, or through aural, mechanical, electronic, or other means. Monitoring may take place on a regular or random basis and will be used to monitor an employee's job performance, for training or quality control purposes, or in instances in which the City believes that the employee's use of the systems is for personal matters or is otherwise unauthorized. An employee's use of the system constitutes his/her consent to any monitoring that may occur. Employees have no expectations of privacy in the use of the systems, which shall not be used for non-work-related purposes absent an emergency or supervisor's approval.

- B. Approvals for Inspections or Monitoring

- i. In instances in which an inspection, search, or monitoring is conducted because the City believes that an employee(s) may be in possession of prohibited materials in violation of this Policy, or in instances where an item of the employee's personal property is searched, the inspection, search, or monitoring will be approved in advance by the Department Head absent an emergency or exigent circumstance.

- C. Disciplinary Action

- i. Employees who are found to be in possession of prohibited materials in violation of this Policy or who misuse City property or communications, Internet or computer systems, will be subject to discipline, up to and including discharge, regardless of the City reason for conducting the search, inspection, or monitoring.
  - ii. If an employee refuses to cooperate with a search or inspection, the City may take that refusal into consideration in determining appropriate disciplinary action. Discipline will be based on all available information, including the information giving rise to the search.

- D. Disposition of Prohibited Materials

- i. Prohibited materials, or any materials suspected of being prohibited by this Policy, that are found in an employee's possession during an inspection or search will be collected by the City and will be placed in a contained, sealed container, and marked with (1) the date collected, (2) names of persons present, (3) circumstances of discovery, and (4) a general description of the contents placed in the container.

- ii. The employee who was in possession, or who was suspected of being in possession, of the prohibited materials should be given a receipt for the materials that are collected.
- iii. If, after further investigation, it is determined that the materials collected were not prohibited by this Policy, the collected materials will be returned to the employee, except as provided below, and an acknowledgement obtained from the employee. In cases in which it is suspected that the collected materials consist of illegal drugs or other controlled substances, the City will arrange for disposition in accordance with its drug policy or retain as evidence. In cases in which the collected materials consist of, or are suspected of consisting of, unauthorized firearms or other weapons, explosives, or other hazardous materials or articles, the City reserves the right to dispose of the materials or retain as evidence.

#### **10.18 WORKPLACE VISITORS**

- A. The City's policy is to provide a professional workplace environment free of distractions and safety hazards, and to provide a friendly yet professional atmosphere in order that the work of the City can be conducted without distractions caused by interference from unauthorized personnel. This policy is further intended to minimize security concerns and to reduce the City's exposure to risk and liability.
- B. It is expected that visitors in the workplace be limited to those conducting scheduled business.
  - i. No friends, family members or acquaintances are allowed in working areas not open to the public without supervision and department head approval.
  - ii. Adherence to this policy is required of all personnel; elected and appointed officials and staff.

#### **10.19 WORKPLACE VIOLENCE**

- A. Acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect the City or that occur on City property will not be tolerated.
- B. Acts or threats of violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the City or to create a hostile, abusive, or intimidating work environment for City employees. Examples of workplace violence include, but are not limited to:
  - i. All threats or acts of violence occurring on City premises, regardless of the relationship between the City and the parties involved;

- ii. All threats or acts of violence occurring off City premises involving someone who is acting in the capacity of a City representative;
- iii. All threats or acts of violence occurring off City premises involving a City employee if the threats or acts affect the legitimate interests of the City; and/or
- iv. Any acts or threats resulting in the conviction of an employee or agent of the City, or of an individual performing services for the City on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of the City.

#### **10.20 CONCEALED CARRY AUTHORIZATION**

Authorization to carry a handgun as designated by the City Manager for employees who maintain a current Florida Concealed Weapon Firearm License and demonstrate proficiency annually as certified by the Williston Police Department.

Handguns are required to be carried only on the employee's person or locked in a pre-designated and approved location within the City facility in which the employee works while on duty and on City property and buildings except where prohibited to the general public, including the City Council chambers.

## **SECTION 11 – SEXUAL AND OTHER ILLEGAL OR IMPROPER MISCONDUCT AND HARASSMENT POLICY**

### **11.01 PURPOSE**

To define and establish a reporting and investigative procedure for complaints of harassment made by City personnel.

### **11.02 APPLICABILITY**

This directive will apply to all full-time, part-time, seasonal, temporary, volunteer, and appointed staff of the City of Williston.

### **11.03 POLICY STATEMENT**

It is the policy of the City of Williston to promote a productive work environment and not tolerate verbal, physical, visual, or other inappropriate conduct by an employee or non-employee which harasses, disrupts or interferes with the work or performance of another; or which creates an intimidating, offensive, or hostile environment. This policy includes situations that involve employee interaction, on or off the job, at social or after hour events.

### **11.04 GENERAL CONDITIONS**

Once an allegation of harassment has been made, three things are to expeditiously occur:

- A. Action to separate the affected parties;
- B. An investigation to determine the facts, and;
- C. The matter is to be brought to resolution. It is to be generally understood that retaliation against any employee for filing a complaint or participation in an investigation of harassment is strictly prohibited.

### **11.05 RESPONSIBILITY**

- A. Employees are required to report any such occurrences of inappropriate or harassing behavior they may have been subjected to, or possibly witnessed, in a timely manner per section 11.07.
- B. Supervisors must constantly observe the workplace to mitigate or prevent acts of harassment and/or retaliation.
- C. Department Heads are to maintain familiarity with this directive; maintain a productive work environment and assure that the workplace is free from harassment and retaliation at all times.

## 11.06 **DEFINITIONS**

For the purpose of this directive, the following words shall mean:

- A. City is the City of Williston Government.
- B. Employee is a person on the payroll or in the service of the City.
- C. Harassment is any verbal or physical conduct that degrades or shows hostility or aversion toward an individual because of their race, color, religion, gender, national origin, age, disability or impairment, or that of his/her relatives, friends, or associates, and that for a reasonable person:
  - i. Has the purpose or effect of creating an intimidating, hostile, or an offensive work environment; or
  - ii. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
  - iii. Otherwise adversely affects an individual's employment opportunity.

Examples of harassment include, but are not limited to, epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, disability, or any display of written or graphic material that denigrate or shows hostility or aversion toward an individual or group because of the same.

- D. Sexual Harassment is any verbal or physical conduct of a sexual nature or with sexual overtones, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when; 1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; 2) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive work environment.
  - i. Examples of sexual harassment include, but are not limited to, lewd or sexually suggestive comments; off color language or jokes of a sexual nature; slurs or other verbal, graphic or physical conduct relating to an individual's sex; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, films, or cartoons.
  - ii. While the most common form of sexual harassment occurs between a male supervisor and a female employee, it is by no means limited to that scenario. The harasser or the victim may either be a man or a woman, and the harassment can occur involving persons of the same or opposite sex.

## **11.07 COMPLAINT PROCEDURES**

### **A. Harassment:**

- i. Employees who believe they are being subjected to harassment are required to immediately report the conduct to their immediate supervisor. If the complaint is concerning the immediate supervisor, the employee should report to their Department Head or Human Resources. If the alleged harasser is the Department Head or Human Resource Director, the report will be made directly to the City Manager. If the alleged harasser is the City Manager or a Council Member, the complaint will be made to the Council President or Vice President, whichever member is highest and is not associated with the alleged harassing behavior.
- ii. The complaint recipient will review the complaint with the Department Head. The Department Head will initiate and coordinate investigative action to resolve the matter and advise the City Manager or highest investigating official accordingly. Human Resources will be consulted throughout the process. A written response shall be communicated to the claimant within three (3) working days unless such time is mutually extended in writing. If the alleged harasser is on leave or vacation, the complainant will be informed of the delay in the letter. The letter is to provide prompt response to the complainant and reassure that person that actions are pending on the complaint.
- iii. Once a finding has been made, the complaint and the alleged harasser will be notified in writing of the investigative results. If the complainant or alleged harasser disagrees with said findings, a written request for review of the decision can be made to the City Manager or the official facilitating action on the complaint. This request must be submitted within five (5) working days.
- iv. The City Manager or appropriate official will issue a written report of his/her findings to the complainant and alleged harasser within five (5) working days unless such time is mutually extended in writing. The decision of the City Manager or highest investigating official shall be final.
- v. All interview notes and memoranda shall be kept separately from employee personnel records until finalized. The investigation will remain confidential to the extent permitted by law. A finalized report summary will be filed in one's personnel file, if found valid.
- vi. If the validity of the complainant cannot be determined, the City Manager will ensure that all parties are reacquainted with the City policy on harassment.

### **B. Sexual Harassment:**

- i. Employees who believe they are being subjected to sexual harassment are



required to report the conduct to their immediate supervisor after he/she had knowledge of the occurrence, unless good and reasonable cause is shown for the delay. If the complaint concerns the immediate supervisor, the employee should report to the next person in his/her chain of command, to their Department Head or to Human Resources as set forth in 11.07A(i).

- ii. The complaint recipient will review the complaint with the Department Head, the same day as being advised. The Department Head will review the matter with the City Manager, or his/her designee, and Human Resources within twenty-four (24) hours. (It is the responsibility of the Department Head to coordinate any and all investigative action with Human Resources and the City Manager.)
- iii. The Department Head will investigate the complaint (at the City Manager's discretion); conduct interviews with all relevant witnesses, including the complainant, the accused, and other potential witnesses. A written response shall be communicated to the claimant within three (3) working days unless such time is mutually extended in writing. If the Department Head is the alleged harasser, the investigation will be conducted by the City Manager.
- iv. To the extent possible, and as permitted by law, the investigation will remain confidential. All interview notes and memoranda are to be kept apart from employee personnel records. The finalized summary report will be filed the employee's personnel file, if found to be valid.
- v. Any employee interviewed during the course of an investigation may be accompanied to the interview by a union representative, attorney, or fellow employee.
- vi. The complaint investigator will review his/her findings with the complainant and alleged harasser at the conclusion of the investigation. The investigative report will be reviewed by the Department Head, Human Resources and the City Manager to determine proper action up to and including termination, if disciplinary action is deemed to be warranted. If the claim is found to be without merit, no disciplinary action will be taken against the employee against whom the complaint was made.
- vii. Bad faith claims of sexual misconduct or other illegal or improper harassment are claims made when the person making the claim is false but makes it anyway. Persons who make bad faith claims under this section will be subjected to disciplinary action up to and including termination as punishable by law.

C. Retaliation:

- i. Employees who believe they are being subjected to retaliation for filing a claim of harassment of any type or because they have participated in a harassment investigation are required to immediately report the conduct to their immediate supervisor. If the complaint concerns the immediate supervisor, the employee

should report to the next person in his/her chain of command, to their Department Head or to the Human Resources as set forth in 11.07A(1).

- ii. A complaint for retaliation will be investigated as set forth in Section 11.07A. The City will not tolerate retaliation.

## **SECTION 12 - DUI, DWI AND MOVING TRAFFIC VIOLATIONS**

### **12.01 PURPOSE**

The safety and health of all City employees, residents and the public in general is of utmost importance to the City. The City's policy is to ensure that employees who drive vehicles on the public roads, streets, and highway as part of their job maintain safe driving records and habits consistent with conducting safe and efficient City business, and to ensure the ability of the City to maintain acceptable insurance protection at reasonable costs. When an employee is charged with a DUI or DWI while on duty or driving a City vehicle, the employee may be terminated in accordance with the City's disciplinary action policy. Supervisors shall consult the City's Drug Free Workplace policy as well.

### **12.02 DUI/DWI**

- A. When an employee is charged with DUI while on duty or driving a City vehicle or driving personal vehicle while on City business, Section 15 shall apply.
- B. Except as provided in subsection (A) above, when an employee who holds a driving position is charged with a DUI:
  - i. The employee shall be suspended from his driving job pending resolution of the charge or charges. The suspension will be without pay, except the City Manager, at his option, may elect to transfer the employee to a vacant non-driving position which the employee is qualified to perform at the non-driving position rate of pay.
  - ii. Upon acquittal, the employee shall be reinstated to his/her driving position or a similar driving position with back pay less any interim earning received from any source, including from the City, and unemployment compensation. Acquittal is defined as a finding of not guilty after trial or dropping of the charges. A plea of *nolo contendere* or a reduction of charges are not considered to be an acquittal. Employees who refuse breath, blood, or urine testing in violation of Florida State Statutes regarding implied consent shall be considered as convicted of the stated charge.
  - iii. Unless the law provides otherwise, upon first offense conviction, the employee shall be removed from his driving position for not less than twelve (12) months. Upon written request, the employee will be considered for placement in other non-driving vacancies in the City for which he is qualified; however, he shall be given no preferential treatment because he is a City employee. If the employee is not offered a non-driving job, he shall be terminated. If the employee is offered and accepts a non-driving position, the employee's service record will remain unbroken.

- iv. An employee placed in a non-driving position or ex-employee terminated pursuant to subsection (c) above may not reapply for a driving job for twelve (12) months from the date of his removal from the driving job. Those employees and ex-employees who reapply after the twelve (12) month period for a driving job will be given no preference, but if otherwise qualified, will be considered along with all other qualified applicants, and their past conviction will be considered along with other job-related factors.
- v. Upon conviction of a second DUI within three (3) years, an employee in a driving position shall be terminated from employment with the City.
- vi. Upon conviction of a second DUI, an employee in a non-driving position as a result of the application from subsection (c), shall be permanently barred from a driving position within the City.
- vii. Employees and applicants for employment who have never held a driving position with the City, but who have been convicted of DUI not more than one time, may be considered for driving positions under the same conditions as employees who have been removed from a driving position because of a DUI conviction under subsection (c) above. Employees and applicants who have two or more DUI convictions regardless of the period over which they were obtained shall not be considered for driving positions.

### **12.03 MOVING VIOLATIONS**

- A. An employee in a driving position whose driver's license is revoked shall be terminated or, at the option of the City Manager, may be placed in a non-driving position under whatever conditions the City Manager considers appropriate, including disciplinary action under this HRM.
- B. An employee in a driving position whose driver's license is suspended shall be subject to disciplinary action under Section 15, and if not terminated, may, at the option of the City Manager, be placed in a non-driving position and shall not be allowed to hold a driving position until his driving record has not been charged with any additional points from the date of the suspension as follows:

<b><u>Length of Suspension</u></b>	<b><u>Length of Time with No Additional Points</u></b>
Up to 30 days	1 year
Up to 90 days	3 years
Up to 365 days	5 years

- C. Return to a driving position under subsection (B) above shall be at the discretion of the City Manager.

- D. If the employee accrues no more points on his driver's license during the prescribed City driving suspension, he may be reinstated to a driving position at the discretion of the City Manager.
- E. Applicants for employment and bidders for driving positions that have more than twelve (12) points on their Florida driver's record shall not be considered.

## **SECTION 13 - DRUG-FREE WORKPLACE AND ALCOHOL POLICY**

### **13.01 PURPOSE**

The City of Williston maintains a Drug Free Workplace in accordance with the requirements set forth in Florida Statutes, the Florida Administrative Code as established by the Florida Department of Labor and Employment Security.

The Omnibus Transportation Employee Testing Act of 1991 requires testing for drugs and alcohol of “safety-sensitive” employees. Safety-sensitive positions include anyone required to have a Commercial Driver’s License, such as equipment operators, bus drivers, mechanics, trade workers and other appropriate job classifications. Under the Federal Transit Administration (FTA) rules the performance of safety-sensitive functions includes dispatchers and first-line supervisors, provided the supervisor’s responsibilities include the performance of a safety-sensitive function. Safety-sensitive functions include operating, maintaining, or controlling the movement of vehicles. The regulations apply to regular employees (full-time and part-time), intermittent or casual drivers, and independent, owner-operator contractors who are either directly employed by, or under lease to, the City, or who operate a commercial vehicle at the discretion of, or with the consent of the City. (NOTE: volunteers who perform safety-sensitive functions are considered covered employees). These rules have recently been published under 49 C.F.R. 382.

The purpose of this administrative regulation is to establish an official policy regarding a mandatory testing program for affected City employees, and to express our support for measures designed to prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by operators of City vehicles.

### **13.02 IMPLEMENTATION**

- A. Prior to testing, all employees and job applicants shall be given a written policy statement from the City that shall contain:
  - i. A general statement of the City’s policy on employee drug use;
  - ii. A list of all drugs for which the City will test;
  - iii. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test;
  - iv. Procedures for employees and job applicants to confidentially report to a Medical Review Officer the use of prescription or nonprescription medications both before and after being tested;
  - v. A general statement concerning confidentiality;

- vi. The consequences of refusing to submit to a drug test;
- vii. Names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs;
- viii. A statement that an employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the Medical Review Officer within five (5) working days after written notification of the positive test result; that if an employee or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration;
- ix. A statement informing the employee or job applicant of his responsibility to notify the laboratory of any administrative or civil actions brought pursuant to this section;
- x. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission; and
- xi. A statement notifying employees and job applicants of their right to consult the Medical Review Officer for technical information regarding prescription and nonprescription medication.

In general, the Omnibus Act and related rules require five different types of testing, each indicated separately as follows:

**B. Post-Job Offer**

- i. Employers are required to administer drug tests to persons selected for employment prior to the employee actually performing safety-sensitive functions for the first time. This requirement also applies when an employee is transferring from or is being promoted from a non-safety sensitive position to a safety-sensitive position. The City shall require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusal to hire the job applicant.
- ii. The City shall require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the City's established policy or that is scheduled routinely for all members of an employment classification or group.

**C. Post-Incident/Accident**

If the driver is cited for a moving violation or is involved in an accident, the driver must be tested for both alcohol and drugs as outlined below or as soon as practical,

whichever is most proximate to the time of the incident. Under the FTA rules, in addition to the previous listed conditions, FTA covered employees must also be tested post-accident whenever there has been disabling damage resulting in the towing of the agency vehicle (bus, van, automobile). Drug tests must be administered; an alcohol test should be administered within 2 hours; if more than 2 hours elapses from the time of accident, the employer must document reasons for the delay; if more than 8 hours elapses following the accident, the employer shall cease attempts to administer an alcohol test. Employees (drivers) may leave the scene of an accident for required medical attention or emergency assistance after being processed by emergency personnel but must remain readily available for drug and alcohol tests. Failure to submit to testing will be considered a refusal to be tested, which will result in disqualification from any safety-sensitive position, and transfer to a non-safety sensitive position, if available, at the discretion of the employer, and with a corresponding pay adjustment (for one year).

D. Employee Assistance Program Testing

If an employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the City shall require the employee to submit to a drug test as a follow-up to such program, and on a quarterly, semiannual, or annual basis for up to two (2) years thereafter, unless the employee voluntarily entered the program, in which the case testing shall be at the City's discretion.

Notification of any arrest is in Section 8 - added to Group I Offenses under Section 15.

E. Random Testing

Each year, the number of random alcohol tests conducted by the employer must equal at least 50% of all safety-sensitive employees; the number of random drug tests must equal at least 50% of the safety-sensitive employees. These rates may fluctuate depending on the violation rate in any given year.

Random testing shall be conducted throughout the year on an unannounced basis with unpredictable frequency just before, during, or just after the employee has ceased performing safety-sensitive functions. Employees will be selected for random testing by use of an unbiased selection procedure approved by the Department of Transportation.

If an employee refuses to take an alcohol/drug test, the employee will be terminated.

F. Reasonable Suspicion

An employee must submit to a drug test if a supervisor, trained pursuant to 49 CFR 382.603 or 46 CFR 16.401 in detecting the indicators of drug use, recommends testing an employee who is reasonably suspected for drug use based on specific,



particularly physical behavior or indicators of probable drug use. Some circumstances that might trigger reasonable suspicion testing include evidence of abnormal conduct or erratic behavior, significant deterioration of work performance, reports of drug use provided by a reliable source, and information that an employee has caused, contributed to, or been involved in an accident while at work.

A similar test will be performed when a trained supervisor, as described above, determines that reasonable suspicion exists to require an employee to undergo an alcohol test based on specific observations concerning the appearance, behavior, speech, or body odors of the employee that is characteristic of alcohol misuse. Such a test shall be conducted within two (2) hours of the observation and in no event shall a test be conducted more than eight (8) hours following the observation of the suspicious events or behavior. The supervisor making this observation shall notify the appropriate City official to arrange for testing.

Upon a reasonable suspicion determination, the following steps shall be taken:

- i The supervisor shall inform the employee of the suspicion;
- ii The employee shall immediately stop performance of his/her safety-sensitive functions;
- iii A person appointed by the City shall transport the employee directly to the designated testing facility following the observations and arrange for the testing of the employee; and
- iv After the appropriate testing has been completed, the employee shall be transported to his/her place of residence. Under no circumstances shall the employee under suspicion be allowed to drive himself/herself to or from the testing facility.
- v The employee shall be required to use accrued leave time, or if the employee has no such leave available, the employee shall be placed on an unpaid leave status in order to account for any time remaining on his/her shift. Such time shall be reimbursed if the results of the test are negative. If the employee tests positive for drug or alcohol use, any non-work time during regular work hours will not be compensable during the first 24-hour period.
- vi If testing is conducted based on reasonable suspicion, the supervisor who made the observations shall detail in writing the circumstances which led to that conclusion within twenty-four (24) hours of testing or before the test results are released (whichever is earlier). A copy of this documentation will be furnished to the employee on request. The City will maintain confidentiality of this documentation and will retain the information for at least four (4) years.

G. Return-to-Duty and Follow-up Tests

These tests are conducted when an individual, who has violated the prohibited conduct standards concerning alcohol or controlled substances, returns to performing safety-sensitive duties. These tests are done at the employee's expense immediately prior to return and, as determined by the Department Head in accordance with provisions of this section, thereafter.

H. CDL Testing: All operators required to hold a Commercial Driver's License (CDL) shall be periodically tested according to the Federal Department of Transportation guidelines.

- i A driver must be about to perform, or immediately available to perform, a safety-sensitive function to be considered subject to random alcohol testing. A supervisor, mechanic, or clerk who is on call to perform safety-sensitive functions may be tested at any time they are on call, ready to be dispatched while on-duty.
- ii If not increased or decreased by the Federal Motor Carrier Safety Administration's calculations, the minimum annual percentage rate for random alcohol testing shall be ten (10%) percent of the average number of driver positions. The minimum annual percentage rate for random controlled substances testing shall be fifty (50%) percent of the average number of driver positions.

I. PSC Testing: The City shall conduct annual drug testing for the Gas Department as required by the Public Service Commission.

### 13.03 ALCOHOL TESTING

The rules require breath testing using Evidential Breath Testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The confirmation test results determine any actions taken. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. If the Breath Alcohol Concentration (BAC) is still 0.02 to .039, the employee must be removed from any safety sensitive position for a minimum of 24 hours. If the confirmation BAC test result is 0.040 or greater, the employee must be removed from the safety sensitive function and referred to a Substance Abuse Profession (SAP). If employee is tested positive for alcohol, any non-work time during regular work hours will not be compensable during the first 24-hour period.

Performance of safety-sensitive functions is prohibited:

- A. While having a Breath Alcohol concentration of 0.02 percent or greater as indicated by an alcohol breath test.
- B. While using alcohol; or
- C. Within four hours after using alcohol.

In addition, refusing to submit to an alcohol test, and using alcohol within eight hours after an accident or until tested (for drivers required to be tested) are prohibited. Drug testing is to be conducted by analyzing a driver's urine specimen.

#### **13.04 DRUG (CONTROLLED SUBSTANCE) TESTING**

- A. All specimen collection and testing for drugs shall be performed in accordance with the federal, state and local laws and professional certification standards applicable to the City and its employees under the following procedures:
  - i. A sample shall be collected with due regard to the privacy of the individual providing the sample, and in a manner reasonably calculated to prevent substitution or contamination of the sample.
  - ii. Specimen collection shall be documented, and the documentation procedures shall include:
    - a. Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results, and
    - b. A form for the employee or job applicant to provide any information he considers relevant to the test, including identification of currently or recently used prescription or nonprescription medication, or other relevant medical information.
      - 1. Such forms shall list the most common medications by brand name or common name, as well as by chemical name, that may alter or affect a drug test.
      - 2. The individual's disclosures do not preclude the administration of the drug test but shall be taken into account in interpreting any positive confirmed results.
  - iii. Specimen collection, storage and transportation to the testing site shall be performed in a manner that will reasonably preclude specimen contamination or adulteration.
  - iv. Each initial and confirmation test conducted, not including the taking or collecting of a specimen to be tested, shall be conducted by a state licensed laboratory.
  - v. A specimen for a drug test may be taken or collected by any of the following persons:

- a. A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment; or
  - b. A qualified person employed by a licensed laboratory.
- vi. A person who collects or takes a specimen for a drug test conducted pursuant to this section shall collect an amount sufficient for two (2) drug tests as determined by the Agency for Health Care Administration.
- vii. Urine will be used for the initial test for all drugs except alcohol and for the confirmation for all drugs except alcohol. Blood will be used as the initial and confirmation specimen for alcohol.
- viii. Levels on initially screened urine specimens which are equal to or exceed the following shall be considered to be presumptively positive and submitted for confirmation testing:

Amphetamines	1,000 ng/mL
Cannabinoids (11-nor-Delta-9- tetrahydrocannabinol-9-carboxylic acid)	50 ng/mL
Cocaine (benzoylecgonine)	300 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	300 ng/mL
Opiates	2,000 ng/mL
Barbiturates	300 ng/mL
Benzodiazepines	300 ng/mL
Methadone	300 ng/mL

- ix. The only specimen for alcohol testing shall be blood and the initially screened specimen shall be considered presumptively positive and submitted for confirmation testing if the level is equal to or exceeds 0.04 g/dL. The alcohol level on confirmation testing for blood which is equal to or exceeds 0.04 g/dL shall be reported as positive.
  - x. Levels which exceed the following for hair specimens shall be considered presumptively positive on initial screening and submitted for confirmation testing:

Marijuana	10 pg/10 mg of hair
Cocaine	5 ng/10 mg of hair
Opiate/synthetic narcotics and metabolites	5 ng/10 mg of hair
Phencyclidine	3 ng/10 mg of hair
Amphetamines	5 ng/10 mg of hair

- xi. Levels on confirmation testing for urine specimens which are equal to or exceed the following shall be reported as positive:

Amphetamines (amphetamine, methamphetamine) <sup>1</sup>	500 ng/mL
Cannabinoids (11-nor-Delta-9-tetrahydrocannabinol-9-carboxylic acid)	15 ng/mL
Cocaine (benzoylecgonine)	150 ng/mL
Phencyclidine	25 ng/mL
Methaqualone Opiates	150 ng/mL
Codeine	2000 ng/mL
Morphine	2000 ng/mL
6-Acetylmorphine <sup>2</sup>	10 ng/mL
Barbiturates	150 ng/mL
Benzodiazepines	150 ng/mL
Methadone	150 ng/mL
Propoxyphene	150 /mL

- xii. Levels for hair specimens on confirmation testing which are equal to or exceed the following shall be reported as positive:

Marijuana Metabolites	1 ng/10 mg of hair
Cocaine	5 ng/10 mg of hair
Opiate/synthetic narcotics and metabolites	5 ng/10 mg of hair
Phencyclidine	5 ng/10 mg of hair

- B. If an initial drug test of an employee or job applicant is confirmed as positive, the Medical Review Officer shall provide technical assistance to the City and to the employee or job applicant for the purpose of interpreting the test result to determine whether the result could have been caused by prescription or nonprescription medication taken by the employee or job applicant.
- C. Every specimen that produces a positive, confirmed test result shall be preserved by the laboratory that conducted the confirmation test for a period of at least two hundred and ten (210) days from the time the results of the positive confirmation test are delivered to the Medical Review Officer.
- i. However, if an employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled.
  - ii. During the 180-day period after written notification of a positive test result, the employee or job applicant shall be permitted by the City to have a portion of the specimen retested, at the employee or job applicant's expense, at another laboratory, licensed and approved by the Agency for Health Care Administration, chosen by the employee or job applicant.
  - iii. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory.

- iv. The first laboratory that performed the test for the City is responsible for the transfer of the portion of the specimen to be retested and for the integrity of the chain of custody during such transfer.
- D. If an initial drug test is negative, the City may at its discretion seek a confirmation test. Such testing shall be conducted only once and must be requested no more than seven (7) working days from the time the original negative test result was reported to the City by the Medical Review Officer; hair specimens may be re- collected only once to perform repeat confirmation testing.
- E. Within five (5) working days after receipt of a positive confirmed test result from the testing laboratory or Medical Review Officer, the City shall inform an employee or job applicant in writing of the positive test result, the consequences of such results and the options available to the employee or job applicant. Upon request, the City shall provide to the employee or job applicant a copy of the test results.
- F. Within five (5) working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to the Medical Review Officer explaining or contesting the test results and why the results do not constitute a violation of City policy.
  - i. Such If an employee or job applicant's explanation or challenge of the positive test results is unsatisfactory to the Medical Review Officer, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive results, shall be provided by the City to the employee or job applicant.
  - ii. All such documentation shall be kept confidential and exempt from the provisions of applicable public records law and shall be retained by the City for at least 1 year.
- G. An employee or job applicant whose drug test result is confirmed as positive in accordance with this section shall not, by virtue of the result alone, be deemed to have a "handicap" or "disability" as defined under federal, state, or local handicap and disability discrimination laws.
- H. The City shall not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test and by a Medical Review Officer.
- I. The City shall not discharge, discipline, or discriminate against an employee, or refuse to hire a job applicant, on the basis of any prior medical history revealed to the employer pursuant to this policy and applicable state statute.
- J. The City shall not discharge, discipline, or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while in the employ of the City,

for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered an alcohol and drug rehabilitation program. However, statutorily defined “special risk employees” may be subject to discharge or disciplinary action when the presence of illicit drugs, pursuant to FSS 893.13, is confirmed.

- K. Unless otherwise provided by a collective bargaining agreement, the City may select the employee assistance program or drug rehabilitation program if the City pays the cost of the employee’s participation in the program.
- L. The City may discharge or discipline an employee following a first-time positive confirmed drug test result. If the employer does not discharge the employee, the City may refer the employee to an employee assistance program or an alcohol and drug rehabilitation program in which the employee may participate at the expense of the employee or pursuant to a health insurance plan.
  - i. If the City refers an employee to an employee assistance program or an alcohol and drug rehabilitation program, the City must determine whether the employee is able to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.
  - ii. An employee whose assigned duties require the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, hold a position subject to s. 110.1127, or hold a position in which a momentary lapse in attention could result in injury or death to another person, is deemed unable to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.
  - iii. If the City refers an employee to an employee assistance program or an alcohol and drug rehabilitation program and the City determines that the employee is unable, or the employee is deemed unable, to safely and effectively perform the job duties assigned to the employee before he completes the employee assistance program or the alcohol and drug rehabilitation program, the City shall place the employee in a job assignment that the City determines the employee can safely and effectively perform while participating in the employee assistance program or the alcohol and drug rehabilitation program.
  - iv. If a job assignment in which the employee may safely and effectively perform is unavailable, the City shall place the employee on leave status while the employee is participating in an employee assistance program or an alcohol and drug rehabilitation program. If placed on leave status without pay, the employee

may use accumulated leave credits before being placed on leave without pay.

- M. If an employee who is in a mandatory-testing position enters an employee assistance program or drug rehabilitation program, the City must assign the employee to a position other than a mandatory-testing position or, if such position is not available, place the employee on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.
- N. An employee who is in a special-risk position may be discharged or disciplined by the City for the first positive confirmed test result if the drug confirmed is an illicit drug under s. 893.03. A special-risk employee who is participating in an employee assistance program or drug rehabilitation program may not be allowed to continue to work in any special-risk or mandatory-testing position, but may be assigned to a position other than a mandatory-testing position or placed on leave while the employee is participating in the program. However, the employee shall be permitted to use any accumulated annual leave credits before leave may be ordered without pay.
- O. If an employee is unable to participate in outpatient rehabilitation, the employee may be placed on leave status while participating in an employee assistance program or an alcohol and drug rehabilitation program. If placed on leave- without-pay status, the employee shall be permitted to use any accumulated leave credits prior to being placed on leave without pay.
- P. Upon successful completion of an employee assistance program or an alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.
- Q. All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with state statute.

### **13.05 DRUG TEST ADMINISTRATION**

Driver drug testing results and records are to be maintained under strict confidentiality, by the employer, (Administration Office), the drug testing laboratory, and the Medical Review Officer (MRO). Test results cannot be released to others without the written consent of the employee (driver).

### **13.06 VIOLATION OF PROHIBITIONS**

All persons selected for employment in safety-sensitive positions shall be required to take a drug test prior to their initial performance of safety-sensitive functions. Any person who



refuses to take the required tests or whose test results indicate present drug abuse will not be hired.

No employee (driver) shall refuse to submit to an alcohol or drug test on any of the following instances: Post-accident, random, reasonable suspicion, return-to-duty, or follow-up tests. Failure to submit to any required tests will result in immediate disciplinary action up to and including termination.

Any employee (driver) who has been removed from his/her safety-sensitive position due to alcohol misuse (BAL 0.040 or greater) and/or testing positive for drugs will be referred to an appropriate treatment facility. Employees (drivers) shall be advised of the resources available for evaluating and resolving problems associated with misuse or abuse of alcohol or drugs.

Rehabilitation is the responsibility of the employee. Any employee seeking medical attention for alcoholism or drug abuse will be entitled to benefits only to the extent specified under the City's group health insurance program.

Employees required to be absent from the workplace while in treatment may request a medical leave of absence in accordance with the City's Human Resource Manual. An employee seeking treatment for Alcohol/Drug abuse treatment may be permitted to utilize all available accumulated paid leave before requesting to be placed in a leave without pay status.

Upon successful completion of the treatment program, the employee will be reinstated to the same or equivalent position held prior to such rehabilitation. Employees who violate this policy by testing positive on the return to duty follow-up tests will be referred to alcohol and drug rehabilitation programs as appropriate.

The City will not discharge, discipline, or discriminate against an employee solely on the basis of any prior medical history revealed to the City pursuant to this policy.

The City will not dismiss, discipline, or discriminate against an employee solely upon the voluntary seeking of treatment for an alcohol or drug program. However, use of the rehabilitation resources will not shield the employee from appropriate disciplinary action for violations of other City policies.

Employees referred to treatment programs as a result of a first violation will be allowed to continue employment with City provided that:

- A. They immediately contact the rehabilitation resource for treatment and strictly adhere to all terms of treatment and counseling prescribed;
- B. They immediately cease any and all abuse/use of alcohol or drugs;
- C. They consent in writing to a minimum of 6 follow-up alcohol/controlled substances

tests over the first 12 months after returning to work or completion of any rehabilitation program whichever is greater. It shall be understood that the employee will pay for all follow-up testing;

- D. They pass all tests administered under this program; and
- E. They execute and abide by an agreement describing the above stated conditions.

Failure to meet any of the above conditions, or a second confirmed positive drug or alcohol test, will result in immediate dismissal from employment.

The City has no responsibility for substance abuse treatment referral or rehabilitation for persons who fail or refuse the required post-job offer test.

### **13.07 ROUTING**

All employees affected by these Federal Regulations will be furnished a copy of this policy, including information concerning the testing requirements, and available resources on alcohol and drug treatment.

### **13.08 QUESTIONS OR CONCERNS**

Further specific testing procedures and training programs will be established and administered by the Administration (Human Resource) Office and respective Department Head, who supervises safety-sensitive positions.

Questions regarding the City's policies and procedures related to substance abuse or alcohol misuse, or questions regarding the City's testing procedures should be addressed to your respective Department Head. The Department Head will consult with the Human Resources Department as needed.

- A. All operators required to hold a Commercial Driver's License (CDL) shall be periodically tested according to the Federal Department of Transportation guidelines.
- B. The Public Service Commission requires an annual drug testing for The Gas Department.
- C. Any city employee may be required to submit to immediate testing of their urine/blood at the City's expense upon reasonable suspicion as determined by a minimum of two (2) supervisors or management personnel.
- D. Employees may be required by the City to take a medical and/or psychological examination at any time for reasons connected with their job (i.e. an accident on the job, fitness for duty).

## **SECTION 14 - COMPUTER EQUIPMENT, INTERNET AND E-MAIL POLICY**

### **14.01 USAGE**

- A. Use of the City of Williston Computer Equipment or the Internet or other on-line services in violation of local, state, or federal law or regulations, or City of Williston Policy and Procedure or for any activity which negatively affects the availability, confidentiality, or integrity of information technology resources is prohibited. This use includes, but is not limited to, copyright and trademark infringement, fraud, forgery, harassment, libel or slander or accessing materials which might be deemed obscene.
- B. While using City of Williston information technology resources, employees should have no expectation of privacy regarding any aspect of their use. All department email use is archived and may be retrieved at any time for review. The Department has the right to inspect any files created, stored, sent, received or deleted on department computers.
- C. Users of the City of Williston Computer Equipment and the Internet or other on-line services are responsible for protecting the security of the Computer Equipment by keeping passwords confidential, not using another user's account, and reporting any security problems to the City Manager's Designee. Use of the network to access on-line services for commercial, political, or other personal use not related to the support of the mission and goals of City of Williston is prohibited. **Examples of prohibited use** on the network includes, but is not limited to:
  - i. Access to personal email accounts or instant messaging.
  - ii. Access to non-job related web sites or on-line services such as chat rooms, recreational bulletin boards or hobby list servers.
  - iii. Playing computer games or using other non-job related programs.
  - iv. Download of non-job related files and materials from the internet.
  - v. School class work or homework, unless approved by Supervisor or Department Head and done on off duty hours to support employee professional development.
- E. Computer users are prohibited from: creating or propagating viruses; disrupting services; damaging files; or intentionally destroying or damaging equipment, software or data. Computer users must adhere strictly to all software license agreements and no software may be installed, copied, or used on the City of Williston Computer Equipment except as permitted by the copyright owner of the software. All Computer Equipment and Internet or other on-line service users are

expected to abide by generally accepted rules of Computer etiquette. The E-mail communications, documents, or materials resident on the Computer Equipment, are considered public records and shall be used and treated as public records. The stored records shall follow local, state, federal law, regulations, and City of Williston Policy and Procedure for retention and destruction of records.

- F. Since text messages are handled outside of City systems, employees should limit the use of text messages for city business purposes unless absolutely necessary. Employees who are the sender or recipient of a text message that is required to be retained for public records purposes, should forward the text message to the City's E-mail system in order to comply with the records retention requirements of Florida Statutes, Chapter 119.
- G. Failure to abide by the City of Williston Computer Equipment Acceptable Use Policy will result in a loss of Computer privileges and/or other disciplinary (including suspension and/or termination) or legal action. Questions about or allegations of misuse of these resources should be reported to the City Clerk for review and evaluation. If necessary, the City Clerk will make disciplinary recommendations to the City Manager.
- H. While using City information technology resources, employees should have no expectation of privacy.
  - i. All City email is archived and may be retrieved at any time for review.
  - ii. The City has the right to inspect any files created, stored, sent, received or deleted on City computers.

#### **14.02 SOCIAL MEDIA**

- A. At the City of Williston, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities.

Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associate or affiliated with the City of Williston, as well as any other forms of electronic communication.

You are responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates, or otherwise adversely affects employees, clients, customers, suppliers, people who work on behalf of the City of Williston, or the City of

Williston's legitimate business interests, may result in disciplinary actions, up to and including termination.

Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

## **SECTION 15 - DISCIPLINARY ACTION**

### **15.01 GENERAL STATEMENT**

It is the intent of the City that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees. However, when disciplinary action becomes necessary, the City recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the City retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or group of employees and to determine the appropriate discipline in every matter on a case by case basis.

### **15.02 FORMS OF DISCIPLINE**

- A. The City recognizes the following types of discipline:
  - i. Verbal reprimands.
  - ii. Written reprimands.
  - iii. Suspension without pay.
  - iv. Demotion.
  - v. Combination of the above.
  - vi. Termination of employment.
- C. A Department Head may also combine a probationary period not to exceed three (3) months with all forms of discipline except termination.
- D. The Department Head, or his designee, will consult with Human Resources in deciding appropriate disciplinary action greater than a written reprimand. However, the Department Head may suspend employees temporarily with pay to the next regular workday of the City (Monday through Friday), if the Department Head deems it is operationally necessary. The Department Head shall then immediately consult with Human Resources, and together they will decide whether to continue to temporarily suspend the employee with or without pay pending completion of an investigation. Once the investigation is completed an appropriate decision can be made. If the suspension was without pay yet unfounded, the employee would be reimbursed. Otherwise, a course of action will be enacted that will be warranted.

### **15.03 BASIS FOR DISCIPLINARY ACTION**

- A. Verbal and written warnings may be given for any reason listed in Section 15.05, Group I or Group II, or under any other similar circumstance as deemed appropriate.
- B. Subject to Section 15.02(C), employees may be suspended without pay temporarily pending investigation and final determination of possible disciplinary action.
- C. Employees may be suspended without pay, demoted or terminated for any reason listed in Section 15.05 below, or under any other similar circumstance as deemed appropriate.

### **15.04 NOTICE OF DISCIPLINARY ACTION**

In all cases of written reprimand, probation, suspension without pay, demotion, any combination of same, or termination, the employee will be notified in writing of the action taken and a copy of such notice shall be retained by the City in the employee's personnel file; provided a temporary suspension without pay will be removed from the employee's personnel file if the employee is exonerated.

### **15.05 TYPES OF OFFENSES**

There are two (2) groups of example offenses for which employees may be disciplined up to and including termination. The guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses or others as set forth in Sections 15.01-15.03 above shall apply. Nothing herein shall be construed to limit disciplinary action to the sample offenses enumerated below, and suspension without pay, demotion or termination may be for any reason as determined by the City Manager.

This paragraph provides recommended but not mandatory penalties for the specific example offenses listed here. These examples are suggestions only. The severity of the infraction will be a factor in management's determination of the discipline imposed.

This listing is not all-inclusive. Management has the right and obligation to administer discipline for any action that requires correction.

#### **GROUP I OFFENSES**

**First Offense** – Verbal or Written Reprimand one (1) day suspension without pay.

**Second Offense** - Up to three (3) days suspension without pay.

**Third Offense** - Up to and including termination.

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Taking more than allowable times for meal or rest periods.
3. Unacceptable, inefficient productivity or competency.
4. Sleeping on the job unless authorized to do so.
5. Reporting to work or working while unfit for duty, either mentally or physically, unless the condition is a legally recognized disability in which case the matter will be dealt with in accordance with applicable law.
6. Violating a safety rule or practice, and/or not wearing required safety clothing or equipment.
7. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the work of others, catcalls, or other disorderly conduct.
8. Failure to report the loss of City equipment or other City property entrusted in the employee's custody.
9. Failure to keep the City and department notified of the employee's current proper address and telephone number.
10. Gambling, lottery or engaging in any other game of chance in any fashion that brings disrepute upon the City.
11. Violation of published City or departmental policies, rules, standard, orders, operating procedures or regulations.
12. Unexcused tardiness or absence. In excess of three (3) days will be considered a Group II offense.
13. Failure to report an on-the-job accident or personal injury.
14. Violation of the Standards of Conduct in Section 10.
15. Failure to report any arrest as required under Section 8.



## **GROUP II OFFENSES**

### **First Offense - Up to and including termination**

1. Conviction of a non-felony or felony level criminal offense.
2. Excessive tardiness and/or absenteeism which disrupts departmental operation regardless of the reason.
3. Abuse of sick leave privileges.
4. Use of official position for personal advantage.
5. Deliberately or negligently misusing, destroying, losing or damaging any City property or property of an employee.
6. Falsification of personnel, City, or Departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.
7. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
8. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor.
9. Use or possession or display of fire arms, explosives, or weapons on or in City property unless authorized.
10. Removal of City property or any other employee's property from City locations without proper authorization, theft of City property or any employee's property.
11. Failure to return at the end of an authorized leave of absence.
12. Concerted curtailment, restriction of production, or interference with work in or about the City's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
13. Absent without permission or leave (AWOL).
14. Acceptance of a gift, service, or anything of value in the performance of duty or under any other circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored

treatment.

15. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off City property or whether on or off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on City property, or while operating or riding in or on City equipment.
16. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City.
17. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the City government or any department, division, or area of City government.
18. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
19. Improper racial or sexual comments, harassment or acts directed to any City employee or the general public.
20. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.
21. Provoking or instigating a fight or fighting while on duty.
22. Unauthorized personal use of the exempt tax number for any reason.
23. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a City employee.
24. Failure to report in writing an offer of a bribe or gratuity to permit an illegal act.
25. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
26. Refusal to sign an acknowledgment of disciplinary action.
27. Failure to possess and maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the City as an essential part of the employee's job.
28. Failure to report a DUI or DWI when the employee drives a vehicle as a part of their normal job.

29. Loss of a license or certification required by the City, the State or other governmental entity to perform the job for which the employee is assigned.

The above list does not include all of the reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct.

#### **15.06 SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES**

- A. In the event an employee is charged with any crime, the employee may be suspended with or without pay.
- B. At any time, the City Manager or Mayor (in the case of Police or Fire personnel only) shall have the option of taking disciplinary action based on his own investigation without regard to the existence, status or final disposition of the criminal charges.
- C. The City Manager or Mayor (in the case of Police or Fire personnel only) in the case of Police or Fire personnel may elect to wait until the criminal proceeding, or a particular phase thereof, is concluded before considering disciplinary action. In such a case, the City Manager or Mayor (in the case of Police or Fire personnel only) may take the resolution of the criminal proceeding, or phase thereof, under consideration but shall not be bound thereby and shall make its determination as to the facts and the appropriate disciplinary action, if any.
- D. If an employee charged with a crime is found not guilty by a judge or jury, and the City Manager or Mayor (in the case of Police or Fire personnel only) determines no disciplinary action is warranted, the employee will be reinstated with back pay less amounts earned, unemployment compensation and periods of time the employee was unavailable to work or did not make every reasonable effort to find work.

#### **15.07 APPEALS**

This provision shall not apply to any employee covered under a collective bargaining unit.

- A. The City Manager or Mayor (in the case of Police or Fire personnel only) shall hear appeals in cases involving disciplinary actions of permanent employees who have satisfactorily completed their probationary period.
- B. The appeal must be made within ten (10) working days after the written decision is mailed to the employee, by filing a written request for a hearing with the City Manager or Mayor (in the case of Police or Fire personnel only).
- C. The City Manager or Mayor (in the case of Police or Fire personnel only) shall set a time and place for the hearing, to be held at the earliest possible date. The City Manager or Mayor (in the case of Police or Fire personnel only) shall notify the

employee, the Human Resources Department and the Department Head of the time and place scheduled for the hearing.

- D. Hearings before the City Manager or Mayor (in the case of Police or Fire personnel only) shall be conducted informally.
- E. The decision of the City Manager or Mayor (in the case of Police or Fire personnel only) shall be final.

#### **15.08 DOCUMENTATION**

- A. For all disciplinary actions beyond verbal counseling, including written reprimand, probation, suspension, demotion or termination, the employee will be notified in writing of the charges and the reasons for the action taken. The statement shall advise the employee of his right to grieve the discipline pursuant to City policy or any applicable collective bargaining agreement.
- B. In reference to police officers, pursuant to 112.532 of Florida State Statute, any dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer unless the law enforcement officer is notified of the action and the reason for the action before the effective date of the action.
  - i. Whenever a law enforcement officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative shall, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, and with the opportunity to address the findings in the report with the Chief of Police or his designee before disciplinary action consisting of suspension with loss of pay, demotion, or dismissal is imposed.
  - ii. The contents of the complaint and investigation shall remain confidential until such time as the police department makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal.
- C. Any written reprimand shall be furnished to the employee and shall outline the reason for the reprimand. The employee shall be requested to sign the statement to acknowledge receipt of the statement, not agreement. If the employee refuses to sign this statement, the refusal shall be noted, and possible disciplinary action may be taken.
- D. All discipline-related documentation shall be dated, specify the exact nature of the offending conduct, detail the action the employee is expected to take to comply with City policy and indicate what consequences the employee may face if the

conduct is not corrected.

- E. Employees shall have the right to file a written response to any letter of reprimand or other document placed in the employees' official personnel file as a result of a supervisory action or citizen complaint. Any such written response shall be included in the employee's official personnel file.
- F. Such documentation shall be retained by the City in the employee's personnel file but shall be removed from the file if the employee is exonerated.
- G. Only those disciplinary actions recorded in an employee's official personnel file may be used as the basis for progressive discipline.
- H. After a disciplinary document has been in the employee's personnel file for twenty-four (24) months, the document shall not be used adversely against the employee unless the employee has been written up for the same offense previously.

#### **15.09 NAME CLEARING HEARINGS**

- A. When a City employee is terminated, and the employee contends that in relation to the disciplinary action false statements damaging to the employee's reputation have been placed in his personnel file and thus subject to public records disclosure, the City shall afford the employee an opportunity to clear his name by responding to the statements. Such a hearing shall not serve as an appeal of any disciplinary action or a process by which to gain reinstatement. The sole purpose of the hearing is to provide an opportunity for an employee to clear his name.
- B. A name-clearing hearing is not required every time an employee is terminated. A name-clearing hearing must be offered whenever the following three (3) conditions are met:
  - i. An employee is terminated or significantly demoted;
  - ii. The employee contends that stigmatizing statements have been placed in their personnel file or otherwise made public; and
  - iii. The employee asserts that the statements are untrue.
- C. For the purposes of a name-clearing hearing, a stigmatizing statement involves allegations of dishonesty, immorality or other conduct that may damage the employee's reputation and impair his ability to obtain other employment.
- D. When an employee is terminated or significantly demoted, the applicable Department must notify the employee in writing that a name-clearing hearing will be arranged if the employee requests it. The employee should sign his copy of the

notification if the letter is presented in person. If the employee is not personally presented the notification, it must be mailed to the employee by both certified and regular mail.

- E. A written request for a name-clearing hearing must be filed by the employee within fifteen (15) calendar days from the effective date of termination or demotion. The failure of the employee to request this hearing within the stated timeframe shall be considered a waiver of the employee's rights under this policy.
- F. The employee requesting a name-clearing hearing must identify the specific statement(s) he contends are false.
- G. Upon receipt of the employee's timely request for a name-clearing hearing, the City Manager or Mayor (in the case of Police or Fire personnel only) shall schedule a hearing within sixty (60) calendar days.
- H. The hearing will not consist of or result in the formulation of any conclusions or the reevaluation or nullification of any employment action.
- I. The employee shall be allowed to present testimony and documents to support the employee's allegation that the statements in question are untrue.
- J. The City Manager or Mayor (in the case of Police or Fire personnel only) shall ensure that a record of the hearing is made.
- K. Within thirty (30) calendar days after the hearing, the City Manager or Mayor (in the case of Police or Fire personnel only) shall issue a written report summarizing the evidence presented. The report shall state clearly that the report has no bearing or effect on the employee's status with the City.
- L. A copy of the report shall be placed in the employee's personnel file, in the employee's Department file and in any investigative file on the employee.

## **SECTION 16 - COMPLAINT PROCEDURE (NON -DISCIPLINARY MATTERS)**

### **16.01 PURPOSE**

- A. It is the purpose of this complaint procedure to assure employees that their problems and complaints will be considered fairly, rapidly and without reprisal. It is expected that the procedures set forth below will encourage employees to discuss with their supervisors, any matters pertaining to conditions of employment that may negatively impact the individual employee. Free and open discussion between employees and their supervisors will lead to better understandings by both, of practices, policies, and procedures and how they impact all employees. This will serve to help identify and eliminate conditions which may result in misunderstandings and complaints.
- B. The primary purpose of any complaint procedure is to determine what is right, rather than who is right. Therefore, complaints must be considered objectively and in an atmosphere of mutual assistance. This cannot be done if a spirit of conflict enters into consideration of a complaint. Supervisors and employees alike must recognize the true purpose of the complaint procedure is to help employees achieve the basic objectives of City government by promoting the well-being of the organization and those within it appropriately.
- C. Employees who are a part of a Collective Bargaining Agreement will operate according to those guidelines.

### **16.02 DEFINITION OF A COMPLAINT**

- A. A complaint is a grievance, a view or an opinion pertaining to employment conditions, to relationships between employee and supervisor or to relationships with other employees. Disciplinary action, dismissals, demotions, suspension, fines, reduction in pay, and position classification allocation shall not be subject to review as a complaint.
- B. Employees covered by Collective Bargaining Agreements will utilize the complaint and appeals procedures as negotiated.
- C. Examples of actions which may be causes of complaints include:
  - i. Application of City policies, practices, rules, regulations, and procedures believed to be to the detriment of an employee;
  - ii. Treatment considered unfair by an employee, such as coercion, reprisal, harassment or intimidation;
  - iii. Alleged discrimination because of race, religion, color, sex, age, marital status,

national origin, physical handicap or any other non-merit factor; and

- iv. Improper or unfair administration of employee benefit or conditions of employment such as vacations, fringe benefits, promotion, retirement, holidays, performance review, salary, or seniority.

### **16.03 PROCEDURE**

This section assumes that all complaints within the Police and Fire Departments will follow the appropriate chain of command, with the Mayor acting as the final authority.

- A. Supervisors are responsible for ensuring that the complaint is fully processed until the employee is satisfied with the decision or until the employee's right of appeal is exhausted. No employee shall be penalized for using the City's complaint procedure, unless repetitive unmeritorious complaints are viewed as abuse of the procedure.
- B. Any complaint filed shall systematically follow the complaint procedure as outlined herein, and shall refer to the provision or provisions of City policy, practice, procedure, rule, or regulation alleged to have been violated, and shall adequately set forth the facts pertaining to the alleged violation, and the remedy or correction sought.
- C. In the event a complaint arises, the employee must submit a complaint to his/her Department Head (Step I) within five (5) working days after he/she had knowledge of the complaint, unless good and reasonable cause is shown for the delay.
  - 1) Step I: A complaint shall be presented in writing on forms provided by the City to the employee's immediate supervisor or foreman, within five (5) working days after the incident takes place. The supervisor or foreman shall answer the complaint in writing within five (5) working days. If the employee and the supervisor are unable to resolve the complaint, the employee shall have the right to present the complaint to the head of the department for which he/she works in accordance with Step II.
  - 2) Step II: If an employee is unable to resolve his/her complaint at Step I, the employee may present his/her written complaint on the form provided by the City, to the head of the department or designee for which he/she works. The written complaint shall be presented within five (5) working days following receipt of Step I response with an explanation as to why the dispute could not be resolved at the preceding step. Within five (5) working days after receiving the written complaint, or the at another mutually agreeable time, the Department Head shall meet with the employee to discuss the complaint, and the Department Head shall issue a written decision within five (5) working days following the conclusion of such meeting. If the employee is dissatisfied with the decision of the Department Head, he/she may then present the complaint to the Human Resources Director in accordance with Step III.



- 3) Step III: If an employee is unable to resolve his/her complaint at Step II, the employee may present his/her written complaint on the form provided by the City to the Human Resources Director. The written complaint shall be presented within five (5) working days following receipt of the Step II response with an explanation as to why the dispute could not be resolved at the preceding step. Within five (5) working days after receiving the written complaint, or at another mutually agreeable time, the Human Resources Director shall meet with the employee to discuss the complaint, and the Human Resources Director shall issue a written decision within five (5) working days following the conclusion of such meeting. If the employee is dissatisfied with the decision of the Human Resources Director, he/she may then present the complaint to the City Manager, Mayor (in the case of Police or Fire personnel only), City Clerk, or designee in accordance with Step IV.
- 4) Step IV: The employee may, within five (5) working days after receipt of the response of the Human Resources Director, present his/her written complaint to the City Manager, Mayor (in the case of Police or Fire personnel only), City Clerk, or designee with an explanation as to why the dispute could not be resolved at the preceding step. Within fourteen (14) working days of receipt of the written complaint, the City Manager, Mayor (in the case of Police or Fire personnel only), City Clerk, or designee shall meet to discuss the matter with the employee. Within twenty-one (21) days following the conclusion of the meeting, unless the time is extended by mutual consent of the parties, the City Manager, Mayor (in the case of Police and Fire personnel only), City Clerk, or designee will render a decision which shall be binding upon the parties. Complaints concerning the City Manager or City Clerk may be presented directly to the City Council President or any voting member of City Council.

The Human Resource Director is available to assist throughout the complaint process. All complaints should be forwarded to the Human Resources Department at each stage to ensure relevant input is provided throughout the process.

## **SECTION 17 - HOURS OF WORK AND OVERTIME**

### **17.01 HOURS OF WORK**

- A. The City shall establish the hours of work in accordance with the operational needs of the City.
- B. The Department Heads shall schedule the work as necessary to provide full service but should attempt to avoid overtime work except where operationally necessary.
- C. With the exception of exempt personnel, the City will pay employees for all hours in which they provide services for the City.
- D. Unless otherwise provided by a Collective Bargaining Agreement (CBA), employees shall be scheduled for an unpaid lunch break of not less than one-half ( $\frac{1}{2}$ ) hour but not more than one (1) hour. A paid break before and after lunch, not to exceed fifteen (15) minutes each, may be scheduled at the discretion of the Department Head. As part of the City Wellness program, employees may consolidate their break times, to engage in wellness related activities in the morning or afternoon. This time must be established in cooperation with the Department Head or Supervisor.

### **17.02 REGULAR WORK WEEK OR PERIOD**

Except for employees on a Section 7(K) schedule in the Police Department or as otherwise provided by a CBA:

- A. The regular workweek for regular full-time employees shall be forty (40) hours in a seven (7) day period. The City Manager may establish the basic work schedule and hours of work best suited to meet the needs of the departments and the City to provide proper service to the community. Nothing in these rules shall be construed as a guarantee or limitation of the number of hours to be worked per week.
- B. The basic work schedule shall be from Monday through Friday of each week unless specified or scheduled by the City Manager to meet the particular requirements of the City or individual departments. When the City Manager deems it necessary, work schedules may be established other than the basic Monday through Friday schedule.
- C. For sworn personnel within the Police Department, eighty-six (86) hours in a fourteen (14) consecutive day period shall constitute a normal work week, though no employee is guaranteed payment for an eighty-six hour work period unless the employee actually works an eighty-six hour work period or his actual hours worked and his authorized compensated leave total eighty-six hours.
- D. If an employee is assigned to attend training or an educational seminar, he will be

paid for a regular workday during the seminar and for travel time to and from the seminar, if traveling outside of regular work hours.

- i. Overtime pay will be granted only if time exceeds the employee's regular workweek.
- ii. Training records and itemized expenses shall be maintained as a part of official City personnel records.

### **17.03 OVERTIME AND COMPENSATORY TIME**

- A. In any department, overtime will be authorized or directed only when it is in the best interest of the City and is the most practical and economical way of meeting workloads or deadlines. Overtime will be authorized in advance by the Department Head when practical or on special occasions. The Department Head will also determine whether the employee is to be paid for the time or accrue compensated time.
- B. Non-exempt employees shall be paid at a rate of one and one-half (1½) their regular hourly rate after forty (40) hours in a seven (7) day work period.
- C. Employees may be required to work overtime when requested unless excused by supervisors.
- D. For computing overtime, the following shall apply:
  - i. A holiday shall be considered as a day worked.
  - ii. All work performed on Saturday or Sunday regardless of hours worked in preceding workweek shall be paid at time and one-half. Departments with a separate contract or Departments that have a Saturday and Sunday work schedule will be paid at the normal rate.
- E. Standby time, sick leave, funeral leave, jury-duty, vacation, annual military leave, and other absences from work while on pay status will follow the guidelines set forth in the Fair Labor Standards Act (FLSA).
- F. Within the Police Department, sworn officers shall be paid regular straight time for the first eighty (80) hours worked per fourteen (14) consecutive days and shall be additionally compensated at regular straight time for each hour worked from the eighty-first (81st) to the eighty-sixth (86th) hour per fourteen (14) consecutive day work period.
  - i. Only hours worked in excess of eighty-six (86) hours per work period shall be compensated at the rate of time and one half (1 ½) times the officers' straight time rate.

- ii. No officer may authorize overtime for himself, excluding reasonable performance of duties relating from a normal shift.

#### **17.04 COMPENSATORY PAY (COMP TIME)**

- A. When an employee is required by proper authority to work beyond the normal 40 hours per week, the employee may be granted compensatory time off in lieu of cash for overtime provided that:
  - i. It is granted at time and one-half for all hours over 40 worked in a week;
  - ii. Employees who are regularly scheduled to work more than eight (8) hours in a day for the purpose of attending mandatory council, committee and, or workshop meetings shall accrue comp time for those hours worked;
  - iii. It is pursuant to an agreement or understanding, oral or written, with the employee prior to performance of work;
  - iv. Employees generally may accrue up to 40 hours of comp time with the approval of the City Manager or Mayor (in the case of Police or Fire personnel only) on a case by case basis.
  - v. Employees who have accrued comp time are provided time off within a reasonable time period after requesting its use, providing it does not unduly disrupt the operations of the City.
- B. The Official Record of Earned Comp Time for all employees will be maintained by the Finance Department.
- C. Employees will be paid for comp time remaining on the books after termination or separation from the City at the rate of pay received by the employee at the time of separation.
- D. In the event of a major or catastrophic incident when a period of emergency is declared by the Governor and FEMA assistance is requested, those employees whose duties and responsibilities are deemed essential shall respond and will be paid comp time as necessary.

#### **17.05 ON-CALL PAY**

On-Call pay is a method of compensating non-exempt employees assigned to on-call duty during off-duty hours. Employees must be available to answer the phone or beeper and to report to duty as needed during the on-call shift hours assigned. Except as cited below, non-exempt employees assigned to on-call duty during off-duty hours shall receive four hours of pay at their regular rate. These four (4) hours are added to the actual hours worked

at the end of each week the employee is on-call. If this results in more than forty (40) hours worked, then all hours over forty (40) will be paid at time and one-half.

The Electric Department employees are paid 8.25 hours of call time at regular time.

#### **17.06 CALL BACK PAY**

- A. With the exception of police personnel, non-exempt employees called out to work during off-duty hours will be paid time and one-half for a minimum of two (2) hours or the amount of time actually worked, whichever is greater.
- B. Call back shall be calculated at time and one-half.
- C. Sworn members of the Police Department called out to work outside normal working hours shall receive a minimum of three (3) hours pay.
  - i. This call out provision does not include those additional hours worked contiguous to the officer's scheduled work period.
  - ii. Officers will be compensated at regular, straight rate of pay except for those hours that exceed the eighty-sixth (86<sup>th</sup>) hour of the normal work week.
  - iii. Call-back compensation shall apply to required off-duty appearances as a subpoenaed witness in federal, circuit, and/or municipal courts pending criminal, civil or traffic cases where the employee is involved as a witness in his official capacity, as the arresting officer or as an investigating officer.

#### **17.07 PAYROLL PROCEDURES**

Individual employee attendance and on the job recordings (time sheets) are to be accurately documented at each department and forwarded to the Finance Department at the end of each pay period. The recorded information will remain in the permanent files of City Hall. Payroll sheets are to be completed and routed to the Finance Department no later than 11:00 a.m., on Monday after the completion of the pay period. Supervisors are responsible to review the timesheets to ensure accuracy and that all scheduled hours worked are accounted for properly on each time sheet.

The following regulatory payroll procedures are to be followed by each Department:

- A. It is the City of Williston's policy that employees, except Executive Personnel, will be paid for all hours in which they provide services for the City. Careful records will be maintained for all hours worked for each employee.
- B. No one should work overtime in any workweek without approval from a supervisor.

The repeated performance of unauthorized overtime will be grounds for disciplinary action, up to and including dismissal.

- C. Employees are to be discouraged from taking work from the job to be completed at home. All work performed for the City will be performed on the job in the employee's designated work area.
- D. There will be no job-related voluntary work performed by an employee on behalf of the City.
- E. If an employee is assigned to attend a training or educational seminar, he/she will be paid for travel time, to and from the seminar, if not during the regular workday, as well as pay for a regular workday during the seminar. Overtime pay will be paid only if time exceeds the regular 40- hour workweek. Records for time spent in this situation shall be maintained and recorded as a part of the official payroll records.
- F. Federal Withholding and Social Security are deducted from paychecks in accordance with law along with mandatory pension contributions and any voluntary supplemental policy deductions as requested by the employee.
- G. Checks are distributed weekly and bi-weekly on Friday. Errors in an employee's check should be reported to his supervisor immediately. The supervisor shall research the issue and forward the matter to the Finance Department.
- H. Should an employee voluntarily terminate his/her employment, the final paycheck will be issued on the next regular payday with deductions for any City related indebtedness. In the event an employee is discharged, the Department Head shall notify the Human Resource Department that the employee is being discharged and the final check shall be issued as soon as practical.
- I. Time sheets shall be retained by City Hall in accordance with applicable state retention periods.

## **SECTION 18 - EMPLOYEE PERFORMANCE EVALUATION**

### **18.01 POLICY**

- A. **PURPOSE:** The primary purpose of the employee performance evaluation shall be to inform employees of the quality of their work and to communicate areas needing improvement. The performance evaluation may also be used in determining salary increases (rounded to single decimal to nearest 10<sup>th</sup>); as a factor in determining order of lay-off; as a basis for training, promotion, demotion, transfer or dismissal; and for such other purposes as set forth in these regulations.
- B. **EVALUATION SCHEDULE:** Employees, except those in temporary status, shall be evaluated/rated by the immediate supervisor prior to completion of six (6) months of service and annually on their hire date thereafter. This means that, in the first year, the employee will receive an initial evaluation at 6 months and an annual evaluation at the first anniversary date with annual reviews from that point forward.
- C. **CHANGE OF CLASSIFICATION/CHANGE OF RATER EVALUATIONS:** Changes in position classifications (i.e. promotions, demotions, etc.) and supervisory personnel (raters) will not change the date of the annual evaluation. Prior to the date of promotion/reclassification/change of rater, the immediate supervisor will complete a reclassification/change of status/change of rater evaluation up to the point of reclassification/status or supervisory change. The immediate supervisor will later complete the regular annual review on the anniversary date applicable only to the period the employee performed in his or her new classification/position/status. In the event a rater becomes unavailable to complete the evaluation process, the current immediate supervisor will document the applicable dates on the next annual evaluation, providing review of only the period of time in which the employee served under his supervision.
- D. **INITIAL PERFORMANCE SESSION:** Within the first two (2) weeks of an employee's assignment to a new position, the supervisor shall meet with the employee and review the relevant job description, the performance evaluation form and rating criteria.
- E. **CONTINUOUS FEEDBACK ACTIVITIES:** Performance evaluation is a continuous process with the formal evaluation being a summation of on-going feedback, training and discipline. A supervisor shall address performance problems as they occur and not wait until the end of the evaluation period. An employee should not receive feedback on an issue for the very first time on the annual evaluation. Ongoing issues should be addressed through progressive guidance, counseling and discipline as applicable.
- F. **PERFORMANCE EVALUATIONS:** The immediate supervisor shall complete a final probationary performance evaluation at least two (2) weeks before the completion of the probationary period to determine whether or not the employee

should be retained.

- i. An employee must attain an overall evaluation of “Meets Standards” or above to be granted regular status.
- ii. If an employee has not met standards or failed to exhibit the necessary job skills, an extension of one-half of the original probationary period may be granted.
- iii. A written request for an extension must be submitted by the immediate supervisor and approved by the Department Head and City Manager two (2) weeks prior to the expiration of the probationary period.
- iv. At the conclusion of the extension, an employee’s overall performance score must meet standards, or the employee shall be terminated

- G. **RATING SCALE:** Employee performance forms must be approved by the City Manager and should reflect current best practices with regard to professional development and evaluation standards within the governmental industry. Employee performance will be rated and scored on the approved evaluation form as follows:

Superior	5	Points
Always Exceeds Standards	4	Points
Sometimes Exceeds Standards	3	Points
Meets Standards	2	Points
Needs Improvement	1	Point

- H. **EMPLOYEE PERFORMANCE COUNSELING AND FOLLOW-ON ACTIONS:** The performance counseling session should involve a professional and constructive discussion of the employee’s performance, covering both strengths and weaknesses while encouraging employee feedback to reach performance goals for the next evaluation period. The report of performance shall be discussed directly with the employee. If an employee disagrees with any statement in the evaluation, he may submit, within ten (10) days following the conference with his supervisor, a written statement, which shall be attached to the evaluation form and forwarded to the City Manager for review and signature. The employee must sign an acknowledgment of the evaluation. Refusal to sign the evaluation to acknowledge receipt is subject to disciplinary action.

- i. A copy of all documents related to the evaluation will be given to the employee and retained in the applicable department until a signed copy is returned from the City Manager’s office.



- ii. If a Personnel Action Form is required, the Department Head or his designee shall complete the appropriate paperwork and forward it with the evaluation documents to the City Manager.
- iii. The City Manager will review and sign all performance evaluations and forward the forms and attachments to Human Resources for inclusion in the employee's permanent file. The City Manager will forward all Personnel Action Forms to the Finance Department for processing. The Finance Department will submit the forms to Human Resources upon conclusion of processing.

## **SECTION 19 - COMPENSATION PLAN**

### **19.01 COMPOSITION OF THE PLAN**

The Compensation Plan shall include:

- A. A basic table of pay grades;
- B. The schedule of pay grades for each title in the classification plan consisting of minimum and maximum rates of pay. Each employee shall be paid within the rates set forth in the pay plan for the class of position in which he is employed.

### **19.02 DEVELOPMENT AND MAINTENANCE OF SALARY GRADES**

Salary grades shall be linked directly to the position classification plan and shall be determined with due regard to the following considerations:

- A. Grades of pay for other classes.
- B. Relative difficulty and responsibility of positions in the grade.
- C. Availability of employees in particular occupational categories, i.e., supply and demand.
- D. Cost of living factors; the financial policies of the City Council; and other economic conditions. When cost of living increases are implemented the minimum and maximum in each pay grade will be adjusted according to the amount approved.

The minimum to maximum of each salary grade shall be those rates in the basic salary schedule which most nearly reflect these conditions and factors.

### **19.03 SALARY GRADES**

The salary grades are intended to furnish administrative flexibility in recognizing individual differences between positions, in providing the employees with incentive in rewarding employees for meritorious service and longevity, and in meeting emergency conditions requiring pay adjustments. Prior to the preparation of each annual budget, and at other times as may be necessary, the City Manager shall make or cause to have made such comparative studies as he deems to be necessary relative to the factors affecting the level of salary ranges.

- A. Pay grades shall be linked directly to the position classification plan and shall be determined according to:
  - i. Pay grades for other classes;
  - ii. Relative difficulty and responsibility of positions in the grade;
  - iii. Availability of employees in particular occupational categories;
  - iv. Cost of living factors;
  - v. Financial policies of the City Council; and
  - vi. Other economic conditions.
- B. When cost of living increases are implemented the minimum and maximum rate in each pay grade will be adjusted according to the amount approved.
- C. When an employee reaches the maximum in their pay grade and their annual performance appraisal warrants an increase, the employee may receive the increase in a lump sum payment. The supervisor or City Manager may, as the situation dictates, institute a reclassification or may promote the employee to a higher position, as appropriate.

#### **19.04 ENTRANCE AT THE MINIMUM**

Normally the minimum rate of pay for the class will be paid to a qualified person on his original appointment to a position. However, the Department Head may request employment at a higher rate in the pay grade due to experience. Approval from the City Manager is required. The maximum allowable entry rate shall be no higher than 15% above the minimum in the pay grade.

#### **19.05 PAY RATES IN TRANSFER OR PROMOTION**

- A. If the employee is promoted to a class of a higher pay grade, he should be placed in the new pay grade with an increase of five (5) percent or the minimum of the new grade whichever is higher.
- B. If an employee is transferred to a position in the same pay grade, the employee should receive no salary increase at the time of the change, and the employee's hire date will remain unchanged.
- C. If an employee is promoted, demoted or transferred, he shall be placed in a probationary status of six (6) months. If employee is voluntarily demoted or transferred, there will be no probationary period.

## **SECTION 20 - HOLIDAYS**

### **20.01 DAYS OBSERVED**

- A. The City Manager will annually determine the twelve (12) day Holiday Schedule prior to the beginning of each fiscal year. These days will be granted with pay to all eligible employees regularly scheduled to work on such days, provided that an employee may be required to work on a holiday, if necessary to maintain essential services to the public.
- B. When a holiday falls on Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday. For those employees working a rotating shift, the actual holiday is considered as the day observed.
- C. The observed holidays are:
  - 1. Martin Luther King, Jr. Day
  - 2. Veteran's Day
  - 3. Thanksgiving (4<sup>th</sup> Thursday)
  - 4. Day after Thanksgiving
  - 5. Christmas Day
  - 6. Day before/after Christmas Day
  - 7. New Year's Day
  - 8. President's Day
  - 9. Good Friday
  - 10. Memorial Day
  - 11. Independence Day
  - 12. Labor Day (1<sup>st</sup> Monday)
- D. The City Manager will determine when any department or operation will be opened for business on a holiday.

### **20.02 HOLIDAY PAY**

- A. All full-time permanent employees will receive compensation for the entire period of their standard scheduled shift for each of the holidays observed, except those covered by a CBA. For example, if the standard scheduled employee shift is 12 hours, the employee will receive 12 hours compensation for the observed holiday not worked. If the standard scheduled employee shift is 4 hours, the employee will receive 4 hours compensation for the observed holiday not worked. All holidays must be taken as time off or as paid time within thirty (30) calendar days.
- B. If the actual holiday falls on an employee's on duty day, he shall be compensated

at the rate of one and a half (1 ½) his regular rate of pay for all hours worked in addition to his holiday pay.

**20.03 ELIGIBILITY FOR HOLIDAY PAY**

- A. In order to receive holiday pay, the employee must have worked the scheduled shifts immediately before and after the holiday unless on pre-approved paid leave.
- B. When the employee is scheduled to work on a holiday, and his absence is not excused, the employee will not receive holiday pay.

**20.04 ABSENCE DUE TO SICKNESS**

An employee scheduled to work a holiday who fails to work because of sickness or injury shall not receive holiday pay.

**20.05 HOLIDAY ON A LEAVE PAY**

- A. Employees on a scheduled vacation who meet the eligibility requirements for holiday pay will be paid for their regularly scheduled hours for the holiday(s) that fall within their vacation leave period.
- B. Otherwise, if a holiday falls during a leave of absence without pay, the employee shall not receive holiday pay.
- C. All overtime holiday work must have the prior approval of the Department Head.

## **SECTION 21 - ANNUAL LEAVE (VACATION)**

### **21.01 ELIGIBILITY AND RATE OF EARNING**

- A. The following chart illustrates the rate of accrual of annual leave, based on years of service.

Year	Hours Accrued Per Year	Hours Accrued Per Week	Year	Hours Accrued Per Year	Hours Accrued Per Week
1 <sup>st</sup>	80	1.54	11 <sup>th</sup>	128	2.47
2 <sup>nd</sup>	80	1.54	12 <sup>th</sup>	128	2.47
3 <sup>rd</sup>	80	1.54	13 <sup>th</sup>	136	2.62
4 <sup>th</sup>	96	1.85	14 <sup>th</sup>	136	2.62
5 <sup>th</sup>	96	1.85	15 <sup>th</sup>	144	2.77
6 <sup>th</sup>	104	2.00	16 <sup>th</sup>	144	2.77
7 <sup>th</sup>	112	2.16	17 <sup>th</sup>	152	2.93
8 <sup>th</sup>	120	2.31	18 <sup>th</sup>	152	2.93
9 <sup>th</sup>	120	2.31	19 <sup>th</sup>	152	2.93
10 <sup>th</sup>	120	2.31	20 <sup>th</sup>	160	3.08

- B. Annual leave credits are accrued monthly on the basis of the schedule in Paragraph A, calculated from the first day of employment. The maximum number of annual leave hours to accrue shall be two hundred and eighty-eight (288) hours. Accrued annual leave in excess of two hundred and eighty-eight (288) hours shall be set back to the maximum of two hundred and eighty-eight (288) hours on January 1<sup>st</sup> of each year.

### **21.02 CHARGING LEAVE**

- A. Annual leave taken shall be recorded and charged in hours.
- B. Holidays which occur during the period selected by the employee for annual leave shall not be charged against such annual leave.
- C. For purposes of determining overtime payments, authorized vacation hours shall not be counted as time worked.

### **21.03 REQUEST FOR LEAVE**

- A. Annual leave may be taken only after approval by the appropriate Department Head. The request for annual leave shall be submitted to the Department Head at least 24 hours in advance of the requested time off. Exceptions to the 24-hour rule may be approved by the Department Head on a case-by-case basis.
- B. Employees shall be encouraged to take their annual leave during the same year.

Employees are encouraged to take their vacation in a minimum of five (5) day increments. Department Heads may approve leave in less than five day increments provided such leave does not interfere with the operation of the unit.

- C. Annual leave may be used only as accrued. In emergency or hardship situations, the City Manager may approve an employee's taking leave in advance of having accrued such leave.
- D. Except in extreme cases, it is not contemplated that vacation leaves will necessitate the use of relief employees. Department Heads will arrange vacation schedules and reallocate duties on such a basis as to cause minimum interference with the normal functions and operations of the department. Only after this has been done will a relief employee be necessary.
- E. To further ensure adequate shift coverage, employees should submit leave requests as early as possible in the calendar year.
- F. At the discretion of the Department Head, priority shall be given to those leave requests received first.

#### **21.04 USE**

- A. After completing six (6) months of continuous service, the employee shall be eligible to use accrued annual leave. Use of annual leave prior to the completion of six (6) months service requires the approval of the Department Head.
- B. Annual leave may be granted for the following scheduled purposes, including but not limited to:
  - i. Vacation;
  - ii. Absences for transacting personal business which cannot be conducted during off-duty hours.
  - iii. Religious holidays other than those designated by the City Council as official holidays.
  - iv. For uncovered portions of absences due to medical reasons once sick leave has been exhausted. Employees who become sick while on vacation may use sick time for such a period of illness but may be required to present a doctor's certificate if requested by the Department Head.
  - v. Any scheduled absences from work not covered by other types of leave provisions established by the policies and procedures.

## **21.05 ACCRUAL AND PAYMENT**

- A. An employee may carry over annual leave from one vacation year to the next only as shown in Paragraph 21.01B.
  - i. Employees shall not be paid for accrued annual leave in lieu of taking such leave, except in the case of separation from City employment.

An employee who has reached the maximum carry over vacation time and who is unable to take vacation before the end of the calendar year due to a request from the City, may take leave within thirty (30) days after the end of the calendar year, with the City Manager's approval.

- B. For determining overtime payments, annual leave shall not be counted as time worked.
- C. Holidays falling during an employee's annual leave shall not be charged against annual leave.

## **21.06 PAYMENT FOR UNUSED ANNUAL LEAVE**

- A. Employees who resign voluntarily or quit with notice shall receive pay for all accrued vacation time.
- B. Employees who have less than six (6) months of continuous employment are not entitled to payment for annual leave upon separation.
- C. In the event of an employee's death all accrued annual leave accrued while in the service of the City shall be paid to the spouse or estate of the employee.
- D. For annual leave purposes, reinstated employees are considered new employees.
- E. Employees placed on lay-off status will receive pay for all annual leave accrued up to the date of the layoff.
- F. Employees who are terminated for cause shall forfeit all accrued unused leave.

## **21.07 RECORDING LEAVE**

The official record of annual and sick leave credits is maintained in the Finance Department. Each department shall receive an accounting of all leave accrued, used, and total remaining balance upon request.



## **SECTION 22 - SICK LEAVE**

### **22.01 ELIGIBILITY AND RATE OF EARNING**

- A. Each permanent full-time employee will earn sick leave credits on the basis of 1.85 hours per pay period, calculated from the first day of employment.
- B. Sick leave is earned and may be taken during the employee's probationary period per approval of Department Head. However, in the event the employee resigns or is otherwise terminated before the end of the probationary period, no accrued time will be paid.
- C. Frequent claiming of benefits under this rule will constitute grounds for the assumption by the Department Head that the physical condition of the employee is below the standard necessary for the proper performance of duties. Evidence of malingering or the abuse of this benefit will constitute grounds for prompt dismissal or disciplinary action by the City Manager.

### **22.02 CHARGING LEAVE**

- A. Sick leave shall be accurately recorded.
- B. Should holidays occur during sick leave, the holidays shall not be chargeable to sick leave.

### **22.03 REQUEST FOR LEAVE**

- A. To receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor or department head prior to or as soon as possible after the time set for beginning the daily duties.
- B. It is the policy of the City to require a physician's release for an employee to return to work after having sustained an off-the-job injury; after undergoing surgery; to return from sick leave of absence or other illness in excess of six (6) weeks, with or without pay. However, a Department Head or supervisor may require a medical release at any time he/she feels that an employee's physical or emotional well-being may be endangered.
- C. The employee's Department Head, or supervisor may require proof of illness or disability for any compensated sick leave as a condition of an employee being allowed to return to work.

#### **22.04 USE**

- A. Sick Leave may be granted for the following purposes:
  - i. Personal injury, pregnancy or other illness not connected with work.
  - ii. Medical, dental, optical or chiropractic examination or treatment.
  - iii. Exposure to a contagious disease which would endanger others, as determined by a physician.
  - iv. Illness of a member of the employee's household which requires the personal care and attention of the employee. In this case, not more than two days sick leave will be granted per occurrence, unless it is an FMLA qualified event. Continued absence will be charged to annual leave or leave without pay.
- B. Use of sick leave for any purpose not specified above shall be considered misconduct and shall be grounds for disciplinary action, up to and including termination for cause.

#### **22.05 ACCRUAL**

- A. Regular General Employees shall earn up to (96) hours of sick leave with pay in one (1) calendar year, on the basis of (8) hours of sick leave with pay earned for each calendar month employed. (approximately 1.85 hours per pay period.)
- B. An employee may accumulate up to 800 hours of sick leave in their account. Hours in excess of 800 hours will not accrue, and employees will not be compensated for any hours over 800.
- C. An employee who does not utilize sick leave within any six (6) month period of service, shall receive eight (8) additional vacation leave hours to be added to his/her vacation leave for the following year. This additional vacation leave shall not be calculated in the vacation leave maximums.
- D. Sick leave is earned and may be taken during the employee's probationary period with approval of the Department Head. However, in the event the employee resigns or is otherwise terminated before the end of the probationary period, no accrued time will be paid.

#### **22.06 PAYMENT – UNUSED SICK LEAVE**

Upon retirement or separation of employment, an employee in good standing (eligible for re-hire) will be entitled to be paid a portion of their accumulated sick leave based upon eight (8) hours of compensation for each thirty-two (32) hours of sick leave accrued. The maximum number of hours paid will be two hundred (200).

## **22.07 GENERAL PROVISIONS**

The responsibility for determining that an employee is entitled to sick leave rests initially with the supervisor. The supervisor shall make periodic checks to ensure that sick leave time is being used properly, and home checks may be made for those employees who use sick leave frequently. A notation shall be made of each check and retained for a period of twelve (12) months.

- A. The City will not tolerate abuse or misuse of sick leave.
- B. An employee who is unable to report to work because of injury or illness must notify his supervisor prior to the scheduled starting time and should refer to the Attendance section of this manual for specific requirements for calling in sick.
- C. For absences of more than three (3) consecutive days due to illness or injury not connected with employment, a certification from a health care provider must be submitted. The certification must state that the employee was under the provider's care or treatment for the days in question and that it is the provider's recommendation that the employee remain out of work.
- D. A health care provider's certification may also be required in other circumstances.
- E. The City reserves the right to require a release from the employee's health care provider before the employee returns to work.

## **SECTION 23 - SICK LEAVE BANK**

### **23.01 OBJECTIVE**

The Sick Leave Bank was established (with 16 initial qualifying members) to provide employees emergency sick leave for illness or injury beyond that available under provisions governing sick leave.

### **23.02 ELIGIBILITY**

Any full-time employee shall be eligible for voluntary participation in the Sick Leave Bank after one and a half (1½) years from the date of initial employment with the City of Williston, provided that such employee has accrued a minimum of one hundred twenty (120) sick leave hours. Open enrollment in the sick leave pool program will be accepted from September 15<sup>th</sup> through September 30<sup>th</sup> of each year, as long as the above requirements have been met, except new employees who can enroll at the time the above requirements are met. Employees must wait ninety (90) days after initial enrollment before being eligible to withdraw days from the Sick Leave Bank.

A notification letter will be sent to applicants informing them of their acceptance or rejection into the sick leave pool. Participating members will also be notified when they are no longer a member of the pool.

### **23.03 CONTRIBUTIONS**

During initial enrollment period, new participating members shall contribute forty (40) hours of sick leave during the enrollment period. All participating members shall contribute eight (8) hours each time the bank reaches twenty-five percent (25%) of the initial enrollment days. Said contributions shall be made one (1) month following the depletion occurrence, at which time members will be notified of the need for an additional day and be given the option to contribute eight (8) day immediately when a sick leave day is earned. The Sick Leave Bank Committee shall not grant days in excess of the balance of days in the bank. Sick leave days donated to the bank by an employee will not be returned to the employee except as provided for in this Section.

Should the membership in the bank fall below fifty percent (50%) of initial membership enrollment, the Sick Leave Bank shall be automatically dissolved. Such days remaining shall be equally proportioned to the remaining members, provided that no member may receive more than the days contributed.

The Business Office shall establish procedures for identifying and recording contributions to the pool and for complying with applicable governmental regulations and/or associated record keeping.

#### **23.04 WITHDRAWAL OF SICK LEAVE DAYS**

Any sick leave days withdrawn from the bank by a participating employee must be used for said employee's personal illness, accident, or injury. The employee must make application to the Sick Leave Bank in order to receive sick leave benefits.

No employee shall be eligible to draw more than two hundred forty (240) days from the bank for any one illness, injury or complications thereof. The number of hours will be equal to the hours that make up an employee's workday. Fragmentary sick leave days in excess of sick leave will not be honored by the Sick Leave Bank Committee unless the request is for the same illness, accident or injury. After an employee's accumulated sick leave has been exhausted and any special leave also has been exhausted; the employee will be eligible to draw from the bank only for approved absences of eighty (80) continuous scheduled hours.

Any employee withdrawing sick leave days from the bank shall not be required to replace those days except as a regular contributing member of the pool.

A participating employee who chooses to no longer participate in the Sick Leave Bank shall not be eligible to withdraw any sick leave already contributed to the bank.

All requests for withdrawal of days from the Sick Leave Bank shall be addressed to the Sick Leave Bank Committee on an official form provided for this purpose. The decision of the committee shall be final.

#### **23.05 SICK LEAVE COMMITTEE**

- A. The Sick Leave Bank Committee shall consist of three (3) members. The employees shall elect these three (3) members; one each from the Police Department, Utility Department and the Business Office. The members shall be elected to two (2) year terms. Members can be re-elected at the end of their term. Vacancies on the Sick Leave Bank Committee shall be elected by the department for whom the vacancy exists. Term of office runs from July 1<sup>st</sup> to June 30<sup>th</sup>.
- B. The Sick Leave Bank Committee shall be required to meet at least once per year prior to the expiration of the terms of office to compile an update to the members as to balance remaining, upcoming election of Committee Members and any issues that may impact the Sick Leave Bank.
- C. The Sick Leave Bank Committee, by majority vote, shall determine the Rules and Procedures of the Sick Leave Bank and shall have the authority to amend them when necessary.
- D. The Sick Leave Bank Committee shall review all withdrawal applications. It will approve or deny each request.
- E. The Sick Leave Bank Committee shall not grant days in excess of the balance of hours in the bank.

- F. Denials will be fully explained in writing.
- G. A minimum of two (2) committee members' signatures will be required for all approvals or denials.
- H. The Sick Leave Bank Committee shall assist the Human Resources Director in any investigation of alleged abuse of this Sick Leave Bank. Any finding or wrongdoing shall result in the employee being required to repay all sick leave credits from the bank. Refusal on the part of the employee to repay said credit shall be grounds for termination. Other appropriate disciplinary action may be recommended by the Committee if the employee provides repayment to the pool.

## **SECTION 24 - LEAVES OF ABSENCE**

### **24.01 CONFERENCE LEAVE**

All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization. When deemed in the best interest of the City, an employee may be granted leave with pay to attend professional and technical institutes, conferences, or other such meetings that may contribute to the effectiveness of the employee's service to the City. All such leave travel expenses will be recommended by the Department Head subject to the approval of the City Manager.

### **24.02 MILITARY LEAVE**

- A. In accordance with Florida State Statute 115.07, all City employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or members of the National Guard are entitled to leaves of absence without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations.
- B. Such leaves of absence may not exceed 240 working hours in any one annual period.
  - i. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and shall be granted without loss of time or performance rating.
  - ii. The annual period to be used in the computation of National Guard and Reservist Annual Training is the same as the City's fiscal year, October 1 to September 30.
- C. When an employee's assigned employment duty conflicts with ordered active or inactive duty training, the City shall provide a substitute employee, if necessary, for the assumption of such employment duty while the employee is on military leave.

### **24.03 VOTING LEAVE**

During a Primary or General Election, an employee who is registered to vote whose hours of work do not allow sufficient time for voting, shall be allowed the necessary time off with pay for this purpose. When the polls are open two hours before or two hours after the regularly scheduled work period, it will be considered sufficient time for voting.

#### **24.04 LEAVE WITHOUT PAY**

- A. The decision to grant a leave without pay (leave of absence) is a matter of management discretion. It shall be incumbent upon each Department Head to weight and determine each case on its own merits. In each case the City shall make a reasonable effort to return the employee to his or her former position or a similar position of the same classification in another department. If no opening exists, the employee shall be placed on a lay-off status.
- i. Department Heads must submit the necessary forms placing employees on a leave of absence for any period of leave without pay which extends thirty (30) consecutive days or longer. The leave of absence will be effective beginning with the first day of absence. Leave without pay includes excused absences without pay.
  - ii. Leave without pay for thirty (30) days or longer will result in a corresponding adjustment of classification dates.
  - iii. An employee granted a leave of absence must keep the department informed every three (3) months of his/her current activity (school, medical, military, etc.). In addition, the employee must keep the department advised on his/her current address at all times.
  - iv. An employee who attains either part time or full-time employment elsewhere while on an authorized leave of absence is required to notify his/her department in writing within three (3) days of accepting such employment.
  - v. Failure to comply with all of the above items will result in the employee being dropped from leave of absence status, in which case he/she must return to duty or be dismissed.
  - vi. Any employee granted a leave of absence shall contact his/her Department Head at least two (2) weeks prior to the expiration of the approved leave in order to facilitate the reinstatement process.
  - vii. Failure to return to work at the expiration of the approved leave shall be considered as absent without permission and grounds for dismissal.
  - viii. No sick leave or annual leave will be earned by an employee for the time that the employee is on leave without pay.
- B. Retirement credit may be maintained only if allowed by the pension plan in operation, provided the employee pays the full share of the premiums.
- C. Group Life and Hospitalization Insurance coverage may be continued for a



maximum period of six (6) months while on authorized leave of absence, provided premium payments are kept current by the employee. In case of leave of absences for illness, the maximum period shall be twelve (12) months during which period both group life and hospitalization may be continued.

- i. A maximum delinquency period of two (2) months will be enforced for payment of premiums. If a monthly premium is delinquent and payment is not made by cash or payroll deduction from the next applicable pay period, coverage will be cancelled as of the beginning of the delinquent period.
- ii. Where the employee will be out of town during an approved leave exceeding thirty (30) days, payment arrangements must be made in advance so that premiums are kept current.
- iii. If any coverage is cancelled during an approved leave of absence, it will be reinstated upon return to active duty without observing the waiting period prescribed for new employees, subject to meeting the qualifying event eligibility requirements as prescribed by the group insurance provider.

#### **24.05 ADMINISTRATIVE LEAVE**

- A. When an employee is removed from work or duty at the direction of the Department Head or City Manager, such employee may be granted paid time off from work without loss of other paid leave or may be placed on unpaid leave, at the discretion of the Department Head with City Manager approval.
- B. Per disciplinary policy, the Department Head may suspend employees temporarily with pay to the next regular City workday, if the Department Head deems it is operationally necessary. The Department Head shall immediately consult with the City Manager, and together they will decide whether to continue the temporary suspension with or without pay.

#### **24.06 QUALIFYING EXIGENCY LEAVE**

- A. The FMLA provides that eligible employees are entitled to a total of twelve (12) work weeks of job-protected leave during any 12-month period for “qualifying exigencies” that arise when the employee’s spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty. Covered active duty means:
  - i. for members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country, including deployment to international waters;
  - ii. for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country, including deployment to international

waters, under a call or order to active duty in support of a contingency operation.

- B. An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:
- i. To address any issue that arises from the fact that the military member is notified of an impending call or order to covered active duty seven (7) or less calendar days prior to the date of deployment, in which case leave can be used for a period of seven (7) calendar days beginning on the date the military member is notified of an impending call or order to covered active duty;
  - ii. To attend any official ceremony, program, or event sponsored by the military;
  - iii. To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross;
  - iv. For childcare and school activities or meetings when the military member is the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave;
  - v. To arrange for alternative childcare for a child of the military member;
  - vi. To provide childcare for a child of the military member on an urgent, immediate need basis but not on a routine, regular, or everyday basis;
  - vii. To enroll in or transfer to a new school or day care facility a child of the military member;
  - viii. To make or update financial or legal arrangements to address the military member's absence;
  - ix. To act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits;
  - x. To attend counseling provided by someone other than a health care provider for oneself, for the military member, or for the child of the military member;
  - xi. To spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment, in which case leave taken for this purpose can be used for a period of fifteen (15) calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave;

- xii. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the military member's covered active duty status;
  - xiii. To address issues that arise from the death of the military member while on covered active duty status;
  - xiv. To arrange for alternative care for a parent of the military member when the parent is incapable of self-care
  - xv. To provide care for a parent of the military member on an urgent, immediate need basis but not on a routine, regular, or everyday basis when the parent is incapable of self-care;
  - xvi. To admit to or transfer to a care facility a parent of the military member;
  - xvii. To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due but not for routine or regular meetings;
  - xviii. To address other events that arise out of the military member's covered active duty or call to covered active duty status provided that the City and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.
- C. An employee must provide notice of the need for qualifying exigency leave as soon as practicable.
- D. An employee does not need to specifically assert his rights under FMLA, or even mention FMLA, when providing notice, but the employee must provide sufficient information to make the City aware of the need for FMLA leave and the anticipated timing and duration of the leave.
- E. The first time that an employee requests qualifying exigency leave, the City may require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.
- F. In addition, each time that an employee first requests leave for one of the qualifying exigencies, the City may require certification of the exigency necessitating leave. Such certification should include:

- i. Appropriate facts supporting the need for leave, including any available written documentation supporting the request;
  - ii. The date on which the qualifying exigency commenced or will commence and the end date;
  - iii. Where leave will be needed on an intermittent basis, the frequency and duration of the qualifying exigency; and
  - iv. Appropriate contact information if the exigency involves meeting with a third-party.
- G. An employee must provide the requested certification to the City within fifteen (15) calendar days after the City's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.
  - H. If the qualifying exigency involves a meeting with a third party, the City may verify the schedule and purpose of the meeting with the third party. Additionally, the City may contact the appropriate unit of the Department of Defense to confirm that the covered military member is on active duty or call to active duty status.
  - I. The City shall not require second or third opinions on qualifying exigency certifications nor shall the City require recertification for such leave.
  - J. As with other forms of FMLA leave, qualifying exigency leave may be taken on an intermittent or reduced leave schedule basis.

#### **24.07 MILITARY CAREGIVER LEAVE**

- A. The FMLA provides that eligible employees are entitled to twenty-six (26) work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin.
- B. FMLA defines "next of kin" as the service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. The regulations provide that all family members sharing the closest level of familial relationship to the covered service member shall be considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as his or her next of kin for military caregiver leave purposes.

- C. An employee must provide thirty (30) days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. When thirty (30) days advance notice is not possible, the employee must provide notice as soon as practicable.
- D. An employee does not need to specifically assert his or her rights under FMLA, or even mention FMLA, when providing notice. The employee must provide “sufficient information” to make the employer aware of the need for FMLA leave and the anticipated timing and duration of the leave.
- E. The “single 12-month period” begins on the first day the eligible employee takes military caregiver leave and ends twelve (12) months after that date, regardless of the method used by the City to determine the employee’s twelve (12) work weeks of leave entitlement for other FMLA-qualifying reasons.
- F. For military caregiver leave, a “serious injury or illness” is defined as an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating.
- G. When leave is taken to care for a covered service member with a serious injury or illness, the City may require an employee to obtain a certification completed by an authorized health care provider of the covered service member.
- H. An employee must provide any requested certification to the City within fifteen (15) calendar days after the City’s request, unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.
- I. The City may authenticate and clarify medical certifications submitted to support a request for military caregiver leave using the procedures applicable to FMLA leave taken to care for a family member with a serious health condition.
- J. The City shall not require second or third opinions on military caregiver leave nor shall the City require recertification for such leave.

#### **24.08 LEAVE FORMS**

Employees are required to request leave in writing or by electronic means. Forms are available in the Human Resources Department, but any written format is permissible at the discretion of the Department Head or supervisor.

## **SECTION 25 - FUNERAL LEAVE**

### **25.01 POLICY**

- A. All full-time permanent employees may be granted, upon approval of the Department Head, up to three (3) working days off with pay in the event of a death in their immediate family (see Section 2, Definition of Terms). Funeral leave shall not be construed as an automatic three days off but is limited to the time actually needed for the purpose.
- B. For relatives not considered immediate family by definition, the employee will be allowed time off with pay for the day of the funeral only.
- C. The employee may be required to provide the Department Head with verification before compensation is approved.
- D. If additional days off are necessary to attend the funeral of a member of the immediate family, annual leave may be used.

## **SECTION 26 - COURT LEAVE**

### **26.01 POLICY**

- A. Employees attending court as a witness on behalf of a public jurisdiction or for jury duty during their normal working hours shall receive full pay equal to their normal work schedule for the hours they attend court. This time shall be charged as leave with pay.
- B. All full-time employees subpoenaed to attend court during scheduled work hours are eligible for leave with pay. Those employees who become plaintiffs or defendants are not eligible for leave with pay, unless they become a plaintiff or defendant on behalf of the City.
- C. Non-law enforcement employees who attend court for only a portion of a regular scheduled workday are expected to report to their supervisor when excused or released by the court.
- D. For sworn police personnel, a minimum of three (3) hours call-back compensation shall apply to required off-duty appearances as a subpoenaed witness in federal, circuit, and/or municipal courts pending criminal, civil or traffic cases where the employee is involved as a witness in his official capacity, as the arresting officer or as an investigating officer.
- E. Employees required to attend court as stated above, while on scheduled vacation, may be allowed to take additional leave with pay for the Court Time.
- F. All fees, subpoena allowance, except travel pay, received by the employee shall be turned into the Finance Director, unless received on designated time off.

## **SECTION 27 - WORKER'S COMPENSATION**

### **27.01 POLICY**

- A. An employee with a medically established disability or physical limitation resulting from an injury or illness sustained directly in the performance of the employee's work shall be afforded benefits, as provided under the state Workers' Compensation Act.
- B. If incapacitated from his or her regular position, the employee may be given other duties for the period of recuperation as medically permissible. Unwillingness to accept such an assignment could make the employee ineligible for continued benefits.
- C. A physician selected by the City may be used to determine the physical ability of the employee to continue working or to return to work.
- D. After the first seven (7) calendar days the employee will receive a check from our Workers' Compensation Carrier in an amount equal to  $66\frac{2}{3}$  percent of their average weekly earnings. (Based on their earnings thirteen weeks prior to the accident.)
  - i. If the employee so desires, sick leave credits can be used to make up the difference of  $33\frac{1}{3}$  percent of the amount they would normally take home.
  - ii. The amount of sick leave credits needed will vary with each employee.
- E. When sick leave credits are exhausted annual leave may be used with written request from the employees.
- F. When all medical and annual leave benefits are exhausted the employee shall receive only the Workers' Compensation check. An employee who is off work due to an on-the-job injury shall earn sick and annual leave benefits as if the employee is on the job. However, he/she must have returned to work for a minimum of thirty (30) calendar days in order for the employee to be eligible to use or be paid for leave credits earned while out due to an on-the-job injury. Exception: When needed, leave credits may be used as earned while out on Workers' Compensation due to an on-the-job injury.
- G. The employee must not have been in violation of any laws, statutes, ordinances, City policies, safety rules and regulations and/or instructions by supervisors or as specified by relevant equipment manufacturers affecting the cause of the accident.
- H. At any time during the period of disability, any case may, upon request and with sufficient documentation, be reviewed by our Workers' Compensation Carrier and a physician, who shall recommend to the City whether the employee should be



retained, reduced to a lower classification or separated. Any employee so affected shall have the right to appeal.

- I. Should an employee be released by his physician for “light duty”, return to work shall depend on work being available and restrictions placed by the doctor on the light duty authorization.
- J. Written medical release to work must be presented to the Department Head, and a copy given to the Human Resources Department prior to returning to work from a lost time on-the-job injury.

## **SECTION 28 - FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)**

### **28.01 POLICY**

The Family and Medical Leave Act (FMLA) provides that eligible employees are entitled up to a maximum of twelve (12) weeks of paid or unpaid leave during a 12-month period of time for anyone, or more of the following reasons.

- A. The birth of a child, and to care for the newborn child. Time taken off work due to pregnancy complications can be counted against the twelve (12) weeks of family and medical leave. FMLA must be taken within twelve (12) months of the birth.
  - i. The placement with the employee of a child for adoption or foster care. FMLA must be taken within twelve (12) months of the adoption or placement of a child;
  - ii. The care of the employee's current spouse, son, daughter, or parent (whom the employee provides routine and regular care) due to a serious health condition;
  - iii. Due to the serious health condition of an employee that prevents them from being able to perform their duties;
  - iv. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or

Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

- B. Leave Entitlement – When both spouses are employed by the City, they are limited to a combined total of twelve (12) workweeks during a calendar year/fiscal year period of time if leave is taken for birth of a child or the placement of a child for adoption or foster care. FMLA need not always be taken in one continuous leave period. Leave may be taken "intermittently" or on a "reduced schedule" basis under certain circumstances. Intermittent leave is leave taken in separate blocks of time because of a single illness or injury rather than for one continuous period of time.
- C. Leave of Absence – A reduced schedule leave is one that reduces an employee's number of scheduled working hours per day or per week. Intermittent or reduced scheduled leave for a birth or placement of a child for adoption or foster care may be approved by the employee's Department Head, if staffing and workload permit. Intermittent or reduced scheduled leave to care for a qualifying sick family member or for an employee's own serious health condition will be approved, if the leave is

medically necessary. An employee who has a serious health condition and is unable to return to work after twelve (12) weeks of FMLA may be placed on a general medical leave.

D. Serious Health Condition – An illness, injury, impairment or physical or mental condition that involves either:

- i. Any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- ii. Continuing treatment by a health care provider which includes any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities because of:
  - a. A health condition (including treatment therefore, or recovery there from) lasting more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
    1. treatment two or more times by or under the supervision of a health care provider; or
    2. one treatment by a health care provider with a continuing regimen of treatment; or
  - b. Any period of incapacity related to pregnancy or prenatal care. A visit to the healthcare provider is not necessary for each absence; or
  - c. A chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (i.e. asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
  - d. A permanent long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
  - e. Any absence to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity for more than three (3) days if not treated (e.g., chemotherapy or radiation treatments for cancer).

E. Eligibility – An eligible employee is one who has been employed for at least twelve months, has worked at least one-thousand two-hundred and fifty (1,250) hours of

service during the twelve month period immediately preceding the date of the requested leave, and who expresses an intent to return to work after the leave.

- F. Approval – An employee desiring to take FMLA must give at least thirty (30) days advance notice prior to commencement of leave, if the need for leave is foreseeable. If the need for leave was not foreseeable, and/or thirty days is not possible, the employee must give as much notice as is possible under the circumstances. The employee should give at least verbal notification to the City within one or two business days after the need for leave becomes known. The City may delay the taking of FMLA until at least thirty days after the date that notice is provided except in extraordinary circumstances where such notice is not feasible. A written request for leave shall be submitted by the employee to the Human Resource Department. The request should set forth the reasons for the leave, the anticipated start and the duration of the leave. When planning medical treatment, the employee should consult with the health care provider and his/her supervisor, before scheduling treatment, in order to prevent undue disruption of department operations.
- G. Medical Certification – A health care provider’s certification will be required to support a request for leave. Second or third opinions may also be required at the City’s expense. It is the employee’s responsibility to return both the Medical Certification as well as the Leave of Absence Request form to Human Resources within fifteen (15) days of receipt of the form. A delay in the return of the required documents and certification may result in the leave being denied or postponed. Subsequent re-certifications may also be requested of the employee at periodic intervals which are no more often than every thirty days in order to update the leave record and justify the continuation of the leave. Failure to comply with the requests for re-certification may result in the leave being canceled. A fitness for duty or physician’s release to return to work will be required when the leave has been taken due to the serious health condition of the employee. An employee WILL NOT BE able to return to work without the proper documentation from the health care provider. Failure to submit a fitness for duty certification may result in the denial of restoration to employment following FMLA leave.
- H. Reinstatement – An employee should provide the City with periodic reports concerning intent to return to work. An employee should give the City at least two (2) weeks’ notice of intent to return to work earlier than anticipated. An eligible employee who returns from FMLA taken in accordance with this guideline will be reinstated to his/her former position, or to an equivalent position with equivalent pay, benefits and working conditions. Taking of FMLA leave does not entitle the employee to any lesser or greater right to be restored to his/her position, or an equivalent position than the right the employee otherwise would have had if FMLA had not been taken (e.g., during a reduction in force or organizational redesign).
- I. Key Employee – Reinstatement may not always be possible for certain salaried “key employees”. If the City Manager determines that reinstatement of a “key employee” would cause substantial and grievous economic injury to the operations of the City reinstatement may be denied. An employee requesting leave will

generally be notified at the time of request, of his/her status as a “key employee” and the potential consequences with respect to reinstatement following the leave. If such notice cannot be given immediately, because of the City’s need to determine whether the employee is a “key employee”, notice will be given as soon as practical after receipt of the leave request (or the commencement of leave, if earlier). If the City determines, after the leave has begun, that it will not be able to reinstate the “key employee” at the end of the leave, it will also notify the employee in writing and give the employee a reasonable time in which to return to work. If the “key employee” elects not to return to work, (if the leave has already begun) after receiving notification of the City’s intent to deny reinstatement, the employee’s eligibility for reinstatement will be governed by the guideline for reinstatement from general medical leave. In such a case, the “key employee’s” insurance coverage will continue in effect throughout the entire family and medical leave in accordance with the Benefits Continuation section of this policy.

- J. Benefits Continuation – An employee on an approved FMLA may continue group insurance coverage’s during the leave. If any portion of the leave is paid, (i.e. vacation), the premiums normally paid by the employee, while working, will be deducted from such pay:
- i. If the leave is unpaid, or paid benefit time is exhausted before completion of the leave, the medical, dental and other insurance premiums normally paid by the employee will be paid directly to the Human Resource Department during the unpaid leave period.
  - ii. Premiums are due on a monthly basis, in advance of the coverage period. An employee’s failure to pay his/her portion of the insurance premiums will result in termination of the coverage’s, after proper notice, at the end of the thirty days following commencement of the leave, or at the end of thirty days following the date premiums became due.
  - iii. An employee who fails to return to work, following a FMLA, for reasons other than health conditions or some other reason beyond the employee’s control, will be required to reimburse the City for premiums paid by the City to continue the employee’s insurance coverage during the unpaid portion of the leave.
  - iv. Employees may choose not to continue insurance coverage during leave. If an employee elects not to continue coverage, his/her coverage will be reinstated upon request by the employee and the employee’s return from leave, to the same coverage levels that were in effect prior to the leave. The employee’s coverage will be reinstated the first of the following month without any waiting period, evidence of insurability, or pre-existing condition exclusion.

## **SECTION 29 - CONTINUING EDUCATION**

The City's Continuing Education Policy is to assist full time career employees in furthering their education. A full-time career is an employee who is hired to work 2080 hours per year and has satisfactorily completed their probationary employment period.

### **29.01 MANAGEMENT APPROVAL**

To apply for benefits under this program, the employee must submit request for assistance in writing to his/her Department Head in sufficient time to allow for the approval process. The Department Head will determine if coursework is applicable to the employee's current position or a career position the employee can reasonably be expected to occupy. If employee's application receives a favorable decision by the Department Head, he or she must request final approval from the City Manager.

### **29.02 TUITION REIMBURSEMENT BENEFIT**

The maximum annual reimbursement will be \$2,500.00 for eligible employees. Reimbursement will be authorized after the employee submits a transcript indicating satisfactory completion of coursework. Satisfactory completion of coursework is defined as a course grade of "C" or better. On a Pass/Fail scale, a Pass must be attained. Any request for reimbursement received 60 days after completion of course will not be paid. The City will not reimburse tuition costs which have been paid or advanced to the employee from other sources such as scholarships, grants or other subsidies. In the event of a partial scholarship or grant, reimbursement for tuition costs will be based on the actual expense to the employee. The course work must take place after the employee's hire date. No employee will be reimbursed for course work completed prior to his or her hire date under this benefit. Reimbursement will be tabulated from paid receipts submitted at time of reimbursement request.

### **29.03 TYPES OF COURSES APPROVED**

All courses must be taken at an accredited educational institution. The following types of courses are eligible for reimbursement provided they are related to the employee's present position or one he/she could reasonably be expected to obtain:

- A. Accredited undergraduate and graduate level courses
- B. All required courses for a degree program
- C. Certificate Courses
- D. Courses or study programs resulting in a high school diploma

#### **29.04 REIMBURSABLE EXPENSES**

Tuition expense up to a maximum of \$2,500.00 per year.

#### **29.05 NON-REIMBURSABLE ITEMS**

- A. Parking Fees
- B. Travel
- C. Meals
- D. Late Registration Fees
- E. Physical Exams for Admission
- F. General Supplies
- G. Study Aids
- H. Other Optional Charges
- I. Facility Fees
- J. Deferred Payment Fees
- K. Sports Fees

#### **29.06 EMPLOYEE TUITION REIMBURSEMENT AGREEMENT**

Qualified employees must enter into an employment agreement to be eligible for City of Williston Continuing Education Reimbursement. For college undergraduate and degree level courses, employee must be willing to sign an agreement obligating themselves to one (1) month employment for each semester hour of reimbursable expense. For courses leading to a Certificate or program resulting in a high school diploma, the obligation would be one (1) month employment for each month or part of a month required to receive certificate or high school diploma.

Time spent in classroom is not subject to compensation.

## **SECTION 30 - EMPLOYEES RECOGNITION PROGRAMS**

### **30.01 PLAQUES**

- A. Eligibility – Plaques shall be presented to employees upon retirement or as recognition for an act of courage. For the purpose of this section, a Councilor is considered a City employee.
- B. Funding – Each Department shall fund the purchase of plaques for its employees below the position of Department Head. The funding and purchasing of plaques for Department Heads and Councilors shall be done by the City Manager's office.
- C. Presentations – Plaques will be presented at Council meetings or at special events by the Department Head, City Manager or Designee.
- D. Media Coverage – City Manager or designee shall inform local news, and fraternal and civic organizations of the award presentation to ensure proper coverage and recognition of awardees.

### **30.02 CERTIFICATES, LETTERS OF COMMENDATION AND LETTERS OF APPRECIATION**

- A. Eligibility – Certificates of Commendation, Letters of Commendation and Letters of Appreciation shall be presented to employees as recognition for exceptional acts of performance.
- B. Ranking – The following are listed in an ascending order of importance:
  - i. Letters of Appreciation
  - ii. Letters of Commendation
  - iii. Certificates of Commendation
- C. Preparation – Each Department shall prepare its own letters or certificates for employees below the position of Department Head. Letters or certificates for Department Heads shall be prepared by the City Manager's office.
- D. Presentations – Unless requested otherwise by a Department Head, letters and certificates generated by Department Heads shall be presented at departmental level in front of as many departmental employees as possible. Letters and certificates generated by the City Manager shall be presented at the discretion of the City Manager and might include presentation at Council meetings or at special events.
- E. Endorsements – Letters of Commendation or Appreciation received from persons



not employed by the City of Williston shall be endorsed, as a minimum, by the employee's Department Head and the City Manager.

- F. Filing – Original letters or endorsements shall include the caption: “A copy of this letter shall be placed in your Personnel File”. Copies of letters and certificates shall be forwarded to the Human Resources Department for inclusion in the employee's file.

### **30.03 PARTIES**

City sanctioned parties will be at the direction of the Council or the City Manager.

Upon retirement with the City, \$30.00 per year of service will be used to determine the amount allowed for retirement party and gift.

### **30.04 SERVICE PINS AND SERVICE CERTIFICATES**

- A. Eligibility – Service Pins shall be awarded to employees for five-, ten-, fifteen- and twenty-years' service to the City.
- B. Funding – Each Department shall fund the purchase of the service pins.
- C. Preparation – The Human Resources Department or the City Manager's office shall prepare the Service Certificates.
- D. Presentations – Service Pins and Certificates shall be presented at Council meetings or at special events.
- E. Media Coverage – Presentations shall be announced to local news to ensure proper coverage and recognition of awardees.

## **SECTION 31 - OPTIONAL BENEFITS**

### **31.01 POLICY**

The City provides numerous benefits for its employees. Many are paid for and/or supplemented by the City.

The City also has made it possible for employees to purchase or invest in many other optional benefits, which are payroll deducted.

The optional benefits that are made available are priced at group rates which enable employees to take advantage of lower prices than can be obtained elsewhere.

Upon retirement an employee may elect to keep his/her life insurance policy. The employee would be responsible for the premiums on an annual basis, payable the 1<sup>st</sup> of October each year.

All employees are encouraged to visit the Human Resource Department for details regarding City provided benefits as well as the many optional programs that are available.

## **SECTION 32 - HEALTH INSURANCE**

### **32.01 PURPOSE**

To provide group health insurance coverage to eligible employees and their dependents.

### **32.02 PROCEDURE**

- A. Eligibility: Full-Time employees are eligible for health insurance benefits on the first of the month following the first thirty (30) days of employment. Employees changing status from a non-benefits eligible position to a benefits eligible position are eligible for benefit on the first of the month following the first thirty (30) days of benefits eligible employment. Employees have thirty (30) days after employment to enroll in order to be eligible for insurance coverage. Failure to enroll by this time will require the employee to wait until the next open enrollment period.
- B. Cost of Coverage: Premiums are based upon the current benefit plan year rates. The City covers the cost of premiums for employees.
- C. Change of Coverage:
  - i. Dependent Coverage - If the addition of a dependent is desired due to marriage or the birth or adoption of a child, application must be made within thirty (30) days of the qualifying event to the Human Resources Department. Afterwards, application for coverage cannot be processed until the next open enrollment period.
  - ii. Coverage While on Leave: - Coverage is provided while an employee is on certain approved leaves of absence as long as the employee arranges to make his monthly premium payments (if any) through the Human Resources Department.
  - iii. Terminating Employees - Consistent with COBRA regulations, terminating employees may continue their coverage for a period of up to 18 months provided that COBRA premiums are paid on a timely basis. In some cases, COBRA can be extended beyond the 18-month period (as allowed by law). COBRA information will be provided when an employee has a qualifying event.
  - iv. Length of Coverage – Coverage lasts through last month worked. COBRA information will be provided upon termination.
  - v. Retirement
    - a. An employee retiring from the City of Williston who is at least sixty-two (62) years old; and has worked for the City twenty-five (25) years, or more; and who at the time of retirement has been covered

under the City's health insurance plan for at least the past five (5) years, will be offered continued health insurance coverage (on the retiring employee only) under the City's group health plan until attaining age sixty-five (65), at no cost to the retiree.

- A. An employee retiring from the City of Williston who is at least sixty-two (62) years old who has worked for the City less than twenty-five (25) years; and who at the time of retirement has been covered under the City's health insurance plan for at least the past five (5) years, may purchase health insurance coverage on themselves under the City's group health plan until they attain age sixty-five (65).

## **SECTION 33 - PENSION (RETIREMENT PLAN)**

### **33.01 POLICY**

The City provides all full-time employees with a Pension Plan.

Employees also have an opportunity to voluntarily contribute to an optional retirement program that will increase their retirement benefits. This is accomplished on a pre-tax basis.

For information regarding these benefits, please contact the Human Resource Department.

## **SECTION 34 - EMPLOYEE ASSISTANCE PROGRAM (EAP)**

### **34.01 PURPOSE**

- A. The purpose of the Employee Assistance Program (EAP) is to provide confidential, professional assistance to help you and your family resolve problems that may affect your personal life or job performance.
- B. The EAP deals with almost any problem that can hamper your wellbeing, including marital and family problems, parenting issues, drug and alcohol problems, stress and emotional difficulties. In addition, it offers financial and legal assistance with initial consultations at no charge and further discounts beyond the first free consultation.
- C. The Employee Assistance Program is operated by an outside party which is a completely separate and confidential service.

### **34.02 ELIGIBILITY**

All full-time employees and their household family members.

Voluntary participation is encouraged. If a person thinks they have a problem, they call the EAP number and set up an appointment.

### **34.03 WHAT KIND OF PROBLEMS ARE COVERED?**

- |                        |                              |
|------------------------|------------------------------|
| A. Marital             | G. Drugs                     |
| B. Work Related Stress | H. Physical / Mental         |
| C. Financial           | I. Family                    |
| D. Legal Referral      | J. Dependent Care            |
| E. Alcohol             | K. Vocational                |
| F. Weight/Weight Loss  | L. Emotional / Psychological |

Also any other problems that may surface.

#### **34.04 CONFIDENTIALLY**

EAP is strictly confidential. Only the individual receiving services can authorize the release of information.

#### **34.05 MANDATORY REFERRAL**

Sometimes problems can be of such a magnitude that the supervisor or Department Head may recognize that they should recommend that the employee talk to the EAP personnel.

When this occurs, the employee will be referred to the EAP by the Human Resources Director who will provide the employee with the EAP phone number. Full cooperation and participation is required of the employee. Although the employee is expected to follow through with recommendations of the EAP, job performance remains the ultimate criteria for assessment.

The content of counseling sessions remains confidential. Only compliance with treatment schedules is reported.

#### **34.06 SHORT-TERM COUNSELING**

The implied objective of short-term counseling is the resolution of a problem within a brief period of time. As a result, short-term counseling is not appropriate for each client referred to EAP. In choosing between short or long-term counseling, the therapist will weigh the nature of the problem, as well as the client's desire and ability to work on resolving the problem. A decision is reached during the initial assessment as the counselor evaluates the client's treatment needs.

Once completed, the assessment, with recommendations for treatment, is discussed with the client. If the problem is long-term, every effort will be made to give the client the names of qualified providers in the community (who are approved by insurance) and referred for treatment. If the problem is short-term, a treatment plan will be established to reach mutually agreed upon goals. The actual number of sessions is driven by the treatment plan and is not predetermined. Therefore, both the services received, and the number of sessions delivered is based on the clinical needs of the client. There will be no charge to the client for short-term counseling visits provided by the EAP counselors.

#### **34.07 EAP 24-HOUR PHONE NUMBER**

The current provider has a free phone number that can be accessed 24 hours a day. It is posted throughout all of the City's departments.

## **SECTION 35 - EMPLOYEE SAFETY PROGRAM**

### **35.01 POLICY**

This program is designed to allow City employees to work together in an effort to reduce the number of accidents, equipment loss, and workmen's compensation claims. By working together, insurance claim losses can be kept as low as possible, and in turn employees are rewarded for their efforts.

It will be the responsibility of the Human Resources Department to review all accidents, equipment loss, and workmen's compensation claims. All claims will be classified as negligent or non-negligent. The HR Department findings will be sent to the Department Head and the employee. If either disagrees with the findings, they will request to meet with the Human Resources Department Designee to discuss the claim. Upon completion of this review, the recommendation will be forwarded to the City Manager for action.

### **35.02 ELIGIBILITY**

All permanent full and part-time employees are eligible provided they meet the criteria at the time and have been employed by the City for the past twelve months. It is the intent of management to also include sworn personnel.

### **35.03 CRITERIA**

Employees who have not had a negligent accident, negligent equipment loss or negligent workmen's compensation claim during the fiscal year will be eligible for the following awards:

- A. **Yearly Safety Awards:** This award consists of a \$50.00 stipend for field employees (field employee-primary duties are completed in the field or drive an assigned City vehicle), a \$25.00 stipend for other employees, and Safety Bonus time of 8 hours for full time employees and 4 hours for part-time employees regardless of scheduled hours, which must be used within the following 12 months or they will be lost. Safety bonus hours and monetary stipends will be awarded no later than the second payday in October. Employee recognitions for safety will be presented a luncheon or similar function as scheduled by the Human Resources Department and as soon as reasonably possible. (Example – A field employee with no negligent incidents from October 1<sup>st</sup> to September 30<sup>th</sup> each year will receive 8 safety bonus hours and a \$50.00 stipend as recorded in the payroll summary during the month of October and will receive a safety recognition certificate at an employee luncheon.)



- B. **Perfect Attendance Drawing:** This drawing is for eligible employees who have perfect attendance, excluding FMLA leave, accidents, equipment loss or any loss of time claims. The names of employees with perfect attendance, who will be eligible to be included in a drawing for a special door prize, will be announced at the luncheon or similar function.

#### **35.04 NOTE**

This program will be reviewed annually by the City Manager and will be subject to change.

#### **35.05 SAFETY GENERALLY**

- A. All Department Heads, Managers and Supervisors are to take all reasonable steps to ensure that City employees work in an environment free from hazards and dangerous conditions which they observe or which, with the exercise of reasonable diligence, they should have observed. They also are responsible to enforce all City, departmental, state, local and federal laws relating to safety applicable to their area of responsibility and to report to the City Manager any safety concern a reasonable person would or should consider significant.
- B. All employees are required to abide by all applicable City, departmental, state, local and federal safety laws and regulations applicable to their area of responsibility.
- C. All employees should report to their Department Head, and/or the City Manager any condition, equipment or practice they consider to be unsafe.
- D. Employees who are required to must wear safety equipment and clothing provided by the City. Failure to do so may justify immediate termination.

#### **35.06 OTHER SAFETY CONSIDERATIONS**

- A. Cell Phone Safety - Cell phone safety should be observed. You should know that: Mobile phones can ignite fuel or fumes. Mobile phones that light up when switched on or when they ring release enough energy to provide a spark for ignition. Mobile phones should not be used in filling stations, or when fueling lawn mowers, boat, etc. Mobile phones should not be used, or should be turned off, around other materials that generate flammable or explosive fumes or dust, i.e., solvents, chemicals, gases, grain dust, etc.
- B. Fueling Safety Four (4) Rules for Safety:
- i. Turn off engine

- ii. Don't smoke
- iii. Don't use your cell phone, leave it inside the vehicle or turned off
- iv. Don't reenter your vehicle during fueling and be aware that "static electricity" can cause fire at gas pumps.

## **SECTION 36 - RECORDS, REPORTS AND RETENTION**

### **36.01 RESPONSIBILITY**

The City Clerk's office is responsible for establishing and maintaining comprehensive personnel records for all employees.

### **36.02 RECORDS**

- A. All personnel records of employees covered under the Personnel Management System and all other records and materials relating to the administration of the Personnel Management System shall be considered the property of the City. The decision of the Human Resources Director relating to use, maintenance and disposition of such records and materials, and as to whether or not any information contained therein may be disclosed will be governed by State and Federal records law and shall be final.
- B. Human Resources will house and secure the primary official personnel records for all Departments of the City of Williston. These files will be legally recognized as the official records. Access to these files will be limited to authorize personnel only.
- C. Employees should be aware of the importance of keeping their personnel records current. This means immediately notifying their Department Head of any changes such as change of address (even if temporary), change of telephone number, change of beneficiary, number of dependents, divorce, marriage, or any other change not previously reported. This is the responsibility of the employee; failure to comply may result in loss of employee benefits.
- D. The Department Head shall be informed of any special training courses completed by an employee. Copies of diplomas or certificates shall become a permanent addition to the employee's personnel file.
- E. Department Heads shall forward all original (when possible) employment material, including, but not limited to: employment applications, background checks, medical reports, memorandums, training certificates, disciplinary measures, letters of accommodation, performance evaluations and payroll change forms to Human Resources for review, comment and approval, prior to inclusion in the official personnel records. Personnel file material is to be routed to the Human Resources Department in a sealed envelope, or other system that affords a degree of confidentiality. Copies of diplomas or certificates shall become a permanent addition to the employee's personnel file.
- F. Departments may maintain supplemental files; however, the Human Resources Department must be informed that supplemental records are being kept by the Department. At no time will departmental records substitute for the official

personnel file. Departments are encouraged not to maintain a personnel file, or any facsimile thereof, in their office.

- G. Employees shall keep their personnel records current, immediately notifying their Department Head of any changes of address, phone numbers, beneficiaries, dependents, marital status or any other relevant information. Failing to update personal information may result in loss of or delay in employee benefits.
- H. Employment applications and personnel records are public record and will be made available for public inspection, upon request, pursuant to Florida Statute 119. Exceptions can be found in FS 119.07. Release of medical records is covered by State and Federal laws. Job applicants and employees shall be advised of the public records inspection laws.
- I. Personnel records and employment applications (exempt material excluded) will be subject to inspection by any person in accordance with applicable state statute. Under Florida law, public record requests may be made anonymously.
  - i. Citizen requests to view personnel records shall be directed to the Human Resources Director, Williston City Hall, 50 NW Main Street, P.O. Drawer 160, Williston, FL 32696, or by calling or emailing the clerk's office.
  - ii. The reproduction, redaction and/or inspection of personnel records will be made under the supervision of the Human Resources Department.
  - iii. Responding to telephone requests, Human Resources personnel shall confirm when the individual wishes to review the records. Within a reasonable period of time, exempt material is to be removed and the requested records are to be made available for inspection.
  - iv. Responding to requests made in person, Human Resources personnel shall determine whether sufficient personnel are available immediately to oversee the inspection and/or copying or whether an appointment will be necessary at a later date or time to fulfill the request. Every effort will be made to make material ready (exempt material excluded) and available for inspection within a reasonable time.
  - v. Excluding internal use, copied material will be released after payment has been received. The statutorily established fee will be imposed.
  - vi. The Human Resources Department will inform the employee's department that his/her records are about to be or have been inspected, but in no case will an attempt to contact the affected employee or department delay review of said records.
- J. In accordance with state statute 943.134, when a law enforcement officer, correctional officer, correctional probation officer, or an agent thereof, is

conducting a background investigation of an applicant for employment or appointment as a law enforcement officer, correctional officer, or correctional probation officer, the City shall provide to the officer or agent conducting the background investigation employment information concerning the applicant. The investigating officer or his or her agent must present to the Records Custodian credentials demonstrating the investigating officer's employment with the employing agency and an authorization form for release of information which is designed and approved by the Criminal Justice Standards and Training Commission. The authorization form for release of information must:

- i. Be either the original authorization or a copy or facsimile of the original authorization;
- ii. Have been executed by the applicant no more than 1 year before the request;
- iii. Contain a statement that the authorization has been specifically furnished to the employing agency presenting the authorization; and
- iv. Bear the authorized signature of the applicant.

### **36.03 POLICE RECORDS**

- A. Police reports are public records except as otherwise made exempt or confidential. Every person is allowed to examine nonexempt or non-confidential police reports.
- B. A person who comes into possession of exempt or confidential information contained in police reports may not use that information for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents and may not knowingly disclose such information to any third party for the purpose of such solicitation during the period of time that information remains exempt or confidential.
- C. Florida state statute does not prohibit the publication of such information by any news media legally entitled to possess that information or the use of such information for any other data collection or analysis purposes by those entitled to possess that information.

### **36.04 PUBLIC RECORDS**

- A. Florida State Statute, Chapter 119.011(1), defines "public records" to include: all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
- B. Florida State Statute, Chapter 119.07, authorizes the collection of fees for duplicating copies of public records. The custodian shall furnish a copy or a

certified copy of the record upon payment of the fee prescribed by law, which may include the actual cost of materials and supplies, and a special service charge based on the cost incurred for any extensive use of technology or personnel.

- C. Employees will not release City records, including those concerning personnel records or the operations of City business, unless their job description authorizes them to do so. All other employees, if asked to release records, will courteously and immediately direct such inquiries to the City Clerk. If the City Clerk is unavailable, the employee will advise that the request will be processed as soon as possible.
- D. Most public records requests may be made anonymously. Unless statutorily required, a City employee shall not ask a person requesting records to identify himself as a requirement or condition of fulfilling the request.
- E. An official City bulletin board shall be in each City building. Announcements of special events, policy changes, transfer/promotional opportunities and other items relating to official City business shall be posted on these boards. No other information is to be posted on such bulletin boards without approval of the City Manager.

### **36.05 RECORDS RETENTION AND DISPOSITION**

All City records shall be retained in accordance with the applicable General Records Schedules established by the Florida Department of State, Division of Library and Information Services. Both electronic and paper records that meet retention requirements will be disposed of only after disposal authorization is documented for the Florida Division of Library and Information Services.

## **SECTION 37 - USE OF CITY VEHICLES AND EQUIPMENT**

- A. Only authorized City employees are permitted to operate City vehicles. City vehicles are to be used only in the performance of City business, and only with the approval of the employee's supervisor or Department Head. The use of City vehicles by unauthorized individuals is strictly prohibited.
- B. Vehicles are not to be used by personnel during their off-duty hours, except as approved by the City Manager.
- C. Employees must always wear a seatbelt when driving a City owned vehicle or conducting business for the City in a personally owned vehicle.
- D. All vehicle incidents or loss or damage of equipment shall be immediately reported to the Department Head. In instances of vehicular accidents or equipment damage or loss, Department Heads shall notify the Police Department for an investigation to take place in a timely manner. Employees found to be at fault will be subject to disciplinary action. Employees receiving moving violations are responsible for associated fines. Department Heads are to route copies of employee disciplinary memorandum(s), and/or investigative information to the Human Resource Department for filing in the employee's folder.
- E. The City Council may authorize a temporary provision, expanding the use of a City vehicle, for employee commutation purposes to and from their place of residence, based on the approval of special project conditions. The assigned personal use of a City vehicle is to employ the most direct route from one's place of residence to work, and from work to the employee's residence. No other personal vehicular usage will be considered permissible. Such provisions are not transferable among employees and will be limited from the date of issuance to the project's conclusion, or to a maximum time frame of one year, whichever comes first. By request, a waiver provision may be extended by City Council.
- F. Due to the nature of the Police Department's responsibilities, they have a specific vehicle policy which details the requirements set forth for their officers.
- G. A submitted request for a vehicle usage waiver is to minimally include:
  - i. Purpose of project
  - ii. Objective to be accomplished
  - iii. Intended duration
  - iv. Class title, count and names of affected staff
  - v. Impacted vehicle description (make, model, year)
  - vi. Cost benefit ratio
  - vii. Supportive rationale

- H. Waiver requests are to be generated at the originating unit level and forwarded by the Department Head to the Office of the City Manager for comment and presentation to the City Council. If approved, said waiver is to be routed to Human Resources, and then Finance/Payroll for further handling.
- I. Employee use of a City vehicle for purposes other than while on scheduled duty, will be duly subject to the terms and conditions defined in the most current publication of the Federal Rules, and/or the Internal Revenue Service Regulations. Taxable vehicular use will be reflected in the earnings of affected personnel.
- J. Equipment purchased by the City of Williston is to be properly cared for when used by employees in the performance of assigned tasks. Employees will be held accountable for the misuse, abuse or loss of a tool, or piece of equipment.
- K. Employees are to exercise caution when using City equipment. At no time should the operation of a motorized or power piece of equipment compromise the safety of one's self or others.
- L. Equipment made available for employees is for official use only. Employees are not to use equipment when off duty, engaged in secondary employment or for any reason other than to accomplish an assigned task.
- M. Use of Personal Vehicles on City Business. Liability insurance coverage shall be required in all cases where personal vehicles are used on City business. The employee's coverage is considered primary, and City insurance is considered as excess or secondary in case of a claim or suit.



## **SECTION 38 - POLICE DEPARTMENT PAY AND ALLOWANCES**

### **38.01 FIELD TRAINING OFFICER PAY**

- A. Within the Police Department, when an FDLE-certified Field Training Officer (FTO) is assigned a trainee for field training, that FTO shall receive a five (5%) percent increase in base pay for the period of the assignment.
- B. When that field training period ends, the FTO shall return to the previous rate of pay at the end of that pay period.

### **38.02 CLOTHING AND EQUIPMENT ALLOWANCES**

- A. Within the Police Department, the City agrees to pay a cleaning allowance of two hundred dollars (\$200.00) per year to plain clothes investigators.
- B. Beyond furnishing police officers with requisite uniforms and equipment, the City shall reimburse officers up to fifty dollars (\$50.00) for the purchase of more expensive, Department-approved equipment. Such equipment shall be limited to that which is approved by the Chief of Police as sufficient and necessary to the job assigned.
- C. Any Police Department officer who breaks or damages personal equipment or property in the line of duty shall be reimbursed for its repair or replacement up to two hundred (\$200.00) dollars per employee during any fiscal year. Such personal equipment shall be limited to that which is approved by the Chief of Police as necessary to the job assigned.

**Appendix A**  
Police Department General Orders

**WILLISTON POLICE DEPARTMENT  
GENERAL ORDER**

GENERAL ORDER: <b>1.1</b>	SUBJECT: <b>ORGANIZATION</b>
EFFECTIVE DATE: <b>7/13/01</b> REVISION DATE: <b>12/10/15</b>	CFA STANDARDS: <b>1.01, 1.02M, 1.03M A-D</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

**SECTIONS IN THIS ORDER**

- 1.1.01 ORGANIZATION
- 1.1.02 MEMBER ACCOUNTABILITY
- 1.1.03 COMMAND PROTOCOL

**ADDENDUMS**

- 1.1-A ORGANIZATIONAL CHART

- I. PURPOSE:** The purpose of this General Order is to describe the function, purpose and responsibilities of the divisions and subdivisions within the Department. This General Order will also establish and delineate the Department's policy on unity of command.
- II. POLICY:** It is the policy of the Williston Police Department that each member will be responsible to only one immediate superior at any given time. Unity of command assures unity of effort by coordinating all actions toward the common goal. An organizational chart will accompany this General Order. The chart will be updated as organizational changes occur. [CFA 1.01]

**DEFINITIONS**

**Auxiliary Member:** Civilian volunteer affiliated with the law enforcement agency in a part-time, non-sworn capacity with the ability to assist sworn personnel with specific tasks.

Such tasks include but are not limited to: traffic control, school crossings and community relations. Auxiliary personnel will not be empowered to detain individuals, make arrests or utilize force to any degree above that of a citizen (See General Order 6.1).

**Civilian Employee:** Non-sworn, full and part-time support staff performing daily duties that enable sworn personnel to function efficiently. Civilian employees will include Animal Control, Code Enforcement, Communications, Information Technology, Property and Evidence, Quartermaster, and Records personnel. Throughout the general orders civilian employees will be referred to as employees.

**Police Officer:** Sworn personnel certified by the State of Florida to uphold its laws to the fullest extent. This includes reserve officers. Throughout the general orders sworn officers and reserve officers will be referred to as officers.

**Unity of Command:** The concept that each individual in the Department has only one immediate supervisor.

### **III. PROCEDURE**

#### **1.1.01 ORGANIZATION**

- A. The Deputy Chief of Police and the Administrative Coordinator will be under the direct command of the Chief of Police.
- B. All personnel functioning within the Records Section and the Property and Evidence Section will report to the Administrative Coordinator, who in turn reports directly to the Chief of Police.
- C. The Deputy Chief will oversee Support Services, Training and Operations functions.
  - 1. Support Services will include Communication and Investigations.
    - a) All personnel within Communications will report directly to the Support Services Commander.
    - b) Any personnel acting within the Information Technology section will also report to the Support Services Commander.
  - 2. The Operations Commander will oversee all personnel within the Patrol, Auxiliary, School Crossing Guard and Code Enforcement sections.

#### **1.1.02 MEMBER ACCOUNTABILITY [CFA 1.02M]**

- A. No division, section or other component of the Department will have more than one person in direct command at the same time.

- B.** Each Department officer or employee will be accountable to only one supervisor at any given time.
- C.** In exceptional circumstances and day-to-day operations, all Department supervisors will follow the principle of unity of command. Only one person will be in complete command of each situation, and only one person will be in direct command or supervision of each employee.

### **1.1.03 COMMAND PROTOCOL [CFA 1.03M]**

- A.** To ensure continuity of command and make certain there is timely leadership available in all situations, the Department will establish and adhere to the chain of command. When the Chief of Police is unavailable, command will automatically succeed in the following order, unless otherwise directed:
  - 1.** Deputy Chief of Police;
  - 2.** Lieutenant;
  - 3.** Sergeant;
  - 4.** Corporal;
  - 5.** Patrolman First Class;
  - 6.** Officer. [CFA 1.03M A]
- B.** In day to day operations and in most exceptional situations, except as provided in 1.1.03 D, the Patrol function will be overseen by the Shift Supervisor. [CFA 1.03M B, D]
  - 1.** Unless designated differently on the Patrol Schedule, the Shift Supervisor will be the highest ranking sworn member.
  - 2.** In the event that two officers of equal rank are the highest ranking members on shift, the Shift Supervisor will be the member with the most seniority in that rank at the Williston Police Department, unless otherwise designated by the Chief of Police or his designee.
  - 3.** The Shift Supervisor will be designated on the Patrol Schedule, and Communications will be advised accordingly.
  - 4.** In the event of a scheduling change, or when a Shift Supervisor has not been identified on the schedule, the default supervisor will be the highest ranking member with the most seniority in that rank at the Williston Police Department.

- a. Communications may contact a member of the command staff to clarify officer seniority-
  - b. The default supervisor will be responsible for informing members, including Communications, that he or she is assuming responsibility of the event or shift.
- C. The officer originally dispatched or assigned to an incident or call will be in charge of the scene unless specifically relieved by a supervisor or commanding officer. [CFA 1.03M D]
  - 1. When officers of different divisions within the agency are engaged in a single operation, responsibility of command remains with the officer assigned primary response. [CFA 1.03M C]
  - 2. A higher-ranking officer will assume command under one or more of the following conditions:
    - a. When a situation appears beyond the control of the officer then in charge;
    - b. When multiple agencies are involved in the same incident;
    - c. When ordered to assume command by an officer of higher rank;
    - d. When deemed appropriate by the higher-ranking officer.
  - 3. When assuming command of any situation, the higher-ranking officer must identify himself/herself and announce his/her intentions to the officer then in charge.
- D. Under the terms of this agency's Memorandum of Understanding with the Florida Department of Law Enforcement, unless the State Attorney or another law enforcement agency asserts primary jurisdiction and responsibility for a specific incident, FDLE will assume operational direction of investigations and forensics in the following incidents:
  - 1. The shooting of a person by a WPD law enforcement officer acting in the line of duty;
  - 2. The death of an arrestee while in the care, custody or control of a WPD law enforcement officer;
  - 3. The death of an arrestee shortly after being in the care, custody or control of a WPD law enforcement officer; or

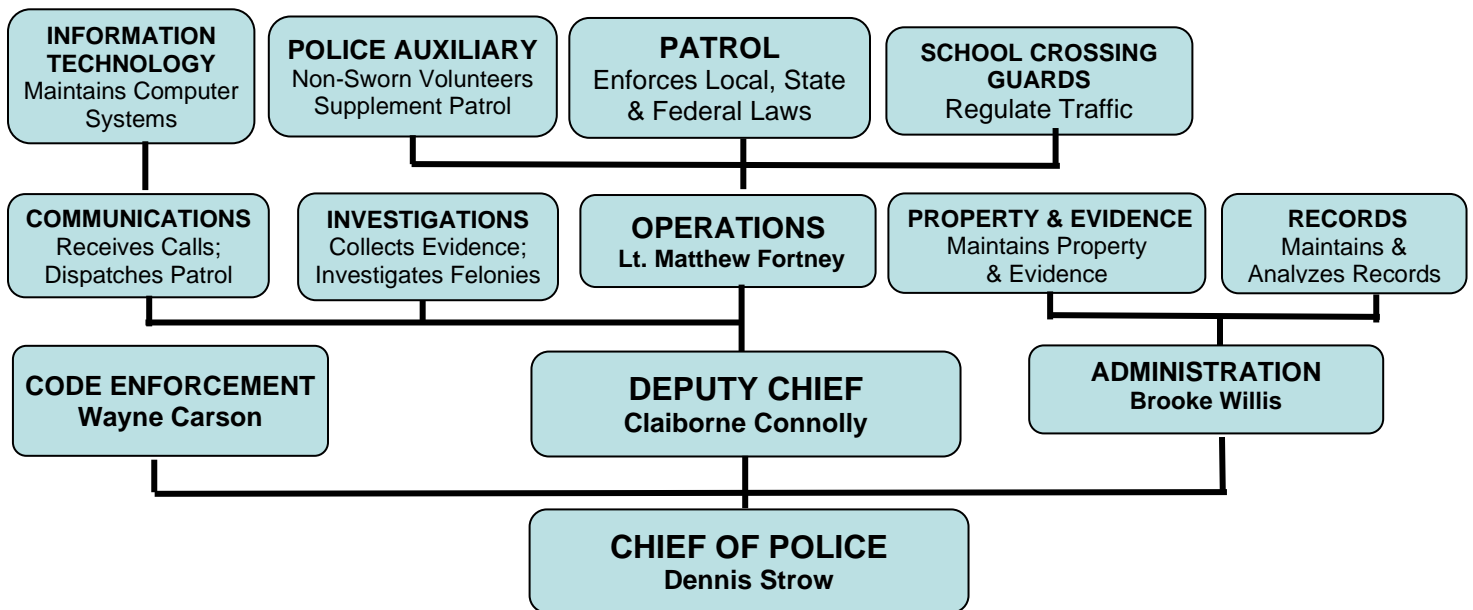
4. The death of an intended arrestee during an arrest attempt by a WPD law enforcement officer. [CFA 1.03M B]

#### **IV. INDEXING**

Administration  
Auxiliary Program  
Chain of Command  
Communications  
Divisions  
Evidence  
FDLE  
Incident Command  
Investigations  
Member Accountability  
Organizational Chart  
Professional Standards  
Property  
Records  
Relief of Command  
Reserve Officer  
Unity of Command

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>1.1 - A</b>	SUBJECT: <b>ORGANIZATIONAL CHART</b>
EFFECTIVE DATE: <b>2/28/06</b> REVISION DATE: <b>4/8/16</b>	CFA STANDARDS: <b>1.01</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	



# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>2.1</b>	SUBJECT: <b>AUTHORITY</b>
EFFECTIVE DATE: <b>7/13/01</b> REVISION DATE: <b>6/10/16</b>	CFA STANDARDS: <b>1.05M, 2.01M, 2.02, 2.03M, 2.04M, 2.05M, 2.06M A-F, 7.01, 25.16</b> *CFA Edition 5.0
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

- 2.1.01 OATHS OF OFFICE
- 2.1.02 CODE OF ETHICS
- 2.1.03 STRIP AND BODY CAVITY SEARCHES
- 2.1.04 ALTERNATIVES TO ARREST
- 2.1.05 OBEYING LAWFUL ORDERS
- 2.1.06 CONFLICTING OR UNLAWFUL ORDERS
- 2.1.07 AVAILABILITY OF CURRENT LAWS AND LEGAL GUIDELINES
- 2.1.08 BIAS-BASED PROFILING
- 2.1.09 INTERPRETATION SERVICES
- 2.1.10 ADA COORDINATOR

- I. PURPOSE:** The purpose of this General Order is to specify the oath to be taken by all Department personnel and define the Code of Law Enforcement Ethics. This Order shall detail requirements for strip searches, alternatives to arrest, and responses to lawful, conflicting and unlawful orders. This General Order establishes that racial and discriminatory profiling in law enforcement is unacceptable.



**II. POLICY:** It is the policy of the Department that sworn members will be limited in the exercise of their authority as prescribed by the Constitution of the United States, the Constitution of the State of Florida, Florida State Statutes and Department General Orders. All sworn personnel will take and subscribe to an oath to enforce the law and uphold the Constitutions of the United States and the State of Florida and abide by the Code of Law Enforcement Ethics set forth in this directive. In order to facilitate this effort, the Department will have available to all members, current laws and legal guidelines. Furthermore, it is the policy of the Williston Police Department to provide law enforcement services in a proactive manner, investigating suspicious circumstances and to enforcing motor vehicle laws, while ensuring that citizens will be stopped or detained only where there exists reasonable suspicion to believe they committed, are committing or are about to commit a criminal or illegal act.

### **III. DEFINITIONS**

**ADA** - The Americans with Disabilities Act (ADA) of 1990 is a civil rights act prohibiting discrimination against individuals with disabilities in employment, public services and transportation, public accommodations, and telecommunications. It does not guarantee equal results, establish quotas, or require preferences favoring individuals with disabilities over those without disabilities.

**Biased-Based Profiling:** The selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, and culture. [CFA 2.08M C]

**Probable Cause:** The existence of certain facts which would lead a person of reasonable intelligence and prudence to believe that a crime has been committed.

**Profiling:** As defined by the Americans for Effective Law Enforcement (AELE), the interdiction, detention, arrest or other non-consensual treatment of an individual because of a characteristic or status.

**Racial Profiling:** The detention, interdiction, or other disparate treatment of any person on the basis of their racial or ethnic status or characteristics.

**Reasonable Suspicion:** Suspicion that is more than a mere hunch but is based on a set of particular facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed by the person or persons under suspicion. This can be based on observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources. [CFA 2.08M C]

**Strip Search:** Per FSS 901.211, “having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual or manual inspection of the genitals; buttocks; anus; breasts, in the case of a female; or undergarments of such person.”

### **IV. PROCEDURE**

## **OATHS OF OFFICE**

- A.** Per Florida State Statute 876.05, the following oath must be signed by every public employee of the State of Florida:

I, \_\_\_\_\_, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the City of Williston and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

- B.** The following oath must be issued to every police officer prior to the officer being assigned any law enforcement duties:

As a member of the Williston Police Department, I, \_\_\_\_\_, recognize that my fundamental duty is to serve mankind by safeguarding lives and property, protecting the innocent against deception, protecting the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule. I will be honest in thought and deed in both my personal and official life. I will obey the laws of the land and the regulations of my department.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. I will enforce the law courteously and appropriately without fear or favor, malice or ill will.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust. I recognize that the position of Police Officer is a public office and is a direct extension of the Office of the Chief of Police. In accepting that public trust, I will serve that office loyally and proudly.

As a citizen of the State of Florida and of the United State of America, I do hereby solemnly swear or affirm that I will support the constitution of the United States, the constitution of the State of Florida and the policies and regulations of the Williston Police Department.

- C.** These oaths will be administered by the Chief of Police or his designee. The oath(s) will be filed in the employee's personnel file in the records of the Department.

## **CODE OF ETHICS [CFA 7.01]**

**Code of Law Enforcement Ethics:** Sworn members will, in recognizing their fundamental duties and responsibilities as law enforcement officers, abide by the following Code of Ethics. Members will:

1. Enforce, administer and abide by all laws in accordance with the principles of the United States Constitution, its amendments, and the applicable laws of the State of Florida and the City of Williston so that equal protection of the law and due process are guaranteed to everyone.
2. Carry out the duties and responsibilities of office in a manner that will ensure that all persons are treated equally, fairly, respectfully and consistently with regard to their constitutional rights to liberty, equality and justice.
3. Be exemplary in knowing, understanding and obeying the laws of the land and the policies and procedures of the Williston Police Department.
4. Never permit personal feelings, prejudice, animosities or friendships to influence professional decisions.
5. Conduct professional and private lives in a manner consistent with the highest ethical standards expected of all personnel working in the law enforcement profession.
6. Represent the Office with pride, purpose and professionalism, knowing that the example is seen and interpreted by everyone.
7. Maintain everything seen, heard, or confided in an official capacity as confidential information unless disclosure is necessary in the performance of duty.
8. Endeavor to perform duties in a competent and diligent manner consistent with the direction, instruction and guidance given in training and by supervisors.
9. Recognize that employment by the Williston Police Department carries with it the responsibility to serve all members of the community.
10. Abstain from personal criticism of other members of the Department, which is neither job-related nor constructive under the circumstances.
11. Acknowledge employment and acceptance of the honorable responsibility of being a law enforcement officer as a symbol of public faith and trust held concomitant with the allegiance to the Code of Ethics.

## STRIP AND BODY CAVITY SEARCHES [CFA 2.01M]

**A.** As cited in Florida State Statute 901.211:

No person arrested for a traffic, regulatory, or misdemeanor offense, except in a case that is violent in nature, which involves a weapon, or which involves a controlled substance shall be strip searched unless there is probable cause to believe that the individual is concealing a weapon, a controlled substance, or stolen property.

**B.** Each strip search shall be performed by a person of the same gender as the arrested person and on premises where the search cannot be observed by persons not physically conducting or observing the search pursuant to state statute 901.211. Any observer shall be of the same gender as the arrested person.

**1.** Two members of the same gender as the arrestee will be present when a strip search is being conducted: one to conduct the search and one to observe.

**a.** A strip search of an arrestee will **ONLY** be conducted by a **POLICE OFFICER** of the same gender as the detainee. The witness may be a non-sworn member (e.g., Communications personnel) of the same gender as the arrestee;

**b.** If an officer has reasonable suspicion and believes a strip search is necessary, and there is not a police officer of the same gender as the arrestee available, the officer will notify the on-duty supervisor.

**1)** Arrangements will be made to transport the arrestee to the county jail.

**2)** The arrestee will be handcuffed behind his/her back, and a body belt will be used to keep his/her hands in place.

**2.** Body cavity searches will only be done by qualified personnel at the county jail under sanitary conditions.

**C.** Pursuant to FSS 901.211(5), no officer shall order or conduct a strip search within the agency without obtaining written authorization from the supervising officer on duty. The Strip Search Form will contain the following information:

**1.** Suspect name;

**2.** Personnel involved;

**3.** Date and time of search;

**4.** Name of the authorizing supervisor.

- D.** The exception to these requirements exists whenever an officer encounters any person under circumstances which reasonably indicate that such person has committed, is committing, or is about to commit a violation of the law or the criminal ordinances, and the officer temporarily detains such person for the purpose of ascertaining the identity of the person pursuant to Florida State Statute 901.151.
1. Whenever any law enforcement officer temporarily detains any person under such circumstances **and** has probable cause to believe such person is armed with a dangerous weapon and therefore offers a threat to the safety of the officer or any other person, the officer may search such person only to the extent necessary to disclose the presence of such weapon.
  2. If such a search discloses such a weapon or any evidence of a criminal offense it may be seized.

#### **ALTERNATIVES TO ARREST [CFA 2.02]**

- A.** Alternatives to arrest and incarceration may be utilized in the following circumstances:
1. Persons committing offenses while under the influence of alcoholic beverages, narcotics, or suffering from mental disorders may be referred to the appropriate treatment facility:
    - a. When the person registers higher than a .3 on the breathalyzer and the jail refuses to accept them; or,
    - b. After medical screening has occurred or was not indicated; and,
    - c. When the subject has committed a non-criminal offense.
  2. The defendant may be issued a citation or *Notice to Appear* for misdemeanors or ordinances violations in accordance with the policies of the Department. Note that juveniles can not be issued *Notices to Appear*.
  3. A *Criminal Traffic Citation* may be issued for a criminal traffic violation.
  4. A verbal or written warning may be given if the officer determines it likely will lead to voluntary compliance to the law.
  5. A person may be referred to an applicable community public service organization.

**B. Notice to Appear.** When an **adult** subject is detained for a misdemeanor violation, a *Notice to Appear* may be issued in lieu of incarceration. A *Notice to Appear* will **not** be issued under any one of the following conditions:

1. The accused fails or refuses to sufficiently identify himself/herself or supply the required information to confirm identity;
2. The accused refuses to sign the citation;
3. The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to himself/herself or others;
4. The officer has reasonable suspicion that the accused may have an active warrant;
5. The accused has previously failed to respond to a notice or summons or has violated the conditions of any pre-trial release program; or
6. The crime investigated involves a charge of domestic violence.

**C. Criminal Traffic Citation.** Officers may issue a Criminal Traffic Citation to subjects in lieu of a physical arrest for some violations, including:

1. Registration expired more than six months;
2. No Florida Driver's License;
3. Altered tag;
4. Driving with license suspended or revoked; or
5. Driver's license expired more than four months.

**D. Sworn Complaint**

1. Officers may issue a sworn complaint when probable cause exists. Instances where a sworn complaint may be appropriate include, but are not limited to:
  - a. Suspect cannot be located;
  - b. State Attorney's Office should review probable cause and prosecutorial merit;
  - c. Misdemeanor did not take place in the member's presence and is not one of the exceptions listed in FSS 901.15.

2. After being submitted, sworn complaints will be forwarded and reviewed by the State Attorney's Office, which may issue an arrest warrant or a summons if probable cause and prosecutorial merit exists.
3. The completed sworn complaint and all copies will be attached to the incident report and forwarded to Records.

#### **OBEYING LAWFUL ORDERS [CFA 2.03M]**

- A. Department members will promptly obey all lawful orders of a ranking officer or officer in charge, including an order relayed from a superior by a member of equal or lesser rank.
- B. Any member who refuses to obey a lawful order will be considered insubordinate and will be subject to disciplinary action.

#### **CONFLICTING OR UNLAWFUL ORDERS [CFA 2.04M]**

- A. Members will not obey unlawful orders.
- B. Members will not be disciplined for refusing to obey an unlawful.
- C. Members will bring an unlawful order to the attention of a supervisor of higher rank than the officer who gave the order.
- D. Obedience to an unlawful order is never a defense for an unlawful action.
- E. If any lawful order given by a supervisor conflicts with a previous order, the Department member receiving the order will promptly and respectfully call attention to the conflict for the benefit of the supervisor issuing the order.
  1. If the supervisor does not change the order to alleviate such a conflict, the order will stand and will be obeyed by the member receiving the order.
  2. The member will not be held accountable for non-compliance with the original order if a supervisor overrides it.
- F. Members receiving lawful orders they believe are unjust or contrary to agency directives will first obey the order to the best of their abilities, then report the circumstances, via the chain-of-command, to the Chief of Police.
- G. Members in doubt as to the nature, meaning or details of a lawful order will seek clarification from the issuing supervisor.

- H. Members will not publicly criticize instructions or orders they have received. Members are directed to bring such criticism to their supervisor.
- I. Any order issued by the Chief of Police will have the same effect as and be interpreted as part of the directives of this Manual.

**2.1.07 AVAILABILITY OF CURRENT LAWS AND LEGAL GUIDELINES  
[CFA 2.05M]**

- A. Resource materials addressing current laws and legal guidelines are available to all Department members.
- B. Computer terminals with Internet connections and applicable links provide access to:
  - 1. Department of Highway Safety and Motor Vehicles (DHSMV) UTC Procedures Manual;
  - 2. Florida Department of Law Enforcement (FDLE) Case Law Updates;
  - 3. FDLE Legal Bulletins;
  - 4. FDLE Legislative Summaries;
  - 5. FDLE On-Line Training;
  - 6. Florida State Statutes On-Line; and
  - 7. Williston Police Department General Orders.
- C. Northeast Florida Fusion Center *Joint Intelligence Bulletins* and *Suspicious Activity Reports* as well as advisories and BOLOs from other agencies may be selectively distributed by the Chief of Police or other administrative personnel. If classified as “law enforcement sensitive,” such material shall be treated accordingly by all personnel.

**2.1.08 BIAS-BASED PROFILING [CFA 2.06M]**

- A. **Impartial Policing**
  - 1. All investigative detentions, traffic stops, arrests, and searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate



specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for an arrest, traffic stop or investigative detention.

2. Except as provided below, officers shall not consider race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture or other personal characteristics in establishing either reasonable suspicion or probable cause.
  - a. Officers may take into account the reported race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture or other personal characteristics of a specific suspect or suspects based on relevant information that links a person to a particular criminal incident or links a specific series of crimes in an area to a group of individuals.
  - b. Except as provided above, no person shall be singled out or otherwise treated differently on account of his/her race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture or other personal characteristics.
3. During traffic related stops, officers shall follow the Department guidelines as set forth in this manual (See G.O. 22.1).
4. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent.
  - a. In each case where a search is conducted and items are seized, this information shall be recorded in an incident report to include the legal basis for the search and the results thereof.
  - b. Circumstances permitting, officers are encouraged to document consent searches using the *Voluntary Consent to Search* form.

## **B. Training**

1. All officers shall complete profiling-related training which shall include discussion of appropriate field contacts, traffic stops, searches as required by CJSTC guidelines. [CFA 2.06M A]
2. Training programs will emphasize the harm associated with bias-based profiling and discrimination. The training will include a review of this policy.

- C. Supervision and Accountability.** Supervisors shall ensure all personnel of their command are familiar with the content of this policy and are operating in compliance with this policy.
- D. Community Education.** A brochure created by the Department defines bias-based profiling in relation to criminal profiling, establishing the agency's antiracial and antidiscrimination profiling policy, as mandated in Florida State Statute 166.0493. This brochure will be available on-line and distributed at community events. [CFA 2.06M D]
- E. Complaints**
1. Any person may file a complaint with the Department if she/he feels they have been stopped or searched based on race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture or other personal characteristics.
  2. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.
  3. Any member of the department receiving a complaint shall follow department policy as set forth in this manual (See G.O. 27.1). [CFA 2.06M F]
    - a. Supervisors shall monitor officers and shall take appropriate corrective measures whenever it appears that this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or squads.
    - b. Violations of this policy, or portions thereof, shall result in remedial training and/or disciplinary action. [CFA 2.06M B]
- F. Annual Review.** Annually, the Deputy Chief will conduct an administrative review of agency practices related to biased-based profiling, including areas of forfeitures, traffic stops and seizures. [CFA 2.06M E] The annual review shall include, but not be limited to:
1. Listing of each complaint received;
  2. Explanation of any actions taken;
  3. Recommendation of training needs;
  4. Recommendation of policy changes.

### **2.1.09 INTERPRETATION SERVICES [CFA 25.16]**

- A.** In the event that an individual is taken into custody or needs assistance and that person does not speak English, either an available, bilingual member of law enforcement will be contacted or a qualified interpreter will be phoned.
  - 1.** When a Department interpreter is not available, dispatchers are to contact the Levy County Sheriff's Office and request a bilingual deputy.
  - 2.** If a deputy is not available, the officer or dispatcher is to use the contracted telephonic interpretation services as outlined in the reference cards located in the Officer's Quarters and Communications.
- B.** Accompanying friends and family members are not to be the sole translator.

### **2.1.10 ADA COORDINATOR [CFA 1.05M]**

- A.** In compliance with Title 28 C.F.R. 35.107, the City Clerk shall serve as the ADA Coordinator for the City of Williston. The City Clerk can be contacted for information on the Americans with Disabilities Act (ADA) of 1990 and respond to questions or complaints about its application in the Department.
  - 1.** To be considered disabled under the ADA, a person must have a physical or mental impairment that substantially limits one or more major life activities; have a record of such an impairment; or be regarded as having such an impairment.
  - 2.** Additionally, to be covered by the ADA, a person with a disability must be otherwise qualified for the job, program, or activity to which access is sought.
- B.** According to the mandate, employers are not required to make accommodations that would eliminate the essential functions of the job or impose an undue hardship on the operation of their business.

## **V. INDEXING**

ADA Coordinator  
Alternatives to Arrest  
Annual Review  
Arrest  
Biased-Based Profiling  
Code of Ethics  
Complaints  
Constitutional Rights  
Conflicting/Unlawful Orders

*Criminal Traffic Citation*  
Impartial Policing  
Interpretation Services  
Lawful Orders  
*Notice to Appear*  
Oath of Office  
Orders  
Profiling  
Racial Profiling  
Resources  
Strip Searches  
*Sworn Complaint*  
Traffic Stops  
Training

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>3.1</b>	SUBJECT: <b>WRITTEN DIRECTIVE SYSTEM</b>
EFFECTIVE DATE: <b>7/13/01</b> REVISION DATE: <b>9/25/12</b>	CFA STANDARDS: <b>3.01M A-I, 3.03M</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.01 WRITTEN DIRECTIVE SYSTEM

3.1.02 DISSEMINATION, STORAGE, RECEIPT & ARCHIVAL OF WRITTEN DIRECTIVES

**I. PURPOSE:** The purpose of this General Order is to establish guidelines for the implementation and management of the Department's written directive system.

**II. POLICY:** The policy of the Williston Police Department is to maintain a consistent system of written directives. The intent of this policy is to provide all employees timely access to all written directives so that they remain informed about Departmental rules, regulations, operational procedures and other relevant guidelines [CFA 3.01M E]. Official written correspondence and orders will conform to the applicable Commission for Florida Law Enforcement Accreditation standards, local, state and federal law and the provisions of current collective bargaining agreements. The Department utilizes General Orders, Standard Operating Procedures and memoranda to guide and direct its personnel. Only the Chief of Police or his designee has the authority to approve, issue, amend or rescind a General Order or Standard Operating Procedure. [CFA 3.01M D]

### **III. DEFINITIONS**

**Department Manual:** The Williston Police Department Policies and Procedures Manual, containing all current General Orders and Standard Operating Procedures. The manual will be amended as necessary.

**General Order:** An official, written policy, procedure, rule or regulation adopted for the long-term guidance of employee behavior and Departmental operations.

**Memorandum:** A written announcement or advisory of a general or specific interest.

**Standard Operating Procedure (SOP):** A written directive issued by the Chief of Police or the Deputy Chief of Police to revise or amend a General Order, previous Standard Operating Procedure or other Department policy or practice.

#### **IV. PROCEDURE**

##### **3.1.01 WRITTEN DIRECTIVE SYSTEM [CFA 3.01M A-B]**

###### **A. Authority**

1. The Chief of Police, or in his absence the Deputy Chief of Police, has the sole authority and discretion to approve, issue, amend or rescind General Orders and Standard Operating Procedures. [CFA 3.01M G]
2. Once a General Order or Standard Operating Procedure is approved and signed by the Chief of Police, it will be available to all Department personnel online and in the hard-copy of the Department Manual maintained in the Conference Room.
3. Upon release, General Orders and Standard Operating Procedures will become a part of the rules, regulations and procedures of the Department on either the effective or revision date cited, which ever is later.

**B. General Orders.** Each General Order will be formatted in accordance with the following guidelines:

1. **Headers.** The subjects, dates and references will be contained in the tables on the first page of each General Order. Header information will be presented in the following order:

##### **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

<b>GENERAL ORDER: ##</b>	<b>SUBJECT:</b>
<b>EFFECTIVE DATE:</b> <b>REVISION DATE:</b>	<b>CFA STANDARDS:</b>
<b>RESCINDS ALL EXISTING ORDERS IN CONFLICT.</b>	

- a. The General Order number will be indicated in the left cell of the first row;

- b. The subject/title will be indicated in the right cell of the first row;
  - c. Both the effective and revision dates will be listed in the left cell of the second row;
  - d. CFA standards addressed by the order will be listed in the right cell of the second row;
  - e. The rescission of all previous orders will be stated in the third row.
  - f. The second table will list the sections and topics contained in the General Order.
  - g. Addenda and subsections will be listed below the primary topic list in the order in which they are issued.
  - h. The order number and title will be centered over every page after the first page.
2. **Text.** The text of the General Order will follow the header information.
  3. **Subsections.** Subsections and addenda will include examples, forms, graphs, or diagrams essential to the General Order.
  4. **Signature.** Approval of the General Order will conclude the last page of the chapter and will include the signature and title of the Chief of Police.
  5. **Organization.** General Orders will be organized using the following alpha-numeric format:
    - a. **Purpose**
      - 1) **PURPOSE** will be the first major subhead of the text and preceded by the Roman numeral "I."
      - 2) The purpose is a brief statement of the intent or objective of the General Order.
    - b. **Policy**
      - 1) **POLICY** will be the second major subhead of the text and preceded by the Roman numeral "II."
      - 2) The policy is a broad statement of the Department's position on the general subject.

**c. Definitions**

- 1) **DEFINITIONS** will be the third major subhead of the text and preceded by the Roman numeral "III."
- 2) Definitions will be included when deemed necessary for the clarification of terms contained within the General Order.

**d. Procedure [CFA 3.01M E]**

- 1) **PROCEDURE** will be the fourth major subhead of the text and preceded by the Roman numeral "IV."
- 2) The procedures will designate the method by which the General Order will be implemented.
- 3) Procedures will be divided into sections. Section titles will list the chapter number and the section number. For example, "3.1.01" refers to General Order 3.1, section 1.
- 4) After the section number, the following alpha-numeric format will differentiate and establish topical relationships:

3.1.01 \_\_\_\_\_  
          A. \_\_\_\_\_  
          1. \_\_\_\_\_  
          a. \_\_\_\_\_  
          1) \_\_\_\_\_

**e. Indexing**

- 1) **INDEXING** will follow the text of each General Order and be preceded by the Roman numeral "V."
- 2) This list of terms will reference the directive in the concluding Index of the Department Manual in order to facilitate a search of topics.

**f. Footers**

- 1) Each General Order will archive the preceding versions of that order in the footer of each page, listing the dates of all preceding revisions in the far left corner.
- 2) Each footer will also contain the page number and number of pages for that order in the far right corner.



**C. Standard Operating Procedures.** Each Standard Operating Procedure will be implemented and formatted in accordance with the following guidelines:

- 1.**Standard Operating Procedures temporarily or permanently amend or rescind existing General Orders, SOPs or other Department policies or practices. If appropriate, Standard Operating Procedures will be assimilated into the next revision of the relevant General Order.
- 2.**Each Standard Operating Procedure will address one and only one topic. Any procedure issued the same day by the same author will be numbered, titled and logged separately.
- 3.**Standard Operating Procedures will be numbered sequentially by indicating the year followed by the next number in sequence. For example, “SOP 2012-03” refers to the third procedure issued in 2012.
- 4.**Header information will be formatted at the beginning of the procedure as follows:

**WILLISTON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE**

<b>SOP NUMBER:</b> 200# - #	<b>SUBJECT:</b>
<b>DATE EFFECTIVE:</b>	<b>DATE RESCINDED:</b>
RESCINDS OR AMENDS ALL EXISTING ORDERS IN CONFLICT.	

- a.**The Standard Operating Procedure number will be indicated in the left cell of the first row;
  - b.** The subject/title will be indicated in the right cell of the first row;
  - c.**The effective date will be listed in the left cell of the second row;
  - d.** If the procedure is to be rescinded by a specific date, the rescission date will be listed in the right cell of the second row; otherwise the cell will indicate that a rescission date does not apply as “N/A.”
  - e.**The rescission or amendment of all existing procedures in conflict will be stated in the third row.
- 5.**Unless an expiration date is specified, a Standard Operating Procedure will be effective until purged at the direction of the Chief of Police or until rescinded by a later SOP or General Order.

**D. Memoranda.** Each memorandum will be implemented and formatted in accordance with the following guidelines:

1. Memoranda may be issued by any member of staff. [CFA 3.01M G]
2. Only the Chief of Police or the ~~Assistant~~ Deputy Chief of Police may issue memoranda in relation to personnel appointments, demotions, dismissals, promotions, restorations, suspensions, terminations and transfers. [CFA 3.01M G]
3. Memoranda should address one and only one topic. Any memorandum issued the same day by the same author should be titled and logged separately.
4. Header information will be formatted at the beginning of the memorandum under the letterhead as follows:

MEMORANDUM

(Double-spaced)

TO:

FROM:

DATE:

REF:

**E. Review**

1. General Orders and directives will be reviewed at the discretion of the Chief of Police or his designee for compliance with applicable standards and operational procedures. [CFA 3.01M C]
2. The Chief of Police will direct that General Orders and directives be written, updated, revised or purged as necessary to comply with federal, state and local laws as well as applicable CFA standards and collective bargaining agreements.
3. New General Orders or Standard Operating Procedures rescind or amend existing General Orders or directives.
4. Department personnel may be consulted as deemed appropriate in order to contribute their expertise prior to the dissemination of new or revised directives. [CFA 3.01M F]
5. Each year the Department will submit a report to the Commission for Florida Law Enforcement Accreditation, documenting compliance efforts with accreditation standards. [CFA 3.03M]

## **F. Proposals**

1. Any Department member may submit proposals for the adoption and revision of a General Order or Standard Operating Procedure.
2. Proposals will be submitted to the Chief of Police via the chain of command.
3. If the proposal is not approved, or if more information is needed, the Chief of Police will advise the writer accordingly.
4. If electing to consider a proposal for adoption, the Chief of Police or his designee will ensure that the proposal complies with federal, state and local laws and applicable accreditation standards and collective bargaining agreements.
5. The Chief of Police will determine the need for any other City or Department personnel to review the proposal.
6. If the Chief of Police approves the proposal, the order will be codified as a General Order or Standard Operating Procedure.

### **3.1.02 DISSEMINATION, STORAGE, RECEIPT AND ARCHIVAL OF WRITTEN DIRECTIVES [CFA 3.01M H]**

#### **A. General Orders**

1. Each new General Order will be available on-line to all affected personnel at least three days prior to the effective date.
2. Each time a new General Order is revised or released, a highlighted copy of the Order will be sent via email to all affected personnel.
3. Receipt of General Orders will be recorded electronically and/or manually and retained for accreditation purposes.
4. A hard copy of all General Orders will be maintained in the Conference Room for those personnel without computer accounts with the Department.
5. Original, signed General Orders will be maintained in the Accreditation files.
6. Rescinded versions of General Orders will be archived in the Accreditation files.  
[CFA 3.01M I]

#### **B. Standard Operating Procedures**

1. Each new SOP will be maintained on-line and disseminated via email to sworn law enforcement officers and affected civilian employees at least three days prior to the effective date.
2. Acknowledgement of the members' receipt of the procedure will be maintained electronically.

#### **C. Memoranda**

1. Memoranda that address Departmental concerns will be maintained on-line.
2. The issuing member will be responsible for the distribution of electronic and paper copies of any memoranda to all affected employees.
3. Memoranda addressing personnel appointments, demotions, dismissals, promotions, restorations, suspensions, terminations, training and transfers will be distributed to the affected personnel and copied to the Deputy Chief for inclusion in the affected member's personnel file.

#### **D. Department Manuals**

1. All personnel are required to have a sound working knowledge of relevant General Orders and directives of the Department Manual.
2. Each member is responsible for seeking clarification as needed.

**E. Public Record.** All General Orders, Standard Operating Procedures and memoranda issued by the Department will be available to the public per the provisions of the Public Records Act, Chapter 119 of the Florida State Statutes.

### **V. INDEXING**

Department Policies and Procedures Manual  
General Orders  
Memoranda  
Public Record  
SOP  
Standard Operating Procedures

# **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

<b>GENERAL ORDER: 4.1</b>	<b>SUBJECT: USE OF FORCE</b>
<b>EFFECTIVE DATE: 7/13/01 REVISION DATE: 6/25/2016</b>	<b>CFA STANDARDS: 4.01M, 4.02M, 4.03M, 4.04M, 4.05M A-C, 4.06M A- E, 4.07M A-C, 4.08M, 4.09M, 10.10, 15.15M A-C</b>
<b>RESCINDS ALL EXISTING ORDERS IN CONFLICT.</b>	

## **SECTIONS IN THIS CHAPTER**

- 3.1.03 DEGREES OF FORCE
- 3.1.04 FLEEING FELONS
- 3.1.05 FIRING AT OR FROM A MOVING VEHICLE
- 3.1.06 WARNING SHOTS
- 3.1.07 STATE CERTIFICATION
- 3.1.08 DEPARTMENT-APPROVED WEAPONS, RESTRAINTS & AMMUNITION
- 3.1.09 PROOF OF PROFICIENCY
- 3.1.10 USE OF FIREARMS ON AND OFF-DUTY
- 3.1.11 USE OF LESS-LETHAL WEAPONS
- 3.1.12 APPROPRIATE MEDICAL ATTENTION
- 3.1.13 RESPONSE TO RESISTANCE REPORTS
- 3.1.14 AGENCY REVIEW
- 3.1.15 LINE-OF-DUTY REMOVAL

- I. PURPOSE:** The purpose of this General Order is to establish guidelines and procedures for the use of deadly and non-deadly force. This order also provides for the proper documentation and investigation of incidents involving use of force.
- II. POLICY:** All officers will act in good faith when using force and conform to the provisions of Florida statutes and this General Order. Officers acting in their official capacity may only use the amount of force that is reasonably necessary to affect lawful objectives. This applies to both deadly and non-deadly force. All officers will be issued and instructed in the Department use of force policy before being issued or permitted to carry a firearm or otherwise use deadly force in the performance of their duties. [CFA 4.01M, 4.02M]

Especially outside of Levy County, Williston Police Officers are encouraged to act as observant, concerned citizens when they encounter crimes being committed. Only when immediate threats to life and limb are occurring should officers become more involved.

### **III. DEFINITIONS**

**Administrative Review:** A documented review of an incident that determines whether policy, training, equipment or disciplinary issues should be addressed. The Chief of Police, or in his absence, the Deputy Chief, will determine which personnel will conduct the review.

**Deadly Force:** Per FSS 776.06: “Force that is likely to cause death or great bodily harm and includes, but is not limited to:

- (a) The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
- (b) The firing of a firearm at a vehicle in which the person to be arrested is riding.”

**Deployment:** Intentional discharge of an electronic control device at or towards a subject, using either probes or drive/touch stun mode. Deployment does not include unintentional discharge, testing, training, unholstering or displaying of an ECD without discharge.

**Electronic Control Device (ECD):** Also known by the brand name Taser, referred to in state statute as a dart-firing stun gun, a device designed to disrupt a subject’s central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses.

**Great Bodily Harm:** Serious bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in long-term loss or impairment of a body part.

**Non-Deadly Force:** Force that is not likely to cause death or great bodily harm.

**Reasonable Belief:** The facts or circumstances the officer knows AT THE TIME are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

**Routine Force:** The minimum control necessary to restrain and physically direct a subject. This includes the use of handcuffs.

#### IV. PROCEDURE

##### DEGREES OF FORCE

- A. It is the policy of the Williston Police Department that all members remain cognizant of every person's right to life. Officers will only use that degree of force necessary to affect lawful objectives and will at all times follow state law. [CFA 4.01M]
- B. **Non-Deadly Force.** Non-deadly force is authorized only to the extent that is reasonably necessary to overcome resistance or to protect self or others from assault or injury.
  - 1. Where deadly force is **not** authorized, officers should assess the incident in order to determine which non-deadly technique or weapon will best bring the incident under control in a safe manner.
  - 2. Officers are authorized to use non-deadly force techniques and Department-issued equipment to protect themselves or others from physical harm, to restrain or subdue a resistant individual, or to bring an unlawful situation safely and effectively under control.
- C. **Deadly Force.** Deadly force is authorized only as necessary to protect self or others from what is reasonable belief of an imminent threat of death or great bodily harm.

##### FLEEING FELONS

- A. Deadly force may be used as a last resort if an officer has reasonable belief that such force is necessary to prevent the escape of a fleeing felon whom the officer reasonably believes:
  - 1. Poses a threat of death or serious physical injury to the officer or others; or
  - 2. Has committed a crime involving the infliction or threatened infliction of serious physical harm to another person (FSS 776.05). [CFA 4.01 M]
- B. When appropriate, a verbal warning that identifies the officer and states his/her intent to shoot prior to the use of deadly force will be issued in those instances

when the use of deadly force is necessary to prevent the arrest from being defeated by such flight.

### **FIRING AT OR FROM A MOVING VEHICLE**

- A. Except as detailed below, officers will not fire their weapons at or from a moving vehicle.
- B. On rare occasions, officers may be confronted by a most violent fleeing felon in a moving vehicle. In that circumstance, officers would be justified in firing at a moving vehicle to prevent the escape of the suspect, who is known to be a direct threat to the community.
- C. At no time will an officer intentionally place himself/herself in the path of a moving vehicle to gain justification for the use of deadly force.

### **WARNING SHOTS [CFA 4.04M]**

- A. The discharge of firearms for use as warning shots is prohibited, as it exposes officers and citizens to unnecessary dangers.
- B. The discharge of a gun to summon aid, when other means are not available, is permitted.

**STATE CERTIFICATION.** The Department requires that all officers successfully complete the appropriate minimum state certification program as set forth by the Criminal Justice Standards and Training Commission (CJSTC) prior to assignment in any capacity in which the officer is allowed to carry a firearm, or is in any position to make an arrest, except as part of a formal field training exercise. [CFA 4.03M]

### **DEPARTMENT-APPROVED WEAPONS, RESTRAINTS & AMMUNITION** **[CFA 4.05M A-G, 4.06M A-C]**

- A. Only those firearms, ammunition, restraints and less-lethal weapons issued by the Department or specifically approved in writing by the Chief of Police may be used in the performance of duty, whether Department personnel are on or off-duty. [CFA 4.05M A-B, D] Personal firearms used exclusively for recreational purpose need not be approved by the Department.
  - 1. The Department-issued firearm is a Glock model 21, a semi-automatic caliber .45 ACP handgun. Any officer wanting or needing to carry a different firearm must request written permission from the Chief of Police or his designee.
  - 2. Officers may carry and use a Department-issued shotgun upon completion of appropriate training.



- B.** All firearms to be used in the performance of duty, including those used by tactical teams, will be inspected and approved by a Department Armorer. prior to being authorized for use by any officer. [CFA 4.05M E]
  - 1.** A record of each approved firearm will be maintained by the Department Armorer. [CFA 4.05M G]
  - 2.** Any weapons deemed unsafe will be removed from Department circulation by the Armorer. Any unsafe Department-owned firearms will be repaired, recycled or destroyed by the Armorer. [CFA 4.05M F]
- C.** Any additions or modifications to any firearms to be used in the performance of duty must be approved by both the Department Armorer and the Chief of Police.
- D.** All firearms maintained within the Department will be secured within the Department's armory.
- E.** Department-Issued less-lethal weapons and restraints include, but may not be limited to:
  - 1.** ASP Baton;
  - 2.** Flashlight;
  - 3.** OC Spray;
  - 4.** Handcuffs;
  - 5.** Taser X-26. [CFA 4.06M D]
- F.** All less-lethal weapons will be inspected at least annually to insure that all equipment functions properly and that expiration dates have not been exceeded. [CFA 4.06M E]
  - 1.** OC spray canisters and ECD cartridges will be examined annual and replaced before their expiration dates.
  - 2.** Supervisors will document all items found to be malfunctioning or expired and forward such items and documentation to the Quartermaster.
  - 3.** The Quartermaster will see to the repair or replacement of all malfunctioning and expired equipment and less-lethal weapons as soon as possible.

**PROOF OF PROFICIENCY [CFA 4.05M C]**

- A. No officer will be allowed to carry a lethal or less-lethal weapon on duty until he/she has:
  - 1. Demonstrated the weapon is fully functional, where appropriate;
  - 2. Demonstrated proficiency in its use by achieving minimum scores on the training course, where appropriate; [CFA 4.05M C, 4.06M C]
  - 3. Received training and demonstrated knowledge of the laws and agency policy concerning their use, the use of force, and rendering first aid procedures after use; and
  - 4. Received a copy of this General Order. [CFA 4.02M]
- B. In conjunction with annual use-of-force training and in accordance with Florida statute 943.1717, proficiency in the use of Department approved/issued weapons will be accomplished annually for firearms and Taser and biennially for less-lethal weapons other than the Tasers. [CFA 10.10M A-D]
- C. Training records will reflect the type of weapons for which each officer has demonstrated proficiency.
- D. Officers failing to demonstrate the required weapons proficiency will be prohibited from carrying such weapons in the performance of Department duties until such time as proficiency is demonstrated.

**USE OF FIREARMS ON AND OFF-DUTY [CFA 4.05M A-B, 4.06M A-B]**

- A. **Carrying/Using Firearms On-Duty**
  - 1. Department firearms will be carried in Department-issued holsters, unless an alternative holster has been approved by the Chief of Police.
  - 2. Department firearms will be carried with a round in the chamber.
  - 3. Shotguns/rifles will be carried in a "cruiser safe" condition with the safety on, magazine loaded and the chamber empty.
  - 4. Shotguns/rifles will be kept in a car trunk, a locked gun rack, or secured area until needed.
  - 5. Except in unusual circumstances, plainclothes officers displaying or using their firearm in a law enforcement capacity shall verbally announce and physically produce identification. **Plainclothes officers must communicate their identification to other law enforcement personnel immediately and in a non-threatening posture.**

**B. Carrying/Using Firearms Off-Duty**

1. When an off-duty officer is outside his/her jurisdiction, he/she may use a firearm in self-defense and in aiding citizens and other officers in imminent danger of serious physical injury or death in accordance with Department policy and state and local law. Off-duty officers acting out of their jurisdiction and/or using a firearm in a law enforcement capacity must identify themselves to other law enforcement personnel immediately and in a non-threatening posture.
2. The Department badge and identification card must be carried when an officer is carrying either their Department-issued firearm or personal weapon off-duty.
3. Time and safety permitting, a verbal announcement and physical proof of the officer's identity and authority shall be made when using a firearm in a law enforcement capacity.
4. While off-duty, officers will not carry firearms into legally secured facilities where the possession of a firearm is prohibited by law, such as correction institutions and court houses.
5. Officers will not carry firearms while under the influence of alcohol.

**C. Carrying/Using Secondary/Concealed Firearms**

1. Officers may request permission to carry a secondary firearm. All requests will be submitted in writing to the Chief of Police and maintained in the member's training file.
2. The carrying of any secondary firearm must first be approved by the Chief of Police in writing before any officer may carry such a weapon.
3. Officers are required to qualify with any secondary weapon annually in accordance with this Order. Ammunition for secondary weapon qualification must be provided by the officer.
4. Only Department-approved ammunition shall be used on duty. [CFA 4.05M D]
5. Officers carrying secondary weapons must conceal them.

**D. Safety Precautions**

1. Every firearm must be treated as if loaded until it has been positively determined to be safe.
  2. When a Department firearm is removed from the holster for training, cleaning or inspections, it will be pointed at an outside clearing barrel (if available) and made safe as follows:
    - a. Magazine removed, slide open and ammunition rounds removed from semi-automatic pistols;
    - b. Cylinder opened and ammunition rounds removed from revolvers.
  3. Firearms with the action closed shall not be passed to another person.
  4. Officers will not participate in horseplay or other unsafe practices with firearms.
  5. Dry-firing of firearms is prohibited in all buildings.
  6. Firearms should never be pointed in a direction where unintentional discharge could cause injury or damage. This rule is especially important in connection with dry-firing.
  7. The firearm shall always be maintained under the control of the officer no matter what he/she may be doing.
  8. The physical transfer or display of any service or personal firearms is prohibited while the officer is in any City building.
  9. All Department-issued firearms will be locked and secure at all times when those weapons are not being worn by Department personnel.
- E. An officer may remove his/her firearm or ECD from its holster if encountering potentially dangerous situations. If an officer does point a firearm or aim the ECD laser at a person, the officer must submit an *Officer Response to Resistance Report* to the Chief of Police in writing via the chain of command by the end of officer's shift.
- F. Officers carrying a firearm in their official capacity may discharge it only under the following circumstances:
1. At an authorized target range for practice, training or competition purposes;
  2. To give an alarm or call for assistance for an important purpose when no other means is available;

3. When the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious bodily injury;
4. In the retaking of fleeing felons in accordance with Department policy 4.1.02;
5. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

**G. Death or Serious Bodily Injury [CFA 15.15M]**

1. In ALL instances where an officer discharges a firearm and injures another person, or any member's action results in death or serious bodily injury, the officer will:
  - a. Render medical assistance, if appropriate;
  - b. Notify Communications of the incident and request a supervisor to respond;
  - c. Request Emergency Medical Services; and
  - d. Secure the scene and summon sufficient backup.
2. Communications will:
  - a. Dispatch the officer's supervisor;
  - b. Notify the Chief of Police; and
  - c. Contact the FDLE Jacksonville Regional Operations Center to request a Critical Incident Team initiate an investigation.
3. Once advised of the incident resulting in injuries, the supervisor will respond to the scene and insure:
  - a. Emergency medical services are provided to injured persons;
  - b. Dispatch requests an FDLE Critical Incident Team to initiate the investigation;
  - c. Physical evidence and documentation is protected and preserved;
  - d. A crime scene perimeter is established and secured;

- e. All law enforcement and citizen witnesses are identified and separated pending initial interview;
  - f. As feasible, arrestees at the scene are detained pending arrival of FDLE;
  - g. All weapons used are taken into custody and the condition of each weapon documented, including:
    - 1) Cocked/Uncocked;
    - 2) Cartridge in chamber/Chamber clear;
    - 3) Number of rounds in the magazine;
    - 4) Type and brand of ammunition.
- 4. The ranking officer on scene will coordinate crowd control efforts. Access to the scene will be restricted to:
  - a. Emergency medical personnel;
  - b. FDLE investigators;
  - c. FDLE crime scene technicians;
  - d. Medical examiner personnel;
  - e. State Attorney personnel; and
  - f. Other law enforcement personnel assisting FDLE.
- 5. Unless the State Attorney or another law enforcement agency asserts primary jurisdiction and responsibility for investigations, FDLE will assume operational direction of investigations and forensics.
- 6. The ranking officer will assist FDLE during and after the on-scene investigation, including:
  - a. Collecting additional evidence from suspects, vehicles and involved law enforcement personnel; and
  - b. Securing radio, body camera and in-car camera recordings.
- 7. FDLE will be responsible for:
  - a. Dispatching the Critical Incident Team and crime lab personnel;

- b. Contacting the medical examiner;
  - c. Advising the State Attorney personnel; and
  - d. Requesting any other law enforcement personnel required.
- 8. The Chief of Police or his designee may issue initial press statements:
  - a. Acknowledging an incident;
  - b. Reporting the status of the officer(s) involved; and
  - c. Refer to the investigative process.
- 9. Any press release related to investigative activities and responses to public records requests shall be coordinated jointly by FDLE and the Police Department, assuring that disclosures, if any, are appropriate and timely.
- 10. FDLE will forward copies of investigative reports and summaries to the State Attorney, maintaining applicable confidentiality. FDLE will report factual findings, offering no recommendations or legal conclusions as to whether any force used was justified.
- 11. In all instances where an officer INTENTIONALLY discharges a firearm, other than for training purposes or recreation, the officer will complete an *Officer Response to Resistance Report* separate from the original incident report and submit it to the Chief of Police via chain of command that day. The on-duty supervisor will critique the report and submit the critique to the Chief of Police by the end of shift. [CFA 4.07M A]

#### **H. Discharge of Firearm without Injuries**

- 1. In those instances where an officer accidentally or deliberately discharges a firearm and no injuries occur, (except in cases involving animals and firing a shot to summon aid), the officer will notify Communications of the incident and request a supervisor to respond.
- 2. Upon responding to the scene, the supervisor will document the scene, securing witness and officer statements.
- 3. The officer will complete an incident report before the end of shift.
- 4. In all instances where an officer INTENTIONALLY discharges a firearm, other than for training purposes or recreation, the officer will complete an *Officer Response to Resistance Report* separate from the original incident

report and submit it to the Chief of Police via chain of command that day. The on-duty supervisor will critique the report and submit the critique to the Chief of Police by the end of shift. [CFA 4.07M A]

5. In all instances where an officer UNINTENTIONALLY discharges a Department firearm on or off-duty without subsequent injury, the officer will submit a written memorandum detailing the incident to the Chief of Police by the end of shift.

## **USE OF LESS-LETHAL WEAPONS**

### **A. Carrying/Using Less-Lethal Weapons [CFA 4.06M A]**

1. The Chief of Police may authorize officers to use less-lethal weapons in accordance with appropriate training and manufacturer guidelines.
2. All members will be issued and instructed in use of force directives before being issued or allowed to carry a less-lethal weapon in the performance of their duties. [CFA 4.02M]
3. Less-lethal weapons shall be carried in their issued case or holster when not in use.
4. Officers are permitted to carry Department approved/issued less-lethal weapons while off-duty and may use them in accordance with this Department use of force policy. [CFA 4.06M B]

### **B. Oleoresin Capsicum (OC) Spray**

1. OC spray is an approved restraint device and constitutes a use of force.
2. Officers will not remove the identification and instructional label from the canister.
3. Auxiliary officers may be issued OC spray after receiving the applicable training and the Department use of force policy.
4. Once a subject has been sprayed with OC, the officer should monitor the subject's physical condition and follow the guidelines under GO 4.1.10: Appropriate Medical Attention.

### **C. Intermediate Weapons (Impact Weapon)**

1. Intermediate weapons provide a method for controlling a subject when deadly force is not justified and empty hand techniques are not sufficient to gain control.



2. When an intermediate weapon is used for control, it should be with the intent to disable a subject temporarily and never with the intent of creating great bodily harm or death, unless the use of deadly force is justified.
3. Less-lethal impact weapons will be used in accordance with the training provided to all officers.
4. In an incident necessitating use of non-deadly force with an impact weapon, the subject's head, neck, throat, spine, sternum and groin areas should be avoided.
  - a. Striking these areas shall generally be considered a use of deadly force.
  - b. An exception to this provision exists when a situation escalates to the point that deadly force is authorized, in which case the officer may willfully strike a subject with an impact weapon in the subject's head, neck, throat, spine, sternum and groin areas.
5. The Department's approved impact weapons include the expandable (ASP) baton and the flashlight.
6. The Department-issued flashlight should not be carried in lieu of the ASP baton, as its versatility is not as great as the ASP. The Department recognizes that some situations escalate quickly and an officer may need to use force under circumstances where the ASP is not readily available. Use of the flashlight as a weapon under such circumstances may be necessary and should be consistent with the training received with the ASP.
7. Nothing in this directive will prevent an officer from utilizing any readily available object as a substitute intermediate weapon during an emergency.

**D. Electronic Control Devices (ECD) [CFA 4.06M A]**

1. Electronic Control Devices (ECDs), also known as Tasers or dart-firing stun guns, are intended as an alternative to physical control in neutralizing combative subjects. Deployment of an ECD is intended to prevent escalation of subject resistance or violence and to minimize injury to the officer(s) and subject. An ECD is not intended to replace firearms or self-defense techniques
2. ECDs shall be issued to and used only by officers who have completed the statutorily mandated training and annual recertification. [CFA 4.06M C]
3. The Quartermaster will record the serial numbers of each ECD and cartridge along with the name of the officer to whom the units were issued. Prior to

any ECD being sent for repairs, a final download of the data will be made by Information Technology staff or the Quartermaster.

4. Each ECD will be checked at the start of each shift. Only properly functioning and charged ECDs will be carried in the field.
5. An ECD is a sensitive electronic device and should be encased in its protective holster when not in use. Care should be taken to avoid dropping the ECD.

**6. Prohibitions and Safety Precautions**

- a. The ECD shall not be deployed in a punitive manner.
- b. Officers will not aim the laser-sighted ECD at anyone's eyes or face.
- c. If possible, officers should avoid using an ECD on late term pregnant women due to possible complications from a fall or secondary injury.
- d. Public safety should be considered prior to deploying an ECD on a suspect in control of a motor vehicle. Attempts should be made to box in the suspect's vehicle prior to deployment.
- e. Officers will not fire an ECD near flammable, volatile or explosive liquids or fumes, in or near suspected meth labs, or if non-Department issued self-defense sprays are known to have been utilized on a subject.
- f. Officers should assess environmental factors, which include but are not limited to, the suspect standing on or near the edge of a roof, stairwell, window or body of water.

**7. Deployment**

- a. Per Florida Statute 943.1717, the decision to use an ECD must involve an arrest or a custodial situation during which 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 ability to physically threaten the officer or others; or
  - 2) Is preparing or attempting to flee or escape.
- b. Prior to the use of the ECD, if practical, officers will advise "Taser, Taser" to indicate use of the ECD is imminent.

- c. Officers will exhaust all reasonable efforts with voice commands to gain compliance from the subject.
- d. The use of an ECD as a “stun gun” tends not to be effective if the subject is unrestrained and is therefore not recommended.
- e. Officer should attempt to employ a backup officer with service weapon drawn if appropriate or have a second officer prepared to handcuff the suspect.
- f. Officers will treat person(s) who have been subjected to the ECD or the probes as follows:
  - 1) Officers are to wear latex gloves when removing probes.
  - 2) Officers will NOT remove any probe if the barb shaft is imbedded so deeply as to prevent the probe from hanging loosely.
  - 3) Transportation to a medical facility will be by law enforcement transport unless an ambulance is appropriate.
- g. Officers will request the response of a supervisor to the scene. Officer(s) will advise the supervisor that the subject has been subjected to an ECD and relate the approximate time the action occurred.
- h. Officers will complete an *Officer Response to Resistance Report* and submit this report with a copy of the incident report to the Chief of Police by the end of shift.
- i. If an officer draws an ECD and targets an individual with the laser ~~site~~, even if the weapon is not deployed, the officer will complete an *Officer’s Response to Resistance Report*. The officer will forward the report via chain of command to the Chief of Police by the end of shift.
- j. ECD probes are biohazards and will be treated as such.
  - 1) All personnel will wear protective latex gloves when handling the probes.
  - 2) The probes shall be cut from the wires and the wires wound around the cartridge.
  - 3) The probes shall be placed in a sharps container for later disposal as biohazardous material.

- k. The officer will make a photocopy of the cartridge before disposing of it. The serial number will then be submitted to Evidence, at which time the cartridge will be removed from the officer's inventory list.

**l. Supervisor's Responsibilities**

- 1) Shift supervisors will respond to scenes where an ECD has been deployed.
- 2) Supervisors will ensure that officers who use an ECD complete an *Officer Response to Resistance Report*. Even if the ECD is not discharged, officers must document in their narratives incidents when the ECD was aimed at an individual with the laser targeting engaged.
- 3) Supervisors will investigate each incident in which an ECD is deployed aimed at an individual with the laser targeting engaged, reviewing the incident report and the *Response to Resistance Report*. Supervisors will forward the officer's reports along with their own memo to the Chief of Police through the Deputy Chief of Police by the end of shift.

**m. Deputy Chief's Responsibilities**

- 1) The Deputy Chief will review each case of an ECD deployment or laser targeting and report to the Chief of Police on the appropriateness of each use.
- 2) The Deputy Chief will ensure ECD training is conducted each year.

**APPROPRIATE MEDICAL ATTENTION [CFA 4.08M]**

- A. If an officer uses deadly or non-deadly force against a person while affecting an arrest, he/she will:
  - 1. Request EMS at the scene if injuries are serious enough to warrant immediate attention as in cases of severe bleeding, unconsciousness, or other severe trauma;
  - 2. Initiate the appropriate first aid.
- B. When OC spray is used on a suspect, the arresting officer will, as soon as practical and reasonable, allow the suspect an opportunity to flush the affected area thoroughly with cold tap water.

1. The arrestee will be checked by EMS personnel who will determine if further medical treatment is required.
  2. Adverse effects of the OC spray should wear off in approximately 45 minutes. If adverse effects of the OC spray continue for an hour, or, if the arrestee requests, he/she will be provided medical attention.
- C. When an electronic control device is used on a suspect, the arresting officer **will not** remove any probe if the shaft is embedded so deeply as to prevent the probe from hanging loosely.
- D. Transportation to a medical facility will be by law enforcement transport unless an ambulance is appropriate

#### **RESPONSE TO RESISTANCE REPORTS [CFA 4.07M]**

- A. In any case where an officer applies force through the use of lethal or less-lethal weapons or more than routine weaponless physical force in the performance of their duties, an *Officer Response to Resistance Report* will be submitted by the involved member(s) to the Chief of Police in addition to the general incident report. This requirement applies to any force other than routine force applied in the course of duty. [CFA 4.07M B-C]
- B. Each officer involved in or witnessing an incident resulting in the use of force will submit an *Officer Response to Resistance Report* describing his/her involvement in the incident by the end of shift.
- C. **Discharge of a Firearm**
1. In all instances where an officer INTENTIONALLY discharges a firearm or otherwise uses deadly force, other than for training purposes or recreation, the officer will complete an *Officer Response to Resistance Report* separate from the original incident report and submit it via chain of command to the Chief of Police that day. The on-duty supervisor must critique the report and submit the critique to the Chief of Police by the end of shift. [CFA 4.07M A]
  2. In all instances where an officer UNINTENTIONALLY discharges a Department firearm on or off-duty without subsequent injury or property damage, the officer will submit a written memorandum detailing the incident to the Chief of Police by the end of shift. [CFA 4.07M A]
- D. In all instances where an officer UNINTENTIONALLY discharges a Department firearm on or off-duty **with subsequent injury or property damage**, the officer

will immediately notify the Williston Police Department supervisor on-duty and document the incident with the Williston Police Department as follow:

1. If the incident occurs outside the city limits, the officer will notify the applicable authorities and submit a written memorandum to the Chief of Police by the end of shift.
2. If the incident occurs within the city limits, the officer will complete an incident report and submit it to the Chief of Police that day. The on-duty supervisor must critique the report and submit the critique to the Chief of Police by the end of shift. [CFA 4.07M A]

#### **AGENCY REVIEW [CFA 4. 09M, 15.15M B]**

- A. The Department will conduct an administrative review of all incidents in which force is used against an individual. Any internal investigation report will be forwarded directly to the Chief of Police. [CFA 4.09M, 15.15B]
- B. If an officer uses deadly force resulting in great bodily harm or death, the Florida Department of Law Enforcement criminal investigation will take precedence over any internal or administrative investigation, per the terms of the agencies' *Memorandum of Understanding*.
  1. The Williston Police Department will retain direction and responsibility for any internal and administrative investigations.
  2. Any Departmental internal or administrative investigation shall be initiated only after the criminal investigations have been concluded or when specifically authorized by the FDLE investigative team.
  3. No internal report or statement by the Williston Police Department shall be provided to or its contents revealed to the criminal investigations team or prosecutor until such time as FDLE's criminal investigative team and the Office of General Counsel agree that the criminal investigation will not be adversely impacted.
- C. The Department will conduct an annual administrative review and analysis of all reports of:
  1. Discharging of a firearm for other than training or recreational purposes;
  2. Any injury or death;
  3. Any use of force outside of routine force, including weaponless physical force. [CFA 4.09M]

## **LINE-OF-DUTY REMOVAL [CFA 15.15C M]**

- A.** Whenever an officer is a principal participant in an incident involving the use of deadly force that results in serious physical injury or death, the officer will:
  - 1.** Be immediately placed on administrative leave or assigned to administrative duty according to the discretion of the Chief of Police;
  - 2.** Remain on administrative leave or administrative duty until the conclusion of a Department administrative review.
- B.** Any officer involved in a shooting situation or a situation involving great bodily harm or death may be required to receive counseling by a Department-appointed psychiatrist or psychologist. The counseling will not be related to any Department investigation nor will it be used in violation of the Doctor-Patient privilege.

## **V. INDEXING**

Agency Review  
Concealed Firearms  
Counseling  
Critical Incident Team  
Deadly Force  
Deployment  
ECD  
Electronic Control Device  
FDLE  
Firearms  
Firing At/From Moving Vehicle  
Fleeing Felons  
Force  
Impact Weapons  
Jurisdiction  
Medical Attention  
Oleoresin Capsicum Spray  
OC Spray  
*Officer Response to Resistance Report*  
Proficiency Requirements  
Reasonable Belief  
Reports  
Routine Force  
Secondary Firearms  
Taser  
Use of Force  
Use of Weapons On/Off Duty  
Warning Shots

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>5.1</b>	SUBJECT: <b>RESERVE OFFICER PROGRAM</b>
EFFECTIVE DATE: <b>2/19/03</b> REVISION DATE: <b>02/28/12</b>	CFA STANDARDS: <b>5.01M, 5.02M, 5.03, 5.04M, 5.05M A-F</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

- 5.1.01 AUTHORITY
- 5.1.02 DUTIES AND RESPONSIBILITIES
- 5.1.03 SELECTION CRITERIA
- 5.1.04 TRAINING REQUIREMENTS
- 5.1.05 LIABILITY PROTECTION

**I. PURPOSE:** The purpose of this General Order is to establish guidelines for the operation and administration of the Williston Police Department Reserve Officer Program.

**II. POLICY:** The Chief of Police will appoint fully certified reserve police officers to provide law enforcement assistance. These officers will complete the Department field training program.

Especially outside of Levy County, Williston Police Officers are encouraged to act as observant, concerned citizens when they encounter crimes being committed. Only when immediate threats to life and limb are occurring should officers become more involved.

### **III. DEFINITIONS**

**Reserve Officer:** Volunteer, sworn personnel certified by the State of Florida to uphold its laws to the fullest extent.



## IV. PROCEDURE

### 5.1.01 AUTHORITY [CFA 5.01M]

**A. Role.** The Williston Volunteer Reserve Police Officer Program will consist of fully certified officers who act in the capacity of Police Officers and assist the Department in fulfilling its responsibilities.

#### **B. Limits of Authority**

**1. Uniforms/Duty Equipment.** Reserve officers must wear the Department police uniform while on-duty, unless working in a covert capacity.

**a. Issuance.** The police quartermaster will be responsible for issuing Department uniforms and equipment to the reserve officers.

**b. Return.** The police quartermaster will ensure City-owned equipment is returned on or before the effective date of any reserve officer's resignation or termination.

**2. Firearms.** Unless otherwise approved by the Chief of Police, reserve officers will carry only Department-issued firearms while on-duty.

**a. Proficiency.** Proficiency in the use of Department approved/issued firearms will be accomplished annually per General Order 4.1. [CFA 5.05 B]

**b. Off-Duty.** Reserve officers must request and receive approval from the Chief of Police to carry a firearm off-duty. Reserve officers with the authority to carry firearms off-duty are bound by the same requirements for qualification and use as full-time officers. (See GO 4.1)

**c. Concealed Weapons Permit.** If a reserve officer has a concealed weapon permit, he/she may carry personal firearms as authorized by the permit. The firearm also must be authorized by the Department per General Order 4.1.

**c. Credentials.** Reserve officers will carry their Department-issued badge and ID card when carrying a firearm off-duty and/or when taking police action.

**d. Off-Duty Actions.** When off-duty, reserve officers may take appropriate police action, when warranted, in compliance with

applicable statutes, ordinances, and Department policies and procedures.

#### **5.1.02 DUTIES AND RESPONSIBILITIES**

**A. Service Requirement.** Reserve officers are required to work the equivalent of one shift a month for the Williston Police Department.

- 1. Shifts.** Shifts will be scheduled and approved in advance by the Deputy Chief of Police.
- 2. On-Call Status.** In addition to scheduled riding times, reserve officers may be called to work as needed for:
  - a.** Emergency situations;
  - b.** Special events such as parades or other city-sponsored functions;
  - c.** Covering full-time officer shortages.
- 3. Absence.** Reserve officers who are repeatedly unavailable to assist the Department as needed will be terminated.

**B. Chain-of-Command.** While on duty, reserve officers are under the supervision of the Department's chain of command.

**C. Discipline**

- 1.** Disciplinary actions against a reserve officer include verbal reprimand, suspension of privileges, and/or termination.
- 2.** A reserve officer may be terminated, with no appeal, at the discretion of the Chief of Police.

**D. Leave-of-Absence**

- 1.** The Chief of Police may approve requests for any leave-of-absence.
- 2.** Department property must be returned prior to the leave-of-absence.

**E. Medical Leave Requests**

1. Reserve officers who are unable to fulfill their duty obligation due to medical reasons will submit the appropriate medical forms to the Chief of Police via the chain of command.
2. Reserve officers may not return to duty until approval is given by the Chief of Police.

**F. Benefits.** Reserve officers are entitled to worker's compensation but are not entitled to other City or Department benefits, except as outlined in this General Order.

**G. On-Duty Insurance Coverage.** While on duty, reserve officers are entitled to death and injury benefits afforded all Williston Police Department officers.

**H. Permanent Status.** Reserve officers do not automatically attain permanent status with the Department.

**I. Off-Duty Employment.** Reserve officers will not engage in off-duty employment that requires the use of police authority unless the off-duty employment is within Levy County and authorized in writing by the Chief of Police.

**J. Resignation.** Reserve officers wishing to resign may do so by submitting their resignation to the Chief of Police via the chain of command.

**5.1.03 SELECTION CRITERIA**

**A. Selection Criteria.** The selection criteria for reserve officers will be identical to that required for full-time officers. [CFA 5.02M]

**B. Ineligibility.** The Chief of Police retains sole authority to appoint reserve officers and may exclude or terminate persons who present a conflict of interest or who fail to abide by the Department's orders and procedures.

**C. Qualification Criteria.** To be eligible for selection as a reserve officer, a candidate must successfully complete the Criminal Justice Standards and Training Commission Basic Recruit Course or a Florida Department of Law Enforcement (FDLE) approved crossover training course and obtain a Florida law enforcement certification as defined in FSS 943.13. [CFA 5.03]

**5.1.04 TRAINING REQUIREMENTS**

**A. Field Training Program**

1. Former Williston police officers who retire or resign in good standing may operate as solo reserve officers.

2. Any reserve officer candidate not previously employed by the Williston Police Department will be required to complete a training and orientation program as determined by the candidate's patrol experience.
3. Reserve officers without previous law enforcement experience may work in a solo capacity upon successful completion of the full field training program (in addition to other listed prerequisites).
4. Reserve officers will be restricted to performing only those law enforcement duties for which they have received training. [CFA 5.04M]

**B. In-Service Training**

1. After appointment, reserve officers must receive in-service and/or re-training equivalent to that required in Section D, CJSTC Commission Policies and Procedures Manual of the Criminal Justice Standards and Training Commission for full-time police officers (minimum 40 hours within 4 years with curricula updated as required) (FSS 943.135). [CFA 5.05M A]
2. Reserve officers must attend training mandated by Police Standards and are solely responsible for receiving the minimum hours of training necessary to maintain certification.

**C. Specialized Training.** Reserve officers must participate in and prove proficiency with the same frequency as regular full-time officers regarding:

1. Annual use of force training, [CFA 5.05M B ]
2. Annual Taser training, [CFA 5.05M C]
3. Biennial less-lethal training, [CFA 5.05M D]
4. Knowledge of legal updates as they apply to law enforcement functions. [CFA 5.05M E]

**5.1.05 LIABILITY PROTECTION.** Reserve officers will be bonded with the same level of liability coverage provided full-time officers performing like functions.

**V. INDEXING**

Authority  
Bond  
Concealed Weapons  
Chain of Command  
Discipline

Firearms  
In-Service Training  
Leave of Absence  
Liability Protection  
Medical Leave  
Off-Duty Employment  
Proficiency  
Reserve Officer Program  
Resignation  
Selection  
Shifts  
Training  
Uniforms

# **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

GENERAL ORDER: <b>6.1</b>	SUBJECT: <b>AUXILIARY PROGRAM</b>
EFFECTIVE DATE: <b>2/19/03</b> REVISION DATE: <b>12/20/2011</b>	CFA STANDARDS: <b>2.09, 6.01M, 6.02, 6.03M</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## **SECTIONS IN THIS CHAPTER**

- 6.1.01 AUTHORITY
- 6.1.02 PROGRAM ADMINISTRATION
- 6.1.03 SELECTION PROCESS
- 6.1.04 DUTIES AND RESPONSIBILITIES
- 6.1.05 TRAINING REQUIREMENTS
- 6.1.06 UNIFORMS AND EQUIPMENT
- 6.1.07 VEHICLE USE
- 6.1.08 INJURY
- 6.1.09 VESTED RIGHTS AND LIFE OF PROGRAM

- VI. PURPOSE:** The purpose of this General Order is to establish guidelines for the operation and administration of the Williston Police Department Auxiliary Program. The purpose of the Williston Police Department Auxiliary Program is to support the Department and serve the citizens of the City of Williston by providing volunteer services to supplement regular law enforcement personnel in the performance of specific duties.

**VII. POLICY:** It is the policy of the Williston Police Department to utilize all available resources to best serve the citizens of the City of Williston. The Department recognizes that volunteers are a valuable resource and utilizes them to assist sworn personnel with specific tasks. An efficient and disciplined Auxiliary Program that has the confidence and respect of Department personnel and the general public requires each auxiliary member to recognize that his or her actions both in and out of uniform reflect on the Police Department and the Auxiliary Program. It is therefore essential that auxiliary personnel familiarize themselves with all applicable rules, regulations, procedures and laws and adhere to them during the performance of their duties.

## **VIII. DEFINITIONS**

**Auxiliary Member:** Civilian volunteer affiliated with the law enforcement agency in a part-time, non-sworn capacity with the ability to assist sworn personnel with specific tasks.

## **IX. PROCEDURE**

### **AUTHORITY [CFA 6.01M]**

- A. Auxiliary members will be assigned specific duties by the Program Administrator, including but not limited to:
1. Directing traffic at crash scenes, special events or malfunctioning signals;
  2. Replacing absent school crossing guards;
  3. Providing logistical support at DUI checkpoints;
  4. Performing radar surveys;
  5. Investigating roadway hazards;
  6. Tagging and having towed abandoned, junk or derelict vehicles;
  7. Picking up vehicle tags flagged by the Department of Highway Safety and Motor Vehicles;
  8. Handling vehicle lockouts;
  9. Performing courier duties;
  10. Retrieving recovered property;
  11. Assisting the Animal Control Officer with non-violent animals;
  12. Fingerprinting non-arrested/non-adversarial persons;

13. Assisting in photography assignments;
14. Processing crime scenes;
15. Handling routine "check on welfare" calls;
16. Assisting in locating wanted persons and vehicles;
17. Performing routine patrol of the community.

**B. Auxiliary personnel are prohibited from:**

1. Operating an emergency vehicle with any siren in activation;
2. Participating in the service of an arrest warrant or initial service of a search warrant;
3. Participating in any activity when it is known beforehand to be extremely dangerous;
4. Approaching any crime scene that has not been secured;
5. Wearing, carrying or transporting any weapon during the course of assigned duties or when in uniform;
6. Taking part in political activities of any kind while acting in the name or capacity of an auxiliary member;
7. Utilizing any Auxiliary Program equipment or clothing except while on-duty. This does not preclude wearing or carrying items to and from the police station.

**C. Use of Force**

1. Auxiliary members have no authority to utilize force to any degree above that of a citizen. Auxiliary members will always take immediate action to minimize danger to themselves and others.
2. Auxiliary members will immediately report to dispatch any activity that is hazardous or threatens the community if an officer or other City employee should respond.
3. An auxiliary member may use force to protect himself/herself or another only to the extent that illegal force is being applied to them.



## **PROGRAM ADMINISTRATION**

- A. The Chief of Police will appoint a Program Administrator who will have control and authority over all auxiliary members.
- B. The Program Administrator will have the authority to discipline any auxiliary member or detail any auxiliary member to such service as may be necessary.
- C. The Program Administrator will maintain basic performance records, coordinate all activities and establish such procedures as deemed necessary for the efficient operation of the Auxiliary Program.

## **SELECTION PROCESS**

- A. Applicants must complete and submit an Application/Personal History Questionnaire as directed by the Department.
- B. Applicants must complete successfully an oral interview and a comprehensive background investigation.
- C. Evaluation criteria will include, but not be limited to:
  - 1. Communication skills;
  - 2. Interpersonal skills;
  - 3. Motivation;
  - 4. Appearance and poise;
  - 5. Judgment and problem solving;
  - 6. Availability; and
  - 7. Skills that match organizational needs.
- D. The City of Williston is a drug-free workplace. As such, all candidates for the position of Police Auxiliary will submit to a drug analysis upon request from the Chief of Police.

## **DUTIES AND RESPONSIBILITIES [CFA 6.02]**

### **A. Performance of Duty**

1. All auxiliary members will be held responsible for the proper performance of their duties.
2. Failure to perform the necessary duties will be considered neglect of duty and may result in termination from the program.

### **B. Duty Requirements**

1. When on duty, auxiliary members will be subordinate to all sworn officers and will follow all lawful orders.
2. Auxiliary members must attend at least 75% of all monthly meetings held in a year.
3. Auxiliary members will render services when, in the opinion of the Chief of Police, it is necessary for the public welfare and safety. Emergency auxiliary services will only be initiated by the Program Administrator or his/her designee.
4. All auxiliary members will assist the Department in the City's July 3rd celebration, Peanut Festival and Halloween Trail of Treaters, unless a valid excuse is provided to the Program Administrator.

### **C. Public Relations**

1. Auxiliary members will promote good public relations by giving their assistance when needed, administering their duties impartially, and meeting the public with courtesy and consideration.
2. Auxiliary members will furnish their name and Department ID number to any person upon request.

### **D. Conformance to Laws**

1. Auxiliary personnel will not violate any federal, state, county, or municipal law.

2. Any auxiliary member formally charged with a criminal offense or DUI will notify the Program Administrator within forty-eight (48) hours.
  - a. The Program Administrator will inform the Chief of Police.
  - b. Auxiliary personnel charged as described above will be immediately suspended from the program.
  - c. Suspensions will remain in effect until lifted by the Chief of Police.

**E. Orders**

1. Auxiliary members are required to obey any lawful order given by an officer.
2. Auxiliary personnel will make every effort to carry out any order, either written or oral, given by an officer.
3. An auxiliary member who is given an otherwise lawful order that is in conflict with a previous order, rule, regulation or directive will so inform the officer issuing the conflicting order (except in the event of an emergency, in which case the order will be obeyed). If the officer issues the order a second time, the auxiliary member will follow the order.

**F. Conflicts of Interest**

1. Auxiliary members must advise the Program Administrator of any situations that may present a conflict of interest.
2. Auxiliary members will not involve themselves in any situation that may pose a conflict of interest.

**G. Drugs and Alcohol**

1. Auxiliary personnel will not report for duty while taking (or under the influence of) any substance (including prescription and non-prescription drugs) that impairs job performance.
  - a. Auxiliary members are prohibited from taking any such substance while on-duty.
  - b. Auxiliary members will not use Schedule I controlled substances as defined in FSS 893.03(1).

2. Auxiliary personnel are prohibited from using illegal substances at any time or using prescription drugs in a manner other than that prescribed by a licensed physician, or in a manner inconsistent with its medically prescribed and intended use, or under circumstances where use is not permitted.
3. Auxiliary personnel will not consume alcohol while on-duty or in uniform except during approved training.
  - a. Auxiliary personnel are not to report for duty with any type of alcoholic beverage on or within their person.
  - b. Auxiliary personnel will be held to the same standards as sworn officers in regard to blood alcohol levels.
4. Auxiliary personnel are prohibited from using any type of tobacco products while performing any duty in plain view of the public.
5. Auxiliary personnel are subject to routine drug testing in a manner similar to all other Department personnel.

#### **H. Rules of Conduct**

1. Any breach of peace, neglect of duty, or misconduct that undermines the good order, efficiency or discipline of the Department, even though these offenses may not be specifically enumerated, will be considered conduct unbecoming a member of the Auxiliary Program and will subject the individual to disciplinary action by the Program Administrator.
2. Auxiliary members will be consistently courteous and honest while performing obligations of the Auxiliary Program.
3. Auxiliary members will not be insubordinate or disrespectful to any member of the Department or public.
4. Auxiliary personnel must be punctual when reporting for duty.
5. Auxiliary personnel will treat as confidential the official communications and business of the Department. Information concerning crimes, arrests, suspects, witnesses or any police matter is not to be discussed outside the Department.
6. Building access codes will be kept confidential.

7. Auxiliary personnel may not solicit or accept any compensation, reward, gift, gratuity or other consideration either for duties performed as a member of the Auxiliary Program or because of their affiliation with the Department, unless specifically pre-authorized by the Chief of Police. This includes, but is not limited to: money, tangible or intangible property, food, beverage, services, loan or promise of loan. This does not preclude accepting unsolicited items such as pens, calendars and similar items of nominal value that are normally given away.
8. Auxiliary personnel will not identify themselves as members of the Williston Police Department when off-duty and not acting in the interest of the Auxiliary Program.
9. Department equipment, including phones, copy and fax machines, are for police business purposes only. Personal phone use must be limited to local calls of a short duration that do not interfere with police business.
- I. **Sexual Harassment.** The Department does not condone and will not tolerate any sexual harassment. This policy includes interaction between supervisors and subordinates and interaction between co-workers and volunteers. All auxiliary members will abide by the City's personnel policy, which addresses sexual harassment.
- J. **Duty to Report.** Auxiliary members have a duty to report to the Chief of Police via the chain of command any crime or violation of Department rules and regulations by other auxiliary members or Department personnel.
- K. **Discipline.** Discipline against auxiliary personnel will be in the form of verbal reprimand, written reprimand, suspension of privileges and/or expulsion from the Auxiliary Program.

## **TRAINING REQUIREMENTS [CFA 6.03M]**

### **A. Minimum Training Requirements**

1. Persons appointed to serve as auxiliary members must successfully complete the minimum training requirements as prescribed by the Chief of Police.
2. The basic training program is designed to introduce auxiliary members to the types of tasks they will be performing in an operational support capacity and to provide adequate training to carry out these responsibilities.
3. Persons appointed as auxiliary members may not begin official duties until successfully completing all minimum training requirements.

4. Classroom training may be accomplished periodically through monthly meetings.

**B. Training Curriculum.** The training program will be approved by the Chief of Police and will consist of subjects necessary for the auxiliary member to properly perform assigned duties, including but not limited to:

1. Introductions, orientation and facilities familiarization;
2. Organizational structure/chain of command;
3. Auxiliary duties and responsibilities;
4. Code of conduct and rules and regulations;
5. Radio communications;
6. Community relations;
7. Crime prevention;
8. First aid training, CPR and patient stabilization;
9. Traffic direction and control;
10. Conflict management and resolution;
11. Patrol operations;
12. Emergency situations and assisting at public events;
13. Driving skills and vehicle operations;
14. Report writing and internal communications;
15. Fingerprinting;
16. Radar surveys; and
17. Vehicle maintenance.

**C. Training Records.** The Program Administrator will be responsible for maintaining all records pertaining to auxiliary training.

## **UNIFORMS AND EQUIPMENT**

- A. General Uniform.** Auxiliary members will be issued a uniform approved by the Chief of Police that is readily distinguishable from the uniform of sworn officers. [CFA 2.09]
- B. Use and Care of Equipment**

  - 1. When on an assigned detail, every auxiliary member must be in complete uniform unless directed otherwise by the Program Administrator.
  - 2. Auxiliary members will only wear or carry Department-issued uniforms and equipment when on-duty or while traveling to and from a duty assignment.
  - 3. Auxiliary members are responsible for the care and cleaning of all issued uniforms and equipment.
  - 4. Auxiliary members are responsible for all equipment issued to them. When any part thereof is lost or damaged, the auxiliary member will complete a written report to the Program Administrator as soon as practical.
- C. Replacement.** Requests for replacement of any part of the uniform or issued equipment will be submitted in writing to the Program Administrator.
- D. Uniform of the Day.** The Auxiliary will follow the same guidelines as sworn officers, unless changed for special circumstances by the Program Administrator or his/her designee. Due to the possibility of changing weather conditions while on duty, auxiliary members should report for duty fully prepared for such changes by carrying jackets, raincoats, etc. as needed.
- E. Issued Uniforms and Equipment.** Department-issued uniforms and equipment may include, but not be limited to:

  - 1. Uniform trousers;
  - 2. Uniform shirts with auxiliary patch;
  - 3. Uniform jacket/coat;
  - 4. Uniform hat;
  - 5. Garrison belts,
  - 6. Auxiliary badge;
  - 7. Nameplate;

8. Department photo identification;
  9. Traffic safety vest;
  10. Rain gear;
  11. Radio holder;
  12. Radio belt attachment;
  13. Whistle;
  14. Flashlight;
  15. CPR mask;
  16. Bio-hazard kit;
  17. Gas card; and
  18. Police Auxiliary General Order.
- F.** The Quartermaster will issue all equipment with a signed receipt.
- G.** On-duty auxiliary members will only carry that equipment issued to them and/or approved in writing by the Chief of Police.
- H. Return of Uniforms and Equipment.** When a member leaves the Auxiliary Program for any reason, he/she will be responsible for returning all issued uniforms and equipment in a clean and serviceable condition. Auxiliary members will be responsible for lost items or damage beyond normal wear and tear.

## **VEHICLE USE**

### **A. Use of Department Vehicles**

1. Auxiliary members will operate Department vehicles only when specifically instructed or approved.
2. Auxiliary members will inspect assigned vehicles prior to and upon completion of assignment and immediately report any problems with Department vehicles to the Program Administrator.
3. Auxiliary members will adhere to all laws when operating vehicles.



**B. Marked Vehicles**

1. Auxiliary members will not operate Department vehicles marked "Williston Police" unless specifically instructed by the Program Administrator.
2. Use of vehicles marked "Williston Police" will be limited to transportation of the vehicles to a repair garage, use for transportation to and from specific details, or emergency use as authorized by the Program Administrator.
3. Use of vehicles marked "Williston Police" for random patrol is prohibited.

**C. Emergency Lights**

1. Auxiliary members will not utilize emergency lights or sirens en route to incident scenes.
2. Yellow safety/hazard lights may be used in accordance with training.

**D. Maintenance of Vehicles**

1. Preventive maintenance and other nonessential repair or maintenance needs will be directed to and scheduled through the Quartermaster.
2. Auxiliary members are responsible for the cleanliness of their assigned vehicles.

**E. Personal Vehicles**

1. Auxiliary members will not utilize their personal vehicles for Departmental purposes unless confronted with an emergency situation.
2. The above prohibition does not preclude reporting an in-progress situation observed while in a personal vehicle.
3. Auxiliary members will not utilize any type of emergency light or siren on or in personal vehicles.

**F. Maintenance of Valid License**

1. Auxiliary members are required to maintain a valid Florida Driver's License.
2. Auxiliary members must report any significant violations or suspensions of their driver's licenses to the Program Administrator within one week of occurrence or upon the next report to duty, whichever comes first.

## **INJURY**

- A. Injury.** Should an auxiliary member be injured while on duty, he/she must immediately report the incident to the Program Administrator and complete all required reports.
- B. Limited Status.** Auxiliary members unable to perform duties in accordance with provisions of the Auxiliary Program may request or be assigned to limited duties. Limited duties may include administrative or clerical tasks but will not include assignments believed to be in excess of the auxiliary member's physical capacity.
- C. Liability Coverage.** Coverage for auxiliary members against whom claims or suits are filed will be in accordance with the provisions of FSS 112.08(4)(a), which grants the City discretion to extend group insurance (to include liability) to volunteer or auxiliary law enforcement agents.
- D. Reporting Disability.** Whenever an auxiliary member is scheduled for a duty assignment and becomes disabled due to injury or illness, he/she must contact the Program Administrator as soon as possible. This notification should allow sufficient time to cover the member's assignments.
- E. Insurance.** The City will provide a limited amount of accidental death/dismemberment insurance and accidental medical coverage as required under applicable Worker's Compensation Laws.

## **VESTED RIGHTS AND LIFE OF PROGRAM**

- A.** This policy manual is not intended to afford vested rights to the participants.
- B.** This program may be terminated at any time at the discretion of the City and/or the Chief of Police.

## **X. INDEXING**

Alcohol  
Auxiliary Program  
Conflict of Interest  
Disability  
Drugs  
Equipment  
Force  
Gratuities  
Harassment  
Injury  
Insurance  
Liability

Licenses  
Public Relations  
Rules of Conduct  
Training  
Uniforms  
Use of Force  
Vehicles  
Vested Rights

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: 7.1	SUBJECT: <b>FISCAL ACTIVITIES</b>
EFFECTIVE DATE: <b>2/28/06</b> REVISION DATE: <b>6/20/16</b>	CFA STANDARDS: <b>5.01M A-C, 5.02M A-F, 5.03M, 5.04M, 5.05M</b> <div style="text-align: right;"><b>CFA Edition</b></div> <b>5.0</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.16 DEPARTMENTAL ACCOUNTING SYSTEM

3.1.17 PETTY CASH FUND

3.1.18 INVENTORY CONTROL

**XI. PURPOSE:** The purpose of this General Order is to establish policy and guidelines for the Department's accounting system, cash handling procedures, inventory control process and regularly scheduled audits.

**XII. POLICY:** The policy of the Williston Police Department is to provide an accounting system that complies with appropriate business practices per the directives of the City of Williston Finance Department. The Department will not collect, distribute or maintain confidential funds. [CFA 5.05M]

### **XIII. PROCEDURE**

#### **7.1.01 DEPARTMENTAL ACCOUNTING SYSTEM**

**A.** The Department's accounting system will be monitored by the Chief of Police. The accounts are maintained by the City Finance Director. Summaries of expenditures are forwarded to the Chief of Police on a weekly basis.

**B.** Weekly status reports will include:

1. Initial appropriation for each account;
2. Expenditures and encumbrances made during the period; and,

**3. Unencumbered balance. (CFA 5.01M A-C)**

- C.** Per FSS 925.055, the Williston Police Department will provide for an annual financial audit to be performed in conformity with generally accepted government accounting principles.
- D.** The transfer of funds from one line item category to another may be done within the Williston Police Department budget with approval of the City of Williston Finance Director or City Manager.
- E.** Supplemental or emergency funds, if needed, will be transferred from line items within the Williston Police Department's budget, then other City government subdivisions, upon request of the Chief of Police with approval of the City of Williston Finance Director and/or City Manager. [CFA 5.05M]

**7.1.02 MAINTENANCE OF PETTY CASH FUND [CFA 5.02M]**

- A.** The Williston Police Department will maintain cash accounts for the disbursement and acceptance of funds. Cash accounts will be safeguarded in the following manner:
  - 1.** The Police Department Petty Cash Fund is assigned a maximum of five hundred dollars (\$500.00), which is stored in the safe in the Records Department.
  - 2.** The Records Supervisor or his/her designee will administer the fund. [CFA 5.02M E]
- B.** Employees receiving petty cash funds are required to sign a petty cash voucher for the amount received, and the receipt is attached to the voucher. [CFA 5.02M B]
- C.** The Records Supervisor or his/her designee will reconcile the disbursed funds with the appropriate item account, recording the initial balance, any credits, debits and the balance on hand. [CFA 5.02M A]
- D. Reimbursement.** The Records Supervisor or his/her designee will submit a request to the Finance Department at City Hall for reimbursement of petty cash funds.
  - 1.** The Finance Director will issue a check for the amount requested, made payable to the Williston Police Department Petty Cash Fund.
  - 2.** Copies of receipts and vouchers are retained for audit purposes at City Hall. [CFA 5.02M D]
  - 3.** The fund will be balanced by the Records Supervisor each time a cash reimbursement is added to the fund.

- E.** At the end of each month, a financial statement is prepared, detailing monthly financial transactions from the Petty Cash Fund.
- F.** Petty cash is disbursed in emergency situations only with the approval of a supervisor.
  - 1.** In emergency situations, a supervisor may approve a purchase up to fifty dollars (\$50.00).
  - 2.** Purchases over \$50 must be approved by the Chief of Police. [CFA 5.02M C]
- G.** An internal audit of the petty cash fund will be performed by the Deputy Chief at least quarterly. A written report of the audit results will be prepared and forwarded to the Chief of Police. [CFA 5.02M F]
- H.** Money received for forfeitures and seizures will be forwarded to the Records Supervisor who will log the payment. The Records Supervisor will forward the payments to the Finance Director for placement into the appropriate account.

#### **7.1.03 INVENTORY CONTROL [CFA 5.04M]**

- A.** Asset identification tags will be affixed to each Department asset as required by City policy.
- B.** The Deputy Chief will conduct an accounting of all Department items on the City inventory list in accordance with the City of Williston's procedure.
- C.** A written account of these items will be forwarded to the Chief of Police for his review and then forwarded to the Finance Director at City Hall.
- D.** The status of all property will be noted and maintained by the Deputy Chief.

#### **XIV. INDEXING**

Audits  
Confidential Funds  
Inventory  
Petty Cash Fund

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>9.1</b>	SUBJECT: <b>SECONDARY EMPLOYMENT</b>
EFFECTIVE DATE: <b>7/13/01</b> REVISION DATE: <b>12/20/11</b>	CFA STANDARDS: <b>9.01, 9.02M A-C</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

- 3.1.19 OFF-DUTY EMPLOYMENT
- 3.1.20 EXTRA-DUTY EMPLOYMENT
- 3.1.21 APPROVAL/REVOCATION
- 3.1.22 WORKERS' COMPENSATION

- I. PURPOSE:** The purpose of this General Order is to set forth guidelines to govern off-duty or extra-duty employment by members of the Williston Police Department.
- II. POLICY:** The policy of the Williston Police Department is to inform members of the types of secondary employment that are authorized and to establish procedures to maintain accountability for the welfare of the Department.
- III. DEFINITIONS**

**Extra-Duty Employment:** Any employment that is conditioned on the actual or potential use of law enforcement powers by a sworn employee, including volunteer charity work.

**Off-Duty Employment:** Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.

**NOTE:** This restriction is not intended to preclude sworn members from engaging in police action pursuant to the regulations guiding off-duty enforcement (FSS 790.052).

**Secondary Employment:** The provision of a service, whether or not in exchange for a fee or other consideration. Employment does not include volunteer charity work.

## **IV. PROCEDURE**

### **5.1.06 OFF-DUTY EMPLOYMENT [CFA 9.01]**

- A.** Department personnel may engage in regular off-duty employment that presents no potential conflict of interest between duties as a member of the Department and duties for a secondary employer.
- B.** Department personnel may not engage in any employment representing a conflict of interest, including:
  - 3.** Process serving, repossessing, bill collecting, vehicle towing, or any other employment in which police authority might tend to be used to collect money or merchandise for private purposes;
  - 4.** Personnel investigations for the private sector or any employment which might require the member to have access to police information, files, records or services as a condition of employment;
  - 5.** Appearing in uniform during the performance of tasks other than that of a police nature;
  - 6.** Assisting in the case preparation for the defense in any criminal or civil action or proceeding;
  - 7.** Conducting activities for a business or labor group on strike;
  - 8.** Working in occupations that are regulated by or licensed through the Police Department;
  - 9.** Employment that constitutes a threat to the status or dignity of the police as a professional occupation, including employment in liquor establishments, adult entertainment establishments, bail bonding agencies, etc.

### **5.1.07 EXTRA -DUTY EMPLOYMENT**

- A.** Members may engage in extra-duty employment where a government, profit-making or not-for-profit entity has an agreement with the Department to employ members in uniform or plain clothes who are able to exercise police duties.
- B.** The Chief of Police will have authority and control over all extra-duty employment.



- C. Each potential employer will be reviewed by the Chief of Police for any potential conflict of interest or possible negative association with the Department. [CFA 9.02M C]
- D. Types of extra-duty services that may be considered for contracting are:
  - 1. Traffic control and pedestrian safety;
  - 2. Crowd control;
  - 3. Security and protection of life and property;
  - 4. Routine law enforcement for public authorities;
  - 5. Plainclothes assignments. [CFA 9.02M B]

#### **5.1.08 APPROVAL/REVOCATION**

- A. No member may engage in any secondary employment without receiving written approval from the Chief of Police. [CFA 9.02M A]
- B. Any member wishing to engage in secondary employment must submit a memo to the Chief of Police through the chain of command.
  - 1. Requests for secondary employment must include the dates of said employment, the hours of the day requested to work the secondary job and scheduled Departmental work hours.
  - 2. Employees who wish to continue secondary employment must have approval renewed annually by the Chief of Police.
- C. Permission for a member to engage in regular off-duty or extra-duty employment may be revoked where it is determined that such employment is not in the best interests of the Department.
- D. **Eligibility**
  - 1. In order to be eligible for extra-duty employment, a member must be in good standing with the Department.
  - 2. Disciplinary actions will be taken into consideration when determining standing.
  - 3. Those members who have not completed their probationary period, or who are on medical or other leave due to sickness, temporary disability or an on-duty injury, shall not be eligible to engage in off-duty or extra-duty employment.

4. The Chief of Police may waive the probationary period exclusion in certain cases where hardship exists.
5. Continued departmental approval of an employee's secondary employment is contingent on remaining in good standing with the Department.

**E. Hours**

1. A member may work a maximum of 40 hours of regular off-duty or extra-duty employment, or a total of 124 hours in combination with regular duty in each bi-weekly pay period.
2. The hourly total does not include overtime and court hours.
3. Work hours for all secondary employment must be scheduled in a manner that does not conflict or interfere with the employee's performance of duty.
4. Members are required to have a minimum of eight hours off before reporting for duty at the Department following any secondary employment shift.

**F.** Members engaged in any secondary employment are subject to call-out in case of emergency and will be required to leave regular off-duty or extra-duty employment in such situations.

**G.** Any significant event occurring during or as a result of secondary employment, including any instance where the Department member exercises his/her law enforcement authority per FSS 790.052, will be documented and submitted to the Chief of Police via chain of command.

**H.** The Deputy Chief of Police and all supervisors will oversee adherence to Department policies and procedures concerning this order.

**5.1.09**     **WORKERS' COMPENSATION.** Documented proof that any potential employer has workers' compensation coverage for any off-duty Williston officer working for that company must be on file with the Department before any request for off-duty employment will be approved.

**V. INDEXING**

Extra-Duty Employment  
Off-Duty Employment  
Secondary Employment  
Workers' Compensation

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>10.1</b>	SUBJECT: <b>GRIEVANCE PROCESS</b>
EFFECTIVE DATE: <b>5/1/02</b> REVISION DATE: <b>2/10/14</b>	CFA STANDARDS: <b>10.01M, 10.02, 10.03, 10.04, 10.05</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.23 GRIEVANCE PROCEDURES

3.1.24 GRIEVANCE RESPONSE

3.1.25 APPEALS

3.1.26 RECORDS

**XV. PURPOSE:** The purpose of this General Order is to establish those policies that apply to Department personnel in reference to personnel grievances and appeals.

**XVI. POLICY:** To reduce employee dissatisfaction, improve morale and identify problems within the organization, the Williston Police Department will attempt to resolve all grievances over Department policies and procedures expeditiously and fairly and according to City personnel policy.

### **XVII. DEFINITIONS**

**Grievance:** Any dispute or difference of opinion raised by an employee against the Department involving the meaning, interpretation or application of the provisions of City personnel policy.

### **XVIII. PROCEDURE**

#### **GRIEVANCE PROCEDURES**

- D.** Members who file a grievance will follow the steps and requirements identified in City policy. [CFA 10.01M]

- E.** Members submitting, processing and responding to grievance issues will attempt to meet all applicable deadlines.
- F.** The member receiving the initial grievance will acknowledge such receipt by noting the date and time received and signing the document. [CFA 10.03A]
- G.** All initial grievances will be copied to the Office of the Chief of Police and City Hall upon receipt.
- H.** The Chief of Police will be responsible for coordinating the grievance process. [CFA 10.02]

### **GRIEVANCE RESPONSE**

- A. Levels of Review.** The following personnel are responsible for responding to members at the designated levels of the grievance process:
  - 1. Step 1:** Immediate Supervisor
  - 2. Step 2:** Deputy Chief of Police
  - 3. Step 3:** Chief of Police
  - 4. Step 4:** Mayor
  - 5. Arbitration:** Arbitrator or City Council.
- B.** The person in the position responsible at each level of review will, after reviewing the grievance and the requested remedies, provide a written response, affirming or denying the allegations. [CFA 10.03B]
- C.** The designated authority will be responsible for ensuring that appropriate and timely responses are submitted, including any scheduling, notifications and written responses.
- D.** The reviewing authority will include a remedy or adjustment to solve the problem. [CFA 10.03C]

**APPEALS.** If the member chooses not to accept the offered remedies, he/she may file an appeal to the next level in compliance with City policy. [CFA 10.04]

### **RECORDS [CFA 10.05]**

- A.** The Department will maintain a record of all grievance-related documents.

**B.** Personnel in positions responsible for conducting steps in the grievance process will submit copies of all related records to the Office of the Chief of Police and City Hall.

1. The Chief of Police will store the grievance records in a secure, central file.
2. Grievance records will be maintained in accordance with the Florida Department of State's records retention schedule GS1-L.

## **XIX. INDEXING**

Appeal  
City Personnel Policy  
Grievance  
Records

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>11.1</b>	SUBJECT: <b>CODE OF CONDUCT</b>
EFFECTIVE DATE: <b>5/1/02</b> REVISION DATE: <b>6/20/16</b>	CFA STANDARDS: <b>7.08M</b> *CFA Edition 5.0
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.27 CODE OF CONDUCT

3.1.28 APPEARANCE

**I. PURPOSE:** The purpose of this General Order is to inform all members of the Department of their obligations and responsibilities to conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department.

**II. POLICY:** In addition to abiding by the Code of Ethics for Public Officers and Employees under Florida State Statute 112.313 and the Code of Conduct set forth in the City of Williston Human Resources Manual, Department personnel will not commit any acts or omit any acts that constitute a violation of any of the rules, regulations, directives or orders of the Department, whether stated in this Order or elsewhere. While on duty or representing the Department, all personnel will be well groomed and clean in their appearance.

### **III. DEFINITIONS**

**Unbecoming Conduct:** Unbecoming conduct will include those behaviors that bring the Department into disrepute or reflect poorly on the individual as an officer/employee of the Police Department, or that which impairs the operation or efficiency of the Department or the individual.

### **IV. PROCEDURE**

#### **11.1.01 CODE OF CONDUCT**

**A. Abuse of Position.** Department personnel will not use their official position, identification or badge for personal or financial gain or privilege or to avoid the consequences of illegal acts. They will not permit the use of their names, photographs or official titles in connection with testimonials or advertisements of

any product or commercial enterprise without the approval of the Chief of Police, nor will they lend to another person their identification cards or badges, or permit such items to be photographed or reproduced without authorization from the Chief of Police.

**B. Alcohol and Drugs**

1. Department personnel will not bring into the police facility or vehicle alcoholic beverages or controlled substances except those items to be submitted to Evidence for safekeeping or disposal.
2. **Possession and Use of Drugs.** Department personnel will not possess or use any controlled substances, narcotics, or hallucinogens that could affect or impair their ability to function in their job, except when prescribed by a doctor, or in the performance of official police duties. When any controlled substance or narcotic is prescribed, members will notify their supervisor prior to the beginning of their assigned shift.
3. **Use of Alcohol On-Duty.** Department personnel will not consume intoxicating beverages while in uniform or on duty except in the performance of assigned duty and while acting under proper and specific orders from a supervisor. Members will not appear for duty or be on duty while under the influence of intoxicants or with an odor of intoxicants on their person.
4. **Use of Alcohol Off-Duty.** Department personnel off-duty will refrain from consuming intoxicating beverages to the extent that it results in offensive behavior that tends to discredit them or the Department or renders the members unfit to report for their next regular shift.

**C. Arrest, Search and Seizure.** Officers will not make any arrest, search, or seizure which they know, or should reasonably know, is not in accordance with the law and Department procedures.

**D. Associations.** Department personnel will avoid associations or dealings with persons and/or organizations that they know or should reasonably know are persons under criminal investigation or who have a reputation for involvement in criminal behavior. Exceptions will be made in the performance of official duties or where unavoidable because of family relationships.

**E. Bail or Bonds.** Employees shall not become surety or guarantor or furnish bail or bond for any person other than a family member. If such bail or bond is posted for a family member, a memo must be forwarded through chain of command to the Chief of Police.

**F. Citizen Complaints.** Department personnel will courteously and promptly record in writing any formal complaint made by a citizen against any member of the



Department and refer it to a supervisor. Department personnel taking the complaint may attempt to resolve the complaint but will never attempt to dissuade any citizen from lodging a complaint.

- G. Conduct Unbecoming.** Employees shall not engage in any conduct, on duty or off duty, so egregious that it adversely impacts the Department and undercuts public respect and confidence in this agency. Such conduct will include, but is not limited to, participation in any immoral, indecent or disorderly conduct, or conduct that casts doubt concerning a person's honesty, integrity and fairness, regardless of whether such conduct constitutes a crime.
- H. Confidentiality.** Department personnel will not divulge or disseminate confidential law enforcement information, either in writing or verbally, to unauthorized persons. Personnel will not disclose any information regarding administrative investigations or disciplinary actions to unauthorized persons until such actions become public record.
- I. Contact Information.** Department personnel will have a readily accessible phone in their residence or on their person and will report any changes in name, phone numbers or addresses to their supervisors, Dispatch and City Human Resources within twenty-four (24) hours of the change. If a cellular phone is used as a primary phone, it must be turned on, charged and accessible at all times. Communications personnel will not disseminate a Department member's personal contact information outside the Department without permission from that Department member.
- J. Courtesy.** Department personnel will be tactful and courteous in the performance of their duties. Personnel will exercise the utmost patience and discretion and will not engage in argumentative discussions, even in the face of extreme provocation. In the performance of their duties, Department personnel will not use offensive language or gestures and will not express any prejudice concerning race, sex, age, religion, politics, ethnicity, lifestyle, or any personal characteristics.
- K. Custodial Care.** Officers will not mistreat persons who are in their custody. Officers will handle such persons in accordance with the law and Departmental procedures.
- L. Endorsements and Referrals.** Department personnel will not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product or service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). 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, members will contact Communications for the next service on the rotation log.

- M. Examinations, Photographs and Line-Ups.** Upon the order of the Chief of Police, Department personnel will submit to any medical, ballistics, chemical or other tests, photographs, or line-ups. All procedures carried out under this Order will be specifically directed and narrowly related to a particular internal investigation being conducted by the Department.
- N. Gambling.** Department personnel will not engage or participate in any form of illegal gambling at any time except in the performance of official police duties and while acting under proper and specific orders from a supervisor.
- O. Identification.** Officers will carry their badges and identification cards on their persons at all times, except when it would endanger their safety or an investigation. Department personnel will furnish their name and ID number to any person requesting that information when they are on duty, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.
- P. Insubordination.** Department personnel will promptly obey any lawful orders of a superior. This will include orders relayed from a superior officer by any member of the Department, per General Order 2.1.05.
- Q. Intervention.** Department personnel will not interfere with cases being handled by other members of the Department or by any other governmental agency unless ordered to intervene by a supervisor or the intervening member believes beyond a reasonable doubt that an injustice would result from failure to take immediate action. In such an event a supervisor not involved in the incident will be notified at the first available opportunity. Officers will not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor, unless the urgency of the situation requires immediate police action.
- R. Leaving Duty Post.** Personnel will not leave their assigned post during a shift except as their position is temporarily covered by another member to allow a personal break.
- S. Legal Actions.** Employees will immediately notify the Chief of Police via chain of command of any involvement in any civil or criminal proceedings, including traffic violations.
- T. Meals.** Department personnel will be permitted to suspend patrol or other assigned activities, subject to immediate call up, for meals during their shift.
- U. Neglect of Duty.** Department personnel will not commit any acts expressly forbidden or omit any acts that are specifically required by the laws of this state, the ordinances of this City, this Code of Conduct, or any other orders, policies, procedures or directives of the Williston Police Department. Department

personnel will not engage in any activity or personal business that could cause them to neglect or be inattentive to duty. Neglect of duty would include a supervisor failing to record and report disciplinary issues.

**V. Performance of Duty.** Both sworn officers and civilian personnel shall perform their duties as required or directed to the highest standards of efficiency. While on duty, employees will remain attentive to their responsibilities and will not shirk their assignments. Officer on duty will take appropriate action to protect life and property, prevent crime, arrest violators and preserve the peace. Instances of unsatisfactory performance may include:

1. Failure to conform to work standards established for the member's rank or position;
2. Failure to take appropriate action during any incident deserving police attention;
3. Failure to report to or remain at duty post until properly relieved;
4. Failure to respond to a subpoena;
5. Failure to thoroughly search for, collect, preserve or identify contraband, evidence or weapons in any arrest or investigation;
6. Failure to secure Department vehicles or leaving vehicle running and unattended;
7. Inability or unwillingness or to perform assigned tasks;
8. Ignorance of Department policy and relevant laws;
9. Taking absence without leave;
10. Repeated poor evaluations;
11. Repeated infractions of rules, regulations, directives or orders.

**W. Political Activity [CFA 7.08]**

1. All Department members will comply with the City of Williston Personnel Policy and Florida State Statute 104.31 regarding political activity.
2. Per Florida State Statute 99.012, a police officer is exempt from the resign-to-run law unless the person is seeking to qualify for a public office which is currently held by "an officer who has authority to appoint, employ, promote or otherwise supervise that person and who has qualified as a candidate for reelection to that office."

- a. If the police officer must resign, the resignation must be effective upon qualifying for the office, not on applying to run.
  - b. If a police officer must resign under this provision, he or she may not take an unpaid leave of absence instead of resigning.
- X. **Profiting from Employment.** Employees will not convert to their own use or have any claim on evidentiary, found, recovered or surrendered property. Employees are prohibited from receiving, buying or selling anything of value from or to any suspect, defendant or informant unless authorized by the Chief of Police or part of restitution from the State Attorney. Employees are prohibited from profiting financially from information pertaining to ongoing investigations.
- Y. **Prohibited Establishments.** Department personnel will not knowingly visit or frequent a house of prostitution or gambling, or any establishment wherein laws are regularly violated, except in the performance of official police duties.
- Z. **Property and Evidence.** Property or evidence gathered or received in connection with an investigation or other police action will be processed in accordance with established Departmental procedures and submitted by the end of shift. Department personnel will not manufacture, conceal, falsify, destroy, remove, withhold, tamper with, or convert to their own use any property or evidence, except in accordance with established Departmental procedures.
- AA. **Public Statements.** Department personnel will not publicly criticize or ridicule the Department, its policies or personnel in speech, writing, or other expressions that are defamatory or undermine the effectiveness of the Department, interfere with the maintenance of discipline, or are made with reckless disregard for truth. Department personnel will not address public gatherings, appear on radio or television, prepare articles for publication, or divulge investigative information while holding themselves out as representing the Department without approval of the Chief of Police. Department personnel may lecture on police or other related subjects only with prior approval of the Chief of Police.
- BB. **Reporting for Duty.** Department personnel will report for duty at the time and place required and will be properly equipped so that they may immediately assume their duties. Judicial subpoenas and Department-approved off-duty details will constitute an order to report for duty under this section.
- CC. **Reports.** Officers will submit all necessary reports by the end of shift, unless an extension is granted by the supervisor. Reports will be truthful and complete. Reports will be based on facts and generally not include the officer's opinion. No member will knowingly enter or cause to be entered any inaccurate, false, or improper information, or alter, remove, or destroy any report for the purpose of obstructing justice, misleading others, or altering the natural order of information.

**DD. Sleeping on Duty.** Department personnel will remain awake while on duty. Any member unable to do so will report this to their supervisor, who will determine the proper course of action.

**EE. Tobacco Use.** Use of any tobacco product is prohibited in City vehicles or buildings. Department personnel on duty are prohibited from using tobacco while in direct contact with the public or engaged in traffic direction.

**FF. Truthfulness.** With the exception of permissible deception in the context of interviewing a possible criminal suspect, all members will speak the truth to fellow employees and the public and shall not deliberately misrepresent or omit facts, whether under oath or not. This includes offering testimony in legal proceedings and administrative inquiries. Employees shall not falsify any facts or circumstances on any report, record or document.

**GG. Weapons.** Officers will not use or handle weapons in a careless or imprudent manner. Officers will carry firearms in accordance with state law and Departmental policy 4.1.06. Officers will not use more force in any situation than is reasonably necessary under the circumstances per Department General Order 4.1.

#### **11.1.02 APPEARANCE**

- A.** As cited in City policy, all employees, sworn and non-sworn, shall be properly groomed and their attire cleaned and pressed at all times in order to present a neat, professional appearance.
- B.** Appearance fads, including but not limited to hairstyles, tattoos, body piercing, tongue piercing, tongue splitting or bifurcation, dental ornamentation, branding scarification, fingernails of excessive length, fingernail decorations, or any other fad which does not present a professional appearance are not acceptable.
- C.** For reasons of safety and functionality, fingernails shall be neatly trimmed, not to extend more than 1/4 inch beyond the tips of the fingers. Fingernail polish may be worn by female employees, but fingernail art or decoration is not permitted.
- D. Jewelry**

##### **1. All Personnel**

- a.** A maximum of two (2) rings per hand may be worn; wedding sets worn on the same finger constitute one ring.
- b.** Female members may wear a maximum of two (2) post-style earrings per ear, not to extend below the earlobe.

- c. Males are prohibited from wearing earrings.
- d. Visible body piercings beyond females' earrings are prohibited.
- e. Body art consisting of foreign objects inserted under the skin and/or stretched out holes in the ears is prohibited.

## **2. Sworn Personnel**

- a. Necklaces and neck chains that could be used to incapacitate a member are prohibited.
- b. Bracelets are prohibited with the exception of medical alert bracelets.
- c. Rings may not be worn on the thumb.

## **E. Tattoos**

1. Excessive tattoos, scarifications or brands are not allowed; excessive is defined as exceeding 30% of the exposed body part.
2. Any member of the Williston Police Department who has a tattoo, brand or scarification shall remove the tattoo, scarification or brand at their own expense, or cover the tattoo, scarification or brand with Department-approved attire as required by their position.
3. Excessive tattoos, brands or scarification shall not be visible while on duty or while representing the Williston Police Department.

## **F. Hair**

1. All employees' hair must be clean and neat.
2. Exotic or unusual haircuts, styles, and/or colors are prohibited.
3. For all male personnel, hair shall not be worn over the ears or below the collar.
4. For female personnel in uniform, long hair must be secured in a style which would prevent injury to the employee. Hair may be secured on the head using clasps, pins, barrettes, or bands; these shall be the color of the hair, the uniform, or the uniform brass, and shall be functional, not decorative in nature.
5. Male employees will be clean-shaven except for approved facial hair, which includes:

- a. Neatly trimmed mustaches of a conventional type. A mustache shall not be more than  $\frac{1}{4}$  of an inch in thickness, shall not extend onto or over the upper lip, and shall not extend below the corners of the mouth.
- b. Sideburns shall be neatly trimmed. Sideburns shall not extend below the lowest part of the exterior ear opening and shall be of even width (not flared) and end with a clean-shaven horizontal line.
- c. Beards, goatees, or other hair on the chin, neck, or cheeks are not permitted.

**G.** Exceptions to the above stated rules may be allowed for valid medical reasons or as directed for special assignments.

- 1. A medical certificate may be required from a recognized health care provider in instances where a medical reason is claimed.
- 2. Any exception must be approved and specifically authorized by the Chief of Police or his designee.

**H. Equipment and Uniforms**

- 1. The Williston Police Department will provide uniformed personnel with a sufficient number of uniforms and equipment so that they may perform their duties as assigned.
- 2. **Replacement**
  - a. Issued uniforms, rank insignia, collar brass, name tag and other equipment will be replaced as needed. Items being replaced will be turned over to the quartermaster.
  - b. Loss of, theft of, or damage to uniforms, insignia, or equipment shall be reported in writing to a supervisor. The supervisor will determine the need for an incident report depending upon the circumstances and the specific item lost, stolen, or damaged.
  - c. Per City policy, the member shall reimburse the City for items lost or damaged through the employee's negligence.
- 3. All sworn personnel assigned to Patrol will carry or wear on their person the following equipment when in uniform:
  - a. Department badge;
  - b. Department identification card;

- c. Department-Issued handgun;
  - d. Extra issued ammunition;
  - e. Handcuffs in case with handcuff key;
  - f. Valid Florida driver's license;
  - g. Radio and shoulder microphone; and
  - h. Department-Issued Taser.
4. All personnel will ensure that all required equipment is kept in good operating order.

**5. Uniform Regulations**

- a. **No additions or changes of any kind will be made to any Department-issued uniform or equipment without prior approval of the Chief of Police or his designee.**
- b. Uniformed employees will wear issued uniforms and equipment in a standard manner as established in this General Order. No additional equipment or insignia will be worn without prior approval of the Chief of Police or his designee.
- c. Short-sleeved uniform shirts will be worn with open collar.
- d. Uniform shirt and trouser pockets will be closed, and shirt tails tucked in at all times.
- e. Officers may not wear baseball caps.
- f. Any headgear other than that issued by the Department must be approved by the Chief of Police.
- g. Officers electing to wear the long-sleeved shirt on nightshift may also wear the Department-issued turtleneck under the shirt. Officers may not wear the Department-issued turtleneck with a short-sleeved shirt.
- h. For officers wearing the uniforms with long pants, the exposed portion of socks will be black or navy blue in color; for officers wearing shorts, the socks will be plain white.
- i. No part of any uniform may be mixed with civilian attire except in the case of designated identification apparel such as a police department



windbreaker jacket when circumstances require response to a call in plainclothes.

- j. The wearing of the hat by police officers and reserve personnel is optional, **EXCEPT** at events such as funerals, parades, Police Memorial Day services or as directed by the Chief. Hats will be kept in the officer's assigned police vehicles. Hats will be removed upon entering a building.
- k. The standard issue black utility belt and holster with approved magazine case will be worn by all police personnel in uniform. Any deviation from the standard-issue belt must be approved by the Chief of Police or his designee.
- l. Police personnel in uniform will wear their approved handgun, holster and handcuffs on the strong side with the double magazine case on the weak side.
- m. When extra-duty employment requires a police uniform, the regular duty uniform will be worn unless otherwise cleared with the supervisor in charge of the detail.
- n. Sunglasses may be worn while in uniform but should be removed while interacting with the public.
- o. Reserve police officers will wear the complete uniform when on-duty and at no other time.
- p. No part of the uniform will be worn while a uniformed employee is under suspension.

## **6. Insignia Regulations**

- a. The badge will be worn over the left shirt pocket. A black ribbon or black tape may be worn over the face of the badge at a funeral of an officer or at a Police Memorial Day ceremony.
- b. The nameplate will be worn on the upper edge of the right pocket.
- c. Shoulder patches identifying the Department will be worn on each sleeve of uniform shirts and jacket.
- d. Police PFCs, corporals and sergeants will wear stripes on each sleeve of uniform shirts and jackets.

- e. Police lieutenants and above will wear the appropriate rank on the shoulders of uniform shirts and jackets.
- f. Department award pins and breast bars will be worn beginning 1/4" above the name plate and no more than three (3) across, centered and worn in ascending order of significance, from lower right to upper left. No other insignia pin, bar, badge or other item shall be worn on the uniform without prior approval of the Chief of Police or his designee.

#### **I. Non-Uniformed Personnel**

- 1. Non-uniformed personnel will wear clean, casual business attire suitable to a professional office environment. Blue jeans are not allowed without permission from a supervisor.
- 2. Any unusual clothing or accessories that may hamper an individual in the performance of their duties is not acceptable.

**J. Special Assignments, Light Duty, Training.** Employees on light duty, special assignment or Department-approved training will dress appropriate to the assignment and comply with all other grooming and apparel requirements as set forth in this General Order and in the City Manual.

**K. Official Proceedings.** Personnel attending any official proceeding will appear in either full uniform or casual business attire and abide by all grooming requirements of this Order and City policy. Jeans, t-shirts and baseball caps are not permitted. Male employees making court appearances are to be clean shaven.

#### **V. INDEXING**

Alcohol  
Appearance  
Arrests  
Conduct  
Complaints  
Confidentiality  
Conflicting or Illegal Orders  
Drugs  
Duty  
Endorsements  
Equipment  
Evidence  
Examinations  
Gambling  
Gifts, Gratuities  
Hair

Identification  
Insignia  
Performance Evaluations  
Political Activity  
Referrals  
Reports  
Sunglasses  
Telephones  
Tobacco  
Uniforms  
Vehicles  
Weapons

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>11.2</b>	SUBJECT: <b>DISCIPLINARY PROCESS</b>
EFFECTIVE DATE: <b>12/15/05</b> REVISION DATE: <b>6/1/16</b>	CFA STANDARDS: <b>7.02M, 7.03, 7.04 A-D, 7.05, 7.06, 7.07M</b> <div style="text-align: right;">*CFA Edition 5.0</div>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

- 11.2.01 SUPERVISOR ROLE
- 11.2.02 COMMENDATIONS
- 11.2.03 TRAINING AND COUNSELING
- 11.2.04 VERBAL AND WRITTEN REPRIMANDS
- 11.2.05 PUNITIVE DISCIPLINARY ACTIONS
- 11.2.06 NAME-CLEARING HEARINGS
- 11.2.07 DISCRIMINATION AND HARASSMENT

- VI. PURPOSE:** The purpose of this General Order is to establish an effective and uniform disciplinary system for Department personnel by incorporating training and counseling as a function of discipline.
- VII. POLICY:** Violation of any law or Department procedure, or any action which results or could result in embarrassment or discredit to the Department, may be cause for punitive or non-punitive disciplinary action. The Williston Police Department will maintain a disciplinary system that includes procedures for training and counseling members when corrective measures become necessary and for taking punitive actions when required.
- VIII. DEFINITIONS**

**Corrective Counseling:** A verbal or written notification regarding a minor infraction, substandard performance or diminished attitude in an employee. This is not a level of

discipline and will be purged from an employee's file after twelve (12) months presuming improvement in the substandard performance.

**Suspension:** Disciplinary action in which the employee may or may not forfeit his/her salary for misconduct considered to be serious or part of a continuing pattern of repeated misconduct. A police officer will have no authority to act as an officer while suspended from duty.

**Written Reprimand:** Written advisory that some behavior, lack of action, or performance is unacceptable and will result in further disciplinary action if such action is repeated or continued. This is the first level of progressive discipline.

**Verbal Reprimand:** A verbal advisory that some action, lack of action, or level of performance is not acceptable and will result in further disciplinary action if repeated or continued.

## **IX. PROCEDURE**

### **SUPERVISOR ROLE [CFA 7.03]**

- A.** The role of first line supervisors is crucial in the disciplinary process, as first line supervisors have the best opportunity to observe the conduct and appearance of employees and detect those instances when disciplinary actions are warranted.
  - 1.** Methods of discipline available to first line supervisors include training, counseling, verbal reprimand, written reprimand, temporary relief from duty, referral and recommendation through the chain of command to the Chief of Police for punitive disciplinary action.
  - 2.** It is each supervisor's responsibility to discipline employees under his/her supervision when necessary.
  - 3.** Failure of a supervisor to take proper disciplinary action when necessary is considered neglect of duty and may itself be subject to disciplinary action against the supervisor.
- B.** The role of a supervisor in the disciplinary process is:
  - 1.** To observe the conduct and appearance of members, detect those instances when disciplinary actions are warranted, and issue corrective counseling, verbal reprimands or written reprimands to members;
  - 2.** To investigate allegations of misconduct when within the scope of their authority and responsibility;

3. To counsel members to improve job performance or correct minor infractions of the Rules of Conduct and Department procedures;
  4. To identify training needs as a function of the disciplinary process;
  5. To recommend the most effective methods of discipline, taking into consideration the type of misconduct, personnel record, behaviors and personality traits of the personnel under their supervision.
- C. A supervisor may temporarily relieve an employee from his/her remaining tour of duty on the grounds that the employee is unfit for duty.
1. The supervisor will consult with a superior member of command staff before removing the subordinate from duty.
  2. Upon relieving a member from duty, the supervisor will immediately notify the Chief of Police of his/her actions.
  3. Both the supervisor and the member relieved from duty will report to the Police Chief at 0900 hours on the next business day, unless otherwise directed.

## **COMMENDATIONS**

- A. Members of the Department and the community may be nominated for awards and recognition in accordance with General Order 11.3.
- B. Any supervisor may issue a commendation to a member of the Department for noteworthy activity.
1. The supervisor will describe the noteworthy activity on a Recognition/Counseling Form.
  2. The commendation will be issued to the member by his/her supervisor.
  3. The issuing supervisor will distribute copies of the commendation to the Chief of Police, the member's personnel file and the receiving member. One copy will be posted.

## **TRAINING AND COUNSELING [CFA 7.02M]**

- A. Supervisors are responsible for providing the ongoing training and counseling necessary to assist the members under their command in performing at safe and acceptable levels.

- B.** Training and counseling are best used as soon as possible after any infraction.
- C.** The criteria used by a supervisor to determine whether training or counseling should be initiated depends on:
  - 1.** Type or seriousness of the infraction;
  - 2.** Previous incidents of a similar nature within the last 12 months; and
  - 3.** Employee involvement.
- D.** Counseling of an employee should be used at the first sign of a disciplinary problem.
- E.** Counseling is normally provided for minor infractions of the Rules of Conduct, Departmental procedure, inappropriate judgment or matters concerning an officer's attitude. The benefits of counseling include:
  - 1.** Giving the supervisor an opportunity to explain why he/she is dissatisfied with the member's conduct;
  - 2.** Permitting the member an opportunity to present his/her version of the facts and explain mitigating circumstances;
  - 3.** To explain procedural errors in an attempt to educate the member on proper procedures and thus avoid future disciplinary action.
- F.** Training is provided to correct any shortcomings, deficiencies or lack of sufficient knowledge in an employee's job performance.
  - 1.** Training should foster positive and constructive techniques for improving member productivity, effectiveness and attitude.
  - 2.** If an employee is unproductive or ineffective due to lack of skills, knowledge or ability, additional training should be considered before punitive measures are taken.
- G.** If the supervisor is unable to provide the training or counseling required to correct the problem, the supervisor will request that the Deputy Chief of Police register the member in the appropriate school when available.
- H.** The Department may mandate remedial training for employees found to be deficient in necessary skills.

- I. Non-punitive measures should not be over-extended. An employee who does not respond to counseling or training after a reasonable amount of time requires stronger measures, including, but not limited to, shift change, withdrawal of take-home car, demotion or suspension.

## **VERBAL AND WRITTEN REPRIMANDS**

- A. A reprimand system provides each supervisor with a disciplinary process for documenting minor infractions at the line level.
- B. Minor infractions of the Rules of Conduct or Departmental procedures will be documented on a Recognition/Counseling Form. The supervisor will fully explain the problem and indicate the action taken to correct the deficiency.
  - 1. Verbal reprimands and written reprimands will be noted.
- C. The Recognition/Counseling Form will be forwarded according to the number and nature of the infraction(s):
  - 1. For the first offense, the supervisor may retain the form for a period of twelve (12) months. Supervisors may, if they feel it is necessary because of the nature of the infraction or the attitude of the member, forward the form to the Chief of Police via the chain of command with a recommendation for disciplinary action.
  - 2. For a second offense for a similar infraction within a twelve-month period, the supervisor will forward both reports to the Chief of Police via the chain of command with a recommendation for discipline.
  - 3. For the third infraction of any type within a twelve-month period, the supervisor will forward all reports to the Chief of Police via the chain of command with a recommendation for discipline.

## **PUNITIVE DISCIPLINARY ACTIONS [CFA 7.02M]**

- A. Per City policy, the Chief of Police or his designee will consult with the City Manager in deciding appropriate disciplinary action greater than a written reprimand. However, the Chief of Police may suspend employees temporarily with pay to the next regular work day of the City (Monday through Friday) if the Chief deems it operationally necessary.
  - 1. The Chief of Police, or his designee, shall then consult with the City Manager and together determine whether to continue to temporarily suspend the employee with or without pay pending completion of an investigation.



2. If the suspension was without pay yet unfounded, the employee will be reimbursed.
- B.** The decision to impose punitive disciplinary action against a member will be based on a review of each allegation of misconduct. Such reviews may result in the following types of resolutions:
1. **SUSTAINED:** Sufficient evidence exists to support the allegations.
  2. **PARTIALLY SUSTAINED:** Sufficient evidence exists to support part of the allegations.
  3. **SUSTAINED - OTHER:** A violation or charge of misconduct occurred other than those of the original complaint.
  4. **NOT SUSTAINED:** Insufficient evidence exists to prove or disprove the allegations.
  5. **EXONERATED:** The incident did occur, but the actions were lawful and proper. Such a resolution will be qualified as:
    - a. **PROPER CONDUCT:** The action of the Department or the member was consistent with Department procedure, and the complainant suffered no harm.
    - b. **POLICY FAILURE:** Although the action of the Department and the member was consistent with Department procedure, the complainant suffered harm.
  6. **UNFOUNDED:** The allegations are not factual; the incident did not occur.
- C.** Punitive discipline generally will be imposed in a progressive manner from minimum to maximum but may be imposed to the maximum limit at any time for any incident. The following criteria should be used to determine the appropriate level of disciplinary action:
1. The seriousness of the incident;
  2. The circumstances surrounding the incident;
  3. The member's cumulative disciplinary record;
  4. The member's work performance;
  5. The incident's overall impact on the Department; and,

6. The probability that similar problems will occur in the future.
- D. Penalties.** Upon sustaining charges against a member of the Department, the Chief of Police will determine an appropriate penalty. Penalties may include:
1. **Written Reprimand:** Written reprimands will become a part of the member's personnel file as an official reprimand.
  2. **Suspension without Pay:** The Chief of Police, in compliance with *City of Williston Human Resources Manual* may suspend a member for up to three (3) days.
  3. **Demotion:** The Chief of Police, in consultation with the City Manager, may reduce a member's rank or pay.
  4. **Discharge:** If the Chief of Police determines that the appropriate penalty should be a discharge from service, the Chief of Police in consultation with the City Manager will cause charges to be prepared. The member will be notified in writing of those charges. Prior to the imposition of any discipline, the employee will be given the opportunity to appear before the Chief of Police to explain or refute the charges.
- E.** If an investigation of member misconduct results in dismissal, the following information will be provided in writing to the member:
1. The reason for the dismissal;
  2. The effective date of the dismissal;
  3. The status of fringe and retirement benefits after dismissal;
  4. The member's right to submit information to their personnel file to refute or explain the reasons for the dismissal; and [CFA 7.04 A-D]
  5. The member's right to a name-clearing hearing.
- F.** Any disciplinary action such as an oral warning, written reprimand, suspension or dismissal will be entered in the concerned member's personnel file. Reports and documents that sustain a disciplinary action against an individual also will become part of the member's personnel file and maintained according to current state records retention guidelines. [CFA 7.05]
- G.** Employees have the right to file a written response to any letter of reprimand or other document that is placed in the employee's official personnel file as a result of supervisory action or citizen complaint.

1. At the employee's request any such written response shall be included in the employee's official personnel file together with the letter of reprimand or other document against which it is directed.
  2. The employee shall receive a copy of any document that is placed in his/her personnel file.
  3. No employee shall be required to sign any document except one which acknowledges reading and receiving a copy of said document.
- H. The grievance process for disciplinary actions taken against employees of the Department is governed by the City of Williston, which, when applicable, defers to any existing collective bargaining agreement. [CFA 7.06]

### **NAME-CLEARING HEARINGS**

- A. When a member is terminated, and that member contends that in relation to the disciplinary action false statements damaging to the member's reputation have been placed in the personnel file and thus subject to public records disclosure, the Department shall afford the member an opportunity to clear his or her name by responding to the statements. Such a hearing shall not serve as an appeal of any disciplinary action or a process by which to gain reinstatement. The sole purpose of the hearing is to provide an opportunity for an employee to clear his or her name.
- B. A name-clearing hearing is not required every time a member is terminated. A name-clearing hearing must be offered whenever the following three (3) conditions are met:
1. An member is terminated or significantly demoted;
  2. The member contends that stigmatizing statements have been placed in the his or her personnel file or otherwise made public; and
  3. The member asserts that the statements are untrue.
- C. For the purposes of a name-clearing hearing, a stigmatizing statement involves allegations of dishonesty, immorality or other conduct that may damage the member's reputation and impair his or her ability to obtain other employment.
- D. When a member is terminated or significantly demoted, the Department must notify the employee in writing that a name-clearing hearing will be arranged if the employee requests it. The member should sign his or her copy of the notification if the letter is presented in person. If the member is not personally presented the notification, it must be mailed to the member by both certified and regular mail.

- E. A written request for a name-clearing hearing must be filed by the member within fifteen (15) calendar days from the effective date of termination or demotion. The failure of the member to request this hearing within the stated timeframe shall be considered a waiver of the employee's rights under this policy.
- F. The member requesting a name-clearing hearing must identify the specific statement(s) he or she contends are false.
- G. Upon receipt of the member's timely request for a name-clearing hearing, the City Manager shall schedule a hearing within sixty (60) calendar days.
- H. The hearing will not consist of or result in the formulation of any conclusions or the reevaluation or nullification of any employment action.
- I. The employee shall be allowed to present testimony and documents to support the member's allegation that the statements in question are untrue.
- J. The City Manager shall ensure that a record of the hearing is made.
- K. Within thirty (30) calendar days after the hearing, the City Manager shall issue a written report summarizing the evidence presented. The City Manager's report shall state clearly that the report has no bearing or effect on the member's status with the Department or the City.
- L. A copy of the report shall be placed in the member's personnel file and in any investigative file on the member.

## **DISCRIMINATION AND HARASSMENT [CFA 7.07M]**

- A. The City of Williston prohibits all forms of harassment in the workplace, regardless of the source.
- B. *The City of Williston Human Resource Manual* details reporting and investigative protocols.
- C. Personnel found to be in violation of these policies shall be disciplined accordingly.

## **X. INDEXING**

Appeals  
Commendations  
Counseling  
Discharge

Disciplinary Actions  
Discrimination  
Harassment  
Name-Clearing Hearing  
Oral Warning  
Punitive Discipline  
Supervisor Role  
Suspension  
Training  
Written Reprimand

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: 11.3	SUBJECT: AWARDS SYSTEM
EFFECTIVE DATE: 11/6/02 REVISION DATE: 7/13/12	CFA STANDARDS: 11.02M A
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.29 TYPES OF AWARDS

3.1.30 NOMINATION PROCESS

**XX. PURPOSE:** The purpose of this General Order is to establish guidelines for the recognition of deserving individuals within the Department and the community.

**XXI. POLICY:** It is the policy of the Department to commend those persons who have performed meritoriously or committed individual acts of heroism.

**XXII. DEFINITIONS:** None

### **XXIII. PROCEDURE**

#### **11.3.01 TYPES OF AWARDS**

- A. Medal of Valor.** The Medal of Valor is the highest award given by the Department. This award will be presented for extraordinary actions that exposed the member to self-peril above and beyond the call of duty. This medal acknowledges that the member, while knowing the potential consequences of his/her actions, disregarded personal safety to act in the best interests of the community. (Blue Bar with Gold “V”)
- B. Life Saving Medal.** The Life Saving Medal is the second highest award presented by the Department. This award is presented for service entailing exceptional courage or bravery in saving one or more lives. (Red bar with white cross).

- C. Medal of Commendation.** The Medal of Commendation is the third highest award presented by the Department. This medal commends exceptional thoroughness, conscientiousness, determination and initiative demonstrated by a member in the course of his/her duty. (Red / White bar).
- D. Officer of the Year, Reserve Officer of the Year, Dispatcher of the Year and Civilian Employee of the Year.** The fourth highest awards presented by the Department, these awards recognize outstanding duty during the previous year. Criteria for this award include, but are not limited to:
1. Exceptional performance;
  2. High evaluations;
  3. Self-initiated activity.
  4. OOOY: (Red Bar w/ Blue Center). Reserve of the Year (Red, White, Blue bar), Dispatcher of the Year (White bar w/ 3 vertical blue stripes), Civilian: Blue bar w/ White center w/ red borders.
- E. Distinguished Volunteer Service Medal.** This annual award is presented to Department volunteers for distinguished service. (Yellow / White bar)
- F. Teamwork Medal.** This award is presented to those members who, through especially commendable cooperation respond quickly and efficiently to bring a successful resolution to a major crime or incident. (White / Blue diagonal bar)
- G. Certificate of Commendation.** This award is presented in recognition of exceptional performance of assigned duties. Examples include, but are not limited to:
1. Singular acts relating to the preservation of public safety;
  2. Exceptional achievement in administrative duties;
  3. An arrest that, based on the merits of the case, warrants special recognition;
  4. Any other act or acts deserving special recognition.
- H. Certificate of Appreciation.** This certificate is presented to any individual civilian, officer or group in recognition of continuous good performance.
- I. Letter of Appreciation.** Presented for meritorious service or actions, this award can be given at any time and does not require the approval of an awards board.

- J. Longevity Awards.** Presented at each three-year increment of a member's service, these awards recognize continuous dedicated service to the citizens of the City of Williston.
- K. The David Wayne Moss Humanitarian Award.** This award may be presented annually by the Department to a citizen who has been devoted to promoting the welfare of the citizens of Williston. The award may also be given to a citizen who has performed an outstanding service to the Department and the community.
- L. Auxiliary Commendations**
  - 1. Auxiliary Member of the Year.** This award is given to the auxiliary member who best demonstrates the devotion to duty and public service that exemplifies the purpose of the Auxiliary Program. (Blue bar w/ yellow center)
  - 2. Service Ribbons.** The following service ribbons are to be rewarded to recognize hours of volunteer service:
    - 10.** A blue service ribbon for 200 hours of service;
    - 11.** A blue service ribbon with 1 star for 500 hours of service;
    - 12.** A blue service ribbon with additional gold stars for 1,000, 2,000, or 3,000 hours of service.
- M. Memorandum of Recognition.** Any supervisor on recognizing good service should issue a Memorandum of Recognition.

## **11.3.02 NOMINATION PROCESS**

### **A. Awards Board**

- 1.** The Awards Board will be composed of one non-supervisory officer, one supervisory officer, one non-supervisory employee, one supervisory employee and the Assistant Chief of Police.
- 2.** The Awards Board will review all nominations in accordance with the guidelines set forth in this General Order.
- 3.** The Board must unanimously approve all recipients.
- 4.** The Awards Board may recommend other types of awards not enumerated in this Order.
- 5.** The Chief of Police will review the Board's recommendations and make the final decisions.



## **B. Nomination Process**

1. Any citizen or Department member may initiate nominations for awards and commendations.
2. All nominations will be forwarded in writing via chain of command to the Awards Board.

**C. Eligible Nominees.** Depending on the type of award, eligible nominees may include full-time, part-time and volunteer Department personnel and any civilian individual or group.

## **XXIV. INDEXING**

Auxiliary Commendations  
Awards Board  
Certificate of Appreciation  
Certificate of Commendation  
David Wayne Moss Humanitarian Award  
Distinguished Volunteer Service Medal  
Employee of the Year  
Explorers  
Letter of Appreciation  
Life Saving Medal  
Longevity Awards  
Medal of Commendation  
Medal of Valor  
Memorandum of Recognition  
Nomination Process  
Officer of the Year  
Service Ribbons

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>12.1</b>	SUBJECT: <b>RECRUITMENT</b>
EFFECTIVE DATE: <b>11/06/02</b> REVISION DATE: <b>7/15/12</b>	CFA STANDARDS: <b>12.01M, 12.03</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

### 3.1.31 RECRUITMENT

**XXV. PURPOSE:** The purpose of this General Order is to establish procedures that will ensure the fair and efficient recruitment of law enforcement personnel.

**XXVI. POLICY:** It is the policy of the Williston Police Department to recruit law enforcement personnel in a manner that is consistent with state laws, city ordinances, Departmental procedures and Equal Employment Opportunity Commission regulations. [CFA 12.03] Recruitment may be accomplished through a variety of mediums, including local media, public appearances and the Internet.

### **XXVII. DEFINITIONS:**

**Equal Employment Opportunity Commission (EEOC):** The United States Equal Employment Opportunity Commission (EEOC), created by Title VII of the Civil Rights Act of 1964, prohibits employment discrimination on the basis of race, color, sex, religion or national origin. Title VII was extended to cover federal, state, and local public employees by the Equal Employment Opportunity Act of 1972. The Human Rights Act also provides similar protection for those with protected status for age, marital status, physical or mental handicap unrelated to ability and unfavorable discharge from military service

### **XXVIII. PROCEDURE**

#### **RECRUITMENT**

- I.** Active recruitment will be based on actual or forecasted vacancies and will be carried out in such a way as to best serve the needs of the Department.
- J.** Everyone involved in the recruiting function, including employees not assigned to the agency, will be trained in general personnel matters, statutory requirements,

the recruitment policies of the Department and Equal Employment Opportunity Commission guidelines. [CFA 12.01]

## **XXIX. INDEXING**

Equal Opportunity Employment Commission  
Recruitment

# WILLISTON POLICE DEPARTMENT

## GENERAL ORDER

GENERAL ORDER: <b>13.1</b>	SUBJECT: <b>SELECTION PROCESS</b>
EFFECTIVE DATE: <b>1/20/06</b> REVISION DATE: <b>2/1/16</b>	CFA STANDARDS: <b>13.01, 13.07M A-C, 13.08, 13.13M A-E, 16.10, 16.11</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

### SECTIONS IN THIS CHAPTER

- 3.1.32 SELECTION PROCESS
- 3.1.33 STANDARD REQUIREMENTS
- 3.1.34 APPLICATION PROCEDURES
- 3.1.35 BACKGROUND INVESTIGATIONS
- 3.1.36 ORAL REVIEW BOARD
- 3.1.37 APPLICANT FILES
- 3.1.38 FILLING VACANCIES
- 3.1.39 POST-OFFER PROCEDURE
- 3.1.40 PROBATIONARY PERIODS

- I. PURPOSE:** The purpose of this General Order is to establish guidelines in accordance with all applicable federal, state, city and CJSTC requirements in order to test, interview, and hire the most qualified applicants.
- II. POLICY:** The Williston Police Department is an equal opportunity employer and a drug free workplace eager to select the most qualified candidates for appointment. No applicant will be discriminated against because of race, color, age, sex, religion, national origin, marital status or disability.

### III. DEFINITIONS

**Controlled Substance:** Any substance named or described in FSS 893.03.

**Felony:** Any offense for which a person may receive one (1) or more years confinement in a state or federal institution.

**Schedule I Substance:** Per FSS 893.03(1), a substance that “has a high potential for abuse and has no currently accepted medical use in treatment in the United States, and its use under medical supervision does not meet accepted safety standards.”

**Schedule II Substance:** Per FSS 893.03(2), a substance that “has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of the substance may lead to severe psychological or physical dependence.”

### IV. PROCEDURE

#### 13.1.01 SELECTION PROCESS

- A. The Department will maintain a complete copy of this General Order for review by agency members and the public. [CFA 13.01]
- B. The Chief of Police is responsible for administering the employment application process.
- C. Job vacancies will be posted within the agency for at least 10 working days. Upon expiration of the 10-day period, transfer requests and applications will be considered. In some cases, the Chief may waive the posting requirement.

#### 13.1.02 STANDARD REQUIREMENTS

- A. Applicants must meet specific standards. Applicants who become ineligible based on an examination, interview, investigation or a test will be notified in writing by the office of the Chief of Police within 30 calendar days.
- B. **Drug Use.** To be eligible for appointment, an applicant **cannot** have:
  - 1. Used, tried, tasted or possessed any illegal controlled substance within the past 36 months;
  - 2. Used, tried, tasted or possessed any illegal controlled substance classified as a Schedule I or Schedule II substance (except marijuana) within the past 5 years;
  - 3. Abused prescription drugs within the last 36 months; or

4. Regularly sold or delivered any illegal controlled substance.

**C. Criminal History.** In order to be eligible for appointment, an applicant **cannot** have:

1. Been convicted of a felony or pled no contest to a felony;
2. Been convicted of a misdemeanor involving perjury or false statement;
3. Been convicted of or pled to Driving Under the Influence as defined by FSS 316.193;
4. Received a dishonorable discharge from any of the Armed Forces of the United States.

**D. Driving History**

1. Applicants applying for a position that requires driving an agency vehicle must possess a valid Florida driver's license.
2. Applicants possessing an out-of-state driver's license must obtain a Florida driver license before commencing employment with the Department and relinquish all other driver's licenses.
3. During the 60 months before the date of application, an applicant cannot have:
  - a. Had his or her driver's license suspended more than twice for nonpayment of insurance or for nonpayment of traffic fines;
  - b. Had his or her driver's license suspended or revoked more than once for traffic violations, except as stated above;
  - c. Accumulated more than 12 points on his or her license during the 36 months before the date of application; or
  - d. Acquired a driving record that demonstrates repeated offenses and flagrant disregard for traffic laws.

**13.1.03 APPLICATION PROCEDURES**

- A.** All applicants must submit a completed application to the Department along with the following documentation:

1. The original or a photocopy of a certified birth certificate, or birth registration card issued by a state health department;
2. A social security card;
3. A valid driver license, if applicable to the position;
4. A discharge certificate citing anything other than a dishonorable discharge and a DD Form 214 Number 4, if the applicant has served in the armed forces, or a selective service registration card if required to register for the draft;
5. A high school diploma or a General Educational Development (GED) certificate issued by a state board of education, if applicable to the position.
  - a. If an out-of-state GED is submitted, the test scores must be included and meet the requirements of the Florida Department of Law Enforcement.
  - b. A two or four-year college degree from an accredited institution may be substituted for a high school diploma. Original transcripts from the college are required.
  - c. Graduates from high schools in foreign countries must supply transcripts of grades and the curriculum. The Chief of Police will evaluate these documents and determine if the applicant meets the educational minimum standards of an American high school diploma. This information will be submitted to the Criminal Justice Standards and Training Commission for its final approval.

**B. Sworn and Certified Positions.** In addition to the requirements listed above, all applicants for sworn and certified positions must comply with the following:

1. Meet the minimum physical and age qualifications for sworn and certified entry level positions outlined in FSS 943; and
2. Provide proof of completion from an accredited law enforcement academy.
3. **Out-Of-State Applicants**
  - a. An applicant who is certified in another state must submit an official copy of the curriculum of the out-of-state training academy.
  - b. The curriculum must include the hours completed in each subject and the total number of academy hours completed.
  - c. The Chief of Police will submit an out-of state-applicant's documentation to the Florida Criminal Justice Standards and Training

Commission for review. CJSTC will advise the agency of any additional requirements for certification as a Florida law enforcement officer.

- d. Applicants who require supplemental training to obtain Florida certification must enroll in the required comparative compliance courses within 180 days from the date of registration with CJSTC, as required by FSS 943. Applicants must complete the supplemental training and pass the state qualifying examination within one year in order to retain their employment with the Department.

#### **13.1.04 BACKGROUND INVESTIGATIONS**

- A. Candidates for sworn positions will be investigated in accordance with CJSTC guidelines.
- B. Department personnel will conduct background investigation on both sworn and civilian applicants, to include: [CFA 13.13M]
  - 1. **Credit Report.** A credit report will be requested from a credit-reporting bureau on each applicant.
  - 2. **Criminal History Check** [CFA 13.13M E]
    - a. Law enforcement agencies in areas where the applicant has resided will be contacted to determine if the applicant has a local criminal record. [CFA 13.13C]
    - b. A records check will be requested from the Florida Crime Information Center (FCIC) and the National Crime Information Center (NCIC) on each applicant. [CFA 13.13A]
  - 3. **Driving Record.** The applicant's driving history and driver's license status will be obtained from the Florida Department of Highway Safety and Motor Vehicles and the motor vehicle department in each state where the applicant has lived.
  - 4. **Employment History** [CFA 13.13D]
    - a. The applicant's previous employers will be contacted by mail, phone, or in personal to verify job performance and personal habits.
    - b. If the applicant was formerly employed by any government agency in Florida, a background investigator will visit the agency to examine the individual's personnel file.



5. **Fingerprinting.** Fingerprints will be taken and sent for a criminal history check to the Florida Department of Law Enforcement and the Federal Bureau of Investigation. [CFA 13.13B]
6. **Military Records.** If necessary, military records will be requested from the Military Personnel Records Center.
7. **Neighborhood Check**
  - a. A neighborhood check may be conducted on applicants for sworn and certified positions.
  - b. Neighbors will be asked to assess the applicant's lifestyle and personal habits.
  - c. Call histories at the applicant's residence will be sought from the law enforcement agency serving the area where the applicant resides.
8. **Personal References**
  - a. Three (3) personal references are required from applicants.
  - b. References may be contacted by mail, telephone or in person.
  - c. Reference may be asked to identify other reference.
9. **Review**
  - a. The Chief of Police will review the applicant file upon completion of the background investigation.
  - b. The Chief may administratively close the file, approve the file for further processing, or return the file for further investigation.

#### **13.1.05 ORAL REVIEW BOARD**

- A. The Chief of Police may elect to have applicants who meet the basic eligibility requirements for sworn and certified positions appear before an Oral Review Board.
- B. The Oral Review Board will usually consist of the Chief of Police and the Deputy Chief of Police. The Chief may appoint other members to sit on the Oral Review Board as he/she deems necessary.
- C. The questions will be designed to help the board evaluate the applicant's character and abilities as directly related to the position.

### **13.1.06 APPLICANT FILES**

- A.** An applicant file will remain open for up to 1 year.
- B.** An applicant file will be closed before that time in one or more of the following instances:
  - 1.** The applicant is hired;
  - 2.** The applicant fails to respond within 14 days to an official notification;
  - 3.** The applicant refuses a position;
  - 4.** The applicant fails to provide a valid address or telephone number;
  - 5.** The applicant makes a false statement, or attempts to practice deception in the application process;
  - 6.** The applicant no longer meets the requirements for the specified position;
  - 7.** The applicant is physically or mentally unable to perform the essential duties of the position; or
  - 8.** The applicant fails to complete all phases of the application process satisfactorily;
  - 9.** The Chief of Police closes the file based on a review.
- C.** The Deputy Chief of Police will maintain applicant files for a minimum of two years from the date of application in compliance with the Florida Department of State records retention schedule. The files will contain all reference checks, background investigation materials, and other documents. [CFA 13.04]

### **13.1.07 FILLING VACANCIES.** When a position opens, the Chief of Police will review all open files and may:

- A.** Request additional information;
- B.** Schedule an interview with the applicant;
- C.** Make a conditional offer of employment; or
- D.** Administratively close the file based on the interview.

### **13.1.08 POST-OFFER PROCEDURE**

**A. Polygraph Examinations**

1. Following a conditional offer of employment, the Department may schedule a polygraph examination.
  - a. Sworn personnel and Reserve Officers are required to take a polygraph examination.
  - b. Civilian personnel may be required to take a polygraph at the discretion of the Chief of Police.
  - c. Volunteers are not required to take a polygraph examination.
2. The examiner will be properly trained to administer pre-employment polygraph examinations and interpret the results.
3. The results of the polygraph exam will not be the single factor in determining appointment, although admissions by the candidate in the pretest or post-test interviews, along with exam results, may be used to determine eligibility.
4. In compliance with state and federal regulations, results of polygraph examinations will be revealed only to the candidate, to authorized members of the Department, or to persons authorized by the applicant (i.e. investigators from other police departments).

**B. Psychological Examinations [CFA 13.07M]**

1. Applicants for sworn positions must pass a psychological fitness examination.
2. The exam will be conducted by a licensed psychologist or psychiatrist and will be job-related and non-discriminatory in nature. [CFA 13.07M A]
3. Failure to pass the psychological exam will be grounds for withdrawal of the conditional offer of employment.
4. Applicants who do not pass the psychological examination may reapply after one year.
5. A copy of the candidate's evaluation will be maintained in a secure area by the office of the Deputy Chief of Police and in accordance with Florida Statute. [CFA 13.07M B-C]

**C. Physical Examination**

1. Applicants for law enforcement positions must pass a pre-employment physical examination.
2. Only licensed physicians will be used to certify the general health of candidates.
3. Grounds for withdrawal of a conditional offer of employment include:
  - a. Failure to complete the physical examination; and
  - b. A determination by a licensed physician that the applicant cannot perform the essential functions of the position.

**D. Drug Screening**

1. An applicant given a conditional offer of employment will be required to undergo a urinalysis test to detect illegal drug use.
2. The 7-panel urine drug test will be conducted at a medical laboratory designated by the Department.
3. Indications of current illegal drug use will be grounds for withdrawal of the conditional offer of employment.
4. A record of the urinalysis test results will be maintained by the Deputy Chief of Police in the applicant's file in accordance with state law.

**E. Hiring**

1. Upon successful completion of the post-offer examinations, the Chief of Police will review the applicant's file for final approval.
2. With the Chief's approval, the Chief's Administrative Assistant will schedule the applicant for processing, a start date and make all necessary arrangements to prepare the applicant for duty.

**13.1.09 PROBATIONARY PERIOD**

- A. A minimum one-year probationary period as a full-time, paid member and completion of all entry-level training are required before sworn members are appointed to permanent status. [CFA 13.08]
- B. The work performance of each sworn probationary member will be evaluated at least once during the probationary period, in writing, using job-related measures and procedures. [CFA 16.10]

- C. Members may contest their performance evaluations during the probationary period by submitting a memo in writing via chain of command to the Chief of Police. [CFA 16.11]

## **V. INDEXING**

Application Procedures  
Background Investigations  
Controlled Substance  
Criminal History  
Driving History  
Drug Screening  
Employment Process  
Fingerprinting  
Oral Review Board  
Probationary Period  
Military Records  
Physical Examination  
Polygraph Examination  
Psychological Examination  
Records Retention  
Schedule I, II Substance

## **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

<b>GENERAL ORDER: 14.1</b>	<b>SUBJECT: TRAINING</b>
<b>EFFECTIVE DATE: 11/06/02</b> <b>REVISION DATE: 7/15/12</b>	<b>CFA STANDARDS: 14.01, 14.03M A-F, 14.04 A-D, 14.05M A-E, 14.06M, 14.07M A-D, 14.09, 14.10M, 14.11M A-E, 14.12M, 14.13</b>
<b>RESCINDS ALL EXISTING ORDERS IN CONFLICT.</b>	

### **SECTIONS IN THIS CHAPTER**

- 3.1.41 ADMINISTRATION
- 3.1.42 ATTENDANCE REQUIREMENTS
- 3.1.43 TRAINING AUTHORIZATION AND REIMBURSEMENT
- 3.1.44 INSTRUCTOR QUALIFICATIONS AND SELECTION
- 3.1.45 PROGRAM REQUIREMENTS
- 3.1.46 ORIENTATION TRAINING
- 3.1.47 IN-SERVICE TRAINING
- 3.1.48 IN-HOUSE TRAINING
- 3.1.49 REMEDIAL TRAINING
- 3.1.50 SPECIALIZED TRAINING
- 3.1.51 ADVANCED TRAINING
- 3.1.52 TRAINING RECORDS

**XXX. PURPOSE:** The purpose of this General Order is to establish guidelines for the development, organization and administration of Departmental training programs, including in-service and in-house training. The purpose of Departmental training is to better prepare personnel to make decisive and informed decisions in order to maximize effectiveness and productivity and minimize civil and criminal liability.

**XXXI. POLICY:** The Williston Police Department has an obligation to provide a professional standard of law enforcement service to the community. The Department will fulfill that responsibility through initial entry-level training of new members and continuous mandatory retraining of all members. Officers will be provided training as mandated by the Criminal Justice Standards and Training Commission, state law, federal law, and agency policy. Such mandatory training will include annual in-service instruction on the Department's Use of Force and Pursuit of Motor Vehicles policies as well as firearms qualification. [CFA 14.11]

## **XXXII. DEFINITIONS**

**Advanced Training:** Training designed for management or staff level positions.

**Authorized Absence:** Failure to attend scheduled training due to a documented illness, recognized emergency, or a State Attorney's investigation or subpoena.

**In-House Training:** Training sessions of short duration which may include videos, lectures, computer programs or printed material such as training bulletins.

**In-Service Training:** Periodic training or mandatory retraining as required by CFA standards, FDLE requirements or Department policy.

**Lesson Plan:** A detailed guideline of course content, including course goals, subject matter, performance objectives, references, resources and method of evaluating participants.

**Remedial Training:** Individual training to correct a specific job deficiency.

**Specialized Training:** Training required for specialized positions within the Department.

**Performance Objectives:** Specific statements of operational behavior for satisfactory performance of a job task, the conditions under which the behavior is usually performed, and the criteria of satisfactory performance.

## **XXXIII. PROCEDURE**

### **14.1.01 ADMINISTRATION**

- A.** The primary responsibility for coordinating departmental training rests with the Deputy Chief of Police. Training responsibilities will include, but are not limited to:
  - 1.** Program development;
  - 2.** Instructor selection;
  - 3.** Training notification to officers;
  - 4.** Record keeping;
  - 5.** Coordination of training with the Florida Department of Law Enforcement, the Criminal Justice and Standards Training Commission, and various law enforcement training centers;
  - 6.** Coordination of travel arrangements for agency officers.
- B.** The Deputy Chief will review, evaluate, and update training programs to ensure that training is job-related and conforms to current law and agency policy.
- C.** The Chief of Police must approve all training courses to be administered by the Department. [CFA 14.03 E]
- D.** A personnel order will be issued when any member is assigned to training outside the Department.

**14.1.02 ATTENDANCE REQUIREMENTS [CFA 14.01]**

- A.** Members scheduled for training must complete the entire program. Members who do not attend scheduled training due to an authorized or unauthorized absence should be rescheduled for the next available training session.
- B.** It is the officer's responsibility to obtain approval from the Deputy Chief to be absent from any training class.
  - 1.** Instructors will document and forward attendance records to the Deputy Chief.
  - 2.** The Deputy Chief is responsible for ensuring attendance of assigned personnel.
  - 3.** The Deputy Chief may report multiple absences to the Chief.
- C.** Members may be excused from attending courses for which they hold current CJSTC instructor certification to teach.



### **14.1.03 TRAINING AUTHORIZATION AND REIMBURSEMENT**

#### **A. Off-Duty Training**

1. Members who attend courses (other than college courses) while off-duty do so at their own expense.
2. The Chief of Police may authorize payment of expenses under exceptional circumstances; however, approval must be obtained in advance.

#### **B. On-Duty Training**

1. Any member who wants to attend any job-related training course while on duty must submit a written request, relevant brochures and class agenda to the Deputy Chief via the chain of command.
2. The member's supervisor will determine whether the member is qualified to attend the course and if the training will benefit the Department.
3. Any supervisor who denies the request must document the reason(s) on a memo and forward the denial and the request to the Deputy Chief.
4. The Chief will make the final determination based on the availability of funds and other factors. The Chief of Police will determine whether the member will be provided lodging or commute to the training center.
5. If the Chief approves the request, the memo will be forwarded to the Deputy Chief for the member's file and a copy of the memo will be returned to the initiating member.
6. The Records Supervisor will process approved requests and make the class registration, travel, and lodging arrangements.
7. Travel expenses will be reimbursed in accordance with the City of Williston Personnel Policy: Section 17 - Travel Expense Policy.

### **14.1.04 INSTRUCTOR QUALIFICATIONS AND SELECTION [CFA 14.09]**

- A. The Deputy Chief is responsible for the selection and monitoring of instructors for agency-provided training. Where applicable, instructors will be certified in accordance with CJSTC rule 11B-20.
- B. All instructors teaching high-liability topics will possess the applicable CJSTC certification, including completing the internship requirement. High liability

topics include firearms, first aid, CPR, defensive tactics, radar and driving. [CFA 14.10]

- C.** Sworn members wishing to work as Field Training Officers must complete the Field Training Officer Application and submit it via chain of command to the Chief of Police. [CFA 14.08M]
- D.** Outside instructors may teach courses based on needs of the agency.
  - 1.** Outside instructors will be selected based on experience, recommendations of other law enforcement agencies and educational institutions and their known skill and ability as instructors.
  - 2.** Outside instructors will comply with all agency training guidelines.

#### **14.1.05 PROGRAM REQUIREMENTS [CFA 14.03M]**

##### **A. Lesson Plans**

- 1.** A lesson plan is required for every agency-provided training course.
- 2.** Lesson plans will serve as a guide to instructors and identify performance objectives for participants.
- 3.** The guidelines and format for developing lesson plans will be consistent with CJSTC requirements.
- 4.** The lesson plans should include a coversheet containing the following:
  - a.** Course name, subject or topic;
  - b.** Length of course (hours);
  - c.** Date of instruction;
  - d.** Instructor; and
  - e.** The rationale for the course, including the performance objectives.
- 5.** The lesson plan should be prepared in an outline form that will include instructor notes that will allow any instructor familiar with the material to teach the content. The lesson plan outline should use the following format: [CFA 14.03 D]
  - a.** An introduction stating the course objectives and participants' responsibilities;

- b. Content of the training; and [CFA 14.03 B]
  - c. Appropriate instructional techniques, including any field experiences (field trips, interviews, operational experiences and observation), presentations (lecture, lecture discussion, lecture demonstration) or problem solving simulations. [CFA 14.03 C]
- B. Performance Objectives.** Performance objectives should provide a clear learning statement and a basis for evaluating participants. [CFA 14.03 A]
- C. Testing [CFA 14.03 F]**
  - 1. The instructor may use competency tests based upon performance objectives to measure participant knowledge and job-related skills.
  - 2. Instructors may administer tests according to lesson plan requirements and score numerically for pass or fail grades.
  - 3. Written tests require a score of 80% to achieve a passing grade, although specific topics or certifications may require a different passing score.

#### **14.1.06 ORIENTATION TRAINING [CFA 14.04]**

- A.** All newly hired members will attend Department orientation training. Civilian personnel will received this training within the first two weeks; sworn personnel during Phase I of their Field Training. Orientation will include discussions of:
  - 1. The agency's role, purpose, goals, policies, and procedures; [CFA 14.04 A]
  - 2. Working conditions, rules and regulations; [CFA 14.04 B]
  - 3. Member rights, responsibilities, and benefits; [CFA 14.04 C]
  - 4. The accreditation process; and [CFA 14.04 D]
  - 5. The City of Williston Personnel Policy.
- B.** The Deputy Chief of Police or his/her designee will conduct these classes.
- C.** All sworn personnel will receive FDLE-approved, one-time training in Weapons of Mass Destruction (WMD) and National Incident Management Systems (NIMS).

#### 14.1.07 IN-SERVICE TRAINING

- A. Members will receive a minimum of 40 hours of in-service training every four years as required by CJSTC. Members will receive training as follows: [CFA 14.11 A]
1. **Domestic Violence:** Required by CJSTC for sworn law enforcement members every four (4) years.
  2. **Juvenile Sexual Offender Investigations:** Required by CJSTC for sworn law enforcement members every four (4) years.
  3. **Human Diversity (Includes Sexual Harassment, Discrimination, and Ethics):** Required by CJSTC for sworn law enforcement members every four (4) years.
  4. **Professional Traffic Stops:** Required by CJSTC for sworn law enforcement members every four (4) years.
  5. **Defensive Tactics (Includes Use of Force):** High-liability training required annually for sworn members. See also General Order 4.1: Use of Force, 4.1.07: Proof of Proficiency. [CFA 14.11 C, E]
  6. **Less-Lethal Weapons Training:** Required annually for Tasers and biennially for all other less-lethal weapons for sworn members. See also General Order 4.1: Use of Force, 4.1.07: Proof of Proficiency. [CFA 14.11C-D]
  7. **Cardiopulmonary Resuscitation (CPR):** High-liability training required every two (2) years for sworn members; available on a voluntary basis for civilian personnel.
  8. **Firearms:** High-liability training required annually for sworn members. See also General Order 4.1: Use of Force, 4.1.07: Proof of Proficiency. [CFA 14.11 B]
  9. **Legal Updates:** As applicable for sworn and civilian members. [CFA 14.11 F]
  10. **Blood Borne Pathogens Updates:** Annually for sworn and civilian members.
  11. **Hazardous Materials Training:** Annually for sworn members and those civilians who may potentially witness or discover a hazardous substance release, per 1910.120 of federal regulations. [CFA 14.13]

**12. Biomedical Hazards Updates:** Annually for sworn and civilian members.

**13. Other Safety, Health, and High Liability Subjects:** As required by law or regulation.

**B. Curriculum**

1. The Deputy Chief of Police is responsible for the in-service training curriculum.

2. Any agency member may make recommendations regarding in-service subjects. [CFA 14.02]

**C.** Records will be maintained for all in-service training classes. Documentation for each class will include:

1. Course content;

2. Names of participants;

3. Performance of individual participants, if applicable; and

4. Instructors' names and credentials. [CFA 14.07]

**14.1.08 IN-HOUSE TRAINING**

**A.** In-house training provides a means to update and review the skills, knowledge and abilities of members between formal training sessions. In-house training may include:

1. Agency mission, policies, procedures, rules and regulations;

2. Statutory or case law changes affecting law enforcement operations;

3. The functions of agencies in the local judicial system;

4. The exercise of discretion;

5. Interrogation and interview techniques;

6. Investigative or technological techniques or methods;

7. Evidence collection and preservation;

8. Report writing and records systems procedures and requirements;

9. Crime prevention policies and procedures;
  10. Special operations and unusual occurrences; and
  11. Victim/witness rights and responsibilities.
- B. In-house materials may include video presentations, lectures, computer software or printed materials such as general orders.
  - C. The Chief and/or the Deputy Chief will disseminate in-office training materials to affected members at their discretion.

#### **14.1.09 REMEDIAL TRAINING [CFA 14.05 M]**

- A. Remedial or additional training is required of members when performance deficiencies are identified through evaluation or observation.
- B. Minor deficiencies may be corrected through informal training or counseling sessions.
- C. Serious deficiencies will be reported to the Chief of Police and addressed through formal remedial training.
- D. Remedial training should be initiated upon discovery of the deficiency, as soon as possible. [CFA 14.05M C]
- E. Training hours accumulated during remedial training will not be credited as training time necessary to complete the in-service training requirement.
- F. Failure to participate in or successfully complete a remedial training program may be considered failure to perform a job function and handled according to disciplinary procedures. [CFA 14.05M D]
- G. Remedial training will be initiated by the following performance deficiencies: [CFA 14.05M A, B]
  1. **Driving Skills.** Members who demonstrate poor driving habits, or are found at fault in crashes while operating Department vehicles, will attend a defensive driving course.
  2. **Firearms Proficiency.** Officers must demonstrate proficiency with their primary service weapon during an annual in-service training. Any needed remedial training will be conducted under the direction of the Range Master. [CFA 14.05M E]

3. **Less-Than-Lethal Weapons Proficiency.** Officers must demonstrate proficiency with their Taser annually and biennially for less-lethal weapons other than the Tasers. Any needed remedial training will be conducted under the direction of the certified instructor. [14.05M E]

#### **14.1.10 SPECIALIZED TRAINING [CFA 14.12, 14.13]**

- A. Specific training will be required for both civilian and sworn members in certain specialized positions.
- B. The following job assignments require specialized training prior to the member assuming full job responsibilities:
  1. K-9 Handler;
  2. Investigator;
  3. Instructor;
  4. Records Specialist;
  5. Property and Evidence Custodian;
  6. Dispatcher.
- C. Supervisors will ensure that the training of personnel transferred or assigned to the specialized position is initiated within 30 days of the assignment or transfer.

#### **14.1.11 ADVANCED TRAINING**

- A. The Department encourages participation in programs at an advanced level for members assigned to management or staff level positions. The agency provides this through training centers such as:
  1. The Federal Bureau of Investigation National Academy;
  2. The Southern Police Institute; and
  3. The Florida Department of Law Enforcement Executive Institute.
- B. **Training Requests.** All requests to participate in any extended advanced training will be submitted to the Chief via the chain of command.

#### **14.1.12 TRAINING RECORDS [CFA 14.06]**

- A.** The Deputy Chief is responsible for overseeing the maintenance of training records.
- B.** The Records Section will log all training attended by Department members.
- C.** The K-9 handler will maintain a current *Drug Detection K-9 Training and Utilization Record*.
  - 1.** The K-9 record will be reviewed by the Deputy Chief of Police monthly.
  - 2.** All K-9 training and usage will be summarized at the end of each year.
  - 3.** All K-9 records will be submitted to and maintained by the Records Section.
- D.** Course certificates and other proofs of course completion will be maintained in member files. The member is responsible for providing documentation of job-related courses attended outside the Department.
- E.** The Deputy Chief is responsible for notifying CJSTC of any course work that is eligible for mandatory retraining credits.
- F.** The information contained in the training files is public record and will be released in conformance with FSS 119.

#### **XXXIV. INDEXING**

Advanced Training  
Defensive Tactics  
Firearms Proficiency  
High-Liability Topics  
In-House Training  
In-Service Training  
Instructor Qualifications  
K-9 Training  
Lesson Plans  
Performance Objectives  
Records  
Remedial Training  
Special Training  
Testing  
Training  
Training Records  
Travel Expenses



# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>14.2</b>	SUBJECT: <b>FIELD TRAINING</b>
EFFECTIVE DATE: <b>11/06/02</b> REVISION DATE: <b>7/15/12</b>	CFA STANDARDS: <b>14.08M A-H, 14.09</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

- 3.1.53 FIELD TRAINING PROGRAM
- 3.1.54 RESPONSIBILITY OF TRAINING COORDINATOR
- 3.1.55 SELECTION OF FIELD TRAINING OFFICERS
- 3.1.56 RESPONSIBILITY OF FIELD TRAINING OFFICERS
- 3.1.57 TRAINING OF FIELD TRAINING OFFICERS
- 3.1.58 COMPENSATION FOR FIELD TRAINING OFFICERS

**XXXV. PURPOSE:** The purpose of this General Order is to establish guidelines for the Department's field training program.

**XXXVI. POLICY:** The Department will maintain a field training program for new recruits that supplements the curriculum and instruction obtained from police academies. The Department will select and assign field training officers who have demonstrated the ability to insure the program's effectiveness.

### **XXXVII. DEFINITIONS**

**Field Training Program:** An eight (8) week to twelve (12) week training program that covers a series of subjects based upon the most frequently handled tasks of Williston Police Officers. [CFA 14.08 C]

## **XXXVIII. PROCEDURE**

### **14.2.01 FIELD TRAINING PROGRAM**

- A.** Entry-level officers shall enter the Department's field training program prior to assuming any law enforcement responsibilities.
- B.** The program may be extended or reduced in duration depending on the recruit's previous experience and progress in meeting program objectives.
- C.** The recruit will normally be transferred to different Field Training Officers (FTOs) during the field training period. [CFA 14.08 G]
- D.** Training shall meet standards set forth by the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission.

### **14.2.02 RESPONSIBILITY OF TRAINING COORDINATOR [CFA 14.08 E]**

- A.** The Chief of Police may designate a Training Coordinator to oversee the FTO program.
- B.** It will be the Training Coordinator's responsibility to identify any specific problems that are being experienced by either the recruit or the FTO and counsel either member accordingly.
- C.** The Training Coordinator will:
  - 1.** Coordinate, supervise, and monitor the FTO program;
  - 2.** Counsel the FTOs and recruits;
  - 3.** Schedule and assign the recruit to an FTO schedule;
  - 4.** Assign any special training programs or schools deemed necessary to assist the recruit's advancement;
  - 5.** Consult with police academy staff when appropriate; [CFA 14.08 F]
  - 6.** Oversee all records relating to the recruit's training; and
  - 7.** Maintain a pool of qualified FTOs.

#### **14.2.03 SELECTION OF FIELD TRAINING OFFICERS [CFA 14.08 A; 14.09]**

- A.** In order to be considered for an FTO assignment an officer must forward a Field Training Officer Application through the chain of command to the Chief of Police.
- B.** Field Training Officers will meet minimum qualifications, including:
  - 1.** Two (2) years experience with the Department (may be waived by the Chief);
  - 2.** An above average evaluation;
  - 3.** An acceptable discipline record;
  - 4.** No suspensions within the preceding 12-month period; and
  - 5.** Ability to devote the necessary time and effort.
- C.** The Chief of Police will make the final selections of officers for FTO assignments.
- D.** The Chief of Police or his/her designee may remove FTOs from their assignment for unsatisfactory performance, disciplinary problems or as deemed necessary.

#### **14.2.04 RESPONSIBILITY OF FIELD TRAINING OFFICERS**

- A.** Field Training Officers are required to fully supervise the recruit during field training.
- B.** It will be the responsibility of the FTO to identify and correct any problems the recruit has in regards to training.
- C.** The recruit will be instructed in all aspects of the Department and City requirements, including:
  - 1.** Department Policies and Procedures;
  - 2.** City Personnel Policy; and
  - 3.** Geographical boundaries. [CFA 14.08 D]
- D.** The FTO will evaluate recruits in Daily Observation Reports (DORs). [CFA 14.08 B]
- E.** Field Training Officers assigned a trainee will make weekly progress reports to the Training Coordinator, who will provide feedback concerning any areas where improvement or additional training is needed. [CFA 14.08 H]

- F. The FTO will consult with the next FTO in line to supervise the recruit on any areas that need special attention or further improvement.
- G. Any deviation from the program for any circumstance must be reported in writing to the Training Coordinator.

**14.2.05 TRAINING OF FIELD TRAINING OFFICERS [CFA 14.08 A]**

- A. All FTOs will complete a state sponsored FTO school in addition to receiving specialized training in evaluations.
- B. The Deputy Chief of Police will coordinate additional in-service training for FTOs.

**14.2.06 COMPENSATION FOR FIELD TRAINING OFFICERS**

- A. Per the Collective Bargaining Agreement, Article XXIV, “When a FDLE-certified FTO is assigned a trainee for field training, that FTO shall receive a 5% increase in base pay for the period that he or she is assigned a trainee.
- B. “When that field training period ends, the FTO shall return to the previous rate of pay at the end of the current pay period.”

**XXXIX. INDEXING**

Daily Observation Reports (DORs)  
Field Training Officer  
Field Training Program  
FTO  
Training Coordinator

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>15.1</b>	SUBJECT: <b>PROMOTIONS</b>
EFFECTIVE DATE: <b>1/20/06</b> REVISION DATE: <b>10/1/16</b>	CFA STANDARDS: <b>11.01, 11.02 A-B, 11.03 A-D, 11.04</b> *CFA Edition 5.0
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

- 3.1.59 PROMOTIONAL PROCESSES
- 3.1.60 ELIGIBILITY REQUIREMENTS
- 3.1.61 WRITTEN EXAMINATIONS
- 3.1.62 ORAL REVIEW BOARDS
- 3.1.63 ELIGIBILITY LISTS
- 3.1.64 PROBATIONARY PERIOD

**XL. PURPOSE:** The purpose of this General Order is to establish guidelines for the promotion of members of the Williston Police Department.

**XLI. POLICY:** It is the policy of the Williston Police Department to maintain fair and equitable promotional processes. Each element of the promotional process will be job-related and nondiscriminatory. [CFA 11.01]

### **XLII. DEFINITIONS**

**Probationary Period:** A period beginning with a member's initial appointment, promotion, disciplinary demotion or return to employment and ending twelve (12) months thereafter.

## **XLIII. PROCEDURE**

### **15.1.01 PROMOTIONAL PROCESSES [CFA 11.01]**

- A.** The Chief of Police is responsible for managing promotional processes and has sole authority to promote members of the agency.
- B.** At least four (4) weeks before any written examination or expected appointment, the Chief of Police shall announce any promotional vacancy via Department-wide email. The written announcement shall include:
  - 1.** Description of the vacant position;
  - 2.** Eligibility requirements;
  - 3.** Selection criteria;
  - 4.** Type, date, time, and location of any exam(s); and
  - 5.** Reading list of selected resource material, if applicable. [CFA 11.02 A-B]
- C.** Any member interested in the position shall advise the Chief of Police in writing via chain of command.
- D.** Written examinations shall be scheduled for promotion to the ranks of patrolman first class, corporal and sergeant.
  - 1.** All candidates must pass the written exam with a score of no less than 70%.
  - 2.** Candidates for corporal and sergeant positions must appear before an oral review board composed of three (3) law enforcement supervisors, at least one of whom will be a member from another law enforcement agency.
  - 3.** Candidates who pass the applicable exams and reviews will be placed on a ranked eligibility list.
- E.** Components of the promotional processes will be weighted as follows:  
[CFA 11.03 A]

	Patrolman First Class	Corporal	Sergeant
Education		10%	10%
Performance	50%	30%	30%
Written Exam	50%	30%	30%
Oral Board Review		30%	30%

- F.** Promotions will be made as vacancies occur, based on the following criteria:

- a. Review of any written exam and oral board scores;
- b. Education;
- c. Experience;
- d. Performance evaluations;
- e. Professional training courses;
- f. Supervisory training;
- g. Disciplinary and attendance records; and
- h. Recommendations from supervisors and command staff.

#### **15.1.02 ELIGIBILITY REQUIREMENTS**

- A.** The Chief's office shall verify that each candidate meets the applicable longevity requirement as of the date of the any written exam or appointment.

- B. Patrolman First Class**

- 1. By the date of the examination, any candidate must have successfully completed a minimum of eighteen (18) months of continuous, full-time, paid service as an officer with the Williston Police Department; and
- 2. Any candidate must have successfully completed two (2) of the following three CJSTC Advanced or Specialized classes: RADAR & LASER Speed Measurement, Advanced Report Writing and/or Criminal Law.

- C. Corporal**

- 1. By the date of the examination, any candidate must have successfully completed a minimum of two (2) years of continuous, full-time, paid service as an officer with the Williston Police Department; and
- 2. Any candidate must have successfully completed two (2) of the following three CJSTC Advanced and Specialized classes: Case Preparation and Court Presentation, Domestic Intervention, and/or Financial Fraud Investigation.

- D. Sergeant**

1. By the date of the examination, any candidate must have successfully completed a minimum of three (3) years of continuous, full-time, paid service as an officer with the Williston Police Department; and
2. Any candidate must have successfully completed Line Supervision, Interviews and Interrogations and one other forty-hour minimum CJSTC Advanced or Specialized class.

**E. Lieutenant**

1. Appointments to the rank of lieutenant are exempt from the promotional process.
2. To be considered for appointment to the position of lieutenant, a member must have successfully completed a minimum of five (5) years of continuous, full-time, paid service as an officer with the Williston Police Department; and
3. Prior to promotion to lieutenant, a member must complete CJSTC classes in General Instruction Techniques, Firearms Instruction and/or EVOC Instruction.

**F. Deputy Chief**

1. Appointment to the position of Deputy Chief is exempt from the promotional process.
2. An individual must meet all state certification requirements or be enrolled in school to obtain certification within 180 days of the appointment.
3. Prior to appointment to Deputy Chief, a member shall have completed CJSTC classes in General Instruction Techniques, Firearms Instruction and/or EVOC Instruction.
4. Prior to appointment to Deputy Chief, a member must have completed FDLE Leadership courses, FBI National Academy or SPI Command Officer Development Course or equivalent training.

**G. Civilian Supervisor**

1. Civilian supervisor appointments or promotions will not be based on competitive examinations.
2. All such appointments or promotions will be at the discretion of the Chief of Police.



3. Civilian promotions shall be made as vacancies occur, based on the following criteria:
  - a. Experience;
  - b. Professional training courses;
  - c. Supervisory training;
  - d. Disciplinary and attendance records; and
  - e. Recommendations from supervisors and staff.

**H. Investigator**

1. The position of investigator is not considered a promotion and will not be based on competitive examination.
2. The Chief will appoint members to these positions.

**15.1.03 WRITTEN EXAMINATIONS**

- A.** Promotional examinations will be scheduled as determined by the Chief of Police or his designee.

**B. Examination Preparation**

1. The Chief of Police or his/her designee will compose the written examinations based on the posted source material.
2. Person(s) who prepare the exam will ensure that the integrity of the exam is not compromised.
3. The exam may consist of multiple choice, true and false, matching or fill-in-the-blank questions taken from Florida State Statutes, Department General Orders, City Ordinances and applicable legal updates.
4. The Chief will identify all source material and approve all exam questions.

- C.** Candidates for promotion must achieve minimum scores of 70% to pass the written exam.

- D.** Candidates will be advised of their individual scores within ten (10) weekdays of the examination.

**E. Appeals [CFA 11.04]**

1. Candidates may review their examination with the test administrator by making an appointment within one (1) week of receiving the examination results.
2. Candidates challenging the wording, meaning, or scoring of any exam questions must do so while reviewing the exam with the test administrator.
3. If the test administrator agrees there is merit to the challenge, the question may be eliminated from scoring upon approval of the Chief of Police.
  - a. The elimination of any question will affect every examination of that process.
  - b. Answer sheets will be re-scored.
  - c. A revised passed/failed memorandum will be posted.
  - d. A revised list of successful candidates will be posted within ten (10) days after the completion of the review.

#### **15.1.04 ORAL REVIEW BOARD**

- A. Candidates for corporal or sergeant positions who pass the written examination will be advised of the scheduled date, time and location of the requisite oral review board. [CFA 11.02 A]
- B. **Board Members**
  1. Oral board members will include three (3) law enforcement supervisors.
  2. Board members will receive orientation, which will include instructions concerning their role in the process and guidelines to follow when asking questions and completing the grading worksheet.
  3. Board members will be provided with a prepared list of questions to ask participants and a rating worksheet that explains the areas to be evaluated and the percentile value of each area as follows: [CFA 11.03 A]
    - a. Appearance and demeanor: 10%
    - b. Ability to communicate: 10%
    - c. Decision making ability: 20%
    - d. Ability to inspire confidence and respect: 20%

- e. Supervisory qualities: 25%
  - f. General fitness for the position: 15%
- C. Notification of Results.** The Chief will advise candidates of the results of the oral boards within five (5) weekdays following the oral board process.
- D. Appeals [CFA 11.04]**
- 1. Oral board participants will have two (2) weekdays after being advised of the results to review and challenge the oral board process.
  - 2. The Chief of Police will hear all challenges.
  - 3. Affected participants will be notified if the challenge process affects or changes any final scores.

#### **15.1.05 ELIGIBILITY LISTS**

- A. Candidates who pass the written examination and oral review board will be listed in descending order of overall scores. [CFA 11.03 B]
- B. Eligibility lists will be posted and continue in effect for two (2) years. [CFA 11.03 C]
- C. If the eligibility list is depleted, the Chief will make promotions as necessary.
- D. Any of the three (3) top-ranked candidates may be selected from the eligibility list based on the criteria outlined in this General Order. [CFA 11.03 D]

#### **15.1.06 PROBATIONARY PERIOD**

- A. Effective on the date of promotion, the member must serve a one-year probationary period during which time supervisors will evaluate his/her performance.
  - 1. The probationary period will not affect the member's retirement benefits, vacation leave, sick leave, or other benefits.
  - 2. At the end of the probationary period, the immediate supervisor will complete a formal written performance report.
- B. The Chief can extend a probationary period three (3) months for cause.

- C. During the probationary period, the Chief has the right to rescind a promotion without cause. The decision to return the promoted officer to his or her previous rank during the probationary period is not subject to appeal.

#### **XLIV. INDEXING**

Eligibility List  
Examination  
Oral Review Board  
Probationary Period  
Promotional Process

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>15.1</b>	SUBJECT: <b>PROMOTIONS</b>
EFFECTIVE DATE: <b>1/20/06</b> REVISION DATE: <b>10/1/16; 4/9/18</b>	CFA STANDARDS: <b>11.01, 11.02 A-B, 11.03 A-D, 11.04</b> *CFA Edition 5.0
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.65 PROMOTIONAL PROCESSES

**3.1.66 ELIGIBILITY REQUIREMENTS**

3.1.67 WRITTEN EXAMINATIONS

3.1.68 ORAL REVIEW BOARDS

3.1.69 ELIGIBILITY LISTS

3.1.70 PROBATIONARY PERIOD

**XLV. PURPOSE:** The purpose of this General Order is to establish guidelines for the promotion of members of the Williston Police Department.

**XLVI. POLICY:** It is the policy of the Williston Police Department to maintain fair and equitable promotional processes. Each element of the promotional process will be job-related and nondiscriminatory. [CFA 11.01]

## **XLVII. DEFINITIONS**

**Probationary Period:** A period beginning with a member's initial appointment, promotion, disciplinary demotion or return to employment and ending twelve (12) months thereafter.

## **XLVIII. PROCEDURE**

### **15.1.07 PROMOTIONAL PROCESSES [CFA 11.01]**

- I.** The Chief of Police is responsible for managing promotional processes and has sole authority to promote members of the agency.
- J.** At least four (4) weeks before any written examination or expected appointment, the Chief of Police shall announce any promotional vacancy via Department-wide email. The written announcement shall include:
  - 6.** Description of the vacant position;
  - 7.** Eligibility requirements;
  - 8.** Selection criteria;
  - 9.** Type, date, time, and location of any exam(s); and
  - 10.** Reading list of selected resource material, if applicable. [CFA 11.02 A-B]
- K.** Any member interested in the position shall advise the Chief of Police in writing via chain of command.
- L.** Written examinations shall be scheduled for promotion to the ranks of patrolman first class, corporal and sergeant.
  - 4.** All candidates must pass the written exam with a score of no less than 70%.
  - 5.** Candidates for corporal and sergeant positions must appear before an oral review board composed of three (3) law enforcement supervisors, at least one of whom will be a member from another law enforcement agency.
  - 6.** Candidates who pass the applicable exams and reviews will be placed on a ranked eligibility list.
- M.** Components of the promotional processes will be weighted as follows:  
[CFA 11.03 A]

	Patrolman First Class	Corporal	Sergeant
Education		10%	10%
Performance	50%	30%	30%
Written Exam	50%	30%	30%
Oral Board Review		30%	30%

- N.** Promotions will be made as vacancies occur, based on the following criteria:

- i. Review of any written exam and oral board scores;
- j. Education;
- k. Experience;
- l. Performance evaluations;
- m. Professional training courses;
- n. Supervisory training;
- o. Disciplinary and attendance records; and
- p. Recommendations from supervisors and command staff.

#### **15.1.08 ELIGIBILITY REQUIREMENTS**

- G.** The Chief's office shall verify that each candidate meets the applicable longevity requirement as of the date of the any written exam or appointment.

#### **H. Patrolman First Class**

- 3. By the date of the examination, any candidate must have successfully completed a minimum of twelve (12) months of continuous, full-time, paid service as an officer with the Williston Police Department; and
- 4. Any candidate must have successfully completed two (2) of the following three CJSTC Advanced or Specialized classes: RADAR & LASER Speed Measurement, Advanced Report Writing and/or Criminal Law.

#### **I. Corporal**

- 3. By the date of the examination, any candidate must have successfully completed a minimum of twelve (12) months of continuous, full-time, paid service as an officer with the Williston Police Department; and twenty-four (24) months of law enforcement service; and
- 4. Any candidate must have successfully completed two (2) of the following three CJSCT Advanced and Specialized classes: Case Preparation and Court Presentation, Domestic Intervention, and/or Financial Fraud Investigation.

**J. Sergeant**

3. By the date of the examination, any candidate must have successfully completed a minimum of twelve (12) months of continuous, full-time, paid service as an officer with the Williston Police Department; and thirty-six (36) months as a law enforcement officer; and
4. Any candidate must have successfully completed Line Supervision, Interviews and Interrogations and one other forty-hour minimum CJSTC Advanced or Specialized class.

**K. Lieutenant**

4. Appointments to the rank of lieutenant are exempt from the promotional process.
5. To be considered for appointment to the position of lieutenant, a member must have successfully completed a minimum of five (5) years of continuous, full-time, paid service as an officer with the Williston Police Department; and
6. Prior to promotion to lieutenant, a member must complete CJSTC classes in General Instruction Techniques, Firearms Instruction and/or EVOC Instruction.

**L. Deputy Chief**

5. Appointment to the position of Deputy Chief is exempt from the promotional process.
6. An individual must meet all state certification requirements or be enrolled in school to obtain certification within 180 days of the appointment.
7. Prior to appointment to Deputy Chief, a member shall have completed CJSTC classes in General Instruction Techniques, Firearms Instruction and/or EVOC Instruction.
8. Prior to appointment to Deputy Chief, a member must have completed FDLE Leadership courses, FBI National Academy or SPI Command Officer Development Course or equivalent training.

**O. Civilian Supervisor**

4. Civilian supervisor appointments or promotions will not be based on competitive examinations.



5. All such appointments or promotions will be at the discretion of the Chief of Police.
6. Civilian promotions shall be made as vacancies occur, based on the following criteria:
  - f. Experience;
  - g. Professional training courses;
  - h. Supervisory training;
  - i. Disciplinary and attendance records; and
  - j. Recommendations from supervisors and staff.

**P. Investigator**

3. The position of investigator is not considered a promotion and will not be based on competitive examination.
4. The Chief will appoint members to these positions.

**15.1.09 WRITTEN EXAMINATIONS**

- F.** Promotional examinations will be scheduled as determined by the Chief of Police or his designee.

**G. Examination Preparation**

5. The Chief of Police or his/her designee will compose the written examinations based on the posted source material.
6. Person(s) who prepare the exam will ensure that the integrity of the exam is not compromised.
7. The exam may consist of multiple choice, true and false, matching or fill-in-the-blank questions taken from Florida State Statutes, Department General Orders, City Ordinances and applicable legal updates.
8. The Chief will identify all source material and approve all exam questions.

- H.** Candidates for promotion must achieve minimum scores of 70% to pass the written exam.

- I. Candidates will be advised of their individual scores within ten (10) weekdays of the examination.

**J. Appeals [CFA 11.04]**

- 4. Candidates may review their examination with the test administrator by making an appointment within one (1) week of receiving the examination results.
- 5. Candidates challenging the wording, meaning, or scoring of any exam questions must do so while reviewing the exam with the test administrator.
- 6. If the test administrator agrees there is merit to the challenge, the question may be eliminated from scoring upon approval of the Chief of Police.
  - e. The elimination of any question will affect every examination of that process.
  - f. Answer sheets will be re-scored.
  - g. A revised passed/failed memorandum will be posted.
  - h. A revised list of successful candidates will be posted within ten (10) days after the completion of the review.

**15.1.10 ORAL REVIEW BOARD**

- E. Candidates for corporal or sergeant positions who pass the written examination will be advised of the scheduled date, time and location of the requisite oral review board. [CFA 11.02 A]

**F. Board Members**

- 4. Oral board members will include three (3) law enforcement supervisors.
- 5. Board members will receive orientation, which will include instructions concerning their role in the process and guidelines to follow when asking questions and completing the grading worksheet.
- 6. Board members will be provided with a prepared list of questions to ask participants and a rating worksheet that explains the areas to be evaluated and the percentile value of each area as follows: [CFA 11.03 A]
  - g. Appearance and demeanor: 10%
  - h. Ability to communicate: 10%

- i. Decision making ability: 20%
- j. Ability to inspire confidence and respect: 20%
- k. Supervisory qualities: 25%
- l. General fitness for the position: 15%

**G. Notification of Results.** The Chief will advise candidates of the results of the oral boards within five (5) weekdays following the oral board process.

**H. Appeals [CFA 11.04]**

- 4. Oral board participants will have two (2) weekdays after being advised of the results to review and challenge the oral board process.
- 5. The Chief of Police will hear all challenges.
- 6. Affected participants will be notified if the challenge process affects or changes any final scores.

**15.1.11 ELIGIBILITY LISTS**

- E.** Candidates who pass the written examination and oral review board will be listed in descending order of overall scores. [CFA 11.03 B]
- F.** Eligibility lists will be posted and continue in effect for two (2) years. [CFA 11.03 C]
- G.** If the eligibility list is depleted, the Chief will make promotions as necessary.
- H.** Any of the three (3) top-ranked candidates may be selected from the eligibility list based on the criteria outlined in this General Order. [CFA 11.03 D]

**15.1.12 PROBATIONARY PERIOD**

- D.** Effective on the date of promotion, the member must serve a one-year probationary period during which time supervisors will evaluate his/her performance.
- 3. The probationary period will not affect the member's retirement benefits, vacation leave, sick leave, or other benefits.
- 4. At the end of the probationary period, the immediate supervisor will complete a formal written performance report.

- E. The Chief can extend a probationary period three (3) months for cause.
- F. During the probationary period, the Chief has the right to rescind a promotion without cause. The decision to return the promoted officer to his or her previous rank during the probationary period is not subject to appeal.

## **XLIX. INDEXING**

Eligibility List  
Examination  
Oral Review Board  
Probationary Period  
Promotional Process

# WILLISTON POLICE DEPARTMENT

## GENERAL ORDER

GENERAL ORDER: <b>16.1</b>	SUBJECT: <b>PERFORMANCE EVALUATIONS</b>
EFFECTIVE DATE: <b>2/28/06</b> REVISION DATE: <b>7/25/12</b>	CFA STANDARDS: <b>16.01 A-D, 16.02-A-D, 16.03 A-E, 16.04, 16.05, 16.07 A-C, 16.08, 16.09, 16.10, 16.11</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

### SECTIONS IN THIS CHAPTER

- 3.1.71 DUTIES AND RESPONSIBILITIES
- 3.1.72 RATER TRAINING
- 3.1.73 PERFORMANCE EVALUATIONS
- 3.1.74 APPEALING PERFORMANCE EVALUATIONS

- L. PURPOSE:** The purpose of this General Order is to establish a process by which supervisors will evaluate the performance of each member in accomplishing assigned duties and responsibilities.
- LI. POLICY:** Performance evaluation is an essential management tool for directing work activities in order to meet organizational and employee goals. Performance evaluation involves distinguishing among various levels of performance, recognizing superior performance, and identifying areas for improvement, while providing an opportunity for discussion between employees and supervisors. Command staff, in compliance with City policy and CFA standards, will complete performance evaluations for every member under their span of control at least once annually. The objectives of the performance evaluations will be to: [CFA 16.01 A; 16.04]
- Maintain and improve employee performance;
  - Provide the basis for determining eligibility and rate of merit increases;
  - Foster and standardize fair and impartial means of considering members for promotion;
  - Provide a medium for employee counseling, coaching, and dialogue;
  - Facilitate proper decisions regarding employee retention during probationary periods;
  - Provide an objective and fair means for measuring and recognizing individual

- performance;
- Identify training and retraining needs; and
- Assure the public that agency personnel are qualified to carry out their duties.

## LII. DEFINITIONS

**Overall Employee Evaluation Score:** The cumulative rating derived from considering all performance criteria in relation to the duties and responsibilities of a position.

**Performance Criteria:** A set of defined, observable, measurable indicators used to provide feedback on job performance.

**Performance Evaluation Form (PE):** A standardized form designed by the Department in consultation with the City to establish the criteria by which members will be evaluated in relation to their job performance(s).

**Rater:** Generally, the immediate supervisor of the member being evaluated.

**Reviewer:** The supervisor of the rater conducting the performance evaluations.

## LIII. PROCEDURE

### 16.1.01 DUTIES AND RESPONSIBILITIES

- A. The Deputy Chief of Police is responsible for ensuring that performance evaluations are completed when due and forwarded to the Chief for review at least **one week before the actual due date**. The Deputy Chief should prompt supervisors about pending performance evaluations thirty (30) days prior to a due date.
- B. Immediate supervisors (raters) are responsible for evaluating and rating the job performance of personnel based on the job skills and duties specific to the member's position(s). [CFA 16.01 D; 16.02 B, C]
- C. Supervisors will make every effort to observe the performance in all categories on the performance evaluation form that are applicable to the position held during the rating period. [16.02 A]
  1. Supervisors on extended leave or in other circumstances that limit interaction with their subordinate generally will not complete evaluations. The Deputy Chief will complete the evaluation in these situations with input from other knowledgeable supervisors.
  2. Supervisors will meet with each newly assigned employee and explain the employee's assigned duties and job requirements to include: [CFA 16.07]
    - a. Tasks of the position; [CFA 16.07 A]

- b. Level of performance expected; [CFA 16.07 B]
  - c. The rating criteria of evaluations; and, [CFA 16.07 C]
  - d. Measurable, attainable goals that support the Department's overall goals.
- D. The rater's supervisor (reviewer) will:
  - 1. Review the evaluation with the rater before presentation to the affected member;
  - 2. Evaluate the fairness and impartiality of ratings given;
  - 3. Discuss the rater's responsibility to teach and counsel members; and
  - 4. Assess the rater's ability to carry out the rater's role in the evaluation process.
- E. Supervisors will complete an interim evaluation for employees transferred to other supervisors within ten (10) days of the transfer.
- F. Interim evaluations may be completed at any time, especially if a member is not performing satisfactorily.
- G. Unsatisfactory performance should be addressed promptly and not solely at the time of the evaluation.

#### **16.1.02 RATER TRAINING [CFA 16.01 D]**

- A. Raters will be instructed in performance evaluation techniques, evaluation procedures, use of evaluation forms and counseling techniques.
- B. A performance evaluation manual will be provided to every supervisor and will serve as a guide when completing evaluations. [CFA 16.01 D]

#### **16.1.03 PERFORMANCE EVALUATIONS**

- A. All employees will be evaluated using job-related and non-discriminatory procedures.
- B. Evaluations of personnel performance will be based on performance solely within the evaluation period. [CFA 16.02 A]
- C. **Notice of Substandard Performance.** Raters will give employees written notice of any substandard performance in a timely manner and at least three (3) months prior to the end of the rating period, when practical, to allow the employee time to correct the deficiency. [CFA 16.08]

**D. Rating Periods.** At a minimum, supervisors will complete a performance evaluation form for full-time personnel under their span of control according to the following schedule: [CFA 16.02]

**1. Probationary Personnel.** Probationary personnel will be evaluated once at six (6) months and again at the anniversary date of hire. Permanent status will not be granted until an employee's performance report is completed. [CFA 16.10]

- a. While participating in the Field Training Officer program, a new employee will be evaluated according to the guidelines of the program, and a PE is not required.
- b. After the employee completes the required training, reports will be completed semi-annually throughout the remainder of the probationary period.

**2. Non-Probationary Personnel**

- a. The performance evaluation will be completed on the anniversary of the employee's date of hire or date of grade.
- b. The performance report must be presented to and discussed with the employee within ten (10) calendar days of the anniversary date.

**3. Special Rating Periods.** Raters will complete performance reports for periods of less than one year when:

- a. The employee is promoted, demoted or transferred; and/or
- b. The employee's work performance is below standard, and the Chief orders a special rating period. For such situations, the rating periods will change to every thirty (30) days until the work performance meets standards or employment is discontinued.

**E. Form Completion** [CFA 16.01 C]

**1.** The performance evaluation form is designed to be self-explanatory and may be printed or typed.

**2. Rating Categories**

- a. Personnel performance will be appraised in specific categories as delineated on the evaluation form.



- b. It is incumbent of each supervisor to meet with each subordinate at the beginning of each rating period to set mutually agreed upon goals and objectives for the next year.
- c. It is crucial that each employee know in advance what is expected and on what criteria they will be judged.

### 3. Measurement Definitions [CFA 16.01 B]

- a. **Superior:** Employee consistently performs beyond job classification, contributing beyond the highest expectations of the position.
- b. **Always Exceeds Standards:** Employee consistently *exceeds* job performance expectations and demonstrates exceptional ability and initiative.
- c. **Sometimes Exceeds Standards:** Employee consistently meets job performance expectations and *often* performs above average.
- d. **Meets Standards:** Employee consistently *meets* job performance expectations.
- e. **Needs Improvement:** Employee fails to demonstrate sufficient ability to satisfactorily perform requisite tasks. Disciplinary action may have been given within the evaluation period.

### 4. Rater Comments Section

- a. The rater will complete the comments section on the evaluation form, offering suggestions or describing actions to improve job performance.
- b. The comments section will provide an explanation for exceptional or deficient ratings. [CFA 16.09]

## F. Supervisor Review

- 1. The rater will present the completed evaluation form and supporting documentation (notes made during period) to his or her supervisor (reviewer) before discussing the evaluation with the employee.
- 2. The reviewer will examine the documents for completeness, fairness, and objectivity.
- 3. The rater may include the reviewer's comments within the evaluation.
- 4. The reviewer will initial the evaluation form in the space provided and return all documents to the rater. [CFA 16.03 E]

## **G. Employee Review**

1. The rater will meet with the employee to discuss the results of the evaluation and the level of performance expected, rating criteria and goals for the new evaluation period. The rater will counsel the employee about such topics as advancement, specialization or training appropriate for the employee's position. [CFA 16.03 A]
2. The employee will be given an opportunity to document any supporting or opposing comments to any ratings or rater comments. [CFA 16.03 B]
3. The rater and employee will sign the evaluation form to acknowledge that the report was read and discussed. The employee's signature does not indicate agreement or disagreement with the evaluation. [CFA 16.02 D, 16.03 C]

## **H. Routing and Filing**

1. The rater will forward the evaluation form and supporting documentation (performance observation reports, planning reports, etc.) to the Chief of Police via chain of command. Each supervisor in the chain will review the documents and comment if appropriate.
    - a. For evaluations of new employees completing their probationary period, the Deputy Chief of Police will recommend appointment to permanent status (if appropriate), sign the form, and forward the evaluation and supporting documentation to the Chief for review. The Chief will determine if the employee will be retained, sign the evaluation form and return all documentation to the Deputy Chief of Police.
    - b. For all other evaluations, the Chief's review will conclude the evaluation process.
  2. The Deputy Chief of Police will provide a copy of the completed evaluation form to the employee. [CFA 16.03 D]
  3. The Department, in conformance with the General Records Schedule for Local Government, will retain original performance evaluations and other documentation used as reference when preparing the evaluation form. -
  4. The original evaluation form will be placed in the employee's personnel file.
- I. Confidentiality.** Performance evaluation documents will be released per the provisions of FSS 119.07(1).

## **16.1.04 APPEALING PERFORMANCE EVALUATIONS [CFA 16.05, 16.11]**

- A.** An employee may present facts that warrant a change in a rating during the evaluation review.
  - 1. If the rater agrees to the change, the new rating will be inserted on the evaluation next to the original rating and circled.
  - 2. The employee and rater will initial the change.
- B.** Personnel that wish to contest the results of their evaluation may request a review by the Chief of Police.
  - 1. The request must be submitted in writing within 72 business hours after the rater interview.
  - 2. The memorandum should identify the disputed performance criteria and the basis for the disagreement. General dissatisfaction about ratings and/or vague complaints are not grounds for an appeal.
- C.** The Chief of Police will meet with the employee and attempt to resolve the point(s) of appeal.
  - 1. The Chief will render a decision within five (5) working days.
  - 2. The Chief's decision will be in writing and directed to the affected member.
  - 3. One copy of the Chief's response will be attached to the original evaluation and another forwarded to the Deputy Chief for the member's personnel file.
  - 4. Performance Evaluations may not be grieved.
  - 5. The Chief's review will conclude the appeal process.

#### **LIV. INDEXING**

Appealing Performance Evaluations  
Counseling  
Performance Criteria  
Performance Evaluation  
Rater  
Reviewer  
Training

# **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

<b>GENERAL ORDER: 17.1</b>	<b>SUBJECT: PATROL</b>
<b>EFFECTIVE DATE: 7/12/01 REVISION DATE: 3/21/2016</b>	<b>CFA STANDARDS: 17.01M, 17.02 A-G, 17.03, 17.04M, 17.05M, 17.07M, 17.08M, 17.09M, 17.10M, 34.14M A-E</b>
<b>RESCINDS ALL EXISTING ORDERS IN CONFLICT.</b>	

## **SECTIONS IN THIS CHAPTER**

- 17.1.01 AVAILABILITY
- 17.1.02 PATROL VEHICLES
- 17.1.03 SPECIAL PURPOSE VEHICLES: ARMORED RESCUE VEHICLE
- 17.1.04 SUPERVISOR RESPONSE
- 17.1.05 VICTIM/WITNESS ASSISTANCE
- 17.1.06 FIELD REPORTING SYSTEM
- 17.1.07 CALL RESPONSE LEVELS
- 17.1.08 VEHICLE LOCK-OUTS AND JUMP STARTS
- 17.1.09 RIDE-ALONG PROGRAM
- 17.1.10 BODY ARMOR

**LV. PURPOSE:** The purpose of this General Order is to establish guidelines and procedures for the safe and effective operation of the Patrol Division, including the use of Department vehicles, equipment and radio communications. This Order also establishes protocol for rendering assistance to citizens.

**LVI. POLICY:** It shall be the policy of the Williston Police Department that all members will operate Department vehicles with due regard for public safety. No assignment will be of such importance, and no task will be expedited with such emphasis, that the principles of safety become secondary. Furthermore, it is the policy of this Department to provide assistance to citizens in need and inform all victims and witnesses of their rights as enumerated in state law.

## **LVII. DEFINITIONS**

**Victim:** A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his or her person or property, including the children, parents or legal guardians of homicide victims.

**Witness:** A person, as determined by law enforcement, who has information or evidence relevant to a specific crime.

## **LVIII. PROCEDURE**

### **17.1.01 AVAILABILITY**

- K.** Law enforcement response to emergencies will be continuously available within the Department's jurisdiction. [CFA 17.01M]
  - 1.** The Patrol Division will operate on staggered shifts to provide police coverage 24 hours a day.
  - 2.** Members assigned to the Patrol Division will remain available for calls for service until relieved by a supervisor or by officers assigned to the next shift.
- L.** The Williston Police Department will maintain 24-hour two-way radio coverage and capability that provides continuous communication between the Communications Center and sworn members on duty. [CFA 17.04]

### **17.1.02 PATROL VEHICLES**

#### **A. Conditions and Limitations of Usage**

- 1.** Department vehicles, other than permanently assigned vehicles, will be driven within the Williston city limits only, unless in the discharge of official duties and upon approval by a supervisor.
  - a.** Department vehicles may be used for approved travel and schools.
  - b.** Use for approved travel and schools will be determined on a case by case basis.

- c. The Chief of Police must approve all other use.
- 2. At the discretion of the Chief of Police and dependent upon the availability of vehicles, take home vehicles may be assigned to those officers living within Levy County. Although officers may be allowed to take their assigned vehicles home, the vehicles are not for personal use not approved by the Chief of Police. Any vehicle not assigned as a take-home vehicle will be parked at the police station during off-duty hours.
- 3. All officers will immediately notify Dispatch upon operating a police vehicle off police premises.
  - a. The operator will give his/her vehicle and call number.
  - b. If the officer changes vehicles, he or she will notify Communications immediately.
  - c. Communications will log the vehicle and operator number.
- 4. All officers will search the rear interior of any Department vehicle before they leave police premises and after transporting a prisoner.
  - a. If any contraband or other property is recovered, a case number will be drawn and the property either disposed of, or in the case of weapons, drugs or evidence, submitted to the Evidence Custodian for processing.
  - b. The Patrol Supervisor will be notified and initiate an investigation to determine ownership of the property.
  - c. If officers have yet to leave the jail, and no other prisoners have been transported in the vehicle since the start of the shift, another charge may be added to the initial arrest.
- 5. Department vehicles will be locked when left unattended, except in emergencies.
- 6. Unless a prisoner is in the vehicle, or the emergency lights are engaged at a traffic obstacle, Department vehicles will not be left unattended with the engine running.
- 7. Members driving Department vehicles will notify Communications when transporting civilian passengers.
- 8. Department vehicles will not be operated in an emergency mode when transporting civilians as passengers, except in the case of Department-approved ride-along participants.

9. Department vehicles will not be operated in an emergency mode while transporting a prisoner unless ordered otherwise by a supervisor.
10. Members on light duty will not operate any marked Department vehicle without the permission of the Chief of Police.
11. Members on suspension will not operate any Department vehicle.

**B. Equipment [CFA 17.08M, 17.09]**

1. No alteration of existing equipment or installation of special equipment will occur without the written authorization of the Chief of Police.
2. With the exception of the armored rescue vehicle, Department vehicles assigned to the Patrol Division will be outfitted with specialized equipment including but not limited to:
  - a. Emergency lights and siren in operational order; [CFA 17.08M A]
  - b. Police two-way radio;
  - c. Fire extinguisher with current service tag; [CFA 17.08M B]
  - d. Flashlight(s); [CFA 17.08M C]
  - e. First aid kit; [CFA 17.08M D]
  - f. CPR mask;
  - g. Personal protection kit containing Latex gloves, biohazard waste bag, antiseptic wipes and antiseptic hand cleanser. [CFA 17.08M E]
3. All equipment will be operational and supplies will be current; items will not be retained past any listed expiration dates.
4. With the exception of the armored rescue vehicle, Department vehicles assigned to sworn personnel in the Patrol Division will be outfitted with trunk boxes to include the following equipment:
  - a. 50 rounds of 45 caliber ammunition;
  - b. Digital camera;
  - c. Chalk or large crayon;

- d.** Crime scene tape;
- e.** Drug test kits;
- f.** Emergency blanket;
- g.** Evidence bags;
- h.** Evidence tape;
- i.** Fingerprint kit;
- j.** Flares;
- k.** Flex cuffs;
- l.** Hobble restraint;
- m.** Lock-out tool(s);
- n.** Paper towels;
- o.** Spray paint (orange fluorescent);
- p.** Tape measure;
- q.** Traffic gloves; and
- r.** Traffic vest.

**5. Safety Belts [CFA 17.09]**

- a.** Department vehicles will be outfitted with manufacturer-installed safety belts and operated in compliance with the Florida Safety Belt Law, FSS 316.164.
- b.** Any Department member operating a Department vehicle will use the safety belt at all times when the vehicle is underway.
- c.** No passenger 18 years of age or older will be transported in the front seat of a Department vehicle unless such person is restrained by a safety belt.
- d.** No passenger or detainee under the age of 18 will be transported in a Department vehicle unless restrained by a safety belt or child restraint device pursuant to FSS 316.613.



- e. Adult prisoners transported in the backseat will be restrained by a safety belt unless securing the belt would endanger officer safety.
- f. Any inoperable safety belts or restraints will be brought to the attention of the Quartermaster or a supervisor, if the Quartermaster is not available. Prompt action will be taken to replace or repair the inoperable equipment.

### **C. Vehicle Maintenance and Repair**

1. The assigned officer is responsible for determining Department vehicle maintenance and/or repair needs.
2. Upon determining the need for maintenance or repair, the officer is to deliver the vehicle to the Department-designated service provider and advise the Quartermaster, Deputy Chief and Chief of the vehicle location and the nature of the work. The Deputy Chief must be advised of any warranty work.
3. The officer is responsible for collecting the vehicle once service is complete.
4. Officers will report to a supervisor and the Quartermaster any new vehicle damage.
5. Any amount for repair in excess of \$500.00 will be considered major repair and will require authorization from the Chief of Police or an assigned designee.
6. Prior to and upon completion of a shift, members driving Department vehicles will fill the gasoline tanks of their assigned vehicle if there is  $\frac{3}{4}$  or less of a tank remaining.
7. Members are responsible for the interior and exterior cleanliness and order of their assigned vehicle, which includes washing and vacuuming as needed.
8. In the event of a Department vehicle breakdown, the vehicle operator will:
  - a. Advise Communications and a supervisor immediately;
  - b. Arrange for the transport of any vehicle needing repairs to the repair facility currently being utilized by the Department;

- c. Utilize the least expensive towing facility available if the vehicle cannot be safely operated under its own power;
- d. Remove any weapons prior to leaving the vehicle unattended at a repair facility; and
- e. Advise the Quartermaster via a memo.

**17.1.03 SPECIAL PURPOSE VEHICLES: ARMORED RESCUE VEHICLE [CFA 17.02]**

- A. The WPD Armored Rescue Vehicle (ARV) is intended primarily for rescuing and protecting officers and citizens during high-risk, critical incidents but may also be used during community events and trainings, as determined by the Chief of Police or his designee. The Williston Police Department shall use the armored rescue vehicle to keep its community and personnel safe while also protecting the rights of citizens. [CFA 17.02 A]
- B. The ARV may be used specifically in addressing:
  - 1. Armed subjects;
  - 2. Hostage situations;
  - 3. SWAT call-outs;
  - 4. Terrorism threats;
  - 5. Search warrants;
  - 6. Natural disasters; and
  - 7. Other special operations. [CFA 17.02 C]
- C. The ARV will be driven only by personnel who have received Department training in the vehicle's operation and authorization from the Chief of Police. [CFA 17.02 D]
  - 1. Each officer assigned to the ARV will be instructed in the conditions and limitations of its use in accordance with manufacturer recommendations and Department policy.
  - 2. Periodic Department training will be conducted that incorporates the operation of the ARV as well as patrol tactics when using the vehicle. [CFA 17.02 B, D]

- D.** In the event of a mutual aid request from another jurisdiction with an active critical incident, the decision to deploy the ARV shall be made by the Deputy Chief and communicated to the Patrol Supervisor as soon as practical. On-duty, approved drivers of the ARV that are closest to the current location of the vehicle shall respond and deploy the vehicle to the incident. [CFA 17.02 C]
- E.** Decisions regarding the safe operation of the vehicle are primarily the responsibility of the vehicle operator. However, due to the high-risk nature involving the use of the armored vehicle, all Department members present will be held responsible for the safe operation of the vehicle and its appropriate usage. Operators may use the vehicle:
  - 1.** As stationary or mobile protection for officers rescuing downed persons or hostages;
  - 2.** To deploy and protect personnel at a tactically precarious location;
  - 3.** To transport personnel or equipment on police department business or to a training location. [CFA 17.02 B, C]
- F.** At the direction of the Chief or Deputy Chief, the ARV may be deployed at special events, such as outdoor festivities, parades, concerts and other community activities. [CFA 17.02 C]
- G.** The armored vehicle also may be utilized as an equipment transport or storage vehicle when appropriate. [CFA 17.02 C]
- H. Review**
  - 1.** The Chief and Deputy Chief will be notified promptly of any ARV deployment.
  - 2.** The Chief and Deputy Chief periodically will evaluate and review the effectiveness and value of the ARV to determine whether continued deployment and use is warranted on operational, tactical and technical grounds, reviewing after-action reports in the use and deployment of the vehicle.
  - 3.** This data may be used to determine the need for future equipment purchases or transfers.
- I. Maintenance [CFA 17.02 E]**
  - 1.** A maintenance and operation schedule will be maintained by the Department Armorer or his designee. The Department Armorer shall be responsible for ensuring that the armored vehicle is adequately maintained and ready for

deployment at all times.

2. Prior to, and upon completion of an assigned officer's tour of duty in the ARV, that officer will ensure that the ARV is in operational condition and any needed maintenance is noted and the Armorer advised.

**J. Supplies and Equipment [CFA 17.02 F]**

1. No specialized weapons equipment shall be kept in the ARV, except that which is carried by the assigned personnel while in the vehicle.
2. Officers must wear their Department-issued bulletproof vest when on tactical assignment in the ARV.
3. Officers must wear the approved ear protection within the vehicle.
4. Gloves and eyewear are required gear.
5. Officers will carry all necessary gear required by their assignments. [CFA 17.02 F]

**K. Prohibitions [CFA 17.02 B]**

1. Except in exigent circumstances, ARV deployment is limited to paved and lime rock roadways accessible by normal vehicular traffic.
2. The armored vehicle will not be used in vehicular pursuits without supervisor approval.

**17.1.04 SUPERVISOR RESPONSE [CFA 17.03]**

- I. As detailed in General Order 1.1, a higher-ranking officer will assume command of a situation under any one or more of the following conditions:
  4. When a situation appears beyond the control of the officer then in charge;
  5. When multiple agencies are involved in the same incident;
  6. When ordered to assume command by an officer of higher rank;
  7. When deemed appropriate by the higher-ranking officer.
- J. As stated in General Order 4.1.08, an officer will notify Communications and request a supervisor to respond in the following instances:

1. Where an officer accidentally discharges a firearm and injures another person; or
  2. Where an officer deliberately discharges a firearm (except in cases involving animals and firing a shot to summon aid).
- K.** As stated in General Order 4.1.09, shift supervisors will respond to scenes where an ECD has been deployed.
- L.** When assuming command of any situation, the higher-ranking officer must identify himself/herself and announce his/her intentions to the officer then in charge.

**17.1.05 VICTIM/WITNESS ASSISTANCE [CFA 17.05]**

- A.** Victims and witnesses will be advised of their rights via the Department's Victims' Rights Brochure.
- B.** Each officer shall be responsible for informing victims and witnesses of the availability of victim/witness services through the distribution of the Victims' Rights Brochure.
- C.** The notification will include the advisement that it is a felony to tamper with or threaten a witness and that the police should be promptly contacted if a possible violation has occurred.
- D.** Contact information for referral services will be available via Communications 24-hours a day.
- E. Notification of Release**
1. It is the responsibility of the arresting officer or investigating officer to have the victim complete a victim notification form on certain crimes, indicating whether or not the victim desires to be advised of the offender's release from confinement.
  2. The notification card will accompany the offender's paperwork to the booking facility for prompt notification by the facility upon release of the accused.
  3. The notification shall be made to the victim by the booking facility within four (4) hours of the release of the accused.
  4. If such notice is not possible, the victim will receive notice via the U.S. Mail.

5. Law enforcement officers of the Williston Police Department will provide assistance as requested by other responsible agencies in attempting to notify victims of an offender's release from confinement.
- F. Property belonging to crime victims shall be promptly returned, unless there is a compelling law enforcement reason for retaining it.
1. The Evidence Custodian shall promptly comply with court orders allowing photographs of the victim's property to be used as evidence at the trial and/or requiring the return of the victim's property.
  2. The Evidence Custodian may consult with the State Attorney's Office before releasing any property.
- G. When so requested, the Williston Police Department shall assist victims and witnesses of crime in notifying employers and creditors of court appearances and financial hardship.

**17.1.06 FIELD REPORTING SYSTEM [CFA 34.14A]**

- A. **Requisite Reports.** The necessity of writing a general incident report will be at an individual member's discretion unless mandated by any of the following criteria:
1. When any information is developed that has criminal intelligence value;
  2. When the member senses a complaint may be filed;
  3. When documentation of the officer's actions is of value;
  4. Upon any and all arrests and in cases where follow-up is indicated;
  5. In all cases of verbal and/or physical domestic dispute;
  6. In all cases of child abuse or neglect;
  7. Whenever so directed by a supervisor;
  8. When assisting other agencies; and,
  9. In any given circumstance if a member is unsure of whether or not to write a report.
- B. **Initiating a Report**

1. Officers taking any substantive action will write a report. A report, or at least a memorandum, should be written when any information is developed that may have intelligence value.
2. In the event a member decides or is obligated to write a report, the member will advise Communications by stating "10-8 ROMEO," meaning a report will be written.
  - a. A statement of "10-8 NOVEMBER" will indicate that a member has chosen not to write a report.
  - b. The decision not to write a report can be superseded by a supervisor.
3. The dispatcher will assign a sequential case number to every incident for which a report is written.
4. The responding member will enter incident information into the general incident report format provided by the Department's computerized police reporting software program. [CFA 34.14 B]

**C. Deadline for Submitting Reports**

1. Reports will be completed by the end of each shift unless a supervisor specifically grants an extension.
2. The reporting member will submit a printed original of the completed report to his or her supervisor by placing it in the receptacle labeled "COMPLETED DOCUMENTS READY FOR SUPERVISOR REVIEW."
3. Supervisors will review all reports on their tour of duty and have the originating member affect any necessary repairs to the report.

**D. Required Information [CFA 34.14 C, D]**

1. All written reports will, at a minimum, contain the following case information:
  - a. Agency report number;
  - b. Offense(s);
  - c. Juvenile involvement;
  - d. Incident entry date and time;
  - e. Reporting date and time;

- f. Dispatch time;
  - g. Arrival time;
  - h. Time officer cleared;
  - i. Recommended case status, i.e., open, closed, inactive, which will be approved or revised by the supervisor; and
  - j. A narrative describing specific details of the incident.
2. The narrative will include any required information not previously entered in the general incident report or on the citation, specifically:
    - a. Information about the defendant and all relevant aspects of the offense;
    - b. The probable cause for the stop (must be written on a citation or included in a companion report);
    - c. The defendant's statements (should be written on the citation or provided to the State Attorney's Office);
    - d. A list of all officers present.

**E. Submitting and Processing Reports [CFA 34.14 E]**

1. The reporting member's supervisor will collect the printed original of the incident report from the receptacle labeled "COMPLETED REPORTS."
2. After initial review of the report, the supervisor will either approve the report or return it to the reporting member for editing and/or modification.
3. After initial approval of the report, the supervisor will forward the report for further review.
4. The Deputy Chief of Police or his designee will review the report for final approval. If unapproved, the report will be returned to the originating officer to be resubmitted through the chain of command.
5. Upon final approval, the Deputy Chief of Police or his designee or Records personnel (with the express authorization of the Deputy Chief of Police) will electronically record the approval.



6. Records personnel will compare the submitted report (both the electronic format and the printed original) to data received via teletype and ensure that they are accurate, complete and in compliance with each other and teletype.
7. If any information from the reports is in error, has been omitted, or does not agree with that from the teletype, (e.g., driver license number, date of birth, VIN, statute number, UCR code, etc.), Records personnel may make **minor corrections** to the report according to the following procedure:
  - a. Make a photocopy of the original report and highlight the area found to be incomplete or incorrect;
  - b. Forward that photocopy to the Deputy Chief of Police;
  - c. Type in minor corrections and/or add missing data to the electronic copy; and
  - d. Print a corrected original and properly save and store the documents.
8. If the report is in need of major corrections or completions (e.g., inappropriate statute number for charged offense, elements of the offense not met, wrong day, date, and/or time, etc.), Records personnel will return it to the reporting member's supervisor and forward a copy to the Deputy Chief of Police.

#### **17.1.07 CALL RESPONSE LEVELS [CFA 17.07]**

##### **A. Emergency Response**

1. A Code 3 or emergency response is required when it is necessary to prevent injury or further injury to any person or when responding to a crime in progress.
2. When responding to a Code 3, the member will:
  - a. Maintain due regard for the safety of all persons; and
  - b. Continuously use emergency lights.
3. The continuous operation of a siren is not necessary unless the Department vehicle is passing another vehicle or crossing an intersection against a red light or stop sign. The following considerations will be weighed when deciding whether or not to activate a siren:
  - a. The absence of a siren could increase the likelihood of a crash;

- b. Heavy traffic and poor weather conditions;
  - c. Use of a siren could warn the suspect or endanger victims or officers;
  - d. Excessive use of a siren in neighborhoods may be a nuisance to residents, or
  - e. An officer's radio call may not be heard with a siren activated in the vehicle.
- 4. Only after the Department vehicle has stopped and when safe to do so will an officer proceed across an intersection against a red light.
  - 5. No more than two (2) Department vehicles may respond to the same Code 3 incident without authorization from a supervisor.

**B. Non-Emergency/Routine Response**

- 1. The use of emergency lights and siren is not authorized for a non-emergency.
- 2. Due to the occurrence of false alarms, responding to alarms in the absence of additional information requires a non-emergency response.

**17.1.08 VEHICLE LOCKOUTS AND JUMP STARTS**

- A. Officers will be dispatched to citizen requests for assistance with locked vehicles and dead batteries as a courtesy and upon availability. Officers in general are not to be called off assigned tasks, including school zone enforcement, to handle lockouts.
- B. Upon meeting with the complainant at the vehicle, the officer will run the vehicle tag and request to see the complainant's driver's license.
  - 1. If the complainant is not the registered owner, the officer should ask questions about the actual owner, including the owner's name, address and relationship to the driver.
  - 2. The officer must be confident the complainant is the legal operator of the vehicle.
- C. The officer will complete the driver and vehicle portion of the Waiver of Responsibility.
- D. The officer will have the complainant sign the Waiver of Responsibility and reiterate that neither the Police Department nor the City of Williston will be held

liable for any damage incurred in attempting to either jump start or unlock the vehicle.

- E.** The officer will advise the complainant that electronic locks are sensitive pieces of equipment more likely to incur damage.
- F.** Officers will use caution when ~~not~~ attempting to open vehicles equipped with side airbags, advising citizens of the potential for damage.
- G.** After assessing the vehicle and the likelihood of successfully assisting the citizen, it will be at the officer's discretion whether to attempt to unlock the vehicle.
  - 1.** If the officer decides not to attempt to unlock the vehicle, or fails to gain entry to the vehicle, he/she will offer to contact a tow company or locksmith for the complainant.
  - 2.** The officer will advise that the cost of a tow company or locksmith will be solely the responsibility of the complainant.

#### **17.1.09 RIDE-ALONG PROGRAM**

- A.** Persons eligible to participate in the ride-along program (observers) will include:
  - 1.** Certified Law Enforcement Officers;
  - 2.** Employees of the State Attorneys Office;
  - 3.** Employees of the Department of Juvenile Justice participating in a job-related function;
  - 4.** Local city officials;
  - 5.** Members of the Williston Police Department Auxiliary;
  - 6.** Persons who receive prior approval from the Chief of Police or Deputy Chief of Police.
- B.** All requests must be via a WPD Ride-Along Program Waiver/Release form sent to the Deputy Chief of Police or Chief of Police at least 24 hours in advance of the ride-along.
- C.** Observers will receive a copy of the program rules.
- D. Observer Responsibilities**

1. Observers shall report to the on-duty supervisor or the Deputy Chief of Police at the designated time.
2. Observers shall be neat and clean in appearance and dressed in casual business attire. Blue jeans and t-shirts are not permitted. Decisions regarding questionable attire or appearance shall be made by the on-duty supervisor.
3. Observers shall not be armed unless otherwise authorized by their position as a current or retired law enforcement officer or deputy with proper credentials.
4. Observers have no law enforcement authority and are under direct authority of the officer to whom they are assigned.
5. Observers shall not interfere with any officer performing his/her duty and shall not:
  - a. Become involved in any investigation;
  - b. Handle evidence;
  - c. Discuss any case with victims, witnesses and/or suspects; or
  - d. Handle equipment without authorization from the officer unless exigent circumstances dictate such use to save a life or prevent serious bodily injury.
6. Observers shall abide by their host officer's decision as to whether or not they will be allowed to exit the vehicle and observe particular calls for service.
7. Observers, host officers or a supervisor may terminate the ride-along at any time if it is deemed necessary to benefit the observer and/or Police Department.
8. Observers may be called to court as a witness as a result of participating in the program.

**E. Department Responsibilities**

1. Upon approval of a rider, the Deputy Chief will complete a Permission to Ride form and assign the observer to an officer.
2. The officer will instruct the observer on the safety and behavioral requirements while he/she is participating in the ride-along.

3. Officers will respond to calls in a safe manner. While en-route, the officer should attempt to brief the observer as to what information is being received on the police radio, the procedures being applied to the call and why those procedures are being used.
4. The observer MAY be permitted to observe as much activity as possible but WILL be restricted to the confines of the patrol car unless the officer has determined that there is minimal risk to the observer.
5. The officer will not allow the observer to become involved in any duty or investigation conducted by any other officer except at the express direction of an officer who needs assistance.
6. Observers other than sworn law enforcement personnel shall not respond to violent crimes in progress wherein the suspect may still be present.
7. If engaged in any pursuit, the officer will withdraw from the pursuit as soon as another police vehicle joins the pursuit or leave the observer in a safe place before continuing to pursue.
8. The officer will prevent the observer's access to sensitive material.
9. Officers who have contact with prospective applicants in a ride-along capacity will forward a short report to the Chief of Police, assessing the applicant's suitability as a Williston Police Officer.

**17.1.10 BODY ARMOR [CFA 17.10]**

- A. All sworn personnel will be issued Department-approved body armor.
- B. All on-duty members of the Patrol division, except the Patrol commander, and any members engaged in pre-planned, high-risk situations will wear the Department-issued body armor.
- C. Members will maintain the armor in a serviceable condition and clean the armor according to the manufacturer's instructions.
- D. If the body armor comes under attack by sharp or blunt objects, projectiles or substantial impact, the incident will be reported immediately to a supervisor.
  1. The manufacturer of the body armor, or their representative, will inspect the body armor as soon as is practicable and before the armor is worn again.
  2. If the armor has been damaged or penetrated in the line of duty, the Quartermaster will replace it immediately.

3. If the armor is damaged, lost or stolen due to the negligence of a member, that member will be responsible for replacing it.

## **LIX. INDEXING**

Armored Rescue Vehicle (ARV)  
Body Armor  
Call Response  
Code 3  
Equipment  
Field Reporting System  
Jump Starts  
Lock-outs  
Reports  
Ride-Along Program  
Safety Restraints  
Special Purpose Vehicles  
Supervisor Response  
Training  
Vehicles  
Victims  
Witnesses

# WILLISTON POLICE DEPARTMENT

## GENERAL ORDER

GENERAL ORDER: <b>17.2</b>	SUBJECT: <b>MOTOR VEHICLE PURSUITS</b>
EFFECTIVE DATE: <b>7/12/01</b> REVISION DATE: <b>11/25/15</b>	CFA STANDARDS: <b>17.06M A-J</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

### SECTIONS IN THIS CHAPTER

17.2.01	EVALUATION AND INITIATION
17.2.02	PRIMARY VEHICLE RESPONSIBILITIES
17.2.03	SECONDARY VEHICLE RESPONSIBILITIES
17.2.04	UNMARKED VEHICLE RESPONSE
17.2.05	BACKUP VEHICLE RESPONSE
17.2.06	COMMUNICATIONS RESPONSIBILITIES
17.2.07	SUPERVISOR RESPONSIBILITIES
17.2.08	FORCIBLE STOPPING
17.2.09	TERMINATING PURSUIT
17.2.10	INTERJURISDICTIONAL PURSUITS
17.2.11	REPORTING AND ADMINISTRATIVE REVIEW

**LX. PURPOSE:** The purpose of this General Order is to establish guidelines and procedures for the safe and effective pursuit of motor vehicles.

**LXI. POLICY:** The obligation and responsibility of law enforcement is the protection of human life. The intent of this Order is not to prohibit all motor vehicle pursuits, but to restrict

vehicle pursuits to those situations and circumstances in which the immediate apprehension of the violator outweighs the hazards to officers, the public and the occupants(s) of the vehicle being pursued.

Vehicular pursuits put officers and the public at great risk. Mere speculation that a vehicle and its operator have been involved in a serious crime does not justify a high-speed pursuit. Prior to engaging in and during a pursuit, officers will evaluate the changing circumstances surrounding its initiation and/or continuation. Officers will question whether or not the seriousness of the violation reasonably establishes cause to pursue. All officers will observe and exercise due regard for the safety of all persons. No tasks within the Department justify reckless disregard for the safety of innocent persons.

## **LXII. DEFINITIONS**

**Boxing-in:** A moveable roadblock whereby two to four police vehicles surround a suspect vehicle.

**PIT:** Precision Immobilization Techniques.

**Primary Vehicle:** Vehicle initiating pursuit.

**Pursuit:** An active attempt by a sworn officer of the Department to apprehend the driver of a moving vehicle when the driver refuses to stop and violates other laws in an attempt to avoid apprehension. The time during which an officer is attempting to stop a vehicle is not considered a "pursuit," if the driver continues to obey all traffic regulations, (i.e., stop signs, traffic lights, speed limits). The time during which an officer attempts to catch up with a vehicle to initiate a vehicle stop is not considered a "pursuit."

**Stop Stick:** A vehicular immobilization device designed to puncture vehicle tires through the use of sleeved spikes which cause rapid, controlled deflation of tires.

**Vehicle Immobilization Device:** A device designed to stop a traveling vehicle from proceeding beyond a certain point by puncturing its tires.

## **LXIII. PROCEDURE**

### **17.1.11 EVALUATION AND INITIATION [CFA 17.06 A]**

- A.** Prior to the initiation of a pursuit and during the entire pursuit, officers will be cognizant of and evaluate the following circumstances:
  - 1.** Seriousness of the originating crime and its impact on community safety;
  - 2.** Environment of pursuit (school zone, residential, business, etc.);



3. Safety of the public in the area of the pursuit;
  4. Officer's expertise and experience;
  5. Time of day;
  6. Visibility;
  7. Volume of vehicular traffic;
  8. Weather conditions;
  9. Road conditions;
  10. Familiarity of officer and supervisor with the area of the pursuit;
  11. Speeds involved;
  12. Quality of radio communications between pursuing units, the dispatcher, the patrol supervisor and any other involved agencies;
  13. The mechanical conditions of the Department vehicles involved;
  14. Length of pursuit;
  15. The possibility of identification and apprehension at a later time; and
  16. The likelihood of successful apprehension.
- B.** Failing to stop cannot be the original violation.
- C.** Minor traffic violations do not warrant a pursuit.
- D.** If the hazards of initiating or continuing a pursuit outweigh the benefits of immediate apprehension of a suspect, officers will not pursue and/or will terminate the pursuit.
- E.** When evaluating a possible pursuit, officers will prioritize the capture of subjects reasonably believed to be violent felons.
- F.** Pursuits will not leave the City limits without supervisor approval. If a supervisor initiates the pursuit, he will advise Communications by radio of the aggravating factors that require continued pursuit outside the City limits.
- G.** With the exception of apprehending individuals who have committed violent acts, officers will cease their pursuits at the following landmarks: the Levy-

Marion County line on highways 318 and 27; the Levy-Alachua County line on highways 121 N and 41 N; the city limits of Bronson; the town of Morriston; or Williston Highlands Golf and Country Club.

**17.1.12 PRIMARY VEHICLE RESPONSIBILITIES [CFA 17.06 B]**

- A.** The only Department vehicles involved in a pursuit will be the initiating (primary) vehicle and a secondary vehicle, unless a supervisor instructs additional vehicles to join in the pursuit.
- B.** The primary vehicle will become secondary when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibility.
- C.** The officer driving the primary vehicle will request a backup or secondary vehicle to pass if such action provides substantial advantage for officers, and/or minimizes the risk to vehicles and the public. Valid reasons for such a request could include, but are not limited to, the better mechanical condition of the secondary vehicle or the advanced training of the driver of the secondary vehicle.
- D.** When initiating a pursuit, the officer driving the primary vehicle will:
  - 1.** Activate and use emergency lights and siren continuously; and
  - 2.** Notify Communications immediately of the location, direction and speed of the pursuit, describing the vehicle and occupants being pursued and stating the initial purpose of the stop.

**17.1.13 SECONDARY VEHICLE RESPONSIBILITIES [CFA 17.06 C]**

- A.** The secondary unit will assist the primary unit with radio communications while operating in close proximity to the pursuit. The secondary unit will relay pursuit location, speed, direction of travel and any other pertinent information.
- B.** The officer driving the secondary vehicle will not pass the primary vehicle unless directed to do so by either a supervisor or the officer driving the primary vehicle.

**17.1.14 UNMARKED VEHICLE RESPONSE [CFA 17.06 D]**

- A.** Unmarked Department vehicles will only pursue vehicles in a primary or secondary role until the arrival of two (2) marked units. This rule applies to motorcycle and SUV type vehicles.
- B.** Unmarked Department vehicles will terminate active involvement in the pursuit upon the arrival of the second marked Department vehicle.

#### **17.1.15 BACKUP VEHICLE RESPONSE [CFA 17.06 D]**

- A.** The supervisor will assign additional backup vehicles and officers as needed in order to aid in the apprehension of violent fugitives, suspects in major felonies, multiple fleeing vehicles or multiple occupants in a fleeing vehicle.
- B.** A backup vehicle will not pass another pursuing Department vehicle, unless directed to do so by a supervisor or the officer driving the primary vehicle.
  - 1.** There will be no "caravanning" by other officers. All officers involved in a pursuit will notify the on-duty supervisor immediately.
  - 2.** Vehicles from Levy County Sheriff's Office or other agencies actively involved in a pursuit will be counted when interpreting this policy.

#### **17.1.16 COMMUNICATIONS RESPONSIBILITIES [CFA 17.06 E]**

- A.** Communications personnel in radio contact with officers involved in a pursuit will:
  - 1.** Clear the frequency for emergency radio traffic;
  - 2.** Require all units involved to identify themselves;
  - 3.** Query the primary or secondary unit for their speed, volume of traffic, and the specific original violation, if that information has not been provided;
  - 4.** Notify the on-duty supervisor, or if a supervisor is unavailable, the senior ranking officer;
  - 5.** Monitor the pursuit and provide communications assistance to those involved; and
  - 6.** Notify other agencies as the pursuit dictates.
- B.** If necessary, a second dispatcher may be requested to assist.

#### **17.1.17 SUPERVISOR RESPONSIBILITIES [CFA 17.06 F]**

- A.** Supervisors involved in a pursuit will maintain command of the pursuit until relieved.
- B.** Supervisors will elicit sufficient information to determine whether or not to continue or disengage the pursuit throughout the incident.

- C. The supervisor will determine what if any means of forcible stopping is justified per the directives of 17.2.08.
- D. The supervisor is responsible for coordinating pursuits that enter into other jurisdictions per the directives of 17.2.10.
- E. The supervisor in charge of the pursuit may request assistance from the aviation unit from the county being entered, if such assistance is available. With air support, both the primary and secondary Department vehicles will decrease speeds and follow at a safe distance.
- F. The supervisor in charge of the pursuit will complete, review and forward a Vehicle Pursuit Form through the chain of command to the Chief of Police.

#### **17.1.18 FORCIBLE STOPPING [CFA 17.06 G]**

##### **A. Boxing-In**

- 1. The use of a moving roadblock, or "boxing-in" by two (2) to four (4) vehicles, is a secondary means of forcibly stopping a vehicle during a pursuit.
- 2. In deciding the appropriateness of boxing-in, a supervisor will use the following guidelines:
  - a. Primary efforts to stop the vehicle have proven unsuccessful;
  - b. The suspect presents substantial risk of physical injury or death to others if apprehension is delayed; and
  - c. Boxing-in would be viable and safe given the circumstances of the situation.

##### **B. PIT**

- 1. The initiation and implementation of PIT is an alternative secondary means of forcibly stopping a vehicle.
- 2. In deciding the appropriateness of PIT, the supervisor will use the following guidelines:
  - a. Primary efforts to stop the vehicle have proven unsuccessful;
  - b. The suspect has committed, attempted or is attempting to commit a felony that involves the use or threatened use of deadly force;

- c. The suspect presents substantial risk of physical injury or death to others if apprehension is delayed;
  - d. Involved officers believe the use of PIT does not jeopardize other persons or property;
  - e. The greater risks involved in the use of PIT, as opposed to a moving roadblock, are deemed acceptable; and
  - f. Appropriately trained personnel are available to execute the procedure.
3. Only members trained to use PIT will be authorized in its use.
  4. Wherever practical, a PIT maneuver will be followed by a Tactical Vehicle Interception (blocking) to stop the recovery and continued flight of the suspect vehicle.
  5. Officers pursuing a motorcycle will not use ramming as a means of stopping a suspect. Officers will not use PIT on vehicles with high centers of gravity, absent the need for deadly force (i.e.: SUV's, Pickups, delivery trucks).

### **C. Stop Sticks**

1. The use of vehicular immobilization devices (Stop Sticks) is a tertiary means of forcibly stopping a vehicle.
2. Vehicle immobilization devices are designed to be deployed when the vehicle to be stopped is traveling at a speed of ten (10) miles per hour or faster; its effectiveness diminishes at lower speeds and may present unacceptable risks at extremely high speeds.
3. In deciding the appropriateness of vehicular immobilization devices, the supervisor will use the following guidelines:
  - a. Primary and secondary efforts to stop the vehicle have proven unsuccessful;
  - b. The suspect presents substantial risk of physical injury or death to others if apprehension is delayed;
  - c. Appropriately trained personnel are available to execute the procedure; and
  - d. The device(s) can be deployed in an area and under circumstances where other vehicular traffic, officers and pedestrians will not be endangered.

4. Only members trained to use Stop Sticks may be authorized to use the device.
5. Stop Sticks or other authorized vehicle immobilization devices will not be used to stop motorcycles or ATVs, unless the use of deadly force is justified.
6. Officers involved in the deployment of Stop Sticks or other authorized vehicle immobilization device will redirect civilian vehicular traffic away from the deployment area.
7. The vehicle immobilization devices will, in conjunction with a channelization effort, be placed in the probable path of the oncoming vehicle to be stopped.
8. Officers participating in a channelization effort or in the deployment of Stop Sticks or other authorized vehicle immobilization devices will assume a position in an area that offers them maximum safety.
9. Stop Sticks or other authorized vehicle immobilization devices may be deployed as single units or in combination, dependent upon the width of the roadway and availability. The distance between adjacent Stop Sticks or other authorized vehicle immobilization devices should not be more than six (6) inches.
10. Officers who have been issued Stop Sticks or other authorized vehicle immobilization devices will be responsible for their maintenance.
11. In the event a Stop Stick or other authorized vehicle immobilization device is used, the officer responsible for its use will write and submit a report that outlines the circumstances leading up to its use and the results of its use.

**D. Roadblock**

1. A fixed partial or complete roadblock is a final means of forcibly stopping a vehicle to be used only in extreme situations.
2. In deciding the appropriateness of a roadblock, the supervisor will use the following guidelines:
  - a. All other efforts to stop the vehicle have proven ineffective;
  - b. The suspect presents substantial risk of physical injury or death to others if apprehension is delayed; and
  - c. The use of deadly force is justified.

3. The roadblock must be clearly visible and provide adequate warning to allow all vehicles to come to a safe stop.

#### **17.1.19 TERMINATING PURSUIT [CFA 17.06 H]**

- A. Officers will immediately terminate the pursuit when:
  1. A supervisor or higher authority orders the pursuit terminated;
  2. In cases where a supervisor is unavailable, the officer will determine whether the pursuit is justified or should be terminated and will use established guidelines in making that decision;
  3. The pursuing Department vehicle loses visual contact with the subject;
  4. The pursuing Department vehicle loses radio contact with Communications;
  5. Reasonable belief that the felon, or suspected felon, has committed, or is attempting to commit a felony, other than the flight itself, ceases to exist; or
  6. In the event of an equipment failure that could result in the unsafe operation of an officer's vehicle.
- B. If the subject being pursued enters the oncoming lane during a pursuit, the officer will consider the following options:
  1. End the pursuit; or
  2. Maintain visual contact by paralleling the subject on the correct side of the road.
  3. Officers will never pursue a vehicle on the wrong side of a highway.

#### **17.1.20 INTERJURISDICTIONAL PURSUIT [CFA 17.06 I]**

- A. Supervisors are authorized to offer assistance to other agencies that conduct vehicle pursuits that traverse the city limits of Williston. However, pursuit of vehicles fleeing from other jurisdictions will not be authorized unless the pursuit meets the criteria established by this Order.

- B.** The on-duty Williston Police Department supervisor must authorize any Williston units to join an inter-jurisdictional pursuit and has the authority to terminate assistance to any other agency for good cause.
- C.** In the absence of authoritative facts, officers of the Williston Police Department will not join with a pursuit initiated by other law enforcement agencies.
- D.** No more than two (2) Williston officers will be part of any inter-jurisdictional pursuit at any one time.
- E.** When entering another jurisdiction, officers will terminate the pursuit when relieved by two (2) police vehicles from the other jurisdiction.
- F.** When units from the other jurisdiction arrive, only one (1) Williston unit will follow the pursuit and will remain within existing speed limits and follow all traffic laws.
- G.** If a Williston officer enters another jurisdiction while engaged in a lawful pursuit, command of the pursuit will be retained by the Williston Police Department supervisor. Command shall so continue until such time as pursuing Williston officers are relieved by another agency.
- H.** If the vehicle being pursued leaves the city limits, the supervisor in charge will:
  - 1.** Ensure that the jurisdiction being entered is notified of the pursuit;
  - 2.** Request that command of the pursuit be assumed by the jurisdiction being entered; and
  - 3.** Inform the agency that assumes responsibility for the pursuit of all pertinent information, specifically the presence of any innocent persons within the vehicle being pursued.
- I.** Communications will upon receiving notification that a pursuit will enter or has entered the city limits from another jurisdiction:
  - 1.** Ask for the location of the pursuit, direction of travel, and the reason for the pursuit;
  - 2.** Use clear speech radio transmissions—no ten codes or signals will be used;
  - 3.** Advise all affected agencies of all decisions relating to the pursuit; and
  - 4.** Ask if there are any innocent parties or hostages in the vehicle.



- J.** In cases where a pursuit continues into another jurisdiction, Communications will notify the law enforcement agency within that jurisdiction of the pursuit, its progress and the known charges against the violator.

#### **17.1.21 REPORTING AND ADMINISTRATIVE REVIEW [CFA 17.06 J]**

- A.** A supervisor will investigate any traffic crash that involves a Department vehicle in pursuit, whether or not the Department vehicle was involved in a crash as a contact vehicle. The investigating supervisor will be assisted as needed by the Florida Highway Patrol or an officer trained in traffic homicide investigation.
- B.** In any case where Department officers initiate or join in a vehicular pursuit, a Vehicle Pursuit Form will be completed by both the Patrol supervisor on duty and the Communications supervisor.
- C.** The Patrol supervisor is responsible for submitting the completed Vehicle Pursuit Form, in addition to the General Incident report, to the Deputy Chief by 8:00 A.M. the next business day.
- D.** The Deputy Chief will review the completed Vehicle Pursuit Form and make a determination as to whether or not there are sufficient findings to proceed with any further action.
- C.** The Deputy Chief will forward all Vehicle Pursuit Forms with comments and recommendations to the Chief of Police for final review.

#### **LXIV. INDEXING**

Boxing-in  
Communications  
Fleeing Felons  
Forcible Stopping  
Inter-jurisdiction  
PIT  
Pursuit  
Roadblocks  
Stop Sticks  
Traffic Crash  
Use of Force  
Vehicle Immobilization Device  
Vehicle Pursuit Form

# **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

GENERAL ORDER: <b>17.3</b>	SUBJECT: <b>K-9 TEAM</b>
EFFECTIVE DATE: <b>1/20/06</b> RESCINDED: <b>7/15/12</b>	CFA STANDARDS: <b>N/A</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

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**DENNIS STROW**  
**Chief of Police**

# WILLISTON POLICE DEPARTMENT

## GENERAL ORDER

GENERAL ORDER: <b>17.4</b>	SUBJECT: <b>AUDIO/VIDEO SYSTEMS</b>
EFFECTIVE DATE: <b>11/14/07</b> REVISION DATE: <b>5/5/16</b>	CFA STANDARDS: <b>1.07 (B-C, E); 27.05M A-C; 32.02M (A-E)</b> * CFA Edition 5.0
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

### SECTIONS IN THIS CHAPTER

- 3.1.75 ACCOUNTABILITY
- 3.1.76 IN-CAR CAMERA ACTIVATION
- 3.1.77 BODY CAMERA ACTIVATION
- 3.1.78 EVIDENCE
- 3.1.79 PROHIBITIONS
- 3.1.80 DOCUMENTATION
- 3.1.81 REVIEW OF RECORDINGS
- 3.1.82 RELEASE OF RECORDINGS

**LXV. PURPOSE:** The purpose of this General Order is to establish guidelines for the operation of all mobile video recording systems, including in-car audio/video systems and body cameras. The use of mobile video and audio recording systems is intended to provide recorded evidence of actions, conditions and statements that could be used for judicial proceedings, internal review or public information. The primary function of the recording units is to enhance officer safety and document police incidents. This Order will detail the handling, retention and storage of evidence.

**LXVI. POLICY:** Since audio/video accounts of interactions between police and citizens have proven to be effective tools in the prosecution of traffic and criminal offenders, the Williston Police Department will furnish to the extent possible in-car audio and video

systems and body cameras. Members who are assigned audio/video equipment will utilize the equipment to document encounters with citizens and bolster prosecutorial efforts.

## **LXVII. DEFINITIONS**

**Body Camera:** A portable electronic recording device that is worn on a law enforcement officer's person to record audio and video data of the officer's law-enforcement-related encounters and activities.

## **LXVIII. PROCEDURE**

### **ACCOUNTABILITY**

- M.** The Chief of Police, or his designee, will assign audio/video units to patrol members and patrol vehicles as the recording equipment becomes available.
- N.** Officers assigned audio/video equipment must complete applicable, agency-approved training to ensure proper use. [27.05M A; 32.02M A]
- O.** Officers assigned audio/visual equipment must use the equipment as outlined in this Order.
- P.** The Evidence Custodian is responsible for the following:
  - 1.** Issuing, maintaining and seeing to repairs of all audio/video units;
  - 2.** Video management, including, but not limited to:
    - a.** Collection and processing of video evidence;
    - b.** Maintenance and security of video server; and
    - c.** Maintenance of CD/DVD media as required;
  - 3.** Tracking and recording all actions regarding video usage, including:
    - a.** Assignment;
    - b.** Retrieval;
    - c.** Copying;

- d. Decommissioning; and
      - e. Destruction;
  - 4. Notification of members when assigned units are due maintenance and when the units are ready to be put back into service;
  - 5. Maintaining in-car system pre-sets to include:
    - a. Speed trigger set as designated by the Chief of Police;
    - b. A pre-event recording time of one minute with audio disabled.

**Q.** Officers assigned the audio/video systems are responsible for the following:

- 1. Testing the unit at the start of each shift to ensure the system is receiving power and functioning correctly by:
  - a. Activating the audio/visual system(s) as prescribed in this Order;
  - b. Ensuring the in-car camera is activated when:
    - 1) Emergency lights are on;
    - 2) Body microphone is on;
    - 3) Manually activated;
- 2. Monitoring the issued equipment to verify it is functioning properly throughout the tour of duty;
- 3. If the equipment is malfunctioning, advising:
  - a. Dispatch immediately via radio;
  - b. The OIC;
  - c. The Evidence Custodian via email, detailing the issue.
- 4. Setting the angle of the camera to assure adequate coverage;
- 5. Verifying the unit is recording the proper date and time;
- 6. Maintaining at least one data card is available at all times, including the card in the camera;

7. Advising the Evidence Custodian in writing by the end of the shift of any malfunctioning unit.

**R. Patrol Supervisors are responsible for:**

1. Ensuring that officers equipped with audio/visual systems use them in accordance with policy and procedure;
2. Verifying that recordings for all officers on their squad are submitted to Evidence as detailed in this Order;
3. Contacting officers if cameras and/or data cards have not been submitted to Evidence;
4. Verifying repairs and replacements of malfunctioning equipment are performed in a timely manner;
5. Assigning officers to vehicles with functioning audio/visual equipment if such equipment in their patrol car is malfunctioning and another vehicle is available;
6. Performing and documenting monthly audio-visual system checks;
7. Initiating an IOC to the Deputy Chief of Police if:
  - a. A system is found inoperable; and/or
  - b. An officer knew or should have known the system was inoperable and failed to notify a supervisor in a timely fashion.

**S. If an officer or supervisor believes a recorded event would prove useful for training purposes, he or she may:**

1. Request a copy of the relevant incident from the Evidence Custodian;
2. Advise the immediate supervisor and/or Assistant Chief of Police accordingly.

**T. The Deputy Chief of Police, or his designee, is responsible for conducting relevant training and keeping accurate training records, which will be submitted to Records and maintained in the applicable personnel files. [CFA 27.05M A; 32.02M A]**

**IN-CAR CAMERA ACTIVATION [CFA 32.02M B]**

- A.** Since most in-car audio/video systems automatically activate when emergency warning devices are activated, members will manually activate their systems at incidents when the capture of sight and sound is appropriate and emergency equipment is not warranted or appropriate or if the video system is fully manual.
- B.** To ensure the integrity of the equipment and recordings, members will use only that equipment they have been trained to utilize.
- C.** The in-car systems will be set to activate at a speed of 80 MPH or at a speed designated by the Chief of Police or his/her designee.
- D.** Members shall activate the recording system in the following situations:
  - 1. Traffic stops;
  - 2. DUIs/Suspected DUIs;
  - 3. Pursuits;
  - 4. Arriving on-scene as back-up;
  - 5. With detainees in patrol vehicles; and
  - 6. During citizen transports.
- E.** Members may activate the system at their discretion in the following circumstances:
  - 1. FTO activities;
  - 2. Subordinate evaluations; and
  - 3. Training/Improvement examples.
- F.** In order to record vehicle patterns and/or the behaviors of person(s), members will activate or ensure activation of their in-car camera systems when they initiate contact with a subject or subject vehicle.
- G.** The system should remain activated until:
  - 1. The subject is released;
  - 2. An arrestee is no longer in the patrol vehicle; or
  - 3. Departmental involvement is concluded.

- H. Unless expressly stated in this Order, editing the recording by turning off either the audio or video after initial contact and before the conclusion of an incident is prohibited. Members must utilize their audio/video equipment continuously until the conclusion of the current incident.
- I. The in-car audio/video system may be manually deactivated during non-enforcement activities such as protecting traffic crash scenes.
- J. The wireless microphone will be:
  - 1. Worn at all times while actively recording;
  - 2. Placed in the cradle or desktop charger when not in use to charge and synchronize the unit.
- K. In order for an audio/video recorded incident to be as neutral as possible, no extraneous comments are to be made during recording; only instruction and discussion pertaining to the investigation.
- L. As with any public contact, member actions will take into account the safety of all persons present; officer and public safety will not be sacrificed for the purposes of enhancing any recording.

**BODY CAMERA ACTIVATION [CFA 32.02M B]**

- A. **Officer body cameras shall be activated upon an officer being dispatched to the following calls:**
  - 1. Domestic Violence;
  - 2. Burglary;
  - 3. Disturbance;
  - 4. Homicide;
  - 5. Robbery;
  - 6. Sexual Battery;
  - 7. Pursuits.
- B. **Officer body cameras shall be activated prior to an officer exiting a patrol vehicle when conducting:**
  - 1. Traffic stops;



2. Vehicle searches;
  3. Citizen contacts;
  4. Use of force incidents;
  5. Interviews with subjects and witnesses;
  6. Interviews with victims after consent is obtained;
  7. Miranda warnings;
  8. Any other law enforcement contacts.
- C. If an officer fails to activate the body camera in one of the listed incidents, or fails to record the entire contact, the officer shall document in the narrative of the report why a recording was not made, was interrupted, or was terminated. If the incident does not generate a report, the officer will still complete an information report documenting and detailing the failure to record the contact.
- D. Body camera recordings are exempt from the requirements of FSS 934, which mandates two-party consent to record communications in circumstances in which an expectation of privacy exists. Therefore, officers are not required to inform individuals of the presence or use of body cameras.
- E. Officer shall not activate body cameras in order to:**
1. Record personal activity;
  2. Intentionally record conversations of fellow employees without their knowledge during routine, non-enforcement related activities;
  3. Intentionally record confidential informants or undercover officers.

**EVIDENCE [CFA 32.02M E; 27.05M B, C]**

- F. All cameras and/or data cards will be secured in an evidence locker prior to an officer's day(s) off.**
- G. Officers shall advise the Evidence Custodian via email of anything of evidentiary value on the recording.**

- H. The Evidence Custodian will download the applicable portion of any recording to DVD and securely retain the recording in Evidence.
- I. Per Florida State Statute, the Department must retain recordings for at least 90 days or as evidentiary requirements apply.
- J. Any officer request to delete a portion of a recording (in the event of personal recording) must be submitted in writing via Chain of Command and approved by the Deputy Chief or his designee and may be granted only in accordance with state record retention laws; all requests and final decisions shall be kept on file.

**PROHIBITIONS [CFA 32.02M C]**

- A. Officers will not make copies of any recordings for their personal use and are prohibited from using a personal recording device (such as a phone camera or secondary video camera) to record law enforcement events or capture recordings.
- B. Officers will not use any other electronic devices or other means in order to intentionally interfere with the capability of any Department recording device.
- C. Officers shall not erase, alter, reuse, modify or tamper with any recording. Only the authorized system administrators may erase any previously recorded digital recording.
- D. Posting of recorded footage to any social media site, without prior written approval from the Chief of Police, is prohibited.
- E. Given the confidential nature of some recordings, civilians shall not be allowed to review recordings on scene; officers will advise citizens to contact the Evidence Custodian, who will provide access to the recordings according to Florida Public Records Law.
- F. To ensure the integrity of recordings, members will not perform any action that would compromise the integrity of any recording.

**DOCUMENTATION [CFA 32.02M D, 27.05M B]**

- A. Each officer assigned a body camera and/or in-car camera data card will retain that equipment throughout consecutive shifts on-duty.
- B. At the conclusion of the last consecutive shift on duty, the officer will secure the camera and/or data cards in an evidence locker.
- C. When an audio-video recording is made in relation to an incident, the officer will:
  - 1. Document in the narrative of the case report that an audio/video recording was made during the incident;
  - 2. Forward an email to the Evidence Custodian advising of evidentiary value;
  - 3. Cite in the narrative of the case report that the recording was secured as evidence.
- D. The Evidence Custodian is responsible for downloading the data to a secure server in a timely fashion.

#### **REVIEW OF RECORDINGS**

- A. Per state guidelines the Department shall perform periodic reviews of body camera footage to ensure compliances with Department policy.
- B. Digital recordings may be subject to random weekly review by the Deputy Chief or his designee in order to monitor officers' performances or in order to address citizen and/or personnel complaints.
- C. Department personnel may review their own digital recordings for report writing or training purposes.
- D. Review of specific incidents contained on digital recordings may be conducted by an investigator who is assigned by the Chief of Police and participating in an official department investigation of a(n):
  - 1. Personnel complaint;
  - 2. Claims investigation;
  - 3. Administrative inquiry; or
  - 4. Criminal investigation.
- E. A supervisor may review digital media for the purpose of:

1. Training;
2. Critique;
3. Early intervention;
4. Civil claims;
5. Administrative inquiry; or
6. Other legitimate reason.

**RELEASE OF RECORDINGS [CFA 1.07 B-C, E]**

- A. Data recorded by body cameras must be screened by the Evidence Custodian for exempt or confidential data before being released pursuant to a public record request. Public record exemptions include the identity of some victims and juveniles as well as details of active criminal investigations.
- B. Per Florida State Statute, a body camera recording, or a portion thereof, is confidential and exempt from public records request if the recording:
  1. Is taken within the interior of a private residence;
  2. Is taken within the interior of a facility that offers health care, mental health care, or social services; or
  3. Is taken in a place that a reasonable person would expect to be private.
- C. A body camera recording may be disclosed to a law enforcement or governmental agency in furtherance of its official duties and responsibilities.
- D. The confidential portions of a body camera recording, or a portion thereof, shall be disclosed:
  1. To a person recorded by a body camera; however, the Department may disclose only those portions that are relevant to the person's presence in the recording;
  2. To the parent, court-appointed guardian, attorney or representative of a person recorded by a body camera, or the representative of a decedent recorded by a body camera; however, the Department may disclose only those portions that are relevant to the represented person's presence in the recording;

3. To a person not depicted in a body camera recording if the recording depicts a place in which the person lawfully resided at the time of the recording; however, the Department may disclose only those portions that record the interior of such a place; or
  4. Pursuant to a court order.
- E.** All requests for copies of video recordings by persons or agencies outside the Department or State Attorney's office shall be directed to the Evidence Custodian and subject to provisions and fees established in Florida State Statutes. The requesting person will be responsible for the costs of duplication.
- F.** Those portions of a recording that are protected from disclosure by another public records exemption shall continue to be exempt or confidential and exempt.

## **LXIX. INDEXING**

Audio/Video Systems  
Body Cameras  
DUI  
Equipment  
Evidence  
In-Car Recording Systems  
Pursuits  
Reports  
Video Recording

# WILLISTON POLICE DEPARTMENT

## GENERAL ORDER

GENERAL ORDER: 18.1	SUBJECT: INVESTIGATIONS
EFFECTIVE DATE: 1/20/06 REVISION DATE: 9/15/2016	CFA STANDARDS: 14.04M; 15.01 A-C; 15.03M A-D, F-J; 15.04 A-G; 15.05; 15.06M; 15.07 A-C; 15.08M A-F; 15.09 A- G; 15.10M; 15.11M A-G; 15.13M A-H; 15.14M A-F; 15.15M *CFA Edition 5.1
RESCINDS 18.2, 18.3, 18.4 & ALL EXISTING ORDERS IN CONFLICT.	

### SECTIONS IN THIS CHAPTER

- 3.1.83 CASE FILE MANAGEMENT
- 3.1.84 LEGAL REQUIREMENTS
- 3.1.85 PRELIMINARY INVESTIGATIONS
- 3.1.86 DOMESTIC VIOLENCE
- 3.1.87 SEXUAL VIOLENCE
- 3.1.88 FIELD INTERVIEWS
- 3.1.89 SURVEILLANCE AND UNDERCOVER OPERATIONS
- 3.1.90 POLYGRAPH USE
- 3.1.91 CONFIDENTIAL INFORMANTS
- 3.1.92 SEARCH WARRANTS
- 3.1.93 FOLLOW-UP INVESTIGATIONS
- 3.1.94 ARRESTS
- 3.1.95 VICTIM SUPPORT
- 3.1.96 PHOTO IDENTIFICATIONS, LINEUPS AND SHOWUPS

**LXX. PURPOSE:** The purpose of this General Order is to establish guidelines for the operation and administration of criminal investigations.

**LXXI. POLICY:** It is the policy of the Williston Police Department to conduct efficient and effective criminal investigations. Investigations will at all times be conducted in accordance with the Constitutions of the United States and State of Florida and all applicable federal, state and local laws. To promote accuracy in eyewitness identification and insure admissibility, it shall be the policy of the Williston Police Department to compose photographic and physical lineups in such a manner that the suspect does not unduly stand out. Agency personnel conducting lineups will avoid any conduct that directly or indirectly influences the identification or non-identification provided by the witness. Nothing in this General Order is intended to create, or does create an enforceable legal right or private right of action. Further, this General Order is for the use and benefit of the Williston Police Department, its members and employees only, and is expressly not to create any third party beneficiaries.

## **LXXII. DEFINITIONS**

**Confidential Informant (CI):** Any person who, by reason of his or her familiarity or close association with suspected or actual criminals,

1. can make a controlled buy or controlled sale of contraband, controlled substances or other items material to a criminal investigation; or
2. can or does supply to law enforcement regular information about suspected or actual criminal activities; or
3. can otherwise provide information relevant to ongoing criminal intelligence gathering or criminal investigative efforts; and
4. is through such efforts seeking to improve his or her status in the criminal justice system.

A person's improved status in the criminal justice system may include, but is not limited to, avoiding an arrest, a reduction or modification of a sentence imposed or to be recommended to be imposed upon him or her, or a reduction or modification of charges pending or anticipated to be placed against him or her and whose association or cooperation with law enforcement must remain unknown to those about whom the information is provided or with whom one or more transactions occur. This person must be approved by the Department and may or may not be paid to provide specific information about persons and activities relating to criminal activity.

**Confession:** A voluntary statement made by an individual wherein he/she acknowledges him/herself to be guilty of a crime or misdemeanor and discloses the circumstances of the act or his/her participation.

**Controlled Buy:** The purchase or attempted purchase of contraband, controlled substances, or other items material to a criminal investigation from a target offender which is initiated, managed, overseen, or participated in by law enforcement personnel.

**Controlled Sale:** The sale or attempted sale of contraband, controlled substances, or other items material to a criminal investigation to a target offender which is initiated, managed, overseen, or participated in by law enforcement personnel.

**Domestic Violence:** Per FSS 741.28, any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

**Facial Composite:** A non-photographic pictorial representation such as a free hand sketch, *Identi-kit*, or other computer program generated image.

**Family or Household Member:** Per FSS 741.28, spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

**Field Interview:** The act of contacting and questioning an individual when an officer observes circumstances that arouse reasonable suspicion or cause alarm.

**Filler:** Either a person or photograph who is not a suspect of an offense and is included in an identification procedure.

**Independent Administrator:** Personnel conducting a photographic lineup that are not associated with the case.

**Interrogation:** The act of asking questions of an individual suspected of having committed a criminal offense or who is reluctant to make full disclosure of information.

**Photo Lineup:** An identification procedure, in which an array of photographs, including a photograph of the suspect of an offense and additional photographs of other persons not suspected in the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as the suspect.

**Physical Lineup:** An identification procedure, in which a group of persons, including the suspect of an offense and other persons not suspected of the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as the suspect.

**Show Up:** An identification procedure in which an eyewitness is presented with a single suspect within a short time following the commission of a crime for the purpose of determining whether the eyewitness identifies this individual as the suspect.

**Target Offender:** The person whom law enforcement personnel suspects will be implicated by the activities of a confidential informant.

**VICAP:** Violent Criminal Apprehension Program.



## **LXXIII. PROCEDURE**

### **18.1.01 CASE FILE MANAGEMENT [CFA 15.01]**

#### **A. Records [CFA 15.01 A]**

1. Whenever a case is held open for further investigation that assignment will be noted either in a supplement or in the body of the initial narrative submitted for inclusion with the original case report.
2. The Records Section will maintain a log of cases open for further investigation. That log will reflect:
  - a. Case number and type of case;
  - b. Investigator or officer name;
  - c. Date assigned; and,
  - d. Assignment type.

#### **B. Accessibility of Files**

1. Investigator's working case files may contain *copies* of the incident report, supplementary reports, statements, crime scene reports, laboratory examination results, and/or any other documents or records relating to the investigation. [CFA 15.01 A]
2. **Purging.** Working files will be maintained outside of Records until their administrative value is lost. At that time, the case files will be turned over to the Records Clerk for destruction.
3. All **original** documents will be secured in the Records Section. [CFA 15.01 B,C]
4. No NCIC, DAVID or D-Facts printouts will be maintained in the case files in Records.

#### **C. Monthly Reporting**

1. The Investigator will complete an *Officers Monthly Activity Report* similar to the one completed by Patrol and submit it to the Deputy Chief by the first Monday of the month.
2. The investigator's report will illustrate the cases he is working by number and resolution, if any (Arrest, Exception, Pending, etc).

### **18.1.02    LEGAL REQUIREMENTS [CFA 15.06M]**

**A.** Investigations will at all times be conducted in accordance with the Constitutions of the United States and State of Florida and all applicable federal, state and local laws.

#### **B.    Miranda Warnings**

- 1.** Members are required to advise all suspects in custody and who are about to be questioned about a criminal investigation that:
  - a.** They have the right to remain silent;
  - b.** Anything they say can and will be used in court;
  - c.** They have a right to consult with an attorney prior to answering any questions and a right to have an attorney present during interrogation; and
  - d.** They have the right to an attorney, and if they cannot afford one, one will be provided for them at no charge.
- 2.** Miranda involves a two-prong test:
  - a.** Is the subject in custody?
  - b.** Is the subject being questioned?
- 3.** Miranda warnings are not required unless:
  - a.** The subject reasonably perceives his/her freedom to be significantly restricted or is under actual arrest. During depositions, a key question regarding Miranda is whether the suspect was free to leave and was he reasonably aware of that; and,
  - b.** The subject is being questioned about that offense.
- 4.** A person being interrogated may choose to remain silent.
  - a.** The choice to remain silent does not imply consent to be interrogated.
  - b.** However, questioning may continue until the subject requests an attorney.
- 5.** If the suspect requests an attorney, no member may question the suspect until an attorney is present, unless the individual on his own reinitiates discussion. Members have the burden to inform other law enforcement members when a suspect has invoked Miranda.

6. The suspect may waive his/her rights and agree to talk with police officials without the benefit of an attorney.
  - a. The suspect must voluntarily, knowingly, and intelligently give a valid waiver.
  - b. Even though a suspect has waived his/her rights, that suspect is free to withdraw that waiver at any time.
- C. Per Florida State Statute 943.0439, upon the request of an individual diagnosed with autism or an autism spectrum disorder or his or her parent or guardian, an officer shall make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker or related professional is present at all interviews of the individual.
  - a. The professional must have experience treating, teaching, or assisting patients or clients who have been diagnosed with autism or an autism spectrum disorder or related developmental disability or must be certified in special education with a concentration focused on persons with autism or an autism spectrum disorder.
  - b. All expenses related to the attendance of the professional at interviews shall be borne by the requesting parent, guardian, or individual.
  - c. This requirement applies to such an individual who is the victim, a suspect, or a defendant formally accused of a crime.

### **18.1.03 PRELIMINARY INVESTIGATIONS**

- A. The responsibility for the investigation and successful closure of any investigation will rest with the first responding officer.
  1. That responsibility will not transfer to another officer without the expressed consent of a supervisor. This does not mean that another officer cannot assist in the investigation or investigate the case if the opportunity presents itself.
  2. A case will not transfer to Investigative Services without the approval of the Deputy Chief of Police.
- B. The preliminary investigation begins when a member arrives at the scene of an incident.
- C. Members will attempt to resolve incidents during the preliminary investigation. An exception to this may be when the investigation requires special skills and assistance (e.g. non-English speaking persons, sexual assault victims, etc.).

**D.** The investigation usually includes the following tasks:

1. Obtaining aid for the injured;
2. Observing all conditions, events and remarks to determine whether an offense has actually been committed and, if so, the exact nature of the offense;
3. Maintaining and protecting the crime scene and collecting or arranging for the collection of evidence;
4. Locating, identifying and interviewing witnesses, obtaining written statements if possible;
5. Interviewing the complainant and/or victim, obtaining written statements if possible;
6. Notifying victims of their rights through the distribution of any applicable victims' rights brochures and ensuring the completion of a victim/witness notification form; [CFA 14.04M]
7. Determining the identity of the suspect(s) and effect an arrest if it can be accomplished either at the scene or through immediate pursuit;
8. Furnishing other patrol units, through the Communications, descriptions, methods, and direction of flight, and other relevant information concerning wanted persons or vehicles;
9. Conducting surveillance as needed;
10. Interviewing the suspect(s) if appropriate (Members should attempt to obtain alibis immediately, before an exculpatory story can be fabricated.);
11. Preparing a general incident report;
12. Ensuring whatever follow-up is required on following shifts by direct communication with the appropriate officers and document in reports those requests for follow up.

#### **18.1.04 DOMESTIC VIOLENCE [CFA 15.09M]**

**U.** It is the policy of the Williston Police Department to reduce the incidence and severity of domestic violence, protect victims of domestic violence, provide

support through community services and promote member safety by ensuring that members are prepared to effectively respond to domestic violence incidents.

**V. Communications Responsibility [CFA 15.09M A]**

1. In addition to information normally gathered, Communications personnel should attempt to determine and document the following and relay it to responding officers:
  13. Need for medical treatment;
  14. Suspect's actions against the victim;
  15. Suspect's name, location and relationship to the victim;
  16. If the suspect is aware that law enforcement has been contacted and has made any threats against officers;
  17. If weapons, dangerous animals or other threats to officer safety are present on scene;
  18. If the suspect is under the influence of drugs or alcohol;
  19. Presence of other people, specifically children; and
  20. Any current injunction order.
2. Any evidence that Communications personnel obtain from a caller may be of value in later prosecution (specifically identity and actions of suspect), given the frequency with which victims recant.
3. Communications personnel should not ask the victim if he/she plans to prosecute.
4. If the incident is in progress, Communications personnel should keep the complainant on the phone as long as the action does not further endanger the victim.
5. Dispatchers should not cancel a response to a domestic violence complaint even if asked to do so by the complainant. However, the dispatcher should advise the responding officer of the request.

**W. Officer Response [CFA 15.09 M A-B]**

1. If refused entry, the officer should insist on seeing and speaking alone with the complainant. If the officer cannot gain access to the complainant, the

officer should request that Communications attempt to re-contact the victim by phone. [CFA 15.09M A]

2. The responding officer should ensure the safety of all persons on scene. This should include:
  - a. Separating the victim and offender physically, and, if possible, visually, as the offender may attempt to control the victim through facial expressions and body language;
  - b. Taking possession of all weapons involved and any weapon(s) that pose an immediate threat;
  - c. Assessing the severity of injuries to both parties and contacting EMS if appropriate; and
  - d. Locating any children present and verifying their welfare.
3. The responding officer should interview all parties and potential witnesses, including children, in order to determine the following:
  - a. If the relationship fits the legal definition of a domestic relationship;
  - b. If a female victim is pregnant and whether the suspect is aware of her condition; and
  - c. Who is the primary aggressor.
4. Where there are allegations that each party assaulted the other, the officer will attempt to determine whether there is sufficient evidence to conclude that one of the parties is the primary aggressor, noting such indicators as:
  - a. Extent of any injuries;
  - b. Fears of physical injury because of past or current threats;
  - c. Actions taken in self-defense;
  - d. History of domestic abuse; and
  - e. Existence of previous orders for protection.
5. If the primary aggressor alleges that he or she is also the victim of domestic violence, then the officer should determine whether the secondary aggressor acted in self-defense, considering such factors as:

- a. Defensive wounds;
  - b. Disparity in physical size;
  - c. Use of weapons; and
  - d. Reasonable fear of harm.
6. If the officer concludes that the secondary aggressor acted in self-defense, no arrest shall be made of the secondary aggressor.

**X. Arrests [CFA 15.09M C]**

1. Arrest shall be the preferred response to domestic violence in situations in which probable cause exists.
  - a. As noted in FSS 741.29, arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend his or herself or another family or household member from domestic violence.
  - b. Dispute resolution, mediation, or other intervention techniques should not be used as a substitute for arrest.
2. Officers should determine all possible crimes for which there is probable cause so that prosecution may continue even if victim vacillation or other problems reduce the viability of the domestic violence charges.
3. Officers making the arrest will inform the arrestee that domestic violence is a crime and that the State of Florida, not the victim, is responsible for the prosecution.
4. The responding officer shall not initiate discussion of or acceptance of a complaint withdrawal or have the victim sign a waiver of prosecution form.
5. If no arrest is made, the victim will be so informed and advised that he or she can request to have the case reviewed by the State Attorney's Office.

**Y. Reporting [CFA 15.09M F]**

1. In accordance with FSS 741.29, whether or not an arrest is made, the officer will make a written report that indicates the alleged offense was an incident of domestic violence. The report must include:

- a. A description of physical injuries observed, if any;
  - b. A statement that indicates that a Notice of Legal Rights and Remedies and Bureau of Victim Compensation Claim Form was given to the victim; and [CFA 14.04M]
  - c. Whenever possible, a written statement from the victim and witnesses.
2. If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer will include in the report in detail the grounds for not arresting anyone or for arresting two or more parties.
3. The officer also will complete the *Domestic Violence Supplement*, including:
  - a. Emotional and physical conditions of the victim and suspect;
  - b. Influence of alcohol or drugs on victim or suspect;
  - c. Relationship between victim and suspect;
  - d. Prior history of domestic violence;
  - e. Any medical treatment received or sought;
  - f. Names and unit numbers of any responding paramedics;
  - g. Any evidence collected, including photos or weapons;
  - h. Status of any protective injunction;
  - i. Victim's temporary address;
  - j. Names and demeanors of witnesses;
  - k. List of children present, including names and ages;
  - l. Diagrams of any injuries; and
  - m. Victim's signed consent to release medical records.
4. In cases that do not involve sexual assault or child abuse, the officer will provide the victim with the victim/witness notification form, explaining the victim's right to request that his or her personal contact information be withheld from public release for five years.



- a. Per state statute, the victim must make this request in writing. The signed and appropriately checked victim/witness notification form will serve as that request.
  - b. The signed form will be submitted to Records with the incident report.
- 5. Per FSS 741.29(2), Records personnel, or in the absence of Records staff, Communications personnel will fax a copy of the incident report to the certified domestic violence center within 24 hours.
  - a. In cases that involve sexual assault or child abuse, all victim information, including their identities, must be excised from any release of public information, including the copy faxed to the domestic violence center. This exemption to the release of public information does not expire in five years.
  - b. In cases that do not involve sexual assault or child abuse, the victim must have requested that their personal contact information be withheld. If this is indicated on the signed victim/witness notification form, the victim's contact information, but not his or her name, must be edited from any public release of information, including the copy faxed to the domestic violence center. This exemption to the release of public information expires in five years.

**Z. Domestic Violence Involving Sworn Personnel [CFA 15.09M G]**

- 1. If Communications personnel receive a call alleging a Department member to be a domestic violence offender, a Shift Supervisor will be notified. The Supervisor will promptly inform the Deputy Chief and Chief of any arrest.
- 2. In the event of an arrest of a sworn Department member, the Shift Supervisor will inform the jail so appropriate provisions are made.
- 3. All members have a duty to promptly report to the Department any member-involved domestic violence incident.
  - a. A supervisor will be dispatched to the scene of any member-involved domestic violence call.
  - b. Members responding to investigate such cases will maintain neutrality and objectivity throughout the investigation.
  - c. A suspect member will be processed in the same manner as any other citizen suspect. If probable cause exists, an arrest will be made in accordance with this Order.

4. When a member is served with any protective injunction, the member is required to notify a supervisor prior to the beginning of the next shift and to keep the Chief or Deputy Chief of Police informed of the status of the case.
5. In cases involving Department members within the jurisdiction of this Department, a supervisor or a chief will conduct the investigation.
6. If a member investigates a domestic violence incident and the suspect or arrestee is a law enforcement officer from another agency, the suspect officer's agency will be notified.
  - a. The investigating officer will first notify the investigating officer's supervisor.
  - b. Notification to the arrestee's agency should be made prior to the end of the shift during which the investigation was conducted.
  - c. If at all possible, the notification should be made to an on-duty supervisor, who will be informed of the potential charge, time of arrest, if any, and the disposition of the incident.
7. Per FSS 790.233, the Chief of Police may reclaim an officer's duty weapon(s) if a final injunction against domestic violence is issued against that officer.

#### **18.1.05 SEXUAL VIOLENCE [CFA 15.10M A-D]**

- A. Personnel will use the Attorney General's *Adult and Child Sexual Assault Protocols* as a guideline. These protocols are available via a link on the Department homepage.
- B. Departmental response will not vary on the basis of the personal characteristics, status or profession of the victim or perpetrator, or the nature of the relationship between the victim and perpetrator. Respect for the integrity and person of the victim will be maintained at every stage.
- C. A high priority will be placed on ensuring victim safety and victim support through referral to appropriate community services.
- D. The identities of sexual assault victims are confidential and not subject to public disclosure requirements.
- E. **Communications Response.**

1. In addition to the information collected for any call for service, Communications personnel should encourage victims of sexual violence to preserve evidence by not:
  - a. Changing clothes;
  - b. Washing;
  - c. Using the bathroom;
  - d. Drinking anything;
  - e. Combing hair; or
  - f. Disturbing the scene.
2. The dispatcher will advise the Shift Supervisor of the incident and ask if the Department investigator should be contacted.

**F. Officer Response [CFA 15.10M A]**

1. In addition to standard investigative procedures, the first member to arrive on the scene of a sexual battery will:
  - a. Administer first aid or request EMS, if necessary; [CFA 15.10 B]
  - b. Request the Department's volunteer Victim Advocate or, if the Department advocate is not available, an Another Way advocate to the victim's location or medical facility, if the victim is en route to the facility; [CFA 15.10 B]
  - c. Notify the Department of Children and Families Hotline if the victim is a child or if children were present during the incident; [CFA 15.10 B]
  - d. Determine the location of the actual crime scene(s);
  - e. Determine if the victim was in a vehicle with the assailant;
  - f. Contact Levy County Sheriff's Office Crime Scene Unit, if applicable; [CFA 15.10M C]
  - g. Conduct a preliminary interview with the victim to establish the facts of the reported crime, limiting the questioning to those matters necessary to identify the suspect and any witnesses;

- h.** Inform the victim or, if applicable, the person representing the victim of the purpose of submitting evidence for testing and the right to request testing.
- 2.** Where EMS is not necessary or the victim refuses EMS transport, the officer may transport adult victims to Shands Hospital in Gainesville and juvenile victims to the Child Protection Team (CPT) in Gainesville; [CFA 15.10 B]
- 3.** Per Florida Statute 960.28, payment for a victim's initial forensic physical examinations is available to a medical provider who performs an initial forensic physical examination; the provider may not bill a victim or the victim's parent or guardian if the victim is a minor, directly or indirectly, for that examination. The Crime Victims' Services Office of the Department of Legal Affairs shall pay for medical expenses connected with an initial forensic physical examination of a victim of sexual battery or a lewd or lascivious offense; such payment shall be made regardless of whether the victim is covered by health or disability insurance and whether the victim participates in the criminal justice system or cooperates with law enforcement. In order to facilitate the implementation of this statute, the officer will complete and submit a *Sexual Battery Forensic Examination Claim Form* to the examining medical provider.
- 4.** In accordance with state statute, the officer will provide the victim or victim's guardian with the Victims' Rights Brochure; Notice of Legal Rights and Remedies for Victims of Domestic Violence, Dating Violence, Repeat Violence, Sexual Violence and Stalking; Bureau of Victim Compensation Claim Form and request the victim read and sign the victims and witnesses notification form.
- 5.** Per FSS 794.052(1), prior to submitting a final report to the State Attorney's Office, the officer shall permit the victim to review the report, including all information that will be submitted with the report. The witness may provide a statement as to the accuracy of the final report.
  - a.** Investigating officers should give victims timely notice of their right to view the final police report. The officer should call the victim upon completion of the report and advise the victim of:
    - 1)** His or her right to review the final report and provide a statement as to its accuracy;
    - 2)** The availability of a victim advocate to assist the victim in this review process; and
    - 3)** Any preferred or necessary timeframes for scheduling the victim's review and for completing any statements.

- b.** If after two (2) phone calls the victim cannot be reached, the officer may send a certified letter to the victim advising him or her of the date that the case will be submitted to the State Attorney's Office for review.

**G. Evidence [CFA 15.10M C]**

- 1.** If the victim has changed clothes, the officer should locate and secure each item of clothing the victim was wearing at the time of the assault.
  - a.** The officer should place each article in a separate paper bag as evidence.
  - b.** The member should observe appropriate biohazard precautions when handling this type of evidence, using gloves and biohazard labels.
  - c.** Any officer retrieving evidence shall advise the Evidence Custodian which items are wet and need to be dried.
    - 1)** If excessive moisture is present, the officer shall place the item into an unsealed plastic bag or container and then inside a paper bag, sealing and labeling the paper bag to alert the Evidence Custodian that wet evidence is present.
    - 2)** The Evidence Custodian shall make certain all items are dried as much as possible before packaging and submitting to the FDLE crime lab.
    - 3)** Any clothing with wet stains, such as blood or semen, should be allowed to dry, folded inward and then placed into paper bags.
  - d.** Each item, including the paper over which the victim disrobed, should be sealed separately in paper bags with evidence tape, labeled with the victim's name and incident date and the junction of the tape and the bag initialed by the medical professional collecting the items.
- 2.** Pictures of the victim's body should not be taken during the initial response but during the medical examination by persons performing the exam.
  - a.** Medical personnel conducting the exam should be asked to document the victim's injuries.
  - b.** If a physical exam is conducted, the officer or investigator should impound the exam kit as evidence.

3. The officer should request that the victim sign a release of medical records, allowing for the release of only those records that pertain to the sexual assault.
4. Fingernail scrapings and clippings should be taken, if relevant.
5. The investigating officer will determine if the suspect's blood, hair and saliva are needed for lab analysis. Blood, hair and saliva collection will be accomplished according to FDLE guidelines.
6. All evidence will be reviewed to determine the need for other procedures such as DNA testing, fingerprinting, chemical testing, ballistic testing, etc.
7. Per FSS 943.32, a sexual offense evidence kit, or other DNA evidence if a kit is not collected, must be submitted to FDLE for forensic testing within 30 days after:
  - a. Receipt of the evidence by the Department if a report of the sexual offense is made to a law enforcement agency; or
  - b. A request to have the evidence tested is made by the victim; the victim's parent, guardian, or legal representative, if the victim is a minor; or the victim's personal representative, if the victim is deceased.
8. Evidence must be submitted in compliance with the case acceptance policy of the Florida Department of Law Enforcement.
  - a. Per FDLE guidelines, a scenario must be provided with the submitted evidence. The scenario will establish the value of each item as to its likelihood to provide probative results or an investigative lead.
  - b. For sexual assault cases, a standard must be obtained from the victim prior to DNA analysis. If the suspect is known, the officer shall submit a standard for the suspect also. The officer shall submit an elimination standard from the consensual partner, when applicable.
  - c. In sexual assault cases, FDLE limits the first submission to a sexual assault evidence kit plus one pair of underwear the victim was wearing at the time of the incident or immediately thereafter (if not already in the kit) and one condom, if applicable.
    - 1) If probative biology results are obtained, additional items will not be examined, unless case circumstances dictate the need for additional processing.

- 2) If no probative results are obtained, the victim's clothing worn at the time of the incident may be submitted in the next submission – limited to five (5) items.
  - 3) If no probative results are obtained, additional clothing or bedding may be submitted in separate submissions – limited to five (5) items per submission.
9. A collected sexual offense evidence kit shall be retained in a secure, environmentally safe manner until state retention periods have expired and the state attorney's office has approved its destruction.

#### **18.1.06 FIELD INTERVIEWS [CFA 15.07]**

- A. Field interviews should be conducted to gather information under the following circumstances:
1. If an individual is or has engaged in criminal activity;
  2. To aid in crime analysis; and
  3. To aid in conducting criminal investigations. [CFA 15.07 A]
- B. Members conducting field interviews shall contact Communications to run the individual's driver's license and/or vehicle information. Subsequently, the officer shall advise Communications of the circumstances of the contact, including as much detail as possible to ensure the information's usefulness. [CFA 15.07 B]
- C. The dispatcher shall enter the information in the CAD event and in the shift notes for cross-referencing by other officers. [CFA 15.07 C]
- D. At the officer's discretion, any event or encounter that generates concern of imminent criminal activity should be documented in an Information Report, which shall also be referenced in CAD and shift notes.
- E. **Legal Restraints**
1. The person being interviewed is free to leave at any time unless suspicion develops that a crime is being, has been, or is about to be committed; or, the member is conducting a Terry stop.
  2. If the person consents to an interview and no reasonable suspicion develops as to any criminal activity, the interview will be terminated in a professional manner.

#### **18.1.07 SURVEILLANCE AND UNDERCOVER OPERATIONS [CFA 15.11M]**

- A.** Any covert or undercover investigation conducted by the Department will require the approval of the Chief of Police. [CFA 15.11M A]
- B.** The following operational procedures regarding surveillance, undercover and raid operations will be observed:
  - 1.** Designation of a single person as supervisor and coordinator; [CFA 15.11M B]
  - 2.** Establishment of routine and emergency communications; [CFA 15.11M C]
  - 3.** Confirmations of target location; [CFA 15.11M E]
  - 4.** Notification of Patrol supervisors of operations in the target area; [CFA 15.11M D]
  - 5.** Identification and analysis of probable offenders or suspects and their associates, habits, vehicles, and methods of operation; [CFA 15.11M F]
  - 6.** Determination of legal ramifications;
  - 7.** Determination of methods to use in making contact with suspects; [CFA 15.11M F]
  - 8.** Supplying expense funds;
  - 9.** Determination of needs for equipment and vehicles;
  - 10.** Provisions for providing relief, backup security, and perimeter protection for the members and investigators involved in the operation;
  - 11.** Maintaining of confidentiality and cover of the operation;
  - 12.** Establishment of procedures for searching and seizing evidence and contraband;
  - 13.** Procedures for obtaining and coordinating law enforcement assistance both within and outside the Department.
  - 14.** Procedures for documenting surveillance, undercover, decoy and raid operations.



- C. All operational procedures regarding surveillance, undercover and raid operations will be documented in general incident reports, and, if applicable, an Officer Response to Resistant report. [CFA 15.11M G]

#### **18.1.08 POLYGRAPH USE [CFA 15.05]**

##### **A. Regulations**

1. Polygraph tests will only be conducted by individuals that are formally trained in polygraph operations. [CFA 15.05]
2. Polygraphs will only be given to subjects who are willing to take the examination.
3. The polygraph is only a tool to assist in an interview, and evidence of deception does not constitute, by itself, a confession or probable cause.
4. The polygraphist will have sole authority to determine who is qualified to take the test.

##### **B. Procedures**

1. The member requesting the use of a polygraph will contact the Department polygraphist(s) and make arrangements for a test.
2. The member will provide the polygraphist with all relevant case and background information necessary to conduct the test.
3. The member will be physically present during any exam should a confession be obtained, to facilitate the subject's appearances and security, and to interrogate the subject, if appropriate.

#### **18.1.09 CONFIDENTIAL INFORMANTS [CFA 15.03M]**

- A. The first priority in agency operational decisions and actions regarding the use of confidential informants is to preserve the safety of the confidential informant, law enforcement personnel, the target, and the public in compliance with Florida State Statute 914.28.
- B. The State Attorney will be consulted about any confidential informant.
  1. The officer seeking to develop the informant will provide the State Attorney with the potential informant's name and biographical information.

2. The SAO will then run that person's criminal history and advise the officer whether or not, based on the individual's history, their office would feel comfortable utilizing the individual as a witness in a criminal proceeding.
  3. If the State Attorney would not use the individual in such proceedings, the individual is not to be utilized as a confidential informant.
- C. If the State Attorney approves of the use of the informant, the officer developing the informant will be referred to as the controlling officer. An alternate officer should also be appointed for each confidential informant.
- D. The Chief of Police or his/her designee will assign a supervisor to assist any officer developing a source, if assistance is needed.
- E. In order to protect the identity of the informant, the Chief of Police or his/her designee will assign the confidential informant a numerical code number. The CI will be referred to by the assigned number in all reports. If desired, a code name will also be selected and documented at this time. [CFA 15.03M D]
- F. The controlling officer shall inform each person requested to serve as a confidential informant that the agency cannot promise inducements such as a grant of immunity, dropped or reduced charges, or reduced sentences or placement on probation in exchange for serving as a confidential informant and that the value of his or her assistance as a confidential informant and any effect that assistance may have on pending criminal matters can be determined only by the appropriate legal authority.
- G. Any person who is requested to act as a confidential informant shall, upon request, be afforded the opportunity to consult with legal counsel prior to agreeing to perform any activities as a confidential informant.
- H. Factors to be considered in assessing the suitability of a confidential informant prior to the informant's utilization shall include, but are not limited to:
1. The informant's age and maturity;
  2. The risk the informant poses to adversely affect a present or potential investigation or prosecution;
  3. The effect upon agency efforts that the informant's cooperation becoming known in the community may have;
  4. Whether the person is a substance abuser, has a history of substance abuse, or is known by the lead investigator or officer to be involved in a court-supervised drug treatment program or drug-related pretrial intervention program;

5. The risk of physical harm that may occur to the person, his or her immediate family, or close associates as a result of providing information or assistance, or upon the person's assistance becoming known in the community;
6. Whether the person has shown any indication of emotional instability, unreliability, or of furnishing false information;
7. The person's criminal history and/or prior criminal record;
8. Whether the nature of the matter being investigated is such that the use of the informant is important to, or vital to, the success of the investigation.

**I. Master Files [CFA 15.03M A]**

1. The assigned code number will be placed on the outside of a large envelope. The Deputy Chief will also enter the code number, code name, and informant's identifiers into a master log. The master log will be kept under lock and key, controlled by the Deputy Chief.
2. The envelopes of all confidential informants will be maintained in a locked file cabinet in the Investigations Office. This file include: [CFA 15.03M C]
  - a. An individual assessment of each prospective informant, specifically citing the criteria listed in 18.1.08 D; [CFA 15.03M B]
  - b. Biographical and background data on each informant;
  - c. Criminal history, if any;
  - d. A code name or number to protect the identity of the informant;
  - e. Photograph;
  - f. Record of information provided;
  - g. Results of information provided by the informant. [CFA 18.03M A-D]
3. Only those personnel within the law enforcement community having a need to know or review those records will be granted access.
4. Upon review, a notation will be made on the envelope, citing the name of the person reviewing the file, the date, and the agency member who granted access.

5. The files of confidential informants will be lawfully destroyed in accordance with Florida State Statute, which mandates maintenance of the file for five (5) fiscal years after last contact with the individual.

**J. Juvenile Informants [CFA 15.03M G]**

1. As a general policy of the Williston police Department, juveniles will not be used as informants. However, in certain circumstances, it is realized that it may become necessary to use a juvenile as an informant.
2. No juvenile will be utilized as a confidential informant without approval of the Chief of Police. [CFA 15.03M H]
3. Special precautions will be taken with juvenile informants, to include obtaining written consent from the juvenile and his/her parent(s) or legal guardian before an operation is undertaken.
4. The officer will obtain prior approval from his/her supervisor and keep the supervisor continually updated on the operation.
5. Additionally, the State Attorney's Office will be consulted prior to utilizing a juvenile as a confidential source.

**K.** Extra precautions will be taken with those informants whose participation may make an investigation more susceptible to compromise through alleged improprieties. A second member will be present, if practicable, when meeting with such informants (regardless of any gender differences). [CFA 15.03M F]

**L.** All personnel involved in the utilization of confidential informants will be trained in the agency policy requirements and procedures. A record of this training will be maintained in the training files in Records. [CFA 15.03M I]

**M.** Officers are to have no off-duty association or social relationship with informants, unless prior authorization has been obtained by a supervisor. The reason for approval will be in written form and maintained in the informant's file. Any member who fails to report off-duty association with a confidential informant may be subject to discipline.

**N. Deactivation**

1. A confidential informant shall be deactivated at such time as the safety of informant, agency members or the public is endangered. It is the responsibility of the department member working with a confidential informant to notify the Chief of Police or designee whenever the informant becomes unreliable, ineffective, dangerous or otherwise undesirable. The member will complete an IOC that includes the circumstances for recommending deactivation

2. A confidential source will be deactivated when any of the following occurs:
  - a. The confidential source no longer has the potential to furnish information or services that could lead to prosecution or interdiction of drugs;
  - b. The confidential source is no longer willing to cooperate;
  - c. The confidential source's cooperation has been determined to be unsatisfactory; or
  - d. There are reasonable grounds to believe that the confidential source has engaged in unauthorized illegal activity.
3. Once a determination to deactivate a confidential source has been approved and documented by the Chief of Police, verbal notification of deactivation must be provided to the confidential source. Verbal notification must be witnessed by at least two officers or the confidential source controlling officer and a supervisor.
- O. The Chief of Police or his designee will conduct a documented annual review of agency practices to ensure security of the confidential informant files, the security and safety of such informants and conformity with agency policies, procedures and Florida Statute. [CFA 15.03M J]

#### **18.1.10 SEARCH WARRANTS**

##### **A. Policy**

1. Search warrants will be prepared and executed in accordance with FSS Chapter 933 and this Order.
2. A search warrant may be issued only upon probable cause supported by oath or affirmation describing the place or person to be searched and the person or item(s) to be seized.
3. Florida law authorizes either daytime or nighttime execution as circumstances may demand or require.
4. A search warrant may be specific as to being served on a Sunday.

##### **B. Search Areas [CFA 15.08M D]**

1. There are two types of search warrants: one for premises (including vehicles) and one for persons.

2. In a warrant for premises, generally only the premises can be searched.
    - a. In searching premises, any part of the structure where the items to be seized could be found can be searched.
    - b. Officers should consider including the curtilage in the application for the warrant, if appropriate.
  3. If members are executing a search warrant for a person, they may search only the person named in the warrant absent any other extenuating circumstances.
- C. A search warrant may be necessary under the following circumstances:
1. When property has been stolen or embezzled;
  2. When property has been used as a means to commit a crime in connection with gambling;
  3. When property has been used as a means to commit a crime in violation of Chapter 847 of the Florida Statutes which deals with obscene literature;
  4. When property is evidence relevant to proving a felony has been committed;
  5. When property is considered contraband;
  6. When property is being held or possessed:
    - a. In violation of laws prohibiting the manufacture, sale and transportation of intoxicating liquors;
    - b. In violation of fish and game laws;
    - c. In violation of laws relative to food and drugs; and
    - d. In violation of laws relative to cruelty to animals.
  7. Property that can be seized includes any papers or documents used as a means of or in aid of the commission of any offense.
- D. **Approval.** A member must obtain approval from his/her supervisor to start the process of obtaining a search warrant. [CFA 15.08M B]
1. The supervisor must review the facts of the case/incident to determine if obtaining a search warrant is appropriate.

2. The supervisor must review the methods and resources the member used to verify the affidavit information.

**E. Application [CFA 15.08 A]**

1. A sworn application must be executed prior to issuance of any search warrant.
2. The application, accompanied by affidavits, depositions in writing, or testimony by sworn witnesses must set forth the facts establishing probable cause.
3. The member or the supervisor shall contact an investigator, if applicable, and the State's Attorney's Office for guidance and assistance in writing the affidavit for the warrant and contacting the judge for signature.
4. A specific description of the premises to be searched (to include photos, if possible) shall be included in the application.

**F. Execution [CFA 15.08 C]**

1. A search warrant will be served by the member(s) named in the warrant with any assistance they deem necessary.
2. Prior notification as to time and location of the search warrant will be provided to Communications.
3. If the warrant is to be served outside the jurisdiction of the Department, the agency having jurisdiction will be notified prior to execution and a member from that agency will be requested to be present.
4. A search warrant will be issued in duplicate and when served, a copy will be delivered to the person named in the warrant.
  - a. In the absence of the person named in the warrant, the warrant will be delivered to some person who is present or living on the premises.
  - b. If no person is present on the premises, a copy of the warrant will be left in a prominent place along with a copy of the property inventory, even if no property is removed from the premises.

**5. Scope of the Search**

- a. Under the authority of a search warrant, sworn members have the authority to make a complete and thorough search of the entire premises described in the warrant.

- b.** The search must be consistent with the type of property indicated in the warrant.

## **6. Items to be Seized**

- a.** As long as the search is consistent with the property being sought, any property connected with any crime, even though not described or listed in the search warrant, may be legally seized.
- b.** If found in good faith while executing a search warrant, contraband, stolen property or evidentiary property connected with a crime may be seized.

## **7. Entry of Premises**

- a.** If, after due notice of members' authority and purpose, admittance to said property or access to anything therein is denied, Florida law permits police to break open any outer door, inner door or window of a house, or any part of a house or anything therein, to execute the warrant.
- b.** The search warrant may include a "no knock" feature authorized by the issuing judge.
- c.** If intelligence information indicates any significant hazards such as armed or especially dangerous persons, then the securing of the area and entrance to the premises should be done by those members trained to do so.
- d.** Under the direction of the member in charge, members will announce themselves as police officers, display their badges, and advise they have a search warrant for the premises.
- e.** Force may be used to enter if, while waiting for the door to open, there is indication that the occupants are taking flight, destroying evidence, or taking some action that may jeopardize the safety of the members.
- f.** The disruption caused by the service of a search warrant will be kept to a minimum.
- g.** Once the property is secured, photographs will be taken before and after the search.
- h.** Any property damage incurred will be documented and photographed.

## **8. A search will include the following:**



- a. A protective sweep of the premises;
- b. Each occupant within the premises will be identified and brought into one designated room or area;
- c. The member named in the warrant will read the warrant to the custodial person present, or absent any human representative, to the structure itself;
- d. An orderly and thorough search will be conducted.
- e. If practical, a photographic record will be made of all articles found and seized during the search. When possible, property items should be photographed in the location where they are found.
- f. Recovered and seized property will be tagged and marked appropriately.

**G. Inventory [CFA 15.08M E]**

- 1. A property inventory sheet will be completed.
- 2. A copy of the property inventory will be left on the premises.
- 3. Each item of property seized will be described thoroughly along with the location where it was discovered.
- 4. If no property was seized, it will be so indicated.

- H.** Within ten (10) days, one of the original signed search warrants, along with a copy of the property inventory sheet, will be returned to the court. [CFA 15.08M F]

**18.1.11 FOLLOW-UP INVESTIGATIONS [CFA 15.04, 15.09M E, 15.10M D]**

- A.** After taking the initial report, the officer assigned the case will:
- 1. Construct a photo line-up, if appropriate;
  - 2. If suspect is unknown, construct a composite, if possible;
  - 3. If applicable, submit information to VICAP when program criteria are met;
  - 4. Review similar open cases.
- B.** In cases of physical violence, the victims should be re-contact within two days of the initial report. If the officer who initially responded is unavailable due to leave or shift

rotation, it is the responsibility of that officer to have another officer contact the victim in order to:

1. Interview victims who may have been physically or emotionally unable to make a statement; and
  2. If appropriate, take photographs of victim injuries that may not have been visible at the time of the initial response.
- C. On any case that remains open after 14 days, the investigating officer will contact the victim for further information and advise them of any progress.
- D. Fourteen days after the initial report, the officer conducting a follow-up investigation will:
1. Review the initial report, crime laboratory examinations and any other pertinent agency records, verify all appropriate examinations have been performed; [CFA 15.04 A]
  2. Conduct additional interviews with the principals involved in the case to address and correct the facts; [CFA 15.04 B]
  3. Seek additional information from other officers, informants and persons who frequent the area;
  4. Conduct additional searches for physical evidence; [CFA 15.04 D]
  5. Conduct surveillance, if appropriate;
  6. Arrange for the dissemination of information that may assist in the investigation;
  7. Identify and arrange for the suspect's arrest and interview, preferably by the investigator who apprehended the suspects; [CFA 15.04 D]
  8. Determine suspect's involvement in other crimes; [CFA 15.04 E]
  9. Re-run suspect(s) criminal history; [CFA 15.04 F]
  10. With serious cases, discuss the investigation with the State's Attorney's Office, obtaining search/arrest warrants, if appropriate;
  11. Prepare case(s) for presentation to the State's Attorney or the court, if appropriate. [CFA 15.04 G]
- E. **Recovery of Stolen Property**

1. In cases where property stolen from within this agency's jurisdiction is recovered by another agency, Dispatch is to notify an on-duty officer to follow-up and supplement the original theft report.
  2. The investigating officer may contact the reporting agency in order to establish:
    - a. the agency's case report number;
    - b. the condition of the property;
    - c. the current location as well as the location where the property was found;
    - d. any suspect information.
  3. The officer should ask that the locating agency process the recovery scene, if practical.
  4. If the property is located within Levy County, and the LCSO is unable to process the scene, an officer from the Williston Police Department will respond to and process the recovery scene.
  5. If the property is located outside of Levy County, the officer will request that the locating agency take custody of the property, advising that the Williston Police Department will arrange for the return of the item(s) to the victim.
  6. Once the crime scene is processed, an officer will notify the owner of the location of the property and the cost of securing its return, if the property is not being held as evidence.
- F. As long as a case remains open and active, the officer will re-contact the victim every fourteen days. If the status of the case changes, the investigating officer will advise the victim accordingly.

#### **18.1.12 ARRESTS [CFA 15.09M C]**

- A. An officer will not disregard a complaint or refuse to make an arrest due to:
1. Personal factors, including marital status; sexual orientation; race; religion; profession; age; disability; culture or economic status;
  2. Assumptions about the tolerance of violence by cultural, ethnic, religious, racial or occupational groups;
  3. Insistence by the victim for no arrest;

4. Ownership, tenancy rights of either party;
  5. Whether the suspect lives on or has left the premises of the victim;
  6. Presence of children or dependency of children on the suspect;
  7. The potential financial consequences of arrest;
  8. Absence of a court-ordered injunction for protection;
  9. Assurances that violence will cease or that encounter was consensual;
  10. In cases of sexual battery, victim's request that suspect use a prophylactic;
  11. Current or previous relationship between the suspect and victim;
  12. Sexual or criminal history of the victim;
  13. The victim's emotional state, manner or dress;
  14. Lack of physical resistance or visible injuries;
  15. The victim's history of prior complaints and disposition of prior calls;
  16. Concern about reprisals against the victim;
  17. Chemical dependency or intoxication of either party;
  18. Physical, sensory, cognitive or emotional disabilities of the parties;
  19. Speculation that arrest may not lead to a conviction;
  20. Speculation that the victim may not follow through with the criminal justice process;
  21. Location of incident; private or public property;
  22. Mutual violence;
  23. Status of the suspect as a law enforcement officer;
- B.** Once the investigation is complete, the investigating officer should do one of the following if probable cause exists and a defendant is identified:
1. Make a probable cause arrest;

2. Obtain a warrant; or
  3. Direct file.
- C. If the officer determines that a crime has been committed and that the suspect has left the scene, the officer will:
1. Conduct a search of the immediate area;
  2. Obtain information from the victim or witnesses as to the suspect's possible whereabouts;
  3. Advise the victim to re-contact the Police Department if the suspect returns or makes contact;
  4. Prepare a complaint affidavit for referral to the State Attorney's Office.
- D. If there is doubt as to whether probable cause exists, the case should be referred to the State Attorney's Office for review.
- E. If the case is complete, but the suspect is not identified, a case will be deemed "inactive" only with the approval of the Chief of Police.
- F. **Arrest of an Officer.** Anytime a sworn member of any agency is taken into custody, dispatch will immediately notify the Deputy Chief and the Chief of Police. The Shift Supervisor will notify the Levy County jail so appropriate accommodations are made to help ensure the member's safety.
- G. **Death of Arrestee [CFA 15.15M A-C]**
12. In the event that a suspect dies during an arrest attempt, the officer will:
- e. Notify Communications of the incident and request a supervisor to respond;
  - f. Secure the scene and summon sufficient backup; and
  - g. Submit a written report by the end of shift. [CFA 15.15M A]
13. Communications will:
- d. Dispatch the officer's supervisor;
  - e. Notify the Chief of Police; and

- f.** Contact the FDLE Jacksonville Regional Operations Center to request a Critical Incident Team initiate an investigation.

**h.** Communications requests an FDLE Critical Incident Team to initiate the investigation;

**j.** A crime scene perimeter is established and secured;

**k.** All law enforcement and citizen witnesses are identified and separated pending initial interview;

- 1.** Any weapons used are taken into custody and the condition of each weapon documented.

**g.** Emergency medical personnel;

**h.** FDLE investigators;

**i. FDLE crime scene technicians;**

**j. Medical examiner personnel;**

**k.** State Attorney personnel; and

**l. Other law enforcement personnel assisting FDLE.**

**16.** Unless the State Attorney or another law enforcement agency asserts primary jurisdiction and responsibility for investigations, FDLE will assume operational direction of investigations and forensics.

c. Collecting additional evidence from suspects, vehicles and involved law enforcement personnel; and

**d. Securing radio, body camera and in-car camera recordings.**

- 18.** FDLE will be responsible for:
  - e.** Dispatching the Critical Incident Team and crime lab personnel;
  - f.** Contacting the medical examiner;
  - g.** Advising the State Attorney personnel; and
  - h.** Requesting any other law enforcement personnel required.
- 19.** The Chief of Police or his designee may issue initial press statements:
  - d.** Acknowledging an incident;
  - e.** Reporting the status of the officer(s) involved; and
  - f.** Refer to the investigative process.
- 20.** Any press release related to investigative activities and responses to public records requests shall be coordinated jointly by FDLE and the Police Department, assuring that disclosures, if any, are appropriate and timely.
- 21.** In compliance with the Williston Police Department's Use of Force policy, whenever an officer is a principal participant in an incident involving the use of deadly force, the officer will be placed on administrative leave immediately. [CFA 15.15M B]
- 22.** FDLE will forward copies of investigative reports and summaries to the State Attorney, maintaining applicable confidentiality. FDLE will report factual findings, offering no recommendations or legal conclusions as to whether any force used was justified.
- 23.** In compliance with the Williston Police Department's Use of Force policy, the police department will conduct an administrative review after FDLE investigation concludes. [CFA 15.15M B]

#### **18.1.13 VICTIM SUPPORT [CFA 15.09M D]**

- A.** The officer will assist the victim in obtaining any needed medical treatment.
- B.** Every effort should be made to maximize the victim's comfort level without destroying any physical evidence.
- C.** Members will advise victims of the following:

1. Available victim support services, providing them with the appropriate brochures;
  2. What to expect regarding the processing of the case;
  3. Their right to be notified of the suspect's release from jail.
- D.** Per Florida State Statute 943.0439, upon the request of an individual diagnosed with autism or an autism spectrum disorder or his or her parent or guardian, an officer shall make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker or related professional is present at all interviews of the individual.
1. The professional must have experience treating, teaching, or assisting patients or clients who have been diagnosed with autism or an autism spectrum disorder or related developmental disability or must be certified in special education with a concentration focused on persons with autism or an autism spectrum disorder.
  2. All expenses related to the attendance of the professional at interviews shall be borne by the requesting parent, guardian, or individual.
  3. This requirement applies to such an individual who is the victim, a suspect, or a defendant formally accused of a crime.
- E.** After any medical treatment, the officer may transport the victim to the location of his/her choice within the local vicinity, if so requested. Or the officer may arrange for an auxiliary member, Levy County VOICE member, or a patrol vehicle to provide transportation to the shelter or to an alternative location of the victim's choice within the local area.
- F. Domestic Violence**
1. In cases of domestic violence, the officer should advise the victim:
    - a. How to get an injunction;
    - b. That the report will be forwarded to the local domestic violence center;
    - c. That the responsibility for pressing charges rests with the state, not the victim;
    - d. If an arrest is not made, the reasons why and his/her options independent of law enforcement.



2. If the victim is leaving their residence, the officer should remain at the scene for a reasonable period of time while the victim gathers necessities for a short-term absence from home.
  - a. The officer should ascertain a victim's temporary residence and contact numbers for follow-up.
  - b. The officer should ensure that the suspect does not learn this information.

#### **G. Sexual Violence**

1. Treatment of sexual assault victims must be considered a medical emergency. Victims will have suffered varying degrees of physical injury, which should be the first consideration before initiating evidence collection.
2. A victim should not be subjected to routine triage procedures prior to examination. Whenever possible, the victim should be taken directly to the examination room.
  - a. The presence of law enforcement personnel during the exam is unnecessary and an invasion of the victim's privacy.
  - b. Maintaining the chain of custody during the examination is the responsibility of attending medical personnel.
3. The victim or, if applicable, the person representing the victim must be informed of the purpose of submitting evidence for testing and the right to request testing.
4. Special considerations should be made for victims of particular cultural and religious backgrounds for whom physical examinations by members of the opposite sex may not be culturally acceptable.
5. Male victims may suffer the psychological effects of believing they failed to prevent the assault. Referrals to therapists or advocacy groups are a vital component of victim support.
6. Sexual assault by a spouse or family member is often only one form of violence in the relationship. Officers should determine whether the sexual assault victim is a domestic violence victim so proper services and referrals can be provided.
7. Per FSS 794.052(1), prior to submitting a final report, the office shall permit the victim to review the final report and provide a statement as to the accuracy of the report prior to its submission to the State Attorney.

## **H. Children and Elderly**

- 1.** Florida law mandates reporting of abuse and neglect for three specific populations: children, elderly and persons with disabilities.
  - a.** Per FSS 39.201, any person who knows or has reasonable cause to suspect that a child is abused, abandoned or neglected, must immediately make a report to the central abuse hotline at 1-800-962-2873 (1-800-96-ABUSE).
  - b.** Per FSS 415.1034, any person who knows or has reasonable suspicion that a vulnerable adult, including the elderly or persons with disabilities, has been abused, neglected or exploited is required to immediately report such knowledge or suspicion to the central abuse hotline at 1-800-962-2873 (1-800-92-ABUSE).
- 2.** Officers will see to the appropriate care of children as victims or dependents. Children and adolescents require the services of individuals specifically trained to provide crisis intervention, medical examination and long-term treatment.
  - a.** The officer should, whenever possible, place any children who are in temporary need of care according to the directions of the parent, legal guardian or appropriate relative.
  - b.** If as a result of arrest or hospitalization, there is no parent, legal guardian or relative to care for the children, the officer should contact the Abuse Registry to determine placement.
  - c.** The officer will indicate in the incident report the identity and address of the person taking custody of the children.
- 3.** When an elderly or disabled adult is either a victim or reliant on a victim or suspect who can no longer provide care, the officer will call the Abuse Registry at 1-800-96-ABUSE.
- 4.** Elderly victims may suffer a delayed reaction to physical and emotional trauma.
  - a.** Fear of losing independence as a result of family members learning about an assault may further deter cooperation.
  - b.** Officers should recognize that the offender may be a family member, friend or caretaker.

- c. Medical and social services follow-up must be easily accessible, or elder victims may be unable or unwilling to obtain assistance.
- 5. Victims with disabilities will need additional time for initial evaluation, medical treatment and evidence collection.
  - a. The nature and severity of a disability must be determined as soon as possible.
  - b. Assessing the individual needs of a victim with a disability should begin with asking the individual to identify his/her specific needs.
  - c. Persons with mental or developmental disabilities may not understand that they have been exploited.
  - d. Offenders may be family members, caretakers or friends.

**18.1.14 PHOTO IDENTIFICATIONS, LINEUPS AND SHOWUPS [CFA 15.13M, 15.14M]**

**A. Uniformity and Process [15.13M A]**

- 1. To the extent possible all lineups and their instructions will be done by an independent administrator to remove any possible bias from the investigating officer. An independent administrator may be any other officer or civilian staff member competent to create and explain the lineup procedure.
- 2. Filler photographs used in photo lineups or persons used for live lineups shall be representative of the characteristics of the suspect to promote fair and unbiased identification by the witness.
- 3. Filler photographs used in photo lineups or persons used for live lineups will be proper and shall be representative of the characteristics of the suspect to promote fair and unbiased identification by the witness.
- 4. Standardized instructions, approved forms and/or checklists will be used where available.
- 5. In cases with multiple witnesses or victims, the viewing of each lineup should be completed privately by each witness or victim to avoid cross contamination of the identification or information.

6. Lineup or show-up administrators will not provide any feedback to the witnesses as to an identification. [CFA 15.13M C]
7. A copy of this General Order and its revisions will be provided to the Office of the State Attorney by or at the direction of a supervisor.
8. All lineups will be approved by a supervisor prior to viewing by witnesses or victims.

**B. Composing a Physical Lineup [15.13M A]**

1. Include only one suspect in each identification procedure.
2. Select “fillers” (non-suspects) who generally fit the witness’ description of the suspect. When the witness description is limited, inadequate or differs significantly from the appearance of the suspect, fillers should be used that resemble the suspect with regard to significant features.
3. Include up to five fillers but no less than three.
4. Complete uniformity of features is not required. Avoid using fillers who so closely resemble the suspect that a person who is familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
5. The suspect should be positioned randomly in the lineup. When showing the lineup to multiple witnesses or across cases, consider placing the suspect in different positions in each lineup.
6. Avoid re-using fillers in lineups shown to the same witness, when showing a new suspect.
7. View the lineup, once completed, to ensure the suspect does not unduly stand out.
8. Physical lineups may be audio or videotaped for documentation purposes. Lacking such equipment, still photographs may be used.
9. Once legal proceedings have commenced and an attorney has been appointed, the attorney of record must agree and be present at a physical lineup before it can proceed. This is NOT a requirement when using a photo lineup.

**C. Witness Instructions. [15.13M B]** Prior to presenting a lineup the member will instruct the witness that:

1. He/She will be asked to view several people;

2. It is just as important to clear the innocent person from suspicion as to identify the guilty person;
3. Individuals in the lineup may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change;
4. The person who committed the crime may or may not be in the lineup being presented;
5. Regardless of whether or not the identification is made, the agency will continue to investigate the incident;
6. The procedure requires the member to ask the witness to state, in his/her own words, how certain he or she is of any identification.

**D. Lineup Identification Procedure. [15.13M B]** When presenting a lineup the member will:

1. Provide viewing instructions to the witness as outlined in subsection C;
2. Confirm the witness understands the nature of the lineup procedure;
3. Avoid saying anything to the witness that may influence the witness' selection [CFA 15.13M C];
4. If a physical lineup is performed, members should attempt to have the suspect and filler individuals placed in one of the interview rooms. The witness should be brought to the monitoring room where viewing of the individuals may be accomplished privately. The witness should not meet the suspect or fillers face to face during the lineup process.
5. If identification is made, members will avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness' statement of certainty.
6. Record any results and witness' statement of certainty per subsection E;
7. Document the lineup procedures, including:
  - a. Identification information;
  - b. The names of all persons present at the lineup;

c. The date and time of the identification procedure.

8. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.
9. If audio or video is used during the lineup, treat the media used as evidence.

**E. Documenting Lineup Identification Results. [15.13M F]** When conducting an identification procedure, the member shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained by the witnesses. When conducting an identification procedure, the member will:

1. Record both identification and non-identification results in writing, including the witness' own words regarding how sure he/she is about the identification;
2. Ensure the statements are signed and dated by the witness;
3. Ensure no materials indicating previous identification results are visible to the witness;
4. Ensure the witness does not write on or mark any materials that will be used in other identification procedures;
5. Assess and document witness confidence immediately following the identification. [CFA 15.13M E]

**F. Suspects' Rights**

1. If suspects refuse to participate in a physical lineup, they should not be forced to participate. Members should consider conducting a photo lineup using a photograph of the suspect. If a physical lineup is determined to be necessary, a court order should be obtained for the participation of the suspect.
2. Members shall inform any suspects of their right to have a lawyer present during the lineup and will permit them time to consult with a lawyer, if requested.
3. Members will allow a reasonable time for the attorney to respond so he/she may attend the physical lineup.

4. The suspect's attorney shall be allowed to consult with the suspect prior to the lineup, and to observe the lineup procedure within the following guidelines:
  - a. The suspect's attorney may make suggestions, but may not control, impede, nor obstruct the procedure. Suggestions may be considered if they make the lineup procedure more consistent with this written directive, but implementation will not be mandatory.
  - b. The suspect's attorney must be instructed to remain silent during both the lineup and the giving of the witness conclusion.
  - c. The suspect's attorney may be permitted to speak with any witness only after the lineup procedure is completed, and only if the witness agrees to voluntarily speak with the attorney. Witnesses shall be informed they are under no obligation to speak with the attorney but are not prohibited from doing so.

**G. Photographic Lineups [CFA 15.13M D]**

1. Photographic lineups will be sequential.
2. All photos will be in separate folders within a main folder.
3. When practical, the administrator presenting the photo array should not be associated with the case.
4. When the photo array is being presented, the lineup administrator will:
  - a. Always lead the lineup with a filler photograph;
  - b. Place a minimum of six photographs and two blank photos into separate folders for a total of eight photos/folders;
  - c. Place a blank photo, as the last photo as knowing the last photo is being viewed may increase the pressure on the witness to select that photo or person;
  - d. Not advise the witness how many photographs will be presented;
  - e. Position himself/herself in a way that he or she cannot see inside the folders as they are viewed by the witness;

- f. Note and document the witness's exact words during the entire process, including any comments or non-verbal communication the witness makes on an identification, e.g. crying upon viewing of photo;
  - g. Make no additional comment beyond reading of the standardized instructions;
  - h. Ensure the photo array is viewed one photograph at a time and in the sequence they were given; at no time may the witness observe two or more photographs at the same time, nor go back in sequence;
  - i. Ensure that when a sequential photo is not presented by an independent administrator, the photos and blanks are not numbered until after the folders have been shuffled and the witness has been presented the sequence, in order to ensure that the investigator presenting the photo array does not know where the suspect's photo appears in the sequence after photos have been shuffled.
5. After all photographs have been displayed, and only if the witness requests it, the entire display may be repeated once in the same sequence as originally presented. The entire sequence should be presented even if the witness only requests to see one or a few photos again.

#### **H. Composite and Sketch General Conditions**

- 1. When there is no suspect and the use of a photo lineup has been or is likely to be unsuccessful, a non-photographic pictorial representation such as a free hand sketch, Identi-kit composite, or other computer-program generated composite image may be used.
- 2. Care must be taken not to unintentionally influence the description.
- 3. Only those members trained in the use of such techniques shall use them.

#### **I. Show-up Procedures [CFA 15.14M A-F]**

- 1. Any member may arrange a "show-up" between a witness and a suspect whenever a potential suspect is located and detained within a reasonable length of time, in proximity to the location of the crime, and fits the specific description of the suspect given by the witness. Show-ups may be preferable while the witness's memory is fresh and the suspect is located and still available. [CFA 15.14M A]
- 2. If a member has reasonable suspicion to detain a suspect under the above circumstances, the member may use such force as is necessary to stop the suspect from leaving or to cause the suspect to remain in the member's



presence. If probable cause to arrest develops during the detention, an arrest should be made.

3. A suspect cannot be detained for longer than a reasonable amount of time to confirm or refute whether the suspect is the suspect.
4. When conducting a show-up, members will use the following guidelines:
  - a. Members at the scene and in contact with the witness will obtain a detailed description of the suspect before the suspect is shown to the witness. [CFA 15.14M B]
  - b. The witness must advise the members that they will be able to recognize the person who committed the crime prior to the show-up.
  - c. Prior to the show-up the member shall provide instructions to the witness to ensure the witness understands the purpose of the identification process is to exonerate the innocent as well as to identify the actual suspect. The witness should be informed that the person detained may or may not be the suspect, and the witness should not feel compelled to make an identification. [CFA 15.14M C]
  - d. A suspect should not be taken to the agency for a show-up but detained at the place where he/she was located, in the least restrictive manner possible that will ensure the suspect remains with the member.
  - e. The witness should be transported in an agency vehicle to the suspect's location for the show-up and shielded from the suspect. The witness should not use their own vehicle to go to the suspect's location. Suspects should not be transported to the witness's location unless exigent circumstances exist.
  - f. Nothing in these guidelines prohibits the common procedure of transporting a witness in a patrol car to the general area in which the crime occurred in hopes of spotting the suspect and arranging a show-up identification procedure.
  - g. If possible, members will not show the suspect handcuffed, or in the back seat of a patrol car. If the suspect is handcuffed, measures should be taken to conceal this fact from the witness, if possible. [CFA 15.14M B]
  - h. Suspects may not be required to put on clothing worn by the offender; however, they may be asked, but not required, to speak words uttered by the suspect or perform other actions of the suspect.

- i. **Multiple Witnesses.** Show-ups should not be conducted with more than one witness present at a time. If there is more than one witness, the show up must be conducted separately for each witness, and witnesses should not be permitted to communicate before or after any show-up regarding the identification of the suspect. The same suspect should not be presented to the same witness more than once.
  - j. If there are multiple suspects, the suspects must be separated and subjected to separate show-up procedures.
  - k. Officers shall assess and document witness confidence immediately following the show-up identification. [CFA 15.14M E]
  - l. Officers may photograph the suspect(s) in the field as documentation.
  - m. **Emergency/Exigent Circumstances.** In emergency circumstances, such as when a witness is in danger of imminent death or blindness (i.e. unconsciousness), or when a suspect is in danger of imminent death, an immediate show-up may be arranged if medical authorities permit. In these situations, time and location limitations contained in the preceding guidelines may be disregarded. Members should contact a supervisor and/or prosecutor immediately for guidance.
  - n. If the detained suspect is not identified by a witness as the suspect, and members lack any other probable cause for an arrest, the suspect should be released after obtaining basic information.
- 5. The member conducting the show-up shall avoid any conduct that might directly or indirectly influence the witness's decision and shall avoid any comments or actions that suggest the witness did or did not identify the suspect even after the show-up is complete. [CFA 15.14M D]
  - 6. The procedure and outcome of the show-up, including the witness's response and exact words, shall be documented in the incident report. [CFA 15.14M F]
  - 7. No person has a right to have a lawyer present at any show-up procedure.

## **J. Training**

- 1. Agency personnel that may administer a lineup will be trained on the contents of this General Order and any other related. Initial training and periodic refresher training may be provided through field training, classroom training, or on-line training. [CFA 15.13M G]

2. All original training records will be forwarded to Records for inclusion in Training Files.

**K. Forms and Checklists**

1. Forms and checklists may be provided to ensure compliance with this General Order and to aid in the effective documentation of suspect identification.
2. The forms will be maintained by the patrol supervisor.
3. Original forms used for identification will be forwarded to Evidence with the photographs.
4. A copy will be provided to Records for inclusion in the offense/incident report.

- L.** This General Order shall be filed with the State Attorney's Office as documentation of the Department's current eyewitness identification policy. [CFA 15.13M H]

**LXXIV. INDEXING**

Abuse Hotline/Registry  
Another Way, Inc.  
Arrest  
Communications  
Confidential Informant  
Confessions  
Constitutional Requirements  
Critical Incident Team  
Death of Arrestee  
Domestic Violence  
FDLE  
Firearms  
Household Member  
Interrogation  
Interviews  
Investigations  
LCSO Crime Scene Unit  
Lineups  
Miranda  
Photographs  
Photo Lineup  
Physical Lineup  
Polygraphs  
Public Records

Records  
 Recovered Property  
 Searches  
 Sexual Violence  
 Show Ups  
 Surveillance  
 Training  
 Undercover Operations  
 VICAP  
 Victims' Advocate  
 Victim Support  
 Warrants

## WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>19.1</b>	SUBJECT: <b>JUVENILE PROCEDURES</b>
EFFECTIVE DATE: <b>3/15/06</b> REVISION DATE: <b>8/1/12</b>	CFA STANDARDS: <b>19.01 A-B, 19.02 A-B, 19.03M A-E, 19.04M A-B</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

### SECTIONS IN THIS CHAPTER

- 3.1.97 CUSTODY
- 3.1.98 TRANSPORTATION
- 3.1.99 PROCESSING
- 3.1.100 NOTIFICATIONS
- 3.1.101 INTERVIEWS AND INTERROGATIONS

**LXXV. PURPOSE:** The purpose of this General Order is to establish guidelines for arrest and custodial procedures for juvenile offenders.

**LXXVI. POLICY:** All Department members coming into contact with juveniles through administering specific programs, making arrests or conducting interviews should be mindful of their responsibility in detecting and deterring juvenile delinquency. The Williston Police Department will use the least coercive among reasonable alternatives when dealing with the disposition and release of juveniles, always keeping the safety of the public in mind.

**LXXVII. DEFINITIONS**

**CSU:** Crisis Stabilization Unit.

**DCF:** Department of Children and Families.

**Delinquent Act:** An act which, if committed by an adult, would be a violation of law, including felonies, misdemeanors, criminal traffic violations and violations of City ordinances.

**JAC:** Juvenile Assessment Center

**JJDPA:** Juvenile Justice and Delinquency Prevention Act of 1974 is a federal law providing funds to states that follow a series of protections on the care and treatment of youth in the justice system, including that youth who are runaways, truants or curfew violators cannot be detained in juvenile detention facilities or adult jails; that juveniles put in an adult jail or lock up are separated from adult inmates; the placement of youth in adult jails and lock ups under very limited circumstances. Compliance is monitored federally by the Office of Juvenile Justice and Delinquency Prevention.

**Juvenile:** Any married or unmarried person who is charged with a violation of law that occurred prior to the time that person reached the age of 18 years.

**Responsible Adult:** A parent, guardian, legal custodian, responsible adult relative, responsible agent of an approved crisis home or an adult previously approved by the court.

**LXXVIII. PROCEDURE**

**CUSTODY**

**PER FSS 985.115, a child may be taken in into custody under the following circumstances:**

1. Pursuant to a court order;
2. For a delinquent act or violation of law, pursuant to Florida law pertaining to a lawful arrest;
3. For failing to appear at a court hearing after being properly noticed; and

4. If a Department member has probable cause to believe that the child is in violation of the conditions of the child's probation, home detention, post-commitment probation, or conditional release supervision; has absconded from nonresidential commitment; or has escaped from residential commitment.

**A child taken into custody shall be released from custody as soon as is reasonably possible.**

**Unless otherwise ordered by the court, and unless there is a need to hold the child, a Department member taking a child into custody shall attempt to release the child as follows:**

1. To the child's parent, guardian, or legal custodian; or,
2. If the child's parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, to any responsible adult;
  21. Prior to releasing the child to a responsible adult, other than the parent, guardian, or legal custodian, the Department member taking the child into custody may conduct a criminal history background check of the person to whom the child is to be released.
  22. If the person has a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution, that person is not a responsible adult for the purposes of this Order.
  23. The person to whom the child is released shall agree to inform the Department or the person releasing the child of the child's subsequent change of address and to produce the child in court at such time as the court may direct, and the child shall join in the agreement.
3. To a shelter approved by the Department;
4. If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, the officer shall deliver the child to a hospital for necessary evaluation and treatment;
5. If the child is believed to be mentally ill as defined in FSS 394.463(1), the officer shall take the child to a designated public receiving facility cited below; or
6. If available, to a juvenile assessment center (JAC) equipped and staffed to assume custody of the child for the purpose of assessing the needs of the child in custody.

**Upon taking a child into custody, a law enforcement officer may deliver the child, for temporary custody not to exceed 6 hours, to the secure booking area for the purpose of fingerprinting or photographing the child or awaiting appropriate transport, provided no regular sight and sound contact between the child and adult inmates is permitted.**

#### **Runaways, Truants and Other Non-Delinquents [CFA 19.02 A]**

- 1.** A non-delinquent child may be taken into custody when an officer:
  - a.** Has reasonable grounds to believe the child has run away from his/her parents, guardian or other legal custodian; or
  - b.** Has reasonable grounds to believe the child is absent from school without authorization, and the officer will deliver the child without unreasonable delay to the school system;
  - c.** Has reasonable grounds to believe the child has been abandoned, abused, or neglected, is suffering from illness or injury, or is in immediate danger from his surroundings and the removal of the child is necessary for protection; or
  - d.** Acts pursuant to an order of the circuit court.
- 2.** Based on the threat to officer safety, an officer will perform a *limited* frisk or pat-down for weapons before placing a non-delinquent child in a patrol vehicle for transport.
  - a.** Bags should also be searched for officer safety.
  - b.** A full search of truants, runaways and other non-delinquent children is not appropriate without justification (bulge that resembles a weapon, knowledge linking child to criminal activity involving a weapon, child attempting to grab something from pockets.)
  - c.** Officers stopping to question a juvenile suspected of truancy, without intending to transport the juvenile, should not conduct a pat-down without further justification.
- 3.** The officer taking a non-delinquent child into custody will:
  - a.** Release the child to a parent, guardian, legal custodian or responsible adult relative as soon as is reasonably possible;

- b. Deliver the child without unreasonable delay to the school system;
- c. Release the child to a DCF-approved runaway shelter if the member taking the child into custody has reasonable grounds to believe the child has run away from a parent, guardian or legal custodian; or
- d. Deliver the child to a DCF intake officer, stating why the child was taken into custody and offering probable cause that the child is from a family in need of services.

**Delinquents. A delinquent child may be taken into custody for the following circumstances:**

- 1. Pursuant to an order of the circuit court; or
- 2. For a delinquent act or violation of the law; or
- 3. For failing to appear at a court hearing after proper notice.

**Any time a member takes a juvenile into custody, the officer will assess the juvenile to determine if the child:**

- 1. Has been harmed, is alleged to have been harmed, or is in danger of being harmed; [CFA 19.02B]
- 2. Is under the influence of alcohol or other chemical substance, or
- 3. Is mentally or emotionally disturbed.

**Regardless of the ultimate disposition or charge, members will obtain immediate treatment for juveniles who require medical attention or screening under the Baker or Marchman Acts.**

**Contact with Adult Arrestees. [CFA 19.03 E] Juvenile arrestees, other than those listed in the Transportation section of this Order, will not be in regular contact with any adult arrestees.**

- 1. Department members will keep juveniles and adults separated by sight and sound.
- 2. Separation of children from adults shall permit no more than haphazard or accidental contact.
- 3. Under no circumstances shall a child be placed in the same holding area as an adult arrestee.



4. This Order does not prohibit placing two or more children in the same holding area.
5. When an officer books a juvenile through the jail, Communications will advise the jail that they are en route with a juvenile for processing, at which point personnel at the receiving facilities are responsible for ensuring no contact.

### **TRANSPORTATION**

- A. Department members will transport juveniles to the jail without undue delay unless there is a need for emergency medical treatment. [CFA 19.03 D]
- B. Department members transporting juveniles will notify the dispatcher of beginning and ending mileage.
- C. Except in emergency situations, a child may not be placed into or transported in any police car or similar vehicle that at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.

### **PROCESSING**

- A. **Arrests.** Juveniles who are arrested under the following circumstances will be processed through the Levy County Jail: [CFA 19.01 A]
  1. Criminal felony charges;
  2. Felony traffic charges; and
  3. Warrants/pick-up orders for delinquent acts.
- B. **Fingerprints and Photographs [CFA 19.03 C]**
  1. A child who is charged with or found to have committed an offense that would be a felony if committed by an adult shall be fingerprinted, and the fingerprints must be submitted to the Department of Law Enforcement as provided in 943.051(3)(a). Records shall retain the originals and immediately forward adequate duplicate copies to the court along with the written offense report relating to the matter for which the child was taken into custody.
  2. Department members will fingerprint and process juveniles arrested for the misdemeanor crimes for which fingerprinting is required by FSS 985.11

before releasing them to a responsible adult. Those misdemeanor crimes are:

- a.** Assault;
  - b.** Battery;
  - c.** Carrying a concealed weapon;
  - d.** Unlawful use of destructive devices or bombs;
  - e.** Negligent treatment of children;
  - f.** Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in F.S. 784.07(2)(a);
  - g.** Open carrying of a weapon;
  - h.** Exposure of sexual organs;
  - i.** Unlawful possession of a firearm;
  - j.** Petit theft;
  - k.** Cruelty to animals;
  - l.** Arson, resulting in bodily harm to a firefighter; and
  - m.** Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property.
- 3.** The fingerprints shall be submitted to the Department of Law Enforcement as provided in FSS 943.051(3)(b).
- 4.** As cited in FSS 985.11, Department members may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law.
- a.** Such fingerprint records and photographs shall be retained in a separate file from adult records and marked “Juvenile Confidential.”
  - b.** These records are not available for public disclosure and inspection under s. 119.07(1) except as provided in ss. 943.053 and 985.04(2), but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal

custodians of the child, their attorneys, and any other person authorized by the court to have access to such records.

- c. In addition, such records may be submitted to the Department of Law Enforcement for inclusion in the state criminal history records and used by criminal justice agencies for criminal justice purposes
- 5. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.
- 6. This Order does not prohibit the fingerprinting or photographing of child traffic violators. All records of such traffic violations shall be kept in the full name of the violator and shall be open to inspection and publication in the same manner as adult traffic violations.

#### **C. DUI**

- 1. The arresting officer will administer a breath test to juveniles arrested for DUI.
- 2. Juveniles arrested for DUI will be transported to the jail for further processing.

**D. Misdemeanor Traffic.** An officer who takes a juvenile into custody for a misdemeanor criminal traffic violation will issue a criminal traffic citation and, unless additional charges exist, will release the juvenile to a parent, guardian or other responsible adult. [CFA 19.01 B]

**E. Non-Criminal Traffic.** Juveniles committing non-criminal traffic offenses in addition to other violations may be issued a citation for the traffic offense(s) and processed accordingly for the additional violation(s). [CFA 19.01 B]

**F. Pick-Up Orders Related to Dependency.** Members detaining juveniles on dependency warrants or pick-up orders will contact the Dependency/Foster Care program to determine placement.

**G. Runaways and Truants.** Juvenile runaways or those who have been deemed truant will NOT be taken to the JAC. [CFA 19.02 A]

**H. Baker or Marchman Acts.** Juveniles who are taken into custody under Baker or Marchman Acts and who cannot be or are not being turned over to the parents will be delivered as follows:

- 1. **Baker Act.** Children taken into custody under the Baker Act will be transported to the CSU.

2. **Marchman Act.** Children taken into custody under the Marchman Act will be taken to the Bridge House. If there are no beds, and there is a criminal charge, the jail will take the child if he/she has received medical clearance.
3. The receiving facility will be responsible for obtaining photographs and fingerprints of juveniles with misdemeanor or felony charges. [CFA 19.03 C]

**I. Pre-Admission Screening Requirements (Medical/Mental).** Juvenile arrestees **MUST** be treated and stabilized at and released from the appropriate medical/receiving facility before they can be accepted at the jail.

**J. Documentation.** To book a juvenile arrestee into the jail, the arresting member will complete the appropriate arrest document.

1. **Mittimus.** The mittimus will be processed as customary, except for the following:

- a. Include the name and address of the child's parent or guardian.
- b. If any witnesses are juveniles, include the name and address of the witnesses' parents or guardians in the narrative of the incident report.
- c. The agency copy of the mittimus will be submitted and forwarded to Records. The remaining copies of the mittimus will be left at the jail.

**2. Traffic Citation**

- a. For felony criminal traffic charges, a traffic citation will be used along with the mittimus.
- b. The white copy of the citation will be left at the jail along with the defendant's copy, and the remaining copies will be forwarded to Records.

**NOTIFICATIONS**

**A.** When a Department member takes any child into custody, the member will attempt to notify the parent, guardian or legal custodian of the child. [CFA 19.03 B]

1. The member will continue to attempt contact until the parent, guardian or legal custodian is notified or the child is delivered to an intake counselor or the jail, whichever comes first.

2. Following notification, the parent or guardian must provide identifying information, including name, address, date of birth, social security number, and driver's license number or identification card number of the parent or guardian to the Department member, per FSS 985.101.
3. The member will notify the intake counselor or the jail, if no contact was made with a responsible adult.
4. The following information will be included in the incident report:
  - a. Name of the person the member attempted to contact;
  - b. Number of attempts to contact; and
  - c. Time the attempts were made.

**B. School Board**

1. Department members will, within 48 hours, notify the Levy County Office of the Superintendent of Schools, or other jurisdictional school board, whenever a student is charged with a delinquent act that would be a felony if he/she were an adult or is a violent crime.
2. Records personnel will fax a copy of the charging document to the jurisdictional school board.

**C. Department of Children and Families (DCF).** In cases where a juvenile is involved in activities or circumstances that indicate no crime has been committed, but in some other manner may jeopardize the safety and/or well-being of the juvenile, DCF will be notified for follow-up investigation or intervention. [CFA 19.02 A]

**D. Department of Juvenile Justice.** Any time a juvenile is detained in the holding area, the juvenile's name or case number, date of birth, charge, time admitted and time released will be noted on the JJDP A Compliance Monitoring log in the Officer's Quarters. Records staff will forward this log monthly to the Department of Juvenile Justice.

**INTERVIEWS AND INTERROGATIONS [CFA 19.04]**

**A.** The interviewing member will inform the juvenile and any parent or legal custodian present of the juvenile's constitutional rights, the procedures regarding the interrogation and the juvenile justice system process as it relates to the particular case. [CFA 19.03 A]

**B. Miranda Rights**

1. Miranda rights must be read to juveniles over eight years of age.
2. For juveniles between the ages of eight and eighteen, the officer should try to establish that the juvenile understands these rights, and if not, the officer should restate the warning in terms that facilitate the juvenile's understanding.
3. It is recommended that officers video and/or audio tape interviews with juveniles in order to support that a juvenile understood his or her rights.
4. The parents or guardians cannot make the decision for the juvenile to invoke or waive Miranda rights.

**C. Parent/Legal Presence [CFA 19.04M A]**

1. The interview need not be postponed until a parent is contacted, nor is the Department member required to ask the parent, if already contacted, if they would like to be present.
2. If a juvenile requests to speak with a parent before being interviewed, the request will be accommodated and a reasonable amount of time allowed for the parent to arrive.
3. If a parent states they wish to be present before a juvenile is interviewed, the request will be accommodated and a reasonable amount of time given for the parent to arrive, provided the juvenile wants the parent present. The juvenile's desire that parents not be present overrides the parents and should be documented in the incident report.
4. If the juvenile, after being advised of Miranda rights, requests an attorney, the interview will cease.

**D. No more than two interviewers should be present during an interview. [CFA 19.04M B]**

**E. Duration**

1. Juveniles will not be interviewed for an unreasonable length of time, and the nature and severity of the crime(s) under investigation will govern the duration of the interview.
2. Normally, interviews should be limited to two-hour sessions and should cease after three (3) such consecutive sessions. [CFA 19.04 B]

**LXXIX. INDEXING**

Arrest  
Department of Children and Families  
Interviews  
Juvenile  
Records  
Transportation  
Truancy

## **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

<b>GENERAL ORDER: 20.1</b>	<b>SUBJECT: UNUSUAL OCCURRENCES</b>
<b>EFFECTIVE DATE: 7/15/06 REVISION DATE: 7/25/12</b>	<b>CFA STANDARDS: 20.01M A-Q, 20.02, 20.03M A-D, 20.04M</b>
<b>RESCINDS ALL EXISTING ORDERS IN CONFLICT.</b>	

### **SECTIONS IN THIS CHAPTER**

- 3.1.102 PLANNING RESPONSIBILITIES
- 3.1.103 CHAIN OF COMMAND/CONFLICTING ORDERS
- 3.1.104 EMERGENCY AND DISASTER OPERATION PLANS
- 3.1.105 MASS ARRESTS
- 3.1.106 COMMUNICATIONS RESPONSIBILITIES
- 3.1.107 PUBLIC INFORMATION

**LXXX. PURPOSE:** The purpose of this General Order is to establish Departmental policy and guidelines for operational readiness and personnel response for civil disturbances and natural and manmade disasters.

**LXXXI. POLICY:** It is the policy of the Williston Police Department to promptly and effectively respond to unusual occurrences and maintain the equipment and personnel necessary to expedite a law enforcement response. The Williston Police Department will work in conjunction with the Levy County Emergency Management in the event of natural or manmade disasters.

## **LXXXII. DEFINITIONS**

**Mutual Aid Agreement:** *The Combined Voluntary Cooperation and Operational Assistance Law Enforcement Mutual Aid Agreement* between the Williston Police Department and the Levy County Sheriff's Office.

**Emergency Management Plan:** *The Levy County Comprehensive Emergency Management Plan.*

## **LXXXIII. PROCEDURE**

### **20.1.01 PLANNING RESPONSIBILITIES**

- A.** Per the *Levy County Comprehensive Emergency Management Plan*, the Levy County Sheriff's Office, as the primary agency, will maintain inventories for personnel, equipment, vehicles and supplies.
  - 1.** As a supporting agency, the Williston Police Department will be responsible for advanced planning to include the development of resource inventories, contact lists and other checklists that may be needed during response to a disaster.
  - 2.** Resources lists should include the date of last revision.
  - 3.** Equipment designated for use in unusual occurrence situations will be inspected at least annually for operational readiness. A copy of the equipment list and proof of inspections will be maintained in the Accreditation files. [CFA 20.02]



- B. The Chief of Police will be responsible for coordinating the response to any unusual occurrence within the Williston area and is designated as the supervisor of field operations for the Williston Police Department during any unusual occurrence, unless he/she elects to appoint another command officer. [CFA 20.04M]
- C. Until the arrival of the Chief of Police, or his/her designee, the highest ranking officer present will be the on-scene commander.
- D. As established in the *Levy County Comprehensive Emergency Management Plan*, the Levy County Sheriff's Office is the primary agency responsible for coordinating any multi-jurisdictional law enforcement response. [CFA 20.01 D]

#### **20.1.02 CHAIN OF COMMAND/CONFLICTING ORDERS**

- A. Per the mutual aid agreement, in those instances where multiple agencies are responding, personnel and equipment assigned by the assisting agency will be under the command of a supervising officer designated by the assisting agency, who will be under the direct supervision and command of the head of the requesting agency. [CFA 20.01 D]
- B. Whenever an officer or deputy is rendering assistance pursuant to the mutual aid agreement, the officer or deputy must abide by the rules, regulations, personnel policies, general orders and standard operating procedures of his/her employing agency. If any such rule, regulation, personnel policy, general order or standard operating procedure is in conflict with a direct order of a superior officer of the requesting agency, then the rule, regulation, personnel policy, general order or procedure will supersede the direct order.

#### **20.1.03 EMERGENCY AND DISASTER OPERATION PLANS [CFA 20.01, 20.03]**

- A. The Williston Police Department has a mutual aid agreement with the Levy County Sheriff's Office and a written plan for responding to natural and manmade disasters that are a part of the *Levy County Comprehensive Emergency Management Plan*.
- B. Detailed sectional maps of the city are maintained in the Communications Center for use in plotting operational commitments during unusual occurrences. These maps, which show individual property lines and street addresses, are numbered corresponding with an overall city map which has been sectioned and numbered for quick reference in selecting the correct area map for a given situation. [CFA 20.01 C]
- C. Officers will be assigned traffic control duties where needed. The agency will take into consideration the need to ensure the free flow of equipment and members into and out of an affected area. [CFA 20.01 F]

**D. After Action Reports [CFA 20.01 P]**

4. After any major occurrence, the officer in charge will write an after action report, detailing the steps taken during an operation and include comments regarding:
  - a. Training suggestions;
  - b. Equipment needs;
  - c. Operational procedures; and
  - d. Administrative affairs.
5. All members involved in the operation, taking any action, will prepare an after action report and submit to the Chief of Police for review. These may include and be in the form of case or arrest reports.
6. The Chief of Police or his/her designee will request after action reports from the representatives of other agencies involved, including Levy County Sheriff's Office, Levy County Jail, Levy County Emergency Services and Williston Fire and Rescue.

- E.** As soon as practical, all efforts will be aimed at de-escalating the situation. Control will be maintained and any effected areas should be returned to a normal state, free of disturbance and confrontation. [CFA 20.01 I]

**20.1.04 MASS ARRESTS [CFA 20.01 L]**

- A.** Although alternatives to mass arrests should be sought, contingency plans are made in the event such action becomes necessary to facilitate the restoration of order.
- B.** The senior officer will take command of any situation that appears to be developing to the point of a mass arrest. In the case of a planned operation the Chief of Police will assume command over all law enforcement resources unless he/she elects to appoint another command officer.
  1. The officer initially in charge of the scene should immediately notify his commanding officer and the Chief of Police.
  2. The officer taking command will establish a command post out of the immediate area from which to stage personnel and coordinate efforts in a mass arrest situation. The command post will be established as a secure area for authorized personnel only and adequate security in the form of uniformed officers will be provided.

3. Should it be necessary, the officer in command will establish a nearby location as a temporary holding area/processing area to be utilized for any arrests.
    - a. This area should be a safe distance from the command post and provided with adequate security.
    - b. The officer in command will designate one commanding officer for that location that will be in direct contact with the officer in command.
  4. The officer in command will immediately request that Levy County EMS respond to the command post area to assist on scene with injuries to officers, support personnel and arrestees if necessary. The location assigned for medical use will be provided with adequate personnel for its security.
  5. The officer in command will make determinations as needed for additional personnel and/or equipment needed.
  6. Any specialized equipment (transport vans, confinement equipment, special weapons, etc.) will be requested from the Levy County Sheriff's Office or the Levy County Jail as needed.
- C. Persons arrested will be removed as soon as possible from the scene to a nearby holding area for initial processing and to await transportation either to a temporary detention area or the county jail.
- D. Upon arrival at the holding area, persons arrested will be identified, if possible, and photographed, using an instant or digital camera.
  1. These photos will be sent along with the prisoners when they are transported for booking to the temporary detention area or to the county jail.
  2. The following information will be noted either in the photo or on the back of each photograph:
    - a. Case report number;
    - b. Suspect's last, first and middle name;
    - c. Date of birth;
    - d. Social security number;
    - e. Charge(s);
    - f. Arresting officer's name and ID #; and

- g.** Date and time of arrest.
- E.** An officer will be assigned to operate a vehicle to transport prisoners from either the temporary holding area and/or the temporary detention area to county jail, or to a designated medical facility for treatment.
- F.** Arrangements will be made for the use of a relatively large and conveniently located facility should the need arise for a temporary detention area. A school gymnasium may serve as an adequate facility if a sufficient number of officers for security can be provided.
- G.** Support services personnel will be assigned as booking officers at the temporary detention area to complete the required paperwork for the arrest procedures, based upon information on the photo, as well as other information relayed by the transporting officers. Upon completion of the booking process, the prisoners may be transported to the county jail.
- H.** Should an incident develop into a mass arrest situation, the State Attorney's Office may be requested to provide legal advice and assistance as well as to expedite the presentation of charges to the proper court. [CFA 20.01 J]
- I.** During the police operation at the incident scene, the scene and participants may be photographed for possible use in identifying participants as well as for evidence in any subsequent court proceedings.

### 20.1.05 COMMUNICATIONS RESPONSIBILITIES [CFA 20.01 A]

- A.** Communications personnel will notify the Deputy Chief, Chief of Police, and other personnel of any unusual occurrence as requested by the OIC.
- B.** The dispatcher will designate the main radio frequency, unless instructed otherwise, as an emergency channel.
- C.** At the request of the officer in command, the dispatcher will request mutual aid assistance from the Levy County Sheriff's Office and other agencies as directed.

### 20.1.06 PUBLIC INFORMATION [CFA 20.03]

- A.** The Chief of Police, or his/her designee, will coordinate and provide information to members of the news media regarding the incident in accordance with General Order 28.1, and, if applicable, the Levy County Public Information Officer, as required by the *Levy County Comprehensive Emergency Management Plan*.
- B.** During any mass arrest operation, all personnel will continually advise members of the public who are not targets of the arrest of the reason for the operation and relieve any anxieties if possible.

- C. If possible, prior to any operation, key members of the community may be contacted and briefed on the operation so that they may be prepared to assist and handle any inquiries.

#### **LXXXIV. INDEXING**

After Action Reports

Arrest

Chain of Command

Communications

Conflicting Orders

*Levy County Comprehensive Emergency Management Plan*

Levy County Sheriff's Office

Mass Arrest

Mutual Aid Agreement

Public Information

## **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

GENERAL ORDER: <b>21.1</b>	SUBJECT: <b>SPECIAL OPERATIONS: LOST &amp; MISSING PERSONS</b>
EFFECTIVE DATE: <b>2/28/06</b> REVISION DATE: <b>9/25/16</b>	CFA STANDARDS: <b>15.12M A-F</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

### **SECTIONS IN THIS CHAPTER**

3.1.108 AT-RISK INDIVIDUALS

3.1.109 INITIAL DEPARTMENT RESPONSE

3.1.110 SEARCH TECHNIQUES

3.1.111 MISSING ENDANGERED PERSONS INFORMATION  
CLEARINGHOUSE

3.1.112 MISSING CHILD ALERTS

3.1.113 AMBER ALERTS AND CART RESPONSE

3.1.114 SILVER ALERTS

3.1.115 RECOVERY/RETURN OF MISSING PERSONS

3.1.116 RECOVERY OF UNIDENTIFIED PERSONS

**LXXXV. PURPOSE:** The purpose of this General Order is to establish guidelines and responsibilities within the Department's response to reports of missing persons.

**LXXXVI. POLICY:** In accordance with Florida State Statute 937.021, it is the policy of the Williston Police Department to promptly and thoroughly investigate all reports of missing persons. A missing person can be reported to any jurisdiction. Where the person resides or where they were last seen will not deter this agency from initiating an investigation. [CFA 15.12M A] A report may be filed by the parent or guardian, the Department of Children and Family Services, a community-based care provider, or a sheriff's office. This agency shall not require a person reporting a missing child to present an order that the child be taken into custody. A search ~~is~~ shall be deemed an emergency as the subject may need medical care or protection from the elements. Statistically, children who are victims of non-parent abductions die or are killed within four hours. As the success of a search is proportional to the area to be searched, a swift response time can minimize the travel time of a lost or abducted subject and better the chances of success.

**LXXXVII. DEFINITIONS**

**Alzheimer's Disease:** The most common cause of dementia; a loss of intellectual and social abilities severe enough to interfere with daily functioning. In Alzheimer's disease, healthy brain tissue degenerates, causing a steady decline in memory and mental abilities.

**AMBER Alert:** FDLE-coordinated alert designed to swiftly broadcast critical information about an abducted child to the media and general public.

**CART:** FDLE's Child Abduction Response Team, a pool of pre-identified professionals from numerous agencies who rapidly deploy to child abduction cases with pre-established protocols and resources to work with local law enforcement to handle all aspects of an investigation.

**MEPIC:** Missing Endangered Persons Information Clearinghouse, formerly known as the Missing Children Information Clearinghouse (MCIC), operates in accordance Florida Statute 937.022, a liaison between citizens, private organizations and law enforcement officials regarding missing endangered persons information. Services provided by MEPIC include the issuance of AMBER, Missing Child and State Silver Alerts

**Missing Adult:** A person eighteen (18) years of age or older whose absence is contrary to his or her normal patterns of behavior and may be due to unusual circumstances as detailed in this Order.

**Missing Child:** A person younger than eighteen (18) years of age whose whereabouts are unknown to his or her parent, guardian or responsible party.

**Missing Child Alert:** FDLE-coordinated alert that can be used when a child is missing and law enforcement has reason to believe that the child's life is in danger, but there is no indication that the child has been abducted

**Silver Alert:** FDLE-coordinated alert that can be used to help locate missing persons suffering from an irreversible deterioration of intellectual faculties.

## **LXXXVIII. PROCEDURE**

### **AT-RISK INDIVIDUALS**

- A.** Children thirteen (13) years of age or younger are defined as “at risk” by the federal Missing Children’s Assistance Act, because children of this age group have not established independence from parental control and do not have the survival skills necessary to protect themselves from exploitation.
- B.** Individuals will be considered “at risk” when one or more of the following circumstances exist:
  - 1.** The individual is out of the safety zone for his or her chronological age, developmental stage and/or physical condition;
  - 2.** The individual is mentally diminished;
  - 3.** The individual is dependent on either prescription or illicit drugs, including medication for diabetes or epilepsy;
  - 4.** The individual is a potential victim of foul play or sexual exploitation;
  - 5.** The individual is in a life-threatening or physically hazardous situation;

6. The individual is missing for more than twenty-four (24) hours before being reported to law enforcement (Note: A delay in reporting may indicate neglect or abuse within the family);
  7. The individual is believed to be with others who may endanger his or her welfare;
  8. The individual is absent under circumstances inconsistent with established patterns of behavior; or
  9. The disappearance involves circumstances that would cause a reasonable person to conclude that the person should be considered at risk.
- C.** Officers encountering individuals who, while initially coherent, are recognized subsequently as being confused and disoriented, should ask the subject basic evaluation questions, such as:
6. Where are they coming from/going to;
  7. What route are they taking to get to their destination;
  8. What is their full name, address and phone number;
  9. What day/month is it;
  10. What city and state are they in;
  11. What time is it now (within an hour).
- D.** If the individual fails to provide correct answers to basic evaluation questions, the officer is to secure the person at their current location and advise Communications to attempt contact with the individual's family or care facility. If efforts to contact a caretaker are unsuccessful, the person should be transported to a medical care facility.
- E.** If an at-risk individual is missing and unusual circumstances are determined, an expanded investigation, including the interagency protocols of this Order, should commence. While all missing persons incidents will be investigated, those involving unusual circumstances indicate a heightened likelihood of risk to the individual and require a more intense response.

## **INITIAL DEPARTMENT S RESPONSE [CFA 15.12M C]**

### **A. Communications**



- 1.** Communications personnel will initiate the response to a report of a missing person by collecting details about the individual(s) and location(s) involved, including:
  - a.** The missing person's physical description, including a recent photo;
  - b.** Any known disabilities or medical needs of the missing person;
  - c.** The missing person's clothing description;
  - d.** Any history of running away;
  - e.** Description of any possible abductor(s) or vehicles involved;
  - f.** Location last seen;
  - g.** Mode and direction of travel; and
  - h.** Whether the subject has been missing on other occasions and where they were located.
- 2.** In cases involving individuals who might exhibit symptoms of Alzheimer's disease or other related dementias, Communications personnel will collect addition details, including:
  - a.** If the person takes medication, when was their last administered dose and how long before the person may go without medication before experiencing potential serious consequences;
  - b.** Would the person recognize and respond positively to persons in uniform;
  - c.** Does the individual have weapons or access to weapons;
  - d.** Could the person have sought out a former residence, workplace, church or other familiar location;
  - e.** What is the person's usual daily routine;
  - f.** Does the person fear crowds, strangers or certain environments;
  - g.** Can the individual still use money and does the person have money with them;
  - h.** Does the person still remember their address or phone number?

3. Communications will not attempt to determine jurisdiction or refer the complainant to another agency.
4. Communications will dispatch an officer to the scene promptly.
5. Communications shall immediately:
  - a. Inform all on-duty law enforcement officers of the missing person report; and
  - b. Communicate the report to every other law enforcement agency having jurisdiction in the county.
6. Within two (2) hours after receipt of the report, the dispatcher will transmit the report for inclusion within the FCIC/NCIC databases, as required by state statute 937.021. [CFA 15.12M B]

**B. Patrol**

1. The first responding officer will interview the parent(s) or person(s) who initiated the report.
  - a. The officer should use the FCIC/NCIC Entry Form as a guide and complete those portions relevant to the circumstances.
  - b. The officer should attempt to obtain a recent photo of the missing person.
  - c. The family or guardians should be interviewed extensively early in the investigation.
2. In those incidents where the person was last seen within the City, the officer will verify that the person is actually missing.
  - a. The officer should not accept that the parents, guardians or facility workers have conducted a thorough search.
  - b. Another check of the house and grounds must be conducted, including places where a person, especially a child, could be trapped, asleep or hiding. This search should include false ceilings; A/C venting; cabinets; refrigerators, freezers and parked vehicles.
  - c. A search of the home should be conducted even if the person was last seen somewhere else.

3. The officer will attempt to determine the circumstances of the disappearance, specifically if unusual circumstances exist and if an additional response is in order.
  - a. The officer will attempt to determine when, where and with whom the missing individual was last seen.
  - b. The officer will promptly interview the individual(s) who had last contact, requesting information on the missing person's appearance, demeanor and actions.
  - c. The officer will seek witnesses' personal histories and contact numbers for possible re-interview.
  - d. The officer should be alert to any contradictions or evasiveness by witnesses.
  - e. An area canvass for other witnesses will be initiated and similar witness information will be obtained.
4. If the residence or last place the person was seen is outside the City, the officer will investigate the complaint as far as possible and determine what agency will take the primary report.
  - a. The officer will contact the primary agency and advise them of the incident.
  - b. If that agency fails to accept the report, the officer will contact his supervisor to intercede.
5. In the case of a missing child, the officer should confirm the custody status, whether the reporting party has full legal custody, if the noncustodial parent has contested custody, or if the child has expressed a wish to live with the other parent or another relative.
6. The officer should identify the missing individual's safety zone for his or her age, developmental stage, physical and mental state.
7. The officer will advise the Shift Supervisor whether circumstances meet Amber Alert or reverse 911 community notification protocols.
8. If applicable, a description of the missing person's abductor(s) should be immediately recorded from witnesses. If the abduction occurred near a business, the officer may seek out video or surveillance footage.

- 9.** The correct NCIC Missing Person File category must be determined and notification promptly transmitted. In the case of a missing child, age does not require that the juvenile category be used; the circumstances of the disappearance should govern the category selection, which includes:

  - a.** Disability;
  - b.** Endangered;
  - c.** Involuntary;
  - d.** Juvenile;
  - e.** Catastrophe; and
  - f.** Other.
- 10.** With the assistance of additional personnel, a systematic, thorough search of the incident scene should be conducted.
- 11.** If applicable, the officer will secure the area as a potential crime scene, establishing a perimeter to prevent destruction of evidence.

  - a.** Forensic evidence will be collected appropriately at any scene where such evidence is found.
  - b.** A missing child's home, particularly his/her bedroom, should be secured and protected until evidence or identifying material has been collected.
  - c.** In the case of personal belongings or clothing where a K-9 Unit may require the scent, those items should be handled in a sterile manner and bagged accordingly.
  - d.** The officer should record if the missing person has a computer or cell phone.
- 12.** The initiating officer should maintain a chronological account of his/her involvement and actions for the written incident report or to verbally update other investigators.
- 13.** The officer will provide descriptive information and case circumstances to Communications and the Shift Supervisor as soon as it is obtained, reporting any changes or updates to the initial report in order to keep other searching members informed.

### **C. Supervisor Responsibilities**

1. The Shift Supervisor will obtain a briefing from the initiating officer in order to determine the scope and complexity of the case and develop an appropriate response.
2. The Shift Supervisor will notify command staff, including the Chief of Police.
3. The Shift Supervisor will determine if additional personnel, including additional dispatchers and other resources are needed to assist immediately.
  - a. Depending on the situation, the Shift Supervisor may request K-9 units or helicopter support from neighboring counties.
  - b. Certain cases may require the activation of interagency protocols, specifically those of Fire and Rescue.
4. If circumstances indicate the chances for a child's safe recovery would be increased by immediate public awareness, the Shift Supervisor should promptly activate the Amber Alert or reverse 911 system, as prescribed in this Order.
5. If the Department or Fire Rescue establishes an Incident Command Center, the Shift Supervisor will report there in order to facilitate investigative efforts and organize and coordinate search efforts.
6. The Shift Supervisor should establish a liaison with the victim's family, if appropriate to the circumstances.
7. If the location in which the person was last seen is outside of the City, and the initiating officer advises that the primary agency refuses to assist, the Supervisor will contact that agency and proceed up the chain of command as high as needed.
  - a. If the highest ranking member at the primary agency refuses to accept the report, the Shift Supervisor is to contact FDLE or that state organization that has the authority over the uncooperative agency and request their assistance.
  - b. The Shift Supervisor will email or fax a copy of the report to the "home" agency for the missing person and document that this report was forwarded.

### **D. Investigations**

1. The assigned investigator will obtain briefings from Department personnel at the scene.
2. The investigator will verify the accuracy of descriptive information, noting any basis for conflicting information.
3. A record of vehicles parked in the area should be submitted to Communications for tag and owner information.
4. In the case of a missing child, the Sexual Offender Registry should be reviewed to determine the proximity of sexual predators who may live, work or associate with individuals in the area.
5. The investigator should obtain a brief history of recent family dynamics from family members, neighbors, teachers, classmates, employers, coworkers or friends.
6. Records of victim or family contact with other law enforcement agencies, social services agencies, schools and any previous care facilities should be obtained and evaluated.
7. Any history of disappearances should be pursued to identify a potential pattern. If a person disappeared in the past, the investigator should try to ascertain where the person went and specifically where they were located, whether in a vehicle, along a roadway or with another individual.
8. If it appears the case will not be promptly resolved, the investigator should ensure that the descriptive record, especially that entered into the NCIC Missing Person File, is updated to include dental characteristics, scars, tattoos and fingerprints along with additional articles of clothing, jewelry or unique possessions.
  - a. In accordance with FSS 937.031, when a person has been reported missing and has not been located within 30 days of such report, the investigator shall request that the family or next of kin provide written consent to obtain the missing person's dental records for inclusion in the criminal justice information system for the purpose of comparing such records to those of unidentified deceased persons. [CFA 15.12M E]
  - b. Contingent upon the continued availability of federal funding for the submission and processing of approved biological specimens for DNA analysis, when a person has been reported missing and has not been located within 90 days, the investigator shall attempt to obtain a biological specimen for DNA analysis. Neither state statute nor Department policy prevents an investigator from obtaining information

or biological specimens for DNA analysis before the 90 days has passed. [CFA 15.12M F]

1. Biological specimens will be collected following those instructions outlined by the FDLE Missing Persons DNA program.
2. DNA can be collected from items belonging to the missing person, biologically related family members of the missing person, and unidentified human remains.
3. The investigator assigned to the case will complete the documentation necessary for FDLE to use the biological specimens for DNA analysis.
4. These DNA profiles will be analyzed and uploaded into the FBI's National DNA Index System to be continuously searched against unidentified human remains.

## **SEARCH TECHNIQUES**

- A. All searchers should be advised that missing persons, especially those with dementia, likely will not respond to their name.

### **B. Searcher Responsibilities**

1. A field searcher's primary responsibilities are to:
  - a. Protect evidence;
  - b. Treat injuries; and
  - c. Record clues.
2. Searchers should seek clues, not just the victim, as information may decrease the search area.
3. Individuals in the field should check the "searcher's cube" while searching and approaching the search area, that is, look up and down, look left and right, and look forward and behind.
4. A field searcher has no authority to discuss the case with the family of the subject or any members of the media. Inquiries should be referred to the incident commander.

5. A searcher must recognize when his/her limits have been reached and advise command staff accordingly. Four (4) to six (6) hours is considered the average usefulness of a field searcher in any 24-hour period.

### C. Types of Searches

1. **Passive.** Passive search tactics do not involve physically searching for a subject.
  - a. **Fact finding.** Fact finding efforts begin with the initial report and include the *Lost Person Questionnaire*.
  - b. **Attraction**
    - 1) Attraction efforts are those actions designed to cause the subject to be attracted to and travel toward a desired location.
    - 2) The subject of this technique is presumed to be mobile and responsive.
    - 3) Methods of attraction include lights, sirens, whistles and shouts broadcast from a *stationary* location, as moving the point of attraction may disorient an approaching subject.
  - c. **Confinement**
    - 1) Confinement efforts include actions to confine the movement of a lost subject in order to minimize the search area.
    - 2) Confinement techniques may include road blocks, patrols, string lines and look outs.
    - 3) Individuals assigned to confinement positions may have to remain at their posts for extended periods of time and thus may require supplies.
  - d. **Continuous**
    - 1) A continuous search is undertaken when active search techniques have not yielded results, and the search management team elects to continue the search on a limited basis only.
    - 2) Continuous search techniques include continued investigation and using the area for regular training purposes.

### 2. Active



**a. Hasty**

- 1) A hasty, or Type I, search is a swift, initial response by mobile searchers.
- 2) The criterion for a hasty search is speed, as opposed to efficiency or thoroughness.
- 3) The objectives of a hasty search are to quickly check specific high probability areas and to obtain information about the search area.
- 4) Hasty searches usually are used in the early stages of a search but may be utilized anytime to check an unconfirmed sighting or to recheck an unsecured high probability area.
- 5) The missing subject is presumed to be responsive.
- 6) Teams usually are comprised of 3 to 6 immediately available, mobile searchers.
- 7) Areas to be covered in a hasty search include the last known point of the subject, suspected routes, area perimeter and any hazards, attractions or roads in the area.

**b. Efficient**

- 1) An efficient search, also known as a Type II, sweep search or open grid method, is a relatively fast, systematic search of high probability segments of a search area.
- 2) The criterion for an efficient search is efficiency over speed or thoroughness.
- 3) Efficient searches are often employed after hasty searches have yielded clues in a particular area.
- 4) An efficient search may be the initial search tactic to be used in areas of dense vegetation.
- 5) Subject responsiveness is still presumed to be high.
- 6) Techniques used in an efficient search include open grid or sweep searches in which each searcher is positioned to see all of the area from himself/herself to a spot midway between the searchers on either side with very little overlapping.

- 7) Teams usually are comprised of 3 to 7 persons with the middle person acting as a guide or using a compass.
- 8) An efficient search may be valuable in those situations where the search area is large, where no high probability areas have been identified and where there is insufficient manpower for a thorough search.
- 9) The most effective resources in this scenario include dogs, trackers and aircraft.

**c. Thorough**

- 1) A thorough, or Type III, search is a slow, highly systematic search.
- 2) The criterion for a thorough search is thoroughness over speed or efficiency.
- 3) A thorough search is extremely destructive to clues.
- 4) This type of search should only be used as a last resort for missing persons.
- 5) A thorough search may be valuable when the search area is limited, much manpower is available, and the item(s) sought are small.
- 6) Techniques used in a through search include a close-spaced grid or sweep search with small spacing between the searchers and adjacent teams often overlapping.
- 7) The search area should be marked with ribbons, sting line, or surveyor's tape. Markers should be placed at eye level and doubled when indicating an end or turn in the line, though placement will be determined by terrain and density of brush.
- 8) Teams usually are comprised of 4 to 7 persons.

## **MISSING ENDANGERED PERSONS INFORMATION CLEARINGHOUSE**

- A.** The Missing Endangered Persons Information Clearinghouse (MEPIC) operates in accordance with Florida Statute 937.022.
- B.** Per statute, MEPIC may accept missing person's cases that meet the following criteria:

1. Any missing child who is 17 years of age or younger; or
  2. Any missing adult who is between the ages of 18 and 25; or,
  3. Any missing person 26 years of age or older who is suspected by law enforcement of being endangered or the victim of criminal activity.
- C. The MEPIC oversees the issuance of AMBER, Missing Child and State Silver Alerts.
- D. The person must be reported missing to a law enforcement agency and entered into FCIC/NCIC before MEPIC is able to open a case.
- E. MEPIC primarily accepts cases of persons missing from Florida but may accept international and out-of-state cases if the missing person is believed to be in Florida.
- F. Additionally, the Clearinghouse is able to accept unidentified cases if the person was recovered in Florida or if the person is believed to have been living in Florida prior to their disappearance.
- G. With the approval of the Chief of Police or his designee, a supervisor may request assistance from the MEPIC Inspector assigned to crimes against children and child death cases.

## **MISSING CHILD ALERTS**

- A. The Missing Child Alert can be used when a child is missing and law enforcement has reason to believe that their life is in danger, but there is no indication that the child has been abducted.
- B. To activate a Missing Child Alert, the following four (4) criteria must be met:
1. The child must be under 18 years of age;
  2. The preliminary investigation must conclude that the child's life is in danger;
  3. Descriptive information and a photograph of the child must be available;
  4. The agency of jurisdiction must approve the issuance of the Missing Child Alert.
- C. **Activation Process**

1. The Shift Supervisor shall contact the FDLE Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774.
2. FDLE, working in conjunction with the local law enforcement agency of jurisdiction, will prepare information for public distribution.
3. FDLE will ensure that the information is distributed to the media as well as to the public via text message and email through [www.missingchildrenalert.com](http://www.missingchildrenalert.com) and other resources.

## **AMBER ALERT**

- A. The AMBER Alert is a tool to quickly notify the public of critical information regarding a child who has been abducted and is endangered
- B. To activate an AMBER alert the following five (5) criteria must be met:
  1. The child must be under (18) years of age;
  2. There must be a clear indication of an abduction;
  3. The agency must conclude that the child's life is in danger;
  4. A detailed description of the child and/or abductor/vehicle must be available to broadcast to the public; and
  5. The activation must be recommended by the local law enforcement agency of jurisdiction.
- C. **Activation Process**
  1. The Amber Alert only can be activated by law enforcement.
  2. The Shift Supervisor will call the FDLE Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774.
  3. FDLE will work with the Department to determine if information is to be broadcast on a regional or statewide basis.
  4. FDLE will work with the Department to prepare information for public distribution.
  5. FDLE will ensure that the information is broadcast through the Emergency Alert System, Dynamic Message Signs, lottery machines, the missing child website and other resources.

**A. CART [CFA 15.12M C]**

1. The Shift Supervisor will submit the case facts to FDLE for the purpose of activating a Child Abduction Response Team (CART) under the following circumstances:
  - a. If a child of any age is abducted;
  - b. The facts indicate an Amber Alert is appropriate; and
  - c. The abductor is not the parent or guardian of the child.
2. The Shift Supervisor will refer to the CART Manual for guidance in this event.
3. Upon arrival of CART assets, the Shift Supervisor will assign tasks according to their priority and nature of the asset.

**SILVER ALERT**

- A.** The Florida Silver Alert Plan is used to locate missing persons suffering from an irreversible deterioration of intellectual faculties and includes two levels of activation: local and state.

**B. Local Silver Alert**

**1. Activation Criteria**

- a. The person is traveling on foot;
- b. The person is 60 years or older;
- c. There are clear indications that the person has an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia); or
- d. The person is between 18 and 59 and determined to lack the capacity to consent; and
- e. A Local Silver Alert may be the only way to locate the person.

**2. Activation Process**

- a. Responding officers shall conduct a preliminary investigation to determine if the disappearance poses a credible threat to the person's welfare and safety, and, if so;
- b. Dispatch will enter the missing person into FCIC and issue a local BOLO within 2 hours of receiving the report. [CFA 15.12M B
- c. The Deputy Chief or his designee may contact media outlets in the area and/or surrounding jurisdictions.

## **C. State Silver Alert**

### **1. Activation Criteria**

- a. The person is traveling by motor vehicle with an identified license plate number or other vehicle information that has been verified by law enforcement;
- a. The person is 60 years or older;
- b. There are clear indications that the person has an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia); or
- c. The person is between 18 and 59 and determined to lack the capacity to consent; and
- d. A Local Silver Alert may be the only way to locate the person.

### **2. Activation Process**

- a. Dispatch will enter the missing person into FCIC within 2 hours of receiving the report. [CFA 15.12 B].
- b. The Deputy Chief or his designee may contact media outlets in the area and/or surrounding jurisdictions.
- c. Per FDLE, once the above steps have been completed, the Shift Supervisor will contact the Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774, which will confirm that the case facts meet the criteria using a questionnaire specifically designed for the Silver Alert Plan activation.
- d. FDLE will ensure that the information is broadcast through dynamic highway message signs and via email through the Department of Elder Affairs listserv and other resources.

## **RECOVERY/RETURN OF MISSING PERSONS [CFA 15.12M C]**

- A.** On responding to the recovery or return of a missing person, the responding officer will:
  - 1.** Personally verify that the located person is the individual reported missing;
  - 2.** Contact EMS to respond to the scene; and
  - 3.** Secure intervention services, if indicated, including mental or physical health examinations and/or family counseling.
- B.** Those having initial contact with the person should:
  - 1.** Use low, calm voices and short, simply sentences or questions;
  - 2.** Clearly identify themselves what they are doing;
  - 3.** Ask permission before touching the subject;
  - 4.** Use simple instructions and positive reinforcement;
  - 5.** Allow ample time for the subject to respond to inquiries;
  - 6.** Limit radio volume and curtail lights as much as possible, as this may further agitate a subject; and
  - 7.** Use caution when placing the person in a vehicle.
- C.** In the case of a runaway or missing child from within the Department's jurisdiction for whom there is no warrant or other violation of the law, the child should be returned to his or her legal guardian or an appropriate children's shelter.
- D.** In the case of a runaway or missing child from outside the Department's jurisdiction or for whom a warrant or NCIC "hit" is verified, the child should be taken into custody for later transport to the appropriate facility.
- E.** An incident report or supplement to the initial report must be completed, documenting the person's activities while missing and circumstances of his or her return.
- F.** Communications will be advised by the verifying officer to cancel the FCIC/NCIC entry, if this Department made the entry. [CFA 15.12M D]
- G.** In accordance with Florida State Statute 937.021, a review of open missing persons cases will be conducted monthly to determine whether each case should

be maintained in the NCIC database; an entry concerning a missing child or missing adult may not be removed from the FCIC/NCIC databases based solely on the age of the missing child or missing adult. [CFA 15.12M D]

- H. A post-case critique should be performed in order to hone personnel response and Department procedure.

## **RECOVERY OF UNIDENTIFIED PERSONS**

- A. On responding to the report of an unidentified person, whether that person is living or dead, the responding officer will:
  - 1. Compile a complete description, including clothing; and
  - 2. Relay the information to Communications to be entered into the NCIC Unidentified Person File.
- B. The Investigative Services Commander, or his/her designee, will utilize available resources to identify the person, including:
  - 1. The Nation Center for Missing and Exploited Children;
  - 2. Missing persons clearinghouse; and
  - 3. The medical examiner.
- C. Communications will cancel all notifications after identification is confirmed.
- D. In cases involving licensed case facilities, investigators shall ensure that the facility will take proper precautions to prevent further incidents by advising the facility's chain of command, state accrediting agency, corporate office or insurers.
- E. Where indicated, follow-up action shall include filing an abuse and neglect report with the appropriate state agency.
- F. Families housing persons with dementia should be encouraged to take the following steps:
  - 1. Install double-sided locks;
  - 2. Place bells on doors and windows;
  - 3. Remove the person's vehicle or keys to other vehicles in the household;
  - 4. Establish relationships with neighbors and exchange contact information;



5. Establish a schedule for the individual in order to prevent them from seeking food or restroom facilities on their own.

#### **LXXXIX. INDEXING**

AMBER Alert  
CART  
Communications  
Missing Child Alert  
Missing Endangered Persons Information Clearinghouse  
Nation Center for Missing and Exploited Children  
NCIC  
Recovery  
Sexual Offender Registry  
Silver Alert  
Unidentified Persons

## **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

<b>GENERAL ORDER: 21.2</b>	<b>SUBJECT: SPECIAL OPERATIONS: HOSTAGE/BARRICADED SUBJECT</b>
<b>EFFECTIVE DATE: 3/15/06 REVISION DATE: 9/30/16</b>	<b>CFA STANDARDS: 14.02A, 17.06M A-F</b> *CFA Edition 5.0
<b>RESCINDS ALL EXISTING ORDERS IN CONFLICT.</b>	

## **SECTIONS IN THIS CHAPTER**

3.1.117 COMMUNICATIONS RESPONSE

3.1.118 PATROL RESPONSIBILITIES

3.1.119 VEHICLES AND EQUIPMENT

3.1.120 ADMINISTRATIVE ROLE

**XC. PURPOSE:** The purpose of this General Order is to establish guidelines and procedures for responding to incidents of hostages and barricaded subjects.

**XCI. POLICY:** The Williston Police Department will contain and control high-risk incidents involving hostages and barricaded subjects, requesting assistance via the Mutual Aid Agreement from the Marion County Sheriff's Office SWAT Team when necessary, in order to minimize the danger to the public, suspects and Department members.

### **XCII. DEFINITIONS**

**ARV** - Armored Rescue Vehicle

### **XCIII. PROCEDURE**

#### **COMMUNICATIONS RESPONSE**

- A.** Communications personnel will immediately dispatch an officer to the scene of a possible hostage, barricaded suspect or attempted suicide incident.
- B.** The dispatcher will assign additional officers to assist and request response by Fire Rescue personnel. [CFA17.06M B]
- C.** Communications will notify the Shift Supervisor, the Deputy Chief and the Chief of Police. [CFA17.06M A]
- D.** The dispatcher will designate the main radio frequency, unless instructed otherwise, as an emergency channel.
- E.** At the request of the Shift Supervisor, the dispatcher will contact the Marion County Sheriff's Office SWAT. [CFA17.06M B]

#### **VEHICLES AND EQUIPMENT [CFA 14.02 A]**

- L.** The WPD Armored Rescue Vehicle (ARV) is intended primarily for rescuing and protecting officers and citizens during high-risk, critical incidents. The Williston Police Department shall use the armored rescue vehicle to keep its community and personnel safe while also protecting the rights of citizens.
- M.** The ARV may be used in addressing:

  - 8.** Armed subjects;
  - 9.** Hostage situations;
  - 10.** SWAT call-outs;
  - 11.** Terrorism threats; and
  - 12.** Other special operations.
- N.** As noted in General Order 17.1.03, the ARV will be driven only by personnel who have received Department training in the vehicle's operation and authorization from the Chief of Police.
- O.** In the event of a mutual aid request from another jurisdiction with an active critical incident, the decision to deploy the ARV shall be made by the Deputy Chief and communicated to the Patrol Supervisor as soon as practical. On-duty, approved drivers of the ARV that are closest to the current location of the vehicle shall respond and deploy the vehicle to the incident.
- P.** Decisions regarding the safe operation of the vehicle are primarily the responsibility of the vehicle operator. However, due to the high-risk nature involving the use of the armored vehicle, all Department members present will be held responsible for the safe operation of the vehicle and its appropriate usage. Operators may use the vehicle:

  - 4.** As stationary or mobile protection for officers rescuing downed persons or hostages;
  - 5.** To deploy and protect personnel at a tactically precarious location.
- Q.** The Chief and Deputy Chief will be notified promptly of any ARV deployment.
- R. Supplies and Equipment**

  - 6.** No specialized weapons equipment shall be kept in the ARV, except that which is carried by the assigned personnel while in the vehicle.

- 7. Officers must wear their Department-issued bulletproof vest when on tactical assignment in the ARV.
- 8. Officers must wear the approved ear protection within the vehicle.
- 9. Officers will carry all necessary gear required by their assignments.
- S. Except in exigent circumstances, ARV deployment is limited to paved and lime rock roadways accessible by normal vehicular traffic.
- T. The armored vehicle will not be used in vehicular pursuits without supervisor approval.
- U. After any special operations deployment, the Chief and Deputy Chief periodically will review the effectiveness and value of the ARV during the incident.

### **PATROL RESPONSIBILITIES**

- A. The first officer at the scene will assess the situation, attempting to determine:
  - 1. Number of hostages;
  - 2. Number of suspects; and
  - 3. Types and number of weapons involved.
- B. The officer will secure the area, specifically:
  - 1. Ordering bystanders out of the area; [CFA 17.06M D]
  - 2. Advising Communications of areas or streets that may be hazardous to responding personnel;
  - 3. Evaluating the risks of rescuing injured persons, and if indicated, assisting emergency medical personnel in gaining access to and evacuating the injured; [CFA17.06M D] and
  - 4. Confining the subject(s) to the immediate area while avoiding confrontation, if possible, until the arrival of additional personnel and/or SWAT.
- C. On being advised by Communications of a possible hostage or barricaded subject, the OIC will:
  - 1. Respond to the scene and take command until relieved by the Marion County Sheriff's Office SWAT Commander or a higher authority;

2. Establish and staff an inner perimeter until relieved by SWAT; [CFA 17.06M C]
3. Establish and staff an outer perimeter until the incident is resolved, ordering officers to exclude all unauthorized persons; [CFA 17.06M C]
4. Designate an arrest team in the event the suspect surrenders prior to the SWAT Team arrival;
5. Coordinate the closing of any travel routes as the situation warrants;
6. Designate pursuit or surveillance vehicles and officers as needed;
7. Establish a command post and notify the Communications Center of its location, implementing the Department's chain-of-command as established in General Order 1.1.03; [CFA 17.06M E]
8. Ensure evacuation of endangered/injured persons from the immediate area to a safe place; [CFA 17.06M D]
9. When indicated, order a systematic evacuation of the area (residents/businesses); [CFA 17.06M D]
10. Gather any relevant intelligence information, both historical and on-scene;
11. Designate a safe area for news media to assemble in order to receive information according to Department policy; and
12. Brief the SWAT Commander upon his/her arrival concerning all known details of the incident.

### **ADMINISTRATIVE ROLE**

- AA. Any decision to deploy SWAT in the City of Williston will be at the sole discretion of the Williston Chief of Police, Deputy Chief of Police or their designee.
- BB. The Chief of Police will oversee the preparation of an after action report in order to review the incident and the Department's response, noting any need to improve member preparedness or Departmental policy. [CFA 17.06M F]

## **XCIV. INDEXING**

Barricaded Subject  
Communications  
Evacuation  
Hostage  
Marion County Sheriff's Office  
SWAT

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>21.2</b>	SUBJECT: <b>SPECIAL OPERATIONS: HOSTAGE/BARRICADED SUBJECT</b>
EFFECTIVE DATE: <b>3/15/06</b> REVISION DATE: <b>02/15/12</b>	CFA STANDARDS: <b>21.04M A-L</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.121 COMMUNICATIONS RESPONSE

3.1.122 PATROL RESPONSIBILITIES

3.1.123 ADMINISTRATIVE ROLE

**XCV. PURPOSE:** The purpose of this General Order is to establish guidelines and procedures for responding to incidents of hostages and barricaded subjects.

**XCVI. POLICY:** The Williston Police Department will contain and control high-risk incidents involving hostages and barricaded subjects, requesting assistance via the Levy County Sheriff's Mutual Aid Agreement from the Marion County Sheriff's Office SWAT Team when necessary, in order to minimize the danger to the public, suspects and Department members.

### **XCVII. DEFINITIONS**

None.

### **XCVIII. PROCEDURE**

#### **COMMUNICATIONS RESPONSE**

- F.** Communications personnel will immediately dispatch an officer to the scene of a possible hostage, barricaded suspect or attempted suicide incident.
- G.** The dispatcher will assign additional officers to assist and request response by Fire Rescue personnel. [CFA 21.04 G]

- H.** Communications will notify the Shift Supervisor, Investigative Services Commander, the Deputy Chief and the Chief of Police. [CFA 21.04 A]
- I.** The dispatcher will designate the main radio frequency, unless instructed otherwise, as an emergency channel.
- J.** At the request of the Shift Supervisor, the dispatcher will contact the Levy County Sheriff's Office and request mutual aid assistance from the Marion County Sheriff's Office SWAT team Team. [CFA 21.04 B]

### **PATROL RESPONSIBILITIES**

- D.** The first officer at the scene will assess the situation, attempting to determine:
  - 4.** Number of hostages;
  - 5.** Number of suspects; and
  - 6.** Types and number of weapons involved.
- E.** The officer will secure the area, specifically:
  - 5.** Ordering bystanders out of the area; [CFA 21.04 D]
  - 6.** Advising Communications of areas or streets that may be hazardous to responding personnel;
  - 7.** Evaluating the risks of rescuing injured persons, and if indicated, assisting emergency medical personnel in gaining access to and evacuating the injured; [CFA 21.04 E] and
  - 8.** Confining the subject(s) to the immediate area while avoiding confrontation, if possible, until the arrival of additional personnel and/or SWAT.
- F.** On being advised by Communications of a possible hostage or barricaded subject, the OIC will:
  - 13.** Respond to the scene and take command until relieved by the Marion County Sheriff's Office SWAT Commander or a higher authority;
  - 14.** Establish and staff an inner perimeter until relieved by the SWAT team; [CFA 21.04 C]
  - 15.** Establish and staff an outer perimeter until the incident is resolved, ordering officers to exclude all unauthorized persons; [CFA 21.04 C]



16. Designate an arrest team in the event the suspect surrenders prior to the SWAT Team arrival;
17. Coordinate the closing of any travel routes as the situation warrants; [CFA 21.04 J]
18. Designate pursuit or surveillance vehicles and officers as needed; [CFA 21.04 J]
19. Establish a command post and notify the Communications Center of its location, implementing the Department's chain-of-command as established in General Order 1.1.03; [CFA 21.04 F]
20. Ensure evacuation of endangered/injured persons from the immediate area to a safe place; [CFA 21.04 E]
21. When indicated, order a systematic evacuation of the area (residents/businesses); [CFA 21.04 D]
22. Gather any relevant intelligence information, both historical and on-scene;
23. Designate a safe area for news media to assemble in order to receive information according to the procedures of General Order 28.1; [CFA 21.04 H] and
24. Brief the SWAT Commander upon his/her arrival concerning all known details of the incident.

### **ADMINISTRATIVE ROLE**

- CC. Any decision to deploy a SWAT Team in the City of Williston will be at the sole discretion of the Williston Chief of Police, Deputy Chief of Police or their designee. [CFA 21.04 I]
- DD. The Chief of Police will oversee the preparation of an after action report in order to review the incident and the Department's response, noting any need to improve member preparedness or Departmental policy. [CFA 21.04 K]
- EE. The Deputy Chief will be responsible for the periodic review of this order and will make recommendations for updates as necessary. [CFA 21.04 L]

### **XCIX. INDEXING**

Barricaded Subject  
Communications  
Evacuation

Hostage  
Levy County Sheriff's Office  
Marion County Sheriff's Office  
SWAT

# WILLISTON POLICE DEPARTMENT

## GENERAL ORDER

GENERAL ORDER: <b>21.3</b>	SUBJECT: <b>SPECIAL OPERATIONS: BOMBS/BOMB THREATS</b>
EFFECTIVE DATE: <b>3/15/06</b> REVISION DATE: <b>9/30/16</b>	CFA STANDARDS: <b>14.02 A,</b> <b>17.07M A-J</b> * CFA Edition 5.0
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

### SECTIONS IN THIS CHAPTER

- 3.1.124 COMMUNICATIONS RESPONSE
- 3.1.125 VEHICLES AND EQUIPMENT
- 3.1.126 BOMB THREAT: NO DEVICE LOCATED
- 3.1.127 BOMB THREAT: DEVICE LOCATED
- 3.1.128 SUSPICIOUS PACKAGES/ITEMS
- 3.1.129 EXPLOSIONS

**C. PURPOSE:** The purpose of this General Order is to establish guidelines and procedures for responding to explosive devices, suspicious packages and letters and the reports of such items.

**CI. POLICY:** The Williston Police Department will contain and control high-risk incidents involving the threat, discovery and detonation of any explosive devices or potentially hazardous items, requesting assistance via the Mutual Aid Agreement from the Marion County Sheriff's Office Bomb Squad or Levy County Health Department when necessary, in order to minimize the danger to the public and Department members.

### **CII. DEFINITIONS**

**Anthrax:** An infectious disease caused by spore-forming bacteria; can appear as a crystalline or powdery substance; symptoms of infection comparable to those of a cold or flu.

**ARV** - Armored Rescue Vehicle

### **CIII. PROCEDURE**

#### **COMMUNICATIONS RESPONSE**

- K.** Communications personnel will immediately dispatch an officer to the scene of a reported explosive device.
- L.** Communications personnel will attempt to keep a person reporting a bomb threat on the line when that individual is not in danger.
- M.** The call taker should attempt to determine the following: [CFA 17.07M A]
  - 1.** Name and location of person who received the actual threat, whether by phone, mail, email, etc.;
  - 2.** Name and location of the person in charge of the location cited in the threat;
  - 3.** Location, type, size, composition and description of the device;
  - 4.** Date and time of detonation;
  - 5.** Offender's motive or group association;
  - 6.** Suspected gender, race, age of the person making the threat;
  - 7.** Speech/voice characteristics of the person making the threat (accent, attitude, voice synthesized); and
  - 8.** Background sounds of the threatening call.
- N.** The dispatcher will assign additional officers to assist and request response by Fire Rescue personnel.
- O.** Communications will notify the Shift Supervisor, the Deputy Chief and the Chief of Police. [CFA 17.07M B]
- P.** At the request of the Shift Supervisor, the dispatcher will contact the Marion County Sheriff's Office Bomb Squad. [CFA 17.07M B]
- Q.** The dispatcher will advise responding units to go to radio silence when a quarter mile from the scene.
- R.** In the event of an explosion, Communications will advise Fire Rescue of any fire, injuries, downed power lines, etc.

## **VEHICLES AND EQUIPMENT [CFA 14.02 A]**

- V. The WPD Armored Rescue Vehicle (ARV) is intended primarily for rescuing and protecting officers and citizens during high-risk, critical incidents. The Williston Police Department shall use the armored rescue vehicle to keep its community and personnel safe while also protecting the rights of citizens.
- W. The ARV may be used in addressing:
  - 13. Armed subjects;
  - 14. Hostage situations;
  - 15. SWAT call-outs;
  - 16. Terrorism threats; and
  - 17. Other special operations.
- X. As noted in General Order 17.1.03, the ARV will be driven only by personnel who have received Department training in the vehicle's operation and authorization from the Chief of Police.
- Y. In the event of a mutual aid request from another jurisdiction with an active critical incident, the decision to deploy the ARV shall be made by the Deputy Chief and communicated to the Patrol Supervisor as soon as practical. On-duty, approved drivers of the ARV that are closest to the current location of the vehicle shall respond and deploy the vehicle to the incident.
- Z. Decisions regarding the safe operation of the vehicle are primarily the responsibility of the vehicle operator. However, due to the high-risk nature involving the use of the armored vehicle, all Department members present will be held responsible for the safe operation of the vehicle and its appropriate usage. Operators may use the vehicle:
  - 6. As stationary or mobile protection for officers rescuing downed persons or hostages;
  - 7. To deploy and protect personnel at a tactically precarious location.
- AA. The Chief and Deputy Chief will be notified promptly of any ARV deployment.
- BB. **Supplies and Equipment**
  - 10. No specialized weapons equipment shall be kept in the ARV, except that which is carried by the assigned personnel while in the vehicle.

- 11. Officers must wear their Department-issued bulletproof vest when on tactical assignment in the ARV.
- 12. Officers must wear the approved ear protection within the vehicle.
- 13. Officers will carry all necessary gear required by their assignments.
- CC. Except in exigent circumstances, ARV deployment is limited to paved and lime rock roadways accessible by normal vehicular traffic.
- DD. The armored vehicle will not be used in vehicular pursuits without supervisor approval.
- EE. After any special operations deployment, the Chief and Deputy Chief periodically will review the effectiveness and value of the ARV during the incident.

### **BOMB THREAT: NO DEVICE LOCATED**

#### **G. Radio Silence [CFA 17.07M I]**

- 1. Because electronic signals may activate some devices, members will turn off portable radios, cell phones, radar and laser equipment when a quarter mile from the scene.
- 2. Members will advise Communications before going to radio silence.
- 3. Communication among officers and dispatchers will be by landline telephone, in person, and/or by visual signals when members are in close proximity. [CFA 21.05M K]
- 4. At the designation of the Shift Supervisor, one sworn member will remain outside the affected area and maintain radio contact with Communications in order to monitor any other related or unrelated police incidents.
- H. The first officer at the scene will locate and contact the person in charge of the premises and the person who received the threat.
- I. On being advised by Communications of a threat of an explosive device, the Shift Supervisor will:
  - 25. Respond to the scene and take command until relieved by a higher authority;
  - 26. Establish and staff a security perimeter; [CFA 17.07M C]

27. Coordinate the closing of any travel routes as the situation warrants;
28. Select and establish a command post and notify Communications of its location, implementing the Department's chain-of-command as established in General Order 1.1.03.

**J. Evacuations [CFA 17.07M G]**

- a. If a device has not yet been located, the Shift Supervisor will advise the person in charge that it is not the responsibility of the police to make the decision to evacuate.
- b. In the absence of a device or with no credible threat, the Police Department does not have the authority to require an evacuation.
- c. If there is no imminent threat, the decision to evacuate is the sole responsibility of the person in charge of the premises.
- d. The person in charge of the premises, not the responding agencies, must decide on total, partial or no evacuation of the premises.
- e. Members will never advise a citizen that evacuation is unnecessary.
- f. A decision to evacuate should be made in consideration of the credibility of the threat, the time lapse, the extent of injuries or deaths if the threat were real, and the population affected.
- g. An evacuation may be in accordance with the building's fire emergency plan but should be conducted so as to avoid evacuating through a potential incident scene.
- h. Evacuating employees may be instructed to leave personal belongings behind.
- i. Evacuating personnel should be advised to leave all offices and interiors "as is" with computers and lights on and windows and doors open.
- j. Individuals should be evacuated to a minimum safe distance of 300 yards from the building in an open area, to 600 feet if a covered site is available.

**K. Searches [CFA 17.07M D]**

- a. The Shift Supervisor will consult with the property owner or his/her designee and receive permission to search the premises.

- b. Once permission is granted, the Shift Supervisor will organize search teams, ideally comprised of an officer and an employee, who would more likely be able to detect foreign or out of place objects.
  - c. Employees of the premises are not required to assist.
  - d. Non-uniformed police members searching the premises will conspicuously display their badges.
  - e. In the absence of more specific information, the exterior of the premises should be searched first, including shrubbery, disturbed earth, building ledges, trash containers and vehicles.
  - f. The Shift Supervisor will coordinate the search and instruct all searchers to report back when they have checked their assigned areas.
- L.** The Shift Supervisor may order the videotaping of the crowd for later review of persons exhibiting unusual behavior or interest.
  - M.** If after the return of all search parties no device is located, the Shift Supervisor will advise the person in charge of the premises accordingly. All further decisions (e.g., re-occupy the building, etc.) are to be made by the person in charge of the premises.
  - N.** It will be the duty of the Shift Supervisor to cancel radio silence after the all clear is given.

### **BOMB THREAT: DEVICE LOCATED**

- A.** No radio transmissions will be made within 300 feet of the building in which the suspected explosive device is located.
- B.** At the designation of the Shift Supervisor, one sworn member will remain outside the affected area and maintain radio contact with Communications in order to monitor any other related or unrelated police incidents.
- C.** The Shift Supervisor will confirm that Communications has contacted Marion County's Bomb Squad or the Alachua County Sheriff's Office Bomb Squad. [CFA 17.07M F]
- D.** Police personnel will not touch or handle the device without consulting with bomb disposal personnel.
- E.** The Shift Supervisor and the responding officers are to locate and contact the person in charge of the premises and the recipient of the actual threat.



**F. Evacuations [CFA 17.07M G]**

- a. The immediate area in which the suspected explosive device has been located will be evacuated pending the arrival of bomb disposal personnel.
  - b. If the responding agencies (bomb squad, fire department, etc.) assess the situation as presenting a danger to human life, the police commander will make the decision concerning complete, partial or no evacuation. [CFA 21.05M I]
  - c. Evacuation procedures will be handled by the Police Department.
  - d. An evacuation may be in accordance with the building's fire emergency plan but will be conducted so as to avoid evacuating through the incident scene.
  - e. Imminent threats may require that personnel immediately depart the building via the nearest exit.
  - f. Evacuating employees may be instructed to leave personal belongings behind.
  - g. Evacuating personnel should be advised to leave all offices and interiors "as is" with computers and lights on and windows and doors open.
  - h. After the evacuation is complete, all entries and hallways to the affected area will be secured to prevent unauthorized personnel from re-entering.
  - i. Individuals should be evacuated to a minimum safe distance of 300 yards from the building in an open area or 600 feet if a covered site is available.
- G.** The Shift Supervisor will establish a command post no closer than 300 feet from the building where the suspected explosive device is located.
- H.** The Shift Supervisor may order the videotaping of the crowd for later review of persons exhibiting unusual behavior or interest.

**SUSPICIOUS PACKAGES/ITEMS**

- A.** The Williston Police Department, not Fire Rescue, is in charge of any incident involving a suspicious letter or package. [CFA 17.07M H]
- B.** A mailbox will be maintained outside the Williston Police Department.
- 1.** Personnel removing mail will inspect the items for any suspicious item or substance.

2. Personnel will not carry any unusual items into the Department.
  3. Personnel will return suspicious item(s) to the mailbox and notify Communications.
- C.** In the event a suspicious package is brought to the Department, Communications immediately shall advise the Shift Supervisor, who will advise command staff.
- D.** Department personnel should be aware of the following characteristics of suspicious packages.
1. Foreign mail, air mail and special delivery;
  2. Handwritten or poorly typed address;
  3. Lack of a return address or seemingly fictitious return address;
  4. Misspelling of titles or common words;
  5. Distorted handwriting or cut and pasted lettering;
  6. Cancellation or postmark and return address indicate different locations;
  7. Excessive postage;
  8. Restrictive labeling such as "Personal/Private" or "Deliver by..."
  9. Visual distractions, such as money or pornography;
  10. Unusual size and shape (uneven, lopsided);
  11. Tube-type packages heavier at one end;
  12. Excessive security materials (masking tape, string);
  13. Peculiar odor;
  14. Protruding wires, aluminum foil, oily stains or discoloration;
  15. Buzzing, ticking or sloshing sound;
  16. Pressure or resistance when removing contents of envelope or parcel.
- E.** Personnel will not open a suspicious package brought or delivered unopened to the Police Department,



## **EXPLOSIONS [CFA 17.07M J]**

- A.** The Shift Supervisor will assume command of the scene until relieved by a higher ranking officer.
- B.** The commander on scene will order and supervise evacuation of the affected area.
- C.** Responding officers should be alert to any secondary devices placed to injure first responders.
- D.** No radio transmissions will be made within 300 feet of the explosion site as a precautionary measure against further possible explosions.
- E.** If appropriate, a command post will be established near the scene of the explosion, but at a distance safe from any possible secondary explosions.
- F.** The on-scene commander will be responsible for coordinating with the Fire Department, bomb squad and other agencies at the scene. [CFA 17.07M H]
- G.** Responding officers will attempt to locate and contact any witnesses to the incident.
- H.** Given the potential danger from structural damage as well as undetonated explosives, no one should enter the explosion area, except to prevent injury or death to others.
- I. Evidence**
  - 1.** When the scene is secured, the on-scene commander will coordinate the preservation of evidence and ensure that no unauthorized persons enter the explosion area.
  - 2.** No person will touch, examine, or otherwise tamper with any material on scene, except as directed by a supervisor.
  - 3.** The crime scene is defined as half-again the distance from the furthest identifiable part projected from the blast site.
  - 4.** No vehicles will be allowed to move into or out of the crime scene, unless delivering emergency medical assistance.
  - 5.** Command staff will coordinate with FDLE, FBI, and ATF investigators responsible for apprehending the suspects.

## **CIV. INDEXING**

Anthrax  
Bomb  
Bomb Threat  
Communications  
Evacuation  
Fire and Rescue  
Health Department  
Radio Silence  
Searches  
Suspicious Packages

# WILLISTON POLICE DEPARTMENT

## GENERAL ORDER

GENERAL ORDER: <b>21.3</b>	SUBJECT: <b>SPECIAL OPERATIONS: BOMBS/BOMB THREATS</b>
EFFECTIVE DATE: <b>3/15/06</b> REVISION DATE: <b>02/15/12</b>	CFA STANDARDS: <b>21.05M A-L</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

### SECTIONS IN THIS CHAPTER

3.1.130 COMMUNICATIONS RESPONSE

3.1.131 BOMB THREAT: NO DEVICE LOCATED

3.1.132 BOMB THREAT: DEVICE LOCATED

3.1.133 SUSPICIOUS PACKAGES/ITEMS

3.1.134 EXPLOSIONS

**CV. PURPOSE:** The purpose of this General Order is to establish guidelines and procedures for responding to explosive devices, suspicious packages and letters and the reports of such items.

**CVI. POLICY:** The Williston Police Department will contain and control high-risk incidents involving the threat, discovery and detonation of any explosive devices or potentially hazardous items, requesting assistance via the Levy County Sheriff's Mutual Aid Agreement from the Marion County Sheriff's Office Bomb Squad, the Alachua County Sheriff's Office Bomb Squad or Levy County Health Department when necessary, in order to minimize the danger to the public and Department members.

### **CVII. DEFINITIONS**

**Anthrax:** An infectious disease caused by spore-forming bacteria; can appear as a crystalline or powdery substance; symptoms of infection comparable to those of a cold or flu.

## **CVIII. PROCEDURE**

### **COMMUNICATIONS RESPONSE**

- T.** Communications personnel will immediately dispatch an officer to the scene of a reported explosive device.
- U.** Communications personnel will attempt to keep a person reporting a bomb threat on the line when that individual is not in danger.
- V.** The call taker should attempt to determine the following: [CFA 21.05M A]
  - 9.** Name and location of person who received the actual threat, whether by phone, mail, email, etc.;
  - 10.** Name and location of the person in charge of the location cited in the threat;
  - 11.** Location, type, size, composition and description of the device;
  - 12.** Date and time of detonation;
  - 13.** Offender's motive or group association;
  - 14.** Suspected gender, race, age of the person making the threat;
  - 15.** Speech/voice characteristics of the person making the threat (accent, attitude, voice synthesized); and
  - 16.** Background sounds of the threatening call.
- W.** The dispatcher will assign additional officers to assist and request response by Fire Rescue personnel.
- X.** Communications will notify the Shift Supervisor, Investigative Services Commander, the Deputy Chief and the Chief of Police. [CFA 21.05 B]
- Y.** The dispatcher will advise responding units to go to radio silence when a quarter mile from the scene.
- Z.** At the request of the Shift Supervisor, the dispatcher will contact the Levy County Sheriff's Office and request mutual aid assistance from the Marion County Sheriff's Office Bomb Squad, or, if the Marion County Squad is unavailable, from the Alachua County Sheriff's Office Bomb Squad. [CFA 21.05M G]
- AA.** In the event of an explosion, Communications will advise Fire Rescue of any fire, injuries, downed power lines, etc.

## **BOMB THREAT: NO DEVICE LOCATED**

### **O. Radio Silence**

5. Because electronic signals may activate some devices, members will turn off portable radios, cell phones, pagers, radar and laser equipment when a quarter mile from the scene.
  6. Members will advise Communications before going to radio silence.
  7. Communication among officers and dispatchers will be by landline telephone, in person, and/or by visual signals when members are in close proximity. [CFA 21.05M K]
  8. At the designation of the Shift Supervisor, one sworn member will remain outside the affected area and maintain radio contact with Communications in order to monitor any other related or unrelated police incidents.
- P.** The first officer at the scene will locate and contact the person in charge of the premises and the person who received the threat.
- Q.** On being advised by Communications of a threat of an explosive device, the Shift Supervisor will:
29. Respond to the scene and take command until relieved by a higher authority;
  30. Establish and staff a security perimeter; [CFA 21.05M C]
  31. Coordinate the closing of any travel routes as the situation warrants;
  32. Select and establish a command post and notify the Communications Center of its location, implementing the Department's chain-of-command as established in General Order 1.1.03.

### **R. Evacuations [CFA 21.05M H]**

- a. If a device has not yet been located, the Shift Supervisor will advise the person in charge that it is not the responsibility of the police to make the decision to evacuate.
- b. In the absence of a device or with no credible threat, the Police Department does not have the authority to require an evacuation.
- c. If there is no imminent threat, the decision to evacuate is the sole responsibility of the person in charge of the premises.



- d. Members will never advise a citizen that evacuation is unnecessary.
- e. A decision to evacuate should be made in consideration of the credibility of the threat, the time lapse, the extent of injuries or deaths if the threat were real, and the population affected.
- f. The person in charge of the premises, not the responding agencies, must decide on total, partial or no evacuation of the premises.
- g. An evacuation may be in accordance with the building's fire emergency plan but should be conducted so as to avoid evacuating through a potential incident scene.
- h. Evacuating employees may be instructed to leave personal belongings behind.
- i. Evacuating personnel should be advised to leave all offices and interiors "as is" with computers and lights on and windows and doors open.
- j. Individuals should be evacuated to a minimum safe distance of 300 yards from the building in an open area, to 600 feet if a covered site is available.

**S. Searches [CFA 21.05M E]**

- a. The Shift Supervisor will consult with the property owner or his/her designee and receive permission to search the premises.
  - b. Once permission is granted, the Shift Supervisor will organize search teams, ideally comprised of an officer and an employee, who would more likely be able to detect foreign or out of place objects. [CFA 21.05M D]
  - c. Employees of the premises are not required to assist.
  - d. Non-uniformed police members searching the premises will conspicuously display their badges.
  - e. In the absence of more specific information, the exterior of the premises should be searched first, including shrubbery, disturbed earth, building ledges, trash containers and vehicles.
  - f. The Shift Supervisor will coordinate the search and instruct all searchers to report back when they have checked their assigned areas.
- T.** The Shift Supervisor may order the videotaping of the crowd for later review of persons exhibiting unusual behavior or interest.

- U. If after the return of all search parties no device is located, the Shift Supervisor will advise the person in charge of the premises accordingly. All further decisions (e.g., re-occupy the building, etc.) are to be made by the person in charge of the premises.
- V. It will be the duty of the Shift Supervisor to cancel radio silence after the all clear is given.

### **BOMB THREAT: DEVICE LOCATED**

- I. No radio transmissions will be made within 300 feet of the building in which the suspected explosive device is located.
- J. At the designation of the Shift Supervisor, one sworn member will remain outside the affected area and maintain radio contact with Communications in order to monitor any other related or unrelated police incidents.
- K. The Shift Supervisor will confirm that Communications has contacted the Levy County Sheriff's Office, which has in turn requested mutual aid assistance from the Marion County's Bomb Squad or the Alachua County Sheriff's Office Bomb Squad. [CFA 21.05M G]
- L. Police personnel will not touch or handle the device without consulting with bomb disposal personnel.
- M. The Shift Supervisor and the responding officers are to locate and contact the person in charge of the premises and the recipient of the actual threat.
- N. Evacuations [CFA 21.05M H]
  - a. The immediate area in which the suspected explosive device has been located will be evacuated pending the arrival of bomb disposal personnel.
  - b. If the responding agencies (bomb squad, fire department, etc.) assess the situation as presenting a danger to human life, the police commander will make the decision concerning complete, partial or no evacuation. [CFA 21.05M I]
  - c. Evacuation procedures will be handled by the Police Department.
  - d. An evacuation may be in accordance with the building's fire emergency plan but will be conducted so as to avoid evacuating through the incident scene.
  - e. Imminent threats may require that personnel immediately depart the building via the nearest exit.

- f. Evacuating employees may be instructed to leave personal belongings behind.
  - g. Evacuating personnel should be advised to leave all offices and interiors “as is” with computers and lights on and windows and doors open.
  - h. After the evacuation is complete, all entries and hallways to the affected area will be secured to prevent unauthorized personnel from re-entering.
  - i. Individuals should be evacuated to a minimum safe distance of 300 yards from the building in an open area or 600 feet if a covered site is available.
- O.** The Shift Supervisor will establish a command post no closer than 300 feet from the building where the suspected explosive device is located.
  - P.** The Shift Supervisor may order the videotaping of the crowd for later review of persons exhibiting unusual behavior or interest.

### **SUSPICIOUS PACKAGES/ITEMS**

- G.** Law enforcement, not Fire Rescue, is in charge of any incident involving a suspicious letter or package.
- H.** A mailbox will be maintained outside the Williston Police Department.
  - 4.** Personnel removing mail will inspect the items for any suspicious item or substance.
  - 5.** Personnel will not carry any unusual items into the Department.
  - 6.** Personnel will return suspicious item(s) to the mailbox and notify Communications.
- I.** In the event a suspicious package is brought to the Department, command staff will be notified immediately by Communications or the Shift Supervisor.
- J. Characteristics of Suspicious Packages**
  - 17.** Foreign mail, air mail and special delivery, especially when the recipient is not expecting such mail;
  - 18.** Handwritten or poorly typed address;
  - 19.** Lack of a return address or fictitious return address;

20. Misspelling of titles or common words;
21. Distorted handwriting or cut and pasted lettering;
22. Cancellation or postmark and return address indicate different locations;
23. Excessive postage;
24. Restrictive labeling such as “Personal/Private” or “Deliver by...”
25. Visual distractions, such as money or pornography;
26. Unusual size and shape (uneven, lopsided);
27. Tube-type packages heavier at one end;
28. Excessive security materials (masking tape, string);
29. Peculiar odor;
30. Protruding wires, aluminum foil, oily stains or discoloration;
31. Buzzing, ticking or sloshing sound;
32. Pressure or resistance when removing contents of envelope or parcel.

**K. Unopened Package/Letter**

2. Officers will not open the item.
3. If in the officer’s judgment the item is of sufficient suspicion that it merits further investigation, the officer will:
  - h. Put on gloves and a mask;
  - i. Place the item in an appropriately sized plastic bag and seal the bag;
  - j. Place the sealed bag inside a second bag and seal the second bag;
  - k. Place the sealed item in the trunk of the patrol vehicle;
  - l. Remove gloves and masks and dispose of them as biohazards;
  - m. Wash hands with soap and water; and
  - n. Advise Communications to contact the Health Department or Marion County Sheriff’s Office Bomb Squad.

**L. Opened Package/Letter with Substance**

7. Officers should refrain from breathing or touching the substance.
  8. Responding members should leave the item where it is, exit the room and close the door to the room.
  9. Members who might have handled the substance will wash their hands with soap, water and a small amount of bleach.
  10. If the substance contaminated any clothing, the clothing should be changed and bagged in plastic.
  11. Personnel will notify Communications, who will contact the Health Department.
  12. The Investigative Services Commander or Shift Supervisor will notify FDLE.
- M.** The Health Department will contact the Police Department upon receiving a lab analysis from FDLE in Jacksonville.
3. The Investigative Services Commander will contact any citizen involved in the incident and advise them of the results.
  4. Citizen contact will be documented via a supplement.
- BB.** In the event of a suspicious package or letter, Communications will fax a copy of the incident report to FDLE in Alachua within 24 hours of the incident.

**EXPLOSIONS [CFA 21.05M L]**

- J.** The Shift Supervisor will assume command of the scene until relieved by a higher ranking officer.
- K.** The commander on scene will order and supervise evacuation of the affected area.
- L.** Responding officers should be alert to any secondary devices placed to injure first responders.
- M.** No radio transmissions will be made within 300 feet of the explosion site as a precautionary measure against further potential explosions.
- N.** If appropriate, a command post will be established near the scene of the explosion, but at a distance safe from any additional explosions.

- O.** The on-scene commander will be responsible for coordinating with the Fire Department, bomb squad and other agencies at the scene.
- P.** Responding officers will attempt to locate and contact any witnesses to the incident.
- Q.** Given the potential danger from structural damage as well as undetonated explosives, no one should enter the explosion area, except as authorized by this General Order or to prevent injury or death to others.
- R. Evidence**
  - 6.** When the scene is secured, the on-scene commander will coordinate the preservation of evidence and ensure that no unauthorized persons enter the explosion area. [CFA 21.05M J]
  - 7.** No person will touch, examine, or otherwise tamper with any material on scene, except as directed by a supervisor.
  - 8.** The crime scene is defined as half-again the distance from the furthest identifiable part projected from the blast site.
  - 9.** No vehicles will be allowed to move into or out of the crime scene, unless delivering emergency medical assistance.
  - 10.** Command staff will coordinate with FDLE, FBI, and ATF investigators responsible for apprehending the suspects. [CFA 21.05M J]

## **CIX. INDEXING**

Anthrax  
Bomb  
Bomb Threat  
Communications  
Evacuation  
Fire and Rescue  
Health Department  
Radio Silence  
Searches  
Suspicious Packages



# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>21.4</b>	SUBJECT: <b>SPECIAL OPERATIONS: SPECIAL EVENTS</b>
EFFECTIVE DATE: <b>3/15/06</b> REVISION DATE: <b>9/30/16</b>	CFA STANDARDS: <b>14.02 A, 17.09 A-C</b> <b>*CFA Edition 5.0</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.135 PLANNING

3.1.136 SPECIAL PURPOSE VEHICLES

**CX. PURPOSE:** The purpose of this General Order is to establish guidelines for the operation and control of special events hosted by the City of Williston.

**CXI. POLICY:** It is the policy of the Williston Police Department to assist the City in the coordination of special events.

### **CXII. DEFINITIONS**

**ARV** – Armed Rescue Vehicle

**OIC** – Office in Charge

**Special Event:** An activity, such as a parade, athletic contest, public demonstration or celebration, that results in the need for control of traffic, crowds or crimes.

### **CXIII. PROCEDURE**

#### **PLANNING**

**A.** A sworn member designated by the Deputy Chief will be the OIC of any special event detail. [CFA 17.09 A]

**1.** The Deputy Chief, in consultation with the OIC, will determine the number of personnel needed to oversee the event effectively and efficiently.



2. The OIC should meet with any concerned outside committees and other City departments, such as the public works department, to coordinate plans and exchange information. [CFA 17.09 C]
  3. A case number should be drawn for each special event and an operation plan created well in advance of the event.
- B.** Logistical requirements should be addressed during the planning stage, including securing the briefing site, the number and positioning of barricades and fixed post assignments. [CFA 17.09 B]
- C.** Any requests for assistance from other agencies should be made as early as possible in the planning of the event, with the OIC tracking the number of personnel offered by other agencies.
- D.** Anticipated needs include, but are not limited to:
1. Available manpower, including SWAT;
  2. Expected crowd volume;
  3. Street closures;
  4. Temporary traffic control devices, including message boards;
  5. Alternate traffic routes;
  6. Parking;
  7. Location and relief of assigned officers;
  8. Pedestrian and spectator safety and control;
  9. Access of emergency equipment;
  10. Extra equipment for volunteers, including light wands and reflective vests;
  11. Acquiring and distributing meals and water for all assigned personnel;
  12. Relevant legal issues; and
  13. Overtime and other budgetary expenses.
- E.** At the conclusion of any special event, or as soon as possible, the supervisor in-charge of the event should submit an after-action report to the Chief of Police via chain of command, critiquing what transpired during the event.

## **SPECIAL PURPOSE VEHICLES [CFA 14.02]**

**FF.** At the direction of the Chief or Deputy Chief, the WPD Armored Rescue Vehicle (ARV) may be deployed at special events, such as outdoor festivities, parades, concerts and other community activities. The armored vehicle may be utilized as an equipment transport or storage vehicle when appropriate. [CFA 14.02 A]

3. The ARV will be driven only by personnel who have received Department training in the vehicle's operation and authorization from the Chief of Police. [CFA 14.02 B]
4. Decisions regarding the safe operation of the vehicle are primarily the responsibility of the vehicle operator. However, due to the high-risk nature involving the use of the armored vehicle, all Department members present will be held responsible for the safe operation of the vehicle and its appropriate usage.
5. Except in exigent circumstances, ARV deployment is limited to paved and lime rock roadways accessible by normal vehicular traffic.
6. Prior to, and upon completion of an assigned officer's tour of duty in the ARV, that officer will ensure that the ARV is in operational condition and any needed maintenance is noted and the Armorer advised.

**GG.** Any golf carts or utility vehicles used by the Department for an event shall be outfitted with magnetic decals to denote it as a police-use vehicle.

1. Lights shall be temporarily affixed to the vehicle and used after sunset.
2. Only Department members may operate a police-use vehicle.

## **CXIV. INDEXING**

Armored Rescue Vehicle  
Special Event  
Vehicles

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>21.4</b>	SUBJECT: <b>SPECIAL OPERATIONS: SPECIAL EVENTS</b>
EFFECTIVE DATE: <b>3/15/06</b> REVISION DATE: <b>02/15/12</b>	CFA STANDARDS: <b>21.01M A, 21.07 A-D</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

### 3.1.137 SPECIAL EVENT PLANNING

**CXV. PURPOSE:** The purpose of this General Order is to establish guidelines for the operation and control of special events hosted by the City of Williston.

**CXVI. POLICY:** It is the policy of the Williston Police Department to assist the City in the coordination of special events.

#### **CXVII. DEFINITIONS**

**OIC** – Office in Charge

**Special Event:** An activity, such as a parade, athletic contest, public demonstration or celebration, that results in the need for control of traffic, crowds or crimes.

#### **CXVIII. PROCEDURE**

##### **SPECIAL EVENT PLANNING**

- F.** A sworn member designated by the Deputy Chief will be the OIC of any special event detail. [CFA 21.07 A]
  - 4.** The Deputy Chief, in consultation with the OIC, will determine the number of personnel needed to oversee the event effectively and efficiently.
  - 5.** The OIC should meet with outside committees and other City departments, such as the public works department, to coordinate plans and exchange information. At this time, an estimate of traffic and crowd size should be determined. [CFA 21.07 B, D]

6. A case number should be drawn for each special event and an operation plan created well in advance of the event.
- G. The Investigative Services Commander will provide any information concerning anticipated crime problems, specifically the current residences of registered sex offenders and predators in the organization of the Halloween Trail of Treaters. [CFA 21.07 B]
- H. Logistical requirements should be addressed during the planning stage, including the number of barricades, barricade positioning, fixed post assignments and any other relevant considerations that will assist in a smooth and effective event. [CFA 21.07 C]
- I. Anticipated needs include, but are not limited to:
  14. Available manpower, including SWAT;
  15. Expected crowd volume;
  16. Street closures;
  17. Temporary traffic control devices;
  18. Alternate traffic routes;
  19. Parking;
  20. Location and relief of assigned officers;
  21. Pedestrian and spectator safety and control;
  22. Access of emergency equipment;
  23. Relevant legal issues; and
  24. Additional expenses.
- J. At the conclusion of any special event, or as soon as possible, the supervisor in-charge of the event will submit an after-action report to the Chief of Police via chain of command, critiquing what transpired during the event.

## **CXIX. INDEXING**

Special Event  
Trail of Treaters

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>21.5</b>	SUBJECT: <b>SPECIAL OPERATIONS: PROTECTIVE SERVICES</b>
EFFECTIVE DATE: <b>3/15/06</b> REVISION DATE: <b>9/30/16</b>	CFA STANDARDS: <b>17.03M</b> <b>*CFA Edition 5.0</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

### 3.1.138 PROTECTIVE SERVICES PLAN

**CXX. PURPOSE:** The purpose of this General Order is to establish guidelines for the security of visiting dignitaries and persons of notoriety.

**CXXI. POLICY:** It is the policy of the Williston Police Department to provide increased security and/or special protection to dignitaries, political figures or other individuals for whom a risk exists due to the person's status or predicament.

#### **CXXII. DEFINITIONS**

None.

#### **CXXIII. PROCEDURE**

##### **PROTECTIVE SERVICES PLAN [CFA 17.03M]**

- A.** In the event a dignitary, famous personality or any other person in need of special security visits the City of Williston, the following provisions and considerations will be addressed:
  - 1.** The Chief of Police will assign one sworn member as the coordinator of the security detail.
  - 2.** The appropriate number of marked and unmarked vehicles will be utilized for protective purposes.
  - 3.** Body armor will be made available to the visiting individual if he/she desires.
  - 4.** Planning and reconnoitering travel routes with at least two alternate routes will be conducted to determine the safest and most expedient route.

5. Advance on-site inspections will be conducted by members of this department and by persons associated with, or assigned to, the visiting individual.
  6. Just prior to the person's arrival, one final inspection will be made of the immediate area the individual is likely to occupy.
- B.** Prior to the individual's arrival, a briefing will be conducted to outline the duties and responsibilities of each agency involved.
1. This briefing will be attended by all affected personnel and by one representative from each outside agency involved.
  2. Those agencies may include the Secret Service, FBI, county or state law enforcement agencies and EMS.
- C.** A request will be made of EMS to make available a vehicle for emergency first-aid and medical services.
- D.** All officers will carry a portable radio and maintain communications with the Communications Center or command post, if one is established.
- E.** When appropriate, color-coded identification pins will be issued to and conspicuously displayed on the clothing of all assigned personnel.

#### **CXXIV. INDEXING**

Body Armor  
Dignitary  
Protective Services  
Security

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>21.5</b>	SUBJECT: <b>SPECIAL OPERATIONS: PROTECTIVE SERVICES</b>
EFFECTIVE DATE: <b>3/15/06</b> REVISION DATE: <b>02/15/12</b>	CFA STANDARDS: <b>21.01M B, 21.06 A-I</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

### 3.1.139 PROTECTIVE SERVICES PLAN

**CXXV. PURPOSE:** The purpose of this General Order is to establish guidelines for the security of visiting dignitaries and persons of notoriety.

**CXXVI. POLICY:** It is the policy of the Williston Police Department to provide increased security and/or special protection to dignitaries, political figures or other individuals for whom a risk exists due to the person's status or predicament.

#### **CXXVII. DEFINITIONS**

None.

#### **CXXVIII. PROCEDURE**

#### **PROTECTIVE SERVICES PLAN**

- F.** In the event a dignitary, famous personality or any other person in need of special security visits the City of Williston, the following provisions and considerations will be addressed:
  - 7.** The Investigative Services Commander will be the supervisor and coordinator of the security detail. [CFA 21.06 A]
  - 8.** The appropriate number of marked and unmarked vehicles will be utilized for protective purposes. [CFA 21.06 B]
  - 9.** Soft body armor will be made available to the visiting individual if he/she desires. [CFA 21.06 B]

10. Planning and reconnoitering travel routes with at least two alternate routes will be conducted to determine the safest and most expedient route. [CFA 21.06 C]
  11. Advance on-site inspections will be conducted by members of this department and by persons associated with, or assigned to, the visiting individual. One final inspection will be made of the immediate area the individual is likely to occupy. [CFA 21.06 D]
  12. All intelligence gathering and coordinating will be assigned to the Investigative Services Commander. [CFA 21.06 E]
- G.** Prior to the individual's arrival, a briefing will be conducted to outline the duties and responsibilities of each agency involved. [CFA 21.06 F]
3. This briefing will be attended by all affected personnel and by a representative from all outside agencies involved.
  4. Those agencies may include the Secret Service, FBI, local or private law enforcement agencies and EMS.
- H.** A request will be made of EMS to make available a vehicle for emergency first-aid and medical services. [CFA 21.06 G]
- I.** All officers will carry a portable radio and maintain communications with the Communications Center or command post, if one is established. [CFA 21.06 H]
- J.** When appropriate, color-coded identification pins will be issued to and conspicuously displayed on the clothing of all assigned personnel. [CFA 21.06 I]

## **CXXIX. INDEXING**

Body Armor  
Dignitary  
Protective Services  
Security



































































# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>22.1</b>	SUBJECT: <b>TRAFFIC LAW ENFORCEMENT</b>
EFFECTIVE DATE: <b>11/6/02</b> REVISION DATE: <b>2/15/12</b>	CFA STANDARDS: <b>22.01 A-C; 22.02; 22.03M A-K; 22.04M A-E; 22.05M</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

- 22.1.01 TRAFFIC VIOLATORS
- 22.1.02 ENFORCEMENT TECHNIQUES
- 22.1.03 VIOLATION GUIDELINES
- 22.1.04 TRAFFIC STOPS

- I. PURPOSE:** The purpose of this General Order is to establish guidelines for uniform traffic law enforcement actions.
- II. POLICY:** Officers will enforce traffic laws in a fair, consistent and courteous manner to foster a positive public attitude. Enforcement actions will be accomplished in conformance with Chapter 316 of the Florida State Statutes and this Order. Officers will politely provide their name, the name of the department, and request the violator's license, registration, and proof of insurance. Officers will provide the reason for any traffic stop either when asked or when they approach the vehicle.

**III. DEFINITIONS**

**Affidavit of Compliance:** The designated section on the reverse side of a Uniform Traffic Citation to be completed upon inspection of a repaired vehicle equipment violation.

**Clerk's Office:** The Traffic Clerk in the Levy County Court House in Bronson.

**DHSMV:** Department of Highway Safety and Motor Vehicles.

**Habitual Traffic Offender:** Per FSS 322.264, any person whose record shows that person has accumulated fifteen (15) moving violations within a five (5) year period or three (3) or more violations of the following types: Voluntary or involuntary manslaughter involving a vehicle, any felony in which a motor vehicle is used, driving with a suspended or revoked

license, failing to stop in the event of a motor vehicle crash that results in injury or death, and driving a commercial vehicle while driving privilege is disqualified.

**Seizure:** The lawful taking of a motor vehicle tag or driver's license.

**UTC:** Uniform Traffic Citation.

#### **IV. PROCEDURE**

##### **22.1.01 TRAFFIC VIOLATORS [CFA 22.01]**

- A. Non-residents.** Individuals who are not residents of the Department's service area will be warned, cited or arrested in the same manner as area residents. [CFA 22.01 A]
- B. Juveniles [CFA 22.01 B]**
  - 1. Juveniles will be issued non-criminal traffic citations in the same manner as adults.
  - 2. Serious consideration should be given to taking youths under 16 into custody, pending release to their parents.
  - 3. Juveniles who are physically arrested will be handled as prescribed in General Order 19.1: Juvenile Procedures.
- C. Officials of Congress.** Although United States senators and representatives and state legislators are afforded some immunities from arrest during their attendance at sessions and while going to or returning from the same, United States and state legislators may be issued civil traffic citations and criminal traffic citations.
- D. Foreign Diplomats/Consular Officials [CFA 22.01 C]**
  - 1. Regardless of the level of immunity from criminal arrest, foreign diplomats and consular officials may be issued traffic citations.
  - 2. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.
  - 3. In some cases, the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national's wishes.
  - 4. Communications will check the Department of State website to verify if consular notification is mandatory.
- E. Military Personnel**

1. Military personnel may be issued traffic citations and/or subjected to physical arrest the same as civilians.
2. While stationed or temporarily residing in Florida, military personnel are not required to obtain a Florida driver's license if they possess one from another state.

#### **22.1.02 ENFORCEMENT TECHNIQUES**

- A.** Agency traffic enforcement efforts will be directed toward those violations that most often result in traffic crashes.

**B. Verbal Warning [CFA 22.03 K]**

1. An officer may use discretion and give a verbal warning for minor infractions.
2. Officers will not use a verbal warning to scold, belittle or berate the violator.
3. Written warnings are preferable for providing documentation of officer/citizen contact.

**C. Written Warning [CFA 22.03 K]**

1. An officer may use discretion and issue a written warning instead of a citation for violations that include:
  - a. Moving and nonmoving violations; [CFA 22.03 F]
  - b. Equipment violations; and [CFA 22.03 D]
  - c. Newly-enacted laws or regulations. [CFA 22.03 H]
2. Violations of newly enacted laws or regulations should be handled via written warning. [CFA 22.03 H]
3. The violator will be informed that a written warning does not require the payment of a fine or a court appearance.
4. No warning will be issued unless an offense has occurred for which the operator could be issued a citation.

**D. Uniform Traffic Citation [CFA 22.03 J]**



1. Uniform traffic citations will be completed in accordance with DHSMV Uniform Traffic Procedures manual. [CFA 22.02]
2. An officer may issue a Uniform Traffic Citation for any traffic violation.
3. The officer will advise the violator of any information required before release, specifically:
  - a. For a criminal violation, a signature is required.
    - 1) The signature is not an admission of guilt but acknowledges receipt of the citation.
    - 2) Refusal to sign a criminal citation is an arrestable offense.
  - b. A court appearance by the motorist is/is not required.
  - c. For citations that require mandatory court dates, the officer will contact Communications to request the next available traffic court date and include this date along with the time and location of the court on the citation.
  - d. A court date may be requested by entering a not guilty plea on the reverse side of the citation and mailing or delivering the citation in person to the Clerk's Office.
  - e. A guilty plea may be entered on the reverse side of the citation before mailing or delivering the citation to the Clerk's Office.
4. A fingerprint of the violator's right thumb will be placed on the back of the court copy of the citation when the violator is unable to present proper identification.
5. If the officer believes that the person has provided a false identity, an arrest may be made. [CFA 22.03 I]

**E. Arrest [CFA 22.03 I]**

1. Criminal traffic violations may require a custodial arrest.
2. Violations that may result in a custodial arrest include: [CFA 22.03 C]
  - a. Driving while license suspended or revoked, if the individual knew the license was suspended;
  - b. Driving under the influence; [CFA 22.03 A]

- c. Fleeing or attempting to elude a law enforcement officer;
- d. Reckless driving;
- e. Possession of a suspended or revoked driver's license;
- f. Driver's license expired more than four months;
- g. No valid driver's license;
- h. Vehicular manslaughter;
- i. Vehicular homicide;
- j. Leaving the scene of an accident with injuries;
- k. Refusal to sign a citation, for criminal citations;
- l. Failing to obey a police officer or firefighter at the scene of a fire; and,
- m. Any other criminal traffic violation as defined by Florida State Statute.

**F.** A criminal UTC may serve as a notice to appear when the violator presents positive identification and does not have a history of failing to appear for court.

### **22.1.03 VIOLATION GUIDELINES**

#### **A. Speed Violations [CFA 22.03 B]**

- 1. Speed limits will be enforced in conformance with Chapter 316 of the Florida State Statutes and the techniques cited in this Order.
- 2. **Radar Detection**
  - a. Radar/Laser operators will complete the appropriate, approved schools as required by the Criminal Justice Standards and Training Commission.
  - b. Operators will be responsible for the proper care and upkeep of the radar and laser units.
  - c. Radar/Laser units will be calibrated and re-certified every six (6) months as specified in FSS 316.1905 and 316.1906.

- d.** The operator will perform calibration checks of both the radar and laser units at the start and end of each shift to ensure the measured deviation is not greater or less than one mile per hour.
  - 1)** A unit with a greater deviation will not be used.
  - 2)** The officer will advise the Quartermaster in writing of the deviation and submit the unit to the Quartermaster.
  - 3)** The Quartermaster will arrange for the repair or replacement of the unit.
- e.** Calibration checks on the laser will be performed on the pre-measured range alongside the police station.
- f.** If the calibration is outside the allowed range at the conclusion of the shift, it is the officer's obligation to contact the Clerk of the Court to void the citations.
- g.** The operator will visually verify and record the digital reading of the target vehicle's speed.
- h.** Radar/Laser operators will maintain radar/laser logs for judicial proceedings and retain these records until any appeals process is concluded.
- i.** The radar/laser unit number will be recorded on the traffic citation.
- j.** Officers who are not certified to operate radar/laser equipment may support certified operators by issuing citations and listing the operator as a witness.

### **3. Pacing**

- a.** An officer may use a certified speedometer to pace a speeding vehicle.
- b.** The officer must pace the violator for a sufficient distance to establish the vehicle speed.
- c.** Speedometers used for pace detection must be calibrated every six (6) months.
- d.** The Quartermaster will keep the original copy of the calibration certificate and a copy will be kept in the vehicle.

- B. Hazardous Violations.** Officer will take immediate action to stop hazardous violations that place people or property in jeopardy. [CFA 22.03 C]
- C. Non-hazardous Violations.** One citation may be issued when multiple non-hazardous violations stem from the same offense. [CFA 22.03 C]
- D. Equipment Violations [CFA 22.03 D]**
1. A driver that operates a vehicle with an equipment violation, i.e., faulty or inoperable taillights, headlights, tag light, or brake lights, may be issued a Uniform Traffic Citation in accordance with F.S. 316.6105, which allows for the correction of the violation and mitigation of the civil fine.
  2. A person who receives a citation under this statute will be advised that they may present the repaired vehicle to any police department or sheriff's officer for inspection, and the following will apply:
    - a. An officer will review the citation and confirm that the 30-day limit has not expired, or, if expired, the violator has obtained an extension from the Clerk of the Court's Office.
    - b. The inspecting officer will complete the Affidavit of Compliance on the back of the citation once the inspection fine has been paid.
    - c. The motorist will be informed to submit the remainder of the fine to the Clerk of the Court via mail or in person.
- E. Off-Road Vehicles**
1. Operators under 16 years of age of off-road or all terrain vehicles are required to wear a Department of Transportation approved helmet.
  2. Officers will enforce the helmet requirement in accordance with FSS. 316.2074 and this Order.
  3. Officers will take appropriate enforcement action for other off-road violations, involving both adult and juvenile operators, including:
    - a. Unregistered vehicles on streets and highways;
    - b. Violations of vehicle registration laws;
    - c. Misuse of public parks and rights of way;
    - d. Improper use of street and highway crossings;

- e. Excessive noise; and,
- f. Trespassing and property damage.

**F. Public Carriers and Commercial Vehicles [CFA 22.03 E]**

1. Although law enforcement officers have the authority to enforce traffic regulations regarding public carrier and commercial vehicles, Department members should not engage in safety and regulatory activities such as weight limits and vehicle inspections, unless public safety is an issue.
2. The Florida Department of Transportation in Ocala is responsible for conducting safety inspections and enforcement.
3. A member may issue citations for violations pertaining to basic equipment, moving violations and driver's licenses.
4. The officer will contact the public agency or commercial enterprise for instructions concerning the disposition of the vehicle and property when affecting the arrest of the operator of such vehicles.

**G. Multiple Violations [CFA 22.03 G]**

1. Although traffic arrests often require the officer to issue multiple citations, the officer will weigh the seriousness and safety effects of the violations when determining the need to issue multiple citations.
2. This policy will not be interpreted to limit the discretionary authority of any officer.

**H. Traffic Accidents**

1. An officer is not required to observe the violation that caused a crash to take action.
2. Officers assigned to investigate motor vehicle accidents will attempt to identify the vehicle at fault and to cite its operator accordingly.
3. In the traffic crash report, the "striking" vehicle will be designated as Vehicle 1, whether or not it is the at-fault vehicle.

**I. Newly Enacted Laws and Regulations [CFA 22.03 H]**

1. Officers will be notified of newly enacted laws or ordinances through periodic bulletins.

2. The Chief may approve a grace period for newly enacted traffic laws at his discretion.
3. Verbal or written warnings will be used to educate the public of the new law.

**J. Driving with Suspended, Revoked, Canceled or Disqualified License [CFA 22.05]**

1. Officers will confirm through FCIC that a driver's license has been suspended or revoked.
2. **Moving Violation.** An officer will issue a Uniform Traffic Citation for driving with a suspended, canceled or revoked license as a moving violation, unless he or she can prove that the driver has knowledge or should have knowledge that the license was suspended, canceled or revoked.
3. **Criminal Violation.** An officer must satisfy the “driver knowledge requirement” to process the violation as a criminal charge. Knowledge may be proven as follows:
  - a. The driver has been previously issued a citation for the charge and the suspension, cancellation or revocation is still in effect;
  - b. The driver admits to knowledge of the suspension, cancellation or revocation;
  - c. The driver received notice of the suspension, cancellation or revocation from a court judgment or order; or,
  - d. Other evidence proves knowledge, such as officer knowledge.
4. **Custodial Arrest**
  - a. The officer will issue the citation under F.S. 322.34(2).
  - b. The UTC comments section will cite how the driver had knowledge of the suspension, cancellation or revocation.
  - c. The officer will complete a Complaint Affidavit and include a statement of how the knowledge requirement was met.
  - d. The driver’s license should be attached to the UTC, unless the companion charge is DUI, in which case the license must be attached to the driver’s license administrative hearing packet.

**5. Habitual Traffic Offender**

- a. Habitual traffic offenders will be charged under FSS 322.34(5) as a third degree felony.
- b. The knowledge requirement is not required for criminally charging a habitual traffic offender.
- c. Officers will enter "Habitual Traffic Offender" in the UTC comments section.

#### **6. Non-Custodial Arrest**

- a. The officer will issue a UTC as a Notice to Appear.
- b. The knowledge requirement proof will be entered in the UTC comments section.
- c. The court date will be entered on the citation, and the violator's right thumb print must be affixed to the court copy.
- d. The driver's license will be attached to Records' copy.

#### **7. Tag Seizure**

- a. The Department of Highway Safety and Motor Vehicles database reflects when a license is suspended for inadequate vehicle insurance.
- b. A "Seize Tag" notation authorizes a law enforcement officer to seize the tag when the operator with the suspended license is also the owner/co-owner or registrant/co-registrant.
- c. The officer will *still* seize the tag even when the owner presents proof of insurance or a receipt indicating payment of the reinstatement fee.
- d. The officer will confirm the "seize tag" order through FCIC via Communications and proceed as follows:
  - 1) Remove the tag from the vehicle;
  - 2) Write "Tag Seized" across the front of the registration, if available, and return the registration to the driver;
  - 3) Issue a citation for driving with a suspended license;

- 4) Note "seized tag" and the tag number on the "Other Violations Pertaining to Offense" section of the citation so the citation will serve as a receipt for the vehicle owner/registant;
  - 5) Impound or release the vehicle;
  - 6) Obtain a printout of the driver's license status from Communications;
  - 7) Attach the printout and supplement to the original citation;
  - 8) Complete a property receipt and attach a copy of the teletype;
  - 9) Place the tag and license in an evidence locker with the completed property receipt.
- e. The Evidence Custodian is responsible for delivering the tag to DHSMV within five (5) days of the seizure.

**8. Possession of a Suspended or Revoked License**

- a. Per FSS 322.32, an officer may arrest a person who displays or possesses a canceled, revoked, disqualified or suspended driver's license only if the person has knowledge or should have knowledge of the suspension, cancellation, disqualification or revocation.
- b. The knowledge requirement must be met in accordance with 22.1.03(J)3 of this General Order.
- c. Once knowledge is established, the person may be arrested for displaying the license even if they are not operating a motor vehicle.
- d. The officer may issue a citation if the person was driving, make an arrest and/or seize the license.

**K. Request for Driver Re-Examination**

1. Any officer who determines that a vehicle operator may be incompetent, physically or mentally disabled, or suffering from a condition that prevents the safe operation of a vehicle will complete the DHSMV *Medical Reporting Form*.
2. The officer will verify that the information contained in the request addresses the nature of the problem and establishes reasonable grounds for the re-examination.



3. Records will forward a copy of the completed form to the DHSMV.

#### **22.1.04 TRAFFIC STOPS**

##### **A. Routine Stops**

1. The officer will attempt to stop the violator in an area with ample space and lighting, making every effort to avoid stops on hills, curves, intersections and private drives.
2. The officer will notify Communications of the location, tag number, vehicle description and the number of occupants.
3. The officer will activate emergency lights and/or siren to make his or her presence known and to signal the driver to stop. [CFA 22.04 A, B]
  - a. Hazard lights may be used with overhead emergency lights as an additional safety precaution after the patrol vehicle has stopped. [CFA 22.04 C]
  - b. Unmarked Department vehicles may be used for traffic enforcement only if the vehicle is equipped with emergency lights.
4. The officer will use the public address system to direct a violator who stops in an undesirable location to move to a safe location. [CFA 22.04 E]
5. An officer will not allow a driver suspected to be under the influence of alcohol or other substances to move a vehicle once it has stopped. [CFA 22.03 A]
6. The officer should position the patrol vehicle approximately one car length behind the violator's vehicle, and, if possible, at a slight angle with the left front offset approximately two feet to the left of the violator's vehicle and the right rear near the curb with the steering wheel turned to the right.
7. When appropriate, the officer should have headlights on low beams for the safety of oncoming traffic.
8. A spotlight or takedown lights may be used to illuminate the interior of the violator's vehicle. [CFA 22.04 D]
9. The officer should approach the driver from the rear of the violator's vehicle while checking the rear seat area for passengers or weapons, stopping at the rear of the driver's door if there are only front seat occupants.

10. A passenger's side approach is acceptable when passing traffic is a danger to the officer.
11. The officer may remain at the driver's side rear of the vehicle if there are occupants in the rear of the vehicle, assuming a position of tactical advantage where he or she can keep all occupants in view.
12. During stops made by two officers, the passenger officer will maintain radio communications and cover the approaching officer.

**B. High-Risk Stops**

1. An officer who observes a vehicle driven by a wanted or suspected felon will notify Communications immediately of the vehicle location, description, tag number and occupants.
2. The officer will keep the suspect vehicle within view and request assistance in making the traffic stop, keeping backup units informed of the location and direction of travel.
3. The officers should attempt to stop the vehicle in a location that presents no danger to citizens.
4. The officer should attempt to position his/her vehicle to the rear of the suspect vehicle when conditions are appropriate and backup units are available.
5. Emergency equipment should be used to warn other traffic and signal the violator to stop.
6. Officers will make the stop on the right side of the roadway when possible.
7. The patrol vehicle should be positioned so it provides maximum protection and cover.
8. All lights should be focused on the interior of the offender's vehicle to place the occupants at a tactical disadvantage during darkness.
9. Officers should exit patrol vehicles quickly and remain behind the doors.
10. The public address system should be used to direct individual occupants to exit the vehicle separately and assume appropriate search positions.
11. The arresting officer will give voice commands if a public address system is unavailable.

12. Assisting officers should cover the arresting officer and remain on the curb side of the vehicle until all occupants have exited and are in a search position.
13. The occupants should be ordered into a prone position, face down with arms extended at shoulder level and the palms of the hands facing up.
14. If the terrain or area does not permit prone positioning, the occupants should be ordered into kneeling positions with their legs crossed and their arms placed behind their backs.
15. Handcuffs should be applied immediately.
16. The search should not commence until all occupants are out of the vehicle and in compromised positions that provide a tactical advantage to the officers.

## **V. INDEXING**

Arrest  
Citations  
Equipment  
Laser  
Pacing  
Radar  
Tag Seizure  
Traffic Law Enforcement  
Uniform Traffic Citation  
Warnings

# WILLISTON POLICE DEPARTMENT

## GENERAL ORDER

GENERAL ORDER: <b>22.2</b>	SUBJECT: <b>IMPAIRED DRIVERS</b>
EFFECTIVE DATE: <b>4/1/05</b> REVISION DATE: <b>2/15/12</b>	CFA STANDARDS: <b>22.06M</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

### SECTIONS IN THIS ORDER

- 22.2.01 DETECTION
- 22.2.02 PRE-ARREST SCREENING TESTS
- 22.2.03 ARREST
- 22.2.04 BREATH TESTING
- 22.2.05 DRUG TESTING
- 22.2.06 TEST REFUSAL
- 22.2.07 DOCUMENTATION

**VI. PURPOSE:** The purpose of this General Order is to establish a comprehensive policy for enforcing the laws that prohibit persons impaired due to alcohol or chemical substances from operating vehicles.

**VII. POLICY:** To reduce the incidence of traffic crashes and fatalities, the Williston Police Department will vigorously enforce Florida State Statutes regarding impaired drivers. The Department will utilize DUI checkpoints and selective enforcement measures to this end.

### **VIII. DEFINITIONS**

**Blood Alcohol Level:** The alcohol concentration by weight in a person's blood based upon grams of alcohol per 100 milliliters of blood (g/100mL).

**Breath Alcohol Level:** The alcohol concentration by weight in a person's breath based upon grams of alcohol per 210 liters of breath (g/210mL).

**Breath Test Operator:** Individual issued a Breath Test Operator permit by the Florida Department of Law Enforcement.

## **IX. PROCEDURE**

### **22.2.01 DETECTION**

**A.** The following driving actions may indicate that a driver is impaired:

1. Causing a crash;
2. Driving on wrong side of roadway;
3. Driving too slowly or too fast;
4. Driving without headlights on at night;
5. Turning with an unnecessarily wide radius;
6. Straddling center lane;
7. Weaving or swerving across road;
8. Braking or stopping erratically or inappropriately;
9. Driving erratically or recklessly;
10. Following too closely;
11. Slow response to traffic signals;
12. Turning abruptly or illegally; and
13. Signaling inconsistent with driving actions.

**B.** The following conditions may indicate that a driver is impaired:

1. Odor of alcoholic beverage;
2. Slurred speech;
3. Blood-shot eyes;
4. Dilated pupils;
5. Incoherent behavior; and

6. Presence of alcohol/drug containers.

#### **22.2.02 PRE-ARREST SCREENING TESTS**

- A. If an officer has reason to believe that a driver may be impaired, the officer may request that a driver take the standardized field sobriety exercise.
  1. The test is to be conducted prior to making an arrest.
  2. The officer does not need to issue the driver a Miranda warning prior to conducting the test.
  3. Miranda need only be read before asking any incriminating questions, conducting an interview, or completing an *Alcohol Influence Report*
  4. The officer will visually assess and inquire whether a driver has any disabilities that would affect the test results.
  5. The officer may request a video camera (if available) to film the test.
- B. The driver can refuse to take the test, and the officer cannot compel the driver to take a test.
- C. Officers will conduct the tests in a safe location, which is away from vehicle traffic and preferably not between stopped or parked vehicles.
- D. **Standardized Field Sobriety Test.** To detect impairment, trained officers may administer the standardized field sobriety test using any of the following exercises:
  1. Horizontal Gaze Nystagmus;
  2. Walk-and-Turn;
  3. One Leg Stand;
  4. Finger-to-Nose; and,
  5. Rhomberg Alphabet.
- E. Officers will make detailed notes on the driver's actions regarding how the driver performed the tests.

#### **22.2.03 ARREST**

- A. Based on the subject's driving and/or personal actions, including the field sobriety test, the officer will determine whether probable cause exists.

- B. To be arrested for DUI, a person must be in actual physical control of or driving a vehicle. Factors that indicate physical control can include:
  - 1. Location of vehicle (drive-thru);
  - 2. Position of person in vehicle;
  - 3. Running or warm engine;
  - 4. Keys in ignition;
  - 5. Headlights/taillights on; and,
  - 6. Brake lights on.
- C. If the driver is arrested, the arresting officer will arrange for disposition of the driver's vehicle using any of the following options at his/her discretion:
  - 1. With driver/owner's permission, give the vehicle to an unimpaired family member or friend who has a valid driver's license;
  - 2. Leave the vehicle, if legally parked and secured;
  - 3. Tow the vehicle via rotation wrecker if it is to be held as prisoner property or as evidence pursuant to related or unrelated charges.
  - 4. Release the vehicle to a towing service of the driver's choice if the wrecker can respond within a reasonable amount of time.
- D. If an arrest is affected, the officer will transport the arrestee to the Williston Police Department for intoxilyzer testing.
- E. The intoxilyzer operator will read the *Implied Consent Form* to the defendant.

#### **22.2.04 BREATH TESTING**

- A. Breath testing will be administered only by an FDLE-certified breath test operator.
- B. Before a breath test can be administered, a subject must be observed for 20 minutes to ensure that the subject has not regurgitated or placed anything in his/her mouth.

## **22.2.05 DRUG TESTING**

### **A. Urine Test**

1. If the officer suspects an arrestee is impaired due to drugs or a chemical substance, the officer may request a urine sample.
2. The officer may transport the defendant to Tri-County Hospital or the Levy County Jail to have the specimen collected.
3. The sample will be sealed, labeled and submitted to the Evidence Custodian for refrigerated storage according to the guidelines in General Order 35.1.01. After hours, the sample will be locked in refrigerated storage in the Officer's Quarters and the Evidence Sheet forwarded to the Evidence Custodian.
4. The label will include:
  - a. Arrestee's name;
  - b. Collection date;
  - c. Initials of person who collected the urine; and,
  - d. Case report number.
5. The Evidence Custodian will submit the sample to the FDLE lab for analysis.

### **B. Blood Test**

1. Per FSS 316.1932, if reasonable cause exists that a driver is impaired, a blood test may be conducted when the driver appears for treatment at a medical facility (to include a medical emergency vehicle) and the administration of a breath or urine test is impractical or impossible.
2. A person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn consent.
3. The officer will take a blood alcohol kit to Tri-County Hospital

### **C. Per FSS 316.1933, when a person in physical control of a motor vehicle causes a death or serious bodily injury to any person, reasonable force may be used to extract blood from the driver, even if the driver refuses.**

1. Serious injury includes that which creates a substantial risk of death, disfigurement or protracted loss or impairment of the function of any bodily organ.



2. Injury to any person includes the impaired driver.
- D.** To request blood to be drawn, a *Request for Blood* form and *Certificate of Blood Withdrawal* form must be completed.
- E.** Only the following individuals are authorized to draw blood for the purpose of testing blood alcohol content:
1. Physician;
  2. Certified paramedic;
  3. Registered nurse;
  4. Licensed practical nurse;
  5. Licensed laboratory director;
  6. Technologist or technician;
  7. Or any personnel authorized by a hospital to draw blood.
- F.** The blood vial will be sealed with evidence tape and labeled with:
1. Arrestee's name;
  2. Collection date;
  3. Initials of individual who drew the blood; and,
  4. Case report number.
- G.** The sample will be sealed, labeled and submitted to the Evidence Custodian for refrigerated storage according to the guidelines in General Order 35.1.01.
- H.** A defendant can request a blood test, at the defendant's expense, after they have given a requested sample of breath or urine.
1. The officer will advise the subject that the test will be at the defendant's expense.
  2. The defendant is responsible for the storage and handling of the blood draw.

#### **22.2.06 TEST REFUSAL**

- A.** If the offender refuses to submit to any chemical test(s), the offender's driver's license is automatically suspended
  - 1.** For the first refusal, the license will be suspended for one (1) year.
  - 2.** For the second offense, the license will be suspended for eighteen (18) months.
    - a.** For the second refusal, the driver will also be charged with a first degree misdemeanor under 316.1932.
    - b.** The officer must complete a separate citation for the refusal.
- B.** The Breath Test Operator will read the subject the *Implied Consent Form*.
- C.** The Breath Test Operator will complete a DHSMV *Affidavit of Refusal to Submit to Breath, Urine, or Blood Test* form and collect the person's driver's license.
  - 1.** The original *Affidavit of Refusal* remains in the case report in Records; a copy goes to the Jail.
  - 2.** All other original test forms go to the jail; copies are retained in the case report.

#### **22.2.07 DOCUMENTATION**

- A.** Upon delivery of the arrestee to the Levy County Jail, the arresting officer will complete the WPD DUI Packet to include forms relating to:
  - 1.** Suspect's driving actions;
  - 2.** Suspect's behavior and statements;
  - 3.** Suspect's performance on the field sobriety tests;
  - 4.** Vehicle's condition and other physical evidence;
  - 5.** Results of chemical tests;
  - 6.** Suspect interview;
  - 7.** Chemical test documents, to include:
    - a.** Intoxilyzer Check list;

**b. Breath Test Affidavit.**

- 8.** Investigative narrative, detailing the incident, starting with the point of observation / contact through both pre-arrest screening and post-arrest activities.
- 9.** Attachment checklist, included in the packet, listing the items to be photocopied (e.g., DL, DUI citation, breath-test documents, etc., as applicable) and attached as part of the packet.

**B. Traffic Citation.** Officers will complete the applicable civil or criminal traffic citations.

- 1.** Officers will use the DUI uniform traffic citation when charging a person with DUI.
  - a.** For adults not driving commercial vehicles, if the test results are under .08, the officer will use a regular citation.
  - b.** For commercial truck drivers, the legal limit is .04.
  - c.** For juveniles, the legal limit is .02.
- 2.** The subject's right thumbprint will be placed on any criminal traffic citations.

**C. Driver's License**

- 1.** When a subject is arrested for DUI and has a breath alcohol level in excess of .08, the subject's DL will be submitted to Records.
- 2.** The yellow (defendant's) copy of the citation will serve as a temporary 30-day driving permit, if eligible.
- 3.** When a subject is arrested for DUI and has a breath alcohol level less than .08, the subject's DL must be returned to him/her.

**D. Mittimus**

- 1.** A mittimus outlining the probable cause will be completed for any cases involving a DUI arrest.
- 2.** For cases where blood is drawn, a sworn complaint may be completed and forwarded to the State Attorney's Office in order to enable the blood test analysis to be conducted without invoking the speedy trial rule.

**E. Property/Evidence Receipt.** The officer will complete a property/evidence receipt for any items submitted as evidence, including chemical samples.

**F.** Reports, forms and citations will be submitted to a supervisor for review and then forwarded to Records upon approval.

**X. INDEXING**

Arrest  
Blood Alcohol Level  
Blood Test  
Breath Test  
Driver's License  
Driving Under the Influence (DUI)  
Drug Testing  
DUI  
Evidence  
Field Sobriety Tests  
Impaired Drivers  
Miranda Warning  
Urine Test

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>23.1</b>	SUBJECT: <b>TRAFFIC CRASH INVESTIGATIONS</b>
EFFECTIVE DATE: <b>4/1/05</b> REVISION DATE: <b>2/15/12</b>	CFA STANDARDS: <b>23.01 A-G;</b> <b>23.02M A-H; 23.03M; 23.04M</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

23.1.01 CRASH RESPONSE

23.1.02 DOCUMENTATION

**I. PURPOSE:** The purpose of this General Order is to establish guidelines and responsibilities for officers responding to traffic crashes.

**II. POLICY:** The Williston Police Department will investigate and document motor vehicle crashes as directed by this Order and FSS 316.

**III. DEFINITIONS:**

**Commercial Vehicle:** Any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

- (a) Has a gross vehicle weight rating of 10,000 pounds or more;
- (b) Is designed to transport more than 15 passengers, including the driver; or
- (c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act,

**Motor Vehicle:** Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

**IV. PROCEDURE**

**23.1.01 CRASH RESPONSE**

**A.** Communications will dispatch an officer to the scene of any traffic crash involving:

- 1.** Injury or death; [CFA 23.01 A]

- a. Sworn officers in marked units dispatched to a crash with a report of personal injury may respond with emergency lights (including headlights/wig-wags) and siren.
  - b. Officers will exercise due care in consideration of such factors as surrounding traffic, extent of reported injury in the crash, paramedics and other officers already on scene, and distance from the scene, while responding in an emergency mode.
- 2. Leaving the scene; [CFA 23.01 B]
- 3. Impaired driver due to alcohol or drugs; [CFA 23.01 C]
- 4. Damage to vehicles or property, including government-owned vehicles; [CFA 23.01 D]
- 5. Hazardous materials; [CFA 23.01 E]
- 6. Disturbance between principals; [CFA 23.01 F]
- 7. Major traffic congestion as a result of the crash; [CFA 23.01 G]
- 8. Damage to vehicles such that they need to be towed. [CFA 23.01 G].
- B.** The first officer(s) arriving at the scene of a traffic crash will:
  - 1. Protect the scene by strategically positioning the Department vehicle and using its emergency lights to minimize the chance of further crashes or injuries; [CFA 23.02 C]
  - 2. Upon arrival of fire equipment, position the largest vehicle on scene in such a way as to protect emergency responders from on-coming traffic; [CFA 23.02 C]
  - 3. Redirect traffic around or away from the crash site; [CFA 23.02 E]
  - 4. Move involved vehicles and debris out of the street or out of a moving lane of traffic, when possible; [CFA 23.02 G]
  - 5. Place orange traffic cones (when available) on the roadway to mark the hazard; [CFA 23.03]
  - 6. Use flares, when available, for crashes occurring at night;
  - 7. Identify injured persons, if any, and render aid; [CFA 23.02 A]

8. Request medical assistance when injuries exist, if EMS are not already dispatched; [CFA 23.02 B]
  9. Request additional officers for traffic control, if necessary;
  10. Identify any possible fire hazards and/or hazardous materials; [CFA 23.02 H]
  11. Identify witnesses, record crash information and retain witnesses at the scene for investigating officer, if different from the first responder; [CFA 23.02 F]
  12. Preserve short-lived evidence found at the scene. [CFA 23.02 D]
- C. Officers directing traffic or standing in the roadway for more than several minutes will wear their issued reflective safety vests.
- D. The primary unit dispatched is in charge of the traffic crash investigation, regardless of arrival order, unless relieved by a higher authority or by the first arriving officer, if he or she *volunteers* to conduct the investigation.
- E. For crashes involving fatalities or potential fatalities, the first responding officer should request that Communications contact FHP to conduct the investigation.
- F. For crashes involving Department personnel or a Department vehicle with any injury or secondary property damage, every reasonable effort will be made to gain the assistance of an outside agency (FHP, DOT, Sheriff, etc.) to work the crash investigation.
1. In the absence of any outside resource and if a supervisor is involved, another supervisor will be called out to work the crash.
  2. The involved member's supervisor will recommend appropriate disciplinary action, if any, to the Deputy Chief of Police.
- G. Unless the investigation is relinquished to an outside agency, the investigating officer will:
1. Identify and interview witnesses;
  2. Verify the information of all involved parties, including:
    - a. Drivers' license, insurance and registration information;
    - b. Identity and location of all passengers.

3. Facilitate drivers' exchange of information;-
4. Investigate the traffic crash, including;
  - a. Determine contributing factors, if possible;
  - b. Request an FHP investigator if a fatality appears likely;
  - c. Do not use the term "at fault" in the crash report or while discussing the crash with the persons involved; the determination of fault is a civil matter decided in the courts through litigation.
  - d. Photograph the vehicles damaged, debris, skid marks, relevant road signs, and anything else relevant to the investigation.
5. Issue traffic citations for clear violations; officers who chose not to cite one or more drivers in the crash may be required to justify their decision to the reviewing supervisor.
6. Clear the scene of vehicles and debris when the investigation is complete;
  - a. Unless it is needed for evidence, a motor vehicle illegally parked or disabled due to the crash will be towed by a wrecker company selected by the owner or from the rotation list if the vehicle is unable to be moved or towed by the owner within 30 minutes after the crash;
  - b. Department members will not recommend a particular wrecker company;
  - c. Officers towing a vehicle will complete a tow sheet; and
  - d. Vehicles that are impounded as evidence will be towed by the wrecker next on the rotation list and secured for processing.
7. Complete a written report, and/or issue drivers' exchange forms, depending upon the crash criteria.

#### **23.1.02 DOCUMENTATION**

- A. To facilitate state-wide standardized data collection and analysis, the Department will use the uniform reporting system furnished by Florida's Department of Highway Safety and Motor Vehicles.
- B. Traffic crashes can be reported by the use of Florida Traffic Crash Report and designated as either the "Long Form" or "Short Form."



- C.** A Long Form Report (HSMV 90010S) in its entirety must include a Narrative, Diagram and any necessary Update Report form (HSMV 90010S) when the following criteria are met:

  - 1.** Death or personal injury;
  - 2.** Leaving the scene involving damage to attended vehicles or property;
  - 3.** Driving while under the influence.
- D.** The Short Form Report (HSMV 90010S) is used to report other types of traffic crashes.

  - 1.** If form HSMV 90010S is used as a Short Form, the officer who investigates the traffic crash is only required to fill in the shaded areas.
  - 2.** The Short Form Report is not forwarded to DHSMV but is maintained in Records.
- E.** Long Form Reports must be submitted to DHSMV within 10 days of completing the investigation as required by FSS 316.066.
- F.** All open investigations must be updated every 30 days until the investigation is closed.
- G.** The same form is used to update or upgrade information previously recorded on a Florida Traffic Crash Report.
- H.** The Driver Report of Traffic Crash/Driver Exchange of Information form (HSMV 90006) is used to exchange driver information between the parties involved in a traffic crash.

  - 1.** Use this form as a driver exchange of information when a HSMV 90010S form is completed.
  - 2.** If this form is not used as a driver exchange, then the officer must provide each driver and/or non-motorist with the other party's driver and vehicle information.
  - 3.** If the officer decides not to report the crash, then the driver(s) must complete the form and send a copy to the DHSMV.
    - a.** The officer should mark the box at the top that identifies the report as a Driver Report of Traffic Crash; and
    - b.** Place an X in the box at the bottom that states, "You must read and comply with the instructions on the back of this page."

4. A Driver Report of a Traffic Crash is acceptable in crashes involving:

- a. Damage less than \$500;
- b. No apparent injuries;
- c. No need for a wrecker;
- d. No intoxicated driver; and
- e. No hit and run.

**I. Private Property**

- 1. A crash report does not need to be completed for collisions occurring on private property, unless the collision involves a death, injury or a criminal act or the involvement of an all terrain vehicle.
- 2. A parking lot that is open to the public is not considered “private property;” therefore, traffic crashes will be investigated and appropriate action taken.

**J. Traffic crash follow-up activities may include, as necessary:**

- 1. Collecting information at locations away from the crash scene;
- 2. Obtaining formal statements from witnesses;
- 3. Reconstructing the crash;
- 4. Requesting assistance from outside agencies; and
- 5. Preparing supplemental reports.

**K. Subpoenas.** An officer scheduled to appear at a court case regarding a vehicle crash will complete and submit the required paperwork to subpoena witnesses needed for testimony.

**L. Personal Property [CFA 23.04]**

- 1. The officer responding to the scene of a crash will take precautions to protect the owner’s property from theft if the owner is unable to care for it.
- 2. When a vehicle involved in a traffic crash is towed or a bicycle is involved and the driver, owner, passenger, or other authorized person (e.g., family officer) is unable to take possession of any personal property, and the vehicle

or property is not being taken into custody as evidence, the investigating officer will be responsible for:

- a.** Collecting items of value that are not permanently attached to the vehicle and that cannot be properly and or safely secured (i.e., money, cameras, firearms, sporting equipment, etc.);
- b.** Inventorying the items collected;
- c.** Submitting the items to the Evidence Custodian as property;
- d.** Completing and submitting a Property Report along with the written report of the traffic crash;
- e.** Notifying the driver, owner, or passenger as soon as possible about the removal and location/disposition of the property.

## **V. INDEXING**

Driver Exchange of Information  
Driver Report of Traffic Crash  
Evidence  
Long Form  
Motor Vehicle  
Property  
Short Form  
Traffic Crash

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>24.1</b>	SUBJECT: <b>TRAFFIC DIRECTION AND CONTROL</b>
EFFECTIVE DATE: <b>4/1/05</b> REVISION DATE: <b>2/15/12</b>	CFA STANDARDS: <b>24.01, 24.02M, 24.03 A-G, 24.04M A-E, 24.06 A-B</b>

## SECTIONS IN THIS ORDER

- 24.1.01    TRAFFIC DIRECTION AND CONTROL
- 24.1.02    ESCORTS
- 24.1.03    ROADBLOCKS
- 24.1.04    SCHOOL CROSSING GUARDS

**VI.    PURPOSE:** The purpose of this General Order is to establish procedures for controlling and directing traffic.

**VII.   POLICY:** The Williston Police Department will direct and control traffic when conditions or emergency situations require deviation from normal traffic control operations. To protect children near schools, the Department will control traffic by using school crossing guards.

**VIII.   DEFINITIONS:** None

## **IX.    PROCEDURE**

### **24.1.01    TRAFFIC DIRECTION AND CONTROL**

- A.**    Officers will use the patrol vehicle emergency lights and any other special equipment at traffic crashes to protect the scene and alert approaching traffic as provided in General Order 23.1.01.
- B.**    Once the scene has been cleared of vehicles and debris, officers will remove any special equipment used.
- C.**    If a roadway must stay closed for an extended period of time, the Public Works Department and Fire Department will be contacted to provide the appropriate traffic control devices.

#### **D. Manual Traffic Direction [CFA 24.01]**

1. Manual direction of traffic by an officer will be handled in a manner that will enable drivers and pedestrians to recognize and respond to verbal and gestured commands.
  - a. **Stop**
    - 1) An officer will extend his/her arm outward at shoulder height with the palm toward the car to be stopped.
    - 2) The officer may use verbal commands and/or other appropriate police equipment to enhance physical gestures.
  - b. **Start**
    - 1) The officer will move one arm at the elbow to indicate traffic may proceed.
    - 2) The other arm should point in the direction of travel.
  - c. **Right turn.** The officer will extend his/her arm in the direction of the turn while gesturing that the driver may proceed.
  - d. **Left turn**
    - 1) The officer will extend his/her arm in the direction of the turn while gesturing that the driver may proceed.
    - 2) The officer will ensure that the oncoming lane is clear or stopped before allowing the driver to turn.
2. When drivers and pedestrians do not understand officers or refuse to obey directions, officers will respond with courtesy and professionalism.

#### **E. Clothing and Equipment**

1. Officers will wear high visibility reflective vests while directing traffic or investigating traffic crashes, or they may wear yellow rain gear during inclement weather. [CFA 24.02]

2. Other appropriate police equipment includes, but is not limited to:
  - a. **Police Vehicles**
    - 1) Police vehicles should be used to offer protection and visibility.
    - 2) The emergency lights will be on if the vehicle is used for protection and visibility;
  - b. Whistle or other audible device; and
  - c. Flashlight with orange flashlight cone.

**F. Manual Operation of Traffic Control Signals**

1. Officers may manually operate traffic control signals in the following circumstances:
  - a. Malfunctioning traffic signal;
  - b. Movement through traffic crash scenes;
  - c. Thoroughfare for motorcades; and
  - d. Alleviating traffic congestion.
2. Whenever a traffic control signal is malfunctioning, the officer will notify the Public Works Director by way of the Communications Center.
3. Officers will receive training on the traffic signal controllers from their supervisor or another officer familiar with use of the controller.

**G. Temporary Traffic Control Devices**

1. Temporary traffic control devices may be used in the following circumstances:
  - a. Special events;
  - b. DUI checkpoints;
  - c. Traffic crashes;
  - d. Road construction;
  - e. School crossings; or

- f. Unusual weather conditions.
- 2. Temporary traffic control devices include, but are not limited to, the following:
  - a. **Cones**
    - 1) Cones will be used on roadways in the daytime when directing traffic from one lane to another or when closing off roads or driveways.
    - 2) Cones will not be used at night unless proper lighting exists, or when used in conjunction with flares and other lighting equipment.
  - b. **Temporary Signs.** Temporary signs, such as detour signs or road closed signs, may be used to reroute traffic.
  - c. **Flares and Reflectors**
    - 1) Flares and reflectors may be used at night, or when atmospheric conditions necessitate that an accident scene be illuminated to warn approaching traffic.
    - 2) Care and consideration should be given when using flares around accident scenes where flammables are present.

## H. Fire Scenes

1. Upon arrival, the assigned police officer(s) will check with the Fire Department Incident Commander.
2. The assigned police officer(s) will not leave the emergency scene until released by the Fire Department Incident Commander or unless reassigned by a police supervisor.
3. Patrol vehicles will be positioned to allow room for fire and rescue vehicles to maneuver directly to the scene.
4. Unless circumstances dictate otherwise, patrol vehicles should not remain parked within the block in which the incident is located.

## I. Adverse Road and Weather Conditions

1. Roadways may become hazardous or impassable due to the following conditions:

- a. Fog;
  - b. Rain;
  - c. Smoke;
  - d. Road construction;
  - e. Downed power lines;
  - f. Severe weather/hurricane conditions;
  - g. Ice;
  - h. Hazardous materials on roadway; or,
  - i. Sinkholes.
2. In the event that driving conditions become dangerous, the on-duty supervisor may:
- a. Request additional personnel as needed;
  - b. Determine alternate routes;
  - c. Use temporary traffic control devices;
  - d. Request assistance from Public Works Department personnel;
  - e. Compose a press release on road closure information for release to the media and public.

#### **24.1.02 ESCORTS [CFA 24.03]**

- A. Escorts may be provided in situations where such services would be advantageous to traffic control and direction.
- B. Examples of routine and emergency escorts include, but are not limited to:
  - 1. Public officials or dignitaries; [CFA 24.03 A, B]
  - 2. Oversize vehicles or oversized loads, hazardous, unusual cargo; [CFA 24.03 E, F]
  - 3. Emergency vehicles; [CFA 24.03 C]



4. Parades; and
  5. Bank deposits.
- C. Escorts for public officials and dignitaries must be reviewed and approved by the Chief of Police and conducted in conjunction with the requirements established in General Order 21.5 Special Operations: Protective Services.
  - D. The Williston Police Department generally will not provide funeral escort services, with exceptions at the discretion of the Chief of Police. [CFA 24.03 D]
  - E. Oversized loads will require that the officer check for required permits and the specified route. Emergency lights and sirens will be used if entering a controlled intersection. [CFA 24.03 E]
  - F. Hazardous or unusual cargo escorts will be conducted in a manner that offers the greatest protection to officers and the public. [CFA 24.03 F]
  - G. Parade escorts must be reviewed and approved by the Chief of Police. Emergency lights and sirens will be used as appropriate.
  - H. Escorts to a bank within the city may be conducted at the request of private businesses or organizations for the deposit of large amounts of cash. These escorts may be arranged through the Shift Supervisor if there is available manpower.
  - I. **Medical Emergencies [CFA 24.03 G]**
    1. Escorts of private vehicles for emergency medical reasons generally will not be conducted.
    2. Officers that encounter vehicles containing sick or injured persons will call for emergency medical assistance and render first aid.
    3. Very brief escorts may be provided to Tri-County Hospital when there are no EMT's in the Williston area.
    4. Officers will use discretion in determining whether or not a civilian should be searched before being transported in the police vehicle.
      - a. Civilians may ride in the front seat of the police vehicle at the discretion of the transporting officer.
      - b. Officers will provide the Communications Center with the beginning and ending mileage.

### 24.1.03 ROADBLOCKS

- A. Roadblocks may be moving, fixed or checkpoints. [CFA 24.04 A]
- B. **Moving Roadblocks.** Moving or “rolling” roadblocks, or “boxing in,” may be used during pursuits as detailed in General Order 17.2.08(A). [CFA 24.04 B]
- C. **Fixed Roadblocks.** Fixed roadblocks may be used in the following circumstances:
  - 1. As part of a coordinated response to a motor vehicle pursuit as detailed in General Order 17.2.08(D);
  - 2. For containment or isolation of crime scenes, riots, civil disorders or other restrictive zones;
  - 3. In limiting or restricting traffic flow during emergencies or adverse conditions; and
  - 4. In other circumstances approved by a supervisor. [CFA 24.04 C]
- D. **Checkpoints**
  - 1. Checkpoints may be used in conjunction with DUI, vehicle defects, and/or drivers license enforcement. [CFA 24.04 B]
  - 2. A written plan for a DUI checkpoint must be submitted to the Chief of Police for approval. [CFA 24.04 C]
  - 3. The plan must include mission objectives, staff assignments, the officer in charge at the scene and equipment needs. [CFA 24.04 D, E]
  - 4. Officers will be briefed on the purpose of the operation, limitations and their individual responsibilities.
  - 5. All officers will be in uniform, and marked patrol cars will be clearly visible.
  - 6. The checkpoint must be in an area with sufficient lighting and space for traffic safety.
    - a. An “off street” parking area must be available for follow-up investigation.
    - b. If the location is on private property, permission will be obtained from the owner/agent in advance.

7. Sufficient traffic control devices and signs will be used to indicate a controlled entry into a DUI checkpoint.
  8. An alternate route must be provided for officers and the public.
  9. The inconvenience/intrusion to motorists will be minimal.
  10. Once the checkpoint is started, all vehicles should be required to stop, unless traffic volume necessitates stopping vehicles at a predetermined sequential pattern.
  11. The operation supervisor will make these determinations.
  12. The supervisor will contact the Chief and Communications to advise them of the time the roadblock is discontinued.
- E. Any law enforcement officer may discontinue a roadblock if its use is a threat to public safety. [CFA 24.04 C]

#### **24.1.04 SCHOOL CROSSING GUARDS**

##### **A. Responsibility [CFA 24.06 A]**

1. Where no traffic signal exists, the responsibility of a School Crossing Guard is to stop traffic to allow students to safely cross a public roadway.
2. Upon entering the intersection to cross the students, the School Crossing Guard is to be positioned at the center of the street.
3. When not facilitating a crossing, the School Crossing Guard will stand on the curb at the edge of the crosswalk.
4. After all vehicles have stopped, students will be verbally instructed to begin their search pattern (look left, right, left and over their shoulder for turning traffic) and proceed when it is safe to do so.
5. Students will not be allowed to run, ride their bikes, skates, scooters or skateboards across the street.
6. The School Crossing Guard is to remain in the street until the last student has reached the opposite curb or roadway edge, and then the guard should retreat in order to allow traffic to resume.
7. The School Crossing Guard will report to Communications any conditions or incidents that may jeopardize the safety of students or motorists.

8. In the event of an emergency, School Crossing Guards must keep control of the situation and ensure the safety of the children.
  - a. The School Crossing Guard must not leave the school zone and should instruct multiple motorists to call 911 if he/she does not have a portable radio.
  - b. School Crossing Guards are not to render first aid unless trained and equipped to do so.
9. Crossing Guards will remain on scene as assigned by the Police Department.

**B. Authority [CFA 24.06 A]**

1. School crossing guards are civilian employees; they have no arrest authority and shall take no law enforcement action.
2. If a chronic problem with a motorist exists, the vehicle license number will be promptly reported to Communications.

**C. Selection.** School Crossing Guards must possess the following qualifications:

1. Good physical condition, including sight and hearing;
2. Mental alertness;
3. Neat appearance;
4. Good character;
5. Dependability; and
6. A sense of responsibility for the safety of children.

**D. Equipment.** School Crossing Guards will be issued the following equipment:

1. Reflective vest;
2. Orange gloves;
3. Whistle; and,
4. Portable stop sign.

**E. Placement.** Determining locations for crossing guards will be the responsibility of the Department, City and the Levy County School Board.

**F. Training. [CFA 24.06 B]** School Crossing Guards will be trained on the following topics:

1. Uniform requirements;
2. Issued equipment;
3. Local traffic regulations;
4. School zone limits;
5. Traffic control devices;
6. Unusual incidents;
7. Emergency procedures; and
8. Communications.

**G. Uniforms.** School Crossing Guards will be issued uniforms that are easily distinguished from the uniforms of sworn police personnel.

**X. INDEXING**

Checkpoints  
Escorts  
Equipment  
Roadblocks  
School Crossing Guards  
Traffic Control

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>25.1</b>	SUBJECT: <b>TRAFFIC ANCILLARY SERVICES</b>
EFFECTIVE DATE: <b>4/1/05</b> REVISION DATE: <b>2/15/12</b>	CFA STANDARDS: <b>25.01 A-D,</b> <b>25.02M A-K</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

25.1.01 ROADWAY ASSISTANCE

25.1.02 TOWING VEHICLES

**XI. PURPOSE:** The purpose of this General Order is to establish Departmental policy and procedures for assisting motorists and towing vehicles.

**XII. POLICY:** The Williston Police Department will offer reasonable assistance at all times to motorists who appear to be in need of aid. [CFA 25.01 A] This will apply at all hours of the day, but particularly during nighttime hours when hazards are higher.

**XIII. DEFINITIONS:** None.

### **XIV. PROCEDURE**

#### **25.1.01 ROADWAY ASSISTANCE [CFA 25.01]**

- A.** Officers encountering roadway hazards will take appropriate action to make the roadway safe, including:
  - 1.** Removing small obstacles from the roadway;
  - 2.** Requesting assistance from the Public Works Department;
  - 3.** Requesting assistance from the appropriate county or state agencies; and/or,
  - 4.** Requesting towing services. [CFA 25.01 C, D]
- B.** All requests for assistance will be made by radio through Communications.

- C.** Officers encountering stranded motorists may provide assistance and protection, such as the following:
  - 1.** Giving directions;
  - 2.** Obtaining fuel;
  - 3.** Changing tires;
  - 4.** Towing vehicles;
  - 5.** Positioning the police vehicle for protection and visibility when vehicles or pedestrians are in the roadway; or [CFA 25.01 A]
  - 6.** Providing transportation away from hazardous locations or environments.
- D.** In the Williston area, if absolutely necessary for citizen safety, officers may transport stranded motorists or pedestrians to a well-lit area off the roadway in the Williston area, preferably to an open business.
- E.** Officers will not leave a citizen's vehicle stranded in a lane of traffic.
- F.** Fire and emergency medical services will be requested in a timely manner, while emergency police assistance may include: [CFA 25.01 B]
  - 1.** Providing first aid;
  - 2.** Extinguishing small fires;
  - 3.** Calling for fire department assistance;
  - 4.** Calling for medical assistance; and/or,
  - 5.** Attempting to open locked vehicles, as detailed in General Order 17.1.08.

#### **25.1.02 TOWING VEHICLES [CFA 25.02]**

- A.** When towing is required, officers will advise motorists of the available towing companies in the area, but may not recommend a particular company. For financial reasons, officers always should specify when a request for a tower is being made by the citizen or the officer.
- B.** Motorists may request their own wrecker services. Officers will assist with requests for outside wrecker services as long as the vehicle can be moved expeditiously or is already off the roadway.

- C.** In general, anytime a vehicle is towed at an officer's request, a CCR# is required, and the following guidelines should be followed:
- 1.** The tag and VIN numbers should be verified with the registration or through FCIC/NCIC, and both recorded on the report.
  - 2.** If personal property is inside the vehicle, and the driver/owner is present and incapacitated, the investigating officer will refer to General Order 23.1.02(L), Personal Property.
  - 3.** Any time a vehicle is towed, the following should be recorded by Communications on the Rotation Log:
    - a)** Case report number;
    - b)** Date; [CFA 25.02 B]
    - c)** Requesting officer; [CFA 25.02 D]
    - d)** Requesting dispatcher; [CFA 25.02 D]
    - e)** Reason for removal or tow; [CFA 25.02 E]
    - f)** Towing service; [CFA 25.02 F]
    - g)** Vehicle tag number and state;
    - h)** Vehicle VIN, and
    - i)** Vehicle year, make, model, style and color.
- D.** Any time a vehicle is towed at an officer's request, the following information will be recorded by the requesting officer on the *Vehicle Inventory and Storage Receipt*:
- 1.** Time; [CFA 25.02 A]
  - 2.** Date; [CFA 25.02 B]
  - 3.** Name(s) of owner and driver;
  - 4.** Address(es) of owner and driver;
  - 5.** Vehicle year, make, model, style and color;
  - 6.** Odometer reading;



7. Vehicle tag number and state;
  8. Vehicle VIN, and
  9. Location of the vehicle to be towed; [CFA 25.02 C]
  10. Requesting officer; [CFA 25.02 D]
  11. Reason for removal or tow; [CFA 25.02 E]
  12. Towing service name; [CFA 25.02 F]
  13. Location to which vehicle towed; [CFA 25.02 G]
  14. Notification or attempts to notify registered owner; [CFA 25.02 H]
  15. Inventory of vehicle contents; [CFA 25.02 I]
  16. Inventory of vehicle equipment;
  17. Inventory of any vehicle damage; and
  18. Placing and removal of holds. [CFA 25.02 J]
- E.** If the registered owner is not present, they will be notified or reasonable attempts made to notify them as soon as possible as to the status of their vehicle. [CFA 25.02 H]
1. Attempts to contact the registered owner should be noted on the officer's written report.
  2. If contact can not be made, the report will be flagged and the following shift supervisor will follow-up by attempting contact.
  3. If the second shift supervisor is not successful in making contact, the report will be flagged for the Records Section to contact the registered owner at the last known address by certified mail.
- F.** The officer will advise Communications when to enter or remove the vehicle from FCIC/NCIC. [CFA 25.02 K]

## **XV. INDEXING**

Communications  
FCIC  
Inventory

NCIC  
Towing  
Vehicle Inventory and Storage Receipt

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>26.1</b>	SUBJECT: <b>CRIMINAL INTELLIGENCE</b>
EFFECTIVE DATE: <b>4/1/05</b> REVISION DATE: <b>9/25/12</b>	CFA STANDARDS: <b>26.01M A-D, 26.02M A-D</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

- 26.1.01 INTELLIGENCE FUNCTION
- 26.1.02 RECORDS SECURITY
- 26.1.03 EQUIPMENT AND TECHNIQUES
- 26.1.04 EVALUATION OF DATA

**XVI. PURPOSE:** The purpose of this General Order is to establish Departmental policy and provide guidelines for the gathering, analysis, dissemination, purgation and security of intelligence information.

**XVII. POLICY:** The Williston Police Department may collect, analyze and disseminate data in order to anticipate, prevent and monitor possible criminal activity. Data also may be used to identify crime patterns, suggest resource allocation and rank strategic objectives. Collection of criminal intelligence information is limited to that which pertains to activity that is criminal or presents a threat to the community. [CFA 26.01M A] Furthermore, the Department will ensure the confidentiality of all criminal intelligence.

## **XVIII. DEFINITIONS**

**LETA:** Law Enforcement Thermographers Association

**Thermal Imager:** Passive heat sensing device providing night vision capabilities and real time video images in all lighting conditions, including total darkness.

## **XIX. PROCEDURE**

### **26.1.01 INTELLIGENCE FUNCTION**

- A.** The Department Investigator will be responsible for coordinating intelligence activities and overseeing intelligence files.
- B.** All Department members will assist in the collection of information and will submit such information to the Department Investigator for appropriate action. [CFA 26.01M B]
- C. Sources.** [CFA 26.01M C] Raw data may be collected from a variety of sources including, but not limited to:
  - 1. Williston Police Department incident reports;
  - 2. Other law enforcement agencies;
  - 3. Criminal intelligence submissions from officers;
  - 4. Confidential informants;
  - 5. Public records; and
  - 6. Media publications.
- D. Analysis**
  - 1. Once the raw data has been collected, the Department Investigator may request assistance from other Department personnel with analyzing information, identifying subjects and determining criminal activity.
  - 2. Information then may be confidentially disseminated to Patrol and/or other law enforcement agencies for possible enforcement action. [CFA 26.02M A]
- E. Legality and Integrity**
  - 1. The collection of criminal intelligence information concerning particular individuals, businesses, groups or enterprises is limited to criminal conduct and activities that present a threat to the community. [CFA 26.01M A]
  - 2. The information may be collected and maintained only if:

- a. Evidence exists connecting individuals with known or suspected criminal activity; and,
  - b. The information is relevant to that criminal activity.
- 3. The anonymity of confidential informants will be maintained according to the procedures outlined in General Order 18.1.09.

**F. Evaluation of Intelligence Data [CFA 26.01M C]**

- 1. All intelligence data will be carefully scrutinized for reliability and accuracy and assessed according to the following standards:

- a. **Source Reliability**

- 1) **Highly Reliable:** The reliability of the source is unquestioned or has proven reliable in the past;
    - 2) **Usually Reliable:** The source is statistically reliable with the majority of information provided in the past proven accurate;
    - 3) **Somewhat Reliable:** The reliability of the source has been sporadic in the past; and
    - 4) **Reliability Uncertain:** The reliability of the source cannot be assessed as trustworthiness has not been established by either experience or investigation.

- b. **Content Validity**

- 1) **Factual:** The information has been corroborated by other sources or methods;
    - 2) **Possibly True:** The information is consistent with other accounts;
    - 3) **Doubtful:** The information is not consistent with other sources; and
    - 4) **Accuracy Unknown:** The information cannot be corroborated.

- c. **Acquisition Method**

- 1) **Witnessed:** The source witnessed the occurrence or activity;
- 2) **Hearsay:** The source heard an account of the incident or planned activity; and
- 3) **Unknown:** The method used by the source to obtain the information is not known or documented.

## 2. **Purging Information [CFA 26.01M D]**

- a. In accordance with Florida Department of State's Records Retention Schedule, the Deputy Chief of Police or his/her designee will review the intelligence files periodically and purge information that is obsolete, superseded or has lost administrative value.
- b. During this review, information that proves to be non-criminal in nature will be deleted or shredded.
- c. Information relevant to criminal investigations may be retained indefinitely.

**G. Funds.** Funds for the purpose of paying informants and supporting other intelligence operations will be allocated and audited as detailed in General Order 7.1.04.

## 26.1.02 **RECORDS SECURITY [CFA 26.02M C]**

- A. Intelligence records will be maintained under the control of the Department Investigator.
- B. Intelligence records will be maintained separate from other police records, locked in a central, secure location. [CFA 26.02M D]
- C. As unauthorized release of information contained in the intelligence files may jeopardize undercover operations, compromise confidential sources and threaten ongoing criminal investigations, intelligence information will be collated and analyzed only in Investigations. [CFA 26.02M B]

- D.** To protect against unauthorized attempts to access, modify, remove and destroy stored information, access to intelligence files will be limited to the following personnel:
  - 1. Chief of Police;
  - 2. Deputy Chief;
  - 3. Investigators;
  - 4. Communications members entering information; and
  - 5. Others designated by the Deputy Chief.
- E.** Certain intelligence information is considered of such a confidential nature that access will be restricted only to those personnel with a "need to know" and will not be released to others without prior approval of the Department Investigator.
- F.** Those persons from duly constituted law enforcement agencies authorized to review the intelligence files will do so only in the presence of and accompanied by the Department Investigator or his/her designee.
- G.** The files of the intelligence function will remain secured when not under the direct control of Investigative personnel.
- H.** All discarded paper material will be shredded. Investigative products such as video and cassette tapes that are no longer useful or cannot be legally retained will be destroyed.

#### **26.1.03 EQUIPMENT AND TECHNIQUES**

- A.** Surveillance or electronic equipment must be checked out from the IT person charged with maintaining the unit.
- B.** All surveillance and electronic equipment will be maintained by IT personnel according to the provisions outlined in any grant agreement.
- C.** Electronic surveillance and wire intercepts will only be conducted in accordance with provisions of FSS 934 and upon approval of Department Investigator, who will be responsible for ensuring that statutory regulations are followed.
- D.** Photographic surveillance or video recordings may be conducted to:
  - 1. Identify persons who engage in or are suspected of illegal activity; and,
  - 2. Provide evidence of any illegal activity.

**E. Persons of Interest File**

1. Files of known and suspected offenders will be maintained under the supervision of the Department Investigator.
2. As with other criminal intelligence information, the Persons of Interest Files will be maintained independent of regular police records, locked in a central, secure location. [CFA 26.02M D]
3. Access to the Persons of Interest File will be limited to personnel tasked with entering information and law enforcement personnel with an investigative need to know.

**F. Thermal Imager**

1. The thermal imager is a passive sensing device designed to provide night vision capabilities by detecting variations in surface temperature.
2. Established law enforcement purposes include:
  - a. Search and rescue;
  - b. Fugitive searches;
  - c. Vehicle pursuits;
  - d. Marine and ground surveillance;
  - e. Perimeter surveillance;
  - f. Officer safety (hidden persons, animals, traps, combustibles, hazmat);
  - g. Structure profiles (power, water, exhaust);
  - h. Disturbed surfaces (buried objects, planted foliage, cultivated fields);
  - i. Environmental violations (chemical spills, buried hazmat, dump sites);
  - j. Vehicle compartment profiles (exhaust heat, fluid levels, recent welds);  
and
  - k. Accident investigations (skid marks, tire hot spots, seat temperature (passengers)).



### **3. Usage and Limitations**

- a.** The thermal imager cannot see through walls, water or glass, as it senses only surface temperature.
- b.** Heavy rain will diminish its capacity.
- c.** Wind may affect visibility.
- d.** Bright lights (washout) do not affect the image.
- e.** The thermal imager usually will function in smoke or fog.
- f.** Members should:
  - 1)** Transport and store the unit in the case;
  - 2)** Keep the objective lens covered when not in use and clean the lens only with the approved cleaning cloth;
  - 3)** Recharge batteries after use;
  - 4)** Keep a written log of every use, even for training purposes, maintaining the log in the imager case except when required for testimony; and
  - 5)** Report any problems with the unit to the IT person charged with maintaining the unit as soon as possible.

### **4. Legal Requirements**

- a.** Structure profiles have come under judicial scrutiny to the point that a search warrant may be required.
- b.** In all cases where indoor drug activity (marijuana cultivation) is suspected, the thermal imager should be operated only by a certified Law Enforcement Thermographer Association (LETA) member.
- c.** Members are not to employ the thermal imager in residence profiles until they have been certified by a LETA training course.
- d.** The LETA member should apply for a warrant, be prepared to testify in court and use thermographic evidence in support of probable cause, not as the basis for arrest or search.

- e. Members must have a legitimate law enforcement nexus prior to observing any private dwelling and will be sensitive to the privacy of others.

## **XX. INDEXING**

Criminal Intelligence  
Informants  
LETA  
Persons of Interest File  
Thermal Imager



# **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

<b>GENERAL ORDER: 27.1</b>	<b>SUBJECT: INTERNAL AFFAIRS</b>
<b>EFFECTIVE DATE: 2/28/06 REVISION DATE: 2/10/14</b>	<b>CFA STANDARDS: 27.01M A-G, 27.02M, 27.03, 27.04 A-E, 27.05, 27.06M</b>
<b>RESCINDS ALL EXISTING ORDERS IN CONFLICT.</b>	

## **SECTIONS IN THIS ORDER**

- 27.1.01 TYPES OF INVESTIGATIONS
- 27.1.02 INVESTIGATIONS OF COMPLAINTS
- 27.1.03 NOTIFICATIONS
- 27.1.04 EVIDENCE COLLECTION
- 27.1.05 RELIEF FROM DUTY
- 27.1.06 DISPOSITIONS
- 27.1.07 NAME-CLEARING HEARINGS
- 27.1.08 RECORDS

**XXI. PURPOSE:** The purpose of this General Order is to provide guidelines for the internal investigations function and describe the categories of complaints that require investigations in order to ensure the professional conduct and integrity of members of the Williston Police Department. The City has the unrestricted right to conduct investigations of citizen's complaints and matters of internal security, provided, however, that any investigative interrogation of any sworn employee is conducted pursuant to FSS 112, commonly referred to as "The Law Enforcement Officers' Bill of Rights," and according to the City Human Resource Manual and this Order.

**XXII. POLICY:** Every complaint lodged against a member of the Williston Police Department, whether the complaint is made in person, by telephone, by letter, by another employee or anonymously, will be investigated to the extent required by the nature and type of complaint. Members assigned the Internal Affairs function will conduct those investigations into allegations of serious employee misconduct.

### **XXIII. DEFINITIONS**

**Employee:** Any person employed by the Williston Police Department, including sworn police officers, civilian personnel and volunteers.

### **XXIV. PROCEDURE**

#### **27.1.01 TYPES OF INVESTIGATIONS**

- A.** Administrative internal investigations will be assigned to the Deputy Chief of Police, and criminal internal investigations will be assigned to the Investigative Services Commander.
- B.** Any person, including other employees of this Department, may file complaints
- C.** The level of Departmental response will be based on the type and severity of the complaint or allegation.
- D. Non-IA Inquiries**
  - 1.** Shift supervisors may handle minor complaints, which include those incidents in which a member's lawful, appropriate actions resulted in a citizen's or employee's dissatisfaction, misinterpretation or misunderstanding of law or policy. [CFA 27.01 A]
  - 2.** If a minor complaint remains unresolved, and the complainant is not satisfied, the issue may be referred to the Deputy Chief of Police for review. [CFA 27.01 C]
- E. IA Inquiries Investigations [CFA 27.01 B]**
  - 1.** The Deputy Chief or his designee will investigate serious complaints or allegations of misconduct, which are those incidents likely to result in disciplinary action more severe than verbal counseling.
  - 2.** Allegations that may beget an IA investigation include, but are not limited to:
    - a.** Corruption;
    - b.** Civil rights violations;

- c. Criminal misconduct;
  - d. Excessive use of force;
  - e. Vehicle pursuit policy violations;
  - f. Intoxication while on-duty;
  - g. Injury to a citizen by an employee, while on or off duty; and
  - h. Any intentional or accidental discharge of a firearm, other than in training or while engaged in lawful sporting activity, while on or off duty.
3. The Chief of Police may order a formal investigation into any allegation of misconduct.

## **27.1.02 INVESTIGATIONS OF COMPLAINTS [CFA 27.01]**

### **A. Non-IA Inquiries**

1. If a shift supervisor is not available, one will be notified and advised of the complaint or allegation as soon as practical.
2. When no supervisor is available, the complainant will be given a Citizen's Comment Form.
3. The supervisor may meet with the complainant in person or discuss the allegations over the phone.
4. An explanation of policy, procedure or tactic may be provided to the citizen in order to clarify the reasons for an employee's actions.
5. After obtaining the complainant's version of the incident, the supervisor will interview the employee and obtain his/her view of the situation.
6. If the employee admits to handling the incident improperly, the supervisor will recommend to the Deputy Chief that either the employee be counseled or that a formal investigation be conducted, stating the reasons for the necessity of such formal investigation.
7. If no formal investigation appears warranted, no further action will be taken.
8. The supervisor will notify the complainant as to the results of the inquiry, if the complainant wishes to be re-contacted.

9. If the employee denies any wrongdoing and provides a reasonable explanation for his/her actions, the supervisor will so advise the complainant, if re-contact was requested.
10. If the complainant is not satisfied with the outcome of the informal complaint inquiry, he/she will be advised to contact the Deputy Chief of Police, who will review the incident.
11. The complaint may be handled as a formal inquiry at the discretion of the Deputy Chief, based on the nature of the allegation and the circumstances of the complaint.

**B. IA Investigations**

1. In a formal IA investigation, the Deputy Chief or his designee will function as the Department's internal investigator.
2. The internal investigator will contact the complainant to discuss the allegations, if appropriate.
3. The internal investigator will meet with the affected employee to discuss the allegations and instruct the employee to read and sign copies of the following forms, if such forms are applicable:
  - a. Garrity Warning; and
  - b. Law Enforcement Officer's Bill of Rights.
4. Immediately prior to a discussion of the allegation, the internal investigator will provide the employee the opportunity to review any and all reports, statements, memorandums, documents and audio tapes that are part of the investigation.
5. The employee who is the subject of a complaint will participate in an audio taped interview.
6. The employee's immediate supervisor and the employee's attorney or other person of his/her choosing may be present at the interview.
7. After the meeting with the employee, the internal investigator and/or his designee will conduct any further investigation as needed.
8. When the investigation is complete, the internal investigator will submit the investigation to the Chief of Police with a summary of the investigation and an opinion as to whether or not one or more of the allegations or any additional

allegations appear to violate any laws, Departmental policies or personnel rules.

9. Disciplinary actions involving an officer's suspension must be approved by the City Manager, unless otherwise dictated by revisions to the City Charter.
10. An IA Investigation Summary Report will be completed, and the employee will be notified of the disposition in writing.
11. The employee has the right to appeal any suspension, demotion or termination in accordance with General Order 10.1.03.

**12. Incident Review**

- a. An incident review will be conducted by a supervisor on any incident in which there was a use of force, vehicle pursuit, vehicular crashes and any other incident that a supervisor deems appropriate.
- b. The review will be for the purpose of ascertaining compliance with all appropriate policies and procedures by the employees involved in the incident.
- c. If, during the incident review, it is determined that there may have been misconduct by one or more officers, an IA investigation will be initiated.

**27.1.03 NOTIFICATIONS**

**Notification of the Chief of Police**

1. Within twenty-four (24) hours of a complaint being filed, the on-duty supervisor will submit in writing the details of the complaint to the Deputy Chief of Police or, in his absence, to his designee.
2. The Chief of Police will be notified immediately in those instances involving complaints of a serious nature.

**Complainant Notification**

1. Written notification to the complainant concerning the status of the complaint will be made at the conclusion of any formal investigation. [CFA 27.06]
2. In informal inquiries, notification may be made by telephone or in person; however, if telephone contact is not possible, a letter from the Chief of Police or his designee may be sent to the complainant, informing him/her of the results of the inquiry.



3. If circumstances dictate that the investigation will be lengthy, the complainant may be kept informed of its progress by periodic contact from the internal investigator.

#### **Employee Notification and Rights [CFA 27.02]**

1. The employee will be notified in writing that a complaint has been filed against them. The notification will include the following documents:
  - a. Citizen's Comment Form or statements that outline the allegation(s) made against the employee; and
  - b. Law Enforcement Officer's Bill of Rights.
2. **Rights**
  - a. Law enforcement officers have the statutory right to legal counsel pursuant to FSS 112.532.
  - b. As a general policy, an employee will be allowed to have legal representation during any phase of an investigation.
3. If an employee is the subject of a formal investigation, he/she will be notified in writing of the disposition upon the completion of the investigation. [CFA 27.06]

#### **27.1.04 EVIDENCE COLLECTION [CFA 27.04]**

- A. Evidence collection for internal investigations involving Williston Police Department employees may include physical examination, laboratory tests, photographs and/or line-ups.
- B. Tests as described in this section will be administered as soon as practical after notification of the need for testing.
- C. **Polygraph Examinations [CFA 27.04 E]**
  1. The Chief of Police or his designee may request any employee of the Police Department who is the subject of an investigation to submit to a polygraph examination.
  2. When an employee submits to a polygraph examination, the information gained cannot be used against the employee in any criminal proceedings.
  3. Disciplinary action may not be taken against the employee if he/she refuses to take a polygraph examination.

## **D. Drug and Alcohol Testing [CFA 27.04 A]**

### **1. Alcohol**

- a.** When there is reasonable suspicion an employee is on duty under the influence of alcohol, the circumstances that caused the reasonable suspicion will be documented, and the employee will be required to submit to standardized field sobriety tests and intoxilyzer test.
- b.** A blood alcohol analysis will be administered by the designated health care provider, the results of which will be recorded by the investigating supervisor.

### **2. Drugs**

- a.** Where there is reasonable suspicion that an employee is on duty under the influence of any mood altering substance, or where there is reasonable suspicion of illegal use of any controlled substance (whether on or off duty), the circumstances will be documented.
  - b.** The employee will be required to submit to standardized field sobriety tests and blood and urinalysis tests, administered by the designated health care provider and recorded by the investigating supervisor.
- 3.** If an employee is operating a city vehicle or any other vehicle while on duty, and is involved in a traffic accident resulting in serious bodily injury or death to any person, the internal investigation of the incident will include blood analysis and/or urinalysis of the employee immediately after the accident.
  - 4.** If the employee is operating a city vehicle outside the city limits of Williston and is involved in a traffic accident or other incident in which there is a question as to whether or not the employee is under the influence of drugs and/or alcohol, the notified supervisor will ask a supervisor from that agency to assist in obtaining any necessary blood/urine samples and forward all pertinent paperwork.
  - 5.** If the employee questions the accuracy of, or wishes to verify the results of, any tests administered the employee may obtain a second blood analysis test from a state-approved testing facility; provided such sampling is performed within one (1) hour of the first sampling. All additional blood tests and/or urinalysis done will be at the employee's expense.
  - 6. Photographs or Line-ups.** Employees may be required to submit to photographing or to participate in a line-up as part of an internal investigation. [CFA 27.04 B, C]

7. Employees may be required to submit financial disclosure statements when it is material to a particular internal investigation. [CFA 27.04 D]

#### **27.1.05 RELIEF FROM DUTY [CFA 27.03]**

- A. After making every effort to review the matter with the Investigative Services Commander, the Deputy Chief and/or the Chief, a supervisor may relieve an employee from duty under the following circumstances:
  1. Employee misconduct which is serious in nature and/or creates potential harm to the employee or others;
  2. The employee is not properly prepared for duty or is unfit for duty; or
  3. The employee is involved in a deadly force encounter.
- B. This relief from duty will be with full pay and benefits pending the outcome of any subsequent investigation.
- C. A report will be submitted by the employee's supervisor to the Deputy Chief, who will make a recommendation to the Chief of Police as to the necessity for an investigation.
- D. Any employee who is relieved from duty and becomes the subject of an internal investigation will be required to report to the Deputy Chief or his designee at a designated date and time.
- E. Any time an employee is relieved from duty, the Deputy Chief of Police and the Chief of Police will be notified immediately.

#### **27.1.06 DISPOSITIONS [CFA 27.05]**

- I. Internal affairs investigations and any documented informal inquiries may result in the following types of dispositions:
  7. **SUSTAINED:** Sufficient evidence exists to support the allegations.
  8. **NOT SUSTAINED:** Insufficient evidence exists to prove or disprove the allegations.
  9. **EXONERATED:** The incident did occur, but the actions were lawful and proper. Such a resolution may be qualified as:

- c. **PROPER CONDUCT:** The action of the Department or the member was consistent with Department procedure, and the complainant suffered no harm.
- d. **POLICY FAILURE:** Although the action of the Department and the member was consistent with Departmental procedure, the complainant suffered harm.

**10. UNFOUNDED:** The allegations are not factual; the incident did not occur.

- J. Upon conclusion of an internal investigation, both the complainant and the affected member will be advised of the disposition of an investigation in writing. [CFA 27.06]
- K. Punitive discipline will be imposed according to the guidelines established in General Order 11.2: Disciplinary Process.
- L. The Deputy Chief will submit an Internal Investigation Report Form to FDLE when the charges and disposition warrant such reporting.

#### **27.1.07 NAME-CLEARING HEARINGS**

- A. If an employee perceives his or her reputation to be seriously injured through termination or some other change in work status, the employee is entitled to a name-clearing hearing, which includes notice and the opportunity to refute the information that purportedly damages his or her reputation.
- B. A name-clearing hearing serves only to provide the individual with an opportunity to clear his or her name and reputation in situations where he or she alleges that information of a damaging nature has been made public by the City or will adversely affect his or her reputation in the community or his or her future employment opportunities.
- C. Prevailing at a name-clearing hearing does not entitle the individual to reinstatement or to reemployment in his or her former position.
- D. The individual seeking such a hearing has the burden of proof.
- E. **Procedure**
  - 1. The employee must request the name-clearing hearing.
  - 2. The employee must allege:
    - a. A stigmatizing statement was made along with a change in employment status;

- b. The statement carried a moral stigma, such as dishonesty or immorality, that might damage the individual's standing and associations in the community or might impede his or her ability to take advantage of other employment opportunities;
  - c. The information was made public;
  - d. The public dissemination was voluntary; and
  - e. The stigmatizing statements are false.
- 3. The hearing must include a public component, specifically:
  - a. Notice;
  - b. An opportunity to be heard and present information;
  - c. A written decision rendered by the Chief of Police or his designee; and
  - d. An opportunity for the employee to publicize the outcome.

#### **27.1.08 RECORDS [CFA 27.01 D]**

- A. All completed IA investigation reports will be filed and secured in the office of the Chief of Police. [CFA 27.01 F]
  - 1. All internal investigations will be numbered with an "I" or "E," the year, and the number of the case for that year.
    - a. "I" will designate an internal complaint brought by a Department employee against another Department employee;
    - b. "E" will designate an external complaint brought by a citizen against a Department employee.
- B. Informal complaints are not formal investigations; however, informal complaints against members of the Department may be maintained by the Deputy Chief.
- C. In accordance with this section, any members involved in the Internal Affairs process will be responsible for maintaining the confidentiality of investigations and the security of all records pertaining to complaints. [CFA 27.01 E]
- D. Unless revised in the Florida Department of State General Records Retention Schedule, investigative material will be maintained according to their disposition and the following schedule: [CFA 27.01 D]

1. Cases designated as “Not Sustained,” “Unfounded” or “Exonerated” will be retained a minimum of one (1) year and destroyed only with the approval of the Chief of Police;
  2. Cases designated as “Sustained” will be retained 5 years after the final disposition.
- E. The final disposition summary of any documented investigation will be retained as long as the individual’s personnel file and in accordance with state retention requirements.
- F. The results of an investigation may be released to the public upon request at the conclusion of an investigation in compliance with the Florida Public Records Act. [CFA 27.01 G]

## **XXV. INDEXING**

Alcohol  
Citizen's Comment Form  
Complaints  
Drugs  
Evidence  
Garrity Form  
Internal Affairs  
Law Enforcement Officer’s Bill of Rights  
Public Records  
Relief from Duty

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>28.1</b>	SUBJECT: <b>PUBLIC INFORMATION</b>
EFFECTIVE DATE: <b>2/28/06</b> REVISION DATE: <b>5/20/16</b>	CFA STANDARDS: <b>1.06 A-G, 1.07 A-I, 15.16M, 15.17M</b> *CFA Edition 5.0
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

- 28.1.01 PUBLIC INFORMATION
- 28.1.02 MEDIA ACCESS
- 28.1.03 SEXUAL PREDATORS AND SEXUAL OFFENDERS
- 28.1.04 VIDEO RECORDING

## ADDENDUMS

- 28.1-A PUBLIC INFORMATION EXEMPTIONS

**XXVI. PURPOSE:** The purpose of this General Order is to establish guidelines for media access to police activities and the public release of incident information, including the presence of sexual offenders and sexual predators in the Williston area.

**XXVII. POLICY:** The Williston Police Department is committed to keeping the news media and local community informed about police matters. Information will be released as needed and when requested, contingent upon public records law, incident type, and public safety. It is the policy of this Department to allow the news media limited access to crime scenes to the extent that such access does not interfere with any investigation. The Department will freely release information relating to the organization and operation of the Department as required by the Florida Public Records Act.

## **XXVIII. DEFINITIONS**

**Public Records:** Per FSS 119.011(11): “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material,

regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business. All such materials, regardless of whether they are in final form, are open for public inspection unless the Legislature has exempted them from disclosure.

**Criminal Intelligence Information:** Per FSS 119.011(3)(a): information concerning “an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.” As defined under state statute, criminal intelligence information is considered active, as long “as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities” or “is directly related to pending prosecutions or appeals.”

**Criminal Investigative Information:** Per FSS 119.011(3)(b): information concerning “an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.” As defined under state statute, criminal investigative information is considered active as long “as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future” or “is directly related to pending prosecutions or appeals.”

## **XXIX. PROCEDURE**

### **28.1.01 PUBLIC INFORMATION [CFA 1.06]**

- A.** The Chief of Police, or his/her designee(s), will function as the media contact(s) with the Department, fulfilling the following assignments as needed, in accordance with the Florida Public Records Act, and to the extent that public safety priorities allow:
  - 1.** Assisting media personnel covering news stories and crime scenes; [CFA 1.06 B]
  - 2.** Being available for on-call responses to the media; [CFA 1.06 C]
  - 3.** Preparing and distributing Department news releases; [CFA 1.06 D]
  - 4.** Arranging for news conferences; [CFA 1.06 E]
  - 5.** Coordinating and authorizing the release of information about victims, witnesses and suspects; and [CFA 1.06 F]
  - 6.** Coordinating and authorizing the release of appropriate information concerning confidential Department investigations and operations. [CFA 1.06 G]



- B.** In the absence of the Chief of Police and the Deputy Chief, only Shift Supervisors are authorized to make on-camera appearances.
- C.** The responsibility for the release of information at the scene of an incident will be that of the highest ranking supervisor or the investigator assigned to the case. [CFA 1.06 A]
- D.** No information will be reported that will interfere with the investigation of a case or the arrest of a suspect.
- E.** No officer will release unauthorized information to the public.
- F. News Releases [CFA 1.06]**
  - 1.** News releases may be completed by any sworn supervisor. [CFA 1.06 A]
  - 2.** News releases will be used to provide information regarding major events in the Williston area, as well as events that may affect residents.
  - 3.** News releases will be made available to local media sources on an equal basis.
    - a.** Under no circumstances will such information be withheld, delayed, or selectively released to favor any particular media representative or agency.
    - b.** Specific inquiries made independently by media representatives may, however, be honored at the time of inquiry.
  - 4.** The Chief of Police or his/her designee will retain a copy of the news release for at least ninety (90) days or as revisions to retention laws dictate.
- G. Public Information**
  - 1.** It is the policy of this Department that all public records, as defined by FSS Chapter 119, be open for public inspection, free of charge, subject to those exemptions provided by law.
  - 2.** Fees for the reproduction of public records will be in accordance with the fee schedule established by the City of Williston but no greater than that prescribed by state law.
  - 3.** Requests for incident reports may be made in person, by fax, phone, mail or email. Requests for traffic crash reports must be accompanied by the applicable documentation, as cited in this Order.

- a. Once the request is received, the person requesting the information will be advised of the availability of the record and the cost of reproduction.
  - b. Once payment is made in full, the request will be fulfilled and released to the requesting party.
- 4. The statutory obligation of the Records personnel is to provide access to, or copies of, public records without unreasonable delay provided that the required fees are paid.
- 5. Information that must be released to the public, unless otherwise restricted, includes but may not be limited to:
  - a. The type or nature of an incident, such as fire, accident, homicide, etc.;
  - b. The date, time and location of the incident;
  - c. Any injuries sustained, damage incurred and how the incident occurred;
  - d. A general description of property stolen or damaged;
  - e. In some cases, the name, sex, age and address of a victim, except for victims of a sexual offense or child abuse; [CFA 1.07 G]
  - f. The name, sex, age and address of any adult arrested;
  - g. The fact that a juvenile has been taken into custody, usually excluding the name, but including the sex, age and charge;
  - h. All records of non-criminal traffic violations committed by juveniles;
  - i. Requests for aid in locating evidence, a victim, complainant or suspect;
  - j. Number of officers or citizens involved in an event or investigation; and,
  - k. Length of the investigation.
- 6. The following information **will not** be released:
  - a. Baker Act reports executed pursuant to Florida Statute Section 394.463(2)(a) that do not document a crime;
  - b. Any information revealing the identity of a confidential informant or a confidential source;

- c.** Any information revealing undercover personnel of any criminal justice agency;
- d.** Any information revealing surveillance techniques or procedures or personnel;
- e.** Any comprehensive inventory of law enforcement resources or any comprehensive policies or plans pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency;
- f.** Any criminal intelligence or criminal investigative information that reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of the crime;
- g.** Any criminal intelligence and criminal investigative information including the name, photograph, address, personal assets or other fact or information that reveals the identity of the victim of the crime of:
  - 1)** Sexual battery;
  - 2)** Lewd, lascivious, or indecent assault upon or in the presence of a child; or
  - 3)** Child abuse; [CFA 1.07 G]
- h.** The photograph, videotape or image of any part of the body of the victim of any sex offense regardless of whether that image reveals the identity of the victim;
- i.** At the written request of the victim, and for the five years following that written request, any criminal intelligence and criminal investigative information revealing the home or work address or home or work phone numbers or personal assets of the victim of the crime of:
  - 1)** Sexual battery;
  - 2)** Aggravated child abuse;
  - 3)** Aggravated battery;
  - 4)** Aggravated stalking;
  - 5)** Domestic violence; or
  - 6)** Harassment;

- j.** With the exception of traffic violators, the name and photograph of a juvenile suspect, unless he or she has:
    - 1)** been charged with a felony;
    - 2)** been convicted of three or more misdemeanors;
    - 3)** been adjudicated as an adult by the courts; [CFA 1.07 H]
  - k.** All criminal intelligence or criminal investigative information received by a criminal justice agency prior to January 25, 1979;
  - l.** The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel and their families, including the places of employment of the spouses and the names and locations of schools and day care facilities attended by the children of such personnel;
  - m.** Any information revealing the substance of a confession of a person arrested until such time as the case is finally determined by adjudication, dismissal or other final disposition;
  - n.** The identity of deceased persons without confirmation of the identity of that individual and verification that the next of kin has been notified; and
  - o.** Information received from other agencies without their concurrence for release. [CFA 1.07 I]
- 7.** Criminal intelligence information provided by a non-Florida criminal justice agency will be subject to the rules of disclosure of the providing agency.
- 8.** Release of active criminal intelligence and criminal investigative information will be at the discretion of the investigator. The criminal intelligence and criminal investigative information exemption does not prohibit the disclosure of such information, rather the information is not subject to mandatory statutory inspection.
- 9. Emergency Calls**
  - a.** A tape recording of an emergency call is public record and subject to disclosure after the deletion of complainant information.
  - b.** Any recording that reveals the name, address, telephone number or personal information of any person requesting emergency service or reporting an emergency is exempt from public disclosure. The exemption applies only to personal identifying information.

- c. Information considered active criminal investigative information also may be deleted from the tape prior to public release.

## **10. Motor Vehicle Crash Reports**

- a. Motor vehicle crash reports are not public record for 60 days after the report is filed.
- b. The report may be released only to parties involved in the crash, including the owners of the involved vehicles, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, law enforcement agencies, county traffic operations, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news.
- c. As a condition of accessing the crash report within 60 days after the date the report is filed, a person must present a valid driver's license or other photo identification, proof of status or identification that demonstrates his/her qualifications to access the information, and file a written sworn statement stating that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for the purpose of such solicitation, during the period of time that the information remains confidential and exempt.

## **11. Arrest Information**

- a. Certain facts generally may be released at the time of arrest of a suspect, including:
  - 1) The name, age, residence, employment, marital status and photograph of an accused adult; [CFA 1.07 B]
  - 2) Information on juveniles charged with a felony, or charge with three misdemeanors or adjudicated as an adult; [CFA 1.07 H]
  - 3) The substance or text of the charge as contained in a complaint, warrant, indictment;

- 4)** The identity of the investigating and arresting officer(s) or agency, although the identities of undercover officers will not be released;
- 5)** The circumstances immediately surrounding an arrest, including:
  - a)** Time, date and place of arrest;
  - b)** Method of apprehension;
  - c)** Type of resistance and any injuries sustained;
  - d)** Possession and use of weapons by the suspect;
  - e)** Description of items or contraband seized; and,
  - f)** Amount of bond, scheduled court date and place of detention.
- b.** After an arrest and formal charging, but prior to adjudication, certain information is restricted to ensure constitutional guarantees of a fair and impartial trial. Information should not be released regarding the following:
  - 1)** Prior criminal records, character or reputation of a defendant; [CFA 1.07 A]
  - 2)** Existence or contents of any confession, admission, or statement of a defendant, or a failure to make such confession, admission, or statement; [CFA 1.07 C]
  - 3)** Performance or results of any tests, or a defendant's refusal or failure to submit to tests; [CFA 1.07 D]
  - 4)** Identity, credibility, character, statements or expected testimony of any witness or prospective witness; [CFA 1.07 E]
  - 5)** Credibility, character, statements or expected testimony, or in some circumstances where such information may endanger the individual, any identifying information of any victim; [CFA 1.07 G]
  - 6)** Results of investigative procedures such as line-ups, polygraphs, fingerprints, lab or ballistic tests; [CFA 1.07 D]
  - 7)** Any opinion about the guilt or innocence of a defendant, or the merits of the case; [CFA 1.07 F]

- 8) The possibility of a guilty plea, plea bargaining, or other disposition; and,
  - 9) Reports, transcripts or summaries of any proceeding from which the news media and public have been excluded by judicial order.
- 12. Information that, if prematurely disclosed, would significantly interfere with an investigation or apprehension, particularly:
  - a. Unverified information;
  - b. Specifics of the means by which the crime was committed;
  - c. Details known only to a suspect or officer;
  - d. The identity or location of any suspect, except that the existence of a suspect may be acknowledged, without further comment; or
  - e. Information that may cause a suspect to flee or avoid apprehension.
- H. The Shift Supervisor will immediately notify the Chief of Police of all major police incidents where the news media may be present, including:
  - 1. Any unnatural or suspicious death;
  - 2. Shooting of, or by, a police officer;
  - 3. Incident resulting in serious bodily injury to, or by, a police officer;
  - 4. Any officer or patrol vehicle involved in an accident;
  - 5. Any fatal traffic crash within the City and within a three (3) mile radius of the City limits;
  - 6. Fire within the City limits;
  - 7. Death of an elected official or prominent citizen;
  - 8. Arrest of an elected official or prominent citizen;
  - 9. Major drug bust;
  - 10. Any hostage situation;
  - 11. Any robbery where serious bodily injury or death occurs;

12. A bomb or suspected device;
  13. Any airplane crash, train wreck or serious commercial fire;
  14. Civil disturbance; and,
  15. Any incident which, in a supervisor's judgment, would indicate the need for the Chief of Police to be notified.
- I. In the event there is more than one agency involved in an incident (e.g., fire department, Levy County Sheriff's Office, FHP, etc.), the agency having primary jurisdiction over the incident will be responsible for releasing or coordinating the release of information. [CFA 1.07 I]

**28.1.02 MEDIA ACCESS [CFA 1.06 B]**

- A. Because crime scenes are established to preserve evidence and ensure safety, crime scenes may be closed to all unauthorized persons, including members of the media.
- B. With the approval of the ranking supervisor in charge of the investigation, the media may be allowed to enter after the crime scene has been secured, the area has been searched, and the preservation and processing of evidence has been completed.
  1. The decision to allow access will be made by the ranking officer at the scene.
  2. The media representative will be accompanied by a sworn Department member.
- C. As soon as a disaster has been identified and secured, authorized members of the media shall be permitted unrestricted access to the affected area after being advised of any existing danger, as long as they do not hamper, deter or interfere with law enforcement or public safety efforts.
- D. Whenever there is a danger of personal injury, civilian access may be restricted until the threat of danger is removed.
- E. News media shall be permitted within the outer perimeter of a tactical operation, subject to the restrictions set forth by the incident commander. Department members will not jeopardize a tactical mission to accommodate the news media, but every effort will be made to keep the media informed about the progress of the operation.
- F. Members of the news media should identify themselves when requesting information at the scene of a crime or other activity that is under the control of the



police department. Generally officers should refer media members to the PIO or command staff for answers, particularly if they are unsure of the facts.

**G.** The media will be denied access to areas as follows:

1. If the owner of private property requests they be excluded;
2. If there is a possibility evidence will be damaged, tampered with or removed from the scene;
3. The investigation will be hampered; or
4. At the scene of a tactical police operation if the media's presence would disrupt operations or place any person at risk of injury or loss of life.

**28.1.03 SEXUAL PREDATORS AND SEXUAL OFFENDERS [CFA 15.16M, 15.17M]**

- A.** Sexual offenders and sexual predators attempting to register in the Williston area will be referred to the Levy County Sheriff's office.
- B.** The Williston Police Department will assist the Levy County Sheriff's Office in notifying the public about sexual predators and sexual offenders that establish or maintain a residence within the City of Williston.
- C.** Per FSS 775.21(7), information provided to the community and the public regarding the sexual predator must include:
  1. The name of the sexual predator;
  2. A description of the sexual predator, including a photograph;
  3. The sexual predator's current address;
  4. The circumstances of the sexual predator's offense(s); and,
  5. Whether the victim of the sexual predator's offense(s) was at the time of the offense(s) a minor or an adult.
- D.** Victims' names will not be released.
- E.** Specific notification will be given to each licensed day care center, elementary school, middle school and high school within a one-mile radius of the temporary or permanent residence of the sexual predator.

- F. Public notification will be in any form that is deemed appropriate by the Levy County Sheriff, the Chief of Police and FDLE, to potentially include newspaper, television, radio, flyers and door-to-door contact.

#### **28.1.04 VIDEO RECORDINGS**

- A. The Florida Public Records Act allows the public to inspect and photograph any record not considered exempt or confidential as described in this Order.
- B. Citizens have a right to record events in areas where there is no expectation of a right to privacy. Officers will do nothing to inhibit or obstruct the lawful recording of events at:
  - 1. Any public event or meeting;
  - 2. Any public park or building;
  - 3. Any street or highway;
  - 4. Any public employees' job related activity; and /or
  - 5. Any police investigation so long as there is no genuine interference from the recorder or his/her equipment.
- C. Police officers called to public events or buildings where the custodians of the location object to the lawful video recording of events at that time and place, including public meetings, sports events, trade shows, will politely advise the custodian that their venue is a public one and, absent a criminal breach of the peace, law enforcement may take no action to inhibit the continued recording of the event.
- D. Officers shall not issue or enforce any trespass warnings to individuals engaged in the lawful recording of public events or activities.
- E. As detailed in General Order 17.4, body camera recordings are exempt from the requirements of FSS 934, which mandates two-party consent to record communications in circumstances in which an expectation of privacy exists.
- F. Data recorded by body cameras must be screened by the Evidence Custodian for exempt or confidential data before being released pursuant to a public record request.
- G. Per Florida State Statute, a body camera recording, or a portion thereof, is confidential and exempt from public records request if the recording:
  - 1. Is taken within the interior of a private residence;

2. Is taken within the interior of a facility that offers health care, mental health care, or social services; or
  3. Is taken in a place that a reasonable person would expect to be private.
- H.** The confidential portions of a body camera recording, or a portion thereof, shall be disclosed:
1. To a person recorded by a body camera; however, the Department may disclose only those portions that are relevant to the person's presence in the recording;
  2. To the parent, court-appointed guardian, attorney or representative of a person recorded by a body camera, or the representative of a decedent recorded by a body camera; however, the Department may disclose only those portions that are relevant to the represented person's presence in the recording;
  3. To a person not depicted in a body camera recording if the recording depicts a place in which the person lawfully resided at the time of the recording; however, the Department may disclose only those portions that record the interior of such a place; or
  4. Pursuant to a court order.

### **XXX. INDEXING**

Child Abuse  
Crash Reports  
Domestic Violence  
Emergency Calls  
Harassment  
Florida Public Records Act  
Media Access  
News Releases  
Public Information  
Records  
Sexual Offender  
Sexual Predator  
Stalking  
Trespass Warning  
Victim Information  
Video Recording

# WILLISTON POLICE DEPARTMENT

## GENERAL ORDER

GENERAL ORDER: <b>28.1-A</b>	SUBJECT: <b>PUBLIC INFORMATION EXEMPTIONS</b>
EFFECTIVE DATE: <b>2/28/06</b> REVISION DATE: <b>1/25/12</b>	CFA STANDARDS: <b>1.07 G-H</b> *CFA <b>Edition 5.0</b>

The Victim Information Exemptions Table is to be used as a guide for members in editing victim information for release to the public in compliance with the Florida Public Records Act.

	Victim Information			
Crime	Name/Identifying Information	Home/Work Address	Home/Work Phone	Personal Assets
<b>Aggravated Battery</b>	Release.	Withhold at victim's request. *	Withhold at victim's request. *	Never release.
<b>Aggravated Stalking</b>	Release.	Withhold at victim's request. *	Withhold at victim's request. *	Never release.
<b>Child Abuse</b>	Never release.	Never release.	Never release.	Never release.
<b>Domestic Violence</b>	Release.	Withhold at victim's request. *	Withhold at victim's request. *	Never release.
<b>Harassment</b>	Release.	Withhold at victim's request. *	Withhold at victim's request. *	Never release.
<b>Lewd/Indecent Assault on a Child</b>	Never release.	Never release.	Never release.	Never release.
<b>Sexual Battery</b>	Never release.	Never release.	Never release.	Never release.

\* Withhold this information only if a written request from the victim is included with the incident report. This information is protected for five years following the written request.

Offender Information			
Offender Age/ Offense		Release	Withhold
Adult: Arrest		Release	Active criminal intelligence; Confessions
Adult/Juvenile: Baker Act		Criminal Incident Report	Portion of report to become part of medical record.
Juvenile: Adjudicated Adult		Treat as Adult Arrest	
Juvenile: Felony Arrest		Treat as Adult Arrest	
Juvenile: Non- Felony/Non-Sex Offense		Release to victim or victim's parents/ guardians, legal rep or next of kin in homicide	
Juvenile: Sex Offender/Predator		Sexual Offender/Predator Registration releasable	
Juvenile: Traffic Violator		Treat as Adult Traffic Violator	All traffic crash reports restricted 1 <sup>st</sup> 60 days

Redact all <b>social security numbers</b> for all parties.
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# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>29.1</b>	SUBJECT: <b>TRANSPORT OPERATIONS</b>
EFFECTIVE DATE: <b>6/15/06</b> REVISION DATE: <b>12/10/15</b>	CFA STANDARDS: <b>29.01M A-D, 29.02M, 29.03, 29.04M A-C, 29.05M, 29.06M A-E, 29.07M, 29.08M</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

- 29.1.01      SEARCHING DETAINEES
- 29.1.02      SEARCHING PATROL VEHICLES
- 29.1.03      RESTRAINING DEVICES
- 29.1.04      TRANSPORTING DETAINEES
- 29.1.05      MEDICAL TREATMENT FOR DETAINEES
- 29.1.06      DEATH IN CUSTODY
- 29.1.07      BAKER ACT TRANSPORTATION
- 29.1.08      ESCAPES
- 29.1.09      DOCUMENTATION

**XXXI. PURPOSE:** The purpose of this General Order is to establish guidelines for restraining and transporting detainees in the custody of the Williston Police Department in order to ensure the safety and security of detainees, officers and the public.

**XXXII. POLICY:** Officers of the Williston Police Department will ensure the safety of members, the public and detainees being transported while providing for the reasonable needs of detainees.

### **XXXIII. DEFINITIONS**

**Detainee:** An individual held in custody or confinement who may or may not be under physical restraint.

**Emergency Medical Condition:** As defined by Florida Statute, Chapter 395, a medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain, such that absence of immediate medical attention could reasonably be expected to result in serious jeopardy to patient health, including a pregnant woman or fetus; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part.

### **XXXIV. PROCEDURE**

#### **29.1.01 SEARCHING DETAINEES [CFA 29.02]**

- A.** All detainees will be searched by the transporting officer prior to being placed in a police vehicle.
- B.** Any officer accepting a detainee from another officer will search the detainee before accepting custody. Detainees will be searched each time they come into or are returned to an officer's custody.
  - 1.** A reasonable search of detainees to be transported by patrol vehicle may be conducted regardless of the age, sex, or charges to be filed.
  - 2.** Purses, coats, knapsacks, jackets, or other outer garments in the possession of the detainee should be separated from the individual and searched.
  - 3.** In cases where the member and the detainee are of a different sex, assistance from a member of the same sex as the detainee should be requested; however, if such assistance is not immediately available, the officer is authorized to conduct a limited pat-down frisk for the purpose of seizing obvious weapons.
  - 4.** In cases where it is necessary for a male member to search a female prisoner or for a female member to search a male prisoner beyond a pat-down, the search must be limited to the minimal invasion of privacy necessary to accomplish legitimate police purposes.
  - 5.** Strip and body cavity searches are to be conducted only as prescribed by FSS 901.211 and General Order 2.1.03.

**C. Non-Delinquent Children**

1. A child who is not arrested but is otherwise lawfully detained and involuntarily being transported pursuant to section FS 984.13 will be searched prior to being placed in a patrol vehicle.
2. Based on the threat to officer safety, an officer will perform a *limited* frisk or pat down for weapons before placing a non-delinquent child in a patrol vehicle for transport.
3. Bags should also be searched for officer safety.

**29.1.02 SEARCHING PATROL VEHICLES [CFA 29.08]**

- A. If their vehicle is used for transporting detainees, officers will inspect the interior of their vehicles at the beginning of each shift to ensure the vehicle is safe and properly equipped for routine patrol and prisoner transport.
- B. The rear seat area of *any* vehicle to be used for transporting detainees will be searched prior to transporting any detainee to ensure that no weapons or contraband are present in the vehicle.
- C. Transport vehicles will be checked after a detainee has been removed from the vehicle with any contraband or weapons detailed in the incident report. The area to be searched may be limited to areas accessible to the prisoner

**29.1.03 RESTRAINING DEVICES [CFA 29.07]**

- A. Except as provided in this Order, members will properly restrain all prisoners being transported.
- B. Handcuffs and other restraints are to be used to:
  1. Maintain control of a detainee;
  2. Provide safety for the officer, the detainee and the public; and
  3. Minimize escalation of a situation.
- C. Authorized restraints consist of, but are not limited to:
  1. Double locking handcuffs;
  2. Plastic flex cuffs;
  3. Leg restraints;



4. Transport belts; and
  5. Hobble restraints.
- D. Officers will also carry emergency shears for removing flex cuffs
  - E. Officers should not hesitate to use the more secure devices to supplement handcuffs if it is felt that handcuffs alone are not sufficient.
  - F. All sworn personnel in uniform will carry double-locking handcuffs.
    1. Sworn personnel in plainclothes assignments who may handle prisoners will also carry handcuffs.
    2. All handcuffs will be hinged or chain steel cuffs and will fit the same key as that issued by the Department.
    3. All officers will be responsible for the efficient operation of their handcuffs. Handcuffs must be checked frequently, cleaned, and lubricated to prevent malfunction.
  - G. Officers should use handcuffs in any case when the officer has reason to believe handcuffs are needed.
  - H. Handcuffs will be used in all physical arrests both misdemeanor and felony and for both males and females, unless the arrestee is under ten (10) years of age or the physical condition of the detainee makes the use of handcuffs unnecessary, as detailed in 29.1.03(I).
  - I. At the member's discretion, certain persons may be exempted from handcuffing, including the sick, injured, disabled, elderly or other persons whose physical condition may be aggravated by handcuffing. Sound professional judgment should be used when exceptions are made and alternative safety precautions should be taken unless the condition of the prisoner renders the individual harmless. [CFA 29.01 B]
  - J. Mentally disturbed individuals should be transported using restraints that prevent self-inflicted injuries, i.e.; handcuffs and security cages. If necessary, the appropriate health or emergency medical provider should be contacted for assistance.
  - K. Except as provided in this Order, handcuffs should be placed on a suspect as soon as a suspect is under control.
    1. Handcuffs will be double locked behind the prisoner's back with the prisoner's palms turned outward to minimize injury or escape.

2. Officer should ensure handcuffs and/or flex cuffs are adjusted to allow adequate circulation once locked in place.
3. Prisoners whose arms cannot be physically joined in back shall be handcuffed in front with hands back to back.
4. When the hands and wrists are too small or too large for handcuffs, plastic flex cuffs should be used.
5. When prisoners will be transported over an extended distance or for an extended period of time, they may be handcuffed with their hands in front with further precautions taken to limit hand movement; the prisoner's belt may be looped through the handcuffs with the buckle to the rear, an extra set of handcuffs may be used to secure the applied handcuffs to the prisoner's reversed belt, or flex cuffs may be used.
6. Flex cuffs should be considered as temporary or secondary restraints for:
  - a) supplementing steel handcuffs;
  - b) leg restraints for violent detainees;
  - c) mass arrests;
  - d) in instances where physical or medical issues necessitate an alternative form of restraint; and
  - e) transporting prisoners not deemed escape risks over long distances.
7. Prisoners should not be handcuffed to any part of a vehicle while being transported.
8. When transporting arrestees, a transport belt may be placed around the detainee and the handcuffs passed through the belt loop in the front.
9. If a detainee's actions indicate he or she may pose a threat to the transporting officer or to the patrol vehicle or equipment, the feet of the detainee may be secured with flex cuffs.
10. At no time shall a member use any restraining technique that results in a prisoner being restrained with both the hands and feet together behind the back, nor will prisoners be placed in a position that results in their lying on their stomachs while restrained, as it may cause serious physical injury or death by positional asphyxiation.
11. Handcuff keys will not be left unattended near a prisoner

**L.** Prisoners should remain handcuffed until released inside a place of confinement. [CFA 29.06 B]

**M.** Hobble Restraints

1. Hobble restraints should be used on any prisoner whose violent behavior is likely to cause injury to individuals or damage to property if the individual is not effectively restrained. [CFA 29.01 D]
2. Hobble restraints will be applied to a prisoner who is already handcuffed with hands behind the back.
3. Once a hobble restraint is applied, the prisoner will be placed inside the transport vehicle in a seated position and transported in like manner.
4. Upon arriving at the point of release, the hobble restraints will remain on the prisoners while he or she is removed from the vehicle.
5. In extreme cases when this system proves to be ineffective, other restraints may be used to join the prisoner's feet to the handcuffs. Upon application of this method, the prisoner will be positioned chest-up or on one side, if possible, to alleviate the possibility of asphyxia, a decrease in the subject's ability to obtain oxygen.

**N.** The use of leg restraints when transporting a prisoner is permissible. Factors to be considered before using leg restraints include, but are not limited to:

1. The nature of the charges against the prisoner;
2. The escape potential of the prisoner; and
3. The risk of assault by the prisoner.

#### **29.1.04 TRANSPORTING DETAINEES**

**A.** Members assigned vehicles equipped with a cage or safety barrier will make certain that the Child Safety Power Deactivation switches for both the window and door locks are in the off position. When these locks are set, the rear doors and windows cannot be opened from the inside; the rear doors can be opened from the outside when the doors are unlocked.

**B.** If a member believes a prisoner cannot be transported safely, the member should remain at the scene until additional help arrives.

- C.** All detainees should be placed in the rear seat of a patrol vehicle and secured with a seat belt.

  - 1.** If there is only one detainee, that detainee will be positioned in the right rear seat behind the front passenger seat.
  - 2.** If more than one officer is in the vehicle, both officers will be seated in the front seats.
  - 3.** When transporting a prisoner without assistance and without a rear seat prisoner retention cage, the prisoner will be placed in the right front seat; when two members are present, a prisoner will be placed in the right rear seat with the guard member seated directly behind the driver.
- D.** Seat belts will be used on all detainees or others transported except those individuals who are medically exempt.
- E.** A maximum of three (3) detainees may be transported in a single patrol vehicle at one time.
- F.** Male and female prisoners will not be transported together unless both are alleged to be involved in the same offense or transaction, and such transport together will not adversely affect an investigation. [CFA 29.01 A]
- G.** Except in emergency situations, juvenile detainees may not be placed into or transported in any police car or similar vehicle that at the same time contains an adult under arrest unless the adult is alleged or believed to be involved in the same offense or transaction as the juvenile, as set forth in FSS 985.101. [CFA 29.01 C]
- H.** Combative detainees should not be transported in the same vehicle. [CFA 29.01 D]
- I.** When transporting a detainee, the officer will:

  - 1.** Ensure that restraining devices are secure prior to placing the detainee in the back of the vehicle;
  - 2.** Advise Communications upon taking custody of a prisoner, giving the location and the mileage indicated on the patrol car odometer at the beginning and end of the trip, which Communications will log in the CAD narrative;
- J.** A member making an arrest will transport the arrested individual or request the individual to be transported to the jail to be booked without delay and will be responsible for having the arrest properly recorded, unless otherwise ordered.
- K.** As the primary duty of a member transporting a detainee is the safe delivery of the detainee in his or her care, members transporting detainees should not stop to take

enforcement action, pursue a violator, or become involved in any other duty-related activity, except in exigent circumstances. [CFA 29.03]

1. ONLY when the risk of physical harm to other persons is obvious, and the risk to the detainee is minimal, should a member become engaged in any other duty-related activity.
  2. Should the officer determine that a need exists to stop, the officer will advise Communications.
  3. The transporting officer will only stop when arriving first on the scene and will remain only until other emergency assistance has arrived or until it appears the situation is stabilized.
  4. Members who encounter disabled vehicles, traffic crashes or other minor incidents will immediately notify the Communications to have another member or an appropriate agency dispatched to handle the incident.
  5. Members may assist in clearing any roadway obstructions but should be able to maintain a continuous view of the prisoner.
  6. If a member must leave the vehicle, the anti-theft device will be activated or the key will be removed from the ignition.
    - a) Appropriate ventilation or heat will be provided for the detainee.
    - b) Prior to leaving a detainee unattended for any amount of time, the member will ensure that the detainee is properly restrained to prevent escape.
  7. Members should be alert to diversionary incidents that may divert the transporting member's attention and place the detainee in jeopardy or enhance chances for escape.
  8. The officer will not stop or park the vehicle in such a manner as to expose the detainee to a risk of being struck by another vehicle.
  9. Members will continue the detainee transport as soon as possible after the incident stabilizes.
  10. The transporting officer will not become involved in a pursuit, roadblock or other situation that might create a risk to the detainee without supervisor approval.
- L. Communications by the violator with persons other than the transporting or arresting member will be restricted until the detainee has reached the hospital, detention facility or booking location. [CFA 29.05]

1. Only communications that address a legitimate concern and do not impair security or adversely affect prosecution of the case shall be permitted.
  2. While transporting a detainee the officer will not allow the detainee to have contact with other persons, including the detainee's family or attorney.
- M.** Any time an officer arrests an individual who he/she believes is a security risk or suicidal, the officer will verbally advise the receiving officer or agency of the risk. [CFA 29.06 E]
- N.** All detainees are to be kept in visual contact by a member until turned over to another member or agency.
- O.** Upon delivery of a detainee to the jail or other facility, members will abide by the facility's rules regarding: [CFA 29.06 A]
1. Securing of the member's firearm(s) and ammunition;
  2. Removal of restraining devices from the detainee;
  3. Delivering necessary reports, inventoried possessions and other documentation to a receiving agent; [CFA 29.06 C]
  4. Documenting the name of the receiving agent;
  5. Advising the receiving agent(s) of any potential medical or security hazards;
  6. Documenting the transfer of the detainee in the incident report. [CFA 29.06 D]

#### **29.1.05 MEDICAL TREATMENT FOR DETAINEES [CFA 29.05]**

- A.** Members will exercise due care concerning handicapped detainees and will ensure the individual's wheelchair, crutches, prosthesis or other device are transported. Members are responsible for ensuring that all needed medications are transported with the detainee, if such medications are in the possession of the detainee.
- B.** Upon arresting an individual who is in need of medical treatment, or a detainee complains of any illness or injury after the transporting officer takes custody, the officer will:
1. Advise the OIC;
  2. Request EMS at the scene if injuries are serious enough to warrant immediate attention; or

3. Transport the prisoner to Regional General Hospital.
- C. In the event a detainee becomes sick or injured while being transported, it will be the transporting member's responsibility to take the detainee to the nearest medical facility for treatment.
  - D. It is the arresting officer's responsibility to ensure that any injuries are treated prior to transporting a detainee to another facility.
  - E. Upon arrival at the hospital, the officer will maintain physical contact with the detainee or will remain in close physical proximity during examination and treatment.
    1. The officer will not remove restraints from the detainee unless the restraints interfere with the treatment, and the physician or hospital staff request removal of the restraints.
    2. When removing restraints, the officer will only remove those restraints necessary, applying alternative restraints if appropriate.
    3. Upon completion of the treatment, the officer will replace the restraints on the detainee.
    4. If the required medical treatment restricts the officer's access to the detainee or restricts the use of the restraints, the officer will comply with the attending physician's directions only after the physician has been advised of safety concerns.
    5. If the detainee in question is, in the on-duty supervisor's opinion, a risk to the safety of the officer or medical staff, or may escape, then a minimum of two (2) officers will be in attendance.
  - F. The officer will obtain all appropriate paperwork, medical releases, instructions or medication from the hospital when the treatment is completed.
  - G. If the detainee is to be incarcerated, the transporting officer will ensure that all medical paperwork and medication is turned over to the receiving officer at the detention facility.
  - H. If the detainee is to be admitted to the hospital, the officer will notify the Shift Supervisor immediately.
    1. If the detainee is being charged with a misdemeanor, the detainee may be issued a misdemeanor citation and released from police custody.

2. If the detainee is being charged with a violent felony, the detainee will be guarded by a sworn member of this Department until transported to the Levy County Jail.
- I. If a detainee refuses medical treatment, the hospital will be asked by the officer to provide documentation of the refusal.
- J. If transported to a medical facility and the detainee requests to use the restroom, and an officer of the same sex is not available to escort a detainee to the restroom, the officer will first check the restroom to ensure there are no items that could be used as a weapon. After the detainee leaves the restroom, the officer will check again to ensure no contraband has been left. [CFA 29.01 A, B]
- K. If the detainee is out of sight of an officer for any period of time, the detainee will be searched again prior to transport.

#### **29.1.06 DEATH IN CUSTODY**

- A. In the event a detainee dies while being transported, or while in the care, custody or control of the Department, or shortly after being in the care, custody or control of an officer, the officer will:
  24. Notify Communications of the incident and request the shift supervisor to respond;
  25. Secure the scene.
- B. Communications will:
  1. Dispatch the officer's supervisor;
  2. Notify the Chief and Deputy Chief of Police; and
  3. Contact the FDLE Jacksonville Regional Operations Center to request a Critical Incident Team initiate an investigation.
- C. Unless the State Attorney or another law enforcement agency asserts primary jurisdiction and responsibility for investigations, FDLE will assume operational direction of investigations and forensics.
- D. Once advised of the death in custody, the supervisor will respond to the scene and insure:
  1. Dispatch requests an FDLE Critical Incident Team to initiate the investigation;



2. Physical evidence and documentation is protected and preserved;
3. A crime scene perimeter is established and secured;
4. All law enforcement and citizen witnesses are identified and separated pending initial interview;
5. As feasible, arrestees at the scene are detained pending arrival of FDLE;
6. Any weapons used are taken into custody and the condition of each weapon documented.
7. The ranking officer on scene will coordinate crowd control efforts. Access to the scene will be restricted to:
  - a. Emergency medical personnel;
  - b. FDLE investigators;
  - c. FDLE crime scene technicians;
  - d. Medical examiner personnel;
  - e. State Attorney personnel; and
  - f. Other law enforcement personnel assisting FDLE.
8. The ranking officer will assist FDLE during and after the on-scene investigation, including:
  - e. Collecting additional evidence from suspects, vehicles and involved law enforcement personnel; and
  - f. Securing radio, body camera and in-car camera recordings.
9. FDLE will be responsible for:
  - i. Dispatching the Critical Incident Team and crime lab personnel;
  - j. Contacting the medical examiner;
  - k. Advising the State Attorney personnel; and
  - l. Requesting any other law enforcement personnel required.
10. The Chief of Police or his designee may issue initial press statements:

- g. Acknowledging an incident;
  - h. Reporting the status of the officer(s) involved; and
  - i. Refer to the investigative process.
- 11. Any press release related to investigative activities and responses to public records requests shall be coordinated jointly by FDLE and the Police Department, assuring that disclosures, if any, are appropriate and timely.
  - 12. FDLE will forward copies of investigative reports and summaries to the State Attorney, maintaining applicable confidentiality. FDLE will report factual findings, offering no recommendations or legal conclusions as to whether any force used was justified.
- E. The Williston Police Department will conduct an administrative review of all incidents in which force is used against an individual. Any internal investigation report will be forwarded directly to the Chief of Police. [CFA 4.11M]
  - F. If an officer uses deadly force resulting in great bodily harm or death, the Florida Department of Law Enforcement criminal investigation will take precedence over the administrative review, per the terms of the agencies' Memorandum of Understanding.
    - 4. The Williston Police Department will retain direction and responsibility for any internal and administrative investigations.
    - 5. Any Departmental internal or administrative investigation shall be initiated only after the criminal investigations have been concluded or when specifically authorized by the FDLE investigative team.
    - 6. No internal report or statement by the Williston Police Department shall be provided to or its contents revealed to the criminal investigations team or prosecutor until such time as FDLE's criminal investigative team and the Office of General Counsel agree that the criminal investigation will not be adversely impacted.

#### **29.1.07 BAKER ACT TRANSPORTATION**

- A. The Baker Act empowers law enforcement officers to initiate an involuntary evaluation of persons based on the following criteria:
  - 1. The individual gives reason to believe they may have a mental illness;

2. The individual may present a danger to themselves or to others; or
  3. Without treatment, the individual is likely to suffer from potentially harmful neglect.
- B.** Officers must take such persons to Crisis Stabilization Unit/Division of Meridian Mental Health Services unless they have an overriding physical medical emergency.
1. Officers should have Communications call ahead to the facility, although this is a courtesy: **THE FACILITY CAN NOT REFUSE THE SUBJECT.**
  2. By law, the contracted receiving facility must accept persons brought by law enforcement officers for involuntary examination.
  3. If the facility refuses, contact the Shift Supervisor.
- C.** The officer must complete a written report and any applicable forms detailing the circumstances under which the person was taken into custody, which may include:
1. “Transportation to Receiving Facility” (CF-MH3100); and
  2. “Report of Law Enforcement Officer Initiating Involuntary Examination” (CF-MH-3052a).
- D.** The officer can direct that a person appearing to have an emergency medical condition be taken to an emergency room instead of a receiving facility.
1. If the individual is taken to a medical facility, it becomes the physician’s responsibility to enact the Baker Act.
  2. It is the responsibility of the sending hospital to arrange safe and appropriate transportation when a transfer to CSU is required.
- E.** Until the Board of County Commissioners specifies a transporter, the Williston Police Department may be contacted to transport citizens of Williston from the hospital to CSU. Individuals from outside the Williston city limits are to be transported by the sheriff’s office.
1. Under such circumstances, it is the responsibility of the medical authority initiating the Baker Act to complete the requisite paperwork.
  2. Under such circumstances, it is the responsibility of the medical authority initiating the Baker Act to arrange for the individual’s acceptance with the receiving facility.

- F. Officers have no responsibility to transport persons for voluntary admission to a mental health facility.

#### **29.1.08 ESCAPES [CFA 29.04]**

- A. In the event a detainee escapes from custody during transport, the officer will notify Communications, reporting: [CFA 29.04 A, C]
  - 1. The officer's location;
  - 2. The last known direction of travel of the escapee;
  - 3. A description of the escapee; and
  - 4. The arrest charges.
- B. Prior to the end of the shift, the officer will complete an incident report documenting the escape. [CFA 29.04 B]
- C. Communications personnel will: [CFA 29.04 A, C]
  - 1. Relay information on the escapee to all on-duty officers;
  - 2. Assign officers to assist in the search for the escapee, unless the escape occurs outside the city, in which case, advise the agency in whose jurisdiction the escape occurs; and
  - 3. Notify the Shift Supervisor, Deputy Chief and the Chief of Police.
- D. If an officer captures an escapee, the escapee should immediately be handcuffed and searched for weapons and contraband. The detainee may then be transported to the original destination or county jail, whichever is appropriate.
- E. If a detainee is injured during an escape, the officer will transport the detainee to Regional General Hospital, unless the detainee's injuries require EMS, in which case, the officer will accompany the detainee in the rescue unit.

#### **29.1.09 DOCUMENTATION [CFA 29.06 C]**

- A. If a detainee is to be transported to the Levy County Jail, the transporting officer will complete an arrest mittimus to be given to the receiving officer at that facility along with the detainee's personal property, if any.
- B. When transporting a detainee to any other facility, the transporting officer will deliver all pertinent paperwork indicating why the detainee is to be transported to

that facility (commitment papers, medical records, etc.) and the detainee's personal property, if any.

## **XXXV. INDEXING**

Arrests  
Baker Act  
Communications  
Critical Incident Team  
Death in Custody  
Detainee  
Escapes  
FDLE  
Flex Cuffs  
Handcuffs  
Hobble Restraints  
Injury  
Levy County Jail  
Medical Treatment  
Restraints  
Searches  
Transport  
Vehicles

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>30.1</b>	SUBJECT: <b>DETENTION PROCEDURES</b>
EFFECTIVE DATE: <b>6/15/06</b> REVISION DATE: <b>12/10/15</b>	CFA STANDARDS: <b>30.01M A-D, 30.02M A-D, 30.03M A-F, 30.04M A-C, 30.05, 30.06M A-B, 30.07M A-B, 30.08M, 30.09M, 30.11, 30.12M, 30.13 B-G, 30.14M, 30.15M, 30.16M, 30.18, 30.19M</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

30.1.01	TEMPORARY DETENTION PROCEDURES
30.1.02	DETENTION TIME
30.1.03	DEATH IN CUSTODY
30.1.04	FACILITY MAINTENANCE AND EQUIPMENT
30.1.05	FIRE PREVENTION AND EMERGENCY EVACUATION PLAN
30.1.06	HOLDING AREA SECURITY
30.1.07	TRAINING
30.1.08	PRISONER PROPERTY

**XXXVI. PURPOSE:** The purpose of this General Order is to establish Department policy and provide guidelines for the temporary detention of persons at the Williston Police Department.

**XXXVII. POLICY:** Members of the Williston Police Department are responsible for the welfare of persons in their custody or control and will seek to safeguard themselves, other Department members and persons in their custody. To minimize the risk to any individual in Department custody, an officer should remain in the presence of arrestees. If the arresting

officer must leave, the holding area will be monitored by Communications personnel by a security camera.

## **XXXVIII. DEFINITIONS**

**Custody:** Legal or physical control of a person in an area or facility or while in transit.

**Detainee:** A person held in custody or confinement, who may or may not be under physical restraints.

**Holding Area:** A locked area where a prisoner or detainee is placed to prohibit freedom of movement.

**JJDPA:** Juvenile Justice and Delinquency Prevention Act, cites that children should not have contact with adults in jails and other institutional settings and that status offenders should not be placed in secure detention.

**Processing:** Pre-booking activities involving detainees in custody, after which detainees may either be released from custody or transported to the Levy County Jail, at which time they would be booked.

## **XXXIX. PROCEDURE**

### **30.1.01 TEMPORARY DETENTION PROCEDURES**

- A.** If the arresting officer has had to physically subdue the detainee, another officer may be requested to transport and process the detainee.
- B.** Any time an officer makes an arrest, the following procedure will be followed:
  - 1.** Upon transporting a detainee to the Williston Police Department for processing, the officer will park as close as possible to the processing area;
  - 2.** Upon entering the processing area, the officer will turn on the red warning light to indicate to other members that a prisoner is in the holding area.
  - 3.** In the processing area, the detainee's belt will be removed by the officer;
  - 4.** The detainee will be instructed to remove his/her shoes;
  - 5.** Prior to placing a detainee into any empty cell, the officer will do a visual inspection to ensure there is no damage, weapons or contraband in the cell; [CFA 30.03 D]

6. The detainee will be placed in the first vacant cell while still handcuffed; [CFA 30.03 B]
  7. The officer will lock the cell and close the door to the cell area before returning to the processing area; [CFA 30.03 C]
  8. The officer will secure all lethal weapons and the patrol vehicle keys in the firearms lock box; [CFA 30.03 A]
  9. The key to the lock box will then be retained by the officer;
  10. Only after the officer's firearm(s) and the lock box key are secure will the officer return to the cell to remove the detainee's handcuffs in order to take photographs and fingerprints; [CFA 30.03 B]
  11. Officers will use the work area immediately in front of the holding cells to complete the necessary paperwork;
  12. Except in an emergency, at all times during the pre-booking process and while in the holding area, either the arresting officer or another officer will be present for supervision, accountability and control of all detainees; [CFA 30.06]
  13. If circumstances require all sworn personnel to leave the station, the Communications dispatcher will be advised to monitor the prisoner remotely, checking the prisoner's status every thirty (30) minutes. [CFA 30.06 A]
- C. At no time will males and females be placed in the same holding cell. [CFA 30.08]
- D. At no time will a juvenile detainee be brought into or through the processing area when an adult detainee is being processed.
1. If a juvenile must be processed while there are adult detainees in the processing area, the arresting officer will escort the juvenile to the interview room or conference room to be processed.
  2. No regular sight and sound contact between the child and adult inmates will be allowed. [CFA 30.08]
- E. All arrestees will be transported promptly to the Levy County Jail when all urgent investigative follow-ups, including interviews, are concluded.
- F. Detainees who are self-destructive or combative will not be processed within the Police Department but will be transported directly to the Levy County Jail. [CFA 30.12]



- G.** Emergency medical personnel will be summoned to examine any detainees who are ill or injured, or complain of illness or injury once in the holding cell. [CFA 30.09]
- H.** Delusional or combative detainees under the influence of drugs may be transported to the Levy County Jail for processing. [CFA 30.12]
- I.** Detainees under the influence of alcohol who register less than a .3 on a breathalyzer will be transported to the Levy County Jail. Detainees who test higher than a .3 will be transported to Tri-County Hospital for medical clearance, prior to being transported to the Levy County Jail. [CFA 30.12]
- J.** In the event of a group arrest that exceeds the maximum capacity of the holding area, detainees will not be processed within the Police Department but will be transported directly to the Levy County Jail. [CFA 30.18]
- K.** In the event that a detainee is to be released from the custody of the Police Department, the officer will first establish the positively identify of the detainee. The officer will then return the individual's property, having the sign the applicable receipt documenting its return. [CFA 30.19M]

#### **30.1.02 DETENTION TIME**

- A.** No adult detainees will be held at the Williston Police Department for more than eight (8) hours.
- B.** No juvenile non-offender, runaway or truant will be held in secure custody.
- C.** If a juvenile, regardless of status, poses a threat to officer safety and must be temporarily detained, the officer will thoroughly document the detention and circumstances.
- D.** State and federal laws limit the locked detention of juveniles who have committed criminal offenses to six (6) hours.
  - 1.** The clock starts when the juvenile is locked in any office, interview room or holding cell within the Department.
  - 2.** The clock does not start with apprehension on the street, placement in a police vehicle, entry into the police facility or placement in an unlocked area.
  - 3.** The clock stops when the juvenile is removed from secure custody; the clock continues with any return to secure custody.

- E. The officer will list any juvenile in custody on the *Florida JJDP A Compliance Monitoring Reporting Form* located in the officers' work area of the holding area, specifically noting the time detained and the time released.
  - 1. Records personnel will verify the accuracy of the log on the first of each month.
  - 2. The *Reporting Form* will be made available for inspection by personnel from the Department of Juvenile Justice.

### **30.1.03 DEATH IN CUSTODY**

- G. In the event a detainee dies while in the care, custody or control of the Department, or shortly after being in the care, custody or control of an officer, the officer will:
  - 26. Notify Communications of the incident and request the shift supervisor to respond;
  - 27. Secure the scene.
- H. Communications will:
  - 4. Dispatch the officer's supervisor;
  - 5. Notify the Chief and Deputy Chief of Police; and
  - 6. Contact the FDLE Jacksonville Regional Operations Center to request a Critical Incident Team initiate an investigation.
- I. Unless the State Attorney or another law enforcement agency asserts primary jurisdiction and responsibility for investigations, FDLE will assume operational direction of investigations and forensics.
- J. Once advised of the incident, the supervisor will respond to the scene and insure:
  - 13. Dispatch requests an FDLE Critical Incident Team to initiate the investigation;
  - 14. Physical evidence and documentation is protected and preserved;
  - 15. A crime scene perimeter is established and secured;
  - 16. All law enforcement and citizen witnesses are identified and separated pending initial interview;
  - 17. As feasible, arrestees at the scene are detained pending arrival of FDLE;

- 18.** Any weapons used are taken into custody and the condition of each weapon documented.
- 19.** The ranking officer on scene will coordinate crowd control efforts. Access to the scene will be restricted to:
  - g.** Emergency medical personnel;
  - h.** FDLE investigators;
  - i.** FDLE crime scene technicians;
  - j.** Medical examiner personnel;
  - k.** State Attorney personnel; and
  - l.** Other law enforcement personnel assisting FDLE.
- 20.** The ranking officer will assist FDLE during and after the on-scene investigation, including:
  - g.** Collecting additional evidence from suspects, vehicles and involved law enforcement personnel; and
  - h.** Securing radio, body camera and in-car camera recordings.
- 21.** FDLE will be responsible for:
  - m.** Dispatching the Critical Incident Team and crime lab personnel;
  - n.** Contacting the medical examiner;
  - o.** Advising the State Attorney personnel; and
  - p.** Requesting any other law enforcement personnel required.
- 22.** The Chief of Police or his designee may issue initial press statements:
  - j.** Acknowledging an incident;
  - k.** Reporting the status of the officer(s) involved; and
  - l.** Refer to the investigative process.

- 23. Any press release related to investigative activities and responses to public records requests shall be coordinated jointly by FDLE and the Police Department, assuring that disclosures, if any, are appropriate and timely.
- 24. FDLE will forward copies of investigative reports and summaries to the State Attorney, maintaining applicable confidentiality. FDLE will report factual findings, offering no recommendations or legal conclusions as to whether any force used was justified.
- K. The Williston Police Department will conduct an administrative review. Any internal investigation report will be forwarded directly to the Chief of Police. [CFA 4.11M]
- L. The FDLE criminal investigation will take precedence over the administrative review, per the terms of the agencies' Memorandum of Understanding.
- 7. The Williston Police Department will retain direction and responsibility for any internal and administrative investigations.
- 8. Any Departmental internal or administrative investigation shall be initiated only after the criminal investigations have been concluded or when specifically authorized by the FDLE investigative team.
- 9. No internal report or statement by the Williston Police Department shall be provided to or its contents revealed to the criminal investigations team or prosecutor until such time as FDLE's criminal investigative team and the Office of General Counsel agree that the criminal investigation will not be adversely impacted.

#### **30.1.04 FACILITY MAINTENANCE AND EQUIPMENT**

- A. Detainees will be provided adequate lighting; conditioned, circulated air and access to a toilet, sink and water as needed during the pre-booking process. [CFA 30.01 A-C]
- B. The procedure for gaining access to medical services will be posted in the holding area in both English and Spanish. [CFA 30.11]
- C. The holding area will be equipped with smoke detection equipment and fire extinguishers approved by local fire officials. [CFA 30.02]
  - 1. Fire detection equipment will be inspected regularly by the Deputy Chief or his designee for damage or tampering. [CFA 30.02 A]
  - 2. Smoke alarms will be tested and documented as required by local fire code. [CFA 30.02 B]

3. Semi-annual testing of fire suppression equipment as required by local fire code will be documented by the Quartermaster. [CFA 30.02 C]
- D. An evacuation map for the facility will be posted in the holding area. [CFA 30.02 D]
- E. In the event that a detainee willfully damages police property, the arresting officer will photograph the damage and charge the individual with criminal mischief.
- F. No tools or equipment will be left in the holding cells. [CFA 30.15]
- G. A first aid kit will be maintained in the officers' work area.
  1. Documented inspections will be conducted monthly by the weekend nightshift supervisor. [CFA 30.16]
  2. The inspecting member will request replacement medical supplies as needed from the Quartermaster.

**30.1.05 FIRE PREVENTION AND EMERGENCY EVACUATION PLAN**  
**[CFA 30.02 D]**

- A. A Department member discovering a fire will:
  1. Immediately notify Communications and the Shift Supervisor; and
  2. Attempt to contain or extinguish the fire.
- B. The Shift Supervisor or arresting officer will ensure that any detainees in the area are in no immediate danger.
  1. If the detainees are in danger, the officer or Shift Supervisor will take steps to have the detainees evacuated while keeping security in mind.
  2. All detainees should be restrained in handcuffs prior to being evacuated.
- C. Communications personnel will immediately notify the following personnel:
  1. Fire department;
  2. Shift Supervisor, if not already notified;
  3. Deputy Chief of Police; and

4. Chief of Police.
- D.** Should an evacuation be necessary, all detainees will be taken out of the holding cells to a secure location away from the fire (i.e. locked patrol vehicle) until the fire is extinguished, and the "All Clear" is given.

#### **30.1.06 HOLDING AREA SECURITY**

- A.** With the exception of a life or death situation, no officer of this Department will enter the holding area armed with a firearm while a detainee is in custody. [CFA 30.03 A]
1. The officer will place handcuffed prisoners in the cell, secure the cell, then secure his/her firearm and car key in the lock box.
  2. The officer will then secure the key to the lock box on his person.
  3. Only once his/her firearm is secure will the officer return to the cell to remove the handcuffs in order to print the prisoner.
  4. The detainee must be returned to the cell and handcuffed again before the officer may retrieve his/her firearm and car key in order to transport the detainee to the jail.
- B.** A red warning light at both the inner and outer doors of the processing area will indicate when a prisoner is in custody in that area.
1. Department members are not to access the processing area when the light is on, unless they are assisting with an arrest.
  2. Department members are not to bring minor children into or through the holding area at anytime.
- C. Electronic Surveillance [CFA 30.07]**
1. A security camera in the holding area allows Communications personnel to monitor detainees occupying holding cells.
  2. The security camera does not provide a view of the restroom portion of the holding area, thus Department members of either gender may remotely monitor detainees in the cells. [CFA 30.01 D, 30.06 B, 30.07 A]
  3. In the event of an emergency, Communications personnel will immediately advise the arresting officer, the Shift Supervisor, and if applicable, EMS. [CFA 30.07 B]

- D.** The following personnel will have access to the holding area and prisoners provided they have a legitimate reason to be there: [CFA 30.05]
1. Sworn officers;
  2. Communications personnel;
  3. Fire/Rescue personnel; and
  4. Other personnel as approved by a supervisor.
- E.** Civilian Department members are prohibited from entering any cell holding a detainee without a sworn officer present.
- F. Escape [CFA 30.13 C]**
1. In the event a detainee escapes, the arresting officer will immediately notify the Shift Supervisor and Communications. [CFA 30.13 B]
  2. The arresting officer will supply, at a minimum:
    - a. The name of the escapee;
    - b. Description of the escapee;
    - c. Last known location;
    - d. Direction of travel;
    - e. Alleged offense(s);
    - f. Restraints used; and
    - g. Mental/physical condition of the escapee.
  3. Communications will request additional personnel to organize and conduct a search of the building and/or immediate area. [CFA 30.13 D]
  4. Communications will immediately issue a BOLO to all Departmental members and, if applicable, to Levy County Sheriff's Office. [CFA 30.13 E]
  5. The Shift Supervisor will terminate the search upon the capture of the individual or after a reasonable amount of time has elapsed. [CFA 30.13 F]

6. The arresting officer will complete an incident report detailing the circumstances of the escape. [CFA 30.13 G]

#### **G. Communication**

1. The window between the officer's work area and Records will remain open to allow officers and prisoners to speak directly to Communications personnel in the event of an emergency. [CFA 30.03 E]
2. Officers may also contact Communications through their portable radios while in the holding area or by the phone in the work area. [CFA 30.03 F]

#### **H. Search of Detainees**

1. When a lawful arrest is affected, an officer may search the person arrested and the area within the person's immediate presence.
2. An officer making a lawful search without a warrant may seize all instruments, articles or things discovered on the person arrested or within the person's immediate control, the seizure of which is reasonably necessary for the purpose of:
  - a. Protecting the officer from attack;
  - b. Preventing the person from escaping;
  - c. Discovering the fruits of a crime; or,
  - d. Assuring subsequent lawful custody of the fruits of a crime or articles used in the commission of a crime.
3. No detainee will be released from handcuffs and placed in a holding cell without first being thoroughly searched. [CFA 30.04 A]
4. **Female Detainees**
  - a. Non-sworn female employees from Records or Communications may be requested to frisk a female detainee for weapons.
  - b. For safety purposes, a female detainee will be handcuffed behind her back while being searched by a non-sworn female employee.
  - c. During the search, a sworn officer will be present.
  - d. At NO time will non-sworn female employees be left alone with a female detainee.



5. With the exception of a child who is not arrested, but is otherwise lawfully detained and involuntarily being transported pursuant to section FS 984.13, all detainees will be searched by the arresting officer prior to being placed in a police vehicle for transport.

- a. Based on the threat to officer safety, an officer will perform a *limited* frisk or pat down for weapons before placing a non-delinquent child in a patrol vehicle for transport.

- b. Bags should also be searched for officer safety.

- I. If the arresting officer does not transport the detainee, then the transporting officer will search the detainee prior to placing him/her into the vehicle.

### **30.1.07 TRAINING [CFA 30.14]**

- A. At least annually, Department personnel with any responsibility for detainees will be trained in this policy and any changes in the operation of the holding areas.
- B. Records and Communications personnel will be trained in proper search techniques.
- C. All Department members will be trained in the proper use of available fire suppression equipment.

### **30.1.08 PRISONER PROPERTY**

- A. All persons arrested by the Williston Police Department will relinquish their personal property to the processing officer.
- B. All personal property secured by the processing officer will be inventoried and sealed in an envelope, which will be secured in the lockbox in the work area of the holding area. [CFA 30.04 B]
- C. Unless retained as evidence or held at the Williston Police Department for the detainee, a detainee's belongings will be delivered in the sealed envelope with the detainee to the Levy County Jail either by the arresting officer or by the transporting officer. [CFA 30.04 C]
- D. Any property or evidence retained by the Williston Police Department will be inventoried and submitted to the Evidence Custodian according to the procedures in General Order 35.1. [CFA 30.04 B]
- E. Items held for detainees will be released by the Evidence Custodian at the request of the arresting officer.

- F. The Evidence Custodian will visually inspect any item(s) submitted and may return improperly packaged or incorrectly inventoried items to the arresting officer.

## **XL. INDEXING**

Communications  
Detainee  
Electronic Surveillance  
Escape  
Evacuation Plan  
Evidence  
Fire Prevention  
Firearms  
Holding Area  
Inspections  
JJDP  
Levy County Jail  
Notifications  
Property  
Searches  
Training

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>32.1</b>	SUBJECT: <b>DOMESTIC VIOLENCE INJUNCTIONS</b>
EFFECTIVE DATE: <b>3/15/06</b> REVISION DATE: <b>8/17/15</b>	CFA STANDARDS: <b>32.03</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

- 32.1.01 VIOLATIONS OF INJUNCTIONS
- 32.1.02 REQUESTS TO STAND BY

**XXI. PURPOSE:** The purpose of this General Order is to establish Departmental policy and guidelines for serving and enforcing domestic violence injunctions.

**XXII. POLICY:** Any order for a civil arrest will be executed by sworn law enforcement officers only. [CFA 32.03] Per FSS 741.30, the Clerk of the Court will forward injunctions for protection against domestic violence to the Levy County Sheriff's Office. Officers of the Williston Police Department may aid and assist other agencies in the enforcement of domestic violence injunctions and other judicial orders as addressed to the Williston Police Department.

## **XLIII. DEFINITIONS**

None.

## **XLIV. PROCEDURE**

### **32.1.01 ENFORCEMENT**

**A.** *In the case of a violation of a domestic violence injunction or repeat violence injunction, upon determination of probable cause, an officer may make a physical arrest of the respondent if he/she willfully and knowingly violates a term of the injunction by:*

1. Refusing to vacate the shared premises within the time limits stated in the injunction;
2. Going to the petition's residence, school, place of employment, or a specified place frequented by the petitioner and any named family member or household member;

3. Committing an act of domestic violence against the petitioner;
  4. Committing any violation of the injunction through an intentional unlawful threat, word or act to do violence to the petitioner; or,
  5. Telephoning, contacting or otherwise communicating with the petitioner directly or indirectly unless the injunction specifically allows indirect contact through a third party.
- B.** For an arrest to be made under the authority of an injunction, the officer must verify the effective date of the injunction and ensure that the respondent was served.
1. In cases where a victim of domestic violence claims to have received an injunction against an individual but does not have a copy of the injunction, the officer will confirm the existence of the injunction through the Levy County Sheriff's Office or Clerk of the Court.
  2. Communications personnel should be able to verify injunctions issued within Florida through FCIC.
- C.** In assessing whether an injunction violation occurred, the officer must review the court order (injunction) to determine its terms and provisions.
- D.** Domestic violence arrests may be made over the objection of the petitioner or victim.
- E.** Injunctions are valid up to one year, to be determined by the judge signing the order.
- F.** Injunctions are enforceable in all counties.
- G. Charges**
1. Injunction violations, on their own, are enforceable through criminal prosecution as first-degree misdemeanors.
  2. Perpetrators violating injunctions without committing additional crimes will be charged with "Violation of an Injunction for Protection against Domestic Violence" under FSS 741.31 (4).
  3. Perpetrators committing acts of domestic violence or other crimes while also violating an injunction shall be charged according to the particular statute violated and "Violation of an Injunction for Protection against Domestic Violence."

- 4. Civil Contempt.** Other injunction violations, such as failure to attend a specified program, are considered civil contempt and are enforceable only through the courts and its officers.
- H.** Department members will not enforce out-of-state injunctions which have not been domesticated by a Florida court.
- I.** If a respondent is found in possession of a firearm, the weapon will be seized as evidence. The officer will run an FCIC/NCIC check and ATF trace on the weapon.

#### **32.1.02 REQUESTS TO STAND BY**

- A.** The Williston Police Department has no authority over civil issues absent a Florida court order directing law enforcement to take a specific action.
- B.** Absent such a court order, officers are not to respond to civil disputes involving the removal or disposition of property or persons.
- C.** Upon receiving a request absent a court order, an officer will listen to the complainant, and upon ascertaining that no criminal violations have occurred, advise the complainant on possible legally resolutions, whether via an injunction, private attorney and other judicial remedies.

## **XLV. INDEXING**

Arrests  
Civil Contempt  
Domestic Violence  
Firearms  
Injunctions  
Requests to Stand By

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>33.1</b>	SUBJECT: <b>COMMUNICATIONS</b>
EFFECTIVE DATE: <b>2/28/06</b> REVISION DATE: <b>7/25/12</b>	CFA STANDARDS: <b>33.01M, 33.02, 33.04M A-C, 33.05M, 33.06, 33.07, 33.08M A-E, 33.09 A-G, 33.11M A-F, 33.12M A-B, 33.13M, 33.14M; 33.15M</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

- 3.1.140 COMMUNICATIONS CENTER ACCESS
- 3.1.141 COMMUNICATIONS EQUIPMENT
- 3.1.142 RESOURCES
- 3.1.143 RECORDING INFORMATION
- 3.1.144 DISPATCH PROTOCOL
- 3.1.145 MISDIRECTED EMERGENCY CALLS
- 3.1.146 HANGUP CALLS
- 3.1.147 INTERPRETATION SERVICES
- 3.1.148 MEDICAL HELICOPTER REQUESTS

**CXXX. PURPOSE:** The purpose of this General Order is to establish guidelines and procedures for the maintenance and operation of the Williston Police and Fire Communications Center.

**CXXXI. POLICY:** The Williston Police Department will house and maintain an independent communications system for receiving, processing, dispatching and responding to calls for service. Telephone access will be available to the citizens of the City of Williston toll-free and twenty-four hours a day [CFA 33.03]. 911 calls are received by the

Levy County Sheriff's Office. 911 calls pertaining to incidents within the Williston Police Department's jurisdiction will be directed to the Communications Center by the Levy County Sheriff's Office. The Williston Police Department participates in a statewide criminal information system (FCIC) and the nationwide criminal information system (NCIC) and will operate according to all user agreements [CFA 33.02].

## **CXXXII. DEFINITIONS**

**CAD:** Computer Assisted Dispatch

**CJIS:** Criminal Justice Information Services.

**FCIC:** Florida Crime Information Center.

**NCIC:** National Crime Information Center.

**Shandscair:** Medical helicopter service based in Alachua County and operated by Shands Hospital at UF. The helicopter is referred to as Shandscair 1 with backup helicopters utilizing other radio ID numbers such as Shandscair 2.

**TRS:** Telecommunications Relay Services; a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls.

**TTY:** Teletype or a text telephone.

## **CXXXIII. PROCEDURE**

### **COMMUNICATIONS CENTER ACCESS [CFA 33.01]**

**A.** The following personnel have authorized access to the Communications Center:

- 1.** Chief of Police, Deputy Chief, and Investigative Services personnel;
- 2.** Communications personnel;
- 3.** Records personnel;
- 4.** Personnel relieving or assisting Communications personnel upon request;
- 5.** Maintenance and repair personnel with prior approval of a supervisor; and
- 6.** Personnel authorized by the Communications Supervisor, Chief of Police or Deputy Chief of Police.

**B.** The Communications Supervisor or on-duty dispatcher may at any time direct any personnel who are interfering with the communications function to leave the

center. This will not preclude shift supervisors from exercising their supervisory authority.

- C. All portable radios should be turned off upon entering Communications.
- D. The door to the Communications Center will remain closed and locked at all times. [CFA 33.12]
  - 1. Member key cards will be coded to allow only authorized individuals access to Communications.
  - 2. The public will have no direct access to the Communications Center.
  - 3. Citizens needing assistance may speak to Communications personnel through the window into the lobby.

## **COMMUNICATIONS EQUIPMENT**

- A. **The main radio base station equipment is located in the radio room located on the second floor of the Williston Police Department.**
- B. Security [CFA 33.12B]
  - 1. Access to the radio base and the radio repeaters is limited to authorized personnel.
  - 2. All external radio equipment will be secured by locks and razor wire or barbed wire fencing.
  - 3. The tower is located on the northwest side of the Williston Police Department.-
  - 4. Repeater equipment is located at the base of the water tower on the southwest corner of the police/fire department property and at the locked, concrete block structure in the 700 block of West Noble Avenue.
- C. Back-up Resources [CFA 33.12A]
  - 1. In the event of a power failure, the Communications Center is equipped with a back-up emergency generator designed to start automatically. Documented testing of the generator will occur monthly. [CFA 33.13]
  - 2. Upon any extended power failure, Communications personnel are to notify the Communications Supervisor and the Shift Supervisor.



- 3.** The Communications Supervisor or his or her designee will notify appropriate repair personnel in order to initiate repairs and restore power.
  - a.** Based on the nature of the problem, repair personnel may include the City of Williston, the local telephone company, and/or a communications or computer repair service.
  - b.** If the problem cannot be resolved, the Chief of Police will be contacted as soon as possible.
- 4.** In the event of a loss of power and malfunction of the emergency generator, Communications personnel will utilize the portable radios.
  - a.** If communication is not possible, the dispatcher will notify the Shift Supervisor to make arrangements for the units on the street to go to WILL BK UP or CAR TO CAR until normal communications can be restored.
  - b.** The dispatcher also will notify the fire department of the situation.
  - c.** In the event the portable radios are not functioning, the cell phone located in Dispatch may be utilized. This cell phone is intended only as a third avenue of communication in the event of a radio failure.

**D. Text Telephone and Telephone Relays Services [CFA 33.02]**

- 1.** The Williston Police Department does not have equipment capable of accepting TTY or text telephone calls from the public. Dispatchers will transfer such calls to the Levy County Sheriff's Office via their 911 line.
- 2.** The Williston Police Department will accept TRS calls.
  - a.** The communications assistant of the TRS service will identify him or herself as the relay service.
  - b.** The TRS communications assistant will relay the information from the deaf, hard-of-hearing or speech impaired caller.
  - c.** Per FCC regulations, information relayed through TRS calls is treated as confidential by the communications assistant.
  - d.** Aside from placing all questions and receiving responses through the communications assistant of the TRS service, the dispatcher will treat the call according to Communication protocol.

- e. Responding officer should be advised that the caller is relaying their complaint via TRS.

## **RESOURCES**

- A. Communications personnel will be trained with and have access to the Dispatcher's Guide to Crime/Incidents in Progress located in the Communications Center. [CFA 33.07]
- B. A listing of telephone numbers of emergency services, environmental and human services will be available in the Communications Center. [CFA 33.08 D]
- C. Emergency contact lists for stores, office buildings, churches and other commercial buildings are maintained on the Communications internal website and may be used to notify the owner or proprietor of problems after business hours.
- D. Communications personnel will have access to a duty roster and personnel roster that designate the following: [CFA 33.08 B]
  - 1. The Shift Supervisor and [CFA 33.08 A]
  - 2. The names, addresses and telephone numbers of all Department personnel. [CFA 33.08 C]
- E. Communications personnel may request assistance directly from the following list of outside agencies without prior supervisory approval:
  - 1. Williston Fire Rescue; [CFA 33.09 A]
  - 2. Levy County EMS; [CFA 33.09 C]
  - 3. Tow services; [CFA 33.09 E]
  - 4. Clay Electric, Progress Energy, Central Florida Electric, Sprint; [CFA 33.09 G]
  - 5. City of Williston Utility Department;
  - 6. Crisis Stabilization Unit; [CFA 33.09 B]
  - 7. Department of Children and Families; [CFA 33.09 B]
  - 8. Florida Department of Law Enforcement;
  - 9. Medical Examiner's Office;

- 10. Communications maintenance services; and
- 11. Taxi services. [CFA 33.09 F]
- F. Unless the incident commander or Shift Supervisor is unavailable, services that require the notification and approval of the incident commander or Shift Supervisor include, but are not limited to: [CFA 33.09 G]
  - 1. Special tactical teams;
  - 2. Bomb squad;
  - 3. Aircraft and helicopter support; [CFA 33.09 D]
  - 4. Disaster services agencies;
  - 5. Hazardous materials response team; and
  - 6. Police mutual aid.
- G. A map of the geographical boundaries and police zones for the City of Williston is visually available to Communications personnel within the Communications Center. [CFA 33.08 E]
- H. Communications personnel are not authorized to give emergency first aid assistance over the phone and radio. All requests for medical assistance will be transferred to the Levy County Sheriff's Office. [CFA 33.14]
- I. Emergency medical air transport will be obtained in accordance with General Order 33.3.

## **RECORDING INFORMATION**

- A. For the purposes of safety, professional standards and public records, Williston Police Department business is to be transacted on recorded radio channels and telephone lines; only when there is a need for special confidentiality or special safety issues, communications may unrecorded forms of communications be used.
- B. Only in the event of a radio failure will the cell phone located in Records be used.
  - 1. Use of this phone is to be included in daily shift notes and approved by a supervisor.
  - 2. The cell phone is to be returned to Records and its charger when not in use and that return also documented in shift notes.

- C.** Communications Center will maintain the ability to immediately play back radio and emergency telephone calls. [CFA 33.05]
- D.** A multi-channel, 24-hour DVD recorder will be operational at all times for the purpose of recording information on police and fire frequencies and designated telephone lines. [CFA 33.04]
- E.** The DVD will be changed depending on the amount of space available.
  - 1.** The disc that was removed from the machine will be placed into the appropriate container and securely stored. [CFA 33.04 B]
  - 2.** All discs will be retained for at least (90) days before being reused. [CFA 33.04 A]
- F.** The following criteria and procedures will be used when reviewing recorded radio and/or telephone conversations: [CFA 33.04 C]
  - 1.** With supervisory approval, Patrol members may review information contained on the 24-hour log tape.
  - 2.** With approval of the Chief of Police, archived information may be reviewed by Patrol members under the following circumstances:
    - a.** Officer injury or death;
    - b.** Officer involved shooting;
    - c.** Vehicle pursuits; or
    - d.** Any homicide cases.
  - 3.** Both the Communications Supervisor and Records personnel may review archived material for the purpose of compiling information for the State Attorney or public records requests.
  - 4.** Logging tapes are not to be removed from their storage area without permission of the Communications Supervisor. Information contained on a disc should be transferred to a CD for removal from the center, unless otherwise authorized by the Communications Supervisor.
  - 5.** Public records requests for audio tapes will be processed by Records and edited according to Florida public records law.
- G.** Information also will be entered manually into the computer at the time of a request for service, including:

1. Date and time the call is received;
  2. Reporting person's name, address, and phone number if possible; if refused, so indicate;
  3. Nature of the call;
  4. Location of the call;
  5. The time the call is dispatched;
  6. Officer arrival time;
  7. Time the officer returns to service;
  8. The disposition of the reported incident; and
  9. The dispatcher's initials in the "Dispatcher Box."
- H.** Any time an officer is dispatched or responds to assist a primary officer on a call, the unit number of each assisting officer will be logged, as well as the dispatch time, arrival time, time cleared and the disposition for that officer or officers.
- I.** A case number will be assigned to each police activity that generates Departmental paperwork or that requires substantial time or effort of a police officer.
1. This number is drawn from a log of continuous, sequential seven (7) digit numbers beginning with the year the complaint is made and ending in the complaint number for that year.
  2. The number will be logged in the computer for the purpose of tracking the activity in the central records system.

## **DISPATCH PROTOCOL**

- A.** The Communications Center is equipped with computer terminals giving the Department access to FCIC, NCIC and criminal history files from the Florida Department of Law Enforcement. These terminals will be utilized in accordance with provisions outlined in FDLE's CJIS Certification Manual located in the Communications Center. [CFA 33.02]
- B. Radios**

1. The communications system for the Williston Police Department will have multi-channel mobile and portable radio equipment capable of two-way operation on joint public safety frequencies to provide an uninterrupted flow of information among law enforcement agencies. All other public service agencies, such as fire department and EMS ambulance service, must be relayed through the Communications Center. [CFA 33.11 D]
  2. Members have twenty-four hour, two-way radio communications between the Communications Center and the officers on duty.
  3. Each officer is issued a portable hand-held radio with a charger.
  4. A sufficient number of portable radio batteries will be kept in recharging units should an officer need to replace one while on-duty.
  5. Each marked patrol unit is equipped with a mobile radio.
  6. In the event an officer's radio becomes inoperable, the officer will contact the Quartermaster for either replacement or repair of the unit, which ever is appropriate.
  7. If the Quartermaster is unavailable, the officer should request a replacement radio from Communications.
- C. Communications personnel will obtain complainant, victim, suspect, location and incident information as befits the type of call, as established through training and documented in the Dispatcher's Guide to Crime/Incidents in Progress. [CFA 33.07]
- D. If a complainant reports an incident that normally would not require an officer to investigate, but the complainant demands to see an officer, Communications personnel will notify the Shift Supervisor of the situation.
- E. Department personnel will be assigned an identification number for use during radio transmissions. Assigned by the Quartermaster, this number will be a derivative of the employee's division within the Department, rank and seniority. [CFA 33.11 C]
- F. At the beginning of any radio transmission, an employee attempting to contact the Communications Center will transmit his/her assigned employee number in order to identify himself/herself. Once the employee has been acknowledged, he/she may transmit the message.
- G. Members of the Department will maintain professionalism and courtesy during all radio transmissions.

- H.** Calls will be dispatched to officers on a rotation basis as they are received by the Communications Center.
- I.** Generally, only one officer will be dispatched to handle routine calls for service.
  - 1. Some calls may require additional officers for safety as well as effective handling of the situation.
  - 2. Additional officers are expected to clear the scene as soon as it has been determined that their presence is no longer needed. [CFA 33.11 E]
- J.** Two officers should be dispatched on the following call, manpower permitting: [CFA 33.11 E]
  - 1. Officer needs assistance;
  - 2. Any crime in progress;
  - 3. Any recently occurring crime where the suspect may be in the area;
  - 4. Incidents involving weapons;
  - 5. Family violence;
  - 6. Breach of peace with a known or suspected potential for violence;
  - 7. Disturbance involving intoxicated or disorderly person(s);
  - 8. Incidents involving mentally ill person(s);
  - 9. Any type of 911 call;
  - 10. Open door and/or window call;
  - 11. Upon request of the responding officer; and,
  - 12. Any call where, in the judgment of an OIC or dispatcher, the need exists for additional officers.
- K.** Incidents requiring the presence of a supervisor include, but are not limited to:
  - 1. All unnatural and suspicious deaths;
  - 2. Vehicular pursuits;
  - 3. Incidents involving the use of force;

4. Traffic crashes with injuries;
5. Traffic crashes involving off-duty and on-duty employees;
6. Any on-duty injury to an officer or other employee;
7. Rapes and crimes resulting in serious injury to a victim;
8. Bomb threats;
9. Hazardous materials spills or other incidents that threaten public safety;
10. Large fires;
11. Hostage incidents or barricaded persons; and
12. Any situation drawing media attention.

**L. Routine Radio Contact [CFA 33.11 A]**

1. Radios will be used for official business only.
2. While on duty, officers will remain in radio contact, answer immediately when called, and be ready to note information.
3. When in-service and called by a supervisor or dispatcher, officers will respond with their employee number.
4. Radio transmissions initiated by field units directed to the Communications Center will be initiated with their employee number. Officers will wait until acknowledged by a dispatcher before making any further transmission.
5. Officers will acknowledge the receipt of any bolos and all transmissions directed specifically to them.
6. Before making any non-emergency transmission, officers will make certain that they are not interrupting an ongoing transmission.
7. On every call, officers will advise Communications as soon as they arrive on the scene and will advise that they are back in service as soon as the call is complete.
8. When responding to a call for service at an unknown or unspecified address, officers should cite the location, being as specific as possible, using actual addresses and names of businesses whenever possible.



9. All officers will advise the Communications Center of their status when they go out of service.
10. On vehicle traffic stops, whenever practical, officers will report to Communications the vehicle tag number and issuing state prior to stopping the vehicle. On stopping the vehicle, the officer will advise Communications of the location, vehicle make and color, and, if known, the number of occupants, including race and sex.
11. Any perceived problems involving radio procedures and/or assignments of calls will be discussed with and handled by a supervisor after completion of the assignment.
12. Whenever possible, officers will make their own telephone calls. When a telephone is unavailable, and the call must be made without delay, the officer may request Communications personnel to make the call.

#### **M. Record of Officer Status**

1. Any time an officer conducts an activity, the activity will be entered into CAD by the dispatcher. Prior to the end of the dispatcher's shift, all dispatch entries will be logged on the computer and in shift notes, which are emailed to appropriate personnel. [CFA 33.11 B]
2. Written communications logs will be the backup mode of operation in case of total power failure, evacuation, or computer/network issues. When the crisis is over the handwritten logs will be manually entered into CAD.
3. A log entry will be completed for miscellaneous police duties, as well as for calls for service. These duties may include, but are not limited to:
  - a. Officer beginning/ending shift;
  - b. Alarms, Legal advice, Civilian entry into secured area;
  - c. Prisoner details, found property, animal control
  - d. Follow-up investigation;
  - e. Vehicle and equipment service;
  - f. Traffic stops and crashes
  - g. Supervisory details;

- h.** Training while on-duty;
  - i.** Special operations; and
  - j.** Assisting other agencies.
- N.** Communications personnel will check an officer's status when the officer is checked out on traffic stops, and on any call that may pose a danger to the officer's safety, after three (3) minutes. If there is no response, an additional car will be sent to that location. [CFA 33.11 F]
- O.** In between calls for service, the dispatcher will conduct a time check at the top and bottom of the hour during nighttime hours. At the time check, the location of the officer will be obtained in case contact is lost, so responding officers will have a point of reference from which to initiate a search. [CFA 33.11 F]

#### **MISDIRECTED EMERGENCY CALLS [CFA 33.06]**

- A.** In the event that the Department receives an emergency call intended for another law enforcement or public service agency, the call will be transferred to the appropriate agency.
- B.** If the call cannot be transferred, Communications personnel will either advise the caller of the correct number or obtain the necessary information and notify the appropriate agency by the most expeditious method available.

#### **HANGUP CALLS**

- A.** When a call is received by the Department, the phone number appears on the phone and on active computer screens.
- B.** When the Department receives a call and either the caller will not respond or the caller hangs up, the dispatcher will attempt to dial that number back in order to ask if someone intended to contact emergency services.

#### **INTERPRETATION SERVICES [CFA 33.15M]**

- C.** In the event that an individual needs assistance and that person does not speak English, either an available, bilingual member of law enforcement will be contacted or a qualified interpreter will be phoned.

3. When a Department interpreter is not available, dispatchers are to contact the Levy County Sheriff's Office and request a bilingual deputy.
  4. If a deputy is not available, the dispatcher is to use the contracted telephonic interpretation services as outlined in the reference cards located in the Officer's Quarters and Communications.
- D.** Accompanying friends and family members should not be the sole translator.

### **MEDICAL HELICOPTER REQUESTS [CFA 33.09 C-D]**

**FF.** The Williston Police Department Communications Section will work with Williston Fire Rescue and the Levy County Sheriff's Office to obtain emergency medical air transport.

#### **GG. Availability**

12. During the response to an incident where the initial information indicates the possible need for a helicopter response and transport, fire-rescue units may seek to determine the availability of Shandscair.
13. Any fire fighter may request the availability of Shandscair.
14. The fire-rescue dispatcher will contact the Levy County Sheriff's Office dispatch in order to:
  24. Provide the details on the incident;
  25. Obtain Shandscair's availability status; and
  26. Obtain the approximate estimated time of arrival if the helicopter is requested.
15. The information obtained from Shandscair will be relayed to the requesting unit.

#### **HH. Response**

1. Only the on-scene incident commander may request response from Shandscair.
2. When the on-scene incident commander requests helicopter response, the fire-rescue dispatcher will forward the request to Shandscair dispatch.

**II.** Upon requesting that Shandscair respond to an incident, the incident commander will provide the fire-rescue dispatcher with the following information:

1. Incident type;
2. Incident location;
3. Designated landing zone;
4. ID number of ground unit coordinating landing zone; and
5. Radio channel for contact with ground units.

**JJ.** A list of possible landing sites with GPS positioning is available on the Communications website.

**KK.** The fire-rescue dispatcher will relay the information to Shandscair dispatch.

**LL. Radio Channels**

1. The radio channel for contact with ground units typically will be Regional Med (fire-rescue frequency) or Sheriff's Net (law enforcement frequency).
2. If fire-rescue units are coordinating the landing zone, the radio channel should be the same operational channel assigned to the incident unless designated otherwise by incident command.
3. If law enforcement units are coordinating the landing zone, the appropriate law enforcement dispatcher must designate an operational channel for this purpose.
4. Shandscair may have to be provided with the appropriate frequencies.

**MM. Landing Zones**

1. The coordination of a landing zone must be established prior to the arrival of the helicopter.
2. A landing zone may be established by any of the public safety agencies on the scene of an incident.
3. The agency handling the landing zone must identify:
  - a. A clear landing location; and

- b. A radio channel on which the helicopter **MUST** communicate with someone on the ground prior to landing.
  - 4. It is the responsibility of the incident commander to designate the location and channel and relay them to the fire-rescue dispatcher.
  - 5. If the incident commander does not relay both the location and the channel, prior to the helicopter asking for it, the fire-rescue dispatcher will make contact with incident command to obtain the necessary information.
- NN.** If Shandscair is not available to respond, the requesting unit or incident commander is to be advised.
- 1. The request may be canceled by the incident commander at that time; or
  - 2. An alternate EMS helicopter may be requested depending on the nature of the incident or weather conditions.
- OO.** Communications personnel will not request an alternate helicopter unless directed to do so by the incident commander.
- PP.** Shandscair dispatch can provide contact information on alternate medical helicopters in the area.
- QQ.** Only the incident commander may cancel a request for a helicopter.

#### **CXXXIV. INDEXING**

CJIS  
 Communications  
 Dispatcher  
 Emergency Calls  
 EMS  
 FCIC  
 Fire-Rescue  
 Helicopter  
 Interpretation Services  
 Landing Zone  
 NCIC  
 Radio Communications  
 Records  
 Shandscair

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>33.2</b>	SUBJECT: <b>COMPUTER USE</b>
EFFECTIVE DATE: <b>2/28/06</b> REVISION DATE: <b>2/20/14</b>	CFA STANDARDS: <b>34.12 A-G, 34.13M A-C</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

33.2.01	HARDWARE AND SOFTWARE INSTALLATION
33.2.02	AUTHORIZED USAGE
33.2.03	FCIC/NCIC ACCESS
33.2.04	SECURITY
33.2.05	PROHIBITIONS
33.2.06	COMPUTER AUDITS
33.2.07	INTERNET USE
33.2.08	E-MAIL
33.2.09	SOCIAL MEDIA

- I. PURPOSE:** The purpose of this General Order is to establish guidelines and procedures regarding the use of Department computers in order to safeguard confidential information and municipal equipment.
- II. POLICY:** It is the policy of the Williston Police Department to utilize e-mail and the Internet to facilitate communication and research in a professional capacity. Internet and e-mail use will be conducted in a secure manner. Department personnel will not use the Internet or e-mail to post, send or receive any information that is in violation of City guidelines or state and federal laws. Per City policy, Department personnel accessing materials that might be deemed obscene should be guided by the test of what is appropriate and necessary to job function.

### III. DEFINITIONS

**E-mail:** Electronic mail.

**Forum:** An online discussion site.

**Hardware:** Electronic components of a computer system including peripherals, circuit boards, and input and output devices.

**LInX:** Law Enforcement Information Exchange: The LInX Project is a joint, regional and state project of over 50 South East and Central Virginia law enforcement agencies and the U.S. Naval Criminal Investigative Service to share law enforcement data across the region.

**ORI:** Originating Agency Identifier, a 9-character identifier assigned by CJIS to an agency.

**Posting:** The act of creating, uploading, editing or adding to any social media outlet.

**Social Media:** Online sites that allow people to communicate by sharing information, photos, videos, text and audios via some form of online or cellular network.

**Social Networking:** Use of Internet or mobile formats such as Facebook, Twitter, MySpace, LinkedIn, Foursquare, Usenet groups, online forums, message boards or bulletin boards, blogs or other similar formats to communicate with users with similar interests, geographical locations, skills, occupation or ideologies.

**Software:** A computer program, a set of instructions written in a specific language that commands the computer to perform various operations on data contained in the program or supplied by the user.

### IV. PROCEDURE

#### 33.2.01 HARDWARE AND SOFTWARE INSTALLATION

- A. Use of or installation on City-owned computers of non-business related software, or software not licensed to the Department or City is strictly prohibited. [CFA 34.12 D]
- B. All software must be checked and approved by a Department-designated IT administrator before installation and/or use on Department computers.
- C. All hardware and software owned or used by the Department will be used in accordance with United States Copyright laws and manufacturer's recommendations.
- D. No City-owned computer hardware will be installed, opened, modified, repaired or moved except by a Department-designated IT.

- E. All purchases of computer hardware and software will be coordinated with a Department-designated IT administrator to ensure compatibility.
- F. Any mobile data computers owned by the City or Department are subject to the same restrictions as immobile, City-owned computer systems. [CFA 34.12 C]
- G. The maintenance of personally owned laptops will be the sole responsibility of the owner. [CFA 34.12 C]

### **33.2.02 AUTHORIZED USAGE [CFA 34.12 G]**

- A. Requests for passwords or access to any part of the Department computer system must be approved by the Deputy Chief of Police.
- B. Department members will be granted access and edit rights to only those files and systems required in the performance of their official duties. [CFA 34.12 F, 34.13 A]
- C. Members are to keep their passwords secure and confidential.
- D. Members are to lock their terminals or log-off whenever they leave their workstations unattended.
- E. Only members certified by FDLE are permitted to access FCIC and NCIC and will act in accordance with provisions outlined in FDLE's CJIS Certification Manual located in the Communications Center.
- F. **LInX**
  - 1. If a member prints a LInX report for an officer, that report MUST be destroyed within three (3) days from print date.
  - 2. If an officer requests a hard copy of a LInX report, the disseminating member should put a DESTROY BY DATE at the top of the page.
  - 3. LInX information is forbidden from being put in case folders EVER.
- G. No one will be authorized to dial, by use of telephone lines or other electronic means, into any Department computer without permission from the System Administrator.
- H. Due to the potential for serious Department-wide computer problems and security breaches that may compromise confidential records, introduction of unauthorized materials or users into the computer system will be grounds for disciplinary actions, up to and including termination. [CFA 34.12 G]

### **33.2.03 FCIC/NCIC ACCESS [CFA 34.06]**



- A.** Only CJIS-certified Communications and Records personnel, including the Investigative Services personnel, may access and disseminate criminal histories, including information from LInX and Accuprint.
- B.** Criminal history information may not be run for the personal benefit of Department members.
  - 1.** Computerized criminal history records will be disseminated only as part of a user's criminal justice duties on a need to know/right to know basis.
  - 2.** Sharing or using such information for anything other than job-related criminal justice duties constitutes a violation of the Department's User Agreement and may result in disciplinary action in accordance with General Order 11.2.
- C.** Voice transmissions of criminal histories over the radio or cell phone should be limited. Details should only be relayed when officer or public safety is an issue.
- D.** Authorized members may fax criminal histories only if the receiving agency has an ORI and is authorized to receive criminal history information.
- E.** Criminal histories will not be sent via email.
- F.** Given the changing nature of the information and state retention requirements, computerized criminal histories will only be maintained until the case file is closed, the record is obsolete or the administrative value is lost.
  - 1.** Criminal histories will be shredded and their destruction documented with Records personnel in accordance with state records management requirements.
  - 2.** Criminal histories maintained for investigative purposes will be kept in a secure manner to prevent unauthorized access or dissemination.
- G.** When retrieving information, the name of the person and agency requesting the information must be entered in the Attention field.
- H.** Criminal histories disseminated to other agencies must be logged in the Department's secondary dissemination file, noting the following information:
  - 1.** Subject of the criminal history request;
  - 2.** To whom the information was released;
  - 3.** Who released the information;
  - 4.** Date the information was released;
  - 5.** Purpose code;

6. Reason for request; and
  7. Any numeric identifiers used to obtain the complete criminal history.
- I. The secondary dissemination log will be maintained for four (4) years and made available for agency audits.
  - J. The Williston Police Department does not run CJIS criminal history checks for the public. Citizens requesting criminal histories should be directed to the FDLE website for directions on requesting background checks.

#### **33.2.04 SECURITY**

- A. The Department-designated IT administrator will maintain applicable firewall and virus protection software in order to safeguard against unauthorized attempts to access, alter, remove, disclose or destroy electronically stored information. [CFA 34.12 E; 34.13 A]
- B. Only authorized Department members with current passwords may access, alter or delete stored information. [CFA 34.13 A]
- C. The Department-designated IT Administrator will continually monitor all password, access codes and access violations.
- D. A Department-designated IT Administrator will conduct an annual review to verify that only authorized Members have access to the computerized records system. [CFA 34.13M C]
- E. The Department data will be backed up off-site as per the agency vendor contract. [CFA 34.13 B]

#### **33.2.05 PROHIBITIONS**

- A. The City of Williston prohibits the use of City and thus Department computers, the Internet or other on-line services for commercial, political or other personal use.
- B. Examples of prohibited uses include, but are not limited to:
  1. Conducting personal business;
  2. Accessing non-job related web sites or other on-line services such as chat rooms, recreational bulletin boards or hobby list servers;
  3. Playing computer games or using other non-job related programs;
  4. Printing personal materials;
  5. Accessing non-job related CD-ROMS, audio/video CDs or other programs or materials;

- 6. Working on class work or homework, unless approved by a supervisor and done off duty.
- C. Computer users are prohibited from damaging files or intentionally destroying or damaging equipment, software or data or disrupting services.

#### **33.2.06 COMPUTER AUDITS**

- A. A Department-designated IT administrator will periodically audit the use of hardware and software.
- B. The audit of Department compliance with this General Order will be submitted to the Chief of Police.

#### **33.2.07 INTERNET USE [CFA 34.12 B]**

- A. Per City policy, the Internet should be used for business purposes during business hours. Members who abuse this privilege will be disciplined according to City guidelines.
- B. Department members will not download any software from the Internet without permission from a Department-designated IT administrator.
- C. Prior to accessing the Internet from a Department computer, that computer must have approved virus protection software installed. [CFA 34.12]
- D. Nothing in this policy will prohibit the legitimate, official use of the Internet for bona-fide law enforcement activities.

#### **33.2.08 E-MAIL [CFA 34.12 A]**

- A. Use of e-mail should be primarily for official use.
- B. Upon reporting for duty ALL employees shall log on as soon as practical and read all new emails.
- C. The following uses of Department e-mail are prohibited:
  - 1. The solicitation of funds or sale of items;
  - 2. The download, transfer, viewing, transmission or access to files or information that is pornographic, vulgar, unprofessional, inappropriate, or illegal; or
  - 3. The utilization of e-mail in any manner that could bring discredit to the Department.

- D.** Local Departmental e-mail may be utilized to communicate information regarding issues such as community-wide charitable events and employee families in need-
- E.** Nothing in this policy will prohibit the legitimate, official use of e-mail for bona-fide law enforcement activities.

### **33.2.09 SOCIAL MEDIA**

- A.** In order to protect the image of this Department as well as the credibility of its members in any and all court proceedings and public dealings, this Department may review members' use of social networking sites.
- B.** Unless granted explicit permission, Department personnel are prohibited from posting any of the following on any social networking platform, either on their own sites, the sites of others, news media pages, or other information exchange forums:
  - 1.** Any text, photograph, audio, video, or any other multimedia file related to any investigation or occurrence within this Department;
  - 2.** Any text, photograph, audio, video, or any other multimedia file related to any past or current action of this Department, either in homage or critique;
  - 3.** Any logos, badges, seals, uniforms, vehicles, equipment or any item or symbol that is affiliated with this Department;
- C.** Members who choose to maintain or participate in social media or social networking platforms shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the Department. In the course of operating or participating in such venues, the following rules shall apply:
  - 1.** Unless explicitly granted permission by the Chief of Police or his designee, members shall not identify themselves in any way as employees of this Department;
  - 2.** Members shall not use any reference to infer they are employees of this Department during social media or social networking participation;
  - 3.** Members will be held responsible for the content that appears on their social media or social networking sites and will be obligated to remove any posting or material contributed by others that identifies the member as an employee of the Department;
  - 4.** Members will be held responsible for the content that appears on their social media or social networking sites and will be obligated to remove any posting or material contributed by others that reflects negatively upon the Department;
  - 5.** Sexually graphic or explicit material of any kind shall not be posted by the Department member on any form of social media or social networking site;

6. Sexually graphic or explicit material posted by others to the Department member's social media or social networking sites shall be immediately removed by the Department member;
  7. Weaponry, owned by this Department and/or owned personally or privately, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites if such displays or depictions promote or glorify violence;
  8. Any text, photograph, audio, video or any other multimedia file included on a social media or social networking site that infers, implies, states or otherwise expresses the officer's views on the public shall not be detrimental to the Department's mission, nor shall it in any way undermine the public's trust or confidence in this Department;
  9. Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states or otherwise expresses the member's views on the legal, judicial or criminal systems shall not, in any way, undermine the public's trust and confidence in this Department; and
  10. Any posting that detracts from the Department's mission will be considered a direct violation of this policy.
- D.** Unless serving as an explicitly permitted tool of public information or community outreach, no member shall use their rank and/or title in any social media or social networking activity, including inclusion of said rank and/or title into the member's online identity or avatar.
- E.** Members who are brought under administrative or internal investigation related to their performance or the Department's operation, morale or reputation may be ordered to provide the Department, or its designated investigator, with access to the social media and social networking platforms in which they participate.
- F.** If requested, any Department member shall complete an affidavit attesting to all the social media and social networking platforms in which they participate or maintain.
- G.** In order to maintain compliance with Florida Public Records Law, the Department shall copy and maintain an archive of any social networking page established by the Department as either a frozen electronic copy or a hard copy.
1. As chatting and messaging have no archiving ability, any social networking site established by the Department must be set up to be non-interactive to any communication, with chatting and messaging disabled.
  2. The site will disclose that it will not respond to electronic messages.

- H.** Any candidate seeking employment with this Department shall complete an affidavit attesting to all the social media and social networking platforms in which they participate; the candidate shall be required to provide the background investigator with access to the social networking platforms in which they participate.

## **V. INDEXING**

Audit  
Computer Access  
E-mail  
FCIC  
Internet  
LInX  
NCIC  
Passwords  
Security

# **WILLISTON POLICE DEPARTMENT GENERAL ORDER**

GENERAL ORDER: <b>33.3</b>	SUBJECT: <b>MEDICAL HELICOPTER REQUESTS</b>
EFFECTIVE DATE: <b>5/20/06</b> RESCINDED: <b>7/25/12</b>	CFA STANDARDS: <b>33.09 C - D</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

Merged with General Order 33.1: Communications.

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>34.1</b>	SUBJECT: <b>RECORDS ADMINISTRATION</b>
EFFECTIVE DATE: <b>7/13/01</b> REVISION DATE: <b>7/15/12</b>	CFA STANDARDS: <b>34.01M A-C, 34.02 A-C, 34.03, 34.04M, 34.05, 34.07M C-F, 34.08M A-F, 34.09M, 34.10, 34.11M A-C</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS ORDER

- 34.1.01 ACCOUNTABILITY, MAINTENANCE AND RETRIEVAL
- 34.1.02 PRIVACY AND SECURITY
- 34.1.03 EXPUNGING AND SEALING
- 34.1.04 JUVENILE RECORDS
- 34.1.05 TRAFFIC RECORDS
- 34.1.06 RECORDS RETENTION
- 34.1.07 UNIFORM CRIME REPORTING
- 34.1.08 WARRANTS/WANTED PERSONS

**XLVI. PURPOSE:** The purpose of this General Order is to establish policies and procedures for creating, maintaining and managing Department documents in order to ensure records security.

**XLVII. POLICY:** The Williston Police Department will maintain a records system that ensures records integrity and controlled distribution in accordance with Florida Public Records Law. The Department will maintain a system that effectively captures, processes, organizes and stores law enforcement information.

## **XLVIII. DEFINITIONS**

**Public Records Law:** The Public Records Act, Chapter 119 of the Florida State Statutes.



**UCR:** Uniform Crime Reporting.

***XLIX. PROCEDURE***

**34.1.01 ACCOUNTABILITY, MAINTENANCE AND RETRIEVAL [CFA 34.01M]**

- A.** For the purpose of complying with Florida Public Records Laws, the Records Supervisor is designated as the Department Records Custodian.
- B.** The Records Supervisor is responsible for coordinating and controlling the Department's records and records management system, including the accuracy and integrity of data entered into the computerized records management system.
- C.** All personnel assigned to the Records Section will be held accountable for the secure maintenance, appropriate dissemination, efficient retrieval and legal retention of all police incident reports, traffic crash reports, traffic citations and written warnings, including the records of juvenile offenders. [CFA 34.01 A, B, C]
- D.** CJNet, DAVID, dFACTS, FCIC/NCIC and LInX printouts may NOT be retained in case reports.
- E.** Computer records of police reports are available 24-hours a day to Department members granted internal system access under General Order 33.2. [CFA 34.05]
- F.** Any Department member authorized to release information, including patrol supervisors composing press releases, must comply with all the requirements of Florida Public Records Law before releasing any police information to the public.
- G.** Records personnel will advise Department members on records retention periods and public information exemptions as defined by state guidelines.

**34.1.02 PRIVACY AND SECURITY [CFA 34.03]**

- A.** Access to the files of the Records storage area will be limited to Records Section personnel, the Support Services Commander, the Deputy Chief, the Chief of Police and individuals with permission from the Chief of Police or the Records Supervisor.
- B.** During that time when no one is assigned to Records, the door to the storage area will be locked and the key secured in Communications. Only authorized personnel will be permitted to log out the key from Communications.
- C.** Personnel not allowed in the file area who need information from the files of the Records Section must contact Records personnel.

- D. Computer access to police records is limited to Department members granted internal system access and computer passwords under General Order 33.2.
- E. All Department members will ensure the prevention of haphazard or accidental viewing of files or terminal screens. [CFA 34.03]
- F. Written reports and information within those reports stored in the Records Section will be released according to the following criteria:
  - 1. To members within the Williston Police Department and to other law enforcement agencies as needed; [CFA 34.02 A]
  - 2. To members of the press and public upon request, with the content restricted in accordance with state laws; [CFA 34.02 C]
  - 3. To non-law enforcement organizations as mandated by state law, including:
    - a. School boards per FSS 985.04(7)(a); and
    - b. Registered domestic abuse shelters per FSS 741.29(2). [CFA 34.02B]

### **34.1.03 EXPUNGING AND SEALING**

- A. The Records Supervisor will oversee all acts of sealing and expunging.
- B. When a certified order sealing or expunging a record is received from the Clerk of the Court, the Records Supervisor or his/her designee will:
  - 1. Record the date and time received on the back of the order; and
  - 2. Check the name in the computer and write the CR# on the paperwork.
- C. Records staff will determine if the order directs a "Partial" or "Complete" sealing/expunging:
  - 1. **Partial.** If the order directs a "Partial" sealing or expunging, only those materials relating to the arrest that is to be sealed or expunged will be pulled from among all the arrests in the file, and only that arrest will be purged from the computer system.
  - 2. **Complete.** All records will be removed from the file and deleted from the computer system.
- D. A copy of the certified order, motion or petition or letter will be attached to the original certified order and filed. The original letter will be attached to the copied certified order, motion or petition.

- E. The letter and attached copies will be mailed to FDLE in Tallahassee.
- F. For sealed records, upon receipt of the transmittal letter from FDLE, the letter will be placed in the case report file and filed in the locked file cabinet for sealed records. For expunged orders, the arrest reports will be completely destroyed, and a copy of the order will be filed.

#### **34.1.04 JUVENILE RECORDS [CFA 34.10]**

- A. The Records Section will maintain hard copy files for all juveniles separate from adult records.
- B. Juvenile criminal history files, fingerprints and photographs will be marked “JUVENILE CONFIDENTIAL” and kept separate from adult criminal history files, fingerprints and photographs. [CFA 34.09 M].
- C. Department members will have access to juvenile criminal history files, fingerprints and photographs only as needed.
- D. **Juvenile Fingerprints and Photographs [CFA 34.09 M]**
  - 1. In accordance with FSS 985.212, "Any law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed a violation of law."
  - 2. Such fingerprint records and photographs, and all copies thereof, will be marked in red: **JUVENILE CONFIDENTIAL**.
  - 3. Notwithstanding the provisions of FSS 119.14, juvenile records will not be available for public disclosure and inspection under FSS 119.07(1), except as provided under FSS 943.053 and 985.04(5) but will be available to other law enforcement agencies, State Attorneys, the courts, the child, the parents or legal custodians of the child, their attorneys and any other person authorized by the court to have access to such records.
  - 4. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.
  - 5. Unless otherwise ordered by the court, if a child is found to have committed an offense that would be a felony had it been committed by an adult, then the law enforcement agency having custody of the fingerprint and photograph records will retain the originals and immediately thereafter forward adequate duplicate copies to the court along with a written offense report relating to the matter for which the child was taken into custody.

6. Juvenile records are considered an investigative tool and as such may be maintained indefinitely unless expunged or sealed.

#### **34.1.05 TRAFFIC RECORDS [CFA 34.11M]**

- A. The Williston Police Department will maintain a computerized traffic record system containing the following information:

1. Traffic crash data; [CFA 34.11A]
2. Traffic enforcement data; and [CFA 34.11 B]
3. Periodic traffic crash and enforcement analysis reports. [CFA 34.11 C]

- B. **Traffic Citation Maintenance [CFA 34.08]**

1. All citation transmittals will be retained for a period of two years.
2. **Citation Books**
3. Blank traffic citation books will be securely maintained in the Records file area and issued by Records personnel as needed. [CFA 34.08 A, C]
  - a. The Records Clerk will track citation books and ensure that records are kept of all citations.
  - b. When a new citation book is issued to an officer, the Records Clerk will verify that all the citations of the previously issued book have been submitted.
  - c. After hours, in the absence of the Records Clerk, a member of Communication may assign the single citation book kept securely in Communications. The Dispatcher will log the release of the citation book in the Citation Log on-line.
  - d. Officers will sign the Officer's Receipt sheet provided at the front of each assigned traffic citation book in order to account for the citation number series in the officer's possession, noting the following information: [CFA 34.08 B]
    - 1) Department name;
    - 2) Citation numbers;
    - 3) Officer's name (printed and signature); and identification number;

- 4) Date issued; and
  - 5) Issuing authority.
- e. The officer will submit the receipt to Records.
  - f. Any partially used citation books will be turned into Records to be re-issued.
- 4. Completed citations will be submitted to the on-duty supervisor the same day they are completed.
  - 5. The OIC will review completed citations before forwarding them to the Records Section which will forward citations to the appropriate court.
  - 6. The shift supervisor will return all citations with errors or discrepancies to the issuing officer for correction prior to sending them to the Records Section.
  - 7. In the case of a lost or stolen traffic citation or book of citations, the officer to whom such citations were issued will forward a memorandum to the Deputy Chief, noting the number(s) of citations missing.
    - a. The Deputy Chief will forward the memorandum to the Records Section, which will note the missing citations as "voided."
    - b. An incident report will be completed, and a copy routed to Communications for entry into FCIC/NCIC. [CFA 34.08 D]
  - 8. **Voided Citations [CFA 34.08 E]**
    - a. A citation may be voided if it has been issued in error or if the citation contains incorrect information.
    - b. The issuing officer will boldly write the word "**VOID**" across the face of all copies of the citation.
    - c. The officer will include a brief written reason for the void on the ticket.
    - d. The supervisor or OIC will indicate his/her approval by his/her signature and ID number on the face of the citation beneath the word "**VOID.**"
    - e. The citation with all copies will be sent to the Records Section, which will forward the package with a transmittal to Tallahassee

- f. Those citations that are already logged with the Clerk of the Court may only be voided by the Chief Circuit Judge at the request of the Chief of Police or his designee.
- 9. The Records Supervisor, or his or her designee, will conduct a periodic audit of citations. [CFA 34.08 F]
- 10. Williston Police Department personnel will comply with any state audit.
- 11. It is the responsibility of Records personnel to enter all traffic citations issued by members of this Department into the in-house computer system.

#### **34.1.06 RECORDS RETENTION [CFA 34.04M]**

- A. All records, including juvenile records, are retained in accordance with the *General Records Schedules GS1-L for Local Government Agencies* and *GS2 for Law Enforcement, Correctional Facilities, and District Medical Examiners* established by the Florida Department of State, Division of Library and Information Services. [CFA 34.10]
- B. Both electronic and paper records that meet retention requirements will be disposed of only after disposal authorization is received from the Florida Division of Library and Information Services.

#### **34.1.07 UNIFORM CRIME REPORTING (UCR)**

- A. Offense reports are reviewed by the on-duty supervisor and Records Specialist to ensure proper coding according to UCR guidelines.
- B. Information collected into the computer system will be available for generation of the Uniform Crime Report.
- C. UCR statistics will be compiled semi-annually and annually and submitted to FDLE in accordance with FDLE requirements.

#### **34.1.08 WARRANTS/WANTED PERSON [CFA 34.07M]**

- A. The Williston Police Department does not maintain its own warrant and wanted persons file. Access to such information is gained through national, state, and county law enforcement computer systems via Communications.
- B. When information is received on a wanted person, the arresting officer will have the warrant verified by teletype from the issuing agency via Communications. [CFA 34.07 D]

- C. When a warrant is requested, the officer conducting the investigation will forward a copy of the completed report to the State Attorney's Office. If the sworn complaint is approved, the Court forwards the warrant to the Communications Section at the Levy County Sheriffs Office, which will make the computer entry.
- D. Once an entry has been cancelled, the LCSO Records Section will remove the entry and should send the report to the Williston Police Department Records Section where it will be included with the original case report. [CFA 34.07E]
  - 1. Records personnel will update the case status as applicable and advise the originating officer. [CFA 34.07C]
  - 2. The Williston Police Department Records Section may contact LCSO Records to request this report record in order to complete WPD case files.
- E. The Williston Police Department has 24-hour access to warrants at the Levy County Sheriffs Office. [CFA 34.07F]

**L. INDEXING**

Citations  
Fingerprints  
Florida Public Records Law  
Juvenile Records  
Photographs  
Records Administration  
Records Retention Schedules  
Security  
UCR  
Warrants

# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>35.1</b>	SUBJECT: <b>EVIDENCE</b>
EFFECTIVE DATE: <b>2/28/06</b> REVISION DATE: <b>7/30/16</b>	CFA STANDARDS: <b>27.01M A-G; 27.02M A-E; 27.04M; 27.05M A-C; 27.06M; 27.07M; 27.08M; 27.09M; 27.10M A-D; 27.12M; 29.01M G</b> <b>CFA Edition 5.0</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.149 COLLECTING AND PROCESSING EVIDENCE

3.1.150 CHAIN OF CUSTODY

**CXXXV. PURPOSE:** The purpose of this General Order is to establish Department policy and provide guidelines for the processing and submission of physical evidence related to crime or crash scene investigations, to provide procedures for maintaining a chain of custody for evidence-related property, and to provide a procedure for transferring evidence outside the Department.

**CXXXVI. POLICY:** To successfully investigate cases and prosecute offenders, the Williston Police Department will follow specific guidelines that provide for the efficient identification, preservation, collection and submission of evidence under the agency's control.

### **CXXXVII. DEFINITIONS**

**Evidence:** Any object or item that establishes that a crime has been committed or that can provide links between a crime, its victim(s) and the perpetrator(s).

**Perishable Evidence:** Blood, urine, semen, other body fluids, blood-stained objects, physiological stains, tissue and any other biological material collected in relation to a crime.



## **CXXXVIII. PROCEDURE**

### **35.1.01 COLLECTING AND PROCESSING EVIDENCE**

#### **A. 24-Hour Availability [CFA 27.04M]**

1. Officers will be available to provide skilled crime scene processing on a 24-hour basis.
2. In major incidents, a supervisor may call in the Levy County Sheriff's Office or FDLE's crime scene processing unit at his/her discretion. This decision will be based upon the Police Department's resources and the seriousness of the incident.

#### **B. Supplies**

1. The equipment and supplies needed to process and photograph evidence will be carried in each patrol vehicle to provide ready access for processing all types of crimes in an effective and timely manner.
2. This equipment will include a camera, memory cards and kits for the recovery of latent fingerprints, the identification of specific types of drugs and the collection and preservation of physical evidence.
3. Officers will advise the Quartermaster when any supplies are used or depleted, and the Quartermaster will see to the replacement of these supplies.
4. Officers are not to use any personal storage devices for evidence.

#### **C. Collecting Evidence [CFA 27.01M]**

1. All specimens collected will be handled, marked, packaged, sealed and tagged in proper containers as set forth in this Order so as to contain, identify and preserve the specimens for analysis. [CFA 27.01 A, G]
2. To prevent the contamination of evidence when packaging material, officers will set out clean, white paper on the work area. [CFA 27.01 B]
3. Officer will take into account the safety of other members of the Department when submitting any articles to Property and Evidence. Firearms must be rendered safe and hazardous material identified as such PRIOR TO SUBMISSION. [CFA 29.01M G]
4. Sufficient samples of evidence will be collected in accordance with the FDLE Crime Laboratory Evidence Submission Manual. [CFA 27.01 C]

5. Liquids will be stored in waterproof containers. [CFA 27.01 D]

**D. Perishable Evidence [CFA 27.01M E, 27.06M, 29.01M G ]**

1. Perishable evidence such as blood, urine, semen, other body fluids, tissue and any other biological material will be collected, marked BIOHAZARD and delivered in a timely manner to refrigerated storage until removal for submittal to FDLE or other appropriate facility. [CFA 27.01M E]
2. The Evidence Custodian will secure the specimen in the refrigerator in the Property and Evidence storage room.
  - a. If the Evidence Custodian is not available, the submitting officer will place the specimen in the temporary refrigerator storage within the Officer's Quarters, securing the refrigerator door with the padlock.
  - b. The key for the lock will be retained by the Evidence Custodian.
3. Both refrigerators will be used ONLY for evidence and marked with a sign to indicate BIOHAZARD. [CFA 29.01M G]

**E. Wet Evidence [CFA 27.01M F-G]**

1. Wet clothing or other wet articles collected as evidence must be air-dried prior to being stored or shipped.
2. Officers taking wet evidence into custody will contact the Evidence Custodian, who will contact the Levy County Sheriff's Office in order to make arrangements for storing and drying the items at the LCSO. [CFA 29.01M G]
3. **WET ARTICLES MUST NEVER BE SEALED IN PLASTIC.** This is especially true of drugs, which must be placed in paper. If excessive moisture is present, the officer shall place the item into an unsealed plastic bag or container and then inside a paper bag, sealing and labeling the paper bag to alert the Evidence Custodian that wet evidence is present.
4. The Evidence Custodian shall make certain all items are dried as much as possible before packaging and submitting to the FDLE crime lab. Any clothing with wet stains, such as blood or semen, should be allowed to dry, folded inward and then placed into paper bags. [CFA 27.01 G]

**F. Latent Prints**

1. Latent impressions developed during an investigation may be photographed on the original object, preferably with black and white film.
2. After being photographed, the prints will be lifted whenever possible.
3. If it is not possible to lift a fingerprint, it may be necessary to retain the object with the fingerprint intact.
4. Lifted prints will be placed on a latent fingerprint backing card and the following information listed:
  - a. Case report number;
  - b. Date and time processed;
  - c. Processing officer (name and initials); and
  - d. Location print was found.
5. A lab request will accompany all latent print cards submitted for comparison. All latent print cards that appear to have value for comparison will be sent to the FDLE or other appropriate facility for evaluation.
6. When requesting a comparison of latent prints with fingerprints of a known suspect, the officer will submit inked finger and palm prints (if available) and/or the fingerprint classification number of the suspect.
7. Officers will be trained in the difference between AFIS quality latents and latents of value that are not AFIS quality.

**G. Digital Evidence [CFA 27.05M]**

6. When dealing with digital evidence, the following general forensic and procedural principles should be applied:
  - d. Actions taken to secure and collect digital evidence should not affect the integrity of that evidence.
  - e. Activity relating to the seizure, extraction, examination, storage or transfer of digital evidence shall be documented, preserved and available for review, either within the incident report or in written requests.
7. Officers processing or utilizing digital equipment must complete applicable, agency-approved training to ensure proper use and must use the equipment as outlined in this Order. [27.05M A]

8. As digital evidence is fragile and can be altered, damaged or destroyed by improper handling, processing and examination is best conducted on a copy of the original evidence. In order to ensure the authenticity of digital evidence, the CD/DVD-stored images initially downloaded shall be used to generate copies for further processing or enhancement. [CFA 27.05M C]

## **9. Security Footage**

- a. Department personnel assigned to collect in-store security footage shall download the data to a Department-issued flash drive or CD-ROM.
- b. The member will document the collection in a supplement to the case report.
- c. The collected material shall be submitted to Evidence where the data shall be downloaded to a CD/DVD and secured as Evidence. [27.05M B]

## **10. Digital Cameras**

- a. Officers are not to use personal digital cameras or memory cards to collect or process evidence.
- b. The Evidence Custodian is responsible for the following:
  - 1) Issuing and maintaining all cameras and memory cards;
  - 2) Extracting data from its original media;
  - 3) Duplicating and disseminating digital evidence;
  - 4) Maintaining storage media as required;
  - 5) Records retention and destruction.
- c. Any data card containing evidence shall be properly bagged, labeled and secured in an evidence locker prior to the officer's end of shift.
- d. The Evidence Custodian will download the images to a DVD and securely retain the recording in Evidence as the original. [CFA 27.05M B]
- e. All images shall be retained in accordance with the guidelines set forth by the Bureau of Archives and Records Management or as evidentiary requirements apply.

## **11. Computer Seizures**

- a.** Officers involved in the seizures of computer equipment, stored data or external storage devices shall review the search warrant or other legal authorization in relation to the nature of the hardware and software, the evidence sought and the circumstances surrounding the acquisition of the evidence to be examined.
- b.** The investigating officer must determine the extent of the authority to search, identifying possible concerns related to applicable Federal statutes, such as the Electronic Communications Privacy Act of 1986 (ECPA) and the Cable Communications Policy Act (CCPA), both as amended by the USA PATRIOT ACT of 2001, and/or the Privacy Protection Act of 1980 (PPA).
- c.** Barring exigent circumstances, officers in the field shall refrain from looking for files on seized computers, as this alters the evidence, changing date and time stamps associated with those files and possibly affecting other data on the media. Whenever digital equipment is accessed, this action requires documentation and potential consultation with the SAO.
- d.** Officers shall ensure the scene is properly secured before and during any onsite search. Where equipment can not be immediately removed, the officer should:
  - 1)** Identify the number and type of computers on site;
  - 2)** Determine if a network is present;
  - 3)** Identify any system administrator or users;
  - 4)** Identify and document the types and volume of media, specifically removable media;
  - 5)** Document the location from which the media was removed;
  - 6)** Identify offsite storage areas and/or remote computing locations;
  - 7)** Contact FDLE's forensics personnel to establish guidelines for removing, packaging and shipping for processing.
- e.** The investigating officer shall consider the following:

- 1) Whether other forensic processes need to be performed on the evidence, such as DNA analysis, fingerprinting, tool marks, and the priority of these processes;
  - 2) The possibility of pursuing other investigative avenues to obtain additional digital evidence, such as sending a preservation order to an Internet service provider, identifying remote storage locations or obtaining e-mail; and
  - 3) The relevance of peripheral components, such as laminators, credit card blanks, scanners, printers or digital cameras.
- f. If evidence is located that was not authorized in the original search authority, the investigating officer shall contact the SAO to determine what additional legal process may be necessary to continue the search, such as a warrant or amended consent form.

#### **H. Firearms**

1. All firearms must be tagged separately when submitted to Property and Evidence. [CFA 27.01 G]
2. All firearms submitted to the Evidence Custodian should be unloaded and the ammunition packaged separately. If the weapon cannot be unloaded due to damage or should not be unloaded in order to preserve evidence, the weapon must be rendered safe by the submitting officer or experienced Department personnel.
3. The submitting officer should take care to unload the weapon in such a way as to preserve evidence on the ammunition or cartridge, taking into account the delicate nature of fingerprints and gunshot residue.
  - a. Ammunition should be ejected from a revolver into a gloved hand or evidence envelope.
  - b. Ammunition may be left in the ejected magazine.
4. If possible, automatic weapons should be submitted with the slide locked open.
5. The submitting officer should check to see if firearms are stolen prior to submission. The NCIC printout should be attached to the property report.

#### **I. Drugs [CFA 27.07M]**

1. All narcotics and controlled substances will be weighed by the submitting officer, and the weight will be noted in the description section on the property/evidence voucher.
2. Pills, tablets, capsules and caplets will be counted and described by the submitting officer, and this information will be noted in the description section on the property/evidence voucher.
3. All drugs will be weighed or counted, sealed, marked and tagged prior to submission to the Evidence Custodian or before being secured in an evidence locker. [CFA 27.01 G]
4. The Evidence Custodian will weigh all narcotics and controlled substances prior to their storage.
5. The Evidence Custodian will not open any properly sealed package or container to weigh the contraband. Rather, the sealed package or container will be weighed.
6. If returned, the contraband will be weighed to compare with the original weight. If there is a significant discrepancy in weights, the Evidence Custodian will notify his/her supervisor or the Chief of Police immediately.
7. Fresh green plant material should be dried before being submitted to FDLE or stored in the Evidence and Property room. Plant material that is not correctly dried can produce mold that may prevent identification and cause serious health risks.
  - a. Officers seizing green plant material will contact the Evidence Custodian, who will contact the Levy County Sheriff's Office in order to make arrangements for storing and drying the items at the LCSO. [CFA 29.01M G]
  - b. GREEN PLANTS MUST NEVER BE SEALED IN PLASTIC. If excessive moisture is present, the officer shall place the plants into an unsealed plastic bag or container and then inside a paper bag or manila envelope, sealing and labeling the paper to alert the Evidence Custodian that wet evidence is present.
  - c. The Evidence Custodian shall make certain all items are dried as much as possible before packaging and submitting to the FDLE crime lab. [CFA 27.01 G]

**J. Money**

1. Paper currency may be contaminated by bacteria or narcotics, thus latex gloves should be worn in its handling.
2. The submitting officer will count all money, preferably in front of the person from whom it is received, and the count will be verified by another officer.
3. A photocopy of each bill will be submitted with the case file to Records.
4. All money will be sealed and tagged before being submitted to the Evidence Custodian or secured in an evidence locker. [CFA 27.01 G]
5. The property voucher must identify the amount of money, who submitted it and who verified the amount.

**K. Flammable Liquids**

1. Flammable liquids of evidentiary value may be stored in the Property and Evidence room in containers prescribed by the fire department or the Environmental Protection Agency (EPA). [CFA 27.01 D]
2. The minimum amount needed for evidentiary purposes will be stored.
3. Excess fluid will be disposed of in accordance with fire department or EPA procedures for hazardous waste materials.
4. The State Fire Marshal may be contacted to dispose of excess hazardous material.

**L. Explosives, Lethal Chemicals, Nuclear Material and Ammunition**

1. No explosives, lethal chemicals, nuclear material or ammunition greater than .50 caliber will be submitted to Property and Evidence or brought inside the Police Department.
2. The supervisor or OIC will contact the fire department, EPA or Fire Marshal when such material is recovered in order to determine proper means of disposal and movement, if necessary.
3. All such items are to be photographed prior to disposal.

**M. Syringes**



1. Members should note that FDLE will only accept a syringe for analysis if it is the only piece of evidence associated with a case, and then only with prior approval of a Regional Director.
2. Syringes with an exposed needle must be inserted into a cork to cover the end of the needle. This should not be done by hand, but with pliers or other mechanical device to minimize the risk of a needle stick.
3. Prior to submitting hypodermic syringes and/or needles, officers will place the corked needle into a plastic specimen bottle.
4. Under no circumstances will a needle or syringe be submitted without being placed into one of the specimen bottles and secured with a cap or stopper.
5. The container must be clearly labeled: WARNING: SYRINGE NEEDLE and marked with biohazard tape. [CFA 27.01 G, 29.01M G]

**N. ECD Probes**

1. ECD probes are biohazards and will be treated as such.
  - a. All personnel will wear protective latex gloves when handling the probes.
  - b. The wires shall be wound around the cartridge.
  - c. The probes shall be cut from the wires and the wires wound around the cartridge
  - d. The probes shall be placed in a sharps container for later disposal as biohazardous material. [CFA 27.01 G, 29.01M G]
2. The officer will make a photocopy of the cartridge before disposing of it.
3. The serial number will then be submitted to Evidence, at which time the cartridge will be removed from the officer's inventory list.

**O. Processing Vehicles**

1. Vehicles reported stolen from this jurisdiction may be examined by the investigating officer or an investigator upon recovery.
2. If the recovery is outside the city of Williston, and the shift supervisor believes an examination is necessary, he/she may request such examination by the recovering agency.

3. The method of transportation and impoundment will be dictated by the evidence to be collected and the facilities available.
4. The recovered vehicle should be processed for evidence at the recovery scene whenever possible. If this is not possible or practical, the vehicle will be towed and impounded in the Department's storage unit. The officer will check out the storage unit key from Dispatch, secure the vehicle and return the key to an evidence locker with an evidence sheet.

**P. Photographing Evidence**

1. Crime scenes, traffic crashes, victims and any other persons, places or things of evidentiary value will be photographed by the investigating officer, specifically cases of:
  - a. Homicide, unnatural or suspicious death;
  - b. Sexual battery, abduction or kidnapping;
  - c. Injuries to an officer or a citizen during an arrest;
  - d. Batteries with visible injuries;
  - e. Damage of city property;
  - f. Fatal or serious traffic crashes;
  - g. Major burglaries or where evidence (tool marks, footprints, burglary tools, etc.) is evident; and
  - h. Any fire scene as requested by the Fire Chief, Police Chief or their designees.
2. When photographing evidence, the photo should be taken without any other items being introduced into the field of view. A second photograph should be taken of the item with a scale placed next to the item to add dimension. The same camera settings, position and lighting will be used in both photographs.
3. After photographing the scene, the officer will submit the memory card to Evidence for downloading to a CD/DVD. A notation that photographs were taken will be made in the incident report.
4. Requests from complainants, legal firms, or insurance companies for copies of photographs will be directed to the Evidence Custodian.

**Q. Labeling Evidence [CFA 27.01M G]**

1. Physical evidence collected by officers will be marked immediately with the officer's name or initials and the date scribed.
2. The officer will seal the evidence in a proper container, when applicable, with evidence tape, placing his/her mark and date on the container.
3. Or, if the evidence can not be sealed, the item will be marked with indelible pen in such a manner that it will not mutilate or destroy the value of the item.
4. All requested information on the face of the property tag will be completed by the submitting officer.
  - a. Items submitted separately will be tagged individually. When several items are boxed or bagged together and properly sealed, they can be submitted as one item on one property tag.
  - b. Officers should not submit property or evidence on one property tag that cannot be packaged together.
5. Evidence to be submitted for lab processing will be packaged separately from evidence or property not being submitted to the lab.
6. The appropriate lab request form will be attached to the packaged evidence and placed in the appropriate evidence storage location for any evidence to be submitted to FDLE or other testing facility.

**R. Securing Evidence After Hours [CFA 27.01M E; 27.08M, 27.09M]**

1. Items to be submitted to the Evidence Custodian after normal business hours will be locked in the individual property lockers, or if refrigeration is necessary, locked in temporary refrigerated storage.
2. If all of the lockers or the refrigerator is full, or the item(s) will not fit into a locker, the Evidence Custodian will be contacted by the shift supervisor to retrieve the property.

**S. Inventorying Evidence**

1. All physical evidence collected from a crime scene will be listed on the incident report by the officer assigned to the investigation. A notation that evidence was collected and the disposition of the evidence will also be noted on the incident report.

2. The inventory list of collected physical evidence will contain the following information:
  - a. Description of the item (make, model and serial number, if available);
  - b. Source (person or location); and
  - c. Name of submitting officer.
3. Once submitted to the Evidence Custodian, the items will be logged and the following information recorded:
  - a. Date of submission;
  - b. Case report number and property number;
  - c. Description of the item (make, model and serial number, if available);
  - d. Source (person or location);
  - e. Owner, victim or suspect;
  - f. Name of submitting officer;
  - g. Items in/out; and
  - h. Disposition.

**T. Collecting from Known Source [CFA 27.01 C]**

1. Per FDLE guidelines, when certain types of physical evidence or trace evidence are collected from a crime scene for comparison purposes, a known standard sample must also be collected by the Investigative Services Lieutenant, if a known standard is available.
2. Types of evidence for which a known sample should be collected include, but are not limited to:
  - a. Blood;
  - b. Hair;
  - c. Fibers;
  - d. Paint;

- e. Glass;
  - f. Wood;
  - g. Metal;
  - h. Soil;
  - i. Tool marks; and,
  - j. Footprints.
3. The location from which the samples are taken should be documented on a supplement to the incident report.

**U. Evidence Records [CFA 27.10M]**

1. Officers shall enter each item of evidence separately in the applicable fields of the case report management system, including:
- a. Related offense;
  - b. Person code;
  - c. Status;
  - d. Property type;
  - e. Quantity;
  - f. Make/Model/Serial Number;
  - g. Description;
  - h. Value; and
  - i. Recovery information.
2. The Evidence Custodian shall maintain an evidence records system, supplementing officer entries to include:
- a. Description of items;
  - b. Storage location;
  - c. Date and time of receipt and release; and

- d.** Chain of custody from time of receipt until final disposition.

## **V. Crime Lab Submissions**

- 1.** Evidence must be submitted in compliance with the case acceptance policy of the Florida Department of Law Enforcement.
- 2.** Per FDLE guidelines, a scenario must be provided with the submitted evidence. The scenario will establish the value of each item as to its likelihood to provide probative results or an investigative lead.
- 3.** Perishable evidence (e.g., blood, blood stained objects, physiological stains and tissues, and biological materials) will be sent to the FDLE crime lab for analysis as soon as possible.
- 4.** Per FSS 943.32, a sexual offense evidence kit, or other DNA evidence if a kit is not collected, must be submitted to FDLE for forensic testing within 30 days after:
  - c.** Receipt of the evidence by the Department if a report of the sexual offense is made to a law enforcement agency; or
  - d.** A request to have the evidence tested is made by the victim; the victim's parent, guardian, or legal representative, if the victim is a minor; or the victim's personal representative, if the victim is deceased.
- 5.** In the event evidence is delayed in submission to FDLE, the Evidence Custodian ~~it~~ will document the circumstance on a supplement in the incident report. The investigating officer and the Deputy Chief of Police will be advised via email.
- 6.** Whenever submitted evidence requires processing by FDLE, the lab request form will include:
  - a.** Information regarding the victim/complainant, the suspect(s), type of offense, location, and date of occurrence;
  - b.** The investigating officer's name;
  - c.** List and description of items to be examined;
  - d.** The specific type of analysis requested; and
  - e.** A summary of the facts of the case.

7. Whenever items are submitted for processing by FDLE or other facility, similar items should be packaged separately but sent together in one or more of the following evidence groups:
  - a. Serology, including blood and biological fluids;
  - b. Trace evidence (hair, fibers, etc.);
  - c. Drugs;
  - d. Firearms and related items;
  - e. Photography;
  - f. Fingerprints and items to be printed; and
  - g. Chemistry (intoxicants, flammable liquids, etc.)
8. The Evidence Custodian will retrieve and transport evidence to the property room for safekeeping. Transportation of evidence to FDLE for processing will be handled by the Evidence Custodian, who will document the transfer accordingly.
9. It is the responsibility of the investigating officer to review lab reports on cases he/she is assigned. If additional lab services are necessary, or if new or additional evidence becomes available, the investigating officer must submit a new request.
10. Written reports of laboratory findings received from the crime lab will be filed with the incident report in the Records Section and copies sent to the submitting officer and the State Attorney's Office.

#### **35.1.02 CHAIN OF CUSTODY [CFA 27.02M A-E]**

- A. All evidence shall be submitted for storage or processing as soon as possible but no later than the end of an officer's shift. When not in the custody and control of a Department member, evidence shall be secured in an evidence locker, in locked refrigerated storage or within the locked Evidence and Property storage room.
- B. The chain of custody portion of the property voucher will record each transfer of custody and will be signed any time custody of property or evidence changes from one person to another. This record will include:
  1. Date, time and method of transfer; [CFA 27.02 A]

2. Name and title of person receiving custody; and [CFA 27.02 B]
  3. Reason for transfer. [CFA 27.02 C]
- C. When evidence is transferred to a crime lab for analysis, the following information will be documented:
1. Name and location of crime lab; [CFA 27.02 D]
  2. Type of incident under investigation; [CFA 27.02 D]
  3. Examination(s) requested; [CFA 27.02 D]
  4. Date and time received at the crime lab. [CFA 27.02 E]
- D. Access to the Evidence and Property storage rooms shall be restricted to the Evidence Custodian and the Deputy Chief of Police. Any other person entering the storage area shall be accompanied by authorized personnel and their name and entry times shall be logged. [27.06M]
- E. A complete inventory shall be conducted whenever any member with access to Evidence storage leaves the position. [CFA 27.12M]

#### **CXXXIX. INDEXING**

Blood  
Chain of Custody  
Computer Seizures  
Crime Lab  
Crime Scene Processing  
Digital Evidence  
Drugs  
ECD  
Evidence  
Fingerprints  
Firearms  
Hazardous Materials  
Lab Reports  
Latent Prints  
Money  
Perishable Evidence  
Photographs  
Refrigerated Storage  
Security Footage  
Vehicles



# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>36.1</b>	SUBJECT: <b>PROPERTY AND EVIDENCE CONTROL</b>
EFFECTIVE DATE: <b>1/20/06</b> REVISION DATE: <b>7/30/16</b>	CFA STANDARDS: <b>22.04M B-C, 27.01M E, 27.02M A-E, 27.06M, 27.07M, 27.08M, 27.09M, 27.12M, 27.13M A-D, 28.01M A-H, 28.02M A-D, 28.03M, 28.04M A-D, 28.05M, 29.01 G</b> CFA Edition 5.0
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.151 STORAGE AND SECURITY

3.1.152 RECORDS

3.1.153 AUDITS AND INSPECTIONS

3.1.154 FINAL DISPOSITION

**CXL. PURPOSE:** The purpose of this General Order is to establish procedures and regulations for submitting, packaging and storing property and evidence.

**CXLI. POLICY:** To ensure that property and evidence is secure and that records are accurate, the Williston Police Department will promptly log, safely package and securely store all property and evidence and the attendant records.

### **CXLII. DEFINITIONS**

**Evidence:** Any object or item that establishes that a crime has been committed or that can provide links between a crime, its victim(s) and the perpetrator(s).

**Property:** Any non-evidentiary item that is collected by a Department member as a consequence of performing a Department or police function. Property includes found property, abandoned property, prisoner property and contraband.

## **CXLIII. PROCEDURE**

### **36.1.01 STORAGE AND SECURITY [CFA 28.03M]**

- A.** With the exception of property secured from a detainee prior to transport to the Levy County Jail, all items will be packaged and labeled according to the guidelines set forth in General Order 35.1.01 prior to being stored. [CFA 28.01M E ]
- B.** Personal property secured while processing a detainee will be inventoried, sealed in an envelope and temporarily secured in the lock box in the officer's work area of the holding area. The sealed envelope will be released to the transporting officer to be delivered with the detainee to the Levy County Jail. [CFA 22.04M B,C]
- C.** All property and evidence held by the Williston Police Department will be kept in designated secure areas at 5 SW 1st Street in Williston, Florida. These designated areas will have controlled access. [CFA 28.03M]
  - 1. Sensitive Items.** Valuables or sensitive items such as drugs, weapons, jewelry, money, negotiable stocks or bonds and precious metals will be secured behind the steel door of the Evidence Control Room inside the Property and Evidence office. [CFA 28.01M F]
  - 2. Refrigerated Evidence [CFA 27.08M]**
    - c.** Blood, urine, semen, other body fluids, blood-stained objects, physiological stains, tissue and any other biological material will be marked BIOHAZARD and stored in a refrigerated storage within the Evidence Control Room. [CFA 27.01M E, 27.08M]
    - d.** If the Evidence Custodian is not available, the submitting officer will place the specimen in the temporary refrigerated storage within the Property and Evidence office, securing the door with the padlock. [CFA 27.09M]
    - e.** The key for the lock will be retained by the Evidence Custodian.
  - 3. Bicycles**
    - a.** Bicycles recovered as found property or as evidence will be secured in the second floor storage with a copy of the evidence voucher attached.
    - b.** Officers will chain bicycles individually to a pillar in the second floor storage area.

- c. The submitting officer will submit a copy of the evidence/property receipt to the Evidence Custodian.
  - d. The Evidence Custodian will unlock the individually secured bicycles and chain all bicycles together.
  - e. The Evidence Custodian will maintain a log of recovered bicycles, recording the recovery date, case number, investigating officer, description, serial number and disposition.
4. **Drugs.** All narcotics and controlled substances will be accepted and released according to the policy set forth in General Order 35.1.01(H). [CFA 27.07M]
5. **Per General Order 35.1.01(G), all firearms should be unloaded by the submitting officer prior to submitting the weapon to the Evidence Custodian or placing the weapon in an evidence locker.**
6. **Temporary Storage [CFA 27.09M]**
- a. Items to be submitted to the Evidence Custodian after normal business hours will be locked in the individual evidence lockers, secured individually upstairs, or if refrigeration is necessary, locked in temporary refrigerated storage.
  - b. The outer doors of the evidence lockers will be kept unlocked and open when they are empty.
  - c. When submitting smaller items into Property and Evidence after hours, officers will place individually bagged items into the individual lockers and secure the doors with the pad lock.
  - d. The items will be removed from the lockers by the Evidence Custodian and stored appropriately in the Property and Evidence room.
  - e. If all of the lockers or the refrigerator is already holding evidence of other cases, or the item(s) can not be secured in second floor storage, the Evidence Custodian will be contacted by the shift supervisor to retrieve the property.
  - f. **At no time will an officer hold any property or evidence beyond his/her tour of duty.** Property will be submitted to the control of the Evidence Unit or under exceptional circumstances, secured with documented supervisory approval. [CFA 28.01M B, C]

**D. Authorized Access [CFA 27.06M]**

1. Access to the Evidence Control Room and evidence lockers by personnel other than the Evidence Custodian is prohibited, unless directed by the Chief of Police.
2. The Evidence Control Room is wired with an alarm system that will sound if the Evidence Control Room door is opened without first disarming the alarm. Only the Evidence Custodian or his/her supervisor will have the code to disarm the alarm.
3. In the event that the Evidence Custodian is unavailable, personnel requiring the services of the Property and Evidence Section will contact the Deputy Chief or his designee.
4. The Evidence Control Room will be kept closed and locked unless the Evidence Custodian is physically in the area. Only the Evidence Custodian or his/her supervisor will hold the key to this area.
5. No person other than the Evidence Custodian will have access to the Evidence Control Room unless under the supervision of the Evidence Custodian or his/her supervisor.
6. Access by citizens will be limited to the outer office of Evidence, and at no time will property or evidence be returned to a citizen from inside the Evidence Control Room.
7. When persons other than the Evidence Custodian are within the Evidence Control Room, their presence will be recorded on a visitor log, noting:
  - a. Date;
  - b. Person admitted;
  - c. Purpose for entry;
  - d. Time in/out; and
  - e. Person admitting them.

#### **36.1.02 RECORDS**

- A. All property and evidence will be logged by the officer in the case report before the end of that shift. [CFA 28.01M A]
- B. Officers will complete evidence vouchers and submit incident reports when collecting physical evidence or obtaining custody of lost, found or stolen property

or evidence, describing the item and detailing the circumstances by which the item(s) came into the Department's possession. [CFA 28.01M D]

- C. Each item of property or evidence received by an officer will be adequately described to permit identification and to assure accurate accountability.
1. **Jewelry.** Individual items of jewelry will be described and not inscribed or marked by Department personnel. Jewelry will not be described as gold, diamonds or rubies, but as yellow in color or a white or red stone, etc.
  2. **Non-Serialized Items.** Objects lacking a serial number will be described by color, length, size or dimensions. Objects difficult to describe as such will be photographed.
  3. **Serial-Numbered Items.** Items with serial numbers or unique numbers will be listed by description, serial number, model number, etc. The serial number will be run in FCIC/NCIC.
  4. **Firearms**
    - a. Firearms will be described by make, model, caliber, gauge, model number, barrel length, serial number and by identifying marks.
    - b. The submitting officer will request an ATF trace on all serialized firearms.
  5. **Drugs.** All drugs will be described by color, state (liquid, powder, crystal), number, shape and size. All drugs will be weighed and counted at any time they are removed or returned to the Evidence Control Room.
  6. **Money**
    - a. All money will be counted, preferably in front of the person from whom it is received and as soon as it is taken into custody.
    - b. The total will be initialed on the evidence voucher by two (2) officers.
    - c. All paper money will be photocopied, and the copies submitted with the case file.
    - d. If possible, money will be placed in a clear plastic bag in such a way that it can be counted.

- e. Large amounts will be strapped in a bundle and the total amount written on the bundle and initialed by two officers.
  - f. Monies being held as evidence will be held in the safe contained in the Evidence Control Room unless the quantity exceeds the available space, in which case another location will be established.
  - g. Any transfer of monies to another location will be documented and approved by the Chief of Police or his/her designee.
- D. The Property and Evidence Section will maintain a records system to record all applicable information:
  - 1. Current location of property/evidence;
  - 2. Date and time when the property/evidence was received or released;
  - 3. Description of the item;
  - 4. Date, time and method of any transfer;
  - 5. Receiving person's name and responsibility;
  - 6. Reason for any transfer;
  - 7. Name and location of lab, synopsis of event, examination desired;
  - 8. Date and time received in the lab; and
  - 9. Chain of custody through its final disposition. [CFA 27.02M A-E; 28.04M A-D]
- E. Officers will contact Communications with serial numbers on any found property in an attempt to identify and notify the owner or custodian. Dispatch will run the item in NCIC/FCIC to verify if the item was reported stolen and notify the officer of the results. [CFA 28.01M G]

### **36.1.03 AUDITS AND INSPECTIONS [CFA 27.13M, 28.02M]**

- A. The Evidence Custodian is accountable for all property and evidence within his/her control. [CFA 27.13M, 28.02M]
- B. Accountability will be verified through the following inspections, inventories and audits:

1. A full accounting of the Property and Evidence Section will be conducted annually by the Evidence Custodian and a designee of the Chief of Police. [CFA 27.13M C, 28.02M C]
    - a. This inventory will include the type and amount of items held in Property and Evidence office, Property and Evidence Control Room, evidence lockers and the large-item storage area.
    - b. Any problems found during these inspections will be documented and reported to the Chief of Police so as to be corrected as appropriate. Lost or missing evidence or property shall be investigated by an officer assigned by the Chief of Police. [CFA 27.13M D, 28.02M D]
  2. An annual audit of the Property and Evidence Section will be conducted by a member not routinely or directly connected with control of property. [CFA 27.13M A, 28.02M A]
    - a. This audit will determine if proper record keeping, evidence procedures, and storage and disposal methods are being followed.
    - b. Any problems found during these inspections will be documented and reported to the Chief of Police so as to be corrected as appropriate.
    - c. The audit will be documented and retained in a file maintained by the Deputy Chief of Police.
  3. An annual, unannounced inspection of the Property and Evidence Section's storage areas for organization and order will be conducted to ensure the integrity of the system. The inventory will be conducted by the Evidence Custodian and a designee of the Chief of Police. [CFA 27.13M B, 28.02M B]
- C. Whenever a new Evidence Custodian is appointed, an inventory of Property and Evidence will be conducted at the direction of the Deputy Chief. [CFA 27.12M, 28.05M]
1. The inventory will be performed jointly by the newly appointed and outgoing Evidence Custodian, if available.
  2. If the outgoing Evidence Custodian is unavailable, the Chief of Police will appoint someone to conduct the inventory.
  3. All weapons, monies, and narcotics will be accounted for individually.
  4. A complete report of the findings of the inventory will be forwarded to the Chief of Police upon the conclusion of the inventory.

- D. The newly appointed Evidence Custodian will be given adequate training to ensure an orderly changeover and to maintain the integrity of the system.

#### **36.1.04 FINAL DISPOSITION [CFA 28.01M H]**

- A. It is the responsibility of the Evidence Custodian to ensure that evidentiary items are disposed of according to applicable laws and/or instructions of the court (FSS 705.105) and to ensure prompt and proper disposal of found and recovered property and evidence (FSS 705.103).
- B. The Evidence Custodian, with approval of the State Attorney's Office, should make every effort to promptly return items to victims.
- C. Once an item has been cleared for release, the Evidence Custodian will make a reasonable effort to contact the owner and inform them when and where the item may be claimed.
  - 1. The Evidence Custodian will attempt to telephone the owner or custodian.
  - 2. If within the first thirty (30) days of receiving the property/evidence the Evidence Custodian is unable to make contact by phone or mail, he/she will send a letter to the last known address of the owner to inform them where the item(s) may be retrieved and to advise them that they have ten (10) additional days to claim the property or evidence. Copies of all letters will be filed with the case report.
  - 3. If the owner cannot be located or fails to claim the property or evidence, the item(s) will be considered unclaimed and will be disposed of according to city/departmental policy or state law.
  - 4. The disposition of the property or evidence will be marked on the log.

#### **CXLIV. INDEXING**

Audit  
Bicycles  
Blood  
Drugs  
Evidence  
Evidence Custodian  
Money  
Property  
Refrigerated Storage



# WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: 37.1	SUBJECT: INFECTIOUS DISEASES
EFFECTIVE DATE: 2/28/06 REVISION DATE: 9/20/12	CFA STANDARDS: 37.01M A-I, 37.02M A- J, 37.03M, 37.04M, 37.05M A-E
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

## SECTIONS IN THIS CHAPTER

3.1.155 EXPOSURE CONTROL PLAN

3.1.156 DECONTAMINATION

3.1.157 TRAINING

3.1.158 MEDICAL RECORDS

3.1.159 VACCINATION PROGRAM

**CXLV. PURPOSE:** The purpose of this General Order is to establish procedures and guidelines to protect members of the Williston Police Department from exposure to infectious diseases.

**CXLVI. POLICY:** The Williston Police Department recognizes that in the performance of their duties, members are at risk for potential exposure to infectious diseases. The Department will implement a set of practices, issue protective equipment and train members to protect themselves from and minimize exposure to infectious diseases.

### **CXLVII. DEFINITIONS**

**Airborne Pathogens:** Pathogenic microorganisms transmitted through the breath or saliva (breathing, coughing, spitting) of an infected person. Examples of airborne pathogens include, but are not limited to, tuberculosis and small pox.

**Blood Borne Pathogens:** Pathogenic microorganisms present in human blood that can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus

(HBV), Hepatitis C virus (HCV) and Human Immunodeficiency virus (HIV).

**Contaminated:** The presence or reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

**Sharps:** Any object that can penetrate the skin including, but not limited to, needles and broken glass.

**Decontamination:** The use of physical or chemical means to remove, inactivate or destroy blood borne pathogens or infectious particles to the point that the surface or item is rendered safe for handling or disposal.

**Occupational Exposure:** Reasonably anticipated skin, eye, or mucous membrane contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

**Personal Protective Equipment (PPE):** Specialized clothing or equipment worn by an employee for protection against a hazard.

**Source Individual:** Any individual, living or dead, whose blood or other potentially infectious materials may be a source of exposure.

**Universal Precaution:** An approach to infection control by which all human blood and certain body fluids are treated as if known to be infectious for HBV, HIV and other blood borne pathogens.

## **CXLVIII. PROCEDURE**

### **EXPOSURE CONTROL PLAN [CFA 37.01M]**

- A. Exposure Determination.** Job classifications in which any employees are or possibly could be occupationally exposed to hazardous materials, airborne and blood borne pathogens include:
  - 1.** All sworn positions;
  - 2.** Communications personnel;
  - 3.** Evidence personnel; and
  - 4.** Animal Control personnel. [CFA 37.01M A]
- B.** Warning labels and signs will be affixed to containers, refrigerators and freezers containing or potentially containing blood or other potentially infectious material. [CFA 37.01M H]

- C.** Personnel will observe universal precautions and treat all human blood and certain body fluids as if it is known to be infectious for HBV, HIV and other blood borne pathogens. [CFA 37.01M B]
- D.** Members will ensure that their own pre-existing open or exposed wounds, cuts, injuries or other skin/body conditions (that are of a nature that still allow them to work) are properly bandaged while at work so that direct contact with contaminated body fluids can be averted or minimized.
- E.** Members should consult with their private physicians if they are taking prescription drugs to determine if these drugs suppress their immune system and make them more susceptible to infectious disease.
- F.** Members will use extreme caution when searching persons, vehicles and residences, and when handling and packaging evidence to minimize the risk of being exposed to potentially contaminated and/or sharp items. Members should:
  - 1.** Empty the contents of purses and containers onto a flat surface or have a person empty his/her own pockets as officer safety will allow;
  - 2.** Use tape instead of staples when sealing evidence; and
  - 3.** Wear protective gear when handling persons, items and equipment that pose a risk of contamination, especially violent subjects and bleeding injuries.
- G.** Members will not eat, drink or smoke at crime scenes where bodily fluids are present or other contagion factors exist.
- H. Hand Washing**
  - 1.** Hand towelettes and/or a germicidal hand rinse solution should be used in the field to wash hands or wounds but should not be considered a replacement for soap and water washing. Hand drying is not required after use of towelettes or hand rinse.
  - 2.** Hands and forearms will be carefully washed:
    - a.** After providing first aid or coming in contact with blood or body fluids;
    - b.** After handling potentially contaminated items; and
    - c.** After using waterless hand cleaner.
  - 3.** Hand washing WILL NOT be done in the kitchen area. All hand washing after contact with possibly contaminated persons or articles will be done at the bathroom sink near the booking area.

**I. Evidence**

1. All items of evidence or property having bodily fluids on them will be treated as if they are contaminated.
2. All items of evidence or property having bodily fluids on them, as well as the sacks containing these items, will be handled with protective disposable gloves.
3. When items are being picked up at the Evidence room, the Evidence Custodian will furnish protective disposable gloves to all personnel or others handling evidence or property that has been contaminated.
4. Wet clothing, bedding or other items will be dried in a secure area before being placed in paper evidence bags. See General Order 35.1.

**J. Supplies and Equipment [CFA 37.01M C]**

1. The Department will provide infection control supplies and equipment, which at a minimum will include the following:

**27. Personal Protection Kit, including:**

- 1) Fluid-resistant, full-length isolation gown;
- 2) Disposable latex or vinyl gloves;
- 3) Safety Shield mouth and eye protection;
- 4) Liquid sanitizer or germicidal wipes;
- 5) Biohazard waste bag;

**28. CPR pocket mask.**

**2. Gloves**

**a. Gloves should be worn when members:**

- 1) Anticipate physical contact with individuals who carry an infectious disease or who otherwise present an opportunity for exposure;
- 2) Search arrestees;

- 3) Handle items that may contain blood or other body fluids such as syringes, needles, wet clothing, or money;
  - 4) Package and handle items as evidence; or
  - 5) Clean contaminated items.
- b. Members are advised that disposable gloves offer limited protection and that these types of gloves DO NOT provide protection against sharp items, such as razor blades, needles, teeth, etc.
  - c. Members are advised that rings or fingernails may compromise the structural integrity of disposable gloves.
  - d. Members will not eat, drink or touch their faces while wearing gloves or in any other situation that may spread contamination.
  - e. Members must change or remove contaminated or potentially contaminated gloves before touching any other person or uncontaminated equipment.
  - f. Gloves and contaminated masks and clothing will be removed as soon as possible upon completion of the task at hand.
  - g. Gloves are to be removed by peeling them inside out from the wrist to the fingers.
- 3. To minimize the risk of exposure, cardiopulmonary resuscitation (CPR) masks with one-way valves should be used when performing pulmonary or cardio-pulmonary resuscitation.
  - 4. Face protection including paper facemasks and/or eye protection should be worn when dealing with sick, injured or other potentially contagious individuals or when there is any possibility of exposure to blood, body fluids or respiratory moisture.
  - 5. The Evidence Custodian will see that Personal Protective Equipment is either appropriately laundered or disposed of and replaced as necessary.

**K. Exposure Treatment [CFA 37.01M G]**

**1. Exposure to Blood/Fluid**

- a. Members will wash the affected area immediately by using germicidal towelettes and/or hand rinse while in the field, to be followed by

washing with hot, soapy water as soon as possible thereafter, whether the member wore protective equipment or not.

- b. Hand washing should continue for at least twenty seconds using a soft soap that produces lather.
  - c. Eyes or other membranes on which towelettes or hand rinse cannot be used are to be flushed with large amounts of water until medical attention can be sought.
- 2. **Exposure by Instrument or Human Bite.** The member should encourage the wound to bleed and then scrub the wound with hot soapy water, a towelette, germicidal hand rinse and/or isopropyl alcohol gel.
  - 3. **Medical Treatment.** A Department member who has experienced an on-duty exposure to an infectious disease or suspected infectious disease will receive medical attention appropriate to the exposure.

#### **L. Exposure Reporting and Follow-Up**

- 1. Exposure will be reported after contact with blood or bodily fluids by inoculation, inhalation or contact with skin or mucous membranes. Handling of subjects suspected of active tuberculosis or meningitis will also be reported as an exposure.
- 2. When a member has an exposure to blood or bodily fluids in the line of duty, he/she will report this fact immediately to a supervisor.
- 3. The Shift Supervisor will arrange for post exposure care with the designated Workman's Comp provider. The physician will be thoroughly briefed on the exposure incident.
- 4. The next business day after exposure, the Deputy Chief of Police or his/her designee will ensure that a follow-up care for the member.
- 5. The Deputy Chief of Police will ensure that the First Report of Injury is completed in a timely manner.
- 6. The designated Workman's Comp provider will be given a copy of the First Report of Injury form.
- 7. A copy of the First Report of Injury form will be placed in the member's confidential health file.
- 8. All exposures will be reported as workers' compensation injuries.

9. Any member who has an exposure to or is being treated for a communicable disease off-duty will report that fact to his/her supervisor as soon as possible.
  10. Any member who has an on-the-job exposure has the right to review his/her medical records and receive appropriate counseling regarding his/her risks and treatment.
- M. The exposure control plan will be reviewed annually in order to update procedures and consider replacing equipment designed to eliminate or minimize occupational exposure. [CFA 37.01 M I ]

## **DECONTAMINATION**

- A. Decontamination procedures will be implemented immediately after a vehicle interior, work surface, personal equipment or booking/holding area has been exposed to blood or bodily fluid from a known or potential carrier of an infectious disease. [CFA 37.01M D]
1. Protective disposable gloves will be worn during all phases of decontamination.
  2. Any excess blood or bodily fluids will first be wiped up with an approved disposable absorbent material. The absorbent material will be put into a red biohazard bag.
  3. The contaminated area will be sprayed with a germicidal solution and allowed to air dry for 10 minutes.
- B. **Uniforms and Clothing [CFA 37.01M C, F]**
1. Contaminated clothing, including Personal Protective Equipment, should be removed as soon as possible after contamination.
  2. Members will not take clothes home to be washed; instead, members will:
    - a. Place contaminated clothing in a biohazard disposal bag;
    - b. Properly label the bag with the date, member's name and ID number; and
    - c. Take the bag containing the contaminated clothing to the Evidence Custodian or secure it in an evidence locker after hours.

3. The Evidence Custodian will ensure that the clothing is properly cleaned and returned to the assigned member, or, if necessary, properly destroyed and replaced at no cost to the member.
  - a. If clothing is to be laundered, the Evidence Custodian will take universal precautions in delivering the item(s) to the Williston Fire Department.
  - b. Clothing will be laundered in the washer/extractor.
- C. Contaminated items that are not being held as evidence will be disposed of by the Evidence Custodian or Shift Supervisor as follows: [CFA 37.01 E]
  1. All sharps will be placed in a sealed sharps container.
  2. Contaminated items shall be placed in red plastic bags (either in the possession of medical personnel assisting or those bags provided by the Williston Police Department), sealed with tape (no staples) and then labeled with the “BIOHAZARD” warning if such a warning is not already on the bag.
  3. Monday through Friday, the Evidence Custodian will deliver the sealed bag or sharps container to the EMS office in Bronson.
  4. On weekends, at night or on holidays, the Shift supervisor should place the item(s) in a red biohazard bag and place it in an evidence locker and advise the Evidence Custodian via email or Evidence Receipt.

**TRAINING [CFA 37.02, 37.03]**

- A. The Department shall ensure that all sworn and civilian members participate in an infectious disease training program prior to assignment to any position where there is a risk of occupational exposure. [CFA 37.03M]
- B. Training in the exposure control plan for all new employees will be conducted during initial orientation. [CFA 37.03M]
- C. The training will be organized by a lesson plan and will include:
  1. Familiarization with this General Order and its Exposure Control Plan; [CFA 37.02 A]



2. Familiarization with the basic epidemiology, symptoms and the modes of transmissions of infectious diseases; [CFA 37.02 B]
  3. An explanation of the use and limitations of methods that will prevent or reduce exposure, including personal protective equipment; [CFA 37.02 C]
  4. Information about the Department's hepatitis B vaccination program; [CFA 37.02 D]
  5. An explanation of procedures to follow at any incident involving blood or other potentially infectious materials; [CFA 37.02 E]
  6. An explanation of procedures to follow if an exposure occurs, including reporting requirements and medical follow-up; [CFA 37.02 F]
  7. An explanation of the signs, labels and color coding identifying bio-hazardous waste; [CFA 37.02 G]
  8. Familiarization with the Department's bio-hazardous waste disposal procedures; and [CFA 37.02 H]
  9. An opportunity to have questions answered. [CFA 37.02 I]
- D. Training may be provided by video in which case an outline of the topics covered will be provided as well as an individual prepared to respond to member questions.
- E. Documented refresher training shall be provided annually. [CFA 37.02M J]
- F. The Department will maintain accurate training records for each member with occupational exposure in accordance with the General Schedule for State Government Agencies (GS1-S). All training records of employees who may have come in contact with blood or other potentially hazardous material will be retained for three (3) years after completion of training or as revisions to state records retention laws dictate. [CFA 37.04M]

#### **MEDICAL RECORDS [CFA 37.04M]**

- A. The Department will maintain accurate medical records for each member with occupational exposure in accordance with the General Schedule for State Government Agencies (GS1-S).
1. All employee medical records will be retained for fifty (50) fiscal years after termination, retirement or separation from employment or as revisions to state records retention laws dictate.

2. Medical records are confidential and will be secured in the Deputy Chief's office.

B. Medical records may include the employee's name, social security number, hepatitis B vaccination status including the dates of testing, results of examinations, medical testing, and follow up procedures, a copy of the healthcare professional's written opinion, a list of complaints which may be related to the exposure and a copy of information provided to the healthcare professional.

#### **VACCINATION PROGRAM [CFA 37.05M]**

A. All Department members are eligible to receive, free of charge, the hepatitis B virus (HBV) immunization series offered by the Levy County Health Department. [CFA 37.05 D, E]

1. New employees will be offered the vaccination after receiving infectious disease training and within 10 working days of initial assignment. [CFA 37.05 A]

2. Members may decline the vaccination but must sign a statement to that effect. [CFA 37.05 B]

3. Employees who refuse the initial vaccination may at anytime during their employment request the vaccination at no cost to the employee. [CFA 37.05 C]

B. After vaccination, members will return their consent forms and vaccination records to the Deputy Chief of Police.

#### **CXLIX. INDEXING**

Airborne Pathogens  
Blood Borne Pathogens  
Decontamination  
Equipment  
Exposure Control Plan  
Hepatitis B  
Infectious Diseases  
Occupational Exposure  
Personal Protective Equipment  
Records  
Sharps  
Training

## WILLISTON POLICE DEPARTMENT GENERAL ORDER

GENERAL ORDER: <b>38.1</b>	SUBJECT: <b>SEIZURES AND FORFEITURES</b>
EFFECTIVE DATE: <b>6/1/06</b> REVISION DATE: <b>8/1/12</b>	CFA STANDARDS: <b>38.01, 38.02M, 38.03M</b>
RESCINDS ALL EXISTING ORDERS IN CONFLICT.	

### SECTIONS IN THIS ORDER

- 38.1.01 FORFEITURE CIRCUMSTANCES
- 38.1.02 SEIZURE OF PROPERTY
- 38.1.03 CARE AND MAINTENANCE
- 38.1.04 RELEASE OF SEIZED PROPERTY
- 38.1.05 FEDERAL EQUITABLE SHARING PROGRAM

**XI. PURPOSE:** The purpose of this General Order is to establish guidelines and procedures in the seizure, maintenance and forfeiture of assets pursuant to the provisions of the Florida Contraband Forfeiture Act.

**XII. POLICY:** It is the policy of the Williston Police Department to utilize the forfeiture provisions to protect law-abiding owners, while providing the Department with the maximum economic benefit under the Florida Contraband Forfeiture Act outlined in FSS 932.701-707. The Williston Police Department will use the provisions of the Act to deter and prevent the continued use of personal and real property for criminal purposes while protecting the proprietary interests of innocent owners and lien holders. Officers will follow all federal and state constitutional limitations regarding an individual's right to be free from unreasonable searches and seizures. [CFA 38.01]

### **XIII. DEFINITIONS**

**Contraband:** Any controlled substance, device, paraphernalia, or currency that was used (or attempted or intended to be used) in violation of Chapter 893, if a connection can be

clearly demonstrated between the article seized and the narcotics activity; any gambling paraphernalia, lottery tickets, money, currency, or other means of exchange which was used, was attempted, or intended to be used in violation of the gambling laws of the state; any equipment, liquid or solid, which was being used, is being used, was attempted to be used, or intended to be used in violation of the beverage or tobacco laws of the state; any personal property, including but not limited to any vessel, aircraft, item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, securities, books, records, research, negotiable instruments, or currency which was used or was attempted to be used in the commission of, or in aiding or abetting in the commission of any felony.

**Florida Contraband Forfeiture Act:** Florida State Statute 932.701-706.

#### **XIV. PROCEDURE**

##### **38.1.01 FORFEITURE CIRCUMSTANCES**

- A.** The potential for obtaining revenues from forfeitures must not override fundamental considerations such as public safety, the safety of law enforcement officers, the investigation and prosecution of criminal activity and respect for the rights of individuals as provided by law.
- B.** The employment, salary, promotion or other compensation of law enforcement in this agency will not depend on obtaining a quota of seizures.
- C.** The Williston Police Department will insure, through the use of this policy and training, compliance with all applicable legal requirements regarding seizing, maintaining, and forfeiting property under the Florida Contraband Forfeiture Act. [CFA 38.02]
- D.** When property other than currency is seized for forfeiture, the probable cause supporting the seizure should be reviewed promptly by a supervisor who is not directly involved in making the seizure.
  - 1.** The determination of whether to seize currency must be made by supervisory personnel.
  - 2.** The agency's legal council must be notified as soon as possible on all seizures.
- E.** During the course of an investigation, if an officer determines that a vehicle and/or personal property has been utilized to facilitate or was actually used in the commission of any felony, then that item may be forfeited.
- F.** An officer may seize property if he/she determines there is probable cause to believe:

1. The item subject to seizure has been used or, was intended to be used in any violation of any provision of the Act;
  2. Any violation of the Act has taken place or is taking place in, upon or by means of seized property;
  3. The item subject to seizure is a “contraband article” as defined in section 932.701 F.S. or other provisions of the Florida Statutes specifically authorizing forfeiture in accordance with the Act;
  4. The property is evidentiary in nature.
- G.** Probable cause seizures taking place at the time of the violation of the Act may be made without prior judicial approval.
- H.** Property not seized at the time of the violation of the Act presently located on private premises should be seized pursuant to a court order authorizing entry onto the private premises, unless otherwise allowed by law

#### **38.1.02 SEIZURE OF PROPERTY**

- A.** Prior to seizure of a vehicle and/or personal property, the officer will notify his/her supervisor.
1. The decision to make an initial seizure of currency shall be made by the Shift Supervisor.
  2. Prior to initiating an action of forfeiture, the supervisor will:
    - a. Determine if the owner/defendant has a proprietary interest or is the registered owner of the vehicle or property. If not, determine if the innocent owner(s) have prior knowledge that the vehicle or property may be utilized for an unlawful purpose.
    - b. Estimate the worth to be more than \$2000, or estimate a value that would be cost effective to proceed with the forfeiture, after the lien if any, is satisfied.
    - c. If the value is less than \$2000, determine the merits of depriving the defendant of the use of that property in a criminal enterprise.
- B.** A complete inventory of the vehicle will be conducted as soon as practical. The officer will make a good faith effort to release to the lawful owner all personal property (e.g.; clothing) which is not being retained as evidence or for forfeiture but was impounded at the time of the seizure in accordance with the provisions of the Act.

- C. At the time of the seizure, or as soon as practical, the officer will give the owner/person in control of the seized property a *Notice of Seizure*.
  - 1. If there is no owner/person present during the seizure, the notice of seizure will be sent via certified mail within (5) working days of the seizure to all owners of the seized property, as well as any lien holders.
  - 2. Future forfeiture proceedings may be dependent on documented notification of any innocent owners.
- D. As soon as practical following seizure, the seizing officer will ensure that all reasonable efforts are made to determine ownership of the seized property. These efforts will include identification of:
  - 1. Registered owner;
  - 2. Title holder; and
  - 3. Bona fide lien holder(s), if any.
- E. Once any item is seized, the seizing officer will forward a copy of the incident report. After reviewing, the Shift Supervisor will forward this form along with a copy of the incident report to the Deputy Chief of Police by the end of his/her tour of duty.
- F. The Deputy Chief will determine if forfeiture proceedings will be implemented and forward all paperwork to the Department's private attorney on the following business day.
- G. The private attorney will be responsible for maintaining all referred forfeiture actions by handling hearings, conducting discovery, preparing and responding to trial motions and conducting any and all litigation, including trial.
- H. For their involvement, the private attorney will receive a portion of the proceeds of each forfeiture action to offset costs of legal representation.

### **38.1.03 CARE AND MAINTENANCE**

- A. Items will not be used for any purpose until the rights and title to the seized property are perfected pursuant to the provisions of the Act. This does not prohibit use or operation necessary for reasonable maintenance of seized property.
- B. Reasonable attempts will be made to maintain the property in the condition that it was at the time of seizure.

#### **38.1.04 RELEASE OF SEIZED PROPERTY**

- A.** If at the conclusion of the judicial process the claimant prevails, the seized property will be released to the lawful owner immediately. The Department will not assess any towing charges, storage fees, administrative costs, maintenance costs, etc, against the claimant.
- B.** In all other instances, if the seized vehicle, vessel, aircraft, etc, is to be released to its lawful owner, the Department may assess the owner investigative costs as well as the actual costs (if any) for towing, storage and maintenance of the seized property. Absent settlement, administrative costs that do not reflect actual expenses will not be assessed.
- C.** Following the determination not to proceed with the forfeiture, based upon innocent owner considerations, the items will be released to the lawful owner or his/her legally authorized designee.

#### **38.1.05 FEDERAL EQUITABLE SHARING PROGRAM [CFA 38.03]**

- A.** If the Williston Police Department elects to participate in the Federal Equitable Sharing Program, the Department will abide by all applicable rules and regulations, including tracking procedures, established by the United States Department of the Treasury as published in the “Guide to Equitable Sharing for State and Local Law Enforcement Agencies.”
- B.** Should such seizures occur, the Williston Police Department will account for all funds and provide appropriate financial reports to include audits.

### **XV. INDEXING**

Contraband  
Federal Equitable Sharing Program  
Florida Contraband Act  
Forfeiture  
Property  
Seizure

### **EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF HR MANUAL**

My signature is an acknowledgment that I have received a copy of The City of Williston Human Resources Manual (“Manual”), and I understand that it is my responsibility to comply with the policies contained in this Manual and any revisions made to it.

I also understand that the contents of this Manual are presented as a matter of information only, and any benefits, policies, and procedures described are not conditions of employment and may change with or without notice to me.

I understand that before I rely on any benefit or policy, I will consult with Human Resources to learn of any changes or deletions.

I understand and agree that it is my obligation to read the Manual, and that I have been directed to read very carefully the following policies:

Section 11 – Sexual and Other Illegal or Improper Misconduct and Harassment Policy

Section 28 – Family and Medical Leave of Absence (FMLA)

I understand that the official version of the Manual will be maintained in electronic form by Human Resources and be available on the City’s website and employee portal.

I understand that this Manual does not constitute an employee contract or any guarantee of the continuation of a particular policy or practice.

Print Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*This is a copy of the form you signed when you received this Manual. The original has been placed in your personnel file.*