



*Office of Professional Standards
Annual Report 2017*



Chief's Comments

The St. Petersburg Police Department is a full-service law enforcement agency serving the 260,999 citizens of the City of St. Petersburg and the thousands who visit each year.



The Police Department is authorized to have 881 employees of which 561 positions are Sworn Police Officers and 320 are civilian support personnel (includes part time positions). The Department's full-time work force is supplemented by the dedicated work of 50 citizen volunteers. Police services are provided for an area covering 62 square miles and traversed by 1,047.75 miles of roadway. The Department also provides marine police services within 206 linear miles of shoreline.

When misconduct of an employee is alleged, it is investigated by a Supervisor or, in the case of serious allegations, by the Office of Professional Standards Division. The 2017 Office of Professional Standards Annual Report attempts to illustrate the number and type of concerns, raised by the community and Department members and compares our efforts with previous years.

The St. Petersburg Police Department received 422,691 telephone calls from the public and responded to 206,079 calls for service. The Department issued 27,794 traffic citations and made 10,149 arrests, which includes 1,936 drug arrests. Citizens initiated 8 complaints against employees in 2017, 3 less than in 2016.

During 2017, there were 126 cruiser crashes compared with 103 in 2016. Of those, 57 were found to be preventable. Also in 2017, employees initiated two (2) pursuits; neither of the pursuits was found to be in compliance with departmental policies. Our Department has a very strict policy governing when a pursuit can occur, and we require our employees to adhere to specific procedures.

The Department welcomes community oversight and involvement. The Department works with two high-profile advisory groups: the Community/Police Council and the Community Alliance. In addition, the Civilian Police Review Committee (CPRC) reviews citizen-initiated investigations after the cases become a public record. During 2017, the CPRC reviewed 15 cases, including 7 Bureau Investigations and 8 Office of Professional Standards Investigations. The CPRC agreed with 15 of the Department's findings in the cases. Also in 2017, we received 229 letters of appreciation from citizens, thanking our employees for their service and consideration.

Each year, the Police profession continues to evolve and change. We must be prepared to adapt to these changes if we are to be successful in our goal to proactively address crime trends and traffic safety issues, implement new law enforcement technology and techniques and attract and retain qualified and diverse professionals. We are an outstanding organization; one that values our employees and community partners while working to improve the quality of life for the citizens we serve.

Philosophy

The St. Petersburg Police Department provides police services by adhering to the community policing model and working in partnership with the community to solve mutually identified problems. While engaged with, and cognizant of the concerns of the community, the Department works to provide efficient, effective and courteous police service that promotes public safety, protects the rights of all citizens and improves the quality of life in St. Petersburg, while upholding the highest standards of the law enforcement profession.

It is the mission of the St. Petersburg Police Department to provide professional police service to the community by adhering to the values of loyalty, integrity and honor.

The St. Petersburg Police Department has been accredited by the Commission on Accreditation for Law Enforcement Agencies since 1985. We were also accredited by the Commission for Florida Law Enforcement Accreditation. The Department is committed to Law Enforcement excellence and the protection of the safety and rights of the citizens it serves.



**COMMISSION ON ACCREDITATION
FOR LAW ENFORCEMENT AGENCIES**



I. Introduction

Police officers are expected to diagnose situations they encounter within a few short moments and take the most appropriate course of action. Most encounters with citizens result in positive experiences, in part due to the training, experience, and ethical character of the police officer. In the face of danger, the potential for complications increases; however, the majority of these encounters are resolved without complaint.

In a limited number of situations, officers clearly use their authority inappropriately. In other situations, citizens may believe police officers have exceeded their authority or have simply not treated them properly. Therefore, it is of critical importance to have a system in place that allows citizens to bring these concerns to the attention of police managers. This system must achieve at least three important objectives.

First, the system must create a sense of confidence on the part of citizens that their complaints will be taken seriously, properly investigated, and corrective measures will be taken when needed. Most police/citizen interactions take place without witnesses who are directly involved in the encounters. Without an effective system for addressing citizen complaints or concerns, the police department will not have the type of feedback needed to ensure that quality service is being provided and the department is using its authority appropriately.

Second, the system must create a sense of confidence on the part of the police officers that complaints will be investigated within a reasonable time frame and that they will be treated fairly and consistently. Police officers have a very difficult job; to do it effectively, they must be supported when they operate within the framework of the law and departmental policy. Although most complaints are lodged because of the sincere belief an officer's behavior was not appropriate, occasionally the system will be used as revenge toward the officer or as leverage for criminal charges.

Third, the system must provide information to city officials, the police department, and the community. This information is one important measure of the department's responsiveness to the community and the efforts made to provide guidance and direction to police employees in their encounters with citizens. It is also useful in identifying areas where policy and training changes might be made. The achievement of all of these objectives is important to the successful functioning of a system designed to ensure that police employees are carrying out their responsibilities to the community in the most appropriate manner possible.

The St. Petersburg Police Department has established a method to meet these objectives through the Office of Professional Standards, which reports directly to the Chief of Police. This office

consists of a Major, four Detective Investigators, an Operations Analyst Specialist responsible for Staff Inspections, and one Clerical Support Personnel. Under the direction of the Chief of Police, the Office of Professional Standards has the responsibility to conduct investigations into complaints of employee misconduct from both inside and outside the Department. The Office also has the responsibility for monitoring investigations of alleged employee misconduct that are conducted by an employee's supervisor.

The Staff Inspections Unit conducts annual and triennial inspections of all department functions and applicable policies, procedures, administrative and operational activities, and resources in efforts to ensure accountability and maintain integrity. Through staff inspections, the Chief of Police is provided objective information regarding the efficiency and effectiveness of department components; recommendations for the modification, revision, or creation of policies, procedures, and practices; as well as an evaluation of available resources to meet agency goals.

The purpose of this Office of Professional Standards Annual Report is twofold. First, this report will provide information to the community on the results of investigations of both citizen and department-initiated complaints. It contains information over a five-year period from 2013 through 2017, to provide a basis for comparison. Second, the report is designed to provide greater insight into efforts by the City, Police Department, and Citizen Volunteers to meet the objectives described above.

This report achieves its purpose by describing how a citizen can make a complaint and explaining the Office of Professional Standards process. The report examines community oversight of internal investigations and police operations. It addresses commendations and investigations conducted by the Office of Professional Standards and supervisory personnel over the past five years, and it reviews complaints from an organizational and employee perspective.

II. The Process

MAKING A COMPLAINT

Complaints against employees of the St. Petersburg Police Department can be made in several ways. All employees of the Police Department have the responsibility for receiving a complaint, so the process can be initiated any time a citizen chooses. A complaint may be lodged against the Department or any employee, in person, by telephone, or by mail using the information provided in Appendix A. When complaints are initiated outside the normal business hours of Monday through Friday, 8:00 a.m. to 5:00 p.m., the information will usually be taken by an On-Duty Supervisor and referred to the Watch Commander. The Watch Commander may direct a Supervisor to investigate or refer the complaint to Office of Professional Standards.

It is the policy of the St. Petersburg Police Department that complaints will be handled at the appropriate organizational level and as quickly as possible. If the Supervisor who initially received the complaint is able to investigate it, they will do so upon approval of the Watch Commander and document the actions taken. This information will be forwarded to Office of Professional Standards, and the Citizen will be notified of the findings of the investigation. Examples of complaints normally handled at the supervisory level include improper procedures and discourtesy. These types of investigations are categorized as Bureau Investigations. If the complaint is of a more serious nature, it will be forwarded to the Office of Professional Standards for investigation. The Office of Professional Standards will normally investigate all allegations of a serious nature to include excessive force, the administrative aspects of criminal misconduct, bias-based allegations, and cases of officer-involved shootings. These investigations are categorized as Office of Professional Standards (OPS) Investigations.

OFFICE OF PROFESSIONAL STANDARDS (OPS) INVESTIGATIONS

All Office of Professional Standards Investigations must follow guidelines established by state laws and departmental policy. The Law Enforcement Officers' and Correctional Officers' Rights is a State Statute that dictates how Office of Professional Standards Investigations are conducted. These investigations are considered confidential until the investigation is completed. (See Appendix B for a copy of the Law Enforcement Officers' and Correctional Officer's Rights and Appendix C for a copy of the Department Policy for conducting these investigations.) When a complaint is investigated by the Office of Professional Standards, the following procedures are followed:

- A. The Office of Professional Standards Investigator contacts the Complainant and arranges an appointment for an interview. Generally, the interview is conducted at the Police Department's Office of Professional Standards office. However, at times, interviews can be conducted at a Complainant's home, business, or at the Civilian Police Review Committee's office located in the Municipal Services Building, 4th Floor. Interviews are also conducted at the county jail; therefore, incarceration does not preclude a citizen's complaint from being heard.
- B. The Complainant is placed under oath and a sworn statement is taken from that person. This statement is recorded.
- C. After the recorded statement is transcribed, the Complainant is re-contacted and given an opportunity to review the statement for accuracy and to sign it.

- D. The same procedure is used for all witnesses and officers involved in the case. All statements are recorded, transcribed, and assembled in a case file to be reviewed by the Chief of Police.

- E. If the evidence indicates there might have been improper conduct, the Chief of Police can direct the matter to be reviewed by a Command Review Board. This board consists of the Management Level Personnel responsible for the Accused Officer and includes Assistant Chiefs and the Chief of Police

- F. Once the case has been reviewed by the Command Review Board, a decision is made as to whether the Officer acted properly or not. Each allegation will receive one of five possible findings by the board:
 - 1) Exonerated – The acts which provided the basis for the complaint or allegation occurred; however, the investigation revealed they were justified, lawful, and proper.
 - 2) Not Sustained – The investigation failed to disclose sufficient evidence to prove the allegations made in the complaint.
 - 3) Sustained – The investigation disclosed sufficient evidence to prove clearly the allegations made in the complaint.
 - 4) Unfounded – The investigation conclusively proved the act or acts complained of did not occur.
 - 5) Not Involved – The investigation disclosed the affected employee was not involved in the alleged misconduct.

- G. If the Board sustains the allegation, the second phase of the process is to decide on the appropriate disciplinary/corrective action. Disciplinary action is guided by the Department's philosophy contained in Appendix D.

- H. At the conclusion of the Board's action, the Complainant is notified in writing of the Board's decision on the allegation and the type of discipline that was administered, if any.

- I. The Complainant may come to the Department to review the case once all criminal charges (if any) have been investigated and resolved and the administrative investigation has been completed.

BUREAU INVESTIGATIONS

Complaints investigated by the Officer's Supervisor (Bureau Investigations) generally follow similar steps, except the statements generally are not recorded and transcribed. In these cases, the supervisor interviews the Complainant, the Officer, and Witnesses; determines the finding; and then makes recommendations that are reviewed by the various levels of supervision and management in the Officer's Chain of Command, with final review by the Chief of Police.

INFORMATION ONLY

Another classification of cases is known as Information Only. An Information Only case is the documentation of an incident in which a citizen requests information regarding an employee's behavior and/or actions. An Information Only case may require several hours of exploration in order to determine what actually occurred. Once it is determined the incident does not involve misconduct by an employee, it is filed for informational purposes after an explanation has been furnished to the inquiring party. Many inquiries involve questions concerning the legality of an Officer's actions that need to be dealt with within the judicial system.

The Office of Professional Standards Division reviews and records all crashes and pursuits. The Office of Professional Standards also maintains a liaison with the City Legal Department and conducts inquiries into incidents involving St. Petersburg Police Department employees which result in civil litigation.

III. Community Oversight

In addition to the Office of Professional Standards investigative process, there are additional means of oversight of police operations.

A. The first is through the elected Mayor and City Council. The Chief of Police reports to the Mayor of the City. Police Department Policy and Issues are regularly reviewed by the Mayor and Council through the budgetary process, special reports that are prepared on department operations, and routine administrative oversight procedures. Citizens can raise concerns directly with the Mayor and Members of City Council.

B. A second means of community oversight is through the news media. The St. Petersburg Police Department is in constant contact with reporters from the print and electronic news media, providing both official and unofficial sources of information concerning police activities. The news media routinely reports on crime problems and any administrative issues of importance occurring within the Department.

C. A third means of community oversight is the Police Department's Crime Watch Program and regular participation in the meetings of the city's neighborhood associations. The Department's commitment to community problem-solving policing places employees in regular contact with citizens throughout the community who have an interest in police performance. Also, the State of Florida Public Records Law allows anyone the ability to review completed internal and criminal investigative cases, as long as there are no criminal charges pending.

D. There are also two different organizations that have been established over the years to provide input and some measure of oversight into police operations. They are the **Civilian Police Review Committee** (established in 1991 formerly called The Citizen's Review Committee) and the **Community/Police Council** (established 1978).

1. The Civilian Police Review Committee reviews completed Office of Professional Standards Investigations and Bureau Investigations that are initiated by citizens to help ensure they are complete and unbiased. The committee is also charged with the responsibility of monitoring disciplinary action in the cases: reviewing them for consistency and fairness. In addition, the Civilian Police Review Committee serves an important role for citizens who may not feel comfortable making a complaint to a Police Department Supervisor concerning employee misconduct (**See Appendix A**). In those cases, the Committee's Coordinator can facilitate the interview with the Office of Professional Standards by making the appointment and being present during the interview if the Complainant so desires.

2. The Civilian Police Review Committee holds periodic televised public meetings where input is received from citizens. This information is passed along to the Mayor who, in turn, passes the information to the Chief of Police. The Civilian Police Review Committee appears to be operating very effectively. It is an example of how the community can become involved in their police department. Membership on the Civilian Police Review Committee is voluntary and is made up of 11 multicultural community members.

IV. Bias-Based Profiling

The Office of Professional Standards did not receive any Bias-Based Profiling complaints in 2017. There were six complaints investigated in 2016. It should be noted, the process for documenting the reporting of Bias-Based Profiling complaints by the Department changed in 2015. Prior to 2015, if a Bias-Based Profiling complaint was received by the Office of Professional Standards and the complaint was able to be unfounded based on the information provided to, and available to, the receiving investigator, the complaint would be documented as "Information Only". The initial complaint, because there was no formal investigation, was not captured and documented as

a Bias-Based Profiling complaint in year-end statistics. Beginning in 2015, complaints of Bias-Based Profiling are captured in year-end statistics, even if the complaint does not rise to the level of a formal investigation.

A review of our agency policy and practices took place in 2015 as they pertain to biased-based profiling, which resulted in changes to General Order II-25, *Discrimination and Harassment* and General Order II-38, *Biased Based Profiling*. Changes to General Order II-25 include, among other things, additional verbiage describing protected categories of employees as designated by the laws of the United States, the State of Florida and the policies and procedures of the City of St. Petersburg. The changes also include additional examples of what would be considered harassment in the work place and a more specific definition of what constitutes a hostile work environment. Changes to General Order II-38 include additional instruction on what is expected of officers during citizen encounters involving traffic stops including guidelines for cruiser equipped video cameras and suggestions and examples of polite and professional conversation during the traffic stop. These changes became effective when the revised General Orders were issued in 2017.

In June 2015, as directed by the Chief of Police, officers began documenting the race and gender of individual(s) stopped for alleged traffic violations in order for the data to be analyzed to ensure officers are not engaging in biased based profiling. A review of the data from the 2017 indicates stops being made by officers which reflect the demographics of the citizens in the area where the stops are being made. This data will continue to be monitored.

In September 2015, Chief Holloway issued a Chief's Memorandum, *Interactions with Transgender Individuals*. The memorandum included, among other things, instructions on properly addressing transgender individuals using appropriate pronouns, as well as guidelines on stop and frisk, search policy and the transport of transgender prisoners. While the Chief's Memorandum was immediately effective and carried the full weight of a General Order, it was not issued as General Order and distributed until 2016.

V. Personnel Intervention System

The Office of Professional Standards monitors employees who receive multiple complaints, both citizen-and department-initiated. When employees are identified, they are referred to their Chain of Command who has the responsibility to review the complaints. The employee's supervisor reports their findings to the Office of Professional Standards via their Chain of Command. During 2017, there were no employees who required corrective action or additional training after review.

During 2017, 14 employees met the criteria for referral under the Personnel Intervention System. Thirteen of those were as a result of having 10 or more documented force incidents in a six-month

period. All the employees met with their respective supervisor to discuss the referral. The meeting and results were documented and sent back to the Office of Professional Standards via their Chain of Command. In each of the reviews in 2017, the use of force used by officers was appropriate and properly documented. As would be expected, the officers being reviewed are generally in very active units like Street Crimes, or are in positions where force is more likely to be used, as is the case for Department K-9 Officers who are regularly in a position where they are tracking suspects and when they find the suspect, are usually by themselves. In many of those cases, the use of force is a Taser or firearm being pointed at the suspect until other officers arrive to secure the suspect, and no other force used (See Appendix C). The other referral was the result of three separate issues in a six-month period and when the supervisor met with the employee, it was determined the issues were unrelated and the employee needed no further assistance, guidance, or training.

The Personnel Intervention System is managed by the Major in the Office of Professional Standards who closely monitors alerts and the subsequent reviews by the respective supervisors. At this time, it appears the system is working as designed.

PERSONNEL INTERVENTIONS 2013-2017					
	2013	2014	2015	2016	2017
Total	14	13	22	16	14

VI. Commendations, Complaints and Investigations

COMMENDATIONS

The St. Petersburg Police Department welcomes positive comments on the Department and its employees. They can be received from citizens or initiated internally by a supervisor or other members of the Department.

During 2017, the St. Petersburg Police Department received 229 unsolicited letters and telephone calls of appreciation from citizens, thanking department employees for outstanding service and consideration. The Department initiated 155 commendations to employees for actions arising from heroism to outstanding investigations.

COMMENDATIONS 2013-2017					
	2013	2014	2015	2016	2017
Letters of Appreciation (Citizens)	149	147	256	229	229
Departmental Commendations*	156	127	187	133	155

*Includes Service Awards, Officer of the Year, Ned March/Bud Purdy Award, Field Training Officer of the Year and the Civilian Employees of the Year

COMPLAINTS AND INVESTIGATIONS

Administrative Investigations

In 2017, the Office of Professional Standards coordinated and investigated 52 Administrative Investigations into allegations of misconduct. These investigations are classified as Bureau Investigations or Office of Professional Standard Investigations. Citizens initiated 8 of these cases. Forty-four cases were initiated internally where the Chief of Police or an employee was the party alleging misconduct by another member of the Department. Allegations of misconduct were sustained for 49 allegations. All cases were reviewed by each employee's Chain of Command (See Table 1).

TABLE 1

ADMINISTRATIVE INVESTIGATIONS 2013-2017					
	2013	2014	2015	2016	2017
Citizen Initiated	33	19	12	11	8
Department Initiated	72	49	37	32	44
Total Cases	105	68	49	43	52
Total Sustained Allegations*	66	33	41	25	49

*The total number of allegations is not the total number of cases. One case may have 2 or 3 allegations of misconduct.

Citizen-Initiated Cases

Citizen-initiated complaints are assessed by the Office of Professional Standards and the Chief of Police. The cases are either investigated by the Office of Professional Standards or assigned for investigation by the employee's immediate Supervisor at the Bureau Level. In 2017, citizens initiated 8 complaints, 3 less than 2016 (See Table 1 above).

TABLE 2

CITIZEN INITIATED CASE ALLEGATIONS 2013-2017					
	2013	2014	2015	2016	2017
Conviction/Guilt of a Misdemeanor or Felony	1	0	0	2	1
Conduct Unbecoming an Employee	5	2	3	2	1
Discourtesy	7	2	3	2	0
Improper Procedures	9	5	4	3	5
Inefficiency	10	9	5	1	2
Unnecessary Force	1	3	3	8	2
Gender Discrimination	0	0	0	0	0
Total*	33	19	18	18	11

*The total number of allegations/not the total number of cases. One case may have 2 or 3 allegations of misconduct.

Department-Initiated Cases

Department-initiated cases are assessed and investigated in the same manner as citizen-initiated complaints. In 2017, the Department initiated 44 complaints, which is 12 more than in 2016 (See Table 1 above).

TABLE 3

DEPARTMENT INITIATED CASE ALLEGATIONS 2013-2017					
	2013	2014	2015	2016	2017
Absent Without Leave	1	0	0	0	3
Abuse of Sick Time/Chronic Absenteeism	2	3	1	2	2
Carelessness/Violation of Safety Rule	2	0	0	0	0
Chronic Offender of the Code of Conduct	4	2	4	0	1
Conviction or Guilt of a Misdemeanor or Felony	3	2	4	2	4
Conduct Unbecoming an Employee	4	7	9	4	11
Discharge of Weapon/Accidental	1	1	1	1	1
Discharge of Weapon/Animal	5	3	5	5	2
Discharge of Weapon/Person	11	2	1	0	3
Discourtesy	1	1	1	2	1
Falsification	0	0	2	2	3
Improper Procedures	11	7	7	11	14
Incompetence	0	0	0	0	0
Inefficiency	22	15	16	20	18
Insubordination	1	0	1	2	1
Misuse of City Property	0	0	0	0	1
Negligence	3	2	1	0	2
Tardiness	1	0	0	0	3
Unnecessary Force	0	1	1	1	2
Use of Deadly Force	0	0	1	0	3
Discrimination	0	0	0	1	0
Sleeping on Duty	0	0	0	0	0
TOTAL*	72	46	55	53	75

*The total number of allegations not the total number of cases. One case may have 2 or 3 allegations of misconduct.

VII. Use of Force

The St. Petersburg Police Department provides training for all members in the many varied methods of force that could be utilized when affecting an arrest or defending oneself or another. Use of Force may range from a simple takedown maneuver to the discharge of a firearm. General Order II-42, *Use of Force*, states the policy of our Department is that the use of force “shall be limited to the force which is needed to halt resistance by the subject in order to accomplish a lawful objective.” The use of force is divided into two categories deadly and non-deadly (See Appendix E & G).

Officers are trained and issued weapons for use in the protection of themselves and others from death or injury. These weapons include a Glock firearm, an ASP Baton, an ASR Chemical Spray and a Conducted Electrical Weapon (CEW). Whenever force is used beyond simple handcuffing or injury occurs, including the use of the issued weapons, a *Use of Force Report* is completed and sent through the Chain of Command up to and including the District Major.

In 2017, there were 901 Use of Force Incidents which were reviewed by the Officer’s Chain of Command and filed in the Office of Professional Standards. This is a decrease from 2016, in which 924 Use of Force Reports were generated.

The *Use of Force Report* captures several types of force to include: Firearm, ASP Baton, Chemical Spray and Physical Force (there are several types of physical force). There is also a separate *Use of Force Report* completed for either discharging or pointing the Conducted Electrical Weapon (CEW) at a person. Often during an altercation, more than one method of force may be used against an individual. In 2017, there were 150 incidents where an officer pointed a firearm at an individual. There were 6 discharges that included two (2) at a vicious animal and one accidental discharge. Also in 2017, there were five (5) incidents where an ASP Baton was used and 113 incidents where chemical spray was utilized. The ASP Baton continues to be used very seldom.

An analysis of the Use of Force statistics for St. Petersburg Police Department (SPPD) for the calendar year 2017 was compared to the same statistics for the calendar year 2016. This review was conducted to evaluate the effectiveness and appropriateness of force being used and to address any training needs for the Sworn Officers of the St. Petersburg Police Department.

TYPE OF FORCE USED COMPARISON 2015-2017					
	2015	var	2016	var	2017
ASP Baton	4	-50%	2	150%	5
ASR Spray	106	10%	117	-3%	113
Firearm Pointed	299	-31%	205	-27%	150
Firearm Discharge (details below)	7	-14%	6	0%	6
Hobble Restraint	5	340%	22	-55%	10
K-9 Bite**	65	-34%	43	51%	65
Kick	7	0%	7	-43%	4
Knee Strike	24	-63%	9	-11%	8
Pressure Point	26	-31%	18	-56%	8
Punch	54	-35%	35	-60%	14
Take Down	329	-29%	235	-35%	152
CEW Pointed	74	-20%	59	3%	61
CEW Discharge	147	14%	168	-27%	122
Use of Force Totals	1147*	-19%	924	-2%	901
Firearm Discharge					
	2015	var	2016	var	2017
Accidental	1	0%	1	0%	1
Intentional/Vicious Animal	5	0%	5	-60%	2
Intentional/Person	1	-100%	0	%	3
Discharge Total	7	-14%	6	0%	6

*the total use of force was calculated incorrectly in the 2015 report. The total number and corresponding percentages has been corrected for the 2016 report.

**prior to 2017, K9 apprehensions were not included in the K-9 Bite Category

KEY POINTS

The overall use of force continues to decline. While it is impossible to assign a specific reason, we continue to train officers annually in use of force and re-enforce that using force is the last option: still recognizing that response to an active aggressor must be immediate and effective for the safety of the Officers and others who may be involved. The amount of times Officers utilized punches as a form of force continues to decline. We continue to re-inforce the concept that punches are only to be used as a defensive measure if under attack, or on rare occasion, utilized as strikes to forearms or shoulders to encourage a suspect to release their grip on an object. The Department also continues to implement and encourage the “Park Walk and Talk” concept throughout the city to build better relationships with the citizens we serve.

Of the six intentional discharges of firearms by St. Petersburg Police Officers in 2017, there were three incidents involving Officers firing their weapons at vicious dogs/animals (one incident occurred at the end of 2016 but the review was not complete until 2017), two Officers who discharged their weapons at a suspect who shot at them, and one accidental discharge.

Intentional discharges at vicious animals totaled two in 2017, three less than in 2016. Officers in each incident took the appropriate measures to protect themselves and others from harm. In one incident, Officers shot an aggressive dog which was attacking a young girl, and in another incident, an Officer shot a dog who had already attacked and killed a smaller dog and then attempted to attack the Officers who responded. It should also be noted that the Officers in the second incident were attempting to capture the aggressive dog utilizing a catch pole and fire extinguisher when the dog attacked them. Deadly force was used on the dog as a last resort.

In the intentional discharge at an animal case that took place at the end of 2016, but was reviewed in 2017, the shooting was deemed to be justified, but the Command Review Board determined the Officer involved did not take into account other methods to control the small animal. The involved Officer received an Employee Notice and retraining involving use of force with animals.

In 2017, we had an officer-involved shooting in which two Officers discharged their weapons at a suspect who shot at them after running from a vehicle which had been taken during a car-jacking. This case is under review as of the writing of this report.

In 2017, there was an accidental discharge of a personally owned rifle by a Forensics Technician in the Forensics Office. Luckily, no one was injured as a result of the discharge. After review, the involved individual was found to be in violation of several department policies and received a suspension of 160 hours.

Review of Use of Force Statistics in 2017 indicates Officers are using the appropriate level of force, as they have been trained, and properly document said use of force. There were three

complaints of unnecessary use of force investigated by the Office of Professional Standards in 2017. Two of those cases are being investigated at the time of this report. The other case involved one of our Downtown Deployment Officers who removed a drink from a citizen’s hand while she was outside, on a public sidewalk after the bars closed. The citizen lodged a force complaint saying the Officer left her with a bruise on her wrist when he grabbed her arm after she spit a straw from her mouth in the direction of the Officer. A Command Review Board reviewed the results of the case and determined the allegation of unnecessary force to be not sustained.

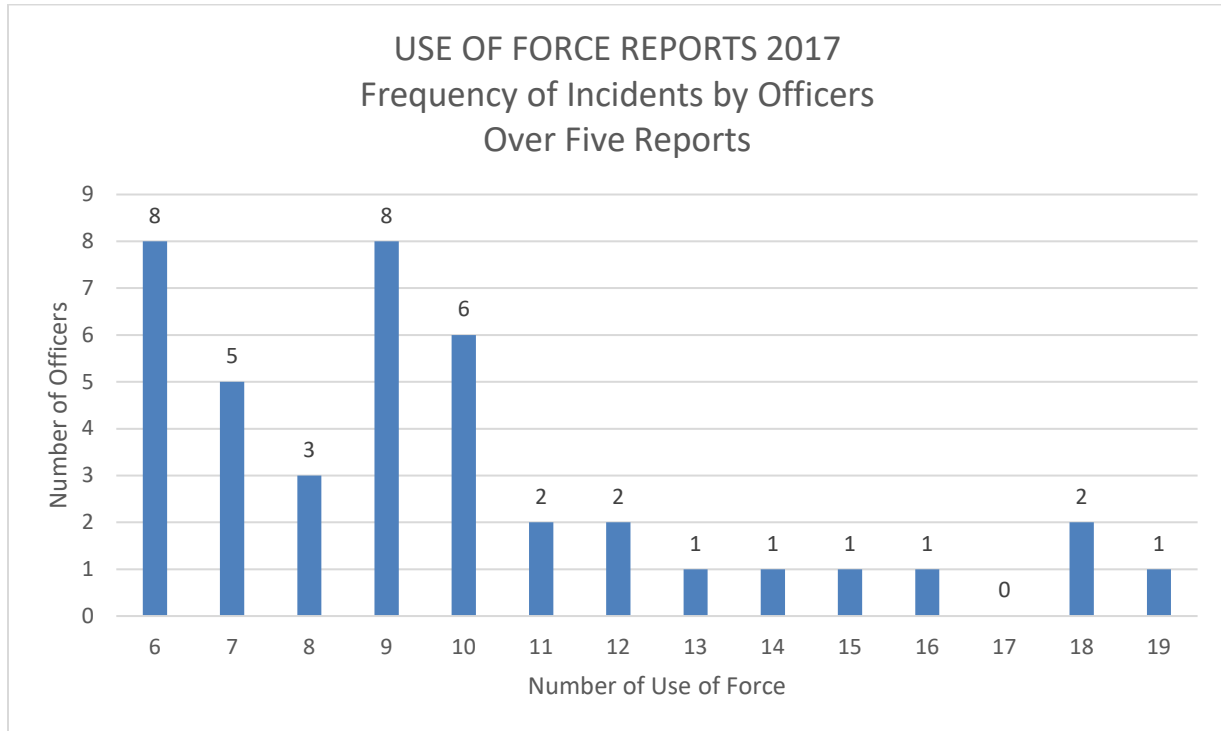
Additional training was provided to all Officers during 2017 Firearms Qualifications. Specifically, issues concerning the Use of Force General Order. All Officers received additional training in reference to authorized less-lethal weapons, impact weapons (ASP), aerosol subject restraints and review of CEW use. Officers also completed scenario based training utilizing a simulator which provided additional training and guidance in force on force situations.

There are no specific training issues to be addressed at the time of this review. It is interesting to note that Officers pointing firearms at individuals has decreased every year since 2013.

The following graph shows the Use of Force Reports over a five-year period (2013-2017).

USE OF FORCE BY CATEGORY 2013-2017					
	2013	2014	2015	2016	2017
Firearm Pointed	436	322	299	205	150
Firearm Discharge	17	6	4	6	6
CEW Pointed	48	63	70	59	61
CEW Discharge	140	128	142	168	122
ASP Baton	3	3	4	2	5
ASR Spray	131	109	106	117	113
Total	1017	904	1147	924	901

The following graph illustrates the number of times Officers completed *Use of Force Reports* more than five times during 2017. Forty-One Officers completed a *Use of Force Report* more than five times during 2017. Seventeen Officers completed a *Use of Force Report* more than 10 times with one Officer completing 19 *Use of Force Reports* during 2017.



USE OF FIREARMS

The St. Petersburg Police Department provides firearms training on a semiannual basis and the Officers are provided with the resources to practice every month. The use of firearms is authorized when all other means of defense have failed and there is a reasonable belief that action is necessary to defend human life or to prevent great bodily harm. All discharges of firearms, either intentional, accidental, or at a dangerous animal will be investigated/reviewed by the Office of Professional Standards. They are broken down as follows:

FIREARM DISCHARGE CASES 2013-2017					
	2013	2014	2015	2016	2017
Accidental	1	1	1	1	1
Intentional/Vicious Animal	5	3	5	5	2**
Intentional/Person	11*	2*	1*	0	2*
Total Discharge Cases	17	6	7	6	5

*Involves more than one Officer firing their weapon during an incident

**One incident occurred and was counted in 2016, but heard in 2017; not included in totals for 2017

Intentional/Persons (2 incidents)

1. In June of 2017, an undercover detective working a drug operation had to fight with a suspect who pulled a gun on him while inside a vehicle. During the struggle for the gun, the detective pulled the trigger of the gun, but the weapon did not discharge. A Command Review Board reviewed the facts of the case and determined the attempted use of deadly force was justified.
2. On October 25, 2017, two Officers returned fire at a suspect in the area of 29th Avenue and Freemont Terrace South. The suspect had been driving a vehicle that was believed to have been involved in a recent carjacking. This incident is still pending an investigation by the Office of Professional Standards.

Intentional/Vicious Animals (2 incidents)

1. This incident occurred in 2016; however, the case was investigated and heard by the Command Review Board in 2017. Summary is noted here, but this incident is not included in the animal shooting number in the above table. On December 13, 2016, a Detective, along with other members of the Vice and Narcotics unit responded to the area of 24th Street South to execute a search warrant. The entry team lined up and approached the residence with the detective entering the residence first with a shield. Upon entry, the detective was approached without warning by a Shih Tzu Poodle mix and fired a shot from his issued Glock Model 21, .45 caliber handgun, striking the dog, ultimately killing him.
2. On November 29th, 2017, Officers were called to investigate an animal complaint and encountered a vicious animal that had killed another small dog prior to their arrival. Officers on scene attempted to calm and contain the animal utilizing a catch pole, food, and fire extinguishers to prevent the animal escaping through a broken gate. During their efforts to contain the dog, the dog lunged up at one of the Officers. The Officer then fired two rounds, striking the dog both times. The dog was collected by animal services and euthanized at an area animal hospital.
3. On December 11, 2017, Officers were driving southbound on 16th Street North when they observed a grey pit bull accosting a young female walking on the sidewalk. It appeared as if the dog was about to attack the girl, as she backed away crying. One of the Officers placed himself between the girl and the dog and yelled at the dog to scare it away. The dog then backed down and retreated toward a back yard fence. The Officer watched the dog to see where it was going and followed from a distance as it headed toward a broken wooden fence gate. The dog suddenly turned on the Officer, at which time he sprayed the dog with OC spray. The dog initially retreated for a minute then charged back at the Officer, who found it

necessary under the circumstances, to shoot the dog to protect himself and others in area. Once shot, the dog ran from the scene. She was found nearby, lying up against a chain link fence. Animal Control was contacted but could not respond, so Officers transported the dog to the Animal Hospital. It is understood that the dog recovered from its' wounds.

Accidental Discharges of a Firearm (1 incident)

1. On June 17, 2017, a Forensic Services Technician brought his unauthorized, personal firearm, a Colt AR 15 rifle, to the workplace. While attempting to clear the weapon inside the forensics office, he accidentally discharged a round through a window and across 1st Avenue North. It was not positively determined where the round came to rest.

ANNUAL ANALYSIS OF USE OF FORCE POLICIES

An analysis of the use of force policies and practices including pursuit policies and reporting procedures resulted in changes to the following:

II-20, Weapons Qualifications

II-43, *Lethal and Less-Lethal Weapons*

1. Review of General Order II-20, Weapons Qualifications, resulted in two changes involving personally owned AR-15 rifles approved for use while on-duty. The first change is that Officers are now eligible to qualify with and carry an AR-15 rifle once they have successfully completed the Field Training Program. Previously, Officers were required to be off probation to do so. The second change simply added the language *AR-15 rifle* to the requirement that Officers are responsible to maintain proficiency with their issued sidearm and shotgun. This simply corrected an oversight in the language of the General Order.
2. General Order II-43, Lethal and Less-Lethal Weapons, was revised to reflect new policy allowing Officers working in a non-uniform capacity to carry 9mm caliber Glucks to include the Glock model 19, 26 or 43. The General Order also mandates that the weapons be fully loaded to include a round in the chamber.

VIII. Pursuits and Department Vehicle Crashes

PURSUIT

The St. Petersburg Police Department is aware of the dangers of police vehicle pursuits. The Department is constantly evaluating departmental procedures and every pursuit is investigated by the involved Officer's Chain of Command to ensure compliance with policy. Officers must take into consideration numerous factors before beginning a pursuit; i.e., pedestrian traffic, time of day, traffic conditions, weather conditions, and if the identity of the subject being pursued is known. Authorization must be received from a Supervisor to continue the pursuit after an Officer initiates it.

In 2017, there were a total of 2 pursuits, neither of which were in compliance with Department Policy. The pursuits involved incidents of fleeing and alluding and petit theft. Each of these cases were investigated and the involved Officers received corrective action to include additional training in reference to the Department Pursuit Policy.

PURSUIT 2013-2017					
	2013	2014	2015	2016	2017
In Compliance	16	13	16	7	0
Not in Compliance	0	0	1	0	2
Total Pursuits	17	13	17	7	2

Members of the St. Petersburg Police Department (S.P.P.D.) are also still active in a county-wide initiative to reduce crime, specifically violent crime. The members are assigned to the Violent Crimes Task Force (V.C.T.F.) and partnered with personnel from outside agencies. The S.P.P.D. members are deputized and operate under the pursuit policy and procedures of the Pinellas County Sheriff's Office (P.C.S.O.).

A review of General Order III-17 Pursuit of Motor Vehicles indicates a need for further guidance to be added to provide further direction in the use of roadblocks. The current General Order defines roadblock and also mentions it as a type of physical intervention, but does not provide enough guidance on when the use of a roadblock would be authorized. This issue will be resolved in the near future. Also, the fact that we had two unauthorized pursuits and no documented authorized pursuits (other than pursuits that were done by the Violent Crimes Task Force) raised a concern

that pursuits could be taking place, but not properly documented. This concern was discussed with District Majors who were asked to speak with their respective supervisors to be sure procedures were being properly followed.

A review of General Order III-38 Stop Stick Tire Deflation Device indicates no need for change to the General Order. The devices were effectively deployed 27 times during the year and the deployments were properly reported and documented.

DEPARTMENT VEHICLE CRASHES

In 2017, St. Petersburg Police Department police vehicles were involved in 126 crashes. During this period, 57 of the crashes were found to be preventable. Nineteen of those preventable crashes resulted in formal discipline. The remaining preventable crashes resulted in counseling. Total cruiser damage was estimated at \$234,607. Other resulting vehicle and property damage was estimated at \$206,473. A review of the crashes indicates a slight increase in crashes and as a result of the uptick, employees were required to review an updated video on distracted driving which we had success with when released a few years earlier.

CRASHES 2013-2017					
	2013	2014	2015	2016	2017
Preventable Crashes	37	34	41	42	57
Non-Preventable Crashes	50	55	69	63	71
Preventable/Excusable	0	0	0	1	1
Total Crashes	85	87	110	106	126
Formal Discipline (Preventable Crashes)	18	11	27	10	19

May include multiple findings

IX. Disciplinary Action

The discipline philosophy of the St. Petersburg Police Department is not necessarily punitive in nature. The intent of the philosophy is to modify an employee's behavior(s) when found to be in conflict with the policy of the Department. This is frequently accomplished by identifying the unacceptable behavior and providing the employee with additional training. The Police Department has also instituted having employees create a lesson plan to instruct other Officers on certain training issues, such as officer safety and shooting issues. At times, training is not enough, or the improper conduct recurs. In these instances, it may be necessary for the Department to take some type of formal action to discourage improper behavior on the part of the employee. The Department operates on a "progressive discipline" process in which discipline becomes increasingly harsh for similar violations in a specific time period. This action may range from verbal counseling, written reprimand, and suspension from duty without pay, to termination of employment. The discipline philosophy of the Department appears in Appendix D.

In 2017, four employees were terminated from the St. Petersburg Police Department (See Disciplinary Action table below for explanation). The terminations involved Improper Procedures, Accidental Discharge of a Firearm, Conviction or Guilt of a Felony or Misdemeanor, Conduct Unbecoming an Employee, Falsification, and Insubordination.

DISCIPLINARY ACTION 2013-2017					
	2013*	2014	2015**	2016	2017***
Termination	1	1	1	1	4
Resignation	1	0	4	1	1
Suspension	21	10	25	7	4
Employee Notice	26	21	15	17	23
Memorandum of Counseling	20	21	68	51	55
Verbal Counseling	0	0	50	55	109
Total	69	53	163	132	196

*Total number includes three findings of Not Justified in the discharge of a firearm at a person

** Total number was adjusted for 2015, also verbal counseling was not tracked in OPS prior to 2015

*** After arbitration for termination, two employees were rehired and their corrective action resulted in suspensions, which would increase the suspension number by two.

X. Organizational Complaint Profile

The Department has 881 employees who are assigned in the following manner:

ORGANIZATIONAL PROFILE 2017			
	Sworn	Non-Sworn	Total
Office of the Chief of Police	6	18	24
Administrative Services Bureau	19	171	190
Investigative Services Bureau	121	29	150
Uniform Services Bureau	415	102	517
Total*	561	320	881

*Includes part time employees

INVESTIGATIONS BY BUREAU 2013-2017					
	2013	2014	2015	2016	2017
Office of the Chief	0	0	0	0	0
Uniform Services Bureau	93	57	31	30	39
Investigative Services Bureau	8	3	6	7	8
Administrative Services Bureau	4	8	6	4	7
Other City Departments	0	0	0	0	0
Total	105	68	43	41	54

The Department analyzes all investigations as they relate to the organizational elements. Once a pattern has been identified, the Department's Administration can take corrective action to alleviate the problem.

The Department's Uniform Services Bureau received the greatest number of complaints. Approximately 72% of all complaints involve personnel of the Uniform Services Bureau. One would expect this to be the case for two reasons: first, the greatest number of employees, 415 Sworn and 102 Non-Sworn (59%), are assigned to this Bureau; secondly, uniform personnel are in a position of greater exposure to the public, therefore making them more prone to receiving complaints. They have the most direct contact with community members under the most stressful circumstances. In addition to being responsible for traffic enforcement, they are the first representatives of the Department to respond to calls. Most encounters Patrol Officers have with a citizen are under circumstances where the person is under the stress of being a crime victim, a traffic violator or an arrested subject; or the person is involved in a dispute with another party, and each party expects the Officer to side with them in resolving the dispute. Each situation provides fertile ground for a citizen to become unhappy with an Officer's actions.

XI. Conclusion

The data in this report has been presented to more fully inform the citizens of St. Petersburg of a key aspect of a strong police/community relationship. The Department believes an informed community will be more understanding of the difficult and critical role a Police Officer must fulfill. The overall goal of the St. Petersburg Police Department is to provide efficient and effective police

service to our citizens. With the cooperation and confidence of the community, we will meet that goal.

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2017 Total Cases

Table 1

NATURE	TOTAL CASES	CITIZEN INITIATED	DEPARTMENT INITIATED	TOTAL SUSTAINED
ABSENT WITHOUT LEAVE	3	0	3	3
ABUSE OF SICK TIME	2	0	2	2
ACCEPTING UNAUTHORIZED GRATUITIES	0	0	0	0
CARELESSNESS	0	0	0	0
CONDUCT UNBECOMING AN EMPLOYEE	12	1	11	7
CONVICTION OR GUILT OF A MISDEMEANOR OR FELONY	5	1	4	3
CHRONIC OFFENSE CODE OF CONDUCT	1	0	1	0
DISCHARGE OF A WEAPON/PERSON	3	0	3	0
DISCHARGE OF A WEAPON/ANIMAL	2	0	2	0
DISCHARGE OF A WEAPON/ACCIDENTAL	1	0	1	1
DISCOSURTESY	1	0	1	1
FALSIFICATION	3	0	3	0
IMPROPER PROCEDURES	19	5	14	14
INEFFICIENCY	20	2	18	10
INSUBORDINATION	1	0	1	0
NEGLIGENCE	2	0	2	2
DISCRIMINATION	0	0	0	0
SLEEPING ON DUTY	0	0	0	0
UNNECESSARY FORCE	5	2	3	0
TOTAL	80	11	69	43

Demographics of Sworn and Non-Sworn Personnel

as of December 31, 2017

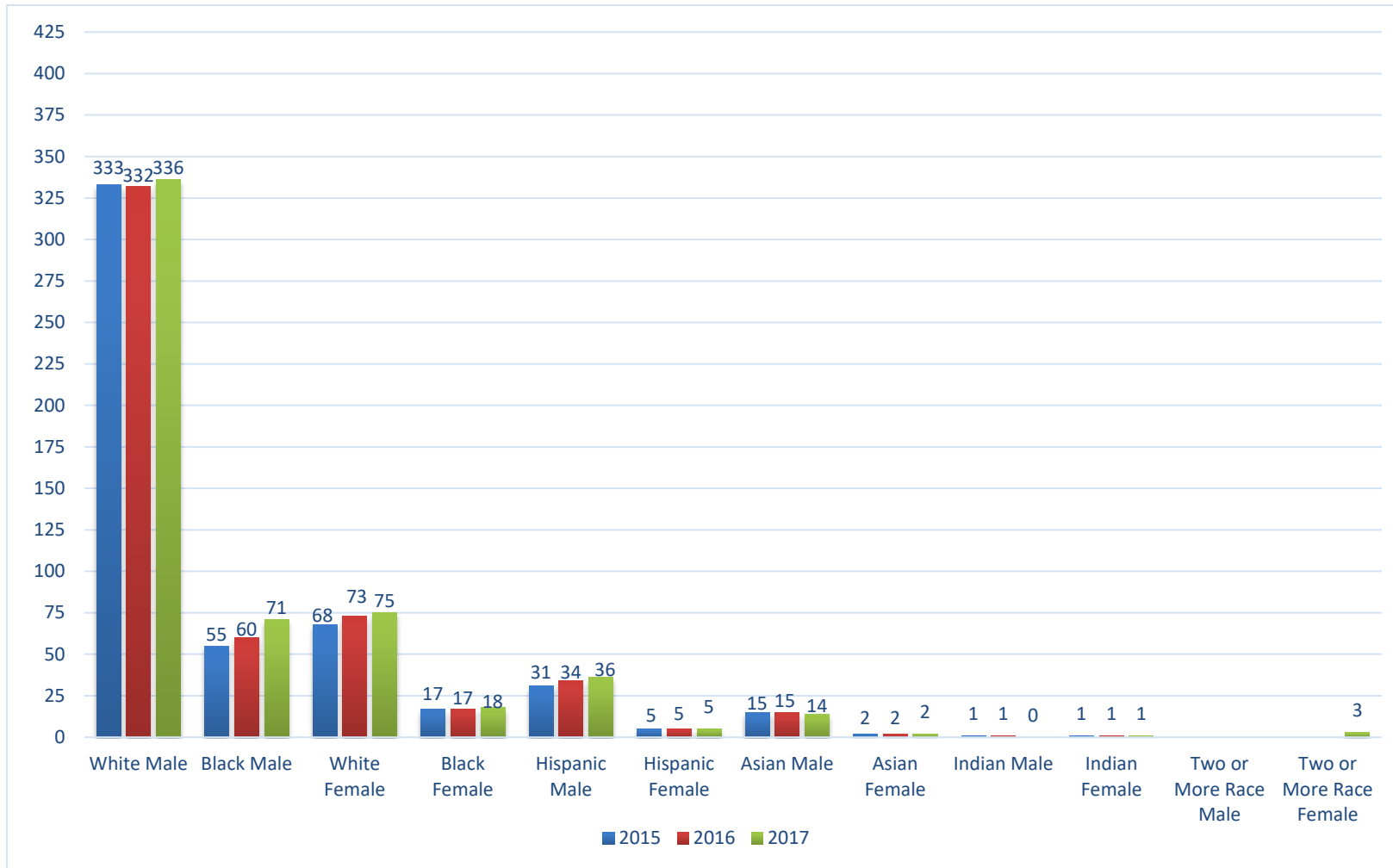
Table 2

Race & Sex	Sworn	Non Sworn	Total
White Male	336	80	416
Black Male	71	17	88
White Female	75	136	211
Black Female	18	61	79
Hispanic Female	5	9	14
Hispanic Male	36	5	41
Asian Male	14	2	16
Asian Female	2	6	8
Indian Female	1	0	1
Two or more race Female	0	2	2
Two or more race Male	3	2	5
Total*	561	320	881

* Includes part time employees

Total Number of Sworn Employees by Race and Sex

Chart 1



Appendix A

Methods of Making Complaints

supervisor for thoroughness and objectivity. Within 30 days, the report is presented to the Chief of Police who reviews it and decides whether to convene the employee's chain of command. All cases remain confidential until a final disposition. If the allegation is sustained, the second phase of the process is to decide on disciplinary action which ranges from remedial training, reprimand, transfer, suspension, or demotion, to termination. The employee and the complainant are notified of the case finding.



How To File A Complaint

You may place a complaint in person, by phone, or by mail, but it is the preferred policy that individuals identify themselves. Anonymous complaints do not carry the same weight as a known complainant since employees have the same rights as other citizens to confront their accusers. However, anonymous complaints are accepted at the discretion of the Chief of Police.

If you do not wish to register your complaint with the police department, you may contact the Citizen Review Committee staff coordinator in City Hall, Room 221, between 8 AM and 5 PM. Complaints may also be phoned in to 893-7229 or 892-5228. The Police Citizen Review Committee is a multicultural group which collectively reviews citizen complaint cases and cases which have received a high level of community interest that have been previously investigated by the police department.

INTERNAL AFFAIRS 893-7596



**ST. PETERSBURG
POLICE DEPARTMENT**

1301 First Avenue North • St. Petersburg, Florida

It is the policy of the St. Petersburg Police Department to provide an environment for its employees and the citizens it serves that is free from discrimination and harassment.

COMMENDATION OR COMPLAINT

Your
Response to
Your
Police
Department



**ST. PETERSBURG
POLICE DEPARTMENT**

THE ST. PETERSBURG POLICE DEPARTMENT IS DEDICATED TO CREATING A SAFER ENVIRONMENT AND PROVIDING RESPONSIVE POLICE SERVICE THROUGH AN AGGRESSIVE PROBLEM-SOLVING PARTNERSHIP WITH THE COMMUNITY. WE WILL ADAPT TO THE CHANGING FUTURE WHILE MAINTAINING OUR TRADITIONAL VALUES OF INTEGRITY AND PROFESSIONALISM. TO ACHIEVE OUR COMMITMENT, WE WILL PROVIDE EQUALLY TO ALL PEOPLE SENSITIVE, FAIR, COURTEOUS SERVICE WHICH RESPECTS EACH INDIVIDUAL'S DIGNITY.

CITIZEN INVOLVEMENT IS VITAL TO MANAGING ANY PUBLIC AGENCY. COMMUNITY MEMBERS' FEELINGS ABOUT POLICE SERVICE ARE EVALUATED THROUGH COMMENDATIONS, SUGGESTIONS, AND COMPLAINTS. THIS BROCHURE OUTLINES THE BASIC INFORMATION NECESSARY FOR YOU TO LET THE DEPARTMENT KNOW YOUR OPINION ABOUT THE QUALITY OF ST. PETERSBURG POLICE SERVICE.



Recognition

It is the policy of the St. Petersburg Police Department to recognize employees for exemplary performance of their duties through the formal use of commendations. There are three categories: written acknowledgement (letters of recognition), departmental awards, and community-sponsored awards.

The police department sponsors a Medal of Valor for officers who distinguish themselves by an act of conspicuous bravery while consciously facing imminent, life-threatening peril. The Meritorious Service award is presented to employees who demonstrate exemplary service of great importance to law enforcement.

Hundreds of letters of recognition and phone calls are received each year by citizens to express gratitude for a job well done. You may compliment an employee by letter or phone call, but a letter is preferred since it can be posted prominently within police headquarters and then be placed in the employee's personnel file.

The Complaint Procedure

The purpose of reviewing complaints is to ensure the continued confidence of the community by upholding the integrity of the police department. The complaint procedure provides citizens with a way to make legitimate complaints regarding police employees. It also protects employees who perform their job in a reasonable, lawful, and impartial manner from false or unwarranted accusations.

Every complaint, regardless of its nature, will be vigorously and impartially investigated. It is departmental policy that complaints be handled at the lowest appropriate organizational level and as quickly as possible. Minor breaches of regulations are assigned to the accused employee's supervisor. He/she will contact you by phone or in person. Upon completion, they are also reviewed by the Internal Affairs Unit. Many times, complaints can be resolved at this level. However, traffic citations, certain legal issues, or arrests that have not been adjudicated, must await the decision of a judge.

More serious violations are assigned to the Internal Affairs Unit. Fact finding investigations of alleged improper or illegal conduct by employees are conducted by detectives. A report is prepared with the sworn, recorded statements of the complainant, witnesses, and accused employees. Additional evidence or documents are included in the report which is evaluated by an Internal Affairs

Appendix B

Law Enforcement Officers' and Correctional Officers' Rights

OFFICE OF PROFESSIONAL STANDARDS
LAW ENFORCEMENT AND CORRECTIONAL OFFICERS' RIGHTS
(Updated October 2014)

112.531 Definitions.

112.532 Law enforcement officers' and correctional officers' rights.

112.533 Receipt and processing of complaints.

112.534 Failure to comply; official misconduct.

112.535 Construction.

112.531 Definitions.—As used in this part:

(1) “Law enforcement officer” means any person, other than a chief of police, who is employed full time by any municipality or the state or any political subdivision thereof and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of this state; and includes any person who is appointed by the sheriff as a deputy sheriff pursuant to s. 30.07.

(2) “Correctional officer” means any person, other than a warden, who is appointed or employed full time by the state or any political subdivision thereof whose primary responsibility is the supervision, protection, care, custody, or control of inmates within a correctional institution; and includes correctional probation officers, as defined in s. 943.10(3). However, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.

History.—s. 1, ch. 74-274; s. 1, ch. 75-41; s. 34, ch. 77-104; s. 1, ch. 82-156; s. 1, ch. 89-223; s. 1, ch. 93-19; s. 3, ch. 2000-161.

112.532 Law enforcement officers' and correctional officers' rights.—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) **RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.**—Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer or correctional officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.

(b) The interrogation shall take place either at the office of the command of the investigating officer or at the office of the local precinct, police unit, or correctional unit in which the incident allegedly occurred, as designated by the investigating officer or agency.

(c) The law enforcement officer or correctional officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by or through one interrogator during any one investigative interrogation, unless specifically waived by the officer under investigation.

(d) The law enforcement officer or correctional officer under investigation must be informed of the nature of the investigation before any interrogation begins, and he or she must be informed of the names of all complainants. All identifiable witnesses shall be interviewed, whenever possible, prior to the beginning of the investigative interview of the accused officer. The complaint, all witness statements, including all other existing subject officer statements, and all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings relating to the incident under investigation, must be provided to each officer who is the subject of the complaint before the beginning of any investigative interview of that officer. An officer, after being informed of the right to review witness

statements, may voluntarily waive the provisions of this paragraph and provide a voluntary statement at any time.

(e) Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

(f) The law enforcement officer or correctional officer under interrogation may not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. A promise or reward may not be made as an inducement to answer any questions.

(g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, must be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the interrogated officer, a copy of any recording of the interrogation session must be made available to the interrogated officer no later than 72 hours, excluding holidays and weekends, following said interrogation.

(h) If the law enforcement officer or correctional officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he or she shall be completely informed of all his or her rights before commencing the interrogation.

(i) At the request of any law enforcement officer or correctional officer under investigation, he or she has the right to be represented by counsel or any other representative of his or her choice, who shall be present at all times during the interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement or correctional service.

(j) Notwithstanding the rights and privileges provided by this part, this part does not limit the right of an agency to discipline or to pursue criminal charges against an officer.

(2) COMPLAINT REVIEW BOARDS.—A complaint review board shall be composed of three members: One member selected by the chief administrator of the agency or unit; one member selected by the aggrieved officer; and a third member to be selected by the other two members. Agencies or units having more than 100 law enforcement officers or correctional officers shall utilize a five-member board, with two members being selected by the administrator, two members being selected by the aggrieved officer, and the fifth member being selected by the other four members. The board members shall be law enforcement officers or correctional officers selected from any state, county, or municipal agency within the county. There shall be a board for law enforcement officers and a board for correctional officers whose members shall be from the same discipline as the aggrieved officer. The provisions of this subsection shall not apply to sheriffs or deputy sheriffs.

(3) CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS OR CORRECTIONAL OFFICERS.—Every law enforcement officer or correctional officer shall have the right to bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered during the performance of the officer's official duties, for abridgment of the officer's civil rights arising out of the officer's performance of official duties, or for filing a complaint against the officer which the person knew was false when it was filed. This section does not establish a separate civil action against the officer's employing law enforcement agency for the investigation and processing of a complaint filed under this part.

(4)(a) NOTICE OF DISCIPLINARY ACTION.—A dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action before the effective date of the action.

(b) Notwithstanding s. 112.533(2), whenever a law enforcement officer or correctional 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 employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation shall

remain confidential until such time as the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

(5) RETALIATION FOR EXERCISING RIGHTS.—No law enforcement officer or correctional officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.

(6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.—

(a) Except as provided in this subsection, disciplinary action, suspension, demotion, or dismissal may not be undertaken by an agency against a law enforcement officer or correctional officer for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within 180 days after the date the agency receives notice of the allegation by a person authorized by the agency to initiate an investigation of the misconduct. If the agency determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer or correctional officer of its intent to proceed with disciplinary action, along with a proposal of the specific action sought, including length of suspension, if applicable. Notice to the officer must be provided within 180 days after the date the agency received notice of the alleged misconduct, except as follows:

1. The running of the limitations period may be tolled for a period specified in a written waiver of the limitation by the law enforcement officer or correctional officer.
2. The running of the limitations period is tolled during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct.
3. If the investigation involves an officer who is incapacitated or otherwise unavailable, the running of the limitations period is tolled during the period of incapacitation or unavailability.
4. In a multijurisdictional investigation, the limitations period may be extended for a period of time reasonably necessary to facilitate the coordination of the agencies involved.
5. The running of the limitations period may be tolled for emergencies or natural disasters during the time period wherein the Governor has declared a state of emergency within the jurisdictional boundaries of the concerned agency.
6. The running of the limitations period is tolled during the time that the officer's compliance hearing proceeding is continuing beginning with the filing of the notice of violation and a request for a hearing and ending with the written determination of the compliance review panel or upon the violation being remedied by the agency.

(b) An investigation against a law enforcement officer or correctional officer may be reopened, notwithstanding the limitations period for commencing disciplinary action, demotion, or dismissal, if: 1. Significant new evidence has been discovered that is likely to affect the outcome of the investigation.

2. The evidence could not have reasonably been discovered in the normal course of investigation or the evidence resulted from the predisciplinary response of the officer. Any disciplinary action resulting from an investigation that is reopened pursuant to this paragraph must be completed within 90 days after the date the investigation is reopened.

History.—s. 2, ch. 74-274; s. 2, ch. 82-156; s. 2, ch. 93-19; s. 721, ch. 95-147; s. 1, ch. 98-249; s. 1, ch. 2000-184; s. 1, ch. 2003-149; s. 3, ch. 2005-100; s. 1, ch. 2007-110; s. 1, ch. 2009-200.

112.533 Receipt and processing of complaints.—

(1)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which shall be the procedure for investigating a complaint against a law enforcement and correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report shall, at the time the report is completed:

1. Verify pursuant to s. 92.525 that the contents of the report are true and accurate based upon the person's personal knowledge, information, and belief.
2. Include the following statement, sworn and subscribed to pursuant to s. 92.525:

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

The requirements of subparagraphs 1. and 2. shall be completed prior to the determination as to whether to proceed with disciplinary action or to file disciplinary charges. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.

(b)1. Any political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer must within 5 business days forward the complaint to the employing agency of the officer who is the subject of the complaint for review or investigation.

2. For purposes of this paragraph, the term "political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(2)(a) A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of the complaint is confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges;
- or
2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses and all existing evidence, including, but not limited to, incident reports, analyses, GPS locator information, and audio or video recordings relating to the investigation, immediately before beginning the investigative interview. All statements, regardless of form, provided by a law enforcement officer or correctional officer during the course of a complaint investigation of that officer shall be made under oath pursuant to s. 92.525. Knowingly false statements given by a law enforcement officer or correctional officer under investigation may subject the law enforcement officer or correctional officer to prosecution for perjury. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the officer under investigation, only the names and written statements of the complainant and nonincarcerated witnesses may be reviewed by the officer under investigation immediately prior to the beginning of the investigative interview.

(b) This subsection does not apply to any public record which is exempt from public disclosure pursuant to chapter 119. For the purposes of this subsection, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed.

(c) Notwithstanding other provisions of this section, the complaint and information shall be available to

law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.

(3) A law enforcement officer or correctional officer has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement officer or correctional officer may attach to the file a concise statement in response to any items included in the file identified by the officer as derogatory, and copies of such items must be made available to the officer.

(4) Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation and the subject's legal counsel or a representative of his or her choice, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. However, this subsection does not limit a law enforcement or correctional officer's ability to gain access to information under paragraph (2)(a). Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

History.—s. 3, ch. 74-274; s. 3, ch. 82-156; s. 1, ch. 82-405; s. 1, ch. 83-136; s. 1, ch. 87-59; s. 2, ch. 89-223; s. 1, ch. 90-32; s. 31, ch. 90-360; s. 3, ch. 93-19; s. 722, ch. 95-147; s. 39, ch. 96-406; s. 2, ch. 98-249; s. 2, ch. 2000-184; s. 2, ch. 2003-149; s. 33, ch. 2004-335; s. 42, ch. 2005-251; s. 2, ch. 2007-110; s. 1, ch. 2007-118; s. 2, ch. 2009-200.

112.534 Failure to comply; official misconduct.—

(1) If any law enforcement agency or correctional agency, including investigators in its internal affairs or professional standards division, or an assigned investigating supervisor, intentionally fails to comply with the requirements of this part, the following procedures apply. For purposes of this section, the term "law enforcement officer" or "correctional officer" includes the officer's representative or legal counsel, except in application of paragraph (d).

(a) The law enforcement officer or correctional officer shall advise the investigator of the intentional violation of the requirements of this part which is alleged to have occurred. The officer's notice of violation is sufficient to notify the investigator of the requirements of this part which are alleged to have been violated and the factual basis of each violation.

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

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

(d) Unless otherwise remedied by the agency before the hearing, a compliance review hearing must be conducted within 10 working days after the request for a compliance review hearing is filed, unless, by mutual agreement of the officer and agency or for extraordinary reasons, an alternate date is chosen. The panel shall review the circumstances and facts surrounding the alleged intentional violation. The compliance review panel shall be made up of three members: one member selected by the agency head, one member selected by the officer filing the request, and a third member to be selected by the other two

members. The review panel members shall be law enforcement officers or correctional officers who are active from the same law enforcement discipline as the officer requesting the hearing. Panel members may be selected from any state, county, or municipal agency within the county in which the officer works. The compliance review hearing shall be conducted in the county in which the officer works.

(e) It is the responsibility of the compliance review panel to determine whether or not the investigator or agency intentionally violated the requirements provided under this part. It may hear evidence, review relevant documents, and hear argument before making such a determination; however, all evidence received shall be strictly limited to the allegation under consideration and may not be related to the disciplinary charges pending against the officer. The investigative materials are considered confidential for purposes of the compliance review hearing and determination.

(f) The officer bears the burden of proof to establish that the violation of this part was intentional. The standard of proof for such a determination is by a preponderance of the evidence. The determination of the panel must be made at the conclusion of the hearing, in writing, and filed with the agency head and the officer. (g) If the alleged violation is sustained as intentional by the compliance review panel, the agency head shall immediately remove the investigator from any further involvement with the investigation of the officer. Additionally, the agency head shall direct an investigation be initiated against the investigator determined to have intentionally violated the requirements provided under this part for purposes of agency disciplinary action. If that investigation is sustained, the sustained allegations against the investigator shall be forwarded to the Criminal Justice Standards and Training Commission for review as an act of official misconduct or misuse of position.

(2)(a) All the provisions of s. 838.022 shall apply to this part.

(b) The provisions of chapter 120 do not apply to this part.

History.—s. 4, ch. 74-274; s. 35, ch. 77-104; s. 1, ch. 78-291; s. 4, ch. 82-156; s. 4, ch. 93-19; s. 3, ch. 2000-184; s. 8, ch. 2003-158; s. 3, ch. 2009-200; s. 5, ch. 2011-4.

112.535 Construction.—

The provisions of chapter 93-19, Laws of Florida, shall not be construed to restrict or otherwise limit the discretion of the sheriff to take any disciplinary action, without limitation, against a deputy sheriff, including the demotion, reprimand, suspension, or dismissal thereof, nor to limit the right of the sheriff to appoint deputy sheriffs or to withdraw their appointment as provided in chapter 30. Neither shall the provisions of chapter 93-19, Laws of Florida, be construed to grant collective bargaining rights to deputy sheriffs or to provide them with a property interest or continued expectancy in their appointment as a deputy sheriff. History.—s. 6, ch. 93-19.

Appendix C

General Order: Processing Complaints Against Personnel

DATE OF ISSUE	EFFECTIVE DATE	NUMBER
April 2016	Immediately	II-10
Distribution: All Employees		

ST. PETERSBURG POLICE
DEPARTMENT

GENERAL ORDER

Subject: **PROCESSING COMPLAINTS AGAINST PERSONNEL**

Index as:	Citizen Complaints	Office of Professional Standards
	Complaints Against Personnel	OPS
	Early Intervention System	Personnel Early Intervention System
	IA Pro	Truthfulness

Accreditation Standards: 35.1.9, 52.1.1, 52.1.2, 52.1.3, 52.1.5, 52.2.1, 52.2.2, 52.2.3, 52.2.4, 52.2.5, 52.2.6, 52.2.7, 52.2.8, CFA 27.01, 27.06

Cross Reference: §112.531 *et seq.*, 9§43.139 (1) & (2), §943.1395 (5), F.S.S. §11B-27.0011, F.A.C.

Replaces: G. O. II-10, Processing Complaints Against Personnel (November 1, 2014)

This Order describes the process for receiving and processing allegations of misconduct by employees of the St. Petersburg Police Department. It includes procedures of the Office of Professional Standards (OPS) and their responsibility for the review, documentation and forwarding of allegations of misconduct to the Chief of Police. Further, it sets forth the purpose, organization and duties of the Office of Professional Standards. This Order consists of the following sections:

- I. Policy
- II. Definitions
- III. Use of Force Allegations
- IV. Receipt of Complaints
- V. Investigating Complaints
- VI. Office of Professional Standards
- VII. Complaint Processing by the Office of Professional Standards
- VIII. Review of Investigations
- IX. Distribution of Investigation Reports
- X. Personnel Intervention System

I. POLICY

A. The integrity of a police agency depends on the personal conduct and discipline of each employee. To a large degree, the public image of the agency is determined by the efficiency and effectiveness of the agency's response to allegations of misconduct.

B. The St. Petersburg Police Department welcomes constructive criticism and the filing of valid complaints about the conduct of employees or inappropriate policies. The Department will conduct a thorough investigation into all reported improprieties, and make a fair and impartial evaluation of the results

of the investigation in order to protect the Department and the public against acts of misconduct by police personnel, and to protect police personnel against invalid charges made by the public.

C. The Department has established a Personnel Intervention System to assist supervisors and managers in identifying employees whose performance warrants review and, where appropriate, intervention in circumstances that may have negative consequences for the employee, fellow employees, the Department and/or the community.

D. Truthfulness

1. The integrity and efficiency of internal investigations are of paramount importance to the Department's ability to be accountable to itself and to the public it serves. Therefore, all employees involved in Departmental investigations are required to cooperate truthfully and fully.

2. All employees involved in Department internal administrative investigations shall be truthful and forthright in providing information.

a. Employees who withhold information of which they have knowledge or who respond to questions during a Departmental investigation with evasive, misleading, partial answers or other similar responses will be considered to be untruthful.

b. If during the course of the investigation, it is shown through other credible evidence of record that an employee's response was untruthful, that employee will be subject to disciplinary action.

c. The result of any sustained charge of untruthfulness shall be termination.

E. Confidentiality of investigations of misconduct shall be according to current and applicable law.

F. Documents submitted to the Office of Professional Standards via the Chain of Command, in relation to allegations of misconduct or inappropriate Department policies, shall be accompanied by all related police reports and other applicable documents.

G. Incidents which are likely to result in a complaint against employees or Department policies shall be brought to the attention of the Chief of Police. A summary of the incident, in either paper or electronic form, shall be forwarded through the subject employee's Chain of Command.

II. DEFINITIONS

A. Administrative Investigation –

1. Include:

a. Formal Complaint – An allegation of misconduct of a serious nature by an employee, which requires an in-depth investigation. An example is, but is not limited to, unnecessary force or conduct unbecoming an employee. Formal complaints are referred to as an Administrative Investigation.

b. Informal Complaint – An allegation of misconduct of a minor nature by an employee, requiring a supervisory investigation. An example is, but not limited to, discourtesy or inefficiency. Informal complaints will be handled at the Bureau level and are referred to as a Bureau Investigation (BI).

c. Information Only – A procedural question from a citizen about the action or inaction of an employee.

2. The Chief of Police retains the right to assign the investigation of an administrative complaint to a Unit of the Chief's choosing and to determine the manner in which it will be investigated.

B. Findings –

1. Exonerated – The investigation revealed the acts which provided the basis for the complaint or allegation were justified, lawful and proper.

2. Not Involved – Upon investigation, the employee is found to be not directly involved in the acts alleged.

3. Not Sustained – The investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

4. Sustained – The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint.

5. Unfounded – The investigation conclusively proved that the allegations made in the complaint did not occur.

III. USE OF FORCE ALLEGATIONS

All allegations regarding unnecessary force shall be referred to the Office of Professional Standards.

IV. RECEIPT OF COMPLAINTS

A. All employees of the Department shall courteously and willingly receive any complaint lodged against the Department or any employee thereof. Anonymous complaints shall be accepted, routed and reported as any other complaint; however, the Chief of Police shall determine the extent to which they will be investigated.

B. Florida State Statute 112.533 requires that if a Department employee is notified of a formal complaint against an Officer employed elsewhere, this agency must forward that information to the appropriate agency within five (5) business days.

1. Employees receiving such information shall forward it, in writing, as soon as possible by memorandum or email to the Office of Professional Standards.

2. If the allegation is of a serious nature, a supervisor shall be notified immediately to ensure the appropriate agency is promptly contacted.

C. During normal business hours, complaints against Department employees will be referred to the Office of Professional Standards by the person receiving them, unless the complaints are of a minor nature and can be resolved to the complainant's satisfaction by the Supervisor/Manager. (Examples include discourtesy, improper procedure or inefficiency.)

D. Complaints received during other than normal business hours shall be referred to an on-duty Supervisor/Manager. The on-duty Supervisor/Manager, shall utilize one of the following actions:

1. If it is determined to be an Informal Complaint, the on-duty Supervisor/Manager may take one of the following actions:

a. Instruct the on-duty ranking supervisor of the organizational component to which the named employee is assigned to investigate the complaint, if the supervisor is immediately available and is of superior rank to the named employee.

b. Instruct a member of the affected Bureau of superior rank to the named employee to receive and investigate the complaint.

c. Receive and investigate the complaint themselves.

d. Refer the matter to the Office of Professional Standards, via interoffice memorandum or e-mail, routed through the named employee's Chain of Command.

2. If the on-duty Supervisor/Manager chooses to utilize options described in this Order, they shall:

a. Contact the complainant and the employee and inquire about the allegation.

b. Take action appropriate with the result of the investigation which could include, for example, counseling, a recommendation for additional training, or disciplinary action with the approval of the Chain of Command.

c. Notify the complainant and forward a completely filled out BI form, through the named employee's Chain of Command, to the Office of Professional Standards within fifteen (15) calendar days of initiating their investigation.

3. When initiating the investigation of an Informal Complaint, the on-duty Supervisor/Manager shall notify the Office of Professional Standards of the allegation by email, or other written memorandum, through the named employee's Chain of Command. Information required includes the nature of the complaint, the name of the complainant, the name and rank of the employee, the name and rank of the investigating supervisor, and the date that the complaint was received.

4. When initiating the investigation of an Informal Complaint, the on-duty Supervisor/Manager conducting the investigation shall check the named employee's files and disciplinary record to determine if they should continue the investigation or refer it to the Office of Professional Standards. (For example, when the matter may involve a chronic offender or be considered for application of progressive discipline, or when there is a possibility that discipline imposed would exceed forty [40] hours, the investigator should confer with the Office of Professional Standards before proceeding.)

E. If circumstances result in a preliminary determination that the matter is a Formal Complaint, the Supervisor/Manager shall take one of the following actions:

1. Refer the matter to the Office of Professional Standards, via an interoffice memorandum or via e-mail, if the complaint does not require immediate investigation or if immediate investigation is impractical. (For example, immediate investigation is required for Officer-involved shootings, an incident which results in a serious injury to an Officer or citizen, or the arrest or impending arrest of an employee.)

2. Notify the Major, Office of Professional Standards, and the named employee's Chain of Command when circumstances require an immediate investigation. In such cases, the Supervisor/Manager shall take any action deemed necessary to preserve the integrity of the Department, until the arrival of OPS personnel, or until relieved by competent authority.

V. INVESTIGATING COMPLAINTS

A. Supervisors and managers are responsible for monitoring the activities of their subordinates and for making inquiries into their conduct when deemed necessary. During any inquiry, if the supervisor/manager decides to initiate an administrative investigation (BI), the supervisor/manager needs to follow the policy stated in this Order.

B. Supervisors/managers conducting an Administrative Investigations (BI or IA) shall provide:

1. All named employees with a copy of the Administrative (*Garrity*) Warning. Available at [J:\Forms\AdministrativeInvestigations\AdministrativeWarning\(Garrity\).pdf](J:\Forms\AdministrativeInvestigations\AdministrativeWarning(Garrity).pdf).

2. All sworn named employees with a copy of §112.531, *et seq.*, F.S.S. commonly referred to as the *Law Enforcement and Correctional Officers Bill of Rights*. Available at <J:\Forms\AdministrativeInvestigations\Officers Bill of Rights - October 2014.pdf>.

C. When employees are notified they have become the subject of an informal complaint (BI):

1. They will be provided with:

a. A written summary of the allegation made by the complainant and/or witnesses on a BI Form. Available at:

1) [J:\Forms\AdministrativeInvestigations\BureauInvestigation\(civilian\).doc](J:\Forms\AdministrativeInvestigations\BureauInvestigation(civilian).doc), or

2) [J:\Forms\AdministrativeInvestigations\BureauInvestigation\(sworn\).doc](J:\Forms\AdministrativeInvestigations\BureauInvestigation(sworn).doc),

if the complaint was taken verbally; and/or

b. A copy of any statements, no matter the form, made by the complainant or witnesses; and

- c. Any other evidence including, but not limited to, reports, audio or video recordings, photographs, etc.; and
- d. Notice of their rights and responsibilities relative to the investigation.

2. The supervisor/manager conducting the investigation will provide the accused employee with a memorandum, citing specific questions or concerns that need to be explained. If the named employee is requested to provide a written response, they will be given a reasonable period of time, a minimum of 24-hours, in which to do so.

3. In lieu of the above, the supervisor/manager conducting the investigation may request a verbal interview with the accused employee after obtaining prior permission from their Assistant Chief. If permission is granted, the interview will be coordinated by the Office of Professional Standards.

4. The supervisor/manager conducting the investigation must check the accused employee's file and disciplinary record and attach to the completed investigation, a copy of all matters within the last eighteen (18) months.

D. Investigations conducted by OPS personnel will comply with the applicable Standard Operating Procedures.

E. During administrative investigations, questions shall be limited to the circumstances related to the incident under investigation.

F. Employees shall answer all questions pertaining to an investigation and may be disciplined for refusing to do so. The result of a sustained allegation of insubordination in such matters can be termination.

G. Employees who are named in, or are witnesses to, an event which is the subject of an internal administrative investigation shall not discuss or divulge information related to the investigation, except to their legally authorized representative(s), or when they are required to do so by law.

H. Employees who are investigating a complaint, and become aware of an audio or video recording of the incident, shall immediately notify the Office of Professional Standards before proceeding further.

I. Investigation of allegations involving non-sworn managers and civilian professional employees will be handled as directed by the Chief of Police.

VI. OFFICE OF PROFESSIONAL STANDARDS

A. Purpose of the Office of Professional Standards

1. To conduct thorough investigations and make fair and impartial evaluations of allegations made against employees, upon receipt of an allegation or complaint of misconduct against the Department or its employees, or duties that may be directed by the Chief of Police.

- 2. To make random inspections to ensure proper conduct and integrity in the following areas:
 - a. Audit and destruction of controlled substances seized by the Department.
 - b. Use of cellular phones.
 - c. Wrecker service.
 - d. Random substance testing.
 - e. Other inspections as may be directed by the Chief of Police.

B. Organization and Staffing

1. The Office of Professional Standards shall report directly to the Chief of Police. The Division will be staffed by such personnel as directed by the Chief and assigned to such duty hours as directed by the Division Commander.

2. The Major, Office of Professional Standards, shall advise the Chief of Police of the receipt of each Formal Complaint or potential Formal Complaint, as necessary. In no case shall this exceed seven (7) calendar days from the time the information was received.

VII. COMPLAINT PROCESSING BY THE OFFICE OF PROFESSIONAL STANDARDS

The Office of Professional Standards shall accept complaints made by citizens against Department employees or who question Department policies. Complaints shall be accepted from any source, whether in person or by mail or telephone, and will be divided into two categories:

A. Informal Complaints received by the Office of Professional Standards:

1. If the complaint has not already been investigated at the Bureau level, a completely filled out BI *Notice* will be sent to the named employee's supervisor in electronic and paper form, also notifying their Chain of Command.

2. The employee's supervisor shall contact the complainant and the employee to inquire about the allegation. The supervisor shall take action appropriate with the results of their investigation which could include, for example, counseling, a recommendation for additional training, or disciplinary action with the approval the original memorandum, along with their written response, to the Office of Professional Standards, via the Chain of Command, within fifteen (15) calendar days of the date the matter was sent to the supervisor.

3. The results of all BI complaints received by the Office of Professional Standards will be reviewed by the Major, OPS, to determine if additional investigation is required.

4. Some complaints will be retained by the Office of Professional Standards as "information only," when it is shown there is no violation and the complaint has been determined to be a procedural question.

B. Formal Complaints received by the Office of Professional Standards:

1. All Formal Complaints shall be thoroughly investigated. However, before a formal investigation is concluded, the complainant, if other than the Chief of Police, must give a notarized statement.

2. All formal investigations shall be completed within thirty (30) calendar days, when possible, from the date the complainant signs their statement. However, the investigator may request an extension of fourteen (14) days when extenuating circumstances exist, by submitting an *Extension Request* form to the Chief of Police. If an extension is granted, the named employee will be notified in writing of the extension, including the reason for the request, providing they have already been interviewed. Additional requests for extension may be made, when necessary, every fourteen (14) days thereafter, following the same procedures.

3. A complete case report shall be prepared for all investigations. This report shall include:
- a. A summary of the complaint or alleged act of misconduct;
 - b. A description of the incident, physical evidence and other information pertinent to the case;
 - c. The statements of all persons involved in the case; and
 - d. A review which includes the facts and conflicts developed during the investigation.

4. The completed case report will be signed by the Major, Office of Professional Standards, and forwarded to the Chief of Police.

VIII. REVIEW OF INVESTIGATIONS

A. The Chief of Police will review cases as soon as practical and convene a Command Review Board.

B. All complaints sustained by the Command Review Board shall be based on a conclusion of facts presented to them, and will result in a *Notification of Sustained Complaint* being issued to the named employee.

C. Upon the completion of every investigation, the complainant will be notified by mail. Communications related to formal Administrative Investigations shall include a conclusion of facts and the final disposition of the matter.

D. The affected employee shall be notified of the results of the investigation as follows:

1. In BI investigations, personally, by the person conducting the investigation as the employee signs the completed investigation; or

2. In Administrative Investigations, as the employee signs the *Notification of Findings*, which shall include a conclusion of facts and the final disposition of the matter.

E. The completed files of all investigations will be retained by the Office of Professional Standards for the length of time required by law.

IX. DISTRIBUTION OF INVESTIGATION REPORTS

A. In any matter which might give rise to a civil lawsuit against a sworn Officer/employee or the City (e.g., false arrest, unnecessary force), a copy of the complete case report will be sent to the City Legal Department.

B. When a case results in a sustained finding of misconduct of any type and the disciplinary action is appealable to the Civil Service Board, and the employee involved appeals to the Board, a copy of the complete case report shall be sent to the City Attorney for use in the Civil Service Hearing.

C. All cases, wherein there is a sustained finding of misconduct by a certified Officer whose actions are included in §11B-27.0011, F.A.C. (Moral Character) the investigating detective shall complete the required Florida Department of Law Enforcement (FDLE) form and send a copy of the complete case report to FDLE.

X. PERSONNEL INTERVENTION SYSTEM

A. Supervisors and managers play a critical role in the proper functioning of the Personnel Intervention System. They are in the best position to identify and correct potential problem employees and, once identified through the system, to monitor and ensure compliance with any remedial action that may be imposed.

B. The Office of Professional Standards will monitor all complaints regarding employees including formal and informal, information only, use of force, pursuits and on-duty traffic crashes. To assist in this process, OPS utilizes *IA Pro*[™] software designed for this purpose.

1. The *IA Pro*[™] software has an early warning component that is triggered when an employee exceeds the established thresholds for events listed in this Order. (e.g., two [2] citizen-initiated complaints in a six [6]-month period). Thresholds are set by the Major, OPS, with the concurrence of the Chief of Police. Thresholds will be evaluated frequently to determine if they are meeting the needs of the Personnel Intervention System.

2. When an employee triggers the early warning program in *IA Pro*[™], the Major, OPS, will bring this to the attention of the employee's Assistant Chief who will conduct an inquiry.

3. If the named employee is assigned to the Office of the Chief, the required inquiry shall be carried out by the Chief of Police, or designee.

C. The Chief or Assistant Chief shall conduct an inquiry, along with the employee's immediate supervisor, to ensure the employee understands the appropriate Department policy or policies related to the complaint.

1. The Chief, or designee shall:
 - a. Ensure the employee is provided counseling or shall initiate any other remedial action, if necessary; and
 - b. Ensure the results of the inquiry and any counseling or other remedial action are documented in writing, and a copy is sent to the Office of Professional Standards.
2. The Major, OPS, will provide the Chief, or designee, with a six (6)-month update on the employee.

D. The intent of a counseling session, referral to the Employee Assistance Program or other remedial action is to educate the employee, promote proper employee conduct, and reduce the possibility of future formal complaints.

E. The Major, Office of Professional Standards, will conduct an annual evaluation of the Personnel Intervention System, and report the findings to the Chief of Police and in the Office of Professional Standards Annual Report.

Anthony Holloway
Chief of Police

Appendix D

General Order: Discipline Authority

DATE OF ISSUE	EFFECTIVE DATE	NUMBER
August 2017	Immediately	I-04
Distribution: All Employees		

ST. PETERSBURG POLICE
DEPARTMENT

GENERAL ORDER

Subject: **DISCIPLINE AUTHORITY**

Index as: Discipline Authority

Accreditation Standards: 26.1.4, 26.1.5

Cross Reference:

Replaces: G.O. I-4, Discipline Authority (May 23, 2008)

This Order consists of the following sections:

- I. Purpose
- II. "Policing in a Free Society" – Herman Goldstein
- III. Discussion
- IV. Discipline Philosophy
- V. Disciplinary Considerations
- VI. Application of Discipline

I. PURPOSE

A. The police exist to serve the community. In order to serve the community in the most efficient and effective manner possible, the Police Department must adopt values, policies, procedures and rules to guide employee action in the wide variety of circumstances encountered daily.

B. Through training, supervision, providing positive role models and involvement in the process for developing guidelines (by employees and citizens), the Department attempts to ensure that every employee understands and conforms to these expectations. In spite of these efforts, it will be necessary from time to time to take disciplinary action against some employees.

C. Discipline is an important part of a well-functioning police organization. Mistakes will be made and employees must be held accountable for those mistakes. However, not all mistakes are the same and, in holding employees accountable for them, discipline becomes a complex and confusing aspect of police administration that both employees and the public find very difficult to understand.

D. The following discipline philosophy has been developed in an attempt to remove some of the mystery associated with decisions in the discipline process. It is strongly believed that both employees and the public should have a better understanding of the factors that are considered in making these difficult decisions.

II. "POLICING IN A FREE SOCIETY"

"Tensions and hostility are a part of policing. Police officers must, as part of their job, issue orders to people, catch them in violation of laws, deprive them of their freedom, and bring

charges that may lead to the imposition of severe punishment. Contacts between officers and citizens are often initiated under conditions that are emotionally charged, such as immediately after a fight or other disturbance, or following the commission of a crime. Even the person getting a traffic ticket frequently becomes indignant. However scrupulous the police may be in carrying out their responsibilities, they are bound to incur the wrath of some of those against whom they must proceed. This hostility manifests itself in various forms - sometimes immediately, by verbal abuse or physical resistance to the police; sometimes later by alleging that the officers' actions were improper or illegal. Under such circumstances an officer must be able to count on support for actions taken in the line of duty the police officer expects and indeed needs, some insulation from the community being served. But insulation can serve as a shield for the officer who is not so scrupulous - who in fact acts improperly."

III. DISCUSSION

A. The adversarial nature of policing is one of the key factors noted by Herman Goldstein that complicates the control and review of police actions and behavior. The public grants the police considerable authority to act on its behalf in the effort to create an environment as free of crime, the fear of crime, drug abuse, violence and disorder as possible. Although in almost all encounters with the public, police officers and non-sworn employees use this authority appropriately, there are times when citizens have legitimate questions about how this authority has been used. Unfortunately, there are also times when that authority has been abused. Therefore, it is critical that a system of discipline be established that contributes to minimizing abuse of authority and promotes the department's reputation for professionalism.

B. The most effective disciplinary system is one that combines the reinforcement of the right set of values in all employees with behavioral standards that are established in clear policies, procedures and rules that are consistently and fairly applied. Each employee of the St. Petersburg Police Department must understand and be guided by the standards that have been established in the Department's *General Orders* and the *Rules and Regulations of the Personnel Management System* of the City of St Petersburg.

IV. DISCIPLINE PHILOSOPHY

A. Employees of the St. Petersburg Police Department are expected to conduct themselves, both in interactions with each other and with the public, in a manner that conveys respect honesty, integrity, and dedication to public service. In turn, employees of the Department can expect to be treated fairly, honestly and respectfully by their peers and other employees of the Department who hold positions of greater or lesser organizational authority.

B. It is recognized and understood that employees of the Department will make judgmental errors from time to time in carrying out their responsibilities. (In fact, employees who never make any mistakes may be doing very little to try to improve the performance of the Department.) While each error in judgment offers an opportunity for the Department and the individual to learn, it is also realized some errors will have greater consequences than others for the public, the Department and the employee.

C. The Department also has an obligation to make its expectations as clear as possible to employees. The Department has an equal obligation to make the consequences for failing to meet those expectations clear as well. While both of these obligations are difficult to meet, the latter is obviously more complex. There are often circumstances that may have contributed to errors of judgment or poor decisions that need to be considered when determining the appropriate consequences for behavior found improper.

D. In trying to define fair and consistent treatment in disciplinary matters in the abstract, employees often say they would like the Department to give them a list of the prohibited behaviors along with the consequences for engaging in those behaviors. Experience tells us, however, when employees are directly involved in the disciplinary process - either as the subject of the process or in a review capacity to recommend or decide on the consequences - most will want to consider the consequences in light of the

circumstances that might have contributed to the violation. This, of course, is a critical aspect of the application of discipline in a consistent and fair manner.

1. For some employees consistency is seen as the same treatment for the same behavior in every case and; it is thought if this is done, the consequences will be **fair** to everyone. For the St. Petersburg Police Department, consistency is defined as:

“Holding everyone equally accountable for unacceptable behavior; and fairness is understanding the circumstances that contributed to the behavior, while applying the consequences in a way that reflects this understanding.”

In order to ensure that employees are treated in a consistent and fair manner, the application of consequences for behaviors that are not in keeping with the expectations of the Department will be based upon a balanced consideration of several factors.

V. DISCIPLINARY CONSIDERATIONS

A. A number of factors that are considered in the application of discipline are identified and discussed below. All of the factors may not be considered in every case because some will not apply to the particular set of circumstances. Also, there may be a tendency to isolate one factor and give it greater importance than another.

B. These factors should generally be thought of as being interactive and having equal weight, unless there are particular circumstances associated with an incident that would give a factor greater or lesser weight. The factors which will be considered in disciplinary matters include:

1. Employee Motivation – The Police Department exists to serve the public. One factor in examining an employee's conduct will be whether or not the employee was operating in the public interest. An employee who violates a policy in an effort to accomplish a legitimate police purpose, and who demonstrates an understanding of the broader public interest inherent in the situation, will be given more positive consideration in the determination of consequences than one who was motivated by personal interest. Obviously, there will be difficulty from time to time in determining what is in the public interest. For example, would it be acceptable for an employee to knowingly violate an individual's First Amendment right to the freedom of speech to rid the public of what some might call a nuisance? Or is it acceptable as being in the public interest to knowingly violate a Fourth Amendment right against an unlawful search to arrest a dangerous criminal? Although it would clearly not be acceptable in either case for an employee to knowingly violate a Constitutional right, these are very complex issues that officers are asked to address. The police have a sworn duty to uphold the Constitution. It is in the greater public interest to protect those Constitutional guarantees in carrying out that responsibility, even though it might be argued that the public interest was being better served in the individual case. But if an employee attempts to devise an innovative, nontraditional solution for a persistent crime or service problem and unintentionally runs afoul of minor procedures, the desire to encourage creativity in our efforts at producing public safety will carry significant weight in dealing with any discipline that might result.

2. The Degree of Harm – The degree of harm an error causes is also an important aspect in deciding the consequences of an employee's behavior. Harm can be measured in a variety of ways. It can be measured in terms of the monetary cost to the Department and community. An error that causes significant damage to a vehicle, for example, could be examined in light of the repair costs. Harm can also be measured in terms of the personal injury the error causes such as the consequences of an unnecessary use of force. Another way in which harm can be measured is the impact of the error on public confidence. An employee who engages in criminal behavior - selling drugs for example - could affect the public confidence in the police if the consequences do not send a clear, unmistakable message that this behavior will not be tolerated.

3. Employee's Experience – The experience of the employee will be taken into consideration as well. A relatively new employee (or a more experienced employee in an unfamiliar assignment) will be given greater consideration when judgmental errors are made. In the same vein, employees who make judgmental errors that would not be expected of one who has a significant amount of experience may expect to receive more serious sanctions.

4. Intentional/Unintentional Errors – Employees will make errors that could be classified as intentional and unintentional.

a. An unintentional error is an action or decision that turns out to be wrong but at the time it was taken, seemed to be in compliance with policy and the most appropriate course based on the information available. A supervisor, for example, might give permission for a vehicle pursuit to continue on the basis the vehicle and its occupants met the general description of one involved in an armed robbery. The pursuit ends in a serious accident, and it is learned the driver was fleeing because his driver's license was expired. Under these circumstances, the supervisor's decision would be supported because it was within the policy at the time it was made. Unintentional errors also include those momentary lapses of judgment or acts of carelessness that result in minimal harm (backing a police cruiser into a pole, for example, failing to turn in a report, etc.). Employees will be held accountable for these errors, but the consequences will be more corrective than punitive, unless the same or similar errors persist.

b. An intentional error is an action or a decision that an employee makes that is known (or should have known) to be in conflict with law, policy, procedures or rules at the time it is taken. Generally, intentional errors will be treated more seriously and carry greater consequences. Within the framework of intentional errors, there are certain behaviors that are entirely inconsistent with the responsibilities of police employees. These include lying, theft or physical abuse of citizens, and other equally serious breaches of the trust placed in members of the policing profession. The nature of the police responsibility requires that police officers be truthful. It is recognized, however, that it is sometimes difficult to determine if one is being untruthful. The Department will terminate an employee's employment when it is clear the employee is intentionally engaging in an effort to be untruthful. Every effort will also be made to separate individuals from the Department found to have engaged in theft or serious physical abuse of citizens.

5. Employee's Past Record – To the extent allowed by law, policy and contractual obligations, an employee's past record will be taken into consideration in determining the consequences of a failure to meet the Department's expectations. An employee, who continually makes errors, can expect the consequences of this behavior to become progressively more punitive. An employee who has a record of few or no errors can expect less stringent consequences. Also, an employee whose past reflects hard work and dedication to the community and Department will be given every consideration in the determination of any disciplinary action.

VI. APPLICATION OF DISCIPLINE

A. Following the careful consideration of all applicable factors in any disciplinary review, every effort will be made to determine consequences that fit each specific incident in a consistent and fair manner. The rationale for disciplinary decisions will be explained as clearly as possible.

B. The St. Petersburg Police Department has a well-established tradition of serving the community with integrity and in a professional manner. It is among the finest police organizations in this nation. To maintain that tradition and continue improving the quality of service the Department provides to the community, each and every employee must accept the responsibility for their role in maintaining integrity, quality and high professional standards.

Anthony Holloway
Chief of Police

Appendix E

General Order: Use of Force

DATE OF ISSUE	EFFECTIVE DATE	NUMBER
April 2016	Immediately	II-42
Distribution: All Employees		

ST. PETERSBURG POLICE
DEPARTMENT

GENERAL ORDER

Subject: **USE OF FORCE**

Index as:	Active Resistance Aerosol Subject Restraint (ASR)	Discharge of Firearms Disengagement	Non-deadly Force Objective
Reasonableness	Aggressive Resistance ASP ASR	Escalation Force, Use of Firearms	Passive Resistance Physical Control Serious Physical
Injury	Blue Team	Fire for Effect	Totality of
Circumstances	Compliance Deadly Force Deadly Force Resistance De-escalation	Force Guidelines IAPro Injury Less-lethal Force	Use of Firearms Use of Force Vehicular Force Weapons Use

Accreditation Standards: 1.3.1, 1.3.2, 1.3.3, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.10, 1.3.11, 1.3.12, 1.3.13, 33.4.1

Cross Reference: G.O. III-15, High Risk Situations
G.O. III-17, Pursuits
G.O. III-18, Civil Disturbances
G.O. II-20, Weapons Qualifications
G.O. II-43, Lethal and Less-Lethal Weapons
G.O. II-44, Conducted Electrical Weapon (CEW)
I.O. V.5:1, Persons Suffering from Mental Illness
I.O. V.5:20, Critical Incident Stress Debriefing
§394.463(d), §776.012, .05, .06, §790.01, .052, .053, 174 and §943.10(6), F.S.S.

Replaces: G.O. II-42, Use of Force (April 28, 2016)

All employees shall be issued a copy of General Order II-42, *Use of Force*. Prior to being permitted to carry any weapon or assigned any duties which require the possession of a weapon, Officers shall be instructed about state law and the policies of this agency regarding the use of force and the use of authorized weapons.

This Order consists of the following sections:

- I. Policy
- II. Definitions
- III. Legal Considerations

- IV. Authorized Use of Force
- V. Unauthorized Use of Force
- VI. Medical Response
- VII. Investigating and Reporting the Use of Force Not Involving a Firearm
- VIII. Use of Force Reports

I. POLICY

A. It is recognized that Officers may encounter situations where force may be necessary to overcome resistance in order to achieve a specific law enforcement objective. The force applied by an Officer in any situation may range from verbal direction to the use of deadly force, if confronted with a situation where the Officer or some other person is threatened with serious physical injury or death.

B. It is the policy of the St. Petersburg Police Department that the use of force in any situation shall be limited to the force which is needed to halt aggressive actions and/or to overcome specific resistance by the subject in order to accomplish a lawful objective.

C. It is also the policy of the St. Petersburg Police Department that Officers shall exhaust all other reasonable means of apprehension, or defense of themselves or another, before resorting to the use of deadly force.

D. The Department recognizes that bullets do not immobilize moving motor vehicles. Incapacitating drivers of motor vehicles does not eliminate the threat or danger posed by the moving motor vehicle.

E. The possession and/or handling of firearms by employees of this Department are a regular part of the duties of a Police Officer and a small number of civilian employees; i.e., the armorer, forensic technicians and property clerks. Firearms are inherently dangerous devices which require extra caution to ensure they are handled safely, and access to them is strictly controlled.

F. It is the policy of the St. Petersburg Police Department that all firearms owned by, or in the possession of, employees of this Department shall be handled safely and be properly secured when not in use.

G. While off duty, neither the shotgun nor rifle shall be stored in a Department vehicle. The shotgun and/or rifle shall be properly secured as the personal equipment of the Officer.

H. It is the policy of the St. Petersburg Police Department that employees shall report the loss or theft of all firearms owned by or in the possession of the employee.

I. Officers are expected to comply with all the provisions of this Order regarding the carrying or employment of off-duty firearms; however, those choosing to exercise any rights provided to them under federal or state law, not in accord with this policy, may be considered as acting outside the scope of their employment.

II. DEFINITIONS

A. ASP – An impact weapon manufactured by Armament Systems and Procedures, Inc.

B. Active Resistance – A subject's use of physically evasive movements directed toward the Officer such as bracing, pushing, or pulling to prevent the Officer from establishing control over the subject.

C. Aggressive Resistance – A subject's attacking movements toward an Officer that may cause injury, but are not likely to cause death or serious physical injury to the Officer or others.

D. Aerosol Subject Restraint (ASR) – A pressurized chemical spray; e.g., OC spray.

E. Certified Reserve Officer – A part-time law enforcement Officer employed or appointed less than full time, as defined by an employing agency, with or without compensation, who is vested with authority to bear arms and to make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state [§943.10(6), F.S.S.].

F. Compliance - The verbal and/or physical yielding to an Officer's authority without apparent threat of resistance or violence.

G. Deadly Force – Intentional discharge of an authorized firearm at an individual, intentional contact or attempted contact by the use of an employee's motor vehicle, except as outlined in <J:\Research\GeneralOrders\II Administrative General Orders\II-02 Motor Vehicle Crash Review Process.pdf>, or any other force which is likely to cause death or serious physical injury.

H.

I. Deadly Force Resistance – A subject's hostile, attacking movements, with or without a weapon, that create a reasonable perception by the Officer that the subject intends to cause, and has the capability of causing, death or serious physical injury to the Officer or others.

J. De-escalation – Decreasing the use of force or resistance.

K. Disengagement – Discontinuing a command or physical use of force.

L. Escalation – Increasing the use of force or resistance.

M. Fire For Effect – Shoot for center of mass.

N. Force Guidelines – A framework for making decisions involving reasonable use of force by Officers. The structure of the Force Guidelines is based on constitutional considerations and case law and describes appropriate decision making in a fluid and dynamic situation. The Force Guidelines consider the totality of circumstances to include the relationship between the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the Officer. (See Figure 1.)

O. Injury – A complaint of injury, whether visible or not.

P. Less Lethal Force – Force that is not likely to cause death or serious physical injury.

Q. Non-Deadly Force – Force which is neither likely nor intended to cause death or serious physical injury.

R. Objective Reasonableness – The process for evaluating the appropriateness of an Officer's response to a subject's resistance.

S. Officer – A sworn employee of the St. Petersburg Police Department, who is a certified Police Officer by the State of Florida and serves in that capacity, including certified Reserve Officers.

T. Passive Resistance – A subject's verbal and/or physical refusal to comply with an Officer's lawful direction, causing the Officer to use physical techniques to establish control.

U. Physical Control – Used in achieving compliance or custody through the use of empty-handed or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, and striking techniques.

V. Serious Physical Injury – A bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in a long-term loss or impairment of the functioning of any body extremity or organ.

W. Totality of Circumstances – All facts and circumstances known to the Officer at the time, or reasonably perceived by the Officer, as the basis for the use of force decision.

X. Violent Felony – A felony involving the commission of a violent act, or when there is reasonable cause to believe that serious physical injury or death might be inflicted upon another person.

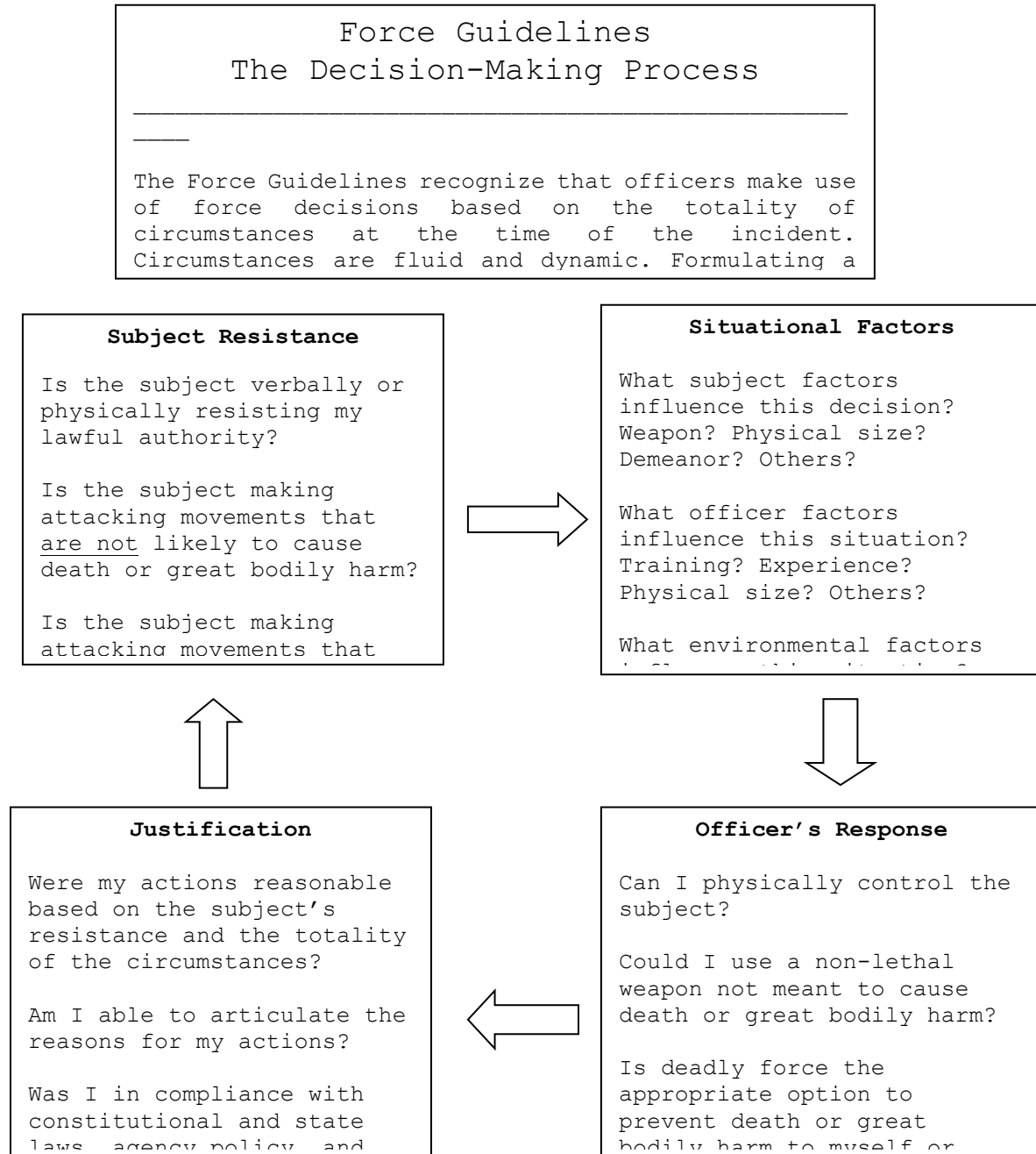


Figure 1

III. LEGAL CONSIDERATIONS

A. Florida Law provides that a law enforcement Officer, or any person whom they have summoned or directed to assist, need not retreat or desist from efforts to make a lawful arrest because of resistance, or threatened resistance, to the arrest. The Officer is justified in the use of any force, which they reasonably believe to be necessary, to defend themselves or another from bodily harm while making the arrest.

B. Florida law also provides that:

1. The subject must know, or have a reasonable belief, the person employing force is a law enforcement Officer or someone assisting a law enforcement Officer;
2. The arrest must be lawful; and
3. The employment of force beyond that which is necessary to control and apprehend the subject is unlawful, and subjects the Department and the Officer to civil and/or criminal liability.

IV. AUTHORIZED USE OF FORCE

A. Deadly Force

1. Deadly force is force that is likely to cause death or serious physical injury. Use of deadly force may be an Officer's first and only appropriate response to a perceived threat. Deadly force does not necessarily mean that someone died from the force used. The deadly force can cause serious physical injury or no harm at all. Deadly force is only permitted when other reasonable means to avoid danger have failed, or are impractical, and the Officer reasonably believes that deadly force is immediately necessary to defend oneself or another from imminent danger of death or serious physical injury.

2. Officers shall not draw or display a firearm except for official use as provided for in this Order.
3. Officers shall never draw a firearm unless they reasonably anticipate a need to use it.
4. Officers shall not draw their firearm solely for the purpose of utilizing the firearm mounted flashlight, unless the circumstances would otherwise justify the use of the firearm.
5. Officers may discharge a firearm in connection with the performance of official police duties, for the following reasons:
 - a. For target practice at a range, when authorized for training purposes, or at an organized match.
 - b. To kill a seriously injured or dangerous animal if it poses an imminent threat of death or great bodily harm to a person, when other means are impractical, and then only with authorization from a Supervisor, if time permits.
 - c. When other reasonable means to avoid the danger have failed, and the Officer reasonably believes this action is immediately necessary to defend oneself or another from death or serious physical injury.
 - d. To apprehend a fleeing felon ONLY when:
 - 1) Other reasonable means of apprehension have failed; and
 - 2) Some warning, if feasible, has been given; and
 - 3) The Officer reasonably believes that the person fleeing has committed a VIOLENT FELONY, involving the use or threatened use of deadly force, and the Officer reasonably believes that the fleeing felon poses an immediate threat of death or serious physical injury to the Officer or another.

6. When necessary, the firearm shall be fired for effect. Unless under fire by an assailant, the Officer will ascertain the target before discharging their firearm. The Officer shall cease firing when it is reasonably believed the threat no longer exists.

7. The firearm shall not be fired to wound or to warn.

B. Non-deadly Force

1. Non-deadly force may be applied if circumstances dictate; however:
 - a. Officers will attempt to gain voluntary compliance through the use of verbal techniques, prior to employing physical force.
 - b. When required, Officers shall use only objective reasonable force that is necessary to control the situation, based on the totality of the circumstances known to the Officer at the time.
2. Less-lethal weapons issued by the Department may be employed when their use is dictated by the level of physical resistance encountered, and force is being used:
 - a. To halt or prevent use of force by another person upon themselves or another person, or
 - b. To deter an attack by an animal upon themselves or another person.
3. Articles or implements not designed as a weapon, nor issued for this purpose by the Department, shall not be utilized as a weapon unless no reasonable alternative exists, and the action is clearly required to protect the Officer or another from death or serious physical injury.

C. Officers confronted by a person armed with an ASR should attempt to place themselves beyond the effective range of the ASR. The mere possession by another of an ASR does not in itself create an imminent threat of serious physical injury; however, Officers must consider the intentions and the ability of the subject to employ the ASR and the appropriate degree of force required to gain control of the situation.

D. Upon the lowering or elimination of resistance by the subject, Officers shall similarly reduce their use of force while maintaining control of the subject.

V. UNAUTHORIZED USE OF FORCE

A. Warning Shots – Officer(s) shall not fire into the air or ground in an attempt to deter or halt a fleeing criminal; therefore, no warning shots are permitted.

B. Firing at or from Vehicles

1. Officers approaching vehicles should do so from a safe direction, and provide themselves an opportunity to move to an area of safety, if necessary.

2. When approaching a vehicle, Officers shall use appropriate safety measures, and shall not place themselves in harm's way by standing or moving in front of a vehicle, standing directly behind, or reaching inside an operating vehicle.

3. Officers shall not fire at a moving vehicle or any occupant of a moving vehicle. The Officer's use of deadly force may be justified if the occupant of a moving vehicle poses an immediate threat with a firearm, or fires upon an Officer or another, and all other reasonable means to avoid the danger have failed.

4. Officers shall not fire from a moving vehicle.

C. Officers shall not, at any time, obstruct the breathing or carotid blood flow of a person by applying any pressure, obstruction or chokehold.

D. Officers shall utilize all less-lethal weapons and firearms in the manner consistent with their training. Examples of prohibited use include, but are not limited to:

1. Head strikes with an impact weapon.
2. The ASP being used as a choking device.

E. An Officer shall not kick or use a leg strike of any kind on anyone who is lying in a prone position or who has been placed in a position of disadvantage.

F. Officers shall not employ any weapon not authorized by the Department nor any weapon for which they have not received training and demonstrated their proficiency.

G. Officers shall not employ strikes to the face or head as a preemptive measure to control a suspect. Strikes to the face or head shall only be used as a defensive measure, with a combative suspect, and not as a technique to gain control of a non-combative suspect.

VI. MEDICAL RESPONSE

A. Officers shall ensure first aid is promptly provided to individuals affected by the use of force, if necessary, when the situation is no longer a threat to the Officer or any other person.

B. Emergency medical personnel shall be summoned, if necessary. Persons in custody shall be accompanied to the hospital as described in <J:\Research\GeneralOrders\III Operational General Orders\III-10 Transporting and Booking Detainees.pdf>.

C. Aerosol Subject Restraints (ASR)

1. Special attention is required to monitor the well-being of persons who have been exposed to an ASR:
 - a. Any person exposed to an ASR who experiences or complains of symptoms other than those normally associated with the use of an ASR, or does not show signs of recovery in the expected time, shall be provided immediate medical attention.
 - b. Unusual symptoms may include unconsciousness, profuse sweating, chest pain or slow, shallow breathing.
 - c. The results of ASR exposure may last approximately 30-45 minutes. Medical treatment is usually not required.
 - d. Persons who have been sprayed and who are restrained should be carefully monitored, and they shall be verbally reassured the ASR effects should subside in approximately 45-minutes.
 - e. If the person no longer is a threat to the Officers, the natural decontamination process may be aided by water or wind/air movement.
 - f. Persons who may have been accidentally exposed to an ASR shall be afforded assistance until they have recovered.
2. Officers transporting a prisoner to the Detention Center shall advise the Intake Officer if the subject has been sprayed with an ASR.

VII. INVESTIGATING AND REPORTING THE USE OF FORCE NOT INVOLVING A FIREARM

A. Officers shall notify a supervisor whenever a less-lethal weapon is used in the course of apprehension, self-defense, or whenever anyone has been injured by the application of force. The supervisor shall determine the need for further notifications.

B. Whenever there has been injury or death of a person(s), or whenever any person is to be admitted to a hospital, or if death results from the use of force:

1. The Watch Commander shall ensure the following persons are immediately notified:
 - a. The Chief of Police via the involved Officer's Chain of Command;
 - b. The Commander, Office of Professional Standards;

- c. The Manager, Community Awareness Division;
 - d. The Commander, Crimes Against Persons Division;
 - e. The EAP Coordinator.
2. If the incident results in a death, the following persons shall also be notified:
 - a. State Attorney's Office, and
 - b. Medical Examiner.
 3. The Office of Professional Standards shall conduct an investigation and forward their completed report to the Chief of Police as soon as possible.
 4. The Crimes Against Persons Division shall conduct an investigation in cases of injury or death, or as directed by the Chief of Police.
- C. Whenever any person is hospitalized for a serious injury or death results due to the use of force by an Officer:
1. The District Major, or designee, shall reassign the Officer to inside duty, in coordination with the supervisor of the Alternative Employment Program (AEP), or place the Officer on administrative leave until the Department's investigation has been completed.
 2. The Officer shall be afforded the opportunity to use the services of any component of the Employee Assistance Program which may be available.
- D. An Officer who uses force with a less-lethal weapon while off duty shall contact the Watch Commander via the Emergency Communications Center as soon as circumstances permit.
1. Communications shall notify the Watch Commander who will determine if an immediate internal investigation is necessary.
 2. In addition to verbally reporting the use of force, the Officer shall complete a *Use of Force Report* and submit it to their supervisor as soon as possible.
- E. All accidental and intentional discharges of an ASR shall be reported on a *Use of Force Report* with the exception of the required monthly testing of the ASR (see <J:\Research\GeneralOrders\II Administrative General Orders\II-43 Lethal and Less-Lethal Weapons.pdf>) and during training.

VIII. USE OF FORCE REPORTS

- A. An Officer using physical control or deadly force, as defined in this Order, shall complete and file a *Use of Force Report*, prior to going off duty, whenever an employee:
1. Discharges a firearm for other than training or recreational purposes;
 2. Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
 3. Applies force through the use of lethal or less-lethal weapons; or
 4. Applies weaponless physical force at a level as defined by the agency.
- B. If the Officer is unable to complete the *Use of Force Report*, the immediate supervisor shall prepare the report based on available information.
- C. The Supervisor approving the *Use of Force Report* will ensure the Incident Summary portion is

complete in the *Use of Force Report* before routed it through the Officer's Chain of Command.

D. The *Use of Force Report* shall be sent electronically, via Blue Team, to be administratively reviewed by the Officer's Chain of Command through the rank of Major.

E. Following the administrative review, the respective Major shall electronically forward the *Use of Force Report* to the Office of Professional Standards via Blue Team.

1. The Office of Professional Standards will:
 - a. Enter the approved *Use of Force Report* into IAPro, and
 - b. Send a PDF version to the Records and Identification Division
 - c. If any report indicates additional training may be needed, the report will be forwarded to the Training Division for their review.

F. The *Use of Force Report* is a synopsis of the incident for statistical purposes and is in addition to any reports required by J:\Research\GeneralOrders\III_Operational_General_Orders\III-23_Incident_Reports.pdf.

G. The *Use of Force Report* shall be used by the:

1. Training Division to:
 - a. Monitor use of force techniques and tactics, to determine effectiveness of intermediate weapons, and to identify equipment upgrades and training needs, and
 - b. Conduct a documented annual review and analysis of training needs, effectiveness of the weapons used, and a review of policies and practices for the Chief of Police.
2. The Office of Professional Standards to:
 - a. Alert the Department of potential complaints of excessive force;
 - b. Monitor use of force incidents in order to identify Officers who may be in need of additional training in the use of force and the policies of the Department; and
 - c. Prepare the annual analysis of the Department's use of force activities, policies and practices for the Chief of Police.

Anthony Holloway
Chief of Police

Appendix F

General Order: Bias-Based Profiling

ST. PETERSBURG POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NUMBER
	April 2016	Immediately	II-38
GENERAL ORDER	Distribution: All Employees		

Subject: **BIAS-BASED PROFILING**

Index as: Bias-based Profiling Discriminatory Profiling Profiling Racial Profiling
 Transgender

Accreditation Standards: 1.2.9, 41.3.8, CFA 2.08
 Cross Reference: G.O. I-1, Code of Ethics
 G.O. I-2, Mission, Values and Goals
 G.O. II-3, Release of Information to the News Media and the Public
 G.O. II-10, Processing Complaints Against Personnel
 G.O. II-22, Community Awareness
 G.O.III-1, Field Contacts
 I.O. V:5.4, Radio Communications Procedures
 I.O. V.6:4, Warrantless Entries and Searches
 Chief's Memo 15-93, Mobile Audio/Video Camera Systems (November 20, 2015)
 Replaces: §943.1758, F.F.S., Curriculum revision for diverse populations; skills training
 G.O. II-38 Bias-Based Profiling (June 10, 2011)

This Order prohibits bias-based profiling, provides guidelines for Officers to prevent allegations of bias, and protects Officers from unwarranted accusations when they act within the requirements of the law and Department policy. It consists of the following sections:

- I. Policy
- II. Definitions
- III. Discussion
- IV. General Guidelines
- V. Motor Vehicle Stops
- VI. Reporting Procedures
- VII. Department Training and Community Education
- VIII. Review and Corrective Action

I. POLICY

A. Officers shall not engage in the practice of bias-based profiling while conducting field contacts, traffic stops, searches, asset seizures, forfeitures or any other law enforcement activity.

B. It is the policy of this Department:

1. To patrol in a proactive manner, to investigate suspicious persons and circumstances, and to enforce all applicable laws and ordinances in a fair and equitable manner; and

2. That citizens will only be stopped or detained when reasonable suspicion or probable cause exists so as to believe they have committed, are committing, or are about to commit, a violation of the law. (See <J:\Research\GeneralOrders\III Operational General Orders\III-01 Field Contacts.pdf>).

3. That details regarding persons detained for an “investigatory stop” shall be reported in the Field Contacts section in the Records Management System (RMS), unless a police report is filed.

4. That any time a search of a person, personal belongings or a vehicle is conducted, the basis for the search, the results of the search, and the person conducting the search must be documented in the police report or the FIR.

C. While bias-based profiling is prohibited, Officers are encouraged to engage the members of the community in mutually beneficial conversation with the intent to foster community relations and resolve matters of concern. Such informal or consensual contacts are not based on reasonable suspicion as defined in this Order. An FIR is not required for informal or consensual contacts.

II. DEFINITIONS

A. Bias-based Profiling – The selection of individuals for detention, interdiction or other disparate treatment based solely on the basis of race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic information, gender identity, or other protected categories.

B. Reasonable Suspicion – Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution to believe 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 the observations of a Police Officer combined with the Officer’s training and experience and/or reliable information received from credible outside sources.

III. DISCUSSION

A. Bias-based profiling violates the constitutional rights of citizens. It undermines legitimate law enforcement efforts and may lead to claims of civil rights’ violations. Bias-based profiling alienates citizens, fosters distrust of law enforcement by the community, and invites media scrutiny, legislative action, and judicial intervention.

B. Police Officers should focus on a person’s conduct or other specific suspect information and must have reasonable suspicion, supported by specific, articulated facts, that the person contacted regarding their identification, activity or location has committed, is committing, or is about to commit a violation of the law, or is currently presenting a threat to the safety of themselves or others.

C. Traffic enforcement and pedestrian contacts are routinely performed by Police Officers, but for the person stopped, it may be an emotionally upsetting experience. Officers should be aware of this and strive to make each contact educational and leave the citizen with an understanding that the Officer has performed a necessary task in a fair, professional and friendly manner.

IV. GENERAL GUIDELINES

A. Motorists and pedestrians shall only be subject to stops, seizures or detentions based upon reasonable suspicion or probable cause.

B. In the absence of a specific, credible report containing a physical description, a person’s race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic information, gender identity, or other protected categories, or any combination of these identifiers, shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

C. No motorist or citizen, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity.

D. No person or vehicle shall be searched without a warrant, unless there exists a legally recognized exception to the warrant requirement, or with the person's voluntary consent. (See <J:\Research\GeneralOrders\V Instructional Orders\V6-04 Warrantless Entries and Searches.pdf>).

E. During a stop, misunderstandings may stem from an Officer's failure to explain why the contact was made. During most vehicle or pedestrian stops, the Officer can inform the person of the reason for the stop. If, for articulable Officer safety or investigatory considerations, the reason for the stop cannot be immediately disclosed, the Officer will inform the citizen of the reason for the stop before the contact is terminated.

V. MOTOR VEHICLE STOPS

A. If the Officer making the stop has a cruiser equipped with a video camera, the video and sound shall be activated prior to the stop to record the behavior of the vehicle or person; the equipment shall remain activated until the person is released or the contact is otherwise terminated.

B. The Officer shall advise the Emergency Communications Center of the tag number, vehicle description, and location of the stop as required in <J:\Research\GeneralOrders\V Instructional Orders\V5-05 Comm Procedures MDT, Radio, Cellular Telephone.pdf>.

C. To minimize the possibility of misunderstanding and conflict during Officer/violator contact, it is suggested that the Officer engage in polite and professional conversation, for example:

1. Give a greeting such as, "Good morning, Ma'am" or "Good evening, Sir," etc.
2. Identify yourself by saying, for example: "I am Officer (*name*) of the St. Petersburg Police Department."
3. State the reason why the person is being stopped or detained, for example: "I stopped you because I saw your vehicle pass the stop sign at that last intersection without coming to a complete stop." (Describing the action of the vehicle, rather than "personalizing" the action to the driver, tends to reduce tension.)

D. It may reduce tension to ask a motorist if there was some reason for the violation. This gives them the opportunity to "have their say" and may lead to an admission by the violator that they were in violation, which may preclude them from offering a different excuse at trial. If no question is asked, but the motorist wishes to give a reason or excuse, the Officer should listen politely and give them ample opportunity to tell their story.

E. The Officer should politely ask for identification and, if the subject is driving, any required documents. For example: "May I please see your license, registration and proof of insurance?"

F. After completing any necessary paperwork, the Officer should inform the person as to what action is being taken and what action, if any, the person must take, such as how to pay any fine involved, obtain a Traffic Court hearing, etc.

G. When Officers have consent to search a vehicle, they shall:

1. Consider obtaining written consent and the completion of a <J:\Forms\Consent To Search.docx> form.
2. Complete an FIR whenever a vehicle is searched by consent and no seizure or arrest results.

3. Complete a police report when any contraband is seized or an arrest results from the search by consent.

H. At the conclusion of the encounter with a citizen or motorist, the Officer should bring their conversation to an appropriate closure. For example, if the person was cooperative, "Thank you for your cooperation" may be in order. Do not use the trite expression, "Have a nice day," which would be inappropriate in such circumstances. If the situation involved a motor vehicle, "Please drive carefully; your safety is important to us" may be more appropriate before ensuring that the driver is able to merge safely back into the traffic stream.

VI. REPORTING PROCEDURES

A. Generally, appropriate enforcement action should be taken in the form of a warning, citation or arrest.

B. If applicable, the appropriate document (citation, field interview report, arrest affidavit, etc.) must be filled out by the Officer. The report/form shall include the gender, race or ethnicity of the person stopped, provided this information can reasonably be ascertained by physical appearance or from documents shown to the Officer by the individual.

VII DEPARTMENT TRAINING AND COMMUNITY EDUCATION

A. The Training Division will provide training about bias-based profiling in the context of instruction on interpersonal skills relating to diverse populations, including related legal aspects, in accordance with §943.1758, F.S.S. and related standards promulgated by the Criminal Justice Standards and Training Commission.

B. The Community Awareness Division shall provide community education and awareness related to bias-based profiling, in accordance with <J:\Research\GeneralOrders\II Administrative General Orders\II-22 Community Awareness.pdf> and <J:\Research\GeneralOrders\II Administrative General Orders\II-03 Release Of Information To The Public and News Media.pdf>.

VIII. REVIEW AND CORRECTIVE ACTION

A. All complaints of bias-based profiling will be reported to the Office of Professional Standards and handled in accordance with <J:\Research\GeneralOrders\II Administrative General Orders\II-10 Processing Complaints Against Personnel.pdf>.

B. Upon complaint and after an investigation, Officers found:

1. To have engaged in bias-based profiling; or

2. To have deliberately recorded, in any official police report or document, any misleading information related to the actual or perceived race, ethnicity, gender, or other identifying characteristic of a person stopped for investigative or enforcement purposes shall be subject to disciplinary action in accordance with established procedures.

C. The Office of Professional Standards will conduct an annual administrative review of agency policies and practices, including citizen concerns, as they relate to bias-based profiling. The review shall include a statistical summary of all bias-based profiling citizen concerns, including the findings as to whether they were sustained, not sustained, or unfounded.

Anthony Holloway
Chief of Police

Appendix G

General Order: Conducted Electrical Weapon (CEW)

	DATE OF ISSUE	EFFECTIVE DATE	NUMBER
ST. PETERSBURG POLICE DEPARTMENT	April 2016	Immediately	II-44
GENERAL ORDER	Distribution: All Employees		

Subject: **Conducted Electrical Weapon (CEW)**

Index as: of Force	Anti-Felon Identification Tag (AFID)	Force Guidelines	Reporting Use
	Blue Team CEW	Force, Use of Less-lethal Proficiency	Spark Test Totality of
Circumstances	Conducted Electrical Weapon (CEW) Dataport (CEW)	Less-lethal Weapon	Use of Force

Accreditation Standards: 1.3.1, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.9, 1.3.10, 1.3.11, 1.3.12, 1.3.13, 33.4.1, CFA 4.06, 10.04

Cross Reference: G.O. II-42, Use of Force, (February 14, 2013)
§943.1717 and §790.01(4)(b), F.S.S.
Graham v. Conner, 490 U.S. 386 (1989)

Replaces: G.O. II-44, Conducted Electrical Weapon (CEW) (April 28, 2016)

All employees shall be issued a copy of General Order II-42, *Use of Force*, prior to being permitted to carry any weapon or assigned any duties which require the possession of a weapon, Officers shall be instructed about state law and the policies of this agency regarding the use of force and the use of authorized weapons.

This Order consists of the following sections:

- I. Policy
- II. Definitions
- III. Legal Considerations
- IV. The Conducted Electrical Weapon
- V. Authorized Use
- VI. Unauthorized Use
- VII. Care after the Use of a Conducted Electrical Weapon
- VIII. Reporting and Investigating the Use of a Conducted Electrical Weapon
- IX. Training and Proficiency Requirements

I. POLICY

A. It is recognized that Officers may encounter situations where force may be necessary to overcome resistance in order to achieve a specific law enforcement objective. The force applied by an Officer in any situation may range from verbal direction to the use of deadly force, if confronted with a situation where the Officer or some other person is threatened with serious physical injury or death.

B. It is the policy of the St. Petersburg Police Department that the use of force in any situation shall be limited to the force which is needed to halt aggressive actions and/or to overcome specific resistance by the subject in order to accomplish a lawful objective.

C. A Conducted Electrical Weapon is considered to be a less-lethal weapon and is among those supplied by the Department in the interest of reducing the potential for injury to an Officer, a person the Officer may be taking into custody, and innocent bystanders.

II. DEFINITIONS

A. Anti-Felon Identification Tag (AFID) – A confetti-like tag marked with the cartridge serial number which is ejected by the weapon at the time of firing.

B. Conducted Electrical Weapon (CEW) – A battery-operated, conducted energy device that uses compressed gas to propel two probes to a target. The probes remain connected to the weapon by wire to administer an electrical shock which disrupts the person's voluntary motor response.

C. Dataport – The electronic USB port on the weapon which permits it to be connected to a computer to upload weapon status; i.e., time, date and duration of each discharge, temperature, etc.

D. Force Guidelines – A framework for making decisions involving reasonable use of force by Officers. The structure of the Force Guidelines is based on constitutional considerations and case law and describes appropriate decision-making in a fluid and dynamic situation. The Force Guidelines consider the totality of circumstances to include the relationship between the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the Officer. (See <J:\Research\GeneralOrders\II Administrative General Orders\II-42 Use of Force.pdf>.)

E. Totality of Circumstances – The facts and circumstances known to the Officer at the time or reasonably perceived by the Officer as the basis for the use of force decision.

III. LEGAL CONSIDERATIONS

A. Florida Law provides that a Law Enforcement Officer, or any person whom they have summoned or directed to assist, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The Officer is justified in the use of any force which they reasonably believe to be necessary to defend themselves or another from bodily harm while making the arrest.

B. Florida law also provides that:

1. The subject must know or have a reasonable belief the person employing force is a Law Enforcement Officer or someone assisting a Law Enforcement Officer;
2. The arrest must be lawful; and
3. The deployment of force, beyond that which is necessary to control and apprehend the subject, is unlawful and subjects the Department and the Officer to civil and/or criminal liability.

IV. THE CONDUCTED ELECTRICAL WEAPON

A. A Department-issued CEW is an optional less-lethal weapon and is authorized for use by sworn personnel who have been trained and demonstrated proficiency in its use.

1. Once issued, authorized personnel shall carry the CEW in a fully armed state, with the safety on, in the issued holster on the weak (support) side, in a cross-draw fashion to prevent both the CEW and sidearm from being utilized simultaneously.

2. Authorized, non-uniformed sworn personnel may:
 - a. Consider the CEW as an optional item of equipment and, when worn, shall carry it in a fully armed state, with the safety on, in the issued holster on the weak (support) side.
 - b. Sworn personnel not having an issued CEW may check one out of the Equipment Room if one is available.
 - c. The CEW will be issued through the Department's Records Management System (RMS) as with any other equipment.
 - 1) The Officer/Detective will test the CEW as described in this Order.
 - 2) When the assignment is complete, the CEW will be returned to the equipment room and scanned back into RMS.

3. Authorized Officers who no longer wish to carry the CEW shall turn it in to the Equipment Room, and have it removed from their personal inventory as soon as practical.

B. The CEW, the cartridge(s), and the holster shall not be altered or tampered with in any way, nor shall any of the manufacturer's markings be covered or altered. Only issued cartridges are authorized.

C. The Department Armorer will maintain an inventory by serial number and expiration date, and track all CEWs, air cartridges, and accessories delivered to the Department for issue. These items will be stored in the secured Armory Office. Batteries will be inventoried by physical count.

D. Testing the CEW

1. The CEW shall be tested for proper operation each work day within fifteen (15) minutes of the start of the employee's shift, commute to work, or receipt of the CEW from the Equipment Room.

2. The test shall be conducted in the manner specified by the manufacturer.

3. A malfunctioning CEW shall be turned over to the Equipment Room for servicing.
 - a. The Equipment Room shall issue a replacement CEW, if available, and properly record weapon and cartridge data to indicate the transfer of the weapon.
 - b. Only a properly functioning and charged CEW will be carried in the field.

4. Spark Testing Procedures

- a. The Taser Model X2 CEW is as follows:
 - 1) Remove the CEW from the holster, finger off the trigger; visually inspect the weapon making sure the green dot is in clear view, indicating the safety is activated. Then inspect for any obvious damage.

2) Activate the CEW by turning the safety off. This will also activate the laser and flashlight units.

- a) Read the battery level from the Central Information Display (CID).
- b) If it is charged below 20%, exchange your battery for a new one at the equipment room.
- c) Batteries at 20% or less will then be turned over to the Training Division for in-service training use.

3) With the safety off and the CEW pointed in a safe direction, press and hold the ARC button located just forward of the trigger guard, activating the CEW, and allow it to arc for 5 seconds (there will be a count up from 1-5 in the CID window). This will activate the CEW allowing the user to determine the unit is functioning properly. This test, known as the "Spark Test" will be conducted away from any other persons and out of sight from the public, with the weapon pointed away from anyone so as to avoid an accidental contact.

4) Once the test has been conducted, deactivate the CEW, holster and secure the CEW.

b. The Taser Model X26 CEW is as follows:

1) Remove the CEW from the holster, finger off the trigger; visually inspect the weapon making sure the "S" is in clear view, indicating the safety is activated. Then inspect for any obvious damage.

2) Remove the air cartridge from the front of the CEW.

3) Activate the CEW by turning the safety off. This will also activate the laser and flashlight units.

a) Read the battery level from the Central Information Display (CID).

b) If it is charged below 20%, exchange your battery for a new one at the equipment room.

c) Batteries at 20% or less will then be turned over to the Training Division for in-service training use.

4) With the air cartridge removed, and the CEW pointed in a safe direction, pull the trigger to activate the unit and determine the unit is arcing and discharging.

a) This will be conducted in approved areas out of sight of the public.

b) The CEW test will be conducted away from any other persons and while the weapon is pointed away from anyone, so as to avoid an accidental contact.

5) Once the test has been concluded, deactivate the CEW with the safety lever and re-insert the air cartridge; personnel will not place their finger on the trigger during this phase.

6) Holster and secure the CEW.

E. CEW Battery

1. The battery shall be kept in the CEW at all times. When required, it may only be removed by personnel authorized to service the device.

F. Air Cartridge Replacement

1. Anytime, on or off duty, a CEW is discharged, it will be necessary to obtain a replacement air cartridge.

2. Equipment Room personnel are authorized to issue a replacement air cartridge.

3. The discharged air cartridge, if available, will be scanned back into RMS to have it removed from the Officer's issued equipment inventory.

4. A new cartridge will then be issued through RMS.

5. Deployed air cartridges will be properly disposed of by the personnel deploying the cartridge.

G. Repairs to the CEW or Accessories

1. Repairs to the CEW or accessories will only be performed by an authorized vendor designated by the St. Petersburg Police Department.

2. Malfunctioning CEWs will be returned to the Equipment Room for repairs/replacement.
3. Equipment room personnel will issue a replacement CEW and/or air cartridges, if available, and have the Officer properly record weapon and air cartridge data on the CEW Repair Log, kept in the Equipment Room.
4. The Department Armorer will upload data from all CEWs prior to returning them to the manufacturer for repairs/replacement.

H. Safe Handling and Evidentiary Procedures

1. Safe Handling

- a. CEW probes are biohazards and will be treated as such. After an Officer removes deployed probes from a subject, the probes will be handled in accordance with bloodborne pathogen and exposure control procedures.
 - 1) Only an authorized CEW user may remove probes in accordance with the manufacturer's instructions.
 - 2) Since probes may have blood on them (biohazard), the Officer will wear protective gloves when handling.
 - 3) The wire will be wound completely around the air cartridge.
 - 4) The probes will be inverted in the portals they were originally deployed from (this will prevent the sharp ends from penetrating the envelope).
 - 5) Biohazardous tape should then be placed over the portals to secure within the air cartridge.
 - 6) The air cartridge and probes will then be placed in a plastic property/evidence bag.
 - 7) The biohazardous material will be handled in accordance with bloodborne pathogen and exposure control procedures.
- b. The CEW is an electronic piece of equipment and as such water inside the unit is harmful. Officers are advised not to carry their CEW if they expect to be outside in periods of heavy rain.

2. Evidence Handling Procedures

- a. The on-scene Supervisor shall:
 - 1) Collect and photograph materials related to the CEW's discharge; e.g., probes, wires, AFIDs, etc.
 - 2) Be responsible for placing these photographs into evidence.
 - 3) When a Supervisor deploys a CEW, another Supervisor of equal rank or above shall respond to the scene and handle the on-scene supervisory duties.
- b. The Officer shall follow the safe handling procedures as listed in this Order.
- c. Absent extenuating circumstances, the collected items may be discarded by the Officer in a manner similar to any other bio-hazardous material.
- d. When the on-scene Supervisor determines there are extenuating circumstances, the collected items will be placed in evidence following the rules of bio-hazardous material.

I. Upload of CEW Data

1. Biannually, the electronic information from the weapon will be uploaded and saved for review by the respective employee's direct Supervisor.
 - a. The uploading cycle will be done in the months of January and June.
2. The Department Armorer will conduct the upload and save the data for review for CEWs that are assigned to the equipment room as loaner CEWs.
 - a. The uploading cycle will be done in the months of January and June.
3. Locations of Computers containing USB Dataport Download Kits are:
 - a. Uniform Services Equipment Room (1).
 - b. Uniform Services Bureau Sergeant's Office (2).

- c. Training Division (1).
 - d. Vice and Narcotics Office (1)
4. The proper procedure for uploading data from the CEW (X26, X26P and the X2 Model):
- a. Requires "USB Dataport Download Kit" software.
 - b. Connect cable to CEW to the computer with the applicable software.
 - c. Instructions are available at <J:\Research\CEW Procedures\CEW Download Procedures - 2016.pdf>.

J. Inspections

- 1. Random inspections/audits will be conducted as directed by the Chief of Police.
 - 2. Assistant Chiefs, or designee, will be responsible for conducting a random annual inspection, within their Bureau, of sworn personnel assigned CEWs. The purpose of the inspection is to ensure proper usage of the CEWs.
 - 3. The Assistant Chief, USB, or designee, will be responsible for conducting a random annual audit for the CEWs loaned out of the Equipment Room.
 - 4. During annual firearms qualifications, the Training Division will conduct a documented annual inspection of all CEWs, to include an inspection to ensure expiration dates are not exceeded.
- b. Only Supervisors shall connect a device to the dataport in order to review and/or download information from the CEW.
 - c. The CEW shall be safely stored and secured in a manner similar to the firearm and in accordance with the manufacturer's storage instructions.
 - d. The CEW is not authorized for use as an off-duty weapon.
 - e. A CEW issued to an Officer shall not be transferred or loaned to another.

V. AUTHORIZED USE

A. The CEW shall be utilized, only when necessary, to take a person into custody for a violation of the law or protective custody for their own well-being.

B. The "Totality of Circumstances" may lend themselves to resolution by the use of a CEW in lieu of engaging in a struggle with the subject when:

- 1. The situation is immediately preceded by an unsuccessful physical ("hands-on") attempt to arrest the person for a violation of law, and the subject is aware they will be taken into custody, to include fleeing.

- 2. A person has the intent and immediate means to harm themselves or another.

- 3. A need to apprehend a person who has committed a felony is fleeing.

C. When a situation exists that meets the requirements for the use of a CEW, the Officer shall consider:

- 1. Whether the person is excluded from potential use as defined by this Order.

- 2. The relative size, apparent physical condition and threat potential of the subject.

3. The potential for injury to the subject to be caused by:
 - a. The person falling after deployment of the CEW. Extreme caution should be observed for those in water, on a stairway, in a roadway, on a ledge, etc..
 - b. Any potential for ignition or explosion.

D. When a determination to discharge the weapon has been made, the Officer shall:

1. Give a verbal warning when it is feasible to do so.
2. The Taser Model X2 CEW has the capability to produce a warning arc, without actually firing the CEW smart cartridge probes. Deployment of the warning arc may be useful as a de-escalation technique possibly preventing the actual discharge of the CEW in some situations. It may be deployed only in those situations where the subject meets the criteria for CEW deployment as outlined in this Order.
3. Discharge at lower-center of mass, for front of body (lower mid abdomen).
4. Discharge at center of mass for back of body.

E. Once discharged, the CEW shall not be re-energized again unless there is ongoing resistance.

1. After each five (5)-second cycle, the subject shall be evaluated and the CEW shall not be activated any more than reasonably necessary to gain compliance and safely secure the subject.

2. The only time a cycle may be longer than five (5)-seconds is when the person is actually being taken into custody and is continuing to display ongoing resistance.

3. The CEW may be used in the drive stun mode as a defensive measure to halt an attack on an Officer.

4. The Taser Model X2 CEW may be used in a drive-stun/touch type mode to widen a narrow probe spread or provide for the placement of a second point of contact should one probe miss the mark. This would allow for the completion of the circuit and increase the effectiveness of the CEW.

F. If, during the administration of the electrical cycle, the situation becomes dangerous for the Officer or for the subject, the CEW safety shall be engaged to stop the electrical discharge.

G. The use of a CEW to deter an animal attack is discouraged, but it is an option to be considered. Officers must be prepared to secure the animal immediately after the CEW cycle is complete.

VI. UNAUTHORIZED USE

A. Absent extraordinary circumstances, the CEW shall not be used on a person who:

1. Has no apparent ability to physically threaten the Officers or others.
2. Is offering only verbal or passive physical resistance.
3. Is handcuffed or otherwise mechanically restrained.
4. Is known to be or is obviously pregnant.
5. Appears to be age twelve (12) or younger.
6. Is obviously aged or infirm or has a readily observable physical disability.

7. Is known to be suffering from a serious medical condition.
 8. Is operating a moving conveyance or who is in actual physical control of a vehicle or other potentially dangerous equipment.
 9. Has been sprayed with any substance that is likely to explode, or is in any place where there are flammable liquids or gases, or where smoking or open flames are prohibited for safety reasons.
- B. Only one Officer at a time shall discharge their CEW at a subject.
1. Another Officer may be prepared to discharge their CEW if the first weapon proves ineffective or fails.
 2. If more than one CEW is unholstered for potential use, Officers are to communicate with one another in order to prevent multiple discharges or a sympathetic discharge of additional CEW weapons.
 3. Officers taking a secondary role in the event shall keep their CEW on "safe" unless necessary to discharge.
- C. The CEW shall not purposely be pointed or discharged at the face, head, neck, or groin of a person.
- D. The CEW shall not be pointed at a person unless its use, should it be necessary, is authorized by this policy.
- E. Intentional misuse or abuse of the CEW is not permitted.

VII. CARE AFTER THE USE OF A CONDUCTED ELECTRICAL WEAPON

- A. Under normal circumstances, the probes may be removed by a CEW trained user in accordance with the manufacturer's instructions.
- B. Emergency medical services (EMS) shall be summoned whenever:
1. The person is struck in the face, head, neck, or groin, or breasts if a woman, in which case removal of the probes shall be carried out at the hospital.
 2. The person is considered to be at higher risk of injury due to age, medical condition, pregnancy, etc.
 3. A trained user is unable to easily remove the probes, in which case the removal shall be carried out at the hospital.
 4. The person requests medical treatment.
 5. There are indications apparent to the Officer that the person is experiencing any distress beyond that which is normally expected.
 6. The person had been exposed to three or more CEW five (5) second discharges or a total exposure time equal to or greater than fifteen (15) seconds.
 7. There is any indication of an underlying condition which may be causing the person to exhibit extreme behavior and a continued high level of resistance.
 8. Medical clearance at a medical facility for exposures discharges or time in excess as detailed in this Order, is not required. Emergency Medical Services (EMS) shall be summoned and a field evaluation conducted. The subject shall be taken to a medical facility for clearance if deemed necessary by the EMS personnel or upon determination by a Field Supervisor.

C. Probes that have penetrated skin shall be treated both as a medical “sharps” item and as a potential source of a communicable, bloodborne disease and handled accordingly. Universal precautions shall be taken.

D. If a CEW is used to subdue a person, once in custody they shall be directly taken to the Pinellas County Jail (arrested) or other appropriate facility (protective custody) or hospital.

1. With approval of a field Supervisor, a person subdued by a CEW may be transported to the Pinellas County Jail in the Prisoner Transport Van (PTV). The arresting/transporting Officer shall inform the Prisoner Transport Van Operator of the deployment of the CEW on the subject.

2. Upon arrival, for the purposes of monitoring the subject, the Jail Intake Officer, or other responsible party, shall be advised a CEW was utilized during the apprehension, and a notation that the person was controlled through the use of a CEW will be placed on the applicable advisory, referral or Baker Act form.

3. The name of the responsible person, so advised, shall be included in the *Police Report*.

VIII. REPORTING AND INVESTIGATING THE USE OF A CONDUCTED ELECTRICAL WEAPON

A. An accidental discharge, not at a person, during the TESTING of the CEW, does not require the completion of a *Use of Force Report*.

B. Pointing or discharging a CEW at a person, with or without an aiming laser, is considered a use of force.

C. Pointing, discharging, or accidentally discharging the CEW at a person, requires the incident be reported on a *Use of Force Report*, in addition to the completion of the *Police Report*.

D. Each Officer at the scene of the incident who points, discharges, or accidentally discharges their CEW at a subject shall file a *Use of Force Report* in Blue Team.

E. Materials related to the CEW discharge; e.g., probes, wires, AFIDs, etc., shall be collected and photographed.

1. After being photographed, for safety while handling, the probes shall be reinserted in the expended cartridge and secured with “biohazard” tape.

2. Absent extenuating circumstances, the collected items may be discarded in a manner similar to any other biohazardous material.

F. Anytime, on or off duty, that a CEW is discharged, a scene supervisor shall be notified and respond to the scene of the incident. The supervisor shall:

1. Ensure that appropriate medical treatment is provided.

2. Obtain the CEW from the Officer and:

- a. Confirm that the discharged AFIDs match the cartridge number;
- b. Ensure the required data upload is completed. Once completed, the CEW shall be returned to the Officer; or
- c. If unable to complete the data upload, secure the CEW as evidence until such time as this task can be completed.

3. If necessary, obtain a replacement CEW and cartridge(s) for the Officer, if needed and if one is available, ensuring that the serial numbers are properly recorded.

4. Ensure the incident is properly reported on the required *Use of Force Report*, in Blue Team, and in a *Police Report*.

5. Ensure that photographs are taken of the place on the subject, impacted by the probes, and of any injuries, related to the event; i.e., from a fall, etc., and:

a. A technician shall be called for photographs if the person is struck in the face, head, neck, groin, or breasts if a woman; and

b. If the person adamantly opposes photographs of a sensitive area or for another reason, the refusal shall be explained in the *Police Report*.

6. The Supervisor approving the *Use of Force Report* will ensure the Incident Summary portion is complete in the *Use of Force Report* before being routed it through the Officer's Chain of Command.

7. The *Use of Force Report* shall be sent electronically, via Blue Team, to be administratively reviewed by the Officer's Chain of Command through the rank of Major

8. Following the administrative review, the respective Major, shall electronically forward the *Use of Force Report* to the Office of Professional Standards (OPS) via Blue Team.

9. The Office of Professional Standards will:

a. Enter the approved *Use of Force Report* into IAPro, and

b. Send a PDF version to the Records and Identification Division.

c. If the any report indicates additional training may be needed, the report will be forwarded to the Training Division for their review.

d. Include information about the use of the CEW in their *Annual Report*.

10. The Office of Professional Standards will conduct an investigation:

a. Into any discharge of a CEW when:

1) There is serious injury or death;

2) The use appears to be abusive or punitive; or

3) There is substantial deviation from CEW training procedures.

b. The use of a CEW against a person in a risk category as listed in this Order shall be evaluated on a case-by-case basis.

IX. TRAINING AND PROFICIENCY REQUIREMENTS

A. Training by a certified CEW instructor in the use of physical force and in the proper use of the CEW is required before the weapon may be carried.

B. Annually, the Training Division will schedule all full-time Officers and certified Reserve Officers for CEW training, including a review of the *Use of Force* policies and proficiency training.

C. Successful participation in the training is required in order to remain authorized to carry a CEW.

Anthony Holloway
Chief of Police