

**Clay County District Schools  
Police Department**



**General Orders**

**Effective:  
August 1, 2019**

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**Clay County District Schools Police Department**

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# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.01 Arrest Procedures*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
August 1, 2019		

- A. PURPOSE:** The purpose of this order is to establish guidelines for effecting arrests.
- B. SCOPE:** This order shall apply to all Clay County District Schools Police Department sworn law enforcement members.
- C. DISCUSSION:** None
- D. POLICY:** It shall be the policy of the Clay County District Schools Police Department to maintain procedures to be followed when effecting arrests.
- E. PROCEDURE:**
- 1. Statutory Authority:** Authority for law enforcement officers to arrest is provided in Chapter 901, Florida Statutes. The requirements set forth in Section 901.17, Florida Statutes, require a law enforcement officer making an arrest without a warrant to inform the arrestee of their authority and the cause of the arrest. The exception to this occurs when the arrestee flees or forcibly resists such arrest prior to the officer informing the arrestee or when providing this information imperils the arrest.
  - 2. Arrests of Incarcerated Persons by Probable Cause Affidavit:**
    - a. Any law enforcement officer seeking to arrest any person in the custody of the Clay County Detention Facility without an arrest warrant, shall be responsible for informing the detained arrestee their authority to make such arrest and the reason for the arrest in person.
  - 3. Execution of Arrest Warrants or Capias:**
    - a. Each warrant must be confirmed prior to the actual arrest. Confirmation shall be as follows: [CFA 26.06B] [CFA 26.06C]
      - 1) Verification of an outstanding arrest warrant through Green Cove Springs Police Department NCIC/FCIC

- 2) Verify the person to be arrested matches the person described in the warrant. i.e. Using governmental issued identification, local booking photos.
- b. FCIC Hit on Child Support Writs of Attachment:** In the event a member conducts an FCIC check on an individual and finds an active Writ of Bodily Attachment, the member shall:
- 1) Confirm the writ in the same manner as a warrant. [CFA 26.06C]
  - 2) Once the FCIC hit has been confirmed, the subject shall be arrested and transported to the Clay County Detention Facility where the arrestee will be booked into the facility and allowed to purge out, if a purge is listed.
    - a) The only exception is if the defendant produces a *Payment of Child Support* receipt, (this will be the original, multi-colored copy of the receipt).
    - b) The member shall compare the information on the receipt with the information on the FCIC hit. If it matches, the subject is to be released, and not taken to the Clay County Detention Facility.
    - c) It is important to compare the case number and the date of issuance on the receipt with the information provided on the FCIC hit. Writs of Bodily Attachment are civil in nature. The civil process cannot be served on Sundays from 0001 hours to 2400 hours, unless a judge authorizes the service or authorization is written on the order itself.
    - d) If the hit falls into this time frame, and the FCIC printout does not specify service on Sunday is allowed, a *Field Investigation Report (FIR)* shall be completed on the subject, and then the subject shall be released. The FIR will be sent to the Clay County Sheriff's Office.
- c.** Should the validity of a warrant or *capias* be questioned, the verification procedure is as follows: [CFA 26.06C]
- 1) The Officer will contact their supervisor to advise them of the situation.
  - 2) Warrant information is available twenty-four (24) hours a day. [CFA 26.06E] The supervisor will call the GCSPD Dispatch to verify the validity with the entering agency holding the warrant/*capias*.
  - 3) If confirmation cannot be made because it cannot be confirmed the file data or the warrant/*capias* is valid, the subject will be released, and a *Field Interview Report* will be completed when needed.
- d. Transportation of Persons Arrested on a Warrant:**

- 1) Persons arrested under these circumstances shall be taken into custody and transported to the Clay County Detention Facility (if adult) by agency members or by agencies contracted by the Clay County District Schools Police Department. This shall be done as soon as possible.
- 2) If a subject arrested pursuant to a warrant is injured during an arrest, the subject shall receive treatment and/or be medically screened prior to being taken into custody by Clay County Detention Facility members. This medical screening and/or treatment shall be the responsibility of the arresting agency. Documentation of medical screening and/or treatment shall be provided to Clay County Sheriff's Office members prior to taking custody of the prisoner.
- 3) If the person arrested pursuant to a warrant has an injury which was not caused by the arresting agency, then any treatment of the injury will be the responsibility of the individual or the Clay County Detention Facility.
- 4) Persons arrested based on probable cause and who also have Clay County Warrants outstanding shall be processed in the same manner as a warrant arrest and transported to the Clay County Detention Facility.
- 5) Transportation of persons arrested by CCDSPD on probable cause, out-of-county warrants, or pickup orders shall be the responsibility of the CCDSPD. CCDSPD shall be responsible for completing all paperwork required for incarceration at the Clay County Detention Facility.

**e. Arrests on Out-of-Jurisdiction Warrants: [CFA 26.06B]**

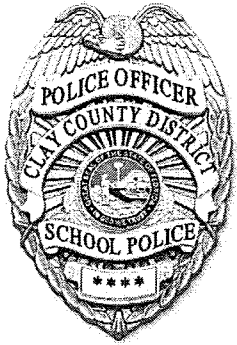
- 1) When NCIC or FCIC shows an outstanding warrant, written confirmation shall be obtained to indicate the warrant is active with the originating agency and the agency will extradite. [CFA 26.06C]
- 2) Upon confirmation of an active warrant and intent of extradition the subject shall be arrested, transported to the Clay County Detention Facility and an arrest affidavit completed.
- 4) If someone is detained because of a NCIC or FCIC hit and it is determined the entering agency will not extradite from Clay County, then the subject shall be released if there are no known local charges.

**4. Arrest Made From Within a Motor Vehicle; Vehicle Searches:**

- a. Officers shall conduct vehicle searches in accordance with federal and State of Florida laws.
- b. A consent to search form should be obtained/signed when applicable.
- c. When an officer impounds a vehicle incident to an arrest, an inventory search of the vehicle shall be conducted.

5. **Discretion:** Officers are cautioned to use discretion in the performance of their assigned duties, taking into consideration the conditions present at the time, the constraints of existing policy, statutes, laws, and ordinances pertaining to the situation, and the available alternatives and direction from supervisors.
- a. Upon execution of a notice to appear in court, persons arrested for misdemeanors, county ordinance violations or criminal traffic offenses should not be booked into the Clay County Detention Facility.
- 1) An accused person who has been properly identified and refuses to sign a *Notice to Appear*, *Criminal Citation*, *Citation requiring a court appearance*, or provide sufficient information for a *Notice to Appear* shall be arrested, transported, and booked in the Clay County Detention Facility.
- 2) The decision regarding an arrest should be made after careful consideration of the following:
- a) Whether the arrest would cause a greater risk of harm to the general public than not arresting the offender;
- b) Whether the offense can best be dealt with through informal warnings (i.e. warnings or talking with the parents of a juvenile offender);
- c) The seriousness of the crime committed; and
- d) Whether public empathy may be enhanced by careful use of discretion and potential ill-will can be avoided.
- 3) Release on Signature: If the arresting officer plans to release the defendant after securing a signature on a *Notice to Appear*, the following procedure shall be followed:
- a) The officer shall obtain positive identification from the accused; and
- b) The following information shall be included on the *Notice to Appear*:
- (1) The defendant's name, date of birth, employer, and correct address;
- (2) The correct statute or ordinance;
- (3) All required court information.
- c) A thumb print should be obtained if there is any question as to the suspect's identity.
- b. **Alternatives to Arrest:** [CFA 2.02] Not all arrestable offenses require the incarceration of the offender. Alternatives to arrest and pre-arraignment confinement may be utilized. These include, but are not limited to:

- 1) Subjects committing offenses under the influence of alcoholic beverages, narcotics, or suffering from mental disorders may be referred to the appropriate treatment facility;
  - a) Any officer utilizing the Marchman Act shall transport the subject to the central receiving facility and release the subject into their custody, in accordance with Florida. An *Offense/Incident Report* shall also be completed.
  - b) Any officer utilizing the Baker Act shall transport the subject to the closest central receiving facility and release the subject into their custody, in accordance with Florida Statutes. An *Offense Incident Report* shall also be completed.
- 2) The issuance of a citation or *Notice to Appear* for misdemeanors or violations of ordinances in accordance with the guidelines in this order;
- 3) Informal resolution of the problem;
- 4) A verbal or written warning prohibiting the conduct;
- 5) Referral to a community service organization;
- 6) Juveniles who may be released to the custody of a parent or legal guardian;
- 7) Juveniles who may receive a civil citation; and
- 8) Adults who may be referred to the Office of the State Attorney for the Fourth Judicial Circuit Pre-arrest Diversion Program.



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.02 Baker Act*

<b>EFFECTIVE:</b>	<b>REVISED:</b>	<b>RESCINDS:</b>
<b>August 1, 2019</b>		

### **A. PURPOSE**

The purpose of this policy is to outline the procedures regarding the handling of mentally ill persons. Officers will handle any suspected mentally ill person in the least restrictive way possible while protecting the patient, themselves, and others.

This entire procedure covers CFA Standard. 2.02

### **B. DEFINITIONS**

1. Mentally ill person – An individual who has one or more of the below listed tendencies and the impairment substantially interferes with their ability to meet the ordinary demands of living:
  - a. An impaired emotional process
  - b. Lacks ability to exercise conscious control of actions
  - c. Lacks ability to perceive or to understand reality

This does not include mental handicaps or developmental disability, intoxication, or conditions manifested only by antisocial behavior or substance abuse impairment.

2. Ex parte – A Latin term that means proceeding brought by one person in the absence of another. Based on the recommendation, testimony, etc., of a responsible person, a judge will order the pick-up of subjects who are considered a risk to themselves or to others if they are not taken into custody.
3. Court – Any Circuit or County Court within the State of Florida



4. Incompetent to consent to treatment – A person's judgment is so affected by their mental illness that the person lacks the capacity to make a well-reasoned, willful, and knowledgeable decision concerning their medical or mental health treatment
5. Receiving Facility – Any public or private facility designated by the Department of Children and Family Services and the Agency for Health Care Administration to receive and hold involuntary patients under emergency conditions or for psychiatric evaluation and to provide short-term treatment. This term does not include the Clay County Detention Facility.

### C. MENTAL ILLNESS INDICATORS

1. Crisis state defined

A precipitating event has occurred within the last forty-eight (48) hours and the individual's normal coping mechanisms have failed to resolve the situation. Officers evaluating the individual should determine if the individual has experienced any of the following:

- a. Usually a loss:
  - 1) The loss of a significant other (death, divorce, separation)
  - 2) Loss of employment
  - 3) Loss of health
  - 4) Financial loss
  - 5) Loss of self-esteem
  - 6) Loss of freedom (pending incarceration)
2. Illness/pain
3. Two (2) or more events within a relatively short period of time could increase the probability of suicide.
4. Behaviors to look for

Your role is not to diagnose. However, if you have a reason to believe that someone has a mental illness, you can decide whether or not that person may be putting themselves or others in danger, and therefore meet the criteria for a complete evaluation.

Individuals with mental illness who may need further evaluation typically exhibit a combination of the following behaviors or characteristics:

- a. Behaviors – rapid speech, flight of thought, no eye contact, quick movements, disconnected speech patterns, constant movement, lack of concentration, swift and frequent mood changes, disorganized thoughts, disoriented to time and place, acts of violence, cutting self, combative/aggressive behavior, inappropriate dress, or nudity
- b. Hallucinations – sees people who aren't there, hears voices telling them to hurt themselves or others, reports that the television is suggesting harm to others, turning the head as if listening to an unseen person
- c. Self-care issues – insomnia or increased sleep, has not eaten for days, not taking prescribed medications, home is in disarray, neglects household, property, or personal hygiene to the point of putting self/others at risk
- d. Feelings – low self-esteem with feelings of hopelessness or helplessness, flat affect, or not reacting with much feeling or interest
- e. Suicidal risks – has weapons or access to weapons, speaks about previous attempts, makes direct comments about dying or hurting self, evidence of previous attempts such as scars on the wrists
- f. Elderly issues – wandering at night, leaving things on the stove unattended, not eating, not sleeping, not caring for personal needs, unrealistic fears, uncontrollable anxiety, confusion, quantity and age of unused foods in the home
- g. Substance abuse – abuse of prescribed medications, use of alcohol or illegal substances while taking medications (If substance abuse appears to be the only issue, the Marchman Act may be more appropriate – refer to S.O.P. 3000.44)

#### D. VOLUNTARY EXAMINATION

Whenever possible, Officers should not be involved in voluntary examinations. When called on a voluntary case, the officer should attempt to have a family member or friend transport the person. In cases where the officer does transport, the transport will be to the closest authorized receiving facility unless prior supervisor approval is obtained to transport to an alternate facility.

1. Voluntary admissions will not be allowed if the subjects involved are violent to themselves or others.
2. An examination cannot be voluntary unless the person is competent to express an informed consent.
3. Persons over the age of sixty (60) that suffer from dementia and who live in a nursing facility must be examined by the appropriate medical staff to determine the ability of the person to give expressed and informed consent to treatment before such persons may be admitted voluntarily, Florida State Statutes (F.S.S.) 394.4625(1) (b).
4. Upon transporting the individual, the officer will escort them into the facility and explain the reason for the visit, giving any information that could be helpful to the staff. This ensures hospital staff is aware of any circumstances potentially posing a threat to their personnel or the patient. This also provides information to the Physician evaluating the patient. Should the patient attempt to leave prior to an evaluation, the Physician may use the information to determine if an involuntary Baker Act is appropriate.

#### E. INVOLUNTARY EXAMINATION

1. The criteria for an Involuntary Examination is contained in F.S.S. 394.463(1) which states that persons may be taken to a receiving facility for involuntary examination if there is reason to believe that they are mentally ill, and because of their mental illness:
  - a. They have refused a voluntary examination after conscientious explanation and disclosure of the purpose of the examination (and one condition of 2, a. or b. below exists) or
  - b. They are unable to determine for themselves whether examination is necessary and (one condition of a. or b. below exists)
    - (1) Without care or treatment, they are likely to suffer from neglect or refuse to care for themselves; such neglect or refusal poses a real and present threat of substantial harm to their well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services.
    - (2) There is a substantial likelihood that without care or treatment they will cause serious bodily harm to themselves or others in the near future, as evidenced by recent behavior.
2. The procedure for an involuntary examination of a suspected mentally ill person may be initiated by any one of the following:

- a. Court orders – A court may issue an ex parte order for involuntary examination.
  - (1) Officers or other designated agents of the court are required to take the person into custody and deliver them to the appropriate receiving facility. When possible, an officer who has received Crisis Intervention Team (C.I.T.) training shall be assigned to serve and execute the ex parte order.
  - (2) Officers shall either have the order in their possession or have knowledge that the order is in the possession of a Florida Sheriff's Office before taking the person into custody.
  - (3). Officers shall ensure the order or its true copy is left with the receiving facility.
  - (4) Officers may serve and execute the order on any day of the week, at any time of the day or night per F.S.S. 394.463(2)(c)(1)
  - (5) Officers may use reasonable force to gain entry to a building and to take custody of person(s) subject to order F.S.S. 394.463(2)(c)(2)
  - (6). The order is valid only until executed or, if not executed, for the period specified in the order. If no time limit is specified in the order, the order is valid for seven (7) days after the order is signed.
  - (7) Officers will complete an Incident Report entitled Assist Other Agency - Baker Act.
  
- 3. Law Enforcement Officers - Officers shall take persons who appear to meet the criteria for involuntary examination into custody. It is not necessary for the officer to witness the conduct which is the basis for the involuntary examination if there is a credible witness or witnesses to the conduct. In the event a credible witness gives a statement, the statements will be documented in written form on a Sworn Statement and attached to the incident report and the report of law enforcement officer. The officer will then deliver them or have them delivered to the appropriate receiving facility. Officers transporting persons who meet the criteria for an involuntary examination initiated by law enforcement are required to complete:
  - a. An Incident Report entitled Baker Act
  - b. A State of Florida form CF-MH-3052a Report of Law

Enforcement Officer

- c. A State of Florida form CF-MH-3100, Transportation to Receiving Facility Part 1. Part II is required only if the person is transported by ambulance
4. Professional Certificates - A licensed physician, psychiatrist, clinical psychologist, psychiatric nurse, or clinical social worker may execute a certificate stating that they have examined a person within the preceding forty-eight (48) hours and find that the person appears to meet the criteria for involuntary examination while stating the observations upon which that conclusion is based.
- a. Officers shall take the persons named in the certificate into custody and deliver them to the appropriate receiving facility for an involuntary examination.
  - b. Officers who transport persons who meet the criteria for an involuntary examination initiated by a licensed physician, psychiatrist, psychologist, psychiatric nurse, or clinical social worker are required to leave the certificate with the facility. House Bill 787: Agency for Health Care Administration (A.H.C.A.) amends FS section 408.804(3) to make it a second degree misdemeanor to alter, deface, or falsify a license certificate by A.H.C.A. The officer will upon completion of the transport use the disposition code B-1 to indicate this was a physician, psychiatrist, or etc. type transport to a mental health facility.
5. Seizing and Holding Firearms:
- a. Officers taking a person into custody may seize and hold a firearm or any ammunition the person physically possesses at the time of taking him or her into custody if the person poses a potential danger to himself or other and has made a credible threat of violence against another person.
  - b. If the officer takes custody of the person at the person's residence (***contemporaneous to an incident from a Clay County School District owned or leased property***) and the criteria in Section E., 5, .a have been met, the officer may seek the voluntary surrender of firearms or ammunition kept in the residence which have not already been seized under Section E., 5.,a.
  - c. If such firearms or ammunition are not voluntarily surrendered, or if the person has other firearms or ammunition that were not seized or voluntarily surrendered when he or she was taken into custody, an officer may seek a Risk Protection Order (RPO)

against the person. Refer to Risk Protection Order General Order.

- d. Firearms or ammunition seized or voluntarily surrendered must be made available for return no later than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged from any inpatient or involuntary outpatient treatment center provided or ordered; unless a risk protection order directs the law enforcement agency to hold the firearms or ammunition for a longer period of time, or the person is subject to a firearm purchase disability under Section 790.065(2), or a firearm possession and firearm ownership disability under Section 790.064. The process for the actual return of firearms or ammunition seized or voluntarily surrendered under this paragraph may not take longer than 7 days.

## F. MENTAL HEALTH RECEIVING FACILITIES

- A. Officers transporting persons for involuntary examinations shall, per F.S.S.394.463, deliver the person to the nearest receiving facility.

The nearest receiving facilities to Clay County are as follows:

1. ADULTS – Orange Park Medical Center, 2001 Kingsley Ave. Orange Park, Florida, 904-276-8500. A Memorandum of Understanding (M.O.U.) has been agreed upon between the Orange Park Medical Center and all county law enforcement agencies regarding Baker Acts. The M.O.U. provides the following procedures regarding law enforcement delivering an individual to the hospital that has been Baker Acted:
  - (1). Officer will advise dispatch to notify hospital security prior to arriving at the emergency room with a patient that has been Baker Acted.
  - (2) All Baker Acted patients will be taken immediately to a treatment area (They will not be placed in the emergency room lobby).
  - (3) Security will respond immediately when notified of the arrival of a Baker Acted patient.
  - (4) Patients will be undressed and placed in a hospital gown while law enforcement is still present.

- (5) Any contraband: weapons, illegal drugs, controlled drugs, intoxicating beverages, will be removed from the facility by law enforcement.

## 2. JUVENILES

- (1) Juveniles taken into custody will be taken to the nearest receiving center based on the incident location. The two (2) locations are:
  - a. Mental Health Resource Center, 3333 W 20<sup>th</sup> St Jax, FL 32254.
  - b. Meridian Behavioral Health Center – 4300 S.W. 13<sup>th</sup> Street, Gainesville, Florida.

- 3. ACTIVE MILITARY PERSONNEL – Active duty military members may be transported to the Naval Hospital at the Naval Air Station, Jacksonville, Florida.

- B. Officers will not remove a mentally ill person from a receiving facility under any circumstances except by court order or probable cause for arrest exists. The decision to remove/arrest the person will fall under the authority of the supervisor on duty and CCDSPD Lieutenant/Watch Commander. Once the facility has accepted the person, transportation for a medical problem or to a more secure facility is the responsibility of the receiving facility.
- C. Before an officer enters a secure area of any receiving facility all knives, firearms, and ammunition will be secured in their patrol vehicle or weapons locker if one is provided at the facility.

## G. TRANSPORTATION OF MENTALLY ILL PERSONS

- A. Officers will use handcuffs and any other restraining devices necessary when transporting suspected mentally ill persons in order to protect the person, the officer, and others. The restraining devices should restrain the persons securely without causing injury.
- B. All suspected mentally ill persons will be searched prior to transporting.
- C. If a mentally ill person requiring medical treatment is taken to Orange Park Medical Center by Officers or rescue personnel, the investigating officer will complete and submit a State of Florida form (CF-MK-3052a/Report of Law Enforcement Officer) and a State of Florida form (CF-MK-

3100/Transportation to Receiving Facility, Part I) to hospital personnel.

- D. Officers are not authorized to transport patients to private treatment facilities. Requests by public or private treatment facilities, hospitals, clinics, doctor's offices, residential treatment facilities, mental health half-way houses, etc., for the transportation of mentally ill persons shall be denied unless such requests are accompanied by a Physician's Certificate, or an ex parte court order.

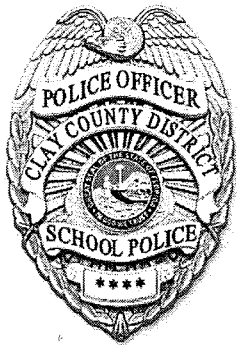
## H. INJURED MENTALLY ILL PERSONS

- A. Officers shall immediately call Rescue for treatment of mental patients with injuries requiring immediate attention.
- B. Officers transporting an individual for involuntary examination pursuant to the Baker Act shall, if that individual has a medical condition requiring treatment but not requiring Rescue, transport the individual to the nearest hospital providing emergency care. The officer shall complete the State of Florida form (CF-MH-3052a/Report of Law Enforcement Officer) and leave the completed form with hospital personnel. If the individual is to be examined pursuant to a court order or physician's certificate, the order or certificate shall be left with hospital personnel. The officer shall remain at the hospital until hospital personnel assume custody of the individual.
- C. Hospital personnel will arrange for the transportation of the patient to the mental health receiving facility after the medical problem has been treated.

## I. CRIMINAL CHARGES

Suspects who appear to be suffering from a mental illness and who are arrested and charged with a crime will be booked into the Clay County Detention Facility. The arresting/transporting officer will note in the arrest and booking report's narrative that the arrestee appears to meet the criteria for Baker Act and shall notify the Clay County detention officer in 1A control.





# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.03 Disciplinary Procedure and Standards of Conduct*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
August 1, 2019		

- A. PURPOSE:** The purpose of this general order is to establish procedures by which the Clay County District Schools Police Department shall discipline members who violate agency disciplinary standards, policies, orders or directives. These disciplinary procedures ensure that the Clay County District Schools Police Department administers disciplinary action in a consistent and equitable manner. This procedure shall establish lines of authority and responsibility for discipline, establish provisions for receiving and documenting complaints, outline criteria for review of certain disciplinary actions, and establish guidelines for administering disciplinary action. Such guidelines shall promote uniformity in the type and severity of discipline administered for specified violations.
- B. SCOPE:** The disciplinary standards set forth and procedures outlined herein are applicable to all Clay County District Schools Police Department members, interns, volunteers, auxiliary officers and part time officers.
- C. DISCUSSION:** These procedures by which Clay County District Schools Police Department supervisors shall discipline members are applicable to members who have attained permanent status as this term is defined in the glossary section of this order. The Clay County District Schools Police Departments not required to follow the disciplinary procedures established herein for members employed on a less than full time basis, or probationary members. Such members are considered to be "at will" members for purposes of administering discipline. The Clay County District Schools Police Departments not required to follow the disciplinary procedures established herein for volunteers, auxiliary officers or part time officers. Members of the Clay County District Schools Police Department are expected to abide by this General Order, agency policies, orders or directives, and may be disciplined for violating any provisions up to and including dismissal. In recognition of the fact each instance of misconduct differs from somewhat similar actions in many respects, the Chief retains the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future. The procedures in this General Order are not to be construed as a limitation upon the retained rights of the Chief.
- D. POLICY:** Members shall abide by the written directives of the agency. Members who fail to do so, and whose conduct constitutes misconduct, shall be subject to disciplinary sanctions as outlined in this general order.

**E. DEFINITIONS:**

**BUSINESS DAY** – Shall mean any day, Monday through Friday, excluding holidays.

**CONSTRUCTIVE DISCIPLINE** - A learning process that provides an opportunity for positive growth

**CONVICTION** - Shall mean an adjudication of guilt by a court of competent jurisdiction, a plea of guilty or *nolo contendere*, a verdict of guilty when adjudication of guilt is withheld, entering into a pretrial intervention (PTI) program, or civil citation.

**CUMULATIVE DISCIPLINE** -Shall mean a systematic approach to discipline in which prior offenses for which a member has been disciplined are used to determine the severity of the action to be taken for a current offense(s) even though the prior offense(s) may not be the same as the current offense.

**DISCIPLINARY PROBATION** - Shall mean a period of time in which the member will be closely supervised and monitored for improvement in performance as it relates to agency disciplinary standards. The Chief shall approve all recommendations for disciplinary probationary periods.

**DISCIPLINE** - Derived from the word disciple. A disciple is a learner. To train well; subject to orders; and to correct.

**FAILURE TO ACHIEVE MINIMUM PERFORMANCE STANDARDS** - Shall mean that minimum level of performance the Clay County District Schools Police Department expects its members to achieve. A failure to achieve the minimum performance standard will be documented using the evaluation system adopted by the CCDSPD.

**GROSS VIOLATION** - Shall mean a violation done consciously and knowingly, and without legal excuse.

**IMMEDIATE FAMILY** - Father, mother, spouse, children, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law, grandparent, grandchild, stepparent, stepchild, great grandmother, or great grandfather.

**INTERPERSONAL RELATIONSHIPS AMONG AGENCY MEMBERS** – Shall mean a member of the agency who is involved in a romantic or sexual relationship with another member of the agency. For the purposes of this policy, in addition to the traditional definition of a supervisor; lead workers, managers and F.T.O.s are also considered supervisors. An agency member shall include all members, paid or unpaid, full-time, part-time, auxiliary, volunteers, or interns.

**MEMBER** - Shall mean any sworn employee, including any duly authorized or and any non-sworn employee of County Clay County District Schools Police Department.

**MISCONDUCT** - Shall mean a violation by a member of agency disciplinary standards, policies, orders or directives.

**PERMANENT STATUS MEMBER** - Shall mean a member who has served in employment with the County Clay County District Schools Police Department for a period of one calendar year and is retained due to satisfactorily meeting all requirements of such employment. If a member is placed on disciplinary probation for a period of six months or is terminated and rehired at a latter date, said member shall be required to complete one calendar year of service from the date of the action before being granted permanent status. Any member who has achieved permanent status may only be disciplined for cause. Any member who is required to serve a probationary period attendant to a promotion shall retain permanent status, but may be demoted to their prior rank during such probationary period without the right of appeal in accordance with the Career Service Appeals Act.

**PROGRESSIVE DISCIPLINE** - Shall mean a systematic approach to discipline in which the penalty for violation of a disciplinary standard increases in severity each time a member repeats a violation of the same disciplinary standard.

**PUBLIC MEDIUMS** - A means of public communication, to include, but not limited to, newspapers, newsletters, advertisements, magazines, radio, social media, or television.

**PUNITIVE DISCIPLINE** - Involving punishment. A negative consequence in order to suppress undesired behavior.

**SOCIAL MEDIA** - A category of Internet-based and/or cellular based resources that integrate user-generated content and user participation. This includes, but is not limited to social networks (Facebook, Google+, etc.), on-line internet based information sharing (Twitter, Skype, YouTube, Craigslist, etc.) and cellular data exchange networks (cellular phone texting, Blackberry Messenger, Mobile Data Computers, etc.), wikis (Wikipedia), blogs and news sites (Digg, Reddit).

**SUSPENSION** - Shall mean a minimum of eight hours and a maximum of 120 hours without pay. Suspensions shall be for work days and does not include regular days off, holidays, or other days not normally worked.

#### **F. PROCEDURE:**

- 1. Violation of Disciplinary Standards:** It is the policy of the Clay County District Schools Police Department that members shall be disciplined pursuant to this general order for engaging in any conduct or activity prohibited by the Disciplinary Standards Section of this General Order, and any other policy, order or directive of the Clay County District Schools Police Department.
- 2. Failure to Achieve Minimum Performance Standards:** It is also the policy of the Clay County District Schools Police Department that the failure or inability to achieve the minimum performance standards or expectations that specifically

relate to a member's duties and responsibilities may not require disciplinary action pursuant to this general order. Disciplinary action, pursuant to this general order, may be administered to a member who has been involved in misconduct. A failure to achieve minimum performance standards may instead be handled in accordance with procedures designed to enhance the member's performance to include, but not be limited to, informal constructive action such as training, member performance evaluations, and extended performance probationary periods.

- a. A permanent status member, who fails to achieve the minimum performance required by the Clay County District Schools Police Department, after being given notice and an opportunity to improve his or her performance, may be dismissed. Efforts utilized to attempt to correct the deficiency shall be documented in memorandum form by the member's immediate supervisor and forwarded to the Chief, via the chain of command, with a recommendation.
- b. A non-permanent status member shall be considered to be an "at will" member under this section and therefore may be dismissed without notice and an opportunity to improve performance. A recommendation shall be made in memorandum form by the member's immediate supervisor and forwarded to the Chief, via the chain of command.

### **3. Countermanding Procedures:**

- a) The Chief may, at his/her discretion, authorize suspension of general orders, directives, procedures and policies when necessary for covert investigations, if a policy failure is discovered, or to achieve law enforcement objectives.
- b. Department Lieutenants may suspend or countermand a general order, directive, procedure or policy only when failure to do so would obstruct the achievement of objectives, or would otherwise be adverse to the Clay County District Schools Police Department. In such cases, written explanation will be immediately forwarded to the Chief.

### **1. Agency Directives:**

- a. Each member has access to the agency's directives through the intranet or they may request a copy of the directives through the Human Resources Section. [CFA 3.01]
- b. All members of the Clay County District Schools Police Department shall comply with agency directives.

### **5. Discipline for Misconduct:**

- a. **Informal Action:** Informal constructive disciplinary action is intended to mean that which is educational. It should be used as a training mechanism in order

to improve job performance, rather than being punitive in nature. Counseling shall be an informal constructive disciplinary action. [CFA7.02]

1) Counseling - means a verbal discussion between the supervisor and member wherein the supervisor shall identify the standard of conduct that the member may have violated and the member's conduct that may have violated the standard. Counseling is intended to improve member job performance and to remind members that future violations of the Clay County District Schools Police Department disciplinary standards, policies, orders or directives will result in further disciplinary action in accordance with this general order. Counseling will not be considered as formal discipline against the member. Any supervisor may counsel any member under his/her supervision. Supervisors who counsel a member as an informal constructive action may make a record of such counseling session. [CFA 7.02]

b. **Formal Action:** Formal disciplinary action is intended to mean that which is punitive in nature. The following types of formal disciplinary action are hereby established and, as a general rule, will be progressive in nature, unless the seriousness of the violation dictates a more harsh disciplinary action:

1) Written reprimand - means a written memorandum to the member identifying the disciplinary standard, policy, order, or directive that the member violated, the member's acts or conduct that violated the standards, including dates, times, and places. It shall also include a warning that future violations will result in a more severe disciplinary action in accordance with this general order. Written reprimands shall be placed in the member's personnel file. [CFA 7.02]

2) Suspension - means placing a member on leave without pay status. The member is relieved of all duties and compensation for the specified period of time. Upon suspension, if directed to do so by the member's Chief or designee, the member shall promptly surrender his/her agency issued firearm(s), building access device, assigned vehicle, badge and credentials to his/her immediate supervisor for safe keeping until his/her return to duty. During any period of suspension, a member is not permitted to take law enforcement action, to wear the designated duty uniform, or any part thereof. [CFA 7.02]

3) Dismissal - means termination of employment from the Clay County District Schools Police Department. [CFA 7.02]

4) The following types of formal disciplinary action may be imposed in addition to the types listed above. The following are not mandated in every case, but may be used when the circumstances of the particular case warrant imposition: [CFA 7.02]

a) Disciplinary probationary period - means placing a member on probationary status for a period of three months or six months. Recommendations for a disciplinary probationary period shall be

submitted to the Chief in writing by the member's Lieutenant and must be approved by the Chief prior to being imposed. Such recommendation shall include justifications for the disciplinary probationary period. Disciplinary probationary periods will have the effect of causing the member to lose their permanent status for the period they are on disciplinary probation and subsequent disciplinary sanctions administered during this time may not be appealed by the member.

(1) Members placed on disciplinary probation are not eligible to serve on any specialty team of the Clay County District Schools Police Department. At the time discipline is imposed, the member will be removed from the specialty team as a result of the disciplinary action.

(2) Members, removed from a specialty team due to disciplinary action, will be eligible to re-apply for a specialty team at the conclusion of the probationary period, when positions are available.

(3) The Chief, at his discretion, may review the circumstances of the case leading up to the disciplinary action of any specialty team member to determine if they can continue to serve in that capacity.

a) Reduction in rate of pay - means decreasing a member's base salary which usually, but not always is associated with reclassification of the member's position, or demotion of the member. Reduction in rate of pay does not include the taking away of an agency vehicle or salary additives.

a) Demotion - means removing a member from his/her designated position and placing him/her into another position which involves a reduction in rank, or generally less responsibility and may involve a reduction in base salary.

**c. Authority to Discipline:**

1) **Lieutenants, Sergeants, and Civilian Supervisors** may impose the following disciplinary action within their area of supervisory responsibilities: [CFA 7.03]

a) Written Reprimand, upon approval of the Chief.

2) Division Lieutenant may impose the following disciplinary action within their area of supervisory responsibility: [CFA 7.03]

a) Written Reprimand, upon approval of the Chief.

b) Suspension, upon approval of the Chief.

c) Disciplinary Probation of three or six months upon approval of the Chief.

- d) Any other disciplinary action so ordered by the Chief.
- 3) The Chief may follow the disciplinary guidelines or may impose any discipline that he believes to be in the best interest of the agency. Such discipline may include, but is not limited to, the following disciplinary action: [CFA 7.03]
- a) Written Reprimand;
  - b) Suspension;
  - c) Disciplinary Probation;
  - d) Reduction in Pay;
  - e) Demotion;
  - f) Dismissal; and
  - g) Any discipline deemed appropriate by the Chief, given the unique circumstances of the case.

**6. Disciplinary Procedures:**

a. **Effective Discipline:** For discipline to be effective it should not be a retaliatory measure and it must meet the following criteria:

- 1) Discipline shall be consistent with other discipline imposed for similar violations.
- 2) The discipline shall be impersonal.

b. **Emergency Administrative Leave by Member's Supervisor:** [CFA 2.07]

- 1) In extraordinary situations a member may be immediately placed on emergency administrative leave with pay by the member's supervisor. Cause for emergency administrative leave with pay shall include, but not be limited to:
  - a) When such member is apparently physically or emotionally unable to perform assigned duties;
  - b) When such member has been insubordinate and when such insubordination may cause immediate problems;
  - c) When such member has been involved in a criminal or immoral act;
  - d) When such member has reported for duty under the influence of an intoxicant and/or drug, or while on-duty consumes intoxicants and/or

drugs, unless the consumption is in accordance with the orders and the express approval of a physician, or allowed as a part of the member's official duties;

- e) When such member is in willful violation of any general order, policy, rule, or procedure and the supervisor believes immediate suspension is required;
- f) When it is necessary for the preservation of order and discipline;
- g) When the member's actions and behavior constitutes conduct unbecoming a public member;
- h) When the member's act or failure to act places co-workers and/or the public in danger.

2) The supervisor responsible for placing a member on emergency administrative leave with pay shall promptly forward a memorandum to the Chief, through the chain of command, with a copy going to CCDS Human Resources, detailing the circumstances surrounding the emergency administrative leave.

c. **Administrative Leave Pending Internal Affairs Investigation:** A member may be placed on administrative leave with pay by the Chief or designee, when there is an administrative investigation pending on the member and it is determined to be in the best interest of the agency. Administrative leave with pay shall not be required in every pending administrative investigation. Such leave shall continue in effect until it has been lifted by the Chief. [CFA 2.07]

d. **Restrictions on Members who are on Emergency Administrative Leave:**

- 1) A member placed on emergency administrative leave shall be available to be contacted during their normal business hours. The member shall provide a contact number or other means of being able to be immediately contacted.
- 2) When a member is placed on emergency administrative leave, the member's supervisor or Lieutenant shall secure the member's badge and/or identification card, building access device, agency issued firearm(s) and agency issued vehicle (if applicable). A receipt shall be issued to the member and a copy of this receipt shall remain a part of the case file.
- 3) Members placed on emergency administrative leave shall have no law enforcement authority, but they shall continue to be liable for any violation of the general orders, policies, rules, and procedures.
- 4) During the period members are placed on emergency administrative leave, they shall neither be permitted to wear the uniform nor work in law enforcement related extra-duty jobs. During the emergency administrative



leave members shall be required to honor subpoenas and shall testify truthfully, in civilian clothes.

- 5) The member's immediate supervisor or Lieutenant shall keep in contact with the member and shall advise the member of the status of the member's emergency administrative leave. The emergency administrative leave may be lifted at any time, and if so, the member shall be instructed to return to work.

**e. Action to be taken when a Member is under Criminal Investigation or has been arrested:**

- 1) The Chief may begin an investigation on a member as soon as it's learned that the member is under criminal investigation. Internal Affairs shall begin an investigation on a member in the event a member is arrested. The Internal Affairs investigation shall be conducted in addition to and concurrent with the criminal investigation.
- 2) A member who is under for committing a felony crime, or a misdemeanor crime involving dishonesty, a false statement or an immoral act, or a member who has already been arrested for committing one or more of these criminal acts, shall be placed on administrative leave with pay pending the finding of a investigation unless such action would jeopardize the criminal investigation. [CFA 2.07]
- 3) Upon a finding that the member violated agency disciplinary standards involving any felony, or any misdemeanor involving dishonesty, a false statement or an immoral act, the member shall be recommended for dismissal, in accordance with the procedures regarding imposing discipline. The Clay County School Board shall have final authority to dismiss a member, or to impose some other form of discipline, depending on the unique circumstances of the case.
- 4) The decision to impose disciplinary action shall be based upon a sustained finding in an investigation and not on the prosecution of the criminal case. While a criminal conviction is sufficient to prove that a member committed a crime, for the purpose of agency discipline, an acquittal does not prove that the member did not violate agency disciplinary standards. Therefore, a member may be disciplined for violating agency disciplinary standards based upon a sustained finding in an internal investigation, even though the member does not enter a plea or is not otherwise found to have committed the criminal act.
- 5) If, at a later time, the dismissed member is cleared of all criminal charges, or there are other unique circumstances as determined by the Chief, the member may reapply with the Clay County District Schools Police Department. The dismissed member shall fall under the same procedure as any other new applicant applying for employment.

f. **Receiving/Documenting/Investigating Complaints:** Complaints against members shall be received, documented and investigated according to *General Order* receiving complaints.

g. **Recommending Discipline:**

- 1) In determining the appropriate discipline to recommend, a completed review of prior discipline shall be obtained from the Human Resources Section. The review shall be included with the investigative report.
- 2) A disciplinary recommendation memorandum shall be completed and used to forward the recommendation.
- 3) The member's Lieutenant shall be responsible for the formal recommendation of discipline. The Lieutenant may consult with the member's supervisor(s) in arriving at the appropriate recommendation.
- 6) All recommendations for discipline shall be forwarded by the member's Lieutenant, to the member's Chief, respectively for review. The Chief shall have final approval before discipline is imposed in all formal disciplinary action, up to and including dismissal upon the Clay County School Board's approval.

h. **Imposing Discipline:**

- 1) **Written Reprimand:** When the discipline to be imposed is a written reprimand, the member's supervisor and Lieutenant may impose discipline after seeking the Chief's approval. The Chief must ultimately approve all discipline. [CFA 7.03]
  - a) A copy of any disciplinary action shall be forwarded to the Human Resources Section.
  - b) If the investigation is conducted by the member's supervisors, a copy of the investigative report and any disciplinary action shall be forwarded to Human Resources.
- 2) **Suspension of 40 hours or Less:** When the discipline to be imposed is a suspension of 40 hours or less, the Chief, or designee, may impose discipline once it has been approved by the Chief and the Clay County School Board. [CFA 7.03]
  - a) A copy of any disciplinary action and the final report shall be forwarded to Human Resources. The Chief or designee will notify the member of the disciplinary.
  - b) If the investigation is conducted by the member's supervisors, a copy of the investigative report and any disciplinary action shall be forwarded to the Human Resources.

- c) If the discipline that is imposed involves a suspension, the Human Resources Section and/or payroll shall coordinate with the disciplined member's supervisor for proper salary amendments.
  - d) Members have 5 business days to make a written appeal regarding the proposed discipline to the Chief, or designee.
  - e) The member will submit their oral or written statements, or both, to the Chief for review.
  - f) The Chief will review the information provided by the member. The Chief will either affirm or alter the proposed discipline as he deems necessary to be in the best interest of the agency. The Chief's final decision shall be forwarded to the Human Resources Section Supervisor.
- 3) **Suspension of More Than 40 hours/Reduction in Rate of Pay/Demotion/ Dismissal:** When the discipline to be imposed is either a suspension of more than 40 hours for any independent conduct violation, a reduction in the rate of pay, a demotion or a dismissal, the Chief, or designee, may impose discipline as follows: [CFA 7.03]
- a) Once the discipline has been approved by the Chief the final report will be forwarded to the Human Resources. The Chief or designee will notify the member of the disciplinary action and refer them to the Human Resources Section. The Chief or designee will forward the final report to the Human Resources Section. The Chief, or designee, shall deliver to the member a *Notice of Proposed Disciplinary Action*.
  - b) Discipline shall be imposed in accordance with the procedures set forth in subsections j, k and l of this General Order.
  - c) The Chief shall forward a copy of the *Notice of Proposed Disciplinary Action* to the member's Lieutenant.
  - d) If the investigation is conducted by the member's supervisors, a copy of the investigative report and any disciplinary action shall be forwarded to the Lieutenant. The Chief or designee will forward the report and disciplinary action to Human Resources.
  - e) If the discipline that is imposed involves a suspension, reduction in the rate of pay, a demotion or a dismissal, the Human Resources Section/Payroll shall coordinate with the disciplined member's supervisor for proper salary amendments.
  - f) If the discipline results in dismissal of the member, Chief and Lieutenant will meet with the employee. The Chief or designee will make formal notification of the member's dismissal.

4) After arriving at a final decision to impose discipline, the Chief reserves the right to impose any such discipline which is fair and equitable and which is in the best interests of the agency.

i. **Notice of Proposed Disciplinary Action:** The following procedures shall apply to disciplinary actions which consist of a suspension of more than 40 hours for any independent conduct violation, a reduction in pay, a demotion or a dismissal.

1) Prior to imposing the discipline, the Chief or Designee shall provide the member with written notification of the proposed disciplinary action by hand delivery or by certified mail. The notice shall include:

a) The date the Clay County District Schools Police Department proposes to take final disciplinary action; [CFA 7.04B]

b) The specific charges or reasons for the disciplinary action; [CFA 7.04A]

c) The identification of any documents on which the charges are based;

d) A statement advising the member that he/she may, within two working days of receipt of the notice, submit a request in writing, to be placed in their personnel file, to the Human Resources Section for scheduling of a predetermination conference in order to make an oral or written statement or both to the Clay County District Schools Police Department to refute or explain the charges. The notice shall give the name, address, and telephone number of the Human Resources Section Supervisor. The notice shall advise the member that the predetermination conference will be held prior to the proposed effective date of the disciplinary action at a time and place determined by the Clay County District Schools Police Department; [CFA 7.04D] [CFA 7.06]

e) The member may waive all rights of appeal; and

f) The member may resign voluntarily, waiving rights of appeal. This option is presented only in certain cases as approved by the Chief;

2) A member personally served with a *Notice of Proposed Disciplinary Action* shall promptly acknowledge the receipt by signing the notice. The signing of the notice by the member does not indicate that the member is admitting to the charges. By signing the notice, the member is only acknowledging that he/she has received notification of the proposed disciplinary action and the right to a predetermination conference. If the member refuses to sign, the deliverer shall sign and date the notice and shall indicate the member's refusal to do so. A mailed notice shall constitute full and complete notice, even if the mail is refused or ignored by the member.

3) During the period between receipt of the notice of proposed disciplinary action and the effective date of the discipline, the member shall be placed on administrative leave with pay if the proposed disciplinary action is

dismissal. If the proposed disciplinary action is anything other than dismissal, the member may be expected, at the agency's discretion, to perform his/her usual duties without disruption.

**j. Name Clearing Hearing:** Members who have been dismissed from employment with this agency while the member is still in a probationary status (non-permanent status employee) are not entitled to a hearing pursuant to the Clay County District Schools Police Department and Clay County School Board Policy. The purpose of the Name Clearing Hearing will be to allow the member to have an opportunity to present information to be included in his/her Internal Affairs file concerning the incident that led to his/her dismissal.

**k. Deduction of Leave:** A member who has been summarily relieved of duty with pay or placed on administrative leave with pay pending the finding of an administrative investigation, shall have leave deducted for such period of time if the final disciplinary action is upheld.

**l. Guidelines for Administering Disciplinary Action:** The disciplinary standards established herein are to be applied in both a progressive and cumulative manner, including consideration of prior violations.

1) Considering the nature and severity of the member's violation, including concurrent and previous violations, and including prior violations of disciplinary standards, policies, orders or directives established by prior Clay County District Schools Police Department policy statements, the impact of the violation upon the ability of the member and/or his/her co-workers to perform their assigned duties, and the overall work record of the member.

2) For modifying or correcting the member's behavior in order to assist him/her to become a more valuable resource to the Clay County District Schools Police Department or, if necessary, to promote a positive working environment for all agency members.

3) To maintain the integrity of the Clay County District Schools Police Department in its efforts to fulfill its mission.

**m. Extraordinary Disciplinary Action:**

1) In extraordinary situations where the retention of a permanent status member would result in damage to property, would be detrimental to the best interest of the Clay County District Schools Police Department, or would result in injury to the member, a co-worker, or some other person, the Chief may immediately suspend without pay, or dismiss the member for cause, provided the member is given notice thereof and reasons therefore within twenty-four hours afterwards. Written notice of the action, the charges and supportive evidence necessitating the action, the effective date of the dismissal (if applicable) and an opportunity to explain or refute the charges (predetermination conference) shall be provided to the member as soon as

practicable following the member's suspension or dismissal. [CFA 7.04D]  
[CFA 7.06] [CFA 2.07]

- 2) Nothing contained in this General Order shall prevent the Chief, or designee, from recommending or imposing the maximum penalty of dismissal based on just cause and circumstances.
  - n. **Recording Disciplinary Action:** The Human Resources Section shall have the responsibility to record all disciplinary action in the member's personnel file. The Custodian of Records for Internal Affairs shall have the responsibility to keep closed supervisory investigative reports case files in a secure location. [CFA 20.01F]
  - o. **Payroll:** In the case of suspension, demotion, or dismissal, the member's Lieutenant shall notify the Human Resources Section for payroll purposes. The Lieutenant shall also provide the Human Resources Section with the dates of suspension.
  - p. **Fringe and Retirement Benefits:** A member shall be provided with a statement of the status of fringe and retirement benefits after dismissal. [CFA 7.04C]
  - q. **Employment Record:** A member shall be provided with a statement as to the content of his/her employment record relating to the dismissal, if so requested.
7. **Disciplinary Standards:** The disciplinary standards established herein reflect the high ethical, moral, and professional standards deemed necessary to maintain public confidence in the integrity and ability of the Clay County District Schools Police Department to fulfill its mission. Violation of any of these Disciplinary Standards, any policies, orders or directives shall be considered misconduct and shall be grounds for disciplinary action pursuant to the agency's Disciplinary Procedures. Supervisors shall refer to and comply with the Clay County District Schools Police Department Disciplinary Procedures when administering disciplinary action. Members shall not commit any acts which constitute a violation of the Disciplinary Standards, policies, orders or directives. [CFA 7.01]
- a. **Improper Conduct Offenses:**
    - (002) **Home Address/Home Telephone Number Confidential:** Members shall treat the home address, all telephone numbers of co-workers and their family, as confidential. Such information shall be released only when authorized by supervisory authority, or with consent of the co-worker concerned .
    - (004) **Radio Transmissions:** Members shall use official radio channels in compliance with established policy. Members shall not use sarcasm, impertinent remarks, or other improper or inappropriate radio transmissions, and shall not knowingly allow unauthorized persons to utilize agency radios .
    - (005) **Neighborhood and/or Family Disputes:** Members shall avoid personal involvement in neighborhood controversies or family disputes. Such disputes

shall be processed by on-duty deputy Chiefs. Members shall not attempt to exercise authority or to make arrests in their own quarrels, but shall contact a superior officer who shall cause the matter to be investigated and action taken by impartial members having no personal interest in the dispute .

- (006) **Name to be Given Upon Request:** Members shall give their name and rank or position, if applicable, in a respectful and courteous manner to any person requesting such identification while on duty, or in uniform, or when otherwise recognized as a member of the agency, unless engaged in covert duties .
- (007) **Agency Motor Vehicle Crashes:** Members who are involved in a traffic crash resulting in injury or property damage, while on-duty or while operating an agency vehicle, shall not make any statements of liability, and shall not make any statements concerning the responsibility for such crashes, or inform the parties that the county or the agency will pay for damages even though the agency member may be at fault. Members shall comply with policy as set forth in the vehicle crash general order .
- (011) **Wearing of Uniforms While Under Disciplinary Suspension:** Members shall not wear the official uniform of the Clay County District Schools Police Department while under disciplinary suspension .
- (012) **Recommending Attorneys or Bail Bondsmen:** Members shall not recommend or suggest to any person arrested, or to any prisoner, or to any other person concerned with a prisoner in custody, the employment or hire of any specific attorney or bail bondsman .
- (013) **Acting as Surety or Guarantor:** Members shall not become surety or guarantor, or go on the bond of, or furnish bail for any person arrested and charged with a crime, except members of their immediate family .
- (014) **Use of Prescription Drugs While on Duty:** Members shall not report for duty, while taking lawfully-prescribed medications likely to impair normal physical and mental faculties without first obtaining the approval of their supervisor. Members shall not operate agency vehicles or duty equipment while under the influence of prescribed medications likely to impair normal physical or mental faculties .
- (016) **Use or Odor of Alcoholic Beverages While on Duty:** Members shall not consume, ingest, or partake of intoxicating liquors or alcoholic beverages of any kind while on-duty, except as authorized in the performance of official duties. Members shall not report for duty, be on-duty, or be on an on-call status with the odor of alcoholic beverages upon their breath (except when necessary in performance of covert duties), or while under the influence of alcohol or other drugs.
- (017) **Controlled Substance:** Members shall not consume, ingest, or partake of any controlled substance, nor shall any member unlawfully or without a lawfully obtained prescription possess or obtain any controlled substance as defined in Chapter 893, Florida Statutes. No member shall report for duty or be on duty

while taking any controlled substance unless approved by the member's immediate supervisor.

- (018) **Drinking Alcoholic Beverages/Misuse of Agency Identification While Drinking:** Members while off-duty and drinking alcoholic beverages and/or frequenting premises established primarily for consumption or sale of alcoholic beverages, shall do so only as private individuals and shall not bring discredit upon the agency nor shall the member or member voluntarily display agency identification, unless necessary to perform official duties.
- (019) **Abuse of Official Identification:** Members shall maintain the security of their official agency identification, and shall not lend their identification card or badge to another person, or permit it to be photographed or reproduced.
- (020) **Abuse of Agency Equipment:** Members shall not intentionally or by negligence, lose, abuse, misuse or damage agency equipment.
- (020-A) **Misuse of Agency Equipment:** Members shall properly maintain and utilize agency equipment, including computer equipment, for its intended purpose, in compliance with agency policy.
- (021) **Use and Handling of Weapons:** Members shall use or handle agency issued/authorized weapons, lethal or less lethal, in a careful and prudent manner, on or off-duty. Agency issued/authorized weapons shall only be used for their intended purpose. Weapons shall not be left unattended (knowingly or by neglect) where they are easily accessible to unauthorized persons and members shall not knowingly relinquish such weapon(s) without just cause or extenuating/exigent circumstances. Weapons shall be used in compliance with the law and agency policy.
- (021-A) **Gross Misuse or Mishandling of Weapons:** Members shall not intentionally or negligently misuse or mishandle a weapon so as to cause harm to another person.
- (022) **Improper Use of Official Position:** Members shall not use their official position or identification to gain free or reduced admission to any public event or place of amusement, and shall not allow their position to be used to gain favors, privileges, or unfair advantage for themselves or others that would not normally be due, except in the course of official duties or as authorized by the Chief. [CFA 7.01]
- (022-A) **Misuse of Official Position:** Members shall not use their official position to harass, threaten or coerce any person.
- (023) **Misdirected Action/Interfering with Official Investigations:** Members shall not interfere with cases being investigated by co-workers or other governmental agencies. Members shall not undertake any investigation or other official action not part of their regular duties, unless ordered to do so or approved by a supervisor, unless the intervening member reasonably believes that failure to



act would result in an injustice, or the exigencies of the situation require immediate action.

- (025) **Recognition and Exposure of Undercover Officers:** Members shall protect the identity of co-workers who are engaged in covert operations. Members shall not place a co-worker, or any covert operation, in jeopardy through public acknowledgment of the co-worker or the operation.
- (027) **Communicating Confidential Information:** Members shall maintain the security of confidential information, and shall not knowingly communicate or give confidential information to unauthorized third parties. Members shall not divulge the identity of informants, except as approved by a superior or as required by law. Members shall not divulge the details of an active criminal or internal investigation, except as authorized.
- (027-A) **Misuse of Criminal Justice Information:** Members shall not access and/ or disseminate information obtained through the Criminal Justice Network for purposes that are not authorized. Members shall only disseminate information to individuals authorized to obtain Personally Identifiable Information as defined in **Computer Systems, Electronic Mail, and Cellular Telephones CCDS Policy**. Agency members shall not violate FCIC/ NCIC or III rules, regulations, or operating procedures.
- (027-B) **Misuse of Driver and Vehicle Information Database (DAVID):** Members shall not access and/or disseminate information obtained through DAVID for personal use or non-official purposes Computer Systems, Electronic Mail, and Cellular Telephones. Misuse of DAVID includes accessing Emergency Contact Information (ECI) for purposes prohibited in the Memorandum of Understanding (MOU) with Department of Highway Safety and Motor Vehicles (DHSMV).
- (028) **Handling Monies and Property:** Members shall deliver money and other property coming into the possession of the member, which does not belong to such member, to the proper custodian and make a report of the transaction.
- (029) **Processing Property and Evidence:** Members shall process all property and evidence that has been received in connection with official agency duties in compliance with the law and agency policy.
- (030) **Misuse of Property and Evidence:** Members shall not appropriate/convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold either on a temporary or permanent basis any property or evidence found, stolen, or recovered in connection with an investigation.
- (032) **Interpersonal Relationships Among Agency Supervisors/ Subordinates:** Members who hold a supervisory position are precluded from pursuing or engaging in an interpersonal relationship with an agency member they directly supervise. A supervisor may however, be in the chain of command of another member with whom he/she has an interpersonal relationship as long as they do not work on the same shift and they are not in the same division, section, or unit.

- (032-A) **Sexual Relations with Victims and Witnesses:** Members shall not engage in a sexual relationship with a person who they either knew or should have known is a crime suspect, victim or witness, through their official capacity at the Clay County District Schools Police Department, as long as the criminal case is active. A case is considered "active" as long as it is related to an on-going investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future, or it is directly related to pending prosecution or appeals. The case is considered "inactive" if the victim signs a request for non-prosecution. It shall be the responsibility of the member to affirmatively determine whether the case is still active. This not only applies to the member assigned the investigation; it applies to all members, even if the member isn't associated with the investigation. This does not apply to relationships that existed before the reported incident involving the victim or witness.
- (033) **Excessive or Unnecessary Force Not Resulting in Injury:** Members shall use only that level of force necessary to perform official duties; and shall not strike or use force on any person, except when necessary in self-defense, in defense of another, to overcome actual physical resistance to arrest, or to prevent escape in compliance with agency policy. Any use of force shall be reported in compliance with agency policy.
- (034) **Excessive Use of Force Requiring Medical Treatment:** Members shall only use that level of force necessary to perform official duties, and shall not strike or use physical force on any person to the extent that the person requires professional medical treatment, except when necessary in self-defense, in defense of another, to overcome actual physical resistance to arrest, or to prevent escape. Any use of force resulting in or need for medical treatment shall be reported in compliance with agency policy.
- (035) **Use of Lethal Force:** Members shall not use lethal force except in compliance with the law and agency policy.
- (036) **Untruthfulness Not in an Official Proceeding:** Members shall speak truthfully, and shall not knowingly make false or untrue statements.
- (037) **Untruthfulness in an Official Proceeding and in Official Reports:** Members shall speak truthfully in any official proceeding, including but not limited to, criminal or civil court proceeding, depositions, administrative hearings, and administrative investigations. Members shall not knowingly be untruthful in, or falsify, any official report, including but not limited to agency incident reports.
- (039) **Sexual Harassment:** Members shall not engage in any conduct defined as sexual harassment and shall comply with agency policy found in the *Sexual Harassment General Order*. [CFA 7.07]
- (040) **Harassment or Discrimination:** Members shall not engage in any conduct defined as racial, gender or any other harassment or discrimination. Members shall not make derogatory remarks concerning race, gender, age, or national

origin to any person, including co-workers and the public. Members shall comply with agency policy found in the *Harassment in the Workplace General Order (Level Four Violation)*. [CFA 7.07]

- (041) **Chain of Command:** Members shall adhere to the organizational chain of command in the conduct of regular duties, except where necessary to maintain the morale and/or integrity of the agency, or in case of justifiable personal need (*Level One Violation*).
- (042) **Standard of Conduct/Integrity:** Members shall not engage in any conduct that constitutes conduct unbecoming an officer, or any act that is likely to adversely affect the discipline, good order, or reputation of the agency, or that tends to compromise the integrity of the member, to include violating agency written directives. Members shall refrain from any conduct that detracts from or adversely affects public faith and trust in the agency. [CFA 7.01]
- (042-A) **Standard of Conduct/Integrity - Gross Violation:** Members shall not engage in any conduct that constitutes a gross violation regarding conduct unbecoming an officer, or any other act that is likely to severely affect the discipline, good order, or reputation of the agency, or that may compromise the integrity of the member, to include violating agency written directives. Members shall not participate in any conduct that may grossly detract from or severely affect public faith and trust in the agency, including but not limited to, being arrested for a felony, or a misdemeanor involving dishonesty, perjury, a false statement or an immoral act. [CFA 7.01]
- (043-A) **Respect toward Others:** Subordinates shall display respect toward superior officers. Supervisors shall treat subordinates with respect. Members shall treat co-workers and the public with respect and shall be polite and courteous in contacts with the public. Members shall address superior officers by proper rank or title when conducting official agency business or in the public.
- (044) **Unauthorized Practices Utilizing Public Mediums:** Members shall not depict themselves or another agency member through any public medium, to include but not limited to video web cams, personal web sites, interactive networks i.e. Myspace and Facebook, and/or blogs, in a way that identifies the member as being employed and/or affiliated with the agency and which displays or represents photos, wording or content which is unethical, slanderous, derogatory or is likely to adversely effect the discipline, good order, or reputation of the agency, or that tends to compromise the integrity of the member.
- (044-A) **Unauthorized Practices Utilizing Public Mediums - Gross Violation:** Members shall not depict themselves or another agency member through any public medium, to include but not limited to video web cams, personal web sites, interactive networks i.e. Myspace and Facebook, and/or blogs, in a way that identifies the member as being employed and/or affiliated with the agency and which displays or represents photos, wording or content which is grossly unethical, slanderous, criminal, pornographic by societal standards, derogatory or is likely to severely effect the discipline, good order, public faith and trust, or

reputation of the agency, or that tends to compromise the integrity of the member.

- (045-A) **Bullying and Threatening Others:** Members shall maintain self-control and self-discipline at all times and shall never bully others nor make threats to them. Members shall never argue with, or use abusive or threatening language or gestures toward others, including co-workers.
- (046) **Insubordination:** Members shall display respect toward superior officers, and/or shall not refuse to obey a lawful order given by a superior officer.
- (046-A) **Gross Insubordination:** Members shall not engage in mutinous conduct such as showing gross and direct disrespect toward a superior officer, and/or shall not knowingly and deliberately refuse to obey any lawful order given by a superior officer.
- (048) **Association with Criminals:** Members shall avoid regular or continuous associations with persons who the member knows, or should know, are persons under criminal investigation or indictment, or persons who are known to be involved in an ongoing criminal enterprise, except as necessary in the performance of official duties or with a family member.
- (049) **Use of Chewing Tobacco Products:** Members shall not use chewing tobacco, snuff, cigarettes or other such products while on duty and in public view.
- (052) **Unlawful Orders:** Supervisors shall not issue any order or command which he/she knows is contrary to any law, ordinance, or agency written directive (*Level Two Violation*).
- (054) **Associating with Inmates:** Members shall not fraternize with or perform favors for any person in custody within the Clay County Jail or any other jail.
- (055) **Custody/Treatment of Arrestees & Inmates:** Members shall treat arrestees and inmates humanely and shall not subject them to physical abuse (*Level Two Violation*).

b.

- (060) **Commission of a Crime:** Members shall not be charged with a felony, or a misdemeanor involving dishonesty, perjury, a false statement or an immoral act.
- (062) **Prompt Reporting:** Members arrested or charged with violation of any criminal law (regardless of jurisdiction), or who are aware that they are under criminal investigation, shall promptly notify his/her immediate supervisor and provide a copy of a written offense report and/or a written self-account to the Chief within three business days of the date of arrest describing all charges.

c. **Neglect of Duty Offenses:**

- (063) **Abuse of Rest Periods:** Members shall take only the specified amount of time for a meal or rest period in compliance with agency policy and school board policy.
- (064) **Tardiness:** Members shall report for duty, properly prepared, at the time and place required for assignments.
- (065) **Failure to Respond to Subpoena:** Members shall promptly respond to all subpoenas.
- (066) **Response to Radio Calls:** Members shall respond, without delay, to radio calls for service and shall perform their duties in a thorough manner. No member shall fail to answer any call directed to him/her (*Level Three Violation*).
- (067) **Monitoring Agency Radio:** Members shall monitor the active-voice radio frequency when operating an agency vehicle, while on or off duty and while working an extra duty assignment (*Level One Violation*).
- (068) **Completion of Reports and Documents:** Members, whose job assignment so requires, shall complete and submit all reports and documents and such shall be done in a timely manner. All members shall complete reports prior to concluding their tour of duty, except as authorized by a supervisor.
- (069) **Disregarding Job Duties by Neglect:** Members shall be attentive to their job duties and shall avoid any appearance of loafing, loitering, or otherwise neglecting work while on duty.
- (070) **Willful Neglect of Job Duties:** Members shall be attentive to their job duties, and shall not knowingly refrain or cause another to refrain from the performance of lawful duties. Members shall not, by intentional act or omission, knowingly refrain from the performance of lawful duties required for the safety of co-workers or for the public, even when such neglect could have, but does not, result in danger to life or property.
- (071) **Endangering Others Through Neglect of Job Duties:** Members shall be attentive to their job duties and shall take appropriate action in response to emergency situations where there is a known danger to the lives of others, and in response to serious crimes, particularly those of a violent nature, that come to their attention while on or off duty.
- (072) **Cowardice:** Members shall perform their required duties, and shall not avoid such duties because of fear or cowardice. Members shall not fail to come to the aid of a co-worker who is already engaged in an imminently hazardous situation.
- (075) **Failure to Work Overtime/Special Hours:** Members shall report for duty when assigned to work overtime, special hours (mandatory hours), special shifts, or special duty assignments.

- (076) **Avoiding Work by Failure to Contact Supervisor:** Members shall not avoid work assignments by failing to return a supervisor's telephone call, page or other such message.
- (077) **Failure to Report Injury:** Members shall immediately, or as soon as practicable, report all personal injuries sustained while on duty to their supervisor, in compliance with CCDS/agency policy.
- (078) **Failure to Report a Motor Vehicle Crash:** Members shall immediately report motor vehicle crashes involving agency vehicles, in compliance with CCDS/agency policy.
- (079) **Failure to Report Loss or Damage of Agency Issued Badge, ID Card or Equipment:** Members shall immediately, or as soon as practicable, report the loss or damage of an agency issued badge, identification card or equipment to a supervisor.
- (081) **Notification of Correct Address and Telephone Number:** Members shall keep the agency informed of their correct residence address in accordance with agency procedures for reporting change of address or status. Members are required to have current telephone service (which may include cell phone service) and are required to keep the agency informed of the correct telephone number, in compliance with agency policy for reporting change of address or status.
- (082) **Carrying Identification:** Members shall carry on their person their commission (Badge or Identification Card) at all times when carrying a concealed firearm, except during covert assignments.
- (084) **Court Attendance:** Members shall be punctual in court attendance, dressed appropriately, and properly prepared.
- (085) **Reporting Violations of General Orders:** Members knowing of other agency members violating general orders of the agency or conduct which warrants an internal investigation shall promptly report such violations to their supervisor.
- (085-A) **Reporting Violations of Laws or Ordinances:** Members knowing of other agency members violating laws or ordinances shall promptly report such violations to their supervisor.
- (086) **Sleeping on Duty:** Members shall not sleep on duty.

**d. Attendance and Leave Offenses:**

- (087) **Absence without Authorized Leave:** Members shall not be absent from work without first obtaining approval from their immediate supervisor in compliance with agency policy. In the case of an illness or emergency where a member must be absent prior to receiving approval from his/her immediate supervisor, the member shall notify his/her immediate supervisor and explain the circumstances necessitating the absence at least one hour prior to the

scheduled time for reporting for duty. Members shall state the circumstances or situation necessitating their absence from work in a truthful manner, and no member shall fail or refuse to report to work on any day which a member had requested authorized leave, but such request was denied.

- (088) **Misuse of Sick Leave:** Members shall not feign illness or injury, or falsely report themselves, or a co-worker, ill or injured, or otherwise deceive or attempt to deceive any supervisor as to the condition of their health, or their co-worker's health, for purposes of avoiding normal duties through use of accumulated sick leave. Sick leave is to be used only for a member's personal or allowed family illness in compliance with CCDS/agency policy. Sick leave shall not be used for absences for which annual or other types of leave should be used. A pattern of sick leave hours taken on the day preceding or following the member's regular days off or holidays, or taken on the same day of each week or month, shall be prima facie evidence of misuse of sick leave.
- (089) **Remaining at Home After Reporting Sick:** Members shall remain at their place of residence while on sick leave or to cause prompt notification of an on duty supervisor with a location where they may be reached. Members may, however, leave their place of residence for short durations as necessary for obtaining medical aids or assistance, food or sustenance, or to exercise the civil right to vote.
- (089-A) **Unauthorized Activity While on Sick Leave:** Members shall not work extra duty details and/or off duty employment within sixteen (16) hours after taking sick leave (or in situations where sick leave is exhausted, any other leave) due to the illness or injury of the member, or due to the illness or injury of a family member or other such person under the care of the member, without prior approval by the Chief or designee.
- (090) **Fraudulent Claim For Insurance:** Members shall not feign illness or injury, or falsely report themselves, or a co-worker, ill or injured, or otherwise deceive or attempt to deceive any supervisor as to the condition of their health, or their co-worker's health, for the purposes of making a fraudulent claim for insurance, Workers' Compensation, or disability retirement.
- (091) **Excessive Absenteeism:** Members shall not excessively be absent from their work assignment. Repeated absences on the day preceding or following the member's regular days off or holiday, repeated absences on the same day of each week or month, or that otherwise establish a pattern of absenteeism shall be considered excessive, regardless of whether such absences were authorized by an immediate supervisor. Nor shall a member deplete their accrued hours of leave or take in excess of their leave balance without approval.
- (091-A) **Failure to Attend Training:** Members shall attend scheduled in service training, unless they are excused. Members shall participate in and/or successfully complete remedial training after notice has been given of the requirement to participate in such training. [CFA 10.04D]

(092-A) **Abandonment of Position:** Any member who takes leave without authorization, who does not report for duty or contact his/her supervisor, shall after three days absence, be considered to have abandoned his/her position).

e. **Outside Employment and Activities, Gifts, and Conflict of Interest Offenses: [CFA 7.01]**

(093) **Endorsements/Testimonials/Lobbying Activity:** Members shall not participate in lobbying activity, endorse any commodity, service or commercial enterprise either verbally or by permitting the use of their name, photograph, or official title identifying the member as a member of the agency, including the use of the agency's uniform and/or patrol vehicle, in any testimonial, advertisement, or political campaign, without prior authorization from the Chief. [CFA 7.08; FCAC 1.09]

(093-A) **Campaigning and Political Practices:** Agency members shall not participate in campaigning, and political practices prohibited by Florida Statute 104.31. This includes campaigning for political office while on duty, and/or political activities involving coercion. [CFA 7.08; FCAC 1.09]

(094) **Misrepresentation/Speeches (With Adverse Effect):** Members shall obtain the prior approval of the Chief before making any formal public appearance or publishing any article, or releasing any official information that is not within their official duties when such speech, appearance, or publication has, or is likely to have, an adverse effect upon the agency.

(095) **Gifts and Favors:** Members shall not solicit or accept gifts, favors or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties. Members shall not solicit or accept compensation for services performed in the line of duty, other than that which is paid to them by the agency. These limitations are not intended to prohibit the acceptance of gifts of negligible value which are distributed generally, or to prohibit the member from accepting social courtesies which promote good public relations.

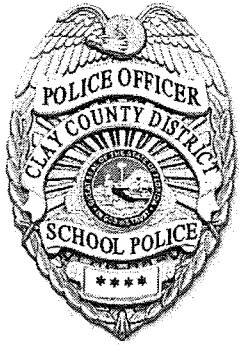
f. **Emergency Vehicle Operations and Motor Vehicle Pursuits:**

(098) **Emergency Response or Motor Vehicle Pursuit - No Injury or Property Damage:** Members shall not violate the standards, policies, orders or directives found in the Emergency Vehicle Operations and Motor Vehicle Pursuits General Order. A violation which does not result in injury to any person or damage to any property

(099) **Emergency Response or Motor Vehicle Pursuit - Injury or Property Damage:** Members shall not violate the standards, policies, orders or directives found in the Emergency Vehicle Operations and Motor Vehicle Pursuits General Order. A violation which results in injury to any person or damage to any property.



- (100) **Emergency Response or Motor Vehicle Pursuit - Gross Violation:** Members shall not violate the standards, policies, orders or directives found in the Emergency Vehicle Operations and Motor Vehicle Pursuits General Order. A violation which indicates a gross disregard by the member of any procedure found in the Emergency Vehicle Operations and Motor Vehicle Pursuits General Order, regardless of whether injury to any person or damage to any property results.
- g. Agency vehicle crashes** - Disciplinary action shall be decided and administered in accordance with CCDS POLICY.
  - h. Chief's Authority:** No set of procedures can cover every situation which may occur in administering discipline; therefore, any situation shall be determined by the Chief on a case by case basis with recommendations from the member's supervision.
  - i. Disciplinary Probation:** A disciplinary probation period may be imposed in addition to any other discipline.
  - j. Reduction in Rate of Pay/Demotion:** A reduction in the rate of pay or a demotion may be imposed in addition to or in lieu of other discipline. A reduction in pay or a demotion may only be imposed by the Chief or the Clay County School Board.
  - k. Informal Disciplinary Action:** Informal disciplinary action (i.e., counseling) may be imposed in addition to, or in lieu of, formal disciplinary action.



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.04 Fitness for Duty*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
August 1, 2019		

**A. PURPOSE:** It is the intent of the Clay County District Schools Police Department that all members maintain a reasonable mental health status.

**B. SCOPE:** This order shall apply to all sworn Clay County District Schools Police Department members.

**C. POLICY:** It shall be the policy of the Clay County District Schools Police Department that a fitness for duty evaluation will be done in cases where a member's behavior suggests the possibility of emotional problems, difficulties handling stress, or the member may be unable to perform the demands of the position appointed/assigned, for these or other medical reasons.

**D. PROCEDURE:**

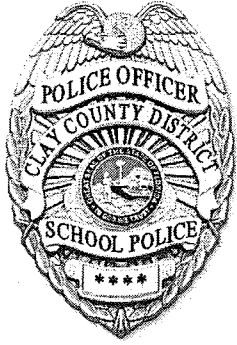
**1. Fitness for Duty:** A member may be referred for a Fitness for Duty Evaluation whenever there is reason to believe the member's behavior and/or conduct is such that the member's psychological fitness to perform his or her assigned duties is questioned. This also includes possible medical issues either identified by the member or the agency which may affect the member's ability to perform his/her assigned duties.

a. Only licensed mental health professionals, with experience in consulting with law enforcement, shall be used to conduct the evaluation.

b. A Fitness for Duty Evaluation will be conducted upon referral of a member's supervisor, and is not part of the Employee Assistance Program (EAP). The member's supervisor shall make such recommendation to the Lieutenant or higher authority; and provide written documentation detailing the reasons for the referral. The Lieutenant or higher authority shall approve or deny the referral based on a review of the referral and consultation with the Human Resources.

c. After approval, the supervisor making a referral should contact the Human Resources to coordinate scheduling of the evaluation.

- d. Upon referral, member participation in the evaluation is mandatory. The member will be expected to cooperate fully, including signing release forms for the evaluator to obtain any relevant records (including medical and mental health records). In addition, the member will cooperate with the evaluator in obtaining any relevant collateral information. Any member who refuses to participate or who fails to cooperate with the agency designated mental health or medical professional shall be subject to disciplinary action.
  - e. The member will be advised that the evaluation is at the request of the Clay County District Schools and the Clay County District Schools Police Department. Confidentiality applies only in the respect that it is a medical record; therefore, the evaluation shall be reviewed by the Chief, or designee, as is necessary to determine the member's fitness for duty.
2. **Evaluation:** Fitness for duty evaluations will include but are not limited to: clinical interviewing of the member, relevant psychological testing, physical examination and other recommended testing.
- a. The Clay County District Schools Police Department will provide the evaluator with relevant information from the member's personnel file.
  - b. In any fitness for duty evaluation, the following factors may be reviewed along with any other relevant issues to include but not limited to the following: The member's cognitive flexibility, emotional control, lawful behavior, ability to command respect, judgment, interpersonal skills, communication skills and the member's physical and/or mental ability to perform his/her assigned duties.
  - c. The evaluator shall retain the files of the evaluation. Release of any information in the files shall be at the discretion of the Clay County District Schools Police Department and in accordance with the Health Insurance Portability and Accountability Act (HIPAA). Any documentation received by the agency relating to a Fitness for Duty Evaluation shall be kept in the member's confidential medical file.
  - d. The agency designated mental health professional who evaluates a member pursuant to this section and who believes the member should participate in the EAP, should contact the Human Resources Section Manager and request that the member be referred to the EAP by the appropriate authority.
3. **Specialized Teams:** In recognition of the special stresses associated with some specialty teams within the Clay County District Schools Police Department, members assigned to these teams will have an as needed psychological assessment required by the Chief. These assessments will include, but not limited to, clinical interviewing and relevant psychological testing.



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.05 Forfeitures*

<b>EFFECTIVE:</b>	<b>REVISED:</b>	<b>RESCINDS:</b>
<b>August 1, 2019</b>		

**A. PURPOSE:** The purpose of this order is to standardize the procedures for seizing, maintaining and forfeiting contraband and personal property pursuant to the provisions of the Florida Contraband Forfeiture Act (FCFA), Section 932.701 – 932.707, Florida Statutes.

**B. SCOPE:** This order shall apply to all Clay County District Schools Police Department sworn law enforcement members, herein referred to as member.

**C. DISCUSSION:**  
N/A

**D. POLICY:** It shall be the policy of the Clay County District Schools Police Department to enforce the provisions of the FCFA to the fullest extent possible to deter and prevent the continued use of contraband articles for criminal purposes while protecting the proprietary interests of innocent owners and lien holders and to use the proceeds collected as supplemental funding for authorized purposes. The potential for obtaining revenues from forfeitures must not override fundamental considerations such as public safety, the safety of law enforcement officers, or the investigation and prosecution of criminal activity. In all seizures made under the FCFA, members must adhere to federal and state constitutional limitations regarding an individual's right to be free from unreasonable searches and seizures, including but not limited to, the illegal use of stops based on a pretext, coercive-consent searches, or a search based solely upon an individual's race or ethnicity. [CFA 30.01]

**E. DEFINITIONS:** N/A

**F. PROCEDURE:**

**1. Property Subject to Seizure:** [CFA 30.02]

- a. Any contraband article, vessel, motor vehicle, aircraft, currency, other personal property, or real property used in violation of any provision of the FCFA, or in, upon, or by means of which any violation of the FCFA has taken or is taking place, may be seized and shall be forfeited subject to the provisions of the FCFA.

- b. Contraband article includes, but is not limited to:
- 1) Any controlled substance as defined in Chapter 893 or any substance, device, paraphernalia, or currency or other means of exchange that was used, was attempted to be used, or was intended to be used in violation of any provision of Chapter 893, if the totality of the facts presented by the state is clearly sufficient to meet the state's burden of establishing probable cause to believe that a nexus exists between the article seized and the narcotics activity, whether or not the use of the contraband article can be traced to a specific narcotics transaction;
  - 2) Any gambling paraphernalia, lottery tickets, money, currency, or other means of exchange which was used, was attempted, or intended to be used in violation of the gambling laws of the state;
  - 3) Any equipment, liquid or solid, which was being used, is being used, was attempted to be used, or intended to be used in violation of the beverage or tobacco laws of the state;
  - 4) Any motor fuel upon which the motor fuel tax has not been paid as required by law;
  - 5) Any personal property including, but not limited to, any vessel, aircraft, item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, securities, books, records, research, negotiable instruments, or currency, which was used or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony, whether or not comprising an element of the felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act;
  - 6) Any real property, including any right, title, leasehold, or other interest in the whole of any lot or tract of land, which was used, is being used, or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of any felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act;
  - 7) Any personal property, including, but not limited to, equipment, money, securities, books, records, research, negotiable instruments, currency, or any vessel, aircraft, item, object, tool, substance, device, weapon, machine, or vehicle of any kind in the possession of or belonging to any person who takes aquaculture products in violation of Section 812.014(2)(c) Florida Statutes;
  - 8) Any motor vehicle offered for sale in violation of Section 320.28 Florida Statutes;

- 9) Any motor vehicle used during the course of committing an offense in violation of Section 322.34(9) (a) Florida Statutes;
- 10) Any photograph, film, or other recorded image, including an image recorded on videotape, a compact disc, digital tape, or fixed disk, that is recorded in violation of Section 810.145 Florida Statutes and is possessed for the purpose of amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person; and
- 11) Any real property, including any right, title, leasehold, or other interest in the whole of any lot or tract of land, which is acquired by proceeds obtained as a result of Medicaid fraud under Section 409.920 or Section 409.9201 Florida Statutes; any personal property, including, but not limited to, equipment, money, securities, books, records, research, negotiable instruments, or currency, or any vessel, aircraft, item, object, tool, substance, device, weapon, machine, or vehicle of any kind in the possession of or belonging to any person which is acquired by proceeds obtained as a result of Medicaid fraud under Section 409.920 or Section 409.9201 Florida Statutes.

## 2. Seizing Property – Legal Authority:

- a. A member, after review of the facts and circumstances and approval by the General Counsel, may seize contraband articles (personal and/or real property) for forfeiture under the FCFA if they determine there is proof beyond a reasonable doubt to believe that:
  - 1) The item subject to seizure has been used, is being used, was intended to be used or was acquired with proceeds in violation of any provision of the FCFA; or
  - 2) Any violation of the FCFA has taken place or is taking place in, upon, or by means of the seized property; or
  - 3) The item subject to seizure is a *Contraband Article*, as defined in Section 932.701, Florida Statutes, or other provisions of the Florida Statutes specifically authorizing forfeiture in accordance with the FCFA; and
  - 4) The owner of the contraband article or currency has been arrested for a criminal offense that forms the basis for determining that the article or currency is contraband as defined in Section 932.701 Florida Statutes, or one of the exceptions to the arrest requirement as set forth in Section 932.703 Florida Statutes are present (see section 5. below).
- 5) Exceptions to the owner arrest requirement for seizure:
  - a) The owner of the property cannot be identified after a diligent search, or the person in possession of the property denies ownership and the

owner of the property cannot be identified by means that are available to the employee or agent at the time of the seizure;

- b) The owner of the property is a fugitive from justice or is deceased;
  - c) An individual who does not own the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article under Section 932.701 Florida Statutes and the owner of the property had actual knowledge of the criminal activity. Evidence that an owner received written notification from a law enforcement agency and acknowledged receipt of the notification in writing, that the seized article had been used in violation of the FCFA on a prior occasion by the arrested person, may be used to establish actual knowledge;
  - d) The owner of the property agrees to be a confidential informant as defined in Section 914.28 Florida Statutes ; or
  - e) The article is a monetary instrument.
- b. It is a violation of the FCFA and unlawful:
- 1) To transport, carry, or convey any contraband article in, upon, or by means of any vessel, motor vehicle, or aircraft; or
  - 2) To conceal or possess any contraband article: or
  - 3) To use any vessel, motor vehicle, aircraft, other personal property, or real property to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange, or giving away of any contraband article; or
  - 4) To conceal, or possess, or use any contraband article as an instrumentality in the commission of or in aiding or abetting in the commission of any felony or violation of the FCFA.

### **3. Seizing Property – Criteria:**

- a. There must be proof beyond a reasonable doubt that the article to be seized is a contraband article.
- b. The seizing member shall notify his or her immediate supervisor and obtain approval from the General Counsel prior to any decision to seize property or prior to the actual seizure.
- c. A clear connection (nexus) between the property and the criminal act (felony) shall exist before any seizure occurs. For example, a motor vehicle or money is not by itself considered to be a contraband article. Such property becomes a contraband article when it is used in violation of the FCFA.

- d. Seizures taking place at the time of the FCFA violation may be made without a court order.
- e. Property not seized at the time of the criminal offense and later located on private premises shall not be seized without a court order, unless otherwise authorized by law. However, property may be seized if the property is later moved to a public place, as permitted by law. The seizing member shall consult with the agency's General Counsel to approve the seizure and assist in obtaining a court order prior to seizure.
- e. A vehicle shall have a minimum value of \$5,000.00 and shall not be more than five years old.
- f. Money shall have a minimum value of \$5,000.00. Lesser amounts may be considered when seized in conjunction with a vehicle or other property.
- g. Other property seized shall have a minimum value of \$5,000.00 in the aggregate.
- h. Property which does not meet the value criteria must be approved by the requesting member's Chief and the CCDS General Counsel via a supervisor, prior to seizure.
- i. All reports and approved seizures shall be referred to the agency's CCDS General Counsel on the next business day.
  - 1) A copy of the Notice of Seizure and Right to an Adversarial Preliminary Hearing form, and a copy of the probable cause/arrest affidavit shall be provided to the agency's CCDS General Counsel; and
  - 2) Upon receipt of the Notice of Seizure and Right to an Adversarial Preliminary Hearing form and the probable cause/arrest affidavit, the agency's CCDS General Counsel will evaluate the seizure and determine whether the case will be handled in-house or be referred to an out-side attorney.

**4. Seizing Property – Procedures: [CFA 30.02]**

- a. Property that meets the criteria for seizure as established in the section above may be seized at the time of the violation or subsequent to the violation.
- b. If the property is seized at the time of the violation and the owner/person claiming an interest in the property is present:
  - 1) The seizing member shall provide to any known, apparent or possible owner of the property seized a completely filled out Notice of Seizure and Right to Preliminary Hearing, utilizing the notice form provided by the agency, and at the same time, advising such owner(s) of the fact that the property is



being seized pursuant to the act, and that such owner(s) has the rights and responsibilities as set forth in the notice; and

- 2) The owner shall be requested to sign the Notice of Seizure and Right to Preliminary Hearing form acknowledging receipt of the notice. In the event of a refusal to sign, the seizing member who signs as a witness shall make clear and concise notations on the form that the notice was given and the owner refused acknowledgment. In all circumstances, such owners need to be orally advised of the seizure.
- c. If the property is seized at the time of the violation and the owner is either unknown or is not present, or if the property is seized subsequent to the violation:
    - 1) The seizing member shall provide a Notice of Seizure and Right to Preliminary Hearing form to any known, apparent or possible owner by certified mail, return receipt requested, within 5 working days after the seizure. A copy of such notice shall be made a part of the member's forfeiture file and a copy shall be forwarded to the agency's General Counsel.
  - d. It is the responsibility of the seizing member to make reasonable and diligent efforts to ascertain such owner(s) of the property seized in order to provide timely notice.
  - e. Exact copies of the document mailed or delivered will be retained by the seizing member.
  - f. Completed copies of the Notice of Seizure and Right to Preliminary Hearing form, along with the arrest and probable cause affidavit, if applicable, shall be provided to the agency's General Counsel by at least the following business day, excluding holidays, following the seizure.
  - g. The seizing member shall make a diligent effort to determine the identification of any registered owner(s), title holder(s), and bona fide lien holder(s), if any.
  - h. The seizing member shall give notice to the bona fide lien holders of record, if any, within the same time frame, by certified mail, return receipt requested. In the event that there are lien holders, the agency's General Counsel shall be promptly advised. It is the responsibility of the assigned member to promptly conduct a title/lien search on any property which may be subject to liens, and to provide the results of such search to the agency's General Counsel in order that true ownership interest can be verified promptly before proceeding further.
  - i. As soon as practicable after the seizure of property, but no later than five days following the seizure, the assigned member shall complete an arrest packet describing the circumstances particularly attendant to the seizure, if an arrest has been made. This packet shall include all documentation, including but not limited to, reports, search warrants, interview forms, etc. The arrest packet

shall be forwarded to the agency's General Counsel who will make a determination on proceeding with the forfeiture action.

- j. Following a determination not to proceed with the forfeiture, base upon innocent owner considerations, the seizing member shall release the seized property to the lawful owner or legally authorized designee. If a determination is made not to proceed with the forfeiture based on considerations other than that of an *innocent owner*; the agency's General Counsel shall first be consulted, in the event that the execution of a formal release by the owner may be appropriate.
- k. Members shall refrain from seizing personal items such as jewelry, household goods, etc., unless they contact the agency's General Counsel prior to such a seizure.
- l. It shall be the responsibility of the seizing member and their immediate supervisor to follow through on all seized property until final disposition is reached and the forfeiture case is concluded.

#### **5. Innocent Owner Defense:**

- a. Property Jointly Titled or Registered between Husband and Wife – Property titled or registered between husband and wife jointly by the use of the conjunctives “and”, “and/or”, or “or”, prior to the seizure, may not be forfeited unless the seizing member can establish by a preponderance of the evidence that the co-owner spouse either knew or had reason to know, after reasonable inquiry, that such property was employed or was likely to be employed in criminal activity.
- b. Rented Vehicles – A vehicle that is rented or leased from a company engaged in the business of renting or leasing vehicles, which was rented or leased prior to the seizure, may not be forfeited unless the seizing member can establish by a preponderance of the evidence that the renter or leaser had actual knowledge, at the time the vehicle was rented or leased, that it was being employed or was likely to be employed in criminal activity.
  - 1) When a vehicle that is rented or leased is seized under the FCFA and a decision is made by the seizing member not to proceed with forfeiture, upon learning the address or phone number of the company, the seizing member shall, as soon as practicable, inform the company that the vehicle has been seized and is available for the company to take possession upon payment of the reasonable and customary charges for towing and storage.
- c. Co-Owner Jointly Titled or Registered other than between Husband and Wife – Any interest in, title to, or right to property titled or registered jointly by the use of the conjunctives “and”, “and/or”, or “or” held by a co-owner, other than property held jointly between husband and wife, may not be forfeited unless the seizing member can establish by a preponderance of the evidence that the co-

owner either knew, or had reason to know after reasonable inquiry, that the property was employed or was likely to be employed in criminal activity.

**6. Special Considerations for Seizing Real Property:**

- a. Florida law provides for the seizure and forfeiture of non-homestead real property or any interest in real property, including books, records, research, negotiable instruments, promissory notes, or mortgages, which have been or are being used as an instrumentality in the commission of, or in the aiding or abetting in the commission of any felony. It is unlawful to obtain or to acquire real property with the proceeds of criminal activity or the proceeds of drugs or other contraband. Therefore, proceeds from such activity may also be forfeited.
- b. Any real property acquired by the proceeds obtained as a result of a violation of the FCFA may be seized and forfeited as derivative property.
- c. Because real property may not be moved and stored, special procedures must be undertaken to constructively seize such real property. The agency's General Counsel shall be promptly notified whenever real property is suspected as having been utilized in violation of the FCFA in order that determination can be made as to whether such property may be exempt from seizure, and in order to allow the commencement of necessary steps through the courts, which are required when real property may be seized. In no event, will any occupants of the real property be evicted or restricted there from (unless otherwise allowed by law) without direction from the court or the agency's General Counsel.
- d. Considerations for seizing real property:
  - 1) The value and the equity in the property which is subject to forfeiture and the amount of income generated by any business located on the property, and the value of any inventory or contents;
  - 2) Prior mortgages, liens, taxes or judgments on any real property, as well as on the owners of record. Determinations shall be made as to monthly payments or other existing debts on the property;
  - 3) Unrecorded instruments of title or encumbrance;
  - 4) Letters of commitment or title insurance or an owner's encumbrance;
  - 5) Whether the occupants will be permitted to occupy the premises pending the final disposition of the forfeiture. If occupancy is to be permitted, an occupancy agreement shall be prepared by the agency's General Counsel. If occupancy will not be permitted, notification to the appropriate social service agency shall be made regarding any dependent persons who may need assistance;
  - 6) The estimated expenses involved in maintaining and managing the real property pending final disposition;

- 7) Applicable Homestead Exemption claims; or
  - 8) Other consideration shall include, but not be limited to, the condition of the property, the local real estate market, property location, environmental violations, endangered lands, hazards, maintenance costs, cost of business operation, length and cost of litigation, funds available to proceed with forfeiture and respective impact on agency budgets.
- e. In those instances where it is determined that a search warrant is necessary for the action in forfeiture, an order from the court shall be obtained prior to entry into the property.
  - f. At the time of seizure, if entry into the property is necessary, steps shall be taken to ensure proper documentation of the condition of the property at the time of seizure and to record any and all other items of property on the seized property. This may be accomplished via photographs, video recording, detailed reports and/or a combination thereof.
  - g. It is the responsibility of the seizing member and/or their supervisor to ensure that a copy of the Notice of Seizure is filed with the Clerk of the Court's Office.

**7. Storage of Property:**

- a. Upon seizing an item, the seizing member will have the responsibility of filling out a *Property Receipt*.
- b. The member seizing the item will have the responsibility of ensuring that the item is secured and inventoried if warranted.
- c. If the item is anything other than a motor vehicle, aircraft, or boat, it shall be submitted to the property storage facility just as any evidence would be for storage.
- d. If the item is a motor vehicle or a boat, it shall be towed by a contract wrecker and secured at the wrecker company until it can be moved to an appropriate law enforcement storage facility.
- e. If the item is a motor vehicle or a large-size boat that is too large to fit it shall be towed by a contract wrecker and secured in the wrecker company's enclosed compound.
- f. Aircraft seized shall be appropriately incapacitated to prevent future flight, and stored at the airport of seizure when possible.
- g. The seizing member shall consult with an Aviation Section from a surrounding agency for storage space availability and advice on incapacitation.



that the Fleet Maintenance supervisor provide such maintenance within a reasonable time after notice.

**9. Release of Property:**

**a. Claimant Prevails:**

- 1) If, at the conclusion of the civil forfeiture judicial proceedings the claimant prevails, the seized property shall be released immediately to the person entitled to possession of the property as determined by the court. Under such circumstances, the Clay County District Schools Police Department shall not assess any towing charges, storage fees, administrative costs, or maintenance costs against the claimant with respect to the seized property or the forfeiture proceeding; and
- 2) Prior to release, the seizing member or their supervisor shall determine whether a "hold" has been placed on the property as evidence. If such a hold has been placed on the property, the member or supervisor shall notify the agency's General Counsel to determine whether the property shall be released.

**b. All Other Instances:**

- 1) If a seized vessel, vehicle, aircraft, etc. is to be released to the lawful owner, the Clay County District Schools Police Department may assess against the owner the actual costs of towing, storage, and maintenance of the seized property; and
- 2) Absent settlement, administrative costs that do not reflect actual expenses shall not be assessed.

**10. Settlement Agreements:**

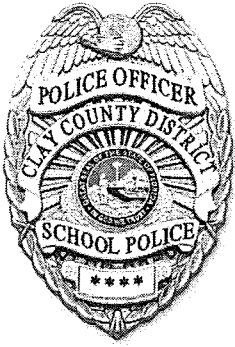
- a. Any decision to enter into a Settlement Agreement with a claimant shall be made by the agency's General Counsel in consultation with the seizing member.
- b. Settlement Agreements shall be made in accordance with Section 932.704(7), Florida Statutes.

**11. Training:**

- a. The Clay County District Schools Police Department shall ensure that members involved in seizing property for forfeiture under the FCFA receive periodic training as required by the FCFA. A portion of the training must address legal aspects of forfeiture, including search and seizure or other constitutional considerations.

**12. Disposition of Forfeited Property:**

- a. When the Clay County District Schools Police Department obtains a final judgment granting forfeiture of property, it may elect to dispose of the property in any of the ways as granted in Section 932.7055, Florida Statutes.



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.06 Internal Affairs Investigations*

<b>EFFECTIVE:</b>	<b>REVISED:</b>	<b>RESCINDS:</b>
August 1, 2019		

- A. PURPOSE:** The purpose of this order is to establish guidelines and procedures for conducting the Clay County District Schools Police Department internal affairs investigations.
- B. SCOPE:** This order shall apply to all Clay County District Schools Police Department members.
- C. DISCUSSION:** A system to receive, review and investigate all complaints and allegations of misconduct by Clay County District Schools Police Department members is essential to establish and maintain the confidence of the citizens of Leon County, as well as to protect the integrity/rights of agency members.
- D. POLICY:** It shall be the policy of the Clay County District Schools Police Department to investigate all misconduct complaints involving the agency and its members and to maintain the Internal Affairs Investigations that shall thoroughly, expeditiously and impartially investigate all complaints or cases involving the agency's integrity.
- E. DEFINITIONS:**

**ALLEGATION** - A statement offered without proof; an assertion made by a party that must be proved or supported with evidence.

**COMPLAINT** - An allegation of misconduct made involving the agency or member(s). Violations of criminal offenses punishable under the laws of the United States, the State of Florida, Clay County, any municipality, or any agency directive or lawful command.

**DIRECTIVE** - Any administrative rules, orders, directives and procedures of the agency.

**DISCIPLINE** - Administrative action taken involving a member for violation of agency rules and regulations.

**DISSEMINATE** - To distribute; to promulgate.



**INTERNAL AFFAIRS INVESTIGATION** - The systematic, objective and impartial method of investigating certain complaints of inappropriate behavior resulting in a violation of Clay County District Schools Police Department directives by members.

**MEMBER**- For the purposes of this directive, a member is a sworn employee (full time, part time or volunteer) of the Chief (Clay County District Schools Police Department).

**PROPONDERANCE OF THE EVIDENCE**- The greater weight of the evidence, not necessarily established by the number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.

#### **F. PROCEDURE:**

1. The Clay County District Schools Police Department's Criminal Investigative Unit shall be responsible for recording, registering, controlling all alleged or suspected misconduct complaints involving the agency and its members, as well as maintaining the confidentiality and security of the internal investigation files, in accordance with Florida Statutes. [CFA 20.01D] [CFA 20.01E] [CFA 20.01F]
  - a. The Clay County District Schools Police Department's Administrative Lieutenant shall be directly responsible for the internal affairs function. The Clay County District Schools Police Department's Administrative Lieutenant shall submit all reports and investigations to the Clay County District Schools Police Department's Chief of Police to ensure they are in accordance with statutes, court opinions and case law.
    - 1) Clay County District Schools Police Department's Criminal Investigative Detective(s) shall be responsible for the internal affairs investigation of complaints and will have full authority to discharge this responsibility.
    - 2) Clay County District Schools Police Department's Criminal Investigative Unit Detective(s) shall be given access, for the purpose of internal affairs investigations, to appropriate agency facilities, equipment, and records.
    - 3) Members shall cooperate with and assist Clay County District Schools Police Department's Criminal Investigative Unit Detective(s) recognizing that internal affairs investigations are conducted under the immediate authority of the Clay County District Schools Police Department's Chief of Police
  - b. Clay County District Schools Police Department's Criminal Investigative Unit Detective(s) shall conduct internal affairs investigations. In the event of an allegation regarding criminal violations, the investigation will be referred to the Clay County District Schools Police Department's Criminal Investigative Detective(s) and the Internal Investigation will be referred to another Clay County District Schools Police Department's law enforcement member.

- c. The Internal Affairs Commander shall maintain all records pursuant to open internal investigations in a secure area of IA. The Internal Affairs Commander shall ensure the security and confidentiality of records to comply with Section 112.533, F.S., and Chapter 119 of the Public Records Law. [CFA 20.01E] [CFA 20.01F]
- d. All complaints received involving the Clay County District Schools Police Department or one of its members, shall be assigned an internal affairs investigation case number. The Administrative Lieutenant assigns internal affairs investigation case numbers and enters them into a master control log. The master control log shall be updated to reflect the administrative finding and disposition. [CFA 20.01D]
- e. Internal Affairs/Criminal Investigative Detective(s) shall maintain a file for every open investigation assigned, unless the investigation is assigned to the member's supervisor. The file shall contain investigative documents and materials. [CFA 20.01D]
  - 1) All audio recordings of internal affairs investigations will be maintained in secure storage. These recordings will be clearly marked with the corresponding IA case number. [CFA 20.01E] [CFA 20.01F]
  - 2) Folders shall be filed numerically by control number and kept secure while in the custody and control of IA. [CFA 20.01F]
  - 3) No IA file shall be copied or reproduced, in part or in whole, by any person other than IAU members until the case has been closed. [CFA 20.01E]
- f. **Investigations:** IA shall conduct internal affairs investigations into: [CFA 20.01C]
  - 1) Prisoner Deaths
  - 2) Prisoner Escapes
  - 3) Allegations of corruption and perjury;
  - 4) Gross misconduct;
  - 5) Allegations of the use of excessive force or brutality;
  - 6) Use of lethal force, or force which is likely to result in serious bodily injury to a person;
  - 7) Violations of civil rights;
  - 8) Sexual harassment;

- 9) Member's use of their firearm (police shootings), for purposes other than training or recreation, including accidental discharges. The on-scene supervisor shall notify the Administrative Lieutenant and Internal Affairs without any unnecessary delay of any officer involved shooting, including any accidental discharge. Upon notification, the Administrative Lieutenant shall notify the Chief of Police or designee without any unnecessary delay;
  - 10) Vehicle pursuits resulting in traffic crashes involving extensive property damage, personal injury, or death;
  - 11) Incidents requiring complex investigations which will require an extended length of time to conclude when other investigative resources are unavailable.
  - 12) Any matter assigned by the Chief of Police or designee;
- g. Supervisors are authorized to investigate complaints involving: [CFA 20.01A]
- 1) Minor violations of agency policy and/or procedure;
  - 2) Allegations of member conduct unbecoming toward citizens;
  - 3) Insubordination; and
  - 4) Any act of misconduct.
- h. Citizen complaint investigations completed by supervisory members shall be forwarded to the Administrative Lieutenant, or designee for review. [CFA 20.01B]
- i. When a member is under investigation and subject to a formal interrogation, it shall be conducted according to the provisions of the Police Officer Bill of Rights, Florida Statutes Chapter 112.
- j. Members pursuant to an administrative investigation are required to answer all questions completely, truthfully, and without omission. Failure to answer questions asked pursuant to an IA investigation may result in disciplinary action, to include Gross Insubordination regardless of the rank of the person conducting the investigation.
- k. **Proof required:** A violation of policy may be sustained if there is preponderance of the evidence. An administrative investigation for a violation of policy shall not be precluded pursuant a final judicial disposition issued by any court. However, any evidence obtained during a criminal investigation may be considered during the administrative investigation.
- l. Suspension from duty, by administrative leave, pending the conclusion of an internal affairs investigation is governed by *Clay County District Schools Policy*

- 2. Receiving/Investigating Complaints:** The following shall be observed for any member who is subject to investigation and discipline pursuant to this general order:
- a. **Supervisory Preliminary Review:** Whenever a supervisor receives a complaint regarding a member, the supervisor is authorized to conduct a preliminary review of the facts to determine whether a formal investigation should be initiated. Recognizing not all complaints will result in a formal investigation, supervisors are not required to obtain an IA case number or formally document the complaint unless the supervisor determines during the preliminary review that a member may be subject to receive disciplinary action of a written reprimand or greater after a formal investigation is completed. [CFA 20.01A]
  - b. A supervisor may initiate an administrative investigation upon conclusion of a preliminary review of facts revealed, suggests probable cause that a violation of policy is likely to have occurred. [CFA 20.01A]
    - 1) A preliminary review will be concluded and an administrative investigation commenced at the time facts or evidence are discovered or revealed that a violation of policy occurred and disciplinary action may result from the findings.
  - c. Complaints of violation of policy, which after a preliminary review is determined to become a formal investigation, shall be forwarded to either the Administrative Lieutenant or to IA for review. Once the complaint is received by the Administrative Lieutenant or by IA, the Administrative Lieutenant shall determine the assignment of the complaint for formal investigation. The Chief of Police shall be notified and direct the initiation of any investigation not conducted by the IA. [CFA 20.01B]
    - 1) Administrative Lieutenant, Chief of Police, or designee may direct the IA to conduct an investigation involving a violation of policy.
  - d. A member who is the subject of a formal investigation shall be notified that a complaint has been received and of the general allegations contained within the complaint. A *Notification of Internal Affairs Investigation* form shall be completed. A copy will be given to the member and used to notify the member of the formal investigation. The form shall be made a part of the investigative file. [CFA 20.02]
  - e. **Interviewing the Member -** Whenever a member is under investigation, subject to interview by a supervisor or by IA, and could result in disciplinary action, the interview shall be conducted in accordance with and pursuant to Section 112.532, Florida Statutes. The IA Detective, or investigating supervisor, shall provide to the member, in writing the names of all complainants and any Complaint and/or Citizen Statement forms which contains the nature of the investigation/allegations and information on the member's rights and responsibilities relative to the investigation by completing a *Notification Prior to*

*Interview and Employee Rights Prior to Interview* form and give them to the member prior to the start of the interview. The two forms shall be made part of the investigative file. [CFA 20.02] Where confidentiality is deemed necessary because of the sensitivity of the investigation, the member will not be notified of the investigation until prior to the initial interrogation.

- f. Interviewing a Witness - A *Confidentiality Notice* form shall be given to the witness prior to the start of the interview. The witness shall sign the form indicating that the witness has read the notice and understands its provisions and the interviewer or other person present shall also sign the form in the appropriate place. This form shall be made part of the investigative file.
- g. In the event charges are to be prepared involving a member as a result of a sustained finding of misconduct, an investigative report shall be documented in writing. The investigative report shall include all facts supporting the finding and it shall list the appropriate disciplinary standard or standards which were violated. An *Investigative Finding* form shall be completed upon a finding by the person conducting the investigation and shall be made a part of the investigative report.

### **3. Complaint Processing:**

- a. Any complaint, including anonymous complaints, involving the agency or any member having merit will be documented and investigated. Every effort shall be made to facilitate the convenient, courteous, and prompt processing of citizen complaints. Members who are notified of a possible violation of policy will notify a supervisor or the Administrative Lieutenant without unnecessary delay.
- b. All agency members will courteously receive any complaint made involving the agency or any member thereof, whether made in person, by mail, media, e-mail, anonymously, by proxy or telephone, regardless of nature. Complaints will be received any time of the day or night. Attempts will be made to accommodate languages other than English.
- c. Persons making complaints by mail or telephone will subsequently be interviewed and a complaint form prepared and processed as with any other complaint.
- d. A juvenile may make a complaint involving the agency or any of its members. Juveniles who wish to file a sworn complaint must be accompanied by a parent or legal guardian, and the sworn complaint should be signed by the parent or legal guardian, as well as the complainant. A parent or guardian will be notified prior to an administrative interview of any juvenile complainant by a supervisor, IA detective, or any person authorized to conduct such investigations.
- e. Any non-ranking or non-supervisory member of the agency receiving a complaint from a citizen that may constitute misconduct, or the violation of agency orders, directives or procedures concerning another member, shall

immediately notify their respective supervisor. In the absence of the immediate supervisor, the next ranking supervisor within the chain of command, up to and including the Chief of Police, shall be notified. Supervisors receiving a complaint from a citizen shall process the complaint in the following manner:

- 1) The supervisor or member processing the complaint will ensure the pertinent information concerning the complaint is recorded on the *Citizen Statement* form and make a preliminary determination as to responsibility for follow-up on the complaint.
- 2) When appropriate, the supervisor shall conduct a preliminary investigation, including interviewing the complainant and any witnesses readily available.
- 3) The complaint shall be documented and an internal affairs investigation case number assigned by IA.
  - a) The original *Citizen Statement* form will be forwarded to Administrative Lieutenant without any unnecessary delay after receipt.
  - b) Following the assignment of the control/case number, the IA Detective or immediate supervisor shall contact the complainant to notify them of the complaint.
- 4) Whenever practical, supervisors shall take corrective action to resolve minor complaints resulting from a misunderstanding, or that need little or no investigation to resolve the issue.
- 5) The investigator assigned to an internal investigation shall maintain contact with the complainant periodically during the investigation. At its conclusion, the Administrative Lieutenant will provide written notification to both the complainant and the affected member of the disposition concerning the allegation of misconduct, including the conclusion of fact. [CFA 20.04]
- 6) Complaints investigated by IA should be completed within one hundred and eighty (180) days from receiving the complaint. Within forty-five (45) days from receiving the complaint, the IA complaint becomes public record unless the Chief of Police grants a continuance. The impact of cases that reflect on the integrity of the agency and member morale necessitates an expeditious resolution.
  - a) If a complaint is made by a member of the agency, the 180 day completion date may be extended by the Chief of Police or designee.
  - b) The complainant and member will be notified in writing of any extension.
- 7) The Administrative Lieutenant shall periodically report the status of ongoing investigations and all complaints involving the agency and members to the Chief of Police or designee.

- 8) The Chief of Police shall be notified promptly when the following complaints are received involving the agency or its members:
  - a) Civil liability suits involving members of the agency.
  - b) Allegations of corruption.
  - c) Allegations of the use of excessive force.
  - d) Use of lethal force.
  - e) Violations of civil rights.
  - f) Allegations of criminal misconduct.
  - g) Sexual Harassment.
- f. Members and supervisors initiating a complaint involving another member shall adhere to the following procedures:
  - 1) A typewritten memo or e-mail will be prepared and directed to the attention of the Administrative Lieutenant via the chain of command.
  - 2) The memo or e-mail will state the member's name, rank, department and division assignment; date, time and location of the alleged violation; and full details concerning the allegation. It shall be signed by the member or supervisor reporting the alleged violation and include their rank.
  - 3) Upon receipt of the allegation, the Administrative Lieutenant may:
    - a) Dispose of the matter, and report the disposition to the Chief of Police or designee;
    - b) Document the case and assign it to a member of the department for disposition; and
    - c) Recommend the IA conduct the investigation.
  - 4) The original copy shall be forwarded to the involved member's Lieutenant. A copy shall be forwarded to IA for review and assignment of an internal affairs investigation case number.
  - 5) Upon completion, if the member is subject to disciplinary action, all investigative results and a final disposition will be forwarded to IA.

#### **4. Sustained Findings:**

- a. A true and correct copy of the investigative report, including any discipline to be imposed, shall be delivered to the member, except in extraordinary

circumstances, when the investigation is closed and final approval has been made by the Chief of Police. In the event of an extraordinary situation, a copy of the investigative report will be served as soon as practical.

- b. The report shall be provided to the member by the Administrative Lieutenant.
- c. Each member whose case is sustained for committing a policy violation shall be served with a true copy of the investigative report at least forty-eight hours prior to any hearing, exclusive of weekends and legal holidays.
- d. Service of the investigative report shall be made upon the member by personal delivery. If personal delivery cannot be made because the member cannot be located, a copy may be mailed to the home address of record by certified mail, with return receipt requested. A mailed notice shall constitute full and complete notice, even if the mail is refused or ignored by the member.
- e. Members personally served with a copy of the investigative report shall promptly acknowledge the service by signing the appropriate copies. The signing of the investigative report by the member does not indicate that the member is admitting to the violations. By signing the investigative report, the member is only acknowledging that he/she has received notification of the violations and the proposed discipline. If the member refuses to sign, the deliverer shall sign and date the investigative report and shall indicate the member's refusal to do so.
- f. The member who is making service shall attest to such service by affixing their signature, rank, identification number, and date and time of service on all copies.

#### **5. Investigative Techniques:**

- a. Prior to submitting to any investigative techniques an *Employee Rights Prior to Interview* form will be issued and explained to the member. Evidence pertaining to formal administrative investigations of agency members shall be obtained in accordance with the following guidelines:
  - 1) Members are subject and may be required to submit to medical or laboratory procedures or testing pursuant to internal affairs investigations for misconduct and reasonable suspicion exists that any chemical substance had been used. [CFA 20.03A]
  - 2) A member shall be required to be photographed or participate in a lineup if it is material to an internal affairs investigation. [CFA 20.03B] [CFA 20.03C]
  - 3) Members may be required to submit financial disclosure statements if the investigation involves questions of a financial nature relating to an internal affairs investigation. [CFA 20.03D]



- 4) The member's immediate family shall not be required to give statements in internal affairs investigations, but may volunteer such statements.
- 5) Agency-issued or assigned property shall be subject to a warrantless search based on reasonable suspicion.
- 6) No member shall be required to submit to a device designed to detect deception during questioning. However, there shall be no restriction on the right of a member to submit to such device on a voluntary basis. [CFA 20.03E]

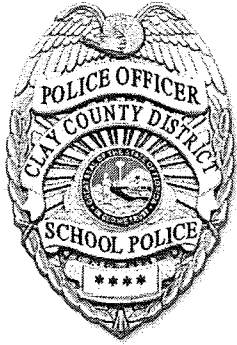
**6. Investigative Finding/Conclusion of fact:** [CFA 20.04]

- a. Upon conclusion of an internal affairs investigation, the investigator shall forward a written report including all facts and evidence via Administrative Lieutenant, to the Chief of Police.
- b. The IA detective, or members supervisor, shall recommend one of the following dispositions and shall forward the recommendation through the Administrative Lieutenant to the Chief of Police.

- 1) **Exonerated (Proper conduct):** An incident occurred as described, but the member was found **not** to be negligent or at fault.
- 2) **Unfounded:** The investigation revealed sufficient facts to indicate that the incident did not occur.
- 3) **Sustained (Improper conduct):** The investigation revealed sufficient facts that the allegation(s) were found to be true.
- 4) **Not Sustained:** The investigation discloses insufficient evidence to clearly prove or disprove the allegation.
- 5) **Policy Failure:** The allegation has been sustained, but the investigation reveals that policy or procedural changes are necessary to prohibit any future violations.

**7. Retention:** All closed IA records shall be turned over to the Custodian of Records for secure storage. IA investigative records shall be retained according to current rules set forth by the State of Florida Bureau of Archives and Records Management, Records Retention Schedule. [CFA 20.01F]

**8. Records Requests:** Closed IA investigative records will be provided, upon request, in accordance with Section 112.533, F.S., and Chapter 119 of the Florida Public Records law. [CFA 20.01G]



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.07 Juvenile Procedures*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
August 1, 2019		

- A. PURPOSE:** The purpose of this order is to establish guidelines for the processing and handling of juveniles. It is intended to establish uniform procedures for the custodial interrogation and arrest of juveniles, as well as to promote communication between all agencies involved.
- B. SCOPE:** This order shall apply to all Clay County District Schools Police Department sworn members.
- C. DISCUSSION:** Any contact with juveniles may be their first, and sometimes only, contact with law enforcement. The manner in which members handle situations involving juveniles will have a lasting effect on such juveniles and on the ability to build trust and legitimacy in the community. It is important to create a favorable impression upon all juveniles, whether they are offenders, dependents, victims, or witnesses. Favorable partnerships between the Leon County Clay County District Schools Police Department, Leon County Schools, and other agencies or organizations with a direct interest in matters pertaining to juveniles are also desirable.
- D. POLICY:** It shall be the policy of the Clay County District Schools Police Department to treat juvenile offenders, victims, and witnesses in accordance with the guidelines set forth in this directive and in such a way as to promote cooperation and respect for the criminal justice system.

**E. DEFINITIONS:**

**CHILD/JUVENILE** - Any unmarried person under the age of 18 alleged to be dependent or any married or unmarried person who is charged with violation of law occurring prior to the time that person reached the age of 18 years. (Reference Chapters 984 and 985 Florida Statutes.)

**DELINQUENT CHILD** - A child who commits a violation of law regardless of where the violation occurs, except a child who commits a juvenile traffic offense and whose case is not transferred to the Circuit Court by the court having jurisdiction.

**DEPENDENT CHILD** - A child who: Has been abandoned by his/her parents or custodian; for any reason, is destitute or homeless; has no proper parental support, maintenance, care of guardianship; because of neglect by parents or guardian is

deprived of education as required by law, or of medical psychiatric, psychological, or other care necessary for well-being; is living in conditions or in an environment that may injure or endanger his/her welfare; is living in a home that is unfit by reason of neglect, cruelty, depravity, or other adverse condition of a parent or other person in whose care the child may be; is surrendered to the Department of Children and Family Services or a licensed child-placing agency for the purpose of adoption; being subject to compulsory school attendance, is truant from school; and/or has persistently run away from his parents or legal custodian.

**JUVENILE COURT** - The Juvenile and Domestic Relations Division of the Circuit Court of the Second Judicial Circuit of the State of Florida.

**S.R.O.** - School Resource Officer- A sworn law enforcement officer, employed by the Clay County District Schools Police Department assigned in Clay County District Schools.

**VIOLATION OF LAW** - A violation of any law of the United States or the State of Florida that is a misdemeanor or a felony. Violation of law also means a violation of a county or municipal ordinance that would be punishable by incarceration if the violation were committed by an adult.

**F. PROCEDURE:** Guidelines for contacts with juveniles, including but not limited to juvenile parties, when a juvenile may be taken into custody, parental notification, as well as transportation and processing procedures should be handled as follows:

**1. Taking a Child into Custody:**

a. A Child may be taken into custody:

- 1) Pursuant to an order of the Circuit Court; [CFA 16.01A]
- 2) For a Delinquent Act, pursuant to the laws of arrest; [CFA 16.01A]
- 3) By a law enforcement officer when he/she has reasonable grounds to believe the child has been abandoned, abused or neglected, is suffering from illness or injury, or is in immediate danger from his/her surroundings, and the removal of the child is necessary for his/her protection; [CFA 16.02B]
  - a) Agency members taking a child into custody, alleged to be dependent, as a result of being abandoned, abused or neglected, shall notify the Florida Abuse Registry (800-96-ABUSE) and handle the case in accordance with Chapter 39, Florida Statutes. The Criminal Investigative Detective shall be contacted, if additional investigation or assistance is needed. [CFA 16.02B]
- 4) By a law enforcement officer when he/she has reasonable grounds to believe the custodian of a child under protective supervision has violated,

in a material way, a condition of the placement imposed by the court; [CFA 16.02B]

- 5) By a law enforcement officer when he/she has reasonable grounds to believe the child is absent from school without authorization, for the purpose of delivering the child, without unreasonable delay, to the school system. For the purpose of this paragraph, school systems includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system; or [CFA 16.02A]
    - a) Agency members taking a child into custody, who is a runaway or absent/suspended/expelled from school and not in the presence of his/her parent/legal guardian, shall handle the case in accordance with Chapter 984, Florida Statutes. [CFA 16.02A]
  - 6) By a law enforcement officer when he/she has reasonable grounds to believe the child has engaged in non-criminal behavior, to include running away from his/her parents, guardian or other legal custodian. [CFA 16.02A]
- b. In some instances, the Clay County District Schools Police Department may take a juvenile into custody if he/she is alleged to have been harmed or is in danger of harm. The term "take into custody" encompasses the concept of protective custody, to include meeting the criteria for a Baker Act/Marchman Act. [CFA 16.02B]
- c. When taking a child into custody pursuant to a criminal act:**
- 1) The Officer must make a reasonable effort to contact the child's parent(s) or guardian and document those efforts. [CFA 16.03B] The Officer will read the child the Miranda Warning in the same manner as if the child were an adult. A Miranda waiver form should be utilized. The child shall fully understand his/her rights and understand he/she may have his/her parents/legal guardian(s) present. [CFA 16.03A]
  - 2) Parents or legal guardians should be conferred with and provided information regarding the circumstances involving their child. The cooperation and assistance of parents or legal guardians should be sought and any information shared that is not confidential to the investigation. [CFA 16.04A]
  - 3) If the child requests, parents, legal guardians, or attorneys of juveniles in custody should be present at any interrogation. [CFA 16.03A]
  - 4) Juveniles may be interrogated at any Clay County District School or Police Department Facility for a reasonable period of time. [CFA 16.04B]
    - a) Supervisors shall be advised of complicated investigations and the need

for lengthy interrogations of juvenile suspects. They shall monitor the activity. [CFA 16.04B]

- b) Sufficient time shall be allowed during interviews/ interrogations for rest, food, etc. Personal needs of the interviewee should be constantly considered.
  - c) Juvenile arrestees/detainees shall not be left unattended and should be separated from adult prisoners, both by sight and sound unless the juvenile has been adjudicated as an adult by a competent authority. [CFA 16.03E]
  - d) Juveniles should not be interviewed by more than two agency members, at a time, unless authorized by a supervisor. [CFA 16.04C]
  - e) Should any juvenile being interrogated show signs of illness, injury, or emotional disorder other than stress, as might normally be associated with custodial interrogation, the interrogation shall cease until such time as medical assistance or other appropriate treatment is obtained.
- 5) In the case of a non-felony traffic offense and conditions make it advisable, a traffic citation may be issued in lieu of taking the juvenile into custody, as per Sections 316.635, 316.90, and 903.06, Florida Statutes. [CFA 16.01B]
- 6) A minor who is arrested for a violation of Section 316.193, Florida Statutes, may not be released from custody until the latter of the following events occur:
- a) He/she is no longer under the influence of alcoholic beverages, any chemical substance set forth in Section 877.111, or any substance controlled under Chapter 893, and affected to the extent that his normal faculties are impaired.
  - b) His/her blood alcohol level is less than .05 percent.
  - c) Eight hours have elapsed from the time the subject was arrested.
  - d) Parental contact is made to seek medical attention
- 7) Felony traffic offenses are cause for arrest. A probable cause affidavit, along with a *Florida Uniform Citation* shall be completed in every case. The citation shall be turned in with the regular paperwork. The citation number shall be referred to on the *Offense Report*.

## 2. Transporting Juveniles:

- a. Juveniles shall not be transported in an agency vehicle or other vehicle which,

at the same time, contains an arrested adult, unless the adult is involved in the same offense or incident as the child. [CFA 16.03E]

- b. When transporting juveniles, an Officer shall radio their beginning and ending mileage.
- c. When transporting juveniles under arrest or facing criminal charges, the guidelines set forth for the transportation of arrestees/detainees, shall be adhered to.
- d. When detention is requested, the arresting Officer should transport the juvenile to the JAC in Duval County and articulate in writing (by completing a probable cause affidavit) his/her reasoning for recommending the child's detention.
- e. A juvenile will be transported to JAC, the Detention Facility if by Court Order, or other appropriate location without undue delay, unless the juvenile is in need of medical attention. A juvenile should not be transported if he/she is injured. The arresting Officer should ensure prompt medical attention is obtained for the juvenile. [CFA 16.03D]

**3. Disposition of non-felony offenses:** [CFA 16.01B]

- a. Officers investigating a non-felony offense, committed by a juvenile, may elect to release the child, without charges, after evaluating all circumstances involved in the offense. Factors to be considered in diversion decisions relating to juvenile offenders include:
  - 1) The nature of the alleged offense;
  - 2) The age and circumstances of the alleged offender and the offense;
  - 3) The alleged offender(s) record, if any;
  - 4) The availability of community-based rehabilitation programs; and
  - 5) Whether the offender meets the criteria for a civil citation.
- b. The Clay County District Schools Police Department shall consider whether the recommendation for diversion is or was made by the victim.
- c. There are several procedures for release of juveniles or adjustment of juvenile cases by the Clay County District Schools Police Department, including, but not limited to: [CFA 16.01B]
  - 1) Warnings;
  - 2) Informal referral to outside agencies;
  - 3) Consulting with and arranging for corrective action by the parents/legal

guardian(s);

4) Dropping charge(s);

5) Civil Citations; or

6) **Notice to Appear:** The Officer will give the juvenile a Notice to Appear (NTA). The juvenile and parent will be given a court date, time and location to appear, on a Clay County District Schools Police Department Notice to Appear/Probable Cause Affidavit Form, which will be signed by the parent and the juvenile. The corresponding copy of the form will be given to the parent. The issuing Officer will contact the Juvenile Assessment Center, to ensure the juvenile is eligible for the NTA and does not have any outstanding pickup orders.

7) Filing the case with the State Attorney's Office and opening an "At-Large" file.

d. Guidelines when detention is not required:

1) Juveniles found truant, shall be transported back to school or released to a parent, legal guardian, or responsible adult relative.

2) A delinquent child who is not arrested/charged with a criminal offense must be turned over to their parent(s), guardian(s), adult relative, school personnel, or other adult approved by the court.

3) Florida Statutes grant no arrest authority to an officer when a child is only alleged to be ungovernable, beyond the control of his/her parents, or a runaway. The complainants in these cases should be referred for services through the appropriate youth services agency, i.e. Youth Crisis Center in Jacksonville, FL.

#### 4. **Student Contact by Law Enforcement Officers on Campus or School Sponsored Activities:**

a. **Student Interviews by Law Enforcement Officers:** While there is no statutory requirement for a law enforcement officer to automatically notify a parent or legal guardian when interviewing a student on a campus or at a school sponsored event, unless requested by the student, it is a recommended practice. In the event the parent or guardian cannot be contacted, an interview may be permitted, but the presence of the school principal or a member of the faculty, designated by the principal, is also recommended. [16.03B]

b. **Law Enforcement Officer Taking Students from School:**

1) No student shall be taken from school by a law enforcement officer unless the student meets the criteria in section F.1.a, or with the consent of the student's parent or guardian. Officers shall notify an administrative school

official when an arrest is made and removal is necessary.

- 2) Officers are responsible and shall make concerted efforts to notify the parents of a child's removal from the school by them.

**5. Juveniles in Relation to the Press:**

- a. Any inquiry in relation to any juvenile case by the press shall be directed to the Public Information Officer or to the investigator.
- b. Chapter 119, Florida Statutes, specifically prohibits releasing personal information of sexual battery victims or child abuse victims.
- c. Chapter 39, Florida Statutes, requires confidentiality of most juvenile criminal proceedings, but allows, under certain circumstances, publication of the name and address of a child who violates the law.

**6. Fingerprinting Juveniles:** Juveniles who have been taken into custody on criminal charges, with the exception of when they are issued a civil citation, shall be fingerprinted in accordance with Florida Statutes. [CFA 16.03C]

**a. Felonies:**

- 1) Juveniles taken into custody for an act that would constitute a felony shall be photographed and fingerprinted with a full set of palm prints and plainly marked "Juvenile".
- 2) Disposition of these fingerprints and photographs is defined in Chapter 985, Florida Statutes.

- b. Misdemeanors:** The guidelines in Chapter 985, Florida Statutes, will be followed in regard to the acquisition and disposition of the fingerprints and photographs.

**7. Guidelines for Juvenile *Offense Reports*/ Notification of SRO(s) Concerning Runaways/Missing Juveniles:**

- a. Juvenile *Offense Reports*:** All *Offense Reports* concerning a juvenile will contain:

- 1) Name, address, date of birth, school attending or last attended, phone number, and parent/guardian information. This information will be provided on all victims, suspects, and witnesses who are juveniles.
- 2) All Juvenile offense reports may be forward to Youth Services for review upon request.

- b. Classification of Missing/Runaway Juvenile *Offense Reports*:** Officers will classify all missing/runaway juvenile offense reports as, "Missing



Person/Runaway in the electronic report system.

**c. Missing/Endangered Juveniles:**

- 1) Responsibilities: The detective from the CCSDPD Detective(s) shall be responsible for follow-up investigations of missing/endangered juveniles or those missing under suspicious circumstances. All reports concerning missing/endangered juveniles shall be forwarded to the CCSDPD Detective(s).
- 2) Detectives shall be responsible for forwarding all closed/ cleared cases to the CCSDPD Records upon their completion of the investigation.

**e. Recovery of Runaway/Missing Juveniles:** When a juvenile is recovered by a non-law enforcement entity, prior to the removal of Runaway/Missing Juvenile's information from NCIC/FCIC, an Officer will respond to check on the welfare of the child. If the recovery occurs outside Clay County, a request to a law enforcement agency having jurisdiction will be made to check on the child's welfare.

**8. Pickup and Detention Orders:** Officers who take a juvenile into custody at the direction of a pickup order, shall enforce the terms of the order in accordance with Florida Statutes. An arrest report must be filled out for all arrests on warrants and juvenile pick-up orders from jurisdictions inside and outside of Clay County, Florida. The probable cause section of the report shall cite the warrant information as probable cause for arrest. [CFA 16.01A]

**9. Civil Citations:** [CFA 2.02] [CFA 16.01B]

**a.** Clay County District Schools Police Department members shall follow the guidelines set forth in this order under Chapter 985 Florida Statutes, which establishes a Juvenile Civil Citation process for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice, for children who commit non-serious, delinquent acts, and to ensure swift and appropriate consequences. Any law enforcement officer may issue a civil citation to a juvenile who has committed a non-serious crime, as long as the juvenile:

- 1) Admits having committed a misdemeanor, requiring no restitution;
- 2) Has no prior arrests;
- 3) Has been issued no more than two prior civil citations; and
- 4) The juvenile's parents agree to a civil citation.

**Note: refer the State Attorney's Office, 4<sup>th</sup> Judicial Circuit, Memorandum**

*of Understanding (MOU), for the guidelines for issuing civil citations.*

**b. Procedures for Issuing Civil Citations:** [CFA 16.01B]

- 1) The Officer shall determine if the offender and the offense qualify for a civil citation.
- 2) The Officer shall call the Juvenile Assessment Center (JAC) to determine the offender's prior history.
- 3) The Officer shall obtain a right thumb print of the juvenile in the appropriate block on the **Civil Citation Form** located next to the juvenile's signature to confirm the identity of the offender.
- 4) The Officer shall obtain agreements from the juvenile and his/her parents at the time the citation is issued. The Officer shall advise the offender of the option to refuse the citation and be referred to the JAC or State Attorney's Office.

**c. Handling/processing citations:**

- 1) If a citation is issued at the scene and the juvenile is released to the parents, the yellow copy of the citation is to be given to the offender.
- 2) The original, the green copy and the pink copy of the citation shall be turned in at the end of the Officer's tour of duty, along with his/her report.

d. It is the responsibility of the School Resource Officer to close the case, "Juvenile No Custody". If the case is closed by arrest, an Arrest report must be completed and the offender taken to the JAC. Continuation Reports, reflecting the arrest, are necessary.

e. If the offender commits another offense prior to completing the civil citation sanctions, the offender shall be charged with the new offense, after conferencing with the JAC, by the arresting Officer. Notification of the arrest shall be made to the SRO who originally issued the Civil Citation for follow-up disposition in the original case, if any.

f. Civil citations are not considered arrests under Section 985.101, Florida Statutes.

**10. Juvenile Arrest Data:** Juvenile arrest information for those who would qualify for a civil citation is required to be submitted to the Florida Department of Juvenile Justice (DJJ) pursuant to Section 985.126, Florida Statutes. The DJJ is required to receive information indicating why an arrest was made in lieu of issuing a civil citation. The information is tracked statewide by DJJ. The following reasons, if they apply, must be documented in the arrest affidavit or notice to appear and forwarded to DJJ for tracking purposes:

- a. The Officer suspects the offender has a gang association;
- b. The offense includes cruelty to animals;
- c. The offense involved weapons or firearms;
- d. The parent of the offender declined/refused to participate;
- e. The offender declined/refused to participate;
- f. The offender refused to admit guilt;
- g. A civil citation or alternative diversion program is not available;
- h. The offender is not eligible based on local civil citation policy;
  - 1) The offender committed a misdemeanor requiring restitution;
  - 2) The offender has a prior arrest;
  - 3) The offender has been issued more than two civil citations;
- i. A reason was not available or provided by the arresting Officer;

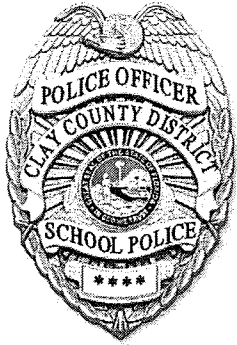
#### **11. Juvenile Parties:**

- a. Clay County District Schools Police Department members shall follow the guidelines set forth in this order under Section 562.111, Florida Statutes. Any law enforcement officer may issue a civil citation to a juvenile found in unlawful possession of alcoholic beverages. [CFA 16.01B]
- b. In any case involving unlawful possession of alcoholic beverages by an underage person or a juvenile, appropriate law enforcement action will be taken.
- c. If there is insufficient probable cause to arrest a juvenile, the parents will be notified from the location, advised of the circumstances, and asked to pick-up their child.
- d. In cases where there is sufficient probable cause for an arrest, the juvenile will be taken to the Juvenile Assessment Center (JAC) for processing. However, every effort to contact the parents must be made as soon as possible to advise them of the charges and the location to pick up their child.
- e. In situations where an adult is hosting a party where alcoholic beverages are being served/provided/consumed, or is allowing such a party to take place on their property, a complete investigation will take place and applicable charges

should be made as allowed by Florida Statutes.

**12. Juvenile Mental Health Plan:**

- a. All CCDSPD sworn members will receive Critical Incident Training (CIT). This training will assist sworn members when interacting with citizens, including juveniles, who are psychologically distressed.
- b. Members will report immediate or potential threats involving students and/or schools to the appropriate School Resource Officer, On-Call SRO, or SRO supervisor.
- c. SROs will assist Clay County District School staff with completion of the Threat Assessment packet and/or the Suicide Prevention Assessment packet identified in the Clay County District School Mental Health Plan. SROs will provide information obtained from law enforcement reports.
- d. SROs will serve as members on behavioral/threat assessment teams for each Clay County District School.
  - 1) The behavioral/threat assessment team will share information and identify students and staff with mental health issues, particularly those that could result in violence.
  - 2) SROs will meet with the behavioral/threat assessment team as needed to discuss issues or concerns with specific students.
  - 3) SROs will have immediate access to the Clay County District School's student database & records.
  - 4) SROs will make contact with the school's administrator or behavioral/ threat assessment team and share information from reported domestic violence, mental health, and traumatic incidents, respectively.
    - a) SROs will document contacts and follow-up as required.



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.08 Marchman Act*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
August 1, 2019		

- A. PURPOSE:** The purpose of this order is to ensure the uniform procedure for involuntary admission for substance abuse under the Marchman Act.
- B. SCOPE:** This order shall apply to all sworn Clay County District Schools Police Department members.
- C. DISCUSSION:** N/A
- D. POLICY:** It shall be the policy of the Clay County District Schools Police Department to establish guidelines relating to involuntary admissions under the Marchman Act.
- E. DEFINITIONS:**

***ADDICTION RECEIVING FACILITY*** – a secure, acute care facility that provides, at a minimum, detoxification and stabilization services; is operated 24 hours a day, 7 days a week; and is designated by the Department of Children and Families (DCF) to serve individuals found to be substance abuse impaired as described in Section 397.675, Florida Statutes, who meet the placement criteria. In Clay County, Gateway Community Services (Also used for Exparte Detox) 555 Stockton Street Jacksonville, FL 32204

***EX PARTE ORDER FOR INVOLUNTARY EXAMINATION*** – an order from a circuit or county court ordering a person to be examined at a designated receiving facility.

***INCOMPETENT TO CONSENT TO TREATMENT*** – a state in which a person's judgment is so affected by a substance abuse impairment, the person lacks the capacity to make a well-reasoned, willful, and knowing decision concerning their medical health, mental health, or substance abuse treatment.

***INVOLUNTARY SERVICES*** – an array of behavioral health services which may be ordered by the court for persons with substance abuse impairment and mental health disorders.

***MARCHMAN ACT*** - The procedures set forth under Chapter 397, Florida Statutes, for involuntary admission of persons due to substance abuse impairment.

***SUBSTANCE ABUSE IMPAIRMENT*** – a condition involving the use of alcoholic beverages or any psychoactive or mood-altering substance in such a manner as to induce mental, emotional, or physical problems and cause socially dysfunctional behavior.

***QUALIFIED PROFESSIONAL*** – a physician, physician's assistant, or a professional licensed under Chapter 490 or 491, Florida Statutes, (psychologist; clinical social worker; marriage and family therapist; and mental health counselor); an advanced registered nurse practitioner (ARNP) licensed under Chapter 464, Florida Statutes ; and a person certified through DCF for substance abuse treatment services.

## **F. PROCEDURE:**

**1. Marchman Act Criteria.** A person meets the criteria for involuntary admission if there is a good faith reason to believe that the person is substance abuse impaired or has a co-occurring mental health disorder and, because of such impairment or disorder:

- a. Has lost the power of self-control with respect to substance abuse; and
- b. Is in need of substance abuse services and, by reason of substance abuse impairment, their judgment has been so impaired that the person is incapable of appreciating their need for such services and of making a rational decision in that regard, although mere refusal to receive such services does not constitute evidence of lack of judgment with respect to their need for such services, or
- c. Without care or treatment, is likely suffer from neglect or refuse to care for oneself; that such neglect or refusal poses a real and present threat of substantial harm to their well-being; and it is not apparent such harm may be avoided through the help of willing family members or friends or the provision of other services, or there is a substantial likelihood the person has inflicted, or threatened to or attempted to inflict, or, unless admitted, is likely to inflict, physical harm on oneself or another.

**2. Initiation of Involuntary Admission Under the Marchman Act.** An involuntary admission may be initiated by any one of the following means:

- a. A circuit or county court may enter an order stating that a person appears to meet the criteria for involuntary admission and direct that the person be taken to the addiction receiving facility for evaluation and/or treatment.
- b. A law enforcement officer may implement protective custody measures when a minor or an adult who appears to meet the criteria for involuntary admission is brought to the attention of law enforcement or is in a public place, Section 397.677, Florida Statutes.
- c. A qualified professional may execute a professional's certificate for an emergency involuntary admission for emergency assessment and stabilization.

In such case, a law enforcement officer may transport the patient named in the emergency certificate to the addiction receiving facility.

### **3. Execution of Court Ordered Marchman Acts:**

- a. Upon receipt of a court order directing law enforcement to initiate an involuntary admission for evaluation and/or treatment, officer(s) will go to the address listed on the information sheet, if within and upon any Clay County District School property (owned or leased) and attempt contact with the individual listed on the order. The action to be taken is to be explained to the individual and a copy of the order is to be served to the individual. The individual shall be handled in accordance with the documents presented. When transporting mentally disturbed, violent, handicapped or sick persons due care is required for the safety of the individual as well as the officer. When transporting such persons, discretion shall be employed on the use and degree of restraints, due to the physical condition and/or behavior of the individual. A restraining device shall not be used on such an individual if it would create more physical harm or impair medical assistance.
- b. An order from the court for involuntary admission will specify the time of day and the days of the week that the order may be executed. The order from the court will specify whether or not the law enforcement officer is authorized to use reasonable physical force necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and take custody of the person who is the subject of the order if upon any Clay County District School property (owned or leased).

### **4. Law Enforcement Officer Initiated Involuntary Admission for Protective Custody**

- a. **Protective Custody with Consent:** A person in circumstances which justify protective custody may consent to be assisted by a law enforcement officer to their home, to a medical facility, or to a licensed detoxification or addiction receiving facility, whichever the officer determines is appropriate, Section 397.6771, Florida Statutes.
- b. **Protective Custody Without Consent:** If a person in circumstances which justify protective custody fails or refuses to consent to assistance and a law enforcement officer has determined an addiction receiving facility is the most appropriate place for the person, the law enforcement officer may take the person to the addiction receiving facility against the person's will using reasonable force if necessary. The law enforcement officer will use the Marchman Act form for reporting protective custody to detail the circumstances under which the person was taken into protective custody. The completed form will become part of the person's clinical record.

### **5. Emergency Involuntary Admission Initiated by Qualified Professionals**

- a. A qualified professional may execute a certificate for emergency admission, stating they have examined the person within the preceding 5 days and the person requires emergency admission to an addiction receiving facility.
- b. A law enforcement officer shall take the person into custody and deliver the person to the receiving facility.
- c. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody. That report, as well as the certificate provided by the authorized person shall become part of the person's clinical record.

**6. Transports:**

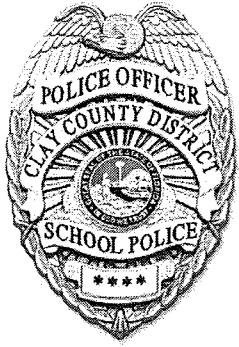
- a. Only with supervisory approval, subjects desiring to be transported to a receiving facility for a voluntary examination or admission, shall be accommodated.

**7. Medical Treatment:** If the individual requires medical treatment, emergency medical services (EMS) will be summoned to the scene to treat the individual. If medical transportation is required, the patient will be turned over to EMS to be transported to the nearest medical facility. An Officer shall escort EMS to the medical facility and complete the proper commitment paper work.

**8. Minors – Parent or Guardian Notification.**

- a. Notification to the parent or guardian of taking a minor into custody for an involuntary admission should be made as soon as practicable.





# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.09 Off Duty/Secondary Employment*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
August 1, 2019		

- A. **PURPOSE:** The purpose of this order is to establish guidelines for facilitating off-duty employment of sworn and non-sworn members in non-law enforcement roles.
- B. **SCOPE:** This order applies to all Clay County District Schools Police Department members.
- C. **DISCUSSION:** The procedures in this General Order are intended to establish and ensure that members working in non-law enforcement roles of an off-duty nature adhere to agency policies, and abide by the standards of conduct expected of members of the Clay County District Schools Police Department. Members who engage in off-duty employment shall recognize that their primary duty, obligation, and responsibility are to the Sheriff's Office.
- D. **POLICY:** It is the policy of the Clay County District Schools Police Department to allow employees to work and/or be involved in business ventures independent of their duties as a member with the agency.

E. **DEFINITIONS:**

**OFF-DUTY EMPLOYMENT** - The employment of any Clay County District Schools Police Department member by a governmental or private entity in a non-law enforcement or non-law enforcement implied capacity.

**EMPLOYMENT** - Salaried or voluntary services provided, businesses owned, or any interest in any business by any employee.

F. **PROCEDURE:**

1. **Requests to Work Off-Duty:**

- a. All members of the Clay County District Schools Police Department, sworn or civilian, who intend to engage in off-duty, non-law enforcement employment, shall submit an *Off-Duty Employment Authorization Request* to the Human Resources Section, via the chain-of-command, for placement in their personnel file.

- b. Members must receive approval from the Chief, via their chain-of-command, prior to engaging in actual off-duty employment. Approval is based on the restrictions contained in this General Order.

**2. Rate of Pay:**

- a. The Clay County District Schools Police Department does not regulate salary for private, non-law enforcement employment off-duty.
- b. Members are responsible for appropriate notification of outside wages to the Internal Revenue Service.

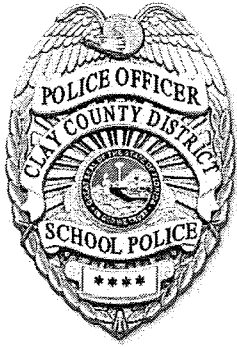
**3. Injuries:**

- a. Clay County District Schools Police Department Worker's Compensation shall not apply to members working off-duty.
- b. Members injured while working off-duty should notify their agency supervisor in the event that the injury will affect Clay County District Schools Police Department duties.

**4. Restrictions:** The following restrictions shall apply to any requests for permission to perform off-duty employment: [CFA 2.10]

- a. Any conflicts of interest with the goals and mission of the Clay County District Schools Police Department.
- b. When it appears that the member's attendance record, performance evaluation, or any other evidence the off-duty employment might impair his/her health or ability to discharge the Clay County District Schools Police Department obligation.
- c. When the off-duty work, or place it is performed, may bring the agency or member disrespect or disfavor, or involve any businesses that serve alcohol as its primary function, or engage in any violation of law or ordinance.
- d. When the employment involves the towing of vehicles other than at the owner's request for repair services.
- e. When the employment involves the use of Clay County District Schools Police Department records or equipment, the investigation of civil or criminal activity or suspected activity, the collection of debt, repossession of property, or non-law enforcement work in a pawn shop.
- f. No member may work for, or have any vested interest in, any business or firm that is contracted by or does business with, the Clay County District Schools Police Department.

- g.** Private security other than extra-duty employment through the Extra-Duty Employment Office.
- h.** Off-duty employment that interferes with the recovery of members who are on restricted duty with the Clay County District Schools Police Department.



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.10 Professional Traffic Stops and Citizen Contacts*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
August 1, 2019		

- A. PURPOSE:** The purpose of this policy is to unequivocally state that bias based profiling in law enforcement is unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect officers when they act within the dictates of the law and policy from unwarranted accusations. Bias-based profiling is prohibited in enforcement efforts to include but not limited to traffic contacts, field contacts, asset seizure and forfeiture efforts.
- B. SCOPE:** This order shall apply to all Clay County District Schools Police Department sworn law enforcement members.
- C. DISCUSSION:** A fundamental right guaranteed by the Constitution of the United States to all who live in this nation, is equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk wherever the public has a right to travel, safe from the actions of reckless and careless drivers. The law enforcement agency is charged with protecting these rights, for all citizens.
- D. POLICY:** It is the policy of the Clay County District Schools Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws in and upon owned or leased property of the Clay County School District, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, a violation of the law. Absent specific BOLO or investigative information, bias based profiling of an individual(s) shall not be a motivating factor in determining the existence of probable cause, to place in custody or to arrest a person(s), or to justify the detention of an individual(s) or the investigatory stop of a motor vehicle. Traffic stops will be based solely on specific BOLO or investigative information, or the violation observed.

**E. DEFINITIONS:**

**BIAS BASED PROFILING** - The selection of an individual based solely on a trait common to a group for enforcement action. This includes, but is not limited to: race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. [CFA 2.06C]

**REASONABLE SUSPICION** - Also known as articulable 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 in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a deputy combined with his or her training and experience, and/or reliable information received from credible outside sources. [CFA 2.06C]

## **F. PROCEDURE:**

### **1. Training Procedure:**

- a. Officers will receive training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, laws governing search and seizure, and interpersonal communication skills. [CFA 2.06A]
- a. Training programs, including legal aspects, will emphasize the need to respect the right of all citizens to be free from unreasonable government intrusion or police action and will be administered in accordance with CJSTC guidelines. [CFA 2.06A]

### **2. Proactive Control:**

- a. Traffic enforcement and other investigative enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
- b. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit a violation of the law or if they have committed a traffic infraction.

### **1. Traffic Stop Procedures:**

- a. The agency recognizes that with experience, individual officers may develop individualized approaches that they find works best for them in minimizing conflict during officer/violator contacts. Given some better approach, the following is recommended, in order specified below:
  - 1) Give a greeting, such as "Good morning, ma'am, Good evening, sir, etc."
  - 2) Identify yourself. Ex: "I am Officer Smith of the Clay County District School Police."

- 3) State the reason why the person is being stopped or detained. Ex: "I stopped you because I saw your vehicle come through the stop sign at that last intersection without coming to a complete stop." (Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension.)
- 4) It may defuse tension to ask a motorist if there was some reason for the violation. This gives them the opportunity to "have their say", often leads to an admission that the violator realized they were in violation, and precludes a defendant from offering a different excuse at trial. If you choose not to ask, but the motorist wishes to give a reason or excuse, listen politely and give ample opportunity to tell their story.
- 5) Politely ask for identification and any required documents. Ex: "May I please see your license, registration, and proof of insurance?"
- 6) After completing any necessary paperwork, inform the driver as to what action is being taken and what, if any, the person must do as a result, such as how to pay any fine involved, obtain a traffic court hearing, etc.
- 7) Give a courteous closing appropriate for the situation.
- 8) Attempt to assist the driver merge safely back into the traffic stream.

## **2. Appropriate Enforcement Action:**

- a. Appropriate enforcement action may consist of any of the following:
  - 1) Warning, either written or verbal. Not all stops will result in the violator receiving a traffic citation or being arrested. Officers should always consider issuing a warning when the circumstances justify such enforcement action.
  - 2) Uniform Traffic Citation.
  - 3) Arrest.
- b. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. It is strongly recommended that consent searches only be conducted with written consent, using the proper agency form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to sign", inserting initials and the signature of any witness in the signature block.
- c. If the agency vehicle is equipped with a video camera, the video and sound should be activated prior to the stop, to record the behavior of the vehicle or

person, and should remain activated until the person is released and resumes their journey.

- d. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop, whether it be a traffic contact or field contact.
- e. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, or gender of a person stopped for investigative or an enforcement purpose is prohibited and a cause for disciplinary action, up to and including dismissal.

#### **5. Complaints of Bias Based Profiling: [CFA 2.06F]**

- a. Any person may file a complaint with the agency if they feel they have been stopped or searched based on bias based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- b. Any member contacted by a person who wishes to file such a complaint shall apprise his/her supervisor and handle in accordance with Internal Affairs Investigations.
- c. Disciplinary action or changes in policy, training, or tactics which are determined to be needed as a result of an investigation of this nature will be handled in accordance with current disciplinary procedures and/or an identifiable training need/action plan coordinated by the training unit. [CFA 2.06B]

#### **6. Administrative Review:**

- a. On an annual basis, the agency shall conduct an administrative review of agency traffic stop procedures and citizen concerns related to bias-based profiling, by preparing a statistical summary of all profiling complaints for the year, including the findings as to whether they were sustained, not sustained, or exonerated. Such summary shall be prepared by Internal Affairs and the Training Lieutenant. The data will be used by the Training Unit and used for suggestions in changes in policy or training. [CFA 2.06E]
- b. During January of each year, the Training Lieutenant will prepare an annual review of traffic stop statistics and forward it to the Chief of Police. The report will include data from the previous calendar year providing details and analysis of information acquired from agency records.
- c. Supervisors should:
  - 1) Periodically review a sampling of in car video recordings of stops 9if available); and

2) Respond randomly to back up officers on vehicle stops.

d. Supervisors shall:

1) Review profiling complaints,

2) Review reports filed regarding stops made by officers; and

3) Take appropriate action whenever it appears this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officer or squads. [CFA 2.06B]

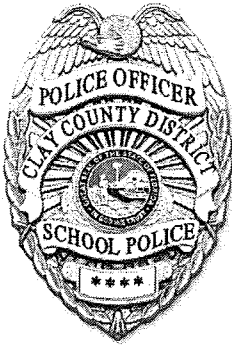
**7. Asset Seizure and Forfeiture Efforts:**

a. The Clay County District Schools Police Department prohibits the seizure of assets or the furtherance of forfeiture efforts of any citizen, based on bias-based profiling.

**8. Community Education and Awareness Efforts:**

a. The Clay County District Schools Police Department is charged with protecting all citizens against bias-based profiling. Community education and awareness efforts will be made available by various means to include: the agency website, printed publications, public forums (i.e. media interviews, citizens' academy courses, etc.), or news releases. [CFA 2.06D]





# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.11 Response to Resistance*

<b>EFFECTIVE:</b>	<b>REVISED:</b>	<b>RESCINDS:</b>
August 1, 2019		

- A. PURPOSE:** It is the policy of the Clay County District Schools Police Department that administrative guidelines on the response to resistance should be clearly developed, presented, understood and enforced. This General Order will reflect a critical balance of "self-protection" for the member, the value of all human life, and the right of every citizen to be safe in his/her person and property.
- B. SCOPE:** This order shall apply to all Clay County District Schools Police Department sworn members.
- C. DISCUSSION:** The value of human life is immeasurable in our society. Certified officers have been delegated the responsibility to protect life and property, to apprehend criminal offenders and to enforce all laws in a fair and impartial manner. The responsibility for protecting life must include his/her own. In any situation, members will use only the force necessary to affect lawful objectives. Only members demonstrating proficiency through agency qualifications in the use of agency-authorized weapons are approved to carry such weapons. Only members demonstrating proficiency through agency qualifications in the use of agency-authorized weapons are approved to carry such weapons. [CFA 4.03M/4.05M, b 4.01M]
- D. DEFINITIONS:**
- a. Verbal Resistance – A subject verbally refuses to comply with a officer's request or attempts to control the situation. The subject threatens the officer with further resistance. The subject does not respond to the officer.
  - b. Passive Physical Resistance – A subject physically refuses to comply or respond. The subject does not make any attempt to physically defeat the actions of the officer, but forces the officer to employ physical maneuvers to establish control. The act of running away from a law enforcement officer would constitute passive physical resistance.

- c. Active Physical Resistance - A subject's use of physically evasive movements directed toward the officer such as bracing, tensing, pushing, or pulling to prevent the officer from establishing control over the subject. The mere act of running away from a law enforcement officer does not constitute active physical resistance.
- d. Aggressive Physical Resistance - A subject's attacking movements toward a officer that may cause injury but are not likely to cause death or great bodily harm to the officer or others.
- e. Aggravated Physical Resistance - A subject's hostile, attacking movement with or without a weapon that creates a reasonable perception by the officer that the subject intends to cause and has the capability of causing death or great bodily harm to the officer or others.
- f. Physical Force - The force required to physically apprehend, subdue, restrain or incarcerate a subject who is resisting the efforts of the member.
- g. Deadly Force Resistance - A subject's hostile, attacking movements with or without a weapon that creates a reasonable perception by the officer that the subject intends to cause and has the capability of causing death or great bodily harm to the officer or others.
- h. Deadly Force - That force which is likely to cause death or serious physical injury and includes, but is not limited to, the following:
  - 1) The discharging of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm.
  - 2) The discharging of a firearm at a vehicle in which the person to be arrested is riding.
  - 3) Intentional ramming of the vehicle, in which the person to be arrested is riding, with a vehicle or vessel (boat).
  - 4) Use of impact weapons for strikes above shoulder level.
- i. Less-Lethal Weapon - A weapon that is not fundamentally designed to cause death or great bodily harm. Some examples of less-lethal weapons include: electronic control devices (ECD), dart firing stun guns, such as a TASER®, expandable batons, flashlights, chemical agent sprays, and impact munitions.
- j. Non-Deadly Force - Unarmed physical force, includes holding techniques, take down techniques, unarmed strikes to a non-vital area,

and any other type of restraining or submission techniques, without the use of a weapon.

- k. **Armed Non-Deadly Force** - Is force applied to non-vital areas using weapons that include but not limited to, "Taser" conductive energy weapon, straight batons, collapsible baton, flash light or illumination device, chemical or impact munitions or any other objects used for the purpose of responding to resistance.
- l. **Physical Control** - Achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns and striking techniques.
- m. **Serious Physical Injury** - An injury, which results in great bodily harm, permanent disability or permanent disfigurement.
- n. **Substantial Risk** - A clear and imminent danger whether from an attack or as the result of an attack which may cause death, great bodily harm, permanent disfigurement, or permanent disability.
- o. **Totality of Circumstances** - A term the court uses to refer to all facts and circumstances known to the officer at the time or reasonably perceived by the officer as the basis for a response to resistance decision. The courts will look at the totality of circumstances in determining whether the decision was objectively reasonable and, therefore, legally justified. The totality of circumstances includes consideration of the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the officer.
- p. **Response to Resistance Matrix** - Adopted CCDSPD Matrix based on the recommendations set forth by F.D.L.E./C.J.S.T.C. (see attachment)

## **E. WRITTEN REPORTS ON RESPONSE TO RESISTANCE**

The following applies to certified members:

- a. All members involved in the use of force must document their involvement either as a primary officer in an incident report or as a secondary officer in a supplement report. Any member who is witness to a use of force by an agency member, will document the event in a supplemental report to the primary officers incident report.
- b. An incident report will be submitted and approved by the member's immediate supervisor as soon as practical on accidental firearm discharges and discharges in the line of duty for other than training or recreational purposes. All accidental or negligent discharges will be

reviewed by the Chief of Police or designee and Clay County District Schools Police Department Internal Affairs [CFA 4.08M, a]

- c. An incident report and a Response to Resistance report will be submitted whenever a member takes an action that results in or uses physical force which results in, or is alleged to have resulted in injury or death. Use of physical control techniques, or use of physical force which does not result in injury, will be documented in the incident report or arrest and booking report. If force is used that requires the completion of a Response to Resistance report it must be included with the in the Incident report [CFA 4.08M, b & d]
- d. A incident report and a Response to Resistance report will be submitted whenever a member applies force through the use of lethal or less lethal weapons. If force is used that requires the completion of a Response to Resistance report it must be indicated in the RMS Law Incident report on page two in the "Forced Used" Category. (CFA 4.08M, c)
- e. The member's immediate supervisor will review the "Response to Resistance" information in the incident report and sign. The original will be filed with the Records Section as with any other original report. A copy of the incident report and the Response to Resistance report will be forwarded via chain of command to the division chief. The division staff assistant will forward copies to the Training Section.
- f. All response to resistance incidents will be analyzed annually by the Training Lieutenant to reveal patterns or trends that could indicate training needs and/or policy changes.

The annual analysis will be forwarded to the Chief covering incidents for the previous year [CFA 4.10M/4.12M]

#### **F. USE OF DEADLY FORCE (CFA 4.01M)**

##### **a. Criteria**

- 1) Protection of self or the life of another human being in imminent danger of death or great bodily harm. A certified member may use deadly force only when the member reasonably believes that the action is in defense of human life, including his/her own, or in defense of any person in immediate danger of serious physical injury. (Reference Section III for specific definition of reasonable belief, serious physical injury and other similar terms)
- 2) Prevention of a forcible felony: A certified member is justified in using deadly force whenever he/she believes that there is a substantial risk that the suspect in question will cause death or

serious bodily harm to another unless the suspect is stopped and the use of such force presents no substantial risk of injury to innocent persons. The felonies include, but are not limited to, the following:

Per F.S.S. 776.08 Forcible Felonies are:

- a. Treason
- b. Murder/manslaughter
- c. Sexual battery
- d. Carjacking
- e. Home-invasion robbery
- f. Robbery
- g. Burglary
- h. Arson
- i. Kidnapping
- j. Aggravated assault
- k. Aggravated battery
- l. Aggravated stalking
- m. Aircraft piracy
- n. Unlawful throwing, placing, or discharging of a destructive device or bomb
- o. Any other felony that involves the use or threat of physical force or violence against any individual.

**3) Prevention of escape from custody**

Sworn members who have an arrested person in custody are justified in the use of any force which is reasonably believed to be necessary to prevent the escape of the arrested person from custody, when he/she believes there is a substantial risk that the arrested person will cause death or serious bodily harm if his/her apprehension is delayed.

- 4) The person affecting the arrest must be authorized to act as a certified officer or is assisting a person whom he/she believes to be authorized to act as a certified member.
- 5) The member believes the crime for which the arrest is made involved conduct including the use, or threatened use, of deadly force by the suspect, and the member believes there is a substantial risk that the person to be arrested/recaptured will cause death or serious bodily harm if his/her apprehension is delayed.
- 6) Self-defense and imminent threat will be the only policy guidelines for employing deadly force.

b. Prohibitions

- 1) Firing at, or from, a moving vehicle: Discharging a firearm at a suspect's vehicle or from a member's moving vehicle is prohibited with the following exceptions:
  - a. When the occupant of the vehicle is utilizing deadly force against another and as a last resort to prevent death or great bodily harm, and the member believes that there is no substantial danger to innocent persons.
  - b. As a last resort to apprehend a felon who has committed a felony resulting in death or great bodily harm to another person and the officer believes that there is no substantial danger to innocent persons.
- 2) In addition to moving vehicles, firearms will not be discharged under the following conditions [CFA 4.04M]:
  - a. As a warning shot.
  - b. To affect the arrest or prevent the escape of any person known to be charged with, or convicted of, a misdemeanor, county ordinance or traffic infractions.
  - c. Against a fleeing felon, or suspected felon, known to be unarmed or non-dangerous.
  - d. When the circumstances do not provide a high probability of striking the intended target, or when there is a substantial risk to the safety of an innocent bystander or himself/herself.
- 3) Display of firearms/weapons: Officers will not unnecessarily draw or display their firearms or other weapons in a public place, or at the Clay County District Schools owned or leased property, on or off

duty with the exception of use in a training mode and/or special events as appropriate.

c. Responsibility:

The decision to resort to deadly force is the most serious decision a member can make, for once the trigger is pulled, the action is irreversible and it is too late to ponder upon the legality or morality of the act. On the other hand, indecisiveness resulting from the inability to determine when the member may justifiably resort to deadly force may be just as self-defeating as impulsiveness. The consequences of hesitating or inaction because of inadequate training and a positive sense of direction are devastating. Not only does failure to respond to a situation endanger the member's life, but it may also cause a citizen to be wounded and/or killed, because the member failed to carry out his/her responsibilities.

d. Duties of Affected Member:

- 1) If a member becomes involved in the application of force in which a suspect is seriously injured or killed or in a shooting incident with a suspect regardless of injuries or death, the member will do the following:
  - a. Make safe and secure the weapon as soon as the threat of danger no longer exists.
  - b. Request a rescue unit and render medical aid to the level in which the member is trained. In cases of minor injuries, where the subject will be arrested, the subject will be transported to the appropriate medical facility prior to incarceration.
  - c. Immediately notify his/her supervisor.
  - d. Secure the scene(s) and request any necessary assistance.
- 2) After a shooting incident and after the scene has been secured and/or there is no longer a threat to the involved member, the member will not reload his/her weapon nor in any way tamper with or change the sequence of expended rounds in the weapon. Not every shooting incident will require the removal of the member's weapon. The supervisor will use his/her discretion regarding this. However, if it is required that the weapon be surrendered, it will be that:
  - a. The member(s), once removed from the scene, should surrender his/her weapon to his/her supervisor.

- b. The member will not be disarmed at the scene.
  - c. A replacement weapon will be issued by the Armorer or other responding member of the Training Unit.
- e. Duties of Initial Responding Officers

All initial responding officers will assist with the following:

  - 1. Rendering first aid and if necessary request a rescue unit.
  - 2. Securing the scene.
  - 3. Identifying and separating witnesses.
- f. Duties of the Immediate Supervisor
  - 1. Respond to the scene to verify the incident.
  - 2. Ensure that the watch commander is notified to respond.
  - 3. Ensure that medical treatment has been administered and requested.
- g. Duties of the Watch Commander
  - 1) Notify the Chief of Police
    - a. In cases of serious injury or death, notify the Detective(s).
    - b. Notify the affected member's spouse or other immediate family. If there is death or serious injury of the member, notify the spouse or immediate family in person.
  - 2) Notify the Clay County District Schools Public Information Officer, who will coordinate with the Chief of Police and the Superintendent of Schools. Also, a chaplain will be notified.
  - 3) Establish a check-in post near, but not at, the scene that all responding members will be directed to report to. Any member responding to the scene will be required to report to the post before receiving their respective assignments.
  - 4) Assign an uninvolved member to act as a log-in-officer at the post to keep a list of who responds to the scene and the law enforcement member's assignments. Any E.M.S. personnel will also be logged.



- 5) Notify the Training Unit or the armorer to respond if the incident involves the member's weapon.

h. Duties of the Training Unit or Armorer

- 1) When the Training Unit or Armorer responds to the scene of an officer involved shooting to replace the weapon for a member where the weapon is turned over to another investigating agency, the armorer will complete the transfer paperwork transferring the weapon to the possession of the receiving agency and the person taking possession of the weapon.
- 2) When the armorer does not respond to the scene of an officer involved shooting, the member's direct supervisor at the time of the incident will submit a memorandum to the armorer documenting the transfer of the weapon to include the investigator's name, agency, case number, along with the make, model, and serial number of the weapon(s) relinquished and to whom received the weapon. Upon receipt, the armorer will then complete the transfer paperwork notating this information and attach the memorandum to the transfer paperwork and update this information in the inventory software.

i. Duties of the Chief of Police

- 1) After reviewing the circumstances, the Chief of Police will determine whether the Clay County Sheriff's Office, the State Attorney's Office, or the Florida Department of Law Enforcement should be the lead investigative agency.
- 2) If another law enforcement agency is the lead investigative body, all assisting members will be subordinate to the Clay County Sheriff's Office, State Attorney's Office, or the Florida Department of Law Enforcement assigned detectives.
- 3) If the Florida Department of Law Enforcement or the State Attorney's Office or Clay County Sheriff's Office is the lead agency, members of the Clay County District Schools Police Department will assist in any way.
- 4) Notify the Director of Personnel and Professional Standards so that a preliminary administrative review may be initiated.
- 5) When the response to resistance by the member results in a death or serious physical injury to another person, and pending administrative review, provide written notification to the member involved that he/she will be temporarily reassigned to a non-law enforcement function or be placed on administrative leave for an appropriate amount of time as determined appropriate by the Chief

of Police. The reassignment or administrative leave status is subject to review or modification at any time by Chief of Police (CFA 18.17M).

j. Animals

Only approved firearms will be used to dispose of seriously injured or dangerous animals when other dispositions are impractical or other means have failed and it is safe to do so. Animals suspected of rabies must be disposed of by the guidelines set forth by the Clay County Department of Health. An Incident Report will be completed detailing the circumstances surrounding the disposal of the animal.

k. Psychological Intervention, Post-Application of Deadly Force

- 1) A member who used deadly force that resulted in serious bodily injury or death to another person will be removed from the line of duty and placed on administrative leave for a minimum of three (3) days following the incident to participate in psychological intervention. This administrative leave is routine procedure and is not a disciplinary procedure. A member who is placed on administrative leave will be available for agency interviews and will be subject to recall if necessary. The notice of administrative leave and conditions of that leave will be communicated to the member in writing.
- 2) During the initial three (3) day administrative leave period following an incident involving deadly force, the member will participate in a psychological intervention with a licensed mental health professional selected by Clay county District Schools. The Chief of Police or designee will schedule the psychological intervention session.
- 3) The purpose of the psychological intervention session is to assist the member in dealing with the incident and provide education regarding stress and self-care. The session is a confidential and legally privileged communication between the licensed mental health professional and the member, and nothing discussed in the session will be reported to the agency without the member's written authorization. The session will not be related to any investigation of the incident.
4. At the conclusion of the psychological intervention session, the licensed mental health professional will advise the agency in writing whether the member should return to duty. A member may be placed in a temporary position upon return to duty according to the current staffing needs of the agency and any recommendation(s) provided by the licensed mental health

professional. The Chief of Police or designee is responsible for notifying the member of his or her duty status and work assignment.

5. The Chief of Police or designee will schedule the member for a mandatory follow-up session within sixty (60) days of the member's return to regular duty.
6. The psychological intervention is separate and distinct from any fitness for duty assessments, or any administrative or investigative procedures that may follow an incident. A member's fitness for duty is not automatically brought into question by virtue of their involvement in a deadly force incident. Upon a member's return to duty, if a separate fitness for duty evaluation is requested by a member's supervisor, it will be conducted by a different licensed mental health professional than the one who participated in the initial psychological intervention [CFA 4.08, a]

#### **G. USE OF NON-DEADLY FORCE**

[CFA4.05M/4.07M] [FCAC 10.08M]

- a. Sworn members will use acceptable techniques or approved special equipment (i.e., physical restraints) when the use of force is necessary. When the officer is deprived of their equipment (i.e., taken by suspect(s) or malfunction) the officer may use readily available resources to protect themselves and/or others from harm. Officers that find themselves in this situation shall exercise good judgment and apply only the appropriate force necessary to control the threat.
- b. Authorized less lethal weapons by the Clay County District Schools Police Department are the straight baton, flashlight (2 to 5 cell capacity), expandable baton, chemical munitions, impact munitions and the "Taser"/Electronic Control Devices (ECD), if issued.

All sworn law enforcement officers will be certified with one or more of the following: O.C. spray, E.C.D.( if issued), expandable/straight baton and flashlight.

All sworn law enforcement officers holding the rank of sergeant and below will carry a minimum of one (1) of the following less lethal options on duty and in uniform: O.C. spray, flashlight, E.C.D., baton (straight or expandable).

The Training Section is responsible for testing and evaluating less lethal weapons and maintaining specific types and specifications authorized for use by the Chief of Police.

- 1) Impact weapons will not be less than seven (7) inches nor more than forty-eight (48) inches in length.
  - 2) The police baton will be utilized with no alterations, modifications or changes that would deviate from factory specifications.
  - 3) Oleoresin Capsicum (O.C.) will be the issued chemical spray of the Clay County District Schools Police Department. Sworn members, who have been properly trained and certified, will only, carry the equipment issued by the Clay County District Schools Police Department. The training will outline the proper sequence of the O.C. use within the Clay County District Schools Police Department "Response to Resistance Matrix".
- c. Prior to carrying any Clay County District Schools Police Department approved less lethal weapons, each member will be issued and instructed on the Clay County District Schools Police Department Response to Resistance policy and complete a specific certification course taught by a qualified instructor, and thereafter is re-qualified annually. This also will be documented and maintained by the Training Unit. [CFA 4.02M][FCAC 9.07M]
- d. Training in the Use of O.C. Spray and Treatment of Exposed Individuals

All sworn members may elect to carry O.C. spray. O.C. spray issued by the Clay County District Schools Police Department is the only spray authorized for use. Sworn members will receive initial and annual training in deployment, decontamination and the treatment of affected individuals from a certified instructor.

At the time of re-training, an instructor certified in the use of O.C. spray will inspect the O.C. spray unit, and if deemed unsafe for use, the member will be re-issued a new O.C. spray unit. All re-training and/or proficiency will be documented and kept as part of the member's training file. If a member fails to demonstrate proficiency, they will not be allowed to carry O.C. spray until they attend and successfully pass a remedial training course offered by the Training Section. [FCAC 9.11M]

- 1) O.C. spray will be used to:
  - a. Protect one's self, the safety of citizens or other officer's.
  - b. Prevent, suppress escalating disturbances.
- 2) Limitations:

- a. Do not spray a person in water.
  - b. Do not spray the driver of a motor vehicle in motion.
  - c. Do not spray O.C. in hospitals, public transit vehicles (planes, trains, buses, etc.), senior citizens housing or child care facilities unless absolutely necessary.
  - d. When other officers are near and when possible, give the verbal warning "O.C. Spray, O.C. Spray", loudly and clearly before dispensing O.C.
  - e. Officers hearing this should immediately break contact with the intended target and create distance from him while spray is dispensed.
- e. O.C. Effectiveness - Officers will use caution and the utmost discretion when using O.C. spray in conditions of wind/rain. Rain may dilute the strength of the spray; wind may cause the spray to contact the spraying officer and other persons nearby.
- 1) Methods of use: When preparing to spray a suspect who is offering **active physical resistance** with other officers, the O.C. deploying officer with the O.C. spray will verbalize a warning by yelling, "O.C. Spray, O.C. Spray!" then "Get Back!" officers attempting to apprehend the suspect will immediately disengage from the struggle. This warning is not required when the suspect's resistance is to the point that discharge must be immediate and there is no time to issue a warning.
  - 2) Officers will take every precaution to ensure that innocent bystanders are not in the line of the spray zone prior to discharge.
  - 3) Officers must be careful not to spray into a strong wind or breeze which would force the spray back onto themselves.
  - 4) Point the nozzle towards the subject.
  - 5) Press the nozzle to produce a short spray to the face of the subject.
  - 6) While most persons will exhibit an inability to function normally after being sprayed, officers must nevertheless use caution in approaching the person sprayed. Officers will use caution when attempting to handcuff a sprayed person.
  - 7) When the subject becomes incapacitated, wait a period of at least 5-10 seconds for any mist to dissipate and then give specific and distinct verbal commands to the subject. Generally, this should include an instruction to stop resisting, remain still and calm.

- 8) Apply restraints, and remove the subject from the area where the incident occurred and into the fresh air.
  - 9) Subjects will be monitored closely and told to breathe normally. If normal breathing does not resume immediately request Emergency Medical Services (E.M.S.).
  - 10) Due to the potential for some chemical spray to ignite, it should never be sprayed into an open flame of any kind or in the proximity of any electrical device which could be a source of ignition such as an, electronic control device (E.C.D.) or a source of ignition such as a lighted cigarette/cigar.
  - 11) Unless absolutely necessary (hostile crowds, violent situations) officers should not transport a sprayed subject in a Clay County District Schools Police Department vehicle for fifteen to twenty minutes after spraying, thus allowing the chemical time to dissipate. (The spray residue can affect the transporting officer, particularly in closed vehicles). Vehicle's equipped with rear window bars may crack open the rear windows to allow in fresh air to dissipate the O.C. spray.
  - 12) After spraying and handcuffing a suspect, officers will not place him/her on their stomach or back with any unnecessary pressure on the back, or any part of the body that will cause additional breathing difficulty. To do so may prevent breathing and cause positional asphyxia. Subjects will be monitored while transported in an upright position and seat belted.
  - 13) Anytime O.C. spray is used on a subject and that subject is arrested, the member transporting the arrestees will notify Clay County Sheriff's Office Detention members.
- f. Decontamination and medical aid after response to resistance and the application of oleoresin capsicum spray (O.C.) (FCAC 9.07M)
- 1) Relief measures for individuals who have been sprayed with O.C. spray will be given as soon as possible after the subject has complied.
    - a. Remove the subject from the area of exposure and place him/her in the fresh air. Determine if the subject has respiratory problems such as asthma, bronchitis or emphysema.

- b. If contact lenses are worn, have the subject or qualified medical staff remove them. Contacts may be contaminated and require discarding.
- c. If the subject has apparent respiratory problems, hyperventilates, loses consciousness, stops breathing, suddenly becomes incoherent or turns pale, contact Emergency Medical Services (E.M.S.) immediately.
- d. Reassure the subject that the effects are temporary and that the discomfort will diminish.
- e. Flush the subject's face with cool water or apply a wet paper towel to expedite recovery. If needed relocate to a source where cool water is available. DO NOT rub contaminated area or apply creams, salves, oils, lotions or burn cream as they may trap the O.C. on the skin.
- f. During transportation monitor the subject for breathing difficulty, nausea or unconsciousness.
- g. When turning the subject over to detention members, advise the intake officer that the subject has recently been sprayed with O.C. spray. The member should have the arrested subject sit in close proximity to a well-ventilated area to provide some relief.
- h. Never leave the subject unattended until they have completely recovered from the effects of the O.C. spray.
- i. Individuals having difficulty in recovering should receive medical attention if symptoms have not disappeared in a reasonable amount of time (45 minutes to one hour), i.e. apparent respiratory problems, hyperventilates, loses consciousness, stops breathing, suddenly becomes incoherent or turns pale.
- j. If an officer becomes contaminated with O.C. spray, they should remove contaminated clothing and avoid touching their eyes, nose, mouth and other sensitive skin areas until after washing their hands.
- k. If transportation to a medical facility is required, Emergency Medical Services (EMS) or the arresting officer may do so as circumstances dictate. An officer must accompany or follow the E.M.S. vehicle if the subject is under arrest.
- l. If transporting an individual who has been O.C. sprayed to a hospital, officers will call ahead to the emergency room to see

if they want to decontaminate the individual prior to bringing them inside the hospital, the telephone number to the O.P.M.C. Emergency Room Nurse's Station is (904) 639-3971.

m. These persons will be closely monitored after being sprayed with O.C. spray.

- 1) Elderly persons.
- 2) Those breathing very rapidly, sweating excessively or having pale skin.
- 3) Those substantially impaired by alcohol or drugs. (4)

Obese persons with known medical condition, e.g., Diabetes, heart trouble.

- 2) Reporting the use of non-lethal physical force/non-lethal weapon alternatives - Every use of non-lethal physical force and/or the use of non-lethal weapons will be reported utilizing the incident report and response to resistance report to document the use of the O.C. spray.
- 3) A spit hood or mask will NOT be placed on a person who has been sprayed with O.C. spray unless the person has been first properly decontaminated as set forth in the above protocol.

g. Electronic Control Device (if issued)

Florida Statutes section 943.1717(1): a decision by a law enforcement officer, correctional officer, or correctional probation officer to use a dart-firing stun gun must involve an arrest or a custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the officer from passive physical resistance to active physical resistance, and the person:

- 1) Has the apparent ability to physically threaten the officer or others.
- 2) Is preparing or attempting to flee or escape.

Electronic Control Device (E.C.D.) – An electrical incapacitation device designed to temporarily incapacitate a potentially violent person with minimal potential for causing serious injury or death. The device is designated to deliver an electrical charge intended to override the central nervous system causing an involuntary incapacitation.

- 3) General Overview



The E.C.D. is classified as a less-lethal weapon in the Response to Resistance policy in accordance with the sheriff's office guidelines pertaining to the response to resistance.

Members should keep in mind that they must be able to articulate what actions were taken by the person who caused them to reasonably believe the situation had escalated to the degree that deploying the E.C.D. was necessary.

Nothing in the General Order is intended to discourage members from using a higher level of force when such force is reasonably necessary and justified.

- 4) Authorized Possession of Electronic Control Device
  - a. Only members who have completed the required training for ECD by a certified instructor from this agency shall be authorized to possess, or discharge the E.C.D.
  - b. Only agency approved E.C.D. systems are authorized. Any E.C.D. not purchased by this agency must be checked out by the armorer before its use.
  - c. The E.C.D. will be distributed by the Training Section. The certified instructors at the initial training will issue cartridges for the E.C.D. E.C.D. issuance records will be kept by the Training Section.
  - d. The Personnel and Professional Standards Director will designate a training supervisor(s) to issue replacement E.C.D. cartridges. Records shall be created whenever a replacement occurs.
  - e. Members shall receive annual training on the agency's Response to Resistance policies and re-certified in the use of the E.C.D. The Training Section shall maintain a record of training. A certified E.C.D instructor shall monitor this training. If a member fails to demonstrate proficiency, they will no longer be allowed to carry E.C.D. until they attend and successfully pass a remedial training course offered by the Training Section. (FCAC 9.11M)
  
- 5) Carry of the Electronic Control Device
  - a. The E.C.D. is intended to be carried in a position to be accessible to the member, yet does not interfere with the ability to use the primary weapon or reload the primary weapon.

- b. The E.C.D. shall be carried on the officer's weak hand side in a cross-draw holster behind the magazine pouch while in regular duty uniform. The only exception is when the officer is wearing a tactical vest then the E.C.D. may be worn in the front pouch.
- c. The member will test the E.C.D. without a cartridge attached, regularly to ensure functionality.
- d. It is the assigned member's responsibility to ensure that the batteries are fresh and properly installed. Only manufacturer recommended batteries are approved for the E.C.D.
- e. It is the responsibility of the member's immediate supervisor to ensure that all aspects of E.C.D. use are adhered to according to policy.

6) Discharging the Electronic Control Device

In all cases when less lethal weapons are used, backup lethal weapons will be available and ready. Situations which justify the use of E.C.D. may include, but are not limited to:

- a. Subjects who display active physical resistance toward officers, and have the apparent ability to physically threaten the officer or others, or who display active physical resistance toward the officer and are preparing or attempting to flee or escape.
- b. Subjects, who are armed with a potentially deadly weapon and who through their words or actions, cause an officer to believe he/she or others may be injured or killed.
- c. Subjects whom through words or actions demonstrate active physical resistance and cause an officer to believe that a physical confrontation is imminent.
- d. Deterring an animal from attacking a person.
- e. Discharging E.C.D. provides the best alternative under the circumstances to prevent personal injury caused by a person who is engaged in active physical resistance.
- f. Subjects who through their actions are attempting to cause bodily injury or death to themselves or others.

The E.C.D. is aimed by a projected laser. The aiming point should be in the upper torso area.

7) Restrictions to use of Electronic Control Device

- a. The E.C.D. effective range is a maximum of twenty-one (21) feet. The wires attached to the probe will not extend past that point.
- b. The E.C.D. can be fired at point blank range safely; however it needs approximately 1 inch to allow the blast doors to open allowing the escape of the probes. The E.C.D. can be touch activated without a cartridge attached, and is effective. However it is not the recommended method of application because it is not optimally effective; since the area of use is isolated to one muscle group. The E.C.D. touch activation can be used after a cartridge has been deployed and prior to replacing a cartridge if there is an immediate need to follow through with the initial activation.
- c. It is recommended that members should avoid discharging an E.C.D. at women who are known to be pregnant unless all other means have failed and using an E.C.D. is the best option.
- d. Discharging an E.C.D. in the known presence of flammable liquids should be avoided.
- e. Members should avoid touching the subject between the probes while the unit is activated.
- f. Intentional aiming at the head, neck, or groin area should be avoided if possible.
- g. The E.C.D. will be discharged only the minimal number of times and duration necessary to obtain compliance of the subject.

8) Medical Response and Monitoring

- a. After being placed in a police car for transportation a prisoner will not be left unattended. The arresting officer shall provide constant observation on a recently tased subject until the transfer of custody to detention department officers. The arresting officer shall not leave a recently tased subject unattended until relieved by another officer. The arresting officer shall record the time the E.C.D. was used on a subject on the booking sheet in the narrative portion.

- b. When a member utilizes E.C.D. on a subject, medical attention will be provided as soon as practical by E.M.S. or at the detention facility by medical staff and the exam will be noted on the Response to Resistance report.
- c. If the subject displays signs of distress (i.e. excessive bleeding, breathing difficulties, etc.) members shall notify detention medical staff and/or EMS immediately.
- d. After the utilization of the E.C.D., the subject will be transported to the Clay County detention facility as soon as possible and Clay County detention members will be notified, via radio, the subject is in route.
- e. When the subject is released into the custody of a detention member the name and ID# of the receiving Clay County Detention member will be documented on the incident report.

9) Reporting Deployment of Electronic Control Device

- a. Officers must report the deployment of E.C.D. whether on or off duty, except those connected with agency training functions involving the use of E.C.D.
- b. An incident report and an officer Response to Resistance Report must be completed when reporting the deployment of all E.C.D., if the subject has been identified. The normal procedures for filing response to resistance reports will be used in the case of discharging an E.C.D. The cartridge serial number will be documented in the reports.
- c. When an E.C.D. is deployed, officers shall follow the guidelines for supervisory notification and completion of offense report and arrest/injury reports. Photographs will be taken and submitted into evidence.
- d. In the event of serious physical injury or death occurs the reporting procedures, use of deadly force and the administrative relief from duty shall apply.
- e. When an E.C.D. is deployed on an animal, an on-duty supervisor must be notified as soon as possible. The circumstances of the deployment must be documented in an incident/offense report prior to the member's end of tour-of-duty unless otherwise directed by a supervisor.

- f. The discharging of an E.C.D. will result in most cases of the probes attaching themselves to the subject, which must be removed. In all cases, the probes will be handled as biohazard and stored into evidence along with the spent cartridge.
- g. The carrying of and/or the use of any other non-approved less lethal weapons, (such as, but not limited to, blackjacks, saps, nun chucks, etc.), are prohibited.
- h. Responsibility**

In the event of the use of non-deadly force, less lethal weapons or physical force, the following will occur:

1. The member will immediately notify his/her supervisor.
2. The member will render appropriate medical aid to the level in which he/she has been trained and, if needed, request a rescue unit. In case of minor injuries where the subject will be arrested, the member will transport the subject to the appropriate medical facility prior to incarceration.



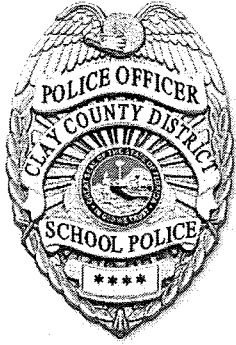
**Clay County District Schools Police Department  
LEVELS OF RESPONSE TO RESISTANCE MATRIX**

R  
E  
S  
I  
S  
T  
A  
N  
C  
E  
  
L  
E  
V  
E  
L  
S

- 6. Aggravated Physical
- 5. Aggressive Physical
- 4. Active Physical
- 3. Passive Physical
- 2. Verbal
- 1. Presence

Checked areas represent suggested, acceptable, beginning response levels. Any response in an unchecked area requires explanation. Refer to definitions for each level of resistance and response.

6. Aggravated Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
5. Aggressive Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
4. Active Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓					
3. Passive Physical	✓	✓	✓	✓	✓	✓	✓							
2. Verbal	✓	✓	✓	✓	✓									
1. Presence	✓	✓	✓	✓										
	ARRIVAL	INTERVIEW STANCE	DIALOGUE	VERBAL DIRECTION	TOUCH	RESTRAINT DEVICES	TRANSPORTERS	TAKE DOWNS	PAIN COMPLIANCE	COUNTER MOVES	INTERMEDIATE WEAPONS	TASER/OC SPRAY	INCAPACITATION	DEADLY FORCE
	Officer Presence <b>1</b>		Communication <b>2</b>			Physical Control <b>3</b>					Intermediate Weapons <b>4</b>		Incapacitation <b>5</b>	Deadly Force <b>6</b>
	<b>RESPONSE LEVELS</b>													



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.12 Search Warrants*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
August 1, 2019		

- A. PURPOSE:** The purpose of this order is to outline specific procedures and guidelines in regard to the preparation and execution of Search Warrants.
- B. SCOPE:** This order is applicable to all Clay County District Schools Police Department sworn law enforcement members. This order also applies to those members from agencies that may be officially assisting the agency in an investigation during which a Search Warrant is prepared and subsequently executed.
- C. DISCUSSION:** N/A
- D. POLICY:** It shall be the policy of the Clay County District Schools Police Department to prepare and execute Search Warrants, in furtherance of criminal investigations, when applicable.

**E. DEFINITIONS:**

**SUPERVISOR** - A sworn member of the Clay County District Schools Police Department, with the rank of sergeant or above.

**F. PROCEDURE:**

**1. Search Warrant Drafting and Approval Process:** [CFA 15.08A] [CFA 15.08B]

**NOTE: Search Warrants must be served by Deputy Sheriffs, unless the warrant specifically directs to the Clay County District Schools Police Department Officers in the Search Warrant**

- a. Upon approval of a member's supervisor, the case member will draft an affidavit and two copies of a Search Warrant containing all pertinent information to justify a search to include but not limited to:
- 1) The place to be searched which is specifically described so that there can be no question as to its whereabouts.
  - 2) The property to be seized as specifically described as possible.

- 3) The certain crime(s) which has been or is being committed on the premises to be searched.
  - 4) The name of the person or persons who occupy or control the premises shall be stated, if known to the affiant, but such name is not required.
- b. An *Inventory and Return* Form and a copy shall also be attached to the Search Warrant.
  - c. Prior to submitting the affidavit and Search Warrant for approval, the case member will research as much information as possible, to include but not limited to:
    - 1) Information pertaining to the suspect;
    - 2) Location of the search;
    - 3) Type of crime involved and
    - 4) Any known associates that could possibly be at the location of the search warrant when the warrant is being served.
  - d. A supervisor will also physically check the legal description on the Search Warrant to ensure that it is correct.
  - e. If it is discovered that there are any conflicts or other investigations relevant to the impending Search Warrant, the other agency involved or other members involved, will be notified by the case member's supervisor.
  - f. Upon completion of the affidavit and Search Warrant, it shall be reviewed by at least two of the member's supervisors for any errors or omissions. The case member's Lieutenant will also review and give final approval of the Search Warrant. Search Warrants for articles, such as computers, only require review and final approval by the case member's Lieutenant or designee. The Department of Investigations Chief will be notified when a search warrant is prepared to be executed.
  - g. Once the affidavit and Search Warrant have been approved by the supervisors, the case member will present the affidavit and Search Warrant to a designated Assistant State Attorney for review and approval. There are occasions when members will need to secure a Search Warrant after normal working hours. In these instances, the case member is not required to contact an Assistant State Attorney for review and approval.
  - h. Upon approval of the Assistant State Attorney, the affidavit and the two copies of the Search Warrant will be presented to a Judge for approval and signature. As a general rule, the County Court Judges shall be used to sign Search Warrants, unless unavailable; if a County Court Judge is not available a Circuit Court Judge shall be contacted.



**2. Operational Plan:** To ensure close supervision, prior to the execution of the search warrant, the supervisor shall ensure that an operational plan has been developed and all members involved have been appropriately briefed.

a. An operational plan shall include but not limited to the following provisions, if applicable:

- 1) Designating a single member as incident commander;
- 2) Establishing means for routine and emergency communication;
- 3) Determining operational procedures for arrest;
- 4) Confirming target location;
- 5) Developing strategies for approaching, entering, securing, and leaving the target area;
- 6) Searching for and seizing evidence and/or contraband;
- 7) Equipment assignment and selection;
- 8) Advising on use of force restrictions;
- 9) Requesting medical assistance, if necessary;
- 10) Assignments made for proper documentation;
- 11) Criminal history of suspects and people known to frequent the location;
- 12) Any known firearms or weapons at the location; and
- 13) Any known children at the location.

b. An operational plan checklist will be completed and made a part of the investigative file.

**3. Planning and Team Development:** Execution planning and team development of the Search Warrant shall be carefully planned out by the supervisor in charge of the operation or designee.

a. A sufficient number of sworn members shall be utilized in the execution to ensure a proper service.

b. In searches of dwellings and structures, a Search Warrant team shall consist, at a minimum, of six (6) sworn members; one of which shall be a supervisor. A typical makeup of a Search Warrant team will consist of the following: One (1) Supervisor; one (1) Case Member; one (1) Evidence Custodian; one (1) Photographer; two (2) Search Members. Any deviation from this criterion must

be specifically authorized by the case member's Division Captain or higher authority.

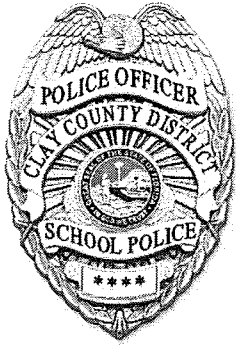
- c. The duties of each Search Warrant Team may include but not be limited to the following:
  - 1) **Supervisor:** Shall oversee the Search Warrant operation and be responsible for all logistics from probable cause to obtaining the Search Warrant through the return of the warrant and proper disposition of seized property and case reports. The supervisor is responsible for selecting and communicating with specialized support units.
  - 2) **Case Member:** Shall coordinate the case reports and be responsible for obtaining and serving the Search Warrant, completing an operational plan and ensure all evidence and property seized are removed from the location and turned over to the Crime Scene Unit or the appropriate law enforcement agency. The case member is also responsible for completing a property receipt to maintain the chain of custody of the evidence and property.
  - 3) **Evidence Custodian:** Shall be responsible for the collection all items seized and ensure each item is properly marked, packaged and documented. The evidence custodian shall note on the inventory the location the items were found and the seizing member. The evidence custodian is responsible for turning all evidence over to the case member. The evidence custodian is also responsible for diagramming the premises that was searched, if applicable.
  - 4) **Photographer:** Shall be responsible for videoing the place to be searched, including the exterior and interior before and after the search. The photographer shall photograph all items seized before it is moved from its original position. The photographer shall also assist the Evidence Custodian in the documentation and collection of evidence.
  - 5) **Search Members:** Shall be responsible for searching, pursuant to the Search Warrant. They shall supplement the original report, indicating the property and evidence they locate, where it was located as specifically as possible, and who takes it into evidence.
- d. In the event of a Search Warrant of a person, vehicle, contained structures (such as a tool shed), or of items (such as a briefcase), a Search Warrant team shall consist of at least a supervisor and case member.
- e. The supervisor shall ensure that specific search members have the proper equipment, if applicable, to include but not limited to:
  - 1) Search Warrant kit;
  - 2) Recording equipment consisting of two digital cameras, (one to use as a backup), a video camera, and digital media equipment;

- 3) Latex gloves;
  - 4) Entry tools such as the ram and hooligan; and
  - 5) Fire extinguisher.
- f. All Search Warrants; excluding those for devices, containers, persons, and vehicles; must have a *Threat Assessment Form (230-16)* completed prior to service of the warrant unless exigent circumstances exist for immediate service. Any pre-planned operation involving a felony arrest warrant should have a *Threat Assessment Form* completed prior to warrant service whenever possible. Any Threat Assessment with a score of "17" or higher requires consultation with the SWAT Commander or his designee. Documentation of all completed *Threat Assessment Forms* shall be forwarded to and reviewed by the SWAT Commander or his designee. Documents should include the actual warrant (or hit confirmation), CCH on the suspect, and any other pertinent information used in completing the *Threat Assessment Form* for the case.
4. **Execution:** [CFA 15.08C] There is a ten-day period to execute a Search Warrant (Florida Statute 933.05); however, the warrant shall be executed as soon as practicable after its issuance.
- a. The member executing the Search Warrant must be of the class directed in the warrant; however, other persons may act in aid of a member who is of the class to whom the warrant is directed. A warrant may be directed to any law enforcement officer who has the capacity to serve it. (*Note: The affiant on the Search Warrant must be present at the location of the search and actively participate in the execution of the warrant.*)
  - b. The on scene supervisor shall be responsible for requesting medical assistance if needed, once a situation has been stabilized.
  - c. All members on the team shall wear their protective vests until all danger has been neutralized. All members on the entry team shall also wear clothing which clearly identifies them as deputy sheriffs or other law enforcement agents.
  - d. Tactically, the premises shall be entered in a manner which creates the least risk to the Search Warrant team members, the destruction of evidence, and other persons at the search location.
  - e. If undercover or plain clothes members are utilized in securing the premises, at least one uniform member shall be utilized to secure the premises and shall be visible at the entry location.
  - f. Members serving a Search Warrant are required to knock and announce their authority and presence (Florida Statute 933.09), except as noted in F.4.g. Generally, a reasonable knock followed by a verbal "Clay County District Schools Police Department Search Warrant" is sufficient. In most cases, this announcement must be made before members cross the threshold. If members are refused admittance to the house, they may break in any inner door, outer

door, or any part of the house or thing therein in order to gain entry (Florida Statute 933.09).

- g. Although Florida has no provision for "no-knock" warrants a Florida Supreme Court case has given law enforcement officers serving a Search Warrant four "no-knock" exceptions. Members need not knock and announce their presences if any of the following four exceptions exist:
  - 1) The persons within already know of the member's presence, purpose, and authority; or
  - 2) The member justifiably believes that persons within are in danger of immediate bodily harm; or
  - 3) Where the member's life would be greatly endangered by knock and announce procedures; or
  - 4) Where those within are made aware of the presence of someone outside and are then engaged in activities which justify the member's belief that an escape or destruction of evidence is being attempted.
- h. Pursuant to entry, the location shall be secured and all persons found therein will be brought to a predetermined location in the place to be searched.
- i. Persons on the premises shall be searched (thoroughly) where there are reasonable grounds to suspect that such persons are engaged in, or connected with the unlawful activities that are the subject matter of the search.
- j. A member shall read the Search Warrant to the person being served and a duplicate copy of same shall be given to the person being served.
- k. Members shall search only in areas wherein the property described in the warrant could be hidden. [CFA 15.08D] Any evidence of another crime uncovered while searching for the items named in the warrant is admissible. Anyone found violating the law in connection with the contraband may be arrested.
- l. While searching, the supervisor shall ensure that the place searched is left in the similar manner as it was prior to the execution of the warrant. No unnecessary disturbance of property is permitted.
- m. When the search is completed, two inventories of all items taken shall be made, one to be given to the persons named in the warrant or to a person in control of, or living on the premises, and the other to be returned promptly to the Clerk of the Courts in accordance with Florida Statutes. Prior to returning the inventory, a copy will be made for the case file. [CFA 15.08E] [CFA 15.08F]
  - 1) **The executed warrant must be returned to the issuing Judge by the executing Officer for the filing in the Clerks Office within 3 days of executing said warrant.**

- n. If no one is present at the premises when the warrant is served, the duplicate warrant, together with the signed and completed inventory of all things taken, shall be left in a conspicuous place on the premises.
- o. Any items of evidentiary value/contraband discovered and not listed on the Search Warrant as items to be searched for shall be seized and handled in accordance with agency policy and Florida Statutes.



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.13 Special Operations*

<b>EFFECTIVE:</b>	<b>REVISED:</b>	<b>RESCINDS:</b>
<b>August 1, 2019</b>		

**A. PURPOSE:** The purpose of this order is to establish procedures and define specific responsibilities for agency members engaged in special events, dignitary protection, and search and rescue operations.

**B. SCOPE:** This order shall apply to all Clay County Districts Schools Police Department sworn members.

**C. DISCUSSION:** N/A

**D. POLICY:** It shall be the policy of the Clay County Districts Schools Police Department to plan and coordinate activities related to special events, dignitary protection and search and rescue operations, in order to provide the community with high standards of safety and security.

**E. DEFINITIONS:**

**SPECIAL EVENT** - Anticipated events that entail logistical requirements in addition to the normal operational requirements of the agency

**F. PROCEDURE:** The Chief of Police or designee shall be responsible for the coordination and planning of all the agency's resources utilized during special events, dignitary protection and search and rescue operations.

**1. Special Events:** The Chief of Police or designee shall coordinate intra-agency, inter-agency, and concurrent jurisdictional functions, and the procurement, distribution and equipment member's use during special events. Prior to each special event an operational plan shall be submitted through the chain of command for approval. The operational plan shall include but not be limited to the following provisions, if applicable [CFA 17.09A]:

**a.** A designated chain of command for the operation to include the designation of a single person as the supervisor/coordinator for the event. [CFA 17.09A]

- b. A designated talk group for communications during the operation. The Consolidated Dispatch Agency will be given 72 hour notice if a designated talk group monitored by a dispatcher is required for a preplanned event. If circumstances do not permit advanced notice, the Chief of Police or designee will contact the Consolidated Dispatch Agency Supervisor to provide staffing for the operation.
- c. Estimate of traffic, crowd control, and crime problems expected for any given event;
- d. Logistical requirements; [CFA 17.09B]
- e. Coordination inside and outside of the agency; [CFA 17.09C]
- e. Strategic and tactical objectives;
- f. Proposed mutual aid agreements with concurrent jurisdictions;
- g. Projected expenditures; and
- h. Utilization of specialized units;

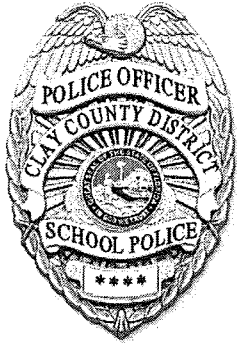
## **2. Special Event Traffic and Crowd Control**

- a. All requests for traffic control and direction during a special event shall be forwarded to the Chief of Police or designee, for approval.
- b. It shall be the responsibility of the Chief of Police or designee, to evaluate the resources needed to accomplish the assignment. This decision shall be based on evaluation of ingress and egress requirements of vehicles and pedestrians, parking, spectator control, public transportation, provisions for relief of members, temporary traffic routes, temporary traffic control devices, and access for emergency vehicles.
- c. If the event is a parade, the route shall be determined and coordinated with other public service and transportation agencies, to provide an opportunity to adjust the normal schedules for their services.
- d. The perimeter streets of the special event shall be used to maximum advantage by eliminating or increasing parking space, making temporary one way streets, and assigning members to key intersections for control.
- e. Adequate emergency service access for fire and ambulance services and other first responders shall be provided to the scene of the event.
- f. The agency shall provide for adequate crowd control. If the event is a parade, ropes or other appropriate barriers may be used along the parade route with members stationed at intervals as needed.

- g. The agency should publicly advertise changes or alterations in street utilization, parking availability, public transportation services, and the location of the event or parade route.
  - h. Provisions will be made to identify and assist those persons working directly with the event who are authorized to enter restricted areas. This includes promoters of the event, vendors, and press members.
  - i. Consistent with the scheduled or anticipated duration of the need for traffic direction and control services, provisions will be made for scheduling adequate breaks for members providing these services.
  - j. If traffic direction and control services are to be provided in support of the event by private sources, the agency shall review the services and duty assignments prior to the event, to ensure adequacy.
3. **Dignitary Protection:** [CFA 17.03] The Clay County Districts Schools Police Department shall cooperate and coordinate operations with other law enforcement agencies involved in dignitary protection. The agency shall provide increased security to those persons in need of special protective security. All agency resources, including personnel, will be under the supervision of the Chief of Police or designee, during any dignitary protection operation. If the Clay County District Schools Police Department is the primary agency coordinating dignitary protection, an operational plan will be submitted to the Chief of Police and will include provisions for the following:
- a. Designation of a single person or position as supervisor/coordinator of the security detail;
  - b. Equipment requirements, which include consideration of vehicles, body armor for dignitaries and security members, and weapons for members;
  - c. Planning and reconnoitering travel routes and alternates;
  - d. Advance inspection of sites and facilities;
  - e. Arrangements for the gathering of intelligence information;
  - f. Coordination of operations within the agency and with outside agencies;
  - g. Identification of emergency first aid, ambulance, and medical facilities;
  - h. Communications;
  - i. Identification by designation (e.g., lapel pins, badges); and
  - j. Coordination with the local SWAT Team Commander, when applicable.



4. If the Clay County Districts Schools Police Department is serving in an assist capacity to another agency during a dignitary protection operation, the Chief of Police or designee, will be responsible for attending all planning and coordinating meetings. A copy of the operational plan will be submitted to the Chief of Police for review and approval.
  
5. **Search and Rescue Operations:** The Chief of Police or designee shall be responsible for coordinating and supervising any search and rescue operations conducted. Request for the utilizing agency resources, including personnel, shall be made to the Chief of Police having control over the resources.



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.14 Training*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
August 1, 2019		

- A. PURPOSE:** The purpose of this order is to establish the authority, duties, and responsibilities for the development, explanation, and coordination of all agency training programs.
- B. SCOPE:** This order shall apply to all Clay County District Schools Police Department members.
- C. DISCUSSION:** The diverse and complex tasks and responsibilities within the agency require that training presented to agency members be centralized and coordinated within a designated centralized unit.
- D. POLICY:** It shall be the policy of the Clay County District Schools Police Department to maintain a Training Unit that shall direct efforts toward the development of new skills, specialized skills, improving and updating old skills, recertification of performance in high liability areas and creating an awareness of new techniques and technologies for all members.
- E. DEFINITIONS:**

**ADVANCED TRAINING** - Training often held outside the agency, and is designed to impart higher level supervisory and management skills to participants. Participants who are most often chosen for such training possess above average leadership skills. Examples of Advanced Training Programs are those provided by the FBI Academy, the Southern Police Institute, and IPTM

**COMPREHENSIVE REMEDIAL TRAINING** – Any training which occurs after a member has failed to qualify or show proficiency subsequent to making the maximum number of qualification attempts allowed during a training course.

**CHECK-ON TRAINING** - Training or informational sessions of short duration administered to law enforcement officers just prior to, or after, their tour of duty.

**IN-SERVICE TRAINING** - Training in addition to recruit training that may include periodic retraining or refresher training, specialized training, Career Development, Promotional Training, Advanced Training, and Check-On Training.

**JOB TASK ANALYSIS** - A systematic examination of functions and objectives of each job-related task to be performed as it relates to the skills, knowledge, and abilities required to perform the task or duties of the job.

**LESSON PLAN** - A detailed guide from which an instructor teaches. The plan includes the goals, specific subject matter, performance objectives, references, resources, and method of evaluating or testing students.

**ON-THE-JOB TRAINING** - Instruction or training provided to a member by another member or members on a tutorial basis during a tour of duty, while the trainee performs normal activities of employment.

**ON-SITE ASSESSMENT** - Accreditation assessors examine proofs of compliance to verify that the agency complies with applicable standards.

**PERFORMANCE OBJECTIVES** - Statements of operational behavior required for satisfactory performance of a task, the condition under which the behavior is usually performed, and the criteria for satisfactory performance.

**PROFICIENCY**- A demonstration of proper firearm operation according to CJSTC minimum recruit standards, to include: care and maintenance; disassembly and assembly; loading and unloading; method(s) to clear malfunctions; drawing and holstering of the firearm; and firearms safety. Officers will not use or handle firearms in an imprudent manner.

**QUALIFICATION**- Demonstrating proficiency and obtaining a passing score on an agency approved course of fire.

**REMEDIAL TRAINING** - Personalized training to correct a specific deficiency usually identified either by testing or other evaluation during training, or supervisory evaluation during routine job performance.

**SPECIALIZED TRAINING** - Training to enhance skills, knowledge, and abilities beyond the level taught in either recruit or other in-service programs.

**TRAVEL EXPENSE VOUCHER** - A prescribed state form formally referred to as a *Voucher for Reimbursement of Travel Expenses*.

## F. PROCEDURE:

1. **Organization:** The Training Unit function shall be the responsibility of the Training Lieutenant.
2. **Responsibilities:** The function of the Training Unit includes the following responsibilities:
  - a. The Training Unit shall plan, develop, and coordinate training programs and presentations affecting the agency.

- b. The Training Unit shall make available to agency members information regarding upcoming training programs to be presented by the agency or approved outside sources.
  - c. Implementation of training programs.
  - d. Selection of qualified instructors.
  - e. Development and maintenance of training records for each member.
  - f. Annually the Training Unit Supervisor shall be responsible for providing the Chief of Police a written report evaluating and providing recommendations for updating the agency's comprehensive training program. The report shall be submitted in a format approved by the Chief of Police
    - 1) A review of new laws, court decisions, and agency general orders;
    - 2) An evaluation of the training programs;
    - 3) The identification of problems associated with physical facilities, materials, or scheduling;
    - 4) Consultation with Lieutenants and Sergeants, Criminal Justice Standards and Training Commission (CJSTC) approved training center heads, and/or the Sheriff; and
    - 5) A review of the number of persons trained and the extent of the training provided.
  - g. The Training Unit shall coordinate training with the Law Enforcement Training Academy, CJSTC and/or any other training entity, when applicable.
3. **Attendance:** Members shall attend required training sessions. The instructor shall document attendance and forward attendance records to the Training Unit within ten (10) working days. The Training Unit Supervisor shall ensure records of attendance are maintained. [CFA 10.01]
- a. Members shall be excused from training for court appearances, depositions, recognized emergencies, illnesses, or any other reason approved by a supervisor. [CFA 10.01].
  - b. Members shall be required to make up training that is missed due to an excused or unexcused absence from training. [CFA 10.01]
  - c. Members who fail to attend scheduled training without being excused may be subject to disciplinary action. If a member does not attend scheduled training and fails to notify their supervisor prior to the training, the instructor or a Training Supervisor will notify the member's supervisor for proper handling. [CFA 10.01]

4. **Recognition:** Members should be recognized for the successful completion of a particular training program. This may be accomplished by a certificate of completion being issued.
5. **Performance Objectives:** The Training Unit shall establish performance objectives for all training programs to acquaint training participants with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. In addition to using job task analyses in developing the agency training curricula, the performance objectives should: [CFA 10.02A]
  - a. Provide clear statements of what is to be learned;
  - b. Provide the basis for evaluating the participants; and
  - c. Provide a basis for evaluating the effectiveness of the training program.
6. **Lesson Plans:** Lesson plans will be completed prior to any training courses administered by the agency. [CFA 10.02]
  - a. Lesson plans will be in a format prescribed by the Training Unit. The approved lesson plan format is located in the CCDSPD Forms folder on the Intranet page. [CFA 10.02D]
  - b. The Training Unit Supervisor or designee shall assign agency instructors to complete lesson plans for training topics.
  - c. The Training Unit Supervisor or designee shall review and approve all lesson plans, ensuring that the plans are consistent with agency guidelines, state requirements, and other agency policies; and [CFA 10.02E]
  - d. The lesson plan will contain the following;
    - 1) Student Performance Objectives; [CFA 10.02A]
    - 2) The content of the training; [CFA 10.02B]
    - 3) Specification of the appropriate instructional technique references, to include but not limited to: [CFA 10.02C]
      - a) Conferences;
      - b) Field experiences;
      - c) Presentations;
      - d) Case reviews; and
      - e) Simulations.

- 4) Training material and instructional aids; and
  - 5) Test identification/documentation. [CFA 10.02F]
7. **Records:** The Training Unit shall maintain records of each recognized in-service training class, to include the following:
- a. Course content (lesson plans); [CFA 10.06A]
  - b. Names of attendees; [CFA 10.06B]
  - c. Performance of individual attendees if applicable; and [CFA 10.06C]
  - d. The instructor(s). [CFA 10.06D]
  - e. The Training Unit shall update member training records in a timely manner, following a member's satisfactory completion of a training program. The Training Unit shall also maintain a copy of all training certificates for all training courses completed by a member. [CFA 10.05]
    - 1) The member shall notify the Training Unit of all outside entity course completions and shall provide the Training Unit with a copy of the appropriate certificate or other proof of satisfactory completion within ten (10) working days after course completion. [CFA 10.05]
    - 2) When applicable, the Training Unit will notify the CJSTC of any course work that is eligible for credit under the salary incentive program.
    - 3) Training records are public records and shall only be released in accordance with Chapter 119, Florida Statutes.
  - f. Any units or agency components conducting firearms qualifications or any mandatory training required in section (E.15) shall forward the results/rosters to the Training Unit within ten (10) working days.
8. **Remedial Training:** Remedial and additional training is available to members when performance deficiencies are identified through evaluation or observation. This may be determined by a member failing to demonstrate proficiency or by not achieving a minimum standard as set forth in a test or performance based method. Minor deficiencies can be corrected through informal training or counseling sessions. Serious deficiencies should be reported to the member's Division Captain and addressed as follows: [CFA 10.04A]
- a. Remedial training shall be initiated upon discovery of the deficiency, but must be within 90 days, unless specified otherwise. [CFA 10.04C] Extenuating

circumstances do not preclude the Training Unit Supervisor or their Section Commander from extending this time constraint.

- b. If the required training is of an operational nature, the Training Unit will plan, administer and document the training.
- c. Training hours accumulated during remedial training will not be credited as training time necessary to complete the in-service training requirement.
- d. Failure to participate in, or successfully complete a remedial training program may be considered failure to do a job function and be handled according to provisions outlined in *Disciplinary Procedures and Disciplinary Standards* and/or *Firearms*. [CFA 10.04D]
- e. Remedial training will be initiated for, but not limited to, the following job performance deficiencies: [CFA 10.04A] [CFA 10.04B]
  - 1) **Vehicle Driving Skills** - Members who demonstrate poor driving habits, or are found 'at fault' in crashes while operating Clay County District Schools Police Department vehicles, may attend the next scheduled remedial driving course. Members must demonstrate proficiency in driving skills. This is accomplished during the scheduled in-service training period. Failure to demonstrate proficiency in these areas will result in further training. All driving training will be conducted by a certified driving instructor.
  - 2) **Firearms Qualification and Proficiency** – Full-Time Police Officers must demonstrate proficiency and qualify with their issued and authorized personal firearms to be carried. This is accomplished during the annual in-service qualification period. Failure to show proficiency will result in further training under the direction of a certified firearms instructor. Provisions for remedial firearms training are outlined in *G.O. Firearms*.
  - 3) **Defensive Tactics/Less Lethal Weapon Proficiency** - Full-Time Police Officers must demonstrate proficiency in use of force, use of defensive tactics and their assigned less lethal weapons. This is accomplished during the scheduled in-service training period. Failure to demonstrate proficiency in these areas will result in further training under the direction of a certified defensive tactics instructor.
- f. **Comprehensive Remedial Training** – Members will only be eligible to participate in the comprehensive remedial training process a maximum of two times within any 5 year period.

9. **Training Committee:** A Training Committee shall be established for the purpose of developing and evaluating training needs throughout the agency, and for providing additional resources and support to the existing training element.

- a. The Training Committee staff includes two officers, two sergeants, one investigator and two lieutenants.
- b. The Training Committee shall be chaired by the Chief of Police or his designee.
- c. The committee shall meet at least once each calendar year or more frequently as deemed necessary to implement and maintain the agency's comprehensive training program.
- d. The Training Committee shall be given specific authority to assist the Training Unit in developing and evaluating training needs as well as making recommendations from input gathered from those representing different agency elements.

**10. Training Reimbursement:** Reimbursement of travel expenses for members attending approved training courses shall be paid at the established state rate in accordance with *Travel*. The cost of the training course will be paid by the agency.

**11. Training Requests:**

- a. All requests to attend career development courses, mandatory retraining courses, seminars and all other training programs shall be submitted on the *Request for Travel/Training/Conference* form, to the Training Unit via the chain of command. All requests shall be submitted a minimum of thirty (30) days prior to class date to allow sufficient time for processing by the Training Unit, if possible.
- b. The *Request for Travel/Training/Conference* form shall be completed as prescribed. The course registration form, along with all relevant data concerning the training program shall accompany and be attached to the completed request form.
- c. The submitting member's respective supervisory chain of command shall review and approve each request as prescribed with regard to agency needs, justification, and member qualification(s) for the requested training course/program.
- d. If a member is requesting to attend a salary incentive course, the member will submit a *Request for Salary Incentive* form with the request for training. The *Request for Salary Incentive* form will be signed by the Chief of Police or designee approving the salary incentive. The member attending the training will provide a signed copy of the *Request for Salary Incentive* form to the training facility where the training is being provided. The training facility will be responsible for forwarding the *Request for Salary Incentive* form to the CJSTC.
- e. Attendance of training programs requiring the expenditure of funds must have Chief of Police approval, as well as the Department of Administrative Services Chief. If no expenditure of funds is necessary, only approval by a Division



Captain is required. Approved requests will be forwarded to the Training Unit for processing.

- f. Disapproved training requests shall be returned to the requester by the denying supervisor with a written explanation of the denial.
- g. All arrangements for attendance in classes at the Law Enforcement Training Academy shall be made by the Training Unit. Arrangements for attendance in out of town classes shall be made by the member who requests the training.
- h. For notification purposes, the Training Unit will forward a copy of the approved *Request for Travel/Training/Conference* form to the member who requested the training.
- G. i. For Travel Advances and Reimbursements, see – *Travel Advance and Reimbursements*.
- j. Upon completion of the course, the member shall forward a copy of the course certificate to the Training Unit within ten (10) working days. When the course of instruction is not specific (such as a conference or seminar), the course syllabus, agenda or other documentation detailing the training or curriculum shall be submitted with the certificate.

**12. Agency Instructors:** There are requisite skills, knowledge, abilities, and criteria for all agency instructors utilized in agency operated training programs which will be in accordance with CJSTC guidelines. [CFA 10.08]

- a. Agency members will be selected as instructors based on the desire to instruct, subject matter knowledge, education, experience, and instructional ability. Qualified members, desiring to conduct instruction for the agency are subject to the approval of the Training Lieutenant. [CFA 10.08]
- b. Agency instructors, who teach high liability topics, as identified by CJSTC will, at a minimum, meet CJSTC requirements for high liability instructors. Internships will be conducted by an agency instructor and the member shall be affiliated with the agency after satisfying all requirements. [CFA 10.09] Other agency instructors are encouraged to also complete this course, but may be utilized as instructors if they are designated as *Subject Matter Experts* by the Special Services Section Commander. [CFA 10.08]
- c. Agency instructors shall receive periodic retraining and updating to meet any specific instructional requirements of the agency.
- d. Instructors from the Clay County District Schools Police Department are assigned/ detached to the Training Unit to assist with instruction in their area of expertise.
  - 1) These instructors shall continue to perform their normal job tasks until instruction in their area of expertise is required.

- 2) The Training Unit Supervisor shall be responsible for notifying instructors' supervisors in advance of when their services are needed.
- 3) Instructors shall remain available to the Training Unit during their employment with the Police Department, unless removed from their instructor position by the Chief, or designee.

**13. Outside Instructors:**

- a. When necessary and appropriate, instructors who are not employed by the agency may be utilized.
- b. Outside instructors shall be required to provide lesson plans and copies of all handouts.
- c. Outside instructors shall be certified CJSTC instructors, or be properly documented as *Subject Matter Experts* in their field.
- d. Outside instructors will be selected based upon a review of their skills, knowledge, ability, and educational credentials.
- e. The program will be evaluated and submitted to the Training Unit supervisor for final approval.

**14. Notification of Clay County District Schools Police Department Training Programs and Use of Clay County District Schools Police Department Instructors by Outside Agencies:**

- a. It shall be the responsibility of the Training Unit to notify other criminal justice agencies of training programs offered by the Clay County District Schools Police Department that would benefit their members.
- b. The Training Unit may request other criminal justice agencies to train Clay County District Schools Police Department members on an as-needed basis.
- c. A written request must be submitted to the Training Unit for use of CCDSPD instructors by outside agencies. Final approval must be given by the Chief, or designee.

**15. Mandatory Training:**

- a. Every newly appointed member of the agency shall receive training to meet the requirements of the job responsibilities, including the following:
  - 1) Orientation to the agency's role, purpose, goals, policies and procedures.
  - 2) Working conditions and regulations.

- 3) The responsibilities and rights of a member.
  - 4) Accreditation standards and process. [CFA 10.03]
- b. All full-time Police Officers shall receive in-service training which includes but not limited to:
- 1) Mandatory training classes as required by CJSTC;
  - 2) Annual demonstration of proficiency and qualification with firearms authorized to carry; [CFA 10.10A]
  - 3) Annual use of force training; [CFA 10.10B]
  - 4) Annual electronic control device (ECD) training, for members issued ECD; [CFA 10.10C]
  - 5) Less lethal weapons training. [CFA 10.10D]
  - 6) Legal update training; and
  - 7) Defensive driving instruction, for members operating agency vehicles.
- c. Members with occupational exposure shall participate in an infectious disease training program at the time of initial assignment. [CFA 37.03]
- d. Additional mandatory in-service training can be required at the discretion of the Chief of Police.
- e. Components of the agency which may need particular training more often, such as corrections, may prescribe such in an applicable SOP manual.

**16. Check-On Training:** Check-On Training provides an effective means of updating skills, knowledge and abilities between formal training sessions. Check-On Training should take into consideration the special needs of the members. Full-time sworn shall receive check-on training in the following areas, as needed:

- a. Agency policies, procedures, rules and regulations;
- b. Statutory or case law affecting law enforcement operations;
- c. The functions of agencies in the local judicial system;
- d. The exercise of discretion;
- e. New or innovative investigative or technological techniques or methods;
- f. Evidence collection and preservation; and

- g. Report writing and records systems procedures and requirements.
- h. **Responsibilities:** Check-On Training shall be developed and implemented by supervisors in cooperation with the Training Unit. These activities include:
  - 1) **Planning:** Check-On Training shall be planned, coordinated and scheduled by supervisors. The Training Unit may provide lesson plans and materials for training courses.
  - 2) **Techniques:** Each individual assigned Check-On instruction responsibilities shall ensure that material is presented in a manner that is conducive to learning, and it is properly taught.
  - 3) **Relationship with the academy:** The program should be constructed so as to correspond to, and not conflict with, courses being taught at local Criminal Justice Standards and Training Commission-approved centers. The Training Unit may disseminate training aids and materials with this goal in mind.
  - 4) **Instructional Methods:** Those persons assigned to instruct during Check-On Training shall make every effort to ensure the subject matter is presented in an interesting and informative manner.
    - a) This may be accomplished by the use of handout material, multimedia techniques and lectures.
    - b) These materials and techniques shall be made available by the Training Unit.
  - 5) **Scheduling:** The appropriate supervisor shall schedule Check-On Training courses.
    - a) The scheduling will be structured so as to allot adequate time parameters for completion without interfering with the operational readiness of the agency.
    - b) It shall be the responsibility of each Lieutenant to ensure the training schedule is implemented, the program is properly documented, and the documentation is properly forwarded to the Training Unit.

**17. Advanced Training:** Continuous training throughout a member's career is considered vital for their professional, individual growth and the agency.

- a. In order to further increase the competence of members who have demonstrated management and leadership capabilities, the agency provides the opportunity for, and encourages participation in, training programs of an advanced level.
- b. Requests to participate in Advanced Training at an extended school shall be submitted to the Chief of Police for consideration.
- c. Participant selection in an advanced level training school and assignment subsequent to successful completion shall be determined by considering the member's career goals and abilities consistent with the agency's needs, objectives, organization and policy. Advanced Training may be counted toward mandatory training within the CJSTC guidelines.

**18. Specialized Training:** Specialized training shall be provided for those positions that require training beyond basic law enforcement. The amount of training shall depend on the particular function. The individual specialized component shall be responsible for briefing newly-appointed members concerning the management, supervision, agency policies, and support services of that particular function. Functions that require specialized training include: [CFA 10.11]

- a. School Resource Section
- b. Canine Unit
- c. Field Training Officers

**19. Specialized training for members may include the following:**

- a. Development and/or enhancement of the skills, knowledge, and abilities particular to the specialization; [CFA 10.11]
- b. Management, administration, supervision, agency policies, and support services of that component or function; [CFA 10.11]
- c. Performance standards of the function or component; [CFA 10.11]
- d. Agency orders, directives, procedures, rules and regulations specifically related to the function or component; and [CFA 10.11]
- e. Supervised on-the job training. [CFA 10.11]

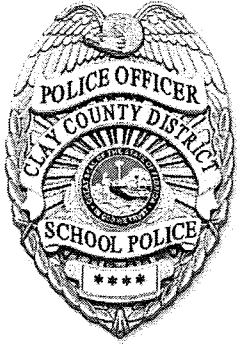
**20. New Member Training:** During new member orientation new members shall receive training in the following areas within one (1) year:

- a. Orientation to the agency's role, purpose, goals and procedures;

- b. Working conditions and directives;
- c. Rights and responsibilities of the member; and
- d. Accreditation standards and process. [CFA 10.03]

**21. Civilian Members Training:** Each Lieutenant shall ensure designated members receive training prior to assuming certain job classifications. Civilian positions for which specialized training is required are the following: School Crossing Guards, Intelligence Analysts, and members who have contact with the public. [CFA 10.11]

- a. Training for civilian members who deal with the public in a non-law enforcement capacity such as reception members may include the importance of the link they provide between citizens and the agency. [CFA 10.11]



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.15 Vehicle Operations and Pursuits Personalized Vehicle Program*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
<b>August 1, 2019</b>		

- A. **PURPOSE:** The purpose of this order is to provide required guidelines for Clay County District Schools Police Department members to follow when engaged in an emergency response or a motor vehicle pursuit. The Superintendent of the Clay County District Schools may recommend to the Board that certain designated employees be authorized to keep School District of Clay County vehicles at their home during off duty hours for use in an emergency situations and response (CCDS Policy #6.90). This General Order shall describe procedures for the personalized vehicle program and when appropriate response to emergency calls for service and for initiating, conducting, and terminating a pursuit after a decision has been made to engage in such pursuit.
  
- B. **SCOPE:** This order shall apply to all Clay County District Schools Police Department sworn law enforcement members, here in referred to as members.
  
- C. **DISCUSSION:** It is the responsibility of the Clay County District Schools Police Department to guide members in the safe performance of their duties. To effect these obligations, it shall be the practice of the Clay County District Schools Police Department to regulate the manner in which emergency vehicle operations and pursuits are undertaken and performed. When engaged in emergency vehicle operations or pursuits in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions from certain traffic laws by Florida Statutes. However, the exemptions do not relieve drivers from exercising due regard for the safety of all persons, nor shall such exemptions protect drivers from the consequences of reckless disregard for the safety of others.
  
- D. **POLICY:** It is the policy of this agency to make every reasonable effort to respond to emergency calls for service in an expeditious but safe manner and to apprehend fleeing suspects by motor vehicle pursuits, only when the expected results outweigh the known hazards to the general public, the suspect(s), and the officer(s). No vehicle, marked or unmarked, shall be operated by a member in an emergency response or pursuit mode unless the vehicle is properly equipped with emergency lights and siren.
  
- E. **DEFINITIONS:**

**EMERGENCY SIGNAL DEVICE** - Siren and flashing and/or revolving red/blue lights that meet the requirements of Florida Statutes.

**FORCIBLE FELONY** – For the purpose of this general order, forcible felony means treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, armed burglary, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, and any other felony which involves the use or threat of physical force or violence against any individual. Violations of Section 316.1935, Florida Statutes, fleeing or attempting to elude a law enforcement officer or aggravated fleeing and attempting to elude are not forcible felonies.

**MOVING ROADBLOCK**– Surrounding a violator's vehicle by pursuing law enforcement vehicles which are then slowed to stop the violator's vehicle.

**PRECISION IMMOBILIZATION TECHNIQUE (PIT)**- A moving vehicle tactic involving the intentional use of a law enforcement vehicle to make controlled contact with a fleeing vehicle using a specific technique designed to force it from its course of travel in order to terminate a pursuit. [CFA 14.05G]

**PRIMARY PURSUIT UNIT** - The emergency vehicle immediately behind the suspect.

**PURSUIT**– An active attempt by one or more members to apprehend a person operating a vehicle while the person is trying to avoid the capture, detention, or physical arrest of themselves or others by executing hazardous vehicular maneuvers such as driving recklessly, speeding, disregarding traffic control devices, or other evasive tactics.

**PURSUIT RATED VEHICLE** – Pursuit rated vehicles are equipped and certified by the manufacturer to handle the vast majority of tasks including pursuit and high speed response calls.

**PURSUIT SUPERVISOR** - The Uniform Patrol supervisor or Watch Commander notified of the pursuit by the Consolidated Dispatch Agency and recognized as the supervisor monitoring and directing the pursuit, with authority to make decisions regarding the conduct and/or termination of the pursuit.

**RAMMING** – The deliberate act of impacting a violator's vehicle for the purposes of disabling or forcing the violator's vehicle to stop.

**SECONDARY PURSUIT UNIT(S)** - The authorized emergency vehicle that trails the primary unit at a safe distance, and is available to assume the primary role or assist the primary unit if the fleeing vehicle is stopped.

**SUV**–Any marked or unmarked sports utility vehicle equipped with emergency signal devices.

**TIRE DEFLATION DEVICE** – Equipment designed to be placed in the path of an oncoming violator vehicle and struck by the vehicle. When struck, the affected tires



are pierced by objects that let a controlled amount of air out of the tire and cause the vehicle to become difficult to operate. These tire deflation devices are to be used only in a manner consistent with training.

## **F. PROCEDURE:**

### **1. Emergency Response Procedures:**

- a. Members may engage in emergency vehicle operation in accordance with this procedure and Florida Statute when responding to a situation requiring an emergency response.
  - 1) Extreme care and caution must be exercised to ensure safety, expeditious arrival, and protection of life.
  - 2) Wearing of seat belts are mandatory at all times for the driver and occupants of the vehicle.
- b. The provisions of this procedure and Florida Statutes do not relieve the vehicle operator from the duty to drive with due regard for the safety of all persons. These provisions shall not protect the operator from the consequences arising from negligent operation or from careless or reckless disregard for the safety of others.
- c. Members operating authorized vehicles engaged in emergency operations shall utilize emergency lights (flashing red and/or blue lights) and siren. Hazardous warning lights, the spotlight, headlights, and public address system may be used as additional safety measures during emergency operations as determined by the member. Members shall make every effort to avoid shining the spotlight in the passenger compartment of other vehicles. [CFA 14.07A, B, C, D, E]
- d. Members operating authorized vehicles engaged in emergency operations may:
  - 1) Reasonably exceed the maximum speed limit. Speed shall be limited by road and weather conditions and the exercise of good judgment.
  - 2) Proceed past a stop signal or stop sign, but only after slowing or stopping as necessary for safe operation and shall ensure cross-traffic flow has yielded in each lane before crossing any lane.
  - 3) Disregard regulations governing direction of movement or turning direction in a manner which will not be hazardous, and life or property is not endangered.
  - 4) Disregard regulations governing parking laws under normal circumstances, except the member shall not block access to a fire hydrant at a fire scene, or in any way obstruct the passage of fire apparatus.

- e. When responding in an emergency operation mode, emergency equipment may be deactivated at a distance from the scene, as determined by the member. When emergency signal devices are deactivated, the member shall comply with all traffic laws and proceed in a manner consistent with normal traffic flow.
- f. Members are authorized to operate agency vehicles without lighted lamps as necessary to perform law enforcement functions as authorized in Florida Statute. Circumstances for the operation of a vehicle without lighted lamps include, but are not limited to:
  - 1) Response to calls for service where the use of lighted lamps may be a safety issue or hinder the enforcement of the law.
  - 2) Routine patrol where the use of lighted lamps may hinder the detection or prevention of crime.
- g. A member who operates an agency vehicle without lighted lamps, when required, shall operate in a safe manner and with due regard for the safety of all persons.
- h. When engaging in emergency vehicle operation the member shall notify the Consolidated Dispatch Agency at the beginning of the operation.
- i. A member shall immediately terminate emergency vehicle operation anytime it is not necessary or when ordered by a sworn supervisor.
- j. Members operating vehicles engaged in non-emergency operations may utilize emergency lights (flashing red and/or blue lights), siren, hazardous warning lights, the spotlight, headlights, and public address system as additional safety measures during non-emergency operations at the discretion of the member. [CFA 14.07A, B, C, D, E]

#### **1. Motor Vehicle Pursuits:**

- a. A pursuit is authorized:
  - 1) When it is reasonably believed the suspect(s) has committed, attempted to commit, or is attempting to commit a forcible felony as defined in this general order; or
  - 2) When there are exigent or extenuating circumstances of an immediate threat to the personal safety of another as authorized by a sworn supervisor.
- b. When determining whether a pursuit should be initiated, continued, or terminated, the member shall, on a continuous basis, consider factors, to include but not limited to: [CFA 14.05A]

- 1) Seriousness of the originating offense and its relationship to community safety;
  - 2) The necessity of immediate apprehension weighed against the risk to the public;
  - 3) Whether the suspect being pursued is readily identifiable or subject to capture at another time or by other means;
  - 4) Safety of the public in the area of the pursuit;
  - 5) Safety of pursuing member(s);
  - 6) Time of day;
  - 7) Location of the pursuit (e.g. school zone, commercial or residential, urban/rural);
  - 8) Traffic conditions;
  - 9) Volume of vehicular/pedestrian traffic;
  - 10) Visibility and illumination;
  - 11) Weather conditions;
  - 12) Road conditions;
  - 13) Familiarity of pursuing members and supervisors with the area of pursuit; and
  - 14) Members' training and/or experience in pursuit driving, along with the condition and performance capabilities of the pursuit vehicle.
- c. It shall be the responsibility of all members concerned with pursuits of a violator, to strictly adhere to the rules set forth.

### **3. Initiating and Conducting Motor Vehicle Pursuits:**

- a. The responsibility for initiating a pursuit rests with the individual member, but may be canceled at any time by any on-duty sworn supervisor. The member responsible for initiating a pursuit may also cancel the pursuit at anytime they deem it to be necessary, taking into consideration such factors and circumstances as are listed herein.
- b. While in pursuit, all members shall use emergency signal devices and employ flashers, headlights, and horn when needed.

- c. Vehicles not equipped with emergency lights and sirens shall not engage in a pursuit.
  - d. Any marked SUV which is not pursuit rated, unmarked SUV, unmarked vehicle, or motorcycle in pursuit of a vehicle shall relinquish the pursuit to a marked pursuit rated vehicle as soon as possible. The hazards of pursuing in an unmarked unit, marked non-pursuit rated SUV, unmarked SUV, or motorcycle are greater than in a marked pursuit rated vehicle. The pursuing deputy and pursuit supervisor should consider this in determining whether to terminate the pursuit. [CFA 14.05D]
  - e. The primary unit and one (1) secondary pursuit unit (back-up) will normally be the only ground units necessary to pursue a fleeing vehicle. The primary unit may request additional units to assist, subject to the approval of the monitoring supervisor.
  - f. A situation does not rise to the level of a pursuit and does not meet the definition of pursuit as defined in this General Order whenever a deputy is attempting to overtake a vehicle that is of such a distance from the deputy that the deputy cannot reasonably expect to be pursuing the vehicle, regardless of the fact the deputy has engaged the siren and emergency lights.
  - g. Deputies pursuing a suspect operating a motor vehicle shall not drive against on-coming traffic, or within lanes designated for motor vehicle traffic whereas if a vehicle were present, it would be on-coming vehicular traffic, upon any Interstate, controlled access highway, or divided highway.
- 4. Primary Unit Responsibility** [CFA 14.05B] There shall be only one primary unit. Individual responsibility for actions of a pursuit rest with the primary unit unless directed otherwise by a supervisor. The primary unit responsibilities shall include but not be limited to:
- a. Upon initiating a pursuit, immediately notify the Consolidated Dispatch Agency a pursuit is in progress and provide the following information:
    1. Location, speed, and direction of travel of the fleeing vehicle;
    2. Description of the fleeing vehicle including the color, year, make, body style, license of the pursued vehicle;
    3. Reason for initiating the pursuit; and
    4. Attempt to include the number of vehicle occupants including race and sex;
    5. Any other information which could aid in the identification, apprehension, or other determination to either continue or terminate the pursuit.
  - b. Handling radio communications and broadcast the progress of the pursuit until a secondary unit engages in the pursuit.

- c. The primary unit shall make a continuous appraisal of the pursuit when deciding whether to continue or terminate the pursuit.
5. **Secondary Unit Responsibility** [CFA 14.05C] There shall be only one secondary unit during a pursuit. Upon engaging in the pursuit, the unit shall immediately notify the Consolidated Dispatch Agency of its identity. The secondary unit responsibilities shall include but not limited to:
- a. Maintaining a safe distance from the primary unit but be close enough to render assistance.
  - b. Assuming radio communications for the primary unit and inform of the pursuit's progress, pursuit speeds, changes in travel direction, street and road locations, and last intersection or cross-street passed. This responsibility shall not restrict the monitoring supervisor from giving instructions and/or directions to the primary unit, the secondary unit, other support units, or the Consolidated Dispatch Agency.
  - c. Assuming the position of the primary unit if the primary unit becomes disabled.
  - d. Shall not attempt to pass the primary vehicle, unless the primary vehicle is forced to drop out or becomes disabled.
6. **Consolidated Dispatch Agency Responsibility:** Upon notification that a pursuit is in progress, the member handling the pursuit shall: [CFA 14.05E]
- a. Immediately notify the Uniform Patrol supervisor or other appropriate supervisor who will monitor the pursuit.
  - b. Coordinate secondary pursuit unit and/or other assistance under the direction of the monitoring supervisor.
  - c. Place the radio frequency in emergency mode and notify any other law enforcement agency that might be affected by the pursuit.
  - d. Receive and record all incoming information on the pursued vehicle.
  - e. Perform relevant record and motor vehicle checks as expeditiously as possible.
7. **Supervisor Responsibility:** Once a sworn law enforcement supervisor (i.e. Uniform Patrol supervisor or Watch Commander) has been notified of the pursuit and has assumed supervision of the pursuit, no other supervisor shall interfere by giving contradicting orders to any of the pursuit participants. This shall not prohibit a superior officer from taking over supervision of the pursuit. The monitoring supervisor's responsibilities shall include but not be limited to: [CFA 14.05F]
- a. Assert control of the pursuit by monitoring and directing the specific units in or out of the pursuit;

- b. Evaluate the circumstances surrounding the pursuit, make a decision on allowing the pursuit to continue or terminate, and provide the decision to the pursuing member(s).
- c. If the pursuit is allowed to continue, continue to monitor and evaluate the progress of the pursuit.
- d. Assign active roles to support units including, but not limited to, paralleling the vehicle apprehension; assigning support members to potential termination locations; and/or transferring equipment or members as necessary;
- e. Approving or ordering alternative tactics;
- f. Ensuring affected inter-jurisdiction agencies are notified, if appropriate; and
- g. Designating another unit as primary and/or secondary if the primary unit is unable to maintain the pursuit.

**6. Termination of Pursuits: [CFA 14.05H]**

- a. If, at any time, a pursuit exposes the public or the members to more danger than the offense or conditions warrant, the pursuit shall be terminated.
- b. The member engaged in a pursuit has the authority to terminate any time they determine it to be necessary. Members shall terminate a pursuit when:
  - 1) Any on-duty sworn supervisor orders the termination of the pursuit.
  - 2) The member loses visual contact with the violator for more than a reasonable amount of time.
  - 3) There is no longer a belief that the suspect(s) committed, attempted to commit, or is attempting to commit a forcible felony.
  - 4) There is a clear and unreasonable danger to the member, suspect, or other persons, and the danger caused by the continued pursuit is greater than the value of apprehending the suspect(s).
  - 5) There is equipment failure, involving an emergency signal device, radio, brakes, steering, or other essential mechanical equipment or damage to a pursuit unit that creates a driving hazard.
  - 6) Any member of a law enforcement agency Aviation Unit observes and warns of a dangerous condition from the aerial platform and recommends termination. If a supervisor does not act on a recommendation to terminate quickly, the pilot may terminate the pursuit.

- a. Whenever a pursuit has been terminated by either the member or a sworn supervisor, the following shall be performed by each member involved in the pursuit:
  - 1) Immediately disengage their siren and emergency lights;
  - 2) Immediately state their termination by notifying the Consolidated Dispatch Agency by radio.
- d. Upon termination of the pursuit, the member(s) may proceed in the same direction after slowing to the posted speed limit or below. The member(s) shall not increase speed in order to maintain visual contact of the suspect's vehicle.

**7. Pursuit Documentation:** Upon completion of the pursuit, the Uniform Patrol supervisor shall direct the primary deputy to record all pertinent facts of the pursuit in an *Offense/Incident Report*. The Uniform Patrol supervisor shall also write a critique of the pursuit and forward it, via chain of command, to the Sheriff. This documentation shall include, but is not limited to: [CFA 14.05J]

- 1) Name(s) of pursuing deputies and supervisors involved;
- 2) Reasons for the pursuit;
- 3) Place of origin;
- 4) Route(s) of travel;
- 5) Length of pursuit (in distance and time);
- 6) Point of termination;
- 7) Suspect(s) name, if apprehended;
- 8) Injuries and/or damage that occurred as a result of the pursuit;
- 9) Policy violations, acts of misconduct, or training issues;
- 10) Equipment issues; and
- 11) Any other noteworthy data or findings.

**8. Aviation Section:**

- a. Whenever a pursuit occurs during the operational period of the Aviation Section, a request for assistance shall be promptly made by the Consolidated Dispatch Agency.

- b. Once an Aviation Section member identifies the pursued vehicle, the Air unit becomes the primary pursuit unit and the ground units shall drop back to a safe distance and speed, but may continue the pursuit.
- c. The Aviation Section shall advise the monitoring supervisor of the probability of successful apprehension, based on the criteria for continued pursuit and observable conditions into which the suspect(s) is fleeing.
- d. If the pursuit is terminated for any reason, the Aviation Section shall advise the monitoring supervisor of the suspect's last known location and direction of travel.

**9. Pursuit Outside of Jurisdiction: [CFA 14.05I]**

- a. A member in fresh and continuous pursuit may pursue outside our jurisdiction.
- b. If a pursuit appears to be headed toward, or has entered into another jurisdiction, the Consolidated Dispatch Agency shall alert the appropriate law enforcement agency within the jurisdiction of the pursuit with the progress and the known charges against the violator. The monitoring supervisor shall be notified by the Consolidated Dispatch Agency that the pursuit is about to enter or has entered another jurisdiction. The monitoring supervisor shall determine whether to continue or terminate the pursuit.

**10. Pursuits Initiated by Other Agencies: [CFA 14.05I]**

- a. When members of the Clay County District Schools Police Department are assisting another local agency within Clay County with a pursuit initiated by the other agency, all guidelines and restrictions regarding pursuits described in this General Order shall apply.
- b. Should a pursuit initiated by another agency enter Clay County, all guidelines and restrictions regarding pursuits described in this General Order shall apply. The Uniform Patrol supervisor or Watch Commander shall assume the pursuit supervisory role regarding Clay County District Schools Police Department participation.
- c. Upon receiving notice that another agency has requested assistance or a pursuit has entered Leon County, the Consolidated Dispatch Agency shall immediately ascertain, from the pursuing agency, the reasons for the pursuit, including specific law violations. The information shall be provided to the Uniform Patrol supervisor or Watch Commander to determine if members will engage in the pursuit.



**11. Stopping a Pursued Violator by Utilizing the Tire Deflation Device [CFA 14.05G]**

- a. A tire deflation device shall only be deployed by a member who has received approved training in the use and deployment of the device.
- b. Deployment of a tire deflation device shall be made when it can be safely deployed. The deploying member shall notify and obtain approval from a supervisor prior to deployment.
- c. The use of the tire deflation device is encouraged as a means of terminating pursuits.
- d. In determining whether to deploy the tire deflation device the following factors shall be considered:
  - 1) Consideration of the safety of the agency member deploying the tire deflation device.
  - 2) The safety of the public.
  - 3) The available time frame for deployment.
  - 4) The suitability of the location for deployment.
  - 5) Any traffic or environmental hazards that could affect a successful deployment.
- e. In addition, the following steps shall be utilized during deployment:
  - 1) The member making the decision to deploy a tire deflation device shall notify the Consolidated Dispatch Agency of the location of the deployment.
  - 2) The Consolidated Dispatch Agency shall transmit the above information to all units and also have the responsibility of promptly notifying other jurisdictions involved in the vehicle apprehension of the time, location and units involved in the deployment of the tire deflation device.
  - 3) The member shall notify the Consolidated Dispatch Agency when deployment of the tire deflation device occurred and if the vehicle immobilization was successful.
  - 4) After deployment, the tire deflation device shall be removed from the roadway. The deploying member shall notify the Consolidated Dispatch Agency and involved units of the removal.
  - 5) Tire deflation devices shall not be deployed to terminate motorcycle pursuits unless deadly force is authorized.

6) Tire deflation devices shall not be deployed on an interstate highway.

7) Other uses of the tire deflation device may include deployment to prevent a stationary vehicle from fleeing a location or disabling the escape of a wanted person.

**12. Precision Immobilization Technique (PIT):** A supervisor is encouraged to bring an end to a pursuit as soon after its initiation as practical through the use by involved members of the PIT, when circumstances and conditions dictate, in order to preserve life and protect the public safety. [CFA 14.05G]

- a. The preferred manner for intentional physical contact between the vehicle being pursued and an agency vehicle is the PIT maneuver.
- b. The supervisor, having considered the circumstances and conditions of the pursuit, shall be responsible for authorizing the pursuing member(s) to utilize PIT under conditions that are in compliance with agency training, placing an emphasis on the speed of the fleeing vehicle being less than forty-five (45) miles per hour. The use of PIT at speeds in excess of forty-five (45) mph is considered deadly force and shall be limited to situations where life threatening, exigent circumstances clearly exist and/ or when deadly force is justified.
- c. Supervisors and involved members shall take circumstances into consideration when planning to utilize PIT including, but not limited to, the presence of other vehicles or pedestrians, the width of the roadway, and whether there are deflated tires on the fleeing vehicle or fixed objects present that could limit effectiveness or potentially cause a rollover.
- d. Only members who have demonstrated PIT proficiency after receiving competency-based training from a PIT certified driving Instructor during in-service training are authorized to initiate the technique. Prior to initiation, the initiating deputy must communicate their intentions to support units for purposes of coordination.
- e. PIT shall not be utilized as a means to stop fleeing motorcycles or vehicles with an abnormally high center of gravity, such as a four (4)-wheel drive vehicle, unless the seriousness of the offense dictates otherwise, based on the discretion of the pursuit supervisor.
- f. After the PIT scene is stabilized, the supervisor shall ensure that comprehensive photographs are taken of the vehicles at final rest, any roadway evidence (skid marks, scuffs, or tire abrasions), vehicles after they are moved from all directions, and the overall scene. Digital images shall be submitted with the pursuit documentation.

**13. Other Tactics Used to Apprehend Fleeing Vehicles:** [CFA 14.05]

- a. **Caravanning:** This method is prohibited.

- b. Moving Roadblock (boxing-in):** This method is permitted only in situations where deadly force as defined by Florida Statute would be deemed necessary, and in accordance with the criteria set forth in G.O. 64.1 governing the implementation of roadblocks.
- c. Stationary Roadblock:** This method may be permitted in instances deemed necessary and appropriate in accordance with the criteria set forth in G.O. 64.1 governing the implementation of roadblocks. A stationary roadblock that completely blocks the road is considered deadly force and is permitted only in situations where deadly force as defined by Florida Statutes would be deemed necessary.
- d. Ramming:** This method is permitted only in instances where deadly force would be deemed necessary upon authorization of a sworn supervisor, in situations involving a forcible felony.
- e. Firearms:**
  - 1) Members shall not discharge a firearm towards a person operating a moving vehicle or the moving vehicle itself unless:
    - a) The vehicle is being operated as a weapon which will likely cause imminent death or great bodily harm to another person;
    - b) A person inside the vehicle is threatening another with the use of deadly force by means other than the vehicle;
    - c) The operator is using a vehicle as a weapon, which is likely to cause imminent death or great bodily harm to a law enforcement officer and the law enforcement officer has taken reasonable actions, based on the totality of the circumstances, to avoid being struck by the vehicle, as a last resort for self-protection;
    - d) A person inside the vehicle is threatening a law enforcement officer with the use of deadly force by means other than the vehicle; and
    - e) Considerations have been made regarding the safety of other persons present, including pedestrian and motor vehicle traffic.
  - 2) Firearms shall not be discharged from a moving vehicle except in exigent circumstances.

#### 14. Training: [CFA 14.05K]

- 1) New agency members shall receive pursuit training provided by the Training Unit during initial in-house training, prior to entering the Field Training and Evaluation Program. The training shall include the review of agency policy and practical driver training.

- 2) Pursuit refresher training shall be provided to all sworn law enforcement members on a periodic basis.

## 15. Personalized Vehicle Program

### 1) General

- a. Vehicles may be assigned to sworn members designated by the Chief of Police. The Chief may at his discretion assign vehicles to other appointed members and establish rules and procedures for their use.
- b. Marked or unmarked vehicles are assigned to authorize members for use on duty only.
- c. Non-sworn civilian members are not authorized to operate any CCDS Police Department vehicle.
- d. Members who are in training, instructing or recruiting at the St. Johns River State College Criminal Justice Academy may drive their department assigned vehicle while commuting to and from this assignment with prior approval.

- 2) The Chief of Police will have the authority to assign, deny, suspend, or remove any member of the police department from the Personalized Vehicle Program. In addition, the department's district lieutenants will have the authority to suspend members from the Personalized Vehicle Program.

- 3) Participation in this program is voluntary, a privilege and not a right of employment. For that reason, removal or suspension from the Personalized Vehicle Program is not a disciplinary action and is not governed by Disciplinary Actions.

- a. Suspension or loss of this privilege may be imposed for abuse of the privilege or violation of this directive.
- b. Full-time sworn members are not permitted to use their assigned vehicle or specified vehicle while off-duty within Clay County or in any other county.
- c. Members will not presume any special privileges with an assigned vehicle while off-duty. Vehicle operation will conform to all state and local laws and regulations regarding traffic and parking.

### 4) Regulations for Vehicle Operation

a. Police department vehicles will at all times display the issued, authorized county license tag, unless otherwise authorized by the Chief of Police or designee.

b. Members operating police department vehicles will have a valid Florida Driver's License on their person in addition to their police department identification.

1. Personnel will annually (in August) perform a check of driver's license records through Driver and Vehicle Information Database (D.A.V.I.D.) on all members participating in the Personalized Vehicle Program to confirm they have a valid Florida driver's license.

2. Any noted infractions (civil or criminal) and any license suspensions or revocations will be forwarded for review to the Chief of Police for action.

3. Prior to use, members will examine their assigned vehicle for dents, broken glass or other readily visible damage and will report any damage to their immediate supervisor.

4. The member operating the vehicle will be responsible for the actions, conduct, appearance, and safety of all passengers.

5. Members will keep their vehicles locked when unattended. Keys will not be left in the ignition, or anywhere inside a vehicle that is parked and unattended.

6. Assigned vehicles will not be utilized by off-duty members or passengers who intend to consume, or who have recently consumed, alcoholic beverage.

a. Alcoholic beverages will not be placed in an assigned vehicle unless confiscated in the line of duty.

b. Members operating assigned vehicles are prohibited from patronizing package stores and should use good judgment and not patronize any establishment, which may result in public criticism, such as bars, night clubs, adult stores, gambling establishments, adult entertainment, and any other establishment which could cast a shadow of disrepute on the unless it is in the performance of their assigned duties or approved secondary employment.

c. When a vehicle is to be serviced at any repair facility, including fleet maintenance, all weapons will be removed. (This applies to vehicles dropped off or left unattended).

d. Police department vehicles will not be utilized for transporting excessive loads, per manufacturer's legal limits, and no objects may protrude from the trunk or windows (unless in the performance of regular duties). Transporting lawn mowers, lumber, and other articles, which may damage the vehicle or create an appearance that the vehicle is not capable of an emergency response is prohibited.

e. Members have the duty and responsibility to report any improper conduct on the part of another member operating an assigned vehicle contrary to these regulations.

f. Members whose driving privileges have been suspended or revoked, or those under disciplinary suspension, will not participate in the Personalized Vehicle Program.

g. Members and passengers will wear safety belts (seat belts) at all times when operating department vehicles. Exemptions will only

apply as prescribed by the law Florida State Statute (F.S.S.) 316.614.

h. Members may not use department vehicles for the purpose of campaigning for a candidate for office or endorsing a political campaign. Members may be assigned to legitimate security details for candidates at the discretion of the Chief of Police.

i. All members participating in the Personalized Vehicle Program are expected to exercise good judgment in utilization of the police department's vehicle.

j. Police department vehicles will be operated by authorized members only

k. Off-duty members responding to emergency calls for service will abide by established directives governing emergency response.

l. No more than three (3) marked units and/or five (5) uniformed members are permitted at any one (1) eating establishment at any one (1) time (excluding unusual events or training exercises).

## 5) Limitations on Use of Police Department Vehicles

1. The vehicle will not be used under the following circumstances:

a. If the member's ability to do so is impaired by any substance(s)

b. While on administrative leave for disciplinary purposes and during disciplinary suspension

- c. To transport non police department animals without supervisor approval.
- d. While on sick leave (Minimum of twenty-four (24) hours unless approved by the commanders or higher authority)
- e. While on temporary limited duty following workers' compensation or an off-duty injury.

2. Full-time Sworn Members' Off-duty use of Police Department Vehicles

- a. Off-duty use is not permitted unless authorized by the Chief of Police.

**16. Out County Usage**

1. Vehicles may not be operated outside the jurisdictional boundaries of Clay County without express permission of the Chief of Police and in accordance with CCDS policy.

- a. All members who are residing outside of Clay County in an adjoining county, have an emergency response/call back responsibility and have an assigned take home vehicle, are prohibited from driving their police department vehicle other than to travel to and from their duty assignment. This applies to those members who have elected to participate in the out of county vehicle program and elected to have the bi-monthly deduction. Members choosing not to participate in the out of county vehicle program shall park their assigned vehicle at a location designated by the Chief of Police or designee. The designated location will be the only location a police department's vehicle will be parked at.
- b. If a member is involved in a traffic crash in an adjoining county, they will notify the local law enforcement department to respond and complete a traffic crash investigation. The member is required to notify their immediate supervisor of the crash. The member will obtain the investigating agencies case number and complete a Vehicle Damage Report and/or Incident report. If a theft or burglary occurs to the member's assigned vehicle, the member must notify the local jurisdiction and file a report. The member will also notify their immediate supervisor and obtain the case number assigned.

- c. Members operating their police department vehicle outside of Clay County are considered to be private citizens. Members will not take law enforcement action unless an arrest is made in fresh pursuit or pursuant to a mutual aid agreement and within the State of Florida. A law enforcement officer, acting as a private citizen and not as an officer, within the State of Florida, may arrest outside of their county if a felony has actually been committed and the officer has probable cause to believe that the arrested person committed it; or a serious misdemeanor constituting a breach of the peace is committed in their presence.
- d. If a member participating in the out of county vehicle usage program is responding to an emergency (lights and sirens) in Clay County, they will notify the local law enforcement department of their vehicle description and route of travel while enroute to Clay County.

## **17. Vehicle and Maintenance**

- 1. Members will keep department vehicles clean, professional and orderly at all times. Department vehicles will be issued with necessary safety and job essential equipment. It is the member's responsibility, whether permanently assigned or temporarily issued a vehicle, to ensure that this equipment is available for use when the vehicle is received and returned.
- 2. Members are prohibited from using any type of tobacco products (smoke and/or smokeless) inside a police department vehicle.
- 3. Members assigned department vehicles are required to facilitate the routine maintenance of the vehicles. Fleet maintenance members will be responsible for the maintenance of pool vehicles. All service work will be performed by Clay County School District fleet maintenance and/or their designated contractor.

The service guidelines are as follows:

Every 5,000 miles or based on the manufacturer's maintenance requirements – oil change (vendor)

Every 15,000 miles – safety check (Fleet Maintenance Facility)

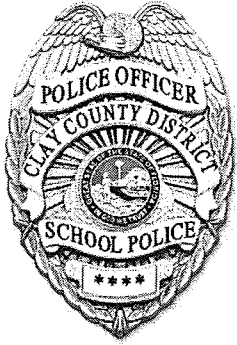
- 4. When vehicles are due service, appointments will be made by the assigned member with Fleet Maintenance. Verbal notification will suffice for contracted services. Any work involving radio, siren, or emergency lights will be requested by the member to their immediate supervisor.



- a. Vehicle maintenance records will be maintained in fleet maintenance and will be entered into a computerized database.
- b. A "next service due" sticker will be placed on the inside of the windshield in the upper left corner by an oil change contracted vendor. This will allow immediate and visual availability to the regularly assigned or temporarily assigned member and allow a more timely maintenance schedule.
- c. Members will not abuse and/or neglect their assigned department vehicles.
- d. Make every effort to refuel using the established district fuel depots.

**18. Department Pool Car Check out Procedure**

- 1. Pool cars are for official business only. Check-out will be with the approval of the member's immediate supervisor.
- 2. Pool cars are checked out through the following procedure:
  - a. Check-out will be during the regular business hours through the member's immediate supervisor.
  - b. Authorized members must fill-out the check-out log and acknowledge responsibility via proper forms
  - c. Traveling out-of-town business requiring department gas credit cards will be checked out through the member's immediate supervisor. Upon return, the member will return the credit card, any gas receipts, and fill-out the proper forms.
  - d. Returned department vehicles should be checked in with a full tank of gas and inspected in clean condition. When possible, fill up tank using the district's fuel depots.
  - e. If mechanical problems or damage occurs, this needs to be reported to the member's immediate supervisor.
  - f. Any member involved in a traffic crash will report under the guidelines.



# CLAY COUNTY DISTRICT SCHOOLS Police Department

## *General Order 9.16 Victims Assistance*

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
August 1, 2019		

- A. PURPOSE:** The purpose of this order is to outline the responsibilities and functions of the Clay County District Schools Police Department victim assistance efforts through a Victim Advocate.
- B. SCOPE:** This order shall apply to all Clay County District Schools Police Department members.
- C. DISCUSSION:** The agency is committed to the development, implementation and continuation of victim/witness assistance programs and activities and shall comply with Section 960.001, Florida Statutes, which is known as Florida's Victim/Witness Protection Act of 1984. In order to further these objectives, a program shall be established which assists victims and witnesses, and provides: crisis intervention; short-term supportive counseling; death notification; criminal justice support/advocacy; including accompaniment during deposition; injunction hearings; emergency assistance in filing injunctions after hours; referrals for emergency legal assistance and emergency financial assistance; dispensing cellular phones to victims of domestic violence and stalking; personal advocacy; information regarding Victim Compensation claims; information and referral regarding other agency services and any relevant services available through community agencies, as well as providing notification to victims of offender release as applicable by law.
- D. POLICY:** It shall be the policy of the Clay County District Schools Police Department to maintain a Victim Advocate notification program in which all victims and witnesses are treated with fairness, and to assist victims during their participation in the criminal justice system. This policy shall include victims of domestic violence, attempted murder, sexual battery, attempted sexual battery, stalking and families of homicide victims of the release or escape of offenders.
- E. DEFINITIONS:**
- NON-IMMIGRANT VICTIMS** – Victims of qualifying crimes determined by U.S. Department of Homeland Security, Citizenship and Immigration Services, who enter the United States on a temporary basis (Example: tourism, business, temporary work,

or study). This also includes specified crime victims who have entered the United States without inspection or those who are victims of human trafficking.

**VICTIM** - Any person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his/her person or property. Also regarded as victims are a spouse, child, parent, or legal guardian of a minor victim and a spouse, child, sibling, parent, or legal guardian of a homicide victim. (This precludes any person involved in a crime as a perpetrator or accomplice.)

**WITNESS** - A person who, as determined by the agency, has information or evidence relevant to the investigation of a specified crime. If the witness is a minor, the term "witness" includes an appropriate family member. (This precludes defense witnesses and anyone involved in a crime as perpetrator or accomplice.)

#### **F. PROCEDURE:**

**1. Victim Advocate Services** – Victim Advocate process shall be responsible for coordinating and providing the agency's Victim Advocate Services which can be obtained from the Clay County State Attorney's Office.

a. All sworn members are charged with the responsibility to provide victims with information concerning available services and shall treat all victims/witnesses with fairness and dignity.

b. The agency shall provide referral information regarding services to victims available from the agency or from the appropriate community resource.

1) During normal business hours, victims may be referred by phone to the Clay County State Attorney's Office by any member if a need for advocacy services is identified.

c. The Clay County State Attorney's Office V.A. along with criminal justice agencies, government and non-government agencies and other organizations which provide assistance to victims may be unavailable from within the agency.

**2. Notice of Legal Rights and Remedies** – The Notice of Legal Rights and Remedies, herein referred to as Notice, explains the rights of crime victims in compliance with Florida Statute. The Notice shall be submitted to the Victims' Rights Coordinator at the Office of the Governor, for review and approval, annually or as directed. [CFA 14.04]

a. It is the policy of the agency to provide a Notice to all victims during the preliminary investigation and to any other crime victim which the on scene personnel feel may benefit from the information.

b. The Notice explains the rights of crime victims in compliance with Florida Statute.

c. The appropriate member shall provide a Notice to each victim who reports any type of crime in accordance with Florida Statutes. Compliance shall be met by one of the following three procedures based on the reporting method of the victim:

**1) Victim Reports Crime to Member in Person** - When a victim reports any crime to a member in person, the member will provide the appropriate English or Spanish version of the Notice to the victim. If the crime is documented on the Violent Crimes Report form for Homicide, Sexual Offenses, Attempted Murder, Stalking or Domestic Violence, the victim or family member will acknowledge receipt of the Notice by signing the report form. If one of the above crimes is documented via the electronic report writing system, the victim will acknowledge receipt of the Notice by signing the appropriate section on the CCDSPD Signature form. No receipt signature is required for any other type crime but issuance shall be documented in the incident report narrative.

**2) Victim Reports Crime by Telephone (victim has e-mail address)** – When a victim reports any crime by telephone (i.e.: duty office), the member will send the appropriate Notice via e-mail to the victim. To send the Notice electronically is located on the CCDSPD TEAM Drive Section and is titled Victim Rights/Remedies. The officer will enter the victim's email address, select the appropriate version (English or Spanish) and then click the submit button which will forward the notice to the victim. The issuance shall be documented in the incident report narrative.

**3) Victim Reports Crime by Telephone (victim has no e-mail address)** – When a victim reports any crime by telephone and does not have an e-mail address, the member will send the appropriate version (English or Spanish) Notice by conventional mail to the victim.

### **3. Immigration Benefits Request of Non-Immigrant Victim**

- a. Non-immigrant victims of certain qualifying crimes may submit the appropriate federal form to request temporary immigration benefits. The local domestic violence center (Quigley House) or other reporting agency will provide the form.
- b. A Lieutenant or designee will verify the victim is cooperating with the criminal investigation.
- c. After being certified the form will be returned to the domestic violence center or other reporting agency.