

Citizens and Police Community Relations Advisory Committee
October 12, 2020 10:00 AM
City Administration Building
201 W. Central Ave
Lake Wales, FL 33853
Commission Chambers

This will be a hybrid virtual tele-conference meeting.

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, and extended by Executive Order No. 20-112, and extended further by Executive Orders No. 20-114, 20-150, 20-179, and 20-246 municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

Everyone is welcome to attend in person or virtually.

Members of the public may register to attend at
[**https://www.lakewalesfl.gov/Register**](https://www.lakewalesfl.gov/Register)

1. CALL TO ORDER & ROLL CALL
2. Minutes - September 21, 2020
The Minutes of [SEPTEMBER 21, 2020](#)
3. COMMUNICATIONS AND PETITIONS
4. Purpose And Scope Of The Committee

Documents:

[CITIZENS AND POLICE COMMUNITY RELATIONS ADVISORY COMMITTEE
INFORMATION.PDF](#)

5. Law Enforcement Officer Bill Of Rights

Documents:

[FSS 112.532.PDF](#)
[FSS 112.533.PDF](#)

6. Department Activity

Documents:

[MEMO - POLICE DEPARTMENT ACTIVITY 7-15-2020.PDF](#)

7. AROUND THE ROOM
8. ADJOURN

Minutes of the Citizens and Police Community Relations Advisory Committee meeting can be obtained from the City Clerk's Office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recording, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be the expense of the requesting party.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting.

Appeals concerning decisions on issues requiring a public hearing:

Persons who wish to appeal any decision made by the Citizens and Police Community Relations Advisory Committee with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

MEMORANDUM

DATE: July 31, 2020

TO: Honorable Mayor and City Commission

VIA: James Slaton, Interim City Manager

FROM: Jennifer Nanek, City Clerk

SUBJECT: Resolution 2020-25 – Amending the Citizens and Police Community Relations Advisory Committee.

SYNOPSIS: *Resolution 2020-25 modifies the Citizens and Police Community Relations Advisory Committee, expanding the committee to 6 members from 3 members, allowing for each Commissioner to nominate members and changing the meeting schedule to monthly.*

RECOMMENDATION:

Staff recommends the City Commission adopt RESOLUTION 2020-25.

BACKGROUND

At a recent City Commission Work Session, staff was directed to prepare a resolution to modify the Citizens and Police Community Relations Advisory Committee. This resolution expands the Committee to 6 members from 3 members and provides each Commissioner the ability to nominate one member each. The 6th member will continue to be appointed by the Chief of Police. This resolution also changes the meeting frequency from quarterly to monthly.

The Lake Wales City Commission on May 3, 2011 adopted Resolution 2011-05 to establish the Citizens and Police Community Relations Advisory Committee “to provide a forum for respectful discussion that will lead to a greater partnership and stronger working relationship between all community members and the police department.”

The primary goal of the Community Relations Committee was to improve the relationship between the community and the police department.

The main provisions of Resolution 2011-05 were as follows:

- A three-member Community Relations Committee was created. Two citizen members were appointed by the Mayor with the approval of the Commission, and one police officer member was appointed by the Police Chief
- The committee regularly met once a month in the Municipal Administration Building, but any member of the committee could call a special meeting if one was deemed to be necessary. The committee and its members were subject to the Sunshine Law and other applicable State laws and City ordinances
- The committee provided a forum in which citizens could express opinions or concerns and positively resolve issues they may have with police policies or procedures

Resolution 2011-05 was later amended with the adoption of Resolution 2012-02, which expanded the committee from three members to five (one police officer and four citizens) and removed the restriction of holding the meetings in the City Administration Building, allowing the meetings to take place anywhere in the community determined by the committee.

A final amendment, Resolution 2014-07, changed the meeting schedule of the Community Relations Committee from monthly to quarterly. Although the committee was effective in providing constructive dialogue between citizens and the police department, citizen attendance eventually declined, which led to the amended meeting schedule. The previous amendment expanding the board to four citizen members was not carried forward in this particular amendment.

Due to a lack of involvement, the committee eventually stopped meeting altogether around 2016. The committee, however, was not among the 10 boards officially dissolved by the commission on Feb. 7, 2017 through Resolution 2017-02.

The Police Chief and the City Commission have indicated an interest in re-establishing a Citizen and Police Community Relations Advisory Committee. A copy of the current Resolution, 2014-07, is attached for the Commission to review and to provide any desired changes to staff.

Input received has indicated possible interest in amending the committee member appointment process, with the Commissioners nominating one committee member each. If this is the desired direction of the Commission, the committee size would need to be expanded to six (five citizens and one police officer).

City Commission comments expressed during the July 21, 2020 City Commission meeting resulted in the following additional amendments to the proposed Resolution:

- In accordance with the City's Charter, each Commissioner shall recommend one appointment to the Mayor. The Mayor's appoints will then be subject to approval by the City Commission
- In the case of a vacancy, a new member will be appointed through the same process used to make the initial appointments
- The committee will be empowered to make recommendations to the City Commission on ways to improve upon the structure and purpose of the committee

FISCAL IMPACT

None.

ATTACHMENTS

Resolution 2020-25

RESOLUTION 2020-25

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REVISING RESOLUTIONS 2011-05, 2012-03 AND 2014-07, TO CHANGE THE REQUIREMENTS FOR APPOINTMENTS TO THE CITIZENS AND POLICE COMMUNITY RELATIONS ADVISORY COMMITTEE, TO CHANGE HOW OFTEN THE COMMITTEE SHALL MEET, TO EXPAND THE BOARD MEMBERSHIP; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake Wales Police Department provides a valuable public safety service; and,

WHEREAS, the Citizens of Lake Wales play an integral role in the preservation of the peace, deterrence of crime, and prosecution of crimes; and,

WHEREAS, the Lake Wales Police Department values community relationships and input and seeks to gain a greater understanding and awareness of citizen concerns regarding police actions; and,

WHEREAS, the Citizens of Lake Wales seek the opportunity to express concerns, discuss issues, and gain a greater understanding of police actions ; and,

WHEREAS, the City Commission continues to strive for a greater partnership and working relationship between all members of the community and the Lake Wales Police Department and recognizes the need for greater education on the part of citizens and police with respect to one another; and,

WHEREAS, the City Commission and the Lake Wales Police Department seek to provide a forum for citizens and police to respectfully discuss issues and concerns in a public format before an incident rises to the level of a formal complaint; and,

WHEREAS, the City Commission and the Lake Wales Police Department seek to provide a mechanism for informal discussion of law enforcement policies and procedures because there is a belief that direct communications between citizens and police will bring about positive community relations; and,

WHEREAS, there is great optimism that, by positively addressing the need for greater citizen and police education with respect to one another, the City will lay a foundation of trust upon which a stronger and more open relationship between these groups may develop and flourish over time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA:

1. The Citizens and Police Community Relations Advisory Committee is hereby established for the purpose of:

- A. Providing a forum for citizens to express their opinions about police procedures and to receive informal information from the police department regarding police procedures.
 - B. Providing a forum for citizens and the police department to openly and respectfully discuss issues of concern with the hope that concerns can be positively resolved.
 - C. Providing a forum for citizens and the police department to engage in a dialogue that will be positive and productive and that will continue to foster a climate of trust and mutual respect.
2. The Citizens and Police Community Relations Advisory Committee shall be informally referred to as the "Community Relations Committee."
3. The following rules shall apply to committee membership:
- A. The committee shall consist of 6 members, each of whom will serve a two-year term. A quorum shall require the presence of four members.
 - B. Appointments. Each Commissioner shall recommend one appointment to the Mayor. The Mayor's appointments will then be subject to approval by the City Commission. One member shall be an active police officer serving in the Lake Wales Police Department and shall be appointed by the chief of police. Citizen members shall serve no more than two consecutive terms.
 - C. With the exception of the initial appointments, terms shall begin on July 1 and expire two years later on June 30. So that term expiration dates may be staggered, the initial term of two citizen members shall expire on June 30, 2021 and the initial term of three citizen members shall expire on June 30, 2022. Initial terms of all members shall begin upon appointment.
 - D. Committee members shall be subject to the Sunshine Law and other applicable state laws and city ordinances.
 - E. Minimum Qualifications of Citizens and Police Community Relations Advisory Committee Members -
Members of the Citizens and Police Community Relations Advisory Committee must be residents and registered electors of the City of Lake Wales. No State Legislator, County Commissioner, or City Commissioner may be a member of the Citizens and Police Community Relations Advisory Committee. The City Commission shall be the judge of the qualifications of individual candidates for membership.
 - F. Minimum Attendance Requirements -
It is expected that appointed members of the Citizens and Police Community Relations Advisory Committee should attend each meeting thereof. Should a member of the Citizens and Police Community Relations Advisory Committee fail to attend three (3) consecutive Citizens and Police Community Relations Advisory Committee meetings, that member shall be deemed to have vacated his or her position.

G. Removal of Citizens and Police Community Relations Advisory Committee Members; City Commission May Fill Vacant Position

Any member of the Citizens and Police Community Relations Advisory Committee may be removed by majority vote of the City Commission without a finding of cause. In the event of a vacancy, a new member will be appointed through the same process as stated above in paragraph B.

4. Regular meetings of the committee shall be held monthly or as needed in the Municipal Administration Building or other locations as deemed appropriate by the committee. Notice of a regular meeting shall be posted on the notice board in the Municipal Administration Building and at the location where the meeting will be held if not held in the Municipal Administration Building no later than forty-eight hours prior to the meeting. A special meeting may be called at any time by any member of the committee as deemed necessary. Notice of a special meeting shall be posted no later than twelve hours prior to the meeting.
5. The committee shall select a chairperson at its first meeting and shall develop procedures for bringing matters before the committee. Procedures developed by the committee shall require the unanimous approval of the committee members.
6. The committee shall have no power to hear or discuss complaints regarding officer misconduct. No provision of this resolution shall be construed to circumvent the requirements of the Police Officers Bill of Rights or the requirements of any State or Federal law to the contrary.
7. The following guidelines shall be observed in conducting committee meetings:
 - A. The committee should provide a forum in which the citizens and the police department come together for the purpose of developing positive relationships.
 - B. The committee should provide a forum in which citizens can express opinions or concerns.
 - C. The committee should provide a forum in which citizens can receive basic information regarding law enforcement policies and procedures.
 - D. The committee can be a place for citizens to commend officers who have gone above and beyond the citizens' expectations.
 - E. The committee should refer any citizen with a formal complaint to the proper complaint process.
 - F. The committee should not provide a forum for discussion or involvement in any form of officer discipline.
 - G. The committee should serve as the forum for positive and productive discussion that will lead to a greater partnership and stronger working relationship between all

community members and the police department.

8. The committee will make recommendations to the City Commission on ways to improve upon the structure and purpose of the committee.

THIS RESOLUTION INTRODUCED AND PASSED by the City Commission of the City of Lake Wales, Polk County, Florida at its regular meeting on_____. All provisions are immediately effective.

Eugene L. Fultz, Mayor

ATTEST:

City Clerk

Select Year:

The 2019 Florida Statutes

[Title X](#)
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS

[Chapter 112](#)
PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS

[View Entire Chapter](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Notwithstanding s. [112.533\(2\)](#), whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative shall, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation shall remain confidential until such time as the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

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

(6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.—

(a) Except as provided in this subsection, disciplinary action, suspension, demotion, or dismissal may not be undertaken by an agency against a law enforcement officer or correctional officer for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within 180 days after the date the

agency receives notice of the allegation by a person authorized by the agency to initiate an investigation of the misconduct. If the agency determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer or correctional officer of its intent to proceed with disciplinary action, along with a proposal of the specific action sought, including length of suspension, if applicable. Notice to the officer must be provided within 180 days after the date the agency received notice of the alleged misconduct, except as follows:

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

(b) An investigation against a law enforcement officer or correctional officer may be reopened, notwithstanding the limitations period for commencing disciplinary action, demotion, or dismissal, if:

1. Significant new evidence has been discovered that is likely to affect the outcome of the investigation.
2. The evidence could not have reasonably been discovered in the normal course of investigation or the evidence resulted from the predisciplinary response of the officer.

Any disciplinary action resulting from an investigation that is reopened pursuant to this paragraph must be completed within 90 days after the date the investigation is reopened.

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

Select Year:

The 2019 Florida Statutes

[Title X](#)
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS

[Chapter 112](#)
PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS

[View Entire Chapter](#)

112.533 Receipt and processing of complaints.—

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

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

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

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

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

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

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

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

Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses and all existing evidence, including, but not limited to, incident reports, analyses, GPS locator information, and audio or video recordings relating to the investigation, immediately before

beginning the investigative interview. All statements, regardless of form, provided by a law enforcement officer or correctional officer during the course of a complaint investigation of that officer shall be made under oath pursuant to s. [92.525](#). Knowingly false statements given by a law enforcement officer or correctional officer under investigation may subject the law enforcement officer or correctional officer to prosecution for perjury. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the officer under investigation, only the names and written statements of the complainant and nonincarcerated witnesses may be reviewed by the officer under investigation immediately prior to the beginning of the investigative interview.

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

(c) Notwithstanding other provisions of this section, the complaint and information shall be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.

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

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

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



Lake Wales Police Department

133 East Tillman Avenue – Lake Wales, Florida 33853
(863) 678-4223 Office (863) 678-4298 Fax

Memorandum

To: James Slaton, City Manager
From: Chris Velasquez, Chief of Police *CV*
CC: File
Date: September 15, 2020
Ref: Department Activity

COVID-19 has presented significant challenges to law enforcement in Lake Wales and across the country. A majority of our job involves direct personal contact with the public but social distancing requirements along with the use of personal protective equipment has directly affected our outreach efforts. Although challenging, we continue working to build new relationships while building upon current positive relationships throughout the city.

1. In response to incidents that have occurred in other states throughout our nation, the department has reviewed and modified our General Orders related to the use of protective action by our members.
- The use of “choke holds” was and continues to be restricted to circumstances where the use of deadly force is authorized.

Our General Order states – “d. Except in a life-threatening situation and only as a last resort, members are prohibited from:

1) Using chokeholds or the lateral vascular restraint”

- Although we previously trained and required officers to diffuse or de-escalate a situation when possible prior to the use of protective action, we modified our General Orders to specifically address the use of de-escalation techniques. The amended language from our General Orders is underlined below.
4. Member Response Levels. Members should always try to resolve a situation with the least amount of protective action practicable to achieve compliance with the level of resistance exhibited by the subject.

a. De-Escalation

1) De-escalation tactics and techniques are actions used by officers, when safe and feasible that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

2) Selection of de-escalation options should be guided by the totality of the circumstances with the goal of attaining voluntary compliance; considerations include:

a. Communication: Using communication intended to gain voluntary compliance such as verbal persuasion, clear instructions, and avoid language that could escalate the incident.

b. Time: Attempt to slow down or stabilize the situation so more time, options, and resources are available for incident resolution.

c. Distance: Maximizing tactical advantage by increasing distance to allow for greater reaction time.

d. Shielding: Utilizing cover and concealment for tactical advantage such as placing barriers between an uncooperative subject and officers.

3) Consider whether any lack of compliance is a deliberate attempt to resist rather than an inability to comply based on factors including, but not limited to medical conditions, mental impairment, developmental disability, physical limitation, language barrier, drug use, behavioral crisis, fear, or anxiety.

4) If a Member(s) is met with resistance, as a subject's level of resistance decreases, the member(s) response shall decrease also.

- Although our General Orders required members to intervene and stop any other member from committing criminal acts, abuses of authority or other major violations of department General Orders, we specifically amended our protective action General Order with the underlined language.

2. Protective Action Guidelines

d. Each department member has the individual responsibility to intervene and stop any other member from committing an unlawful or improper act, including but not limited to, acts of excessive force, abuses of process, abuses of authority, and any other criminal acts or major violations of department General Orders. Successful intervention does not negate a duty to report.

2. We have met multiple times with a number of well-respected community and faith based leaders from Lake Wales. The goal of these meetings has been to learn ways we can better connect with the community, share department progress and discuss challenges we are encountering along the way. We have had healthy and productive discussions that helped identify areas within the department and the community that could help improve relationships and trust.

3. Working with the CRA, we have created a Community Liaison Officer position that will work directly with the community to continue building trusting relationships and addressing concerns. We have selected Officer Edward Palmer, a 20-year veteran of the police department to serve as the Community Liaison Officer. Officer Palmer has worked in every division of the police department and most recently served as the School Resource Officer at Roosevelt Academy. Officer Palmer has a long history of serving the community through outreach and service projects he initiated on his own. He is a husband, father and well-respected member of our department both internally and within the community.

Staffing issues have prevented us from launching the Community Liaison Officer initiative; however, we hope to do so by October 1, 2020. In order to compliment the Community Liaison Officer position, the department intends to partner a less experienced member with Officer Palmer for a period of time on a rotating basis. We believe this will provide an opportunity to mentor our newer members while introducing them to the community and learning how we can serve their needs.

4. We launched a new community outreach initiative known as a Rally Point. These events are designed to provide an opportunity for the public to meet law enforcement officers and members of the command staff, interact with us in a neutral, non-enforcement setting and share ideas that can help improve the quality of life in Lake Wales. We advertise through social media then set up chairs, a tent and signage to identify the event. We bring games to engage the children and cold water to keep everyone hydrated during the summer heat. Thus far, we have hosted three Rally Point events throughout the community and plan to schedule more in future months.
5. All sworn members have attended multiple in-service and online training sessions on situational awareness, community policing, de-escalation, anti-bias policing, implicit bias, officer safety, officer mental health, stress management and COVID-19 awareness topics. The department continues to provide regular, high quality training to our members while the State of Florida Criminal Justice Standards and Training Commission works to create additional training specific to current needs.
6. The Police Chief and City Commission recently re-established the Citizens and Police Community Relations Advisory Committee. The purpose of this committee is to:
 - A. Provide a forum for citizens to express their opinions about police procedures and to receive informal information from the police department regarding police procedures.
 - B. Provide a forum for citizens and the police department to openly and respectfully discuss issues of concern with the hope that concerns can be positively resolved.
 - C. Provide a forum for citizens and the police department to engage in a dialogue that will be positive and productive and that will continue to foster a climate of trust and mutual respect.

Staff is working to coordinate the first meeting of this committee, which will likely be hybrid in nature do to social distancing requirements and scheduling conflicts with other boards, committees and meetings.

7. Law Enforcement Accreditation – The police department has been working toward accreditation with the Commission for Florida Law Enforcement Accreditation, Inc. Accreditation is a voluntary process and based on standards that are reflective of best practices in law enforcement. Accreditation standards cover a variety of roles and responsibilities to include; law enforcement operations, operational support and traffic law enforcement, relationships with other agencies, organization, management and administration and technical services. Much like accreditation for hospitals, colleges and schools, police accreditation involves an outside autonomous agency or group that establishes the professional best-practice standards for departments, as well as ensures the agency is following those standards by conducting a comprehensive onsite assessment.

Accreditation increases the law enforcement agency's ability to prevent and control crime through more effective and efficient delivery of law enforcement services to the community it serves. It enhances community understanding of the law enforcement agency and its role in the community as well as its goals and objectives. Citizen confidence in the policies and practices of the agency is increased. Accreditation, in conjunction with the philosophy of community policing, commits the agency to a broad range of programs that directly benefit the public.

The department currently has a civilian member assigned to the Investigations Division serving as a certified crime analyst and part-time Accreditation Specialist. In order to expedite the accreditation process and dedicate the resources necessary to this critical function, we have assigned Sergeant Stephanie Goreck to oversee the completion of the accreditation program. Sergeant Goreck is an experienced supervisor that is finishing her Master's Degree, has a solid foundation in policing and the proven ability to accomplish challenging tasks.