

# **WELCOME TO THE VOLUSIA SHERIFF'S OFFICE**

## **DIRECTIVES MANUAL**



**SHERIFF MICHAEL J. CHITWOOD**

For ease in migrating through the manual, the individual directives and Table of Contents are individually bookmarked.

To access the list of bookmarked directives, click on the blue ribbon icon in the left margin.

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To report a typographical error, email the Directive number and brief description of error to Professional Standards at [ProfessionalStandards@vcsso.us](mailto:ProfessionalStandards@vcsso.us)

Updates or suggested revisions to content will be made in accordance with Directive 12.2 Written Direction and Official Correspondence, sections 12.2.3 and 12.2.17.

~ Thank you ~



## MISSION STATEMENT

To protect and serve with courage, honor, and integrity by fighting crime, maintaining trust, and building community partnerships.

## VISION STATEMENT

**TECHNOLOGY:** Expand our toolbox in order to leverage technology and keep up with the latest crime fighting innovations. Recognizing that the sanctity of human life is at the heart of everything we do. Utilize technology to increase community safety by training deputies to deescalate life threatening incidents.

**ACCOUNTABILITY BASED POLICING:** Streamline the organization to respond more quickly to the needs of the community. Utilize COMPSTAT to measure and combat crime.

**SERVANT LEADERSHIP:** Top to bottom shift to servant leadership. The Volusia County Sheriff's Office will employ leadership by example. Supervisors will not ask anything of their employees that they would not do or expect of themselves.

**COMMUNITY ENGAGEMENT:** Commit to engaging all of the diverse facets of our county. Build trust within each community. Evaluate and meet the various needs of our growing communities within the county.

**DIVERSITY:** Recast the process of recruiting and retaining employees in order to reflect the diversity of our community. Recognize the unique diversity of Volusia County, with the many different languages spoken and countless religions.

## VALUE STATEMENT

**BOUNDLESS:** Our success, creativity, work ethic, and commitment to the community will be boundless.

**UNITY:** Where there is unity, there is strength. The Volusia County Sheriff's Office is a united agency.

**INTEGRITY:** Integrity is the cornerstone of every mission at the Volusia County Sheriff's Office.

**LEADERSHIP:** Servant leadership is infectious and employed at every level of the organization.

**DEDICATION:** Always dedicated to implementing better ways of doing business and being responsive to the needs of our community.



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

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**Written Standards Directives Manual**

# Acknowledgment

***By signing this form***, I acknowledge that a copy of the below listed Directives is available at my worksite and I agree to read and understand each Directive within 30 days; I also acknowledge that I will be held accountable for complying with the policies and procedures contained herein and any future new and/ or revised directives issued by the Sheriff as he so deems.

***I recognize that it is my responsibility to ensure that I stay apprised of policy and procedure through the agency's on-line directive system to include any electronically issued revision notices. If I do not understand any portion of a Directive, I will immediately contact my supervisor for clarification.***

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**EMPLOYEE NAME:** \_\_\_\_\_ **DID:** \_\_\_\_\_  
**EMPLOYEE SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**DIVISION/SECTION ASSIGNED TO:** \_\_\_\_\_



## VOLUSIA SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### VSO Standards Directive

## INTRODUCTION

This Standards Directives Manual contains the Volusia Sheriff's Office Standard Directives, which are the policy, procedures, rules, and regulations of the Sheriff's Office. These Standards Directives are intended to provide guidelines for the normal day-to-day operations of the Volusia County Sheriff's Office. The Volusia Sheriff's Office recognizes that unusual situations and circumstances may arise while in the performance of law enforcement duties that require the application of common sense, prudence and independent judgment. Such situations shall be documented and reviewed on a case-by-case basis.

It is essential that all members of the Volusia Sheriff's Office understand that for uniformity and simplicity of the Standards Directives, use of words "he", "him", "his" are non-gender specific in all agency written directives and will be construed to also read "she", "her", and "hers", unless specifically identified otherwise. E.g. male vs. female hairstyles.

### STANDARDS DIRECTIVES MANUALS AVAILABLE TO ALL AGENCY MEMBERS

All members of the Volusia Sheriff's Office have electronic access to the Directives Manual through the agency's I Drive and the Intranet Homepage under Manuals and Department References. Access may be gained through any workstation including Mobile Data Computers.

Supervisors are responsible for ensuring that new members to the agency complete and sign an acknowledgment form and return it to the Professional Standards Section as part of their initial orientation to the agency. This Acknowledgement form is located in the manual following the Agency's Mission Statement.

Each member shall read all Standards Directives in the manual within thirty days of receipt of the manual. Each member of the Sheriff's Office and their immediate supervisor shall be held responsible for the member's knowledge of the manual's contents.

New and/or revised Standards Directives are issued electronically as needed via FYI Memo and provide highlighted changes to the directive and an effective date. Occasionally, massive changes to any one particular Standards Directive may be issued as a clean version for full review; in such case the FYI Memo will indicate that the attached is a clean version for full review. Each member is responsible for reviewing all FYI Memos from the Sheriff; each member's immediate supervisor is accountable for ensuring their subordinates act in accordance with all Standards Directives and issued revisions.

***Acknowledgement indicates MORE than just receipt of a directive change; it indicates both receipt AND REVIEW/ UNDERSTANDING of the Directive change.***

### REVISIONS AND PROPOSALS FOR CHANGE TO THE STANDARDS DIRECTIVE MANUAL

Only the Sheriff has the authority to issue, amend, or rescind policy, procedure, rules or regulations promulgated by the Sheriff's Office Standards Directives. However, proposals for the adoption of new Standards Directive or the amendment or rescinding of an existing directive are encouraged and are considered an effective means to ensure that directives remain timely, current and effective.

Such proposals may be initiated by any employee and will follow procedures established in Standards Directive 12.2 Written Direction and Official Correspondence.

Maintenance of the Standards Directive Manual including tracking revisions, purging, review for conflicts with CALEA standards, codifying, indexing and posting shall be the responsibility of the Professional Standards Section.

Approved:

A handwritten signature in black ink, appearing to read "Michael J. Chitwood".

Michael J. Chitwood  
Sheriff, Volusia County



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Written Standards Directive Manual**

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		<b>Original Issue Date</b> 07/12/2017	<b>Previous Revision Date</b> 01/01/2020
<b>Title</b> <b>USE OF FORCE GUIDELINES</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

This general order applies to all Volusia Sheriff's Office sworn law enforcement to include all Deputies and Reserve Deputies while acting within the scope of their lawful authority, both while on-duty and off-duty. This general order establishes Use of Force policy, definitions, procedures and guidelines pertaining to the various types of authorized force by Volusia Sheriff's Office Deputies, both Less-lethal and Deadly force.

## II. DISCUSSION

**>>>>>The sanctity of human life is paramount to all else. It is this solemn and primary duty of law enforcement - to preserve and protect the sanctity of human life, dignity, and liberty of all persons - that ensures the ideals and very essence of a civil society. The Volusia Sheriff's Office commitment to this principle and its duty to protect human life is taken very seriously and is reflected in its core mission, "to protect and serve with courage, honor, and integrity..."<<<<<**

Deputies should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality depends on the nature and severity of the underlying events. Even though Deputies do not have a duty to retreat or desist from making an arrest, Deputies should nonetheless assess the situation utilizing the Critical Decision-Making Model (CDM) taught and re-enforced in training.

Deputies should consider the seriousness of the underlying offense, if any; consider options for de-escalation; develop back-up plans; and bring in additional resources, if necessary. In minor, low-stakes encounters, a more appropriate and proportional response may be to step back and work toward de-escalation, disengagement or tactical repositioning.

**Deadly Force** – The use of deadly force is a measure to be employed only in the most extreme circumstances and when lesser means of force have failed or could not be reasonably employed given the circumstances at the time. While it is preferred not to have to use force at all, the Sheriff recognizes, as do the courts, the legislature, and community, that Deputies - by the very nature of their duty and oath - will be confronted with situations that require them to use deadly force in order to defend themselves or others. It is also recognized that Deputies are often forced to make split second "use of force" judgments in circumstances that are tense, uncertain and rapidly evolving and that they must do so based on an objectively reasonable perception at the time of the threat or danger. It is from this court-recognized position established in Graham v. Connor that the actions of Deputies within *the totality of the circumstances* will be judged for propriety.

**Less-lethal Force** – The Volusia Sheriff's Office provides force options that are less-lethal and can be applied to various resistance levels in which deadly force is not authorized. These options include impact weapons designed to deliver less-lethal striking or leverage control techniques and less-lethal weapons to include specialty impact munitions/projectiles designed to stun, temporarily incapacitate, or cause temporary discomfort to a person for the purpose of gaining compliance and control.

## III. POLICY



It is the policy of the Volusia Sheriff's Office that Deputies use only the minimal degree of force that is necessary to overcome the immediate threat and/or to effectuate an arrest. **Excessive force will not be tolerated.** Deputies shall exercise all safe and reasonable means of control and containment; the application of force shall be guided by Florida State Statutes, Volusia Sheriff's Office general orders, and agency approved training.

The Sheriff authorizes Deputies to use that amount of force that is proportional, reasonable and necessary under the circumstances to protect themselves and/or others while performing their lawful duties. When feasible and practical, Deputies shall attempt to resolve potential use of force situations with non-physical force alternatives, such as direction, persuasion, verbal warning, or time/distance tactics prior to resorting to the use of force.

Deputies have a duty to intervene if they anticipate or observe the unreasonable, unnecessary, or disproportionate use of force by a Volusia Sheriff's Office employee or public safety associate.

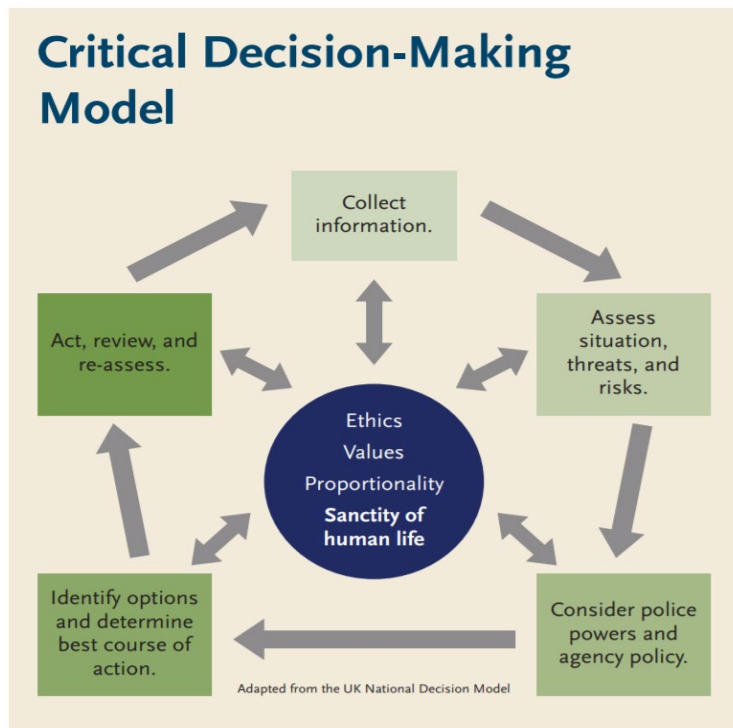
Prior to being authorized to carry any approved less-lethal weapon or firearm, it is the policy of Volusia Sheriff's Office that all sworn Deputies shall first receive copies of and documented training on the Volusia Sheriff's Office policies and procedures covered in general order GO-001-01 Use of Force Guidelines, and general order GO-001-03 Use of Less-lethal Weapons and Devices. In addition, each deputy shall receive documented training and demonstrate proficiency in all authorized use of force as defined in Volusia Sheriff's Office policy and procedures.

The use of force by Deputies shall be in compliance with the guidelines set forth in Florida Statutes and Volusia Sheriff's Office general orders and shall be documented in a use of force report as defined herein.

**POLICY NOTE:** *Due to the complexities involved in certain force encounters and the inherent potential for rapidly evolving/changing circumstances, the Sheriff recognizes that unique and unforeseen situations arise while in the performance of law enforcement duties requiring the immediate application of common sense, discernment and independent judgment. In these circumstances, deviation from established protocol may be required in order to affect the best possible outcome. In this case, it shall be incumbent upon the Deputy to justifiably articulate and document within the incident report the events, circumstances and required actions taken. The administrative review of all such reports shall include review by the Training Captain.*

#### IV. DEFINITIONS

**Critical Decision-Making Model (CDM)** – The CDM is a five-step critical thinking process. The five steps are built around the core values of the Volusia Sheriff's Office and the policing profession. The CDM guides deputies through a process of collecting information; assessing the situation, threats, and risks; considering



police powers and agency policy; identify options and determining the best course of action; and acting, reviewing and reassessing the situation.

**Deadly Force** – Any force which is likely to cause immediate death or serious bodily/physical harm including, but not limited to:

1. Use of any weapon or other force in a manner which is likely to cause death or serious bodily/physical harm.
2. Discharge of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm.
3. The firing of a firearm at a vehicle in which the person to be arrested is riding.

**De-Escalation** – Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

**Defensive Weapon** – Any readily available object or instrument used by a Deputy in a reasonable manner to defend against a violent attack in order to avoid being seriously injured or killed, and when other conventional weapons or use of force alternatives are not readily available under the exigent circumstances.

**Great/Serious Bodily Harm** – A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or the impairment of the functioning of any bodily member or organ.

**Imminent** – Threatening, likely, and unavoidable; impending; immediate potential threat to the life and/or safety of the Deputy or another human being(s).

**In-custody Death** – The death of any individual while in the custody and care of the Volusia Sheriff's Office that occurs for any reason.

**Less-Lethal Force** – Force options applied at a level to gain/regain control of a subject including the use of less-lethal weapons not fundamentally designed to cause death or great bodily harm.

**Neck Hold** – One of the following types of holds: (1) bar-arm control or choke hold, a hold that inhibits breathing by compression of the airway in the neck; (2) carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck; (3) lateral vascular neck constraint; or (4) a hold with a knee or other object to the back of a prone subject's neck. **A neck hold is considered deadly force; Volusia Sheriff's Office does not train in this restraining technique and does not authorize its use.**

**Objectively Reasonable Belief** – A fourth amendment standard whereby a Deputy's belief that they must protect themselves or others from imminent death or serious bodily injury is compared and weighed against what a reasonable or rational Deputy would have believed under similar circumstances. This determination is made by reviewing all relevant facts and circumstances of each particular case, including but not limited to 1) the severity of the crime at issue, 2) whether the suspect poses an immediate threat to the safety of the Deputy or others, and 3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

**Probable Cause** – Facts and circumstances which would support an objectively reasonable belief that the Deputy must protect themselves and/or others from imminent death or serious bodily injury.

**Proportionality** – Involves directing deputies to do the following: 1) use only the level of force necessary to mitigate a threat and safely achieve lawful objectives, 2) consider, if appropriate, alternate force options that are less likely to result in injury but will allow deputies to achieve lawful objectives, and 3) consider the appropriateness of deputies' actions. Deputies should begin considering what might be appropriate and proportional as they approach an incident, and should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Whether a use of force is proportional also depends on the nature and severity of the underlying events.

**Subject Resistance** – An act of defiance by an individual opposing a Deputy's lawful commands.

**Totality of the Circumstances** – The totality of circumstances are the facts and information known to the deputy at the time, or reasonably perceived by the deputy, and serve as the basis for the deputy's decision to use force.

## **V. PROCEDURE**

## A. FLORIDA STATUTES

1. Volusia Sheriff's Office Use of Force Guidelines are based on the authority of Florida Statutes § 776.05 and § 776.06:

**776.05 Law enforcement officers; use of force in making an arrest.** – A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force:

- (1) Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest;
- (2) When necessarily committed in retaking felons who have escaped; or
- (3) When necessarily committed in arresting felons fleeing from justice. However, this subsection shall not constitute a defense in any civil action for damages brought for the wrongful use of deadly force unless the use of deadly force was necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning had been given, and:
  - (a) The officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or
  - (b) The officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

**776.06 Deadly force by a law enforcement or correctional officer.** –

- (1) As applied to a law enforcement officer or correctional officer acting in the performance of his or her official duties, the term “deadly force” means force that is likely to cause death or great bodily harm and includes, but is not limited to:
  - (a) The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
  - (b) The firing of a firearm at a vehicle in which the person to be arrested is riding.
- (2)(a) The term “deadly force” does not include the discharge of a firearm by a law enforcement officer or correctional officer during and within the scope of his or her official duties which is loaded with a less-lethal munition. As used in this subsection, the term “less-lethal munition” means a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person’s body.
- (b) A law enforcement officer or a correctional officer is not liable in any civil or criminal action arising out of the use of any less-lethal munition in good faith during and within the scope of his or her official duties.

**NOTE: It is extremely important that all personnel know and understand the provisions of these statutes as well as Sections 241 and 242 of Title 18, U.S. Code, and Sections 1983 and 1985 of Title 42, U.S. Code.**

## B. FORCE GUIDELINES – GENERAL.

1. When applying Volusia Sheriff's Office force guidelines to actual situations, Deputies shall not unnecessarily or unreasonably endanger themselves or others. Deputies shall be mindful of subjects who may be physically or mentally incapable of responding to law enforcement commands due to a variety of circumstances including, but not limited to alcohol or drugs, mental impairment, medical conditions, deaf/hard of hearing, or language/cultural barriers.
2. The amount of force, the continued use of any force, and the type of equipment utilized all depends upon the situation being faced by the Deputy at the time. However, once the threat has been overcome or a subject is securely in custody, the Deputy shall de-escalate and immediately address any injuries the suspect or others may have sustained.
3. **Subject Resistance:** An act by an individual that opposes a Deputy's lawful commands is resistance. There are four levels of resistance:
  - a. Passive Resistance: A subject's verbal and/or physical refusal to comply with a Deputy's lawful direction causing the Deputy to use physical techniques to establish control. Example: Subject refuses to move at the Deputy's direction.

- b. **Active Resistance:** A subject's use of physically evasive movements directed toward the Deputy such as bracing, tensing, pushing, or pulling to prevent the Deputy from establishing control over the subject. Examples include:
      - The subject physically anchors himself to a person or object to prevent being removed
      - The subject braces or pulls away from the Deputy when the Deputy grips the subject's arm
      - The subject attempts to run when the Deputy touches or attempts to grab the subject's arm or shoulder
    - c. **Aggressive Resistance:** Subject's active defiance through attacking movements toward a Deputy that may cause injury but are not likely to cause death or great bodily harm to the Deputy or others. Examples include:
      - The subject balls up his fist and approaches the Deputy
      - The subject pushes the Deputy back as the Deputy tries to take the subject into custody
      - The subject grabs any part of the Deputy's body
      - The subject attempts to strike the Deputy
    - d. **Deadly Force Resistance:** A subject's hostile, attacking movements, with or without a weapon, that cause a reasonable perception by the Deputy that the subject intends to cause, and had the capability of causing, death or great bodily harm to the Deputy or others.
  4. **Deputy Response to Subject Resistance:** The level of force required by the Deputy to meet the subject's resistance to the point of gaining/regaining control of the subject. Response to subject resistance through physical force occurs when the subject refuses to comply with the Deputy's lawful order and verbal dialogue. There are three levels of force response: [NOTE: The mere handcuffing of compliant individuals is not considered force.]
    - a. **Physical Control:** Use of restraining and/or physical force to achieve compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices (including Emergency Restraint Chair-E.R.C.), takedowns, and striking techniques.
    - b. **Less-Lethal Weapons:** Use of weapons that are not fundamentally designed to cause death or great bodily harm. Some examples include chemical agent sprays (e.g. FREEZE +P), Dart-Firing Stun Gun (e.g. TASER), the remote restraint device (e.g. BolaWrap), less-lethal impact weapons such as expandable batons (e.g. ASP) and 12-GA. Less-Lethal impact munitions.
    - c. **Deadly Force:** Force that is likely to cause death or great bodily harm. Some examples include use of a firearm, eye gouges, empty hand strikes to the throat, impact weapon strikes to the head or side of the neck.
  5. **Situational Factors/Totality of the Circumstances:** In addition to assessing a subject's resistance level, the process of determining the threat potential a Deputy is facing also includes considering the following examples:
    - a. Subject Factors:
      - Seriousness of the crime committed.
      - Size, age and weight of the subject.
      - Apparent physical ability/skill level of the subject.
      - Number of persons present who are involved or who may become involved.
      - Weapons possessed by or readily available to the person.
      - Known history of violence by the subject.
      - Presence of innocent persons or potential victims in the area.
      - Whether the subject can be captured at a later time.
      - Whether evidence is likely to be destroyed.
    - b. Deputy Factors:
      - Size, physical ability and defensive tactics expertise of the Deputy(s).
      - Number of Deputies present.
      - Immediate reaction in the case of sudden attack.

- Weapon options or restraint devices available to the Deputy.
  - Legal Justification.
  - Agency Policies and Procedures.
- c. Environmental Factors:
- Physical location.
  - General surroundings and the dynamics and dangers associated.
  - Lighting conditions.
  - Presence of other persons who may become involved as participants or victims.
  - Weather
  - Avenues of escape for the subject as well as for the Deputy.
6. **Applying Force:** It is recognized that Deputies are required to make use of force decisions based on the totality of the circumstances known or perceived by the Deputy at the time of the incident. Since most situations are fluid and dynamic, formulating a reasonable and valid response requires constant threat assessment as the situation unfolds and changes. Force guidelines do not require matching a subject's level of resistance with an exact level of response but rather gives Deputies the latitude to pick a use of force response that he or she reasonably believes is appropriate based on an assessment of the totality of the circumstances the Deputy is facing in that moment.
- a. The most serious act in which a Deputy can engage during the course of their official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, and one which comes with great responsibility.
  - b. A Deputy is not justified in using deadly force at any point in time when there is no longer probable cause to believe the suspect is dangerous, even if deadly force would have been justified at an earlier point in time.
  - c. Should use of deadly force be required, Deputies shall immediately render the appropriate medical aid and request further medical assistance for the suspect and any other injured individuals, including the Deputy, when necessary and safe to do so.
7. **Passive Resistance Demonstrations:** Deputies shall not use force to overcome passively resistance demonstrators, except that physically moving a subject is permitted when it is necessary and objectively reasonable. The decision to deploy use of force on passive resistance crowd control/demonstrations shall be determined solely by the Sheriff or Chief Deputy.
8. **Totality of the Circumstances:** While the U.S. Supreme Court identified three (3) factors that should be evaluated in determining whether a Deputy's use of force was objectively reasonable, this list was not intended to be all inclusive. The totality of the circumstances at the time that led a Deputy to believe force was needed is critical. Other factors such as whether an individual is violent, the possibility that the individual is armed, and the number of persons with whom the Deputy must contend with at the time are all relevant factors to consider. Individual factors alone would not give a reasonable officer the belief that deadly force is necessary. E.g. resisting arrest or flight alone would not justify the use of deadly force.
9. **Required Training:** All Deputies shall receive documented training and demonstrated proficiency on all Volusia Sheriff's Office authorized use of force and shall receive and be instructed on the Volusia Sheriff's Office general order GO-001-01 Use of Force Guidelines, general order GO-001-03 Use of Less-Lethal Weapons and Devices, and any pertinent Legal Bulletins prior to authorized carry and use of force. At least annually, all sworn personnel authorized to carry weapons are required to receive in-service training on Volusia Sheriff's Office use of force policies, including legal updates/bulletins, and shall demonstrate proficiency with all approved lethal weapons and electronic controlled weapon/dart firing stun gun that the Deputy is authorized to use. In-service training for other authorized less-lethal weapons and weaponless control techniques shall occur at least biennially.
- a. All weapons qualification and proficiency training must be monitored by a certified weapons or tactics instructor
  - b. Training and proficiency must be documented

- c. It is incumbent upon every Deputy to maintain proficiency in the use of authorized firearms/weapons; Deputies unable to qualify with an authorized weapon shall receive remedial training prior to resuming official duties.
10. **Required Reporting:** In addition to documenting incidents with the Volusia Sheriff's Office Incident Report, a supervisor shall be informed immediately of each incident involving the use of force by a Deputy(s):
- a. When restraining force is simply used to gain control of a subject without injury, charging the defendant and initiating a Response to Resistance report shall be left to the discretion of the arresting Deputy and the supervisor based on the circumstances; however, any restraining force or physical force resulting in injury, or a complaint of injury (whether or not visible), shall require a Response to Resistance report and Administrative Review through the chain of command.
  - b. Each use of Freeze +P, R.E.A.C.T./BANDIT, Taser, ASP, BolaWrap, available defensive tool of convenience, or less-lethal munitions shall be documented in an Incident Report and shall require a supervisory Response to Resistance report and Administrative Review through the chain of command.
  - c. **Threat of Force:** The pointing of a firearm or Taser at an individual as a threat of force will be documented in the incident report, but does not require the completion of a response to resistance report.
11. **Required Supervisory Response to Critical Incidents:** Supervisors shall immediately respond to any scene where:
- a. A weapon (firearms, edged weapon or other improvised weapons) is reported
  - b. Persons experiencing a mental health crisis are reported
  - c. A Telecommunicator or other member of the Volusia Sheriff's Office believes there is potential for significant force.

## C. DUTY TO INTERVENE

- 1. Volusia Sheriff's Office employees are required to intervene and notify appropriate supervisory authority if they observe another Volusia Sheriff's Office employee or public safety associate engage in any unreasonable use of force.
  - a. Civilian employees are not expected to risk injury through physical intervention, but are required to make immediate notification to a sworn supervisor not involved in the unreasonable use of force.

## D. LESS-LETHAL FORCE

### 1. GENERAL USE GUIDELINES

- a. **Establish Control** – Establishing control assists in preventing and/or mitigating the potential for escalation of force. The primary purpose for the use of force by law enforcement is to overcome resistance and/or establish control over the subject(s) who is resisting or creating the threat of physical harm to the Deputy, themselves, or another person.
- b. **Escalation** – In the process of responding with an appropriate level or type of force to overcome a resisting subject, or detain a subject when force is justified, it is not a requirement to go step-by-step through the levels of response. Deputies are justified in responding with whatever level or type of force is deemed reasonable and necessary at the time to overcome the resistance presented by the individual and defend against assault and/or achieve control based on proportionality and the totality of the circumstances.
- c. **De-escalation of Force** – Once control has been gained in a situation, Deputies shall de-escalate their use of force as soon as practical to a point no greater than what can be reasonably expected to maintain control over the subject to accomplish lawful objectives.
- d. **Decisive and Effective** – Deputies shall attempt where feasible and practical, to resolve all potential use of force incidents with non-physical measures. However, once it is apparent to a Deputy that force is going to be required for the Deputy to safely perform their duties, then the force that is reasonable and necessary shall be delivered in a decisive and effective manner, followed up by appropriate controlling techniques in order to:

- (1) End the confrontation as quickly as possible, thereby reducing the risk of injury to all parties, and
- (2) Prevent the situation from escalating to higher levels of resistance and response.

## **2. LESS-LETHAL FORCE AUTHORIZATION**

- a. Deputies are authorized to use any law enforcement less-lethal option listed in AUTHORIZED LESS-LETHAL FORCE OPTIONS below which they reasonably believe is necessary to accomplish a lawful objective such as, but not limited to, the following:
  - (1) Overcome resistance or threatened resistance to arrest, detainment or lawful commands.
  - (2) Defend themselves or someone else against physical assault or endangerment.
  - (3) Take a person into protective custody, such as for a Baker Act or Marchman Act.
  - (4) Prevent the escape of an arrested person or prisoner.
  - (5) Perform official duties requiring the controlling presence of a Deputy such as during a civil unrest incident or crowd control.
  - (6) Defend themselves during the service of Court Ordered Civil Process.
  - (7) Prevent criminal damage to property or loss/destruction of evidence.
  - (8) Restrain an individual to allow medical treatment at the direction of a physician or by Court Order.
  - (9) Protect an arrestee/detainee from self-inflicted injury or death.
  - (10) Defend against animal attacks.
- b. Authorized less-lethal force options
  - (1) In response to subjects who are actively resisting or threatening to actively resist, or who are otherwise a serious, credible threat to the deputy or another person while refusing to obey lawful commands, deputies are authorized to use the following less-lethal force options in accordance with general order GO-001-03 Use of Less-lethal Weapons and Devices:
  - (2) Physical Control force (empty-hand controls/techniques, restraints including emergency restraint chair)
  - (3) Any agency-approved less-lethal weapon for which the employee is currently trained, certified and has demonstrated proficiency in its use is authorized for carry and use to accomplish one or more lawful objectives as noted above in LESS-LETHAL FORCE AUTHORIZATION. This includes:
    - OC Spray (Freeze+ P)
    - R-E-A-C-T/BAND-IT
    - BolaWrap
    - Tasers
    - ASP baton
    - Tools of convenience in defense of self and/or others
    - Less-lethal munitions (12-GA. Drag Stabilized Munition)

## **3. PROCEDURES IF A SUBJECT/ARRESTEE RECEIVES NON-LIFE THREATENING INJURIES**

- a. Deputies shall ensure prompt, appropriate medical attention is provided to and/or summoned for any injured subject/arrestee who at any time:
  - (1) Has a visible or reasonably suspected injury.
  - (2) Complains of an injury even when none is visible.
  - (3) Was subdued by either:
    - OC spray (Freeze +P)
    - R.E.A.C.T./BAND-IT

- BolaWrap
  - Taser
  - Struck with an impact or defensive weapon.
  - Struck with any less-lethal or specialty impact munitions.
  - Apprehended by a K-9 bite.
- (4) Was rendered unconscious for any length of time.
  - (5) Displays any signs of a medical stress condition, i.e., a heart condition, diabetes, respiratory difficulty, etc.
  - (6) Appears to be under the extreme influence of drugs or alcohol.
  - (7) Any other time good judgment indicates the subject should be medically checked out before proceeding with the arrest process.
  - (8) **LIFE-THREATENING INJURY**, the Deputy shall immediately summon Emergency Medical Services to the scene and provide supportive medical attention to the best of their ability.

## E. DEADLY FORCE

### 1. DEADLY FORCE AUTHORIZATION

- a. Deputies are authorized to use **Deadly Force** only when they reasonably believe it is necessary to perform one or more of the following:
  - (1) To *prevent imminent death or great bodily/physical harm* to a deputy or other person(s).
  - (2) To prevent the escape of a person arrested for a violent felony involving the use or threatened use of deadly force and an imminent danger exists to the Deputy or other person(s).
  - (3) To prevent the escape of an inmate from a detention facility or during transport to or from a detention facility when the escapee poses an imminent danger to the Deputy or other person(s).
  - (4) To apprehend a fleeing felon who the Deputy has probable cause to believe had committed a felony which involved the use or threatened use of deadly force, and an imminent danger exists to the Deputy or other person(s); and when feasible a verbal warning is given to the fleeing subject prior to the use of deadly force.
- b. Unless impractical under the circumstances, deputies shall attempt to give a verbal warning prior to the use of deadly force.
- c. Employees should take reasonable measures available under the circumstances to ensure the safety of bystanders when engaging in deadly force.
- d. Deadly Force is also authorized to put down a dangerous animal(s) that poses an immediate threat of serious bodily/physical harm to a Deputy, another person, or to neutralize the vicious attack on another animal, but only when other reasonable alternatives are unavailable and only when deadly force can be used without jeopardizing bystanders.
- e. **NOTE:** The dispatch of an injured or sick animal by the use of a firearm does not constitute a use of force, nor require a use of force report; the incident will be documented in an incident report and have supervisory review as with any other non-force incident.

## F. DEADLY FORCE:

1. As a general rule, Deputies shall not draw their weapons unless there is sufficient justification. In effecting the arrest of potentially dangerous suspects or in high hazard situations, Deputies may display a firearm for the purpose of obtaining and maintaining control of the situation and discourage escalation of subject resistance. The display of a firearm is not a use of force. The pointing of a firearm at an individual as a threat of force will be documented in the incident report, but does not require the completion of a response to resistance report.
2. **SPECIFIC PROHIBITIONS**
  - a. Deputies shall not discharge their firearms in defense of property.



- b. Deputies should not use a firearm as an impact weapon.
- c. Deputies shall not fire warning shots under any circumstances.
- d. Deputies shall ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior Deputy procedure to withdraw, take cover or reposition, rather than the immediate use of force.
- e. Deputies shall not discharge their firearms to subdue a fleeing individual who presents no immediate threat of death or serious physical injury to themselves or another person.
- f. Deputies shall not discharge their firearms **FROM** a moving vehicle unless deadly force is authorized in accordance with this general order. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.
- g. Deputies shall not discharge their firearms **AT** a vehicle unless a person in the vehicle is immediately threatening the deputy or another person with deadly force:
  - (1) A moving vehicle alone shall not presumptively constitute a threat that justifies a Deputy's use of deadly force.
  - (2) Deputies shall not move into or remain in the path of a moving vehicle. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, may not be sufficient justification for discharging a firearm at the vehicle or any of its occupants. A Deputy in the path of an approaching vehicle shall attempt to move to a position of safety when at all possible, rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.
  - (3) These prohibitions regarding the discharge of a firearm at or from a moving vehicle exist for the following reasons:
    - (a) Moving to cover in order to gain and maintain a superior tactical advantage maximizes Deputy and public safety while minimizing the need for deadly or potentially deadly force.
    - (b) To avoid unnecessarily endangering innocent persons, both when inside the vehicle and in the vicinity.
    - (c) Bullets fired at a moving vehicle are extremely unlikely to disable or stop the vehicle.
    - (d) Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other Deputies or innocent bystanders
  - (4) **NOTE:** Barring exigent circumstances (e.g. the driver is unconscious and the motor is still running), a Deputy shall never reach into an occupied vehicle in an attempt to shut off the engine or to recover evidence, since this has been known to result in serious injury to Deputies

## **G. REPORTING THE DISCHARGE OF A FIREARM**

- 1. Whenever a Deputy discharges a firearm, while on duty or off-duty, for any reason other than training or recreation, he/she shall immediately report the incident to a supervisor.
- 2. The supervisor will notify the appropriate authority and the Internal Affairs Unit.
- 3. An incident report will be prepared containing the pertinent facts.

## **H. USE OF FORCE/FIREARM AGAINST VICIOUS ANIMALS**

- 1. The killing of a vicious animal is justified:
  - a. For self defense
  - b. To prevent substantial harm to another
  - c. To prevent substantial harm or death to other animals
- 2. Deadly use of force reporting and administrative review guidelines will be followed in accordance with this general order.

## VI. DEPUTY INVOLVED SHOOTING – PROCEDURE

### A. GENERAL

1. The Sheriff directs all investigations of incidents involving the use of deadly force. The Sheriff has entered into a Memorandum of Understanding with the Florida Department of Law Enforcement (FDLE) for the purpose of facilitating all investigations of the use of deadly force resulting in great/serious bodily harm or death to a person, and/or any other in-custody death.
2. In all deputy involved shootings which do not result in great/serious bodily harm or death, the Sheriff directs that the Investigative Services Section Detectives shall conduct the investigation.
3. Upon notification of a deputy involved shooting where:
  - a. Use of Deadly Force resulting in great/serious bodily harm or death to a person – The Investigative Services Section Commander or designee will contact the Internal Affairs Unit Supervisor or designee and the FDLE Critical Incident Team and facilitate their contact with the on-scene ranking deputy in charge for incident assessments prior to FDLE's arrival.
  - b. Use of Deadly Force NOT resulting in great/serious bodily harm or death to a person – The on-scene supervisor will contact the Investigative Services Commander or designee and facilitate their contact with the on-scene ranking deputy in charge for incident assessments. The Investigative Services Section Commander or designee will contact the Internal Affairs Unit Supervisor or designee.
4. All deputies involved (primary, backup and/or witness) shall remain in possession of their body worn camera (BWC) as worn at the time of the incident as uncompromised evidence. All deputies involved (primary, backup and/or witness) shall not view any recording on any device or computer. The Investigative Services Section Commander or designee will make the BWC video available to primary, backup and/or witness deputies upon their request. Viewing of the primary, backup and/or witness deputy's BWC will be facilitated at Volusia Sheriff's Office Operations. (Per Fla. Stat. § 943.1718(2)d, this provision to review before writing a report does not apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.)

**EXCEPTION:** In a deadly force incident that, due to exigent circumstances (such as the deputy is incapacitated, the suspect is at large), access to the BWC video may aid in capture of the suspect, the on-scene supervisor, with approval from the watch commander, may view the footage. Required access shall be documented in the supervisor's report.
5. Supervisors will preserve BWC chain-of-custody in accordance with SUPERVISORS RESPONSIBILITIES VI, B, 8, Secondary Supervisor VI, B, 9 and general order GO-041-20 Body Worn Cameras.
6. Internal Affairs will respond to Volusia Sheriff's Office Operations and facilitate administrative responsibilities to include but not limited to; urinalysis, administrative relief of duty notification, etc.

### B. RESPONSIBILITIES OF PERSONNEL:

#### 1. INVOLVED DEPUTY

- a. Whenever a Deputy is directly involved in or the target of deadly force, unless incapacitated, he/she shall immediately:
  - (1) Notify the dispatcher of the incident and location.
  - (2) Determine the physical condition of any injured person and render first aid when appropriate.
  - (3) Request necessary emergency medical aid.
  - (4) Remain at the scene (unless injured) until the arrival of the appropriate detectives. However, if the circumstances are such that the continued presence of the Deputy at the scene might cause a more hazardous situation to develop, the ranking commanding officer at the scene shall have the discretion to instruct the Deputy to move to another, more appropriate location.
  - (5) Remain in possession of their holstered firearm and duty belt until the FDLE and/or Investigative Services Section Detectives secures the weapon and ammunition. If

exigent circumstances exist, the involved deputy, (or the respective supervisor if necessary), may remove his/her duty belt intact, place in large paper evidence bag and secure/lock the intact duty belt in their vehicle. Should this be required, gloves shall be worn to help preserve evidence. The Involved Deputy will be photographed prior to their holstered firearm and duty belt being removed.

- (6) Remain in possession of their body worn camera (BWC) as worn at the time of the incident until arrival of and custody transfer to the on-scene supervisor, FDLE and/or Investigative Services Section Detectives. The Involved Deputy will be photographed prior to their BWC being removed.
- (7) Cooperate with the first supervisor arriving at the scene by relating as much basic information as possible.
- b. The Crime Scene Unit Detective will provide the involved deputy with a loaner replacement weapon, as deemed appropriate.
- c. In accordance with Fla. Stat. § 943.1718(d), and in order to ensure the safety of Law Enforcement personnel, first responders and the public, employee(s) shall answer the following specific questions as asked by the on scene supervisor utilizing the Supervisor's Firearm Discharge Checklist, VSO Form# 033017.001:
  - (1) Are you injured?
  - (2) If you know of anyone who was injured, what is his or her location?
  - (3) In what direction did you fire your weapon(s)?
  - (4) If any suspects are at large, what are their descriptions?
  - (5) What was their direction of travel?
  - (6) How long ago did they flee?
  - (7) For what crimes are they wanted?
  - (8) With what weapons are they armed?
  - (9) Does any evidence need to be preserved?
  - (10) Where is it located?
  - (11) Were you wearing a body-worn camera?
  - (12) Was the camera activated during the incident?
2. Only questions pertaining to public safety and crime scene preservation will be asked. Due to the immediate need to take action, Volusia Sheriff's Office will require employee(s) to answer these public safety questions without waiting for legal representation. This is not a formal interview and employee(s) should understand their importance and necessary limitations. Once the inquiries are answered, the employee(s) shall be cautioned not to discuss the incident further, except with legal counsel before giving a formal statement.
3. The involved deputy shall not discuss the case with anyone except:
  - a. \*\*Supervisory and investigative personnel; limit discussion to "public safety only" questions as noted in Sections VI, B, 1, C and VI, B, 2.
  - b. \*The Deputy's privately retained or Bargaining Unit attorney;
4. \*\*A member of the Critical Incident Stress Debriefing (CISD) Team will be made available to the involved deputy(s) to address the involved Deputy's psychological and emotional needs (general order GO-022-13 Critical Incident Stress Debriefing Team).

**NOTE:**

*\*Usually privileged/protected communication under Florida Law.*

*\*\*Usually **NOT** privileged/protected communication under Florida Law.*

5. The involved Deputy shall not complete any incident report, or use of force report/forms at the time of the incident, as he/she is a subject of the incident. The involved Deputy shall not be continually questioned at the scene. All pertinent information shall be ascertained from the initial supervisor,

or in later interviews as governed by law, department policy, and in accordance with the Florida Law Enforcement Officer's Bill of Rights.

6. **If advised of Miranda warnings**, he/she will have the right to have an attorney present before any statements or interviews are taken.

7. **BACKUP AND/OR WITNESS DEPUTY**

- a. Backup and/or witness deputies involved in a Deputy involved shooting incident shall:
  - (1) Assist the primary Deputy as needed;
  - (2) Take steps to apprehend suspects still in the area;
  - (3) Help establish perimeters and secure the incident scene;
  - (4) Help preserve all physical, photographic, video/digital or any other available evidence related to the incident, to include their respective BWC video;
  - (5) Remain in possession of their body worn camera (BWC) as worn at the time of the incident until arrival of and custody transfer to the on-scene supervisor, FDLE and/or Investigative Services Section Detectives. The backup and/or witness Deputy will be photographed prior to their BWC being removed;
  - (6) Separate and detain all witnesses, including the involved deputies and backup and/or witness Deputy(s) for the FDLE and/or Investigative Services Section Detectives ;
  - (7) Assist the FDLE and/or Investigative Services Section Detectives as directed;
  - (8) Document their individual actions taken and/or observations on a supplement report.
- b. Backup and/or witness deputies shall refrain from discussing anything related to the incident, or providing any type of advice or opinion related to the incident. \*\*Upon arrival and assignment of the Critical Incident Stress Debriefing (CISD) Team member(s), the CISD Team member may proceed within the scope of the CISD mission to assist affected agency personnel in coping with stress related to traumatic events.
- c. Any witness deputy(s) shall remain separated from other witnesses, including other witness deputies, until individually interviewed by FDLE and/or Investigative Services Section Detectives.

8. **FIRST ON-SCENE PRIMARY SUPERVISOR**

- a. The immediate supervisor will:
  - (1) Respond to the scene without delay and assume command, until relieved by a superior, or member of Investigative Services Section or the FDLE Critical Incident Team;
  - (2) Request a second supervisor respond to the scene to assist with the transfer and chain of custody of all BWC.
  - (3) Question the involved Deputy(s) pertaining to public safety and crime scene preservation; utilize VSO Form# 033017.001, *Supervisor's Firearm Discharge Checklist* to document questions-answers.
  - (4) Contact the Investigative Services Commander or designee for immediate notification of the FDLE Critical Incident Team;
  - (5) Once contacted by FDLE and/or Investigative Services Section Commander or designee, provide incident assessment prior to their arrival;
  - (6) Notify the Medical Examiner of the incident. The FDLE Critical Incident Team and/or Investigative Services Commander or designee will request the Medical Examiner to respond when appropriate;
  - (7) Secure incident location as a crime scene and establish a check-in post outside of the crime scene perimeter; Initiate the crime scene security log and minimize scene access to mission-essential personnel only. No personnel other than members of the Investigative Services Section and/or FDLE are permitted within the crime scene. Any personnel allowed into the crime scene other than Investigative Services Section personnel and/or FDLE personnel will be documented in a supplement report to include

reason for entry. Establish the following four zones, clearly identified, to accommodate responding personnel and media:

- (a) **Primary Crime Scene Zone** – Actual Crime Scene (Incident Location) Mission Essential Personnel Only- Investigative Services Section and/or FDLE personnel.
  - (b) **Secondary Law Enforcement Personnel Zone** – Area Adjacent to Primary Scene (CSU Truck), Investigative Services Section and/or FDLE personnel, Applicable Staff.
  - (c) **Support Personnel Zone** – Critical Incident Stress Debriefing (CISD), Support Deputies (Command Post if applicable), refreshments and Union Personnel Area.
  - (d) **Public/Media Zone** – Safe Area for Public/Media.
- (8) Stabilize the crime scene, but do not start processing prior to FDLE/Investigative Services Section Detectives arrival; minimize photographs;
  - (9) Ensure the BWC affixed to the Deputy in the manner it was found, and that the BWC data remains uncompromised until custody transfer of the BWC to Evidence.com in accordance with general order GO-041-20 Body Worn Cameras;
  - (10) Ensure that all witnesses, including involved deputies, are separated and detained;
  - (11) Ensure that a CISD Team member is called out and assigned to assist the involved Deputy, or other members as needed.
  - (12) Check on the well-being of the deputy(s) involved. The immediate supervisor or designee shall also ensure:
    - The Deputy Involved Shooting/Use of Deadly Force Guidelines (ATTACHMENT A) are followed; and
    - The Deputy Involved Shooting/Use of Deadly Force Information Handout (ATTACHMENT B) is given to the affected employee(s).
  - (13) Ensure Union members who respond to a scene in a union capacity are identified as union representatives and remain outside the crime scene area.

## 9. SECONDARY SUPERVISOR

- a. The secondary supervisor on-scene will:
  - (1) Arrange for the transport of the involved deputy(s) and witness deputy(s) to Volusia Sheriff's Office Operations. The involved deputy(s) and witness deputy(s) will be separated and will not discuss the incident.
  - (2) Separate all involved deputy(s) and witness deputy(s).
  - (3) Photograph all involved deputy(s) and witness deputy(s) at the scene to depict the location of the BWC.
  - (4) Respond to Volusia Sheriff's Office Operations and place all involved deputy(s)' and witness deputy(s)' BWC into the docking station and monitor the docking station to secure the chain of custody.
  - (5) Notify the Volusia Sheriff's Office IT Director or designee that BWC evidence related to a deputy involved shooting is being uploaded to Evidence.com and is required to be placed into the OIS restricted group. Involved deputy(s) and witness deputy(s) names DID and BWC serial numbers will be provided to the Volusia Sheriff's Office IT Director and/or designee immediately by email for documentation purposes.
  - (6) If Air One recorded any video evidence, the secondary supervisor will arrange for an Investigative Services Section Detective to respond to aviation and ensure all data remains uncompromised until chain of custody transfer is completed. The Detective will obtain the original video evidence and transfer to Volusia Sheriff's Office IT Director or designee for transfer to OIS restricted viewing group.
  - (7) Complete a supplement report documenting their actions to include:
    - Photographing involved deputy(s) and witness deputy(s);
    - Preserving the chain of custody of BWC(s); and Air One video evidence.

- Separation of involved deputy(s) and witness deputy(s)
- Contact with Volusia Sheriff's Office IT Director and/or designee; and
- Any other pertinent information.

#### 10. IT DIRECTOR

- During an incident of Use of Deadly Force resulting in great/serious bodily harm or death to a person or Use of Deadly Force NOT resulting in great/serious bodily harm or death to a person, the IT Director and/or designee will:
  - Coordinate and monitor the upload of involved deputy(s) and witness deputy(s) BWC(s) and placement into the Deputy Involved Shooting restricted group.
  - Transfer any applicable Air One video evidence to the Deputy Involved Shooting restricted group.

#### 11. DISTRICT CAPTAIN (OR EQUIVALENT)/WATCH COMMANDER

- Based on incident time-of-day/day-of-the-week, the respective District Captain (or equivalent), or the on-duty Watch Commander shall:
  - Assign personnel to assist the involved deputy(s) and witness deputy(s);
  - Confirm a second supervisor has been requested to the scene;
  - Proceed immediately to the scene;
  - Ensure the scene is secured;
  - Ensure that the Sheriff, Chief Deputy, District Captain, Legal Advisor, Investigative Services Captain and all other appropriate persons have been notified;
  - Ensure CISD Team member has been called out and assigned to assist involved personnel;
  - Render assistance to the assigned detective(s) until Command Staff arrives;

#### 12. COMMUNICATIONS

- The notified dispatcher shall dispatch requested medical aid and initiate notification to:
  - The involved Deputy's immediate supervisor
  - The on-duty Commander
  - The Communications Director
  - The Public Information Officer
  - Investigative Services Section Captain
  - Internal Affairs
  - Division Chiefs
  - Chief Deputy
  - Sheriff
  - The on-call Critical Incident Stress Debriefing (CISD) Team Member
- The dispatcher shall dispatch additional resources and/or make any additional notifications, as requested by field supervisors.

#### 13. BARGAINING UNIT REPRESENTATIVE

- Volusia Sheriff's Office personnel who respond in the role of Bargaining Unit Representative (Representative) shall respond accordingly:
  - On-Duty Representatives are permitted to respond in their assigned vehicle in routine-response mode and shall wear a shirt/vest pre-approved by the Sheriff that clearly identifies them as a Representative.
  - Off-Duty Representatives are permitted to respond in their assigned vehicle in routine-response mode; Representatives shall not be in Volusia Sheriff's Office uniform.
  - Representatives shall not display their Volusia Sheriff's Office badge and/or credentials and upon arrival, shall immediately notify the on-scene supervisor of their presence and

their union role. The Representative shall be authorized access specifically limited to the designated Support Personnel Zone.

- (4) Bargaining Unit Representatives shall not enter any crime scenes, shall not be present for any de-briefings, interviews, BWC viewing, firearm and/or crime scene processing.

#### **14. INTERNAL AFFAIRS UNIT**

- a. The Internal Affairs Unit Supervisor and/or designee will respond to Volusia Sheriff's Office Operations and is responsible for coordinating administrative responsibilities to include but not limited to; urinalysis, administrative relief of duty notification, etc.

### **C. REPORTING THE USE OF DEADLY FORCE OR IN CUSTODY DEATH**

1. Any in-custody death or use of deadly force resulting in great/serious bodily harm or death to a person shall be immediately reported to the Communications Center for notification of proper authority.
2. All incidents involving an in-custody death, or the use of deadly force in which a Deputy takes an action that results in, or is alleged to have resulted in, great/serious bodily harm, or death of a person, will be documented by a written report. The report will provide the preliminary information necessary to capture the basic elements of the encounter, but will not require specific details until such time that assigned detectives can properly determine such details during the ensuing investigation.
3. Due to the complexities involved in scenarios that lead to the use of deadly force, the action/reaction of the deputy, and the physiological responses resulting from life and death scenarios, specific details are more accurately captured during follow-up investigation by the assigned detective(s).

### **D. NON-DISCIPLINARY RELIEF FROM DUTY**

1. All incidents involving an in-custody death or the use of deadly force, in which a Deputy takes an action that results in, or is alleged to have resulted in, great/serious bodily harm, or death of a person, the Deputy shall be relieved of normal operational duty and placed on administrative leave with pay. This shall follow the initial on scene investigation.
2. The intended purpose of this relief from duty serves two purposes:
  - a. To address the emotional and personal needs of the Deputy involved in the use of deadly force; and
  - b. To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
3. Prior to returning to duty, the involved Deputy shall be required to see a Sheriff's Office furnished Psychologist.
4. Deputies returned to duty following *Administrative Leave with pay* may be placed in a temporary assignment until completion of the FDLE Investigation, State's Attorney's Office review, Grand Jury findings, Administrative Investigation and/or completion of policy review.

### **E. INTERNAL AFFAIRS UNIT ADMINISTRATIVE INVESTIGATION**

1. The Internal Affairs Unit shall administratively investigate and/or review every incident involving in-custody death, the use of deadly force and/or discharge of a firearm and shall present investigative findings to the Command Staff for review.
2. The Deputy(s) involved shall be the subject of an *Administrative Investigation* and shall be served in a timely manner. The *Administrative Investigation* will be tolled during the course of the criminal investigation by FDLE and review by the State Attorney's Office and/or Grand Jury findings.
3. The *Administrative Investigation* will begin upon completion of the FDLE criminal investigation and review/finding by the State Attorney's Office. **Exception:** When an administrative investigation clearly would show the incident involves a policy violation so evident and egregious that it requires immediate dismissal, an administrative investigation may be conducted concurrently with the criminal investigation. The concurrent investigation permits the Sheriff's Office to complete the administrative process and to act on the recommendation promptly rather than waiting on the criminal investigation and court process, including appeals, which can continue long after the administrative outcome is final.

4. Reports involving the accidental discharge of a firearm where there is no injury or property damage require supervisory review only with documented oversight by the Internal Affairs Unit. Unless determined necessary by the Internal Affairs Commander, such reports do not require full Command Staff review.

## **F. CRITICAL INCIDENT REVIEW PANEL [CIRP]**

1. The Critical Incident Review Panel (CIRP) is a forum where attendees can analyze and discuss matters related to tactical decision-making, proportionality and de-escalation techniques, adherence to agency policy and procedures, training issues, quality of supervision during the incident and the quality of investigations related to the incident.
2. CIRP shall consist of senior command staff, the involved deputy's captain, representation from the Sheriff's Office training staff, and members of the Internal Affairs Unit.
3. CIRP will convene at the conclusion of any investigated incident involving the use of deadly force and/or the intended use of deadly force.
4. Prior to CIRP assembling, attendees will be supplied copies of all reports associated with the upcoming review. The Internal Affairs Unit case agent will brief the CIRP members at the beginning of each review.
5. The review will be non-punitive and used as a guideline to improve the agency's performance and safety during future use of deadly force events through training, education, enhanced policies, and/or equipment.
6. The review shall be documented in a memo to the Sheriff for review and potential implementation. In addition, the review shall be documented in IAPro as part of the agency's Early Warning System (EWS).

## **G. RETURN OF AGENCY-ISSUED FIREARM**

1. Upon the return of the Deputy's firearm from FDLE to Evidence, the Evidence Section shall notify the Investigative Services Commander or designee that the weapon has been returned. The firearm will remain in the custody of Evidence Section until a Release of Evidence is provided to Evidence from the Investigative Services Section Commander or designee after a release is received from FDLE and/or the Office of the State Attorney.
2. When a Release of Evidence is received, a certified armorer shall disassemble, clean, inspect, reassemble and test fire the weapon prior to returning to the deputy to ensure that the weapon is returned in good working order. In addition, any ammo in the magazines will be replaced with new ammo.
3. The certified armorer shall then make arrangements for the Deputy to return the loaner weapon to Training and pick up his inspected firearm at that time. The certified armorer shall disassemble, clean, inspect, reassemble and test fire the weapon and then return to the Crime Scene Unit by notifying the Major Case Unit Supervisor.

## **H. ADMINISTRATIVE REVIEW: RESPONSE TO RESISTANCE REPORTS**

1. Any restraining force or physical force resulting in injury, or a complaint of injury (whether or not visible), shall require a Response to Resistance report and Administrative Review through the chain of command.
2. Each use of Freeze +P, R.E.A.C.T./BAND-IT, Taser, ASP, BolaWrap, available defensive tool of convenience, or less-lethal munitions shall be documented in an Incident Report and shall require a supervisory Response to Resistance report and Administrative Review through the chain of command to the Sheriff.
3. The Sheriff may call his Command Staff for a final review. All completed reviews will be forwarded to the Internal Affairs Section for inclusion in the administrative information management database as part of the agency's administrative review tracking and analysis process and Personnel Early Warning System.
4. Command Staff Review shall include the Sheriff and the following members of his Command Staff:
  - a. Chief Deputy
  - b. Law Enforcement Operations Division Chief



- c. Support Operations Division Chief
  - d. District Captains
  - e. Investigative Services Captain
  - f. Narcotics Investigations Captain
  - g. Training Captain
  - h. Internal Affairs Commander
  - i. Sheriff's Office Legal Advisor
- 5. The Command Staff may call detectives, specialists or technicians required to present evidence and facts concerning any shooting incident.
  - 6. The Command Staff shall review any facts and pertinent testimony, and forward findings and recommendations to the Sheriff for final disposition. The report shall include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the use of force violates department general orders.
  - 7. In those incidents resulting from the exercise of poor judgment, where no violations of law or policy or procedures are involved, Command Staff may note the exercise of poor judgment and make recommendations for remedial training or corrective action.
  - 8. In those instances where exceptional judgment and exemplary action is involved, Command Staff may recommend a commendation be issued.
  - 9. The Professional Compliance Unit shall complete an annual analysis of all use of force to include use of deadly force and less-lethal force policies and practices; this analysis shall also include any in-custody deaths. The analysis will be used to address any training or policy deficiencies, use of force trends among Deputies, and for protection of the Deputy, the Sheriff's Office, and the community.

## **VII. REFERENCES**

- [Deputy Involved Shooting/Use of Deadly Force Incident Guidelines](#)
- [Deputy Involved Shooting/Use of Deadly Force Information Handout](#)

## **VIII. FORMS**

- [Supervisor's Firearm Discharge Checklist, VSO Form # 033017.001](#)

# **VOLUSIA SHERIFF'S OFFICE**

## **Deputy Involved Shooting/ Use of Deadly Force Incident Guidelines**

### **Purpose:**

These guidelines were developed to provide information and recommendations for the purpose of supporting employees involved in shootings/ use of deadly force and/or other use of force situations that result in great/serious bodily harm or death to a person; or who are the object of a deadly force incident with or without injury.

### **At the scene and immediately following:**

- Immediately after a deputy involved shooting- use of deadly force incident that results in great/serious bodily harm or death to a person, on-scene deputy(s) and supervisors shall provide first aid, emotional support and reassurance to the involved deputy(s) and other personnel. This support should focus on calming physical and emotional stress and supporting the employee's sense of safety. Above all, deputy(s) should not be isolated. They should be allowed the company of their on-scene supervisors and/or authorized peers, but cautioned not to discuss the specifics of the incident.
- Involved deputy(s) should be moved to a safe and supportive environment and away from any media attention until allowed to leave the scene. The involved deputy(s) should not leave the scene until authorized by both the ranking member on scene of the Florida Department of Law Enforcement or Investigative Services Commander and Internal Affairs. Physical altercations may necessitate medical evaluation on scene by Emergency Medical Service personnel or transport to a medical facility.
- If involved deputy(s) have an immediate need to talk about the incident other than answering the public safety questions from the first responders, they should be encouraged to do so solely with their attorney with whom they have legally privileged confidentiality.
- Deputy(s) should be provided with the opportunity to contact family members if they wish. It is best for the deputy(s) themselves to contact their families. It is therefore prudent that no contact be made with family members before the deputy(s) have had this opportunity. If the deputy(s) are injured and unable to make calls for themselves, then (preferably) individuals who know the families should contact the family members as soon as possible. Offers to call other people such as friends, chaplains, etc., shall be made to ensure that the family has their support system mobilized.
- Supervisor/designee shall provide deputy(s) and the deputy(s)' significant others with the handout – "What to Expect," that reviews physical and psychological reactions to deputy involved shooting- use of deadly force incidents. Topics covered should include what to expect, how to support each other, coping strategies and who to contact for further assistance.
- Following a deputy involved shooting- use of deadly force incident, the deputy(s) may feel vulnerable if unarmed, especially when they are in uniform. If a deputy's firearm has been taken as evidence, a replacement weapon shall be issued as soon as possible unless there is an objective basis for questioning the employee's fitness for duty. Arrangements shall be made by the immediate supervisor/designee to replace any equipment or clothing that is damaged or collected as evidence.
- During the first few hours, the immediate supervisor /designee shall explain to the involved deputy(s) what is likely to happen administratively and the reasons behind the required administrative actions. Additionally, they will provide and go over the written summary (Handout,

# VOLUSIA SHERIFF'S OFFICE

## Deputy Involved Shooting/ Use of Deadly Force Incident Guidelines

"What to Expect"). This document is intended to be a guide for both supervisors and involved deputy(s), and is given to the deputy(s) as a point of reference that can be referred back to later when things calm down. During this potentially emotional and confusing time, deputy(s) may also wish to consult their attorney for further guidance.

- Once they are authorized to leave the scene, the involved deputy(s) shall be provided with transportation instead of driving themselves.
- Before incident information is released to the media, the Florida Department of Law Enforcement supervisor, Investigative Services Commander or designee, PIO and other appropriate personnel shall review and approve any information to be released to the media for accuracy, while protecting the integrity of the investigation. The PIO shall contact the affected employee to inform them of a press release before releasing it to the public, and shall facilitate giving the employee a copy if he/she wishes.
- The involved deputy's immediate supervisor shall be assigned responsibility for the immediate overall welfare of the employee directly involved in the incident from the point of the incident until released back to their normal assigned shift, and shall:
  - Ensure the involved deputy's immediate needs are taken care of;
  - Ensure family members are notified at the discretion of the involved deputy(s);
  - Explain to the involved deputy(s) the investigative process;
  - Explain to the involved deputy(s) what is likely to happen administratively and the reasons behind the required administrative actions; and
  - Provide ("What to Expect") document to the involved deputy(s) and go over the information with the affected deputy(s) to ensure that all questions are answered.

### **Investigative Period:**

- While deputy(s) may be asked to provide pertinent information soon after a deputy involved shooting- use of deadly force incident to aid in the initial investigative process, it is suggested that they have some recovery time before providing a full formal statement to the Florida Department of Law Enforcement. Deputy(s) will often benefit from at least one night's sleep prior to being interviewed. Detectives should wait at least 24 hours after a deputy involved shooting- use of deadly force incident before conducting a detailed interview, unless exigent circumstances exist. Deputy(s) who have been afforded these opportunities are likely to provide more coherent and accurate statements.
- A deputy involved shooting- use of deadly force incident can result in heightened physical and emotional reactions for those involved. It is recommended that involved deputy(s) in such incidents be given a minimum of three (3) days of leave, either Administrative Leave or through regular days off, in order to manage the emotional impact of the incident prior to returning to duty. Anyone involved in the incident, who may also be emotionally impacted, may benefit from a period of Administrative Leave (dispatchers, other deputy(s) on scene, etc.). The immediate supervisor of any deputy involved in a deputy involved shooting- use of deadly force incident may make a recommendation to place an employee on administrative leave when deemed appropriate and in the best interest of the employee and agency. The employee's Division Chief may approve the administrative leave and he/she will notify the Sheriff via Chain of Command when administrative leave of this nature is granted. It is important that deputy(s) and the public understand that Administrative leave is a routine procedure and not a Disciplinary Suspension.

# **VOLUSIA SHERIFF'S OFFICE**

## **Deputy Involved Shooting/ Use of Deadly Force Incident Guidelines**

- During the course of a deputy involved shooting- use of deadly force incident investigation, potential legal and emotional difficulties may arise for deputy(s) involved in separate subsequent critical incidents. When appropriate, it is recommended that deputy(s) be considered for temporary duty assignments that will lessen the likelihood that the deputy(s) will be involved in subsequent use-of-force incidents during ongoing investigations.
- When an employee is released back to full duty, they will be eligible to return to working extra-duty details; even if they are temporarily re-assigned to a different duty post while the deputy involved shooting- use of deadly force incident investigation is investigated.
- Command Staff's personal concern and support for deputy(s) involved in deputy involved shooting- use of deadly force incident can provide an extra measure of reassurance and comfort. Command Staff personnel do not have to comment on the situation but can show concern and empathy for the deputy(s) during this stressful experience. These contacts, whether in person or via telephone, card or email, should be made as soon as possible after the incident and periodically afterwards.
- The involved employee's immediate supervisor shall coordinate a meeting with the Chief Deputy as soon as the involved employee returns to work in order for the Chief Deputy to explain operational and administrative actions and to answer questions. The meeting or contact will be completed at the Chief Deputy's direction.
- It is suggested that a member of Command Staff attend a roll call as soon as practical, in order to relay pertinent information about the incident that may affect their shift.
- The involved employee's immediate supervisor/designee shall be responsible for the ongoing welfare of their employee throughout the investigative process. Even if the involved employee is given a temporary duty assignment for the duration of the investigation, it is the employee's immediate supervisor/designee who will be responsible for the welfare of the employee and shall:
  - Check on the involved employee weekly and address any needs they may have.
  - Keep their chain of command apprised of the status of involved employee, including any requests for assistance and services.
  - The involved employee's immediate supervisor/designee shall consult with the involved employee to ascertain who, if anyone, the involved employee wants to accompany him/her to interviews, etc. The request(s) of the involved employee is to be respected and accommodated, within reason.
  - The involved employee's immediate supervisor/designee shall be responsible for the ongoing welfare of the employee after the return to regular duties. Immediate supervisor/designee should look for any signs of Post-Trauma Stress and should assist deputy(s) in assimilating back to their routine.
- Internal Affairs and the Florida Department of Law Enforcement or Investigative Services Section shall make every effort to expedite the completion of their administrative and criminal investigations and notify the involved employee of the outcome as soon as possible.

may indicate the need for changing the assignments of the involved employee(s), temporarily or permanently. Depending on the circumstances, this could be done for the benefit of the employee(s), the community or both.

#### **Administrative Leave**

Throughout the investigative process (both criminal and administrative), the involved employee(s) may be temporarily reassigned from their normal duties until such time as the incident has been fully investigated and the case disposed. Reassignment additionally serves to assist in preventing the employee(s) from being involved in another use-of-force situation similar to the original one, prior to final disposition of the case.

Prior to reassignment, employee(s) involved in a shooting will be placed on Administrative Leave. During this time, the employee(s) will retain all pay and benefits. This is not a punitive leave and should not be perceived as an implication that he/she acted improperly; it is purely procedural. The leave is put in place for several reasons which include preservation of the integrity of the investigation as well as affording the involved employee(s) the opportunity to address a myriad of emotional and personal issues which manifest after being involved in such an incident. *During this period, the employee(s) will also be required to be evaluated by a mental healthcare provider prior to his/her administrative suspension being lifted and returning to duty.*

#### **Civil Liability**

Deputy Involved Shooting cases present the difficult issue of balancing the rights of the involved parties and the integrity of the investigation with the public's right to know and the media's need to report the news. The criminal and administrative investigations that follow can never keep pace with the speed of media reporting. This creates an inherent and unavoidable dilemma. Because VSO is severely restricted in releasing facts before the investigation is concluded, there is the risk that information will come from sources that may provide inaccurate accounts, speculative theories, misinformation or disinformation that is disseminated to the public through media and other channels while the investigation is progressing.

This is an unfortunate byproduct of these conflicted responsibilities. This can cause irreparable damage to individual and agency reputations. It is strongly advised that employee(s) involved in these types of incidents refer any media requests to the Public Information Officer (PIO) and/or their attorney as well as avoiding reading, watching or listening to any reports, articles, blogs, etc., concerning their incident. Involved employee(s) family members should also be warned of the negative publicity that may come from the media through unverified information channels.

Because of the difference between the criminal, administrative, and civil standards, the same facts can lead to different results in these uniquely different arenas. While criminal charges may not be justifiable in a case, administrative action and/or civil litigation may be pursued based on the individual findings of the investigations.

At any time you have questions or need assistance, you are encouraged to contact your immediate supervisor/designee, CISD or the EAP. Our goal is to provide you with the very best support, while adhering to policies and procedures, as well as State law.

**To contact the Employee  
Assistance Program, call:**

**1-877-622-4327**

**Or**

**1-800-Cigna24**



**VOLUSIA SHERIFF'S OFFICE**

**Deputy-Involved Shooting  
&  
Use of Deadly Force  
Information**

**VOLUSIA SHERIFF'S OFFICE**  
**Deputy Involved Shooting- Use of Deadly Force**  
**Guidelines Handout**

This document serves as an overview of some of the reactions you, your family, or close friends may experience following Use of Deadly Force Incident, various help outlets you may seek for support, as well as the procedures and process that will take place while both the criminal and administrative investigation is completed.

First and foremost, your safety (physical and emotional) and that of your family are most important to the Volusia Sheriff's Office (VSO). There is a plethora of information and training on officer survival, emotional effects of deadly force encounters, etc.

Summarizing a few of the important aspects, law enforcement officers are inherently exposed to a variety of encounters that can create internal stress. Continued long term exposure and/or significant exposure to a single event can create internal stress. Stress can cause hyper-vigilance, which can also create a roller coaster of emotions ranging from alert, energetic, involved, etc... to tired, detached, isolated, and apathetic, etc. Undesirable behaviors that can result from hyper-vigilance include denial, cynicism, disengagement, victim based thinking, paranoia, etc. What's important is to realize it can happen to anyone, recognize the symptoms, and having a support mechanism that can help you overcome these natural reactions.

Some techniques include:

- Time management and goal setting
- Practice physical fitness
- Breath control
- Don't consume alcohol
- Manage your financial well-being
- Balance your professional role and your private life
- Don't watch the news or read the newspaper
- Screen your emails and incoming phone calls
- Be positive

**Resources**

As a survivor of a Use of Deadly Force Incident, resources that you have available to you to help you through emotional rollercoaster events include:

- Employee Assistance Program EAP\*
- Your spouse\*
- Attorney\*
- Clergyman\*
- Your supervisor or fellow shift mates, or Command Staff - accessed in person or by phone\*\*
- Critical Incident Stress Debriefing \*\*
- Friends and other family\*\*

*\*Usually privileged/protected information    \*\*Usually NOT protected*

**Notification and Scene Security**

- When a Use of Deadly Force Incident is reported, it is customary for the supervisor or Commander to notify the Command Staff via the Communication Center.

- It is common for the Florida Department of Law Enforcement (FDLE), Investigative Services Section Commander, Internal Affairs (IA), Chief Deputy or even the Sheriff to respond to the scene. The criminal aspect of the investigation of the scene itself will normally be assigned to the Major Case Unit which will be assisted by the Crime Scene Unit to collect evidence and process the location.
- In order to ensure the safety of others and to appropriately identify the parameters and of the crime scene, employee(s) will be expected to answer such questions as:
  1. Are you injured?
  2. If you know of anyone who was injured, what is his or her location?
  3. In what direction did you fire your weapon(s)?
  4. If any suspects are at large, what are their descriptions?
  5. What was their direction of travel?
  6. How long ago did they flee?
  7. For what crimes are they wanted?
  8. With what weapons are they armed?
  9. Does any evidence need to be preserved?
  10. Where is it located?

Only questions pertaining to public safety and crime scene preservation will be asked. Due to the immediate need to take action, VSO will require employee(s) to answer these public safety questions without waiting for legal or union representation. This is not a formal interview and employee(s) should understand their importance and necessary limitations. Once the inquiries are answered, the employee(s) should be cautioned not to discuss the incident further, except with legal counsel before giving a formal statement.

It is common for all involved parties to be separated and sequestered on scene with limited visitation and access. Organizations such as the International Union of Police Associations, AFL-CIO have local attorneys on staff that are available 24-hours a day and will respond directly to the scene in order to provide their members with immediate legal representation. FDLE or MCU may request a voluntary, on-scene proffer statement from the involved employee's attorney. This statement will be requested after the involved have been given the opportunity to speak with their attorney.

**Evidence Collection**

Employees are trained to properly secure their firearms, duty belt and body worn cameras after a Use of Deadly Force Incident. After a Use of Deadly Force Incident, when a firearm is used by an employee; it is routine procedure for the firearm, duty belt and body worn camera to be taken by Crime Scene Unit personnel as evidence. The involved employee(s) will be provided with replacement weapons, duty belt and body worn camera unless there is an objective basis for questioning the employee's fitness for duty.

**The Criminal Investigation**

The criminal phase of the investigation involves such investigative activities as a thorough processing of the crime scene; a neighborhood canvass to identify all possible witnesses; and video or audio-taped statements from all key witnesses and the

involved employee(s). The involved employee(s), like any citizen, has a Constitutional Fifth Amendment right not to make a statement to FDLE or MCU as part of the criminal investigation.

The entire criminal investigation of the incident may take a considerable amount of time (months) to complete. Significant resources are dedicated to the investigation and review process in an effort to complete the investigation as quickly as practical. There are certain aspects of the investigation that take more time to complete. For example, the testing of physical evidence by the FDLE crime lab—firearm examination, blood analysis, and other testing commonly associated with these cases. For incidents where a death occurs, the final autopsy report may be delayed if it is necessary to send lab work out for very specialized toxicology or other testing. In addition to conducting the investigation, the entire investigation must be thoroughly and accurately documented.

At the conclusion of the criminal investigation, the case file, all documentation and evidence are forwarded to the State Attorney's Office for review. Ultimately, the decision of whether or not to file criminal charges related to an incident lies with the State Attorney's Office. If no charges are filed, the State Attorney's Office will usually issue a formal written statement attesting to such with a summary of their findings based in the investigative case file. For incidents where Use of Force has resulted in the death of an individual, it is common practice for the State Attorney's Office to bring the case before the Grand Jury in order to present the factual circumstances and afford the Grand Jury the opportunity to examine the incident. At the conclusion of this process, the Grand Jury has the option of either handing down an indictment for criminal charges or declaring the death a justifiable homicide by returning a decision commonly referred to as a "No True Bill". More often than not, the administrative portion of the investigation conducted by Internal Affairs will not be concluded or finalized until the criminal investigation is closed and disposed of by either the State Attorney's Office or the Grand Jury.

**Administrative Investigation**

The administrative investigation is controlled by less stringent legal levels of proof and rules than the criminal investigation. This process also provides significantly broader latitude in using information concerning the background, history, and job performance of the involved employee(s). This type of information may have limited or no applicability to the criminal review but may be very important in making administrative decisions. This could include information concerning previous deputy/officer-involved shootings, firearm discharges, use of non-lethal force and other conduct (both positive and negative). This includes not only the conduct of the involved employee but also the conduct of the suspect who has been injured or killed.

There are a variety of actions that can be taken administratively in response to VSO's investigation of the shooting. The administrative investigation may reveal that no action is required. However, VSO may determine that additional training is appropriate for all employees or only for the involved employees. The investigation may reveal the need for changes in VSO directives, procedures or rules. In some instances, the investigation



**VOLUSIA SHERIFF'S OFFICE**  
**SHERIFF MICHAEL J. CHITWOOD**




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**SUPERVISOR'S FIREARM DISCHARGE CHECKLIST**

*(General Order 1.1 Use of Force, section VI, B, 1, c)*

1. Are you injured
2. If you know of anyone who was injured, what is his or her location?
3. In what direction did you fire your weapon(s)
4. If any suspects are at large, what are their descriptions?
5. What was their direction of travel?
6. How long ago did they flee?
7. For what crimes are they wanted?
8. With what weapons are they armed?
9. Does any evidence need to be preserved?
10. Where is it located?
11. Were you wearing a body worn camera?
12. Was the camera activated during the incident?



	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>1.2</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 08/1990	<b>Previous Revision Date</b> 09/2019
<b>Title</b>  <b>FIREARMS</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines governing the possession of authorized firearms carried by Sheriff's Deputies and to ensure they are properly trained in the use and carrying of firearms.

## II. DISCUSSION

Law enforcement officers are authorized to carry firearms in the performance of their official duties and are also authorized to carry concealed firearms while off-duty.

Deputies shall be properly trained and proficient in the use of firearms. The Sheriff's Office requires that Deputies periodically qualify and demonstrate competent ability in the use of firearms.

## III. POLICY

It shall be the policy of the Sheriff's Office that all sworn personnel will be properly trained and will demonstrate documented proficiency at least annually in the use of firearms.

Only firearms and ammunition authorized by the Sheriff's Office shall be used in the performance of duty.

It shall be the policy of the Volusia Sheriff's Office that failure to qualify after two successive Practical Pistol Course (P.P.C.) attempts following remedial training shall result in disciplinary action in accordance with this general order.

## IV. PROCEDURE

### A. POSSESSION OF FIREARMS

1. Only weapons reviewed, inspected and approved by the Sheriff's Office may be carried. Defective, unsafe or unauthorized weapons shall not be used.
2. Deputies are prohibited from carrying a firearm or service weapon prior to being issued and instructed on Volusia Sheriff's Office general orders 1.1 Use of Force Guidelines and 1.3 Use of Less-Lethal Weapons and Devices.
3. **SHERIFF'S OFFICE FIREARMS**
  - a. A Sheriff's Office Range Staff Armorer shall review, inspect and approve each Sheriff's Office firearm before it is issued to a Deputy.
    - (1) The review shall ensure the firearm is the correct model and serial number to be issued to the Deputy.
    - (2) The inspection shall consist of a visual inspection and test firing to ensure the firearm is functional and accurate.



- (3) After passing inspection the firearm shall be approved for issuance. The approval is documented in the weapon maintenance computer program, FM Pro. The Training Center shall retain the weapon's tag turned in at the time of inspection.
- (4) Only those approved firearms registered at the Training Center and for which a minimum qualification score is achieved may be authorized for use/carry by a Deputy.

#### **4. OFF-DUTY/BACK-UP HANDGUNS NOT ISSUED BY THE SHERIFF'S OFFICE**

- a. Off-duty/Back-up handguns not issued by the Sheriff's Office shall be reviewed, inspected and approved by a Sheriff's Office Range Staff Armorer before carrying by a Deputy.
  - (1) The review shall be to ensure the handgun is of the appropriate caliber and barrel length.
  - (2) The firearm shall be visually inspected and a qualification course fired to ensure the firearm is functional and accurate.
  - (3) After the firearm passes inspection and the Deputy successfully qualifies with it, the firearm shall be approved for carry. The approval shall be documented on the Firearms Qualification Score Sheet.
- b. The authorized service handgun is the Glock .40 caliber semi-automatic. While on-duty and in uniform, Deputies shall carry the issued Glock.40 caliber semi-automatic handgun. Exception: unless working in the capacity of a Special Assignment (Refer below to C. 1-2).

### **B. OFF-DUTY/BACK-UP HANDGUNS**

1. Pursuant to Florida Law, Deputies authorized to carry concealed weapons may carry concealed firearms while off-duty. It may be of any make or model, the caliber ranging from .22 L.R. to .45 with a barrel length of not less than one inch or more than six inches.
2. Deputies may carry a concealed weapon in lieu of the service handgun, while off-duty and out of uniform. Off-duty weapons shall be registered with the Deputy Stephen Saboda Training Center.
3. While off-duty in a marked Sheriff's Office vehicle, Deputies must carry an authorized handgun (authorized service weapon or registered off-duty weapon) and it shall be readily available for responding to calls or back-up.
4. This does not prohibit the carrying of authorized off-duty handguns for non-duty activities.
5. When traveling outside Volusia County, within the state of Florida, deputies are authorized to carry their department issued firearm while off-duty. All applicable laws shall be followed, see Legal Bulletin 2004, #26.
6. While off-duty, any weapon carried by a deputy must be concealed from public view unless that deputy is in uniform and/or clearly and readily identifiable as a law enforcement officer, as defined within policy.
7. While on-duty, Deputies authorized to carry firearms are authorized to carry a back-up firearm that has been registered with the Deputy Stephen Saboda Training Center; the firearm must be carried concealed on the Deputy or be available in the Deputy's vehicle.

### **C. SPECIAL ASSIGNMENTS**

1. The Sheriff's Office recognizes that certain circumstances may require deep concealment of a firearm, and it may be impractical to carry a firearm when on duty, partaking in a specialized assignment.
2. With the respective supervisor's approval, Deputies may carry an approved and registered off-duty/back up handgun in lieu of the Volusia Sheriff's Office issued Glock handgun.

### **D. SHOTGUNS**

1. The authorized shotgun is the Department issued Remington 870.
2. Long gun carry is mandatory (Shotgun or Rifle) for all Sergeants and Deputies whose primary assignment is Patrol, K-9, CST, Civil, and Range.
3. Deputies will carry the shotgun in one of the following configurations:

- a. Patrol carry with Volusia Sheriff's Office issued 12 GAUGE FEDERAL 2 3/4", 00 BUCK, TACTICAL BUCKSHOT, 9 PELLETS (LE13200)
4. Long gun carry in other assignments shall be at the option of the respective Captain, or designee.

## **E. RIFLES**

1. The carry of a Volusia Sheriff's Office issued rifle is permitted under the following guidelines:
  - a. A Volusia Sheriff's Office issued or approved M-16 or AR-15 that has been inspected by a Range Staff armorer.
  - b. Specialized weapons assigned to the SWAT Team; or
  - c. Special assignments approved on a case-by-case basis by the Sheriff, after qualification.
  - d. Qualification shall include the Volusia Sheriff's Office 2-day Patrol Rifle Course.
2. The carry of a personally owned rifle is permitted under the following guidelines:
  - a. Personally owned rifles must be of the same or similar make and model (AR-15) as those issued by the agency (.223 caliber or 5.56 mm). The stock of the rifle can be collapsible or fixed. The barrel length cannot be shorter than 10.5 inches or longer than 16 inches. Any deputy wanting to carry a personal rifle with a barrel shorter than 16 inches must have an ATF tax stamp for a short barrel rifle. Any alterations, modifications or repairs, will be completed by a Range Staff armorer. This includes, but is not limited to, the addition, removal, conversion or exchange of ANY part of the weapon or accessory. The rifle must be inspected by a Range Staff armorer prior to authorized carry.
  - b. Only after the rifle passes inspection and the Deputy successfully qualifies with it, shall the rifle be approved for carry. The approval shall be documented on the Firearms Qualification Score Sheet and the rifle will be registered with the Deputy Stephen Saboda Training Center.
  - c. Qualification shall include the Volusia Sheriff's Office 2-day Patrol Rifle Course.
  - d. All procedures contained within this policy will apply to authorized personally owned rifles to include safe storage both on- and off-duty.
3. **AUTHORIZED USE OF AN ARTIFICIAL AIMING DEVICE (AAD)**
  - a. Deputies utilizing an AAD (e.g. EO TECH, Aimpoint, Pro Point, etc.) on personally owned rifles must have the optic inspected by a Range Staff armorer.
  - b. All authorized AAD's must be of a one piece design with optic and mount as a single unit. The optic will not exceed a magnification of 1.5 power and will not impede the use of the iron sights. Both front and rear sights must be affixed to the weapon at all times. The iron sights must be visible for use through the artificial aiming device.
  - c. The AAD will not be mounted on top of the carrying handle. The Rangemaster will maintain a list of authorized artificial aiming devices.
  - d. Deputies must shoot the Volusia Sheriff's Office rifle qualification course using only the iron sights on the rifle. Deputies must also qualify with the rifle utilizing the AAD sight. The course for the approved artificial aiming device shall be determined by the Rangemaster.

## **F. AUTHORIZED HANDGUN WEAPON MOUNTED LIGHT (WML)**

1. **STANDARD FLASHLIGHT**
  - a. A standard flashlight is a utility device used for performing functions in low light conditions where it is not practical, safe or prudent to use the WML. E.g. Vehicle searches, issuing traffic citations at night, or reading maps.
2. **WEAPON MOUNTED LIGHT**
  - a. A WML is a tactical light designed to be attached to a handgun via a rail system or similar mounting method.
  - b. A WML is ***not to be used as a standard flashlight.***
  - c. The purpose of having a WML is to provide deputies with rapid target identification and threat assessment under low light conditions.

### 3. TRAINING REQUIREMENT

- a. Deputies authorized to carry a handgun WML on duty must attend the in-house WML transition course as provided by the Volusia Sheriff's Office Training Section.
- b. Once a deputy has completed the required training, he may then carry the WML attached to his department issued handgun.

### 4. AUTHORIZED LIGHTS

- a. The only authorized handgun WML's are as follows:
  - (1) ITI M3
  - (2) Streamlight TLR-1 series
  - (3) Surefire X200/X300
- b. Remote pressure switch tailcaps are not authorized for use on any handgun WML.
- c. SWAT members are authorized to use other WML systems at the direction of the SWAT Team Commander.

### 5. AUTHORIZED HOLSTER

- a. The **Safariland 6360** and **7360** basket weave patterns are the only authorized holsters for Patrol use.
- b. SWAT members/specialized units are authorized to use other holsters at the direction of the SWAT Team Commander/respective supervisor.

## G. UNAUTHORIZED USE OF FIREARMS

1. Firearms are not to be drawn in a public place except for official use.
2. Firearms shall not be displayed in any manner that would be unsafe or handled in an undisciplined manner that may cause public concern.
3. At no time will a firearm, of any kind, be in plain sight when left in an unattended patrol vehicle.
4. Deputies shall not participate in horseplay or other unsafe practices with firearms.
5. Deputies will not fast draw, dry fire, or display their firearms in briefing rooms or other facilities, except during instruction, for inspection or training, and then only with an unloaded firearm.
6. For inspections of firearms, Deputies shall properly unload their firearms in the Action Target Bullet Traps that are located in all districts, courthouses, at the airport, aviation, etc.
7. Firearms shall not be carried while under the influence of alcoholic beverages.
8. Defective, unsafe or unauthorized weapons shall not be used.

## H. AMMUNITION

### 1. SERVICE HANDGUN

- a. Deputies shall use only current Volusia Sheriff's Office authorized/approved and issued ammunition. Link to the list of Approved Ammunition for Volusia Sheriff's Office Issued Firearms document is found in the reference section below. For additional tactical preparedness, Deputies are authorized to carry extra personally owned magazines for their handgun and/or rifle in a "go bag" for high hazard situations (active killer, terror attack). During these situations, the personally owned magazines can be employed when a Deputy has attempted to use their agency issued ammunition. The ammo authorized and approved for carry by the Deputy must be the same grain weight of the agency issued ammunition (180gr .40 caliber, 55gr .223 caliber/5.56mm). Armor piercing, tracer, steel core, green tip or other special purpose ammunition is prohibited.
- b. Uniformed officers shall carry a minimum of 30 rounds, in addition to the fully loaded service handgun.
- c. On-duty plainclothes Deputies shall carry at least one reload of the handgun, with the exception of undercover assignments.

## **2. OFF-DUTY/BACK-UP HANDGUN**

- a. Deputies shall be required to supply their own authorized ammunition if the back-up firearm caliber is other than that of the service firearm. Armor piercing, tracer, and explosive rounds, are prohibited.
- b. Extra ammunition is not mandatory, but is recommended.

## **3. SHOTGUN**

- a. Deputies shall use only current Volusia Sheriff's Office approved and issued ammunition as received at the latest qualification.
- b. Deputies will carry a minimum of ten rounds of shotgun shells; four rounds in the magazine and six rounds on the Side Saddle holder on the shotgun receiver.

## **4. RIFLES**

- a. Deputies shall use only current Volusia Sheriff's Office approved and issued ammunition shown in the Approved Ammunition for Volusia Sheriff's Office Issued Firearms list. (Link to document in the reference section)

## **5. SPECIAL WEAPONS**

- a. SWAT Team members shall carry the amount and type of ammunition as approved by the team leader for authorized special weapons in accordance with general order 46.5 Special Weapons & Tactics.

# **I. METHOD OF CARRY AND STORAGE**

## **1. HANDGUN**

- a. Uniformed Deputies shall wear the authorized handgun in compliance with Volusia Sheriff's Office general order 22.6, Appearance, Uniforms and Equipment.
- b. Detectives assigned to vice, narcotics or other specialized units shall carry authorized firearms or qualified back-up/off-duty handguns according to the standards set by their respective supervisors.
- c. Exposed firearms may be carried by non-uniformed Deputies while in an official capacity. Firearms shall be securely holstered or carried in a secure covering with a prominently displayed badge and/or when wearing a shirt with the Sheriff's Office insignia.
- d. Back-up handguns carried by Deputies shall be carried concealed in a safe manner.

## **2. SHOTGUNS**

- a. Deputies shall carry shotguns in "patrol carry":
  - (1) No round in the chamber
  - (2) Four rounds in the magazine tube
  - (3) Safety in the "ON" position
  - (4) Hammer in the UNCOCKED or DOWN position.

## **3. RIFLES**

- a. Authorized deputies shall carry the AR-15 or M-16 in the Department issued rifle mount. The weapon will be locked in the following "Patrol Carry" condition:
  - (1) Bolt forward; no round in the chamber
  - (2) Inserted magazine of 28 rounds
  - (3) Safety in the "on" position
  - (4) Ejection port cover closed
  - (5) Tactical sling attached as issued
  - (6) Tactical light in working order

- b. Deputies authorized to carry personally owned and registered rifles shall secure the rifle in a rifle rack. The weapon will be locked in the following “Patrol Carry” condition:
  - (1) Bolt forward; no round in the chamber
  - (2) Inserted magazine of 28 rounds
  - (3) Safety in the “on” position
  - (4) Ejection port cover closed
  - (5) Tactical sling and light attached

#### **4. SECURITY OF WEAPONS ON DUTY**

- a. When on-duty, shotguns/rifles shall be secured in the agency-provided long gun rack mounted in the trunk area.
- b. During tactical operations, the shotgun/rifle shall be secured in a manner that will not interfere with the safe operation of the vehicle.

#### **5. SECURITY OF WEAPONS IN THE HOME – OFF DUTY**

- a. In accordance with Fla. Stat. §790.174(1) Safe storage of firearms required. –

“A person who stores or leaves, on a premise under his or her control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor’s parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when the person is carrying the firearm on his or her body or within such close proximity thereto that he or she can retrieve and use it as easily and quickly as if he or she carried it on his or her body.”

“As used in this act, the term “minor” means any person under the age of 16.”
- b. Recognizing the potential for a tragic accident in the home, proactive precautions shall be taken with issued service firearms. In accordance with Fla. Stat. §790.174(1), Deputies shall:
  - (1) Not store or leave a firearm in any place within the reach or easy access of a minor;
  - (2) Secure their weapon(s) when not in their possession;
  - (3) At the end of each shift, all firearms not secured in the agency-provided long gun rack located in the vehicle trunk shall be made safe in accordance with training and shall be secured within the home.

### **J. INSPECTIONS**

- 1. It shall be the responsibility of the supervisor to ensure that each Deputy under their control has the current issued ammunition in their service handgun and shotgun. The inspection shall include all spare ammunition in magazines and vehicle. Supervisors shall also inspect off-duty and back-up weapons to verify that qualifications are current.
- 2. Service handguns and authorized rifles shall be subject to inspection and approval by the Range Staff armorer.
- 3. Internal or external modifications to the service weapons shall not be made without prior approval and inspection by Training Section.

### **K. QUALIFICATION AND TRAINING**

- 1. All firearms training and qualifications shall be monitored by an appropriately certified weapons or tactics instructor.
- 2. All sworn personnel shall be issued and instructed in Volusia Sheriff’s Office general orders 1.1 Use of Force Guidelines and 1.3 Use of Less-Lethal Weapons and Devices before carrying weapons.
- 3. Annually, all sworn personnel shall receive documented training in Volusia Sheriff’s Office general order 1.1 Use of Force Guidelines, and general order 1.3 Use of Less-Lethal Weapons and Devices before shooting the annual practical pistol course (PPC).

4. Deputies shall carry only those firearms and weapons approved by the Volusia Sheriff's Office and for which documented proficiency and competence have been demonstrated annually.
5. Firearms demonstrated competence shall be by a score of 80% or higher on the qualification course.
6. Correctly striking a dummy target with the ASP before a qualified instructor shall be demonstrated competency.
7. Demonstrated competency with Freeze + P shall be by using correct verbalization and stance while simulating spraying the suspects face in a side-to-side motion.
8. It is incumbent upon every sworn member of this Department to maintain proficiency in the use of firearms.
9. Tiger Bay Firing Range is open as designated by the Training Staff from 4 – 8 P.M. for Deputy pistol practice. The Range Master or designee is present and provides each shooter with ammunition and/or instruction if requested. Participation is voluntary and is not compensable. During the Annual PPC Deputy refresher, Deputy pistol practice will be suspended.
10. A certified firearms instructor will conduct the Annual (P.P.C.) Practical Pistol Course qualification no later than March 31<sup>st</sup> of each calendar year. Each sworn member of the Sheriff's Office shall be required to successfully qualify during this time. The Deputy refresher will run concurrent with the Annual PPC qualification.
11. Qualification with back-up and off-duty firearms will be scheduled annually, concurrent with the annual P.P.C. qualification.
12. Rifle qualification will be conducted annually, concurrent with the annual P.P.C. qualification; those deputies with AAD's must qualify with the AAD at this time.
13. Shotgun qualification will be conducted annually, concurrent with annual P.P.C. qualification.
14. Prior to the shotgun qualification, Deputies will be given a shotgun orientation course.
15. Those Deputies issued a shotgun must qualify with it each year.
16. All lesson plans and records will be maintained by the Training Section.
17. **STRESS COURSES**
  - a. Stress courses are designed to evaluate each Deputy's marksmanship under stress with his or her peer group. Stress courses shall be conducted annually.
  - b. Deputies shall be required to complete stress courses, as scheduled by the Training Section.
18. **SWAT TEAM**
  - a. SWAT Team members will qualify annually with their issued special firearms and the qualification records shall be maintained by the SWAT Team Commander.
  - b. SWAT Team members will fire special firearms under stress conditions no less than once monthly. Night courses of fire will be used not less than six times annually.

## **L. FAILURE TO QUALIFY**

1. Deputies will be allowed two attempts to qualify during the annual Practical Pistol Course. If the Deputy fails both attempts, he/she will immediately be given refresher training. The Deputy will then attempt a third qualification. If the Deputy fails the third attempt the Sheriff, Division Commander and Director of Training shall be notified in writing.
2. Should the Deputy fail the third attempt to qualify during the allotted time, he/she shall immediately turn over their firearm to the Range Master. The Deputy will not be permitted to leave the range with the firearm. The Deputy will immediately be temporarily reassigned to the Training Section for remedial training. The Deputy will not be permitted to carry a firearm on duty or an agency issued firearm off duty, or work in a sworn capacity. The Deputy will not drive a marked unit during this time; if possible, an unmarked unit may be provided. If an unmarked unit is not available, the Deputy will be responsible for his/her own transportation.
3. Upon reporting to Training, the Deputy will be given a refresher class and be allowed 3 more attempts to qualify. The Deputy must achieve two consecutive passing scores within the 3

attempts. If the Deputy fails to qualify, the Sheriff, Division commander and Director of Training shall be notified in writing.

4. Failure to qualify after remedial training may result in disciplinary action up to and including termination.

## **M. REGISTRATION OF FIREARMS**

1. All firearms (including back-up and off-duty firearms) shall be registered with the Deputy Stephen Saboda Training Center. Firearms qualification score sheet record shall be used as the general means of registering. When a new firearm is acquired, arrangements can be made to qualify and register the weapon by contacting the Training Section.
2. Registering is not an authorization to carry a different type weapon. Training and qualification are a prerequisite for carry.

## **N. RESTRICTIONS**

### **1. COURT AND OTHER FACILITIES**

- a. Certain courts, correctional and medical facilities prohibit the carrying of firearms. Deputies shall be familiar with institutional restrictions concerning firearms. Questions concerning legitimacy shall be referred to the Deputy's supervisor.
- b. When facilities employ restrictions upon the carrying of firearms and when the legitimacy of such restriction is not an issue, Deputies shall comply with the restriction.
- c. When complying with the restrictions, Deputies shall properly secure firearms in an appropriate "lock box" if supplied by the facility, or lock the firearms within the trunk of their vehicles.

### **2. COMMERCIAL AIRLINES**

- a. Commercial airlines restrict the carrying of firearms.
- b. When it is not essential that a Deputy carry a firearm on board, firearms shall be unloaded and secured with checked baggage prior to the flight.
- c. When it is necessary for a Deputy on official business to carry a firearm on board a commercial aircraft, the following procedure shall apply:
  - (1) A letter shall be drafted on official Sheriff's Office stationery addressed to the commercial airline to be used. The letter shall specify the itinerary and circumstances that require the Deputy to be armed. The letter shall be submitted for the approval and signature of the Sheriff.
  - (2) Upon arrival at the airline ticket counter, the letter shall be presented to the airline agent. The Deputy shall identify himself with a badge and commission card, declare possession of a firearm and request that the necessary security and airline personnel be notified.
- d. Deputies shall be cognizant that airline personnel have the final authority and may, at any time, require a Deputy to surrender the firearm while aboard an aircraft.

## **O. MAINTENANCE OF VOLUSIA SHERIFF'S OFFICE ISSUED FIREARMS**

1. Once each year, each Deputy will deliver his Volusia Sheriff's Office issued firearms (Glock 35/22/27, shotgun, less-lethal shotgun, personal and Volusia Sheriff's Office rifles) to the Deputy Stephen Saboda Training Center at Tiger Bay.
2. The annual inspection schedule is based on the last name of Volusia Sheriff's Office personnel and will be administered in alphabetical order in accordance with the schedule maintained on the Training Section website.
3. The Deputy will ensure that the firearm is unloaded. The Deputy will properly utilize the rifle rated bullet trap outside the maintenance room door. The Deputy will remove the magazine, place the muzzle of the weapon in the unloading station and clear the weapon by racking the slide to the rear allowing the round to fall to the floor.

4. **Unloading or charging the weapons in the parking lot, or while on the way to the Training Center is prohibited.**
5. If any problems have been experienced with the firearm, the Armorer shall be notified when it is dropped off.
6. The Volusia Sheriff's Office Armorer will disassemble, inspect, clean, reassemble and test fire the firearms to ensure that they are functional and accurate. An inventory of spare parts is kept on stock to make immediate repairs, should any be needed.
7. If the Deputy will need a service handgun during this time period, one will be temporarily assigned from the Training Section loaner weapon inventory. The Training Section will keep an accurate record of any weapons loaned out and returned.
8. The Training Section will maintain records of all maintenance performed on every firearm in the FM Pro computer program. Any problems reported or repairs made shall be logged in FM Pro. If any Deputy fails to turn his service handgun in for maintenance in a timely fashion, a warning notice will be sent.

## **P. UNSAFE WEAPONS**

### **1. VOLUSIA SHERIFF'S OFFICE ISSUED FIREARMS**

- a. Any Volusia Sheriff's Office firearm found to be unsafe or dysfunctional shall be turned over to the appropriate Volusia Sheriff's Office Range Staff Armorer for maintenance and repair as soon as possible.
- b. The Armorer shall repair and inspect the firearm or remove the firearm from service if it is not repairable.
- c. The repaired firearm shall be returned or a replacement issued to the Deputy.

### **2. PERSONAL FIREARMS: OFF-DUTY/BACK-UP HANDGUNS/APPROVED RIFLES**

- a. Any personal handguns/rifles carried as an off-duty/back-up weapon found to be unsafe or dysfunctional shall not be carried as an off-duty/back-up weapon until repaired, then reviewed, inspected and approved by a Volusia Sheriff's Office Range Staff Armorer.

## **Q. FIREARMS: CONVERTED FOR USE AS TRAINING AIDS**

1. Upon request by the Training Director, or his designee, seized firearms scheduled for disposal may be converted to agency use for training purposes; the Armorer will first inspect and approve firearms for use by Training prior to conversion.
2. Once converted to agency use, the Armorer will take custodial possession of the firearms; the Armorer shall maintain an electronic record with the status of each firearm to include at a minimum the date acquired, physical description, serial number and assignment of the firearm.
3. Training firearms pulled from service will be documented as such and submitted to Evidence for destruction in accordance with general order [84.1 Evidence Management](#).

## **V. REFERENCES**

- [Approved Ammunition for Volusia Sheriff's Office Issued Firearms](#)



### APPROVED AMMUNITION FOR VCSO ISSUED FIREARMS




CALIBER	MAKER	SPECIFICATIONS
.40 Glock	SPEER	180 GRAIN, GOLD DOT HOLLOW POINT (53962)
12 GAUGE	FEDERAL	2 ¾", 00 BUCK, TACTICAL BUCKSHOT, 9 PELLETS (LE13200) 12 GAUGE DEFENSE TECHNOLOGY DRAG STABILIZED IMPACT ROUND
.223	FEDERAL	55 GRAIN TACTICAL SOFT POINT

### APPROVED AMMUNITION FOR SWAT TEAM USE

CALIBER	MAKER	SPECIFICATIONS
.308	FEDERAL	LE308TT2 168 GRAIN, Tactical Ballistic Tip
.308	FEDERAL	165 GRAIN TACTICAL LOAD
.308	HORNADY	168 GRAIN A-Max TAP Precision
.50	BMG	660 to 706 GRAIN BALL AMMUNITION
.50	BMG	660 to 706 grain ARMOR PIERCING (AP)
.50	BMG	647 grain ARMOR PIERCING INCENDIARY (API)
.50	HORNADY	50 BMG 750 grain A-MAX Match

Updated 02/26/18

**ATTACHMENT A  
DIRECTIVE 1.2  
5<sup>TH</sup> EDITION**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>GO-001-03</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 06/19/2020
		<b>Original Issue Date</b> 07/12/2017	<b>Previous Revision Date</b> 01/01/2020
<b>Title</b> <b>USE OF LESS-LETHAL WEAPONS AND DEVICES</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

This general order applies to all Volusia Sheriff's Office sworn law enforcement to include all Deputies and Reserve Deputies while acting within the scope of their lawful authority, both while on-duty and off-duty. This general order establishes policy and procedural guidelines pertaining to all agency approved less-lethal weapons and devices.

## II. DISCUSSION

Whereas Volusia Sheriff's Office general order 1.1 Use of Force Guidelines sets forth agency policy regarding the full range of use of force options by Deputies, this general order is designed to set forth procedural guidelines for all agency approved less-lethal Weapons and Devices. Volusia Sheriff's Office recognizes the need to provide and train Deputies who are faced with unlawful resistance with effective use of force options when restraining or empty hand control measures either fail or are deemed impractical in the situation, and when deadly force is not justified.

## III. POLICY

As reflected in general order 1.1 Use of Force Guidelines, it is the policy of the Volusia Sheriff's Office that Deputies use only the minimal degree of force that is necessary to overcome the immediate threat and/or to effectuate an arrest. **Excessive force will not be tolerated.** Deputies shall exercise all safe and reasonable means of control and containment; the application of force shall be guided by Florida State Statutes, Volusia Sheriff's Office general order 1.1 Use of Force Guidelines and agency approved training.

The Sheriff hereby authorizes Deputies to use that amount of force that is reasonable and necessary under the circumstances to protect themselves and/or others while in the performance of their lawful duties and to provide a full range of less-lethal weapon/device options for effective control and containment. When feasible and practical under the circumstances, Deputies shall attempt to resolve potential use of force situations with non-physical force alternatives, such as direction, persuasion, verbal warning, and time/distance tactics prior to resorting to the use of force.

When making use of force decisions, Deputies shall be mindful of subjects who may be physically or mentally incapable of responding to law enforcement commands due to a variety of circumstances including, but not limited to alcohol or drugs, mental impairment, medical conditions, physical limitations, deaf/hard of hearing, or language/cultural barriers.

This general order provides the current authorized list of less-lethal weapons and devices that have been reviewed by the Training Section Captain, Senior Rangemaster and Armorer, certified weapons training instructors, and/or the respective Special Tactical Team Leaders and are hereby authorized for issuance and use in the performance of duty by those Deputies who have successfully completed training for said weapon and have demonstrated proficiency in its use.

## IV. DEFINITIONS

**BolaWrap** – A remote restraint device used for immobilizing and controlling resistive/non-compliant persons and persons with known or suspected mental health issues. The purpose of this device is to facilitate a safe and effective response in order to minimize injury to suspects, subjects, and Deputies.

**Emergency Restraint Chair (ERC)** – A mobile chair containing shoulder, wrist, lap and ankle restraints that is used to humanely restrain individuals who demonstrate combative, self-destructive, or potentially violent behavior that creates substantial risk of physical harm to themselves or others.

**Freeze +P** – An Oleoresin Capsicum (OC) spray that is an inflammatory agent that causes an intense burning sensation of the skin, eyes, and mucous membranes.

**Impact Weapon** – Any object, including an expandable baton, or defensive weapon of opportunity that is used to strike a subject in a manner that is reasonably likely to cause injury. (ASP, flashlight, radio, etc.)

**R.E.A.C.T./BANDIT** – Electronic control weapon utilized when necessary as a restraining device to minimize potential problems and situational occurrences of violent outbursts or escape attempts posed by individuals being transported as prisoners and attempts to subdue the prisoner by other conventional tactics have been, or will likely be, ineffective in the situation at hand. (primarily utilized by Extraditions and Courts)

**Specialty Impact Munitions** – A less-lethal round discharged from a dedicated shotgun that is designed to temporarily disrupt a subject's behavior.

**Taser** – Electronic control weapon (ECW) designed primarily to discharge electrical charges into a subject that may cause involuntary muscle contractions and override the subject's voluntary motor responses.

## V. PROCEDURE

### A. GENERAL

1. The agency approved less-lethal weapons and devices are as follows:

LESS-LETHAL WEAPONS AND DEVICES		
TYPE	DESCRIPTION	CLASSIFICATION
Violent Subject Restraint	Emergency Restraint Chair (ERC)	Restraint Device
	V.P.T.R.	Restraint Device
	BolaWrap	Remote Restraint Device
Aerosol Spray	FREEZE +P	Less-Lethal
Electronic Restraint Device	R.E.A.C.T./BANDIT	Less-Lethal
Dart-Firing Stun Gun (Electronic Control Weapon)	Taser	Less-lethal
K-9	Certified K-9 Team: Certified K-9 Handler and Agency Approved K-9	Less-Lethal
Less-Lethal Impact Weapons	ASP Baton	Less-Lethal
	Defensive Tools of Convenience	
Less-Lethal Specialty Impact Munitions	12-GA. Less-Lethal Impact Munition	Less-Lethal

2. As with any other use of force, less-lethal weapons and devices are not to be used indiscriminately or without just cause. Employees must be able to articulate the reason(s) for their use of these authorized weapons/devices.
3. As a general rule, less-lethal weapons and devices are not considered justified response to:
  - a. Passive resistance, unless exigent circumstances exist or the person has known violent tendencies.
  - b. A person already handcuffed, unless the person is combative and poses a physical danger to the Deputy or others despite being handcuffed.

## B. EMERGENCY RESTRAINT CHAIR

### 1. PURPOSE AND ADMINISTRATION

- a. The purpose of the Emergency Restraint Chair (E.R.C.) is the safe restraint and humane management of those **individuals** who demonstrate combative, self-destructive, or potentially violent behavior that creates substantial risk of physical harm to themselves, or others. Proper use of the restraint chair reduces combative-related injuries and incidents, allows the subject to safely calm down, and reduces the need for additional personnel for the control of such individuals.
- b. The Emergency Restraint Chair **is considered a restraining device** and will be used only by Deputies who have received documented training in the procedures and proper use of the E.R.C.
- c. Training will **include a training video demonstrating use of the E.R.C. as recommended by the manufacturer**, practical application exercises, the recognition and response to early signs of positional asphyxia, restraint asphyxia and excited delirium, and review of this **general order 1.3 Use of Less-Lethal Force and Devices**.

### 2. AUTHORIZED USE

- a. The Emergency Restraint Chair may be used when:
  - (1) Subject is combative and/or demonstrates behavior that creates substantial risk of physical harm to themselves or others.
  - (2) Subject has shown a propensity to destroy property.

### 3. PROTOCOLS

- a. In order to employ use of the restraint chair, a minimum of two deputies will be used.
- b. The E.R.C. will **never** be used as a means of punishment.
- c. Use of force is **prohibited** once a subject is secured in an E.R.C.
- d. Subjects **shall not** be left in the ERC for more than two hours. This time limit is established to allow for the subject to calm down.

**Exception:** In extenuating circumstances, the two-hour limit may be extended either by Judge's Order (Court Services Deputies), or by a District/Court Services supervisor; **this must be documented by the respective supervisor.**
- e. If the subject exhibits any signs of requiring medical assistance, E.M.S. will be contacted immediately to respond.
- f. **CAUTION: Violent behavior may mask dangerous medical conditions. Subjects must be monitored continuously by direct supervision and provided medical treatment, if needed.**
- g. Ensure that all of the subject's personal property has been removed, to include jewelry, glasses, shoes, boots, socks, coat, hat, and belt. Subject should only be clothed in shirt, pants, or dress. **Note:** The subject should be handcuffed (and wearing leg irons when warranted).
- h. In scenarios that do not require the full-use restraint capabilities of the E.R.C., a minimum of the lap belt will be used to securely hold a handcuffed subject placed in the E.R.C.

## C. R.E.A.C.T./BAND-IT RESTRAINT DEVICE

### 1. AUTHORIZED USE

- a. The R.E.A.C.T./Band-It is deployed by law enforcement to minimize potential problems and situational occurrences of violent outbursts or escape attempts posed by individuals being transported as prisoners.
- b. During transport, the risk of prisoner escape and increased violence to innocent bystanders become prevalent factors.
- c. The R.E.A.C.T./Band-It may be used to control a dangerous or violent prisoner when deadly physical force does not appear to be justified and/or necessary; or:

- (1) Attempts to subdue the prisoner by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or
- (2) There is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

## **2. ADMINISTRATION**

- a. R.E.A.C.T./Band-It shall be issued to and used only by Deputies who have successfully completed the Electronic Defense Technology System Training Program.
- b. Only properly functioning and charged R.E.A.C.T./Band-It units shall be carried in the field for service during a transport or in any controlled setting.
- c. With the exception of testing the equipment, each activation, including accidental activation of a R.E.A.C.T./Band-It, shall be investigated and documented by a supervisor.

## **3. PROTOCOLS**

- a. The R.E.A.C.T./Band-It may be used when:
  - (1) The prisoner poses a threat, and the Deputy or others are at risk of injury if attempts are made to close the gap.
  - (2) The prisoner is punching or kicking or threatening to punch or kick.
  - (3) Lesser force options are ineffective, or likely to be ineffective.
  - (4) The Deputy reasonably believes the prisoner poses a threat, attempts escape, or takes any aggressive action.
  - (5) Prisoner attempts to disrupt proceedings by threats to do violence to others or self and actually takes some action towards completing those acts.
  - (6) Prisoner makes any attempt to remove or tamper with the R.E.A.C.T./Band-It.
- b. CAUTION: R.E.A.C.T./Band-It shall not be used on:
  - (1) Females in the third trimester of pregnancy
  - (2) For a known heart condition or neuromuscular illness

## **4. PROCEDURE**

- a. The R.E.A.C.T./Band-It is programmed to deliver a 7 to 9 second "electrical shock."
- b. The R.E.A.C.T./Band-It may be attached to the prisoner's forearm, thigh, or calf area. It can be worn either over the clothing or under the clothing for concealment purposes when necessary and appropriate. Multiple Band-It's may be used on one inmate at a time.
- c. The R.E.A.C.T./Band-It is secured with the nylon flex cuffs or duct tape each time it is used. This will prevent the prisoner from being able to remove the device.
- d. Every prisoner being transported is to be handcuffed in order to minimize the possibility of his/her attempting to remove the device. This may not be possible in certain situations. Especially in courtroom settings or airports.
- e. The R.E.A.C.T./Band-It is not to be used over sweat pants or nylon "parachute" style pants.

## **5. METHOD OF USE**

- a. The Deputy shall use verbal commands when feasible, advising the prisoner that the R.E.A.C.T./Band-It will be activated.
- b. Make certain that other law enforcement officers and other persons present are aware of the pending activation, by announcing, "BAND-IT, BAND-IT DISENGAGE".
- c. CAUTION: DO NOT USE THE R.E.A.C.T./BAND-IT AFTER OC SPRAY HAS BEEN DEPLOYED.
- d. The maximum effective range of the R.E.A.C.T./Band-It is 150 feet to 175 feet.
- e. When flying with a prisoner and the R.E.A.C.T./Band-It is utilized, it shall be in the "ON" position while moving the prisoner by vehicle or while in the airport if airport policy will permit the use.

- (1) Once on the aircraft the Deputies shall follow the procedure requested by the flight crew.
- (2) At all times the Deputy with the arming device shall be with the inmate.
- (3) In the event that the Deputy with the arming device needs to leave the inmate for any reason, the arming device shall be given to the other transport Deputy.
- (4) All manufacturers' recommendations shall be followed while using the R.E.A.C.T./Band-It.

#### 6. MEDICAL ATTENTION AFTER USE

- a. Prisoners who have been subjected to the R.E.A.C.T./Band-It shall be treated as follows:
  - (1) Advise EMS personnel or correctional facility medical personnel. If transported to a hospital, advise the emergency room staff that the prisoner has been subjected to the R.E.A.C.T./Band-It and relate the approximate time the action occurred.
  - (2) The physical site of the activation on the body of the prisoner shall be brought to the attention of the on duty supervisor, EMS personnel or Emergency Room Staff for treatment of the affected area, if necessary.
  - (3) If the prisoner is treated at an emergency room, the Deputy shall obtain a medical release from the Emergency Room Physician before continuing the transport to the applicable detention facility.
- b. One easily overlooked aspect of injury in activating the R.E.A.C.T./Band-It, is that of falling from a standing or running position. A thorough physical examination with particular emphasis on injuries secondary to the fall should be performed by EMS personnel.
- c. EMS must be summoned whenever activation results in a fall.

### D. BOLAWRAP

#### 1. AUTHORIZED USE

- a. BolaWraps shall be issued to and used only by Deputies who have completed the Volusia Sheriff's Office *BolaWrap Certification Training Program*.
- b. Only a Volusia Sheriff's Office-approved BolaWrap shall be utilized by personnel.
- c. Deputies who have been issued the BolaWrap device shall wear the device in the approved holster on their person. The BolaWrap may take the place of their issued Freeze +P.
- d. Deputies shall be responsible for ensuring that their issued BolaWrap device is properly maintained and in good working condition.
- e. Deputies shall not hold both a firearm and the BolaWrap device at the same time.
- f. The BolaWrap may be used on subject(s) who have demonstrated, by word or actions to be violent or to physically resist, and/or reasonably appears to present the potential to harm Deputies, him/herself or others.
- g. Deputies shall consider the totality of circumstances, to include severity of the offense, the subject's threat level to others and the risk of serious injury to the subject before use on a fleeing suspect.

#### 2. PROTOCOLS

- a. In deploying the BolaWrap, Deputies shall consider the following:
  - (1) The BolaWrap shall not be used when a subject is in an elevated position or unstable surface where a fall may cause great/serious bodily harm or death.
  - (2) The BolaWrap shall not be used on handcuffed subjects unless doing so is necessary to prevent them from causing great/serious bodily harm to themselves or others and lesser attempts of control have been ineffective.
  - (3) The BolaWrap shall not be used on any subject near flammable or combustible liquids or fumes, near any body of water that may present a downing risk, or any subject known to be pregnant.

- (4) When possible, avoid using a BolaWrap on a person who is operating or riding any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle, or train), conveyance (e.g., escalator, moving walkway, elevator, skateboard, rollerblades), or machinery.
    - (5) The preferred target area for use of the BolaWrap is below the knees, but above the shins to secure the subject's legs. Or below the elbows, but above the wrists to secure the subject's arms.
    - (6) Back deployments are preferable.
    - (7) Never aim the BolaWrap at the eyes, face or neck, as this may cause great/serious bodily harm.
  - b. Following the use of the BolaWrap, personnel shall request a supervisor to the scene.
  - c. Each discharge, including accidental discharges, of a BolaWrap shall be investigated as a Response to Resistance, documented by a supervisor and administratively reviewed through chain of command in accordance with general order 1.1 Use of Force Guidelines.
3. **DEPUTY RESPONSIBILITY**
- a. The Deputy shall complete a pre-shift inspection/function test prior to each tour of duty.
4. **METHOD OF USE**
- a. The BolaWrap device shall be carried in a "patrol ready" manner (cartridge inserted, device on safe but not cocked).
  - b. When ready to deploy, Deputies shall disengage the safety then cock the device, push the safety button forward to disengage the safety, ensure the device is being held horizontal to the ground, activate the laser, give verbal warnings then press the activation button firmly until the device discharges.
  - c. Deputies shall have an arrest/detainment plan prior to the deployment of the BolaWrap.
  - d. A verbal warning of the intended use of the BolaWrap ("Bola, Bola, disengage") shall precede the deployment of the device in order to:
    - (1) Provide the individual with a reasonable opportunity to voluntarily comply.
    - (2) Provide other Deputies and the public with a warning that the BolaWrap may be deployed.
  - e. The fact that a verbal and/or other warning was given, or reasons it was not given, shall be documented in any related reports.
  - f. The Deputy should have a second cartridge present or a second BolaWrap ready to fire in case pellets miss the target, or a malfunction occurs.
  - g. The BolaWrap shall be unloaded after each shift is completed.
  - h. **DO NOT** use compressed air to clean inside the port of the BolaWrap.
5. **MEDICAL ATTENTION AFTER USE**
- a. Persons who have been subjected to the BolaWrap, or the pellets, shall be treated as follows:
    - (1) Once in custody, the arresting Deputy shall advise EMS personnel or if transported to the hospital, advise the Emergency Room Staff that the person has been subjected to the BolaWrap and relate the approximate time the action occurred.
    - (2) If the pellets have penetrated the skin, the puncture sites shall be brought to the attention of the on duty supervisor, EMS personnel or Emergency Room Staff.
    - (3) After EMS personnel have examined the affected person(s), the EMS personnel will make the determination if the person(s) should or should not be transported to the hospital. Transportation to a medical facility shall be by law enforcement unless an ambulance is more appropriate.
  - b. Deputies are prohibited from removing embedded pellets from a subject's body. The removal of pellets from a subject's body on-scene shall be evaluated and conducted by EMS personnel.

- c. Only Emergency Room Staff may remove BolaWrap pellets that are embedded in soft tissue areas such as the face, neck, breast/areola and groin.
- d. Removal from other areas, that have not penetrated the subject's body, such as heavy clothing, will be at the discretion of the on-scene supervisor.
- e. If the pellets used are no longer impaled in the skin, and EMS personnel release the subject on-scene, the subject may be transported to the detention facility.
- f. If the subject is treated in the Emergency Room, the arresting Deputy shall obtain a medical release from the Emergency Room Physician before transporting said subject to a detention facility.

## 6. EVIDENCE SUBMISSION

- a. The cartridge, Kevlar cord and pellets used shall be tagged into evidence as follows:
  - (1) Since the pellets may have blood on them (biohazard), the Deputy shall wear protective latex gloves when handling.
  - (2) The pellets shall be placed into the portals they originally were deployed from.
  - (3) Tape shall then be placed over the portals to secure the pellets in the cartridge.
  - (4) Place into an evidence envelope and mark as "Biohazard"/"Sharps".

## E. FREEZE +P

### 1. AUTHORIZED USE

- a. Freeze +P is the only authorized chemical agent to be used by Volusia Sheriff's Office Deputies (SWAT Personnel are trained and authorized in additional specialized weapons in accordance with general order 46.5 Special Weapons & Tactics).
- b. The use of Freeze +P is authorized after verbal dialogue has failed and when the only other alternative is to physically attempt to take a combative suspect into custody.
- c. Freeze +P may be utilized prior to the use of an impact weapons.
- d. Freeze +P shall not be used on passively resistant suspects.

### 2. PROTOCOLS

- a. The Freeze +P canister is held in the strong hand, with the index finger or thumb on the top push button and the weak/reaction arm crossed behind the strong hand.
- b. When preparing to spray a suspect who is struggling with other Deputies, the Deputy with the Freeze +P will yell, "OC, OC!" then "Disengage!" Deputies struggling with the suspect shall immediately disengage.
- c. Freeze +P should be sprayed at the suspect's face in a side-to-side motion above the eyebrows.
- d. Deputies will take every precaution to ensure that innocent bystanders are not in the line of fire prior to discharge.
- e. Deputies must be careful not to spray into a strong wind or breeze that would force the spray back onto them.
- f. Unless absolutely necessary (hostile crowds, violent situations), Deputies should not transport a sprayed subject in a Sheriff's car or prisoner transport van for fifteen to twenty minutes after spraying, thus allowing the chemical time to dissipate. (The spray residue can affect the transporting Deputy, particularly in closed vehicles.)

### 3. MEDICAL ATTENTION AFTER USE

- a. Once a subject has been sprayed and successfully restrained, Deputies must closely monitor the medical conditions of the arrested individual.
- b. The Deputy must monitor the subject, paying close attention to the subject's breathing and consciousness. If significant difficulty in breathing develops, the **detainee** appears to lose consciousness, or any other significant physical distress occurs, the Deputy shall immediately arrange for emergency medical treatment and notify his/her supervisor.



- c. A subject who has been sprayed with Freeze +P shall be continuously attended by a Deputy and shall not be left alone while in Volusia Sheriff's Office custody.
- d. When transporting an individual who has been sprayed with Freeze +P to a hospital, Deputies shall call ahead to the emergency room to see if the staff wants to decontaminate the individual prior to bringing them inside the emergency room.

## **F. TASER**

### **1. AUTHORIZED USE**

- a. Tasers shall be issued to and used only by Deputies who have completed the Volusia Sheriff's Office Taser Certification Training Program. Initial Taser training shall require that each deputy be the recipient of a Taser discharge. Training discharge shall be at minimal levels and shall be mandatory subject to dismissal.
- b. Only properly functioning and charged Tasers shall be carried in the field.
- c. With the exception of testing the equipment, each discharge, including accidental discharges, of a Taser shall be investigated as a Use of Force, documented by a supervisor and administratively reviewed through chain of command.
- d. Fleeing should not be the sole justification for using a Taser against a subject.
- e. Deputies shall consider the totality of circumstances, to include severity of the offense, the subject's threat level to others and the risk of serious injury to the subject before use on a fleeing subject.
- f. Deputies should evaluate whether the use of the Taser is reasonable, based upon all circumstances, including the subject's age and physical condition. When possible, avoid using a Taser on known pregnant women, the Infirm, the elderly, small children and visibly frail persons.
- g. Intentionally targeting of other sensitive areas (e.g., head, neck, genitalia) with the Taser is prohibited.

### **2. PROTOCOLS**

- a. The Taser is programmed to give a 5-second cycle. The probes shall not be touched during this time period, as the Deputy will receive the same "electrical current" the suspect is receiving. In addition, Deputies shall avoid touching or tripping over the wires.
- b. In deploying the Taser (ECW), Deputies shall consider the following:
  - (1) The subject may already be in a medically compromised state and be at risk of death or serious injury as a result of pre-existing conditions, individual susceptibilities, or other factors such as being under the influence of alcohol or drugs and/or exhibiting the symptoms associated with excited delirium.
  - (2) Tasers should not be used when a subject is in an elevated position or unstable surface where a fall may cause substantial injury or death or when the subject is less able to catch or protect them self in a fall.
  - (3) Tasers should not be used on handcuffed subjects unless doing so is necessary to prevent them from causing serious bodily harm to themselves or others and lesser attempts of control have been ineffective.
  - (4) When possible, avoid using a Taser (ECW) on a person who is operating or riding any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle, or train), conveyance (e.g., escalator, moving walkway, elevator, skateboard, rollerblades), or machinery.
  - (5) The preferred target areas are below the neck area for back shots and the lower center mass (below chest/heart) for front shots.
  - (6) The preferred target areas increase dart-to-heart distance and reduce cardiac risks.
  - (7) Back shots are preferable to front shots when practical.
  - (8) To reduce cardiac risks (when possible) target the back, avoid targeting the chest/heart area and avoid prolonged and repeated exposures.

- c. **Never** aim the Taser at the eyes or face. *It is laser-sighted* - the top probe will follow the front and rear sights and the laser sight; the bottom probe will travel at a predesignated downward angle below the aim point/laser-sighted area. The rule of thumb for the bottom probe is that it drops 1-foot spread for every 7-9 feet that it travels.
- d. Keep hands away from the front of the unit at all times unless the safety slide is down and the Taser is deactivated.
- e. Always replace cartridges by their expiration date.
- f. Expired cartridges shall be returned to the Training Section and used for training purposes only.
- g. DO NOT fire the Taser near flammable liquids and/or fumes. The Taser can ignite gasoline or other flammables. Some self-defense sprays are flammable and would be extremely dangerous to use in conjunction with the Taser.
- h. DO NOT deploy the Taser in highly flammable meth labs.

### 3. **DEPUTY RESPONSIBILITY**

- a. The Deputy shall:
  - (1) Complete a pre-shift inspection/function test prior to each tour of duty; ensure the batteries of the Taser are charged.
  - (2) Upon encountering a situation in which it is determined that a Taser may be required, broadcast code "TASER" warning.
  - (3) If the Deputy is not equipped with a Taser, request a Taser-equipped unit, equipped backup unit, if available, and a supervisor. (Code "TASER")
  - (4) Request the response of a supervisor if not in-route or on-scene. (Code "TASER")
  - (5) Prior to the use of the Taser, if practical, request a Fire/Rescue unit respond to the scene.

### 4. **METHODS OF USE**

- a. Use verbal commands and point laser at subject prior to firing.
- b. The following common terms are to be used when engaging a Taser:
  - Display – To take Taser out of the holster
  - Deploy – To use the Taser on a suspect/subject
  - Contact Stun – To deploy the Taser while in physical contact with the subject
  - Probe – The projectile that strikes the suspect/subject
  - Taser – The term to be used by Deputy prior to deployment, also to be used by other deputies on scene who are requesting a Taser to be deployed.
- c. *Example: Deputy Smith displayed the Taser to the suspect. The suspect continued to resist the deputies as they attempted to handcuff him. Deputy Smith gave a verbal warning of "Taser" at which time the deputies released the suspect and Deputy Smith deployed the Taser. Both probes struck the suspect in the back.*

**OR**

- d. *Deputy Smith gave a verbal warning of "Taser" at which time the deputies released the subject and Deputy Smith deployed the Taser as a contact stun.*
- e. Deputies should use the Taser for one standard 5-second cycle and then evaluate the situation to determine if subsequent cycles are necessary.
  - (1) The Volusia Sheriff's Office recognizes that in certain circumstances it may become necessary for the Deputy to hold the Taser trigger beyond the 5 second cycle, or deliver additional 5 second cycles in order to effectively gain and maintain control of a violent subject so that the individual may be secured and placed in custody as quickly and safely as possible. In these situations, Deputies are authorized to extend the trigger hold or apply additional 5 second cycles and shall document the action and number of cycles in their Volusia Sheriff's Office Incident Report.

- (2) Personnel should consider that exposure to the Taser for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury.
- (3) Any subsequent Taser applications [beyond 15 seconds] should be independently justifiable, and the risks should be weighed against other force options.
- f. Have a second cartridge present or a second Taser ready to fire in case probes miss the target, or a malfunction occurs.
- g. In cases involving suspects with heavy and/or loose clothing, aim at center mass of the subject. Attempt to avoid heavy/loose clothing, if possible; the electrical current only penetrates from a maximum of two inches away.
- h. Use cover and distance to ensure officer safety.
- i. Use to avert violent confrontation.
- j. If the suspect runs, the Deputy must run also to prevent the probe wires from breaking.
- k. Avoid use on slanted rooftops or on edge of tall buildings.
- l. The contact stun feature may be used as a secondary, backup method in situations where multiple subjects exist, or a restrained suspect continues to actively resist by damaging property and other attempts to subdue have failed.
- m. Do not place cartridges near static electricity.

## 5. MEDICAL ATTENTION AFTER USE

- a. Persons who have been subjected to the Taser, or the probes, shall be treated as follows:
  - (1) Once in custody, the arresting Deputy shall advise EMS personnel or if transported to the hospital, advise the Emergency Room Staff, that the person has been subjected to the Taser and relate the approximate time the action occurred.
  - (2) If the probes have penetrated the skin, the puncture sites shall be brought to the attention of the on duty supervisor, EMS personnel or Emergency Room Staff.
  - (3) After EMS personnel have examined the affected person(s), the EMS personnel will make the determination if the person(s) should or should not be transported to the hospital. Transportation to a medical facility shall be by law enforcement unless an ambulance is more appropriate.
- b. Deputies are prohibited from removing embedded probes from a subject's body. The removal of probes from a subject on-scene shall be evaluated and conducted by EMS personnel.
- c. Only Emergency Room Staff may remove Taser probes that are embedded in soft tissue areas such as the face, neck, breast/areola and groin.
- d. Removal from other areas, that have not penetrated the subject's body, such as heavy clothing, will be at the discretion of the on-scene supervisor.
- e. If the probes used are no longer impaled in the skin, and EMS personnel release the subject on-scene, the subject may be transported to the Detention Facility.
- f. If the subject has been treated in the Emergency Room, the arresting Deputy shall obtain a medical release from the Emergency Room Physician before transporting a subject shot by a Taser to a Detention Facility.

## 6. EVIDENCE SUBMISSION

- a. The cartridge and probes used shall be tagged into evidence:
  - (1) Since the probes will probably have blood on them (biohazard) the Deputy's shall wear protective latex gloves when handling.
  - (2) The wires shall be wound around the cartridge.
  - (3) The probes shall be inverted into the portals they originally were deployed from.
  - (4) Tape **shall** then be placed over the portals to secure the probes in the cartridge.
  - (5) Place into an evidence envelope and mark as "Biohazard"/"Sharps".

## **G. SHERIFF'S OFFICE K-9 TEAMS**

### **1. AUTHORIZED USE**

- a. The use of K-9 teams and the deployment of a trained and certified K-9 to physically apprehend a subject via a bite are considered less-lethal force and shall be in accordance with general order 41.9 K-9 Units.
- b. If a K-9 bites a suspect, the handler will ensure proper medical attention is promptly provided. This medical attention may be provided by the following as is appropriate and prudent under the circumstances:
  - (1) Emergency medical personnel summoned to the scene in the field.
  - (2) Medical treatment in a hospital emergency room.
- c. **Training** – All K-9 teams' must satisfactorily complete required K-9 training and certification in accordance with general order 41.9 K-9 Units.
- d. All reporting and administrative review requirements apply, as noted herein and in accordance with general order 1.1 Use of Force Guidelines.

## **H. IMPACT WEAPON – ASP**

### **1. AUTHORIZED USE**

- a. The ASP shall be issued, worn and used only by those Deputies trained by certified instructors in the use of said weapon.
- b. Deputies shall use said weapons in accordance with the training provided by the Volusia Sheriff's Office.

### **2. METHOD OF USE**

- a. Intentional strikes to the head, face, and neck are prohibited.
- b. Techniques taught in ASP training coupled with dialogue make the impact weapon a very forceful tool.

### **3. MEDICAL ATTENTION AFTER USE**

- a. Deputies must ensure prompt, appropriate medical attention is provided to and/or summoned for any injured subject/arrestee, including those subjects reasonably suspected of sustaining an injury even if not visible.
- b. If the subject/arrestee has no visible signs of injury and does not complain of injury when asked, but was rendered unconscious for any length of time or displays any signs of a medical stress condition, including extreme influence of drugs or alcohol, EMS shall be summoned for evaluation and/or transport to the hospital.

## **I. IMPACT WEAPON – DEFENSIVE TOOLS OF CONVENIENCE**

### **1. AUTHORIZED USE**

- a. The Volusia Sheriff's Office recognizes that Deputies must sometimes make force decisions in situations that are tense, uncertain, and/or rapidly evolving. In such situations, the agency realizes that members may have to utilize tools of convenience to protect themselves or others.

### **2. METHOD OF USE**

- a. In the hands of a professionally trained deputy and in keeping with the concepts and principles taught in training, readily available objects (e.g. flashlight, radio, clipboard, etc.) become defensive tools of convenience.
- b. These items should not be used as a defensive tool of choice, but rather as a defense choice when exigent circumstances exist that make their use reasonably necessary for the protection of the Deputy and/or others.
- c. If a defensive tool of convenience is used in a less-lethal situation, strikes or pressure should only be directed at the same areas of the body and in the same manner as taught in impact weapon training. As soon as the situation safely permits, the Deputy shall transition to agency issued weapons and or restraints.

- d. Nothing in this general order shall prevent a Deputy from utilizing any and all available objects or techniques as a tool in situations that justify the use of deadly/lethal force.

### **3. MEDICAL ATTENTION AFTER USE**

- a. Deputies must ensure prompt, appropriate medical attention is provided to and/or summoned for any injured subject/arrestee, including those subjects reasonably suspected of sustaining an injury even if not visible.
- b. If the subject/arrestee has no visible signs of injury and does not complain of injury when asked, but was rendered unconscious for any length of time or displays any signs of a medical stress condition, including extreme influence of drugs or alcohol, EMS shall be summoned for evaluation and/or transport to the hospital.

## **J. SPECIALTY IMPACT MUNITIONS – 12 GA. LESS-LETHAL IMPACT MUNITION**

### **1. AUTHORIZATION**

- a. The 12-GA less-lethal impact munition is the only authorized impact round to be used by Volusia Sheriff's Office Deputies. The impact round shall be issued and used only by those Deputies trained in the use of said weapon (SWAT Personnel are trained and authorized in additional specialized weapons).

### **2. PROTOCOL**

- a. The impact round will be used in a dedicated shotgun; the shotgun will have the following equipment and markings to change its appearance:
  - (1) AAD sighting system
  - (2) A band of yellow tape around stock
  - (3) A band of yellow tape around pistol grip
  - (4) A band of yellow tape around barrel
  - (5) Sling attached
  - (6) Light attached if issued
- b. The 12-GA less-lethal impact round is deployed as an additional law enforcement less-lethal weapon and is not intended to replace firearms or self-defense techniques. The 12-GA less-lethal impact round may be used to control a non-compliant aggressive subject when attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation or there is reasonable expectation that it will be unsafe for Deputies to approach within contact range of the subject.
- c. Techniques taught in the 12-GA less-lethal impact round training coupled with dialogue make the impact round a very forceful tool.

### **3. SUPERVISOR'S RESPONSIBILITIES**

- a. LIEUTENANTS shall be responsible for ensuring that all Shotguns are properly marked and are in good working order.
- b. SERGEANTS shall ensure the use of the 12-GA less-lethal Impact round is delegated only to deputies trained in the use of 12-GA less-lethal impact round.

### **4. DEPUTY RESPONSIBILITY**

- a. Deputies shall:
  - (1) Ensure the only rounds carried in the dedicated shotgun are 12-GA less-lethal impact rounds prior to each tour of duty.
  - (2) Upon encountering a situation in which it is determined that a 12-GA less-lethal impact round will be used, broadcast code "Impact Round" warning.
  - (3) If the Deputy is not equipped with a 12-GA less-lethal impact round, request a Deputy equipped with 12-GA less-lethal impact round respond as backup, if available, and a supervisor. (Code "IMPACT ROUND")
- b. Deputy's discharging a 12-GA less-lethal impact round shall:

- (1) Request the response of a supervisor if not enroute or on-scene. (Code "IMPACT ROUND")
- (2) Prior to the use of the 12-GA less-lethal impact round, if practical, request a Fire/Rescue unit respond to the scene.
- (3) Announce to other law enforcement officers on the scene the intended use of the impact round.

#### 5. METHODS OF USE

- a. Use verbal commands.
- b. Required backup/arrest team (depending on situation possibly with lethal force option)
- c. Aim at the legs or buttocks of the subject.
- d. Use cover and distance to ensure Deputy safety
- e. Use to avert violent confrontation

#### 6. MEDICAL ATTENTION AFTER USE

- a. Persons who have been subjected to the 12-GA less-lethal impact round shall be treated as follows:
  - (1) Once in custody, the arresting Deputy shall advise EMS personnel or if transported to the hospital, advise the Emergency Room staff, that the person has been subjected to the Impact round and relate the approximate time the action occurred.
  - (2) After EMS personnel have examined the affected person(s), the EMS personnel will make the determination if the person(s) should or should not be transported to the hospital. Transportation to a medical facility will be by police transport unless an ambulance is more appropriate.
  - (3) If the subject has been treated in the Emergency Room, the arresting Deputy shall obtain a medical release from the Emergency Room Physician before transporting a subject shot by 12-GA less-lethal impact round to a detention facility.

### K. DEPUTY REQUIRED REPORTING – INCIDENT REPORT

1. The Volusia Sheriff's Office Incident Report shall be completed and delivered to the supervisor as soon as possible after the incident.
2. Each Deputy present or assisting in the arrest, or incident requiring force shall submit a Volusia Sheriff's Office Supplement Report describing the incident. When possible, the Volusia Sheriff's Office Incident Report shall include:
  - The number of subjects and Deputies involved
  - Statements made by those involved
  - The number of other persons at the scene, as well as their mood and any statements made
  - The defensive tactics the Deputy used, and to what part of the body these tactics were applied
  - The names, addresses and telephone numbers of witnesses not involved
  - Photographs of the Deputy involved if the incident resulted in injury to the Deputy or damage to the uniform
  - The age, sex and physical size of the suspect(s) involved
  - The suspect's proximity to weapons
  - Medical treatment required and the offer of medical treatment
  - All injuries **shall** be photographed if possible and described in the report
  - Nature of the post arrest restraint procedures; how long the subject was face down or restrained?
  - How was the subject transported and in what position?

- In cases involving the use of a Taser, include the number of verbal “Taser” warnings issued prior to deployment/use.

## **L. SUPERVISOR NOTIFICATION**




1. Deputies involved in any use of force incident, to include restraining force and the use of less-lethal weapons and devices, shall report the incident to an on-duty supervisor as soon as practicable. The Deputy will complete a Volusia Sheriff's Office Incident Report in accordance with general order 1.1 Use of Force Guidelines, Section V.B.10 Required Reporting. [EXCEPTION: Excludes Deputy Involved Shootings - Refer to general order 1.1 Use of Force Guidelines, Section 6.B.5]

## **M. SUPERVISOR'S RESPONSIBILITIES**

1. Supervisors are required to respond expeditiously to all reports of use of force.

## **N. ADMINISTRATIVE REVIEW: RESPONSE TO RESISTANCE REPORTS**

1. Any restraining force or physical force resulting in injury, or a complaint of injury (whether or not visible), shall require a Response to Resistance report and Administrative Review through the chain of command.
2. Each use of Freeze +P, R.E.A.C.T./BAND-IT, Taser, ASP, BolaWrap, available defensive tool of convenience, or less-lethal munitions shall be documented in an Incident Report and shall require a supervisory Response to Resistance report and Administrative Review through the chain of command to the Sheriff
3. The Sheriff may call his Command Staff for a final review. All completed reviews will be forwarded to the Internal Affairs Section for inclusion in the administrative data base management system as part of the agency's review, tracking and analysis process/Personnel Early Warning System
4. The Command Staff Review will include the following members of the Sheriff's Command Staff:
  - a. Chief Deputy
  - b. Law Enforcement Operations Division Chief
  - c. Support Operations Division Chief
  - d. District Captain(s)
  - e. Investigative Services Captain
  - f. Narcotics Investigations Captain
  - g. Training Captain
  - h. Internal Affairs Commander
  - i. Volusia Sheriff's Office Legal Advisor
5. The Sheriff's Command Staff may call detectives, specialists or technicians required to present evidence and facts concerning any use of force incident.
6. The Command Staff shall review any facts and pertinent testimony, and forward findings and recommendations to the Sheriff for final disposition. The report shall include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the use of force violates Volusia Sheriff's Office general orders.
7. In those incidents resulting from the exercise of poor judgment, where no violations of law, policy, or procedures are involved, Command Staff may note the exercise of poor judgment and make recommendations for remedial training or corrective action.
8. In those instances where exceptional judgment and exemplary action is involved, Command Staff may recommend a commendation be issued.
9. The Professional Standards Section shall complete an annual analysis of all use of force to include use of deadly force and less-lethal force policies and practices. This analysis shall be used to address training deficiencies, potential policy modifications, use of force trends among Deputies, and for protection of the Deputy, the Volusia Sheriff's Office, and citizens.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>1.4</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/1991	<b>Previous Revision Date</b> 10/2007
<b>Title</b> <b>OATH AND CANON OF ETHICS</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  MICHAEL J. CHITWOOD, SHERIFF 	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to ensure that Volusia Sheriff's Office personnel are aware of the actions and attitudes expected of them and to provide members of the public with a general standard by which they can measure the performance of the Volusia Sheriff's Office.

## II. DISCUSSION

Florida Statute mandates that Deputies take and subscribe to the Oath of Office, and a Loyalty Oath, prior to appointment and before undertaking the duties of office. ***However, this Oath is not simply a document to sign, but rather a personal commitment to the principals of integrity, character and public trust.***

It is equally important that Deputies observe the principles as set forth in the Canons of Law Enforcement Ethics and that all personnel observe and adhere to the agency's general order 26.2, Standards of Conduct.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to comply with State and Federal law and to preserve and protect the constitutional rights of the community. It shall further be the policy of the Volusia Sheriff's Office that all personnel, prior to assuming sworn status, take and subsequently abide by an oath of office to enforce the law and uphold the nation's constitution or basic law of the land and, where applicable, those of governmental subdivisions.

### A. OATH OF OFFICE

1. The Oath of Office for Deputy Sheriffs is mandated by Chapter 30.09(1), Florida Statutes. The language of the oath is set forth in Article II, Section 5(b) of the Florida Constitution. The following oath must be executed by each Deputy Sheriff prior to being assigned to any law enforcement duties.

- a. Oath of Office State of Florida:

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of (state office to be held) of Volusia County, on which I am now about to enter. So help me God. (See Deputy Sheriff Oath of Office, VSO Form # 121698.002)

### B. LOYALTY OATH

1. The Public Employees (Loyalty) Oath is mandated in Chapter 876.05, of the Florida State Statutes. The following oath shall be sworn and subscribed to by all Volusia Sheriff's Office personnel, and filed prior to the approval of any salary, expenses, or compensation:

- a. Loyalty Oath:



I, \_\_\_\_\_, a citizen of the state of Florida and of the United States of America, and being employed by or an official of Volusia County and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida. (See Public Employee Oath, VSO Form # 121698.001)

## **C. CANON OF ETHICS**

1. Sworn Deputies of the Volusia Sheriff's Office shall abide by the following Canons of Law Enforcement Ethics and shall receive training in ethics at a minimum biennially.
2. **PRIMARY RESPONSIBILITY OF JOB**
  - a. The primary responsibility of the law enforcement service, and of the individual law enforcement officer, is the protection of the people of the United States through the upholding of their laws; chief among which is the Constitution of the United States and its amendments. The law enforcement officer represent the whole of the community and its legally expressed will and is never the arm of any political party or clique.
3. **LIMITATION OF AUTHORITY**
  - a. The first duty of a law enforcement officer, as upholder of the law, is to know the bounds the law established for its enforcement. The law enforcement officer represents the legal will of the community, be it local, state, or federal. The law enforcement officer must, therefore, be aware of the limitations and proscriptions which the people through law, have imposed as a primary responsibility. Law enforcement officers must recognize the genius of the American system of government which gives no person, group, or institution, absolute power. Law enforcement officers must ensure that they, as prime defenders of that system, do not pervert its character.
4. **DUTY TO BE FAMILIAR WITH THE LAWS AND WITH RESPONSIBILITIES OF SELF AND OTHER PUBLIC OFFICIALS**
  - a. Law enforcement officers shall diligently apply themselves to the study of the principles of the laws which they are sworn to uphold. Law enforcement officers will ascertain their responsibilities in the particulars of their enforcement, seeking aid from superiors in technical matters or principles when such are not understood. Law enforcement officers will make special effort to fully understand their relationship to other public officials, particularly in matters of jurisdiction, both geographically and substantively.
5. **UTILIZATION OF PROPER MEANS TO GAIN PROPER ENDS**
  - a. Law enforcement officers shall be mindful of their responsibility to pay strict heed to the selection of means discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.
6. **COOPERATION WITH PUBLIC OFFICIALS IN THE DISCHARGE OF THEIR AUTHORIZED DUTIES**
  - a. Law enforcement officers shall be mindful of their special identification by the public as upholders of the law. Laxity in enforcing the law or seeking to gain special privilege will negatively reflect upon the law enforcement officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. A law enforcement career gives no person special privileges. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. Officers who reflect upon this traditions will not degrade it. Rather, they will so conduct their private lives that the public will record them as examples of stability, fidelity and morality.
7. **PRIVATE CONDUCT**
  - a. Law enforcement officers shall be mindful of their special identification by the public as upholders of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, will certainly reflect badly upon the Volusia Sheriff's Office and the individual officer. The community and the service require that law enforcement officers lead decent and honorable lives. Following a law enforcement career

gives no one special perquisites; however, it does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. Officers who reflect upon this tradition will not degrade it. Rather, they will so conduct their private lives that the public will regard them as examples of stability, fidelity, and morality.

#### **8. CONDUCT TOWARD THE PUBLIC**

- a. Law enforcement officers, mindful of their responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. Law enforcement officers shall conduct their official lives in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. Officers will give service where they can, and require compliance with the law. They will do so neither from personal preference or prejudice but rather as duly appointed officers of the law discharging a sworn obligation.

#### **9. CONDUCT IN ARRESTING AND DEALING WITH LAW VIOLATORS**

- a. Law enforcement officers shall use powers of arrest strictly in accordance with the law and with due regard for the rights of the citizen concerned. Their office gives them no right to judge the violator nor to mete out punishment for the offense. They shall, at all times, have a clear appreciation of responsibilities and limitations regarding detention of the violator.
- b. They shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end, they shall cultivate a dedication to the service of the people and the equitable upholding of the law, whether in the handling of the law violators or in dealing with the law-abiding citizens.

#### **10. GIFTS AND FAVORS**

- a. Law enforcement officers, representing government, bear the heavy responsibility of maintaining in their conduct the honor and integrity of all government institutions. They shall, therefore, guard against placing themselves in a position in which any person can reasonably assume that special consideration is being given. Thus, they should be firm in refusing 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.

#### **11. PRESENTATION OF EVIDENCE**

- a. Law enforcement officers shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word.
- b. Law enforcement officers shall make a concerted effort to increase perception and skill of observations, mindful that in many situations theirs is the sole impartial testimony to the facts of a case.

#### **12. ATTITUDE TOWARD PROFESSION**

- a. Law enforcement officers shall regard the discharge of their duties as a public trust and recognize their responsibilities as a public servant. By diligent study and sincere attention to self-improvement, they shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships strive for effective leadership and public influence in matters affecting public safety. They shall appreciate the importance and responsibility of their office, and hold police work to be an honorable profession rendering valuable service to their community and country.

### **IV. FORMS**

- [Deputy Sheriff Oath of Office, VSO Form # 121698.002](#)
- [Public Employee Oath, VSO Form # 121698.001](#)



# Sheriff's Office

## Volusia County

State of Florida  
County of Volusia

### Deputy Sheriff Oath of Office

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of Deputy Sheriff of Volusia County on which I am about to enter. So help me God.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
Personally known to me \_\_\_\_\_  
Produced identification \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_, who has sworn to or affirmed this Oath of Office, is duly appointed Deputy Sheriff of Volusia County, Florida and is empowered and duty bound to enforce the statutes of the State of Florida and ordinances of Volusia County.

\_\_\_\_\_  
Michael J. Chitwood, Sheriff of Volusia County



# Sheriff's Office

## Volusia County

State of Florida  
County of Volusia

### Public Employee Oath

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

\_\_\_\_\_  
Signature

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Personally known to me \_\_\_\_\_


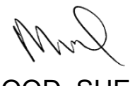

Produced Identification \_\_\_\_\_

\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT B  
DIRECTIVE 1.4

FORM #121698.001

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 1.5</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 02/1991	<b>Previous Revision Date</b> 02/10/2012
<b>Title</b>  <b>LIMITS OF AUTHORITY</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to define and discuss the scope and limits of the Volusia Sheriff's Office law enforcement authority and provide guidelines related to the use of authority and the discretion sworn personnel may use as alternatives to arrest.

## II. DISCUSSION

The Constitution of the State of Florida mandates an elected Sheriff for each county of the state, unless otherwise accepted by county charter or special law. In addition, Florida Statutes Chapter 30 mandates certain powers, duties and obligations to the Sheriff. (Fla. Stat. § 30.15)

The power of the Sheriff to appoint Deputies who are vested with the same power as the Sheriff appointing them is provided in Fla. Stat. § 30.07.

The charter government created by the electorate of Volusia County in 1972, provided for the termination of the constitutional office of Sheriff and the transfer of all powers and duties prescribed by the Constitution and laws of Florida to the Department of Public Safety.

The four-year elective office of Sheriff was incorporated into the County government as one of its several operating departments. The Sheriff's immediate authority is derived from Florida Statutes Chapter 30, from Section 601.1(2) of the Volusia County Charter and Section 2-154 of the Volusia County Administrative Code, which designate him as Director of the Department of Public Safety.

As Sheriff, he is responsible for the administration and supervision of law enforcement management functions for Volusia County consistent with Florida law, the County Charter, and ordinances passed by the County Council.

It is recognized that in the course of their duties, Deputies will have to use their own discretion. Many instances of public contact will occur in which an arrest may be justified by State Statute, but due to mitigating circumstances, an arrest should not be affected.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to operate pursuant to authority vested by the Constitution of the State of Florida and State Statute. It shall also be policy, that the Sheriff shall appoint Deputies to assist him in the performance of his duties, and those Deputies shall use judgment and discretion in the execution of their duties.

## IV. PROCEDURE

### A. AUTHORITY

1. Deputies shall have the same authority and proscriptions, in accordance with State Statute, as those imposed on the Sheriff and his office. This includes the authority to carry and use firearms and other less lethal weapons.
2. The geographical area for which the Sheriff of Volusia County, Florida is commissioned is Volusia County, Florida. The enforcement of State Statutes and local ordinances is authorized in Volusia County, Florida, unless specifically prohibited or allowed elsewhere by law (Operational Assistance and Voluntary Cooperation Agreements).

#### **B. MISDEMEANOR PAYABLE OFFENSES/NOTICE TO APPEAR**

1. The Seventh Judicial Circuit Court Chief Judge in order # R-2000-218, has ordered that violations of the state statutes, identified below, do not require court appearances and have been deemed as payable offenses:
  - Disorderly Intoxication, Fla. Stat. § 856.011
  - Trespassing, Fla. Stat. §§ 810.08, 810.09
  - Possession of Alcohol under 21, Fla. Stat. § 562.111
  - Misrepresenting Age to Obtain Alcohol, Fla. Stat. § 562.11(2)
  - Obstruction by Disguise, Fla. Stat. § 843.03
  - Giving Alcohol to Minor, Fla. Stat. § 562.11(1)(a) (not a licensee or employed by a licensee)
  - Altering Date of Birth on Driver License or ID, Fla. Stat. § 322.212(5)(b)
  - Unlawful Use of a Driver License, Fla. Stat. § 322.32(3)
  - Unlawful Use of an ID, Fla. Stat. § 322.051(6)

#### **C. DISCRETION- MISDEMEANOR OFFENSES**

1. Deputies 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/or ordinances pertaining to the situation, and the available alternatives.
2. Persons arrested for misdemeanors of the first or second degree, county ordinance violations or criminal traffic offenses should be released at the scene of arrest, upon execution of a Notice to Appear in court, rather than be booked into the County Jail, unless the arresting Deputy has specific grounds to justify physical arrest and booking.
3. An accused person who has been properly identified and refuses to sign a Notice to Appear or provide sufficient information for a Notice to Appear shall be arrested, transported and booked in the County Jail.
4. Persons arrested for misdemeanor charges shall be issued a Notice to Appear unless:
  - a. The subject is a known habitual offender
  - b. The offense was violent in nature
  - c. The Deputy has reason to believe the accused will repeat the offense if left at liberty
  - d. The accused exhibits violent or disorderly behavior
  - e. The accused has no valid address
  - f. The accused has previously failed to respond to a notice or summons
  - g. The accused fails to sign a Notice to Appear or summons, or is unable to provide sufficient identification.

#### **D. DISCRETION – TRAFFIC OFFENSES**

1. Arrests for misdemeanor traffic offenses may be handled by the issuance of a Uniform Traffic Citation with the same guidelines as listed for a Notice to Appear.
2. Florida law requires that any person cited for a violation requiring a mandatory court hearing as listed in Fla. Stat. § 318.19 or any other criminal traffic violation listed in Fla. Stat. Ch. § 316 must sign and accept a citation indicating a promise to appear.

3. Florida law further provides that for other infractions under this section, the law enforcement officer must certify by electronic or written signature that the citation was delivered to the person cited. In such cases, Deputies shall request that the subject sign all citations; however, the signature of the deputy on the citation, electronic or otherwise, will suffice if the subject chooses not to sign a citation involving a non-criminal traffic violation or a non-mandatory hearing.

#### **E. DECISION TO ARREST**

1. 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 handled through informal warnings, i.e., warnings or talking with the parents of a juvenile offender
  - c. The seriousness of the crime committed
  - d. Whether public empathy may be enhanced by careful use of discretion, and potential ill-will can be avoided

#### **F. RELEASE ON SIGNATURE**

1. If the arresting Deputy plans to release the defendant after securing a signature on a Notice to Appear, the Deputy shall obtain positive identification from the accused.
2. The following information shall be included on the Notice to Appear:
  - a. The defendant's name and correct address
  - b. All witnesses' names and correct addresses
  - c. Any tangible evidence impounded and the property report number
  - d. The correct statute or ordinance number
  - e. All required court information

#### **G. ALTERNATIVES TO ARREST**

1. Not all arrestable offenses require the incarceration of the offender. Alternatives to arrest and pre-arraignment confinement may be utilized.
2. Subjects committing offenses under the influence of alcoholic beverages, narcotics or suffering from mental disorders may be referred to the Treatment Alternative to Street Crime program;

#### **H. INTOXICATED PERSONS**

1. Deputies may transport intoxicated persons home in accordance Fla. Stat. § 397, Substance Abuse Services. This does not apply to DUI, OUI or BUI suspects. Suspects of these crimes shall be processed in compliance with general order 61.6 DUI Enforcement Program.
2. Non-violent intoxicated persons may be transported to Stewart/Marchman Center for Chemical Dependency treatment center. Deputies electing to transport intoxicated persons to Stewart/Marchman Center for Chemical Dependency shall complete the appropriate forms at the center.

#### **I. PRE-TRIAL RELEASE PROGRAM**


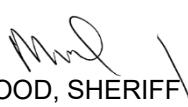

1. Deputies wishing to release a felony suspect on his own recognizance shall follow the procedures listed in Volusia Sheriff's Office general order 1.6 Pretrial Release Diversion.

#### **J. ADDITIONAL ALTERNATIVES**

1. Additional methods which may be utilized as alternatives to arrest include but are not limited to:
  - a. The issuance of a citation or Notice to Appear for misdemeanors or violations of ordinances in accordance with the guidelines in this general order
  - b. Informal resolution of the problem
  - c. A verbal warning prohibiting the conduct
  - d. Referral to a community service organization

- e. Juveniles may be released to the custody of a parent or legal guardian.



	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>1.6</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 04/1991	<b>Previous Revision Date</b> 11/03/2009
<b>Title</b> <b>PRETRIAL RELEASE AND DIVERSION PROGRAMS</b>			
<b>Section</b>		<b>AUTHORITY OF</b> MICHAEL J. CHITWOOD, SHERIFF  	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to delineate and define the role of the Volusia Sheriff's Office in the criminal justice and social service diversion programs and the procedures for pretrial release of arrested persons.

## II. DISCUSSION

In order to facilitate the successful operation of pretrial release programs, authority and responsibility for the operation of ROR (release on recognizance) and other pretrial release programs must be clearly delineated.

There are also social service programs with which the Volusia Sheriff's Office is involved, i.e., detoxification, mental health and drug abuse diversion programs. Personnel should be familiar with these criminal justice diversion programs.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to participate in the established pretrial release program and whenever possible utilize those social service/criminal justice programs available to the citizens of Volusia County.

## IV. PROCEDURE

### A. GENERAL


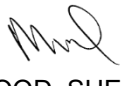

1. Deputies are encouraged to utilize Release on Recognizance in appropriate cases involving non-violent misdemeanor offenses.
2. A Notice to Appear should be issued to offenders committing misdemeanors unless:
  - The subject is known to be a habitual offender.
  - The offense was violent in nature.
  - The Deputy has reason to believe the accused will repeat the offense if left at liberty.
  - The accused exhibits violent or disorderly behavior.
  - The accused has no valid address or does not reside in the State of Florida.
  - The accused has previously failed to respond to a notice or summons.
  - The accused fails to sign the Notice to Appear, or is unable to provide sufficient identification.

3. A Notice to Appear issued to a juvenile shall follow the procedures as set forth by the Seventh (7th) Circuit State Attorney's Office located on the Volusia Sheriff's Office intranet under Manuals & Reference Material/SA-707 Instruction Manual.
4. The issuance of a Uniform Traffic Citation for misdemeanor criminal traffic offenses, in lieu of incarceration, shall meet the same criteria as established for a Notice to Appear.
5. Subjects committing offenses under the influence of alcoholic beverages or narcotics may be referred to the Stewart/Marchman Center for Chemical Dependency. Center locations and contact numbers are as follows:

Administration	129 Michigan Ave., Daytona Beach 947-1300
Adolescent Day/Residential Treatment	3875 Tiger Bay Rd., Daytona Beach 947-1415
Adult Outpatient Services	330 North St., Daytona Beach 947-1911
Adult Residential Treatment	3875 Tiger Bay Rd., Daytona Beach 947-1301
Detox Unit	1200 Red John Rd., Daytona Beach 947-1400
Intensive Commitment Program/Boys	3875 Tiger Bay Rd., Daytona Beach 947-1409
Intensive Commitment Program/Girls	3875 Tiger Bay Rd., Daytona Beach 947-1400
Women's Services	129 Michigan Ave., Daytona Beach 947-1374

6. Deputies may contact the counselor at the Volusia County Jail in person or by telephone to recommend a defendant to this program.
7. Volusia County utilizes the services of the ACT Corporation, which include:
  - Mental Health Services, which is utilized in cases involving the Florida Mental Health Act
  - Gerontology Services, which assists in the care and problems associated with the elderly
8. Volusia County has a Pretrial Release Program, which operates under criteria established by the Chief Judge for the Seventh Judicial Circuit.
9. Deputies may contact a Pretrial Release Counselor at the Volusia County Jail in person or by telephone to recommend a defendant to this program.
10. Pretrial release counselors are authorized to release defendants meeting the following criteria:
  - Must be a resident of Volusia or a surrounding county and demonstrate sufficient ties to the community lived in
  - Must not be charged with a crime of violence or have a previous arrest reflecting same
  - Must not have a detainer
  - No previous failure to appear
  - No other pending criminal charges (excluding traffic)
  - No prior felony conviction within the last five (5) years
  - No extensive criminal record (excluding traffic)

- Must not present a danger to the community because of drug or alcohol abuse or mental illness
  - Must not have provided any untruthful information in application for pretrial release
  - Must not have been charged with any offense greater than a third degree felony, except Dealing in Stolen Property offenses
  - Must not be on probation or in pretrial intervention without consent of the original sentencing judge and supervising officer
11. The pretrial release of defendants unable to meet the criteria for the Pretrial Release Program must be approved by a judge conducting First Appearance.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>1.7</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 12/1995	<b>Previous Revision Date</b> 02/2016
<b>Title</b> <b>SEARCH AND SEIZURE</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

This policy is established to provide guidelines for enforcement personnel so that searches and seizures comply with Constitutional requirements.

## II. DISCUSSION

The area of constitutional search and seizure law is vital to the day-to-day functioning of law enforcement officers. This general order shall briefly highlight the major topics in order to provide a ready reference for Deputies.

Because of the changing nature of this topic, Deputies must be diligent in staying abreast of recent court decisions and case law that may affect them.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to scrupulously adhere to all applicable State and Federal laws of search and seizure.

## IV. PROCEDURE

### A. SEARCH WARRANT

1. Generally, a search warrant must be issued by a court prior to any search of any person or place unless other circumstances are present as described in this general order.
2. A search warrant must be supported by enough probable cause to support the applicant Deputy's belief that the named items sought to be seized will be found at the location to be searched.

### B. DRAFTING A SEARCH WARRANT

1. Description of the Place to be Searched
  - a. The affidavit and warrant must describe the place to be searched with particularity. The description should include the address as well as a precise and detailed description of the location. The description must be made with such specificity that the Deputy executing the warrant will go unerringly to the subject premises. Include directions to the place to be searched. The directions need not start from the location where the warrant is issued but begin from an easily recognizable landmark or intersection near the place to be searched. If the place to be searched is an apartment building, you must describe which unit is to be searched, not just describe the entire building.
2. Name of the Person from Whom Items Will Be Seized

- a. If the person from whom the items will be seized is known, provide his name in the affidavit. If the person is unknown, state "owner or custodian unknown."
3. Indicate the Violation of Law
  - a. The affidavit and search warrant should indicate which law has been or is being violated.
4. Description of Items to Be Seized
  - a. The affidavit must describe the items to be seized with particularity. If the items to be seized are obviously contraband or of an illicit nature, it is generally sufficient to merely state what the item is and not furnish a detailed description, for example, narcotics or stolen automobile parts. If the items to be seized are not of a contraband nature, it is necessary to provide more information about the item and include a more detailed description. The purpose of this rule is to prevent the seizure of the wrong property and to remove from the Deputy unbridled discretion as to what may be seized. Evidence of a crime that is encountered in plain view while executing the search warrant and standing in a place where you are entitled to be, may be seized. You may only search areas where the described items may be hidden. You cannot look in a bathroom drawer for a stolen refrigerator. The search cannot continue once the items specified in the warrant are found. Persons on the property may be temporarily detained if they have a connection with the property being searched.
5. Probable Cause
  - a. Set forth facts and circumstances that are sufficiently strong in themselves to warrant a prudent or cautious person to believe that the property to be seized is there. The facts must show more than mere suspicion. Be sure to include your own experience, especially when utilizing informants.
  - b. In establishing probable cause, it is important to include who, what, where and when. Explain the facts. Make the judge aware of all of the facts in the case and who observed them. If you are relying on information supplied, provide the name of the informant and which officer received the information (unless the use and reliability of a confidential informant can be established). Make sure your facts indicate why it is believed that the items to be seized are located in the place to be searched. Finally, the affidavit must state when the criminal activity was observed by the affiant. Generally, any criminal activity taking place within thirty days of the warrant being issued is sufficient to establish probable cause.
  - c. If the informant is a "citizen/informer", there is no need to establish a prior track record (or reliability).
  - d. If it is a confidential informant, you must establish probable cause by looking at the "totality of the circumstances," including the reliability of the informant, by showing facts supporting the informant's credibility (a previous track record), the reliability of the information he/she has provided, details of future conflict which are able to be corroborated, or a unique relationship to the subject which gives the informant access to information.

## **C. BUSINESS**

1. A search warrant may be obtained to search a business if there is probable cause to believe that:
  - a. The property was stolen or embezzled in violation of law
  - b. When any property shall have been used:
    - As a means to commit any crime
    - In connection with gambling, gambling implements and appliances, or
    - In violation of Chapter 847.011, Florida Statutes, or other laws in reference to obscene prints and literature
  - c. When any property constitutes evidence relevant to proving that a felony has been committed
  - d. When any property is being held or possessed:
    - In violation of any of the laws prohibiting the manufacture, sale, and transportation of intoxicating liquors
    - In violation of the fish and game laws, or
  - e. In violation of the laws relative to food and drug

- f. When the laws in relation to cruelty to animals have been or are violated
2. In addition, papers or documents used as a means of or in aid of the commission of any offense against the laws of the state may be included.

#### **D. RESIDENTIAL**

1. The term "private dwelling" includes the room or rooms used and occupied, not transiently but solely as a residence, in an apartment house, hotel, boardinghouse, or lodging house. No warrant shall be issued for the search of any private dwelling under any of the conditions mentioned in this chapter except on sworn proof (affidavit) of some credible witness demonstrating probable cause to believe that the dwelling:
  - a. Is being used for the unlawful sale, possession, or manufacture of intoxicating liquor
  - b. Stolen or embezzled property is contained in the dwelling.
  - c. The dwelling is being used to for gambling.
  - d. The dwelling is being used to perpetrate frauds and swindles.
  - e. The law relating to narcotics or drug abuse is being violated within the dwelling.
  - f. A weapon, instrumentality, or means by which a felony has been committed, or evidence relevant to proving said felony has been committed, is contained within the dwelling.
  - g. One or more of the following misdemeanor child abuse offenses is being committed within the dwelling:
    - Interference with custody, in violation of Chapter 787.03, Florida Statutes
    - Commission of an unnatural and lascivious act with a child, in violation of Chapter 800.02, Florida Statutes
    - Exposure of sexual organs to a child, in violation of Chapter 800.03, Florida Statutes
  - h. The dwelling is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, boardinghouse or lodging house.
  - i. The dwelling is being used for the unlawful sale, possession, or purchase of wildlife, saltwater products, or freshwater fish being unlawfully kept therein, or
  - j. The laws in relation to cruelty to animals have been or are being violated within the dwelling, except that no search pursuant to such a warrant shall be made in any private dwelling after sunset and before sunrise unless specially authorized by the judge issuing the warrants.
2. Property relating to the violation of the above laws may be taken (if a warrant has been issued) from any private dwelling in which the property is concealed or from the possession of any person within the dwelling by whom the property has been used in the commission of the offense or from any person within the dwelling in whose possession it may be.
3. If, during a search pursuant to a warrant issued under this section, a child is discovered and appears to be in imminent danger, the Deputy conducting the search may remove the child from the private dwelling and take the child into protective custody in accordance with Chapter 39.401, Florida Statutes.

#### **E. APPROVAL PROCESS**

1. Before presentation to a judge, a search warrant and supporting affidavit must be reviewed and approved by the applicant Deputy's supervisor. The search warrant and supporting affidavit will then be reviewed and approved by an Assistant State Attorney and/or the Volusia Sheriff's Office Legal Advisor.
2. Judges of any circuit court of this state or county court judge, or committing magistrate having jurisdiction where the place, vehicle, or thing to be searched is located, can issue a search warrant.
3. Upon the proper affidavits being made, a search warrant may be issued using the provisions in Fla. Stat. § 933.

#### **F. PROCEDURES FOR EXECUTION**

1. A search warrant may not be executed at night or on a Sunday unless specifically authorized by the judge.

2. Persons on the premises and those that arrive on the premises during the course of the search may be detained but may not be frisked for weapons unless there is individualized suspicion to believe they are armed with a dangerous weapon.
3. Only those areas likely to contain the items sought may be searched.
4. Vehicles located on the premises or curtilage of the premises may be searched only if authorized by the warrant.
5. In executing the warrant, you must do no unnecessary damage to the property. Fla. Stat. § 933.17 provides for criminal sanctions against any officer who "willfully exceeds his authority or exercises it with unnecessary severity" in executing search warrants.
6. A supervisor will be present to coordinate the execution of the search warrant.
7. If the location of the search warrant falls within the jurisdiction of another agency, that agency will be notified prior to the execution of the warrant. Consideration should also be given to including personnel from that agency in the operation, unless doing so would jeopardize the investigation.
8. Notification of the time and location of the warrant shall be given to Central Communication prior to execution of the warrant, unless doing so would jeopardize the investigation.
9. Volusia Sheriff's Office personnel involved in the execution of a search warrant made by an outside agency shall not deviate from Volusia Sheriff's Office policy.
10. Non-sworn personnel shall not physically participate in the execution of a search warrant without the expressed approval of a supervisor.
11. Prior to the execution of a search warrant, all personnel will be briefed on the objectives, tactics and operational plan.
12. If the search warrant is determined to be a high risk operation the SWAT Team shall be utilized to make entry and to secure the premises being searched.
13. The disruption caused by the service of a warrant will be kept to a minimum.
14. Property damage incurred will be documented and photos taken.

#### **G. KNOCK AND ANNOUNCE**

1. Fla. Stat. § 901.19 requires police officers to "knock and announce" their presence and purpose when forcibly executing a search warrant. This requirement must be strictly complied with in the absence of exigent circumstances which may include: police officer invited to enter after knocking, persons within are reasonably believed to be in danger of bodily harm, officer's peril would be increased by knocking and announcing (this must be based on reasonable belief, such as suspect is known to be armed and violent.)
2. The fear of possible destruction of evidence must be based on reasonable grounds that actual destruction may take place in order to dispense with the "knock and announce" requirement.
3. No forced or non-forced entry may be made into the premises to be searched unless:
  - a. The Deputy knocks at the door or otherwise makes his/her presence known, and
  - b. The Deputy announces his authority (i.e. "Deputy Sheriff, Volusia Sheriff's Office"), and
  - c. The Deputy announces his/her purpose (i.e. to execute a search warrant), and
  - d. The occupant fails to respond and allow the Deputy entry after a reasonable time
4. These procedures must be followed prior to a forceful or non-forceful entry to the premises being made.

#### **H. EXCEPTION TO KNOCK AND ANNOUNCE REQUIREMENTS**

1. In order to make an entry into the premises without following the procedure outlined, above, there must be an exception existing at the time of entry, based on particular circumstances which lead the Deputy to reasonably believe that:
  - a. The person inside already knows of the Deputy's authority and purpose, or
  - b. Persons within are in immediate peril of bodily harm, or
  - c. The Deputy's peril would increase if they were to announce themselves and their purpose, or

- d. Announcing their presence would lead to an escape by any persons within or the destruction of evidence

## **I. UPON/AFTER ENTRY INTO PREMISES**

1. The warrant should be read aloud to the occupants and a copy of the warrant delivered to the person named in the warrant or left at the residence if unoccupied. A receipt of items seized must also be left with the resident named or at the residence if unoccupied.
2. An inventory of seized property shall be prepared and a copy of said inventory returned to the issuing judge with the warrant.
3. All items seized shall be placed into evidence.

## **J. RETURN OF SEARCH WARRANT**

1. The affiant will be responsible for the reading of and copies of the warrant and its return to the court. Return to the court is ordinarily accomplished by delivering the properly prepared inventory to the Clerk of Court.
2. A search warrant must satisfy the requirements of Fla. Stat. §933.07 with regard to the return of property to court.
3. Fla. Stat. §933.12 directs, upon return of the warrant, the Deputy shall attach a true inventory of the property taken under the warrant and shall verify the same by affidavit taken before another Deputy authorized to administer oaths, or before the issuing Deputy, and stated in the following manner: "I, (the Deputy states their name), the Deputy by whom the warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on said warrant."

## **K. EXCEPTIONS TO THE WARRANT REQUIREMENT**

### **1. TERRY STOP AND FRISK SEARCH (CHAPTER 901.151 FLORIDA STATUTES)**

- a. **Basis for Search** – A person legally detained on a reasonable suspicion that he/she has committed, is committing, or is about to commit a crime may be subject to a limited search for weapons if a Deputy has an articulable reason to believe or fear that the suspect is armed with a dangerous weapon.
- b. **Extent of Search** – The Deputy may conduct a "pat down" of the outer clothing of the suspect for weapons only. A "frisk" implies a cursory, or brief, search of a person for weapons large enough to be detected through clothing.
  - (1) If an object is felt that could reasonably be a weapon, the Deputy may reach past/into the outer clothing to seize it.
  - (2) Items which do not appear to be weapons may not be seized unless it is immediately apparent from the "pat down", without squeezing, prodding or manipulating, that the item felt is contraband.

### **2. SEARCH INCIDENT TO ARREST**

- a. A field search is a more detailed search of an arrested person in which all clothing and normally exposed areas of the body are searched and both evidence and weapons are removed. The Deputy may go inside the person's clothing to remove objects which might be dangerous or have evidentiary value. If another Deputy is on the scene who is of the same sex as the subject to be searched, that Deputy should be requested to conduct the search. This type of search will be conducted whenever an arrest is made and the prisoner is to be transported and booked.
- b. Items discovered during a search incident to arrest may be seized. When a lawful arrest is made, a Deputy may search the person arrested and the area within the arrestee's immediate control for the purpose of:
  - (1) Protecting the Deputy from attack
  - (2) Preventing the person from escape
  - (3) Discovering the fruits of a crime; or
  - (4) Prevent the destruction of evidence



- c. A search incident to an arrest may be conducted when the arrest is a:
  - (1) Felony
  - (2) Misdemeanor
  - (3) Criminal traffic or criminal county ordinance
  - (4) Criminal offense where a Notice to Appear is to be issued instead of an actual physical arrest
- d. A search incident to arrest must be conducted at the same time as the arrest or as soon as practical thereafter.
- e. Scope of Search –When conducting a search incident to arrest a Deputy may:
  - (1) Search the arrestee completely (with the exception of a strip search)
  - (2) Search the articles in the arrestee's control or reach (wallet, purse, vehicle)
- f. **Extent of a search incident to an arrest of the occupant of a vehicle** – If the arrestee was a recent occupant of a vehicle, the Deputy may search the vehicle if it is not locked and evidence of the crime for which the arrest occurred may reasonably be expected to be located within the vehicle. This includes arrests base upon warrants. Examples include:
  - (1) D.W.L.S. – evidence unlikely to be found
  - (2) D.U.I. – reasonable that evidence might be found (alcohol, empty container, etc.)
  - (3) Arrest on narcotics warrant – reasonable that evidence might be found (age of warrant does not matter)
  - (4) The search may include:
    - The passenger compartment and containers therein
    - The glove box
- g. A search conducted at the same time of the arrest of an occupant of a vehicle may extend only to those areas in control of the occupant (for example, the front seat passenger vs. the rear seat passenger. The rear seat passenger would not necessarily have control over the vehicle's glove box). The search area does not include the trunk.
- h. A Deputy may search the vehicle at the same time as the arrest.

## **L. MOVING VEHICLE EXCEPTION TO SEARCH WARRANT REQUIREMENT**

- 1. A Deputy may stop and search a moving vehicle if there is probable cause to believe the vehicle contains contraband. The warrantless search is confined to looking into those areas where the suspected contraband might be reasonably located.
- 2. If the Deputy has probable cause to believe contraband is located in a specific container within the car, he may search that container without a warrant but may not search the entire car. (If an arrest of a vehicle's occupant is made as a result, then a search of the car itself may be justified under the exception of search incident to arrest).
- 3. The Deputy may remove the vehicle to a Volusia Sheriff's Office facility and search it there. Reasons for a search at the Volusia Sheriff's Office facility may include:
  - a. The location or position of the vehicle at the scene of the stop endangers the flow of traffic or creates a safety hazard for the Deputy.
  - b. The weather conditions would impede or hamper an effective search.
  - c. The search requires the use of special equipment not available at the roadside stop.
- 4. If a Deputy has probable cause to believe a vehicle contains contraband, and there is time to obtain a warrant, then a warrant should be obtained. A Deputy may not wait and watch the vehicle for days and then decide to stop the vehicle once the driver moves the car.

## **M. CONSENT SEARCH**

- 1. A person may give his/her consent to search. Consent must be freely, voluntarily and knowingly given by the person.

2. A judge will look at many factors in determining whether the consent was valid. These factors may include:
  - a. The age and maturity of the person giving the consent
  - b. Whether the person gave a written waiver
  - c. Whether alcohol or drugs may have impaired their decision in knowingly giving consent
  - d. The person's mental or educational level
  - e. Whether any language barriers were present and if the request to consent was given clearly
  - f. Whether any express or implied promises or threats were made by the Deputy
3. A Deputy should obtain written consent whenever possible. If the consent is obtained verbally, it is best if another Deputy is present as a witness, whenever feasible.
4. Once the consent to search is obtained, the person so consenting may revoke his/her consent at any time and the search must stop.
5. Only persons with a lawful right to exercise use, control or ownership of the thing or place to be searched may give consent. For example:
  - a. A landlord may not give consent to search a tenant's property.
  - b. When premises are shared by two or more people, any one can give consent to search common or jointly held areas. One occupant may not give consent to search a room or possession used exclusively by another. If the arrestee is present and objecting to the search and the other occupant is consenting, the search may not be conducted.
  - c. Parents may give consent for Deputies to search their minor child's room.
  - d. A child may not give consent for a Deputy to search a parent's room, but may give consent to search common areas of the home if the child has the maturity, intelligence, etc. to make the decision. Deputies must make sufficient inquiries to determine this in order to support a reasonable conclusion that the child can give consent. A mere assumption that they can give consent will normally not be enough to support the consent to search.
  - e. A person who has custody/control of a moving vehicle, regardless of whether they are the owner, may give consent to search the vehicle.
  - f. An employee may not give consent to search employer's premises unless it is within employee's authority to give such consent.

## **N. PLAIN VIEW**

1. The plain view doctrine allows a Deputy to seize contraband they observe in plain view from a location they are legally permitted to be.
2. Examples of plain view situations include:
  - a. If a search warrant is being executed for seizure of a stolen television and the Deputy observes cocaine on a table, the cocaine may be seized.
  - b. If a vehicle is being inventoried for its contents and in the course of conducting the inventory contraband is observed, the contraband may be seized.
  - c. If a Deputy is executing an arrest warrant and while conducting a cursory search for persons at the premises observes contraband on a dresser in a bedroom, the contraband may be seized.
  - d. If a Deputy, while standing in a parking lot, observes marijuana plants growing from a residential balcony, an entry and seizure will not be upheld under the theory of plain view. Plain view doctrine does not permit entry into a residence without a warrant.

## **O. INVENTORY SEARCHES OF SEIZED VEHICLES OR OTHER PROPERTY**

1. Vehicle inventories are not designed or intended to be used to conduct searches. However, if during a vehicle's inventory, items of contraband are discovered inadvertently, they will be seized and submitted into evidence pending the filing of appropriate criminal charge(s).
2. The inventory shall include all areas of the vehicle including, but not limited to:




- a. Inside compartments such as the glove box, under the seats, ashtray, and all containers therein
  - b. The trunk area and containers therein
  - c. All exterior containers (boxes, truck beds, etc.)
  - d. The engine compartment
3. If possible, the inventory will be conducted in the presence of the operator or owner.
4. If money, jewelry or other precious items are being inventoried it should be inventoried in the presence of the suspect, if possible. The presence of another Deputy should be requested to either assist or witness the inventory, when feasible. Any compartments or containers within the vehicle, locked or unlocked, will be opened and inventoried.
5. Locked containers should not be forced open during an inventory but shall be logged on the inventory form. However, if a key or combination is available, the container will be opened and inventoried.

## **P. EXIGENT CIRCUMSTANCES**

1. Deputy Sheriffs may enter premises including residential facilities where necessary to protect the safety of persons under imminent threat. For example: a burning building, a call for assistance involving a suicide threat, or other situation involving death or great bodily harm.
2. In these type situations it may become necessary to secure a warrant for a continued search. For example: a Deputy may, without a warrant, enter a residence to affect the rescue of a suicidal person or a person in need of medical assistance. In these situations, a Deputy may search the residence in an attempt to locate medicine or the name of the person's physician but must not search any further than is necessary to accomplish this task. A search for medicine might include a search of the person's clothing or bathroom medicine or kitchen cabinets, but would not include searching those areas where medicine would not be expected to be found under reasonable circumstance.
3. Similarly, in a death investigation, initial entry may be obtained without a warrant (even if consent is not given). If, however, it appears that a death scene is the scene of a homicide and the property belongs to the suspect, a warrant should be obtained once the initial investigative entry is completed.

## **Q. PRELIMINARY INVESTIGATIONS**

1. Preliminary Investigations will generally be conducted by the initially responding Deputy. The preliminary investigation should be complete as possible, including the arrest of the offender if probable cause exists. The investigation should continue until all relevant investigative actions have been taken and no further progress can be made at this time.
2. The Volusia Sheriff's Office recognizes that each investigation is unique, the following investigative steps are recommended courses of actions and should be taken where appropriate:
  - a. Upon arrival at the scene, observe conditions, events and any remarks made by witnesses
  - b. Take control of the crime scene to protect potential evidence
  - c. Identify any witnesses and assure their availability
  - d. Interview victims and witnesses and take written statements when appropriate
  - e. When appropriate, interrogate suspects to identify the perpetrator
  - f. Arrest the perpetrator
  - g. Process a crime scene for evidence to include searching for and processing latent fingerprints
  - h. Search for tools or other items left at the scene by the perpetrator
  - i. Secure search warrant when necessary
  - j. Search for and recover property moved or taken by the perpetrator
  - k. Recover and submit physical evidence to the Evidence/Property Section or Crime Lab
  - l. Report the incident accurately and fully

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 1.8</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 07/1999	<b>Previous Revision Date</b> 10/2001
<b>Title</b>  <b>BODY SEARCHES</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish policy and procedures for conducting body searches for the protection of the Deputies and the arrestee.

## II. DISCUSSION

It is essential for the safety of Deputies and other criminal justice personnel that arrestee's are searched for weapons or other means of inflicting injury or death.

It is also essential that Deputies conduct complete body searches to prevent the arrestee from hiding essential evidence pertinent to the case or other illegal contraband.

Certain precautions however must be observed to protect the Deputy from undue allegations regarding an invasion of privacy or indecent conduct.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to search each arrested person in accordance with Fla. Stat. § 901.21 as shown below and Fla. Stat. § 901.211 as shown at the end of this general order.

### **901.21 Search of person arrested.—**

(1) When a lawful arrest is effected, a peace officer may search the person arrested and the area within the person's immediate presence for the purpose of:

- (a) Protecting the officer from attack;
- (b) Preventing the person from escaping; or
- (c) Discovering the fruits of a crime.

(2) A peace officer making a lawful search without a warrant may seize all instruments, articles, or things discovered on the person arrested or within the person's immediate control, the seizure of which is reasonably necessary for the purpose of:

- (a) Protecting the officer from attack;
- (b) Preventing the escape of the arrested person; or
- (c) Assuring subsequent lawful custody of the fruits of a crime or of the articles used in the commission of a crime.

## IV. PROCEDURE

### A. Generally

1. In the arrest, transportation and temporary detention of prisoners, Deputies will take precautions to prevent an escape, injury to themselves or others, or damage to property.
2. Deputies will thoroughly search each prisoner for weapons or evidence before placing them in a patrol vehicle, transport vehicle, holding cell or detention cell, regardless of the degree of seriousness of the crime.

## **B. RECOMMENDED SAFETY PRACTICES: SEARCH OF A PERSON**

1. The person being searched will be placed off-balance with feet and hands widely spread.
2. If under arrest, the person should be first handcuffed.
3. The Deputy should stand behind the person searched and place one hand at the belt line or on the small of the person's back. This will allow the Deputy to maintain some physical control of the individual should any attempt be to flee or attack the Deputy.
4. Deputies should watch for head or upper body movement that may precede an attack or attempt to flee.
5. Deputies performing searches of persons should be cognizant of the hazards of sharp objects such as needles, razor blades, knives etc. that may be concealed.
6. Only one hand should be used to conduct the search. The other hand should be kept free to control the person.
7. A Deputy conducting a search should avoid walking between the person being searched and a "covering" Deputy.
8. While searching a person, a Deputy should never turn their back to the person.
9. While searching, a Deputy must grab and squeeze the clothing of a suspect, not simply "pat it." Items such as flat handled knives, razor blades, and the like will not be discovered by merely patting the body.
10. Individuals should not be searched from the front.
11. All weapons, including articles that could be used as weapons, will be removed from the person.
12. Whenever a Deputy receives control of an arrestee from another Deputy, it shall be the responsibility of the receiving Deputy to again search the prisoner to minimize any danger. Assumptions should never be made.
13. For the protection of the Deputy, searches will be conducted with rubber gloves whenever possible without endangering the Deputy or security of the arrestee.
14. If the Deputy has reason to believe, that a search of the pelvic area is necessary, the Deputy may utilize the back of the hand in these areas, using only that force necessary to determine if any foreign object/weapon is present.
15. Without specific knowledge of a possible weapon, groping of these areas is prohibited.

## **C. SEARCH OF OPPOSITE SEX**

1. Whenever possible, searches of an arrestee will be done by a Deputy of the same sex as the arrestee. If a Deputy of the same sex is not available, an attempt shall be made to have a second Deputy present as a witness.
2. If it is not feasible to have a Deputy of the same sex or a second Deputy to witness the search, a preliminary search shall be conducted for officer safety with a more comprehensive search conducted at the Branch Jail or when an additional Deputy or same-sex Deputy is available.




## **D. STRIP SEARCHES AND BODY CAVITY SEARCHES**

1. A strip search is a thorough search of the prisoner and their clothing. Clothing is removed, body cavities are checked, and all clothing is carefully scrutinized.
2. This type of search will only be conducted by correctional personnel of the same sex and only while within the confines of the Department of Corrections facility under the procedures set forth by the Department of Corrections.

## **E. FLORIDA STATUTE 901.211**

**901.211 Strip searches of persons arrested; body cavity search.–**

- (1) As used in this section, the term “strip search” means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual or manual inspection of the genitals; buttocks; anus; breasts, in the case of a female; or undergarments of such person.
- (2) No person arrested for a traffic, regulatory, or misdemeanor offense, except in a case which is violent in nature, which involves a weapon, or which involves a controlled substance, shall be strip searched unless:
  - (a) There is probable cause to believe that the individual is concealing a weapon, a controlled substance, or stolen property; or
  - (b) A judge at first appearance has found that the person arrested cannot be released either on recognizance or bond and therefore shall be incarcerated in the county jail.
- (3) Each strip search shall be performed by a person of the same gender as the arrested person and on premises where the search cannot be observed by persons not physically conducting or observing the search pursuant to this section. Any observer shall be of the same gender as the arrested person.
- (4) Any body cavity search must be performed under sanitary conditions.
- (5) No law enforcement officer shall order a strip search within the agency or facility without obtaining the written authorization of the supervising officer on duty.
- (6) Nothing in this section shall be construed as limiting any statutory or common-law right of any person for purposes of any civil action or injunctive relief.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 1.10</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 08/2001	<b>Previous Revision Date</b> 06/2010
<b>Title</b>  <b>BIAS BASED PROFILING</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  MICHAEL J. CHITWOOD, SHERIFF 	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines expressly prohibiting bias based profiling.

## II. DISCUSSION

Profiling, in its self, can be a useful tool to assist Deputies in carrying out their duties. Biased based profiling, however, is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, and cultural groups.

The Volusia Sheriff's Office shall not condone the use of biased based profiling in its law enforcement programs as it may lead to allegations of violations of constitutional rights of the citizens we serve, undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, biased based profiling alienates citizens, fosters distrust of law enforcement by the community, and invites media scrutiny, legislative action, and judicial intervention.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to prohibit bias based profiling in everyday contacts with **all** citizens and visitors of Volusia County. It shall further be the policy to train Volusia Sheriff's Office employees, take corrective measures when necessary, and conduct a documented annual administrative review of the agency's practices including citizen concerns.

Deputies shall focus on a person's conduct/behaviors or other specific suspect information. Deputies must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others.

## IV. PROCEDURE

### A. GENERALLY

1. Biased based profiling shall be prohibited to include but not limited to;
  - Traffic contacts
  - Field contacts
  - Asset seizure and forfeiture efforts
2. Sworn personnel shall complete annual refresher training in biased issues, including legal updates and aspects, and one or more of the following areas:
  - Field contacts

- Traffic stops
- Searches
- Asset seizure and forfeiture
- Interview techniques
- Ethics
- Cultural Diversity
- Discrimination
- Community Policing


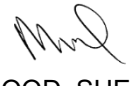

## B. DISCIPLINE

1. If an employee is found to be in violation of this policy, corrective measures shall be taken to ensure that Bias Based Profiling does not occur. Those corrective measures shall be in accordance with general order 26.1 Disciplinary Procedures.
2. General order 26.2 Standards of Conduct sections listed below shall be applied to violations of this general order:
  - 26.2, IV.E.9.e.  
**Tortious Acts** – Employees shall not commit, by act of commission or omission, any flagrant or tortious act while in the performance of their duties. Violations of Civil Rights Acts under color of law (18 USC 241 and 242) are felony offenses.  
 (Violation subject up to dismissal)
  - 26.2, IV.G.4  
**Misdemeanor Injurious to the Volusia Sheriff's Office** – Volusia Sheriff's Office personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the Volusia Sheriff's Office or otherwise impairs the operation and efficiency of the Volusia Sheriff's Office and/or which is likely to impair the ability of personnel concerned to perform assigned duties.  
 (Violation subject to dismissal)
  - 26.2, IV.G.5.  
**Commission of Felony** – Volusia Sheriff's Office personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not.  
 (Violation subject to dismissal)
3. The above general orders are all subject to dismissal, however every effort to provide remedial training and progressive discipline will be applied. Each case and circumstances shall be reviewed independently.

## C. ADMINISTRATIVE REVIEW

1. The Professional Standards Section with assistance from Internal Affairs shall conduct a documented administrative review of agency practices including citizen concerns and any corrective measures taken annually.



	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 1.13</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 10/2001	<b>Previous Revision Date</b> 10/2006
<b>Title</b>  <b>CONSULAR NOTIFICATIONS AND DIPLOMATIC IMMUNITIES</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this policy is to provide guidance to members of the Volusia Sheriff's Office when dealing with persons and/or property with varying degrees of immunity and/or inviolability.

## II. DISCUSSION

During the course of their duties, members of the Volusia Sheriff's Office may have contact with persons claiming immunity from detention, arrest, and/or search/seizure of their person and property.

United States Code, Title 22, Foreign Relations and Intercourse grants varying degrees of immunity and/or inviolability to persons associated with diplomatic missions and consular posts.

Personnel of international organizations, such as the United Nations, have been granted immunities and/or personal inviolabilities of varying degrees by treaties between the United States and other nations, as well as by United States legislation.

Improper handling of persons with immunities and/or their property could result in international incidents and detrimentally effect the relationships between the United States and other nations. This general order gives guidelines and procedures for handling claims of immunity and/or inviolability.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to treat all persons claiming immunity/inviolability with the greatest respect possible given the situation and to comply with all immunities and inviolabilities with which the persons are entitled.

## IV. DEFINITIONS

**Consular Mission Personnel** – are categorized into the following groups:

- Consular officers
- Consular employees
- Consular service staff
- Honorary consuls

**Diplomatic Mission Personnel** – are categorized into the following groups:

- Diplomatic Agents (and family members)
- Members of Administrative and Technical Staff (and family members)
- Members of Service Staff

**Family Members** – Members of the household to include spouses, children until the age of 21 (until the age of 23 if they are full-time students at an institution of higher learning), and such other persons expressly agreed to by the United States Department of State in extraordinary circumstances.

**Immunity** – A legal barrier which precludes courts from exercising jurisdiction over cases against persons who enjoy it. Immunity in no way releases such persons from the duty, embodied in international law, to respect the laws and regulations of the nation they are within.

**International Organization** – Organizations such as the United Nations, International Monetary Fund, the World Bank, and the Organization of American States.

**Official Acts Immunity** – Official Acts Immunity pertains to numerous different circumstances. No law enforcement officer, State Department officer, or diplomatic mission or consulate is authorized to determine whether an incident constitutes an official act. A claim of official acts immunity may only be resolved by the court with subject matter over the alleged crime.

**Personal Inviolability** – Generally precludes handcuffing, arrest, or detention in any form and forbids authorities from entering the residences, automobiles, or other property of persons who enjoy personal inviolability.

**State Department** – For the purposes of this general order, the term State Department means the United States State Department.

## **V. PROCEDURE**

### **A. CONSULAR NOTIFICATION OF DETENTION OR ARREST OF FOREIGN NATIONALS**

1. Anytime a Deputy detains or arrests a foreign national, whether or not the person is legally in the United States, the foreign national shall be advised they have the right to consular notification and assistance. The United States maintains agreements with certain nations requiring consular notification if one of their citizens is arrested or detained. The advisement to the person when the consular notification is at the person's discretion and when notification is mandatory is provided, in English and Spanish translations, is in Attachment B.
2. For the purpose of consular notification:
  - A traffic stop does not constitute a detention.
  - A short investigation or information gathering for a report at the location of an incident does not constitute a detention.
3. Volusia Sheriff's Office Central Communications shall maintain a list of nations where consular notification of arrest or detention of one of their citizens is mandatory and a list of the consulates and their telephone numbers.
4. The Deputy arresting or detaining the foreign national is responsible for the following:
  - a. The Deputy shall contact Central Communications and ascertain if notification of the foreign national's consulate is mandatory.
  - b. The Deputy shall ensure the foreign national's nearest consulate is notified of their arrest or detention, when the notification is mandatory or when the foreign national so requests.
  - c. The Deputy shall document the arrest or detention in an incident report to include the following:
    - The foreign national was advised of their right to consular notification.
    - Whether consular notification was made.
    - If notification was made, whether it was mandatory or at the foreign national's request.
    - If notification was made, which consulate was notified, date and time of notification, and who was notified.
5. Any information pertaining to a foreign national's applications for asylum in the United States or elsewhere shall not be disclosed to the foreign national's consulate or government.
6. **CONSULAR ACCESS TO DETAINED FOREIGN NATIONALS**

- a. Should the foreign national wish to communicate with their consular officer or a consular officer communicate with their national, the Deputy shall afford the parties the opportunity to communicate.

**B. CONSULAR NOTIFICATION OF DEATH OF FOREIGN NATIONALS**

1. The Deputy investigating the death of a foreign national shall ensure the nearest consulate of the deceased's country is notified of the death.
2. Volusia Sheriff's Office Central Communications maintains a list of foreign consulates within the United States.

**C. CONSULAR NOTIFICATION OF ACCIDENTS INVOLVING FOREIGN SHIPS OR AIRCRAFT**

1. In the event a Deputy handles an accident involving a ship or aircraft registered in a foreign country, they shall ensure the nearest consulate of the country of registration is notified without delay.

**D. HANDLING INCIDENTS INVOLVING PERSONS CLAIMING IMMUNITIES**

1. A Deputy may come into contact with a person claiming immunity and/or personal inviolability while performing their duties. The Deputy shall be cognizant that the person, once their status has been verified through the State Department, is an official representative of a foreign government and shall afford them the maximum degree of respect possible under the circumstances. It is possible for the manner in which the Deputy handles the incident to have a direct bearing on the treatment of United States diplomatic or consular personnel abroad.
2. The Deputy's primary concern is for the protection of life and the safety of persons involved in the incident. In emergency circumstances involving self-defense of the Deputy, defense of other persons, or where public safety is in imminent danger, reasonable constraints may be applied to any person claiming immunity, including patting down for weapons or handcuffing the person. The Deputy shall follow Volusia Sheriff's Office general orders on the Use of Force, Search and Seizure, and Restraints.
3. Once the incident is under control, the Deputy shall advise the person claiming immunity that they will be detained until their identity and level of immunity can be confirmed and request the person's State Department issued identification card. The Deputy may use other forms of identification proffered by the person, in the event the person claims to not have or not have in their possession a State Department issued identification card.
  - a. Not all persons having immunity are issued identification cards by the State Department. Additionally, they may not have yet received their identification card.
  - b. The State Department issued identification card will have a brief statement of the person's criminal immunities on the back, but does not list the person's inviolability.
4. The Deputy shall have Central Communications contact the State Department or the United States Mission to the United Nations and verify the person's immunity status. The State Department will provide the immunity status of the person and when requested the person's inviolability.
5. The Deputy shall ensure their supervisor is notified of the incident.
6. The Deputy shall govern their handling of the person based upon the person's level of immunity.
7. Arrest immunity:
  - a. When it is verified a person being detained or restrained is verified to have immunity from arrest, the person shall cease to be detained or restrained, as soon as possible, given the circumstances of the incident.
  - b. When it is verified a person does not have immunity from arrest, the person shall be handled in accordance with Volusia Sheriff's Office general orders.
8. Levels of personal inviolability are listed below. The Deputy shall be aware this is a general list and agreements between the United States and the person's sending nation may give the person greater personal inviolability than listed. The State Department shall be contacted when any questions of inviolability arise prior to the person or articles being searched, other than a pat down

for weapons in an exigent situation. Central Communications maintains a list of contact telephone numbers for the State Department.

- a. Diplomatic Agents (and family members):
  - They may not be searched, but may be patted down for weapons, when officer safety warrants in exigent circumstances.
  - Their personal property may not be searched.
  - Their vehicle may not be entered or searched.
  - Their residence may not be entered or searched.
  - The family members, if verified to be United States nationals, and their personal property may be searched in accordance with search and seizure statutes.
- b. Diplomatic mission members of administrative and technical staff (and family members):
  - They may not be searched, but may be patted down for weapons when officer safety warrants in exigent circumstances.
  - Their personal property may not be searched.
  - Their vehicle may not be entered or searched.
  - Their residence may not be entered or searched.
  - The administrative and technical staff (and family members), if verified to be nationals of, legal permanent residents of, or foreign national permanently resident in the United States and their personal property may be searched in accordance with search and seizure statutes.
- c. Diplomatic mission members of service staff:
  - They may be searched in accordance with search and seizure statutes.
  - Their personal property may be searched in accordance with search and seizure statutes.
- d. Consular officers:
  - They may not be searched, but may be patted down for weapons when officer safety warrants.
  - Their personal property may be searched in accordance with search and seizure statutes.
- e. Honorary Consuls:
  - They may be searched in accordance with search and seizure statutes.
  - Their personal property may be searched in accordance with search and seizure statutes.
- f. Consular employees:
  - They may be searched in accordance with search and seizure statutes.
  - Their personal property may be searched in accordance with search and seizure statutes.
- g. Consular service staff:
  - They may be searched in accordance with search and seizure statutes.
  - Their personal property may be searched in accordance with search and seizure statutes.
9. All incidents involving a person with arrest immunity and/or personal inviolability shall be thoroughly documented in an incident report.
10. Should probable cause be developed that the person with arrest immunity committed a felony or crime of violence, a complaint affidavit shall be completed, also.
11. The Deputy writing the report is responsible for ensuring the report and complaint affidavit (if any) are faxed to:
  - The State Department at 202-895-3613, for incidents involving diplomatic and consular personnel and personnel of international organizations other than the United Nations.

- The United States Mission to the United Nations at 212-415-4162, for incidents involving United Nations Personnel.

## **E. TRAFFIC LAW ENFORCEMENT**

1. The Deputy enforcing traffic laws may find a person stopped for a traffic offense claiming immunity. A traffic stop and issuance of a citation for a traffic law violation does not constitute an arrest or detention for the purposes of a person claiming immunity. The Deputy may issue citations to a person with immunity.
  - a. A person with immunity from arrest is not required to sign a citation. The Deputy shall request the person with immunity sign the citation. Should the person refuse to sign the citation the Deputy shall write "refused to sign, diplomat" in the signature space.
  - b. For citations which do not require a mandatory court appearance, the person shall be given the options of paying the citation or obtaining a waiver of immunity to contest the charge in court.
  - c. For citations requiring a court appearance, advise the person the citation will be forwarded to the State Department, who may request an express waiver of immunity from the person's sending nation for the person to appear in court.
2. The Deputy issuing a citation to a person with immunity shall document the circumstances in an incident report.
3. The Deputy shall be responsible for reporting the incident by telephone to the State Department at 202-895-3521 (during business hours) or 202-647-7277 (after business hours).

### **4. DRIVING UNDER THE INFLUENCE**

- a. Deputies may encounter persons claiming immunity in actual physical control of a vehicle, while impaired from alcoholic beverages or chemical substances.
- b. Deputies shall advise the person claiming immunity that they will be detained until their identity and level of immunity can be confirmed and request the person's identification card and driver's license issued by the State Department.
- c. Deputies shall verify the person's immunity and driver's license statuses with the Department of State or the United States Mission to the United Nations through Sheriff's Office Central Communications.
- d. When it is verified the person has immunity from arrest the Deputy shall:
  - (1) Offer the person the opportunity to take the standardized field sobriety tests, as outlined in general order 61.6 DUI Enforcement Program. The person may not be compelled to perform field sobriety tests.
  - (2) If the Deputy has a reasonable belief the person is too impaired to safely operate the vehicle, the person shall not be allowed to take physical control of the vehicle. The public's safety and the personal safety of the person are paramount. The Deputy may:
    - Summon or allow the person to summon a non-impaired person, such as a friend or relative, to take responsibility for the person and their vehicle.
    - Arrange for or allow the person to make arrangements for taxi-cab service.
    - With supervisor approval and agreement of the impaired person, transport the person to a safe location.
  - (3) The person's vehicle may not be searched, or towed, except the vehicle may be towed the distance necessary to prevent the vehicle from obstructing traffic or endangering public safety.
  - (4) The Deputy shall complete an incident report and notify the State Department of the incident at 202-895-3521 (during business hours) or 202-647-7277 (after business hours) prior to the end of their tour of duty.

## **F. IDENTIFICATION CARDS ISSUED BY THE STATE DEPARTMENT AND THE UNITED STATES MISSION TO THE UNITED NATIONS**

### **1. PERSONS ISSUED IDENTIFICATION CARDS**

- a. The State Department Office of Protocol and the United States Mission to the United Nations issue identification cards to foreign government personnel entitled to immunity. The identification cards have colored borders associated with the individual's position.
- (1) A blue border indicates the individual is:
    - A diplomatic officer accredited to the United States or the United Nations.
    - A family member of a diplomatic officer accredited to the United States or the United Nations.
  - (2) A green border indicates the individual is:
    - A member of an embassy's administrative and technical staff.
    - A family member of an embassy's administrative and technical staff member.
    - A member of an embassy's service staff.
  - (3) A red border indicates the individual is:
    - A career consular officer.
    - A career consular employee.
    - A consular officer/employee with which the United States has special agreements.
    - A family member of a consular officer/employee with which the United States has special agreements.
    - An honorary consular officer.

## 2. IDENTIFICATION CARD DESCRIPTION

- a. The identification cards are 3 ¾ inches by 2 ½ inches in size.

- (1) The front of the card contains the following:
  - Colored border, as described above
  - Photograph of the person issued the card
  - Identification number
  - Mission and its city and state location
  - Person's name and title
  - Person's date of birth
  - Expiration date
  - United States Department of State seal

The back of the card contains:

- A brief statement of the person's criminal immunity
- The person's signature

## 3. OTHER STATE DEPARTMENT ISSUED IDENTIFICATION

- a. The State Department also issues driver's licenses and non-driver identification cards. These cards do not list immunities on them and do not provide conclusive proof of a person's status.

## G. DIPLOMATIC MISSIONS AND IMMUNITIES

1. Diplomatic missions are traditionally the principal communication link between the United States and the mission's nation. Staff of diplomatic missions are afforded the highest level of privileges and immunities in order that they may effectively perform their important duties. Members of diplomatic missions have been categorized, with each category having different privileges and immunities.
2. **Diplomatic agents** are the ambassadors and other diplomatic officers who generally deal directly with the United States on behalf of their accrediting nation. They and their **family members** enjoy complete personal inviolability and the greatest immunities from criminal and civil jurisdiction.
  - They may not be handcuffed, detained, or arrested except in extraordinary circumstances. Neither their property, vehicles, nor residences may be entered or searched. They enjoy complete immunity from criminal jurisdiction for any offense, unless their sending nation grants a waiver of their immunity.

- They enjoy complete immunity from providing evidence as witnesses, and cannot be forced to give testimony.
  - They are immune from civil suits except in connection with real property transactions not conducted on behalf of the mission, in connection with any role played as executor for or heir to an estate being distributed in the United States, in connection with professional or commercial activities outside the scope of their official duties, or counter suits when they have been the initiating party in the original suit.
3. **Members of the administrative and technical staff** perform tasks critical to the inner workings of the mission. They and their **family members** enjoy complete personal inviolability and the same immunity from criminal jurisdiction, as diplomatic agents.
    - They may not be handcuffed, detained, or arrested except in extraordinary circumstances. Neither their property, vehicles, nor residences may be entered or searched. They enjoy complete immunity from criminal jurisdiction for any offense unless their sending nation grants a waiver of their immunity.
    - They enjoy complete immunity from providing evidence as witnesses, and cannot be forced to give testimony.
    - They enjoy immunity from civil suits in connection with their official duties, only. Family members enjoy no civil immunity.
  4. **Members of service staff** perform less critical support tasks for the mission.
    - They have immunity while performing official acts.
    - They have no personal inviolability, and no inviolability of property.
    - They have no immunity from providing evidence as witnesses.
    - Their **family members** enjoy no privileges or immunities.
  5. Members of diplomatic missions, other than diplomatic agents, who are United States nationals, legal permanent residents in the United States, or foreign nationals permanently resident in the United States enjoy no privileges or immunities, this includes family members of diplomatic agents.
  6. The United States has special bilateral agreements with certain countries granting all staff members of that country's diplomatic mission the same immunities of the diplomatic agent.
  7. Persons on short-term official duty with diplomatic missions ordinarily do not enjoy any privileges or immunities.
  8. The members of a diplomatic mission having immunities and/or personal inviolability may not waive these privileges. However, the nation sending the individual to the United States can waive the individual's immunities and/or personal inviolability.

## H. CONSULAR POSTS AND IMMUNITIES

1. Consulate personnel perform functions of principal interest to their respective countries, such as:
  - Issuing travel documents
  - Attending to difficulties of their own countrymen in the United States
  - Generally promoting the commerce of their respective country within the United States
2. **Consular officers** are recognized by their nation and the United States as fully authorized to perform the broad array of formal consular functions. They have only official acts or functional immunity for criminal and civil matters, and their personal inviolability is limited:
  - They may be arrested for felony offenses by a warrant issued from a competent judicial authority.
  - They may be prosecuted for misdemeanor offenses, but remain at liberty pending trial and/or disposition of the charges.
  - Their property is not inviolable.
  - They are not required to provide evidence as witnesses in matters involving their official duties, nor provide expert witness testimony on the laws of their sending country.

3. **Consular officer family members** do not have any immunity or personal inviolability, unless their nation has a bilateral agreement with the United States.
4. **Consular employees** perform administrative and technical support for the consular post. They have Official Acts Immunity and immunity from providing evidence as witnesses only in cases relating to official acts. They have no personal inviolability. Their **family members** have no immunities or personal inviolability.
5. **Consular Service Staff** have immunity from providing evidence as witnesses in cases relating to official acts. They have no other immunities or personal inviolability. Their **family members** have no immunities or personal inviolability.
6. Consular employees and service staff who are United States nationals, legal permanent residents of the United States, or permanently resident in the United States have no immunities or personal inviolability.
7. **Honorary consuls** are United States citizens or permanent resident aliens performing consular services on a part-time basis. They have Official Acts Immunity and immunity from providing evidence as witnesses in cases regarding official acts. They do not have personal inviolability. They may be arrested pending trial. Their **family members** have no immunities or personal inviolability.
8. The United States has **special bilateral agreements** with certain countries granting consulate staff members, who are not United States nationals, legal permanent residents of the United States, or permanently resident in the United States privileges and immunities approximating those of diplomatic agents.
9. Persons on short-term official duty with consular posts ordinarily do not enjoy any privileges or immunities.
10. The members of a consular post having immunities and/or personal inviolability may not waive these privileges. However, the nation sending the individual to the United States can waive the individual's immunities and/or personal inviolability.

## **I. INTERNATIONAL ORGANIZATION PERSONNEL AND NATIONAL MISSIONS TO SUCH ORGANIZATIONS**

1. **Personnel of international organizations** generally have only Official Acts Immunity and do not have personal inviolability, provided by United States Legislation. However, the Secretary General of the United Nations, all Assistant Secretaries General of the United Nations, Principal Resident Representatives of the International Monetary Fund and the World Bank, and some senior officials of the Organization of American States secretariat enjoy the immunity and inviolability of a diplomatic agent.
2. **Personnel of national missions to international organizations.** The United Nations and the Organization of American States have their headquarters in the United States. Most member states maintain permanent missions, located within the United States, to the organizations. Members of the missions are accredited to the international organization and not the United States, but their members' immunities and/or personal inviolabilities are generally defined reference to members of diplomatic missions that are accredited to the United States. The assignment of immunities and/or personal inviolability is generally based on the functions the member performs. The most senior members of the missions to international organizations have immunities and personal inviolability equivalent to diplomatic agents, while other members have only Official Acts Immunity and no personal inviolability.
3. Short term official visitors from other nations to the United Nations or international conferences convened by the United Nations may have immunity and personal inviolability equal to diplomatic agents.

## **J. WAIVER OR TERMINATION OF IMMUNITY OR EXPULSION**

1. A thorough investigation and documentation is essential to obtain a waiver of immunity or expulsion of an individual with immunity.
2. **WAIVER OF IMMUNITY**
  - a. Diplomatic and consular immunities are intended to benefit the diplomatic mission or consular post of the foreign government or international organization. They are not intended to benefit



the individual. The individual does not own his immunity and it may be waived in whole or in part by the individual's sponsoring government.

- b. The State Department's policy is to request a waiver of immunity in every case in which the prosecutor advises that they would prosecute an individual except for immunity issues.

### **3. TERMINATION OF IMMUNITY**

- a. Criminal immunity precludes the courts from exercising jurisdiction over the individual with immunity, regardless whether the incident occurred before or during the period the individual has immunity. Except for Official Acts Immunity, which exists indefinitely, criminal immunity expires upon the termination of the diplomatic or consular tour of the individual with the immunity.
  - (1) Obtaining an arrest warrant could allow the arrest and prosecution of an individual for a non-official act criminal offense, after the individual's criminal immunity has expired.
  - (2) The entry of the arrest warrant in the National Crime Information Computer (NCIC) could prevent the individual from re-entering the United States.

### **4. EXPULSION**

- a. When an individual with immunity is believed to have committed a serious offense (any felony or crime of violence) and the sponsoring nation has refused to waive the individual's immunity, the State Department may expulse the individual. Requiring the departure of a person who has immunity is an extreme diplomatic tool and is only used after the most careful consideration to ensure that the United States is not perceived as having acted in an arbitrary, capricious, or prejudiced manner.
- b. Upon the individual's departure from the United States, the State Department will request law enforcement issue an arrest warrant for the individual, so the individual's name will be entered into N.C.I.C.

## **K. ARCHIVES AND OFFICIAL DOCUMENTS**

1. The archives and official documents of a diplomatic mission or consular post are inviolable at all times, wherever they may be. The consular archives and documents of a consular post headed by an honorary consular officer are inviolable provided they are kept separate from other papers and documents of a private or commercial nature not related to consular functions or persons working with the consular officer.

## **VI. REFERENCES**

- [Diplomatic and Consular Privileges and Immunities from Criminal Jurisdiction](#)
- [Advisements of Right to Consular Notification](#)
- [US Department of State's Consular Notification and Access pamphlet](#)

**Diplomatic and Consular Privileges  
and  
Immunities from Criminal Jurisdiction**

<b>Category</b>		<b>May be Arrested or Detained</b>	<b>Residence May be Entered Subject to Ordinary Procedures</b>	<b>May be Issued Traffic Citations</b>	<b>May be Subpoenaed as Witness</b>
<b>Diplomatic</b>	Diplomatic Agent	No (Note 1)	No	Yes	No
	Member of Administrative and Technical Staff	No (Note 1)	No	Yes	No
	Service Staff	Yes (Note 2)	Yes	Yes	Yes
<b>Consular</b>	Career Consular Officers	Yes, if for a felony and pursuant to a warrant (Note 2)	Yes (Note 4)	Yes	No – for official acts. Testimony may not be compelled in any case.
	Honorary Consular Officers	Yes	Yes	Yes	No – for official acts. Yes, in all other cases.
	Consular Employees	Yes (Note 2)	Yes	Yes	No – for official acts. Yes, in all other cases.
<b>International Organizations</b>	International Organization Staff (Note 3)	Yes (Note 3)	Yes (Note 3)	Yes	No – for official acts. Yes, in all other cases.
	Diplomatic-Level Staff of Missions to International Organizations	No (Note 1)	No	Yes	No
	Support Staff of Missions to International Organizations	Yes	Yes	Yes	No – for official acts. Yes, in all other cases.

Category		May be Prosecuted	Recognized Family Member
Diplomatic	Diplomatic Agent	No	Same as sponsor (full immunity and inviolability).
	Member of Administrative and Technical Staff	No	Same as sponsor (full immunity and inviolability).
	Service Staff	No – for official acts. Otherwise, yes. (Note 2)	No immunity or inviolability. (Note 2)
Consular	Career Consular Officers	No – for official acts. Otherwise, yes. (Note 2)	No immunity or inviolability. (Note 2)
	Honorary Consular Officers	No – for official acts. Otherwise, yes.	No immunity or inviolability.
	Consular Employees	No – for official acts. Otherwise, yes. (Note 2)	No immunity or inviolability. (Note 2)
International Organizations	International Organization Staff (Note 3)	No – for official acts. Otherwise, yes. (Note 3)	No immunity or inviolability.
	Diplomatic-Level Staff of Missions to International Organizations	No	Same as sponsor (full immunity and inviolability).
	Support Staff of Missions to International Organizations	No – for official acts. Otherwise, yes.	No immunity or inviolability

**Note 1:** Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

**Note 2:** This table presents general rules. Particularly in the cases indicated, the employees of certain foreign countries may enjoy **higher** levels of privileges and immunities on the basis of special bilateral agreements.

**Note 3:** A small number of senior officers are entitled to be treated identically to “diplomatic agents.”

**Note 4:** Consular residences are sometimes located within the official consular premises. In such cases, **only** the official office space is protected from police entry.

**ATTACHMENT A  
DIRECTIVE 1.13**

## **ADVISEMENTS OF RIGHT TO CONSULAR NOTIFICATION**

### **When Consular Notification is at the Foreign National's Option**

#### **English**

As a non-US citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

Yes

No

#### **Spanish**

Como no es ciudadano de los Estados Unidos, al ser arrestado o detenido tiene derecho a pedirnos que notifiquemos a los representantes consulares de su país aquí en los Estados Unidos, si lo desea. Entre otras cosas, un funcionario consular de su país puede ayudarle a obtener asesoramiento legal, ponerse en contacto con su familia y visitarle en la cárcel. Si Ud. desea que notifiquemos a los funcionarios consulares de su país, puede solicitarlo ahora o en cualquier oportunidad en el futuro. Después de que se haya notificado a los funcionarios consulares de su país, ellos podrán llamarle o visitarle. ¿Desea que notifiquemos a los funcionarios consulares de su país?

SI (Yes)

No

(Sírvese poner un círculo alrededor de Sí o No)




### **When Consular Notification is Mandatory**

#### **English**

Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

#### **Spanish**

Debido a su nacionalidad, estamos obligados a notificar a los representantes consulares de su país aquí en los Estados Unidos que Usted ha sido arrestado o detenido. Después de notificar a sus funcionarios consulares, ellos podrán llamarle o visitarle. Usted no está obligado a aceptar su ayuda, pero ellos pueden ayudarle a obtener asesoramiento legal, ponerse en contacto con su familia y visitarle en la cárcel, entre otras cosas. Notificaremos a los funcionarios consulares de su país tan pronto como sea posible.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 1.14</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 06/23/2010	<b>Previous Revision Date</b> 05/2017
<b>Title</b>  <b>RAPID-ID DEVICE (RIDD)</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines and procedures for the issuance, training and use of the Rapid-ID Device.

## II. DISCUSSION

The Rapid ID Device (RIDD) is a handheld, wireless or tethered scanning device that communicates to the Florida Department of Law Enforcement (FDLE) Rapid ID system. The device checks two fingerprints obtained in the field from subject/suspects against wanted persons data and can provide positive identification and a Criminal History if electronic fingerprints of the subject/suspect exist in Florida's criminal master fingerprint file system. The devices are also capable of providing confirmation regarding the need to collect a DNA sample in the courtroom post-adjudication.

The issuance and use of the RIDD is intended to provide members with a specialized tool to assist in the identification of individuals under appropriate circumstances.

## III. POLICY

It is the policy of the Volusia Sheriff's Office to utilize Rapid-ID Devices in a variety of circumstances to assist in the overall law enforcement mission, but to do so with awareness and adherence to specific requirements and guidelines for its use as provided herein. Further, it is the policy of the Volusia Sheriff's Office that only those deputies trained in its use and who demonstrate documented proficiency in its application be authorized to utilize a RIDD.

## IV. PROCEDURE

### A. RESPONSIBILITIES & ADMINISTRATION

1. Authority to issue or approve Rapid-ID Devices to qualified members shall be vested in the deputy's respective Division Chief, or designee.
2. Only devices which conform to the standards as set forth by the Florida Department of Law Enforcement will be approved for use.
3. The Training Section Captain shall be responsible for overseeing the development and administration of the training process for assuring RIDD proficiency of both instructors and operators. This shall include:
  - a. Ensuring that lesson plans and any necessary forms are developed based on manufacturer's recommendations, FDLE guidelines and appropriate legal mandates.
  - b. Maintaining Training Records
  - c. Reviewing and revising all applicable training criteria on an as needed basis.

- d. Designating RIDD training coordinators who will be responsible for:
  - Ensuring that proficiency training is received by each user
  - Ensuring that training is documented and forwarded to the Training Section.
4. The Director of Information Technology (IT) will be responsible for the installation of applicable hardware and software and subsequent configuration of the user's MDC. The IT Director will also issue the RIDD to the authorized end user and will track the issue of the device for required accountability. All repairs and replacement of damaged or non-functional equipment will follow the guidelines as established for MDCs (refer to general order 82.7 MDC Use and Administration).
5. Agency supervisors will be responsible to ensure members are compliant with these guidelines and procedures for the use and maintenance of the RIDD.
6. Guidelines cannot encompass every possible application for the use of a RIDD, so deputies should keep in mind the principles and guidelines set forth hereinafter to assist them in deciding whether the device may be used under particular circumstances and, if so, what requirements must be met.
7. Deputies are expected to be able to articulate, based on these guidelines, training, experience, and assessment of the circumstances, how they determined that deployment of the RIDD was justified under the particular circumstances.

## **B. ISSUANCE AND TRAINING OF THE RIDD**

1. Rapid ID Devices shall be issued only to designated members that have completed agency approved RIDD training and demonstrate proficiency in its use.
2. Training shall include legal considerations, reporting requirements, practical hands on application and requirements for use of the device under various circumstances. Other issues may be addressed as deemed appropriate by the Training Section Captain.

## **C. GUIDELINES FOR USE OF THE RIDD**

### **1. GENERAL**

- a. The RIDD may be used in situations where the subject to be fingerprinted has given knowing and willing voluntary consent or permission for the deputy to use the device. This may include consent given during lawful encounters, i.e. traffic stops.
  - (1) As with other forms of consent, the consent can be limited or withdrawn at any point by the subject.
  - (2) If consent is withdrawn, use of the RIDD is not authorized and its use must stop immediately. Deputies shall not force or coerce anyone to submit to the scan.
- b. The RIDD may be used in situations where the subject to be printed would otherwise be required to give traditional fingerprint samples. Examples would include:
  - (1) Probable cause criminal arrest situations
  - (2) Required sentencing fingerprints for court
- c. When the subject is issued a citation (if the citation requires fingerprint(s) to be affixed), RIDD might be used to rapidly ensure the identity given by the subject matched his prints, since proof of his correct identity is already in question and is the initial cause for placing the print on the citation.
- d. The RIDD shall only be used during the lawful performance of duty.

### **2. REASONABLE SUSPICION**

- a. The RIDD may be used in situations where reasonable suspicion can be articulated that the subject to be printed has committed, or is about to commit a criminal act, when there is a justifiable and reasonable belief that such printing via the RIDD will either establish or nullify the subject's connection with that crime. The key in this circumstance is that use of the RIDD is done as quickly as possible after reasonable suspicion is established.
- b. Failure to comply with the request to provide a RIDD scan under these circumstances may constitute a form of obstruction; however, Deputies may find it more appropriate to use the

failure to comply as further evidence of suspicion for the suspect crime and simply proceed with the investigation without the scan.

### **3. SUBPOENA**

- a. The RIDD may be used in situations where the use of the device has been specifically authorized pursuant to a valid subpoena; however, if the subpoena is not for immediate compliance, the subject should be allowed to appear for fingerprinting at the future time indicated on the subpoena.
- b. Deputies should be aware that the subject may be able to move to suppress the subpoena.
- c. Failure to honor a subpoena for RIDD use should be addressed in court and not be handled by attempting to force compliance via enforcement actions at the time of the refusal to comply.

### **4. COURT ORDER**

- a. The RIDD may be used in situations where the use of the device has been specifically authorized pursuant to a valid court order.
  - (1) Where a court order requiring the use has been obtained, reasonable and safe efforts to gain compliance may be employed.
  - (2) Failure to comply may constitute contempt of court and may constitute obstruction of justice.

### **5. NON-STANDARD USE**

- a. In all cases where Patrol is responsible for the entirety of a death investigation and the Medical Examiner's Office will not be contacted, the RIDD shall be used upon the victim. The results will be documented in the incident report.
- b. Use of the RIDD for random or generalized investigative or intelligence gathering, with no focused case or other reason is not authorized. Special care shall be taken to ensure that devices are not used for purposes that may lend themselves to the inference of improper bias-based profiling.
- c. Any specialized non-standard use of the RIDD shall require notification and authorization by the deputy's respective supervisor. If the supervisor is not available, the request will be forwarded to the on-duty Watch Commander. E.g. Request from an outside agency to fingerprint a suspect in custody (requesting agency must comply with the procedures set forth in this policy).

## **D. RIDD LIMITATIONS**

1. Deputies need to be mindful of the following limitations of the RIDD devices:
  - a. RIDD is not as accurate as a full ten-print submission since it only searches criminal databases using fingerprints from the index and middle fingers.
  - b. RIDD only searches the databases of known Florida criminals and the FBI's Repository for Individuals of Special Concern (RISC).
  - c. Due to the various limitations associated with capturing fingerprints in the field, a "no match" response from an RIDD should not be considered a positive biometric non-identification.
2. For a more thorough identification using fingerprints, the deputy should contact the Latent Print Unit regarding a possible ten-print submission.




## **E. POSITIVE IDENTIFICATIONS**

1. For each positive identification response (i.e. "hit") received on a wireless RIDD, the Deputy will be required to enter additional information for the transaction on the Mobile Data Computer (MDC). This includes the following information:
  - a. Designation as to whether the positive identification resulted in an arrest.
  - b. A brief narrative describing the circumstances causing the RIDD to be utilized and the action that was taken after the positive identification.
  - c. The case number associated with the arrest, if one was made.

## **F. DEPUTY SAFETY CONSIDERATIONS**

1. Deputies shall be cognizant of the inherent risk that may be associated with the use of the RIDD, which requires close contact with subjects/suspects. For this reason, members should consider the necessity of a backup Deputy's presence prior to utilizing the device.



	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 1.15</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 04/2012	<b>Previous Revision Date</b> 06/2017
<b>Title</b>  <b>LIMITED ENGLISH PROFICIENCY &amp; LANGUAGE ACCESS PLAN</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  /  <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this policy is to document established guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 for personnel to follow when providing services to, or interacting with, individuals with Limited English Proficiency (LEP). In addition, this policy establishes guidelines to ensure compliance with the Title VI "Safe Harbor" provision when determining document translation needs.

## II. DISCUSSION

The Volusia Sheriff's Office recognizes the importance of effective and accurate communication between its personnel and the community it serves. Language barriers can sometimes inhibit or even prohibit individuals with Limited English Proficiency (LEP) from accessing and/or understanding important rights, obligations, and services or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, suspects, and community members can present the Volusia Sheriff's Office with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interests of both.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to take reasonable steps to provide timely, meaningful access to LEP persons to the full law enforcement services and benefits it provides. The Volusia Sheriff's Office shall provide free of charge language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. Further, it shall be the policy of the Volusia Sheriff's Office to inform and train its personnel on the various language assistance resources that are available in order to assist them in providing services to LEP persons.

All bilingual/multilingual members of the Volusia Sheriff's Office who are called upon to provide such interpretive services based on their respective secondary language(s) skills will provide such services as requested.

## IV. DEFINITIONS

**Bilingual** – Refers to the ability to use two languages proficiently.

**Interpretation** – The act of listening to communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Language Access Plan Coordinator (LAPC)** – The designated agency coordinator responsible for coordinating and implementing all aspects of the agency's Language Access Plan. Unless otherwise designated by the Sheriff, the Law Enforcement Operations Division Chief shall function in this capacity.

**Language Assistance Services** – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in the services, activities, or other programs administered by the agency.

**Limited English Proficiency (LEP)** – An individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. NOTE: LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but limited for other purposes (e.g. reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**Multilingual** – Refers to the ability to use more than two languages proficiently.

**Primary Language** – An individual's native tongue, or the language in which an individual most effectively communicates. NOTE: Personnel should avoid assumptions about an individual's primary language and make every effort to ascertain the primary language to ensure effective communication.

**Qualified Interpreter or Translator** – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with the Volusia Sheriff's Office or by approval of the Administrative Services Director. A qualified interpreter is defined as one who is able to effectively, accurately, and impartially interpret, both receptively and expressively, using any necessary specialized vocabulary. Family members and/or acquaintances are not considered qualified interpreter, except on a temporary basis in exigent circumstances.

**Sight Translation** – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.

**Translation** – The replacement of the written text from one language (source language) into an equivalent written text in another language (target language).

**Vital Document** – Paper or electronic written material that contains information that is critical for accessing the Agency's programs or activities, or is required by law.

## **V. PROCEDURE**

### **A. VOLUSIA SHERIFF'S OFFICE LANGUAGE ASSISTANCE: IDENTIFYING & NOTIFYING LEP INDIVIDUALS**

1. Employees will take reasonable measures to assist LEP persons. Those employees who have the potential for direct contact/interaction with LEP persons during the delivery of Volusia Sheriff's Office services should first attempt to identify the primary language of the LEP person. Use of language identification cards (e.g. "***Language Identification Flashcard***" available on intranet Agency Forms) invites LEP persons to identify their language needs to personnel.
2. Signage: A notice shall be posted in all locations with a public reception/lobby in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals. Notification of the availability of translated forms and documents will also be posted. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary languages.
3. Commanders with direct public access areas within their command shall ensure that the signage is posted and visible to the general public.

### **B. CIVILIAN CALLS TO 9-1-1 (COMMUNICATION CALL CENTER)**

1. **EMERGENCY CALLS TO 9-1-1**
  - a. When a call taker receives an emergency call and determines that the caller is a LEP person, the call taker shall inform the LEP caller to the best of their ability, that he or she will find an interpreter and keep the caller on the line. If a qualified interpreter is available in the call center, the interpreter shall then follow the standard operating procedures for all emergency calls for service.
  - b. If no one is available in the call center for interpretation, the call taker will immediately use the existing 9-1-1 Language Line interpretation services in accordance with established procedures. Once a three-way call is established between the call taker, the LEP caller, and the interpreter, the call taker shall follow standard operating procedures used for all emergency calls for service.

- c. The call taker shall note in the call that the caller is LEP and their language spoken; when practical, notify the supervisor to ensure that a qualified bilingual deputy responds, if available.

## **2. NON-EMERGENCY CALLS TO 9-1-1**

- a. For 9-1-1 calls that are determined to be non-emergency in nature, the call taker will survey the call center for an interpreter to assist the LEP caller.
- b. If there are no interpreters available in the call center, the call taker will use the existing 9-1-1 Language Line interpretation services and establish a three-way call to determine the nature of the call. The dispatcher will then follow established protocol to have an interpreter respond to the scene to assist the LEP person.
- c. If there are no interpreters available within the district of the LEP caller, the call taker will notify the Watch Commander to assign a qualified bilingual officer regardless of district to the call, after notifying the deputy's supervisor of the need for an interpreter. The call taker will note in the call that the caller is a LEP person and their respective primary language for tracking purposes.
- d. As a last resort, if there are no interpreters available to dispatch after a diligent review of personnel and the Watch Commander has been notified, the dispatcher will then contact the contracted Language Line interpretation service directly to assist the deputy on scene with the call.
- e. The communications supervisor shall ensure the call is properly logged for tracking purposes whether the call is an emergency or not. (Refer to the section on page 6: Recording Data on Services Utilized)

## **C. VOLUSIA SHERIFF'S OFFICE PERSONNEL REQUESTING INTERPRETATION SERVICES FOR LEP PERSONS**

- 1. Communications will maintain a list of all qualified bilingual/multilingual resources including in-house employees, language line, surrounding agencies' resources, local business/community resources, and a list of free-lance interpreters utilized by the Courts in the 7th Circuit.
- 2. **RESPONDING PERSONNEL**
  - a. Personnel in the field in need of interpretation services will attempt to identify the LEP individual's primary language. The Language ID Flashcard is available on the agency intranet under Agency Forms/Secondary Language Access and shall be posted in each facility's public reception area. The deputy will advise Communications of the need for an interpreter whether on an emergency or non-emergency call.
  - b. Use of in-house assets and/or any available bilingual on-call personnel will first be attempted. If there are no interpreters available, then the deputy will contact the supervisor for approval to use a contracted interpreter (via language line or in-person). Supervisors are given liberal authority to approve the use of the interpretation services to facilitate communication in the field.
  - c. Upon supervisory approval, the deputy will contact Communications for assistance. The communications supervisor will then call the Language Line, or qualified interpreter, with the nature of the assistance required and notify the officer of the estimated time of arrival. The communications supervisor will ensure proper tracking of this request.
  - d. In exigent circumstances, personnel are to use the most reliable temporary interpreter available, including family, friends, etc. in order to obtain timely assistance. Examples of such circumstances may include the need to obtain descriptive information on a fleeing suspect or identifying information of an injured person. However, once the emergency/exigent circumstance has passed, all personnel will revert back to the general guidelines provided herein.
  - e. In other than exigent circumstances, personnel should only use family, friends or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP individual. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring exigent circumstances, personnel should not use minor children to provide interpreter services.

#### **D. CONTRACTED IN-PERSON INTERPRETATION SERVICES**

1. Contracted in-person interpretation services shall be available to all personnel when interacting with LEP individuals. Communications will be the central conduit for connecting personnel in the field to an appropriate interpreter.
2. Personnel who believe they need this service while conducting an investigation will consult with their immediate supervisor. If the supervisor concurs, the deputy/detective will contact the communications supervisor and provide the communications supervisor with the detective/deputy name, DID, contact phone number, supervisor's name and the language of the LEP person and exact location where the interpreter is expected.
3. The Communications supervisor will contact the contracted interpreter and relay all information. These services are for non-emergency investigations and are in addition to the current emergency 911 Language Line interpreter services for emergency services.
4. The Communications supervisor will obtain an estimated time of arrival for the interpreter before ending the call and notify the deputy/detective. The in-person interpreter should be on location no more than two-hours (2hrs) from the time of notification.

#### **E. UPON ARRIVAL OF CONTRACTED IN-PERSON INTERPRETERS**

1. Upon the arrival of the interpreter, the deputy/detective will examine the interpreter's employee identification and record the interpreter's name and company affiliation on the investigative report along with the interpreter's arrival and departure times.
2. Agency personnel will ask all questions through the interpreter. All language interpreter services will adhere to established confidentiality clauses.
3. Under no circumstances will an interpreter independently question or converse with a LEP individual. The interpreter's role is strictly to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.
4. If the deputy/detective believes that there is any conflict of interest/bias, the deputy shall consult with their immediate supervisor. The supervisor will decide if another interpreter is warranted. If this should occur, the officer's supervisor will advise the communications supervisor to have another interpreter respond and submit a memorandum to the agency's Language Access Plan Coordinator (LAPC) and make a note via the Watch Commanders Report on the intranet.

#### **F. INTERROGATION, INTERVIEWS, AND COMPLAINTS**

##### **1. CRIMINAL INTERROGATIONS AND CRIME WITNESS INTERVIEWS**

- a. These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Moreover, failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the investigation. Personnel must recognize that miscommunication during interrogations or witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution.
- b. A qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted.
- c. This interrogation, or taking of a formal statement, will be recorded and preserved as case evidence. Use of the contracted Language Line resources or in-person interpreters approved through the Circuit Court, as coordinated through Central Communications, will be utilized for this purpose. In-house interpreters will NOT be utilized during criminal interrogations and crime witness interviews.
- d. A copy of the recorded interpretation will be secured from Central Communications by the respective detective and submitted to Evidence as part of the case file.

##### **2. MIRANDA WARNINGS**

- a. Miranda warnings and all other vital written materials will be available to the suspect or witness in his or her primary language. In the case of a language into which forms have not been translated and in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using a qualified interpreter, either via Language Line, or in-person contracted interpreters.

### 3. COMPLAINT PROCEDURES FOR LEP PERSONS

- a. Any LEP individual who wishes to file a complaint with the Volusia Sheriff's Office regarding language access, or the discharge of law enforcement duties, shall be provided with the secondary language complaint form. If the secondary language is not one in which documents have been translated, the LEP person will be provided with contracted in-person interpretive service or a Volusia Sheriff's Office authorized in-house interpreter not involved in the complaint to assist in completing the forms and throughout the process to ensure a complete understanding.

## G. ACCESSING DOCUMENT TRANSLATION SERVICES

### 1. IDENTIFICATION AND TRANSLATION OF VITAL DOCUMENTS

- a. The LAPC will be responsible for classifying all agency forms and documents as vital or non-vital, and determining into what languages the vital documents should be translated. This determination will be based in part on demonstrated need/volume of the particular secondary language of LEP persons and will be in accordance with the DOJ Guidelines ensuring adherence to Title VI, "Safe Harbor" mandates.
- b. The classification of a document as "vital" depends upon the importance of the information or service involved and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.
- c. Documents classified as "vital" fall into two broad categories:
  - (1) Specific communication regarding a case or matter between an individual and the respective Division/Section, and
  - (2) Documents primarily geared towards a broader audience or the public in general.
- d. The determination of what documents are considered "vital" is left to the discretion of the LAPC. In addition, the respective Division Commander or designated POC for a particular case will consult with the LAPC.
- e. If a document is lengthy and contains both vital and non-vital information, other forms of providing meaningful access may be used. For example, providing a sight translation by a qualified interpreter of certain vital documents may be acceptable under some circumstances.

### 2. REQUESTS BY OTHER UNITS FOR DOCUMENT TRANSLATION:

- a. Although the LAPC functions as the conduit for document translation, all personnel shall have access to this service through the following procedures:
  - (1) **Commanding Officers:** Should a Commanding Officer identify a need for a specific document or form to be translated within his/her area of command, a memorandum shall be forwarded to the LAPC. The respective Section POC, in consultation with the respective Commanding Officer is responsible for determining how the contents of a case/matter-specific vital document is conveyed to an LEP individual.
  - (2) **Translation of Investigative Documents:** Should a detective need a note, letter, or other document translated for an investigation, a memorandum will be forwarded to the Investigative Services Commander, or respective District Commander, with a copy of the original note, letter or other document to be translated.

## H. IN-HOUSE INTERPRETIVE RESOURCES & SERVICES

1. The Volusia Sheriff's Office will continue in its attempts to recruit bilingual employees.
2. A searchable on-line list of all bilingual/multilingual employees will be maintained in the on-call resource section of the intranet and maintained by Central Communications. This list will provide:
  - a. Respective non-English languages
  - b. General level of proficiency in both oral and written interpretive ability, as determined by established testing/assessment procedures. (The Volusia Sheriff's Office will work with the local Colleges, Universities (e.g. Rollins) to provide tools to measure proficiency needed for qualified interpreters)
  - c. Assignment, shifts and contact information.

3. As much as is operationally practicable, bilingual capabilities and area language assistance needs of the community will be considered in determining assignments and dispatching.

## **I. COMPETENCY OF QUALIFIED INTERPRETERS**

1. Volusia Sheriff's Office personnel identified as bilingual who are willing to act as Volusia Sheriff's Office authorized in-house interpreters, will have their language skills assessed, using a structured assessment tool and shall be reviewed by qualified professional interpreters as selected by the LAPC.
2. For contracted interpretation services, the Volusia Sheriff's Office will utilize qualified interpreters from the list of interpreters provided by the local Court Interpretive Services Liaison.
3. The LAPC will monitor the agency's use of authorized agency interpreters to ensure that adequate and qualified services are maintained.
4. The Volusia Sheriff's Office continually strives to develop in-house secondary language resources by hiring personnel with specific language skills.

## **J. RECORDING DATA ON SERVICES UTILIZED**

1. In addition to reports on services utilized through Language Line, Volusia Sheriff's Office personnel will track all contacts, both emergency and non-emergency, with LEP persons for which assistance is requested/needed.
2. The information tracked will include:
  - a. Nature of the call
  - b. Language requested
  - c. Source of assistance provided, e.g. in-house bilingual personnel, language line, contracted qualified interpreter.
  - d. Length of time in-house bilingual personnel spent with the LEP individual and any costs associated with contracted interpreters.
  - e. Type of assistance provided, e.g. Call-taker, in the field face-to-face, walk-up at District, Central Records, Operations, etc.
3. Information will be tracked via the agency's automated Records Management System (RMS) and will be included in the agency's monthly administrative reports; this data will be summarized in the annual report and submitted to the LAPC and Command Staff for annual review and identification of any additional modifications or actions that may be necessary to accommodate shifting/emerging language service needs as they arise. The department will provide personnel with specific instruction on how to document LEP contacts in RMS.
4. Utilizing the administrative reporting system will enable command staff to track and respond to individual Districts and service areas independently and identify specific geographic areas of populations with specific LEP service needs.

### **5. POINT OF CONTACT**

- a. Each District Commander, or his designee, will function as the point of contact to ensure agency LEP services are being provided and tracked, and to oversee the training and utilization of bilingual personnel within their District.

## **K. REVIEWING & ASSESSING LEP SERVICE NEEDS**

1. Assessing language service needs begins with the four-factor analysis:
  - a. The number or proportion of LEP persons encountered within the jurisdiction, district, etc, including seasonal, tourism or other variations;
  - b. The frequency of contact with LEP individuals;
  - c. The nature and importance of the various types of encounters with LEP persons;
  - d. The resources available to the agency and costs associated with providing language services.

2. While all law enforcement activities are important, the purpose of the analysis allows the agency to first prioritize the types of language services identified and to ensure that appropriate language assistance resources are promptly available when and where most needed.
3. The Volusia Sheriff's Office has a designated Language Access Plan Coordinator (LAPC) responsible for facilitating and implementing all aspects of the agency's Language Access Plan. The LAPC works with other points of contact throughout the agency to ensure that the basic framework of the agency's LEP language assistance services provide meaningful access to LEP persons. The LAPC also provides recommendations for modifications to the plan as needed.
4. The LAPC will be responsible for:
  - a. Collecting individual school census data from the school board.
  - b. Assessing all available demographic/census data (i.e. Volusia County Growth Management, District School Board, US Census, etc.),
  - c. Reviewing language access services utilization data tracked by the agency (RMS and administrative reporting system),
  - d. Consulting with community-based organizations, as well as local institutions of higher learning to assist in determining changing and emerging needs.
  - e. Compiling all information annually for Command Staff's review, planning and direction.

## **L. COMMUNITY ENGAGEMENT AND OUTREACH**

1. Providing meaningful access to LEP individuals will also be considered in existing and future community events, services and outreach and will be included in education initiatives within Volusia Sheriff's Office.
2. Districts are encouraged to consult with entities representing LEP interests within their respective jurisdictions including community groups, non-profit organizations and other community partners to obtain feedback on access and quality of LEP services provided by the Volusia Sheriff's Office.
3. As part of these outreach initiatives, the Districts will maintain a list of community-based organizations, non-governmental organizations and other community partners with whom the Volusia Sheriff's Office regularly interacts that also work with LEP populations. These resources can provide important input and assist in identifying populations for which outreach is needed and who would benefit from the Volusia Sheriff's Office programs and activities.
4. District Commanders are responsible for ensuring that community-based organizations and other community partners are provided with information on Volusia Sheriff's Office LEP language services.
5. The LAPC will monitor the agency's website for areas that require LEP language services and pertinent information translation selections.

## **M. TRAINING**

1. To minimize to the extent practicable, LEP as a barrier to accessing agency programs, services, or activities, all Volusia Sheriff's Office personnel shall receive training in LEP services and steps to provide LEP persons with meaningful access.
2. This training will consist of documented roll call training for all personnel. Training aids will include this general order and the DVD, "***Breaking Down the Language Barrier***".
3. Training will be provided during orientation, FTEP, or other applicable academic phase, as required by the job position.
4. The Training Section will provide periodic refresher training through documented on-line roll call training. A variety of resources will be utilized to help personnel understand how and when to access and provide language assistance, e.g. resource lists, signs, instructions to cover various types of encounters such as traffic stops, arrests, custodial interrogations, witness interviews, temporary detention, requests for public records, etc.
5. Periodically, the Volusia Sheriff's Office may offer or make available to agency personnel opportunities to learn secondary languages that impact services to LEP persons as a result of local demographic changes. These needs will be identified through annual needs assessment and

review of tracked services provided. Proficiency will be measured through certified means consistent with the guidelines set forth through the 7th Judicial Circuit.

## **VI. REFERENCES**

- [Language ID Flashcard](#)



☐

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

☐

Խոսողո՞ւմ ե՞սք նշում՝ կատարե՞ք այս քանակություն՝,  
եթե խոսում կամ կարդում եք հայերեն:

2. Armenian

☐

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

3. Bengali

☐

ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

☐

Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.

5. Chamorro

☐

如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

☐

如果你能讀中文或講中文，請選擇此框。

7. Traditional Chinese

☐

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

☐

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

☐

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

☐

Mark this box if you read or speak English.

11. English

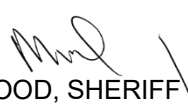

☐

اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.

12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérte vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukranian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 1.16</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 02/2015	<b>Previous Revision Date</b> 07/2018
<b>Title</b>  <b>PROVIDING SERVICES TO PERSONS WITH DISABILITIES</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  MICHAEL J. CHITWOOD, SHERIFF  	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this policy is to document established guidelines for providing effective communication and services to people with disabilities.

## II. DISCUSSION

The Volusia Sheriff's Office recognizes the importance of effective and accurate communication between its personnel and the community it serves. Under the Americans with Disabilities Act, those who are disabled are entitled to the same level of service as anyone else. For the purposes of this general order, disabled persons may include complainants, victims, witnesses, arrestees, people seeking information, uninvolved bystanders or members of the community who desire to participate in department sponsored programs, services or activities.

## III. POLICY

It is the policy of the Volusia Sheriff's Office to ensure that a consistently high level of service is provided to all members of the community it serves, including people who are disabled and may require reasonable accommodations in order to access these services.

Volusia Sheriff's Office will afford people with disabilities the same access to programs, services and employment provided to all citizens. This includes, but is not limited to, first responder recognition of the nature and characteristics of various disabilities and providing appropriate physical and emotional support to people with disabilities who seek to access services or who come into contact with agency employees. Examples include:

- Awareness of symptoms and appropriate medical and emotional support for people experiencing seizures
- Sensitivity to and appropriate physical support in aiding people who are mobility challenged
- Access to interpreters when required for people who have a need to communicate with agency personnel but have hearing and/or speech disabilities

## IV. DEFINITIONS

**American Sign Language (ASL)** – A complete, complex language that employs signs made with the hands and other movements, including facial expressions and postures of the body.

**Auxiliary Aids and Services** – any service, aid or equipment used to accommodate or assist in the accommodation of a disabled person to include:

- Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunication devices for deaf persons (TDD's)

videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

- Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.
- Acquisition or modification of equipment or devices.

**Certified Interpreter** – An interpreter certified by the National or Florida Registry of Interpreters for the Deaf.

**Contact Language** – Sign language that forms in the American Deaf community as a result of interactions between people who are deaf and those who can hear. This form of signing exhibits features of both ASL and English.

**Disability** – A physical or mental impairment that substantially limits one or more of the major life activities of an individual (walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself and working.)

**Qualified Interpreter** – A professional who facilitates communication between deaf and hearing individuals. This professional is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. The qualified interpreter has specialized training in interpreting from one language to another for example, American Sign Language (ASL) to English and English to ASL. Simply knowing both sign language and English does not qualify a person as an interpreter. The interpreter must be able to interpret in the sign language the person uses (e.g. ASL or Contact Language) and must be familiar with law enforcement terms and phrases. The role of an interpreter is to accurately convey all messages between the individuals involved in the communication setting. Although a “qualified” interpreter may be certified, a certified interpreter is not necessarily “qualified” if he or she is not a good communications match for the person or the situation (e.g. person uses Contact Language and the interpreter only uses ASL; interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be “qualified”.

**Reasonable Accommodation** – Changes in policies, practices and procedures, the use of auxiliary aids and services, and the removal of architectural barriers when necessary, and safe to do so, in order to provide individuals with disabilities an equal opportunity to participate in or benefit from programs, services or activities that are offered.

**Service Animal** – A dog or miniature horse that is trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. A service animal is not a pet and does not include an animal whose presence provides a crime deterrence effect, emotional support, well-being, comfort, or simple companionship.

**Telecommunication Device for the Deaf (TDD/TTY)** – A keypad device used to provide communication for the hearing impaired that utilizes basic telephone lines for transmitting and receiving.

**Video Relay Interpreter (VRI)** – Three-way conversation between a Deaf person and a hearing person with a Qualified Interpreter providing voice communication for the hearing person and ASL for the Deaf person.

## **V. PROCEDURE**

### **A. AGENCY RESPONSIBILITIES**

1. The Volusia Sheriff's Office will provide training and information to all members who have direct contact with the public on recognition of various disabilities and the provision of appropriate law enforcement services to people with disabilities. Training will include appropriate response to both non-arrest and arrest situations.
2. The Volusia Sheriff's Office maintains a resource in the Communications Center of support agencies and individuals who may be contacted on a 24-hr basis to provide support in situations involving people with disabilities to include interpreter services.
3. When the representative of a responding support agency expresses a safety concern about responding to the location where the deputy is requesting service, it shall be the responsibility of the primary deputy handling the call to coordinate through his supervisor, the escort of the support agency representative to the requested location by another deputy.

4. For those individuals with mental disabilities or illnesses, refer to general order *46.4 Responding to Individuals with Mental Illness – CIT*.

## **B. SPECIFIC DISABILITIES OVERVIEW**

1. It is not the intent of this general order to provide detailed information on all disabilities, nor in any way limit how a member may best address interactions with disabled persons. The needs of each individual and situation must be evaluated on a case-by-case basis. However, the following section provides a brief overview of several disabilities and types of response.

### **2. VISUAL DISABILITIES**

- a. One of the most difficult issues facing individuals who are blind or vision impaired is identifying law enforcement officials when providing services. Deputies will contact the Communications Center and advise that they have arrived at the door of the victim or complainant.
- b. Deputies should be prepared to identify themselves as a law enforcement officer. Whenever possible, if the visual disability is known, the Communications Center shall contact the victim or complainant by phone to verify that a member of the agency will be arriving or has arrived. If an individual is apprehensive about the deputy's identification, the deputy will contact the Communications Center, or encourage the individual to do so, to aid in the deputy's identification.
- c. When encountering a person with a visual disability, members should ask if assistance is needed. If accepted, the member will allow the individual to take the member's arm for situation guidance.

### **3. MENTAL, EMOTIONAL AND PSYCHOLOGICAL DISABILITIES**

- a. These types of disabilities include those causing disturbances in thinking, feeling and relating but do not involve the safety issues associated with the Florida Baker Act. Employees will ensure that people with mental, emotional and psychological disabilities are assisted in accessing appropriate services, which may require additional time and patience. Time spent on providing service may need to be extended in order to reassure the disabled individual, to sort out the facts, or to interact with family members and others in order to bring the situation to a successful conclusion.

### **4. INTELLECTUAL DISABILITIES**

- a. Intellectual disabilities encompass a broad range of developmental disabilities from mild to profound. People who have intellectual disabilities have varying degrees of limited intellectual functioning. In all situations, members should ask short questions, be patient when waiting for answers, repeat questions and answers if necessary, have the individual repeat the question in their own words and provide reassurance.
- b. When responding to the needs of people with severe or profound intellectual disabilities, the aid of family, friends and neighbors can be invaluable and should be sought out whenever possible. However, this must be considered in light of the situation, as factors such as emotional or personal involvement or requirements for confidentiality may adversely affect the ability to communicate effectively.

### **5. MOBILITY IMPAIRMENTS**

- a. Mobility impairments include those who have difficulty walking, use a wheelchair or other mobility aid, and those who are completely immobile. In an emergency situation or during an arrest, extra attention may be required to ensure the safe movement of the individual as well as the security and movement of any mobility aid.

### **6. NON-VISIBLE DISABILITIES**

- a. Some disabilities are difficult to notice like epilepsy, dyslexia, etc. Failure to recognize characteristics associated with certain non-visible disabilities could have serious consequences for the person with the disability. Involuntary behavior associated with some non-visible disabilities may resemble behavior characteristically exhibited by intoxicated, combative persons or someone not in control of their physical functions.
- b. When interacting with people who appear intoxicated or not in control of their physical functions, deputies will attempt to determine if a disability exists. If necessary, examine the individual to ascertain whether or not the person is wearing a medic alert bracelet (Fla. Stat.

§ 901.215) or has some other visible identifying device describing a medical disability. When appropriate, medical aid should be sought.

## **7. SPEECH AND HEARING DISABILITIES**

- a. Similar to other non-visible disabilities, speech and hearing disabilities may be hard to determine and complicated further by the nature of the situation.
- b. Members should be aware that a person's failure to comply with or respond to verbal instructions does not always constitute defiance, but may be the result of an inability to hear the member or respond verbally. When the situation permits and there is no threat to safety, the deputy should attempt to determine whether or not they are dealing with a person who has a communication related disability before committing to a course of action.

## **C. PROVIDING SERVICES**

### **1. GENERAL**

- a. When providing routine or emergency police service to a disabled person, employees shall evaluate the situation on a case-by-case basis and react according to the needs dictated by the situation. At no time are members expected to compromise their safety or the safety of others.
- b. When assisting a person with a disability, a calm reassuring manner and patience are important responses. Every effort will be made to protect the individual from unnecessary harm. Family members and friends may be sought to provide information and assistance. If needed, steps should be taken to gain placement for the individual in an appropriate emergency medical, health care, or shelter facility.

### **2. COMMUNICATIONS CENTER**

- a. Calls from a disabled person using a Telecommunications Device for the Deaf (TDD), or Video Relay Interpreter (VRI) may be received on 911 or other advertised phone lines.
- b. Upon receipt, the call may already involve the interpreter or may be routed to TDD devices maintained in the Communications Center.
- c. Requests for services will be documented in the CAD event.

### **3. CALLS FOR SERVICE**

- a. Members will be alert to the potential for special needs of people with disabilities as they may be targeted as a crime victim as a direct result of their disability. All reasonable steps should be taken to aid those with disabilities to bring calls for law enforcement service to a successful conclusion.

### **4. DISRUPTIVE CRIMINAL BEHAVIOR**

- a. Individuals with disabilities commit crimes and exhibit disruptive behavior just as those without disabilities do. They should not receive preferential treatment that would jeopardize the Deputy's safety, or that of others.
- b. People with certain disabilities may respond in a manner resembling someone who has abused alcohol or drugs. Such traits may be exhibited by a person with diabetes, epilepsy, multiple sclerosis, or a hearing impairment.

### **5. TRANSPORTATION AND DETENTION**

- a. Individuals with disabilities may also be suspects or arrestees and require detention, transport and processing. Reasonable accommodation will be made for the disabled suspect without compromising Deputy safety.
- b. Consideration should be given to the special needs of individuals with disabilities in an arrest situation. Response in these situations requires discretion based in great part on the type and severity of the disability, the level of resistance exhibited by the suspect, the seriousness of the crime and the immediacy of the situation.
- c. Deputies will use an appropriate means of restraint to protect themselves and the arrestee from injury.

- d. Disabled detainees shall be searched and transported directly to the County Corrections facility to minimize the need for movement of the disabled arrestee.
- e. In arrest and transport situations, deputies may encounter individuals whose disability affects the muscular and/or skeletal system and may not be able to be restrained using handcuffs or other standard techniques. The deputy will contact their immediate supervisor prior to requesting alternative methods such as specially equipped prisoner transport vans.
- f. The individual may require physical aids (canes, wheel chairs, leg braces, etc.) to maintain their mobility. Once the immediate presence of danger has diminished and the suspect poses no threat or is safely contained, aids may be returned, if appropriate. If mobility aids must be withheld, the suspect must be closely monitored to ensure that their essential needs are met.
- g. Personal prisoner property and any prescribed medications will be documented in accordance with general order 41.3 Patrol Operations.

#### **D. SERVICE ANIMALS**

1. Fla. Stat. § 413.08 provides that individuals who are hearing impaired, blind, or otherwise physically disabled be entitled to use service animals to accompany them in places that are open to the public. The places such animals are permitted include hotels, motels, and places of amusement, restaurants, and public transportation.
2. The right to utilize service animals is not limited to persons with sight or hearing disabilities, but is also extended to individuals who utilize the animals to assist them in dealing with other disabilities and to detect the onset of seizures.
3. Some, but not all service animals, are licensed or certified and have identification papers. However, documentation that the service animal is trained is not a precondition for providing service to an individual.
4. A service animal must be under the control of its handler and have a harness, leash, or other tether, unless the handler, because of a disability, is unable to use one. Otherwise, the service animal must be under the handler's control by means of voice control, signals, or other effective means.
5. No questions may be asked about the nature or extent of an individual's disability. Only question whether the animal is a service animal required due to a disability and what work or task the animal has been trained to perform. The animal may only be excluded if it is out of control, not housebroken, or poses a direct threat to the health and safety of others.
6. It is a second-degree misdemeanor for a person to knowingly and willfully misrepresent himself/herself through conduct or verbal or written notice as using a service animal or being qualified to use a service animal.
7. **INTERFERENCE WITH OR INJURY TO A SERVICE ANIMAL**
  - a. Fla. Stat. § 413.081(1) states a person who, with reckless disregard, interferes with, or permits a dog that he or she owns or is in the immediate control of to interfere with the use of a service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the service animal or its user commits a misdemeanor of the second degree for the first offense.
  - b. Fla. Stat. § 413.081(2) states a person who, with reckless disregard, injures or kills, or permits a dog that he or she owns or is in immediate control of to injure or kill a service animal commits a misdemeanor of the first degree. The intentional injuring or killing of a service dog is a felony of the third degree.

#### **E. ACCESS TO PROGRAMS, SERVICES, AND EMPLOYMENT**

1. The Volusia Sheriff's Office will afford individuals with disabilities the same access to programs, services, and employment provided to all citizens.
2. This includes, but is not limited to, first responder recognition of the nature and characteristics of various disabilities and providing appropriate physical and emotional support to people with disabilities who seek to access police services or who come into contact with agency employees. Examples include:
  - Awareness of symptoms and appropriate medical and emotional support for people experiencing seizures;



- Sensitivity to and appropriate physical support in aiding people who are mobility challenged;
- Access to interpreters when required for people who have a need to communicate with agency personnel but have hearing and/or speech disabilities.
- Advanced notice requests for access to agency information, programs (Neighborhood Watch, Crime Prevention programs, and public meetings).
- Awareness and/or training of all employees to certain characteristics common to some disabilities (e.g. epilepsy, diabetes, deafness, including use of service animals)
- Other reasonable accommodations to ensure service and access to all people with visual, mental, emotional and medical disabilities including “invisible” disabilities such as diabetes, epilepsy, multiple sclerosis, loss of hearing and others.

## **F. EFFECTIVE COMMUNICATIONS**

1. Volusia Sheriff's Office personnel that have an initial contact with a person with a disability must take appropriate steps to assess the individual's disability so that effective communication can be achieved. Determining the appropriate aid will depend on the individual's usual method of communication and the nature, importance, and duration of the communication at issue.
2. Deputies may use family members to conduct a preliminary assessment of a victim's medical condition to determine if rescue is required, or to calm the individual. However, as with victims that are not proficient in English, family members or anyone at the scene should not be allowed to translate for the deaf/hard of hearing victim concerning the incident, as this person may be either a suspect or participant in the criminal activity.
3. People who identify themselves as deaf or hard of hearing are entitled to a level of service provided to hearing persons. Volusia Sheriff's Office will make every effort to ensure that all employees communicate effectively with people who have identified themselves as deaf or hard of hearing.
4. Various types of communication aids, referred to as “auxiliary aids and services”, are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; use of a notepad and pen/pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; or use of a qualified oral or sign language interpreter.
5. Effective communication with a person who is deaf or hard of hearing and who is involved in an incident whether as a victim, witness, suspect, or arrestee, is essential in ascertaining what actually occurred, the urgency of the matter, and the type of situation.
6. In most circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf or hard of hearing. However, in other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication type, the more likely it is that a qualified interpreter will be required for effective communication.
7. To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Deputies should find out from the person who is deaf or hard of hearing what type of auxiliary aid or service they need. Deputies should defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity and level of importance based on the nature of the communication as well as the communication skills of the person who is deaf or hard of hearing.
8. The Sheriff's Office is required in accordance with ADA guidelines to provide auxiliary aids or services free of charge, unless a particular auxiliary aid or service would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. In such circumstances, only the Sheriff, or his designee, may make this determination.
9. Input is important to the law enforcement process and therefore conclusions about incidents should not be drawn unless fully understood by all those involved including the individual who is deaf or hard of hearing.

## **G. USE OF ON-CALL INTERPRETIVE SERVICES**




1. The Sheriff's Office maintains an agreement for services available on-call 24 hours per day to provide qualified interpreters as needed. The following procedures will be followed to obtain their services:
  - a. If the Deputy deems it necessary to contact an interpreter, the Deputy will contact his supervisor to receive authorization.
  - b. Upon approval, the supervisor will contact the Communications Center to initiate the service. Each session is limited to no more than two (2) hours per session. If additional time is necessary, approval from the Division Director must be obtained.

## **H. TRAINING**

1. Deputies shall review and have a working knowledge of the ADA Guide for Law Enforcement Officers, "*Communicating with People Who are Deaf or Hard of Hearing*". This document reviews how to communicate effectively in the types of situations deputies may encounter and is located on the Volusia Sheriff's Office Intranet home page under *Manuals and References*. The Training Section will periodically issue additional training through roll call training bulletins.

## **VI. REFERENCES**

- [Communicating with People Who are Deaf or Hard of Hearing](#)

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>1.17</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 12/2016	<b>Previous Revision Date</b> 10/2017
<b>Title</b> <b>AUTOMATED LICENSE PLATE RECOGNITION (LPR) SYSTEM</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  MICHAEL J. CHITWOOD, SHERIFF 	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this policy is to establish procedures for the issuance, training and use of the automated license plate recognition system, referred to herein as license plate readers (LPR).

## II. DISCUSSION

The Volusia Sheriff's Office recognizes the benefits of new technology and the increasingly important role such technology plays in public safety. The automated license plate recognition (LPR) systems, or license plate readers as is commonly referred to, assist with the location of wanted vehicles while enhancing productivity, effectiveness, and officer safety.

A fundamental element of policing is locating stolen vehicles or vehicles involved in other criminal acts such as child abduction. The LPR systems are able to recognize, read, and compare motor vehicle license plates against various law enforcement resources much more rapidly and efficiently than officers manually scanning and making comparisons while on the road.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to provide enhanced patrol capabilities by utilizing the LPR system technology to scan, detect, and identify license plate numbers which appear on selected Hot Lists. Members will receive training prior to being authorized to use the LPR system.

The LPR system shall be used as a specialized tool strictly for law enforcement purposes only and in accordance with this policy, the manufacturer's recommendations, respective CJIS policies, FCIC/NCIC regulations and appropriate legal mandates.

## IV. DEFINITIONS

**Confirmation** – A verification that a Hit by the LPR is valid and active by comparison to the digital image displayed by the LPR.

**Custom Hot List** – An agency maintained Hot List of license plate numbers utilized for investigative purposes outside of the scope of the automated Hot Lists.

**Hits** – An audible alert and/or visual signal activated upon the read of a license plate by the License Plate Recognition system that indicates a potential match to a license plate contained in a Hot List or Custom Hot List.

**Hot List** – Files extracted from various law enforcement resources which contain listings such as stolen license plates, stolen vehicles, wanted persons, or other vehicles and/or persons actively being sought by a law enforcement agency. These data extracts are only updated several times per day, thus they do not represent real-time data and therefore all Hits require confirmation and independent corroboration.

**License Plate Reader (LPR)** – A specialized system consisting of equipment designed to read, store and analyze license plate data. The LPR is either mounted to a patrol vehicle and connected to a computer within the vehicle, in a fixed/stationary application, or mounted within a portable speed trailer. LPR data from these devices is uploaded and housed on a secured server managed by Information Technology.

## **V. PROCEDURE**

### **A. RESPONSIBILITIES & ADMINISTRATION**

1. Authority to issue or approve LPR Devices to specific qualified members shall be vested in the Law Enforcement Operations Division Chief, or his designee.
2. Only agency issued LPR Devices will be authorized for use.
3. Prior to using an LPR Device for law enforcement purposes, members will complete an agency approved LPR course and demonstrate proficiency on the device's capabilities.
4. The Director of Information Technology, or their designee, along with the manufacturer shall be responsible for coordinating the training on the LPR system.
5. The Director of Information Technology, or their designee, shall be responsible for overseeing the technology and security portion of the LPR system.
6. It is incumbent upon the deputy and/or the supervisor to immediately contact the Information Technology Section to report malfunctioning, damaged, lost, or stolen LPR devices; this may be accomplished via e-mail. All repairs or replacements shall occur during Information Technology's normal business hours.
7. Supervisory personnel who oversee members equipped with LPRs shall ensure:
  - a. Established procedures for the use and maintenance of the LPR are followed;
  - b. Repairs and replacement of damaged or non-functional LPRs are documented;
  - c. All statistical reporting requirements are being completed as required to ensure adequate program evaluation;
  - d. Reports involving cases in which the LPR played an integral part in making an arrest shall be, on a monthly basis, documented in the responsible member's statistical report.

### **B. USE OF THE LPR**

1. Improper or unauthorized use of the LPR system or associated Hot Lists will be in violation of general order 26.2. Standards of Conduct, section: IV.I.10.a. Access, Use of Secure Restricted Databases.
2. All users shall be required to have an individual account for the use of the LPR system.
3. LPR Equipment will not be disconnected, altered, or repaired by anyone except a technician authorized by the Director of Information Technology.
4. The LPR Device passively captures license plates of moving or parked motor vehicles and uses optical character recognition technology to compare them against a Hot List or Custom Hot List.
5. Manual additions to the Custom Hot Lists can be made to the system as needed for the agency's legitimate investigative needs. Examples of possible scenarios where manual entry of a license plate number include, but are not limited to:
  - a. Be On the Look Out (BOLO);
  - b. Attempt to Locate;
  - c. Motorist overdue to destination;
  - d. AMBER/SILVER/BLUE Alert;
  - e. Child Abduction;
  - f. Wanted Person;
  - g. Missing Person;
  - h. Registered Sexual Predator

## 6. LPR Operation

- a. For Mobile applications, the Veriplate application on the MDC shall be used to monitor Hits in the LPR system. For Fixed/Stationary Applications and the Portable Speed Trailer, the VISCE web application shall be used to monitor Hits in the LPR system, or perform historical searches of the LPR data.
- b. During operation, LPR Hits are indicated by an audible and/or visual alarm. An LPR Hit shall not be used as the sole reason for a traffic stop or enforcement contact until all provisions contained in this section have been satisfied. Contact with the vehicle and its occupants shall only be made after the Hit is confirmed.
- c. The user receiving the notification shall verify that the Hot List entry matches the digital image displayed by the LPR for Confirmation.
- d. If, for any reason, the Hot List entry does not match the LPR's digital image, the Hit shall be rejected.
- e. If the Hot List entry is confirmed with the LPR's digital image, the Hit shall be accepted and the user shall verify the Hit through NCIC/FCIC/DAVID.
- f. When verifying the Hit, the user shall notify Central Communications that the verification request is the result of an LPR Hit.
- g. After verifying the Hit through Central Communications, the user may attempt to stop the vehicle.
- h. It must be noted that all Hits are based on the tag on the vehicle and not necessarily the person operating the vehicle at the time of the Hit.
- i. **OFFICER SAFETY: The traffic stop will be treated cautiously with the user exercising all officer safety protocols.**

## C. TRAINING

1. Training shall be based on manufacturer's recommendations and suggestions from the Law Enforcement Operations Division Chief, the Information Technology Director or their designees.
2. Only employees trained by the manufacturer or appointed Volusia Sheriff's Office Instructor shall operate an LPR system. The LPR system shall at all times be used according to the manufacturer's instructions and for Law Enforcement purposes.
3. Training shall at a minimum include:
  - a. Setup procedures
  - b. Proper use guidelines
  - c. Potential issues involved with the use of the LPR Device
  - d. Reporting requirements
  - e. Usage of the VISCE web application such as Custom Hot List creation/entry, Hot List Hit Alerting, and Intelligence Searching
  - f. Other issues, as deemed necessary

## D. DATA SECURITY: ACCESS, STORAGE AND RETENTION


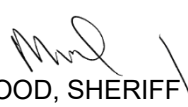

1. The Director of Information Technology, or their designee, is responsible for overseeing the LPR system/server. The server houses all captured license plates from the LPR system and stores the Hot Lists and Custom Hot Lists.
2. Standardized reports or intelligence inquiries can be accessed via the LPR system by authorized personnel only. These reports can be used to demonstrate effectiveness and efficiency of the LPR system and are for criminal investigative or intelligence purposes only.
3. Reports generated for intelligence purposes shall be considered confidential and treated accordingly.
4. Local data base Custom Hot Lists shall be maintained by the originator of the Custom Hot List to ensure all license plates entered still have a validated purpose for being contained in the list. The

originator shall ensure that all Custom Hot Lists that are no longer valid be deleted from the LPR system.

5. The Volusia Sheriff's Office shall maintain images of captured license plates and their associated metadata such as Global Positioning Systems (GPS) coordinates, time and date stamps, and the digital image that captures the license plate. These records shall be stored within a secured database accessible only by authorized users. All LPR scanned data will be retained as required by law.
6. The Volusia Sheriff's Office recognizes the importance of sharing LPR data with other law enforcement agencies. Sharing data in this manner provides a force multiplier and increases the probability of deterring, detecting, or solving crime. LPR data sharing supports a key element of thwarting acts of criminal activity/terrorism. Once the data is shared, the shared records become property of the requesting agency governed by the policy and procedures of that agency. LPR records may be subject to the provisions of Chapter 119, Florida Statutes.
7. The Volusia Sheriff's Office shall conduct monthly verification checks through the Volusia County Crime Center (VC3) to ensure the automatic data purging process is functioning in accordance with the established ninety (90) day retention period. This review shall be documented using the Volusia Sheriff's Office form *LPR Automated Purge-Verification Log*, VSO Form # 052217.001.

## VI. FORMS

- [LPR Automated Purge Verification Log, VSO Form # 052217.001](#)

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 1.18</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/2017	<b>Previous Revision Date</b> 05/2017
<b>Title</b>  <b>PUBLIC RECORDING OF POLICE ACTIVITIES</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  MICHAEL J. CHITWOOD, SHERIFF  	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish the guidelines and procedures for the Volusia Sheriff's Office regarding agency policy governing the photographing, video and/or audio recording of law enforcement and general policing activity by the public.

## II. DISCUSSION

The Volusia Sheriff's Office recognizes that members of the public who are lawfully in public places or locations where they have a legal right to be present, such as their home, place of business or the common areas of public or private facilities, have a First Amendment right to record things in plain view or hearing, including police activities.

To ensure the safety of the deputy(s) and to protect the safety and rights of both the subject(s) of police activity as well as members of the public who are recording, this right to responsibly record is subject to reasonable time, place and manner restrictions.

## III. POLICY

The Volusia Sheriff's Office recognizes that members of the public have a First Amendment right to audio/video record or photograph Volusia Sheriff's Office deputies while they are engaged in official business in a public place unless such recording or photography unduly interferes with the conduct of official business and/or the safety of any of the participants involved.

It is the policy of the Volusia Sheriff's Office that persons who are lawfully and responsibly recording will not be interfered with, threatened or otherwise discouraged in regards to the recording of police activities.

## IV. DEFINITIONS

**Media** – The type of storage source for visual or audio recordings.

**Public Settings** – Public place includes all walks, alleys, streets, roads, highways or other ways of thoroughfares dedicated to public use or owned or maintained by public authority; and all grounds and buildings owned, leased by, operated or maintained by public authority excluding common areas designated as secure. EXCLUDES any part of an active crime scene that has been roped off or taped off or segregated in some manner, to preserve the integrity of an investigation and the evidence-gathering process as well as designated perimeters involved in active threats/operations under the verbal authority and direction/command of a deputy sheriff.

**Recording** – Capturing of images, audio, or both, by means of a video camera, cell phone, audio recorder or other device.

**Video Recording Device** – Any device capable of capturing a still or moving image(s), regardless of whether or not a simultaneous audio recording is included.

## **V. PROCEDURE**

### **A. GENERAL GUIDELINES**

1. Video recording of an agency member who is engaged in official duties is not a crime or a violation of any county/municipal ordinance.
2. Persons who are lawfully in public places or locations where they have a legal right to be present, such as their home, place of business, or the common areas of public and private facilities and buildings, have a First Amendment right to record things in plain view or hearing, including law enforcement/policing activity.
3. Deputies shall not threaten, intimidate, or otherwise discourage or interfere with the recording of law enforcement/policing activities; however, the right to record is and is subject to reasonable time, place and manner restrictions. Examples include, but are not limited to:
  - a. The recording of the deputy's activity from a reasonable distance, without any action that obstructs or threatens the deputy(s) or otherwise creates a legitimate safety concern, is not considered interference.
  - b. Persons engaged in recording activities may not obstruct law enforcement/policing activities by means of:
    - Physically intervening or interfering with the subject and/or a witness;
    - Persistently engaging a deputy with questions or interruptions;
  - c. The fact that recording and/or overt verbal criticism, insults, or name-calling may be annoying, does not in and of itself justify a deputy taking corrective or enforcement action or ordering that recording be stopped, as this is an infringement on an individual's right to protected speech.
  - d. The safety of deputies, subjects, victims, witnesses and/or third parties cannot be jeopardized by the recording party.
  - e. The recording must be conducted in a manner that does not unreasonably impede or interfere with the movement of emergency equipment and personnel or the flow of vehicular and/or pedestrian traffic. If a person is photographing or recording police activity from a position that impedes or threatens the safety of deputies or the public, the deputy shall direct the individual to move to a position that will not interfere. However, deputies shall not order the person to stop photographing or recording.
4. As long as photographing or recording takes place in a setting at which the individual has a legal right to be present and does not interfere with a deputy's safety, deputies shall not inform or instruct people that photographing or recording of deputies, the law enforcement/policing activity or individuals who are the subject of the action is not allowed, requires a permit, or requires the deputy's consent. Additionally, deputies shall not:
  - a. Order that person to cease such activity;
  - b. Demand that person's identification;
  - c. Demand that the person state a reason why he or she is taking photographs or recording;
  - d. Detain that person;
  - e. Intentionally block or obstruct cameras or recording devices;
  - f. In any way threaten, intimidate or otherwise discourage an individual from recording law enforcement/policing activity;
  - g. Confiscate a device;
5. Deputies may ask questions during the course of a contact, but are reminded that there is no justification for ordering a person to stop or requiring that they answer unless the officer reasonably suspects that a person has committed, is committing or is about to commit any crime.
6. Members of the press and members of the general public enjoy the same rights in any area accessible to the general public.



7. No individual is required to display “press credentials” in order to exercise his/her right to observe, photograph, or video record law enforcement/policing activity taking place in an area accessible to, or within view of the general public.

## **B. ARRESTS**

1. Persons who violate the foregoing restrictions should be informed that they are engaged in prohibited activity and given information on acceptable alternatives, where appropriate, prior to making an arrest.
2. Arrest of a person who is recording deputies in public shall be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not, in itself, provide grounds for detention or arrest. If a person video recording law enforcement/police activity is arrested, the deputy must articulate clearly the factual basis for the arrest (e.g. disorderly conduct, assault, battery, etc.).
3. Arrest of an individual does not provide an exception to the warrant requirement justifying search of the individual's recording equipment or media. Any recording equipment or media seized incident to a lawful arrest should not be downloaded, viewed, or otherwise accessed without a search warrant or consent. Files and media shall not be erased under any circumstances.

## **C. CONSENT TO SEARCH RECORDING DEVICE/MEDIA**

1. Deputies may not order an individual to show recordings that have been made of enforcement actions or other police activities/operations.
2. If there is probable cause to believe that a camera or other recording device contains images or sounds that are evidence that a serious crime has been recorded, the deputy shall:
  - a. Summon a supervisor to the scene;
  - b. Ask the person(s) in possession of the recording if they will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copies made as evidence.
3. If the individual consents to the request, deputies must exercise due care and caution with any of the individual's property or electronic device(s).
4. Prior to accepting the device, the deputy shall complete a Volusia Sheriff's Office Consent to Search Computer form indicating the temporarily relinquished property. The form must be signed by the individual and the deputy and a copy given to the individual.
5. After receiving the device/media, the deputy shall:
  - a. Submit a report indicating the circumstances surrounding the relinquished device/property;
  - b. Submit the report and immediately turn over the device/media for forensic examination;
  - c. At no time make an attempt to view, download, or otherwise access any material contained on the device.
6. Whenever a recording device or media is obtained by consent, the item shall be held in Volusia Sheriff's Office custody no longer than reasonably necessary for law enforcement, acting with due diligence, to view and/or copy the recording.
7. The device must be returned at the earliest possible time and its owner/operator given instruction on how and where it can be retrieved.

## **D. WARRANTLESS SEIZURE OF RECORDING DEVICE/MEDIA**

1. If the individual declines to voluntarily provide the device or recording medium, or to electronically transmit the sound and/or images where possible and practicable and there is probable cause to believe that evidence exists on the device, and there is probable cause to believe that the evidence is in immediate jeopardy of being tampered with, altered, deleted, or destroyed, the device may be seized and secured as evidence while the appropriate application(s) for a search warrant is made.
2. Prior to seizing the device, a supervisor must confirm there is probable cause to believe that the device holds contraband or evidence of a crime, and that the exigencies of the circumstances demand it or some other recognized exception to the warrant requirement is present.

3. In **exigent situations** where it is objectively reasonable to believe that immediate viewing of recordings is necessary to prevent death or serious bodily harm of another before a warrant can be authorized, the recording device or media may be confiscated and viewed.
4. In the case of an arrest of the recording party, the deputy shall document the seizure on a Property Report.

#### **E. SUPERVISORY RESPONSIBILITIES**

1. A supervisor shall respond to any incident in which an individual recording law enforcement/policing activity is going to be, or will most likely be arrested or when recording equipment may be seized without a warrant or lawful consent.

### **VI. FORMS**

- [Consent to Search Computer, VSO Form # 042607.001](#)

## CONSENT TO SEARCH

### COMPUTER(S), COMPUTER PERIPHERALS, CELLULAR TELEPHONE(S), PERSONAL DIGITAL ASSISTANT(S), FLASH MEDIA, GLOBAL POSITIONING SYSTEM & RELATED MEDIA

I, \_\_\_\_\_ do hereby authorize and give my permission to \_\_\_\_\_ who has identified himself/herself to me as a sworn law enforcement officer to make a full and complete search of my computer(s), computer peripherals, cellular telephone(s), personal digital assistant(s), flash media, global positioning system and related media, located at \_\_\_\_\_ with the assistance of a computer forensic examiner as required. I do further authorize that the password(s), personal identification number "PIN number(s)", lock/unlock pattern(s) I have *given freely and voluntarily*, be utilized by law enforcement to gain access to my computer(s), computer peripherals, cellular telephone(s), personal digital assistant(s), flash media, global positioning system and related media.

I have been advised by the above law enforcement officer of an investigation concerning an alleged violation of federal and/or state law. I do further authorize and give my permission to take from my residence/conveyance/person located at \_\_\_\_\_ any computer(s), computer peripherals, cellular telephone(s), personal digital assist, flash media, global positioning system and related media which may have connection, value or relevance as evidence in said investigation.

*The above law enforcement officer has fully and fairly advised me of my rights as follows:*

*\* That I have a right to refuse consent to this search of my property.*

*\* That any computer(s), computer peripherals and related media found by said officers in the course of their search can be used as evidence against me or others in a court of law.*

I have carefully read, fully understand and acknowledge these rights and hereby give consent and permission to conduct the search of the computer(s), related peripherals and related media. *My consent to such search, given freely and voluntarily, demonstrates my willingness to cooperate and assist in this investigation.* I have not been promised anything or been threatened or coerced in any way, nor has any inducement of any kind been held out to me in return for this consent and permission to search.

Lock Pattern:

1 ●      2 ●      3 ●

4 ●      5 ●      6 ●

7 ●      8 ●      9 ●

Password-PIN-Device Name: \_\_\_\_\_

Password-PIN-Device Name: \_\_\_\_\_

Password-PIN-Device Name: \_\_\_\_\_




Password-PIN-Device Name: \_\_\_\_\_

Password-PIN-Device Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Witness: \_\_\_\_\_

Date/Time: \_\_\_\_\_ Witness: \_\_\_\_\_

Location: \_\_\_\_\_

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 1.19</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 11/2019
		<b>Original Issue Date</b> 11/2019	<b>Last Review</b> NEW
<b>Title</b>  <b>RISK PROTECTION ORDERS</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for identifying individuals for whom a Risk Protection Order is appropriate, processing Risk Protection Orders and ensuring compliance with all applicable legal requirements regarding seeking an order, executing an order, maintaining seized and surrendered firearms and ammunition and returning firearms and ammunition surrendered pursuant to a Risk Protection Order.

## II. DISCUSSION

Florida Statute § 790.401 was enacted to enable a law enforcement officer to seek a Risk Protection Order when certain criteria are met. The Risk Protection Order mandates the owner surrender his/her firearms and ammunition.

## III. POLICY

It is the policy of the Volusia Sheriff's Office to petition for and serve Risk Protection Orders (RPO) in compliance with Florida law and to properly account for and store firearms and ammunition obtained by the Sheriff's Office pursuant to such orders.

## IV. DEFINITIONS

**Affidavit** – A sworn written document establishing probable cause. A law enforcement officer or citizen can write an affidavit attesting to the probable cause; usually made by a law enforcement officer but may be attested to by a citizen or informant. If attested to by a citizen or informant, law enforcement must obtain a sworn written statement. The affidavit will outline the factual justification for why a judge should issue a Temporary RPO or RPO.

**Compliance Hearing** – A hearing, scheduled no later than three (3) business days after the issuance of a temporary risk protection order, for the purpose of determining if the respondent has surrendered all firearms, ammunition, and/or Florida Concealed Weapon or Firearm License (CCW) owned by the Respondent and/or in the Respondent's custody, control, or possession. The court may cancel the hearing upon a satisfactory showing that the Respondent is in compliance with the order.

**Family/Household Member** – For purposes of a risk protection order, a relative can include, but is not limited to a spouse; persons related by blood or marriage; persons who are presently residing together as a family or any other person living in the same house regardless of the relationship.

**Final Hearing** – A hearing scheduled no later than fourteen (14) days after the issuance of a temporary RPO, for the purpose of determining if a final order should be issued for a period of up to one (1) year.

**Petitioner** – The law enforcement officer or law enforcement agency that petitions a court for an RPO pursuant to § 790.401, Florida Statutes.

**Respondent** – The individual against whom a risk protection order is sought.

**Risk Protection Order** – An order (temporary ex parte order or a final order) granted under Florida Statute § 790.401 and entered by a Judge that prohibits the possession or purchase of firearms or ammunition for the length of time the order is in effect.

**Service** – The delivery of any item of civil process that is completed with the act of delivery and does not require the physical or legal seizure of a person or thing.

## **V. PROCEDURE**

### **A. CRITERIA FOR RPO**

1. There are a number of circumstances where it may be appropriate to seek a risk protection order (RPO). Members shall follow all procedures and requirements contained in F.S. § 790.401, governing risk protection orders.
2. An RPO is appropriate if a law enforcement deputy believes that a person poses a significant danger of causing personal injury to himself/herself or others by having a firearm or any ammunition in his/her custody or control, or by purchasing, possessing, or receiving a firearm or ammunition. There doesn't have to be Baker Act considerations for an RPO investigation/determination.

### **B. BAKER ACTS**

1. Under the Baker Act, a firearm or ammunition can only be seized when at least one of the following criteria exists:
  - a. The person who is taken into custody is believed to suffer from mental illness and there is substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior **AND** that person has made a violent threat against another person.
  - b. The firearm is used in the commission of a crime; the person is arrested.
  - c. There is an existing ex parte temporary RPO (TPRO)
  - d. The person taken into custody is barred by a firearm or ammunition ownership or purchasing disability.
2. If none of the above conditions applies, seizure under the Baker Act is not immediately authorized. However, the deputy may ask the person being taken into protective custody for consent to seize any firearms or ammunition in his possession or custody for safe keeping.
3. If the person refuses consent, then the deputy may consider applying for a TPRO/RPO.

### **C. THE RPO PROCESS**

1. The determination as to whether an RPO will be sought is very fact specific and must be made on a case-by-case basis.
2. A Respondent qualifies for an RPO if all three of the following (A-C) are met:
  - a. Respondent poses a significant danger of causing personal injury to him/herself (note, mental illness or other Baker Act (BA) criteria are not required);
  - b. Respondent has firearms in his/her custody or control or has the ability to purchase, possess or receive firearms/ammunition:
    - (1) Custody or Control
      - (a) Actual possession
      - (b) Constructive possession
    - (2) You should presume the person has the ability to purchase, possess or receive a firearm unless you have knowledge the person has been disqualified and is unlikely to become eligible to purchase or possess in the near future.
  - c. Respondent poses a significant danger of causing personal injury to him/herself or others in the near future by having a firearm or ammunition in his/her custody or control or by purchasing, possessing or receiving a firearm or ammunition:

- (1) To obtain a temporary RPO, some person who has personal knowledge of why the respondent is a danger in the near future must fill out a sworn written statement. The person with personal knowledge can be the deputy or a civilian witness. There can be more than one sworn written statement, and everyone with personal knowledge should complete a sworn written statement.
- (2) In addition to any incident outlined in an affidavit, the court will also consider other factors when making its determination whether the respondent poses a significant danger of causing personal injury. There is no minimum number of factors that must be present. Any factor that applies to the respondent should be identified in your affidavit. Factors the court will consider are whether respondent:
  - (a) Was involved in a recent act or threat of violence against himself/herself, or others whether or not such violence involves a firearm
  - (b) Engaged in an act or threat of violence in the past 12 months against self or others
  - (c) Is seriously mentally ill or has recurring mental health issues
- (3) Has been the subject of, or has violated, a previous or existing order pursuant to:
  - (a) Domestic Violence Injunction
  - (b) Repeat Violence Injunction
  - (c) Dating Violence Injunction
  - (d) Sexual Violence Injunction
- (4) Injunction for Protection Against Stalking
- (5) Is the subject of a previous or existing RPO
- (6) Has violated a previous or existing RPO
- (7) Has been convicted of, had adjudication withheld on, or pled no contendere to a crime that constitutes domestic violence in Florida or any other state
- (8) Has used, or threatened to use, against himself/herself or others, any weapons
- (9) Unlawfully or recklessly used, displayed or brandished a firearm
- (10) Recurring use of threat to use physical force against another or stalked another person
- (11) Has been arrested for, convicted of, had adjudication withheld, or pled nolo contendere to a crime involving violence or a threat of violence in any other state.
- (12) Corroborated evidence of the abuse of controlled substances or alcohol
- (13) Evidence of recently acquired firearms or ammunition
- (14) Any relevant information from family/household members
- d. The fear of future harm is related to the respondent having **custody, control or being able to obtain** a firearm or ammunition.

### 3. COMPLETION OF RPO FORMS

- a. Deputies who believe that an RPO might be required shall articulate all facts based on personal knowledge or provided by sworn statements regarding the factors for the court to consider. This affidavit must be sworn. Therefore, prior to submission, ensure it is attested pursuant to F.S. § 92.525 and 117.10. Typically, a joint Petition for Temporary Ex Parte RPO and Petition for Final RPO should be sought at the same time.
- b. Witness(es) must complete a sworn written statement indicating the facts he/she knows, including any relevant information regarding factors the court will consider. This written statement must follow F.S. § 92.525.
- c. The affidavits submitted must establish probable cause for the issuance of an RPO. The criteria can be met solely by a deputy's affidavit where the deputy has personal knowledge of the incident. The criteria can also be met solely by a witness statement where the witness has personal knowledge of the incident and the factors the court will consider. The criteria can also be met through a combination of witness statements by two or more deputies and/or

witnesses. However, the criteria cannot be submitted to the court unless an affidavit is completed, signed and attested to.

- d. The deputy should also provide the name of any other witness(es) and indicate what that person knows and whether that person was present at the scene but refused to complete a witness statement.
- e. The deputy shall enter a list of firearms and ammunition in the custody or control of the respondent. If the respondent voluntarily turns over all firearms and ammunition, the deputy will inventory and receipt such and provide the respondent with a copy of the receipt. A copy of the receipt shall be emailed by the end of the work shift to the VSO Legal Advisor for filing with the court. The email address is [RPOsubmissions@vcso.us](mailto:RPOsubmissions@vcso.us).
- f. The deputy shall document the names of any known family or household members or any person identified as at risk of personal injury by respondent and provide a notice of intent to petition the court for an RPO providing referrals to appropriate resources in accordance with F.S. § 790.401(2)(f) utilizing VSO Form # 080719.001, Risk Protection Order Notification.
- g. The deputy will provide such notice to all people identified when possible. For any person who has not been given notice, indicate the steps that will be taken to provide notice to remaining people.

#### 4. DISTRIBUTION OF RPO FORMS

- a. **All forms generated shall be submitted to Volusia Sheriff's Office Legal Advisor no later than end of shift. The forms shall be scanned or photographed then emailed to RPOsubmissions@vcso.us and shall include at a minimum:**
  - (1) Deputy's Affidavit
  - (2) Firearms and Ammunition Receipt
  - (3) RPO Notification to Family/Household
  - (4) Any additional forms that may be applicable, including Additional Witnesses.
- b. The deputy shall ensure all forms include the VSO case number and are forwarded to Central Records. It is suggested that deputies keep a copy of the affidavit and petition in the event that the deputies need to make changes after review by the Legal Advisor.

#### 5. DECISIONS REGARDING FIREARMS AND OR AMMUNITION IN CUSTODY/CONTROL

- a. A deputy can never SEIZE firearms or ammunition before entry of a TRPO or RPO unless authorized in the above BAKER ACT section, paragraphs 1.19.3 through 1.19.5. A person must be asked to surrender their firearms and ammunition if you intend to file an TRPO/RPO unless seizure is authorized under the Baker Act. The person has the choice to refuse. Seizure is only authorized if the **Baker Act** seizure criteria is met as noted herein.
- b. All firearms and ammunition the respondent possesses, owns or controls must be included in the list submitted. This includes firearms and ammunition that have been surrendered and the firearms and ammunition that have not been surrendered.
  - (1) For those items that have been surrendered, the deputy shall indicate that the respective firearms and ammunition are in the deputy's possession.
  - (2) Any firearm or ammunition that has not been surrendered, the deputy shall indicate where the item can be located (house, car, business).
- c. A person who meets the criteria for an RPO can voluntarily surrender some or all of his/her firearms and or ammunition. Ensure that:
  - (1) If the firearms and/or ammunition are located in a place where the deputy cannot legally enter then consent is needed for **both** the entry into that place and for surrender of the firearms and/or ammunition.
  - (2) If the deputy cannot lawfully gain access to retrieve the firearms and/or ammunition then the deputy should make a note and consider whether a search warrant is an option or there is some other judicially recognized exception to retrieve the firearms.

#### 6. ADDITIONAL RESPONSIBILITIES OF LAW ENFORCEMENT

- a. Submission of surrendered Firearms and Ammunition to Property & Evidence Section:

- (1) All firearms and ammunition that have been surrendered and are listed on the RPO receipt must be placed in authorized and designated VSO evidence containers and properly labeled as "RPO", "RPO- surrender"....
- (2) After clearly marking with RPO, the firearms and ammunition must be submitted to the Property & Evidence Section no later than end of shift.
- (3) If the person was arrested for a criminal charge and the firearms and/or ammunition was seized as evidence pursuant to the criminal charge and the deputy is seeking an RPO, both the arrest and RPO procedures shall be followed.
  - (a) If the firearm is seized as evidence, the criminal seizure procedures shall be applied. However, a RPO Firearms and Ammunition Receipt shall also be completed.
  - (b) If the firearm is not seized as evidence, the deputy shall seek the surrender of the firearms and/or ammunition as indicated above.
- (4) If the firearm is seized as evidence and the deputy is seeking an RPO, the deputy shall indicate on the label "RPO".
  - (a) The seized evidence shall first be processed according to the criminal procedures until the items are no longer needed as evidence.
  - (b) At that time, the items will be held pursuant to the RPO procedures.
  - (c) Any release of any firearms must comply with both the criminal and RPO procedures.
- (5) If the person claims he/she is not the owner of the firearms or ammunition, they will be submitted into the Property & Evidence Section as described above.
  - (a) The deputy shall attempt to determine ownership of the firearms and/or ammunition.
  - (b) If the deputy is unable to determine ownership then seek surrender of the firearms and/or ammunition as outlined above.
  - (c) The deputy shall document their findings regarding ownership of the firearms and/or ammunition in the incident report.
- (6) All Firearms will be transported unloaded, made safe and with ammunition packaged in a separate bag/container.
- b. Surrendered or seized firearms, ammunition and CCW will be released or disposed of through the Property & Evidence Section according to law and VSO policy.
  - (1) Firearms and/or ammunition may be released to a third party only after appropriate transfer affidavits are completed and submitted to the Property & Evidence Section.

## 7. FILING FOR TEMPORARY RPO

- a. Upon review and filing with the court, the court must hold a Temporary RPO hearing within 48 hours of receipt.
- b. The Legal Advisor will appear in court for the hearing. At the hearing the court will review the submission and grant or deny the Temporary RPO. If granted the court will also provide a Compliance Hearing date and a Final Hearing date in the order granting the Temporary RPO.
- c. Upon entry of the Temporary RPO, the Clerk will forward the order to the Legal Advisor and to the Civil Section for processing.
  - (1) The Deputy shall review upon receipt and determine the petitioning agency.
  - (2) The Deputy will contact the petitioning agency for assistance with service if other than VSO.
  - (3) No less than two (2) deputies/officers shall be on scene to serve the RPO
- d. Once a respondent is served with the Temporary RPO by the civil/patrol deputy, the respondent is required to surrender all firearms and ammunition in his/her possession, custody and control. It is a third degree felony to possess firearms and/or ammunition after being served with a Temporary or Final RPO.



- e. Nevertheless, if the respondent still will not surrender all firearms and ammunition as noted previously, the RPO does **NOT** give the authority to seize the weapons. If a deputy believes the respondent is in possession of firearms and/or ammunition after being served, the deputy needs to determine if there is probable cause to arrest for violation of the order.
- f. If the deputy has probable cause where the firearms and ammunition are located, the deputy shall coordinate with Investigative Services Section/petitioning agency so a warrant can be sought for seizure of all firearms, ammunition and ccw in the care, custody and control of the respondent.
- g. The Temporary RPO is valid until the Final Hearing.

## **8. COMPLIANCE HEARING**

- a. Within 72-hours of granting the Temporary RPO, the court will hold a Compliance Hearing to ensure the respondent has surrendered all of his/her firearms and ammunition, unless the Court is notified that all firearms and/or ammunition have been surrendered.
  - (1) If all firearms and/or ammunition have NOT been surrendered, the civil/patrol deputy will notify the Legal Advisor who will attend the Compliance Hearing and notify the court.
  - (2) If appropriate, the civil/patrol deputy shall also notify the Investigative Services Section so that a search warrant can be sought for the seizure of all firearms, ammunition and ccw.

## **9. FINAL RPO**

- a. Within 14 days of the submission of the petition, the Court will hold a Final Hearing for the RPO. The affidavits and BWC footage may be admitted as evidence.
  - (1) Prior to giving testimony at the final hearing, deputies shall review the case including but not limited to the incident report, petition, affidavits and body worn camera (BWC) video/audio. For the BWC footage to be admitted into evidence, the deputy must testify to viewing the footage and that the footage accurately depicts the events that transpired.
- b. Once the Final RPO is granted, if the respondent has any other firearms or ammunition in his/her possession the respondent will be required to surrender them. If the respondent refuses, the same process shall occur, as with the above section FILING FOR TEMPORARY RPO, paragraphs V., C., 7, c. through V., C., 7, f.

## **10. CRIMINAL VIOLATION OF RPO**

- a. F.S. § 790.401(11)(b), states that any person who has in his/her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by a Risk Protection Order commits a felony of the third degree.
  - (1) Deputies must confirm the RPO was served and remains active prior to making an arrest pursuant to the above statute.
  - (2) Confirmation is obtained by calling the Warrants Section at (386) 736-5961. A person is available to answer any request for confirmation 24/7.
- b. If a person is arrested pursuant to this statute for a violation of the RPO order, any firearms and/or ammunition should be seized and processed as follows:
  - (1) The firearms and/or ammunition should be seized as evidence for the criminal case and processed and submitted to the Property & Evidence Section pursuant to the criminal policies and procedures. Additionally, deputies should clearly mark the evidence container "RPO".
  - (2) Deputies shall also update the firearms and/or ammunition list for the corresponding RPO and submit to VSO Legal Advisor.
  - (3) Once the criminal case is concluded, Property & Evidence Section shall retain the firearm and/or ammunition pursuant to the RPO. The Property & Evidence Section shall comply with all applicable laws regarding the release procedures for items submitted as evidence and regarding release procedures for items surrendered pursuant to RPO.

## **11. SEARCH WARRANT**

- a. If a deputy has probable cause to believe a person who has been served with an RPO has possession, custody or control of a firearm and/or ammunition, the deputy can seek a search warrant pursuant to the RPO statute and/or pursuant to the criminal process.
  - (1) RPO CIVIL SEARCH WARRANT: If the respondent refuses to surrender all firearms and ammunition after being served with the RPO, the civil/patrol deputy shall contact the Investigative Services Section to draft a search warrant to obtain any other firearms or ammunition for which the deputy has probable cause. All civil search warrants issued pursuant to the RPO statute must be initiated by the civil/patrol deputy. Civil/patrol deputies shall initiate the process by first contacting the VSO Legal Advisor. The State Attorney's Office has no role in obtaining a search warrant pursuant to the RPO statute. The Legal Advisor shall review and approve a search warrant affidavit before the civil/patrol deputy presents it to the court.
  - (2) CRIMINAL SEARCH WARRANT: Any deputy can seek a criminal search warrant when that deputy has probable cause to believe a person, after being served with a TRPO/RPO is in possession of firearms and/or ammunition. To possess or purchase any firearm or ammunition is a violation of F.S. § 790.401(11)(b). In seeking a criminal search warrant, deputies shall follow the same policies and procedures that are followed for all criminal search warrants, including contacting the on-duty Assistant State Attorney (ASA) to contact the duty judge and accompany the deputy when presenting the search warrant affidavit the duty judge. VSO Legal Advisor has no role in obtaining a search warrant pursuant to a criminal violation.

## **12. RESPONSIBILITIES OF THE LEGAL ADVISOR**

- a. Legal shall review all RPO documents for sufficiency prior to any filing. If insufficient, Legal will contact the deputy for correction.
- b. Legal will file the TRPO and RPO petition.
- c. Legal will attend the Compliance Hearing.
- d. Legal will attend the Final Hearing.

## **13. NOTICE OF VACATED OR EXTENDED RPO ORDERS**

- a. The Clerk notifies VSO Legal of RPO expirations within 60 days of expiration. VSO Legal reviews the case to determine whether to seek an extension.
  - (1) If an extension is not sought, or the RPO is vacated, then Legal notifies the VSO Civil and Evidence & Property Sections by email of the pending expiration or order to vacate.
  - (2) Evidence shall release any firearms and/or ammunition according to law and VSO policy.
- b. Civil notifies Warrants of expiring and vacated RPOs.
  - (1) For vacated orders, Warrants promptly removes the entry from the FCIC/NCIC computer system.
  - (2) For expiring orders, the FCIC/NCIC system automatically changes the entry's status to expired on the expiration date.


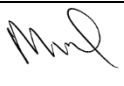

## **14. RETURN OF FIREARMS/AMMUNITION/CCW**

- a. The Property & Evidence Section shall attempt to notify by phone those individuals listed in the report and document all attempted and actual contacts made in accordance with established Evidence Section standard operating procedures.

# **VI. FORMS**

- [Affidavit – In Re: Petition for Risk Protection Order](#)
  - [Affidavit Continuation – In Re: Petition for Risk Protection Order, VSO Form # 061118.001](#)
- [Petition for Temporary Ex Parte Risk Protection Order and Risk Protection Order](#)
- [Affidavit – Risk Protection Order/Baker Act Return of Firearms or Ammunition to Third Party Designated by Respondent, VSO Form # 051618.001](#)

- [Affidavit – Risk Protection Order/Baker Act Return of Firearm or Ammunition to Third Party Owner, VSO Form # 051618.002](#)
- [Affidavit – Owner Requests Transfer of Firearms or Ammunition to Third Party, VSO Form # 091418.001](#)
- [Affidavit – Risk Protection Order/Baker Act Transfer of Firearm\(s\) or Ammunition to Owner \(Respondent Is Not the Owner\), VSO Form # 091418.002](#)
- [Risk Protection Order/Baker Act Firearms and Ammunition Receipt, VSO Form # 051618.003](#)
- [Risk Protection Order/Baker Act Firearms and Ammunition Receipt Continuation, VSO Form # 051618.004](#)
- [Risk Protection Order Notification, VSO Form # 080719.001](#)

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>2.1</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 04/1991	<b>Previous Revision Date</b> 08/2018
<b>Title</b> <b>JURISDICTIONAL RESPONSIBILITIES</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this policy is to delineate the geographical jurisdictional boundaries of the Volusia Sheriff's Office and establish guidelines relating to the concurrent jurisdictional responsibilities and mutual aid.

## II. DISCUSSION

It is advantageous for law enforcement agencies within Volusia County, Florida, and in adjoining jurisdictions, to be available to assist each other. Therefore, Volusia Sheriff's Office personnel should be aware of the jurisdiction boundaries of the Volusia Sheriff's Office, mutual aid agreements and the services available from other agencies as outlined in the Florida Sheriff's Disaster Assistance Mutual Aid Agreement, Florida Sheriff's Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement, and the Combined Operational Assistance and Voluntary Cooperation Agreement for Volusia County, Florida/Mutual Aid Agreement.

## III. POLICY AND PROCEDURE

### A. GENERAL

1. The legally authorized geographical area under the Sheriff of Volusia County, Florida, is Volusia County. The enforcement of Florida Statutes and Volusia County ordinances are authorized in Volusia County, Florida unless specifically prohibited or allowed elsewhere by State Statute.

### B. BOUNDARIES

1. The boundaries of Volusia County, Florida, are described in Chapter 7, Florida Statutes.
2. A detailed official map, which includes the boundaries of the jurisdiction of Volusia County, Florida, is maintained in the Communications Section.

### C. JURISDICTIONS

1. The Volusia Sheriff's Office maintains jurisdiction in all of Volusia County and has primary jurisdiction of all law enforcement in the unincorporated areas of Volusia County and in the cities of Deltona, DeBary, Pierson and Oak Hill.
2. **CONCURRENT JURISDICTIONS**
  - a. The Volusia Sheriff's Office possesses concurrent jurisdiction with the cities of Ormond Beach, Holly Hill, Daytona Beach, Daytona Beach Shores, Ponce Inlet, South Daytona, Port Orange, New Smyrna Beach, Edgewater, DeLand, Orange City, and Lake Helen. In addition, the Volusia Sheriff's Office retains concurrent law enforcement jurisdiction in Volusia County, Florida with the Daytona Beach Regional Airport Security Force, Volusia County Beach Protection Division, the Florida Department of Law Enforcement, Florida Highway Patrol,

Florida Marine Patrol, Florida Game and Fresh Water Fish Commission, Florida Division of Alcoholic Beverages and Tobacco.

- b. There are also several federal law enforcement agencies assigned to Volusia County, Florida. They include the Federal Bureau of Investigation, Drug Enforcement Agency, United States Customs, United States Department of Immigration, United States Wildlife Service, and the United States Coast Guard.
- c. The Sheriff, by law, is the Chief Law Enforcement Officer in Volusia County with the full authority and responsibility to uphold the law and preserve the peace.
- d. Traffic crash investigative duties are the responsibility of the Florida Highway Patrol in the unincorporated areas and the respective local police departments within the incorporated areas. The Volusia Sheriff's Office investigates traffic crashes in the cities of Deltona, DeBary, and Oak Hill.
- e. The Volusia Sheriff's Office Communications Center shall maintain communications with the following:
  - All police departments within Volusia County;
  - The Florida Highway Patrol;
  - EVAC ambulance units;
  - Fire Service Stations, fire and rescue vehicles;
  - Surrounding County Sheriff's Offices.

#### **D. MUTUAL AID AGREEMENT**

1. The Volusia Sheriff's Office, as allowed under Florida Statute 252, has mutual aid agreements/Voluntary Cooperation Agreements with all cities within Volusia County, Florida, all counties within the state of Florida, and the surrounding Counties of Brevard, Orange, Indian River, Seminole, Lake, Putnam, Marion, Flagler and Osceola.
2. State Statute provides guidelines and establishes emergency management powers. The Mutual aid agreement provides the following terms.

##### **3. PROVISIONS FOR OPERATIONAL ASSISTANCE**

- a. Law enforcement agencies may request and render assistance to one another including, but not limited to dealing with riots, civil disturbances, large protest demonstrations, aircraft disasters, fires, natural or man-made disasters, sporting events, spring break, motorcycle weeks, automobile race events, concerts, parades, escapes from detention facilities, and incidents requiring the utilization of specialized units."

##### **4. PROVISION FOR VOLUNTARY COOPERATION**

- a. Each agency may request or render assistance to one another in dealing with any violations of Florida State Statutes including but not limited to investigating homicides, sex offenses, robberies, assaults, burglaries, larcenies, gambling, motor vehicle thefts, drug violations, backup services during patrol activities, and inter-agency task forces, including but not limited to: traffic enforcement and drug enforcement task forces, and/or joint investigations.

#### **E. REQUESTING OR RECEIVING AID**

1. Resources that are assigned to assist the Volusia Sheriff's Office shall be under the immediate command of a supervising officer designated by the assisting agency. Such supervising officer shall be under the direct supervision and command of the Incident Commander for that event as designated by the Sheriff.
2. **COMMUNICATIONS WITH ASSISTING PERSONNEL**
  - a. Communications with assisting personnel shall be maintained via the County 800MHz radio system. Communications Section personnel shall monitor the 8 Call 90 talkgroup, PSAP talkgroup, and All Points frequency channels in order to receive communications from assisting personnel. When assisting personnel need to talk with a Volusia Sheriff's Office field unit or supervisor, Communications Section members will direct the Volusia Sheriff's Office member to switch to the appropriate talk group.

- b. The Volusia Sheriff's Office will utilize shared mutual aid channels or utilize the Florida Interoperable Network (FIN) when cooperating with agencies on disparate radio systems. The Volusia Sheriff's Office may temporarily issue portable 800 MHz radios to the supervisors of assisting units. The assisting supervisors could then communicate with their personnel via their own radio equipment and relay information to Central Communications using the temporarily issued portable radio.
- c. In the event that radio equipment does not provide sufficient compatibility for effective communications, cell phone equipment shall be used to maintain communications with Volusia Sheriff's Office and assisting agency supervisors.
- d. Communications with assisting agency personnel shall be conducted using clear speech. Codes and signals shall be avoided to prevent misunderstanding.

#### **F. RENDERING ASSISTANCE**

- 1. The supervisor of the assisting unit or Deputies shall be under the direct supervision of the agency requesting assistance.
- 2. Employees rendering assistance outside their jurisdiction pursuant to agreements shall have the same powers, duties, rights, privileges and immunities as if they were performing duties in the political subdivision in which they are normally employed.
- 3. Should a Deputy be in the jurisdiction of another for routine matters, such as traveling through the area on routine business and a violation of Florida Statutes occurs in his presence and enforcement action is taken, the Deputy will notify the appropriate agency. Upon the arrival of the appropriate agency, the Deputy will turn the situation over to them and offer any assistance requested, including a follow-up written report documenting the event and actions taken.
- 4. The accused will be processed under the jurisdiction of the arresting agency.
- 5. Routine investigations and follow-ups may be accomplished between Volusia Sheriff's Office personnel and the respective agency.
- 6. The agency furnishing the equipment and work force will bear the loss or damages to such equipment and compensate the employees.
- 7. All costs relating to equipment and work force shall be borne by the sending agency.
- 8. The agency head or his designee whose assistance is sought shall evaluate the situation and the availability of the agency's resources. The agency head or his designee will respond in a manner he/she deems appropriate.
- 9. The terms of the Mutual Aid Agreement are in effect as stated in the formal agreement that is on file with the Florida Department of Law Enforcement. The procedures for review and revision of the Mutual Aid Agreement are included within the document.

#### **G. PROVIDING OR REQUESTING AID**

- 1. Any Deputy may provide or request back-up support or routine aid from other agencies as availability of resources permit.
- 2. The Volusia Sheriff's Office will coordinate with other agencies when jointly investigating crimes committed in their jurisdiction and Volusia Sheriff's Office personnel involved will complete a report documenting their investigations in connection with the crime.
- 3. Deputies shall advise the communications center of the jurisdiction of an agency that is a party to the mutual aid agreement/voluntary cooperation agreement and requests assistance prior to making an arrest as the result of an investigation. A copy of the report will be forwarded to the other Police agencies involved.
- 4. Should an unplanned law enforcement situation arise within a jurisdiction that is a party to the mutual aid agreement/voluntary cooperation agreement, that respective agency's communications center shall be notified and the appropriate action taken. Upon arrival of the appropriate agency, the situation shall be turned over to them.
- 5. Deputies shall offer assistance, including but not limited to, a written report documenting the event and the actions taken.




6. In multi-jurisdictional matters within the 7th Judicial Circuit, the Volusia Sheriff's Office will coordinate the investigation with the respective counties and the State Attorney's Office.
7. Citizens requesting service that normally falls within the jurisdiction of an incorporated area of Volusia County shall be referred to the respective jurisdiction, unless that citizen specifically requests the services of the Volusia Sheriff's Office.
8. A copy of any required reports shall be forwarded to the jurisdiction involved.
9. The Watch Commander is empowered to authorize emergency non-routine aid to other agencies.

## **H. COUNTY EMERGENCY MANAGEMENT PLAN**

1. The Volusia County Emergency Management Plan, which is reviewed annually, has provisions for:
  - a. Requesting assistance from the National Guard, local and Federal agencies; and
  - b. Procedures for maintaining radio communication with outside personnel. The primary communications network consists of:
    - The County 800 MHz radio system
    - Inter-City
    - All Points

## **I. REGIONAL SERVICES**

1. The Volusia Sheriff's Office shall maintain radio communications with other law enforcement agencies.
2. The Volusia Sheriff's Office shall participate in the Florida Department of Law Enforcement Centralized Fingerprint System.
3. The Volusia Sheriff's Office shall participate in a state wide criminal information system.
4. The Volusia Sheriff's Office shall participate in the Uniform Crime Reporting System maintained by the Florida Department of Law Enforcement.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>2.2</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 04/1991	<b>Previous Revision Date</b> 05/2017
<b>Title</b> <b>DEPARTMENTAL LIAISON</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to encourage, promote and maintain cooperation between Volusia Sheriff's Office and the various criminal justice, juvenile justice and social service agencies with which the Department deals.

## II. DISCUSSION

Interagency cooperation, coordination and planning are indispensable assets. Effective liaison results in a safe, competent and cost effective service to the public. It is also important for Volusia Sheriff's Office personnel to be cognizant of the various resources and services at their disposal.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to cooperate with all agencies engaged in the administration of the criminal justice system and other agencies involved in service to the public. The Volusia Sheriff's Office will utilize and give the aid and/or provide timely and accurate information to members of the community in need.

## IV. PROCEDURE

### A. GENERAL

1. Volusia Sheriff's Office personnel who conduct liaison duties with local courts, State Attorney's Office, Probation and Parole, Department of Juvenile Justice, or other law enforcement agencies shall maintain a written record of suggestions, criticisms or relevant information deemed of value to the Volusia Sheriff's Office.
2. Personnel who conduct or are temporarily assigned liaison duties shall forward, via chain of command, a report to the Sheriff outlining any deficiencies or suggestions.
3. Department personnel shall maintain a collaborative working relationship with other agencies to ensure information exchange and coordination.
4. The Volusia Sheriff's Office Legal Advisor shall meet as needed with a representative of the State Attorney's Office for the purpose of:
  - Ensuring the exchange of information as it applies to Volusia Sheriff's Office deputies' performance of law enforcement duties, including courtroom procedures and investigative errors.
  - Exchanging information which would allow for a greater understanding of the difficulties and complexities encountered by law enforcement personnel.



- Reporting the results and suggested corrective actions of these meetings in periodic legal bulletins.

## **B. PAROLE AND PROBATION**

1. A member of the Career Criminal unit shall periodically meet with a representative of Probation and Parole for the purpose of exchanging information as it applies to the tracking of habitual/serious offenders.
2. Law Enforcement Operations personnel are encouraged to assist Probation and Parole personnel, i.e., supplying information about the defendant during probation/parole investigations, assisting with violators.

## **C. JUVENILE AND ADULT CORRECTIONAL AGENCIES**

1. The Law Enforcement Operations Chief or designee shall meet quarterly with a representative of the adult correctional facilities.
2. All Deputies shall maintain a cooperative working relationship with juvenile and adult correctional agencies.
3. Problems, concerns and suggestions regarding a Deputy working with the juvenile and adult correctional agencies shall be brought to the attention of the Deputy's supervisor. The information will be reported in writing to the attention of the Law Enforcement Operations Chief, via chain of command.
4. The Juvenile Services Director and District Juvenile Detectives shall meet with juvenile authorities and detention facility representatives to ensure an exchange of information.

## **D. FUGITIVES**

1. Volusia Sheriff's Office personnel shall assist other local, state and federal law enforcement agencies on a case-by-case basis in the apprehension and arrest of fugitives.
2. Deputies may stop and detain persons meeting a detailed description of subjects wanted by other law enforcement agencies. When the person detained matches the information contained in a warrant, the initiating agency shall be contacted to confirm the existence of the warrant and wishes a "HOLD" placed on the individual. If confirmed, the individual will be arrested and placed in the Volusia County Jail until transfer is affected.

## **E. EXCHANGE OF INFORMATION IN CRIMINAL INVESTIGATIONS**

1. The Volusia Sheriff's Office will supply reports and aid to law enforcement agencies as requested. The Volusia County Crime Center and Intelligence Unit shall provide information to other agencies as requested.
2. Deputies are encouraged to cooperate and notify other law enforcement agencies of investigations or crimes which affect that particular jurisdiction or agency.
3. The Volusia Sheriff's Office encourages attendance at the monthly Detectives' intelligence meeting for an exchange of criminal information.

## **F. OTHER LAW ENFORCEMENT AGENCIES**

1. Division and District Commanders shall periodically meet with representatives of other agencies having concurrent and adjoining jurisdictions to plan and discuss special events, joint enforcement efforts, problems, concerns and mutual aid agreements.
2. Each District Commander or designee shall meet at least quarterly for purposes described above.
3. The Sheriff meets periodically with the heads of other agencies having concurrent and adjoining jurisdictions.

## **G. FIRE OFFICIALS**

1. County staff meetings provide a forum for law enforcement and fire service personnel to resolve and coordinate problems and develop plans.

## **H. TRAFFIC**




1. The Traffic supervisor or designee shall meet with a representative of Traffic Engineering, as needed.
2. Traffic Deputies shall periodically meet with representatives of other agencies concerned with traffic safety, to objectively, intelligently and analytically provide a united approach to traffic safety and efficient highway use. This includes but is not limited to:
  - The traffic supervisor of another agency to discuss and plan school zones
  - Highway Patrol to discuss traffic enforcement activities
  - Reports or studies from national agencies
3. Community Relations shall meet with and provide information to concerned groups.

## **I. COURTS**

1. The Juvenile Services Director or designee shall maintain liaison with juvenile court system personnel.
2. The Court Services Section Commander or designees shall maintain liaison with judges in Volusia County Florida.

## **J. REFERRAL SERVICES**

1. Volusia Sheriff's Office personnel shall refer persons in need of assistance to the law enforcement agency having jurisdiction, or when not related to criminal matters, to the agency best able to provide the requisite aid.
2. Consideration should be given to, but not limited to:
  - The age of the individuals in need of assistance
  - The root of the problem
  - The agencies available
  - The financial status of the individuals involved
  - The welfare of children involved
  - Whether the problem is of immediate concern or an emergency
  - Transportation needs
3. All Volusia Sheriff's Office personnel shall provide timely, accurate and courteous service to members of the community.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>3.1</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 12/1995	<b>Previous Revision Date</b> 11/2018
<b>Title</b> <b>WRITTEN AGREEMENTS</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  /  <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish procedures for preparing written agreements governing contractual law enforcement services.

## II. DISCUSSION

The provision of law enforcement services for which a fee is paid should be based on a precise contractual agreement. Necessary elements of the agreement include a description of the services to be provided, the cost of the services, how payments are to be made, the issuance of reports and keeping of records, as well as procedures for amendment, renewal, and cancellation. Provisions for any lawsuits or payments of damages that arise from the provided services should be included in the written agreement, as should provisions for hiring and disciplining provider personnel, for assigning specific duties to provider personnel, and for establishing equipment and property ownership and use.

Law enforcement service includes the following traditional public safety activities, which are performed over a specified time period: patrol services; investigative services; communications performed for another law enforcement agency; automated or manual fingerprint identification; record keeping for law enforcement files; and property management.

This general order does not pertain to those services which may be furnished by a commercial vendor, i.e., photo development, laboratory services, towing services, etc. Additionally, this general order does not address extra duty assignments, e.g., security at high school or university functions, sporting events, etc.

## III. POLICY




It shall be the policy of the Volusia Sheriff's Office to develop contractual agreements for the provision of law enforcement services requested by other governmental agencies.

## IV. PROCEDURE

### A. GENERAL

1. A written agreement shall exist whenever the Volusia Sheriff's Office agrees to provide law enforcement services for a fee.
2. The written agreement shall include:
  - A statement of the specific services to be provided
  - Specific language dealing with financial agreements between the parties
  - Specification of the records to be maintained concerning the performance of services by the provider agency

- Language dealing with the duration, modification, and termination of the written agreement
  - Specific language dealing with legal contingencies
  - Stipulation that the provider agency maintains control over its personnel
  - Specific arrangements for the use of equipment and facilities, and
  - A procedure for review and revision, if needed, of the agreement.
3. Additional clauses may clarify other identified needs or agreements. If any duties beyond that normally provided are to be performed, they shall be specifically identified in the agreement.
  4. Employment rights of personnel assigned under a written agreement for law enforcement services are not abridged by the Volusia Sheriff's Office. Participation in a contracted law enforcement service arrangement shall not penalize participating employees nor shall it in any way threaten their employment rights, promotional opportunities, training opportunities, or fringe benefits.
  5. Employees of the Volusia Sheriff's Office who are assigned to positions providing contracted law enforcement services shall be classified in the same manner as employees assigned to any other division or section in the Volusia Sheriff's Office and shall remain subject to all of the same Volusia Sheriff's Office rules, policies, procedures, and general orders.
  6. Employees who are assigned to positions providing contracted law enforcement services shall perform their duties under the direction of their normal Volusia Sheriff's Office chain of command and shall not be subject to direct supervision by agents of the contracting organization.
  7. The Volusia Sheriff's Office may utilize different written agreement formats for agencies it contracts with dependent upon the scope of services provided and the degree of comprehensive language deemed necessary to describe the contractual relationship to the satisfaction of both parties.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 11.1</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 04/1990	<b>Previous Revision Date</b> 10/2017
<b>Title</b>  <b>VOLUSIA SHERIFF'S OFFICE ORGANIZATIONAL DESCRIPTION</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to describe the organizational components and structure of the Volusia Sheriff's Office and to provide a description of the functions of its various subdivisions.

## II. DISCUSSION

The Volusia Sheriff's Office provides an organizational structure with lines of command in order to facilitate formal communication and the various functional responsibilities required by its mission and goals. These responsibilities may be assigned to an individual position or a component specifically created and staffed as such. Functional responsibility for several activities may also be assigned to a single position or a designated component, as needed, and may be reorganized and/or streamlined at the direction of the Sheriff in order to successfully further the overall goals of the agency.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to provide an organizational structure that reflects formal lines of authority, command and communication within the agency while allowing rapid response, innovation and flexibility in achieving its overall mission.

Organizational subdivisions shall be grouped by function and shall be depicted graphically on an organizational chart. This chart shall be reviewed at least annually and updated as needed. The agency's organizational charts shall be made available to all personnel and shall be maintained on the agency's intranet, I Drive and internet website at [www.volusiasheriff.org](http://www.volusiasheriff.org).

## IV. PROCEDURE

### A. GENERAL

1. It shall be the responsibility of each Division Chief to review their respective command structure for effective organization and functional distribution of personnel resources at least annually.
2. Any areas requiring operational review for potential restructuring due to increased manpower needs, specialized units, streamlining/technology, etc., shall be brought to the attention of the Chief Deputy in a timely manner to allow for strategic and operational planning.
3. Approved changes to the organizational chart shall be documented in a memorandum providing a brief description of the new/revised functional responsibilities and placement of the component within the respective command; a copy shall be provided to Professional Standards for updating and posting of the revised organizational description and the organizational chart.

### B. ORGANIZATION

1. The Volusia Sheriff's Office is organized into areas of functional responsibility and levels of authority. Areas of functional responsibility include division, district, section, shift, squad, unit, details, programs and teams. Levels of authority include rank or position and are based on functional responsibility. All Volusia Sheriff's Office supervisors (sworn and civilian) receive their delegated authority from and are accountable to the Sheriff.
2. Through the Sheriff's authority, functional lines of command authority and communication are established downward and upward within the organizational hierarchy through each successive level of command. This chain-of-command establishes and designates supervisory accountability for the respective component and provides the formal communication lines that maintain basic organizational principles such as delineating responsibility, delegating authority and ensuring unity of command.
  - a. **Office of the Sheriff** – The Office of the Sheriff is the top organizational component that includes functions of the Sheriff, Chief Deputy, Legal Advisor, Office of Public Affairs & Media Relations, and Juvenile Services. The Sheriff's authority establishes all organizational levels and functions that comprise the Volusia Sheriff's Office.
  - b. **Office of the Chief Deputy** – The Chief Deputy is the second level of command subordinate only to the Sheriff. The Office of the Chief Deputy includes staff and command functions of the Chief Deputy, Internal Affairs, Professional Standards, Financial Services, Human Resources and Inventory Control.
  - c. **Division** – A division is the third level of command subordinate to the Chief Deputy and is commanded by a Division Chief as appointed by the Sheriff.
  - d. **District** – A district is a subordinate organizational component within a Division; Districts perform related functions within a geographic boundary and are commanded by a Captain as appointed by the Sheriff.
  - e. **Section** – A section is an organizational component that performs related functions and tasks under the direction of one supervisor.
  - f. **Shift** – A shift is a subordinate organizational component within a district or section and is composed of a squad(s) of personnel.
  - g. **Squad** – A squad is the principle subordinate organizational component within a shift and is supervised by a Sergeant.
  - h. **Unit** – A unit is an organizational group of personnel that are assigned a specialized function or task and is under the command of a single supervisor.
  - i. **Detail** – A sub-component of a district, division, shift, section or squad in which personnel are assigned a specialized activity.
  - j. **Team** – A team is a work-group whose primary assignments are in functional areas; teams are assembled for a special purpose as needed. Team supervisors report to higher authority as designated by the Sheriff. A team may also be comprised of members, as designated by the Sheriff, who work independent of each other towards a common operational goal as a means to facilitate various activities and services throughout the Volusia Sheriff's Office. (E.g. Critical Incident Stress Debriefing Team, Clandestine Laboratory Response Team, various ad hoc management teams, committees, etc.)

## C. COMMAND STRUCTURE

1. The order of sworn rank and comparative non-sworn supervisory positions for the Volusia Sheriff's Office is as follows:

SWORN	NON-SWORN
SHERIFF	
CHIEF DEPUTY	
DIVISION CHIEF	
CAPTAIN	PROGRAM MANAGER
LIEUTENANT	SECTION SUPERVISOR

SWORN	NON-SWORN
SERGEANT	UNIT SUPERVISOR
DEPUTY	CIVILIAN STAFF
RESERVE	VOLUNTEERS

#### D. OFFICE OF THE SHERIFF

1. The Sheriff is the Chief Law Enforcement Executive Officer/Director of Public Safety for Volusia County, Florida. The Florida Constitution and Florida law delineate the duties and responsibilities of the Sheriff.
2. The Office of the Sheriff provides various specialized executive, administrative, and managerial services to the Sheriff. Reporting directly to the Sheriff is the Chief Deputy, Legal Advisor, Office of Public Affairs & Media Relations, and Juvenile Services Director:
  - a. **Chief Deputy** – The Chief Deputy is second in command of the Volusia Sheriff's Office and is responsible for the day-to-day operations of the Volusia Sheriff's Office.
    - **Legal Advisor** - The Legal Advisor is composed of the Sheriff's Legal Counsel and a Confiscation Unit. The Section is responsible for civil investigations, legal advice and confiscation and forfeiture procedures. The Sheriff's Legal Advisor shall act as liaison officer to the State Attorney's Office.
  - b. **Confiscation Unit** – The Confiscation Unit is responsible for preparing and processing all cases involving the confiscation/forfeiture of property and monies for the Volusia Sheriff's Office.
  - c. **Office of Public Affairs & Media Relations** – The Section is composed of a Public Information Officer and Public Information Assistant and support staff. They are responsible for contact with all areas of the media.
  - d. **Juvenile Services Section** – The Section is supervised by the Juvenile Services Director who also oversees the Youth Services Unit. The Section is responsible for monitoring all juvenile arrests, coordinating with Department of Juvenile Justice, providing liaison and guidance for all juvenile related diversion programs, and functions as a juvenile services liaison/resource for Volusia Sheriff's Office Deputies and Detectives, as well as surrounding law enforcement agencies. This Section also manages the tracking of DJJ youth on Global Positioning Satellite/Electronic Monitoring (GPS/EM) for the 7th Judicial Circuit, coordinating directly with respective law enforcement agencies, Judges, JPO's, and other Criminal Justice System partners.
    - **Youth Services** – Provides recreational sports activities in conjunction with tutorial functions, summer camps, etc. for the agency's directed high-profile crime prevention/community engagement.

#### E. OFFICE OF THE CHIEF DEPUTY

1. **CHIEF DEPUTY** – The Chief Deputy is the second in command of the Volusia Sheriff's Office and is responsible for overseeing the day-to-day operations. Reporting to the Chief Deputy is the Law Enforcement Operations Division Chief, the Support Operations Division Chief, and the Administrative Services Division Chief.
2. Also reporting to the Chief Deputy are the following Sections: Internal Affairs and Professional Standards.
  - **Internal Affairs Section** – Internal Affairs is supervised by a Sergeant and is responsible for ensuring the integrity of Volusia Sheriff's Office operations by investigating complaints against the agency or its personnel. Internal Affairs also monitors and facilitates the agency's Personnel Early Intervention System.
  - **Professional Standards Section** – The Professional Standards Section is supervised by a civilian Director and is responsible for various activities associated with management of the agency's CALEA Accreditation Program including required compliance audits, the

research/development/maintenance of policies and procedures, Staff Inspections Program, and Planning and Research.

## **F. LAW ENFORCEMENT OPERATIONS DIVISION**

1. The Law Enforcement Operations Division (LEOD) is commanded by a Division Chief. The Division is responsible for all uniform operations throughout four (4) geographically designated Districts (Districts 2, 3(North/South), 4, and 6), county-wide Watch Commanders, and the Investigative Services Section. The LEOD also augments its operations with various tactical and crime suppression teams, and joint-agency/task force operations.
2. Reporting to the Law Enforcement Operations Division Chief is the LEOD Executive Officer, District Commanders, and the Investigative Services Section Commander.

### **3. LEOD EXECUTIVE OFFICER**

- a. The LEOD Executive Officer provides executive support to the Division Chief in areas requiring liaison activities, resource coordination, special project oversight, strategic planning initiatives and facilitating various meetings and plans in support of the agency's goals. The Volusia Sheriff's Office Watch Commanders report directly to the LEOD Executive Officer.

(1) **Community Services/Community Engagement Unit** – The Community Services/Community Engagement Unit is supervised by the Administrative Captain who reports directly to the Support Operations Division Chief. The Captain oversees the functions establishing community outreach and crime prevention programs, the School Resource Deputy Program, School Crossing-Guard Program, facilitates the Volusia Sheriff's Office Auxiliary Volunteer Programs, and coordinates with the Juvenile Services Director in support of Youth Activities and other community engagement initiatives.

- **Crime Prevention Program** – Crime prevention function establishes and provides programs to educate children adults and the overall community based on requests and/or needs and concerns of the community. The unit utilizes a designated Community Relations/Crime Prevention Deputy, trained and certified in crime prevention through environmental design (CPTED). The Crime Prevention Deputy reports directly to the Community Services Lieutenant.
- **School Resource Deputy Program** – Provides School Resource Deputies to schools to act as a resource with respect to delinquency prevention, provides guidance on ethical issues, individual counseling and mentoring to students, and explains the role and rule of law enforcement to students. The program is supervised by an Eastside and Westside Sergeant, respectively, and both report directly to the Community Services Lieutenant.
- **School Crossing Guards Program** – School Crossing Guards work out of each district office and are supervised by School Crossing Guard supervisors. The School Crossing Guard supervisors report directly to their respective Eastside or Westside School Resource Sergeant.
- **Volunteer Programs** – All volunteer auxiliary services provided to the Volusia Sheriff's Office by dedicated members of the community are supervised by the respective Program Coordinator and report directly to the Special Operations Section Lieutenant. This function also coordinates the Volusia Sheriff's Office Awards Program and provides various administrative and support programs and activities, as directed:
  - **Citizen Observer Program** – Provides an enhanced mobile neighborhood watch program comprised of volunteers. The program is supervised by the agency's COP Coordinator and is comprised of trained volunteers and a Staff Assistant. This program provides trained civilian volunteers to assist Deputies in the observation of activities in assigned areas and also provides traffic direction and ancillary assistance during special events and natural disasters. In addition, COPs provide a wide variety of community support and engagement activities to the Community.
  - **Citizen Volunteer Auxiliary Program** – Consists of volunteers supervised by the agency's CVAP Coordinator. The auxiliary program provides volunteer office/clerical assistance to all areas of the Volusia Sheriff's Office;



the Coordinator facilitates administrative activities for the agency's Chaplain Program, as well as other administrative functions as assigned by the Section Lieutenant.

- **Chaplain Program** – Consists of various community Chaplains that volunteer their services in support of the Volusia Sheriff's Office. The program is facilitated by a Senior Chaplain, with Chaplains assigned to each District. These Chaplains provide compassion services, guidance and counseling to employees and their families, as well as those that are victims of violent crimes, accidents, or natural disasters.

## **G. DISTRICT OPERATIONS**

1. **District Commanders** – Volusia Sheriff's Office jurisdiction is comprised of four (4) Districts. Each District is comprised of a District Commander (Captain) and at least one Assistant Commander (Operations Lieutenant) to oversee each of the following Districts:
  - a. **District 2** is the Northwest district running from the north county line southward along its western border of the St. Johns River. The eastern boundary runs approximately the north-south centerline of the county. The southern boundary runs along SR 472 in the southeast and then continues to the St. John's River from the intersection of SR 472 and N. Volusia Ave. in the southwest. The cities of DeLand, Lake Helen, and Pierson are in this district, as well as the communities of Seville and Cassadaga.
  - b. **District 3 (North and South)** is the Eastside district running from the north county line to the south county line. Its eastern border is the Atlantic Ocean; its western border is approximately the north-south centerline of the county with the western border in the north running to Interstate 4 (I-4) on the mainland and to Main St. in Daytona Beach on the peninsula. Its western border in the south runs west of CR 415 until it reaches the District 4 border, south of Lake Ashby. The cities of Ormond Beach, Holly Hill, Daytona Beach, Daytona Beach Shores, Ponce Inlet, New Smyrna Beach, Edgewater, Port Orange, South Daytona, Oak Hill, as well as the community of Ormond by the sea, are located in this district. District 3 operates a North and a South office.
  - c. **District 4** is a Southwest district and runs from the south county line to the northern city limits of Deltona. The city of Deltona is located within the district. The western border is shared with the northeastern city limits of DeBary and eastern city limits of Orange City. The eastern border encompasses the community of Osteen and runs north along CR 415 until meeting the District 3 border south of Lake Ashby.
  - d. **District 6** is a Southwest District and runs from its western border on the St. John's River in the south to SR 472 in the northeast. The northwest border continues from the intersection of SR 472 and N Volusia Ave. until it reaches St. John's River towards the northwest. The cities of DeBary and Orange City are located within the district. The western border is the St. John's River, and the eastern border comprises the southwestern city limits of Deltona and western city limits of Orange City.
2. Each District has a minimum of four squads (Alpha/Bravo/Charlie/Delta) and a TAC (Traffic and Canine) Unit; a Sergeant supervises each squad. Each of the four Districts is staffed with clerical support personnel. [For geographical assignment purposes only, Detectives, a Detective Sergeant, a Community Services Sergeant and School Resource Deputies may work out of each District, but report to/through their respective organizational commands].

## **H. NARCOTICS INVESTIGATIONS SECTION**

1. The Narcotics Investigations Section is commanded by a Captain and is comprised of the West Volusia Narcotics Task Force, East Volusia Narcotics Task Force, Deltona Narcotics Enforcement Team, Volusia Bureau of Investigation, DEA Task Force, Central Florida High Intensity Drug Trafficking Area, FBI Safe Streets Task Force, and the US Marshals Florida/Caribbean Fugitive Task Force.
  - a. **Volusia Bureau of Investigation (VBI)** – The Volusia Bureau of Investigation is supervised by two Volusia Sheriff's Office Sergeants. VBI is a federally funded High Intensity Drug Trafficking Area (HIDTA) initiative belonging to the Central Florida HIDTA. VBI is a multi-agency task force that pools resources from local, state and federal law enforcement agencies in order to target mid- and upper-level drug trafficking organizations as well as racketeering and organized crime.

- b. **DEA Tactical Diversion Task Force, DEA Task Force, United States Marshall's Fugitive Task Force** – Volusia Sheriff's Office Detectives are assigned to each Task Force and report to the VBI Sergeant for administrative responsibilities. The respective Task Force's Supervising Special Agent is responsible for the day-to-day administration of all operations and personnel, and shall have the authority to make routine assignments and determine case priority, as needed.
- c. **Narcotics, Vice and Street Level Crime** – These units are responsible for street level narcotic, and vice related investigations throughout Volusia County. Each Task Force Unit is supervised by a Detective Sergeant. These units are assigned to specific geographical areas of the county. East Volusia Narcotics Task Force (EVNTF) is responsible for the entire eastside of the Volusia County. West Volusia Narcotics Task Force (WVNTF) is responsible for District's 2 and 6 and Deltona Narcotics Enforcement Team (DNET) is responsible for District 4.
- d. **High Intensity Drug Trafficking Area (HIDTA) Analyst Section** – Volusia Sheriff's Office Analyst is assigned to the Central Florida HIDTA and report to the VBI Sergeants for administrative responsibilities. The HIDTA Supervising Analyst is responsible for the day-to-day administration of all analytical activity and personnel, and shall have the authority to make routine assignments and determine case priority, as needed.

## I. INVESTIGATIVE SERVICES SECTION

1. The Investigative Services Section is commanded by a Captain and is responsible for the investigation of all major criminal activity, Homeland Security, Internet crimes against children, juvenile offenses, organized crime, and intelligence. The Investigative Services Section is comprised of two sub-sections: Major Crimes Investigations and Criminal Investigations each commanded by a Lieutenant. The sub-sections are comprised of the following units, each commanded by a Sergeant or Civilian Supervisor:
  - a. **MAJOR CRIMES INVESTIGATIONS**
    - **Major Case Unit** – The Major Case Unit is supervised by a Detective Sergeant and is responsible for follow-up investigation of major crimes and incidents that have not been identified as related to organized crime.
    - **Crime Scene Unit** – The Crime Scene Unit is supervised by the Major Case Detective Sergeant and is responsible for the identification, collection and preservation of physical evidence on all major case and high profile investigations.
    - **Cold Case Squad** – The Cold Case Squad is supervised by the Major Case Detective Sergeant and is responsible for investigating any case considered to meet the criteria for a "cold case".
    - **Child Exploitation Unit** – The Child Exploitation Unit is supervised by a Detective Sergeant and is responsible for investigating all sex offenses in which the victim is 17 years of age or younger, cases involving severe child abuse and to protect children from predators, child prostitution rings, sex tourism operators, and other offenders that utilize technology to sexually exploit children. Digital Forensic Detectives are assigned to the Unit.
    - **Traffic Homicide Unit** – The Traffic Homicide Unit is supervised by the Major Crimes Lieutenant and is responsible for the initial and follow-up investigation of fatalities resulting from motor vehicle collisions.
    - **Volusia County SANE Program** – The Volusia County SANE Program is supervised by the Major Crimes Lieutenant and is responsible for providing medical and forensic services to victims of sexual violence.
    - **Latent Print Unit** – The Latent Print Unit is supervised by an Administrative Coordinator and is responsible for Automated Fingerprint Identification System-A.F.I.S. as well as the analysis and identification of fingerprints.
    - **7th Circuit State Attorney's Office Career Criminal Task Force** – The 7th Circuit State Attorney's Office shall be responsible for the operational command and day-to-day administration of all Career Criminal Unit operations and personnel, and shall have the authority to make routine assignments and determine case priority, as needed. A Volusia Sheriff's Office Detective is assigned to the Task Force and reports to the VC3 Detective Sergeant for administrative responsibilities. The Task Force principal purpose

is the successful investigation, apprehension and prosecution of violent and repeat offenders who attack and threaten our communities.

- **The Volusia County Crime Center** – the Volusia County Crime Center (VC3) is located at the Volusia Sheriff's Office Communications Center. Daily operations of the VC3 are supervised by the Detective Sergeant (VC3 Supervisor). The center is staffed by VC3 operators including Intelligence Detectives, Crime-Intelligence Analysts, and Office Assistants as support personnel. The VC3 will provide dispatchers, patrol units, Detectives and other law enforcement personnel with valuable real-time information that will improve and enhance in-the-field decision making capabilities and ultimately increase safety for both law enforcement and the public it serves. The Crime Center will provide relevant, investigative intelligence to Detectives actively working priority cases to include but not limited to; homicides, sexual battery, armed robbery, etc. The Crime Center will provide investigative support for all Operations approved by the VC3 Supervisor to include but not limited to; search warrants, narcotic operations, arrest warrant round ups, etc. The Crime Center will provide subject bios, tactical and strategic crime analysis and the collection, evaluation and dissemination of criminal intelligence. The VC3 will provide relevant information to the entire agency to ensure all divisions are aware of active day-to-day operational information. This intelligence will be provided through a daily Roll Call Briefing to be posted on the Volusia Sheriff's Office Home Page.
- **The Intelligence Unit** – The Intelligence Unit is supervised by the VC3 Detective Sergeant and is comprised of Intelligence Detectives and Crime- Intelligence Analysts. The Unit is responsible for collecting and disseminating intelligence information to the Volusia Sheriff's Office and other law enforcement partners. The Unit will collect various facts and documents, circumstances, interviews, and other materials related to crime and places them in a logical, related framework to assist Law Enforcement Officers with the development of a criminal case, explain a criminal phenomenon, or describe crime and crime trends. The unit maintains liaison with other regional intelligence units in the state.
- **Crime Stoppers Unit** – the Crime Stoppers Unit is supervised by the VC3 Detective Sergeant. Crime Stoppers mission is to support all law enforcement agencies in Volusia, Flagler, St. Johns and Putnam Counties by providing citizens a means of anonymously reporting information on unsolved reported crimes and unreported crimes.
- **Central Florida Information Exchange** – The Central Florida Information Exchange (CFIX) is supervised by the Major Crimes Investigations Lieutenant and is responsible for providing investigative support through analytical products and both tactical and strategic intelligence through various intelligence products. This includes the collection, analysis, production, and dissemination of intelligence in order to support regional efforts to detect, deter, disrupt, and deny terrorist activity.
- **FBI Joint Terrorism Task Force (JTTF)** – The JTTF is supervised by the FBI Supervising Special Agent for the day-to-day administration of all operations and personnel, and shall have the authority to make routine assignments and determine case priority, as needed. A Volusia Sheriff's Office Detective is assigned to the Task Force and reports to the Investigative Support Sergeant for administrative responsibilities. The JTTF collects resources of the member agencies for the prevention, preemption, deterrence and investigation of terrorist acts that affect United States interests, and to disrupt and prevent terrorist acts and apprehend individuals who may commit or plan to commit such acts. To further this mission, the JTTF shall serve as a means to facilitate information sharing among JTTF members.

b. **CRIMINAL INVESTIGATIONS**

- **East Detectives Unit** - The East Detectives Unit is supervised by a Detective Sergeant and is responsible for conducting initial and follow-up investigations. East Detectives Unit will be responsible for all follow-up investigations within the respective District unless the investigation is re-assigned to a specialized unit.
- **Northwest Detectives Unit** - The Northwest Detectives Unit is supervised by a Detective Sergeant and is responsible for conducting initial and follow-up investigations. Northwest Detectives Unit will be responsible for all follow-up investigations within the respective District unless the investigation is re-assigned to a specialized unit.

- **Southwest Detectives Unit** - The Southwest Detectives Unit is supervised by a Detective Sergeant and is responsible for conducting initial and follow-up investigations. Southwest Detectives Unit will be responsible for all follow-up investigations within the respective District unless the investigation is re-assigned to a specialized unit.
- **Deltona Detectives Unit** - The Deltona Detectives Unit is supervised by two Detective Sergeants and is responsible for conducting initial and follow-up investigations. Deltona Detectives Unit will be responsible for all follow-up investigations within the respective District unless the investigation is re-assigned to a specialized unit.
- **Juvenile Detectives Initiative (DREAM TEAM)** - The Juvenile Detectives Initiative is supervised by the Director of Juvenile Services and is responsible for follow-up investigations of juvenile cases involving juvenile offenders and certain cases involving juvenile victims.
- **The Career Criminal Unit** – The Career Criminal Unit is supervised by the East Detectives Unit Sergeant and is responsible for identifying and maintaining files on all habitual/serious offenders and sexual predators/offenders as defined in Florida Statute.
- **Victim Advocate Program** – The Victim Advocate Program is supervised by the Criminal Investigations Lieutenant and is responsible for providing victim services to victims of crime within the county's municipal service district, (unincorporated Volusia), and any contracted cities. Victim Advocates will respond to the needs of victims of child abuse, child sexual abuse, domestic violence, sexual assault, sexual battery, robbery, survivors of homicide victims, burglary, DUI/DWI crashes and other crimes.

## J. SUPPORT OPERATIONS DIVISION

1. The Support Operations Division is commanded by a Division Chief and is responsible for the agency's Special Operations Section, Training Section, Court Services Section, Extraditions/Records/Warrants Section, Information Technology Section, Communications Section, Evidence Section and Fleet Management Section.

### 2. SPECIAL OPERATIONS SECTION

- a. The Special Operations Section is commanded by a Captain and an Assistant Commander (Lt.). The Section is organizationally responsible for the Aviation Unit, Marine Unit, Range Unit, Airport (DBI) Unit, and the Community Services Unit.
  - (1) **Aviation Unit** – The Aviation Unit is responsible for routine patrol and flight operations in support of various ground strategies/actions within the Volusia Sheriff's Office. The unit also provides medical evacuation services to the citizens of Volusia County and provides Paramedics and aircraft maintenance personnel.
  - (2) **Marine/Range/Aviation Unit** – The Unit is supervised by a Sergeant and is responsible for routine patrol activities within rural areas of Volusia County and calls concerning the abuse of animals; routine patrol of the inland and offshore waterways in search of hazards and criminal activity to include floating debris, game violations, narcotics trafficking and marine-related thefts.
    - The **Dive Team** is supervised by the Marine/Range/Aviation Unit Sergeant and is responsible for underwater search and rescue operations; team members are comprised of trained and certified participants from regular assignments throughout the agency and perform as a team when called upon.
  - (3) **Airport (DBI) Unit** – Volusia Sheriff's Office in coordination with the TSA and FAA to ensure the security of the DBIA and surrounding properties. Two Sergeants, each on a rotating shift, provide daily operational supervision of the Unit and report to the Assistant Commander, Special Operations Section.

### 3. TRAINING SECTION

- a. The Training Section is supervised by a Captain and is responsible for the recruitment and hiring of all sworn personnel, the entry-level FTEP and FTO training programs for all newly hired Deputies, in-service training, and firearms/less-lethal weapons qualifications of all sworn personnel. In addition, the Training Section shall facilitate and administer the Reserve Deputy Program, Mobile Field Force and the following teams: Honor Guard, Critical Incident Stress Debriefing Team and the Bomb Squad.

- **Honor Guard Team** – The Honor Guard Team performs ceremonial duties for the Volusia Sheriff's Office. The participants have regular assignments and perform as team members on an as needed basis.
- **Critical Incident Stress Debriefing Team** – The CISD Team responds to all critical incident events providing assistance to agency personnel in coping with post-incident stress related to traumatic events.
- **Bomb Disposal Team** – The Bomb Disposal Team is responsible for the handling and disposing of explosive and incendiary devices for the Volusia Sheriff's Office. The Bomb Disposal Team is comprised of a maximum of ten (10) members, or as otherwise authorized by the Sheriff.

#### 4. COURT SERVICES SECTION

- a. The Court Services Section is supervised by a Captain and is comprised of the Court Services Unit and Civil Services; each unit is supervised by a Lieutenant:
  - (1) **Court Services Unit** – The Court Services Unit is supervised by a Lieutenant and is responsible for all court services as listed below.
    - (a) **East Side Court Services**
      - **Daytona Beach Annex** – This Unit is supervised by a Sergeant(s) and is responsible for serving both the County and Circuit Courts located in Daytona Beach and New Smyrna Beach with the exception of S. James Foxman Justice Center.
      - **S. James Foxman Justice Center** – This Unit is supervised by a Sergeant(s) and is responsible for serving the Circuit Courts located in the S. James Foxman Justice Center in Daytona Beach, as well as First Appearance at the Volusia County Branch Jail.
    - (b) **West Side Court Services**
      - **DeLand Courthouse** – The DeLand Courthouse Unit is supervised by a Sergeant(s) and is responsible for serving both the County and Circuit Courts in DeLand.
  - b. **Civil Services Unit** – The Civil Unit is supervised by a Lieutenant and is responsible for service of all civil processes issued by the various courts of the State of Florida and from other states. The Civil Unit consists of the Civil Administrative Office in Daytona, the Civil Office in DeLand, and satellite offices located in Districts II, IV, and V.
    - (1) **Daytona Civil Office** – The Daytona Civil office consists of the following functions:
      - **Eastside Non-Enforceable Writs** – Supervised by the Daytona Office Sergeant and is responsible for the service of non-enforceable writs on the east side of the county.
      - **Eastside Enforceable Writs** – Supervised by the Daytona Office Sergeant and is responsible for the service of enforceable writs on the east side of the county.
      - **Witness Coordinator** – Supervised by an Administrative Coordinator and is responsible for the coordination of deputy witness subpoenas with their work schedules. This provides for maximum on duty court time and prevents, when possible, witness subpoenas served during scheduled leave.
      - **Clerical Staff** – Supervised by an Administrative Coordinator and is responsible for the preparation of all civil related processes for service.
    - (2) **DeLand Civil Office** – The DeLand Civil Office is supervised by a Sergeant and consists of the following functions:
      - **Westside Non-Enforceable Writs Unit** – This unit is responsible for the service of non-enforceable writs on the west side of the county.
      - **Westside Enforceable Writs Unit** – This unit is responsible for the service of enforceable writs on the west side of the county.
    - (3) **District Civil Offices** – Satellite Civil Offices are located in District's IV and V. Each is supervised by a Sergeant and is responsible for the civil process within that district. The DeLand Civil Office handles District II

## 5. INFORMATION TECHNOLOGY SECTION

- a. The Information Technology Section is supervised by a Director and is responsible for providing computer support for the Volusia Sheriff's Office and maintaining various countywide public safety computer systems. The Section provides hardware and software support, network administration, database administration, application development, geographic information system (GIS) support, digital records administration, computer training, and help-desk support. The Information Technology Section serves as the technical liaison with the Volusia County Information Technology Volusia Sheriff's Office, computer hardware and software vendors, and other governmental entities.

## 6. COMMUNICATIONS SECTION




- a. The Communications Services Section is supervised by a civilian Communications Director (Program Manager II) and is responsible for the following units:
  - (1) **Dispatch Unit** – This unit is supervised by two Telecommunications Coordinators, divided into four shifts. Each shift is overseen by three (3) Supervisors. They are responsible for the operation of a full service communications facility that provides the various routine and emergency needs of the Volusia Sheriff's Office and other governmental entities. It receives, processes, routes and dispatches calls for service and related communications in conjunction with a countywide emergency (E-911) telephone system and operates teletype and related automated data systems in conjunction with local, state and federal government systems.
  - (2) **E-911 Unit** – This unit is supervised by an Administrative Coordinator II who is the Volusia Sheriff's Office liaison with telephone companies. The unit is responsible for the management of the County's Emergency 911 System and the modification and maintenance of all Communications Center E-911 maps. It is also responsible for developing and helping to administer the E911 budget funded through telephone surcharges.
  - (3) **Administration Unit** – This unit is supervised by two Assistant Directors they are responsible for the day-to-day operations of the section, deployment of the Sheriff's Command Post, operational readiness of the Communications back-up facility, as well as the research and procuring of all Volusia Sheriff's Office radio equipment in accordance with Volusia Sheriff's Office policies.

## 7. EVIDENCE SECTION

- a. The Evidence Section is supervised by a civilian Manager, who serves as the agency's Evidence Custodian. An Administrative Coordinator I assists with administrative functions and various activities, as assigned by the Evidence Custodian. The Section is responsible for receiving, storing, and controlling all property that is found, recovered or seized as evidence by the Volusia Sheriff's Office and other agencies, as requested. The Evidence Section is also responsible for researching/determining the final legal disposition and disposal of all cases involving the impoundment of property and/or evidence by this agency.

## 8. FLEET MANAGEMENT SECTION

- a. The Fleet Management Section is supervised by a civilian Manager and is responsible for all Volusia Sheriff's Office vehicles and related equipment; functions as the Volusia Sheriff's Office fleet liaison with Volusia County Vehicle Maintenance.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 11.2</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/1991	<b>Previous Revision Date</b> 10/2001
<b>Title</b>  <b>PRINCIPLES OF ORGANIZATION</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish the Volusia Sheriff's Office policy on span of control and unity of command.

## II. DISCUSSION

The nature of law enforcement service requires a system and chain of authority. Unity of command assures unity of effort by the coordinated action of all forces toward the common goal.

The breadth of the span of control is determined by such factors as native ability, the complexity of the tasks, separation by time or distance and other factors.

## III. POLICY




It shall be the policy of the Volusia Sheriff's Office that each employee shall be accountable to only one supervisor at a time and that each organizational component shall be under the direct command of only one supervisor. It shall also be the policy of the Volusia Sheriff's Office that the number of employees under the immediate control of each supervisor during normal day-to-day operations shall be limited to promote adequate supervision and coordination.

All personnel and organizational components shall adhere to the principles of organization listed in this general order.

## IV. PROCEDURE

### A. UNITY OF COMMAND

1. The organizational structure of the Volusia Sheriff's Office shall be designed so as to provide clear-cut channels of authority.
2. Each Volusia Sheriff's Office employee shall be accountable to only one supervisor at any given time.
3. No unit, division or other component of the Volusia Sheriff's Office shall have more than one person in direct command at the same time.
4. Each organizational component shall be under the direct command of only one supervisor.
5. Supervisors are responsible for acting in emergency situations requiring immediate supervisory attention.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 11.3</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/1991	<b>Previous Revision Date</b> 03/2006
<b>Title</b>  <b>PLANNING AND RESEARCH</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  MICHAEL J. CHITWOOD, SHERIFF 	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to outline the responsibilities of planning and research. These responsibilities include development of long range plans, request for feasibility studies, budget research, equipment, keeps command staff up-to-date on any new developments or training concerning law enforcement, statistical analysis, and maintains liaison with other criminal justice planning agencies.

## II. DISCUSSION

Planning and research functions are essential to effective management. Complex demands for services and declining public resources require that law enforcement agencies carefully research operational alternatives and plan future programs.

The planning and research function should include periodic analysis of field operations activities to facilitate accurate and timely decision making in the allocation or deployment of agency resources.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to maintain and utilize a planning and research component.

## IV. PROCEDURE

### A. ADMINISTRATION




1. The Planning and Research Unit is under the command of the Director of Professional Standards
2. The Planning and Research Unit is located within the Professional Standards Section, within the Office of the Sheriff, allowing direct access to the Sheriff/Chief Deputy.
3. All available resources shall be made available to the Planning and Research Unit through assignment location, Computer access to RMS, County, and Volusia Sheriff's Office network systems, Internet access to state agencies, and participation in Florida and National Planning and Research Organizations.

### B. RESPONSIBILITIES

1. The basic functions of the Planning and Research Unit shall include:
  - Prepare staff studies on law enforcement or related support duties
  - Serve as a resource in law enforcement planning and research matters
  - Develop or assist in development of short and long-range Volusia Sheriff's Office plans
  - Analyze and report on various Volusia Sheriff's Office programs, and prepare summary reports for management



- Perform and assist in the development of projects as directed by the Sheriff, or designee
  - Conduct surveys
  - Act as liaison between the Volusia Sheriff's Office and other agencies nationwide, in relation to planning and research activities
  - Analyze operational activities
2. The Planning and Research Unit shall facilitate and update the Volusia Sheriff's Office Multi-Year Plan that shall include:
    - Long term goals and operational objectives
    - Anticipated workload and population trends
    - Anticipated personnel levels
    - Anticipated capital improvements and equipment needs
    - Provision for review and revisions
  3. All components of the Volusia Sheriff's Office may utilize Planning and Research. The analysis produced will be distributed to the unit requiring the information and any other component, which may be affected by the information.
  4. Annually, Planning and Research shall analyze field operational activities. The analysis shall contain a breakdown of data to include:
    - The type of activity
    - Time of day
    - Day of week
    - Month
    - Year
    - Shift
    - Zone
  5. The analysis report will be used for decisions on the deployment and reassessment of personnel and equipment needs. The analysis shall be forwarded to the Sheriff and all affected divisions.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 11.4</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/1991	<b>Previous Revision Date</b> 10/2008
<b>Title</b>  <b>ADMINISTRATIVE REPORTS</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish and maintain an administrative reporting system to provide reliable information to be used in the management decision-making process.

## II. DISCUSSION

To predict workloads, determine manpower and other resource needs, and prepare budgets, a law enforcement agency should maintain a system to provide management with information on the activities of the agency.

Administrative reports should reflect comparative data on activities and trends.

## III. POLICY

It shall be the policy of Volusia Sheriff's Office to establish and maintain an administrative reporting system to provide daily, monthly and yearly reports to administration management.

## IV. PROCEDURE

### A. DAILY REPORTS

1. Daily Reports are provided as a timely means of providing and exchanging information between various personnel, shifts, supervisors, commands and agencies. In addition, the Volusia Sheriff's Office provides public access to daily report information by District. This report is maintained on the agency's website for ease of access.
2. All divisions will be responsible for reporting on a daily basis all major incidents, crimes, execution of search warrants, confiscated funds, and other important activity.
3. The Volusia Sheriff's Office prepares and electronically maintains on the agency's intranet the following web-based daily reports:
  - Daily Consolidated Report System – prepared by Law Enforcement Operations Division (LEOD) shift supervisors as significant events occur on their respective shifts; available for view by all personnel and local law enforcement agencies.
  - Watch Commander's Consolidated Report System – prepared by the respective Watch Commander to document significant events occurring between 1700 and 0500 hours; available for view by all personnel and local law enforcement agencies.
  - Communications Center Daily Briefing and Information Tracking System – prepared by the respective Communications shift supervisor and available for view by all personnel and local law enforcement agencies.

- Zone Incident Daily Log – web-based query application that provides incident information based on designated parameters; available to all personnel and local law enforcement agencies
  - Criminal Activity Brief – produced by the Intelligence Unit; provides a law enforcement sensitive daily brief of criminal activity in the immediate area and throughout the State. Emailed to all Volusia Sheriff's Office personnel daily by the Intelligence Analyst upon completion of the brief. Also maintained on the Intelligence Unit's webpage and available to all Volusia Sheriff's Office personnel and law enforcement agencies in the State through CJIS (Criminal Justice Information System).
  - Daily Activity Report by District – public access to the Watch Commander and Daily Consolidated report information via the agency website at [www.volusia.org/sheriff](http://www.volusia.org/sheriff)
4. Daily reports may be viewed by all personnel via the agency's intranet homepage.
  5. To view activity, open the respective report, enter desired parameters in the fields provided and click on the view links.

## **B. MONTHLY REPORTS**

1. All component supervisors shall submit a fully prepared monthly report to the Professional Standards Section for inclusion in the Agency's overall consolidated monthly report. This report shall contain:
  - A summary of significant events completed and upcoming goals and objectives for the next month.
  - A data comparison of current month activities with previous month activities, same month in previous year, and year to date
2. The monthly report shall be due on the 25th of the following month. Professional Standards shall electronically prepare and post the monthly report on the agency's intranet by the end of the month; a hard copy will be provided for review to the Sheriff and the Chief Deputy prior to posting on the intranet.
3. Access to monthly reports is available to all personnel via the intranet.

## **C. YEARLY REPORTS**


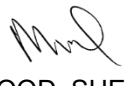

1. The Professional Standards Section shall compile and submit an annual summary of the agency highlights throughout the year for the Chief Deputy's review prior to posting. This report shall also provide:
  - Agency Mission Statement/Value Statements
  - Comparative data and statistics
  - Activities of the components
  - Accomplishments and significant events of the current year
  - Goals and Objectives for the upcoming year
2. The Professional Standards Section shall electronically post the final annual report which shall be available to all personnel via the agency's intranet.

## **D. RMS/CAD SYSTEM**

1. The Volusia Sheriff's Office Records Management System (RMS) and Computer Aided Dispatch (CAD) System shall be utilized for the collection of statistical and comparative data.
2. The RMS/CAD System provide statistical and data summaries and is an important tool which shall be utilized as a data source for administrative reports and requested ad hoc reporting.

## **V. REFERENCES**

- [VSO Internet Website Daily Activity Report](#)
- [VSO Intranet Homepage](#)

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 11.5</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/1991	<b>Previous Revision Date</b> 04/2014
<b>Title</b>  <b>FORMS CONTROL</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish and maintain a system to ensure accountability for Volusia Sheriff's Office forms.

## II. DISCUSSION

An agency should develop and maintain procedures for the development, modification, approval, deletion and periodic review of forms used by the agency.

Forms are utilized as a means of collecting, recording and/or distributing information to accomplish the objectives of the agency. The objective of a forms control process is to avoid duplication of effort and unnecessary paperwork, and minimize the cost of printing or reproducing forms in use.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to maintain an approval and review process of the forms used by personnel throughout the agency.

## IV. PROCEDURE

### A. RESPONSIBILITIES

1. The responsibility of the forms control process shall be with the Professional Standards Section.
2. The Professional Standards Section shall facilitate required modifications, approval and review of agency forms. This does not apply to forms supplied by other agencies (i.e., DHSMV, SA-707's).
3. The Professional Standards Section shall keep a record of all forms.
4. A file containing copies of all active forms shall be kept by the Professional Standards Section.
5. All Volusia Sheriff's Office components are responsible for furnishing copies of forms or proposed forms, and information on the use of such forms, to Professional Standards.

### B. SUBMITTING FORM REQUESTS

1. When a new or modified form is desired, a Forms Request form shall be submitted, along with a copy of the proposed new/revised form, to the Professional Standards Section. This request shall contain:
  - A brief description of how the form is to be used and why;
  - The name of the division or unit requesting the form;
  - The names of all divisions with interest in the form;

- Whether the form is for temporary or permanent use;
  - Whether the form is to be placed on the agency's intranet;
  - The desired date of implementation
  - Approval of the requesting individual's Division Chief via chain of command.
2. Forms received by Professional Standards without necessary authorization will result in a delay and may be returned to the requestor for proper authorization.
  3. Forms may be submitted through chain of command to Professional Standards in hard copy format or electronically via email. If submitted electronically, a copy of the form must be attached to the email and the email forwarded via chain of command to the Division Chief. The email will include the required information listed above in IV.B.1.

### **C. FORM RECOGNITION**

1. Work Sheets are defined as intra-component forms that are utilized to gather information in preparation for reports; are utilized by a single individual or unit and are not distributed outside that unit. These work sheets do not require a form number.
2. Form Letters are defined as a standardized letter that can be sent to any number of individuals based on the nature/topic of the letter; personal information may be inserted as required, such as the name and address of the recipient, or specific contact/reference information. These form letters require a form number.
3. All approved forms, other than forms supplied by other agencies or one time use forms, shall be issued a Volusia Sheriff's Office form number.
4. The Volusia Sheriff's Office form numbers assigned to new forms will consist of the prefix "VSO". The number will be generated utilizing the date the form is logged in, followed by a three digit sequential number. The sequential numbers will start at .001 each day.
  - a. Example: The first form received by Professional Standards Section for processing on Feb. 16, 2013, the number will be "VSO Form # 021613.001"; the second form received in the same day will be "VSO Form # 021613.002", etc.
5. Revised forms will retain the original form number with a revision date (MM/YY) added in parentheses reflecting that a revision was done: (Rev 08/14).

### **D. ORDERING PRINTED FORMS**

1. Standard orders for Volusia Sheriff's Office approved forms that require an outside printing vendor for reproduction and require no modification may be ordered through the Fiscal Affairs Section, using supply and inventory forms.
2. The frequency and quantity of ordering shall be as directed by the Division Chief, or designee.
3. Any printed forms requiring a revision(s) will require signed authorization by the Division Chief and review by Professional Standards for codification and to avoid duplication prior to submitting to Fiscal Affairs for printing. Professional Standards will coordinate with Inventory on any authorized forms requiring revision(s) prior to sending out for print.

### **E. COMPUTER GENERATED FORMS**

1. To alleviate excessive expenditures and facilitate continuity, members are encouraged to utilize in-house resources and generate electronic forms when feasible.

### **F. REVIEW PROCESS**

1. Professional Standards shall periodically review and evaluate Volusia Sheriff's Office forms in coordination with the components that use the respective form.
2. The review and evaluation shall ensure that each form fulfills its intended purpose, and the information collected is sufficiently useful to warrant continuance.

## **V. FORMS**

- [Forms Request, VSO Form # 062802.001](#)



# Sheriff's Office

Volusia County

Michael J. Chitwood, Sheriff

## FORMS REQUEST

Form Proposal: ☐ New ☐ Revision Existing Form Number: \_\_\_\_\_

Originator/Person Making Request: \_\_\_\_\_  
Name Rank DID

Division Form Requested For: \_\_\_\_\_  
Section Unit

Name of all Divisions, Units, Agencies, or persons who have an interest in this: \_\_\_\_\_

This form will be used for: ☐ Multi-Divisional Purposes ☐ Unit Only

Expected Use: ☐ Daily ☐ Weekly ☐ Monthly ☐ Yearly

Will this form be used for: ☐ Temporary Use ☐ Permanent Use: \_\_\_\_\_  
Date of Implementation

Would you like this form placed on the Intranet: ☐ Yes ☐ No

Please provide a brief description of how the form is to be used and why: \_\_\_\_\_

Please provide a draft copy of the proposed form, and/or the existing form to be revised and attach a copy to this *Forms Request*. In Addition, an electronic copy (if available) of the approved form should be emailed to Professional Standards Section for placement on the Sheriff's Office agency forms Intranet Page, when so requested. Once the respective chain of command has reviewed, approved, and initialed the *Forms Request*, forward all documents to the Professional Standards Section for review and assignment of a forms control number.

Supervisor Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Assistant Division Commander: \_\_\_\_\_ Date: \_\_\_\_\_


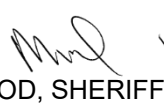

Division Commander : \_\_\_\_\_ Date: \_\_\_\_\_

### Professional Standards Use Only

Professional Standards Section Review: Name: \_\_\_\_\_ Date: \_\_\_\_\_ Form #: \_\_\_\_\_

New Form Number: \_\_\_\_\_ Next Review Date: \_\_\_\_\_

Intranet Request Date: \_\_\_\_\_ Request Made To: \_\_\_\_\_

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 11.6</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 04/1991	<b>Previous Revision Date</b> 08/2017
<b>Title</b>  <b>STRATEGIC PLANNING, GOALS, AND OBJECTIVES</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  MICHAEL J. CHITWOOD, SHERIFF  	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish the process utilized for the development of goals, objectives and updating of the Volusia Sheriff's Office Strategic Plan.

## II. DISCUSSION

Establishing and routinely updating goals and objectives assists the agency in monitoring its progress in keeping with its overall mission, value statements, and to ensure the agency fulfills its law enforcement role and commitments to the community it serves.

Goals and objectives serve as an integral part of the Volusia Sheriff's Office strategic planning process, which provides direction and oversight for Volusia Sheriff's Office leadership and accountability for building upon Community trust and partnerships.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to establish and annually update its goals and objectives through the strategic planning process.


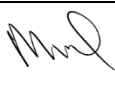

## IV. PROCEDURE

### A. GENERAL

1. The Chief Deputy shall chair the Volusia Sheriff's Office Strategic Planning Committee (SPC) and shall select various members/stakeholders throughout the agency to serve as subject matter experts/representatives and ad hoc sub-committee leaders.
2. Periodically throughout the year, the Chief Deputy shall convene the SPC for the purpose of reviewing progress on the agency's goals and objective, opportunities for improvement/benchmarking, and/or to address any new or emerging elements contributing to potential future risks or challenges facing the agency.
3. The SPC shall develop goals and objectives for the following operational year for updating the Volusia Sheriff's Office's Strategic Plan. Input for these goals and objectives shall be gathered throughout the agency by the subject matter experts/representatives selected to the SPC.
4. Long-term goals shall be submitted along with the annual goals and objectives and shall be included in the review/update of the Strategic Plan (multi-year plan).
5. Division Chiefs and Section Commanders shall be held accountable for those portions of agency goals and objectives that relate to their respective functions. This process shall be monitored periodically throughout each year when the SPC convenes.

6. The Professional Standards Section shall be responsible for placing the updated Strategic Plan on the agency's intranet for access by all agency personnel.



	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 12.1</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 08/1990	<b>Previous Revision Date</b> 11/2017
<b>Title</b>  <b>COMMAND AND CONTROL</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish the authority of the Sheriff and provide Volusia Sheriff's Office command and supervisory guidelines.

## II. DISCUSSION

The charter government created by the electorate of Volusia County in 1972, provided for the termination of the constitutional office of Sheriff and the transfer of all powers and duties prescribed by the constitution and the laws of Florida for said office to the Department of Public Safety.

The four-year elective office of Sheriff was incorporated into the County government as one of its several operating departments. Section 601.1(2) of the Volusia County Charter and Section 3-66 of the Volusia County Administrative Code that designates the Sheriff as Director of the Department of Public Safety derive the Sheriff's immediate authority from Chapter 30, Florida Statutes.

As Sheriff/Director, he is responsible for the administration and supervision of law enforcement functions for Volusia County consistent with Florida law, the County Charter, and County Ordinances.

## III. POLICY

It shall be the policy of the Sheriff to meet his responsibility by exercising his authority to create, implement and administer Volusia Sheriff's Office policy, procedure, rules and regulations governing the conduct and activities of all Volusia Sheriff's Office employees as needed to fulfill the mission of the Volusia Sheriff's Office.

## IV. PROCEDURE

### A. COMMAND

1. The Sheriff shall appoint such staff he deems necessary to assist him in the exercise of his command. He may appoint subordinates to supervise the divisions, sections, and other units within his command.

### B. DELEGATED AUTHORITY

1. All supervisors are granted sufficient authority to effectively perform the tasks delegated them and to direct their subordinates. This authority is extended to acting supervisors for the period of their assignment.
2. Each employee shall have the authority to make those decisions that are commensurate with, and necessary for, the effective and efficient execution of assigned duties and responsibilities.

### C. COMMAND AND SUPERVISORY AUTHORITY

1. The Sheriff may delegate authority but retains control of all tasks and duties. Each supervisor shall be accountable for the performance of the employees under his/her immediate supervision.
2. Each employee shall be accountable for the effective and efficient execution of his/her assigned duties and the use of, or failure to use, the Sheriff's authority delegated him.

#### **D. COMMAND SUCCESSION**

1. To ensure continuity of command and make certain there is timely leadership available in situations when the Sheriff is out of county, incapacitated, or otherwise unable to act, command shall automatically succeed in the following order, unless otherwise directed by the Sheriff:
  - a. **Chief Deputy**
  - b. **Law Enforcement Operations Division Chief**
  - c. **Support Operations Division Chief**

#### **E. COMMAND PROTOCOL**

1. Volusia Sheriff's Office supervisors shall follow the principle of unity of command. It is important that only one person is in command of each situation and that only one person is in direct command or supervision of each employee.
2. An incident shall be under the command and control of the operational division best suited to carry out the ultimate goal of the incident. Individual Deputies or units assisting shall operate within the procedures established for their own unit. Examples of assistance include, but are not limited to:
  - a. When the Patrol Section has achieved control of a homicide scene or other major crime, the investigation and control of the scene shall be turned over to the Investigative Services Section.
  - b. Narcotic and vice operations shall remain under the control of the Narcotics Section, even when additional Law Enforcement Operations Divisional personnel and equipment are required for assistance.
  - c. When searching for escaped prisoners or lost children, the Aviation Unit may be called to assist. However, the Patrol Section shall maintain command and control of the operation.
  - d. The K-9 Unit may be called in to assist the Patrol Section, but the command and control of the incident shall remain the responsibility of the Patrol Unit Supervisor.

#### **F. ASSUMING COMMAND**

##### **1. RANKING OFFICER**

- a. Ranking officers should avoid appearance at the scene of an incident unless they intend to take personal command.
- b. A ranking officer will assume command only under one or more of the following conditions:
  - (1) When a situation appears beyond the control of the officer then in charge;
  - (2) During concurrent jurisdictional matters;
  - (3) For disciplinary purposes;
  - (4) When ordered to assume command by a superior officer.
- c. In order to assume full command of any situation, the ranking officer must identify himself/herself and announce his/her intentions to the officer then in charge.

##### **2. RELIEF FROM DUTY**

- a. A Deputy of junior rank may relieve a superior officer from duty when the officer in charge is unable to perform their duties due to physical or psychological impairment.
- b. The relieving Deputy shall identify himself and announce the reason to the officer being relieved, and advise all present or involved in the incident that he has assumed command.
- c. A written report shall be submitted to the Sheriff detailing the circumstances and reasons the relieving Deputy assumed command, as soon as possible thereafter.

##### **3. EQUAL RANK**

- a. Whenever supervisors of equal rank are present at the scene of an incident, the supervisor holding that rank for the longest continual period of time will assume command.
- b. Watch Commanders shall not be included in this section. Watch Commanders are designated as "in charge" even though another supervisor of equal rank, with more time in grade, arrives on the scene. However, the Watch Commander can relinquish command to the District Commander or the Assistant District Commander.

**4. COMMAND BY NON-SUPERVISORY PERSONNEL**

- a. Whenever more than one Deputy is present at a scene of an incident without a supervisor being present, the Deputy originally dispatched or assigned shall be in charge unless specifically relieved by a supervisor or senior Deputy.

**G. CHAIN OF COMMAND**

1. The chain of command must be rigorously followed. It designates the unbroken line of authority extending from the Sheriff through a single subordinate at each level of authority, down to the level of execution, through which all orders and communications are intended to flow.
2. Breaking the chain of command is permitted only in certain situations, such as:
  - a. When a subordinate has reasonable cause to believe that a supervisor is involved in unlawful or immoral conduct;
  - b. When a subordinate reasonably believes he/she has been given an unlawful order.
3. Under normal circumstances, the subordinate must request permission from their immediate supervisor to circumvent the chain of command. The request may be oral or in writing, and the supervisor receiving the request shall honor it.


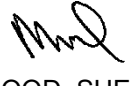
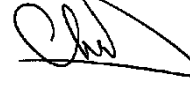
**H. OBEDIENCE TO ORDERS**

1. Employees shall promptly obey all lawful orders issued by a superior or other competent authority. This includes orders relayed from a superior by an employee of the same or lesser rank.
2. **UNLAWFUL ORDERS**
  - a. No employee shall obey an order that is contrary to law.
  - b. No employee shall be disciplined for refusing to obey an unlawful order.
  - c. An employee who receives such an unlawful order shall report the circumstances in writing, via chain of command, to the Sheriff, as soon as possible thereafter.
3. **CONFLICTING ORDERS**
  - a. A subordinate given a lawful order that conflicts with a previous order, shall advise the person issuing the second order of this fact.
  - b. Responsibility for countermanding the original order then rests with the person issuing the second order. If then so directed, the subordinate shall obey the latter order.
  - c. The employee shall not be held accountable for disobeying the original order.
4. **UNJUST OR IMPROPER ORDERS**
  - a. Employees receiving lawful orders they feel are unjust or contrary to Volusia Sheriff's Office general orders shall first obey the order to the best of their ability, then report the circumstances, in writing, via the chain of command, to the Sheriff.
5. **UNCLEAR ORDERS**
  - a. Employees in doubt as to the nature, meaning or details of a lawful order will seek clarification from the person issuing such order.

**I. STAFF MEETINGS**

1. To ensure certain minimum levels of direct communication occur, properly orchestrated and participatory meetings of Volusia Sheriff's Office Staff are to be held at all levels within the Volusia Sheriff's Office on a routine, regularly scheduled basis.

2. Staff meetings should have an agenda prepared noting topics and/or problems requiring discussion, including any old business carried over from previous meetings.
3. Facts necessary for the resolution of problems should be gathered, organized and transmitted to staff members ahead of time to allow them an opportunity to study the material beforehand.
4. The Sheriff shall meet monthly with all Executive Command Staff, Section Captains and Program Managers to discuss policy, operational decisions, and/or other matters of agency wide importance.
  - a. Prior to a command staff meeting, Division Chiefs, Section Commanders and Program Managers are to conduct meetings with their supervisory staff to prepare any statistics and/or presentations for the staff meeting.
  - b. Subsequent to a command staff meeting, Division Chiefs, Section Commanders and Program Managers shall conduct meetings with their respective supervisory staff to ensure the dissemination of appropriate information from the command staff meeting.
  - c. Line supervisors shall insure this information becomes a part of the daily operational briefing with their employees.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 12.2</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 08/1990	<b>Last Review</b> 08/2018
<b>Title</b>  <b>WRITTEN DIRECTION AND OFFICIAL CORRESPONDENCE</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this Directive is to establish guidelines for the implementation and management of the VSO written Directives system and provide guidance for the issue and control of official correspondence.

## II. DISCUSSION

The successful administration, direction, and control of the VSO requires the Sheriff have an effective and well-managed system for the issuance and control of written direction and other official correspondence.

The Sheriff has a duty to direct the actions of his employees. Direction must be precise, thorough and consistent. It must inspire employee confidence and provide them with a clear understanding of the constraints and the expectations placed upon them by virtue of their employment. It must also provide guidance in the day-to-day performance of their assigned duties.

Equally important, the Sheriff must ensure that information essential to Sheriff's Office operations and/or required to keep his employees informed is properly managed and disseminated in an effective and timely manner.

## III. POLICY

The successful administration, direction, and control of the VSO requires the Sheriff have an effective and well-managed system for the issuance and control of written direction and other official correspondence.

The Sheriff has a duty to direct the actions of his employees. Direction must be precise, thorough and consistent. It must inspire employee confidence and provide them with a clear understanding of the constraints and the expectations placed upon them by virtue of their employment. It must also provide guidance in the day-to-day performance of their assigned duties.

Equally important, the Sheriff must ensure that information essential to Sheriff's Office operations and/or required to keep his employees informed is properly managed and disseminated in an effective and timely manner.

## IV. PROCEDURE

### A. STANDARDS DIRECTIVES

- Standards Directives are the VSO's official written policies, procedures, rules, and regulations adopted and promulgated by the Sheriff for the permanent or long-term guidance of employee behavior and Sheriff's Office operations. The VSO recognizes that unusual situations and circumstances may arise which require the application of common sense and independent judgment.

2. The VSO utilizes standards, directives and memorandums to direct the VSO and its employees. Memorandums may be used as temporary directives issued under the authority of the Sheriff. There are two types of written directives: a Departmental Standards Directive having general application agency-wide or a Divisional Standards Directive applying only to specified division(s)/Sections within the Sheriff's Office.

## **B. DIRECTIVE PROPOSALS**

1. Proposals for the adoption of a new Standards directive or the amendment or rescinding of an existing directive are encouraged and may be initiated by any employee.

## **C. DEVELOPMENT**

1. Once the need for direction has been established in a specified area, the development of a Standards directive requires adherence to strict staffing criteria. Information must be specific, accurate, dependable, and include all relevant data. It must be logical and organized for easy comprehension.
2. Directive text shall be written in the third person. Language should be as clear and simple as the subject permits.

## **D. FORMAT**

1. Each directive shall be assembled in accordance with the guidelines contained herein.

### **2. HEADER**

- a. The first page shall contain identifying information in the following order:
  - (1) Classification - State type of directive, either Department Standards Directive or Divisional Standards Directive.
  - (2) Title - State the title of the directive.
  - (3) Codified - Following the word "CODIFIED", enter the chapter and sequential directive number under which the directive is to be integrated into the manual, IE. 12.2, 1.3.
  - (4) Effective - Following the word "EFFECTIVE", show the date the directive becomes effective.
  - (5) Rescinds/Amends - List the existing or current directives canceled or modified by the directive.
  - (6) Pages - List number of pages in the directive.
  - (7) Attachments - If there are attachments, list the number of attachments that are included as part of the directive.

### **3. PURPOSE**

- a. The purpose of the directive follows the header information. The writer shall provide a brief statement of the need or objective of the directive.

### **4. DISCUSSION**

- a. Purpose is followed by the discussion that provides a brief examination into the subject in support of, and justification for, the directive.

### **5. POLICY**

- a. The third major subhead is a statement of policy. Policy may be so much a part of procedure that it would be repetitive to separate the two. If such were the case, the section would be labeled "POLICY AND PROCEDURE".

### **6. PROCEDURE**

- a. The procedure section shall contain rules and regulations; a way of performing or affecting an act composed of steps or a course of action. A procedure is mandatory in tone by using "shall" rather than "should".
- b. This part of the text is usually the lengthiest because step-by-step instructions are written to execute the subject matter of the directive.

- c. The writer shall use the following order of alpha-numeric within the "PROCEDURES" section to differentiate and establish topical relationships:
  - (1) Each paragraph in the "PROCEDURES" section shall be given a unique paragraph number which is composed of the directive number (12.2, in this case) followed by a sequential number. For example, "12.2.13" indicates the 13th paragraph in "Procedures" section of Directive 12.2.
  - (2) If necessary, capitalized letters may be used to group related sub-paragraphs to a main paragraph within the "PROCEDURES" section of the directive. The paragraph you are reading is identified as "12.2.13 B."
  - (3) Bullets may be used to identify lists or other series of information.
  - (4) Paragraphs may be grouped under descriptive headings inside shaded boxes. Sections may be further broken down under a bold, capitalized descriptive heading without a shaded box.

## **7. ATTACHMENTS**

- a. The final subhead appends or includes the examples, forms, pictures, tables, charts, or diagrams essential to the directive.

## **8. AUTHENTICATION**

- a. The last page of the directive shall contain authentication information. A line will be drawn immediately after the last line of text to indicate there is no further directive text. Following this line, the writers will enter his/her initials after the word "DRAFTED", followed by a slash; the month and year the draft was completed. If the directive is being revised, then the word "REVISED" shall be inserted rather than the word "DRAFTED." Space shall be provided for the Sheriff's signature approving and authenticating the directive.

## **9. GLOSSARY**

- a. The glossary is used to provide explanations and definitions of words and phrases unique to the directive. Definitions for words in all directives will be grouped into one separate glossary in the manual.

## **E. DIRECTIVES SUBMISSION**

- 1. Proposals for Standards Directives shall be submitted under cover of a memorandum via the chain of command to the Professional Standards Section. The memorandum's chain shall review the proposal ensuring proper form and content, then forward with appropriate endorsement.

## **F. DIRECTIVE REVIEW**

- 1. Upon receipt, the Professional Standards Section will research, ensure the directive meets minimum Accreditation Standards, and submit the proposed or revised policy recommendations to the Sheriff and staff for comments/review.
- 2. Upon approval of the Sheriff, the directive shall be edited, corrected and codified to ensure it will not contradict any existing agency policy or applicable law. Professional Standards will then forward the final draft proposal to the Sheriff for adoption.

## **G. DIRECTIVE ADOPTION**

- 1. The directive is adopted and becomes effective upon endorsement (signing) by the Sheriff.

## **H. DIRECTIVE DISTRIBUTION**

- 1. Professional Standards shall electronically distribute Standards Directives (or any amendments or rescission) under the cover of a change order (FYI) as approved and directed by the Sheriff.
- 2. Standards Directives shall be organized in the official Volusia Sheriff's Office electronic Manual and posted on the agency's intranet for access by all personnel.
- 3. A hard copy manual will be located in the Command Staff Conference room for reference purposes and shall be maintained by Professional Standards.

4. New Standard Directives, or any changes made via the FYI change order will be posted by Information Technology upon notification by Professional Standards to update the electronic manual.
5. All employees are required to view their E-mail at least once daily or once per shift, unless prevented by vacation, scheduled day off, illness or other similar circumstance. Employees shall open and read all such electronically distributed documents prior to deletion.
6. Each employee is responsible and accountable for reading and becoming familiar with any electronically issued FYI change order; supervisors are responsible for ensuring that employees electronically acknowledge issued FYI's thus providing an electronic receipt indicating they have read the new and/or revised directive(s).
7. Within two (2) weeks following any Standards Directive change order from the Sheriff, Professional Standards will provide each Commander and Director/Manager via email an electronic list of received employee acknowledgements. The list will be alphabetized and provide an electronic date/time stamp; each respective supervisor is responsible to ensure that all employees under their direct supervision/span of control have electronically acknowledged receipt of the issued Standards Directive change order.

#### **I. DIRECTIVE UPDATING**

1. Each standard shall be reviewed annually and revised as necessary.
2. Revisions may be proposed by any employee and will follow the same procedure as that set forth for new directives.

#### **J. DIRECTIVES FILE**

1. Professional Standards shall maintain a complete and readily accessible file of all current and purged Standards Directives.
2. Professional Standards shall maintain a complete, current library of the reference material referred to or incorporated by any Standards directive. It shall be the responsibility of the Standards Directives originator to supply the references to Professional Standards.

#### **K. MANUALS**

1. All Standards Directives issued by the VSO shall be posted to the Sheriff's Office intranet.
2. **MANUAL ORGANIZATION**
  - a. The Standards Directives Manual will be divided into chapters. Chapter numbering and subject matter will be consistent with the Standards Manual published by the Commission on Accreditation for Law Enforcement Agencies, Inc. There is, however, no attempt to match standards number for number within the individual chapters.
  - b. A "Table of Contents" will be at the front of the manual. A glossary will also be included in the manual to provide specific guidance.
  - c. Electronic features allow for Key word search so that a topic, specifically or generally, can be quickly and easily located.
3. **DISTRIBUTION**
  - a. Standards Directives will be issued electronically as an economical way to track, maintain and revise the agency's directives as well as to provide easy access to policies and procedures by personnel.
4. **MANUAL KNOWLEDGE**
  - a. All VSO employees are charged with acquiring a sound working knowledge of the Standards Directives contained in the manual within thirty days of receipt.
  - b. Training may be provided for new or amended directives. Each employee is responsible for seeking clarification from his/her immediate supervisor, if required.
  - c. Each employee shall be responsible for becoming familiar with issued updates/revisions to Standards Directives.

#### **L. OTHER WRITTEN DIRECTION**



## **1. SECTION MANUALS**

- a. Section Manuals are those manuals developed to provide specific instructions for the day-to-day operations of that Section.
- b. Section Manuals are not binding on any other sections of the Volusia Sheriff's Office, unless adopted with the Division Chief's approval.
- c. Professional Standards must review all Section Manuals for conflicts with Volusia Sheriff's Office Directives and Accreditation Standards.
- d. The respective Division Chief must approve Section Manuals.
- e. The format for Section Manuals will be at the discretion of the respective Section Commander with the exception that Sectional Manuals will not use the same format as the Sheriff's Directives. This will prevent confusion with Volusia Sheriff's Office official posted Written Directives Manual.
- f. The Section Commander will review the Section Manual at least annually and will be responsible for re-issuance to the affected employees to include current copies to Professional Standards.

## **2. TEMPORARY DIRECTIVE FORMAT**

- a. The format for any short term or temporary written direction will either be by "Memorandum or FYI".
- b. Command and supervisory staff shall utilize this form of direction when there could be post-event requirements for data or when information relates to performance, effectiveness or accountability of operations or behavior.
- c. Directives, however brief or temporary in nature, modifying, amending, or suspending the provisions of any policy, procedure, rule, or regulation require the express approval of the Sheriff.
- d. FYI's shall be distributed electronically to all affected personnel causing an electronic date/time receipt to be generated.
- e. FYI's and memoranda addressing short term or temporary direction shall be presented by supervisors at roll call briefings with standard roll call training forms completed and forwarded to the Training Section.
- f. Only VSO personnel within their level of authority shall issue memoranda addressing short term or temporary direction.
- g. Memoranda shall be tracked via assigned file numbers as described in Directive 12.2.53 and shall be stored by the issuing unit as specified by public records laws.
- h. Memoranda addressing short term or temporary direction shall have a distribution list that clearly identifies affected personnel and shall include the Professional Standards Section.
- i. The affected personnel shall maintain FYI's and memoranda addressing short term or temporary direction until the stipulated expiration date has been reached.

## **3. TEMPORARY CANCELLATION**

- a. All written direction, exclusive of Standards Directives, shall be self-canceling. Memoranda transmitting direction shall contain on its face both its effective date and a cancellation date. In no case shall it be effective more than one year from its issue date. Continuation of such direction shall require an additional memorandum with a new expiration date or it is automatically canceled.

## **M. OFFICIAL CORRESPONDENCE**

- 1. Correspondence with any person or entity, public or private, is vital to the effective functioning of the Sheriff's Office. Since correspondence creates an image of the agency, it must be acted on promptly and prepared with professional accuracy, clarity and grammar.
- 2. **ACTION**
  - a. All Sheriff's personnel receiving official correspondence including, but not limited to, electronic mail, interagency correspondence, and U.S. mail shall review same and take action

as necessary, in a prompt manner. If unable to reply within a reasonable time, acknowledgment of receipt and an explanation of the delay must be made in writing, and directed to the person making the inquiry. Failure to read official correspondence shall not be considered an acceptable reason for noncompliance.

### **3. ROUTING**

- a. The proper designated person will route incoming correspondence to the division, section or unit concerned for coordination, action and reply.

### **4. COPIES**

- a. A copy of all correspondence will be retained and filed by the originating office. The file may be electronic, but hard copy reproduction on demand is required. Subject files shall be purged periodically, not to exceed two years and in accordance with State Archive Record retention schedules.

### **5. FILE NUMBERS**

- a. All correspondence originated by the VSO shall be assigned a file number in accordance with the alphanumeric system. Numbers are assigned serially to each piece of correspondence and begin anew each calendar year. Example: 055M0022.16 where "055" is the originator (Law Enforcement Services Division, Fifth District), "M" is the type of correspondence (memorandum), "0022" is the next serially assigned correspondence number (twenty-second) and ". 16" is the calendar year (2016).
- b. The Division Chief of the originating unit may exempt form letters.

### **6. CONFIDENTIALITY**

- a. All correspondence is considered confidential and the contents may not be released to unauthorized persons without express permission of the Sheriff or his designee.

#### **(1) REPRESENTING THE SHERIFF'S OFFICE**

- (a) The use of the VSO name and/or a member's official status or title in any personal communications to the media or other entity must be prefaced with a statement that the writer or speaker is imparting personal opinion and not speaking on behalf of the VSO.

### **7. MEMORANDUMS**

- a. Memorandums shall be used for all official written communications within the Sheriff's Office and the Volusia County Government.
- b. Memorandums shall also be used within the Sheriff's Office and the Volusia County Government to transmit other correspondence or documents as an attachment to ensure control.
- c. Memorandums shall not be used to communicate with entities external to Volusia County government.

### **8. LETTERS**

- a. Letters are the agency's official means of written communication with outside entities. Letters are used when communicating with any individual or entity that is not a part of the Volusia County government. They shall be prepared on letterhead stationery in the generally accepted business letter format.

### **9. SIGNATURE**

- a. Letters must be prepared in the name of the Sheriff, followed by the signature of an authorized employee or person. The section supervisor prior to sending must approve all letters and a copy forwarded to the Sheriff's Executive Assistant.

### **10. PERSONAL USE**

- a. Agency letterheads shall not be used for personal and/or private correspondence, nor may an employee use the official VSO mailing address for purposes of receiving personal mail not connected with official Sheriff's Office business except where provided by law, e.g., law enforcement officer personal vehicle registrations.

## **V. REFERENCES**

- [Correspondence File Number Identification Code Number Assignments](#)
- [Sample Letter](#)
- [Sample Memorandum](#)

## **VI. FORMS**

- [VSO Letter](#)
- [VSO Memorandum, VSO FORM # 082813.001](#)

**VOLUSIA COUNTY SHERIFF'S OFFICE**  
**CORRESPONDENCE IDENTIFICATION CODES**  
**[EFFECTIVE 05-10-17]**

**L = Letter      M = Memorandum      A = All Other**

		<b>LAW ENFORCEMENT OPERATIONS DIVISION</b>		<b>SUPPORT OPERATIONS DIVISION</b>	
<b>SHERIFF</b>	<b>040</b>	<b>DIVISION CHIEF</b>	<b>050</b>	<b>DIVISION CHIEF</b>	<b>070</b>
Functions Assigned to Sheriff:					
<b>Legal Advisor</b>	<b>042</b>	<b>DISTRICT II</b>	<b>052</b>	<b>SPECIAL OPERATIONS</b>	<b>060</b>
<b>Office of Public Affairs &amp; Media Relations</b>	<b>044</b>	<b>DISTRICT III</b>	<b>053</b>	<b>Community Services</b>	<b>121</b>
<b>Juvenile Services</b>	<b>045</b>	<b>DISTRICT IV</b>	<b>054</b>	<b>Volunteers:</b>	
		<b>DISTRICT VI</b>	<b>056</b>	<b>COP</b>	<b>087</b>
<b>CHIEF DEPUTY</b>	<b>041</b>	<b>INVESTIGATIVE SERVICES</b>	<b>057</b>	<b>CVAP</b>	<b>088</b>
Functions Assigned to Chief Deputy:		<b>Victim/Witness</b>	<b>048</b>	<b>Chaplains</b>	<b>049</b>
<b>Administrative Captain</b>	<b>047</b>	<b>NARCOTICS</b>	<b>058</b>	<b>Aviation/Marine/Dive/Range</b>	<b>061</b>
<b>Internal Affairs</b>	<b>043</b>	<b>WATCH COMMANDER</b>	<b>119</b>		
<b>Administrative Services</b>	<b>091</b>			<b>TRAINING</b>	<b>112</b>
<b>Inventory Control</b>	<b>093</b>			<b>COURT SERVICES</b>	<b>071</b>
<b>Human Resources</b>	<b>094</b>			<b>Civil</b>	<b>072</b>
<b>Fiscal Affairs</b>	<b>096</b>				
<b>Resource Serves/Grants</b>	<b>098</b>			<b>EXTRADITIONS/ RECORDS/ WARRANTS</b>	<b>073</b>
<b>Professional Standards</b>	<b>116</b>			<b>I.T.</b>	<b>115</b>
				<b>COMMUNICATIONS</b>	<b>113</b>
				<b>E-911</b>	<b>117</b>
				<b>EVIDENCE</b>	<b>118</b>
				<b>FLEET</b>	<b>111</b>

Yellow indicates new numbers to use



# Sheriff's Office

## Volusia County

Michael J. Chitwood, Sheriff

**To:** Distribution

**Date:** July 25, 2001

**From:**

**File:** 040M0000.01

**Subject:** Memo Format

The following information is provided to assist employees in the preparation and use of a memorandum.

Memorandums are basically a short report intended for readers within an organization. They are versatile and serve a wide variety of uses including reporting results, providing direction, making inquiry, submitting proposals, serving notice and gathering information or other data where it is necessary to make a permanent record. A memorandum can serve as a vehicle for transmitting other documents such as an attachment.

The basic memorandum form provides space for heading information and the text or message.

Heading information includes:

- The person(s) who is to receive the memo (To:),
- The originator (From:),
- Issue, theme or topic of the message (Subject:),
- Date the memo was issued (Date:),
- A coded number that provides filing information (File:),

If the memo contains information of a short-term nature, it shall include a cancellation date. If no specific cancellation date is listed, the memo will expire one year from the date written.

Memoranda originators should either initial the memo beside their name in the heading or sign their name after the text. Second and subsequent pages should be plain bond paper.

**Subject:** Memo Format

**File:** 040M0000.01

July 25, 2001

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Routing and distribution information is appended after the text. If “Distribution” is used in the heading, explain by citing the distribution code or the individuals by name. Treat “copies to:” similarly. Provide for special routing such as the chain of command by using “Via:” then list addresses in the order they are to receive the original memo for their action and forwarding.

If the memo is transmitting documents as an enclosure, list them following the text numerically in parenthesis, in the order they are referred to.

Distribution: Standards Manual  
All Sworn Personnel  
All Supervisors  
All Civilian Personnel

Attachment(s): None

# Sheriff

**MICHAEL J CHITWOOD**

OFFICE  
386/736-5961



**VOLUSIA COUNTY SHERIFF'S OFFICE**

123 WEST INDIANA AVE • P.O. BOX 569 • DELAND, FLORIDA 32721-0569  
386/822-5074 (FAX) • WWW.VOLUSIASHERIFF.ORG

March 1, 2017

Mr. Joe Public  
123 W. Indiana Ave.  
DeLand, FL 32721

Dear Mr. Public:

Thank you for your recent request concerning the proper format of official letters. It is my pleasure to be able to answer your questions.

As you know, the Sheriff's Office uses a standard business letter form to correspond with anyone who is not a part of Volusia county government. Each letter is assigned a unique, coded file number for tracking and accountability. You will also notice that each letter is signed by the writer underneath the name of the Sheriff.


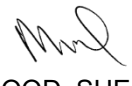

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Michael J. Chitwood  
SHERIFF

By: \_\_\_\_\_  
Sandy Shields, Director  
Professional Standards Section

1160004.17

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 12.3</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 07/1999	<b>Previous Revision Date</b> 10/2001
<b>Title</b>  <b>WATCH COMMANDER</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines for the Watch Commander Program.

## II. DISCUSSION

The Watch Commander position is designed to provide availability of staff level command during periods when staff is off duty.

## III. POLICY AND PROCEDURE

### A. SCHEDULING

- Volusia Sheriff's Office Staff is available Monday thru Friday from 0800-1600 hours. Additionally, the District Commanders or, in their absence, the Assistant District Commanders will be on-call Monday thru Friday from 0500-0800 hours and 1600-1700 hours. At all other times a Law Enforcement Operations Division Lieutenant shall serve as Watch Commander to provide staff level command twenty-four hours per day.
- Two Law Enforcement Operations Lieutenant's shall be assigned as a full-time Watch Commander under the supervision of the Law Enforcement Operations Division Chief. The full-time Watch Commander shall work in the field on the following schedule:
  - One Lieutenant assigned to Alpha-Bravo shift, 7 days per week, 1700-0500 hours.
  - One Lieutenant assigned to Charlie-Delta shift, 7 days per week, 1700-0500 hours.
- The Watch Commander for the remaining time periods shall be a Law Enforcement Operations Division Captain or Lieutenant assigned on a rotational basis. The schedule will be maintained in the computerized Records Management System (RMS).

### B. RESPONSIBILITIES

- The Watch Commander shall be kept informed and be aware and responsible for all Volusia Sheriff's Office and Communication's Center activities during their tour of duty.
- All non-lethal use of force incidents that result in serious injury requiring hospitalization occurring at times other than Monday thru Friday 0800-1600 hours shall be investigated by the Watch Commander.
- The Watch Commander's responsibilities shall be county wide, and will include, but not be limited, to the following:
  - Communication's Center supervisor



- Responding to all serious incidents including: homicides, major crime scenes, Special Response Team call outs, calls of unusual public interest, etc.
  - Notification of the District Commander when appropriate. The Watch Commander shall notify the District Commander or if unavailable the Assistant District Commander, of all serious incidents.
  - Reassignments due to manpower shortages.
  - Authorization of overtime to District Sergeants when reassignment is not possible.
  - Authority to implement and authorize the use of Mutual Aid. The Watch Commander is empowered to authorize emergency non-routine aid to other agencies.
  - Any situation which may require interaction between Districts or other agencies outside the normal day to day activities.
4. Upon arrival at a serious incident the Watch Commander shall serve as the Incident Commander, and shall notify the appropriate Volusia Sheriff's Office Staff. The Watch Commander will remain the Incident Commander until relieved by the District's Commander or Assistant Commander.
  5. All other divisions shall notify the Watch Commander of any special detail or operation which may take place during the Watch Commander's tour of duty.



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**TITLE: CRIME ANALYSIS**

**CODIFIED: 15.1**

**EFFECTIVE: 03-2006**

**RESCINDS/AMENDS: 15.1/10-2001**

**ATTACHMENTS: 0**

#### PURPOSE

The purpose of this Directive is to delineate and outline guidelines for the collection and analysis of data used to support operational functions.

#### DISCUSSION

The crime analysis function should utilize regularly collected information on reported crimes and criminals to prevent and suppress criminal activity and apprehend criminal offenders.

The data should be collected, analyzed, assembled and regularly made available to Deputies, Detectives, Sheriff's Public Information Office, COP coordinator and Community Services Sergeants.

The information provided should benefit in the development of daily operational and tactical plans as well as strategic planning as it relates to crime trends, agency resource allocation and crime prevention.

#### POLICY

It shall be the policy of the Department to assimilate and utilize crime analysis data on a full-time basis as a tool to identify and reduce criminal activity, to assist in resource allocation and prioritize strategic objectives.

All Sheriff's employees shall provide complete and consistent reports of crime, incidents and related information, as required, to support this function.

#### PROCEDURE

**15.1.1** The Crime Analysis Unit shall be responsible for the collation, analysis and dissemination of analyzed criminal data.

**15.1.2** The data collection personnel from the Records Section collect and organize the crime data which supports the crime analysis function.

**15.1.3** The Crime Analysis Unit shall identify and analyze methods of operations of individual criminals, provide crime pattern recognition, and analyze data derived from field interrogations and arrests.

**15.1.4** The Crime Analysis Unit shall process and examine data in an effort to identify and interpret criminal activity so that strategies may be developed to direct law enforcement activities and relate individual suspects and vehicles to crimes.

**15.1.5** The Crime Analysis Unit shall utilize, but not be limited to, the following sources.

- Offense reports
- Investigative reports
- Follow-up supplemental reports
- Arrest affidavits
- Field interrogation forms
- CAD/RMS supplied information
- GIS supplied information

**15.1.6** The Crime Analysis Unit shall identify developing crime patterns or trends.

**15.1.7** The Crime Analysis Unit will aid in the assembly and comparison of specific crimes to those committed by subjects in custody.

## **CRIME ANALYSIS FUNCTION**

**15.1.8** The Crime Analysis Unit shall:

- A.** Identify similarities among different offenses and reveal commonalities and patterns in the characteristics of current crime problems
- B.** Assist in the screening and providing of lists of suspects
- C.** Aid in the assembly and ordering of specific crimes that may involve an offender already in custody
- D.** Assist in identifying potential and actual police hazards within Sheriff's Office jurisdiction;
- E.** The Crime Analysis Unit shall generate and distribute Crime Analysis Bulletins, memos and maps relating to:
  - Frequency by type of crime
  - Geographic factors
  - Chronological factors
  - Victim and target descriptors
  - Suspect descriptors
  - Suspect Vehicle descriptors
  - Modus operandi factors
  - Physical evidence information
  - Prohibited buffer zones of "real property" as defined by FSS 893.13.

## **CRIME ANALYSIS REPORTS**

**15.1.9** Crime analysis reports will be used to develop operational tactics, crime suppression strategies and specialized deployment.

**15.1.10** The Law Enforcement Services Commander shall advise the Sheriff of any crime patterns or trends as they develop. The intent is to provide the Sheriff with an "early warning system", so the Sheriff is made aware, in a timely manner, of patterns and trends within the community.

## **DISTRIBUTION OF INFORMATION**

**15.1.11** Dissemination of analysis findings will be sent to agency components in a timely manner using a distribution pattern approved for each division.

**15.1.12** The crime analyst shall disseminate analytical data produced and/or retained by the Crime Analysis Unit to outside sources.

**15.1.13** The Public Information Officer, in coordination with the Sheriff, will disseminate crime information to enhance public information and generate public support. However, information shall be carefully controlled to prevent hindering ongoing investigations.

## **MEETINGS**

**15.1.14** A Crime Analysis Unit member shall attend the monthly County Intelligence Meetings.

**15.1.15** The purpose of this meeting will be to collect and disseminate analytical information and data relating to crime patterns and trends.

## **DOCUMENTATION OF EFFECTIVENESS AND UTILIZATION**

**15.1.16** Recipients of crime analysis information shall evaluate its effectiveness and submit comments to the Crime Analysis Unit.

**15.1.17** LES District Commanders shall discuss and verbally report on the effectiveness of the crime analysis reports during weekly LES Division meetings. The Division Commander or designee shall provide the results of that feedback to the Crime Analysis Unit on a periodic basis.

**15.1.18** An annual review shall be performed by the Crime Analysis Unit to evaluate the usefulness of the crime analysis reports and to solicit comments on how to improve the work product. This may be done independently or as part of a staff inspection.

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**Revised by:** 7001  
**Revised on:** 3/16/2006

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Written Standards Directive

<b>TITLE:</b>	<b>AUXILIARY PROGRAMS</b>
<b>CODIFIED:</b>	<b>16.1</b>
<b>EFFECTIVE:</b>	<b>08-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>16.1/04-2008</b>
<b>ATTACHMENTS:</b>	<b>0</b>

#### PURPOSE

The purpose of this Directive is to provide a scope of duties, limitations of authority, and guidelines for the establishment and operation of the Volusia Sheriff's Office civilian auxiliary function providing volunteer services to the community.

#### DISCUSSION

Civilian auxiliary programs are staffed by citizens who volunteer their time to work with members of the Volusia Sheriff's Office without compensation.

Civilian auxiliary programs are currently divided into two distinct areas:

- **Citizen Volunteer Auxiliary Program (C.V.A.P.):** provides volunteers to serve in clerical and support positions throughout the Volusia Sheriff's Office.
- **Citizen Observer Program (C.O.P.):** provides specially trained volunteers for ~~which is~~ an enhanced mobile neighborhood watch program that reports suspicious activity to the Sheriff's Office; as well as other complimentary services to the community on behalf of the VSO.

#### POLICY

It shall be the policy of the Volusia Sheriff's Office to prohibit the assignment of non-sworn auxiliaries to duties requiring sworn Law Enforcement Deputy status.

It shall be the policy of the Volusia Sheriff's Office to utilize auxiliaries to assist law enforcement related community service functions and to serve as a resource in emergency situations and during special events.

#### PROCEDURE

#### ORGANIZATION

**16.1.1** All auxiliary programs shall be under the general supervision of the Support Operations Division.

**16.1.2** The Special Operations Section Lieutenant shall coordinate and maintain the auxiliary programs.

**16.1.3** Each auxiliary program is supervised by a Program Coordinator. Program Coordinators shall coordinate and maintain all aspects of that auxiliary program and shall act as liaisons between the program members and the Special Operations Section Lieutenant. The Program Coordinators handle the day-to-day program administration details such as scheduling, application processing and other duties.

**16.1.4** All auxiliary members shall be subject to supervisory control and follow the designated chain of command the same as any regularly compensated employee. Volusia Sheriff's Office organization, command and control are described in Volusia County Sheriff's Official Standards Directives 11.1, 11.2 and 12.1.

**16.1.5** The Special Operations Section Lieutenant may appoint auxiliary personnel to managerial positions as deemed necessary.

**16.1.6** No auxiliary member shall hold any rank within the structure of the Volusia Sheriff's Office.

**16.1.7** The Citizen Volunteer Auxiliary Program (CVAP), the Citizen Observer Program (C.O.P.) and the Chaplain Program are distinct and separate programs. Membership in one does not necessarily qualify the member for the other programs.

## **RECORDS**

**16.1.8** The Special Operations Section shall maintain personnel and other records pertaining to the auxiliary programs. Training records will be maintained by the Training Section, however, auxiliary qualifications and training requirements shall be frequently reviewed by the Special Operations Lieutenant and revised as necessary.

**16.1.9** The auxiliary program coordinators shall maintain monthly information relating to recruitment and application of auxiliaries:

- A.** Statistical information to include number of requests for applications, applications processed, and appointments made
- B.** Allocation and distribution of personnel which shall include number of volunteers available and hours worked in the various programs
- C.** Logistical functions such as personnel, vehicle or equipment use, procurement, distribution, maintenance and replacement

**16.1.10** On a monthly basis, auxiliary members shall properly record and forward their hours of service and any other statistical information on activities performed to the respective Auxiliary Program Coordinator.

**16.1.11** These statistics are used to track and report back to the community on the many types of services provided through the auxiliary programs and to better show-case this valuable contribution provided by its' members.

## **SUBPOENAS**

**16.1.12** Auxiliary members subpoenaed as a result of voluntary duties shall be coordinated through the Witness Coordinator.

## **DRESS / UNIFORM**

**16.1.13** Auxiliary members shall not be equipped with, carry, or have access to weapons, handcuffs, or any other equipment owned by the Volusia Sheriff's Office, or by the member, which would place the auxiliary member or the Volusia Sheriff's Office, in a position of potential danger or liability while performing duties.

**16.1.14** Volunteer personnel are often in a position to represent the Volusia Sheriff's Office and are expected to present a neat, clean, and orderly appearance.

**16.1.15** The Volusia Sheriff's Office will provide uniforms to auxiliaries required to be uniformed as part of their duties. (Refer to Directive 22.6.) Those volunteers required to wear a uniform shall be issued the designated non-sworn civilian uniform. The number of issue shall be determined by the Special Operations Lieutenant or designee. The uniform shall exhibit the following characteristics:

- A.** Uniforms issued to auxiliaries shall clearly distinguish them from sworn personnel.
- B.** The non-sworn uniform shirt shall be light (mint) green with dark green epaulets and pocket flaps. The trousers shall be dark green with a grey stripe.
- C.** The uniform will have a badge which does not incorporate a five-point star.
- D.** Shoulder patches shall clearly differ from those of sworn personnel and shall not incorporate a badge or star.
- E.** The COP program members shall be issued uniform shorts and are authorized to wear the shorts from May 1<sup>st</sup> through October 31<sup>st</sup>.
- F.** COP members will be issued a green polo shirt, with COP markings, to be worn during training and on special assignments that do not require a uniform. These shirts will be worn in conjunction with khaki slacks.

**16.1.16** In order to maintain a uniform appearance in the performance of service to the community, those COP members working with a partner must coordinate choice of shorts or long pants during a shift. Both members must be dressed the same; COP members without partners are authorized to wear either.

**16.1.17** Auxiliaries are permitted to wear the solid green utility uniform when appropriate based on activity assignment. When worn, the utility uniform shall be equipped with the auxiliary patches and shall have a 1" "AUXILIARY" embroidered tape sewn below the badge and above the breast pocket.

**16.1.18** Auxiliary members assigned to perform assistant bailiff duties shall be issued gray slacks, green blazer, and a pocket device with the auxiliary patch attached to it.

**16.1.19** Auxiliaries are not expected to wear suit and ties. However, their appearance shall be neat and appropriate, in accordance with the job function.

**16.1.20** Inappropriate attire shall include:

- A. Extremely short dresses
- B. Jeans or jean type slacks
- C. Sneakers or tennis shoes
- D. Excessive make-up
- E. Excessively tight, revealing, or disheveled clothing

**16.1.21** Members shall not wear any item of Sheriff's Office equipment or any part of the auxiliary uniforms when not on duty. Members may wear the uniform when traveling directly to and from their residence and their assigned duty station.

**16.1.22** Auxiliary members shall be issued the appropriate VSO identification cards.

## **RECRUITING / APPLICATIONS**

**16.1.23** All Volusia Sheriff's Office personnel are encouraged to actively participate in the recruitment of qualified auxiliaries.

**16.1.24** Each District Office shall have applications available to the public.

**16.1.25** The Office of Public Affairs and Media Relations and the Special Operations Section shall acquaint the public with recruitment needs and required skills.

**16.1.26** All applications shall be immediately forwarded to the respective Auxiliary Program Coordinator.

**16.1.27** The Auxiliary Program Coordinator shall ensure all applications are acknowledged within 5 working days.

**16.1.28** No application will be rejected because of an omission or error that can be corrected.

**16.1.29** The Auxiliary Program Coordinator shall:

- A. Review applications
- B. Conduct background, criminal history and driver's license checks
- C. Ensure that the admission or rejection of applicants is based on factual information

## **QUALIFICATIONS**

**16.1.30** In addition to supplemental requirements which may be applicable to a specific auxiliary program, all citizen volunteers must meet the following minimum qualifications for membership:

- A. Applicants must be eighteen (18) years of age or older.
- B. Applicants must be of good moral character.
- C. Applicants must not have been dishonorably discharged from the United States Armed Forces.
- D. Applicants must not have been convicted or have plead no contest to a felony or any offense that would be a felony if committed in Florida.
- E. Applicants must not have been convicted of a misdemeanor involving perjury or false statements.
- F. Applicants must not have used marijuana in the past six months or used marijuana other than for experimentation.
- G. Applicants must not have used, possessed, or sold narcotics or dangerous drugs.
- H. If the position applied for will require the member to drive a vehicle, then the applicant must possess a valid Florida Driver's license.
- I. Applicants must not have had excessive traffic violations within the past three years.
- J. Applicants must have on file a completed, processed application.
- K. Applicants shall have the mental and physical capacities to perform the functional requirements of assigned duties.
- L. All applicants shall take two Patrol rides with a designated member to assure their continued interest

**16.1.31** Applicants must pass a background investigation that may include but is not limited to:

- A. Neighborhood check
- B. Current or previous employment
- C. FCIC/NCIC/local law enforcement record
- D. Military history
- E. Controlled substances

**16.1.32** If the background investigation establishes that the applicant has a significant history of prior unlawful or immoral conduct the applicant will not be appointed. If the information comes to light after appointment, the member may be terminated.

## REQUIREMENTS

**16.1.33** In addition to supplemental requirements which may be applicable to a specific auxiliary program, all citizen volunteers must meet the following minimum requirements for service:

- A. Citizen volunteers are required to volunteer their services for a minimum of 120 hours per year.
- B. Citizen volunteers will be required to attend business and training meetings monthly.

## CONDUCT

**16.1.34** Volunteers represent the Sheriff's Office while acting in the capacity of a member of an auxiliary program. As representatives, members must conduct themselves in such a manner as to demonstrate the highest standards of professionalism so as to earn the public trust.

**16.1.35** Members shall be polite and courteous to the general public at all times.

**16.1.36** Auxiliaries shall restrict their activity to those tasks and duties which do not require a sworn law enforcement officer.

**16.1.37** While on duty, auxiliary program members shall have in their possession a Volusia Sheriff's Office issued identification card.

**16.1.38** At no time will an auxiliary member display their identification card or uniform to secure special privileges or personal gain. They shall not be used for general identification purposes such as check cashing or to gain favorable treatment or gratuities. Violation of this Directive may result in immediate termination from the volunteer program.

**16.1.39** Identification shall be displayed at all times while members are in Volusia Sheriff's Office facilities. Whether in uniform or civilian clothing, auxiliary members shall display their issued VSO ID card on the outside of their clothing and in plain view for the public to see from the front.

**16.1.40** A member's position within the Volusia Sheriff's Office may provide them access to certain confidential or sensitive information. Whatever information is gained in this manner shall not be divulged to anyone else. All members shall be required to acknowledge and sign a confidentiality agreement; this agreement shall be maintained in the Auxiliary Program records.

**16.1.41** If a member cannot fulfill a scheduled duty assignment the member shall notify the District Supervisor or the Assistant District Supervisor at least four (4) hours prior to the scheduled shift. **In addition, they will notify their partner within the same four (4) time frame.**

**16.1.42** No member shall report for duty while under the influence of alcohol or drugs.

**16.1.43** No member shall consume alcohol or drugs likely to cause impairment while on duty or perform any duties for the Volusia Sheriff's Office while under the influence of alcoholic beverages or any substance which may adversely affect physical or mental capabilities.

**16.1.44** Commission of a crime during a member's tenure as a volunteer with the Sheriff's Office may subject the member to immediate dismissal.

**16.1.45** The Sheriff's Office reserves the right to dismiss any volunteer for such reasons as poor performance, poor attendance, and unwillingness to accept direction, disruptive behavior, sexual harassment, abusive and inflammatory language, or other applicable reasons as noted in Directive 26.2 Standards of Conduct.

## INJURIES

**16.1.46** Injuries sustained by auxiliaries while performing volunteer services are subject to Workman's Compensation (for medical costs only.)

### REPORTING REQUIREMENTS

**16.1.47** All injuries shall immediately be reported to the injured party's immediate supervisor and the VSO Supervising Patrol Sergeant, if applicable (COP).

**16.1.48** The supervising (VSO) Patrol Sergeant shall complete an incident report, describing the event and the circumstances which lead to the injury.

**16.1.49** The respective volunteer Program Coordinator will review the event and complete a Notice of Injury Report. If the incident involved a vehicle, the Program Coordinator shall also prepare an Auto-Incident Report.



## **REPORT DISSEMINATION**

- 16.1.50** These reports will be forwarded to Risk Management, along with a copy of the incident report.
- 16.1.51** Copies of the reports will be forwarded to the injured party's Division Chief the Special Operations Section Captain and the Volusia Sheriff's Office Legal Advisor.
- 16.1.52** Injuries requiring hospitalization shall immediately be reported to the Support Operations Division Chief.
- 16.1.53** The Special Operations Section Captain shall make a full report to the Sheriff.

## **TRAINING**

- 16.1.54** No Citizen Volunteer Auxiliary Program (CVAP) member shall perform duties related to non-enforcement assignments unless they have satisfactorily completed the prescribed classroom training.
- 16.1.55** Auxiliaries shall receive classroom training in those anticipated non-law enforcement duties they may be required to perform to assist Law Enforcement Officers. Those duties may include but are not limited to:
- A.** Searching for lost children
  - B.** Providing non-medical aid to the injured or those in need during natural disasters
  - C.** Transporting equipment or supplies
  - D.** Manning telephone lines to provide information during a crisis situation
  - E.** Aiding individuals requiring victim/witness assistance.
- 16.1.56** In addition, all C.O.P. candidates must complete a minimum of forty-three (43) hours of training before becoming certified as a member of the C.O.P. Training shall include, but not be limited to, the following:
- A.** Orientation, rules, duties and procedures
  - B.** Ethics
  - C.** Gangs
  - D.** House Watch Procedures
  - E.** Introduction to computers
  - F.** Safety and Patrol
  - G.** Constitutional, civil law, criminal law, and liability
  - H.** Observation of crimes while on patrol
  - I.** Marked Vehicle Usage
  - J.** Defensive Driving
  - K.** Communications and radio procedures with practical radio exercises
  - L.** Administrative forms and warning notices
  - M.** Report Writing: Identifying types of report forms and report writing techniques
  - N.** Liability
  - O.** On the job training (Patrol and Base Operations)
  - P.** Field training with C.O.P. members during scheduled patrols
  - Q.** Traffic direction and control (Classroom and Practical)
  - R.** Sexual Predator Notification
  - S.** Big Picture Tour

## **CITIZEN VOLUNTEER AUXILIARY PROGRAM (CVAP)**

- 16.1.57** In addition to the universal qualifications for all auxiliary members, members of the Citizen Volunteer Auxiliary Program must meet the following qualifications:
- A.** Possess a valid Florida driver's license
  - B.** Auxiliaries with more than one moving traffic violation in the last three years shall not be assigned duties requiring or permitting the use of a motor vehicle.

## **CITIZEN VOLUNTEER PROGRAM AUXILIARY ASSIGNMENTS**

- 16.1.58** The Special Operations Section Lieutenant, or designee shall coordinate the allocation and distribution of Citizen Volunteer Auxiliary Program members.
- 16.1.59** Citizen Volunteer Auxiliary Program members shall be assigned to positions that augment the Volusia Sheriff's Office's ability to provide services.

## **ASSIGNMENTS AND RESTRICTIONS**

**16.1.60** Volunteers shall restrict their activity to those tasks and duties which **do not require** a sworn law enforcement Deputy.

**16.1.61** Volunteers shall not carry or have access to any personally-owned or Volusia Sheriff's Office issued weapons or physical restraint devices.

**16.1.62** Volunteers may be assigned to clerical tasks without restriction.

**16.1.63** Volunteers may be assigned to BAILIFF ASSISTANCE functions with the following restrictions:

- A.** The member shall have **no** physical involvement of any kind.
- B.** The member shall not be involved in the physical movement or security of prisoners.
- C.** If a Deputy needs assistance, the Bailiff assistant shall not render aid but shall seek necessary assistance.

**16.1.64** Volunteers may be assigned to COMMUNITY RELATIONS and CRIME PREVENTION SERVICES with the following restrictions:

- A.** Auxiliaries shall first be trained in all areas in which they are expected to assist.

**16.1.65** Volunteers may be assigned to assist in serving CIVIL PROCESSES with the following restrictions:

- A.** Limited to **only** non-enforceable writs and non-criminal processes
- B.** Documented training shall be commensurate with respective position prior to performing duties.

**16.1.66** Volunteers may be assigned to assist in performing duties in OTHER SUPPORT FUNCTIONS, based on the skills and interests of individual members with the following restrictions:

- A.** Training shall be commensurate with respective position prior to performing duties.

**16.1.67** Volunteers may be assigned to assist in performing EMERGENCY SUPPLEMENTAL ACTIVITIES with the following restrictions:

- A.** Training shall be commensurate with respective position prior to performing duties.

**16.1.68** Auxiliaries who have received training for specific services may be called out for searches for children, during disasters and other support functions.

**16.1.69** Under no circumstances shall a Citizen Volunteer Auxiliary Program member be knowingly placed or exposed to a dangerous or potentially dangerous situation.

**16.1.70** Citizen Volunteer Auxiliary Program members shall not be assigned to unnecessary duties.

**16.1.71** No Citizen Volunteer Auxiliary Program member shall perform duties related to non-enforcement assignments unless they have first completed the prescribed classroom training.

#### **SUPERVISION OF C.V.A.P. MEMBERS**

**16.1.72** Upon assignment to a position, a Citizen Volunteer Auxiliary Program member shall be directed to an immediate supervisor, to whom he shall report.

**16.1.73** The supervisor shall ensure each Citizen Volunteer Auxiliary Program member is properly trained and qualified to perform the assigned tasks:

- A.** Is readily identifiable, via identification card
- B.** Is appropriately attired
- C.** Is adequately supervised

**16.1.74** Auxiliaries shall be responsible to one supervisor; however, in matters directly related to law enforcement functions auxiliaries shall accept the direction and guidance of full-time employees.

#### **THE CITIZEN OBSERVER PROGRAM (C.O.P.)**

**16.1.75** The Citizen Observer Program is an enhanced mobile civilian operated neighborhood watch program, which is directed at those areas identified by crime analysis reports as problem areas. The mission of the C.O.P. is to make the neighborhoods within Volusia County more secure from criminal acts through residential patrols who report suspicious activity to the Sheriff's Office.

**16.1.76** In addition to the general qualifications for all auxiliary programs, applicants for the Citizen Observer Program shall also meet the following qualifications:

- A. Members must possess a valid Florida driver's license with no moving traffic violations in the last three years.
- B. Members must complete the Volusia Sheriff's Office Citizen Observer Program training course.
- C. **Exceptions:** Those COP members that only serve as Base operators or designated Observers ONLY, do not require a valid Florida Driver's license and will be exempt from participating in vehicle operating portions of the training program.

**16.1.77** As part of their minimum of 120 hours per year service, Citizen Observer Program members will be required to attend the monthly business and training meeting. At this meeting Citizen Observer Program members will be briefed in reference to criminal activity in their area, appropriate preventative measures, training and other Citizen Observer Program information.

**16.1.78** Citizen Observer Program members may be required to furnish their own vehicle, fuel, maintenance and automobile insurance.

#### **CITIZEN OBSERVER PROGRAM GUIDELINES**

**16.1.79** C.O.P. members are citizens who have met the minimum pre-appointment and training requirements of the C.O.P. to provide community patrols. A C.O.P. member is appointed as a volunteer only and is not vested with any law enforcement authority.

**16.1.80** The Volusia Sheriff's Office does not authorize Citizen Observer Program members to undertake any law enforcement or investigative actions. Violation will result in immediate termination from the program.

**16.1.81** C.O.P. members shall not be armed with, or have in their possession, any personally owned or Volusia Sheriff's Office issued weapon(s) or restraint devices while performing Citizen Observer Program functions.

**16.1.82** Citizen Observer Program members shall not violate any State, local or federal law; this includes traffic laws.

**16.1.83** Members shall observe and report suspicious activity to the Volusia Sheriff's Office. They act as additional eyes and ears of the Volusia Sheriff's Office.

**16.1.84** Members shall not deliberately or knowingly expose themselves or others to any dangerous situation. In particular:

- A. Members shall not approach suspicious persons or vehicles.
- B. Members shall not stop other vehicles under any circumstances.
- C. Members shall remain inside their vehicles while working except while performing Good Samaritan acts or additional assigned duties after having the proper training by instructors of the Sheriff's Office.
- D. Members who have completed appropriate training may exit their vehicles to perform physical house checks during daylight hours. Members who have not received appropriate training shall remain inside their vehicles while performing house checks.
- E. Members may exit their vehicles for purposes of posting a written parking warning notice or Parking Violation Ticket.

**16.1.85** Members shall not conduct interrogations of a person, act or identify themselves as law enforcement personnel, nor make a citizen's arrest.

**16.1.86** Members shall not represent themselves as law enforcement officers or display any badge or emblem to designate them as such. Violation will result in immediate termination from the program

**16.1.87** While on duty, Citizen Observer Program members shall have in their possession a Volusia Sheriff's Office issued identification card. At no time will a C.O.P. member display this card to secure special privileges or personal gain. Violation of this directive shall result in immediate termination from the C.O.P.

**16.1.88** Identification shall be displayed at all times while members are in Volusia Sheriff's Office facilities.

**16.1.89** If a C.O.P. member cannot fulfill a scheduled duty assignment the member shall notify the C.O.P. District Director and COP Base Operator for the day or the C.O.P. Coordinator at least four (4) hours prior to the start of the scheduled shift.

**16.1.90** C.O.P. members shall comply with all F.C.C. regulations governing radio usage.

**16.1.91** No alcoholic beverages or prescription drugs are to be used by any C.O.P. member while on duty or twelve hours prior to duty.

**16.1.92** No dogs (K-9) will be used by C.O.P. members.

**16.1.93** C.O.P. members shall not be present at the scene of police investigations or apprehension efforts, but may stand by at a discreet, inconspicuous distance, unless they have additional relevant information or are summoned by a Deputy.

**16.1.94** Citizen Observer Program members shall be allowed to establish, operate from and maintain a base station at each District headquarters.

#### **C.O.P. VEHICLE USAGE**

**16.1.95** The Volusia Sheriff's Office maintains a limited number of vehicles for C.O.P. usage. These vehicles shall be clearly marked in a manner that readily distinguishes them from law enforcement patrol vehicles.

**16.1.96** C.O.P. vehicles may be equipped by the Volusia Sheriff's Office with a roof mounted amber and blue rotating or flashing warning light. The use of emergency warning signals is strictly prohibited except for traffic control direction at accident scenes, disabled vehicles and special events or at the direction of a sworn law enforcement officer. The lights will only be activated, when the COP vehicle is stopped and stationary.

**16.1.97 NO PURSUITS, CHASES, OR VEHICLE STOPS OF ANY TYPE SHALL BE ALLOWED.**

**16.1.98** All members shall use seat belts as required in Florida Statute 316.614.

**16.1.99** Members shall not add to, take away from, or modify, in any manner, any equipment, including radio, amber warning lights, or any other device assigned to the Sheriff's Office vehicle.

**16.1.100** No emergency signaling lights, devices, equipment, or markings shall be used by C.O.P. members except those supplied by the Sheriff's Office.

**16.1.101** Vehicles supplied by the Sheriff's Office may only be used by C.O.P. members when on patrol, special details and events. No vehicle will be assigned to any individual C.O.P. member except the C.O.P. coordinator.

**16.1.102** Prior to driving the vehicle, C.O.P. members shall perform the following equipment checks before beginning patrol:

- A.** Check all fluid levels on the vehicle
- B.** Check vehicle tires for proper inflation and excessive wear
- C.** Check for damage and faulty equipment such as headlights, windshield wipers, etc.

**16.1.103** Note all equipment checks on the appropriate log. If any problems are found, notify the supervisor who will arrange for repair before the vehicle is used.

#### **DRIVERS OF C.O.P. VEHICLES**

**16.1.104** Prior to operating a Volusia Sheriff's Office C.O.P. vehicle, all drivers must meet the following requirements:

- A.** Successful completion of designated training at the Sheriff's Office EVOC training course, within one (1) year of completing the COP Basic Training Course
- B.** Drivers must have in their possession a valid Florida driver's license.
- C.** Drivers must have had no moving traffic violations within the past three years.

#### **C.O.P. RADIOS**

**16.1.105** Each C.O.P. vehicle is equipped with a radio which operates on talkgroups separate from law enforcement personnel. C.O.P. members shall use this radio to report their activity and suspicious incidents to the C.O.P. member operating the base station. The base station operator shall then forward reports of suspicious activity to Central Communications by telephone.

**16.1.106** Each C.O.P. vehicle shall have a single LE7 equipped portable radio while on patrol.

**16.1.107** No C.O.P. vehicle shall be manned and on patrol unless the base station is also manned by a C.O.P. member. However, if a member is patrolling off shift, or if the Base is not manned, they may use Central for all communications.

**16.1.108** A limited number of portable C.O.P. radios exist. C.O.P. members may check out one portable radio to carry with them on patrol and assure at least one LE7 radio is also available and in the vehicle at the same time they check out the vehicle.

**16.1.109** If at any time circumstances require a C.O.P. member to exit their vehicle while on patrol, one member shall remain in the C.O.P. vehicle while one member leaves the vehicle, taking the portable radio with them. This allows either member to summon assistance if needed. The exception being SOLO certified drivers.

#### **SUPERVISION OF C.O.P. MEMBERS**

**16.1.110** The Citizen Observer Program shall be supervised by the Citizen Observer Program Coordinator who shall provide direction and guidance.

**16.1.111** The Citizen Observer Program Coordinator may institute such rules, regulations and procedures deemed necessary, in compliance with Volusia Sheriff's Office guidelines, supervisory review, and federal, state and local laws.

**16.1.112** Injuries to Citizen Observer Program members as a direct result of their duties shall be immediately reported to the Sergeant in the District where the injury occurred.

**16.1.113** Auxiliaries shall be responsible to one supervisor; however, in matters directly related to law enforcement functions auxiliaries shall accept the direction and guidance of full-time employees.

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**Revised by:** 6662

**Revised on:** 08-2019

**Approved**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 16.2</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/1991	<b>Previous Revision Date</b> 06/2011
<b>Title</b>  <b>RESERVE DEPUTY PROGRAM</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish a Reserve Deputy Program within the Volusia Sheriff's Office and define the duties, authority, and training for Reserve Deputies.

## II. DISCUSSION

Reserve Deputies are a valuable source of additional sworn manpower. The use of Reserves complements the normal full-time force of Deputies, relieving them of routine duties such as prisoner transportation, traffic direction and control, crowd control, and assisting in the conduct of criminal investigations under the supervision of full-time personnel. Reserves enhance officer safety by providing back up support to Zone Deputies responding to potentially volatile situations. Reserves work on a full or part-time basis and are paid at a rate currently authorized by the Volusia Sheriff's Office. Reserves are fully sworn Deputies with full arrest powers. However, Reserve Deputies' authority to act independently shall be limited to the areas in which they have received training from the Volusia Sheriff's Office.

## III. POLICY

The Volusia Sheriff's Office shall organize and maintain a Reserve Unit for the purpose of augmenting the normal full-time force of Deputies.

The maximum strength of the Reserve Unit shall not exceed that currently authorized and budgeted for by the Volusia Sheriff's Office.

Reserve Deputies shall be paid at the rate currently authorized by the Volusia Sheriff's Office.

Reserve Deputies may work in any area within Volusia Sheriff's Office, with the approval of the Special Services Section Supervisor, provided they are representing the Volusia Sheriff's Office in an official capacity.

Reserve Deputies may be scheduled to work a multi-officer outside detail as a primary assignment, under the direct supervision of a full-time Deputy, and be paid at the regular detail rate. In this instance, time spent working the outside detail, when combined with assigned tasks, shall not exceed forty (40) hours. With approval of the Sheriff through chain of command, a Reserve Deputy may work an outside detail on a voluntary basis at the Reserve pay rate.

Reserve Deputies may work overtime details if no full-time Deputies can be found to fill the detail, with the exception of overtime details governed by collective bargaining agreements.

If the Reserve Deputy has completed the New Deputy Training (NDT) Academic Phase and Phase 2 Field/Road training in Law Enforcement Operations Division (LEOD), he/she may work without restriction. If the Reserve has not completed this training, he/she must be under the direct supervision of a full-time Deputy. Such a Reserve could work a detail that is limited in the required duties such as those involving traffic control, safety, etc.

The Sheriff may require each Reserve Deputy to work a specified minimum number of hours each month or pay period.

## **IV. PROCEDURE**

### **A. RESERVE SELECTION**

1. Reserve Deputies shall be selected utilizing the same criteria and procedures used when selecting full-time Deputies.
2. **BASIC QUALIFICATIONS**
  - a. Generally, applicants for Reserve status must meet the following basic qualifications prior to submitting an application:
    - Must be at least 19 years of age
    - Must be a United States Citizen
    - Must be a high school graduate or its equivalent
    - Possess a current valid Florida driver's license
    - Has not been convicted of a felony, or convicted of a misdemeanor involving perjury or a false statement
    - Has not pled guilty or nolo contendere to any felony, or to any misdemeanor involving perjury or a false statement
    - Was not dishonorably discharged from any of the U.S. Armed Forces
    - Must have completed an Florida Criminal Justice Standards and Training Commission certified basic law enforcement academy or complete a Commission certified Equivalency of Training course and be certified by the Criminal Justice Standards and Training Commission.
3. **APPLICANT SCREENING**
  - a. Applicants for Reserve status will be screened to verify the information in their application. At a minimum, screening shall consist of:
    - An oral interview to determine the applicant's suitability for the Reserve Deputy Program
    - A background investigation to include local records, NCIC/FCIC and driver's license checks, current/previous employment verification, and local reference or neighborhood checks. The background investigation may be expanded as deemed necessary.
    - A Polygraph examination.
    - A psychological examination
    - A medical examination including drug screening
    - A P.A.T. (Physical Agility Testing)
4. **APPLICANT SELECTION**
  - a. Upon successful completion of the screening process, the Training Commander will recommend suitable applicants to the Support Operations Division Chief for hire. The Support Operations Division Chief will then make his recommendation and forward the application and screening package to Sheriff for final selection.
  - b. The selection process shall be based on education, experience and physical condition. Special consideration may be given to applicants who have prior law enforcement experience or skills that may be beneficial to the Volusia Sheriff's Office.

### **B. UNIFORMS AND EQUIPMENT**

1. Reserve Deputies shall be issued uniforms that are not distinguishable from that of Law Enforcement Operations (LEOD) Deputies. The equipment issue shall be the same style and type.
2. Reserve Deputies will be issued the same equipment as LEOD Deputies, with the exception of camera, shotgun, tape recorder and other technical equipment not required to fulfill the duties to which they are assigned (see general order 22.6 Appearance, Uniforms, and Equipment.)

### **C. RESERVE TRAINING**

1. The Volusia Sheriff's Office only hires those certified by the Criminal Justice Standards and Training Commission.
2. The Volusia Sheriff's Office shall provide Reserve Deputies with training equal to that of full-time Deputies in those areas in which they are empowered to take police action.
3. Reserve Deputies will receive training commensurate with their assigned duties.

#### **D. WEAPONS QUALIFICATION**

1. All Reserve Deputies shall receive copies of and be instructed on the Volusia Sheriff's Office general orders relating to use of force guidelines, firearms, and use of less-lethal weapons and devices prior to being allowed to carry an authorized weapon.
2. Reserve Deputies will qualify at a time scheduled by Training.
3. Reserve Deputies shall be trained and required to qualify and re-qualify under the same conditions and restrictions as that of full-time sworn personnel

#### **E. PATROL ORIENTATION**

1. Reserve Deputies are required to work a minimum of one shift, no less than eight (8) hours in length, as a ride-along observer within each Patrol District. Shift Supervisors shall cooperate with Reserve Deputies attempting to meet this requirement.
2. The Reserve Deputy may select either day or night shift, although a combination of both is recommended.
3. The Reserve Deputy must ride with either a Shift Supervisor or a Zone Deputy.
4. The Reserve Deputy is responsible for contacting the appropriate Shift Supervisors or Zone Deputies to schedule the required orientation rides.

#### **F. OPTIONAL TRAINING**

1. Reserve Deputies are encouraged to attend scheduled training classes conducted by the Volusia Sheriff's Office's Training Section.
2. With the approval of Training and the Support Operations Division Chief, Reserve Deputies may attend particular training courses.
3. Subject to the applicable hourly workweek limitation, Reserve Deputies shall be paid while attending training courses.

#### **G. DUTIES AND RESPONSIBILITIES**

1. Reserve Deputies are fully sworn Deputies and are required to adhere to the Volusia Sheriff's Office's general orders.
2. They are required to sign for and be instructed in those policies and procedures.

##### **3. MONTHLY RESERVE MEETING**

- a. The Training Commander or their designee shall schedule monthly meetings of the Reserve Unit. The purpose of this meeting will be to disseminate information, resolve any problems or conflicts, and to conduct training. Attendance at the monthly meeting is mandatory. Reserve Deputies may be excused from this meeting due to civilian work commitments or other valid reason.

##### **4. REQUIRED TRAINING**

- a. Reserves are required to participate in scheduled training for the unit or individual. This training includes initial and annual weapons qualification/proficiency, patrol orientation, and other training required by the Volusia Sheriff's Office.
- b. In addition to the above requirements, Reserve Deputies must complete the following in order to work without direct supervision:
  - Must receive the same in-service training as statutorily required of full-time Deputies
  - Must receive annual use of force training and weapons certification
  - Must receive training in all policies, procedures, rules and regulations
  - Must receive job specific training in their specialized assignment



- c. The Training Section must have documented approved records of completion of all sections of the academic portion of the New Deputy Training Program prior to a Reserve Deputy being assigned to work in specialized assignments.
- d. Reserve Deputies are authorized to perform all limited duty assignments, on their own, job specific, for which they have received the same training as a Deputy II performing the same function would receive. Such assignments include, but are not limited to: BAT, Marine Patrol, Prisoner Transport and Range Unit.

**5. EMERGENCY SERVICES**

- 6. In the event of disaster, hurricane, special events, or other threat to public safety, Reserve Deputies may be required to work with 24-hours advance notification.

**H. ACTIVITIES**

- 1. Reserves are authorized to work in the following areas, subject to the approval of the Support Operations Division Chief:

**2. P.T. PARTNER**

- a. A Reserve Deputy, when not scheduled to work as the Prisoner Transport Unit or other assignment, may work as a riding partner to the scheduled Reserve Deputy working Prisoner Transport.

**3. ZONE PARTNER**

- a. Reserve Deputies may ride with a Zone Deputy or Supervisor.
- b. Arrangements shall be made with the individual Zone Deputy or supervisor.

**4. DISTRICT PATROL**

- a. Reserve Deputies may work independently in District patrol, if they have completed the requisite Field Training and Evaluation Program Academic and Field training phases. Reserve Deputies desiring to work District Patrol must be individually authorized. Prior to authorization the designated Special Services supervisor will evaluate each requesting Reserve Deputy's training, experience and suitability.
- b. Reserve Deputies may use a spare prisoner transport vehicle or pool car, subject to availability, or may borrow a patrol vehicle from an off-duty Deputy at the sole discretion and approval of the Deputy to which the vehicle is assigned.
- c. When reporting "in-service" the Reserve Deputy will advise the dispatcher of the District in which they will be working.
- d. The Reserve Deputy will report to and operate under the supervision of the District Supervisor.
- e. When working district patrol, the Reserve Deputy's primary duties will be back up support to the Zone Deputies, traffic enforcement, motorist assistance, and preventive patrol. The Shift Supervisor may assign additional duties as necessary and appropriate. Reserves should not be dispatched as primary units even though they may, on occasion, arrive on scene prior to the primary responding unit.
- f. Reserve Deputies will be dispatched to calls requiring minimal investigative responsibilities, i.e., vandalism complaints with no suspects, prowler calls, animal complaints, lost vehicle tags; however, should the incident require further investigation, the investigation will be turned over to a zone unit.
- g. Reserve Deputies may assist in investigations under the direction of the Zone Deputy or supervisor.

**5. PRISONER TRANSPORTATION**

- a. A routine duty for Reserve Deputies is providing prisoner transportation services to the patrol Districts. This service relieves the Zone Deputies of this routine activity, allowing them to remain in service in their respective zones. Only those Reserve Deputies who have received prisoner transport training shall be assigned.

- b. The designated Special Services supervisor will cause a monthly schedule assigning Reserve Deputies to prisoner transportation duty to be published.
- c. Reserve Deputies are responsible for contacting the designated Special Services supervisor in advance to avoid scheduling conflicts.
- d. Reserve Deputies are responsible for fulfilling their scheduled work assignments. If unable to meet their work commitment, the Reserve will be responsible for arranging a replacement.
- e. Reserve Deputies unable to report to work due to illness shall notify Central Communications at least one hour prior to the scheduled reporting time.
- f. When transporting detainees/prisoners, the unit shall be transport-ready prior to receiving custody transfer of the detainee/prisoner. This will include ensuring adequate levels of fuel are maintained, a thorough search of both the vehicle and the detainee/prisoner is conducted in accordance with policy, and all necessary paperwork including inventoried detainee/prisoner property is available for transfer.
- g. When not transporting prisoners, the unit shall conduct traffic enforcement, back up to zone units, traffic direction and control and patrol duties not requiring follow-up investigations.

#### **6. DISTRICT SERVICES**

- a. A Reserve Deputy may work at a District Office with the approval of the appropriate District Commander. Reserves may provide administrative support, assist with special projects, or provide any support needed and approved.

#### **7. INVESTIGATIVE SUPPORT**

- a. Reserve Deputies may assist District or Major Case Detectives in the conduct of investigations when requested. They are authorized to assist the Narcotics and Vice Units when requested.

#### **8. SPECIAL EVENTS AND OUTSIDE DETAILS**

- a. Reserve Deputies may work special events or outside details when approved by the Sheriff via chain of command.

#### **9. JUDICIAL SERVICES**

- a. Reserve Deputies may perform such tasks as serving processes, booking prisoners, transporting prisoners, and working in the courts.

#### **10. SPECIAL SERVICES**

- a. Reserve Deputies may perform functions in the Special Services Section such as Marine Enforcement, Dive/Rescue, and SWAT Team support.

#### **11. OTHER AUTHORIZED ACTIVITIES**

- a. With the approval of the designated Special Services Supervisor, Reserves may work in any area within the Volusia Sheriff's Office to enhance training, broaden the Reserve Deputy's experience, or when deemed beneficial to the Volusia Sheriff's Office. These activities are subject to the approval of the supervisor of the unit in which he desires to work.

### **I. RESERVE LIMITATIONS**

#### **1. PROHIBITED ACTIVITIES**

- a. Reserve Deputies work under the direct extension of the powers of the Sheriff of Volusia County. Therefore, any and all involvement in approved law enforcement activities/duties as so stated within this general order, is done so as a representative of the Volusia Sheriff's Office. No Reserve Deputy shall represent himself to any individual or entity, either directly or indirectly, as working on behalf of the Volusia Sheriff's Office when in the performance of activities outside the control and prior authorization/approval of the Volusia Sheriff's Office. When working in such a capacity, Reserve Deputies are not authorized to wear any part of the official uniform that may suggest they are working on behalf of the Volusia Sheriff's Office and shall not utilize any Volusia Sheriff's Office equipment/vehicles. Under extenuating circumstances/operations, prior authorization may be granted in writing at the sole discretion of the Sheriff.

## **2. LIMITATIONS ON ENFORCEMENT ACTIONS**

- a. Reserve Deputies are subject to the following limitations:
  - Will not serve as lead detectives in criminal cases
  - Will not take independent action in areas in which they have not received training from this Volusia Sheriff's Office
  - Will not be assigned as a primary zone unit
  - Will not participate in the Individual Vehicle Assignment Program
- b. Reserve Deputies are authorized to write traffic citations if they have completed the academic phase.
- c. Reserve Deputies who have not received academic phase training are not authorized to take enforcement action of any kind or act as a back up unit, unless they are under direct supervision of a Deputy II or rated officer.
- d. Reserve Deputies encountering emergency situations are authorized to take action necessary for public safety, but are to immediately summon a primary zone unit. They may perform other duties as directed by the zone unit upon their arrival.
- e. Reserve Deputies receiving reports of criminal activity outside their specific training and assignment (i.e. Marine, Ranch Unit, Prisoner Transport, BAT) are to summon a zone unit.

## **J. BONDING AND LIABILITY INSURANCE**

1. Reserve Deputies shall be bonded and have the same liability insurance as provided, by Volusia County, to full-time Deputies.

# **V. CERTIFICATE HOLDERS**

## **A. CLASSIFICATION AND STATUS**

1. This classification deals with individuals who are carried on the roster of the Volusia Sheriff's Office for the purpose of maintaining their State of Florida Law Enforcement Certification.
2. These individuals are normally retired Deputies of the Volusia Sheriff's Office but may be from other agencies. All members in this category are there at the discretion of the Sheriff.
3. Members in this category have no arrest powers and are not issued any equipment or identification.
4. Members in this category may apply for reserve or deputy status upon completion of all mandatory retraining requirements and the selection processes described in this and other general orders.
5. The Volusia Sheriff's Office is not responsible for providing the members mandatory retraining requirements.



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

#### **TITLE: PERSONNEL ALLOCATION AND DISTRIBUTION**

**CODIFIED: 16.3**

**EFFECTIVE: 08-2017**

**RESCINDS/AMENDS: 16.3/03-2006**

**ATTACHMENTS: 0**

#### **PURPOSE**

The purpose of this Directive is to delineate responsibility for personnel requirement evaluations, and the appropriate allocation of personnel.

#### **DISCUSSION**

A primary management function is the effective allocation of personnel. To this end, managers must evaluate personnel needs and measure resources against the delivery of services. With budgetary constraints often a limiting factor, personnel resources must be utilized in the most efficient and effective manner. Redistribution of personnel is often necessary to achieve the most effective delivery of services.

#### **POLICY**

It shall be the policy of the VCSO to allocate and staff Sheriff's Office components based upon documented workload assessments conducted at least once every three years. Allocation and staffing, as determined by the Sheriff in conjunction with the Volusia County Council's "Authorized Positions List", provides authorized staffing and personnel allocation information for each component by rank or job title, including civilian personnel.

#### **PROCEDURE**

**16.3.1** Information Technology shall provide to the Professional Standards Section a Computer Aided Dispatch (CAD)/Record Management System (RMS) tabulation of incidents by reporting areas/zones as requested. The tabulation will identify workload by shift periods, and include an analysis of the hourly distribution of incidents.

**16.3.2** This report will include a tabulation of previously reported data and a percentage of the law enforcement service workload per shift and hourly distribution of incidents requiring a response by Sheriff's Office personnel.

**16.3.3** The Support Operations Division shall make available Computer Aided Dispatch (CAD)/Records Management System (RMS) tabulation of incidents by reporting areas/zones to the Sheriff, all Division Commanders and all District Commanders. The tabulation will identify workload by shift periods, and include an analysis of the hourly distribution of incidents.

**16.3.4** This report will include a percentage of the law enforcement service workload per shift and hourly distribution of incidents requiring a response by Sheriff's Office personnel.

**16.3.5** Division Chiefs shall review the above analysis in comparison with the number and distribution of employees.

**16.3.6** The distribution of personnel within each Sheriff's Office component shall be based upon workload assessments with a view toward equalizing to the extent possible individual workloads. The component Commander or Supervisor shall analyze workload assessments, considering all incidents and factors used in making the assessment, temporal and geographic factors necessary to complete a task.

**16.3.7** The authorized staffing list designates those positions to be assigned to civilian personnel.

**16.3.8** Each Division Commander shall at least annually reassess the distribution of personnel within their respective division. The workload demands of the division will be evaluated and compared with the personnel allocated and the distribution of those personnel.

**16.3.9** Division Commanders will equalize the workload to the extent possible, as it relates to the shift/reporting area distribution of personnel.

**16.3.10** Each Division Commander shall review all positions to determine whether those positions should be designated as civilian. Sworn personnel should not be permanently assigned to those positions designated as civilian.

**16.3.11** Division Commanders having specialized assignments within their division shall include in this annual report:

- A list of specialized assignments
- A statement of purpose for each listed assignment
- An evaluation of the initial problem or condition that required the implementation of the specialized assignment
- A cost benefit analysis of continuing the specialized assignment

**16.3.12** Operational Commanders will monitor the distribution of personnel on a quarterly basis.

**16.3.13** Temporal, special and geographic demands for service as well as shift hours and zone configurations should be analyzed to determine if any revisions are necessary.

**16.3.14** VCSO Directive 41.4, Patrol Zone Boundaries, contains a complete description of each patrol zone within Volusia County. Detailed maps of zones and reporting areas will be maintained by the Information Technology Section and updated when any changes are made. These maps are used by Operations Commanders and the Crime Analysis Section to facilitate the collection and analysis of information relating to crimes and services as they relate to the geographic distribution of patrol personnel.

**16.3.15** The Professional Standards Section shall periodically, but not less than once every four years, initiate the agency's comprehensive personnel allocation/workload assessment process.

## **METHODOLOGY**

**16.3.16** Upon notification by the Director of Professional Standards, each Division Chief shall submit to the Professional Standards Section a report utilizing VCSO Form# 021401.001 [REV 03/17] Resource Allocation/Workload Allocation Worksheet for each component within their respective command, to include both civilian and sworn positions and number of personnel in each classification. These reports shall be correlated and compiled by the Professional Standards Section and then provide a summary on the conclusions and recommendations for distribution/ allocation of personnel prior to submitting to the Sheriff, via the chain of command for further action, as deemed necessary to accomplish VCSO's mission and goals.

**16.3.17** The personnel allocation/workload assessment report will include:

- A workload assessment analysis by component
- A distribution of personnel analysis
- The assignment/availability factor, where applicable

**16.3.18** Sheriff's Office workloads will also be reviewed annually in conjunction with the agency goals, objectives and budget to ensure the most efficient allocation and distribution of personnel and to identify areas for streamlining, use of technology, etc. to maximize available manpower.

**16.3.19** The allocation of sworn personnel to the Law Enforcement Operations Division Patrol function shall be based upon workload assessments containing a biennial analysis specific to the patrol and shall include the following:

- The number of incidents handled by patrol personnel during the specified period.
- The average incident duration, or measurement of a sampling of cases.
- Calculation of the percent of time, on the average, that should be available to patrol personnel for handling incidents during a specified period.
- The time absorbed through days off, holidays, and other leave, compared to the total time required for each patrol assignment.

**16.3.20** The allocation of sworn personnel to the Support Operations Division, Court Services Section shall be based upon workload assessments containing an analysis of the following:

- The number of civil processes handled during the specified period.
- The number of warrants handled during the specified period.
- The number of records handled during the specified period.
- Prisoner Transport and Extradition demands during the specified period.
- Security needs of court facilities to include the number of prisoners moved through the facilities and the number of participants involved in the criminal or civil process.
- The time absorbed through days off, holidays, and other leave, compared to the total time required for each assignment

**16.3.21** These reports shall be made available to members of the Strategic Planning Committee for additional review and recommendations.

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**Revised by:** 6760

**Revised on:** 08/2017

**Approved:**

A handwritten signature in black ink, appearing to read 'M. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**TITLE: SPECIALIZED ASSIGNMENTS**

**CODIFIED: 16.4**

**EFFECTIVE: 04-2019**

**RESCINDS/AMENDS: 16.4/10-2011**

**ATTACHMENTS: 0**

#### PURPOSE

The purpose of this Directive is to provide a large base of candidates for specialized assignments, provide employees a greater choice of career opportunities and specify criteria for appointment to specialized assignments.

#### DISCUSSION

Advertising agency-wide for specialized assignment openings provides a large base of candidates and gives employees a greater choice of career opportunities. It also minimizes the feelings that selection is based on favoritism.

#### POLICY

(CALEA 16.2.3 c)

It shall be the policy of the Department to advertise agency-wide for candidates for specialized assignments and to select candidates for assignment based on the skills, knowledge and abilities required for the assignment.

#### PROCEDURE

**16.4.1** All anticipated specialized assignments shall be advertised to all sworn personnel. Every effort shall be made to hire from within, however, should no qualified candidate be located within the Department, the specialized assignment may be filled from outside the Department membership. (CALEA 16.2.2)

**16.4.2** The following will be considered in selecting personnel for specialized assignments: (CALEA 16.2.2, 16.2.3 c, 33.4.3 b, 46.2.2, 46.2.4)

- The experience of the applicant
- The applicant's performance level
- The applicant's communication skills
- The applicant's interpersonal skills
- The applicant's ability to perform the required tasks
- The applicant's desire, attitude and initiative
- The applicant's attendance record, commendations, reprimands and prior experience.
- The applicant's formal education. The basic educational requirements for sworn personnel applying for specialized assignments are equivalent to the criteria required for the position of Deputy Sheriff.

**16.4.3** The following positions shall be considered specialized assignments:

- ☐ Aviation Pilot
- ☐ Aviation Paramedic
- ☐ K-9
- ☐ K-9 Trainer
- ☐ Dive Team
- ☐ SWAT
- ☐ Motorcycle Unit
- ☐ Narcotics Detective
- ☐ Major Case Detective
- ☐ Sex Crimes Unit
- ☐ Hostage Negotiator
- ☐ Hazardous Device Technician

**16.4.4** The following assignments shall be considered Specialized Positions:

- District Detective
- Crime Suppression
- Gang/ FBI Safe Streets Task Force
- Clandestine Lab Team
- Auto Theft Unit
- Crime Scene Unit
- Field Training Officer
- Breath Alcohol Unit
- Career Criminal Unit/ ICAC
- Intelligence Unit
- Marine Unit
- Range Unit
- Honor Guard
- School Resource Officer
- P.A.L. Deputy

**16.4.5** In most cases the Department provides the required training for personnel selected to occupy a position; however, some specialized assignments have special requirements, or candidates may be required to meet specific criteria. Supervisors of specialized functions are responsible for ensuring that personnel assigned to the respective function receive adequate training as needed in support of the specialty.

**16.4.6** Candidates for specialized assignments must be sworn personnel and have completed the initial one (1) year probationary period. This requirement may be excluded in cases where no qualified candidate can be located within the Department. Any additional selection requirements will be posted on the position announcement.

**16.4.7** Upon selection, candidates will be required to successfully complete the appropriate training program for the specialized assignment.

**16.4.8** Professional Standards shall conduct a documented annual review of specialized assignments. The review shall include the following:

- A listing of agency specialized assignments
- A statement of purpose for each listed assignment
- An evaluation of the initial problem or condition that required the implementation of the specialized assignment

**16.4.9** Candidates applying for the positions indicated with a “P” in 16.4.3 above, must meet the requirements listed below for that position in addition to the basic requirements listed in 16.4.2 and 16.4.4 - 16.4.5.

#### **AVIATION PILOT**

**16.4.10** The candidate must be licensed by the Federal Aviation Authority to operate aircraft utilized by the Department.

**16.4.11** The candidate must maintain a current first or second-class medical certificate as required by the Federal Aviation Authority.

**16.4.12** The Division Commander or designee shall determine the class of the certificate.

**16.4.13** The candidate must have a minimum of three hundred (300) hours flight time in the aircraft being operated and have graduated from the factory flight school.

**16.4.14** The candidate must maintain a commercial aircraft/rotary wing rating as required by the Federal Aviation Administration.

#### **AVIATION PARAMEDIC**

**16.4.15** The candidate must be a State of Florida licensed Paramedic.

#### **K-9 UNIT**

**16.4.16** The candidate's residence must have adequate space for housing and exercise of the dog.

**16.4.17** Deputies leasing or renting must have, in writing, the landlord's permission to keep the dog on the property.

**16.4.18** The candidate must be willing to perform the duties of a K-9 Deputy for a minimum of three (3) years.

#### **K-9 TRAINER**

**16.4.19** Must be a certified K-9 Deputy/handler and attend required training courses once selected.



## **DIVE TEAM**

**16.4.20** The candidate must be certified as a diver by a nationally recognized and accredited certification agency.

**16.4.21** The candidate must be certified by a physician to be free of injuries or conditions that would preclude participation.

**16.4.22** Each candidate must complete a prescribed physical agility test.

**16.4.23** Each candidate will be required to demonstrate his or her knowledge and abilities, as they relate to SCUBA Diving and participate in training dives.

## **SWAT TEAM (CALEA 46.2.2)**

**16.4.24** Each candidate must complete a prescribed physical agility test.

**16.4.25** Each candidate must complete a battery of psychological evaluations or interviews.

**16.4.26** The Law Enforcement Services Commander, team leader and the assistant team leader will orally interview each candidate.

## **MOTORCYCLE UNIT**

**16.4.27** Each candidate must have a current Florida motorcycle operator license.

**16.4.28** Each candidate must complete a police motorcycle course.

## **NARCOTICS DETECTIVE**

**16.4.29** The candidate must have (3) years experience as a sworn law enforcement officer.

## **MAJOR CASE DETECTIVE, SEX CRIMES UNIT**

**16.4.30** The candidate must have at least (1) year of investigative experience.

## **HOSTAGE NEGOTIATOR (CALEA 46.2.2, 46.2.4)**

**16.4.31** Each candidate shall have completed at least (2) two years as a law enforcement officer.

**16.4.32** Each candidate shall be required to submit to an oral board.

**16.4.33** Each candidate must complete a battery of psychological evaluations or interviews.

**16.4.34** Temperament, experience, verbal and problem solving skills will be a preeminent factor in the selection for this position.

## **BOMB SQUAD**

**16.4.35** Each candidate must be willing to participate in Basic Bomb Technician training, a 5-week school in Huntsville, Alabama

**16.4.36** Each candidate must meet FBI Bomb Data Center application requirements, i.e. physical examination, full extended federal background investigation

**16.4.37** Each candidate must complete a prescribed physical agility test.

**16.4.38** A panel consisting of no less than the Bomb Squad Commander, Bomb Squad Assistant Commander, and a representative from Law Enforcement Services Command Staff, or their designee, will orally interview each candidate.

## **SPECIALIZED TRAINING REQUIREMENTS**

### **AVIATION/PILOT**

**16.4.39** All pilots must maintain a commercial aircraft/rotary wing rating as required by the Federal Aviation Administration. Pilots must complete a flight review every 24 calendar months through the Bell Factory school; maintain both initial and recurrent (every 12 months) curriculum segments under FAA Part 135 Approved Training Program Manual; hold a valid First or Second Class Medical Certificate renewed every 12 calendar months; have at least 500 hours of flight time including at least 100 hours of cross-country flight time at least 25 hrs of which are at night; attend initial and recurrent annual night vision goggle training at the Bell Factory School.

### **AVIATION/ PARAMEDIC**

**16.4.40** All paramedics must hold a State of Florida Paramedic License renewed every 2 years and attend a 32-hr Air Crew curriculum course. Initial training also includes Volusia County Advanced Airway Program, EMS protocol test, HIV/AIDS updates (renewed every 2 years) annually attend the FAA Part 135 Air Crew course, and attend night vision goggle course. If selected to the program, attend 16-hr infection control officer course.

#### **K-9 DEPUTY**

**16.4.41** Initial certification and recertification training requirements, maintenance training and proficiency assessments for all K-9 teams are outlined in Standards Directive 41.9 K-9 Units.

#### **K-9 TRAINER**

**16.4.42** Initial training required attending a FDLE approved Instructor Techniques course and a 40-hr K-9 Trainer course; no recertification required.

#### **DIVE TEAM**

**16.4.43** Initial training includes 80 hrs of basic skills, open water and cavern diving, search and rescue, navigation and CPR. Annual 40-hr recertification in all diving skills and biennial CPR recertification.

#### **SWAT**

**16.4.44** All new operators will successfully complete an approved 80 hour Basic SWAT School/Seminar within one year of selection. If no 80 hour Basic SWAT School/Seminar is offered during the year, the SWAT Team Commander may approve a 40 hour SWAT School/Seminar.

**16.4.45** Recertification training is required every year on chemical munitions, impact munitions and diversionary devices, and tactical vehicles driving. Completed in house by SWAT operators who are instructors in the respective areas.

**16.4.46** Bimonthly training is provided for SWAT operators to include qualifications on assault rifles, for a total of 24 times a year; Snipers receive additional training for a total of 36 times a year.

#### **MOTORCYCLE UNIT**

**16.4.47** Initial training requires attending an approved 80-hr Motorcycle school; annual recertification will consist of in-house training.

#### **HOSTAGE NEGOTIATOR**

**16.4.48** Upon appointment, team members will be required to complete the 40-hour Basic Hostage Negotiation course at an approved training center within one year. Additional specialized Hostage negotiation training courses may be deemed necessary and approved by the Hostage Negotiation Team Commander.

#### **CRITICAL INCIDENT STRESS DEBRIEFING (CISD)**

**16.4.49** Upon appointment, team members will be required to complete the 14-hour Group Crisis Intervention course at an approved training center within one year. Additional specialized CISD training may be deemed necessary and approved by the team leader.

#### **16.4.50**

#### **BOMB TECHNICIAN**

**16.4.51** Initial certification training is a 6-week school conducted by the F.B.I. at Red Stone Arsenal in Huntsville, AL; certification is through the F.B.I. Recertification is conducted every three years at a one week school also conducted at Red Stone Arsenal.

#### **CLANDESTINE LAB TEAM MEMBERS**

**16.4.52** Initial training and retraining requirements for Team members will be in accordance with Standard Directive 42.14 Clandestine Lab Response.

#### **AUTO THEFT DETECTIVE**

**16.4.53** Initial training requirements include attending a 40-hr basic auto theft course, which may include the *"Motor Vehicle Identification and Auto Theft Symposium"*, hosted by the Miami-Dade Safety Training Institute. Regional training is also provided through the Florida Auto Theft Intelligence Unit (FATIU) on a quarterly basis. Additional training can be obtained through the International Association of Auto Theft Detectives (IATTI) and through other law enforcement agencies.

#### **BREATH ALCOHOL UNIT**

**16.4.54** Initial training requirements include 24-hr Breath Test Operator school; 8-hr recertification every four years.

#### **MARINE UNIT**

**16.4.55** Initial training requires a 40-hr operator class for mono hull vessels, a 40-hr airboat school and F.L.E.T.C. advanced B.O.A.T. (Boat Operator Anti-Terrorist Training) school; not recertification requirements.

#### **FIELD TRAINING OFFICER (FTO)**

**16.4.56** Candidate must have attended a 40-hour FTO course for certification. A transfer request is used to document activation to the training function; 8-hours of retraining are required annually thereafter; this can be accomplished through in-house training.

#### **SCHOOL RESOURCE DEPUTY (SRD)**

**16.4.57** Initial training requirements include the Florida Attorney General's Office "Basic 40-hour School Resource Officer School" before or soon after beginning the assignment. SRDs are encouraged to seek certification by the AGs Office as a SRO Practitioner through additional specialized training opportunities periodically offered.

**16.4.58** SRDs shall be required to complete a 40-hour mandatory retraining every four (4) years. Training may include FASRO, NASRO and any other appropriate related training as determined by the Law Enforcement Services Division Commander.

**16.4.59** Community Services Sergeants are required to attain Crime Prevention Practitioner Certification through the AGs Office.

### **SPECIALIZED POSITIONS WITH NO REQUIRED SPECIALIZED TRAINING**

#### **MAJOR CASE**

**16.4.60** Assignment to Major Case requires no special training however each detective is encouraged to attend the *"Police MedicoLegal Investigation of Death"* hosted by the Miami-Dade Medical Examiners Office, or similar investigative training. Continued pursuit of skill development and training is encouraged throughout assignment.

#### **SEX CRIMES**

**16.4.61** Assignment to Sex Crimes requires no special training however each detective is encouraged to attend sex crimes classes and to continue pursuit of enhanced skill development and specialized training opportunities periodically offered throughout assignment.

#### **DISTRICT DETECTIVE**

**16.4.62** Assignment to District Investigations requires no special training however each Detective is encouraged to attend a basic detective or interview class. Continued pursuit of enhanced skill development and specialized training opportunities periodically offered throughout assignment.

#### **GANG DETECTIVE**

**16.4.63** Assignment requires no special training however each Detective will receive training specific to gang related activity and identification. Members are encouraged and supported to enhance skill development and specialized training opportunities periodically offered throughout assignment

#### **INTELLIGENCE DETECTIVE**

**16.4.64** New Detective will receive training specific to the Intelligence function and may include surveillance techniques, interview and interrogation, street gang investigations, organized motorcycle gang investigations, etc. Additional specialized training is provided by regional, state and federal law enforcement agencies as well as private institutions.

#### **CRIME SCENE TECH**

**16.4.65** Initial training is conducted in-house upon assignment. Training is conducted once every 2-3 months and consists of hands-on training on use of equipment, review of DNA collection/ preservation, latent print recovery, etc. Although not mandatory, a basic crime scene school is encouraged and preferred; advanced crime scene training is sought as funding permits. Crime scene techs also receive refresher training every two years in accordance with Standard Directive 83.1 Collection of Evidence. Members are encouraged and supported to enhance skill development and specialized training opportunities periodically offered throughout assignment.

#### **HONOR GUARD**

**16.4.66** The VCSO Honor Guard Unit is designated as the primary ceremonial unit within the department. All training for unit members is facilitated through "on-the-job-training: utilizing the latest edition of the "FM 22-5" Drill & Ceremony military manual. The primary focus of training is basic drill techniques, honor cordon ceremonies, funeral services, gravesite services and civilian type ceremonial military events. Honor guard training is conducted periodically throughout the fiscal year to maintain unit proficiency.

**RANGE UNIT**

**16.4.67** Initial training is conducted in-house upon assignment as determined by the Special Services Commander.

**P.A.L. DEPUTY**

**16.4.68** Assignment requires no special training; training is on the job exposure to youth sports, events and activities. Members are encouraged to attend workshops hosted by both the State and National PAL organizations.

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**Revised by:** 8106

**Revised on:** 03-28-19

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

<b>TITLE:</b>	<b>FISCAL AFFAIRS</b>
<b>CODIFIED:</b>	<b>17.1</b>
<b>EFFECTIVE:</b>	<b>08-2017</b>
<b>RESCINDS/AMENDS:</b>	<b>17.1/05-2017</b>
<b>ATTACHMENTS:</b>	<b>1</b>

#### PURPOSE

The purpose of this Directive is to establish guidelines for budgeting, accounting, and fiscal control procedures.

#### DISCUSSION

In the Sheriff's administration of Sheriff's Office business, as with all public offices, there must be unquestionable evidence, protected by the concept of checks and balances, that the vested public trust is upheld and not violated. To this end, financial accounts and records must clearly and unquestionably show that:

- The Sheriff is properly managing the financial affairs of the office.
- The fidelity of all employees handling public funds is safeguarded.
- All applicable administrative rules and statutory provisions are carefully and fully complied with.
- All public records are available for public and official inspection, as required by law.

Upon establishment of the Volusia County Charter Government in 1972, all functions and duties prescribed by the Constitution and Laws of the State of Florida for the Office of Sheriff were transferred to the County's Department of Public Safety and the constitutional office of Sheriff was terminated. Since that date, the Sheriff's Office (Department of Public Safety) has operated as one of the several departments and functions of the Charter Government of Volusia County.

Under the County Charter, the Department of Finance is responsible for providing all County financial services including financial accounting and reporting, payroll, accounts payable disbursements, cash and investment management, debt management, budgeting, purchasing, risk management, special financial and policy analyzes for county management. Except for the various fees collected and accounts attendant to administration of the legal process and other related services, all Sheriff's Office finances and financial reports are regulated by and/or submitted by the County's Finance Department.

#### POLICY AND PROCEDURE

##### FISCAL MANAGEMENT RESPONSIBILITY

**17.1.1** The budgets of all County Departments are legally controlled at the fund level. However, the County Charter holds the Sheriff solely responsible and accountable for the control, operation, and administration of his Department. This includes management control of the operating budget and other fiscal affairs attendant to Sheriff's Office operations.

**17.1.2** Due to the size, complexity, and volume of the fiscal management function, responsibility for management of Sheriff's Office fiscal affairs is delegated to the Financial Services Section, Chief Financial Officer (CFO).

##### BUDGET

**17.1.3** The budget is perhaps the single most valuable document for assisting the Sheriff in meeting the growing service demands of the community. Therefore, it should receive careful thought and preparation in its development. Planning for delivery of services should center on the development of goals and performance objectives that lead to end results or service levels to be accomplished. Careful attention must be given to the identification of specific performance objectives and service levels and to relate budget requests to those objectives.

##### BUDGET PREPARATION AND PARTICIPATION

**17.1.4** The County's fiscal year is the period 1 October - 30 September and preparation of the next fiscal year budget begins in January to provide adequate time for a well-prepared budget request. Steps involved in the annual budget preparation are as follows:

- A.** The County's Office of Management and Budget shall provide instructions for the preparation of the annual budget and issue them to all County departments.
- B.** The Financial Services CFO shall distribute a memorandum outlining any additional instructions and guidance from the Sheriff.
- C.** Although preparation of the Sheriff's Office internal budget is primarily the responsibility of the CFO, to ensure the broadest appropriate participation in the budget preparation process is achieved, individual Division/District, Commanders/Section Directors are required to prepare their own budget proposals.
- D.** Commanders/Directors are to prepare their budget requests based on analysis/evaluation of performance and goal attainment to insure adequate levels of service to the community rather than a fixed "target" or percentage increase. When possible, program expansions should be offset by reductions in other programs that have proven marginal.

#### **BUDGET REVIEW, SUBMISSION AND APPROVAL**

**17.1.5** The Sheriff shall schedule such meetings with his Division Chiefs and staff as may be necessary to finalize a preliminary budget and insure its submission to the County Council in a timely manner on or about July.

#### **POSITION CONTROL**

**17.1.6** The Volusia County Personnel Services Office, on a biweekly basis, sends the Sheriff's Office a position control list. The following procedures shall be used to control the number and type of agency positions that are filled and vacant at any time. This will ensure that persons on the payroll are legally employed and that positions are in accordance with budget authorizations.

**17.1.7** Upon receipt of the position control list, it shall be reviewed by the personnel clerk to ensure that:

- The list corresponds with Sheriff's Office records
- Any discrepancies are verified and corrected
- The list is updated by adding or deleting personnel changes

**17.1.8** Upon request for the filling of vacancies by divisions, the CFO shall review the list for verification that the vacancy exists.

**17.1.9** At no time may a new employee be hired if there is no authorized budgeted vacancy unless approved by the County Personnel Director or through job sharing.

#### **EMERGENCY APPROPRIATIONS AND FUND TRANSFERS**

**17.1.10** Emergency appropriations or fund transfers to meet unanticipated budgetary circumstance shall be in accordance with the County's finance procedures.

#### **ACCOUNTING**

**17.1.11** All accounting over which the Sheriff's Office has direct control shall be in accordance with generally accepted accounting principles. Otherwise, the VCSO is linked to and an integral part of the County's computerized financial accounting system.

**17.1.12** The system is programmed with the nationally accepted Local Government Financial System software that incorporates a system of internal accounting controls. Such controls have been designed and are continually being reevaluated to provide reasonable, but not absolute assurance regarding:

- The safeguarding of assets against loss from unauthorized use or disposition
- The reliability of financial records for preparing financial statements and monitoring accountability for assets

#### **REPORTS**

**17.1.13** The CFO shall prepare and submit any financial report not provided by the County Finance Department. The County financial accounting system routinely provides automated monthly status reports and other unscheduled reports as may be requested from the general database.

**17.1.14** Monthly status reports include at least the following information:

- Initial appropriation for each account (or program)
- Balances at the commencement of the monthly period

- Expenditures and encumbrances made during the period
- Unencumbered balance

**17.1.15** Each appropriation and expenditure is minimally classified as to function, organizational component, activity, object and program.

**17.1.16** Additionally, the CFO will keep the Sheriff informed concerning the amount of budget remaining by division, function, object and fund as needed.

#### **INTERNAL MONITORING**

**17.1.17** In order to provide continuous and timely monitoring of the Sheriff's Office fiscal activities and insure that established internal control procedures are being administered effectively, the Financial Services Section shall maintain on-line access to the County automated financial reporting system for daily ready-status information of all expenditures and encumbrances.

#### **INTERNAL AUDITS**

**17.1.18** Internal auditing is an ongoing function of the County Finance Department, Internal Audit Section. The Sheriff's CFO shall, as an adjunct to the aforesaid, perform its own reconciliation closeout and audit of the Sheriff's Office's fiscal activity.

**17.1.19** At least bi-weekly the CFO, or designee, shall conduct an internal audit of all funds and receipts turned in by the other divisions/sections.

#### **COLLECTING, SAFEGUARDING, AND DISBURSING CASH**

**17.1.20** All financial transactions relating to the operating budget are performed as a function of the County Finance Department by means of warrant (check) and except for the Revolving Fund function, require only minimal Departmental involvement as regards to cash. There are, however, various services provided by the Sheriff that generate significant cash flow outside the automated system requiring Sheriff's Office regulation. These cash funds/accounts include the following:

- Legal Process (Civil)
- Latent Print
- Evidence
- Central Records
- Confidential Fund, in accordance with Directive 43.3 Confidential Funds
- Outside Details, in accordance with Directive 22.9 Outside Employment

**17.1.21** A system will be maintained within each of the following areas that will account for the initial balance; monies received and/or disbursed, and the balance on hand; the system may be automated or manual. All cash transactions will be documented.

**17.1.22** The respective component supervisor is responsible for monitoring procedures to ensure proper handling of all cash activities.

**17.1.23** Financial Services Section will submit monies and necessary forms to the Finance Department at least monthly; for those areas with infrequent cash activity, submission of funds shall be no less than quarterly.

**17.1.24** A documented quarterly accounting of cash activities will be conducted by Professional Standards and reviewed with the respective supervisor.

#### **LEGAL PROCESS FEES**

**17.1.25** Florida law requires the Sheriff to charge fees for certain administrative services of his office. The Court Services Section, Civil Unit is responsible for the collection, safeguarding, and disbursement of funds relating to execution of the legal process in accordance with State and County regulations.

**17.1.26** All members of the Civil Unit are authorized to collect cash and/or checks.

**17.1.27** The Accounting Specialist, or qualified designee, shall balance all funds daily. All paperwork shall be forwarded to the Financial Services office.

**17.1.28** All funds will be deposited on a daily basis with the Volusia County Finance Department. Should extenuating circumstances prevent deposit of monies that day, the monies will be secured in a designated locked container until the next business day.

#### **SERVICE FEES**

**17.1.29** Fees collected by the Latent Print Unit and Evidence Unit for services relating to fingerprinting, photography, tow fees, found property advertising, shall be collected and transmitted to Financial Services for reconciliation and deposited in accordance with County Finance procedures.

**17.1.30** All employees of the above Units are authorized to collect fees as directed through the respective supervisor.

**17.1.31** Monies will be balanced against copies of receipts.

**17.1.32** Monies will be stored in a secured area and brought to Financial Services as needed to accommodate the volume of transactions, but at least quarterly.

**17.1.33** Each unit supervisor will be responsible and held accountable for the safeguarding of all monies.

#### **RECORDS**

**17.1.34** Records Unit collects fees relating to criminal histories and incident reports.

**17.1.35** The Unit Supervisor shall designate those employees authorized to collect fees.

**17.1.36** Monies will be balanced against copies of receipts daily.

**17.1.37** Monies will be stored in a secured area and brought to Financial Services at the beginning of each business day.

**17.1.38** Each unit supervisor will be responsible and held accountable for the safeguarding of all monies.

#### **PURCHASING**

**17.1.39** The Financial Services CFO is responsible for the administration of Sheriff's Office purchasing activities; all such procurements or purchases of supplies and equipment shall be in accordance with the County's purchasing procedures. These procedures regulate, but are not limited to:

- Specifications for items requiring standardized purchase
- Bidding procedures
- Selection of vendors and bidders
- Emergency purchasing

#### **INVENTORY CONTROL**

**17.1.40** All VCSO property with a value of \$1000.00 or more, or a useful life expectancy of one year or more shall be administered and controlled in accordance with the County Finance Department's property control procedures manual. This system is automated. Additionally, certain VCSO property non-consumable in nature, but of a value less than \$1000.00 shall be assigned a local property number for Sheriff's Office control purposes. (e.g. Computers)

#### **INDEPENDENT AUDIT**

**17.1.41** An independent external audit shall be conducted of the VCSO fiscal activities as part of the County's annual audit.

**17.1.42** An outside certified accounting firm conducts the County's independent audit. The Volusia County Sheriff's Office is included in this audit as part of the Charter Home Rule Government.

#### **EMERGENCY APPROPRIATIONS AND FUND TRANSFERS**

**17.1.43** In the Event that supplemental or emergency appropriations are needed for circumstances that cannot be anticipated, the County of Volusia maintains a contingency fund. Requests for these funds are made through the Volusia County Council.

**17.1.44** The Financial Services CFO shall submit a Council Agenda Item Form requesting the funds.

**17.1.45** The Council Agenda form shall contain all documentation and justifications for the funds.



**17.1.46** Emergency funds can also be requested by submitting an Emergency Request for a Manual Warrant form to The Volusia County Finance Department. Finance authorizes the funds that are removed from the Volusia County Sheriff's Office budget.

**17.1.47** Fund transfers are made by submitting a Budget Transfer Form to the Volusia County Budget Office.

**17.1.48** The CFO submits budget Transfer Forms to the County Office of Budget Management.

#### **FEDERAL EQUITABLE SHARING**

**17.1.49** The Volusia County Sheriff's Office participates in the *Federal Equitable Sharing Program* and shall follow the terms as established in the Treasury Forfeiture Fund Act of 1992.

#### **ATTACHMENTS**

##### **ATTACHMENT A: PURCHASING QUICK REFERENCE GUIDE**

**Revised by:** 6760

**Revised on:** 06-2011; 04-2014; 07-2014; 05-2017; 08-2017

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

## PURCHASING QUICK REFERENCE GUIDE

ESTIMATED DOLLAR VALUE	REQUIREMENTS	APPROVAL
\$0 - \$ 1,000*	SINGLE QUOTE PURCHASING CARD	DEPARTMENT DIRECTOR OR DESIGNEE
\$0 - \$3,000	SINGLE QUOTE	PURCHASING ANALYST
\$3,000 – \$10,000	3 VERBAL QUOTES MINIMUM	PURCHASING MANAGER
Up to \$25,000.00	3 WRITTEN QUOTES MINIMUM	PURCHASING DIRECTOR
Up to \$50,000.0	SOLICITATION AWARD AUTHORITY	COUNTY MANAGER
\$50,000.01 AND ABOVE	FORMAL, ADVERTISED INVITATIONS	COUNTY COUNCIL
PRICE AGREEMENT PURCHASE ORDERS	NO CAPITAL EXPENDITURES ALLOWED	

\* Amount may be set lower by Department/Division/Activity Director

**Contracts for purchase of any commodities or services may only be signed by the Purchasing Director, the County Manager, or the Chairman of the County Council, as may be applicable.**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

#### **TITLE: DEPARTMENT OWNED PROPERTY**

**CODIFIED:** 17.3

**EFFECTIVE:** 09-2010

**RESCINDS/AMENDS:** 17.3/06-2010

**ATTACHMENTS:** 0

#### **PURPOSE**

The purpose of this Directive is to establish and maintain a system for the management of all agency owned property.

#### **DISCUSSION**

An organization must possess two key assets in order to achieve its goals, personnel to execute the mission (human resource) and the equipment, apparatus and supplies (material resources) utilized by those personnel to assist them in accomplishment of the various tasks comprising the mission.

While a material asset in and of itself cannot be accorded the same importance as a human asset, the proper management of either resource is of equal significance.

It is a public expectation that material resources provided a government entity be carefully maintained, particularly in the face of increasing fiscal restraint.

The thousands of items comprising the Department's material assets, valued in the millions of dollars, mandate a well structured and strictly controlled system for the proper administration of these material resources.

#### **POLICY**

It shall be the policy of the Department to properly acquire, utilize, maintain and safeguard all property that is authorized and issued to the Department.

#### **PROCEDURE**

#### **SUPERVISION AND CONTROL**

**17.3.1** Florida law mandates that a governmental unit (County) shall be primarily responsible for the supervision and control of its property but may delegate to a custodian its use and immediate control. County Ordinance implements this provision of the law by designating each of the County's several Department Directors as Custodian of the County property in their departments' possession.

#### **SHERIFF**

**17.3.2** The Sheriff is the custodian responsible for the safekeeping and proper use of all property entrusted to the Department. Florida law further provides that a custodian may appoint a custodian's delegate under the supervision of the Custodian to which the use and immediate control of property may be delegated.

#### **DIVISION COMMANDERS**

**17.3.3** The Sheriff holds each Division Commander responsible for the accountability, maintenance, safe operation, proper utilization, and safekeeping of all property assigned their respective divisions.

**17.3.4** To ensure these responsibilities are fully realized, periodic staff inspections shall include those properties under the Division Commander's control.

**17.3.5** This Division Commander's responsibility shall constitute their designation as a Delegated Custodian as defined in this chapter.

**17.3.6** A Delegated Custodian may further delegate custodial responsibility as required to ensure accountability and manageability of their property inventory, but shall require signed receipts from those persons so designated.

#### **CHIEF DEPUTY**

**17.3.7** The Chief Deputy shall provide for the centralized control and administration of all property management activities as related to any County property authorized the Department. Property includes real property and personal property whether tangible or intangible, or non-consumable.

**17.3.8** Under the Chief Deputy, through the chain of command, the Administrative Services Director shall manage an Inventory Control Unit and a Fiscal Affairs Unit. Every item subject to the property management function shall be subject to the accounting and administrative controls required by these functions from its acquisition through its final disposition.

**17.3.9** The supervisor of the Inventory Control Unit shall be responsible for the control of all property accepted by or stored in the Department's Inventory Control areas.

**17.3.10** All designated Inventory Control areas shall be kept secured at all times. Only those persons authorized by the Administrative Services Director shall have direct unaccompanied access to the Inventory Control areas. These areas are:

- Inventory control office and storage located in the Department's Administrative Offices in the County Administration Building, DeLand, FL

#### **PROPERTY ACQUISITION**

**17.3.11** The Administrative Services Director shall control all Sheriff's Office property procurement activities in accordance with the County purchasing Ordinance and the policies and procedures established by the Volusia County Purchasing & Financial Services.

**17.3.12** To ensure minimum levels of internal control and the generation of data essential to the acquisition process, the Administrative Services Director shall devise and require the use of such procedures and forms as may be necessary to document the procurement process. Essential to the documentation is a clearly stated justification of need for the property, detailed specifications for the property, and the fiscal impact the item will have both initially and throughout its expected service life. This documentation shall become part of the individual property record.

**17.3.13** The Administrative Services Director shall establish procedures as may be required to regulate the receipt of property. Administrative Services Director shall designate by name those individuals within the Sheriff's Office authorized to issue receipts for and inspect property to insure its operable condition and its conformance to specifications as prescribed during the procurement process.

**17.3.14** The Administrative Services Director shall create and maintain such records and reports as are necessary to insure compliance with the Volusia County Policy and Procedures as regards local government owned tangible personal property with a value of \$1000 or more and a life expectancy of 1 year or more.

**17.3.15** In accordance with Volusia County purchasing and inventory control procedures, property acquired with a value of less than \$1000 will not receive an agency property number. The following exceptions will apply:

- Firearms; Tasers
- Safety equipment, to include body armor
- Property converted and put into service from the Evidence Section in accordance with inventory control procedures
- Any property deemed of value for tracking purposes, as designated by the Administrative Services Director.

**17.3.16** The Administrative Services Director shall ensure Department property classified as a fixed asset within the meaning of this chapter is permanently marked (if practical), to establish its identity and ownership prior to its issue or assignment.

**17.3.17** Capital fixed assets (\$1000 + 1 yr) shall be marked in accordance with the Volusia County Finance Department procedures.

#### **DISTRIBUTION AND ISSUANCE OF PROPERTY**

**17.3.18** The Administrative Services Director shall be responsible for the distribution and issuance of all property.

**17.3.19** Only properly trained, qualified and/or licensed personnel shall be issued or permitted to operate/use Sheriff's Office property.

**17.3.20** The Administrative Services Director shall establish and maintain such records as necessary to ensure property is issued only to those individuals certified by the Sheriff's Office as qualified in its proper operation and use.

**17.3.21** Property shall be issued on the basis of need with justification depending on whether the item of property is required for accomplishment of task or functional responsibilities.

**17.3.22** The Administrative Services Director is responsible for the establishment and maintenance of a system that will (as an adjunct to the Volusia County's LGFS), provide a reporting capability reflecting status of property with a value of \$1000 or higher in Department custody.

**17.3.23** At a minimum, the system shall contain the data prescribed by County Policy and Procedures as relates to individual property records and provide for the retrieval of data on fixed assets by Property Number/Serial/Number/Description, Division assigned, custodian, location, condition and date of last inventory

**17.3.24** The Inventory Control Unit shall be responsible for the issuance of all capital fixed assets (\$1000 +).

**17.3.25** To ensure custodial accountability and the fixing of certain responsibilities, Inventory control shall require custody receipts from persons having physical custody of any capital fixed asset (\$1000+) certifying that the person acknowledges their responsibility for that particular item's use, care, maintenance and security.

**17.3.26** To ensure custodial and physical accountability and the fixing of certain responsibilities, Inventory Control shall require custody receipts using the Purchasing/Inventory Control Form for property with a value of \$999.99 or less. That individual signing said receipt knowingly accepts the responsibility for that particular item's use, care, maintenance and security. The signed copy of the Purchasing/Inventory Control Form will be placed in the individual's property record maintained on file at Inventory Control.

**17.3.27** At a minimum, the Inventory Control records system shall include the following information for any property with a value of \$1000 or greater, as well as any agency tracked property under \$1000:

- Location of property
- Date property was received
- Date property was released
- Description and Quantity of property on hand
- Record of property from the time the item was received until its disposal
- Results of all inspections and inventories of property and audits of records

#### **PROPERTY MAINTENANCE/INVENTORY**

**17.3.28** Property shall be properly maintained and safeguarded to ensure its security and operational readiness. Operational readiness entails care and cleaning, preventive maintenance, repair, work-ability, and responsiveness.

**17.3.29** The Administrative Services Director shall ensure facilities are adequate, safe and secure for the property being stored. Property shall be kept in operational readiness by the person(s) responsible for the item(s) whether the item(s) are stored or in use.

**17.3.30** Property not in the custody and control of an individual user shall be stored as required in the facilities or places designated by this Directive.

**17.3.31** Commanders and supervisors are to conduct monthly inspections to ensure the property assigned their division or unit by Inventory Control is accounted for and in a state of operational readiness, as per Standards Directive 53.1, Line Inspections.

**17.3.32** The Administrative Services Director is responsible for the annual site-verification inventory. The Administrative Services Director shall coordinate the physical inventory/site verification inspection of all tracked property. This property includes capital fixed assets. This inventory/site inspection shall occur at least annually and whenever there is a change of Custodian (Sheriff) or Custodian's delegate (Division Commander) or Inventory Control Supervisor.

**17.3.33** When a change of custodial delegates (Division Commanders) occurs, it shall be upon agreement of both Commanders to determine if a complete site verification inventory is conducted or if an adequate number of items are inventoried to satisfy both Commanders.

**17.3.34** When a Commander signs for a new inventory, he becomes responsible for the total inventory.

**17.3.35** When the physical inventory is required, the Administrative Services Director shall provide each Division Commander with a current schedule of their inventory, both capital and tracked departmental.

**17.3.36** When the inventory has been completed, a copy is sent to the Staff Inspections Unit and to the Administrative Services Director.

**17.3.37** Property requiring added protection including, but not limited to, weapons, ammunition and badges, shall be kept locked within a secure area or in the case of weapons, locked in the weapons safes.

## EXCLUSIONS

**17.3.38** The Sheriff may require that Department employees provide certain items of equipment, tools, supplies, clothing or other material at their own expense as a condition of employment.

**17.3.39** The Sheriff may also require these items of private property meet certain specifications and may also prescribe standards for utilization and maintenance.

**17.3.40** The Sheriff shall not be responsible for the costs involved in the normal maintenance or repair of private property (to include any prosthetic device or appliance worn or used by an employee) except where specifically authorized.

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**Revised by:** 6760  
**Revised on:** 08-23-2010

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**TITLE: NON-CASH FISCAL ACTIVITIES**

**CODIFIED: 17.4**

**EFFECTIVE: 05-2017**

**RESCINDS/AMENDS: 17.4/10-2006**

**ATTACHMENTS: 1**

#### PURPOSE

The purpose of this Directive is to identify and establish guidelines and procedures relevant to the internal monitoring of non-cash fiscal activities.

#### DISCUSSION

Non-cash fiscal activities involve the use or handling of inventory, assets, evidence or instruments which financially obligate the Sheriff's Office and the County, but do not include those activities which handle cash or negotiable security instruments. These activities involve a high degree of public trust and are therefore vulnerable to misuse, misappropriation or theft.

There are several non-cash fiscal activities within the Sheriff's Office which require internal monitoring to insure fiscal and operational integrity. Fiscal activities which fall within the scope of this directive include; Outside Details, Non-cash Purchasing, Travel, Inventory and Property, Grant/Contract, Payroll, and Evidence Management. Separate operating directives apply to each of these activities and all are subject to internal/external audit.

#### POLICY

It is the policy of the Volusia County Sheriff's Office to establish and follow internal monitoring procedures pertaining to non-cash fiscal activities consistent with generally accepted Federal, State and Local guidelines.

#### PROCEDURE

##### OUTSIDE DETAIL MANAGEMENT

**17.4.1** The Outside Detail Coordinator shall ensure that Outside Detail Scheduling, vendor billing and receipt of funds are completed.

**17.4.2** Vendor billings shall be prepared for all transactions including the receipt of prepaid and cash funds and forwarded to the County Accounting Division for processing.

**17.4.3** The Outside Detail Coordinator shall have signature authorization on all completed vendor billings and any credit memos issued regarding Outside Details.

**17.4.4** The County Accounting Division shall validate the status of vendor billings/receipts monthly to ensure unpaid debts are properly identified and addressed.

**17.4.5** The Outside Details Staff Assistant shall also ensure that payroll records for personnel performing Outside Detail assignments match submitted billing invoices.

##### NON-CASH PURCHASING

**17.4.6** There are a number of non-cash methods of procuring goods and services within the Sheriff's Office including, but not limited to:

- Credit cards
- Printing work orders
- Field purchase orders
- Price agreement contracts
- Blanket purchase orders
- Direct payment vouchers
- Inter-departmental charges

**17.4.7** All such transactions require proper requisitioning protocol.

**A.** All purchases of \$1000 dollars or more require:

- Approval by the appropriate Division Chief, or designee
- The signature of the Administrative Services Section supervisor, Chief Deputy or the Sheriff, and
- Forwarding to the County Purchasing and/or Accounting Division

**B.** Purchases under \$999.99 dollars may be made with the County issued Visa purchasing card. Purchases made with the County issued Visa purchasing card require:

- Approval by the appropriate supervisor
- Must be in accordance with the Volusia County Purchasing Card Policies and Procedures
- The receipt must be transmitted to the Fiscal Affairs Unit, via the Visa Transmittal Form, by the 5<sup>th</sup> of the following month.

**17.4.8** Under no circumstance is any member of the Sheriff's Office authorized to initiate a purchase request, act as sole approval of the purchase request, receive the material or services requested and act as sole signatory on the request for payment of said material or services.

**17.4.9** The Fiscal Affairs Unit will perform a monthly validation of all monthly expense and encumbrance reports as provided by the County Accounting Division. The Fiscal Affairs Unit shall maintain file copies of all purchasing documentation, invoices, and billing statements pertaining to Sheriff's Office purchases.

**17.4.10** The Administrative Services Section supervisor, or designee, shall sign all invoices prior to processing for payment. He/she will ensure that prices, quantities, and material/services listed on the invoice match approved requisitioning documents. In the case of credit card purchases, Purchase Orders, Price Agreements, and Blanket Purchase Orders, the Administrative Services Section supervisor will verify that the requested or purchased items represent valid requirements of the Sheriff's Office.

**17.4.11** The Fiscal Affairs Unit shall ensure that invoices do not represent a duplicate payment prior to processing for payment. Purchasing records shall be periodically inspected by the Fiscal Services Supervisor and shall be subject to audit by the County.

**17.4.12** Fleet gasoline card bills, fuel bills, credit card bills and office supply orders shall be reviewed by the Fiscal Affairs Unit to ensure that no inappropriate or unnecessary charges have been incurred.

#### **TRAVEL REQUISITIONS**

**17.4.13** All requests for training/travel shall be processed in accordance with applicable Sheriff's Office Directives and shall be approved by the appropriate authority prior to fiscal processing. The Fiscal Affairs Unit shall ensure that the proper signatures are present prior to initiating travel arrangements.

**17.4.14** The Administrative Services Section supervisor, or designee shall sign all travel requisition documents prior to the documents being sent to the County Accounting Division for advance payment and will sign again upon completion of the travel/training assignment.

**17.4.15** The Fiscal Affairs Unit shall ensure all charges are appropriate and properly documented in accordance with County Travel Procedures and Standard Accounting Procedures.

**17.4.16** All travel requisitions will be reconciled with the County Accounting Division, within five (5) days of completion of the travel/training requirement and subsequently with the individual(s) affected.

**17.4.17** The Fiscal Affairs Unit shall maintain a file of all outstanding and completed travel requisitions with appropriate documentation. These records will be periodically inspected by the Administrative Services Section supervisor and are subject to audit by the County.

#### **EVIDENCE MANAGEMENT**

**17.4.18** The Evidence Section, under the direction of the Support Operations Division Chief, is responsible for the receipt, storage, care and custody/safeguarding, processing and disposition of evidence in accordance with State Statute and Department Directives.

**17.4.19** The Evidence Section supervisor shall ensure that procedures pertaining to evidence management do not allow for a single individual to receipt, store, record, and dispose of evidence. Periodic inspections and audits of evidence and associated records will be conducted in accordance with VCSO Standards *Directive 84.1 Evidence Management*.

#### **INVENTORY/PROPERTY MANAGEMENT**

**17.4.20** The Inventory Control Unit, under the direction of the Administrative Services Section supervisor is responsible for identifying, marking as appropriate, and maintaining appropriate documentation on the acquisition and



disposition of all minor and fixed asset property under the jurisdiction of the Sheriff's Office. This responsibility includes those items for which inventory management is subordinated, including, but not limited to, radios and computers.

**17.4.21** The Inventory Control Unit Supervisor shall conduct inventories of minor property on a periodic basis and inventories of fixed assets both on a periodic basis and as required by the County.

**17.4.22** Division Chiefs shall be responsible for all inventory assigned to their division and shall be informed when inventories are conducted along with their results.

**17.4.23** If an inventory discrepancy is found, no inventory adjustments will be made without prior consultation with the appropriate Division Chief, Administrative Services Section supervisor, or higher authority.

**17.4.24** The Administrative Services Section supervisor shall ensure that proper procedures concerning the acquisition, receipt, distribution and disposal of minor property and fixed assets are followed to maintain the integrity of the Sheriff's Office inventory.

#### **GRANT/CONTRACT MANAGEMENT**

**17.4.25** The Administrative Services Section supervisor or designee shall ensure that all fiscal reporting requirements and expense documentation pertaining to grants and services contracts involving the Sheriff's Office are completed in a proper and timely manner.

**17.4.26** All such documentation and reports shall be subject to audit by the County and the agency with which the Sheriff's Office performs contracted services or grant services.

**17.4.27** The Administrative Services Section supervisor, or designee shall review all expenses charged against a grant or services contract to ensure that the charge is appropriate and applicable within the grant/service contract budget and scope of services.

#### **PAYROLL MANAGEMENT**

**17.4.28** The Sheriff's Office utilizes the County's electronic time management system, Kronos, for all of its time tracking, coding, supervisory review and verification and electronic signature process.

**17.4.29** The Sheriff's Office Administrative Services Section supervisor or designee shall ensure that all payroll documentation is properly completed prior to submission to the County Accounting Division. The County's electronic "time card" system, *Kronos*, shall be verified to ensure appropriate, correct pay and leave codes are applied in accordance with County Payroll procedures and that required employee electronic "signatures" and supervisory approvals are applied each pay period.

**17.4.30** Electronic approval process will be in accordance with the procedures established and managed in Kronos. Payroll shall be approved and electronically signed by the Administrative Services Section supervisor prior to submission to County Payroll.

**17.4.31** Upon submittal to the County Accounting Division, any adjustments to the submitted payroll must be entered into Kronos by County Payroll. Employees are responsible for submitting notice of any payroll discrepancies to their supervisor and County Payroll in a timely manner so that it may be addressed and corrected as needed.

**17.4.32** Copies of all payroll records and supporting documentation shall be maintained by the Administrative Services Section and are subject to County audit.

#### **ATTACHMENTS**

##### **Attachment 1: APPROVAL AUTHORITY CHECK LIST**

**Revised by:** 6620; 6760

**Revised on:** 10/2006; 05-2017

**Approved: 05-22-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

## NON-CASH FISCAL ACTIVITY SIGNATURE REQUIREMENTS

**External Processing** - An authorized signature must accompany any fiscal activity request before it can be sent to any County Service Activity (i.e., Purchasing, Accounting, Budget, etc.) for action. The following positions are currently authorized by the Sheriff to sign documentation and requests for the following Administrative Services activities.

Outside Detail Vendor Billing	Outside Detail Coordinator/ Administrative Services Director
Purchasing Requests	Chief Deputy Administrative Services Director Department Members Specifically Pre-designated with Limited Authority by the Administrative Services Director for Limited Applications
Travel Requisitions	Administrative Services Director or designee
Evidence Management	Support Services Division Commander Administrative Services Director Evidence Section Supervisor Evidence Section Members - Limited Applications
Inventory/Property Management	Administrative Services Director Inventory Control Supervisor - Limited Applications
Grant/Contract Management	Administrative Services Director Grants Manager
Payroll	Administrative Services Director or designee

**Internal Processing** - Because the Sheriff's Office must acquire goods and services and perform all fiscal functions utilizing county services, external signatures are critical for accountability purposes. Internal signature authority is vested with the most senior external signature position subject to approval of the Sheriff. Generally, internal service requests are accomplished through submission of designated forms, which list the signatures necessary for processing.

**ATTACHMENT A  
DIRECTIVE 17.4**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

<b>TITLE:</b>	<b>CLASSIFICATION AND DELINEATION OF DUTIES</b>
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**CODIFIED:** 21.1

**EFFECTIVE:** 10-2001

**RESCINDS/AMENDS:** 21.1/07-1999

**ATTACHMENTS:** 0

#### PURPOSE

The purpose of this Directive is to establish and maintain a system of classification of jobs, and to provide methods of determining job classification, delineation of duties and responsibilities, and for creating job task analysis.

#### DISCUSSION

Job task analysis provides the agency with the basic information necessary to develop and identify the duties of sworn personnel.

The agency must have a written classification plan and Job Specifications/Description for each position in the agency.

#### POLICY AND PROCEDURE

**21.1.1** At a minimum, the Volusia County Sheriff's Office will maintain Job Task Analyses for all sworn, classified positions within the agency and will file them within the Professional Standards Section of the Volusia County Sheriff's Office. The Sheriff's Office will strive to maintain Job Task Analyses for all positions.

**21.1.2** Each job task analysis will be reviewed and revised as necessary.

**21.1.3** Job Task Analyses will provide a basis for establishing minimum qualification requirements for:

- Recruitment
- Initial hiring examination
- Selection and appointment
- Promotion
- Training

**21.1.4** Job Task Analyses will be used to assist the Training Section and the Training Advisory Committee in the establishment of training curricula.

**21.1.5** Job Task Analyses will be used to show job relatedness for each sworn position within the agency.

**21.1.6** Job descriptions will be made available to all members of the agency via the on-line County Employee News Network.

**21.1.7** The written Job Task Analysis on each position will include:

- The tasks that are required for the position (duties, responsibilities, functions, task, etc.)
- The competencies that are required to successfully complete each task
- The minimum proficiency level necessary in job-related skills, knowledge, abilities and behaviors
- The frequency of the task performed

**21.1.8** The responsibility for the Job Classifications and compensation, within Volusia County Government, resides within the County Personnel Department. The Job Task analysis will be utilized when there are requests for reclassification of a position and for the justification of new positions.

**21.1.9** The county will develop and maintain job specifications for each position in the agency.

**21.1.10** All Sworn (Classified) positions within the agency will have a current Job Task Analysis on file with the Professional Standards Section.

**21.1.11** The Division Commanders will submit task changes to the Sworn JTA's to the Professional Standards Section.

**21.1.12** The Professional Standards Section will maintain a file of current Job Task Analysis and Job Specifications for all sworn Deputies.

**21.1.13** The Professional Standards Section will keep Job Specifications for all civilian positions in the agency.

**21.1.14** Current Job Task Analyses and Job Specifications will be available for review by any employee.

**21.1.15** The written Job Task Analysis will contain, at a minimum, the following:

- The work behaviors that are required for the position (duties, responsibilities, functions, task, etc.)
- The frequency with which the work behavior is performed
- The minimum level of proficiency and the criticality of the job-related skills, knowledge, and abilities that is required to be considered as successfully completing the work behavior

**21.1.16** Each Job Description will contain the following:

- Descriptive title for the position
- Tasks and competencies required for that job
- Specific duties and responsibilities of the job

**21.1.17** The Sheriff will make recommendations to the Personnel Department of the County as to job classification and the overall job classification plan for the agency.

**21.1.18** This provision shall not imply that the Sheriff will reclassify jobs or in any way interfere with the personnel functions currently performed by the Personnel Department of the County.

**21.1.19** It is the intent of this provision to assist the Personnel Department in their tasks by supplying current information as gathered by the agency.

**21.1.20** The County of Volusia will conduct a desk audit or similar exercise when a job reclassification is needed.

**21.1.21** Each year, the Sheriff, or his designee, will review and revise the classification plan of the agency and suggest any changes in the plan to the Personnel Department as required.

**21.1.22** All employee evaluations will be based on those skills, knowledge and abilities that are found to be necessary for successful completion of the job that is to be evaluated.

**21.1.23** From the Job Task Analysis, a minimum level of proficiency will be set for each task by which an employee can be judged as to whether they have properly completed the task.

**21.1.24** Employee evaluations will be adapted as needed to serve as a proper evaluation tool in conjunction with the applicable Job Task Analysis and Job Descriptions.

**21.1.25** Evaluators will use the Job Task Analysis and Job Description as points of reference when completing employee evaluations.

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**Revised by:** 6620

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Written Standards Directive

<b>TITLE:</b>	<b>COMPENSATION</b>
<b>CODIFIED:</b>	<b>22.1</b>
<b>EFFECTIVE:</b>	<b>11-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>22.1/08-2018</b>
<b>ATTACHMENTS:</b>	<b>0</b>

#### PURPOSE

The purpose of this Directive is to describe the VSO salary program and provide for the annual review of that program.

#### DISCUSSION

The Volusia County Merit System is intended to provide all employees with fair and equitable pay and provide a uniform system of payment.

The system provides and assures that all personnel actions shall be on the basis of relative knowledge, skill and abilities.

#### POLICY

It shall be the policy of the VSO to act within the rules and regulations of the Volusia County Merit System and the Fair Labor Standards Act. It shall further be the policy of the VSO to provide for an annually reviewed, fair and equitable system to award merit increases to employees when performance of assigned duties merits an increase and funds are available.

#### PROCEDURE

##### EMPLOYEE RATE

**22.1.1** An employee, when first appointed, shall be paid at the minimum rate for the class to which appointed.

**22.1.2** The Sheriff and Volusia County Personnel Director may authorize a starting salary above the minimum when a prospective appointee possesses qualifications in excess of the minimum qualifications. Also, in cases where intense recruitment has failed to attract qualified applicants willing to accept minimum salary.

**22.1.3** Elements of the County's salary program are formulated annually through negotiation with the collective bargaining team. All salary increases are presented to the County Council for approval.

**22.1.4** Merit increases within ranks are not automatic and shall be based upon performance evaluations.

**22.1.5** When budgets permit, the VSO formulates annual merit increases within rates using a bell curve. The evaluation scores are used in conjunction with limits prescribed (an average percentage rate) by the County Manager and performance evaluation scores to determine the merit increase percentage.

**22.1.6** The compensation plan is revised annually based on information gathered from a wage and salary survey in which a sampling of county classes is compared with similar classifications in surrounding counties.

**22.1.7** Salary differentials between ranks are listed annually in the Volusia County Compensation Manual.

##### OTHER COMPENSATION

**22.1.8** Compensatory time is earned at 1.5 times the number of hours worked and is normally not authorized, with the following exceptions:

- Sworn personnel may choose holiday compensatory time in lieu of overtime.
- Holiday compensatory time will not be carried over into the next fiscal year, and the employee will be paid for any remaining holiday compensatory time.

- With prior approval, School Resource Officers are authorized to accrue 80 hours of compensatory time per year for school related activities.
- Forty (40) hours of compensatory time may be carried over into the next fiscal year.

**22.1.9** The VSO complies with all provisions of the Federal Fair Labor Standards Act of 1938. The act, as amended in 1985 and 1986, requires employees to be compensated for time worked beyond their normal hours.

**22.1.10** The following Sheriff's Office positions are exempt from the provisions of the Fair Labor Standards Act:

- The Sheriff
- Chief Deputy
- Division Chiefs
- Captains
- Lieutenants
- Legal Advisor
- Sheriff's Office Program Managers
- Public Information Officer
- Records Supervisor
- Aircraft Maintenance Supervisor
- Administrative Coordinator II
- Administrative Coordinator I

**22.1.11** All personnel coming under the provisions of the Fair Labor Standards Act shall be compensated at a rate not less than one and one-half times their regular pay or hours for which overtime compensation is required.

**22.1.12** Except for sworn personnel, all non-exempt VSO personnel, will be eligible for overtime pay for any hours worked in excess of 40 hours compensable time in a seven-day work week.

**22.1.13** Regarding all sworn non-exempt personnel, effective October 3, 1998, only hours worked in excess of the regular eighty (80) hour, fourteen (14) day work period shall be compensated at the rate of time and one-half of the employee's regular straight-time rate.

**22.1.14** It shall be the policy of the Sheriff's Office that Deputies shall only work a maximum of seven (7) consecutive days and no more than eighteen consecutive hours or 18 hours in a 24 hour period. Deputies must have at least eight hours off prior to reporting to regular assigned duty. Each 24-hour period shall begin at midnight (2400). For the purpose of this policy, it shall be considered a work day when 5 or more hours have been worked.

**22.1.15** The above procedures may be waived during any disaster, special event, major investigation, or with authorization by a Captain or above, on an individual case-by-case basis.

**22.1.16** Extra-Duty/VSO overtime shall not be permitted on days off which immediately follow the Deputy's use of sick leave without the approval of a Captain or above.

**22.1.17** Annual leave shall not be granted in order to work VSO overtime nor shall a Deputy work overtime while on prior-approved annual leave. Deputies may, however, work extra-duty employment while on annual leave.

**22.1.18** Compensated sick leave shall not be considered time worked for the purpose of computing overtime at time and one half of the straight time rate.

**22.1.19** Employees who work overtime shall indicate the number of hours worked each day utilizing the agency's electronic time card system, Kronos. This will be utilized by supervisors for the monitoring of overtime.

**22.1.20** Travel time to schools, seminars, training sessions or when required by the Sheriff's Office or during the course of regular working hours shall be compensated similar to any other assigned duty. This applies only when Deputies travel during their normal working hours.

**22.1.21** Compensable time for schools shall include only those hours spent in class or under instruction. In no case shall study time be considered compensable time.

**22.1.22** Volunteer duties are allowed under the Fair Labor Standards Act only if the services performed "are not the same type of services which the individual is employed to perform for such public agency".

**22.1.23** Off-duty non-exempt Sheriff's Office personnel shall be compensated a minimum of two (2) hours overtime for call-outs and a minimum of three (3) hours for subpoenaed court appearances.

**22.1.24** In compliance with the Fair Labor Standards Act, off-duty arrests and other law enforcement activities, including "all pre-shift and post-shift activities which are an integral part of the employee's principal activity or which are closely related to the performance of the principal activity", will be compensated as for any other duty.

**22.1.25** Overtime compensation shall be computed to the closest one-quarter of an hour.

#### **SPECIAL ASSIGNMENT PAY**

**22.1.26** Special assignment pay for personnel in specialized assignments will be governed by the approved contract between the the bargaining unit and the County of Volusia.

#### **ELECTRONIC TIMEKEEPING**

**22.1.27** Volusia County government utilizes an automated timekeeping system, referred to as Kronos Workforce Timekeeper, for scheduling and time and attendance information tracking. Kronos is used as the basis for preparing payroll and issuing paychecks. Therefore, timely and accurate management of the system is essential.

**22.1.28** All hourly employees are responsible for recording their worked time. There shall be ample opportunity for employees to properly record their time; if not recorded properly hourly employees may not be paid correctly.

**22.1.29** Salaried employees use Kronos to record exceptions to their normal worked time. Employees are responsible for tracking the duration of exceptions to their work schedule to ensure accurate time management.

**22.1.30** Leave requests shall be made in accordance with Directive 22.2 Benefits and Leave.

**22.1.31** All employees shall approve their timecard by 9:00 a.m. on the Monday of the new pay period.

**22.1.32** All supervisors shall complete and approve their respective employees' timecards no later than 10:00 a.m. that same Monday.

**22.1.33** Any questions or concerns shall be brought to the supervisor's attention as soon as possible; supervisors should bring extenuating circumstances to the attention of payroll in VSO Human Resources Section for assistance.




**Revised by:** 6760

**Revised on:** 11-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 22.2</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/1991	<b>Last Review</b> 07/2019
<b>Title</b>  <b>BENEFITS AND LEAVE</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this General Order is to describe benefits available to Sheriff's Office employees and identify the guiding Volusia County Merit Rules and Regulations.

## II. DISCUSSION

The maintenance of a stable, healthy, secure, happy and highly motivated work force directly benefits the Volusia Sheriff's Office and the public that it serves.

Benefits and leave are provided to VSO employees to improve personal efficiency, effectiveness and moral.

## III. POLICY

It is the policy of the VSO to promote measures directed toward more sanitary, safe, healthful, productive and effective working conditions and to comply with the rules and regulations as set forth within this General Order, the Volusia County Merit System Rules and Regulations and the respective negotiated bargaining unit contract.

## IV. PROCEDURE

### A. ANNUAL LEAVE

1. Annual Leave applies only to employees covered under the annual and sick leave policy in accordance with Volusia County Merit Rules and Regulations, Ord. No. 2018-16, § 12-4-18, Section 86-514.
2. Annual leave is provided to allow employees time off from their work for vacation or for necessary time to attend to personal business and shall be earned in accordance with the Volusia County Merit Rules and Regulations, Ord. No. 2018-16, § 12-4-18, Section 86-514 .
3. All leave requests shall be submitted using Kronos, as outlined herein under the section "Leave Requests".

### B. SICK LEAVE

1. Sick Leave applies only to employees covered under the annual and sick leave policy
2. Sick leave is granted to provide eligible non-exempt employees' reasonable time off during periods of personal or family illness or injury without loss of pay.
3. All permanent and provisional, full-time and part-time employees are eligible to earn and accrue unlimited sick leave credits.



4. Sick leave shall be accumulated in accordance with Volusia County Merit Rules, Sec. 86-516 – Sick Leave
5. Part-time employees working in excess of 35 hours a bi-weekly pay period shall accumulate sick leave benefits in proportion to the number of hours worked.
6. Personal/Family sick leave shall accrue when an employee is drawing full biweekly pay through payments of worker's compensation benefits and use of sick or annual leave.
7. Barring mitigating circumstances, an employee shall notify his/her immediate supervisor or the Communications Center at least one (1) hour prior to the time set for beginning daily duties.
8. The employee shall also state whether his/her absence was for personal or family sick leave.
9. Sick leave is granted for:
  - a. Personal injury or illness of the employee
  - b. Injury or illness of a spouse, child or person over which the employee is legally responsible
  - c. When the employee has been exposed (off-duty) to a contagious disease which would endanger others
  - d. Appointments with physicians, dentists, or other medical practitioners
  - e. Medical procedures relating to pregnancy and recovery there from shall be subject to the same regulations as personal sick leave.
10. In accordance with Volusia County Merit Rules, Sec. 86-516 – Sick Leave, an employee shall be required to submit a medical certification signed by the employee's (or employee's immediate family member's) licensed treating physician when returning to duty:
  - a. Following an unscheduled absence due to illness or injury that extends beyond three (3) calendar days.
  - b. Whenever the department/division director has reason to question the employee's physical ability to return to duty and perform all duties without restriction or without risk of injury to himself or others.
  - c. If the employee's absence from duty for illness occurs frequently or habitually, or in such a manner as to suggest a pattern of usage, provided the employee has been notified in writing that medical certification will be required.
  - d. If the department director has reason to believe that the employee may be improperly using or abusing sick leave benefits.
11. Any medical certification shall be signed by the licensed physician treating the employee (or immediate family member) for the illness or injury that caused the employee to be absent from duty, and shall include, dates of treatment, the nature of the illness or injury, the prognosis, the extent of restrictions, if any, the probable date when the employee will return to work, and be issued within a reasonable degree of medical probability.
12. Misuse of sick leave can result in disciplinary or adverse action.

### **C. WELL DAY**

1. A "Well Day" is a day off with pay awarded only to a full-time, non-exempt employee covered under the annual and sick leave policy who uses no sick leave during a designated six-month period.
2. A "Well Day" is established as a benefit intended to reward eligible employees who do not use sick leave within the previous six-month period of time. The "Well Day" must be used within the six (6) month period immediately following the period for which it was awarded.
3. A "Well Day" may be used only with the prior approval of the employee's Supervisor.
4. In keeping with this intent to reward employee behavior, "Well Days", and/or any other days awarded with the intent to recognize and reward employee behavior and/or performance, shall not be eligible for use during periods involving disciplinary action as a means to mitigate the effect of discipline. Under certain circumstances, ineligibility may be waived on a case-by-case basis, as determined by the Sheriff.

### **D. SKILL RECOGNITION INCENTIVE: LATENT PRINTS AND TOUCH DNA**

1. The Sheriff's Office latent print and touch DNA enhanced-skill recognition program is limited to deputies assigned in a patrol function and shall not apply to crime scene technicians.
2. The purpose of the program is to provide an incentive for advanced personal skill development at the road patrol level that constructively impacts suspect identification and the subsequent ability to file criminal charges.
3. When such identification is made based solely on the submitted latent fingerprints and/or touch DNA processed by the deputy at a crime scene, the Latent Print Examiner and/or respective Detective Sgt. shall forward the supplement to the Investigative Services Section, Major Crimes Lieutenant. The Lieutenant shall notify the detective assigned to the case and forward the packet along with a VSO Skill Recognition Incentive form to the Chief Deputy via chain of command for review and signature.
4. The Chief Deputy shall forward the information to the respective District Captain/Commander for processing.
5. The deputy who developed the latent print and/or DNA evidence shall receive the Skill Recognition Incentive Form from the District Captain/Commander informing the deputy that they have earned one (1) day off with pay. The day off must be used within a twelve (12) month period from the date indicated on the approved form; a copy of the Skill Recognition Incentive Form" shall be placed in the deputy's field file.
6. Usage of the day off may be limited according to operational needs and personnel staffing. However, the District Captain shall ensure that scheduling of the day off meets the parameters for a "productive day" in accordance with the County Payroll procedures. The day shall be granted prior to the end of the 12 months and shall be the first productive day utilized before any other type of accrued time. If not utilized within the twelve (12) month period and/or upon separation from employment, the incentive day will be forfeited and shall not be eligible for paid leave upon separation. A copy of the form will be maintained at the District for verification and tracking purposes.
7. For payroll purposes, the original Skill Recognition Incentive Form shall be sent to Administrative Services upon supervisory approval of the scheduled day off; a copy shall be placed in the deputy's VSO personnel file and the original form sent to County HR for processing.

#### **E. PERSONAL LEAVE – NON-EXEMPT (HOURLY) EMPLOYEES**

1. Personal leave hours are those hours in which employees are absent from the job but continue to receive full pay. Personal leave is a combination of sick and annual leave hours. This program replaces the sick and annual leave programs and applies to non-exempt positions.
2. Personal leave shall not accrue while an employee is in a non-pay status; accruals resume on the first pay period following reinstatement to pay status.
3. Personal leave shall be earned in accordance with the Volusia County Merit System Rules and Regulations Ord. No. 2018-16, § 12-4-18, Section 86-525.
4. All leave requests shall be submitted using Kronos, as outlined below under "Leave Requests".
5. Eligible Uses of Personal Leave:
  - Vacation
  - Absences for the transaction of personal business which cannot be conducted during off duty hours
  - Holidays other than those officially designated by the Volusia County Council
  - Absences from work not covered by another type of leave provision
  - Absence from work due to illness or injury of the employee
  - Absences due to illness, injury, or death of members of an employee's family not covered under the
  - Bereavement Leave Policy
  - Medical or dental consultation or treatment of the employee or his/her minor children
  - Temporary disability

- Family and Medical Leave Act
  - Uncovered portions of Military Leave.
6. No allowance for advance leave or in anticipated future leave credit shall be granted.
  7. Employees should be afforded an opportunity to use excess leave. However, previous leave usage, attendance record, or the District/Section's work demands may be grounds for denial of the use of Personal Leave.
  8. Payment of Personal Leave upon separation from employment will be based on the conditions and schedule as provided in the Volusia County Merit Rules and Regulations Ord. No. 2018-16 § 12-4-18.
  9. **HOLIDAYS AND OVERTIME**
    - a. Holidays occurring while an employee is on Personal Leave or on Bereavement Leave shall not be charged against their respective leave allowance.

**F. PERSONAL LEAVE – EXEMPT (SALARIED) EMPLOYEES**

1. Personal Leave are those days where an eligible, exempt employee may be absent from the job and continue to receive full salary. Personal Leave is earned on a bi-weekly rate based upon the employee's length of service.
2. Personal leave is a combination of sick and annual leave hours and replaces these leave programs.
3. Personal leave shall be accrued, used and charged in accordance with Volusia County Merit Rules and Regulations, Ord. No. 2018-16 § 12-4-18, Section 86-524.
4. Eligible Uses of Personal Leave:
  - a. Vacation
  - b. Absences for the transaction of personal business which cannot be conducted during off duty hours
  - c. Holidays other than those officially designated by the Volusia County Council
  - d. Absences from work not covered by another type of leave provision
  - e. Absence from work due to illness or injury of the employee
  - f. Absences due to illness, injury, or death of members of an employee's family not covered under the
  - g. Bereavement Leave Policy
  - h. Medical or dental consultation or treatment of the employee or his/her minor children
  - i. Temporary disability
  - j. Family and Medical Leave Act
  - k. Uncovered portions of Military Leave
  - l. No allowance for advance leave or in anticipated future leave credit shall be granted
5. Employees leaving County employment in good standing with at least 14 calendar days advanced notice or the designated beneficiary of a deceased employee shall be compensated for 100% of accumulated Personal Leave not to exceed the applicable maximum rate as set forth in the Volusia County Merit Rules.
6. Employees leaving County service not in good standing shall be compensated up to 20% of accumulated leave not to exceed 224 hours.

**G. LEAVE REQUESTS**

1. All leave requests shall be submitted using Kronos. When an employee requests leave through this application, it will send the supervisor and employee an Outlook email stating that a request has been made.
2. Annual leave requests require the following level of supervisory approval based on the number of leave hours requested:

- a. 24 hours or less: Requires approval by the employee's immediate supervisor. When a supervisor receives a Kronos request, they will approve/disapprove the request; if the request is for immediate leave, it will be handled verbally and then entered into Kronos.
  - b. 24+ – 80 hours: Requires approval by the employee's District Commander (Captain/Civilian Director level). When a supervisor receives a Kronos request in excess of 24 hours, the immediate supervisor shall forward the email request generated by Kronos via their chain-of-command to the District Commander. A reply email approving or denying the leave request shall be returned to the immediate supervisor for action in Kronos.
  - c. 80+ – 120 hours: Requires approval by the respective Division Chief. When a supervisor receives a Kronos request in excess of 80 hours, the immediate supervisor shall forward the email request generated by Kronos via their chain-of-command to their Division Chief. A reply email approving or denying the leave request shall be returned to the immediate supervisor for action in Kronos.
  - d. Over 120 hours: Requires approval by the Chief Deputy. When a supervisor receives a Kronos request in excess of 120 hours, the immediate supervisor shall forward the email request generated by Kronos via their chain-of-command to the Chief Deputy. A reply email approving or denying the leave request shall be returned to the immediate supervisor for action in Kronos.
3. Supervisors have 72 hours to approve or deny this request. If the supervisor does nothing, the request will go to the next level of supervision. The second level supervisor will have 72 hours to approve or deny. If at this point an approval or a denial has not been rendered, the request will be denied and go no further.
  4. No allowance for advance leave or anticipated future leave credit shall be granted.
  5. Restrictions on use of personal leave: In accordance with updated Volusia County Merit Rules and Regulations [Ord, Bi, 2018-16 § , 12-4-18 Sec. 86-514], use of annual leave may be limited to less than, and in any event shall not exceed, thirty (30) days in a twelve (12) month period, unless prior approval is granted by the appropriate deputy county manager. The twelve (12) month period runs on a calendar year, i.e. January 1 through December 31. For purposes of this restriction, personal leave does not include time off for medical issues such as illness or doctor's appointments.
  6. Extension of service: Personal leave benefits shall not be used by an employee separating from service for purposes of extending the date of employment beyond the date that such employee ceases to actually perform the duties of the position that he occupies.

## **H. FAMILY LEAVE**

1. A total of 12 workweeks of Family Leave can be taken for the birth or adoption of a child, placement of a child in foster care, or to care for a spouse, child or parent with a serious health condition, or due to the disabling illness of the employee.
2. An employee must have worked for the County for one (1) year and a minimum of 1250 hours during the year preceding the start of the leave.
3. When possible, employees should give thirty (30) days written notice before the anticipated leave start date.
4. An employee must first use all accrued sick and annual leave within the twelve (12) week period. After the employee has utilized all leave, their status changes to unpaid leave of absence for the remaining time left in the twelve-week period. Leave in connection with the birth or placement of a child for adoption or foster care must be taken within one year of the birth or adoption.
5. An employee who goes on unpaid family leave continues to be responsible for paying dependent health care premiums and non-health group insurance premiums (i.e. dental insurance, vision insurance, etc.).
6. If a family leave request is due to a serious health condition or serious illness, the County will request certification from a health care provider. The employee must provide this certification to the County and the Sheriff's Office within 15 calendar days. The certification must include: 1) date on which serious health condition began; 2) the probable duration; 3) the appropriate medical information from the health care provider regarding the condition. Where certification is for leave to care for a family member, in addition to the above items, it must also state that the employee's care is needed and for how long. Where leave is taken for the employee's own serious health

condition, the certification must state that the employee is unable to perform the functions of the employee's position. The certification will need to be updated every four weeks with the Sheriff's Office and County HR Offices.

7. If the leave is due to a serious health condition or illness of the employee, he/she must provide a fitness for duty statement from their attending physician before returning to work.
8. If the County employee does not return to work following family leave without pay (which is a non-health related reason), the employee is responsible for reimbursing the County for group health premiums paid on their behalf during the leave.
9. If the County employee does not return to work because of the continuation, recurrence or onset of a serious health condition, either their own or that of a family member or because of other circumstances beyond the employee's control, the employee is not responsible for reimbursing the group health insurance premiums paid on their behalf.
10. Employees who take Family Leave will be entitled to return to their positions or equivalent positions with equivalent benefits, pay and other terms and conditions of employment, if cleared by attending physician and employee meets the respective position's ADA qualifications.
11. An employee will not accrue any seniority or employment benefits during any period of unpaid leave.

## **I. MATERNITY LEAVE**

1. The Federal Equal Employment Opportunity Commission guidelines on discrimination because of sex provide that absence due to maternity-related reasons be considered and treated as a temporary disability. Disability caused or contributed to by pregnancy, miscarriage, abortion or childbirth, and recovery there from is, for all job-related purposes, a temporary disability; the sick/personal leave plan shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as it is applied to other temporary disabilities.
2. **LEAVE**
  - a. Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to personal/family sick leave benefits accumulations, or to any combination of personal/family sick leave benefits and annual/personal leave accumulations and leave of absence without pay when personal/family sick leave benefits and annual/personal leave accumulations are exhausted, as provided in this article.
3. **REPORTING**
  - a. An employee should report her pregnancy as soon as practicable to her Division Chief via chain of command, but no later than the sixth month of pregnancy. Such notification shall include a written statement from her physician specifying the approximate date of birth.
4. **PERIOD OF LEAVE**
  - a. The time when a pregnant woman should cease or return to work will be determined on an individual basis and will depend on the physical condition of the particular employee and the nature of her job.
    - (1) An employee will be allowed to continue work so long as the conditions of the pregnancy do not adversely impair her work performance or health as determined by her physician and the employee.
    - (2) The date on which the employee shall return to work following maternity leave shall be based on a medical statement from a certified physician stating that she is physically and mentally able to perform the normal duties of her position with full efficiency.

## **J. DISABILITY LEAVE**

1. Sergeants and Deputy II's are covered under bargaining agreement which provides, in addition to the 66 2/3% of statutory compensation benefits, that Volusia County will provide up to, but not exceeding the employee's regularly scheduled salary.
2. Other VSO sworn and non-sworn personnel absent from duty due to illness or injuries covered by the Florida Worker's Compensation Law may elect to use personal/family sick or annual leave to supplement the 66 2/3% statutory compensation.

3. Sworn personnel injured on the job shall initiate an incident report describing the circumstances and events leading to the injury. If the injured person is incapacitated or unable to generate a report, the supervisor shall make the incident report.
4. Personnel injured on the job shall make themselves available by phone during business hours.
5. With the exception noted below, or unless specifically authorized by the Sheriff, all take home vehicle privileges will be suspended until such time that the employee is medically cleared to return to full-duty status. Based on the circumstances, the Sheriff may waive suspension of privileges on a case-by-case basis, as he deems appropriate.
  - a. Exception: Authorized doctor visits are considered approved take home vehicle use; however, prior to any such use, the employee is required to make advanced-notice with County Risk Management in regard to such use.
6. The supervisor shall complete a Notice of Injury Report and, if applicable, an Auto-Incident Report.
7. These reports will be forwarded to Risk Management, along with a copy of the incident report. Copies of all reports will also be forwarded to the Division Chief, the Legal Advisor and the Sheriff.
8. When an employee is severely injured or killed while on duty, the "person to be notified in case of emergency" listed in the Records Management System shall be notified in person by the VSO Chaplain and the Sheriff or, in his absence, the ranking VSO deputy.
9. In the event of an employee death, the immediate supervisor of the employee will be appointed liaison and shall assist the deceased member's family in such services as providing benefits information and support services available to the family.
10. When a VSO employee is absent from duty due to illness or injury covered by the Florida Worker's Compensation Law, the employee's immediate supervisor shall act as liaison and contact the employee on a weekly basis to ensure that the employee is updated on VSO policy and events.
11. The liaison will act as a link between the disabled employee and the VSO and shall weekly submit a written report to the Division Chief on the employee's progress, needs or inequitable treatment.

## **K. HOLIDAY LEAVE**

1. The following days are designated as official holidays for county employees:
  - New Year's Day - January 1
  - Dr. Martin Luther King's Birthday - Third Monday in January
  - Good Friday - March or April
  - Memorial Day - Last Monday in May
  - Independence Day - July 4
  - Labor Day - First Monday in September
  - Thanksgiving Day - Fourth Thursday in November
  - Friday following Thanksgiving Day
  - Christmas Day - December 25
2. A holiday is a paid day off irrespective of scheduled work hours.
3. VSO personnel working holidays shall be paid at straight time rates. Those working in excess of regularly scheduled work hours will be paid at one and one-half times normal compensation.

## **L. MILITARY LEAVE**

1. The VSO commends and supports its citizen soldiers who have committed themselves to serving their country and recognizes the additional stress, personal and family sacrifices, and potential for personal risk/peril a deployed member faces. The agency is committed to providing the highest level of employee support to its deploying and/or returning members.
2. In accordance with Fla. Stat. § 115.07(2) and the Uniformed Services Employment and Reemployment Rights Act (USERRA), a permanent employee who is a member of the National Guard, or an organized United States military reserve unit will be allowed a maximum of 240 hours leave of absence with pay during any fiscal year period when called (ordered) to active duty, or for

training with the armed forces and up to 240 hours at any one time when engaged in active State duty with the Florida National Guard. The 240 hours equates to the following number of days based on scheduled hours worked:

- a. 8-hour work day = maximum 30 days military leave with pay;
  - b. 10-hour work day = maximum 24 days military leave with pay;
  - c. 12-hour work day = maximum of 20 days military leave with pay.
3. All requests for military leave must be submitted through the employee's normal chain of command. The Captain to which the employee is assigned shall forward the leave request to the Chief Deputy.
  4. No later than October 1st of each fiscal year, employees shall submit their Unit training schedule to both their supervisor and the designated VSO military liaison. A copy of the employee's official orders shall accompany all requests for military leave outside the Unit's training schedule. If a copy of the orders is not available, the employee shall include a signed statement describing the orders and the reason that no copy is available.
  5. The Chief Deputy, or designee, will ensure that accurate documentation is kept, tracking all use of military leave throughout the VSO and that activations exceeding 180 days follow procedures below.
  6. Any permanent employee who leaves the service of Volusia County to join the United States military forces or is called to active duty for training or service shall be placed on military leave without pay.

**7. OUTBOUND PROCESS**

- a. Upon receipt of active orders, the member shall immediately notify their chain of command via memorandum with a copy of their orders attached when at all possible; a copy will also be forwarded to the VSO designated military liaison within the Administrative Services Section.
- b. The VSO military liaison will provide the County HR Director with a copy and coordinate a pre-deployment transition meeting with the deploying member. This will enable the agency to answer any questions the member may have as well as provide an agency contact that may be used in the member's absence. At a minimum, the following will be addressed:
  - (1) Next of kin and/or local contact information;
  - (2) Contact information during the deployment period; deployed members shall have continued access to their respective email, and VSO social media sites;
  - (3) Turn-in of applicable agency equipment, i.e. agency weapon(s), uniform items, ammunition and/or vehicle;
  - (4) Leave and benefit information.
- c. The member shall return requested uniform items to Inventory; weapons will be returned to the Armorer at the Training Center. Should suddenness of the deployment interfere with return of items, the member will return items to his/her on-duty Lieutenant/Captain.
- d. If the member has an assigned vehicle, it shall be returned to the on-duty Lieutenant, or designee. As needed, the on duty Lieutenant shall arrange transportation for the deputy.
- e. The member's immediate supervisor shall be point of contact for maintaining communication purposes.

**8. IN-BOUND PROCESS**

- a. Return from an active duty deployment requires a period of readjustment both personally and professionally. The agency recognizes this and encourages utilization of available resources (i.e. EAP, Counseling, etc.).
- b. A member returning from an active duty military deployment shall notify the VSO designated military liaison as soon as he/she is aware of a return to work date.
- c. The military liaison will schedule a post-deployment transition meeting with the returning member on the first scheduled day back to work in order to provide a smooth transition into their agency role.

- d. Additionally, members shall meet with the following:
  - (1) Respective Captain for assignment details;
  - (2) Inventory and Training for reissue of assigned equipment
- e. Minimally, returning members who have been deployed for more than 180 days shall be required to:
  - (1) Provide County HR and the VSO with a copy of the DD-214;
  - (2) Qualify with issued weapons, as necessary depending on qualification cycles;
  - (3) Complete required refresher training;
  - (4) Receive technology refresher training, as appropriate;
  - (5) All necessary training and qualifications shall be documented.
- f. Military leave will extend through a date one year from which the employee is relieved of military duty.
- g. Upon honorable discharge from military service an employee is entitled to their former position or its equivalent, provided they are physically and mentally capable of performing the duties.

#### **M. CIVIL LEAVE**

- 1. Civil Leave is time off without loss of pay when performing jury duty, when subpoenaed to appear before court, public body or commission in matters related to his/her work with the county.
- 2. Witness fees received in connection with subpoenaed appearances shall be endorsed by the employee and turned over to the Fiscal Affairs Unit.
- 3. VSO employees are allowed two (2) hours for the purpose of voting when the employee's work schedule conflicts with hours the polls are open.
- 4. Any member of the Sheriff's Office who receives a court subpoena shall immediately deliver a copy of the subpoena to his/her Supervisor. The Supervisor shall examine the document to determine if it requires the member to be absent from work during their assigned duty time. If it does, the Supervisor shall evaluate the subpoena to determine if it is a bona fide Sheriff's office related matter. If it falls within the guidelines, the Supervisor shall adjust the employee's work schedule to accommodate the order.
- 5. If the matter is private and does not directly relate to Sheriff's Office matters, the Supervisor shall arrange personal leave time for the employee to appear.
- 6. Any verbal requests for an employee to appear in court that are not accompanied by a subpoena must be reviewed on a case-by-case basis. Any employee receiving such a request will immediately notify their Division Chief through the chain of command.
- 7. If required to appear on a day off, subpoenas must be sent to payroll.

#### **N. EDUCATIONAL LEAVE**

- 1. The Sheriff may grant educational leave with full or partial pay for the purpose of taking courses directly related to his/her work (see General Order 33.1).

#### **O. BEREAVEMENT LEAVE – SEC. 86-527 COUNTY MERIT RULES**

*(a) Bereavement leave. In the event of the death of certain members of the immediate family, an employee shall be granted 40 consecutive hours off with pay for employees scheduled for eight (8) hour shifts or ten hour shifts, 36 consecutive hours for employees scheduled for 12 hour shifts and 24 consecutive hours for employees scheduled for 24 hour shifts. These hours off shall not be charged to annual leave, sick leave or personal leave. For the purpose of this section, the term "immediate family" shall be limited to the spouse, child, step-child, parent, brother, sister, father-in-law, mother-in-law, grandfather, grandmother and grandchildren. In circumstances of extreme hardship, the department head may grant additional days off with pay with prior approval of the human resources director, as follows:*

*(1) Spouse or child. A maximum of 80 hours of leave may be granted to an employee in the event of death of his spouse or child.*



*(2) Other members of immediate family. A maximum of three working days of leave may be granted in the event of a death in an employee's immediate family.*

*(3) Additional time. If more time is required than granted under subsections (1) and (2) of this subsection, the additional time may be charged to annual leave, sick leave, personal leave, or leave without pay with the approval of the immediate supervisor.*

*(4) Refusal to grant leave. The department director may limit such leave to less than that specified in this subsection, or refuse to grant such leave, if the employee does not intend to attend the last rites of the deceased relative or cannot demonstrate reasonable need for the amount requested.*

**P. ADMINISTRATIVE LEAVE**

1. This type of leave is provided with pay to Deputies in accordance with General Orders, such as 1.1 Use of Force Guidelines.

**Q. LEAVE OF ABSENCE**

1. A leave of absence without pay may be granted to VSO employees when:
  - a. Sick leave benefits and annual leave, or personal leave are exhausted, or
  - b. Where an employee is absent and his return will be a future benefit to the County
2. A leave of absence without pay shall not be granted to allow an employee a trial period on another job.
3. Leave of absence without pay shall be granted in accordance with the guidelines outlined in Volusia County Merit Rules, Sec. 86-518 – Leave of absence without pay.

**R. FITNESS FOR DUTY (FFD)**

1. Prior to return to duty from regular FMLA, Leave of Absence due to medical reason, or an off-duty injury or medical reason, a documented FFD from the respective employee's attending physician is required before the employee can return to work.
2. For an employee to return to work from an OJI (light duty or unable to work): Volusia County Risk Management shall communicate directly with the doctor(s) and forward to the Volusia Sheriff's Office Human Resources Director a Change in Work Status form once the status changes from light duty to full duty.

**S. INSURANCE**

1. Group insurance is reviewed annually by the County HR Director, who recommends any necessary changes to the County Manager, to maintain them on a comparable competitive basis with plans offered by other employers.
2. The County maintains the following categories of group insurance:
  - a. Health insurance
  - b. Life Insurance
  - c. Accidental Death and Disability
  - d. Dental Insurance
  - e. Long-Term Disability Insurance
  - f. Short-Term Disability Insurance
  - g. Optical
  - h. Cancer
  - i. Heart Care Plus
  - j. Critical Illness
3. All full-time employees shall be eligible to participate in any county-sponsored group insurance program, provided application is made during the established enrollment periods.
4. The month of November has been established as an open enrollment period.

5. Part-time employees normally scheduled to work from 40 hours to 60 hours per pay period shall be eligible to participate in any county-sponsored group insurance program provided that employee pays one-half (1/2) of the premium normally paid by the county for such insurance coverage.
6. Part-time employees normally scheduled to work less than 40 hours per pay period, temporary, intermittent or seasonal employees shall not be eligible to participate. (Exception, Long Term Disability coverage requires you work a minimum of 30 hours per week.)
7. If eligible for health insurance, employees are provided with life insurance.

## **T. RETIREMENT**

1. VSO employees are members of the Florida Retirement System (FRS), as provided by state legislation and administered by the Retirement Division of the Department of Administration, State of Florida.

2. All VSO employees having twenty (20) or more regularly scheduled hours per pay period shall be eligible for the Florida Retirement System (see the FRS Handbook.)

### **3. DEFERRED RETIREMENT OPTION PROGRAM (DROP)**

- a. DROP is a program through FRS that allows VSO employees, who are eligible to retire, to effectively retire without terminating employment.
- b. Eligible employees may participate in DROP for a maximum of 60 months. Retirement benefits accumulate in the interest earning, FRS Trust Fund while the employee continues to work and earn a salary.

### **4. RETIREMENT CEREMONY**

- a. Retirement ceremonies express appreciation for retiring VSO members and acknowledge their contributions to the Sheriff's Office and the citizens of Volusia County. This recognition sends a clear message to retirees and their families that they will always be a part of the VSO family.

### **5. PREPARATION**

- a. The employee's Commander shall forward notice of an employee's impending retirement to the Public Information Office.
- b. The Public Information Office, with the assistance of the appropriate Commander, shall prepare a biography on the retiring employee.
- c. Sworn officers may, on a case-by-case basis, be advanced one grade in rank and/or be presented with an end-of-service award. This is optional and will be authorized by the Sheriff or Chief Deputy. If any rank elevation or end-of-service award is authorized, the information must be forwarded via memo to:
  - (1) Inventory Control for ordering of award/insignia, stripes or bars and the appropriate annotation on retirement clock and/or plaque, and
  - (2) The Office of Public Affairs and Media Relations so that accurate biographical information is disseminated

### **6. COUNTY COUNCIL RECOGNITION CEREMONY**

- a. In accordance with County policy, County HR will contact retiring employees who have completed 25 years or more of service to determine whether the employee wishes to be recognized by the County Council. If the employee does wish to be recognized, the Public Information Office will coordinate the process with County HR and make notification internally about scheduled County Council ceremonies for retiring VSO employees.
- b. The Sheriff or Chief Deputy will decide whether a proclamation will accompany the County Council retirement ceremony. This is optional and will be decided on a case-by-case basis. If a proclamation is desired, the Public Information Office prepare the proclamation and coordinate with the County Community Information Office for scheduling of the proclamation on the County Council meeting agenda.
- c. The Sheriff or Chief Deputy or their designee will read the employee's biography at the County Council ceremony.

## **7. AWARDS AND PRESENTATION**

- a. All awards/weapon issues/uniforms, etc. are to be secured by Inventory Control for distribution to the retiring employee.
- b. All retiring employees with ten (10) or more years of service shall receive a gift.
- c. At the discretion of the Sheriff or Chief Deputy, retiring employees also may be presented with a plaque or other appropriate memento as a token of the VSO's appreciation.
- d. Per Fla. Stat. § 112.193(2), deputies who retire from the Florida State retirement system in good standing from the Volusia Sheriff's Office shall be presented with their issued service weapon and one complete long-sleeve uniform. The possession of these items shall be by the retired member and ownership shall not revert to the VSO upon the member's death.
- e. Retirement "in good standing" means that the deputy did not retire in lieu of termination, in lieu of disciplinary action, or pending investigation.
- f. To be presented with a uniform and service weapon, the member shall have completed 25 years in the Florida Retirement System, with at least 10 of those years spent with the Volusia Sheriff's Office. Alternately, the Sheriff may approve an appropriate combination of years of age and service upon retirement to qualify for presentation.
- g. The uniform shall consist of the shirt, pants, hat, tie, badge, gun belt, jacket, and all applicable accessories.
- h. The uniform may be worn for ceremonial purposes at official VSO functions such as a member's funeral, memorials, or other special function. Wear at any time other than those specified shall be by expressed permission of the Sheriff.
- i. While wearing the uniform and weapon, the retired member shall not take any law enforcement action.
- j. Deputies who retire in good standing shall be entitled to receive a retirement identification card, clearly marked "RETIRED".
- k. At the discretion of the Sheriff or Chief Deputy, the biography is generally read and the gift and plaque are distributed by the Sheriff or Chief Deputy at a weekly staff meeting or other official VSO function.

## **8. RETIREMENT FUNCTION**

- a. At the discretion of the retiring employee, an official VSO function for all retiring employees with twenty (20) or more years of service will be arranged by the appropriate division, district, section, unit or work group. The 20-year service requirement may be waived at the discretion of the Sheriff or Chief Deputy.
- b. The Public Information Office must be notified of any luncheon/social events that are scheduled to ensure appropriate dissemination of the information to the VSO. The Public Information Office is available to assist in coordination and planning of events, if requested.

## **U. LIABILITY INSURANCE**

1. The VSO is a "self-insured" agency. The liabilities associated with automobile accidents, property damage claims and personal injury claims come within the scope of this "self insurance" plan.
2. Personal injury protection is provided by the Volusia County Worker's Compensation policy to employees injured as a result of a work related injury.
3. In accordance with Florida Law, the Sheriff's Office shall provide indemnity to personnel from any cause of action brought against them that arises out of the course and scope of their duties. The charter government of Volusia County provides that the County of Volusia shall pay any cost and judgments entered against the VSO.
4. Sworn personnel are offered further protection by the Bargaining Unit for acts or omissions leading to personal injury, death, or property destruction that could lead to legal civil action.

## **V. EDUCATIONAL BENEFITS**

1. The VSO provides all sworn personnel with required, mandatory and selected career development training courses during working hours. The VSO provides the training necessary for employees to accomplish the job function and encourages higher education.
2. The VSO will provide all fees, books and materials needed when an employee is required to attend or has approval to attend training programs.
3. The VSO will provide for housing, mileage, meals and transportation to employees attending required or approved training programs when conducted outside the VSO's service area. Tuition reimbursement for job related college courses is available to all VSO employees with six months of full-time employment. Application must be made in advance through the County HR Office.

## **W. EMPLOYEE SUPPORT SERVICES**

1. Employee benefits are outlined in the Volusia County Merit Rules and Regulations, the collective bargaining agreement and the VSO's General Orders. Employees may find additional assistance, support and information from the VSO's HR Section and the bargaining unit's president.
2. Employees are encouraged to utilize both of these sources for assistance and information.
3. Supervisors assigned to act, as liaison with Deputies or the family in death/injury cases should utilize these information sources.

## **X. EMPLOYEE ASSISTANCE PROGRAM**

1. The Volusia Sheriff's Office makes available to all employees an Employee Assistance Program (EAP) designed to assist in the identification and resolution of concerns or problems (personal or job related), which may adversely affect an employee's personal, professional well-being or job performance. These personal concerns may include but not limited to health, marital status, family, financial, substance abuse, emotional/stress, and other personal matters.
2. EAP is a County sponsored confidential counseling service provided to employees and members of their immediate family by a contracted EAP service. Discussions between counselors and clients are confidential; the county will not be informed of an employee's participation in EAP. Eligible employees and/or their dependents receive counseling at no charge from EAP counselors. EAP offers a confidential, 24 hour hotline for drug and alcohol dependence, depression, anxiety, financial problems, marital and legal problems. EAP provides comprehensive and effective on-line, telephonic and face-to-face services; staff is available 24 hours a day, 365 days a year for counseling, consultation, appointment scheduling and referrals. The counselors at EAP will help diagnose a problem then help you find the answers you need. EAP counselors provide counseling services in a counselor's private office or telephonically, depending upon the employee preference.
3. The County's contracted Employee Assistance Program (EAP) contractor is:  
Cigna EAP 24/7 support: (877) 622-4327 or (800) Cigna24  
[www.cignabehavioral.com](http://www.cignabehavioral.com)  
*[To access Cigna EAP supervisory training resources, click on link below in the references section]*
4. EAP encourages voluntary participation. If a person thinks they have a problem, they call the EAP number above to schedule an appointment. For answers to questions, employees may contact their respective supervisor or call the Risk Manager at 386-736-5963. The County's EAP Website (above) offers resources for work, family, health and more.

## **Y. DEATH BENEFITS (SWORN)**

### **1. BADGE OF HONOR MEMORIAL FOUNDATION**

- a. Founded in 2002 as a direct result of the tragedy of 09/11/2001, The Badge of Honor Memorial Foundation is an advocacy group for the widows and children of law enforcement officers that are killed in the line of duty.
- b. The foundation is featured on the Bureau of Justice Assistance website as a resource for departments and families of law enforcement officers killed in the line of duty. The Foundation works closely with the BJA in assisting law enforcement agencies in the process of obtaining and reviewing all the necessary documents for the departments and families to apply for the Federal and State benefits. The Foundation also provides leadership assistance in finding answers to questions regarding state benefits, as many states match the federal death

benefits, as well as addressing other line of duty death issues. As most line of duty deaths occur within departments that have never had an officer down, they are often unaware that death benefits for the survivors are available. The Foundation assists the BJA by personally contacting the departments within 24 hours when an officer is killed to make them aware of the state and federal benefits.

- c. For further information about the Badge of Honor Memorial Foundation, go to <http://www.bohmf.org> (Link found below in the References Section).

## **2. FEDERAL**

### **a. THE PUBLIC SAFETY OFFICERS' BENEFITS ACT**

- (1) The Public Safety Officers' Benefits Act (PSOBA) provides a one-time financial benefit to the eligible survivors of a public safety officer killed in the line of duty as a result of a traumatic injury. The amount of the benefit is adjusted on October 1 of each year to reflect the percentage change in the Consumer Price Index.
- (2) Note: No benefit can be paid if the employee was injured or killed due to intentional misconduct, voluntary intoxication or gross negligence. The benefits do not cover death or disability resulting from stress, strain, occupational illness or a chronic, progressive or congenital disease unless there is a traumatic injury that is a substantial contributing factor in the death or disability.
- (3) The benefit is not subject to probate or estate tax.
- (4) Required documents include LEAA form 3650/2, LEAA form 3650/1, and copies of all official documents including death certificate, hospital records, and case record.
- (5) Additional information on the Bureau of Justice Assistance PSOB program, including the Hometown Heroes Survivors Benefits Act of 2003 below, go to <https://psob.bja.ojp.gov>.

### **b. HOMETOWN HEROES SURVIVORS' BENEFITS ACT OF 2003**

- (1) On December 15, 2003, the Hometown Heroes Survivors' Benefits Act expanded the circumstances under which public safety officer deaths resulting from heart attacks and strokes may be covered by the program.
- (2) The regulations governing the Hometown Heroes Survivors Benefits' Act, as well as the entire PSOB Program, were finalized September 11, 2006.

### **c. FEDERAL SOCIAL SECURITY**

- (1) Social Security provides \$250.00 funeral expenses.

## **3. STATE OF FLORIDA**

- a. \$25,000.00 when a law enforcement officer is accidentally killed while in the performance of his law enforcement duties.
- b. \$75,000.00 if a law enforcement officer is unlawfully killed and intentionally killed when engaged in the performance of his law enforcement duties.

### **c. FLORIDA RETIREMENT SYSTEM**

- (1) In accordance with Fla. Stat. § 121.091, effective July 1, 2016 the surviving spouse of a deputy killed in the line of duty may receive a monthly pension equal to the monthly salary being received by the member at the time of the member's death for the rest of the surviving spouse's lifetime or, if the member was vested, such surviving spouse may elect to receive a benefit as provided in (7)(b).
- (2) If the surviving spouse dies, the monthly payments shall be paid for the use and benefit of the member's child or children under 18 years of age and unmarried until the 18th birthday of the member's youngest child. Such monthly payments may be extended until the 25th birthday of the member's child if the child is unmarried and enrolled as a full-time student.
- (3) Death other than line of duty:
  - (a) Prior to the completion of 8 years of service, a refund of retirement contributions to the designated beneficiary.




- (b) After the completion of 8 years of service and the beneficiary is the spouse or dependent, the beneficiary may elect to receive a benefit calculated on the normal retirement at the time of death.
  - (c) After completion of 8 years of service and the beneficiary is not the spouse or dependent a refund of the retirement contributions to the beneficiary.
- (4) Dependent children of a Deputy killed in the line of duty are entitled to full waiver of undergraduate fees in community colleges, universities, or a full waiver of student fees at any vocational-technical post-secondary school. The child must be under 25 years of age.
- d. FLORIDA WORKERS COMPENSATION
  - (1) In the event of a line-of-duty-death, the spouse or dependents will receive 50% of the average monthly wage up to a maximum payout of \$100,000.00 or until the spouse remarries, whichever comes first, with an additional 16 2/3% of the average monthly wage for dependent children and an additional funeral expense not to exceed \$5000.00.
- e. VOLUSIA COUNTY
  - (1) Life insurance is provided at one times the employee's annual salary.

## **V. REFERENCES**

- [Badge of Honor Memorial Foundation](#)
- [Employee Assistance Program \(EAP\)](#)
- [Public Safety Officers' Benefits Program](#)

## **VI. FORMS**

- [Skill Recognition Incentive Form, VSO Form # 030317.001](#)

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 22.4</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/1991	<b>Last Review</b> 10/2001
<b>Title</b>  <b>SALARY INCENTIVE PROGRAM</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this General Order is to establish criteria and procedures for making application for and receiving salary incentive monies in accordance with the rules and regulations established by the Florida Criminal Justice Standards and Training Commission.

## II. DISCUSSION

Florida Statutes provide for salary incentives and holds the Department responsible for the correct payment to full-time Deputies. A system has been established to ensure compliance with State Statutes.

## III. POLICY

It shall be the policy of the Department to maintain a salary incentive pay program for sworn full-time Deputies, based on the number of academic years completed at an accredited college or university.

## IV. PROCEDURE

### A. SALARY INCENTIVE PROGRAM

1. Sworn full-time law enforcement officers are to be paid incentive monies according to Fla. Stat. § 943.22, not to exceed \$130 per month.
2. Education incentive monies are authorized for payment in the following amounts, when such degrees are not a requirement for appointment or promotion to a certified sworn position.
3. **BA/BS DEGREE**
  - a. Those certified Deputies who possess a bachelor's degree from an accredited college or university are authorized salary incentive payment in the amount of \$80.00 per month from the date of application. Payment is not authorized for periods prior to graduation from a basic police or corrections academy.
4. **AA/AS DEGREE**
  - a. Those certified Deputies who possess an associate's degree are authorized salary incentive payment in the amount of \$30.00 per month. Payment is not authorized for periods prior to graduation from a basic police or corrections academy.

### B. APPLICATION PROCEDURE

1. Newly employed, full-time certified Deputies shall provide Payroll with a sealed copy of their transcripts from an educational institution.

2. Only certified copies of transcripts forwarded directly from the college or university shall be considered for submission to the Criminal Justice Standards and Training Commission.
3. Upon receipt of the transcript by the Department, the Administrative Services Director shall forward the necessary documentation to the Criminal Justice Standards and Training Commission in Tallahassee for approval.
4. Once the application for incentive monies is approved by the Criminal Justice Standards and Training Commission, the applicant will begin receiving the appropriate amount from the date of application.

**C. ADVANCED TRAINING COURSES**

1. Advanced training courses earn salary incentive monies at the rate of \$20.00 per month for each block of eighty (80) hours of instruction. Payment for partial blocks of instruction is not authorized.
2. Eligible Deputies receive salary incentive monies for advanced training courses in the following manner:
  - a. The Deputy shall satisfactorily complete an advanced training course offered by a regional training center.
  - b. The Training Section receives the completion certificate from the local regional training center.
  - c. The Training Section shall forward the proper documentation to Administrative Services in order that the Deputy may begin to receive salary incentive payments.
  - d. In the event the Deputy attends an advanced training course at a training center outside of Volusia County, it shall be the Deputy's responsibility to submit completion certificates to the Training Section so that payment may be initiated.
3. Eligible Deputies earn salary incentive monies to a maximum established by the rules and regulations of the Criminal Justice Standards and Training Commission.





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>FITNESS PROGRAM</b>
<b>CODIFIED:</b>	<b>22.5</b>
<b>EFFECTIVE:</b>	<b>03-2014</b>
<b>RESCINDS/AMENDS:</b>	<b>22.5/10-2008</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish and maintain a fitness program within the Department, recognizing the specialized nature of physical conditioning required of positions within the Department.

**DISCUSSION**

The health and well being of personnel is of prime importance to the employee, his/her family, colleagues, administrators, county government and citizens of the community. When this component of police work is satisfied, all other benefits from officers being physically fit can be realized and maximized.

The rationale for encouraging participation in a conditioning program consists of four basic factors. First, regular, vigorous physical activity helps reduce emotional and nervous tension. Second, a physically fit person is less susceptible to common injuries and if injured, recovers more rapidly. Third, associated health hazards such as degenerative heart disorders are less likely to occur in physically fit individuals. Finally, improved health should allow individuals to perform their assigned duties and responsibilities with greater ease and prevent excessive use of sick days.

National studies of Law Enforcement Officers have found that as a group, police officers rate below the general public in physical fitness.

**POLICY**

It is the policy of the Department to encourage all personnel to voluntarily participate in physical fitness programs and opportunities offered through the County's award winning *Wellness Program*. The VCSO also provides additional fitness programs specific to the challenges and requirements of sworn personnel and encourages active participation.

**PROCEDURE**

**22.5.1** Fitness expectations shall be based on the age of the employee and minimum entry-level requirements.

**ADMINISTRATION**

**22.5.2** The Training Section shall coordinate with the Volusia County Employee Wellness Coordinator to maintain and administer the Department's overall voluntary fitness program.

**22.5.3** The Volusia County Employee Wellness Coordinator shall be responsible for:

- Managing the voluntary fitness program, all assessments and screening
- Designing exercise prescriptions for all individuals involved in the program
- Maintaining records of all individuals involved in the program
- Coordinate and assist personnel with the physical fitness program

**22.5.4** The Training Section shall administer and coordinate the Physical Abilities Test (PAT) for all sworn personnel who wish to participate in the agency's promotional process and for those sworn officers hired on or after October 1, 2007. The Training Section will maintain the results of all tests administered.

**22.5.5** Specific testing elements included in the PAT Lesson plan will be made available to all participants through the Training Section and will be maintained and administered by qualified instructors within the Training Section

**22.5.6** The Training Section actively promotes the physical fitness assessment and award program for all sworn personnel with the goal of enhancing awareness of the importance and benefits of maintaining overall fitness and a healthy lifestyle (Refer to Standards Directive 22.7 Awards Program, for award levels).

#### **MEDICAL EXAMINATION**

**22.5.7** Medical examinations shall be offered through the County's Risk Management office (ext. 12884) to all personnel at no cost to the employee.

**22.5.8** Both Sworn and Civilian employees may elect to participate.

**22.5.9** Medical screening shall include, but is not limited to:

- A complete blood chemistry profile including, but not limited to testing for lipids, electrolytes and blood cell profile
- A heart rate, respiratory rate/blood pressure test
- A stress EKG is to be given to employees over 40 years of age, with the recommendation of a physician

#### **PHYSICAL ABILITIES – SWORN PERSONNEL**

**22.5.10** All sworn personnel shall be encouraged to participate in successful completion of the physical abilities test. Those sworn officers hired on or after October 1, 2007 will be required to successfully pass the PAT annually as part of annual retraining; personnel seeking promotion will also be required to successfully pass the PAT.

##### **SWORN PERSONNEL**

**22.5.11** The physical abilities test will include:

- Exiting a vehicle/opening a trunk
- Running 220 yards
- Completing an obstacle course
- Dragging a 150-pound dummy 100 feet
- Completing obstacle course in reverse
- Running 220 yards
- Dry firing a weapon six (6) times with each hand
- Placing items in a trunk/entering a vehicle

**22.5.12** The Department's Human Resources Unit shall coordinate efforts with the County Personnel Services to match entry-level physical requirements and medical screening in accordance with the provisions of this directive.

#### **PHYSICAL FITNESS ASSESSMENT PROCEDURES – SWORN PERSONNEL**

**22.5.13** The goal of sworn personnel physical fitness assessments is to promote an awareness of and appreciation for the benefits associated with a fit and healthy lifestyle, including an extra performance edge in meeting the many challenges associated with the unique responsibilities and physical challenges of a sworn law enforcement officer.

**22.5.14** Providing assessments for participants allows for individual participant goal setting and an opportunity to be recognized for achieving and maintaining exceptional levels of physical fitness through the agency's award program

**22.5.15** The Training Section will offer physical fitness assessment/testing opportunities at a minimum of semi-annually. Dates and times will be announced by the Training Section.

**22.5.16** The physical fitness assessment is based upon percentile standards set by the Cooper Institute for Aerobics Research. Scoring is based on the participant's age and is grouped in 10-year age categories.

**22.5.17** The established achievement levels/scores are on file and available for review by contacting designated fitness specialists (certified by the Cooper Institute) at the Training Section.

**22.5.18** Each member shall undergo the following base-line measurements as a prerequisite to the actual fitness tests:

- A resting blood pressure test
- A resting heart rate test
- A 3-minute step test

**22.5.19** The physical fitness test will consist of the following 6 elements, which will be averaged in determining overall fitness achievement and award level:

- A 1.5 mile run
- Maximum bench press (1 rep)
- Maximum leg press (1 rep)
- Flexibility - sit and reach
- Sit-ups (maximum amount in one minute)
- Push-ups (maximum amount in one minute)

**22.5.20** Upon certification by the Training Section that the participant's fitness requirements recognized by the Cooper Institute for Aerobics Research for law enforcement officers have been met, the Training Section will notify the Sheriff of eligible award recipients in accordance with Standards Directive 22.7 Awards Program.

#### **VOLUNTARY WELLNESS PROGRAM**

**22.5.21** Every employee is encouraged to participate in the free County Wellness program. This program is offered by Volusia County in an effort to provide employees the opportunity to lead healthy productive lives.

**22.5.22** For additional information on available and upcoming classes/opportunities visit the County Wellness information link maintained on the intranet under Employee News Network/ Personnel/Wellness.

**22.5.23** Any employee wishing to participate in a County Wellness program shall first schedule an appointment with the County Wellness Coordinator.

**22.5.24** The Wellness Coordinator shall make an assessment to help tailor the exercise prescription to the individual employee and assist in achieving desired fitness goals.

**22.5.25** In addition to the Wellness Coordinator's knowledge and expertise in this field, Stetson University provides interns who are majoring in exercise science to work with the Coordinator and staff the two main fitness centers. The Wellness Coordinator and the interns are personal trainers who can set up a full program of fitness and nutrition to meet individual employee's needs.

**22.5.26** The Wellness Coordinator can also assist employees in a physical rehabilitation program recovering from surgery or an injury. Additional programs include those designed to help employees' lower blood pressure, help control diabetes, and manage weight.

**22.5.27** Additional programs are offered through the Wellness Program and are posted and maintained on the Employee News Network available through the VCSO Intranet.

**22.5.28** In addition, as an incentive to get and stay fit, the County offers every employee the opportunity to earn up to \$300 in wellness benefits to be used to off-set health insurance costs to the employees.

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**Revised by:** 6760/ 2109

**Revised on:** 09-23-2008; 03-06-14

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Written Standards Directive

**TITLE: APPEARANCE, UNIFORMS AND EQUIPMENT**

**CODIFIED: 22.6**

**EFFECTIVE: 09-2019**

**RESCINDS/AMENDS: 22.6/02-2019**

**ATTACHMENTS: 6**

#### PURPOSE

The purpose of this Directive is to delineate the Volusia Sheriff's Office initial clothing and equipment issue and to establish a professional standard of appearance and apparel for Sheriff's Office employees.

#### DISCUSSION

The VSO employees perform a wide range of functions, which entail the use of a variety of clothing, uniforms and equipment. The issuance, condition and appearance of personnel, uniforms and equipment influence the perception of the public and the performance of duties.

#### POLICY

It shall be the policy of the Volusia Sheriff's Office to issue uniforms and equipment as required for employees to accomplish assigned functions and to allow for the care and maintenance of equipment and uniforms. It shall further be the policy of the VSO that employees present a neat, clean and orderly appearance.

This policy applies to basic uniform and equipment as issued by Inventory Control; the care, maintenance and issue of specialty equipment, firearms and technology items (MDCs, BWCs, specialized assignments, etc.) shall be in accordance with applicable VSO Directives.

#### PROCEDURE

##### INITIAL EQUIPMENT ISSUE

**22.6.1** Most of the equipment that each employee initially receives will be issued by the Inventory Control Section. Some specialized equipment not normally stocked by Inventory Control will be purchased directly from suppliers.

##### N.D.T.

**22.6.2** Deputies will receive the following equipment when initially assigned to the classroom phase of the New Deputy Training (NDT):

Quantity	Item
1	Set of leather basketweave duty belt and gear
1	Ball cap
1	Raincoat
1	Windbreaker
1	Name tag
2	Handcuffs
1	Stinger flashlight and holder
1	ID card
1	Badge case

2	Badges
1	Name tag
5	Short-sleeve shirts
3	Long-sleeve shirts
5	Trousers
1	Tie and Tie Tack
1	Jacket
1	Reflective vest
1	Box of miscellaneous supplies, whistle
1	Maglite
1	U.T.C. case
1	Portable radio, charger & holder
1	Soft Body Armor Vest

**22.6.3** During or after appropriate training, the following items shall be issued:

Quantity	Item
1	Service weapon & Holster
1	Freeze + P spray
1	Asp tactical baton
1	Taser & Holster

**22.6.4** If a vehicle is issued, the following equipment shall be issued with the vehicle:

Quantity	Item
1	Flashlight charger
1	Set of jumper cables
1	Fire Extinguisher

#### **LAW ENFORCEMENT OPERATIONS DIVISION UNIFORMED PATROL**

**22.6.5** Deputies assigned to uniformed road patrol will receive the following initial equipment:

Quantity	Item
1	Shotgun with shell carrier
1	Fingerprint Kit
1	Digital recorder
1	Crime Scene Kit
1	Binoculars
1	Blanket
1	Test Kit #8
1	Test Kit #13

1	First aid kit
1	Bloodborne Pathogen Kit

**22.6.6** OPTIONAL UNIFORM: Non-probationary Road Patrol Deputies and Sergeants, Motors Deputies and Sergeants, and Court Services Deputies assigned to Prisoner Transport are authorized the following optional uniform elements:

- Green BDU trousers,
- Green Polo shirt with sewn on VSO star badge and shoulder patches, and
- Green outer vest carrier with sewn on VSO star badge and removable Velcro nametape.

**22.6.7** Eligible personnel requesting to add the above uniform elements to their current inventory of Class A and B uniforms shall receive 3 each of the trousers and Polo shirt, and 2 vest carriers.

**22.6.8** When choosing to wear the Polo shirt, personnel shall be required to wear the outer vest carrier. Wearing the current vest UNDER the Polo shirt is not authorized.

**22.6.9** RESTRICTIONS: The above optional uniform is not authorized for the following:

- Ceremonial purposes
- Court room testimony (exception: traffic court)

#### **RESERVE DEPUTIES**

**22.6.10** Reserve Deputies shall be subject to the same uniform and equipment standards required of full-time sworn personnel.

#### **K-9 DEPUTIES**

**22.6.11** K-9 Deputies shall be issued additional equipment as determined by the Law Enforcement Operations Division Chief. K-9 deputies are subject to harsh conditions and rugged terrain and shall be issued and wear the following uniform while performing K-9 functions:

Quantity	Item
1	Black VSO issued ball cap
3	OD green short-sleeve battle dress shirts, w/ badge patch and name tag sewn in appropriate positions
2	OD green long-sleeve battle dress shirts, w/ badge patch and name tag sewn in appropriate positions
5	OD green battle dress trousers, bloused at the boots
5	OD green polo shirts

**22.6.12** Although not issued by the VSO, the following optional items are approved for wear by K-9 Deputies:

- A. Solid black long-sleeve sweat shirt
- B. Black military type pullover sweaters. When worn, the sweater will have the VSO badge and name tag displayed in the appropriate positions.

#### **CST DEPUTIES**

**22.6.13** CST Deputies shall be issued and wear the following uniform while performing CST functions:

Quantity	Item
5	OD green short-sleeve battle dress shirts, w/ badge patch and name tag sewn in appropriate positions
3	OD green long-sleeve battle dress shirts, w/ badge patch and name tag sewn in appropriate positions

5	OD green battle dress trousers
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#### **MOTORCYCLE DEPUTIES**

**22.6.14** Motorcycle Deputies shall be issued additional equipment as determined by the Law Enforcement Operations Division Chief and the following additional uniform:

<b>Quantity</b>	<b>Item</b>
5	Breeches
2	Super shirts (in lieu of 2 of the 5 standard issued short-sleeve shirts)
1	Traffic insignia
1	Pair of high gloss, side-buckle, motorcycle boots
1	Nylon jacket with zip-out liner
1	Pair of winter gloves
1	Pair of riding gloves
1	Helmet

#### **MARINE DEPUTIES**

**22.6.15** Marine Deputies shall be issued specialized equipment as determined by the Special Services Commander and the following additional uniforms:

<b>Quantity</b>	<b>Item</b>
4	Gray Polo shirts
2	Utility Pants
4	Shorts
2	Pairs Deck Shoes

**22.6.16** River Patrol Deputies may wear deck shoes while performing marine duties.

#### **RANGE DEPUTIES**

**22.6.17** Range Deputies shall be issued additional equipment as determined by the Special Services Captain, and the following additional uniforms:

<b>Quantity</b>	<b>Item</b>
5	Work shirts
5	Work trousers

#### **PILOTS**

**22.6.18** Pilots shall be issued additional equipment and flight gear as determined by the Special Services Section Captain.

#### **SCHOOL CROSSING GUARDS**

**22.6.19** Each School Crossing Guard shall be issued the following equipment:

<b>Quantity</b>	<b>Item</b>
1	ID card

3	Short-sleeve Polo's
3	Trousers or shorts
1	Wind breaker w/liner
1	Raincoat
1	Reflective vest
1	Pair of gloves, orange
1	Ball cap

## **SPECIALIZED UNITS**

**22.6.20** Specialized units shall be issued the equipment needed to accomplish their duties as determined and authorized by their respective Division Chief.

**22.6.21** Members assigned to highly specialized or special purpose units may wear special purpose uniforms as approved by the Sheriff.

## **NON-SWORN UNIFORM**

**22.6.22** The non-sworn uniform shirt shall be a spruce Polo. The trousers shall be black.

## **TRAINING SECTION**

**22.6.23** Members of the Training section shall be authorized to wear approved polo shirts and BDU style trousers. Range masters may wear the red pullover shirt. All shirts shall be embroidered with the Volusia Sheriff's Office identification and other insignia as required. The shirts and pants shall be issued by inventory control.

## **EVIDENCE AND COMMUNICATIONS**

**22.6.24** In compliance with other civilian dress requirements, members of the Evidence section shall wear the issued pullover shirt with pants as authorized by a supervisor.

**22.6.25** Non-sworn members assigned to the Communications section shall be issued uniforms consistent with the Law Enforcement Communications Policy and Procedure Manual.

## **BIOHAZARD EQUIPMENT**

**22.6.26** Certain designated positions within the Sheriff's Office are identified as a potential risk of exposure to biological hazards. Individuals occupying these positions shall be issued appropriate personal protection equipment as described in the Sheriff's Office Biological Exposure Control Plan.

**22.6.27** Members shall wear the issued biohazard belt kit as part of the uniform and shall have the issued infection control kit available for use.

## **BODY ARMOR**

**22.6.28** Deputies may purchase and wear substitute body armor while on duty. Requests, with a description of the body armor brand, model, and ballistic characteristics, shall be submitted in writing to the appropriate Division Chief. Substitute body armor shall meet industry standard Level II, or above.

**22.6.29** On a self-initiated volunteer basis only, sworn personnel shall be permitted to carry their most recently expired assigned body armor as an off-duty backup in emergency/exigent circumstances. It is the agency's position that while expired body armor does not provide the same level of protection, it is still a form of added protection that would otherwise not be available in an unforeseen off-duty emergency.

## **MAINTENANCE OF UNIFORMS AND EQUIPMENT**

**22.6.30** Uniforms and equipment shall be kept neat, clean and orderly. All sworn personnel are paid a cleaning allowance.

**22.6.31** VSO personnel with uniforms requiring alteration or repair shall contact the Inventory Control Section.

**22.6.32** When uniforms or equipment have been damaged, lost or stolen, an incident report shall be written by the Deputy in charge of said property describing the circumstances that led to the event.



**22.6.33** If the loss or damage was due to gross negligence, the employee may be required to make reimbursement.

#### **REPLACEMENT/ EXCHANGE**

**22.6.34** Uniforms or equipment in a worn or damaged condition shall be exchanged at the Inventory Control Section. The Inventory Control Section is the only authorized point for the receipt and disposal of all such agency owned property.

**22.6.35** NOTE: Uniform issue is limited to a total complement of 5 short-sleeve (inclusive of issued Class B and optional Polo), 3 long-sleeve (Class A) and a total of 5 trousers (inclusive of the Optional BDU and Class A/B trouser).

**22.6.36** With the exception of assigned body armor, all issued uniforms or equipment in worn or damaged condition must be turned in before a replacement item is issued by the Inventory Control Section.

- In the case of body armor, sworn members will be required to rotate out their previously expired body armor with their newly expired body armor by returning it to Inventory Control at the time they receive their new body armor. This rotation will ensure that only the most recently expired body armor is used as emergency backup in accordance with 22.6.29.

**22.6.37** The ownership and title to all uniforms and equipment issued to VSO personnel are vested in the Volusia Sheriff's Office. Assigned uniforms and equipment do not transfer ownership to any individual unless authorized in writing by the Sheriff, or his designee (refer to section under RETIREMENT).

**22.6.38** VSO personnel shall be held accountable for the care and maintenance of issued equipment.

**22.6.39** No equipment or uniforms may be permanently transferred or exchanged between employees without authorization. Temporary loans are permitted.

**22.6.40** When an employee resigns, retires, is discharged, granted an extended leave of absence, or in any other way vacates his/her position, the employee shall surrender all issued property to the issuing authority.

#### **UNIFORM WEAR**

**22.6.41** Deputies shall wear the uniforms and insignia commensurate with their rank and position.

**22.6.42** Insignia commensurate with the rank of Sergeant shall be by badge and Chevrons.

**22.6.43** No mixture of civilian clothing with the official uniform shall be permitted on duty or off, with the following exceptions:

- A. Plain-clothes Deputies may wear VSO ball caps, jackets or other special purpose clothing during raids or special operations
- B. VSO ball caps and or rain gear may be worn by off-duty Deputies assisting at emergency situations
- C. During training exercises

**22.6.44** The uniform of sworn uniformed personnel shall consist of:

- A. VSO issued short-sleeve or long-sleeve shirt
- B. VSO issued trousers with a black belt
- C. Black crew neck or white v-neck T-shirt
- D. Black socks
- E. Black, plain toe boots or shoes
- F. VSO issued insignias and badge. The badge shall be worn on the outermost garment
- G. VSO issued and approved gun belt and equipment including issued biohazard equipment
- H. VSO issued or approved jacket, as needed
- I. VSO issued rain gear, as needed

**22.6.45** A tie will be worn with the long-sleeve shirts. If issued, dickies may be worn in lieu of the tie with the long sleeve shirt in situations not requiring formal dress.

#### **HATS**

**22.6.46** The issued agency ball cap may be worn while working in a patrol capacity.

#### **SHIRTS**

**22.6.47** Long-sleeve shirts and ties may be worn by all uniformed personnel assigned to duties inside buildings or offices where the climate is regulated. These positions and functions include, but are not limited to:

- A. Division Chiefs
- B. District/Section Commanders
- C. Bailiffs
- D. Deputies assigned to special functions such as Volusia County Council meetings or funerals

#### **SHOES AND BOOTS**

**22.6.48** Shoes or boots worn by uniformed personnel shall be of a smooth, black material capable of retaining a gloss shine.

**22.6.49** Boots that lace or are zippered are permissible so long as it does not interfere with the unassisted restoration of the pants leg position upon standing from a seated or bending position.

**22.6.50** Loafers and footwear with ornamental buckles are prohibited (with the exception of issued motorcycle or snake boots).

**22.6.51** Marine patrol Deputies may wear deck shoes while on marine patrol duty.

#### **GLOVES**

**22.6.52** Gloves are authorized and shall be black in color with the exception of special purpose gloves issued by the VSO.

- A. Mittens or gloves with fancy details are prohibited
- B. Weighted gloves or "sap gloves" are prohibited

#### **GUN BELT**

**22.6.53** The issued or approved gear for uniformed sworn personnel shall consist of a gun belt with the following to be worn accordingly (see Attachment E):

##### **A. STRONG HAND SIDE:**

- VSO approved or issued firearm holster; shall be worn at the hip
  - Approved or issued service weapon
  - Freeze +P and/or BolaWrap
  - Handcuff case; an optional secondary handcuff case may be worn elsewhere as room allows.
- NOTE: Removal of other equipment in order to fit the additional case is not authorized.

##### **B. SUPPORT HAND SIDE:**

- VSO issued Taser holster
- Issued Taser
- ASP baton
- Portable radio (when worn)
- Magazine case; shall be worn on the front side of the belt buckle
- Biohazard equipment in nylon pouch; may be worn at the small of the Deputy's back

**22.6.54** No unauthorized gear, such as knives, shall be worn on the gun belt without written approval of the Division Chief.

#### **SHOULDER PATCHES AND CHEVRONS**

**22.6.55** Shoulder patches and chevrons will be displayed as follows:

- A. The official VSO patch will normally be worn on both shoulders of uniform shirts centered with the two peaks one-half of an inch ( $\frac{1}{2}$ ") below the shoulder seam (see Attachment A).
- B. Chevrons indicating the rank of Sergeant shall be displayed on both sleeves of the uniform shirt, centered under the official VSO patches.
- C. The peak of the chevron shall be centered one-half inch ( $\frac{1}{2}$ ") below the shoulder patch.
- D. Sworn personnel authorized to wear specialized insignia patches will wear the official insignia patch on the right shoulder in place of the regular patch, centered ( $\frac{1}{2}$ ") one-half of an inch below the shoulder seam (see Attachment A).
- E. Subdued patches are authorized for SWAT, K-9 and CST uniforms.

#### **ACCESSORIES**

**22.6.56** Accessories worn by sworn personnel with the rank of Sergeant or above shall be gold in color. All other uniformed personnel shall wear silver colored accessories.

**22.6.57 NAME TAG** - The VSO issued nametag will be centered on the right breast pocket seam with the nametag above the seam. (Attachment B).

**22.6.58 FIREARM PROFICIENCY AWARD** - The Firearm Proficiency Award will be centered on the pocket flap seam one-half inch (1/2") below the nametag.

**22.6.59 AVIATION WINGS/ TRAFFIC INSIGNIA** - The wings of an aviation Deputy, or the traffic insignia device of a Motorcycle Deputy will be centered one-eighth of an inch (1/8") above the nametag.

**22.6.60 EMT PIN** - Emergency medical technicians may wear the emergency medical technician pin centered one-eighth inch (1/8") above the nametag or, if applicable, aviation or motor wings.

**22.6.61 BOMB TEAM** - The Bomb Team may wear the applicable emblem centered above the nameplate.

**22.6.62 ACCREDITATION PIN** - Accreditation pins are authorized to be worn centered above the nameplate.

**22.6.63 CHAIN/ WHISTLE** - A snake type chain and whistle may be worn. When worn, the chain's button attachment will be connected under the right shoulder epaulet and button. The whistle may be placed into the right breast pocket, with the chain above the far right snap.

**22.6.64 SPECIAL PINS** - Special pins presented by the Sheriff shall be placed as directed by the Sheriff.

**22.6.65 RIBBONS/ AWARD BARS** - VSO issued ribbons and award bars shall be centered on the left breast pocket flap immediately below the pocket seam (see Attachment B and C).

**22.6.66 RANK INSIGNIA** - Deputies holding the rank of Lieutenant or above shall wear the designated insignia of their rank on each shoulder epaulet of the uniform shirt or jacket. Rank insignia shall be centered and one inch (1") from the outer seam (see Attachment D).

**22.6.67 LENGTH OF SERVICE** - Length of service indicators are patches displaying a star representing five (5) accumulative years of service with the Volusia Sheriff's Office.

**A.** Accumulative service applies solely to service with the Volusia Sheriff's Office.

**B.** A break in service in which a deputy works for another law enforcement agency will not be considered in determining the total accumulative years of service.

**C.** The patch shall be placed one-half inch (1/2") above the cuff hemline on the left sleeve (see Attachment F).

**D.** Length of service patches are considered an honorary recognition of a sworn member's service to the VSO and will not be construed to apply to employment standards as identified in the Volusia County merit system rules, or the collective bargaining agreement.

## **JEWELRY**

**22.6.68** Jewelry worn by on-duty Deputies shall be limited to:

**A.** A wristwatch.

**B.** Wedding and or engagement ring and one other ring.

**22.6.69** Necklaces that are visible are prohibited.

**22.6.70** Male Deputies are prohibited from wearing earrings on duty; female Deputies may wear one pair of small stud type earrings in the lower portion of the earlobe. No hanging or loose fitting styles are allowed.

## **APPEARANCE AND GROOMING**

**22.6.71** Male deputies shall keep their hair neat in appearance. The hair shall not extend below the top of the ears; extend below the top of the uniform collar, or bush out excessively when the uniform cap is worn. Hairstyles shall be professional, business-type styles only; no spiked hair, and/or other fad styles shall be worn while on duty, whether in uniform or plain clothes, with the exception of those deputies assigned to undercover or special operations in accordance with the standards set by the respective Division Chief, or supervisor.

**A.** In no case shall the bulk or length interfere with authorized headgear.

**22.6.72** Female deputies shall wear their hair in a neat and professional style with consideration to safety, so as not to create "handholds". In addition, female deputies in uniform, regardless of assignment, shall wear their hair neatly styled up and against the back of the head; no free hanging ponytails or braids will be worn while in uniform.

**A.** In no case shall the bulk or length interfere with authorized headgear.

**22.6.73** Male Deputies shall be allowed to wear a neatly trimmed mustache. The mustache will extend no more than one-quarter of an inch (1/4") below the corner of the mouth.

**22.6.74** No beards, goatees, or other hair below the bottom lip, or on the chin, neck, or cheeks will be allowed.

**22.6.75** Sideburns will be neatly trimmed and shall not extend below the lowest part of the external ear opening. The sideburns will not be flared and will end in a clean-shaven horizontal line.

**22.6.76** Deputies shall be neat in appearance. The uniform shall be clean and pressed, shoes or boots shined and uniform accessories polished. Any sunglasses shall be of a professional style and color; no extreme styles shall be worn while on duty that may detract from the professional appearance of the uniform.

**22.6.77** Those deputies assigned to undercover or special operations shall dress and groom in accordance with the standards set by the respective Division Chief or Supervisor.

#### **COURT APPEARANCE**

**22.6.78** Hearings before a Judge-only will require uniform of the day; proceedings before a jury require Class A uniform. In the case of depositions or undercover assignments, employees may wear business dress attire consistent with the requirements noted herein under "Civilian Employees". (Refer to Directive 26.2.16, Code of Conduct).

#### **BODY ORNAMENTATION**

**22.6.79 Body Ornamentation:** For the purpose of this directive and its application to VSO personnel, "Body Ornamentation" includes, but is not limited to, tattoos, intentional scarring, brands; objects inserted in/under the skin, dental ornamentation; any contact lens that when worn creates an unnatural eye color or contains graphic designs of any kind. Intentional body/tongue piercing or mutilation to include gauges/ industrial bars/ multiple piercings of the ear. This definition excludes the traditional piercing of the earlobe for earrings as described within this directive.

**22.6.80 Visible:** For the purpose of this directive and its application to VSO personnel, "visible" is defined as any body ornamentation that is able to be seen on the arms, hands, head or neck above the collar when wearing a short sleeve uniform or dress shirt.

**22.6.81 Unacceptable:** Body ornamentation that is obscene, sexually explicit, advocates or symbolizes sexual acts or conduct, or advocates or symbolizes prejudice or discrimination based on race, color, national origin, ethnicity, religion, gender, sexual orientation, age, or which is likely to associate the employee with the agenda of any criminal or extremist group, or otherwise bring discredit upon the Sheriff's Office and its role in the community is considered unacceptable and shall not be permitted.

**22.6.82** Body ornamentation will not be permitted on the hands, head, face, neck or scalp; medical alerts or wedding band tattoos are exempt.

**22.6.83** Any body ornamentation that includes non-medically necessary and/or gaudy veneers, caps, grills or other adornments on teeth; graphic or unnatural colored contact lenses; piercings/mutilations, or objects inserted in/under the skin will not be worn/ displayed while on duty.

**22.6.84** Nothing in this policy is to be construed as prohibiting body modifications necessitated by deformity, medical procedures or injury.

**22.6.85** Existing visible body ornamentation considered unacceptable as defined above must be covered by the long sleeve uniform or dress shirt while on duty. When off duty and operating or otherwise utilizing an agency vehicle, marked or unmarked, or in any apparel that represents the VSO regardless of duty status, unacceptable body ornamentation must be covered.

**22.6.86 Applicants/ Candidates for Hire:** So as not to exclude qualified candidates based solely on the existence of body ornamentation, a candidate's existing body ornamentation will be evaluated during selection prior to time of hire.

**22.6.87** Members involved in certain investigative assignments may be waived from this policy requirement for the course of their assignment upon specific approval by their respective Division Commander.

#### **PLAIN CLOTHES**

**22.6.88** Detectives and plain-clothes Deputies will be neat, clean and professionally dressed with exception for special duty, undercover assignments and other special circumstances.

**22.6.89** Detectives assigned to vice, narcotics or other specialized units shall dress according to the standards set by their respective Division Chief and the Sheriff.

## **CIVILIAN EMPLOYEES**

**22.6.90** Male and female employees shall dress in civilian clothing or uniforms as directed by the Division Commanders.

**22.6.91** If civilian employees are directed to wear a uniform, that uniform will be the non-sworn uniform issued by the VSO.

**22.6.92** When directed to wear a non-sworn uniform, civilian employees will conform to the same standards governing uniforms and appearance, as applicable, with that of sworn personnel.

**22.6.93** Male employees shall wear dress pants, dress shirts, dress shoes and socks.

**A.** Coat and tie are optional.

**22.6.94** Female employees shall wear dress slacks, dress blouses or sweaters, dresses or skirts and dress shoes.

**A.** Excessively short dresses, skirts or revealing clothing are prohibited.

**B.** Tee shirts, halter-tops, shorts, blue jeans, sneakers, beach-style flip-flops and beach-type sandals are prohibited.

**22.6.95** Civilian non-sworn members are prohibited from carrying or having access to firearms, weapons, or restraining devices while on duty or in a county building, a county facility, or a county vehicle.

**22.6.96** Civilian members who have a valid concealed firearms permit are prohibited from carrying weapons while on-duty or in a county building, a county facility, or a county vehicle.

## **VOLUNTEERS AND AUXILIARIES**

**22.6.97** Volunteer personnel are often in a position to represent the VSO and are expected to present a neat, clean and orderly appearance.

### **UNIFORMS**

**22.6.98** Those volunteers required to wear a uniform shall be issued the non-sworn uniform. The number issued shall be determined by the Division Chief to which the volunteer is assigned, but the total issued shall not exceed that of civilian employees.

**22.6.99** A ball cap, windbreaker or other equipment items may be issued depending upon the volunteer's assignment and required training/certifications.

### **CIVILIAN DRESS CLOTHING**

**22.6.100** Volunteers who are not issued uniforms may wear civilian dress clothing. A suit and tie or formal dress is not required; however, their appearance shall be neat and appropriate, in accordance with the job function.

**22.6.101** Inappropriate attire shall include:

- A.** Extremely short dresses
- B.** Jeans or jean type (denim) slacks
- C.** Sneakers or tennis shoes
- D.** Excessive make-up
- E.** Excessively tight, revealing, or disheveled clothing

**22.6.102** The volunteer shall not carry or have access to personally owned, or VSO issued weapons or physical restraint devices. Auxiliary members shall not be equipped with, carry, or have access to firearms, weapons, handcuffs, or any other equipment owned by the VSO or by the member that would place the auxiliary member or the VSO in a position of potential danger or liability while performing duties.

### **CHAPLAINS**

**22.6.103** VSO Chaplains shall be issued a windbreaker and a VSO C.O.P. badge and ID case.

### **VOLUNTEER BAILIFFS**

**22.6.104** Those individuals volunteering their service as auxiliary bailiffs in the courts shall be issued a civilian volunteer uniform.

## **CASUAL BUSINESS ATTIRE – DESIGNATED “CASUAL FRIDAY”**

**22.6.105** Casual business attire shall be worn only when designated by the Sheriff or Chief Deputy.

**22.6.106** "Casual Friday" has been designated to allow members the opportunity to come to work in casual clothing, but which is still appropriate for an office/business environment. The intent of this privilege is to provide for a comfortable relaxed-dress day to boost morale while still providing an atmosphere that promotes productivity and public confidence.

**22.6.107** Although casual attire is permitted, clothing must still be office/business appropriate and grooming shall be in accordance with established procedure.

#### **CASUAL ATTIRE GUIDELINES**

**22.6.108** Clothing shall be clean and pressed; any clothing that is worn, torn, see-through or revealing, or is designed for athletic, beach or nightclub activity shall not be permitted.

**22.6.109** Jeans must be clean, un-faded, hemmed and at an appropriate hip height.

**22.6.110** Capri pants should fall below the knee.

**22.6.111** No shorts are permitted; long shorts are not Capri pants and are not permitted.

**22.6.112** Tee shirts must cover the stomach/midriff and be free from designs/advertising that may reflect poorly on the agency.

**22.6.113** Approved footwear shall include the authorized business footwear and will include sneakers/tennis shoes; excessively worn sneakers are not permitted. Beach-style flip-flops or beach-type sandals are not permitted.

**22.6.114** Abuse of this privilege may result in the cancellation of casual dress Fridays.

### **RETIREMENT**

#### **LAW ENFORCEMENT COMMEMORATIVE SERVICE AWARD**

**22.6.115** In accordance with F.S. 112.193, the Sheriff may present to each law enforcement deputy who retires under any provision of a state or municipal retirement system, including medical disability retirement, one complete uniform including the badge worn by that Deputy, the Deputy's *issued service handgun* and an identification card clearly marked "RETIRED".

**22.6.116** Deputies retiring in good standing with a minimum of twenty (20) years of service with the Volusia Sheriff's Office shall be allowed to keep their VSO duty badge, firearm, "RETIRED" I.D. card and shall be presented with one complete long sleeve uniform consisting of the shirt, pants, tie, badge, gun belt, and all applicable accessories.

**22.6.117** Deputies retiring with less than 20 years of service with VSO shall have at least 10 of those years spent with the Volusia Sheriff's Office and must retire in good standing from the Volusia Sheriff's Office to be considered for the **Law Enforcement Commemorative Service Award**. Retiring Deputies whose law enforcement service includes agencies other than the VSO shall be required to submit proof of retirement to the Sheriff in advance for verification and approval of the **Law Enforcement Commemorative Service Award**.

**22.6.118** Alternately, at the Sheriff's sole discretion, he may approve an appropriate combination of years of age and service upon retirement to qualify for presentation.

NOTE: Retirement "in good standing" means that the deputy did not retire in lieu of termination, in lieu of disciplinary action, or pending investigation.

**22.6.119** The possession of these items shall be by the retired member's and ownership shall not revert to the VSO upon the member's death.

**22.6.120** No firearm awarded under this policy shall be sold, or traded for another firearm, by the retiree.

**22.6.121** The uniform may be worn for ceremonial purposes at official VSO functions such as a member's funeral, memorials, or other special function. Wear at any time other than those specified shall be by expressed permission of the Sheriff.

**22.6.122** While wearing the uniform and weapon, the retired member shall not take any law enforcement action.

### **MOURNING BAND PROTOCOL**

**22.6.123** The mourning band is an approved and traditional way for law enforcement members to mourn publicly the death of a fellow law enforcement officer/deputy and/or member of the United States armed forces who died in the performance of duty. Its significance in honoring those who died in service to others and the respect it symbolizes shall be preserved through strict adherence to the following protocol:

- A. Upon the line-of-duty death of any law enforcement member of the agency, members shall wear the mourning band from the time of death until 2400 hours the day of the funeral.
- B. Upon the line-of-duty death of any other law enforcement officer in the state, members may wear the mourning band from the time of death until 2400 hours the day of the funeral.
- C. The mourning band is also approved to be worn for the following:
- Upon other line-of-duty death of any law enforcement officer, or member of the United States armed forces, who died in the performance of duty, the mourning band may be worn at the funeral.
  - Upon the non line-of-duty death of any active or retired law enforcement officer, the mourning band may be worn at the funeral.
  - On May 15<sup>th</sup> each year in observance of National Peace Officers Memorial Day; United States flags should also be flown at half mast on this day unless the day is also Armed Forces Day, as per U.S. Code Title 4,7 (m).
  - At any line-of-duty memorials, such as wall or plaque dedications.

**22.6.124** Proper presentation/wearing of the mourning band shall be horizontal across the badge, centered half way between the top and bottom.

**22.6.125** To ensure concordance with protocol, wearing of the mourning band shall commence through order of the Sheriff. Any deviation from protocol must first be authorized by the Sheriff, or his designee.

#### ATTACHMENTS

**Attachment A:** Shoulder Patch  
**Attachment B:** Short Sleeve  
**Attachment C:** Long Sleeve  
**Attachment D:** Captain's/Lieutenant's Bars  
**Attachment E:** Belt Gear  
**Attachment F:** Length of Service Patch

**Revised by:** 6760  
**Revised on:** 09-2019

**Approved:**

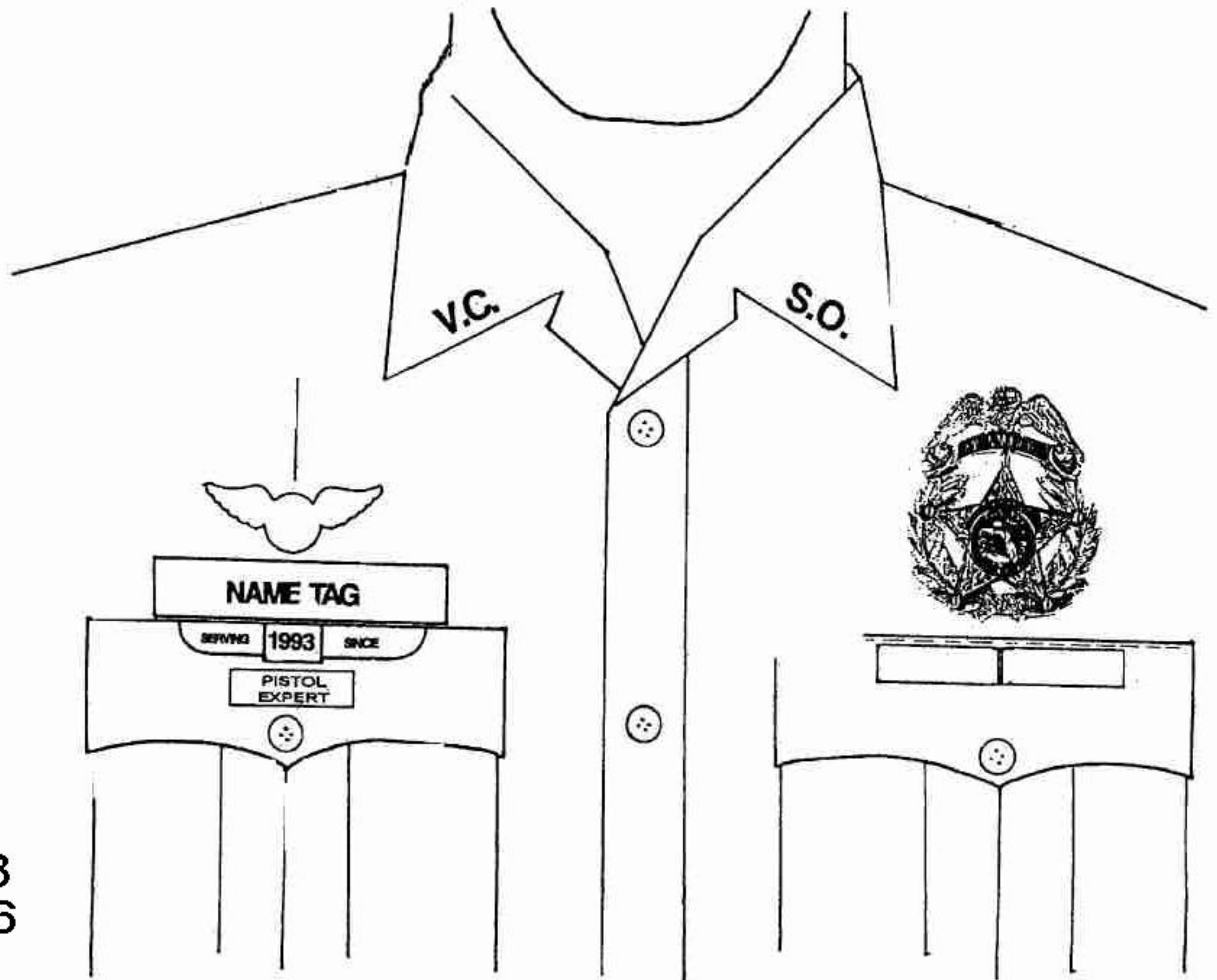


**Michael J. Chitwood**  
**Sheriff, Volusia County**

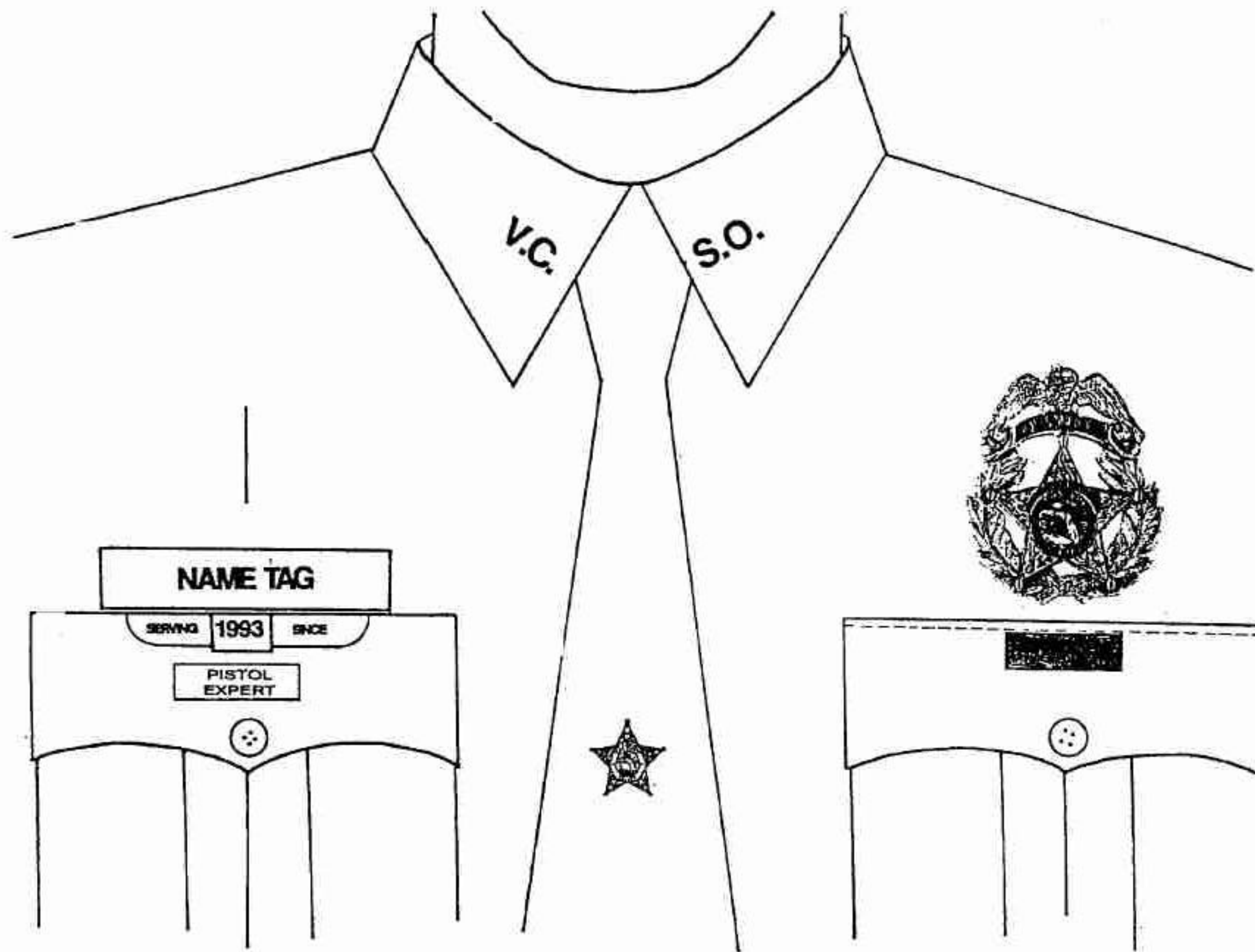


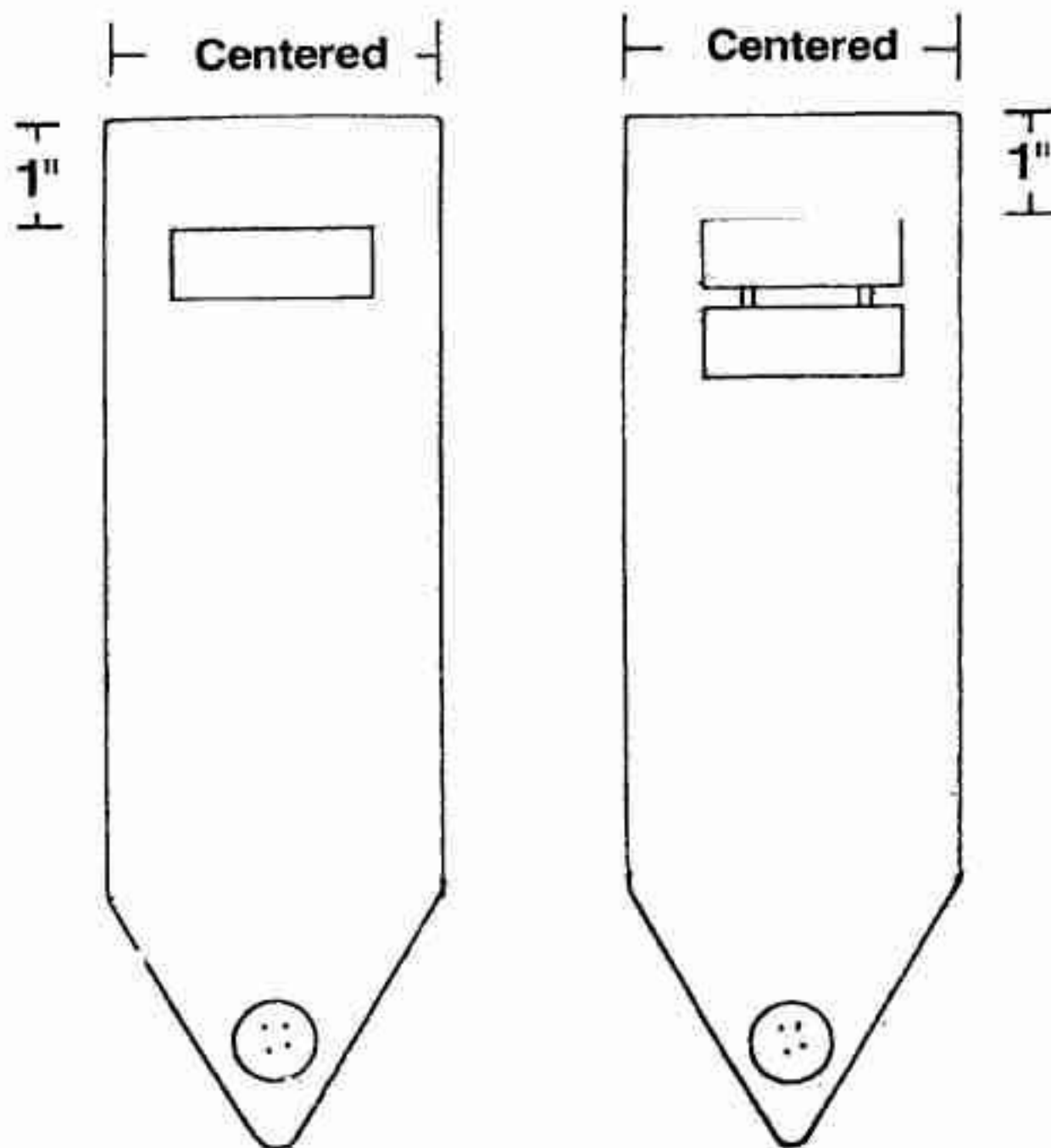
Attachment A  
Directive 22.6  
5th Edition



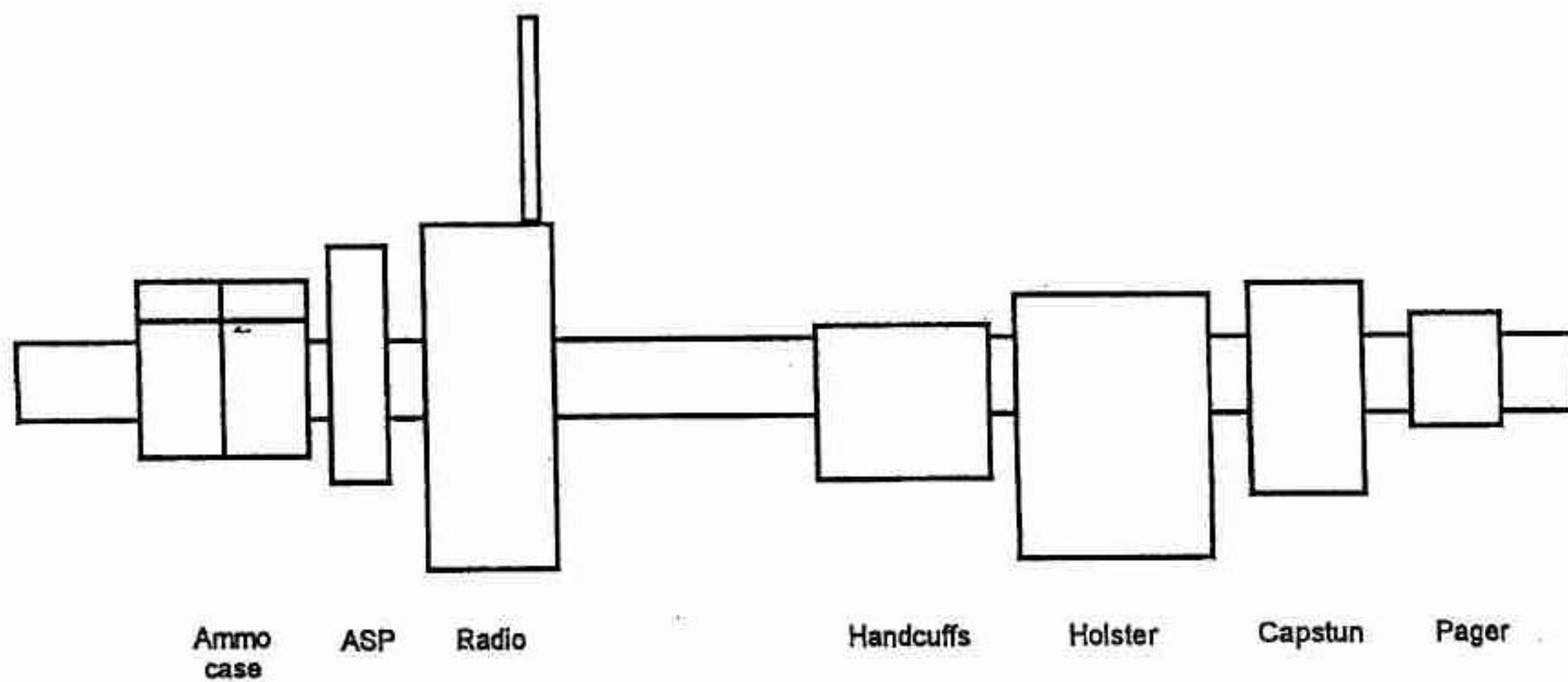


Attachment B  
Directive 22.6  
5th Edition

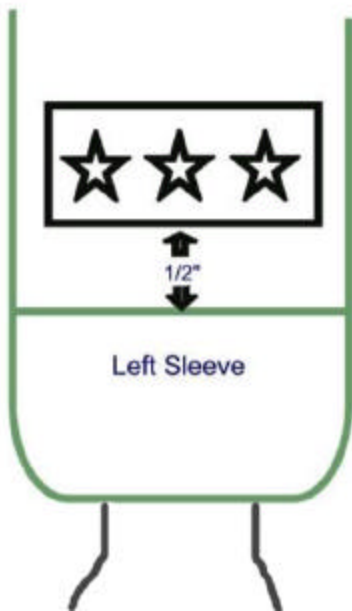




Attachment D  
Directive 22.6  
5th Edition



Attachment E  
Directive 22.6  
5th Edition



Attachment F  
Directive 22.6  
5th Edition



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>AWARDS</b>
<b>CODIFIED:</b>	<b>22.7</b>
<b>EFFECTIVE:</b>	<b>06-2018</b>
<b>RESCINDS/AMENDS:</b>	<b>22.7/10-2017</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish and maintain a system for the recognition of individual acts of heroism, meritorious service, and continued excellence in the performance of duty.

**DISCUSSION**

Acknowledgment of individual acts of heroism, meritorious service, excellence in the performance of duty and those wounded in the performance of their duty has been established to ensure recognition of deserving individuals from every classification within the VCSO.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to recognize and award those individuals who have displayed heroism, meritorious service, excellence in the performance of duty and those who have been wounded in the performance of their duty.

**PROCEDURE**

**TYPES OF AWARDS**

**MEDAL OF HONOR**

**22.7.1** The Medal of Honor may be awarded to the family of a fallen officer whose death results from actions judged by the Sheriff to be of such commendatory and exemplary nature epitomizing the honorable history of Volusia County Sheriff's Office.

**22.7.2** An Honor Board consisting of the Chief Deputy, the Administrative Captain, and Law Enforcement Operations Division Chief will assist the Sheriff in the review process. The Sheriff will make the final decision.

**22.7.3** This commendation is presented by the Sheriff in the form of a ribbon, corresponding medal, and a citation; a copy of which will be placed in the employee's personnel file.

**MEDAL OF VALOR**

**22.7.4** The Medal of Valor is awarded for an extraordinary act of courage, without regard to personal safety while engaged in actual combat with an armed and dangerous adversary.

**22.7.5** This commendation is presented by the Sheriff in the form of a ribbon, corresponding medal, and a citation; a copy of which will be placed in the employee's personnel file.

**22.7.6** The Medal of Valor is the highest award that can be presented to an individual by the Volusia County Sheriff's Office.

**MEDAL OF BRAVERY**

**22.7.7** The Medal of Bravery is awarded for the performance of an outstanding arrest where the officer's effort is met by an armed and dangerous adversary. Subjects armed but no discharge of weapons.

**22.7.8** This commendation is presented by the Sheriff in the form of a ribbon, corresponding medal, and a citation; a copy of which will be placed in the employee's personnel file.

**22.7.9** The Medal of Bravery is the second highest award that can be presented to an individual by the Volusia County Sheriff's Office.

#### **MEDAL OF HEROISM**

**22.7.10** The Medal of Heroism is awarded for an act of courage without regard to personal safety, which places the officer in imminent physical danger and those efforts to affect a result or save a life.

**22.7.11** The Medal of Heroism is represented in the form of a ribbon, corresponding medal, and a citation; a copy of which will be placed in the employee's personnel file.

**22.7.12** The Medal of Heroism is the third highest award that can be presented to an individual by the Volusia County Sheriff's Office.

#### **PURPLE HEART**

**22.7.13** The Purple Heart is awarded to those individuals who receive a serious wound actually inflicted, or as a direct result of a suspect's offensive actions.

**22.7.14** The Purple Heart is represented in the form of a ribbon, corresponding medal, and a citation; a copy of which will be placed in the employee's personnel file.

#### **LIFE SAVING ACTIONS AWARD**

**22.7.15** For direct actions by an officer, that do not place the officer in imminent physical danger, but result in the officer successfully and/ or contributing to saving a life. Such actions may include administering CPR, or other rescue efforts.

**22.7.16** The Life Saving Award is represented in the form of a ribbon, corresponding medal, and a citation; a copy of which will be placed in the employee's personnel file.

#### **TACTICAL DE-ESCALATION AWARD**

**22.7.17** The Medal of Tactical De-Escalation is awarded for Sworn Personnel who utilized exceptional tactical skills and/or verbal approach or techniques to de-escalate any deadly force situation resulting in the saving or sustaining of a human life.

**22.7.18** The Tactical De-escalation award is presented in the form of a ribbon and a citation; a copy of which will be placed in the employee's personnel file.

#### **MERITORIOUS SERVICE AWARD**

##### **22.7.19 Sworn Personnel**

- A.** For highly intelligent and valuable act of police service which demonstrates special initiative and perseverance in the performance of police duties.
- B.** The Meritorious Service Award is represented in the form of a ribbon and a citation; a copy of which will be placed in the employee's personnel file.

##### **22.7.20 Civilian Personnel**

- A.** Civilian employees of the VCSO are eligible for commendations when in the performance of their duty, they demonstrate outstanding professionalism and special initiative in their assignment, excellence in service to the citizens of Volusia County, or in their performance of fosters a positive police/community relation.
- B.** The Civilian Meritorious Service Award is presented in the form of a ribbon and a citation; a copy of which will be placed in the employee's personnel file.

#### **COMMENDATION CITATION**

##### **22.7.21 Sworn Personnel**

- A.** For an arrest or any police service showing exceptional courage, intelligence, or integrity in the performance of routine duty.
- B.** The Commendatory Citation is represented in the form of a ribbon and a citation; a copy of which will be placed in the employee's personnel file.

##### **22.7.22 Civilian Personnel**

- A.** For any service showing exceptional diligence, intelligence or integrity in the performance of their routine duties.
- B.** The Commendation Citation is represented in the form of a ribbon and a citation; a copy of which will be placed in the employee's personnel file.

## **UNIT COMMENDATION BAR**

**22.7.23** The Unit Commendation Bar is awarded to members of a department component, group, or team that distinguished itself during a particular period of time by an accomplishment of an unusual task or execution of duty in an exemplary manner.

- A.** For Sworn, the Unit Commendation is represented in the form of a ribbon and a citation; a copy of which will be placed in the employee's personnel file.
- B.** For Civilians, The Unit Commendation is represented in the form of a ribbon and a citation; a copy of which will be placed in the employee's personnel file.

## **PROBLEM SOLVING AWARD**

**22.7.24** Awarded to sworn or civilian personnel for performing an outstanding achievement that results in improved administration or operation by applying problem solving skills that result in substantial savings in labor or operational costs, greatly enhances the mission of the Volusia County Sheriff's Office, furthers the goals of problem solving and community policing, and enhances the lifestyle of community stakeholders, and brings great credit to the VCSO. The act or acts must be representative of performance beyond the requirements of the normal work assignment.

**22.7.25** The Problem Solving award is presented in the form of a ribbon and a citation; a copy of which will be placed in the employee's personnel file certificate.

## **COMMUNITY SERVICE AWARD**

**22.7.26** Awarded to sworn or civilian personnel for their valuable and outstanding service while on or off duty, through an act or series of acts that provided great service to families and/or communities that was beyond the normal call of duty. These acts may range from exceptional job related community interaction to volunteer or community service that brings public acclaim to the employee, the Volusia County Sheriff's Office, and the entire police profession.

**22.7.27** The Community Service Award is presented in the form of a ribbon and a citation.

## **SPECIAL EVENTS AWARD**

**22.7.28** The Special Events Award is authorized for any member of the department, sworn or civilian, who participated in an event that the Sheriff determines to be a significant or historical event.

**22.7.29** The Special Events Award is presented in the form of a ribbon. For each additional Special Event that a deputy works, one (1) Star will be awarded. The first time a deputy receives the award, he will receive one (1) Cluster, and another one for every fifth award.

## **SHERIFF'S AWARD**

**22.7.30** The Sheriff's Award is awarded by the Sheriff for acts, or actions, which are deemed exceptional by the Sheriff.

**22.7.31** The Sheriff's Award is presented in the form of a ribbon and a citation; a copy of which will be placed in the employee's personnel file. For each additional Sheriff's Award that an officer receives, one (1) Star will be awarded. The first time a deputy receives the award, he will receive one (1) Cluster, and another one for every fifth award.

## **PHYSICAL FITNESS AWARD**

**22.7.32** The Physical Fitness Award is issued to sworn personnel in recognition of current achievement of exceptional physical fitness. Upon certification by the Training Section Supervisor that the requirements for issue as specified in Standards Directive 22.5 Fitness Program have been met, the Sheriff will present the appropriate level Physical Fitness Award.

**22.7.33** Employees who attain exemplary levels of fitness according to the standards set by the Cooper Institute for Aerobics Research shall be rewarded as follows:

- A.** Fitness achievement reaching levels between 70% and 79% shall be awarded a Bronze Fitness Award.
- B.** Fitness achievement reaching levels between 80% and 89% shall be awarded a Silver Fitness Award
- C.** Fitness achievement reaching levels between 90% and 100% shall be awarded a Gold Fitness Award.

**22.7.34** The Physical Fitness Award is presented in the form of a Gray ribbon. A star of the appropriate color affixed to the ribbon represents the top two grades:

- A.** Gold Level: Gray ribbon with gold star
- B.** Silver Level: Gray ribbon with silver star
- C.** Bronze Level: Gray ribbon with no star



**22.7.35** The Physical Fitness Award will be valid for three years at which time a re-assessment will be necessary. The ribbon representing the re-assessed level of fitness (bronze, silver, or gold) will be worn on the uniform. Should a person fail to re-qualify he/she shall no longer be eligible to wear the ribbon until such time as he/she successfully completes the assessment.

#### **MILITARY SERVICE RECOGNITION BAR**

**22.7.36** Military veterans may wear the appropriate designated military veteran's ribbon with their branch of service.

**22.7.37** Members who are currently assigned to the National Guard or Military Reserves may wear a ribbon which corresponds to their branch of service.

#### **EMPLOYEES OF THE YEAR AWARD**

**22.7.38** This award will be presented to the Deputy, Detective of the year in the form of a plaque, ribbon, and citation; a copy of which will be placed in the employee's personnel file.

**22.7.39** Civilian and Volunteers of the year will be presented a plaque, ribbon, and citation; a copy of which will be placed in the employee's personnel file.

#### **OUTSIDE AGENCY AWARDS**

**22.7.40** The Sheriff may authorize a member to wear a non-VCSO issued award. No other pins or buttons or other uniform accessories not provided for in this order will be worn on the VCSO uniform shirt except as authorized or directed by the Sheriff. Award ribbons will be worn according to the following order of precedence with the senior award ribbon on top and to the wearer's right.

#### **DEPUTY/ DETECTIVES / EMPLOYEE/ TELECOMMUNICATOR/ VOLUNTEER OF THE QUARTER**

**22.7.41** The Deputy, Detectives, Employee, Telecommunicator, and Volunteer of the Quarter shall be selected for outstanding achievement over and above the normal call of duty during the quarter in the position assigned.

**22.7.42** Nominations from each of these categories shall be presented each quarter as candidates for the quarterly awards.

**22.7.43** Selected recipients of this award will receive a personal plaque. Their photographs and names will be placed in wall plaques that are displayed in the various offices throughout the VCSO.

**22.7.44** This award shall be presented with a citation relating the circumstances leading to the award; a copy of which will be placed in the employee's personnel file.

#### **FIREARMS PROFICIENCY AWARD**

**22.7.45** The Firearms Proficiency Award is designed to encourage the development and maintenance of firearms proficiency and to recognize the achievement of a high level of skill. Certification/ presentation will be by the Training Section Supervisor.

**22.7.46** The award will be a green enameled ribbon with silver or gold lettering or framing indicating "Pistol Expert" or "Pistol Master". Those who earn this award will wear it approximately one-half inch (1/2") below the nametag, centered on the pocket flap seam. The award may be worn for one calendar year after the date of qualification during which it was earned. It will have to be earned again for each additional year. To be eligible for the "Pistol Expert" award, a score of 45-47 must be achieved on the first PPC qualification attempt. To be eligible for the "Pistol Master" award, a score of 48 must be achieved on the first PPC qualification attempt. The ribbon will be presented by the Training Section.

#### **ANNUAL AWARDS BANQUET**

**22.7.47** The Annual Awards Banquet will be held at the beginning of each calendar year. The following awards/acknowledgments will be presented at the Annual Ceremony:

- A.** VCSO Fallen Deputies (Remembrances)
- B.** Medal of Honor (Posthumously)- To Deputy's Family
- C.** Medal of Valor
- D.** Medal of Bravery
- E.** Medal of Heroism
- F.** Purple Heart Recipients

- G. Life Saving Actions
- H. Tactical De-escalation
- I. Meritorious Service
- J. Yearly Award Winners (Deputy, Detective, Employee, Telecommunicator, COP, CVAP)
- K. Citizenship awards

**22.7.48** Additional recognitions/ awards may be presented at the Sheriff's discretion.

#### **MONTHLY AWARDS CEREMONY**

**22.7.49** The Monthly Awards Ceremony will be held on the first Wednesday of each month. The following awards/acknowledgments will be presented at the Monthly Ceremony:

- A. Commendation Citation
- B. Unit Commendations
- C. Problem Solving Awards
- D. Community Service Awards
- E. Special Events Awards
- F. Certificates of Recognition/ Appreciation
- G. Promotions
- H. Retirements/ 20 or more years
- I. Quarterly Awards (will be presented every three months)

**22.7.50** Additional recognitions/ awards may be presented at the Sheriff's discretion.

#### **NOMINATIONS**

**22.7.51** Any citizen or VCSO employee may initiate nominations for awards or commendations. Nominations shall be forwarded in writing to the Sheriff.

**22.7.52** Nominations shall be documented, detailing the reasons for the nomination, and forwarded to the chairperson.

**22.7.53** Nominations for the following awards shall be presented to the Awards Committee by the affected Supervisor:

- A. Medal of Valor
- B. Medal of Bravery
- C. Medal of Heroism
- D. Life Saving Actions
- E. Tactical De-escalation
- F. Commendation Citation
- G. Unit Commendations
- H. Problem Solving Awards
- I. Community Service Awards

#### **AWARDS TO OTHER INDIVIDUALS**

**22.7.54** The Sheriff may, at his discretion, present VCSO medals, awards, or citations to individuals who are not members of the Sheriff's Office.

**22.7.55** These individuals may be private citizens, employees of local government or members of area law enforcement agencies that the Sheriff desires to recognize for their contribution to public safety.

#### **AWARDS COMMITTEE**

**22.7.56** Members of the Awards Committee will be appointed by the Sheriff or his designee. There will be 8-10 committee members from varying sections of the VCSO. An employee awards committee will review and make recommendations to the Sheriff for awards and citations issued by the VCSO.

**22.7.57** The committee will decide all matters by majority rules. The decisions of the committee shall be based on the merits of the nomination. Each member of the committee shall impartially evaluate the circumstances and formulate their decision. The Awards Committee may interview witnesses, examine documents, and review circumstances to assist them in their decisions.

**22.7.58** The Sheriff and his staff shall review the committee's findings and will approve or disapprove the committee's recommendations.

**22.7.59** The awards committee may recommend other types of awards not previously described, i.e., plaques, letters of appreciation.

#### **WEARING OF AWARDS**

**22.7.60** Medals shall not be worn on the duty uniform other than at the time of presentation, except at the direction of the Sheriff.

**22.7.61** Award ribbons will be worn on the pocket flap just below the badge. The top award or row is to be centered ¼ inch below the pocket seam. Refer to VCSO Directive 22.6 for illustrations.

**22.7.62** Award ribbons shall be worn according to precedent, the highest award being worn to the right of the wearer. No more than three ribbons shall be worn on one line.

**22.7.63** The order of precedent shall be:

1. Medal of Honor
2. Medal of Valor
3. Medal of Bravery
4. Medal of Heroism
5. Purple Heart
6. Life Saving Actions
7. Tactical De-Escalation
8. Meritorious Service
9. Commendation Bar
10. Unit Commendation Bar
11. Problem Solving Award
12. Community Service Award
13. Special Events Award
14. Sheriff's Award
15. Physical Fitness Bar

#### **MULTIPLE AWARDS**

**22.7.64** Multiple awards of the same medal will result in additional presentations to the recipient. However, only one ribbon for each type of award shall be worn on the uniform. Multiple presentations of the same award shall be represented by the presence of a five-pointed star symmetrically affixed to the award ribbon for each additional award. Award ribbons will be trimmed in silver for the rank of deputy and gold for the rank of sergeant and above; any corresponding stars will reflect the same metallic finish according to rank

#### **MILITARY SERVICE RECOGNITION**

**22.7.65** The Military/Academy Service Recognition ribbons will be worn centered above the nameplate.

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**Revised by:** 6662

**Revised on:** 06-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 22.9</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 07-1995	<b>Previous Revision Date</b> 05/2017
<b>Title</b>  <b>OUTSIDE EMPLOYMENT</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to provide guidance and direction when engaged in extra-duty, off-duty, and Departmental overtime.

This general order establishes:

- Procedures by which private citizens, business and organizations will secure extra-duty law enforcement services
- Procedures which ensure that Deputies are mentally and physically prepared to fulfill their primary on-duty assignments

## II. DISCUSSION

The primary obligation and responsibility for all Volusia Sheriff's Office Deputies is to their on-duty assignments with the Volusia Sheriff's office.

Extra-duty and off-duty employment by Deputies is not an inherent right, but a privilege that can be granted at the discretion of the Department. The Volusia Sheriff's Office allows Deputies to participate in outside employment in accordance with this general order, general order 26.2 Standards of Conduct, and County Merit System with the written authorization of the Sheriff.

## III. POLICY

In order to ensure that Deputies are in optimal physical and mental condition to carry out their duties, it will be the policy of the Volusia Sheriff's Office to regulate all extra-duty and off-duty assignments according to the procedures outlined herein.

As such, it is Volusia Sheriff's office policy that certain types of employment shall be prohibited. These types of employment include, but are not limited to the following:

- All establishments that sell or serve alcoholic beverages as their primary source of income. Refer to ***Fla. Stat. § 561.25, Officers and employees prohibited from being employed by or engaging in beverage business; penalties; exceptions*** – (1) No officer or employee of the division and no sheriff or other state, county, or municipal officer with state police powers granted by the Legislature, shall be permitted to engage in the sale of alcoholic beverages under the Beverage Law; or shall be employed, directly or indirectly, in connection with the operation of any business licensed under the Beverage Law; or shall be permitted to own any stock or interest in any firm, partnership, or corporation dealing wholly or partly in the sale or distribution of alcoholic beverages, except as provided in this section. The provisions of this subsection shall not be construed to prevent any certified law enforcement officer, except members of the Florida Highway Patrol or its auxiliary, or employees of the division, from being employed in businesses which have obtained licenses only to sell beer or beer and wine for consumption off the premises. However, the written approval of the chief of police, sheriff, or other appropriate department head must be obtained for any such employment.

- All establishments providing adult entertainment
- Companies which engage in the repossession of personal property
- Private investigations

Extra-duty Details are those assignments that require the provision of law enforcement services only.

In accordance with this general order, all extra-duty employment shall be scheduled through the Volusia Sheriff's Office and all off-duty employment shall require prior approval by the Sheriff.

## IV. DEFINITIONS

**Extra-Duty Employment** – Outside employment wherein the actual or potential use of law enforcement powers is anticipated. Generally performed in uniform with a marked car. Cost billed to the organization requesting the service.

**Off-Duty Employment** – Outside employment wherein the use of law enforcement powers is not anticipated. Performed out of uniform and not connected with the Volusia Sheriff's Office (i.e.; clerk at a convenience store.)

**Overtime** – Employment beyond scheduled work hours which is directly related to the Deputy's assignment or Volusia Sheriff's Office needs. Example: fill a vacant zone due to sick leave.

## V. PROCEDURE

### A. EXTRA DUTY

1. All extra-duty employment shall be scheduled through the Volusia Sheriff's Office and shall be paid at the overtime rate of the employee unless prior agreements have been reached.
2. All reimbursement for extra-duty employment shall be billed through the County. Direct payment to the Deputy is prohibited, unless prior agreements have been reached.
3. Deputies are prohibited from accepting payment for extra-duty employment directly from the contracting organization. Payment must be through the County.
4. Extra-duty employment scheduling shall be centralized through the Outside Detail Unit.
5. The Outside Detail Coordinator shall review requests for contracts by outside organizations to ensure that they meet the standards for hiring a Deputy and that they do not fall into a prohibited type of employment.
6. The Outside Detail Coordinator shall approve and sign all Billing contracts.
7. A billing docket shall be completed for each detail.
8. Volusia Sheriff's Office Supervisors who schedule overtime shall be responsible for recording the individuals overtime in Kronos.
9. Each employee who works overtime shall indicate the number of hours worked each day in Kronos. This will be utilized by supervisors for the monitoring of overtime.
10. All Department general orders apply during all extra-duty details. Deputies shall be considered as on-duty during extra-duty employment and shall dress and act accordingly.
11. Unless otherwise pre-authorized, the Deputy shall be in uniform and drive a marked vehicle.
12. Scheduled extra-duty details shall be deemed scheduled work hours. Failure to respond to an extra-duty Detail when scheduled shall be considered absence without leave and subject to disciplinary action.
13. It is the scheduled Deputy's responsibility to find a replacement for any outside detail which the Deputy cannot attend.
14. Deputies shall notify Central Communications of the location of the detail when coming into service.

### B. HOURS OF WORK

1. The following shall apply to extra-duty, off-duty, and scheduled overtime.

2. A Deputy shall not work more than eighteen continuous hours or eighteen hours within a 24-hour period. Each 24-hour period shall begin at midnight (2400). These hours are cumulative. They include normal work hours, overtime hours, extra-duty hours, and off-duty (second job hours).
3. Any Deputy that has worked an eighteen-hour period as defined above shall have a minimum eight-hour rest period before returning to work.
4. Deputies shall not work more than 7 continuous days. For the purpose of this policy, it shall be considered a work day when 5 or more hours have been worked.
5. The above may be altered only with permission of the Sheriff, Division Chief, or District Commander.

### **C. BILLING CONTRACT**

1. A billing contract shall be completed and signed for all details being paid by an outside vendor. The contract shall contain, whenever practical, the following;
  - Hourly rate
  - Method of payment
  - Result of non-payment
  - Billing address
  - Detail information
  - Recall of Deputy in case of emergency
2. In certain instances, the Volusia Sheriff's Office may require pre-payment of a portion or all of the expected costs before a Deputy(s) is assigned to the detail; criteria for pre-payment shall be established in conjunction with the Volusia Sheriff's Office Fiscal Services Director.
3. The Outside Detail Coordinator is authorized to accept pre-payment and will log all transactions; the billing contract will be noted with the amount received, date received, and method of payment. The Outside Detail Coordinator will provide a receipt and turn over payment to the Volusia County Finance Department for deposit. Payments received will not be held by the Volusia Sheriff's Office; should an extenuating circumstance prevent turning over payment to the County Finance Department right away, the payment will be secured in a locked file cabinet along with a copy of the notated billing contract until the beginning of the next business day.
4. Should a contract require payment through a district office, the Outside Detail Coordinator shall provide the district Office Assistant with an electronic copy of the contract to be signed. The district Office Assistant is authorized to accept local payment and will be required to note the billing contract in the same manner as noted above. A copy of the noted billing contract will be provided to the payee as receipt of payment and an electronic copy forwarded to the Outside Detail Coordinator. All payments and signed contracts will be forwarded to the Coordinator for processing in accordance with established procedure. Cash payments received will be delivered by a sworn deputy directly to the Outside Detail Coordinator that day; payments made by check or money order may be forwarded to the Coordinator through interoffice mail courier.
5. The Outside Detail Coordinator will maintain a log of all outside detail transactions identifying the business/individual contracting for service, the date payment was received/deposited and the form of payment. Quarterly, the transaction log and corresponding documentation will be audited by Professional Standards.
6. The Volusia Sheriff's Office shall not enter into a contract for law enforcement services with any business whose primary source of income is the sale of alcohol or adult entertainment.

### **D. BILLING DOCKET**

1. A billing docket shall be completed for each detail complete with billing information (see Attachment "A").
2. If the same Deputy is working a detail over several days only one billing docket is needed. The billing docket must reflect the same times as recorded in Kronos.
3. Multiple Deputies may be placed on a single event billing docket.
4. Multiple Deputies may not be placed on dockets which cover several days or over prolonged periods.

## **E. ASSIGNMENTS**

1. Deputies who desire to work extra-duty details shall complete a Bid Sheet and forward it to the Outside Detail Unit; deputies will also include a valid contact number.
2. A list of eligible Deputies shall be compiled from the bid sheets.
3. Assignment to a detail shall be made from this list by rotation according to the number of extra-duty hours previously worked or declined. It shall be the policy of the Volusia Sheriff's Office to fairly and equally distribute all opportunities for extra-duty overtime among those eligible Deputies who have expressed their interest in participating in the program.
4. Deputies who are still in the Field Training and Evaluation Program are not eligible to work outside overtime details. Once the program has been successfully completed, the Deputy is eligible, even while still on probation.
5. Extra-duty details are automatically approved for any qualified Deputy II. Approval for Reserves shall be on a case-by-case basis according to previous training and the requirements of the detail.
6. If, after review of a Deputy's performance or as a result of an Internal Affairs investigation or suspension, the Deputy's Division Chief decides to temporarily revoke a Deputy's eligibility for extra-duty details, written notice shall be sent to the Outside Detail Unit. This notice shall state the term of the revocation, if known. Notice lifting the revocation shall also be sent to the Outside Detail unit in a timely fashion.

## **F. OFF-DUTY EMPLOYMENT**

1. Approval to engage in off-duty employment by any employee must be obtained in writing from the Sheriff. Requests shall be made in writing and submitted via the employee's chain of command. See general order 26.2 Standards of Conduct for additional information.

## **VI. FORMS**

- [Outside Detail Billing Docket, VSO Form # 110592.007](#)



## **OUTSIDE DETAIL BILLING DOCKET**

\_\_\_\_\_  
Name of Business (Vendor)

\_\_\_\_\_  
Complete Mailing Address

\_\_\_\_\_  
Physical Location of Detail

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Contact Name

<b>DATE WORKED</b>	<b>DEPUTY'S NAME &amp; DID</b>	<b>HOURS WORKED</b>	<b>TOTAL HOURS</b>
		TO	
		TO	
		TO	
		TO	

I certify that the Volusia County Deputies, listed above, worked the hours indicated:

\_\_\_\_\_  
Signature of Vendor's representative

Submitted

by: \_\_\_\_\_

Deputy in charge of Detail

This billing docket will be submitted by the deputy in charge of the detail or the last deputy on duty. All time cards must be turned in with the billing docket.

**ATTACHMENT A  
DIRECTIVE 22.9  
5<sup>TH</sup> EDITION**





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: WORKPLACE HARASSMENT AND DISCRIMINATION**

**CODIFIED: 22.10**

**EFFECTIVE: 10-2001**

**RESCINDS/AMENDS: 22.10/07-1999**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to define and forbid certain conduct that is actionable workplace harassment and discrimination. "Workplace harassment" is defined as sexual harassment by members of the opposite sex or same sex, and "hostile working environment harassment and discrimination" that is based on, among other things, age, race, national origin or religious beliefs.

The Volusia County Sheriff's Office prohibits the condoning of or perpetuating the conduct of those employees who display such behavior. Therefore, it is the Sheriff's Office intent to provide a means for reporting and resolving complaints of actionable workplace harassment or discrimination, and complaints of action or behavior condoning or perpetuating such harassment and discrimination in the workplace.

**DISCUSSION**

Actionable workplace harassment which includes opposite sex or same sex harassment, discrimination, or hostile working environment harassment in the workplace is unlawful employment practice. Sexual harassment and discrimination are violations of Title VII of the Civil Rights Act of 1964 and as amended in 1980 by the Equal Employment Opportunity Commission. On March 4, 1998 the United States Supreme Court held that same sex sexual harassment in the landmark case of *Oncale v. Sundowner Offshore Services, Inc.*, is actionable under Title VII. Other court decisions have imposed liability for hostile working environment harassment based on, among other things, age, race, national origin, and religious beliefs.

**Sexual harassment and same sex harassment** is unsolicited, offensive behavior involving sexual overtures or conduct, either verbal or physical. It does not refer to the occasional comments of a socially acceptable nature, but refers to behavior that is unwelcome, personally offensive, lowers morale, and/or disrupts the working environment.

EEOC guidelines define sexual harassment in the workplace as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any of the following occurs:

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

The following are examples of behaviors that can create a hostile environment if they are unwanted or uninvited:

- Off color jokes or teasing
- Comments about body parts or sex life
- Suggestive pictures, posters, calendars or cartoons
- Leering, stares or gestures
- Repeated requests for dates
- Excessive attention in the form of love letters, telephone calls or gifts
- Touching -- brushes, pats, hugs, shoulder rubs or pinches
- Such conduct offends a person other than the person to whom the sexual conduct is directed.

It is important to note that conduct may be offensive to people who happen to overhear or see the behavior, even if it was not directed at them. Employees and supervisors must be vigilant to prevent these situations which may be witnessed by third parties, even if no complaint is made.

**Sexual discrimination** refers to any difference, distinction, or preference in treatment, access (e.g., opportunity to be assigned to specialized elements), or impact (e.g., effect on organizational decisions), because of one's sex.

Either men or women may be violators or victims of actionable workplace sexual or same sex harassment, hostile working environment, or discrimination.

## POLICY

It is the policy of the Volusia County Sheriff's Office to prohibit all sexual and other forms of unlawful harassment in the workplace and to provide a means by which harassment can be reported, including a means by which it can be reported if the offending party is in the complainant's chain of command. The department is committed to investigating all reported complaints fairly and impartially and, where the allegations are determined to be founded, to taking appropriate corrective actions.

Where it is determined that possible criminal acts, such as sexual assault, may be involved, beyond the harassment and discrimination behaviors indicated here, appropriate administrative and criminal investigatory procedures will take precedence. All investigations and corrective actions under this Directive shall be in addition to, and secondary to, such criminal investigations.

## PROCEDURE

**22.10.1** It is intended that these policies apply to all those who are directly involved in the workplace environments under the jurisdiction of the VCSO including employers, employees, contractors and volunteers. Individuals who violate departmental policy prohibiting actionable workplace sexual or same sex harassment, hostile working environment or discrimination are subject to disciplinary action.

**22.10.2** In addition to employees, these standards are applicable to persons not employed by the Sheriff's Office but who may have business at any of the several offices or facilities of the Sheriff's Office. Thus, vendors, contractors, or other individuals who have business with the Sheriff's Office are prohibited from creating a sexually hostile work environment for employees. Any member who witnesses such conduct, especially supervisors, shall take corrective action immediately.

## IMPROPER BEHAVIOR

**22.10.3** Employees and other individuals shall not engage in the following conduct:

- Threatening or implying, either explicitly or implicitly, that an employee's refusal to submit to sexual favors or advances may adversely affect the employee's employment, performance evaluations, wages, promotion, assigned duties, shifts, or any other condition of employment or career development.
- Threatening or implying, either explicitly or implicitly, that a job applicant's refusal to submit to sexual favors or advances may adversely affect employability.
- Creating a sexually harassing environment by such actions as offensive sexual flirtations, advances, propositions, verbal abuse of a sexual nature, displays of sexually graphic material, graphic verbal commentaries about an individual's body, sexually degrading words, remarks concerning sexual preference, or such other sexually offensive conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- Taking, or threatening to take, retaliatory action of any kind against an employee as a result of that person seeking redress for, or complaining of, sexual harassment or discrimination.
- Exhibiting any other behavior that falls within the definitions of sexual harassment and discrimination as previously described.

## COMPLAINT PROCEDURES

**22.10.4** If an employee experiences any job-related harassment, or has a related complaint, or, believes he or she has been treated in an unlawful, discriminating manner, he or she should promptly make the objection to the offender.

**22.10.5** If the offensive behavior is severe or if it persists, he/she should inform the supervisor, unless the complaint is against the supervisor, in which case employees should make the complaint to that supervisor's superior. In order for the Sheriff's Office to effectively deal with the problem, employees must report such offensive conduct or situations.

**22.10.6** If the employee does not feel comfortable reporting the situation via his or her chain of command, he or she may file a complaint directly with one or more of the following, as the employee deems appropriate:

- Any Supervisor in the complainant's chain-of-command. Complaints will be forwarded to the Internal Affairs (IA) Unit by the Supervisor within 24 hours of receipt. Findings will be reported to the employee's Division Commander.
- If the employee does not feel comfortable reporting the situation via his or her chain of command, he or she may file a complaint directly with the Internal Affairs Unit. Within 72 hours after receiving the initial complaint, a briefing will be held to update the employee's Division Commander and the Sheriff, or his designee, on the status of the investigation. A determination will be made concerning whether personnel action is desired during the course of the investigation.

**22.10.7** The Internal Affairs Unit shall be responsible for initially reviewing all internal complaints of sexual harassment and discrimination. This review will be conducted by the Internal Affairs Unit to assess the nature, validity and seriousness of the situation.

**22.10.8** Other avenues of reporting outside of the agency include:

- Volusia County Personnel Office
- Florida Commission on Human Rights
- Equal Employment Opportunity Commission

## **RESPONSIBILITIES**

### **EMPLOYEE RESPONSIBILITIES**

**22.10.9** Employees have a responsibility to conduct themselves in an appropriate manner and will act responsibly to maintain a pleasant working environment, free of discrimination, allowing each employee to perform to his or her maximum potential.

### **COMPLAINANT RESPONSIBILITY**

**22.10.10** Complainants have a responsibility to make an objection to the offender and report sexual harassment through management channels and pursue their complaint to a higher authority if not satisfied with the response of anyone in their chain of command. Complainants must keep their complaints in management channels and not discuss such complaints with other employees.

### **SUPERVISORY RESPONSIBILITIES**

**22.10.11** Supervisors have a responsibility to act promptly and affirmatively when they observe behavior that violates this policy, and/or when they receive complaints of sexual harassment.

**22.10.12** Each VCSO Supervisor is responsible for ensuring that his or her workplace is free of sexual harassment and discrimination. These responsibilities include:

- Reviewing the VCSO policies and procedures concerning sexual harassment and discrimination with all employees.
- Assuring employees they need not endure sexually insulting, degrading, or exploitive treatment of any nature.
- Informing employees of their right to file a complaint for offensive conduct.
- Assuring employees that such investigations will be handled in accordance with applicable confidentiality provisions.
- Notifying the Internal Affairs Unit and the appropriate Division Commander of all complaints received and actions taken relating to the complaint.

**22.10.13** All complaints will be investigated promptly, impartially and discreetly and, upon completion of the investigation, the appropriate parties will be notified immediately of the findings.

## **CORRECTIVE ACTIONS**

**22.10.14** The complainant's Division Commander, with approval of the Sheriff, may take any of the following actions to ensure that the investigation can proceed without conflict between the parties:

- Issue written orders to the involved parties to avoid contact pending the investigation.
- Have all parties remain in their current assignments pending the investigation, if appropriate.
- Detach one or more of the involved parties to a different assignment to improve the working environment pending the investigation. The complainant will not be reassigned unless exigent circumstances exist and approval has been granted by the Sheriff. If the complainant submits an unsolicited request for transfer, it will be considered.

- Place the accused party(s) on temporary administrative leave until the investigation has progressed to a point where the complainant's Division Commander can determine the best course of action to take regarding assignment of the involved parties.

**22.10.15** Any employee found to have committed actionable workplace sexual or same sex harassment, or having created a hostile working environment, or discrimination shall be subject to disciplinary proceedings as specified in Directives 26.1 and 26.2, up to and including dismissal.

#### **FALSE ACCUSATIONS**

**22.10.16** The Volusia County Sheriff's Office recognizes that false accusations of sexual or same sex harassment can have a serious effect on innocent men and women. False accusations of sexual harassment can result, depending upon circumstances, in severe disciplinary actions.

**22.10.17** Where the results of an investigation reveal that a complaint of sexual or same sex harassment is wholly frivolous or groundless, the employee having made such complaint may be subject to disciplinary action, up to and including dismissal.

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**Revised by:** 6620

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

**VOLUSIA COUNTY SHERIFF'S OFFICE**

**Michael J. Chitwood, Sheriff**



**WORKPLACE HARASSMENT AND DISCRIMINATION  
POLICY REVIEW**

After reviewing Directive 22.10 with you, I am required to ask you the following questions:

1. Do you understand this policy?  
Yes No \_\_\_\_\_  
Initial
2. Do you have any questions about this policy?  
Yes No \_\_\_\_\_  
Initial
3. Do you know how to file a complaint should you ever have a problem with harassment, or if you see inappropriate behaviors at work?  
Yes No \_\_\_\_\_  
Initial
4. Are you aware of any behaviors going on either in our workplace or outside the workplace that may impact the workplace that are inconsistent with this policy?  
Yes No \_\_\_\_\_  
Initial

**Reporting this type of conduct can be done to any one of the following:**

- \* Anyone in your Chain of Command \*
- \* Internal Affairs \*
- \* Volusia County Personnel Office \*
- \* Florida Commission on Human Rights \*
- \* Equal Employment Opportunity Commission \*

\_\_\_\_\_  
(PRINT) EMPLOYEE'S NAME D.I.D.

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(PRINT) SUPERVISOR'S NAME D.I.D.

\_\_\_\_\_  
SUPERVISOR'S SIGNATURE

\_\_\_\_\_  
DATE



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: SKILLS BANK/EMERGENCY  
NOTIFICATION INFORMATION**

**CODIFIED:** 22.11  
**EFFECTIVE:** 04-2016  
**RESCINDS/AMENDS:** 22.11/10-2001  
**ATTACHMENTS:** 1

**PURPOSE**

The purpose of this Directive is to establish guidelines for the collection of information relating to skills, knowledge and abilities of each employee, and emergency notification data.

**DISCUSSION**

An updated inventory of skills, knowledge and abilities of each employee is fundamental to career development planning. Due to the public service nature of law enforcement, the Sheriff's Office must be able to contact personnel in the event of an emergency.

**POLICY**

It shall be the policy of the Sheriff's Office to document the skills, knowledge and abilities of its employees. It shall further be the policy of the Department to maintain emergency medical and personal information on its employees.

**PROCEDURE**

**REQUIREMENTS**

**22.11.1** A skills bank questionnaire shall be completed:

- Upon employment
- At each annual evaluation
- Any time an employee changes marital status, changes address, or changes names of persons to be notified

**22.11.2** Emergency notification forms shall be completed:

- Upon employment
- At each annual evaluation
- Any time an employee/appointee changes address, medical information, or names of persons to be contacted in the event of an emergency.

**DIRECTIONS**

**22.11.3** The skills bank questionnaire shall be completed in the following manner:

- A.** Include Name and DID at top of form;
- B.** Complete the form to include name, personal identification number (DID), and any new information.
- C.** When updating education information for courses not sponsored or paid by the Sheriff's Office, attach a copy of the transcripts.

**22.11.4** The emergency notification form shall be completed in the following manner:

- A.** Include Name and DID at top of form;
- B.** Complete the form to include all applicable information.
- C.** Check and verify each entry containing the change in information.

## **DISTRIBUTION**

**22.11.5** The skills bank and the emergency information forms will be forwarded to the Human Resources Unit of Administrative Services.

**22.11.6** The Human Resources Unit shall maintain informational files, via hard copy or computer files.

## **ATTACHMENTS**

**Attachment A:** Skills Bank Questionnaire/Emergency Notification Form

**Revised by:** 6760

**Revised on:** 04-2016

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

## SKILLS BANK QUESTIONNAIRE

This questionnaire shall be completed each time an employee/appointee is evaluated or a change in status occurs. Upon completion, forward to the Personnel Section, Administrative Services Division.

NAME: \_\_\_\_\_

DID#: \_\_\_\_\_

### LANGUAGE SKILLS (Check appropriate box)

SPANISH ☐  
RUSSIAN ☐  
PORTUGUESE ☐  
FILIPINO ☐  
POLISH ☐  
SWEDISH ☐  
VIETNAMESE ☐  
TURKISH ☐  
SYRIAN ☐  
JAPANESE ☐  
BRAILLE ☐

KOREAN ☐  
ITALIAN ☐  
HUNGARIAN ☐  
HAITIAN ☐  
GERMAN ☐  
FRENCH ☐  
CHINESE ☐  
CZECH ☐  
PATOIS ☐  
SIGN ☐  
OTHER \_\_\_\_\_

### COMPUTER SKILLS (Check appropriate box)

MICROSOFT OUTLOOK ☐  
MICROSOFT WORD ☐  
WORD PERFECT ☐  
LOTUS ☐  
POWER POINT ☐  
RMS ☐  
CAD ☐  
EXCEL ☐  
ACCESS ☐  
OTHER \_\_\_\_\_

RESERVE MILITARY STATUS: ACTIVE RESERVE INACTIVE RESERVE ☐

MILITARY BRANCH: \_\_\_\_\_

WORK EXPERIENCE: PILOT ☐ NEGOTIATOR ☐ DIVER ☐  
HOMICIDE INV. ☐ RADAR INSTRUCTOR ☐  
OTHER: ☐ \_\_\_\_\_

SPECIAL SKILLS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EDUCATION: Check appropriate box and fill in requested information.

HIGH SCHOOL <input type="checkbox"/>	SOME COLLEGE <input type="checkbox"/>
JUNIOR COLLEGE (AA/AS) <input type="checkbox"/>	COLLEGE (BA/BS) <input type="checkbox"/>
MASTERS (MA/MS) <input type="checkbox"/>	DOCTORATE <input type="checkbox"/>
OTHER _____ <input type="checkbox"/>	

MINOR: \_\_\_\_\_ MAJOR: \_\_\_\_\_

OTHER EDUCATION: List courses not sponsored or paid for by the Department and attach copy of transcript.

COURSE NAME[S]: \_\_\_\_\_  
\_\_\_\_\_



## EMERGENCY NOTIFICATION FORM

DATE \_\_\_\_\_

This questionnaire shall be completed each time an employee/appointee is annually evaluated or a change in status occurs. Upon completion, forward to the Personnel Section, Administrative Services Division.

NAME: \_\_\_\_\_ DID: \_\_\_\_\_  
(Last, first, middle)

RANK: \_\_\_\_\_ DIV: \_\_\_\_\_ Dist/Unit: \_\_\_\_\_ Shift: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ COUNTY: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ (COUNTY ISSUED)  
CELL PHONE \_\_\_\_\_

(PERSONAL)  
CELL PHONE: \_\_\_\_\_ (OPTIONAL)

(PERSONAL)  
EMAIL ADDRESS: \_\_\_\_\_ (OPTIONAL)

### MEDICAL CONTACT

PHYSICIAN NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_  
PREFERRED HOSPITAL: \_\_\_\_\_

### PERSONS TO BE NOTIFIED IN CASE OF AN EMERGENCY

NAME: \_\_\_\_\_  
RELATIONSHIP: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
HOME PHONE: \_\_\_\_\_  
WORK PHONE: \_\_\_\_\_

NAME: \_\_\_\_\_  
RELATIONSHIP: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
HOME PHONE: \_\_\_\_\_  
WORK PHONE: \_\_\_\_\_



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>DRUG TESTING</b>
<b>CODIFIED:</b>	<b>22.12</b>
<b>EFFECTIVE:</b>	<b>04-2018</b>
<b>RESCINDS/AMENDS:</b>	<b>22.12/03-2016</b>
<b>ATTACHMENTS:</b>	<b>3</b>

**PURPOSE**

The purpose of this Directive is to establish a drug-free workplace within the Volusia County Sheriff's Office through fair and reasonable drug and/or alcohol testing methods for the protection of VCSO employees, the agency, and the public.

**DISCUSSION**

It is essential to maintain a healthy and productive work force, safe working conditions free from the effects of drugs and/or alcohol while providing quality services important to employers, employees, and the general public of Volusia County.

Due to the nature of the law enforcement profession, the public has certain expectations regarding the conduct and activities of all Sheriff's Office members. To ensure the public that the Volusia County Sheriff's Office meets these expectations, the agency will establish guidelines for drug and alcohol screening tests in order to ensure a work force free of persons who use illegal drugs or who misuse prescription drugs and/or abuse alcohol.

Use of controlled substances, not obtained for a proximal and an originally legitimate medical reason, may be just cause for revocation of certification by the Criminal Justice Standards and Training Commission in addition to disqualifying the Deputy from performing their duties by virtue of having violated the law. Additionally, any employee injured while working or while operating county vehicles or equipment who refuses to take any required drug or alcohol test or who (in the course and scope of his or her employment) tests positive in a confirmation drug test forfeits eligibility for all medical and indemnity benefits under the Workers' Compensation Act and may be terminated or otherwise disciplined. Any terminated employee also forfeits Unemployment Compensation Benefits as provided in the Florida Workers' Compensation Act, related laws, and applicable drug testing rules.

The Volusia County Sheriff's Office has a responsibility to the public to provide protection and assistance. It has an obligation to its Deputies and employees to provide a safe and productive working environment. Illegal use or abuse of drugs/alcohol, by Deputies or employees of the Volusia County Sheriff's Office is contrary to these goals and will not be tolerated. No employee will report to work impaired.

This Directive has been adopted to establish standards for drug and alcohol testing procedures and requirements, to ensure that testing is carried out in a reasonable and fair manner and to inform Deputies, employees, volunteers and the public of the Volusia County Sheriff's Office's commitment to the highest possible standards in the working environment and provision of services.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to adhere to the guidelines set forth for state government employers and employees in the Florida Statute 112.0455 Titled "DRUG-FREE WORKPLACE ACT."

Compliance with this Directive is a condition of employment and violation of this policy shall result in disciplinary action, up to and including termination.

**PROCEDURE**

## **OVER-THE-COUNTER OR PRESCRIPTION DRUGS**

**22.12.1** Employees shall ascertain the likely effect of prescribed drugs from the prescribing physician before reporting for duty. It shall be incumbent on the employee who has been prescribed or issued a drug for any medical or other condition which might in any way impair one's ability to perform their job to immediately notify their direct supervisor. The supervisor will notify Risk Management at the earliest time possible to determine if the medication has known possible impairment affects. If it is determined that the individual is unable to perform their duties without impairment caused by the medication, the employee will be placed on sick leave, annual leave, administrative duty, or medical leave without pay, until the condition for which such medication is being taken is no longer present and/or use of medication causing impairment has been discontinued.

**22.12.2** It is incumbent upon the employee who takes any over-the-counter drug with possible impairment side effects as so stated on the container and/or printed informational insert, to notify their immediate supervisor before reporting for duty. The supervisor may contact Risk Management in determining if the employee may be placed on appropriate leave based on the stated impairment and the employee's respective work assignment.

**22.12.3** Failure to provide such advance notification may result in disciplinary action, refer to 26.2.81.

## **EMPLOYEES SUBJECT TO MANDATORY TESTING**

**22.12.4** All persons who occupy positions set forth below are subject to mandatory testing. The method of Simple Random Selection will determine those persons to be tested.

**22.12.5** All candidates for positions set forth below must sign the Drug Testing Consent Form (Attachment A) as a prerequisite for consideration to that position. In addition, all incumbent members of such positions must have on a file a signed Drug Testing Consent Form in order to continue in that position.

**22.12.6** Candidates may withdraw requests for such positions with no adverse inference drawn. If a candidate's test result is positive, the candidate will be subject to disciplinary action.

**22.12.7** The positions subject to mandatory (random) testing are as follows:

- A. All sworn persons in the Sheriff's Office
- B. All non-sworn persons within all criminal investigative sections
- C. All Pilots and Paramedics within the Special Services Section
- D. All non-sworn members of the Evidence Custodial Section
- E. All Telecommunicators

## **RANDOM TESTING**

**22.12.8** On an annual basis, 100 employees of the Sheriff's Office will be mandatory administered random drug tests.

**22.12.9** All such shall be identified and then a simple random sample shall be identified for testing. The selection shall be made in such a way that each position shall have an equal chance of being selected each time selections are made. Random drug tests are unannounced and the dates and times of the testing shall be spread reasonably throughout the year.

## **MANDATORY DRUG SCREENING BY RANDOM SELECTION**

**22.12.10** The random selection of personnel to be screened will be coordinated by the County Occupational Health Nurse in conjunction with County Information Services. The Internal Affairs Unit, after being advised by the Occupational Health Nurse of the random selections, will make notification to the appropriate Division Chief, District/Section Commanders of personnel within their command to be screened.

**22.12.11** The Division Chief, or designated District/Section Commander shall ensure the confidential notification of the individual within their command to report to the designated collection site for screening.

**22.12.12** Should the individual not be working on the day of notification the individual will report for screening immediately upon their return to work. No prior notification will be made to the individual to be screened.

**22.12.13** If the individual is not expected to return to work within seven (7) calendar days the appropriate commander shall advise the Internal Affairs Unit as to the status of the individual and Internal Affairs shall make notation.

**22.12.14** Personnel shall report immediately and directly to the specified collection site within two (2) hours of notification. Failure to submit to screening, or failure to report within two (2) hours of notification, shall result in disciplinary action up to and including dismissal.

**22.12.15** The supervisor making notification shall complete a Random Substance Abuse Donor Examination Notification Form (Attachment B). The form will be signed by both the supervisor and the employee acknowledging notification. The Donor Form will be hand-carried to the collection site by the employee to be screened, signed and date stamped by a technician at the collection site. The Donor Form will then be returned to the employee's supervisor by the employee.

**22.12.16** The completed notification will be directly and immediately forwarded to the Internal Affairs Unit. After noting receipt of the Donor Form it will be forwarded to Risk Management by the Internal Affairs Unit.

**22.12.17** Risk Management will maintain the notification until results of the drug screening are received from the Medical Review Officer. At that time the notification will be attached to the lab result and appropriately filed in the Medical Records File. The Medical Review Officer/Risk Management/Occupational Health Nurse will advise Internal Affairs of any positive test results.

**22.12.18** Upon arrival at the designated collection site, personnel will conduct themselves in a professional manner and follow all directives of collection site personnel.

**22.12.19** The donor will present Sheriff's Office photo identification or driver's license to the collector prior to testing.

**22.12.20** Unnecessary outer garments (coat, jacket, etc) will be removed and all personal belongings, including cigarettes, will remain with the outer garments. Wallets may be retained.

**22.12.21** The donor will be directed to wash and dry hands, then select a collection kit which will be opened in the donor's presence.

**22.12.22** The donor will then provide a urine specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy.

**22.12.23** A urine test is the most preferable medium sample utilized for drug screening however, depending on the individual circumstances, other drug screening specimen material may be utilized (blood, saliva, hair, breath).

**22.12.24** In the donor's presence, the collector will check the specimen for volume, temperature, and color. The collector will then seal the bottle.

**22.12.25** The donor will then initial the identification label on the specimen bottle to certify it is their specimen.

**22.12.26** The donor will complete the necessary information on the Custody and Control Form and will be provided with a copy after the collector has completed certification.

**22.12.27** The donor should not list medications/prescriptions on any copy of the Custody and Control Form except the copy provided to the donor for their records.

**22.12.28** Personnel shall remain at the collection site as long as necessary to provide an acceptable sample.

**22.12.29** With the occurrence of any of the following events, the collection site will contact the Sheriff's Office Communications Section supervisor who will notify the appropriate Division Chief and respective District/Section Commander. From 1600-0800 hours and on weekends the Watch Commander is to be notified. The appropriate Commander will immediately dispatch the closest available supervisor to the collection site when:

- A.** Sheriff's Office personnel refuse to sign the donor statement - Failure to sign the donor statement is the same as refusing to submit to screening and may result in dismissal.
- B.** Sheriff's Office personnel are discourteous or fail to cooperate with screening procedures
- C.** Sheriff's Office personnel have not provided an adequate sample within 1.5 hours of arriving at the collection site. In this case, the supervisor shall remain with the individual until the sample is provided.
- D.** Sheriff's Office personnel attempt to adulterate specimens or evade testing.
- E.** The specimen presented is outside the normal temperature range.

**22.12.30** Collections requiring direct observation of a same gender collector will be conducted with the approval and direction of a Sheriff's Office sworn supervisor or the Internal Affairs Unit member under the following circumstances (if a same gender collector is not available, a Deputy of the same gender will provide observation):

- A.** The donor presented a urine specimen that falls outside the normal temperature range (32.5 - 37.3 degrees centigrade/90.5 - 99.8 degrees Fahrenheit).
- B.** The collector observes conduct that clearly and unequivocally indicates an attempt to substitute or adulterate the sample (e.g. substitutes urine in plain view, blue dye in presented specimen, etc.).

- C. Urine specimen provided by the donor on a previous occasion was determined by the laboratory to have a specific gravity of less than 1.003 and /or creatinine concentration below 20 mg/dl.
- D. The donor has previously been determined to have used a controlled substance without medical authorization and the test is being conducted on a follow-up basis.

**22.12.31** If A. or B., a second collection under direct observation will be conducted prior to the donor departing the collection site.

**22.12.32** If C. or D., the Internal Affairs Unit may opt to conduct subsequent collection under direct supervision.

#### **AFTER HOURS SCREENING (AFTER 1600 HOURS) (WEEKENDS)**

**22.12.33** All employees, to be tested, who report to work prior to 1600 hours will report and be tested prior to the normal collection site closing hours. If the employee to be screened does not report for duty prior to 1600 hours, the respective Division Chief, or designated District/Section Commander shall ensure, by whatever means deemed necessary to maintain confidentiality, the employee's supervisor is informed of the required screening.

**22.12.34** The employee's supervisor, at the beginning of the duty shift, will schedule the individual to appear at the appropriate collection site for testing. Those persons who report to work after the collection site is closed or who cannot physically appear until after the collection site is closed, for any reason, will appear at 0800 hours on the day following their work shift. Supervisors shall utilize whatever means necessary, including flex-time, to limit overtime.

#### Hours of Work

0600-1600 Test prior to 1600 hours

1600-2400 Test prior to 2200 hours (If collection site is open or as soon as possible on the next day but prior to 1600 hours)

2400-0800 Test as soon as possible after 0800 hours

**22.12.35** The supervisor **will not** notify the individual of the scheduled screening more than two (2) hours prior to the scheduled time.

**22.12.36** At the time of the notification, the notifying supervisor will complete a Random Substance Abuse Donor Examination Notification Form as previously outlined in this procedure.

**22.12.37** Supervisors shall exhaust all avenues available to ensure the appearance of the individual at the scheduled time. A memorandum authorized by the Division Chief, designated District/Section Commander, or Watch Commander will document circumstances resulting in a missed appointment.

**22.12.38** Said memorandum will be directed through the chain of command to the Internal Affairs Unit.

#### **REASONABLE SUSPICION DRUG TESTING**

**22.12.39** The Volusia County Sheriff's Office shall test any employee without warning whenever there is a "reasonable suspicion" of drug use or alcohol abuse. Where testing is conducted based on reasonable suspicion, the Volusia County Sheriff's Office shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request. The original documentation shall be kept by the Volusia County Sheriff's Office and shall be kept for a minimum of one (1) year.

**22.12.40** Any employee/appointee may be discharged for the first positive confirmed drug test result when illegal drugs, as defined in Florida Statute 893.13, are confirmed.

**22.12.41** No Sheriff's Office employee, who has tested positively in a confirmation drug test, shall be permitted to continue work, but shall be placed on medical leave without pay or the employee may elect to use sick or annual leave benefits. After thorough evaluation and consultation with the Medical Review Officer the subject employee may be suspended pending final disciplinary action.

**22.12.42** Indicators of Drug Use/Abuse:

- A. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.
- B. Behavioral symptoms indicative of substance abuse or intoxication from drugs or alcohol.
- C. A report of drug use, in conjunction with circumstances and/or information indicating a reasonable suspicion.
- D. Evidence that an employee has tampered with a drug test during their employment with the Volusia County Sheriff's Office.

- E. Information that an employee has used, possessed, sold, solicited, transferred drugs while working or while on the Office property, while operating a department vehicle, machinery or equipment, on or off duty.
- F. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while employed by the Department.
- G. Deteriorating work performance and/or attendance problems such as:
  - Frequent absences or tardiness
  - Unexplained absence from assigned work area
  - Frequent or extended unexplained visits to the restroom
  - Deterioration in dress and/or grooming

**22.12.43** If a supervisor has reasonable suspicion that an employee is using a controlled substance or is abusing legal drugs (alcohol, prescription drugs, etc.) the supervisor shall report his/her suspicions to the Division Chief and respective District/Section Commander via the chain of command. The Division Chief, or his designated District/Section Commander shall arrange a drug test immediately after being informed of the facts which give rise to reasonable suspicion by a supervisor. Reasonable suspicion drug testing requires the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question. The procedure for the drug test shall be as follows:

- A. The employee shall be placed on administrative assignment status pending results of the drug test.
- B. The District/Section Commander shall attempt to contact the County Occupational Health Nurse for the purpose of coordinating the referral for testing if during normal working hours. If the Occupational Health Nurse is not available the District/Section Commander shall arrange for the time and location of the test and issue an order to the employee to take the test. The District/Section Commander will immediately notify internal affairs who will notify the Occupational Health Nurse/Risk Management at the earliest opportunity.
- C. Appropriate supervisory personnel shall accompany the subject employee to the testing facility until testing is completed.
- D. The subject employee shall not be permitted to operate a motor vehicle. Supervisory personnel shall arrange for the tested employee to be driven home.
- E. The Division Chief, or his designated District/Section Commander shall decide if the subject employee is to be returned to administrative duty status or relieved of duty pending the results of the drug and/or alcohol and drug screening.
- F. If relieved of duty, the employee shall be placed on medical leave without pay pending the outcome of the drug test or the employee may elect to utilize sick or annual leave.
- G. If the employee is given an administrative duty assignment, the subject employee shall not be permitted to operate a motor vehicle or any equipment that could present a danger to the health, safety, or welfare of the public, co-workers or the employee.
- H. A Reasonable Suspicion Testing Report must be completed by the supervisor or official who made the determination of reasonable suspicion within 24 hours of the observed behavior or before the results of the test are released, whichever is later. Such report, in memorandum form, shall be forwarded to Risk Management and to Internal Affairs.

#### **JOB APPLICANT TESTING**

**22.12.44** All job applicants shall be given a drug test prior to employment with the Volusia County Sheriff's Office.

#### **MANDATORY TESTING**

**22.12.45** Mandatory drug and/or alcohol testing shall occur under the following circumstances:

- A. Crashes involving the use of department vehicles while on or off duty unless it is immediately determined that the employee did not cause or contribute to the accident. Employees who are subject to such post accident testing shall remain available to be tested or may be deemed to have refused the test.
- B. All duty-related uses of "deadly" force.
- C. All incidents of force involving an in-custody death.

**22.12.46** In the above stated instances the employee shall not use alcohol for eight hours or until the drug/alcohol test(s) are administered.

#### **GENERAL TESTING PROCEDURES**

**22.12.47** As a condition of employment, personnel must abide by this policy and must notify the agency of any criminal drug statute arrest or conviction, involving them, no later than five (5) days after such arrest or conviction.

**22.12.48** Applicants, sworn personnel, civilian personnel, and volunteers who are subject to drug testing will be tested for illegal drug use as provided below. Testing may be performed without advance notice. When notified that testing is required, an applicant or employee must appear as directed.

**22.12.49** All testing for drugs and alcohol in this directive shall be performed by a licensed laboratory that is approved by the State of Florida Department of Children and Families (DCF).

**22.12.50** All samples shall be collected with due regard to the privacy rights of the individual providing the sample, and in a manner reasonably calculated to prevent substitution or contamination of the sample. The initial drug screen test utilized will be the enzyme immunoassay technique or in the case of alcohol may be another appropriate form of testing. Unless specifically directed otherwise, the immunoassay screen will test for the presence of the following controlled substances, or classes of controlled substances or their metabolites:

- A. Amphetamines (includes methamphetamines)
- B. Barbiturates
- C. Cannabinoids
- D. Opiates
- E. Cocaine or Cocaine Metabolite
- F. Phencyclidine
- G. Benzodiazepines
- H. Methaqualone
- I. Methadone

#### **AMPHETAMINES**

Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex

#### **BARBITURATES**

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Florinal, Floricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

#### **CANNABINOIDS**

Marinol (Dronabinol, THC)

#### **OPIATES**

Paregoric, Parepectolin, Donnagel, PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Gulauss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

#### **COCAINE**

Cocaine HCl topical solution (Roxanne).

#### **PHENCYCLIDINE**

A hallucinogenic drug such as PCP or Angel Dust.

#### **BENZODIAZEPHINES**

Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

#### **METHAQUALONE**

A derivative of quinoline i.e., quaaludes.

#### **METHADONE**

Dolophine, Methadose.

**22.12.51 NOTE:** Alcohol can affect the outcome of a drug test. All liquid medications contain ethyl alcohol (ethanol). Read the label for alcohol content. Example: Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof), and Listerine is 26.9% (54 proof).

**22.12.52** If the initial screen is negative the laboratory report will be sent to Internal Affairs and the urine will be disposed of. The donor will not necessarily be contacted.

**22.12.53** If the drug screen is positive, a gas chromatography/mass spectrometry (GC/MS) confirmation test will be performed.

**22.12.54** If the GC/MS confirmation test is negative, the Medical Resource Officer (MRO) will forward a negative report to the Internal Affairs Unit and the urine will be destroyed. The donor will not necessarily be contacted.

**22.12.55** If the GC/MS confirmation test is positive the MRO will contact the donor to discuss the test results and to allow the donor the opportunity to submit any information demonstrating a medically authorized use of the detected substance.

**22.12.56** If the substance is found to be medically authorized, the MRO will report a negative finding to the Internal Affairs Unit and the urine will be destroyed. The donor will not necessarily be contacted.

**22.12.57** If the MRO finds no confirmed medical authorization for the substance, Risk Management will be notified of the positive confirmation test. Risk Management will notify Internal Affairs of the positive test result.

**22.12.58** The Internal Affairs Unit will initiate the appropriate internal investigation. The positive confirmed urine specimen will be preserved by the laboratory, in a manner, and for a period, in accordance with Florida Statute. The donor, at his/her own expense, shall be permitted to have a portion of the specimen retested at another laboratory, of their choice, licensed and approved by the Department of Health and Rehabilitative Services. The second laboratory must test at equal or greater sensitivity for the drug in question. The laboratory preserving the specimen shall be responsible for the transfer of the portion of the specimen to be retested and for the integrity of the chain of custody.

**22.12.59** Within five (5) working days after receipt of a positive confirmed test result from the testing laboratory, the donor shall be informed in writing, by the Sheriff or his designee, of such test result, consequences of the result, and options available.

**22.12.60** Upon request, the donor shall be provided with a copy of the positive results.

**22.12.61** Within five (5) working days after receiving notice of the positive confirmed test result, the donor may submit to the Internal Affairs Unit information explaining or contesting the test results, and/or why the results do not constitute a violation of Sheriff's Office policy.

**22.12.62** If the donor's explanation of the positive confirmed test is unsatisfactory, a written response as to why the explanation is unsatisfactory, along with a copy of the positive confirmed test result shall be provided to the donor. Said documentation shall be kept confidential and retained for no less than one (1) year unless:

- A.** The tested employee has signed a written consent form to release the documentation.
- B.** The release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken.
- C.** It is deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

**22.12.63** If the employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled.

**22.12.64** Alcohol testing shall consist of breath analyzer. In some instances, a standard blood alcohol procedure may be utilized.

#### **FAILURE TO COMPLY WITH STANDARDS OR REFUSAL TO TEST**

**22.12.65** A tenured employee who refuses to submit to an ordered drug test or who violates any aspect of this policy shall be subject to disciplinary action up to and including dismissal.

**22.12.66** Probationary or temporary employees found to be in violation shall be dismissed.

#### **POSITIVE, CONFIRMED TEST RESULTS**

**22.12.67** Applicants with a positive, confirmed test result will not be hired or appointed.

**22.12.68** Sheriff's personnel who become injured in a workplace accident who have a positive and confirmed test result will forfeit eligibility for medical and indemnity benefits as provided in the Florida Workers' Compensation Act and the Division of Drug Testing Rules.

**22.12.69** Sheriff's personnel who are terminated on the basis of a positive and confirmed test result will forfeit unemployment compensation benefits as provided in the Florida Workers' Compensation Act, related laws, and applicable drug testing rules.

**22.12.70** Any employee or appointee with a positive, confirmed test result will be subject to termination on the first offense.



## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

**22.12.71** The Volusia County Sheriff's Office offers the following two (2) programs to all Department employees:

**A.** The County's contracted Employee Assistance Program (EAP). The current contractor for this program is:

Cigna Health Advocate

**Email:** [cignaadvocate@volusia.org](mailto:cignaadvocate@volusia.org)

**Phone:** (386) 736-5951 or Ext: 13249 OR 800-244-6224

**B.** Any other qualified Substance Abuse Rehabilitation Program approved by Risk Management.

**22.12.72** These programs are confidential and are designed to assist employees who may have a substance abuse problem. These programs are not limited to substance abuse and may be used for any problem which may affect the employee's job performance.

**22.12.73** Any employee who voluntarily reports a substance abuse problem, may at the Sheriff's discretion, be permitted to use accrued sick and annual leave in order to obtain substance abuse counseling. If additional leave is required, leave without pay may be authorized. Leave without pay, for the purpose of rehabilitation, may be granted by the Sheriff with the concurrence of the Personnel Director for a period not to exceed six months (180 days). Leave of absence without pay in excess of six months, or an extension beyond six months, may be granted with the prior approval of the Personnel Director.

**22.12.74** Members who complete the rehabilitation program and are permitted to return to work by the Sheriff, shall be required to submit to unannounced follow-up drug testing as well as a return-to-duty test. Members will be responsible for the cost of all follow-up drug tests.

**22.12.75** A member who fails to complete or otherwise comply with the program or who resumes use of said substances after returning to work shall be terminated.

**22.12.76** Nothing in this Directive shall be construed as an obligation upon the Volusia County Sheriff's Office to provide or pay for substance abuse counseling or to retain an employee (or return an employee to work) who has a substance abuse problem or has violated the provisions of this Directive.

## **RETALIATION**

**22.12.77** Any supervisor, employee or appointee who, in good faith, reports an alleged violation of Sheriff's Office policy or of this procedure shall not be harassed, retaliated against, or discriminated against in any way.

## **ALLEGATIONS INVOLVING CRIMINAL VIOLATIONS**

**22.12.78** Complaints or information which involve the alleged use or sale of controlled substances by Sheriff's Office personnel, in violation of Florida Statutes, shall be referred to the Internal Affairs Unit for appropriate documentation. The Internal Affairs Unit will provide all information to Investigative Services and will track the investigation.

**22.12.79** At the conclusion of the criminal investigation, if probable cause exists to believe a chargeable criminal offense has been committed by Sheriff's personnel, a probable cause arrest shall be made or the investigation referred to the State Attorney's Office for further action.

**22.12.80** At the conclusion of the criminal investigation, If no probable cause exists to believe a chargeable criminal offense has been committed by Sheriff's personnel and there is no reasonable suspicion to believe that the employee has used controlled substances, the allegation will be labeled unfounded.

**22.12.81** If, at the conclusion of the criminal investigation, there is no probable cause for criminal charges but there exists a reasonable suspicion that the employee has used controlled substances, an administrative investigation will be initiated and the employee may be referred for a reasonable suspicion drug screen.

## **NOTIFICATION OF RESULTS**

**22.12.82** The Medical Review Officer/Risk Management Occupational Health Nurse may report test results to Risk Management using any method of communication; however, in all cases the Medical Review Officer shall forward to the Risk Management/ Occupational Health Nurse within three business days of the completion of the review's signed, written notification containing the following:

**A.** The test being reported was conducted in accordance with the requirements of this policy.

**B.** The name of the individual tested.

**C.** The type of test conducted, i.e. random, post-accident, use of deadly force, reasonable suspicion, etc.

- D. The date and location of the test collection.
- E. The identity of the person taking the collection, conducting the analysis, and swerving as the Medical Review Officer.
- F. The verified test results, and if positive for controlled substances, the identity of the controlled substances for which the test verified positive.

**22.12.83** The Medical Review Officer of Risk Management/Occupational Health Nurse shall make reasonable efforts to contact the employee to review the test results and shall notify the employer if efforts to contact the employee have been unsuccessful.

## EMPLOYEE/APPLICANT RIGHTS AND RESPONSIBILITIES

**22.12.84** It will be the responsibility of the employee or job applicant to notify the laboratory of any administrative or civil actions brought pursuant to Florida Statute 112.0455, the Drug-Free Workplace Act.

**22.12.85** The employee/applicant has the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

## GLOSSARY

**Chain of Custody** - the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, storing specimens, and reporting of test result.

**Confirmation Test** - means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. This confirmation method must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

**Controlled Substance** - any drug whose availability is restricted by Chapter 893.13, F.S., or other applicable law including any "designer drug," as defined in Chapter 893, or other applicable federal or state law.

**Drug** - means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phenethylidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

**Drug Test** - any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of alcohol/drug or its metabolites via use of blood, urine, hair, saliva, breath, etc.

**Employee** - any person who works for salary, wages, or other remuneration for an employer.

**Employee Assistance Program** - means an established program for employee assessment, counseling, and possible referral to an alcohol and drug rehabilitation program.

**Impaired** - as applied to alcohol 0.04 up to 0.08 Blood Alcohol Concentration (BAC).

**Initial Drug Test** - a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. All initial tests shall use an immunoassay procedure or an equivalent, or shall use a more accurate scientifically accepted method approved by the Agency for Health Care Administration when more accurate technology becomes available in a cost-effective form.

**Job Applicant** - a person who has applied for a position with an employer and is being considered for employment conditioned upon successfully passing a drug test.

**Prescription or Nonprescription Medication** - means a drug or medication obtained pursuant to a prescription as defined by F.S. 893.02 or a medication that is authorized pursuant to federal or state law of general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

**Reasonable Suspicion Drug Testing** - means drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing shall not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question.

**Specimen** - means a body fluid, or other product of the human body capable of revealing the presence of drugs or their metabolites. For purposes of drug testing these may include (but are not limited to) blood, urine, hair, breath and saliva.

**Substance/Alcohol Abuse** - The ingestion, consumption, inhalation or injection of an illegal drug or medicine not in prescribed amounts or at proper time intervals, or the use of licit substances to the extent that an employee is impaired or his/her work performance is adversely affected.

**Under the Influence** - unable to perform appropriately the duties of a position because of the use of any drug, alcohol, or controlled substance. A member shall be deemed to be under the influence if the member is physically or mentally impaired and/or unable to perform job-related duties in an acceptable manner, or tests at .08 BAC or above.

#### ATTACHMENTS

**Attachment A:** Consent Form for Drug Usage Testing

**Attachment B:** Random Substance Abuse Donor Examination Notification

**Attachment C:** Drug Screening Donor Notification

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**Revised by:** 6760/2258

**Revised on:** 08-2011; 03-2016; 04-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

**VOLUSIA COUNTY SHERIFF'S OFFICE  
CONSENT FORM FOR DRUG USAGE TESTING**

Applicant/Employee \_\_\_\_\_ Social Security # \_\_\_\_\_

I understand and agree to abide by the policies and procedures of the Volusia County Sheriff's Office (the "Employer") regarding use, possession, purchase or sale of narcotics, hallucinogens, depressants, stimulants, marijuana or other controlled substances to include alcohol. I understand that violation of these policies and procedures will affect my eligibility for employment by or continuation of employment with the Volusia County Sheriff's Office.

I authorize the Employer to perform or to have performed by an Employer designated testing facility any testing necessary to detect the presence and/or level of drugs/alcohol in my body. I further give my consent to the Employer designated testing facility to allow such testing by any other facility of their choosing. My consent is hereby freely given in consideration of acceptance and will remain in effect during my employment.

I further give my consent for the designated testing facility to release to the Employer, or its designated agent(s), the results of any medical tests performed by the designated testing facility, including any tests or medical procedures to detect the presence and/or level of drugs/alcohol.

I waive any claims of liability that I may have against the Employer as a result of any such testing, which is performed in accordance with approved policies and procedures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

VCSO FORM 090595.006

**ATTACHMENT A  
DIRECTIVE 22.12  
5<sup>TH</sup> EDITION**



# Sheriff's Office

## Volusia County

Michael J. Chitwood, Sheriff

### RANDOM SUBSTANCE ABUSE DONOR EXAMINATION NOTIFICATION

DATE NOTIFIED: \_\_\_\_\_ TIME NOTIFIED: \_\_\_\_\_

EMPLOYEE: \_\_\_\_\_  
Last Name First Name MI SSN

EMPLOYEE SIGNATURE: \_\_\_\_\_  
Date

NOTIFYING  
SUPERVISOR: \_\_\_\_\_  
Last Name First Name MI DID

SIGNATURE OF NOTIFYING SUPERVISOR: \_\_\_\_\_  
Date

Per Departmental Standards Directives you have been selected to provide a urine sample for the random abuse testing program.

You must report to the designated collection site within **two hours** of the date and time you were notified as indicated above. You will be required to present your Sheriff's Office ID card or driver's license for identification at the testing site.

**FAILURE TO COMPLY WITH THIS DIRECTIVE MAY RESULT IN  
DISCIPLINARY ACTION UP TO AND INCLUDING DISMISSAL.**

Before leaving the designated collection site, have the technician stamp this form and indicate the time below.

COLLECTION SITE: \_\_\_\_\_

STAMP: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

TECHNICIAN'S NAME: \_\_\_\_\_

Return this form to your Supervisor immediately after completion of the exam.

ATTACHMENT B  
DIRECTIVE 22.12  
5<sup>TH</sup> EDITION

**VOLUSIA COUNTY SHERIFF'S OFFICE**

**DRUG SCREENING  
DONOR NOTIFICATION**

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Donor: \_\_\_\_\_  
Last Name First MI DID#

Date Notified: \_\_\_\_\_

Time Notified: \_\_\_\_\_

Notifying Supervisor: \_\_\_\_\_  
Last Name First MI DID#

---

**DONOR ACKNOWLEDGMENT**

I acknowledge notification that I am to report

to: \_\_\_\_\_  
(Collection Site)


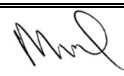
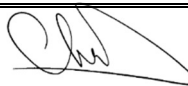
to submit to random drug screening within two (2) hours of above notification time. FAILURE TO COMPLY WITH THIS DIRECTIVE MAY RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING DISMISSAL.

\_\_\_\_\_  
DONOR SIGNATURE DATE

\_\_\_\_\_  
SIGNATURE OF NOTIFYING SUPERVISOR DATE

**UPON COMPLETION OF THIS FORM RETURN IT DIRECTLY  
TO THE INTERNAL AFFAIRS UNIT**

**ATTACHMENT C  
DIRECTIVE 22.12  
5<sup>TH</sup> EDITION**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 22.13</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/28/2020
		<b>Original Issue Date</b> 07/2016	<b>Last Review</b> 12/30/19
<b>Title</b>  <b>CRITICAL INCIDENT STRESS DEBRIEFING (CISD) TEAM</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this General Order is to establish guidance for the agency's Critical Incident Stress Debriefing (CISD) program and provide guidelines for on-call team members to assist affected agency personnel in coping with stress related to traumatic events.

## II. DISCUSSION

Law enforcement personnel, both sworn and civilian, are sometimes involved in traumatic or highly stressful events and are at increased risk of experiencing some form of post-incident stress-related symptoms. The Volusia Sheriff's Office has taken a proactive stance in developing an organizational response to critical incident stress, treating the incident with the same concern and consideration expressed for physical safety and physical injury.

A Critical Incident Stress Debriefing (CISD) Team response to such incidents is a means of equipping members to constructively deal with and survive the aftermath of a critical incident. What is a critical incident for one person may not be for another. Without intervention, those members may continue to experience detrimental effects from the incident resulting in the decline of work performance, deterioration of family relationships, increased health problems, and/or thoughts of suicide. Providing needed emotional and psychological peer support associated with such incidents can reduce, and sometimes eliminate, the debilitating effects of critical incidents and cumulative stress. It can promote positive coping behaviors, create a more positive work atmosphere and reduce the emotional isolation often experienced after such incidents.

While it is not intended for the CISD Team to provide clinical therapy, the Team will assist personnel in understanding and coping with their stress and help to accelerate the recovery process in persons experiencing normal emotions which present themselves during and after a critical incident.

Research on law enforcement officers at local, state, and federal levels indicate that peer support (both immediate and long-term) is one of the most beneficial types of help traumatized people can receive.

## III. POLICY

The Volusia Sheriff's Office recognizes the importance of a systematic and compassionate response to critical incident stress. It is therefore, the policy of the Volusia Sheriff's Office to provide personnel in a timely manner with needed emotional and psychological peer support associated with their involvement in a critical incident.

## IV. DEFINITIONS

**Critical Incident** – An abnormal event which has a stressful impact significant enough to overwhelm the usually effective coping skills of an individual or a group. Critical incident stress may result any time an

employee faces a situation which causes strong emotional reactions which have the potential to interfere with the ability to function during or after the critical incident.

**Stress Reaction Symptoms** – Physical and emotional symptoms that originate with a specific critical incident and include nightmares, flashbacks, fatigue, nausea, concentration/memory problems, anxiety and depression, etc.

**Critical Incident Stress Debriefing (CISD) Program** – An integrated “system” of confidential interventions which are designed to prevent and/or lessen the adverse psychological and/or physical reactions that so often accompany public safety and disaster response functions. CISD is geared towards the mitigation of post-traumatic stress reactions providing peer oriented and peer driven services.

**Critical Incident Stress Debriefing (CISD) Team** – The CISD Team is a function of the Volusia Sheriff’s Office. The Team is composed of Peer Debriefers whose function is to provide peer support for those individuals involved in critical incidents.

**Peer Debriefer** – Employees who have been trained in CISD techniques.

**Debriefing** – Specially structured confidential group meetings between the first responders (persons directly involved with the critical incident) and CISD Team members. Formal debriefings are generally within 72 hours of an incident. The discussion of the event is designed to mitigate the potential for long-term stressful reactions. Participants talk about their actions, thoughts and reactions to the stressful event. A debriefing is not a critique of law enforcement operations. Performance issues will not be discussed.

**Defusing/Intervention** – A “mini-debriefing”, not as detailed, lengthy or structured as a full debriefing, performed immediately after an incident is over. It allows for peer support, information and ventilation of feelings. In many cases, defusing may eliminate the need for a debriefing. An intervention is generally a one-on-one defusing.

**Demobilization** – Demobilization services are utilized at large scale, lengthy and highly intense events such as airplane crashes, long-term violent civil disturbances, natural disasters, etc.

**Incident Commander** – The person having tactical responsibility and authority for a critical incident.

**Mental Health Professional** – A person trained and licensed to provide mental health counseling and treatment services.

**One-to-One Peer Support** – A team member who assists employees who have been involved in a critical incident; under certain circumstances, peer support may be provided by fellow employees who are not team members.

## **V. PROCEDURE**

### **A. CISD INTERVENTION**

#### **1. MISSION OF CISD**

- a. The primary mission of CISD shall be to provide a psychological and educational process designed to reduce and control the impact of critical incidents on members of the Sheriff’s Office. Specifically, the primary mission of CISD shall be to:
  - (1) Encourage emotional ventilation;
  - (2) Explore the personal impact of critical incidents;
  - (3) Initiate the grief process for members of the Sheriff’s Office;
  - (4) Provide access to CISD services;
  - (5) Provide defusings and debriefings to all members of the Sheriff’s Office, when needed;
  - (6) Provide stress education and prevention programs to members at all levels before a stressful event occurs; and
  - (7) Provide a reference and referral network for members needing more support than can be provided by a debriefing.
- b. The secondary mission of CISD shall be the following, provided the primary mission has been accomplished:



- (1) Offer education and support services to Sheriff's Office members;
- (2) Improve awareness of CISD training and availability of critical incident stress management services;

## 2. GOALS AND OBJECTIVES OF CISD

- a. The main goal of CISD interventions shall be to mitigate the impact of the critical incident on those who were the victim(s) of an event; those victims include:
  - (1) Primary victims (i.e. those directly traumatized by an event); and
  - (2) Secondary victims (i.e. Members who witnessed or managed a traumatic event)
- b. The objectives of the CISD process include:
  - (1) Education regarding stress, stress reactions, and survival techniques
  - (2) Emotional ventilation
  - (3) Reassurance that stress response is normal and that recovery is likely
  - (4) Forewarning people about signs and symptoms which may surface in the future
  - (5) Establishment of a positive contact with mental health professionals
  - (6) Enhancement of group cohesiveness
  - (7) Prevention of post-trauma syndromes and Post-Traumatic Stress Syndrome (PTSD)
  - (8) Screening for people who need additional assessment or therapy
  - (9) Referral for counseling or other services as necessary

## 3. CONFIDENTIALITY

- a. For ethical reasons and to keep the CISD program's credibility and integrity intact, all information communicated in debriefings, defusings, and one-on-one interventions, including topics discussed and personnel involved, shall be maintained in the strictest of confidence. No notes or recordings of any kind shall be made during such sessions.
- b. Members participating in a debriefing will be advised ***not to discuss privileged\* information or anything which could jeopardize an investigation [p1], cause them to be disciplined or which would cause them to admit deliberate violations of policies or procedures.***  
  
***NOTE: Although these discussions are confidential, they are not privileged communication under Florida Law. It is absolutely essential that members not discuss the facts or circumstances of the critical incident in any CISD debriefing.***
- c. CISD Team member(s), while acting in that capacity, are charged with maintaining the confidentiality of information communicated to them by those involved. The only exceptions to confidentiality are a clear and present danger to self or others, and disclosure of a serious crime.
- d. Team members will not utilize any part of CISD duties to pursue a personal or non-CISD related agenda. Violations of this policy shall result in possible removal from the CISD Team and may result in disciplinary action.

## B. ORGANIZATION

### 1. TEAM COORDINATOR:

- a. The coordinator is authorized to manage the team, and has the responsibility of establishing training protocols, selection of members, holding regular team meetings, and determining the suitability of employee intervention after a critical incident has occurred. The coordinator is chosen by the Sheriff.

### 2. TEAM LEADER:

- a. Team Leaders work under the authority of the Team Coordinator, and direct the activities of members assigned to their team. A Team Leader may serve as the Team Coordinator due to the coordinator's absence.

### **3. TEAM MEMBER:**

- a. Team members assist employees exhibiting signs of distress as a result of their involvement in critical incidents. Team members may be assigned to assist the Incident Commander with stress management or other issues related to an incident.

#### **(1) CHAPLAINS AND VICTIM ADVOCATES:**

- b. The Team Coordinator, or his designee, may request the presence of Sheriff's Office Chaplains and/or Victim Advocates at a critical incident scene.

## **C. TEAM RESPONSIBILITIES**

### **1. TEAM COORDINATOR:**

- a. Team Coordinator has the responsibility for coordinating team functions at critical incidents and may serve as a Team Leader at a scene.

### **2. TEAM LEADERS:**

- a. Team Leaders have the following responsibilities:
  - At the scene of a critical incident:
  - Make contact with involved employees;
  - Separate involved employees the scene as soon as such action is approved by the Incident Commander or other authority;
  - Coordinate the diffusing process.
  - Ensure involved employees are allowed contact with family members, if desired. If family members are invited to join the involved employee, supervisors may arrange for their transportation.
  - Assign a team member to each involved employee for support and assistance until such time as they become stabilized;
  - If an employee chooses another person as their peer support, the Team Leader will arrange for that person to be contacted;
  - If the peer support person is a Sheriff's Office employee, the team member assigned to assist the involved employee will allow them privacy.
  - If the peer support person is not an employee of the Sheriff's Office, the team member should remain with the involved employee until relieved by the Team Coordinator.
- b. Post-Incident Consideration:
  - Ensure involved employees are afforded the following considerations:
    - Allowed to calm down in a stable, private environment;
    - Permitted to shower and change clothes (with prior approval from any criminal or administrative detective);
    - Have clergy or other spiritual needs met;
    - Have food and drink, if desired.
  - Ensure that incapacitated or hospitalized employees are afforded every consideration within the constraints of emergency medical priorities.
  - Encourage employees to seek follow-up counseling (considered on duty time).

## **D. GENERAL PROCEDURES**

### **1. GENERAL**

- a. It is Sheriff's Office policy that team members not discuss information secured in any defusing, debriefing or one-to-one peer support sessions. However, team members have the obligation to disclose violations of law and safety issues.
- b. Team members do not fix responsibility or blame upon any employee, and shall refrain from any discussion involving responsibility or blame.
- c. On scene defusings and post-incident debriefings are not used to critique an incident.

- d. Team members are not to be used as detectives involved in the criminal or administrative investigation of critical incidents.

## **2. LONG-TERM INCIDENTS/MASS CASUALTIES**

- a. In the event of mass casualty and/or long-term incidents, the Team Coordinator will be allowed in or near the command post to act as an observer and liaison between the Critical Incident Stress Debriefing (CISD) Team and the Incident Commander (IC).
- b. When called to a scene, team members will act as observers only, and are restricted to the outer perimeter area unless otherwise directed by the Team Coordinator with the permission of the IC.
- c. Any adverse stress reaction observed by a team member will be reported to the Team Coordinator, who notifies the IC.
- d. If it becomes necessary to conduct an individual defusing at the scene, it is to be brief and supportive in nature. On-scene group interventions will not be conducted.

## **3. OFF-SCENE SUPPORT**

- a. Off-scene defusings may be an individual or group process, as deemed necessary by the Team Coordinator. They are generally conducted within one to two (1-2) hours of an incident in a comfortable, quiet location away from the scene.
- b. The purpose of the off-scene defusing is to educate employees about possible stress reactions and the need for self-care. Generally, defusings are of brief duration.
- c. Employees will be encouraged to “unwind” and express feelings and emotions.
- d. Team members will make themselves available for employees wishing to speak with them on a private basis.

## **4. FORMAL DEBRIEFING**

- a. As a follow-up to defusings, formal debriefings may be mandatory for employees involved in any death resulting from an action they took in the line of duty, as recommended by the Team Coordinator and approved by the Sheriff, or his designee. Attendance at formal debriefings is also mandatory for employees when serious injury or death has occurred to co-workers (either by accident or suicide), at incidents involving mass casualties, or at other incidents which the Sheriff or Incident Commander deem appropriate.
- b. Debriefings shall be discretionary in any of the following circumstances:
  - (1) Traumatic death or serious injury of a non-employee;
  - (2) Prolonged rescue operations in which the victim(s) expires;
  - (3) Protracted SWAT operations lasting more than six hours, or as recommended by the SWAT Commander;
  - (4) Accident cases involving death or serious injury;
  - (5) Hostage or barricaded suspect situations;
  - (6) Other law enforcement agencies requesting CISD Team assistance;
  - (7) Any incident that is charged with profound or overwhelming emotions to the employees involved, such as incidents of extreme danger, severe injuries, or fatalities; and
  - (8) Incidents that attract unusually intense media coverage.
- c. The debriefing process attempts to mitigate the stressful impact of critical incidents through expression of feelings and emotions, coupled with educational components.
- d. Debriefings are generally conducted 48 to 72 hours after an incident has occurred.
- e. Media representatives, or other uninvolved observers, are not allowed to attend debriefings. Note-taking, audio or video recording of any kind is not permitted. To ensure maximum attention to the debriefing process, law enforcement radios, pagers, cell phones, telephones or other interruptions are not permitted.

- f. Formal debriefings are facilitated by the CISD Team Coordinator, or his designee, and shall be coordinated so that all involved personnel may attend.
- g. Any affected ranking individuals in attendance shall have no rank authority during the debriefing process.
- h. If a ranking member was not involved in the original incident, he/she shall not participate.

**5. RELIEF FROM DUTY – TRAUMATIC CRITICAL INCIDENTS**

- a. Relief from duty from traumatic critical incidents may be necessary, as determined by the nature of the incident. The purpose is to ensure a consistent means of assisting personnel in dealing with critical situations and the stress that follows in order to minimize the accumulative effects of Critical Incident Stress.
- b. In such traumatic critical incidents, personnel may be relieved from duty as the circumstance dictates. This removal may be a break from duty during the shift, an alternate temporary assignment, or administrative leave.
- c. In all incidents involving in-custody death or use of deadly force in which a deputy takes action that results in, or is alleged to have resulted in, great/serious bodily harm or death of a person, the deputy shall be relieved of normal operational duty and placed on administrative leave with pay in accordance with General Order 1.1 Use of Force Guidelines.

**6. TEAM ACTIVATION**

- a. Requests for the CISD Team are made directly to the Team Coordinator, or designee, through Central Communications. Team response is determined by the Team Coordinator and/or when activated by the Sheriff.
- b. The Team Coordinator is notified when any of the following incidents occur:
  - (1) An employee becomes involved in any shooting on or off-duty (for line of duty action, refer below under Section “DEATHS OR INJURY RESULTING FROM A LINE-OF-DUTY ACTION”;
  - (2) Death or serious injury occurs to an on duty employee;
  - (3) Death or serious injury occurs to another person through the action of an employee (whether on duty or off duty);
  - (4) Mass casualties have resulted from an incident;
  - (5) Other law enforcement agencies request the team’s assistance.
- c. Team response may also be requested when any of the following incidents occur:
  - (1) Death or serious injury has occurred to children;
  - (2) SWAT Team operations (at the discretion of the SWAT Team Commander);
  - (3) Traffic crashes or other accident resulting in death or serious injury;
  - (4) Any other incident deemed appropriate by the Sheriff, or designee.
  - (5) A response may also be requested to assist Telecommunicators who have been involved in the call taking and dispatching of the incidents listed above.

**E. DEATHS OR INJURY RESULTING FROM A LINE OF DUTY ACTION**

- 1. While in the performance of their duties, team members must remain cognizant of the need to maintain the integrity of a criminal or administrative investigation into the facts surrounding a serious injury or death arising from the line of duty action of an employee.
- 2. When notified of such an incident, the Team Coordinator will respond to the scene, make contact with involved employees, and remove them from the scene as soon as such action is approved by the IC or designee.
- 3. The Team Coordinator will arrange the transportation of involved employees to a location where they have the opportunity to address post-incident considerations as outlined in 22.13.12, B.


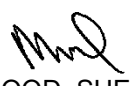

4. At the direction of the Team Coordinator, the on-duty supervisor may arrange to have family members transported to the debriefing, if the involved employee desires.
5. **PEER SUPPORT**
  - a. A team member will be assigned to each involved employee for support and assistance.
  - b. Any request by the member being assisted for another/replacement team member will first be evaluated by the Team Coordinator.
6. **EMPLOYEE ASSISTANCE PROGRAM (EAP)**
  - a. EAP counseling is confidential and is provided at no cost to the employee.

## **F. SELECTION OF TEAM MEMBERS**

1. Applicants are advised that team participation is voluntary.
2. Applicants should have the following:
  - a. Strong communication skills, including ability to be empathetic;
  - b. Ability to respond on a 24-hour basis;
  - c. Successful completion of any team training requirements, including stress-related intervention;
3. Applicants are interviewed and assessed for team suitability as part of the selection process, which may include an interview with existing team members.
4. Final selection of sworn CISD Team applicants will be made by the Law Enforcement Operations Division Chief.
5. Final selection of civilian CISD Team applicants will be made by the Communications Section Director.
6. Chaplains and Victim Advocates are encouraged to be members of a CISD Team and will be subject to all the requirements of this General Order. CISD invites the sharing of the expertise and knowledge of these professionals in the training of CISD Team members.

## **G. TRAINING**

1. The CISD Team Coordinator is responsible for coordinating and organizing training sessions and to ensure that documentation of such training is forwarded to the Training Section. The location, time and curriculum of any formal training will be at the discretion of the designated CISD Team Coordinator.
2. **ALL TEAM MEMBERS**
  - a. All members shall participate in the following activities:
    - (1) Training and in-service educational opportunities;
    - (2) Operations defusing/debriefing
    - (3) Resource and referrals
    - (4) Team maintenance:
      - Recruitment
      - Debriefing the debriefers
  - b. CISD resources and training are also available on the Training Section's website/intranet.
  - c. Training of CISD Team members shall be documented; the Training Section will maintain copies of such documentation in each respective member's training record.

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 22.14</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 12/18/2019
		<b>Original Issue Date</b> 12/18/2019	<b>Last Review</b> 12/2019
<b>Title</b>  <b>POST TRAUMATIC STRESS DISORDER: WORKERS' COMPENSATION GUIDELINES</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this General Order is to establish the Agency's guidelines for handling Workers' Compensation Claims dealing with Post Traumatic Stress Disorders (PTSD) as laid out in Fla. Stat. § 112.1815. In addition this General Order dictates a pro-active approach to combatting PTSD to include mandatory training and a resource webpage on the Volusia Sheriff's Office (VSO) intranet to assist employees within the agency.

## II. DISCUSSION

Law enforcement personnel, both sworn and civilian, are sometimes involved in traumatic or highly stressful events and are at increased risk of experiencing some form of post-incident stress-related symptoms. On October 01, 2018, Fla. Stat. § 112.1815 became effective. This statute enacted special provisions for Florida First Responders as it relates to PTSD claims and Workers' Compensation under Fla. Stat. § 440.

In addition to listing the guidelines for Workers' Compensation claims The Volusia Sheriff's Office (VSO) has taken a proactive stance in developing an organizational response to critical incident stress, treating the incident with the same concern and consideration expressed for physical safety and physical injury.

Resources that are available under the organizational response include:

- A Critical Incident Stress Management Team that is available to all critical incidents
- A Detective Wellness Program that is a partnership with Stewart Marchman and is available to Detectives in certain units
- The Stress Resource Center webpage on the VSO intranet is available to all employees and offers links to the Employee Assistance Program (EAP), as well as resources that can assist employees who are going through other types of crises to include but not be limited to personal, professional, spiritual, and financial issues.

## III. POLICY

The Volusia Sheriff's Office recognizes the importance of a systematic and compassionate response to Post Traumatic Stress Disorder. It is therefore, the policy of the Volusia Sheriff's Office to provide personnel in a timely manner with the needed documentation to file claims as necessary in accordance with Fla. Stat. § 112.1815.

## IV. DEFINITIONS

**Critical Incident** – An abnormal event which has a stressful impact significant enough to overwhelm the usually effective coping skills of an individual or a group. Critical incident stress may result any time an employee faces a situation which causes strong emotional reactions which have the potential to interfere with the ability to function during or after the critical incident.

**Post-traumatic stress disorder (PTSD)** – is a mental health condition that's triggered by a terrifying event – either experiencing it or witnessing it. Symptoms may include flashbacks, nightmares, and severe anxiety, as well as uncontrollable thoughts about the event. PTSD is further defined in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*, which is published by the American Psychiatric Association.

**Job-Related Injury/Disability** – An injury or illness, which occurs as a direct result of performing authorized duties or while engaged in employment as defined by Fla. Stat. § 440, which renders a VSO employee unable to perform the required tasks and duties of his/her job classification.

## V. PROCEDURE

### A. FLORIDA LAW/LEGAL – FLORIDA WORKERS' COMPENSATION

1. **Fla. Stat. § 440** – The Florida Workers' Compensation Law, covers all employees for occupational illnesses and injuries arising out of and in the course of employment. All occupational injuries/illnesses needing professional medical attention require compliance with the Florida Workers' Compensation Law.

2. **Fla. Stat. § 112.1815** – (Effective October 01, 2018)

**112.1815 Firefighters, paramedics, emergency medical technicians, and law enforcement officers; special provisions for employment-related accidents and injuries.—**

*(1) The term “first responder” as used in this section means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.102, or an emergency medical technician or paramedic as defined in s. 401.23 employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.*

*(2)(a) For the purpose of determining benefits under this section relating to employment-related accidents and injuries of first responders, the following shall apply:*

*1. An injury or disease caused by the exposure to a toxic substance is not an injury by accident arising out of employment unless there is a preponderance of the evidence establishing that exposure to the specific substance involved, at the levels to which the first responder was exposed, can cause the injury or disease sustained by the employee.*

*2. Any adverse result or complication caused by a smallpox vaccination of a first responder is deemed to be an injury by accident arising out of work performed in the course and scope of employment.*

*3. A mental or nervous injury involving a first responder and occurring as a manifestation of a compensable injury must be demonstrated by clear and convincing evidence. For a mental or nervous injury arising out of the employment unaccompanied by a physical injury involving a first responder, only medical benefits under s. 440.13 shall be payable for the mental or nervous injury. However, payment of indemnity as provided in s. 440.15 may not be made unless a physical injury arising out of injury as a first responder accompanies the mental or nervous injury. Benefits for a first responder are not subject to any limitation on temporary benefits under s. 440.093 or the 1-percent limitation on permanent psychiatric impairment benefits under s. 440.15(3)(c).*

*(b) In cases involving occupational disease, both causation and sufficient exposure to a specific harmful substance shown to be present in the workplace to support causation shall be proven by a preponderance of the evidence.*

*(3) Permanent total supplemental benefits received by a first responder whose employer does not participate in the social security program shall not terminate after the first responder attains the age of 62.*

*(4) For the purposes of this section, the term “occupational disease” means only a disease that arises out of employment as a first responder and is due to causes and conditions that are characteristic of and peculiar to a particular trade, occupation, process, or employment and excludes all ordinary diseases of life to which the general public is exposed, unless the incidence of the disease is substantially higher in the particular trade, occupation, process, or employment than for the general public.*

*(5)(a) For the purposes of this section and chapter 440, and notwithstanding sub-subparagraph (2)(a)3. and ss. 440.093 and 440.151(2), posttraumatic stress disorder, as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, suffered by a first responder is a compensable occupational disease within the meaning of subsection (4) and s. 440.151 if:*

1. *The posttraumatic stress disorder resulted from the first responder acting within the course of his or her employment as provided in s. 440.091; and*
2. *The first responder is examined and subsequently diagnosed with such disorder by a licensed psychiatrist who is an authorized treating physician as provided in chapter 440 due to one of the following events:*
  - a. *Seeing for oneself a deceased minor;*
  - b. *Directly witnessing the death of a minor;*
  - c. *Directly witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department;*
  - d. *Participating in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department;*
  - e. *Manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;*
  - f. *Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience;*
  - g. *Directly witnessing a death, including suicide, that involved grievous bodily harm of a nature that shocks the conscience;*
  - h. *Directly witnessing a homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing as defined in 28 U.S.C. s. 530C, manslaughter, self-defense, misadventure, and negligence;*
  - i. *Directly witnessing an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;*
  - j. *Participating in the physical treatment of an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; or*
  - k. *Manually transporting a person who was injured, including by attempted suicide, and subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience.*
- (b) *Such disorder must be demonstrated by clear and convincing medical evidence.*
- (c) *Benefits for a first responder under this subsection:*
  1. *Do not require a physical injury to the first responder; and*
  2. *Are not subject to:*
    - a. *Apportionment due to a preexisting posttraumatic stress disorder;*
    - b. *Any limitation on temporary benefits under s. 440.093; or*
    - c. *The 1-percent limitation on permanent psychiatric impairment benefits under s. 440.15(3).*
- (d) *The time for notice of injury or death in cases of compensable posttraumatic stress disorder under this subsection is the same as in s. 440.151(6) and is measured from one of the qualifying events listed in subparagraph (a)2. or the manifestation of the disorder, whichever is later. A claim under this subsection must be properly noticed within 52 weeks after the qualifying event.*
- (e) *As used in this subsection, the term:*
  1. *“Directly witnessing” means to see or hear for oneself.*
  2. *“Manually transporting” means to perform physical labor to move the body of a wounded person for his or her safety or medical treatment.*
  3. *“Minor” has the same meaning as in s. 1.01(13).*
- (f) *The Department of Financial Services shall adopt rules specifying injuries qualifying as grievous bodily harm of a nature that shocks the conscience for the purposes of this subsection.*



(6) *An employing agency of a first responder, including volunteer first responders, must provide educational training related to mental health awareness, prevention, mitigation, and treatment.*

3. Only authorized medical care will be covered by Workers' Compensation.

## **B. REPORTING JOB-RELATED INJURY AND ILLNESS**

### **1. Employee's Responsibility**

- a. Unless unable to do so, employees will immediately report on-the-job injuries or occupational illnesses to the on-duty supervisor.

### **2. Supervisor's Responsibility**

- a. Regarding the investigation of qualifying PTSD events, if an employee was involved in any event listed below and wishes to submit a claim based on the belief they may be developing PTSD, the employee shall notify the on-duty Supervisor who will complete the First Report of Injury or Illness.
- b. All claims resulting from PTSD must be properly reported within 52 weeks of the qualifying event, which in accordance with Fla. Stat. § 112.1815 includes:
  - (1) Minors
    - (a) Seeing a deceased minor or witnessing their death
    - (b) Witnessing, transporting, or physically treating an injured minor which resulted in their death prior to or upon arrival at a hospital
  - (2) Deaths Involving Grievous Bodily Harm that Shock the Conscience (Including Attempted Suicides)
    - (a) Seeing the decedent or witnessing their death
    - (b) Witnessing, transporting or physically treating an injured person which resulted in their death prior to or upon arrival at a hospital
  - (3) Homicides – Directly witnessing any homicide to include:
    - (a) Criminal Homicide
    - (b) Excusable Homicide
    - (c) Murder
    - (d) Mass Killing as defined in 28 U.S.C. s. 530C – “3 or more killings in a single incident”
    - (e) Manslaughter
    - (f) Self Defense
    - (g) Misadventure
    - (h) Negligence

## **C. TRAINING**

### **1. MANDATED TRAINING:**

**Fla. Stat. § 112.1815 (6)** – *“An employing agency of a first responder, including volunteer first responders, must provide educational training related to mental health awareness, prevention, mitigation, and treatment.”*

### **2. ADDITIONAL TRAINING:**

- a. In order to develop a proactive approach to combatting the development of PTSD the Volusia Sheriff's Office will implement training In addition to the training mandated in Fla. Stat. § 112.1815.
  - (1) This training will be conducted at least twice annually and will vary in duration with topics covering the mental and physical well-being of all employees.
- b. In addition to the training implemented by the Sheriff's Office, employees have a resource webpage on the VSO intranet available to them that will assist them with better understanding




stress and its effects on the mind and body. The Stress Resource Center webpage provides links to resources that can assist an individual in crises.

## **VI. REFERENCES**

- [Fla. Stat. § 440](#)
- [Fla. Stat. § 112.1815](#)
- [VSO Stress Resource Center Intranet Webpage](#)

## **VII. FORMS**

- [First Report of Injury or Illness](#)

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 22.15</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 11/2019
		<b>Original Issue Date</b> 11/2019	<b>Last Review</b> 11/2019
<b>Title</b>  <b>LINE-OF-DUTY DEATHS (LODD)</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this General Order is to establish guidelines for the planning and management of a line-of-duty death involving a sworn member of the Volusia Sheriff's Office. These guidelines are designed to assist in such cases, but shall remain flexible at the discretion of the Sheriff or his designee.

## II. DISCUSSION

A line-of-duty-death is widely regarded as the worst incident a law-enforcement agency can sustain. In such an event members of the agency, as well as the fallen deputy's surviving family, will be left to deal with powerful emotions. Care should be taken to provide the family with support by whatever means necessary. Consideration should also be given to honoring the fallen, however the family's desires must be paramount. Careful thought must be applied in this regard to ensure any resulting services don't appear to be agency-centric, and are considerate of the fallen and their family.

## III. POLICY

The Volusia Sheriff's Office will respond promptly to the death of an employee. This plan is intended to establish guidelines and identify an operational framework in the event of a line-of-duty death within the agency. The agency's response to a casualty will be reviewed on a case-by-case basis and will be based on the circumstances of the incident and, largely, on the desires of the surviving family. This plan may be enacted in whole or in part at the discretion of the Sheriff or his appointed designee.

## IV. DEFINITIONS

**Family Liaison** – Agency member assigned to be in direct contact with the decedent's family and to relay their immediate needs resulting from their loss. This party should be made available to help facilitate any assistance with regard to the planning of services, and shall act as a direct liaison between the family and Oversight Commander or his designee. The Family Liaison will be available to the family 24 hours a day, and will relay the surviving family's wishes with regard to viewings, memorial- or funeral services, and interment. Because the planning of services will be emotional for the surviving family, the Family Liaison should also make every effort to be present when arrangements are made. This will help ensure the dissemination of accurate, detailed information. When practical, this role should be filled by an agency member who has a close relationship with the decedent and their family. Whenever possible, an assistant should be made available to the Family Liaison, as this role can easily become overwhelming. An assistant can help reduce the workload, particularly with minor duties that will likely arise.

**Honor Guard Liaison** – The Honor Guard Commander or his designee will be responsible for the planning and execution of all ceremonial aspects involving the VSO Honor Guard with regard to this policy. In the event of a line-of-duty death, this may include the team's involvement in viewing, funeral, memorial, and/or graveside ceremonies. The Honor Guard Commander shall also establish and maintain contact with the

Family Liaison and the funeral home or funeral director to determine staffing and logistical needs for the Honor Guard. This will include coordinating with and acting as point-of-contact for visiting honor guard teams who may attend or participate in said services.

**Hospital Liaison** – In the event death occurs at a hospital facility, the ranking deputy at that location shall act as the on-scene liaison. The relay of timely and accurate information from this party through the chain of command is crucial. Hospital staff should be kept informed of the potential arrival of concerned family and friends, and the likely arrival of the media. Hospital security should also be contacted, asked to help with parking- or media staging issues that are likely to arise. While the role of Hospital Liaison is often a short in duration and will likely encompass several different people, it is critical as a front-line conduit of information.

**Line-of-Duty-Death** – Any event, felonious or accidental (i.e., auto accidents, training accidents, etc.), which causes the loss of life of a VSO employee who was performing law enforcement functions either while on or off duty.

**Logistics Liaison(s)** – Appointed by the Oversight Commander, the Logistics Liaison(s) will handle ancillary logistical tasks as directed. These tasks may include, but are not limited to the procurement of various supplies and resources needed after a line-of-duty death. Logistic Liaison duties may include contacting area restaurants or food suppliers to address food and beverage needs, or contacting local hotels to arrange lodging for visiting relatives of the decedent or visiting law enforcement who attend funeral services.

**Motor Unit Liaison** – A Motor Unit supervisor selected to be the point of contact for all matters related to and executed by the VSO Motor Unit. This will include matters of traffic management, motorcades, designated parking and all other traffic-related issues to be considered under this policy. This will include planning and coordinating with outside agency motor units.

**Notification Team** – Team to be established when the agency learns of a line-of-duty death and a next-of-kin notification is required. This group, selected by the Sheriff or his designee, will make contact with the surviving family members to notify them of the deputy's death. This team should consist of the Sheriff or his designee, an agency chaplain (or other clergy of the family's religious affiliation, if known), and a close friend or any other appropriate individual.

**Oversight Commander** – The Sheriff or his designee who will oversee the planning and execution of duties to be carried out in the event of a line-of-duty death. The Oversight Commander will have the ultimate authority in approving all aspects of actions to be taken by the agency or any of its components in the event of a line-of-duty death. Unless instructed otherwise, the Liaisons and other entities outlined in this policy should report directly to the Oversight Commander with regard to their respective duties. This is recommended in an effort to simplify planning, and will help prevent conflicting or duplicated efforts.

## **V. PROCEDURE**

### **A. Line-of-Duty Death Procedures**

#### **1. NOTIFICATION TEAM**

- a. It is vital for the family to receive an official, in-person death notification before learning of the death from the news media, concerned deputies or other sources. Timeliness is therefore essential.
- b. Upon learning of the death, a Notification Team should be assembled. This team should consist of the Sheriff or his designee, an agency chaplain (or other clergy of the family's religious affiliation, if known), and a close friend or any other appropriate individual. When practical, the friend of the family should assume the role of Family Liaison. Communication regarding notifications should not be made over the radio.
  - (1) Verify the name and address of the spouse (current), children and parents prior to arrival.
  - (2) Determine who will be the primary speaker
  - (3) Prepare for any family medical requirements which may be needed. If appropriate, have an EMS unit staged near the family's home.
  - (4) Upon arrival, the primary speaker of the Notification Team will identify themselves, verify who he or she is speaking with, and ask to enter the home. Notifications of this nature should be made indoors, and out of the potential view of neighbors.

- (5) Ask if anyone else is at home and request everyone gather together.
  - (a) Begin by asking what they know about the situation. Expanding from there, give a brief description of additional events that led up to the member's arrival at the hospital or scene of death. If they know nothing of the event, start from the beginning.
  - (b) The notification should not attempt to shield the family from what they need to know, nor should they be left with any false sense of hope.
  - (c) Be aware the family's reactions may include hysteria, anger, fainting, physical violence, or shock.
  - (d) Make every effort to obtain the names of other members of immediate family and offer assistance in notifying them.
  - (e) A member of the Notification Team should be tasked with getting the family to the hospital safely. It is strongly recommended family members do not drive themselves. The use of agency vehicles to transport family members shall be permitted. The Hospital Liaison shall be notified by telephone when the family is enroute.
  - (f) After the next-of-kin have been notified, inform the Public Information Officer (PIO) so a news release can be prepared. If children are involved and it is during school hours, and the member's spouse is available, the spouse may contact the school and inform them a deputy or someone designated by the family will be picking up the child(ren) from the school(s). If the spouse is not available, a member of the Notification Team will contact the principal of the school(s) and explain the situation. Notification should also be made to the School Resource Deputy through his supervisor for additional coordination.

## **2. HOSPITAL LIAISON**

- a. The Hospital Liaison may be assigned to this position for several hours until relieved. Their responsibilities will include:
  - (1) Coordinate the arrival of family and arrange for reserved areas for the family, officials, media and others.
  - (2) Ensure the family has access to a telephone
  - (3) Act as a liaison with hospital staff (including security personnel). Hospital security staff can identify parking, open conference rooms and help with a media staging area.
  - (4) Meet with the Notification team upon their arrival at the hospital.
    - (a) Select a hospital entrance away from the media if possible.
    - (b) Escort the family to their waiting area.
    - (c) Ensure the attending physician briefs the family as soon as possible. Agency members shall not act as an intermediary between the family and the doctor.
    - (d) When circumstances permit viewing, arrange for the family to be with the deputy. View the deputy's body before the family and explain what they will see before they enter the room.
    - (e) Ensure the family's needs are met while at the hospital.
    - (f) Assist hospital staff with maintaining the hospital's efficiency when numerous deputies arrive to grieve or show support for the family. This may include keeping hallways and entrances clear for the treatment of other patients.
    - (g) Coordinate with any hospital staff which may be helpful in assisting the family.

## **3. PUBLIC INFORMATION OFFICER**

- a. The Public Information Officer (PIO) or designee will respond to the hospital to serve as liaison to any on-site media.

- The name of the deputy must never be released to the media prior to notifying the next-of-kin living in the area. If the media is already at the deputy's home, they should be requested to withhold this information pending the notification of next of kin.
- The Oversight Commander shall advise the PIO when the next-of-kin notifications have been made. Only upon receipt of this information may the PIO release the name of the deputy to the media.
- The PIO will confer with the Sheriff or Oversight Commander regarding the feasibility or desirability of conducting any type of formal news conference related to the incident. If the family member(s) elect to participate in the news conference, the PIO should coordinate such arrangements.

#### **4. FAMILY LIAISON**

- a. The Family Liaison is the primary facilitator between the family and the agency. This party is responsible for the relay of information with regard to the family's needs and wishes. The Family Liaison should be available to the immediate surviving family on a 24-hour basis until through the interment or the conclusion of any memorial- or funeral services. The Family Liaison should confirm the agency's commitment to the family as an extended part of our "agency family". The wishes of the family are paramount and come before the wishes of the agency. Responsibilities include, but are not limited to:
  - (1) Make contact with the family and respond immediately to the appropriate location.
  - (2) Act as a liaison between the agency and the family while maintaining the family's best interests.
  - (3) Remain current on information surrounding the incident in order to brief the family.
  - (4) Consider and contact additional resources that may further assist the family.
  - (5) Work closely with other entities outlined in this policy in order to assist the family in planning funeral arrangements and ceremonies, as well as logistics and accommodations for out-of-town family members.
  - (6) Carry a cell phone to ensure an open line of communication.
  - (7) All available information, to include the investigative status should be released to the family.
  - (8) When meeting with the family concerning funeral arrangements, all entities listed in this policy should ensure the agency is not perceived as attempting to take over the funeral arrangement process. Most deputies have not prearranged their wishes for their own funerals, thus the family may need to be briefed concerning all aspects of a law enforcement service ceremony.
    - (a) Should the family decide to have a law enforcement funeral, they should be made aware of details involved and what the agency can offer in the way of assistance.
    - (b) Assistance to the family may include such preliminaries as helping with the selection of a funeral director, memorial site, or the church service.
    - (c) Brief the family on available funeral provisions such as a burial uniform, the involvement of the Honor Guard team, and the services of an agency chaplain.
- b. The Family Liaison or their assistant will have additional responsibilities as the planning and execution of funeral services progress. Additional duties in this regard may include the following:
  - Act as a facilitator between the family and the agency during the viewing and funeral.
  - Be constantly available to the family during services.
  - Be preset for the finalization of funeral arrangements with the funeral director and/or clergy. This is vital to ensure accurate, timely information is conveyed to all other entities outlined in this policy, and minimizes the risk of misinformation.
  - If applicable, arrange with the funeral director to obtain a 5'x9.5' casket-sized United States flag to be delivered to the funeral home.

- Make arrangements to obtain a complete uniform of the appropriate rank and ensure it is supplied to the funeral home. Special attention should be given to locating personal property, being particularly attentive to wedding rings, medals and name tags.
- c. Note: It is understood the person acting as Family Liaison may not necessarily be familiar with all aspects of this important role. They or an assistant are encouraged to reach out to other entities detailed in this policy for guidance or assistance.

#### **5. HONOR GUARD LIAISON**

- a. The Honor Guard Liaison, depending on the family's wishes, will coordinate with the team's commander to identify deputies that can fulfill the team's various roles. These may include door- and casket posting, pallbearers, a rifle team, or any other duty relative to the team's specific function.
- b. At the viewing and funeral services, an appropriate number of Honor Guard members will be provided to post the door(s) of entry to the venue.
- c. Honor Guard members will also be provided to stand guard at the casket or urn. They will be relieved periodically by other team members as determined by the Honor Guard Commander.
- d. As needs dictate, the Honor Guard Commander may solicit additional manpower from other honor guard teams from surrounding agencies.
- e. Specific Honor Guard functions and duties are further described in a separate Honor Guard General Order.

#### **6. LOGISTICS LIAISON**

- a. The Logistics Liaison(s) should be regularly briefed as details are finalized regarding services for the fallen deputy. Their roles may include:
  - Obtaining a preliminary estimate of the total number of attendees from the Family Liaison and the Oversight Commander.
  - Identify area hotels willing to offer discounted or group rates for arriving family or attendees at locations in reasonable proximity to the funeral home or the family's home.
  - Provide support regarding any lodging confirmations for incoming family members.
  - Arrange for transportation of relatives and visiting department personnel if necessary.
  - Be available by telephone or in person should incoming family members need basic information or directions to viewing or funeral venues.
  - If necessary, provide transportation to relatives to the viewing and funeral services.

#### **7. MOTOR UNIT LIAISON**

- a. Traffic Control and related services will be the responsibility of the Motor Unit Liaison. He/she may be assisted by appropriate personnel who have experience with traffic control, motorcades and escorts. Responsibilities may include:
  - (1) Coordinate with the Family Liaison and Oversight Commander regarding funeral arrangements agreed on by the family.
  - (2) Survey locations chosen by the family for viewing, funeral services and interment. The survey will examine the following:
    - Traffic direction required for people attending.
    - Parking space availability, to include determining a suitable nearby area for overflow parking.
    - Determine escort routes for the family to the funeral service and procession from the service to the cemetery.
    - Obtain any additional equipment needed (i.e., cones, barricades, signs, etc.) from in-house or other appropriate resources.
    - Assign a deputy to ensure there is separate designated parking for civilian vehicles, motorcycles and other vehicles to facilitate the procession from funeral to cemetery.

- Establish the procession route from the funeral service to the cemetery and arrange for any additional traffic control deemed appropriate. When feasible, law enforcement authority will be utilized to close roads as deemed appropriate.
- (3) Coordinate the order of the procession, which will typically advance as follows:
- Motorcycles (doubled)
  - Funeral Director
  - Clergy
  - Hearse
  - Limousine/family vehicle(s)
  - VSO vehicles
  - Outside agency vehicles
  - Privately owned vehicles

## **B. ADDITIONAL RESOURCES**

### **1. CRITICAL INCIDENT STRESS DEBRIEFING (CISD) TEAM**

- a. In the event of a line-of-duty death, the agency's Critical Incident Stress Debriefing Team (CISD) may be of particular value. The unit's supervisor should be notified in the event of a line-of-duty death, and will make any of the team's assets available as needed. This may include responding to the scene or hospital, and talking with co-workers affected by the incident. While the team may not necessarily be required at the time of next-of-kin notification, the team's resources will be made available to the fallen deputy's family as needed.
- b. In utilizing the CISD Team, recognition must also be afforded to the responding team members, as they are also co-workers of the fallen, and will likely be strongly affected as well. The CISD team supervisor, in conjunction with the Oversight Commander, should determine if using a similar team from an outside agency is more prudent.

## **C. OTHER CONSIDERATIONS**

### **1. INCIDENTS INVOLVING SUICIDE**

- a. Cases of suicide involving deputies, current or retired, should be carefully considered. Particular attention should be paid to public- and internal perceptions in the application of any part of this General Order. These cases will be evaluated on a case-by-case basis, and any actions will be left to the discretion of the Sheriff or his designee.

### **2. COORDINATION OF BENEFITS**

- a. Every effort should be made to ensure the family of the fallen deputy has access to information and resources regarding death benefits. The Oversight Commander shall ensure this task is delegated as soon as practical. Assistance can be sought through the Personnel Division or through Human Resources.

### **3. MOURNING BANDS**

- a. As a general rule, mourning bands are to be worn horizontally across the badge or, in the case of civilian employees, across their identification card if displayed on outer garments. The following are established guidelines for the display of a mourning band, but can be altered at the discretion of the Sheriff.
  - For a VSO line-of-duty death, the mourning band shall be worn for a period of thirty (30) days from the date of death.
  - For a regional line-of-duty-death (generally considered within the State of Florida), the mourning band shall be worn until midnight on the date of the deceased officer's funeral or interment.

### **4. GENERAL APPEARANCE AT FUNERALS**

- a. In general, services involving a line-of-duty death are a public display of an agency's darkest hour. It is critical for an agency and all its members to show the proper pride, respect, and dignity for their fallen at such events. Below are general guidelines and expectations for uniformed personnel attending a line-of-duty memorial service or funeral.



- (1) Agency-owned vehicles shall be clean and presentable when used to attend or participate in such events.
- (2) Uniformed members should wear a clean, properly-fitted Class A uniform. Exceptions may include an appropriate business suit for administration or plain-clothes personnel, or other uniforms dictated by a specific assignment (i.e., Motors, K-9, etc.). Uniforms of a utility nature should be avoided at these formal events.
- (3) Radios, cell phones and other audible electronic devices are to be off or muted during services.

## **VI. REFERENCES**

- Line-of-Duty Death Benefits Pamphlet

## **I. FORMS**

- Line of Duty Funeral Preparation Checklist



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: COLLECTIVE BARGAINING**

**CODIFIED: 24.1**

**EFFECTIVE: 01-2005**

**RESCINDS/AMENDS: 24.1/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to outline the role of the Volusia County Sheriffs Office as it applies to the collective bargaining process.

**DISCUSSION**

The Sheriff or his designee is directly involved with the collective bargaining process. Other employees as well as individuals from outside the Sheriff's Office also participate. It is important that employees and management have ground rules decided in advance, negotiations are based on "good faith" and the Sheriff's Office complies with the negotiated agreements.

**POLICY**

It shall be the policy of the Sheriff's Office to actively participate in the collective bargaining process, in "good faith" and to review and amend when necessary written directives and procedures to coincide with and ensure that the agreement is met in spirit as well as in technical compliance.

It shall further be the policy of the Sheriff's Office to familiarize all supervisors and management personnel with the terms of the agreement affecting personnel under their supervision.

**PROCEDURE**

**24. 1.1** The final authority to approve a negotiated agreement rests with the Volusia County Council. The designated representatives of the Volusia County Council authorized to negotiate with the employees' bargaining unit are:

- The Sheriff or his (non-bargaining unit) designate
- The County Manager or their designate who shall be the principal negotiator for Volusia County

**24. 1.2** The Sheriff or his designee shall be the Sheriff's Office's advisor to the principal negotiator and shall represent the Sheriff's Office in negotiations within the structure of the Volusia County bargaining team.

**EMPLOYEE BARGAINING UNIT**

**24. 1.3** The County of Volusia recognizes the Teamsters as the exclusive bargaining representative of all covered sworn law enforcement officers in the Volusia County Department of Public Safety, excluding:

- The Sheriff (Public Safety Director);
- The Chief Deputy, Majors, Captains, Lieutenants, Internal Affairs Officers, Reserve Officers, and non-sworn personnel.

**BARGAINING PROCEDURES**

**24. 1.4** The Sheriff's Office shall negotiate in "good faith", participate in negotiations with fairness and impartially and shall try to resolve differences and come to a mutual agreement.

**24. 1.5** Impasse-resolving procedures are established and described per Florida Statutes, Chapter 447.

**24. 1.6** It is the right of the public employer to determine unilaterally the purpose of each of its constituent agencies, set standards of service to be offered to the public and, exercise control and discretion over its organization and

operations. It is also the right of the public employer to direct its employees, take disciplinary action for proper cause, and relieve its employees from duty because of lack of work, or for other legitimate reasons.

**24. 1.7** The exercise of these rights shall not preclude employees or their representatives from raising grievances, should decisions on the above matters have the principal consequence of violating the terms and conditions of any collective bargaining agreement in force or any civil or career service regulation.

**24. 1.8** The negotiated agreement between the County of Volusia and the Teamsters shall be in writing.

**24. 1.9** After the agreement has been signed, the Sheriff shall, during a staff meeting, inform management personnel of the terms of the agreement affecting personnel under their command.

**24. 1.10** The Sheriff's Office shall obtain and disseminate a copy of the signed written agreement to all Sergeants and above and it shall be their responsibility to adhere to the provisions encompassed by the terms therein. An electronic copy will be posted and maintained on the Agency's intranet under *Manuals and Reference Material*.

#### **AGREEMENT CONDITIONS**

**24. 1.11** The Sheriff's Office shall compensate employees serving as official bargaining representatives during the bargaining process.

**24. 1.12** The size and composition of the bargaining unit are determined by the agreement and include:

- The president of the employee organization and his/her bargaining unit employee
- The Sheriff or his (non-bargaining unit) designate
- The County Manager or their designate who shall be the principal negotiator for Volusia County

**24. 1.13** The release of information to the press shall be in compliance with the Public Information Laws of the State of Florida and F.S. 447.605, Public Meetings and Records Law; however, by mutual agreement no press release will be issued by either party unless agreed upon mutually or an impasse occurs.

**24. 1.14** The methods for resolving conflicts are established and described in Florida Statutes, Chapter 447.

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**Revised by:** 6760

**Revised on:** 01-2005

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Written Standards Directive**

**TITLE: GRIEVANCES AND APPEALS**

**CODIFIED: 25.1**

**EFFECTIVE: 03-2019**

**RESCINDS/AMENDS: 25.1/03-2005**

**ATTACHMENTS: 1**

**PURPOSE**

The purpose of this Directive is to establish the policy and procedure for employee complaints, grievances and appeals in accordance with the County Merit System Rules and Regulations.

**DISCUSSION**

It is an obligation on the part of all Sheriff's Office employees to provide efficient and continuous service to the citizens of Volusia County. Positive employee morale is an important factor in maintaining a high level of public service, and the efficiency and productivity of the organization are measured in part by the employee's constructive attitude about the organization and their willingness to work cooperatively with other employees and supervisors.

Procedures in this chapter are established to provide an orderly and expeditious method for resolving problems. Problems which may arise from working relationships and conditions need a process by which employees may acquire some degree of satisfaction. These procedures can provide an outlet for internal disturbances that might otherwise explode into complete work disruptions. They can provide a work environment that will allow the greatest amount of employee proficiency, since improved employee satisfaction and production will result in a better, more economical, product submitted to the public.

The primary purpose of these procedures is to determine what is right rather than who is right. Free discussion between employee and supervisor will lead to a better understanding by both parties as to policies, practices and procedures which affect all employees. This will tend to identify and eliminate conditions which may cause misunderstanding and grievances. The intended purpose is defeated if a spirit of conflict enters into the consideration of a complaint, grievance or appeal. Supervisors and employees alike must recognize the true purpose of these procedures if they are to be of value in promoting the Sheriff's Office effectiveness.

Grievances and appeals constitute channels of communication, informing supervision and management about things which employees feel strongly. It is advantageous to the Sheriff's Office to make it an easy process to present grievances and appeals. Employees shall be encouraged not only to present their grievances or appeals, but also to present them while they are still "warm".

**POLICY**

Every complaint, grievance and appeal shall be received, heard, considered and utilized to improve mutual understanding and relationships. Every reasonable effort shall be made to define the problem that lies behind the situation and to consider what constructive steps can be taken to solve it.

**PROCEDURE**

**COMPLAINTS**

**25.1.1** A complaint is an employee statement of dissatisfaction about some action, event or condition in the work environment which is meaningful to the extent the employee feels it is necessary to make it known to others.

**25.1.2** Complaints are always significant even though the meaning may not be clear to the supervisor. If unhappy employees cannot find a place to resolve their frustrations, the results may well escalate into a grievance. Supervisors, therefore, have a special responsibility to be available to their employees and sensitive to the problems and frustrations they may be experiencing and to help alleviate the cause if possible.

**25.1.3** Any complaint should be made verbally to the immediate supervisor. The complaint shall be dealt with informally. The reply will normally be verbal.

## **GRIEVANCES**

**25.1.4** A grievance is a complaint that has not been resolved at the informal level. In most cases, a grievance is caused by the inability or unwillingness of individuals to adapt to one or more work environment aspects such as working conditions. The failure to adapt can be the fault of the employee or the supervisor or perhaps both.

**25.1.5** An awareness of the underlying grievance cause and prompt resolution of these causes is mandatory for effective, harmonious employee relations and effective organizational performance. A grievance procedure has been established to effect this purpose equitably and promptly.

### **WHO MAY FILE A GRIEVANCE**

**25.1.6** All employees have the right to use the County Merit System grievance procedure. They may do so without fear of reprisal, restraint, coercion or discrimination. Members of an employee organization (union) may, however, opt for use of a grievance procedure established as a condition of their contract that may utilize or involve a different process. Once a procedure is begun, the provisions of F.S. 447.401 provide that employees may not avail themselves of another procedure.

### **MATTERS GRIEVABLE**

**25.1.7** Any unresolved complaint actual or supposed in circumstance, specifically identified as an event, action or condition in the work environment, relationship, policy, rule, regulation or condition in the work environment which is meaningful to an employee may be subject to the grievance procedure.

### **TIME LIMITATIONS**

**25.1.8** Employees must take up their grievances with their immediate supervisor within ten (10) working days of the occurrence, knowledge of the occurrence or the date the employee could reasonably be expected to have knowledge of the occurrence which gave rise to the grievance. If the employee is on compensated leave, the ten days shall begin on the employee's return from leave.

**25.1.9** If the employee fails to observe the time limits established for each step, it shall be assumed that the grievance is satisfied or abandoned.

**25.1.10** Should supervision or management fail to observe the time limits within each step, the employee may immediately advance the grievance to the next step.

### **EMPLOYEE REPRESENTATION**

**25.1.11** Employees may be represented in presentation of a grievance at all procedure levels by a person of their choice, who may be any other employee.

### **TIME OFF**

**25.1.12** An employee and his/her representative shall be allowed time off from regular duties with pay for attendance at scheduled meetings under the grievance procedure with the specific permission of their respective supervisors. The fellow employee representative may also have up to a maximum of two hours time off with pay for grievance investigation.

### **GRIEVANCE SUBMISSION**

**25.1.13** An employee shall submit his/her grievance utilizing the Report of Grievance form (Attachment A) to document and control the grievance. The form must contain (and/or append) a statement of the grievance and the fact(s) upon which it is based; the allegation of the specific wrongful act, harm done and the remedy or adjustment sought.

**25.1.14** The Supervisor shall provide this form upon request.

**25.1.15** The employee shall be supplied with a copy of the completed form.

### **SUPERVISOR'S ACTION**

**25.1.16** The first level supervisor shall document the time and date the grievance was received and forward a copy directly to the Administrative Services Director with copies to those in the chain of command.

**25.1.17** At each step, Supervisors shall acknowledge receipt of the grievance noting the date, time and person receiving the complaint. After thorough analysis of the facts and allegations, the supervisor shall affirm or deny the

allegation(s) and identify the remedy or adjustment(s), in writing and forward the response to the Administrative Services Director.

## **BOARDS, HEARINGS AND APPEALS**

**25. 1.18** Nothing in the grievance procedure shall be construed to prevent discussions or meetings to clarify case facts or resolve the grievance. However, an employee has no formal right to a hearing before a board in the Merit System procedure. Upon conclusion of the grievance process (step IV), the decision of the County Manager is final and the employee has no further right of administrative appeal within the County government structure.

## **ADMINISTRATION**

**25. 1.19** The grievance procedure is a formal effort requiring certain documentation capable of providing information with the potential for correcting deficiencies in the Sheriff's Office.

**25. 1.20** The Administrative Services Director shall provide the necessary administrative support and liaison with the County Personnel Department as may be necessary to facilitate the process.

**25. 1.21** The Administrative Services Director shall ensure each step of the process has been properly documented and shall establish and maintain a file of all documented complaints and grievances.

**25. 1.22** During and after the grievance process, the Administrative Services Director shall act as coordinator of the grievance procedure and as the Sheriff's Office records keeper of grievance documents.

**25. 1.23** Due to the sensitive nature of grievance documents, the Administrative Services Director shall take the necessary precautions to ensure confidentiality.

**25. 1.24** Grievance files and records shall be maintained in a secure area within the office of the Administrative Services Director, not accessible to unauthorized personnel.

**25. 1.25** Grievance records may be purged in accordance with current statutes governing their disposal.

**25. 1.26** The Administrative Services Director shall submit to the Sheriff a documented annual analysis of the complaints and grievances that may be filed. The purpose is to detect trends or identify deficiencies that may be corrected to minimize the causes for such future grievances.

**25. 1.27** The County Personnel Office acts only in an advisory capacity to either party in the interpretation of Merit System procedures, rules or regulations that may be involved in the grievance filing process.

## **GRIEVANCE STEPS FOR EMPLOYEES NOT COVERED BY BARGAINING AGREEMENT**

**25. 1.28 STEP I** - The employee, orally or in writing, shall present the grievance to his/her supervisor within ten (10) calendar days of its occurrence or knowledge of the occurrence. The supervisor shall promptly meet and discuss the grievance with the employee and his/her representative, if any, reply in writing within ten (10) calendar days, and forward a copy to Administrative Services Director. If the employee is not satisfied with the reply, he/she may then proceed to Step II.

**25. 1.29 STEP II** - If the grievance is not settled in Step I, it shall be submitted in writing, within ten (10) calendar days after the receipt of the Step I answer to the employees Division Commander. The Division Commander shall promptly meet and discuss the grievance with the employee and his/her representative, if any, and answer the employee in writing not later than ten (10) calendar days after receiving the grievance, unless a longer period is mutually agreed upon. A copy shall be forwarded to Administrative Services Director. If the employee is not satisfied with the reply, he may then proceed to Step III.

**25. 1.30 STEP III** - If the grievance is not settled in Step II, it shall be submitted to the Sheriff, in writing, within ten (10) calendar days after receipt of the Step II answer. The Sheriff or his designee shall promptly meet to discuss the grievance with the employee and his/her representative within ten (10) calendar days after receiving the grievance, unless a longer period is mutually agreed upon, and shall render a written decision which shall state the problem, the applicable policy or regulation and the reasons for applying the policy and the decision. Copies of the Sheriff's decision shall be forwarded to the employee's immediate supervisor, Division Commander, Administrative Services Director, and the County Personnel Director. If the employee is not satisfied with the reply, he/she may then proceed to Step IV.

**25. 1.31 STEP IV** - If the grievance is not settled in Step III, it shall be submitted to the County Manager, in writing, within ten (10) calendar days after the receipt of the Step III answer. The County Manager or his/her designated representative shall review the grievance and may, at his/her discretion, hold a hearing to secure additional testimony that he may believe to be necessary. The County Manager, if he deems it appropriate, may ask the Personnel Board to review the facts of the case and make a recommendation to him. The County Manager shall reply to the grievance within fifteen (15) calendar days of the receipt of the grievance or ten (10) calendar days after the recommendation of

the Personnel Board, unless a longer period is mutually agreed upon. The decision of the County Manager shall be final, and the employee shall have no further right of administrative appeal within the County Governmental structure.

#### **GRIEVANCE STEPS FOR SWORN MEMBERS COVERED BY BARGAINING AGREEMENT**

**25. 1.32** The following steps apply to sworn Deputies, Corporals and Sergeants who are covered by the Teamsters contract.

**25. 1.33** STEP 1: The employee shall first take up his/her grievance with his/her immediate supervisor within ten (10) days of the occurrence of the event(s) which gave rise to the grievance. If the event(s) which gave rise to the grievance occurred at a time when the employee was on annual leave, sick leave, or other compensated leave, the ten (10) day period shall commence running immediately upon the employee's return from such compensated leave. The first step (between the employee and his/her immediate supervisor) shall be on an informal and oral basis and shall not involve the Employee Organization or any other representative of the employee.

**25. 1.34** STEP 2: Any grievance which cannot be satisfactorily settled with the immediate supervisor shall be reduced to writing by the employee and shall next be taken up with his/her Shift or Division Commander. Such grievance shall be presented to the Shift or Division Commander in writing within ten (10) days of the completion of Step 1. The Shift or Division Commander shall, within ten (10) days after presentation of the grievance (or such longer period of time as is mutually agreed upon), render a decision on the grievance in writing.

**25. 1.35** STEP 3: Any grievance which was referred to the Shift Commander and was not satisfactorily settled shall next be taken up with the Division Commander. Such grievance shall be presented to the Division in writing, within ten (10) days of the deadline for completion of Step 2. The Division Commander shall, within ten (10) days after presentation of the grievance render a decision on the grievance in writing.

**25. 1.36** STEP 4.- Any grievance which cannot be satisfactorily settled with the Division Commander shall then be taken up with the Sheriff, or designee, either through a representative of the Employee Organization and the employee, or by the employee at the employee's option. The grievance as specified in writing in Step 2 shall be discussed by and between the employee (or the representative of the Employee Organization and the employee) and the Sheriff/Chief Deputy, within ten (10) days after the completion of Step 3. The Sheriff/Chief Deputy, shall within ten (10) days after this discussion (or such longer period of time as is mutually agreed upon), render a decision in writing, with a copy to the Employee Organization.

**25. 1.37** STEP 5: In the event the employee is not satisfied with the disposition of the grievance in Step 4, he/she shall have the right to appeal the Sheriff/Chief Deputy's decision to the County Manager or designee within ten (10) days of the date of issuance of the Sheriff's decision. Such appeal must be accompanied by the filing of a copy of the original written grievance together with a letter signed by the employee, or, at the employee's option, the representative of the Employee Organization, requesting that the Sheriff's decision be reversed or modified. The County Manager shall, within ten (10) days of the appeal (or some longer period of time as is mutually agreed upon), render a decision in writing with a copy to the Employee Organization.

#### **APPEALS**

**25. 1.38** Because reductions in pay, demotions, suspensions and dismissals are employer actions which have such a serious adverse effect upon the lives of employees, and because such actions are normally not effectively appealable within the regular administrative structure, special channels and procedures must be established to ensure equity to employees involved in such actions.

**25. 1.39** Similarly, because illegal discrimination, classification decisions and examination decisions are most often issues that necessitate dispassionate, objective review, having procedures outside of the regular administrative structure, with technical, specialized knowledge, provides equity in these situations.

**25. 1.40** Whenever the Sheriff's Office proposes and/or takes an action that severely affects an employee's employment status (Adverse Action), the employee shall be afforded procedural due process.

**25. 1.41** Procedural due process shall include a written statement of the reasons for a proposed action.

**25. 1.42** There shall be an opportunity to reply before an action is taken.

**25. 1.43** There shall be notification of the action taken. The reasons for the action shall be stated in sufficient detail for a complete understanding.

**25. 1.44** There shall be a right to appeal and the manner in which the appeal may be initiated will be provided. The appeal shall be heard by an impartial hearing officer or board.

**25. 1.45** There shall be the right to representation, including legal counsel, fair rules of evidence and the right to confront and cross-examine witnesses.

**25. 1.46** The County Personnel Board was created to hear appeals arising from adverse action situations, illegal discrimination allegations and classification and examination decisions.

#### **ADVERSE ACTIONS**

**25. 1.47** Adverse actions are those actions taken by the Sheriff for disciplinary reasons which result in an employee involuntarily suffering a loss in pay. Such actions include reduction in salary rate, demotion, suspension and dismissal. Placement of an employee on leave without pay status (or a charge against annual leave in lieu of suspension) as a disciplinary measure may also be considered an adverse action.

**25. 1.48** Demotions resulting from organizational changes, reductions in force because of lack of funds, rejections of probation, classification studies and the voluntary initiative of an employee are not adverse actions for disciplinary reasons and are not appealable to the Personnel Board as such.

**25. 1.49** Separations during the probationary period for original entrance appointments are not appealable to the Personnel Board.

**25. 1.50** Adverse actions may be appealed to the Personnel Board as provided below.

#### **ILLEGAL DISCRIMINATION**

**25. 1.51** The Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, provides that; "It shall be an unlawful employment practice for an employer:

- A.** To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual, with respect to their compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin.
- B.** To limit, segregate, or classify his/her employees in any way which would deprive or tend to deprive an individual of employment opportunities, or otherwise adversely affect his/her status as an employee, because of such individual's race, color, religion, sex or national origin."

**25. 1.52** The Age Discrimination in Employment Act of 1967 forbids discrimination in employment against persons between the ages of forty (40) and seventy (70), except where a bona fide occupational qualification exists.

**25. 1.53** Whenever an employee has a complaint regarding illegal discrimination that cannot be resolved through the regular grievance process and/or with the assistance of the County Equal Employment Opportunity Officer, the complaint may be brought before the Personnel Board for review and recommendation for appropriate resolution.

#### **CLASSIFICATION AND EXAMINATION DECISIONS**

**25. 1.54** Decisions made by the County Personnel Division as the result of Departmental and/or employee requests for individual employee position classification changes, or relating to rejection of employee examination applications, or individual rating on examinations may be appealed to the Personnel Board for review and recommendation for appropriate resolution.

#### **APPEAL PROCESS**

##### **NOTICE OF ADVERSE ACTION**

**25. 1.55** Concurrently, or in advance of action to reduce an employee's pay, suspend, demote or dismiss, an appointing authority shall notify an employee of the action being taken, the reasons for the action stated in sufficient detail for a complete understanding, the employee's right of appeal and the manner in which the appeal may be initiated.

##### **TIME LIMIT FOR APPEAL**

**25. 1.56** The appeal by an employee shall be made within ten (10) working days after receipt of the notice of adverse action, or of the occurrence of the event giving rise to the appeal.

##### **METHOD OF FILING APPEALS**

**25. 1.57** Appeal shall be made by filing a written request for a hearing before the County Personnel Board. Such request shall be filed with the County Personnel Office within the prescribed time limit.

##### **SCHEDULING OF APPEALS**



**25. 1.58** The Personnel Office shall schedule appeals before the Personnel Board as expeditiously as possible giving due consideration to the availability of Board members, the availability of the parties, the complexities of the specific case and the workload of the Personnel Board.

#### **POSTPONEMENTS**

**25. 1.59** Postponements may be granted only for good cause. Scheduling of cases will initially attempt to accommodate the needs of both parties in arranging their schedules and making adequate preparation. Postponement beyond the scheduled date will only be granted upon recognition of unforeseen and unavoidable circumstances.

#### **SUBPOENAS**

**25. 1.60** Subpoenas for attendance at hearings may be issued upon the request of either party. The request for a subpoena must contain the names and addresses of those to be subpoenaed and the reason for the necessity of such a subpoena. Requests for subpoenas and for production of any books, records or papers pertinent to the hearing shall be made to the County Personnel Office at least two (2) weeks prior to the hearing date.

#### **REPRESENTATION**

**25. 1.61** Any party or person appealing to the Personnel Board shall have the right to be accompanied, represented or advised by an attorney or other representative. Any designated attorney or representative should file a notice of representation with the County Personnel Office as soon as possible after being so designated.

#### **PERSONNEL BOARD**

**25. 1.62** Hearings before the Personnel Board shall be conducted informally in accordance with the Sunshine Law and in accordance with procedures established by the Personnel Board and shall not be bound by formal court procedures.

**25. 1.63** The Personnel Board, or any member or alternate of the Board designated by the Board, shall have the power to:

- Administer oaths and affirmations
- Issue subpoenas for attendance and, with the approval of the County Manager, compel the production of books, records and papers
- Rule upon offers of proof and receive relevant evidence
- Call and question witnesses
- Take or cause depositions to be taken
- Regulate the course of the hearing
- Hold conferences for the settlement or simplification of the issues by consent of the parties
- Dispose of procedural requests or similar matters
- Recommend decisions to the County Manager

**25. 1.64** Each party shall have the right to present his/her case by oral and/or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

**25. 1.65** A hearing may proceed in the absence of the Sheriff. If the appellant, after due notice, fails to be present, or fails to obtain an adjournment and within five (5) days does not provide good cause acceptable to the Personnel Director, the Sheriff's Office's action shall be presumed to be valid.

**25. 1.66** The Personnel Board may grant continuances or adjourn the hearing from time to time upon its own motion, upon joint party request or upon the one party request for good cause shown.

**25. 1.67** A party who does not testify in his/her own behalf may be called and examined by the Personnel Board as if under cross-examination.

**25. 1.68** The Personnel Board shall transmit its findings and advisory decision to the County Manager for review and final decision within seven (7) calendar days of the completion of the hearing or review.

**25. 1.69** Board members must be present when the Board is called to order and must be present throughout the whole proceeding in order to take part in any of the proceedings including deliberations and the final vote.

## COUNTY MANAGER

**25. 1.70** The County Manager shall give due consideration to the findings and advisory decision of the Personnel Board.

**25. 1.71** When the County Manager proposes to base his/her decision on evidence or information not part of the record, his/her decision, if adverse to the appellant, shall not be made until a proposal for decision is served on the parties and an opportunity is given to the appellant to file an exception and to present oral or written argument. The proposal for decision shall contain a statement of the reasons therefor.

**25. 1.72** The County Manager may accept in full, modify, or completely reject the Personnel Board's advisory decision. In the event of modification or rejection of the Personnel Board's advisory decision, the County Manager may substitute such action as he believes will best resolve the issue in the interests of County government.

**25. 1.73** The decision or proposal for County Manager decision shall be rendered within ten (10) working days after receipt of the Personnel Board findings and advisory decision. If an exception to the proposal for decision is filed, the final decision shall be issued within ten (10) working days of written or oral argument received from the appellant.

**25. 1.74** The decision of the County Manager shall be final, and the employee shall have no further right of administrative appeal.

**25. 1.75** The employee and all parties affected shall be promptly notified by the Sheriff in writing of the County Manager's final decision.

## RESTORATION OF POSITION AND BACK PAY

**25. 1.76** The County Manager may decide that the disciplinary action was not well founded or too severe and may direct that it be canceled or modified.

**25. 1.77** In the event cancellation is directed by the Manager, the affected employee shall be paid in full for such portion of time as (s)he was unjustly suspended, reduced in grade or pay, or removed.

**25. 1.78** In the event that the action taken was removal or reduction in grade or pay, the affected employee shall be restored to their former position and pay status, or to a position in the same class and pay status.

**25. 1.79** In the event that modification is ordered, the County Manager's decision will include directives as to pay.

## ATTACHMENTS

**Attachment A:** Report of Grievance Form

**Revised by:** 6760

**Revised on:** 03-07-19 [Volusia County Merit Rules and Regulations]

**Approved:**



**Michael J. Chitwood**  
Sheriff, Volusia County

**REPORT OF GRIEVANCE**  
**VOLUSIA COUNTY SHERIFF'S OFFICE**  
(Attach additional sheets if necessary)

**Forward to Administrative Services**

**Employee's Name:** \_\_\_\_\_  
**Job Title:** \_\_\_\_\_  
**Division:** \_\_\_\_\_  
**Unit:** \_\_\_\_\_  
**Immediate Supervisor (Name):** \_\_\_\_\_  
**Date/Time occurred:** \_\_\_\_\_  
**Step:** \_\_\_\_\_

**Explanation of Grievance:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I respectfully request this resolution:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date:** \_\_\_\_\_ **Employee's Signature:** \_\_\_\_\_

**Supervisory Acknowledgement**

**Date Received:** \_\_\_\_\_ **Time Received:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Title:** \_\_\_\_\_

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**Grievance Submission** - An employee shall submit his/her grievance utilizing the **Report of Grievance** form to document and control the grievance. The form must contain (and/or append) a statement of the grievance and the fact(s) upon which it is based; the allegation of the specific wrongful act and harm done; and the remedy or adjustment sought.

**Supervisors Action** - The first level supervisor shall document the time and date the grievance was received and forward a copy to the Department Personnel Section. At each step, Supervisors shall acknowledge receipt of the grievance noting the date, time and person receiving the complaint and after thorough analysis of the facts and allegations, the supervisor shall, to all concerned, affirm or deny the allegation(s) and identify the remedy or adjustment(s), in writing and forward a copy of the response to The Department's Personnel Section.

### **Grievance Steps.**

**STEP I.** The employee, orally or in writing, shall present the grievance to his/her supervisor within (10) ten days of its occurrence or knowledge of the occurrence. The Supervisor shall promptly meet and discuss the grievance with the employee and his/her representative, if any, and reply in writing within five (5) working days and a copy forwarded to Administrative Services. If the employee is not satisfied with the reply, he/she may then proceed to Step II.

**STEP II.** If the grievance is not settled in Step I, it shall be submitted in writing, within ten (10) working days after the receipt of the Step I answer to the Division Commander. The Division Commander shall promptly meet and discuss the grievance with the employee and his/ her representative, if any, and answer the employee in writing not later than seven (7) working days after receiving the grievance, unless a longer period is mutually agreed upon. A copy shall be forwarded to Administrative Services. If the employee is not satisfied with the reply (s)he may then proceed to Step III.

**STEP III.** If the grievance is not settled in Step II, it shall be submitted in writing within five (5) working days after the receipt of the Step II answer to the Sheriff. The Sheriff or his designate shall promptly meet to discuss the grievance with the employee and his/her representative, if any, and, within seven (7) working days after receiving the grievance, unless a longer period is mutually agreed upon, shall render a written decision which shall state the problem, the applicable policy or regulation, and the reasons for applying the policy and the decision. Copies of the Sheriff's decision shall be forwarded to the employee, immediate supervisor, Division Commander, Administrative Services and the County Personnel Director. If the employee is not satisfied with the reply, he/she may then proceed to Step IV.

**STEP IV.** If the grievance is not settled in Step III, it shall be submitted in writing within five (5) working days after the receipt of the Step III answer to the County Manager. The County Manager or his/her designated representative shall review the grievance and may at his/her discretion hold a hearing to secure additional testimony that he/she may believe to be necessary. The County Manager, if he/she deems it appropriate, may ask the Personnel Board to review the facts of the case and make a recommendation to him/her. The County Manager shall reply to the grievance within ten (10) working days of the receipt of the grievance or five (5) working days after the recommendation of the Personnel Board, unless a longer period is mutually agreed upon. The decision of the County Manager shall be final, and the employee shall have no further right of administrative appeal within the County Governmental structure.



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Written Standards Directive**

**TITLE: DISCIPLINARY PROCEDURES**

**CODIFIED: 26.1**

**EFFECTIVE: 07-2019**

**RESCINDS/AMENDS: 26.1/12-2015**

**ATTACHMENTS: 0**

**PURPOSE**

This Directive promulgates a disciplinary system which integrates the provisions of the County Merit System Rules and Regulations with the VSO requirements.

**DISCUSSION**

Discipline is often thought of in a limited sense as meaning punishment or penalty, a negative connotation. However, discipline also means instructing, teaching and training. Its main purposes are to facilitate coordination of effort, develop self-control and character, and foster orderliness and efficiency. One of the primary measures of the level of discipline within a law enforcement agency is the orderliness with which it operates.

Discipline is interdependent on two other states of mind that influence behavior, those of morale and esprit de corps. All are of equal importance and each may flow from the other or each may adversely affect the others. High morale is usually accompanied by a high level of discipline and esprit de corps. Neither a high level of morale nor esprit de corps commonly accompanies a poorly administered disciplinary program. When these three occur together at a favorable level, however, efficiency will follow in direct proportion.

**POLICY**

It shall be VSO policy that discipline shall be characterized as corrective rather than punitive, and that disciplinary action is but one of the elements of an overall program to educate VSO employees and promote proper conduct.

**PROCEDURE**

**PROGRESSIVE DISCIPLINE**

**26.1.1** When circumstances permit, supervisors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented. A repeat of the same offense or commission of another serious offense indicates that more severe disciplinary measures should be administered. It is further provided that certain offenses are of such serious nature that dismissal upon first offense is applicable.

**CONSISTENCY**

**26.1.2** Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step. Some of the factors involved include, but are not limited to, length of service, time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitude and disciplinary actions previously administered to other comparable members or employees for similar offenses.

**APPLICATION**

**26.1.3** All VSO employees are expected to abide by the policies, procedures, rules, regulations of the VSO, orders of the Sheriff, whether stated in the Standards Directives or elsewhere and may be punished for any act or omission, which constitutes a violation thereof.

**AUTHORITY**

**26.1.4** The Sheriff may, in compliance with the Merit System and employee contract, reprimand, suspend, demote or dismiss any employee of the VSO for violating any provision of this manual, and nothing contained herein shall limit the right, power and authority of the Sheriff to take whatever disciplinary action is deemed appropriate under given circumstances.

**26.1.5** In recognition that each instance of misconduct differs from somewhat similar actions in many respects, the Sheriff retains the right to treat each occurrence on an individual basis.

**26.1.6** This directive provides recommended progressive penalties applicable to specific offenses. Recommended penalties may be modified by the Sheriff including a lesser or more severe penalty when extenuating circumstances are found.

#### **COUNTERMANDING DIRECTIVES**

**26.1.7** The Sheriff may, at his discretion, authorize suspension of rules, orders, procedures, or directives of the VSO when necessary for covert investigations or to achieve VSO objectives.

**26.1.8** Division and District Commanders may suspend or countermand a rule, order, procedure, or directive only when failure to do so would obstruct the achievement of objectives or would be otherwise adverse to the VSO. In such cases, written explanation will be immediately forwarded to the Sheriff.

#### **DISCRIMINATION**

**26.1.9** Supervisors shall be guided by, and scrupulously adhere to, the provisions of the Civil Rights Act of 1964 (as amended) and the Age Discrimination in Employment Act of 1967 (as amended) as relates to safeguarding of employees from discrimination in the disciplinary process.

#### **SUPERVISOR'S GUIDE**

**26.1.10** In addition to the procedures contained herein, supervisors shall consult and be guided by the provisions of the County "DISCIPLINE AND APPEALS, A REFERENCE FOR MANAGERS AND SUPERVISORS" in the conduct of all disciplinary actions. This manual is available on-line through the County ENN (Employee News Network) and can be found through "Department Directory" under "Personnel Services/Risk Management". Refer to "Policies/Procedures".

#### **DISCIPLINARY ACTIONS**

**26.1.11** Ordinarily, disciplinary action will be progressive, beginning with the least severe action that may reasonably be expected to be effective and escalating to more severe forms if necessary. There are three levels of disciplinary action.

- A. Non-punitive** - Are intended to correct employee deficiencies in performance or conduct by counsel, teaching and training without conveying any negative sanctions.
- B. Non-adverse punitive actions** - Are in the form of the oral or written reprimand. Both are in writing and provide formal documentation of employee behavior.
- C. Adverse punitive action** - Are those actions which result in an employee suffering an involuntary loss in pay or status, and are the most serious of disciplinary actions.

#### **NON-PUNITIVE DISCIPLINARY ACTION**

**26.1.12** It shall be policy to use non-punitive disciplinary measures whenever possible to resolve disciplinary problems. Many times a marginal employee can be motivated better by counseling or training rather than through punitive measures. It is the responsibility of every supervisor and commanding officer to recognize situations where non-punitive measures may be preferable to punitive disciplinary measures.

#### **COUNSELING**

**26.1.13** Supervisors are responsible for providing appropriate counseling when there is a recognizable problem with an employee's performance or behavior.

**26.1.14** Effective counseling provided in a timely manner can avert the need for the vast majority of disciplinary actions.

**26.1.15** Supervisors must recognize situations beyond their expertise as it relates to any professional counseling that may be indicated in dealing with serious emotional problems associated with:

- A.** Domestic difficulties
- B.** Physical or psychological illness

**C. Alcohol or other substance abuse**

**26.1.16** Supervisors should counsel the employee to seek professional assistance. If the employee fails to voluntarily seek help, the supervisor (with command concurrence) may require the employee to attend appropriate counseling.

**26.1.17** A second counseling for the same problem might be more suitably conducted by the first-line supervisor's division or district commander to attach an appropriate level, degree of seriousness and severity to the counseling.

**REMEDIAL TRAINING**

**26.1.18** Supervisors shall provide qualified instruction to assist employees in overcoming a noted deficiency. This instruction must be appropriate and not detract excessively from other supervisory responsibilities.

**26.1.19** If the instruction required to remedy a deficiency is beyond supervisory capacities, the employee may be required to successfully complete an in-service training program. The program shall be designed to fit specific job requirements or individual needs. When possible, the Sheriff's in-service training program should be utilized.

**26.1.20** Supervisors shall document the need for remedial training. A request shall be submitted via chain of command requesting remedial training using the following criteria:

- A.** Repeated demonstration by employee indicating the need for additional training
- B.** Request from employee for additional training. (known deficiency)
- C.** EVOC training after an employee has an at fault accident
- D.** Training as a result of disciplinary action in which the employee did not adhere to policy
- E.** Failure to qualify with firearm

**26.1.21** Should in-service training not address the specific problem or not be available in a timely fashion, employees may be required to successfully complete training by an outside source.

**26.1.22** Remedial training must be documented. Informal remedial training shall be documented in the employee's field file with formal (in-service, outside source) training also documented in the employee's VSO and official County personnel files.

**NON-ADVERSE PUNITIVE ACTIONS**

**26.1.23** If non-punitive efforts are unsuccessful in resolving the problem, then more serious corrective action is indicated. Non-adverse punitive disciplinary actions are the oral reprimand and the written reprimand.

**ORAL REPRIMAND**

**26.1.24** Whenever grounds for disciplinary action exist and the supervisor determines that the incident, action or employee behavior is such that more severe disciplinary action is not immediately necessary, the supervisor should orally communicate to the employee the supervisor's observation of the problem and offer assistance in correcting the situation.

**26.1.25** When an oral reprimand is given, the supervisor should ensure that the employee's VSO personnel files are posted to show the date and nature of the reprimand. The employee should be advised that the reprimand will be documented in the files and the employee may submit comment(s) for inclusion in the files.

**26.1.26** This is the only punitive action not requiring documentation in the employee's official personnel file maintained by the County Personnel Director.

**26.1.27** Depending on the circumstances or seriousness of the offense, normally no more than two (2) oral reprimands should be given to an employee for the same type of offense, after which a more severe type of disciplinary action should be taken. Whenever possible, however, sufficient time for improvement should be allowed before further and/or more severe action is taken.

**26.1.28** The EMPLOYEE PERFORMANCE NOTICE (EPN) shall be utilized for documenting the Oral Reprimand and shall require the signatures of both the supervisor and the employee.

- A.** The employee's signature does not imply agreement or disagreement with the contents. The signature indicates only that the employee has read or has been given the opportunity to read the EPN.
- B.** If the employee refuses to sign, the supervisor will so note and record the reason or reasons given.
- C.** Employees may submit a written response to be included and filed with the EPN.
- D.** Failure to sign the EPN constitutes insubordination and will result in disciplinary action in accordance with Standards Directive 26.2 Standards of Conduct, Section 26.2.123.

## WRITTEN REPRIMAND

**26.1.29** When the supervisor determines that a written reprimand is appropriate and necessary, the reprimand shall be addressed to the employee in the form and format specified in *DISCIPLINE AND APPEALS, A REFERENCE FOR MANAGERS AND SUPERVISORS* located on the intranet under Manuals & Department References. It shall include the charge, the specific behavior and the dates of the behavior (where appropriate), the supportive charge, the warning that continuance of this behavior will result in more severe disciplinary action, an offer of assistance in correcting the behavior, circumstances affecting the severity of the discipline, and advice on right of appeal through the grievance procedure.

**26.1.30** A copy of the reprimand shall be signed and dated by both the supervisor and the employee and shall be included in the employee's official personnel file in the County Personnel Office; the employee shall have the opportunity to submit written comments to be included in the file upon submission. Failure to sign the reprimand constitutes insubordination and will result in disciplinary action in accordance with Standards Directive 26.2 Standards of Conduct, Section 26.2.123.

## ADVERSE PUNITIVE ACTIONS

**26.1.31** Adverse punitive actions are actions wherein the employee suffers an involuntary reduction in pay or status. All adverse actions require the Sheriff obtain concurrence from the County Legal and Personnel Departments. ADVANCE NOTICE REQUIRED.

**26.1.32** Having obtained the required concurrence, the Sheriff shall provide an employee with a written NOTICE OF INTENT describing the charge and its effective date at least three (3) working days in advance of the proposed effective date of any adverse action.

**26.1.33** The statement of charges shall fully explain the reasons for the proposed action. The Notice shall also fully explain the employee's right to respond to the charges within three (3) working days after receipt of the Notice.

## NOTICE OF FINAL ACTION

**26.1.34** If there is no response or the response is inadequate to alter the proposed action, the Sheriff shall provide a Notice of Final Action, which shall include advice on the employee's right to appeal and proceed with the action.

## PERSONNEL ACTION FORM

**26.1.35** After ten (10) working days or following the appeals process (Directive 25.1) for adverse action, a County of Volusia Personnel Action Form shall be prepared finalizing the action.

**26.1.36** Dismissal of an employee requires the inclusion of the following written statements:

- A. A statement citing the reasons for the dismissal
- B. The effective date of the dismissal, and
- C. A statement of the status of any retirement or fringe benefits the employee may be eligible for after dismissal

**26.1.37** Adverse punitive actions in order of increasing severity are:

- A. Suspensions
- B. Suspensions without pay
- C. Reduction in pay
- D. Demotion
- E. Dismissal

## SUSPENSIONS

**26.2.38 Suspension Without Pay** - Suspension without pay is an adverse action, and while it may be recommended by the supervisor, only the Sheriff, with the concurrence of the County Legal and Personnel Departments, may institute such an action. The Sheriff is required to give written notice in accordance with the provisions of this Directive. Employees may be suspended without pay in the following situations:

- A. **Investigation** - Whenever the Sheriff has reason to believe that an employee may have committed a serious violation or offense, but sufficient evidence is not yet available to make a proper evaluation and determination of appropriate final action, the Sheriff may suspend an employee for up to seven (7) calendar days pending investigation.
- B. **Disciplinary Action** - When the Sheriff determines that suspension is an appropriate corrective action for a violation, an employee may be suspended for up to thirty (30) calendar days. Ordinarily, an initial suspension for a particular offense will not exceed three (3) to five (5) work days, depending on the seriousness of the offense. A



thirty (30) day suspension would normally be imposed only for the most serious and flagrant of offenses, or as the last in a series of progressively more severe suspensions.

- C. Misdemeanor or Felony** - When an employee has been charged with a crime classified as a misdemeanor or felony, the Sheriff shall review the nature of the employee's offense, make a determination of the crime impact on the ability to perform the employee's duties in a satisfactory manner, and if appropriate, suspend the employee until disposition of the charge or charges.

#### **SUSPENSION WITH PAY**

**26.1.39** In certain circumstances, the Sheriff may determine that although a suspension without pay may not be appropriate, it may be necessary to relieve an employee of their duties and remove them from the work site. In such a case, a suspension with pay may be given the employee for up to five (5) work days.

#### **SUSPENSIONS IN EXCESS OF THIRTY DAYS**

**26.1.40** The County Manager, on the recommendation of the Personnel Board, may authorize a disciplinary suspension in excess of thirty (30) calendar days, but in no case shall such suspension exceed ninety (90) calendar days.

#### **EMERGENCY SUSPENSION**

**26.1.41** If an emergency exists which makes immediate suspension of an employee necessary before concurrence can be obtained, to preserve the health and safety of the employee or others, or to continue vital services to the public, or to continue a County function without serious disruption, a supervisor may immediately suspend an employee for a period of time not to exceed one (1) day with pay.

**26.1.42** Supervisors exercising this option must report the emergency suspension in writing through channels to the Sheriff for concurrence as soon as possible and practical. The report shall also contain the disciplinary action (if applicable) recommended by the supervisor. Circumstances that may justify an emergency suspension are:

- A. Insubordination** - When the employee is or has been insubordinate and when such insubordination may cause immediate problems
- B. Unfit for duty** - When the employee has reported for duty under the influence of an intoxicant and/or drug, or consumes an intoxicant and/or drug while on duty (except for prescribed medications taken under the direction of a physician), or when the employee's physical or mental faculties are so impaired as to create an unsafe condition for whatever reason
- C. Criminal Act** - Whenever there is probable cause to believe the employee was/is involved in a criminal act

#### **SUSPENSION AFTER USE OF DEADLY FORCE**

**26.1.43** In every instance in which a Deputy uses deadly force which results in death or great bodily injury to another person, the Deputy will be immediately relieved of normal duties in order that the personal and emotional needs of the Deputy be addressed and all facts surrounding the incident verified. A minimum period of three (3) days off will apply in all cases. Extended time off shall be at the discretion of the Sheriff.

#### **EMPLOYEE UNDER SUSPENSION**

**26.1.44** An employee under suspension may be required to surrender their badge, ID card, issue weapon(s) and VSO vehicle. The employee may not wear the uniform or perform the duties of their position while under suspension.

**26.1.45** The date that the suspension will be taken will be determined by the District or Division Commander. Care shall be taken to avoid scheduling the suspension during a pay period that includes a holiday. Any exceptions must be approved by the Chief Deputy or Sheriff.

**26.1.46** The suspended employee is prohibited from working any overtime during the pay period. Both VSO and outside detail extra-duty overtime are prohibited. If a significant emergency arises which requires maximum operational manpower, District and Division Commanders have the authority to recall a suspended employee to active duty.

**26.1.47** Employees will not work an alternative shift at straight time pay in order to circumvent the intent of a suspension. For example, a suspended Deputy who normally works Alpha shift will not be allowed to fill in on a Bravo shift to make up his time. A suspension covers the entire 24-hour period of the day assigned. A suspended employee shall not work any shift other than his normally assigned duties. At the end of the pay period, the employee's time card must reflect the normal work period less the scheduled suspension time. It remains the employee's responsibility to notify anyone scheduling work details or overtime that they are under a suspension and not eligible to work.

## **RESTORATION TO ACTIVE DUTY**

**26.1.48** At the end of the prescribed period of suspension, the employee shall be returned to active duty at their previous salary rate unless other disciplinary action affecting the position and/or salary has been taken. If the suspension has been found to be inappropriate or too severe, the employee shall be given back pay for all or part of the suspension period.

**26.1.49** An employee under an emergency suspension should return to work at their next regularly scheduled tour of duty unless otherwise instructed by their supervisor.

## **REDUCTION IN PAY**

**26.1.50** Reducing an employee's pay within grade to correct a problem concerning performance or conduct can be an effective disciplinary action. Whenever the Sheriff determines that it is appropriate to the circumstances, an employee's pay may be reduced in order to influence an employee to improve performance or behavior.

## **DEMOTION**

**26.1.51** Demotions are an extremely serious disciplinary action and usually confined to situations where the employee's performance is below the minimum requirements for the job. Upon review of the facts surrounding a given situation, the Sheriff may determine that demotion of an employee to a position in a lower pay grade is warranted and proper in an attempt to correct the situation.

## **DISMISSAL**

**26.1.52** Dismissal is the most severe disciplinary action that can be taken against an employee since it normally means the permanent removal from VSO service. An employee may be dismissed when all reasonable attempts at corrective action have been ineffectual, or when the seriousness of, and the circumstances surrounding, the offense leave dismissal as the only feasible alternative.

## **SUPERVISORY RESPONSIBILITIES, INVESTIGATIONS, AUTHORITY AND ACCOUNTABILITY**

**26.1.53** First-line supervisors are crucial to the disciplinary process. They have the best opportunity to observe the conduct and appearance of employees in their charge and detect those instances when disciplinary actions are warranted.

## **RESPONSIBILITIES**

**26.1.54** Supervisors are responsible for, and have the duty to counsel, train, initiate punitive actions and conduct investigations into allegations of misconduct involving employees under their immediate command.

## **INVESTIGATIONS**

**26.1.55** Supervisors are responsible for initiating a prompt investigation into any and all complaints of misconduct by their employees and conducting full investigations into allegations of employee misconduct that may include, but are not limited to:

- A.** Minor violations of policy and procedure
- B.** Allegations of rudeness to citizens
- C.** Insubordination
- D.** Tardiness or dilatory behavior

**26.1.56** Supervisors must be acutely aware of, and explicitly follow, the provisions of Directive 52.1 in conducting these investigations to ensure their actions are timely, reasonable, consistent and legal.

**26.1.57** Directive 52.1 governs the "conclusion of fact" for each allegation of misconduct. To ensure all participants in the process are properly informed, and identify the need for change in written directives which relate to policy change procedures or training to minimize or prevent future occurrences of misconduct, each investigation must be concluded as:

- A. Exonerated** - The allegation was true, but was the result of adherence to proper and appropriate police procedures and techniques under the circumstances.
- B. Not Sustained** - The investigation discloses insufficient evidence to clearly prove or disprove the allegation.
- C. Policy failure** - The VSO policy or procedure does not properly address the allegation or procedure, which led to the conduct as alleged, and the investigation reveals policy or procedural changes are recommended.
- D. Sustained** - The investigation discloses that the accused employee has committed all or a substantial part of the alleged act (s) or improper conduct.
- E. Unfounded** - No basis for the allegation, or the employee acted properly under the circumstances.

## **DISCIPLINARY AUTHORITY**

**26.1.58** Supervisors may issue oral reprimands, written reprimands and make emergency suspensions (with pay) under the provisions of this Directive.

**26.1.59** Supervisors may make recommendations for more serious forms of discipline and may require an employee to obtain professional counseling and/or formal remedial training with concurrence of their Division Commander.

## **ACCOUNTABILITY**

**26.1.60** Failure of a supervisor to take proper disciplinary action when necessary is considered neglect of duty and will itself be subject to disciplinary action against the supervisor.

## **OFFENSE CLASSIFICATION**

**26.1.61** Violations of policy, procedure, rule or regulation shall be grouped according to the nature of the offense and classified as:

- A. Neglect of Duty Offenses**
- B. Improper Conduct Offenses**
- C. Insubordination Offenses**
- D. Unlawful Conduct Offenses**
- E. Job Knowledge and Performance**

## **DISCIPLINARY VARIANCE**

**26.1.62** For each violation, consideration will be given to the severity of the misconduct and the factors listed in this directive. In each case where the recommended disciplinary action is modified, the reasons for such modification will be noted.

## **ENHANCED PENALTIES**

**26.1.63** Repeat offenses shall generate progressively increased penalties.

- A.** Recurrence of the same offense for which less than a two day suspension was received may be punishable by suspension of up to 5 days.
- B.** The third occurrence of such offense may be punishable by suspension of up to 15 days.
- C.** The fourth occurrence of such offense shall be cause for up to dismissal.
- D.** Recurrence of the same offense punishable by up to a five day suspension shall be punishable by up to a 15 day suspension.
- E.** The third occurrence of such offense shall be cause up to dismissal.
- F.** Recurrence of the same offense punishable by suspension of up to 15 days shall be cause for up to dismissal.

## **TIME CONSIDERATION**

**26.1.64** For the purpose of progressive discipline, offenses normally punishable by reprimand or one day suspension shall be considered as repeat offenses ONLY when such repetition occurs within six months of the most recent offense.

**26.1.65** Offenses normally punishable by two or more days' suspension shall be considered as repeat offenses ONLY when such repetition occurs within two years of the most recent offense.

## **DISCIPLINARY RECORDS AND DOCUMENTATION**

**26.1.66** Supervisors and commanding officers are responsible for the proper recording and/or documentation of disciplinary actions. There are three (3) files wherein disciplinary action may be documented on an employee:

- A. Field Record** - All supervisors shall maintain a work history on each employee. This file is informal and intended to serve as a repository for information essential in providing a thorough supervisory knowledge of the employee. It shall contain notes and other documentation of employee behavior and/or performance to provide an accurate basis for employee performance evaluations, recognition of merit or progressive disciplinary actions. The file is transferred with the employee when assigned a new supervisor. Information retention in this file is subject to the provisions of the State of Florida General Records Schedule for Law Enforcement Records.
- B. Internal Affairs File** - This file is maintained for the Sheriff by Internal Affairs. This record consists of, but is not limited to, cases investigated that allege employee misconduct and/or violate VSO directive. It is maintained by Internal Affairs, and records retention shall be in accordance with the State of Florida General Records Schedule for Law Enforcement Records. Records of all punitive disciplinary actions and those non-punitive actions as may relate to formal counseling or training are included in this file. Records retention as relates to disciplinary actions

shall be retained in this file in accordance with the State of Florida General Records Schedule for Law Enforcement Records.

- C. Official Personnel Files** - The County Personnel Department and the Human Resources Unit maintains the employee's official (master) Personnel Files. It shall contain documentation of all punitive actions except oral reprimands. This file must be retained fifty (50) years after separation or termination of employment, pursuant to the provisions of the State of Florida General Records Schedule for Law Enforcement Records.

#### **DOCUMENTATION PROCEDURE**

**26.1.67** First line supervisors shall have the authority to take two (2) types of disciplinary action. That action shall be the Employee Performance Notice and A Letter of Reprimand.

**26.1.68** Supervisors shall call Internal Affairs at their earliest opportunity to inquire about previous disciplinary actions of misconduct. An Internal Affairs tracking number shall be issued at that time.

**26.1.69** After the appropriate form is completed and signed, by both the supervisor and the employee, the following routing procedures shall be followed:

- A.** The employee is given their copy of the form.
- B.** The rest of the copies are forwarded through the chain of command. As the form reaches each level, the appropriate supervisor shall initial the form and remove their copy for filing.
- C.** The final copy continues to the Sheriff for his review. The Sheriff then forwards a copy to Internal Affairs for filing.
- D.** The Disciplinary action taken on the forms shall not be modified in severity. If the reviewing supervisor determines that the disciplinary action chosen was inappropriate for any reason, alternative counseling and/or training will be directed at the supervisor issuing the action.

**26.1.70** Disciplinary action may only be modified by the Sheriff.

#### **APPEALS**

**26.1.71** Because reductions in pay, demotions, suspensions and dismissals are employer actions which have such a serious adverse effect upon the lives of employees, and because such adverse actions are normally not effectively appealable within the regular administrative structure, special channels and procedures have been established to insure equity to employees involved in such actions.

#### **PROCEDURAL DUE PROCESS**

**26.1.72** Whenever the Sheriff proposes and/or takes an action that severely affects an employee's employment status (Adverse Action), the Sheriff shall afford the employee procedural due process. Procedural due process shall include:

- A.** A written statement of the reasons for a proposed action (Notice of Intent) and an opportunity to reply before an action is taken.
- B.** Notification of the action taken (Notice of Final Action), the reasons for the action stated in sufficient detail for a full and complete understanding, the right to appeal and the manner in which the appeal may be initiated.
- C.** An impartial hearing officer or board
- D.** The right to representation, including legal counsel
- E.** Fair rules of evidence
- F.** The right to confront and cross-examine witnesses

**26.1.73** The County Personnel Board has been created to hear appeals arising from adverse action situations, illegal discrimination allegations and classifications and examination decisions.

#### **ADVERSE ACTION**

**26.1.74** Adverse actions are those actions taken by the Sheriff for disciplinary reasons which result in an employee involuntarily suffering a loss in pay or status. Such actions include reduction in salary rate, demotion, suspension and dismissal and require concurrence of the County Legal and Personnel Departments. Placement of an employee on leave without pay status (or a charge against annual leave in lieu of suspension) as a disciplinary measure may also be considered an adverse action.

**26.1.75** Demotions resulting from organizational changes, reductions in force because of lack of funds, rejections of probation, classification studies and the voluntary initiative of an employee are not adverse actions for disciplinary reasons and are not appealable to the Personnel Board as such.

**26.1.76** Separations during the probationary period for original entrance appointments are not appealable to the Personnel Board.

**26.1.77** Adverse actions may be appealed to the Personnel Board as provided in Directive 25.1.

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**Revised by:** 6760

**Revised on:** 07-2019 [Volusia County Merit Rules & Regulations]

**Approved:**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and another signature.

**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER GO-026-02</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 10/09/2020
		<b>Original Issue Date</b> 09/1991	<b>Previous Revision Date</b> 07/2019
<b>Title</b>  <b>STANDARDS OF CONDUCT</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to adopt and promulgate standards of conduct for Volusia Sheriff's Office employees.

## II. DISCUSSION

In the performance of duty to serve society, a Deputy is often called upon to make difficult decisions. Discretion must be exercised in situations where the Deputy's rights, liabilities, and those of the Volusia Sheriff's Office hinge upon good conduct and sound judgment. A Deputy's decisions are not easily made, and occasionally involve a choice, which may cause personal hardship or discomfort.

Deputies must be faithful to the oath of office, the principles of professional police service, and the objectives of the Volusia Sheriff's Office. Personal motives must not be allowed to influence decisions and conduct in the discharge of duty.

All personnel, civilian or sworn, may find themselves at any given time in a character-defining situation. This is because these "choice points" articulate our personal values, clarify our character, and define our integrity. As public employees of the Volusia Sheriff's Office, the use and application of good judgment, decency and common sense is expected both on and off duty and should be considered the cornerstone of public trust.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office that employees maintain command of temper, patience and discretion. They shall not engage in any conduct which constitutes neglect of duty or which is likely to adversely affect the discipline, good order, or reputation of the Volusia Sheriff's Office, even though such conduct may not be specifically set forth in this chapter.

The "Canons of Law Enforcement Ethics" established by the International Association of Chiefs of Police and presented in Chapter 1 is hereby adopted as general guidance for, and the standard against which employee conduct is both expected and measured.

This chapter identifies certain general and specific conduct that is prohibited for employees of the Volusia Sheriff's Office. If a particular subject or offense is not addressed in this chapter, the reader should consult the Manual Index for direction to a more appropriate chapter.

Further, it is the policy of the Volusia Sheriff's Office to provide ethics training to all personnel at a minimum biennially.

## IV. PROCEDURE

### A. GENERAL

1. This first section is extracted in its entirety from Division 1 and 13 of the County Merit System Rules and Regulations and is applicable to all County employees. The next section contains the Volusia Sheriff's Office Disciplinary Rules and is more oriented to conduct of sworn personnel, although not exclusively so.

## **B. MERIT SYSTEM RULES AND REGULATIONS**

### **Sec. 86-43. - Conduct of employees.**

(a) *Code of conduct.* Employees of the county government are employed to provide service to the citizenry of the county and the public in general and are expected to conduct themselves in a manner that will reflect credit on the county government, public officials, fellow employees and themselves. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business.

(b) *Political activity.*

(1) All employees are entitled to exercise their rights as citizens to express their opinions on all political subjects and candidates, to vote as they choose, to hold membership in and support a political party, to maintain political neutrality, and to attend political meetings.

(2) No employee shall use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; participate in the management, affairs or campaign of any candidate for political office during work hours, in a county building, or on a county work site; solicit any assessments, contributions, services, or petitions for any political party or political campaign during work hours, in a county building, or on a county work site; use county property for any political party or any candidate campaign; or appear in any county uniform as a political candidate or as part of an event or advertisement in support of any candidate or political party.

(3) No employee may hold elected political office, except as provided in subsection (b)(4). Any employee elected or appointed to any elective public office other than one of the offices of elected department head created pursuant to Charter section 602.1 shall be deemed to have vacated his or her former position of county employment and to retain no right to re-employment.

(4) Any employee appointed to fill a vacancy in one of the offices of elected department director created pursuant to Charter section 602.1 shall be placed on leave of absence for the duration of the appointment. An employee appointed as an elected department director thereafter may become a candidate for such Charter office. However, if elected, such employee shall be deemed upon commencement of the term for which election is first sought to have vacated his or her former position of county employment and to retain no right to re-employment.

(5) An employee without resignation of employment may become a candidate for any elected public office subject to the restrictions of this section; provided that nothing herein shall excuse compliance with controlling provisions of Florida or federal law that forbids candidacy for certain offices or requires resignation of certain employees when seeking office. Employees who run for office pursuant to this subsection shall continue to abide by all other applicable county personnel rules and policies while employed by the county.

(6) Unless waived by the county manager for the needs of the county, an employee who becomes a candidate for an elected public office shall be required to take 15 calendar days of mandatory uninterrupted leave immediately prior to and on the date of each primary or general election for which such office is on the ballot. An employee taking such leave shall use available personal or annual leave time to meet the requirements of this subsection; however, if such employee has insufficient personal or annual leave available for the entirety of the mandatory leave period, the remainder shall be treated as approved unpaid leave without pay but without loss of benefits.

(c) *Outside employment.*

(1) Full-time employees are not encouraged but not prohibited from engaging in other employment during their off-duty hours. However, county employment shall be considered the primary employment; and no employee may engage in outside employment which in any manner interferes with proper and effective job performance, results in a conflict of interest or which may subject county government to public criticism or embarrassment.

(2) Approval to engage in outside employment must be obtained in writing from the employee's appointing authority. If the specific conditions of the outside employment change, a new request for approval must be submitted. Failure to secure required approval may cause an employee to be suspended or discharged. Approval will at all times be subject to review and cancellation.

(3) Disapproval of a request or cancellation of an existing approval may be appealed through the grievance procedure.

(d) *Gifts and gratuities.*

(1) No employee shall solicit or accept any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any organization, business firm or person who has or is seeking to obtain business with the county government or from any organization, business firm or individual whose interests may be affected by the employee's performance or nonperformance of official duties. This restriction is not intended to prohibit employees from obtaining loans from regular lending institutions.

(2) Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness; food and refreshments in the ordinary course of business meetings; unsolicited advertising or promotional material, e.g., pens, notepads, calendars, etc., or social courtesies which promote good public relations is permitted.

(3) Contributions made for flower funds or special gifts for fellow employees are not prohibited. However, participation in such activities, including contributions for even nominal gifts to supervisors, must be wholly voluntary on the part of each employee, and any gifts should be of minimal value.

(4) Supervisors, in addition, must avoid placing themselves in a position which could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates other than those of nominal value for special occasions, and no supervisor shall borrow money or accept favors from subordinates.

(5) Inspectors, contracting officers and enforcement officers must be particularly careful to guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

(e) *Conflict of interest.*

(1) No employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor or service:

a. That would cause a reasonably prudent person to be influenced in the discharge of official duties.

b. That is based upon any understanding that the vote, official action or judgment of the public officer, employee or candidate would be influenced thereby.

(2) No public officer or employee of an agency or his spouse or minor child shall, at any time, accept any compensation, payment or thing of value when such public officer or employee knows, or with the exercise of reasonable care should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his official capacity.

(3) No employee shall corruptly use or attempt to use his official position or any property or resource which may be within his trust, or perform his official duties, to secure a special privilege, benefit or exemption for himself or others.

(4) No employee shall have or hold any employment or contractual relationship (personal services) with any business entity or any agency which is subject to the regulation of, or doing business with, the county, excluding those organizations and their officers, who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the county; nor shall an employee have or hold any employment or contractual relationship that will create a conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.

(5) No employee shall disclose or use information not available to members of the general public and gained by reason of his official position or benefit or for the personal gain or benefit of any other person or business entity.

(6) It is not the intent of this section, nor shall it be construed, to prevent any employee of the county from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge of such employee of his duties to the county.

(7) The provisions of this subsection (e) shall be construed to be consistent with state law regarding conflict of interest. Notwithstanding anything in this section to the contrary, employees are bound by all state laws respecting conflict of interest, including but not limited to any required disclosure of financial interests.

(f) *Business activities and solicitation.* No employee shall engage in any business other than his regular duties during working hours, including such activities as selling to fellow employees, lending of money for profit, etc.

(g) *Privileged information.* Employees may deal with plans, programs and information of significant public interest. Employees must not use this privileged information for their own financial advantage or to provide any other person with financial advantage, or with information which could be used for financial advantage. If an employee finds that he has an outside financial interest which could be affected by county plans or activities, he must immediately report the situation to his supervisor. Each employee is charged with the responsibility of ensuring that he releases only information that he has authority and responsibility to release and that should be made available to the general public. Violation of privileged information or use for private gain is just cause for



dismissal. This section shall not be construed to be in conflict with the State Public Records Act, Fla. Stat. Ch. §119.

(h) *Family employment restrictions.* No employee shall advocate, lobby, influence, use their position to influence, or appear to influence, any employment or personnel related decision for or on behalf of an immediate family member or an immediate family member of another employee. No member of the immediate family of an employee may be employed, promoted, demoted or transferred on a permanent or temporary basis, to a position where that relative would be supervised by or supervising, or influenced by or influencing, the activities of that employee. For purposes of this subsection, the term "immediate family" is defined as blood, marital or step relatives, including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, step-sister, half-brother, half-sister, or any ward of an employee living within the same household.

(i) *Use of county property.* Employees should not, directly or indirectly, use or allow the use of county property of any kind for other than official activities.

(j) *Violations.* Any officer or employee of the county who knowingly violates any of the provisions of this section shall be subject to dismissal from his position in the county service.

(1) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of this article or in any manner commit or attempt to commit any fraud preventing the impartial execution of this article.

(2) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the county government.

(3) No employee of the human resources office, or any other person, shall defeat, deceive or obstruct any person in their right to examination, eligibility, certification or appointment under this article, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the county service.

(4) No councilmember during the term for which he has been elected or appointed, or for one year thereafter, shall be eligible for appointment to any office, position or employment in the county service which carries compensation.

(5) Any county employee participating in a strike, as defined in Fla. Stat. Ch. § 447, pt. II (Fla. Stat. § 447.201 et seq.), shall be subject to termination from county employment.

(k) *Loyalty oath.* All persons who now or hereafter are employed by the county shall be required to take the state loyalty oath. Penalty for refusing shall be as prescribed by state law, which includes but is not limited to the immediate discharge of said person.

#### **Sec. 86-453. - Reasons for disciplinary action.**

Any of the following violations is cause for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation. These offenses are illustrative and not all-inclusive.

(1) Willful neglect in the performance of the duties of the position to which the employee is assigned.

(2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.

(3) Willful misuse, misappropriation, negligence or destruction of county property or conversion of county property to personal use or gain.

(4) Frequent tardiness or absence from duty without prior approval.

(5) Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a proper supervisor, or other acts of insubordination.

(6) Habitual use of intoxicating beverages to excess or abuse of narcotics, drugs or other controlled substances so as to interfere with job performance or the efficiency of county service.

(7) Intoxication or use of alcoholic beverages, or abuse of narcotics, drugs or other controlled substances while on duty.

- (8) Criminal or illegal conduct (regardless of the filing of criminal charges or lack thereof or the absence of a criminal conviction or adjudication) that interferes with effective job performance or has an adverse effect on the county.
- (9) Any conduct, on or off duty, that interferes with effective job performance or has an adverse effect on the county.
- (10) Any act of dishonesty, falsification, misrepresentation, concealment, or deception in any employment related matter.
- (11) Violation of privileged information or its use for private gain.
- (12) Incompetent or unsatisfactory performance of duties.
- (13) Conviction of a crime.
- (14) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.
- (15) Membership in any organization which advocates the overthrow of the government of the United States by force or violence.
- (16) Any false statement in an application or in any other document used to obtain employment regardless of the passage of time elapsed from date of hire.
- (17) Acceptance of gratuities to the extent prohibited in division 1 of this article.
- (18) Refusal to be examined by a county physician or other designated physician when so directed by proper authority.
- (19) Political activity violation as outlined in section 86-43(b).
- (20) Refusal to sign the loyalty oath.
- (21) Participation in a strike, as defined by the public employees relations commission.
- (22) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

## **C. DISCIPLINARY RULES**

1. The remainder of this general order refers to rules which are specific to the Volusia Sheriff's Office and do not reference the County Merit System.
2. The Volusia Sheriff's Office disciplinary rules are grouped by offense classification. These groups are further subdivided into subjective categories by degree and severity of recommended punishment. Recommended penalties are based on first offenses only. Multiple offenses shall be handled on a case-by-case basis.
3. These offense classifications are:
  - Neglect of Duty Offenses
  - Improper Conduct Offenses
  - Insubordination Offenses
  - Unlawful Conduct Offenses
  - Job Knowledge and Performance

## **D. NEGLECT OF DUTY**

1. Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect.
2. **PERSONAL REQUIREMENTS**
  - a. **Personal Appearance** – Employees shall maintain a neat, clean and proper appearance in conformance with the grooming and dress requirements promulgated in general order GO-022-06 Appearance, Uniforms and Equipment  
(Violation subject up to a 1 day suspension)
  - b. **Identification to be Carried** – Sworn employees shall carry their badge and commission (ID Card) on their person at all times:

- (1) **Uniform On-Duty** – The Volusia Sheriff's Office issued uniform provides for the prominent display of the agency badge and legal authority as a certified law enforcement deputy.
- (2) **Plain-Clothes On-Duty** – While in plain-clothes, deputies shall wear their issued badge in the badge holder attached to a break-away lanyard. The lanyard is to be worn around the neck so that the badge is prominently displayed at chest level.
- (3) **Exceptions** – During hazardous covert/undercover assignments and/or under special circumstances as authorized by the Division Chief, or designee.
- (4) **Off-Duty** – Sworn off-duty personnel shall have their badge and commission in their possession except when made impractical by the nature of their activities such as sports.
- (5) **Civilians** – Civilian personnel are prohibited from wearing any clothing that is issued strictly to sworn personnel and that bears the official law enforcement badge. Refer to section IV.E.2.a. for identification requirements.

*(Violation subject up to a 1 day suspension)*

- c. **Deputies to Carry Firearms** – All Deputies shall carry on or about their person an approved firearm when on duty, except when otherwise ordered by competent authority. It is recommended, but not required, that Deputies carry an approved firearm when off duty except when made impractical by the nature of their activities such as sports.

*(Violation subject up to a 1 day suspension)*

- d. **Care and Maintenance of Firearms** – Sworn personnel who are required to carry firearms in the performance of official duties shall maintain such firearms in a clean and serviceable condition while on duty.

*(Violation subject up to a 1 day suspension)*

- e. **Residency Requirement** – All employees are required to reside in Volusia County within 90 days of initial appointment. This requirement may be waived by the Sheriff upon written request. All requests shall be handled on a case-by-case determination by the Sheriff. A copy of the written request and resulting determination shall be maintained in the individual's personnel file. Any change in residency outside of Volusia County shall require resubmission of a separate written request for waiver.

*(Violation subject up to termination)*

- f. **Marital Status, Address, and Telephone Number** – Employees shall keep the Volusia Sheriff's Office informed of their correct marital status, residential address and telephone number. Sworn employees are required to have telephone service to their residences. Employees must report any change of address or telephone number within twenty-four (24) hours.

*(Violation subject up to a 1 day suspension)*

### 3. **REPORTING FOR DUTY**

- a. **Absence from Duty without Proper Notification** – Employees shall report for duty in accordance with their assigned work schedules and shall not be absent from duty without supervisor's authorization or having made proper notification. Employees who are unable to report for duty due to illness or other emergency shall cause notification of their supervisor not less than one hour prior to scheduled reporting time, whenever possible.

*(Violation subject up to a 1 day suspension, with each day of unauthorized absence constituting an independent and continued violation)*

- b. **Failure to Report for Duty Due to Conduct** – Employees shall be circumspect in their private activities, and shall not subject themselves to circumstances such that they are unfit or unable to report for duty at the designated time.

*(Violation subject up to a 5 day suspension)*

- c. **Tardiness** – Employees shall promptly report for duty properly prepared at the time and place required by assignments or orders.

*(Violation subject up to a 1 day suspension)*

- d. **Failure to Respond to a Subpoena** – Employees shall promptly report to the specified location at the time and date as required by civil or criminal subpoena without fail. Employees who are unable to respond to a subpoena because of sickness, injury, or other such causes, or because of conflict with another subpoena shall notify the Witness Coordinator.

*(Violation subject up to a 1 day suspension)*

- e. **Court Attire** – Hearings before a Judge-only shall require uniform of the day; proceedings before a jury require Class A uniform. In the case of depositions or undercover assignments, employees may wear business dress attire consistent with the requirements established in general order GO-022-06 Appearance Uniforms and Equipment, under “Civilian Employees”.

*(Violation subject up to a 1 day suspension)*

- f. **Failure or Refusal to Work Overtime or Special Hours** – Employees shall report for duty or remain on duty, when scheduled to or assigned to work overtime, special events or special shifts.

*(Violation subject up to a 5 day suspension)*

- g. **Misuse of Sick Benefits** – Employees shall not feign illness or injury or falsely report themselves ill or injured or otherwise deceive any commanding officer or supervisor of the Volusia Sheriff's Office as to the conditions of their health for purposes of avoiding normal duties through use of accumulated sick leave. Performance of physical, income producing or recreational activities while on sick leave shall be prima facie evidence of sick leave abuse.

- (1) Employees are expected to remain at their place of residence while on sick leave, or to cause prompt notification of their Division Chief or District Commander with a location at which they may be reached. Employees may, however, leave their place of residence for short durations as necessary for obtaining medical aid or assistance.

- (2) If employee is absent from duty due to illness for more than three consecutive work days, a doctor's verification of illness or a supervisor's verification of illness shall be required upon returning to work.

*(Violation subject up to a 5 day suspension)*

#### 4. **INJURY, DAMAGE, OR LOSS**

- a. **Failure to Report Personal Injury** – Any personal injury, however slight, incurred on the job shall be reported to a supervisor immediately in accordance with the provisions of Chapter 022. Any injury requiring professional treatment incurred off-duty shall be reported to an employee's supervisor or commanding officer as soon as practical.

*(Violation subject up to a 1 day suspension)*

- b. **Failure to Report Loss of Equipment, Badge, or ID Card** – Employees shall immediately report the loss of badge, ID card, or other Volusia Sheriff's Office or County equipment to a supervisor. A written report shall be made.

*(Violation subject up to a 5 day suspension)*

- c. **Failure to Report Vehicle Accident** – Employees shall immediately report accidents in which they are involved with a Volusia Sheriff's Office or County vehicle or equipment. Vehicle includes any form of sea, land or air transport.

*(Violation subject up to a 5 days suspension)*

#### 5. **DUTY REQUIREMENTS**

- a. **Leaving Assigned Work Area** - Employees shall remain at or in assigned work areas or District during working hours, unless otherwise authorized by a supervisor.

*(Violation subject up to a 1 day suspension)*

- b. **Horseplay or Other Distracting Activity** - Employees shall perform their duties in a conscientious manner and shall not engage in horseplay while on duty or at a Volusia Sheriff's Office or County facility or work station and shall not distract others who are performing assigned duties.

*(Violation subject up to a 1 day suspension)*

c. **Abusing Meal or Rest Periods**

- (1) Employees working an eight or ten hour workday are permitted one ten-minute rest period during the first half of their shift and one ten minute rest period during the second half of their shift.
- (2) Employees working a twelve hour workday are permitted one fifteen minute rest period during the first half of their shift and one fifteen minute rest period during the second half of their shift.
- (3) Employees may suspend work activities up to 40 minutes per workday for meal breaks. Employees, with supervisor's approval, may combine their rest periods for up to a one hour meal break.
- (4) Rest periods and meal breaks may be suspended or canceled depending on workload. Employees may be recalled to duty at any time when on break.
- (5) Meal breaks or rest periods may not be taken during the last hour of the workday.

*(Violation subject up to a 1 day suspension)*

d. **Meal Break Attendance**

- (1) Maximum attendance for Patrol Units and Civil Units at any public location/restaurant for meals shall be two Units and one Supervisor.
- (2) Exceptions: When involved in training exercises, units may attend as a group.
- (3) Supervisors and all deputies shall keep in mind appearance and public perception of the agency and should use good judgment when attending public/restaurant areas. Supervisors/Deputies shall be held accountable.

*(Violation subject up to a 1- day suspension)*

- e. **Lotto/Lottery Ticket Purchases** – The purchase of Lotto/Lottery tickets while on duty or in uniform is not permitted.

*(Violation subject up to a 1-day suspension)*

- f. **Inattention to Duties, Loafing, Sleeping** – Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty.

*(Violation subject up to a 1 day suspension)*

- g. **Failure to Follow Directive or Order** – Employees shall adhere to all official directives and/or orders, and shall faithfully execute all the duties and responsibilities of their assigned position.

*(Violation subject up to a 5 day suspension)*

- h. **Submission of Reports and Documents** – Employees shall originate, complete, and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor.

*(Violation subject up to a 1 day suspension)*

- i. **Citizens' Complaints to be Recorded** – Employees shall courteously and promptly adhere to the policy and procedures provided in Chapter 052 for processing citizen complaints of alleged misconduct by Volusia Sheriff's Office personnel.

*(Violation subject up to a 1 day suspension)*

- j. **Employees to Monitor Radio** – Employees shall monitor the appropriate active talk group of the Communications Center when operating a radio-equipped vehicle, on or off duty.

*(Violation subject up to a 1 day suspension)*

- k. **Employees to Respond to Radio Calls** – Employees shall respond promptly to radio calls when logged or listed in service by the Communications Center.

*(Violation subject up to a 1 day suspension)*

- l. **Employees to Render Assistance On or Off Duty** – Sworn employees shall respond to calls for assistance from citizens and from other Volusia Sheriff's Office personnel and shall

take appropriate action in emergencies or criminal occurrences on or off duty. This includes assisting disabled motorists.

*(Violation subject up to a 5 day suspension)*

## 6. SAFETY REQUIREMENT

- a. **Negligence, Not Endangering** – Employees shall not ignore or violate official general orders, orders, or supervisory instructions or knowingly fail to properly execute the duties and responsibilities of their assigned positions.

*(Violation subject up to a 5 day suspension)*

- b. **Negligence Associated with Safety of Persons or Property** – Employees shall be attentive to job duties and shall not violate official general orders, orders, supervisory instructions, or knowingly refrain and cause another to refrain from the performance of lawful duties required for the safety of persons or property.

*(Violation subject up to a demotion)*

- c. **Endangering Others Through Neglect** – Deputies shall take appropriate action in response to:

- (1) Emergency situations where there is a known danger to the lives of others;
- (2) In response to serious crimes. Particularly those of violent nature, which come to their attention on or off duty.

*(Violation subject up to dismissal)*

- d. **Search of Arrested Person** – Deputies shall exercise proper care in the arrest, transportation, and detention of prisoners to prevent escape, injury to self, others, or damage to property. Upon arrest, prisoners shall be searched carefully by the arresting Deputy and all weapons, contraband, or evidence shall be immediately confiscated. When a prisoner cannot be thoroughly searched before being turned over to a receiving Deputy, the arresting Deputy shall, without fail, notify the deputy receiving the prisoner

*(Violation subject up to a 5 day suspension)*

- e. **Cowardice** – Deputies shall perform their required duties and shall not avoid such duties because of fear, lack of courage or resoluteness. Deputies are not expected to enter imminently hazardous situations without assistance; however, they shall not fail to come to the aid of another member of the Volusia Sheriff's Office who is already engaged in a hazardous situation.

*(Violation subject up to dismissal)*

- f. Deputies shall respond to the aid of all persons in danger unless the probability of losing their own life exceeds the probability of successful rescue.

*(Violation subject up to dismissal)*

## E. IMPROPER CONDUCT OFFENSES

### 1. PERSONAL CONDUCT

- a. **Personal Bearing** – Employees shall maintain a professional, businesslike appearance while on duty and/or in uniform. Slouching, standing with hands in pockets, leaning against structures, propping feet upon vehicles or other inappropriate object is not permitted while in public view.

*(Violation subject up to a 1 day suspension)*

- b. **Courtesy** – Employees shall be civil and respectful toward each other and toward the public in general. They shall be especially courteous to visitors, guests, speakers and instructors.

*(Violation subject up to a 1 day suspension)*

- c. **Use of Profanity** – Employees shall not use profanity or vulgarity in speech or gesture at any Volusia Sheriff's Office work place, on or off duty, in public or while representing the Volusia Sheriff's Office or County.

*(Violation subject up to a 1 day suspension)*

- d. **Rumors and Gossip** – Employees shall not engage in or convey gossip detrimental to other employees, the general public, County, Volusia Sheriff's Office, or Office of the Sheriff.  
(Violation subject up to a 1 day suspension)
- e. **Neighborhood and Domestic Disputes** – Employees shall avoid official, personal involvement in neighborhood controversies, domestic or family disputes. Such disputes shall be investigated by impartial on-duty Deputies. Deputies shall not attempt to exercise authority or to make arrest in their own quarrels but shall contact a superior officer, who shall cause the matter to be investigated and action taken by impartial Deputies having no personal interest in the dispute.  
(Violation subject up to a 1 day suspension)
- f. **Involvement in Civil Matters** – Employees shall not involve themselves in civil actions or disputes of other persons nor shall they presume to adjudicate any civil dispute or give advice in civil matters beyond referring parties to the proper agency or class of persons equipped to handle their problem.
- g. Any employee contemplating a civil action as plaintiff, or having been named a defendant in a civil action arising from their official duties or capacity as an employee of the County, shall immediately notify the Volusia Sheriff's Office Legal Advisor.
- h. Employees shall not testify in civil cases not involving the County unless legally summoned.  
(Violation subject up to a 1 day suspension)
- i. **Association with Criminals** – Employees shall avoid regular or continuous association or dealings with persons who they know or should know are under criminal investigation or indictments, or persons who have a criminal or immoral reputation in the community, except as necessary in the performance of official duties. Immediate family members are exempt from this provision, providing the situation is immediately reported to the Sheriff.  
(Violation subject up to a 5 day suspension)
- j. **Association with Dissident Groups** – Employees shall not knowingly associate with any person or organization, which advocates, or is instrumental in fostering, hatred or persecution of any person or group of persons, nor shall they knowingly associate with any person or group which advocates the overthrow of the United States Government. (Does not include those employees engaged in the investigation of said groups.)  
(Violation subject up to dismissal.)
- k. **Use of Blogs, Web Postings, Chat Rooms, etc.** – As an employee of the Volusia Sheriff's Office, the use and application of good judgment, decency and common sense is expected both on and off duty. This expectation also applies while engaged in various computer activities both on and off duty. Participation in World Wide Web/Internet services such as Web postings, blogs, chat rooms, dating services, etc., should be carefully considered for proper personal conduct. Employees are not to use, or cause/authorize to be used, any official information, photographs, speech, or writings that identify them as a member of the Volusia Sheriff's Office. Employees shall guard themselves accordingly and shall not participate in any conduct that is likely to have an adverse effect on the reputation of the Volusia Sheriff's Office.  
(Violation subject up to dismissal)

Additional policy violations may also apply to misconduct in this area: Refer to IV.E.4.d. Testimonials; IV.E.9.h. Code of Ethics for Public Officers and Employees; section IV.H.2.b. through IV.H.2.d. Job Knowledge and Performance; Merit System Rules and Regulations 2.05, A. Code of Conduct; Merit System Rules and Regulations 2.05, I. Use of County Property; 1.3 (section III.C.7.) Private Conduct. **(New 07/06)**

- l. **Seat Belt Violations** – Refer to 41.3 (section III.R.), which states All Volusia Sheriff's Office employees shall utilize seat belts when occupying any county vehicle, in accordance with Fla. Stat. § 316.614. All drivers of Volusia Sheriff's Office vehicles shall ensure that any passenger, employee or non-employee, is utilizing an installed seat belt, with the following exceptions:

- (1) Prisoners transported in the rear of caged patrol vehicles or prisoner transport vans need not utilize seat belts.
- (2) When there is a pre-existing injury or medical condition that may be aggravated by the use of seat belts, the Deputy shall provide documentation from a medical physician to his/her District/Section Commander.

This standard applies to the normal operation of a county vehicle and does not apply to situations where the use of seat belts would hinder apprehension or response to a particular call. Supervisors may grant exceptions for specific situations in which they deem efficiency of operations to outweigh the safety benefit.

*(Violation subject up to a 1 day suspension) (New 11/06)*

- m. **Reporting Arrests, Etc.** – Employees who are arrested, have been informed that he or she is a witness/subject/suspect in a criminal investigation, have been issued a criminal summons, notice to appear, traffic citation(s), or civil citation; have their driver's license suspended or have an active warrant(s) or capiases against them, shall immediately notify the Sheriff in writing via the chain of command of the event and circumstances involved. This may be accomplished via interoffice memorandum or via email. A copy of the notification shall be forwarded to the Internal Affairs Office by the employee's Division Chief.

*(Violation subject up to dismissal) (NEW 10/17)*

## 2. PROFESSIONAL CONDUCT

- a. **Personnel Identification upon Request** – Employees, while on duty or in uniform, or when otherwise recognized as a member of the Volusia Sheriff's Office, shall give their name, rank or position in a respectful and courteous manner to any person requesting such identification unless engaged in covert duties; this shall include display of the employee's agency-issued photo-identification card if requested. Employees shall provide verbal identification over the phone while conducting official business.

*(Violation subject up to a 1 day suspension)*

- b. **Mailing Address** – Employees shall not use the County or Volusia Sheriff's Office or any of its facilities as a mailing address for private or personal purposes. Deputies may use the Volusia Sheriff's Office address for registration of personally titled motor vehicles pursuant to Florida Law.

*(Violation subject up to a written reprimand)*

- c. **Correspondence and Stationary** – All correspondence shall comply with the provisions of general order GO-012-02 Written Direction and Official Correspondence. Employees shall not send correspondence out of the Volusia Sheriff's Office over their signatures without the permission of the Sheriff. All official correspondence with any party outside the Volusia Sheriff's Office shall be prepared over the signature of, or upon the authority of the Sheriff. Employees shall not use official Volusia Sheriff's Office stationary except for authorized correspondence.

*(Violation subject up to a 1 day suspension)*

- d. **Conspicuous Display of Firearms** – Exposed firearms may be carried by non-uniformed Deputies while in an official capacity. Firearms shall be securely holstered or carried in a secure covering alongside of a displayed badge and/or when wearing a shirt with the Volusia Sheriff's Office insignia.

*(Violation subject up to a 1 day suspension)*

- e. **Wearing Uniform While Under Disciplinary Suspension** – Employees shall not wear an official Volusia Sheriff's Office uniform, or any part thereof, while under disciplinary suspension except as authorized by the Sheriff or Division Chief.

*(Violation subject up to a 5 day suspension)*

- f. **Abuse of Official Identification** – Employees shall maintain the security of official Volusia Sheriff's Office identification, and shall not lend their photo identification card or badge to another person, or permit them to be photographed or reproduced without the approval of the Sheriff.



*(Violation subject up to a 5 day suspension)*

- g. **Derogatory Ethnic Remarks** – Employees shall not make derogatory remarks concerning race, sex, religion, age or national origin of any person.

*(Violation subject up to dismissal)*

- h. **Harassment** – Employees shall not use their official position to harass, threaten or coerce any person.

*(Violation subject up to a 5 day suspension)*

- i. **Sexual Harassment** – Employees shall not engage in conduct, which is defined by Sec. 703, Title VII of the Civil Rights Act of 1964 as sexual harassment.

*(Violation subject up to dismissal)*

- j. **Exposing Others to Communicable Disease** – Employees shall not knowingly harbor a serious communicable disease, which may endanger others or knowingly expose others to serious communicable disease.

*(Violation subject up to a 5 day suspension)*

- k. **Off-Duty Employment** – Employees shall obtain prior written approval from the Sheriff before engaging in other employment, occupation, profession, or commercial enterprise. Approval shall not be granted for off-duty employment which might interfere with official duties or employment involving the sale or distribution of alcoholic beverages, employment involving bail bond agencies, investigative work for insurance agencies, collection agencies, security agencies, attorneys or private investigators.

*(Violation subject up to a 5 day suspension)*

### 3. **CONFIDENTIALITY**

- a. **Exempt Personal Information** – The home addresses, telephone numbers (including home, personal cellular, personal pager, and those associated with personal communication devices), social security numbers, dates of birth, and photographs of active or former sworn or civilian law enforcement personnel; the home addresses, telephone numbers, social security numbers, photographs, date of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from Fla. Stat. § 119.07 (1). **Effective October 1, 2013**, the names of spouses and children of active and former sworn and civilian law enforcement personnel are also exempt. Such information shall be released only when authorized by competent authority, or with consent of the sworn/civilian personnel concerned.

*(Violation subject up to a 1 day suspension)*

- b. **Interference in Official Investigation** – Employees shall not interfere with cases being processed by other Deputies or other governmental agencies, nor undertake any investigation or other official action not part of their regular duties unless ordered to do so by a superior, unless the intervening Deputy reasonably believes that failure to act would result in an injustice, or the exigencies of the situation require immediate action. Such action shall be immediately reported to a superior.

*(Violation subject up to a 5 day suspension)*

- c. **Misdirected Action of Personnel Under Investigation** – Employees against whom a complaint has been made shall not attempt directly or indirectly, by threat, appeal, persuasion, payment of money or other consideration, to secure the abandonment or withdrawal of the complaint, charges or allegations.

*(Violation subject up to dismissal)*

- d. **Dissemination of Information** – Employees shall treat the official business of the Volusia Sheriff's Office as confidential. Information regarding official business shall be disseminated only to those for whom it is intended and in accordance with established procedures. Employees may remove or copy official records or reports only in accordance with the provisions of Chapter 082.

*(Violation subject up to a demotion)*

- e. **Communicating Criminal Information** – Employees shall maintain the security of confidential information, and shall not intentionally communicate or give law enforcement information to another which may aid a person to escape arrest, delay the apprehension of a criminal suspect, secure the removal of stolen or embezzled goods, money or other property. Employees shall not intentionally divulge the identity of criminal informants except as required by law and authorized by competent authority.

*(Violation subject up to dismissal)*

- f. **Exposure of Undercover Deputies** – Employees shall protect the identity of Deputies engaged in covert operations, and shall not intentionally expose the identity or occupation of Deputies engaged in covert operations. Employees shall not recognize or greet plainclothes Deputies unless greeted first.

*(Violation subject up to dismissal)*

#### 4. **POLITICAL CONDUCT**

- a. **Political Activity** – Employees shall not engage in political activities while on duty, or off duty while in uniform, a County or Volusia Sheriff's Office vehicle, or use their official position when engaged in political activities.

*(Violation subject up to a 1 day suspension)*

- b. **Election/Polling Places** – Deputies shall not enter or remain within an official polling place without permission from elections officials except to cast a ballot or in performance of their official duties.

*(Violation subject up to a 1 day suspension)*

- c. **Misrepresentation/Controversial Opinions** – Employees shall not express opinions on religious, political, economic, or other questions of controversial nature while on duty and/or while representing the Volusia Sheriff's Office, without prior knowledge and approval of the Sheriff.

*(Violation subject up to a 1 day suspension)*

- d. **Testimonials** – Employees shall obtain the approval of the Sheriff before authorizing use of their names, photos, or official titles which identify them as members of the Volusia Sheriff's Office in testimonials, advertisements of any commodity, or commercial enterprises.

*(Violation subject up to a 5 day suspension)*

#### 5. **USE OF ALCOHOL, DRUGS, AND TOBACCO**

- a. **Alcoholic Beverages in Volusia Sheriff's Office Facilities** – Alcoholic beverages shall not be brought into or kept in Volusia Sheriff's Office or County buildings or vehicles, except as evidence or property when officially seized and reported.

*(Violation subject up to a 5 day suspension)*

- b. **Entering or Frequenting Liquor Establishments** – While on duty and/or in uniform, Deputies shall not enter or frequent places established primarily for sale, storage, or consumption of alcoholic beverages, or primarily for sale or display of pornographic pictures and materials, except in discharge of official duties.

*(Violation subject up to a 5 day suspension)*

- c. **Misuse of Identification While Drinking** – Employees, while off duty and partaking of 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 voluntarily display official Volusia Sheriff's Office identification unless necessary to perform official duties. Employees shall not be in possession of an agency issued firearm during these activities.

*(Violation subject up to a 5 day suspension)*

- d. **Engaging in Sale of Alcoholic Beverages** – Pursuant to Florida law, no Sheriff or Deputy Sheriff shall be permitted to engage in the sale of alcoholic beverages or be employed directly or indirectly in connection with the operation of any business licensed under the beverage

law, or be permitted to own any stock or interest in any firm, partnership or corporation dealing in the sale or distribution of alcoholic beverages except as provided by general law.

*(Violation subject up to a demotion)*

- e. **Use of Prescribed or Over the Counter Drugs While On Duty** – Employees shall ascertain the likely effect of over the counter and prescribed drugs from the prescribing physician or a pharmacist and shall adhere to general order GO-022-12 Drug Testing (section V.A.), prior to reporting for duty.

*(Violation subject up to a 1 day suspension)*

- f. **Use or Odor of Alcoholic Beverage While On Duty** – Employees 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. Medically prescribed drugs with alcohol base shall not be used on duty unless approved by a commanding officer. Employees shall not report for duty or be on duty with the odor of alcoholic beverages upon their breath.

*(Violation subject up to a 5 day suspension)*

- g. **Reporting for duty or On Duty While Intoxicated** – Employees shall not report for duty or be on duty while under the influence of intoxicating liquors or drugs or alcoholic beverages to the extent normal faculties are impaired, as defined by Florida law.

*(Violation subject up to a demotion)*

- h. **Unfitness for Duty Due to Alcohol or Drugs** – Employees shall keep themselves fit for duty and shall not become unfit for regularly scheduled duty because of excessive use of intoxicating or alcoholic beverages or drugs to the extent normal faculties are impaired as defined by Florida law. Lawfully prescribed medicines taken in conjunction with legitimate sick leave shall be accepted.

*(Violation subject up to a demotion)*

- i. **Illegal Use or Possession of Drugs** – Employees shall not engage in the illegal use or possession of illegal drugs/narcotics.

*(Violation subject up to dismissal)*

- j. **Use of Tobacco/Nicotine** – Regular risk civilian employees, and those sworn personnel hired prior to October 1, 2007 who use any type of tobacco/nicotine products (excludes nicotine gum, lozenges) shall use such products only where expressly permitted (e.g. designated smoking areas). This shall include those devices originally designed for “smokeless”/vapor-producing applications (e.g. e-cigarettes), or any similar device that mimics the behaviors of smoking.

- k. Use of any tobacco/nicotine product (excludes nicotine gum, lozenges), or “smokeless”/vapor-producing device by any employee, sworn or civilian, is expressly forbidden while in any Volusia Sheriff’s Office buildings/facilities or Volusia Sheriff’s Office owned and/or leased vehicles, marked or unmarked. There shall be no area set aside for this purpose within any Volusia Sheriff’s Office building or facility.

*(Violation subject up to a 1 day suspension)*

- l. Uniformed employees shall not smoke, use, or allow any form of tobacco/nicotine product (excludes nicotine gum, lozenges), or “smokeless”/vapor-producing device to remain in their mouth while on duty and in direct contact with the public.

*(Violation subject up to 1 day suspension)*

- m. This does not preclude the use of tobacco/nicotine or a “smokeless”/vapor-producing device in a public place so long as it is legal to do so and the employee exercises professional discretion, good judgment, and prudence.

*(Violation subject up to written reprimand)*

- n. **Tobacco Use by Volunteers** – While serving as a civilian volunteer for the Volusia Sheriff’s Office, volunteer members in uniform shall not smoke, use, or allow any form of tobacco to remain in their mouth while on duty and in direct contact with the public. In addition, at no time shall any volunteer, whether in uniform or civilian dress use any form of tobacco product

while in a Volusia Sheriff's Office facility or in a Volusia Sheriff's Office owned and/or leased vehicle.

*(Violation subject to suspension from the Volunteer Program) (NEW 08/13)*

- o. Sworn personnel hired after October 1, 2007 and special risk civilian positions (Latent Print Examiners; Evidence Technicians) hired after October 13, 2017, or who seek a special risk civilian position as of October 13, 2017 are not permitted to use tobacco products at any time (on duty or off duty) and shall comply with such prohibitions as a condition of hire and continued employment.

*(Violation shall result in a 1-shift suspension for a first offense, a 3-shift suspension for a second offense and termination for a third offense) (NEW 06-18)*

**NOTE:** As a condition of selection, civilian personnel seeking positions designated as special risk are required to meet the tobacco free requirements upon application, or must successfully participate in a tobacco/nicotine cessation program and test nicotine/cotinine-free by the end of the program, as scheduled through County Human Resources, Occupational Health Clinic.

## **6. USE AND CARE OF EQUIPMENT AND FACILITIES**

- a. **Defacing or Marring Bulletin Boards** – Employees shall not intentionally mark, mar, alter or deface any printed or written notices placed upon Volusia Sheriff's Office bulletin boards.

*(Violation subject up to a 1 day suspension)*

- b. **Defacing or Marring Facilities** – Employees shall not intentionally mark, mar, alter or deface surfaces of Volusia Sheriff's Office or County buildings or facilities.

*(Violation subject up to a 15 day suspension)*

- c. **Restricted Areas/Equipment** – Employees shall obtain authorization from competent authority before using Volusia Sheriff's Office or County equipment not regularly assigned or before entering any locked or restricted area of Volusia Sheriff's Office or County facilities.

*(Violation subject up to a 5 day suspension)*

- d. **Radio Transmissions** – Employees shall use official radio channels in accordance with the procedures promulgated in Chapter 081. The radio microphone shall be keyed only when transmitting an official, authorized message. Operators shall use assigned tactical radio ID designations and not refer to or call another unit or Deputy by name. Employees shall avoid use of sarcasm, impertinent remark or other transmission more appropriately communicated by other means.

*(Violation subject up to a 1 day suspension)*

- e. **Use and Handling of Weapons** – Employees shall use or handle weapons in a careful, safe and prudent manner on and off duty. Weapons shall be used in accordance with the law and Volusia Sheriff's Office general orders.

*(Violation subject up to a 5 day suspension)*

- f. **Handling Monies and Property** – Money or other property coming into the possession of Volusia Sheriff's Office personnel which does not belong to such personnel shall be delivered to the proper custodian, and a report shall be made of the transaction in accordance with the provisions of Chapters 017, 083, or 084, as applicable.

*(Violation subject up to a 5 day suspension)*

- g. **Processing Property and Evidence** – Property and evidence which have been received in connection with official duties shall be processed in accordance with the provisions of Chapters 083 and 084. Volusia Sheriff's Office personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures.

*(Violation subject up to dismissal)*

- h. **Careless Handling of Equipment** – Not Resulting in Damage/Loss - Employees shall utilize Volusia Sheriff's Office/County equipment for its intended purpose in accordance with established procedures and shall not use said equipment in a careless manner.

*(Violation subject up to a 1 day suspension and/or loss or suspension of the equipment use privileges)*

- i. **Careless Handling of Equipment and Vehicles** – Resulting in Damage/Loss - Employees shall utilize Volusia Sheriff's Office or County equipment for its intended purpose in accordance with established procedures, and shall not subject such equipment to loss or damage through careless handling.

*(Violation subject up to a 5 day suspension and/or loss or suspension of the equipment use privileges)*

- j. **Intentional Abuse of Equipment or Vehicles** – Employees shall ensure the maintenance and utilization of Volusia Sheriff's Office or County equipment is in accordance with established procedures and shall not intentionally abuse, misuse or damage said equipment or vehicles.

*(Violation subject up to a demotion)*

## 7. USE OF FORCE

- a. Deputies shall only use that degree of force necessary to perform official duties in strict accordance with Chapter 001 of this Manual.

- b. **Excessive or Unnecessary Force Not Resulting in Injury** – Deputies shall not use excessive force even though it does not result in injury to another.

*(Violation subject up to a 5 day suspension)*

- c. **Excessive Force Resulting in Injury** – Deputies shall not use excessive force resulting in injury to another.

*(Violation subject up to dismissal)*

- d. **Use of Deadly Force Contrary to Policy or Procedure, Not Resulting in Injury** – Deputies shall use deadly force strictly in accordance with the provisions of general order GO-001-01 Use of Force Guidelines and shall not violate the Standards established therein even when such use does not, and is not likely to, result in injury or death.

*(Violation subject up to a 5 day suspension)*

- e. **Use of Deadly Force Contrary to Policy or Procedure, Resulting in Injury or Death** – Deputies shall use deadly force in strict accordance with the policy and procedure established in general order GO-001-01 Use of Force Guidelines and shall not violate these general orders to the extent injury or death results or is likely to result, even when such use of deadly force may be authorized by Florida laws.

*(Violation subject up to dismissal)*

- f. **Unlawful Use of Deadly Force** – Deputies shall use deadly force in strict accordance with the policy and procedure established in general order GO-001-01 Use of Force Guidelines and shall not violate or exceed statutory provisions governing the use of deadly force to the extent that injury or death is inflicted or is likely to result.

*(Violation subject up to dismissal)*

- g. **Duty to Intervene (Use of Force)** – Volusia Sheriff's Office employees who observe an unreasonable use of force by Volusia Sheriff's Office employees or public safety associate are required to intervene and notify appropriate supervisory authority or Internal Affairs.

Public safety associates include but are not limited to members of other law enforcement agencies and law enforcement support agencies.

Civilian employees are not expected to risk injury through physical intervention, but are required to make immediate notification to appropriate supervisor not involved in the unreasonable use of force.

## 8. VERACITY

- a. **Untruthfulness** – Employees shall not knowingly make false or untrue statements except as authorized in the performance of duties and as necessary to maintain covert operations during investigation of criminal activities.

*(Violation subject up to dismissal)*

- b. **Untruthfulness in an Official Proceeding (Not Under Oath)** – Employees shall not knowingly make false statements to a supervisor or to any official of a government agency during an official proceeding of the Volusia Sheriff's Office or other government agency even though such statements are not made under oath.

*(Violation subject up to dismissal)*

- c. **Perjury in an Official Proceeding** – Employees shall not knowingly make false statements while under oath in any court, civil or criminal, in statements made to Internal Affairs Detectives, notaries and persons taking depositions or other testimony or any other official proceeding as defined in Fla. Stat. § 837.

*(Violation subject up to dismissal)*

- d. **Falsification of Official Documents** – Employees shall not knowingly falsify or knowingly cause another to falsify any official record or document.

*(Violation subject up to dismissal)*

- e. **Fictitious Illness or Injury Claim** – Employees shall not feign illness or injury or falsely report themselves ill or injured or otherwise deceive or attempt to deceive any supervisor of the Volusia Sheriff's Office as to the condition of their health for purposes of making a fraudulent claim for insurance, workers compensation or disability retirement.

*(Violation subject up to dismissal)*

## 9. OFFICIAL CONDUCT

- a. **Improper Use of Official Position** – Employees shall not use their official position to solicit free admission to any public event or place of amusement or to gain any other monetary benefit except in the course of official duties or as authorized by the Sheriff. Notwithstanding the provisions of this chapter, the Sheriff finds the practice of certain business establishments providing reduced rates/discounts to Volusia Sheriff's Office employees for food or other services of nominal value a permitted activity if prudent under the circumstances and not perceived as in violation of other sections of this Manual.

*(Violation subject up to a 5 day suspension)*

- b. **Statement of Responsibility** – Employees who become involved in personal injury or property damage accidents while on duty or while operating a Volusia Sheriff's Office or County vehicle shall avoid statements of liability and shall not make statements concerning the responsibility for such accidents or inform parties that the County or Volusia Sheriff's Office shall pay for damages even though Volusia Sheriff's Office personnel may be at fault. Persons involved should be referred to their own insurance companies or to County Risk Management.

*(Violation subject up to a 1 day suspension)*

- c. **Recommending Services** – Employees shall not recommend specific professional or business services to citizens. This prohibition includes but is not restricted to medical, legal, bonding, tow trucks, and auto repair service. Citizens inquiring for such services shall be referred to either a professional association or to the telephone directory.

- d. **Surety** – Volusia Sheriff's Office personnel shall not become surety, grantor or furnish bail for any person arrested or charged with a crime except members of their immediate family and then only upon notification of their commanding officer.

*(Violation subject up to a 5 day suspension)*

- e. **Tortious Acts** – Employees shall not commit, by act of commission or omission, any flagrant or tortious act while in the performance of their duties. Violations of Civil Rights Acts under color of law (18 USC 241 and 242) are felony offenses.

*(Violation subject up to dismissal)*

- f. **Unlawful Compensation, Bribery** – Employees shall not corruptly request, solicit, accept, or agree to accept, any pecuniary or other benefit not authorized by law for past, present, future performance, non-performance, or for any act or omissions believed to have been

either within the official discretion of Volusia Sheriff's Office personnel, or in violation of Florida law.

*(Violation subject up to dismissal)*

- g. **Violating Laws Relating to Office of Sheriff** – Employees shall not knowingly violate or cause another to violate any statute or lawfully adopted rule or regulation relating to the office of Sheriff.

*(Violation subject up to dismissal)*

- h. **Code of Ethics for Public Officers and Employees** – Employees shall strictly adhere to the code of ethics for public officers and employees and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida law and the County Merit System.

*(Violation subject up to dismissal)*

- i. **Reporting Violations by Employees** – Employees who have information concerning illegal actions, dereliction of duty, malfeasance, misfeasance, unprofessional or unethical conduct by another member of the Volusia Sheriff's Office have a duty to immediately report same to an immediate supervisor or Internal Affairs.

*(Violation subject up to dismissal)*

- j. **Auctions and Public Sales** – Employees of the Volusia Sheriff's Office are prohibited from participating in buyback programs or purchasing items donated to charitable organizations prior to the property being picked up by the charitable organization. However, nothing shall prohibit the purchase of property through sale or auction by Volusia Sheriff's Office employees through normal channels open to the general public when off duty and out of uniform.

*(Violation subject up to 1-day suspension) (New 08/07)*

- k. **Use of Equipment: AVL** – Employees shall ensure proper maintenance and utilization of the Volusia Sheriff's Office AVL (GPS) for its intended purpose and in accordance with installation requirements.

- (1) Employees shall not intentionally cause the interruption of AVL equipment through purposeful acts of negligence or inattention.

*(Violation subject up to a 1 day suspension)*

- (2) Any employee found to engage in such purposeful acts with intent to deceive the AVL system in order to avoid detection while on duty shall be subject to disciplinary action up to dismissal. **(New 06/09)**

- l. **Texting While Driving** – In accordance with Fla. Stat. § 316.305, while driving a Volusia Sheriff's Office vehicle (rental, lease, owned), employees are prohibited from texting or typing into a cell. Because of the inherent dangers associated with such behavior, employees found to violate this rule shall be subject to disciplinary action up to and including dismissal. **(New 11/09; revised 02/16)**

- m. **Fraternization** – In order to promote the efficient and effective operation of the Volusia Sheriff's Office and to avoid misunderstandings, complaints of favoritism and other problems of supervision, security, morale, and possible claims of sexual harassment, hostile work environment and/or discrimination, direct-report romantic relationships are discouraged. Should a direct-report relationship develop, it is incumbent upon both parties involved to immediately notify the Sheriff in writing via chain of command. **(NEW 09/12)**

- (1) So as not to compromise the respect of subordinate personnel as well as the professionalism, integrity and obligations of a supervisor (civilian or sworn), one or both of the involved members shall be reassigned. This reassignment is not disciplinary in nature, but rather a constructive step to avoid the appearance of favoritism/partiality or otherwise undermine good order, discipline, authority, or morale. However, failure to report such direct-report relationships by the parties involved shall be subject to disciplinary action up to and including dismissal. **(NEW 09/12)**

- (2) In addition, in any peer-to-peer romantic relationship where both parties are assigned to the same shift, section, unit and/or office, it is incumbent upon both parties to notify their immediate supervisor. The supervisor shall assess the potential for any

professional conflict of interest in respect to the current assignments on a case by case basis. Failure to report a peer relationship by the parties involved shall be subject to disciplinary action up to and including dismissal. **(NEW 09/12)**

- n. **Access, Use of Secure/Restricted Databases\*** – Only authorized employees who have acknowledged in writing the confidentiality, restrictions and legal ramifications associated with access to such data/information are permitted to access and utilize agency designated secure/restricted databases and only for specific law enforcement/criminal justice purposes. Unauthorized use includes, but is not limited to, queries not related to a legitimate law enforcement purpose, personal use, improper dissemination to non-law enforcement personnel and sharing, copying or distributing information to unauthorized users. Unauthorized access, use or disclosure of data from secure/restricted databases is a serious matter and may result in civil and/or criminal penalties.

- (1) No employee shall use this authorized access as a privilege or means to gain access to protected information about others for any purpose other than law enforcement business directly associated with their assignment and shall do so during scheduled/required work hours. Due to the sensitive nature of the information being accessed and the potential for legal ramifications associated with a violation, employees who violate this standard shall be subject to disciplinary action up to and including dismissal. **(NEW 10/13)**

- o. **Fictitious Use or Access to Secure/Restricted Databases** – Employees shall not knowingly under false or fictitious pretense cause another to access secured/restricted databases in an attempt to avoid detection of unauthorized use. Employees who knowingly oblige such a request shall also be in violation of authorized access/use.

*(Violation subject up to dismissal) (NEW 10/13)*

**\*Secure/Restricted Databases Defined** – A criminal justice database that requires the use of a password or authentication process to gain access to the database. Examples include but are not limited to: IAPro, Blue Team, CAD/RMS, CAREER OFFENDER AND STATEWIDE TRACKING, CDC, CJIS, CJNET, CLERK.ORG, DAVID, FCIC/NCIC, FDLE SEXPREP MAINTENANCE, FINDER, JAIL PHOTO IMAGING, OFFENDER WATCH, ETC.

- p. **Use of Equipment: BWC** – Employees shall ensure proper maintenance and utilization of the Volusia Sheriff's Office BWC (body-worn cameras) for its intended purpose and in accordance with general order GO-041-20 Body-Worn Cameras.

*(Violation subject to up to 1 day suspension) (NEW 03/17)*

- (1) Employees shall not intentionally - through acts of negligence or inattention - cause interruption or defeat of the BWC for its intended purpose of recording law enforcement encounters.

*(Violation subject up to 5 days suspension) (NEW 03/17)*

- (2) Any employee found to engage in purposeful acts with intent to defeat the purpose of the BWC in order to avoid, or manipulate the recording of events while on duty shall be subject to disciplinary action up to dismissal.

*(Violation subject up to dismissal) (NEW 03/17)*

- q. No member of the Volusia Sheriff's Office shall reveal the existence of any Order of any Court authorizing the installation or use of technical and electronic intelligence equipment, nor shall any member reveal the existence of any active Court ordered operation involving technical and electronic intelligence equipment except as authorized by the Court (Fla. Stat. § 934.43).

*(Violation subject up to dismissal and/or prosecution for a felony) (NEW 02/20)*

## **F. INSUBORDINATION OFFENSES**

- 1. Insubordination shall include any act, failure to act, word, gesture or expression that is, or may be properly interpreted as, resisting or in defiance of legally constituted authority.

### **2. INSUBORDINATION TOWARD SUPERIORS**

- a. **Respect Towards Superiors** – Employees shall display respect and shall address supervisors and superior officers by proper rank or title.



*(Violation subject up to a 1 day suspension)*

- b. **Abusiveness** – Employees shall not use abusive language or gestures toward a supervisor or superior officer of the Volusia Sheriff's Office. Superior officers shall not use abusive language or gestures toward subordinates.

*(Violation subject up to a 5 day suspension)*

- c. **Prompt Compliance with Lawful Order** – Employees shall promptly execute the lawful orders and/or instructions of a supervisor or superior officer of the Volusia Sheriff's Office and shall not delay or fail to carry out such orders or instructions.

*(Violation subject up to a 5 day suspension)*

- d. **Compliance with Direct Order of a Superior or Competent Authority** – Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper.

*(Violation subject up to dismissal)*

- e. **Failure to Acknowledge Supervisory Action** – Employees are required to acknowledge in writing all documented progressive discipline and employee performance reports/evaluations as provided by their supervisors.

- (1) The employee's signature does not imply agreement or disagreement with the contents. The signature indicates only that the employee has read or has been given the opportunity to read the report/evaluation.

- (2) Refusal to sign upon direction of the supervisor constitutes lack of compliance with a direct order.

*(Violation subject up to dismissal) (NEW 12/15)*

### 3. **INSUBORDINATION TOWARD THE VOLUSIA SHERIFF'S OFFICE**

- a. **Criticism of Orders or Policies** – Employees shall not publicly criticize or ridicule the County or Volusia Sheriff's Office, its policies, orders or personnel in speech, writing or by other expression where such interferes with the maintenance of discipline or otherwise undermines the effectiveness of the Volusia Sheriff's Office or County.

*(Violation subject up to a demotion)*

## G. **UNLAWFUL CONDUCT**

- 1. Disciplinary measures resulting from unlawful conduct may be imposed independently of, and concurrent with, civil and criminal prosecutions, or internal disciplinary measures may be waived pending civil or criminal disposition in accordance with the County Merit System and any employee contract. The administration of internal disciplinary measures from unlawful conduct must necessarily depend upon individual case circumstances, and shall be determined by the Sheriff.
- 2. **Non-Criminal Violations** – Volusia Sheriff's Office personnel shall adhere to all federal, state and local laws and ordinances including those punishable by no other penalty than a fine, forfeiture or other civil penalty. (Includes but is not limited to traffic infractions.)

*(Violation subject up to a 1 day suspension)*

- 3. **Misdemeanors Not Affecting the Volusia Sheriff's Office** – Volusia Sheriff's Office personnel shall adhere to all federal, state and local laws, defined as a first or second degree misdemeanor, whether chargeable or not, provided that the commission of such crime does not bring the Volusia Sheriff's Office or its personnel into disrepute or otherwise impair the efficiency or operation of the Volusia Sheriff's Office, and adverse effect upon future performance of duties by the personnel concerned appears unlikely.

*(Violation subject up to a demotion)*

- 4. **Misdemeanor Injurious to the Volusia Sheriff's Office** – Volusia Sheriff's Office personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the Volusia Sheriff's Office or otherwise impairs the operation and efficiency of the Volusia Sheriff's Office and/or which is likely to impair the ability of personnel concerned to perform assigned duties.

*(Violation subject to dismissal)*

5. **Commission of Felony** – Volusia Sheriff's Office personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not.

*(Violation subject to dismissal)*

## **H. JOB KNOWLEDGE AND PERFORMANCE**

### **1. GENERAL PROFICIENCY**

- a. Volusia Sheriff's Office personnel are required to maintain the job knowledge, skills and abilities required for the performance of the duties and responsibilities attendant to their position as described by the County Merit System Job Classification Plan and general orders numbered under the 021, 022 and 035 series of this Manual.
- b. Failure to maintain required skills, knowledge and abilities within acceptable levels shall result in counseling, instruction or training.

*(Violation subject up to a written reprimand)*

- c. Repeated failure to maintain necessary skills, knowledge and abilities after counseling and instruction shall result in increasing the severity of disciplinary actions.

*(Violation subject up to dismissal)*

### **2. KNOWLEDGE OF OFFICIAL GENERAL ORDERS**

- a. Volusia Sheriff's Office personnel are required to possess a sound working knowledge of the policies and procedures established by the general orders.
- b. Frequent, or repeated violation of these policies, procedures and general orders shall be deemed as indicative of careless disregard by the employee.
- c. Three disciplinary actions of unrelated but minor nature within a six (6) month period shall constitute a continued failure to maintain and demonstrate knowledge of the policies and procedures established by general orders and shall result in remedial training.

*(Violation subject up to a 15 day suspension)*

- d. Subsequent violations and recurrent failure to maintain and demonstrate knowledge of general orders, rules & regulations or standard operating procedures may be cause for dismissal.

### **3. SUPERVISOR RESPONSIBILITY**

- a. Each supervisor shall provide guidance and training to subordinate staff for effective and efficient achievement of established goals and objectives. A supervisor has the responsibility and authority for assigning, reviewing, and monitoring activities of subordinate staff under his/her command. In addition, a supervisor shall provide clear directions to subordinates and address specific problems for completion of work assignments. The supervisor shall also ensure that assigned employees comply with applicable federal and state laws, Volusia County ordinances, and all Volusia Sheriff's Office written direction as provided through general orders, Training Bulletins, policies and procedures.

*(Violation subject to counseling and/or disciplinary sanctions up to and including demotion)*  
**(NEW 07/19)**

## 26.2 Standards of Conduct Directive to General Order Crosswalk

<b><u>GENERAL ORDER OUTLINE</u></b>	<b><u>DIRECTIVE</u> FORMAT'S HEADINGS</b>
<b>IV.B.</b>	<b>MERIT SYSTEM RULES AND REGULATIONS</b>
<b>IV.C.</b>	<b>DISCIPLINARY RULES</b>
<b>IV.D.</b>	<b>NEGLECT OF DUTY</b>
<b>IV.E.</b>	<b>IMPROPER CONDUCT OFFENSES</b>
<b>IV.F.</b>	<b>INSUBORDINATION OFFENSES</b>
<b>IV.G.</b>	<b>UNLAWFUL CONDUCT</b>
<b>IV.H.</b>	<b>JOB KNOWLEDGE AND PROFICIENCY</b>

<b>DIRECTIVE</b>	<b>GENERAL ORDER</b>	<b>ENTRY'S TITLE OR WORDING</b>
<b>(Heading)</b>	<b>IV.B</b>	<b>MERIT SYSTEM RULES AND REGULATIONS</b>
86-43 A.	Sec. 86-43. (a)	Code of Conduct
86-43 B.	Sec. 86-43. (b)	Political Activity
86-43 C.	Sec. 86-43. (c)	Outside Employment
86-43 D.	Sec. 86-43. (d)	Gifts and Gratuities
86-43 E.	Sec. 86-43. (e)	Conflict of Interest
86-43 F.	Sec. 86-43. (f)	Business Activities and Solicitation
86-43 G.	Sec. 86-43. (g)	Privileged Information
86-43 H.	Sec. 86-43. (h)	Family Employment Restrictions
86-43 I.	Sec. 86-43. (i)	Use of County Property
86-43 J.	Sec. 86-43. (j)	Unlawful Acts Prohibited
86-43 K.	Sec. 86-43. (k)	Loyalty Oath
86-453	Sec. 86-453.	Reasons for disciplinary action
<b>(Heading)</b>	<b>IV.C.</b>	<b>DISCIPLINARY RULES</b>
<b>(Heading)</b>	<b>IV.D.</b>	<b>NEGLECT OF DUTY</b>
<b>(Subheading)</b>	<b>IV.D.2</b>	<b>PERSONAL REQUIREMENTS</b>
26.2.6	IV.D.2.a.	Personal Appearance
26.2.7	IV.D.2.b.	Identification to be Carried

26.2.8	IV.D.2.c.	Deputies to Carry Firearms
26.2.9	IV.D.2.d.	Care and Maintenance of Firearms
26.2.10	IV.D.2.e.	Residency Requirement
26.2.11	IV.D.2.f.	Marital Status, Address, and Telephone Number
<b>(Subheading)</b>	<b>IV.D.3</b>	<b>REPORTING FOR DUTY</b>
26.2.12	IV.D.3.a.	Absence from Duty without Proper Notification
26.2.13	IV.D.3.b.	Failure to Report for Duty Due to Conduct
26.2.14	IV.D.3.c.	Tardiness
26.2.15	IV.D.3.d.	Failure to Respond to a Subpoena
26.2.16	IV.D.3.e.	Court Attire
26.2.17	IV.D.3.f.	Failure or Refusal to Work Overtime or Special Hours
26.2.18	IV.D.3.g.	Misuse of Sick Benefits
<b>(Subheading)</b>	<b>IV.D.4</b>	<b>INJURY, DAMAGE, OR LOSS</b>
26.2.21	IV.D.4.a.	Failure to Report Personal Injury
26.2.22	IV.D.4.b.	Failure to Report Loss of Equipment, Badge, or ID Card
26.2.23	IV.D.4.c.	Failure to Report Vehicle Accident
<b>(Subheading)</b>	<b>IV.D.5</b>	<b>DUTY REQUIREMENTS</b>
26.2.24	IV.D.5.a.	Leaving Assigned Work Area
26.2.25	IV.D.5.b.	Horseplay or Other Distracting Activity
26.2.26	IV.D.5.c.	Abusing Meal or Rest Periods
26.2.31	IV.D.5.d.	Meal Break Attendance
26.2.32	IV.D.5.e.	Lotto/Lottery Ticket Purchases
26.2.33	IV.D.5.f.	Inattention to Duties, Loafing, Sleeping
26.2.34	IV.D.5.g.	Failure to Follow Directive or Order
26.2.35	IV.D.5.h.	Submission of Reports and Documents
26.2.36	IV.D.5.i.	Citizens' Complaints to be Recorded
26.2.37	IV.D.5.j.	Employees to Monitor Radio
26.2.38	IV.D.5.k.	Employees to Respond to Radio Calls
26.2.39	IV.D.5.l.	Employees to Render Assistance On or Off Duty
<b>(Subheading)</b>	<b>IV.D.6</b>	<b>SAFETY REQUIREMENT</b>
26.2.40	IV.D.6.a.	Negligence, Not Endangering

26.2.41	IV.D.6.b.	Negligence Associated with Safety of Persons or Property/td>
26.2.42	IV.D.6.c.	Endangering Others Through Neglect
26.2.43	IV.D.6.d.	Search of Arrested Person
26.2.44	IV.D.6.e.	Cowardice
26.2.45	IV.D.6.f.	Deputies shall respond to the aid of all persons in danger unless the probability of losing their own life exceeds the probability of successful rescue.
<b>(Heading)</b>	<b>IV.E.</b>	<b>IMPROPER CONDUCT OFFENSES</b>
<b>(Subheading)</b>	<b>IV.E.1</b>	<b>PERSONAL CONDUCT</b>
26.2.46	IV.E.1.a.	Personal Bearing
26.2.47	IV.E.1.b.	Courtesy
26.2.48	IV.E.1.c.	Use of Profanity
26.2.49	IV.E.1.d.	Rumors and Gossip
26.2.50	IV.E.1.e.	Neighborhood and Domestic Disputes
26.2.51	IV.E.1.f.	Involvement in Civil Matters
26.2.54	IV.E.1.i.	Association with Criminals
26.2.55	IV.E.1.j.	Association with Dissident Groups
<b>(Subheading)</b>	<b>IV.E.2</b>	<b>PROFESSIONAL CONDUCT</b>
26.2.56	IV.E.2.a.	Personnel Identification Upon Request
26.2.57	IV.E.2.b.	Mailing Address
26.2.58	IV.E.2.c.	Correspondence and Stationary
26.2.59	IV.E.2.d.	Conspicuous Display of Firearms
26.2.60	IV.E.2.e.	Wearing Uniform While Under Disciplinary Suspension
26.2.61	IV.E.2.f.	Abuse of Official Identification
26.2.62	IV.E.2.g.	Derogatory Ethnic Remarks
26.2.63	IV.E.2.h.	Harassment
26.2.64	IV.E.2.i.	Sexual Harassment
26.2.65	IV.E.2.j.	Exposing Others to Communicable Disease
26.2.66	IV.E.2.k.	Off-Duty Employment
<b>(Subheading)</b>	<b>IV.E.3.</b>	<b>CONFIDENTIALITY</b>
26.2.67	IV.E.3.a.	Exempt Personal Information
26.2.68	IV.E.3.b.	Interference in Official Investigation

26.2.69	IV.E.3.c.	Misdirected Action of Personnel Under Investigation
26.2.70	IV.E.3.d.	Dissemination of Information
26.2.71	IV.E.3.e.	Communicating Criminal Information
26.2.72	IV.E.3.f.	Exposure of Undercover Deputies
<b>(Subheading)</b>	<b>IV.E.4.</b>	<b>POLITICAL CONDUCT</b>
26.2.73	IV.E.4.a.	Political Activity
26.2.74	IV.E.4.b.	Election/Polling Places
26.2.75	IV.E.4.c.	Misrepresentation/Controversial Opinions
26.2.76	IV.E.4.d.	Testimonials
<b>(Subheading)</b>	<b>IV.E.5.</b>	<b>USE OF ALCOHOL, DRUGS, AND TOBACCO</b>
26.2.77	IV.E.5.a.	Alcoholic Beverages in VSO Facilities
26.2.78	IV.E.5.b.	Entering or Frequenting Liquor Establishments
26.2.79	IV.E.5.c.	Misuse of Identification While Drinking
26.2.80	IV.E.5.d.	Engaging in Sale of Alcoholic Beverages
26.2.81	IV.E.5.e.	Use of Prescribed or Over the Counter Drugs While On Duty
26.2.82	IV.E.5.f.	Use or Odor of Alcoholic Beverage While On Duty
26.2.83	IV.E.5.g.	Reporting for Duty or On Duty While Intoxicated
26.2.84	IV.E.5.h.	Unfitness for Duty Due to Alcohol or Drugs
26.2.85	IV.E.5.i.	Illegal Use or Possession of Drugs
26.2.86	IV.E.5.j.	Use of Tobacco/Nicotine
<b>(Subheading)</b>	<b>IV.E.6.</b>	<b>USE AND CARE OF EQUIPMENT AND FACILITIES</b>
26.2.90	IV.E.6.a.	Defacing or Marring Bulletin Boards
26.2.91	IV.E.6.b.	Defacing or Marring Facilities
26.2.92	IV.E.6.c.	Restricted Areas/Equipment
26.2.93	IV.E.6.d.	Radio Transmissions
26.2.94	IV.E.6.e.	Use and Handling of Weapons
26.2.95	IV.E.6.f.	Handling Monies and Property
26.2.96	IV.E.6.g.	Processing Property and Evidence
26.2.97	IV.E.6.h.	Careless Handling of Equipment
26.2.98	IV.E.6.i.	Careless Handling of Equipment and Vehicles
26.2.99	IV.E.6.j.	Intentional Abuse of Equipment or Vehicles

<b>(Subheading)</b>	<b>IV.E.7</b>	<b>USE OF FORCE</b>
26.2.101	IV.E.7.b	Excessive or Unnecessary Force Not Resulting in Injury
26.2.102	IV.E.7.c.	Excessive Force Resulting in Injury
26.2.103	IV.E.7.d.	Use of Deadly Force Contrary to Policy or Procedure, Not Resulting in Injury
26.2.104	IV.E.7.e.	Use of Deadly Force Contrary to Policy or Procedure, Resulting in Injury or Death
26.2.105	IV.E.7.f.	Unlawful Use of Deadly Force
<b>(Subheading)</b>	<b>IV.E.8.</b>	<b>VERACITY</b>
26.2.106	IV.E.8.a.	Untruthfulness
26.2.107	IV.E.8.b.	Untruthfulness in an Official Proceeding (Not Under Oath)
26.2.108	IV.E.8.c.	Perjury in an Official Proceeding
26.2.109	IV.E.8.d.	Falsification of Official Documents
26.2.110	IV.E.8.e.	Fictitious Illness or Injury Claim
<b>(Subheading)</b>	<b>IV.E.9.</b>	<b>OFFICIAL CONDUCT</b>
26.2.111	IV.E.9.a.	Improper Use of Official Position
26.2.112	IV.E.9.b.	Statement of Responsibility
26.2.113	IV.E.9.c.	Recommending Services
26.2.114	IV.E.9.d.	Surety
26.2.115	IV.E.9.e.	Tortious Acts
26.2.116	IV.E.9.f.	Unlawful Compensation, Bribery
26.2.117	IV.E.9.g.	Violating Laws Relating to Office of Sheriff
26.2.118	IV.E.9.h.	Code of Ethics for Public Officers and Employees
26.2.119	IV.E.9.i.	Reporting Violations by Employees
<b>(Heading)</b>	<b>IV.F.</b>	<b>INSUBORDINATION OFFENSES</b>
<b>(Subheading)</b>	<b>IV.F.2</b>	<b>INSUBORDINATION TOWARD SUPERIORS</b>
26.2.121	IV.F.2.a.	Respect Toward Superiors
26.2.122	IV.F.2.b.	Abusiveness
26.2.123	IV.F.2.c.	Prompt Compliance With Lawful Order
26.2.124	IV.F.2.d.	Compliance With Direct Order of a Superior or Competent Authority
<b>(Subheading)</b>	<b>IV.F.3.</b>	<b>INSUBORDINATION TOWARD THE VSO</b>
26.2.125	IV.F.3.a	Criticism of Orders or Policies
<b>(Heading)</b>	<b>IV.G.</b>	<b>UNLAWFUL CONDUCT</b>

26.2.127	IV.G.2.	Non-Criminal Violations
26.2.128	IV.G.3.	Misdemeanors Not Affecting the Volusia Sheriff's Office
26.2.129	IV.G.4.	Misdemeanor injurious to the VSO
26.2.130	IV.G.5.	Commission of Felony
<b>(Heading)</b>	<b>IV.H.</b>	<b>JOB KNOWLEDGE AND PERFORMANCE</b>
<b>(Subheading)</b>	<b>IV.H.1.</b>	<b>GENERAL PROFICIENCY</b>
<b>(Subheading)</b>	<b>IV.H.2.</b>	<b>KNOWLEDGE OF OFFICIAL DIRECTIVES</b>
<b>(Heading)</b>		<b>NEW/REVISIONS TO STANDARDS OF CONDUCT: EFFECTIVE 07/12/06</b>
26.2.138	IV.E.1.k.	Use of Blogs, Web Postings, Chat Rooms, Etc.
26.2.139	IV.E.1.l.	Seat Belt Violations
26.2.140	IV.E.9.j.	Auctions and Public Sales
26.2.141	IV.E.5.n	Employees hired on or after October 1, 2007 shall be non-tobacco users at the time of hire as a condition of employment and as such shall refrain from use of tobacco products of any kind, on or off duty.
26.2.142	IV.E.9.k.	Use of Equipment: AVL
26.2.145	IV.E.9.l.	Texting While Driving
26.2.146	IV.E.9.m.	Fraternization
26.2.150	IV.E.5.o.	Tobacco Use by Volunteers
26.2.151	IV.E.9.n.	Access, Use of Secure/Restricted Databases
26.2.153	IV.E.9.o.	Fictitious Use or Access to Secure/Restricted Databases
26.2.154	IV.F.2.e.	Failure to Acknowledge Supervisory Action
26.2.155	IV.E.9.p	Use of Equipment: BWC
26.2.158	IV.E.1.m.	Reporting Arrests, Etc.
26.2.159	IV.E.5.p.	Sworn personnel hired after October 1, 2007 and special risk civilian positions (Latent Print Examiners; Evidence Technicians) hired after October 13, 2017, or who seek a special risk civilian position as of October 13, 2017 are not permitted to use tobacco products at any time (on duty or off duty) and shall comply with such prohibitions as a condition of hire and continued employment.
26.2.160	IV.H.3.a.	Each supervisor shall provide guidance and training to subordinate staff for effective and efficient achievement of established goals and objectives. A supervisor has the responsibility and authority for assigning, reviewing, and monitoring activities of subordinate staff under his/her command. In addition, a supervisor shall provide clear directions to subordinates and address specific problems for completion of work assignments. The supervisor shall also ensure that assigned employees comply with applicable federal and state laws, Volusia County ordinances, and all VSO written direction as provided through Directives, Training Bulletins, policies and procedures.





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>RECRUITMENT</b>
<b>CODIFIED:</b>	<b>31.1</b>
<b>EFFECTIVE:</b>	<b>02-2018</b>
<b>RESCINDS/AMENDS:</b>	<b>31.1/09-2011</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines for the recruitment of personnel for the Volusia County Sheriff's Office.

**DISCUSSION**

The recruitment process is important to any organization desirous of attracting and employing qualified personnel. In order for the process to meet the expected objectives it must be valid and quantitative, with minimum adverse impact. Although recruitment is a primary function of the Volusia County Personnel Services, the Sheriff's Office assumes the major responsibility for the recruitment for all sworn positions.

**POLICY**

The Sheriff's Office hereby establishes a recruitment program to attract applicants for actual or forecasted vacancies. The Sheriff's Office will maintain a recruitment plan that reflects Equal Employment Opportunity objectives in accordance with the County of Volusia's Equal Opportunity Employment Commission policy, the Florida Merit Rules and Regulations and Title VII of the Civil Rights Act of 1964, as amended. The Administrative Services Director of the Chief Deputy's Office, has established a recruitment plan to meet present and future personnel requirements. The Administrative Services Director has engaged the cooperation of community organizations and leaders for the implementation of the plan as needed to fill personnel vacancies.

**PROCEDURE**

**ADMINISTRATIVE PRACTICES/RECRUITMENT PROGRAM**

**31.1.1** The Sheriff's Office Training Captain shall facilitate the Sworn Recruitment Program to attract qualified applicants.

**31.1.2** An effective recruitment program will improve the quality of applicants and provide a basis for filling existing vacancies within the Sheriff's Office.

**AUTHORITY AND RESPONSIBILITY**

**31.1.3** The authority for administering the Sheriff's Office recruiting program is placed directly with the Volusia County Personnel Services.

**31.1.4** The Volusia County Training Section Captain will direct recruitment efforts and facilitate publicity to all appropriate sources of applicants in a geographical area deemed necessary to attract an adequate number of qualified candidates.

**31.1.5** The Sheriff's Office directly involves itself in all activities critical to the recruitment effort.

**31.1.6** The responsibility for administering the Sworn Recruitment Program within the VCSO is placed directly with the Training Section Captain.

**31.1.7** The Administrative Services Director will be that individual assigned to be responsible for those areas relevant to the personnel needs, or coordinating same. Those responsibilities will include, but not be limited to:

- Planning
- Organizing

- Staffing
- Directing
- Reporting and budgeting

**31.1.8** It is the Department's policy to involve all employees in the recruitment activities.

#### **RECRUITMENT TEAM**

**31.1.9** The Recruitment Team shall assist the Administrative Services Director for the purpose of performing activities associated with the Recruitment Program on an as needed basis.

**31.1.10** The composition of the Recruitment Team shall be:

- The Administrative Services Director
- The assigned recruiting liaison members
- Other Departmental personnel deemed necessary during active recruitment periods

**31.1.11** Whenever possible, minority personnel fluent in the community's language and culture will be used actively in the Recruitment Program.

**31.1.12** Prior to initiating recruiting activities, those personnel involved will receive familiarization training that provides both knowledge and skills relevant to the Recruiting Program. This training may include but is not limited to the following topics:

- The County's policies regarding equal employment opportunity objectives
- The recruitment plan used by the Department

#### **COMMUNITY/CIVIC GROUP ASSISTANCE**

**31.1.13** The Sheriff's Office, through the many Community and Civic Groups, will seek cooperative assistance in the Recruitment Program.

**31.1.14** Those groups that have direct involvement in the Sheriff's Office service area will be solicited for referrals and advice on how to improve the Recruitment Program.

**31.1.15** In addition, through the County Personnel Services, job announcements will be posted with interested Community and Civic groups that are in contact with individuals who are likely candidates for recruitment.

#### **ENTRY-LEVEL RECRUITING**

**31.1.16** The Sheriff's Office, through the Recruitment Team, will participate in functions that enhance recruitment opportunities. These functions will include, but not be limited to:

- "Career Days"
- "Job Fairs"
- "Expos"
- Any other type of exhibit or lecture format that serves to recruit an individual to the field of law enforcement

**31.1.17** The recruiter will contact career counselors at the following:

- The local high schools
- Community colleges
- State universities

**31.1.18** The recruiter will provide position advertisements, salaries and benefits, and will establish the Sheriff's Office on a contact list for presentations or participation in any career related program.

**31.1.19** The Sheriff's Office, through the Recruitment Team, will send personnel to these locations to conduct on-site recruiting activities.

#### **STUDENT INTERN PROGRAM**

**31.1.20** The Sheriff's Office Training Section has established and will maintain a student intern program in conjunction with the local community colleges and state universities and in cooperation with the Volusia County Personnel Services.

**31.1.21** The Support Services Division, Training Section, shall be responsible for the coordination of the program between the Sheriff's Office and the various learning institutions.

**31.1.22** The processing, through the Training Section, of the intern applicant will be the same as the civilian applicant, with the exception of the required medical exam.

#### **RECRUITMENT PLAN**

**31.1.23** The Sheriff's Office, through the Administrative Services Director, will maintain an active Recruitment Plan for full time sworn. The plan will outline steps to achieve the goal of an ethnic, racial and gender workforce composition in the sworn law enforcement ranks in approximate proportion to the makeup of available workforce in the law enforcement agency's service community. The recruitment plan will include the following;

- Statement of Objectives
- A plan of action to achieve the stated plan objectives
- Identify employees, inside or outside the agency, responsible for plan administration

**31.1.24** The Administrative Services Director will conduct an annual analysis in coordination with County Personnel Services in order to evaluate progress made toward achieving stated recruitment objectives; the report will contain the following:

- Progress towards stated objectives.
- Revisions to the plan, if needed.

**31.1.25** Following the annual analysis, the Administrative Services Director will make any necessary recommendations for revision and inclusion into the recruitment plan to the Sheriff and Chief Deputy. The Administrative Services Director will finalize revisions to the agency's Recruitment Plan and disseminate the new plan to the Recruitment Team. A copy may also be posted on the agency intranet during periods of active recruitment.

#### **EQUAL EMPLOYMENT OPPORTUNITY PLAN**

**31.1.26** The Sheriff's Office adheres to Volusia County's policy for equal employment opportunity, the Volusia County Merit Rules and Regulations and Title VII of the Civil Rights Act as amended and the Americans with Disabilities Act.

**31.1.27** The Department has an Equal Employment Opportunity Plan in the form of the County of Volusia's Equal Employment Opportunity Plan.

**31.1.28** The Equal Employment Opportunity Plan is based on an annual analysis of the County of Volusia's present employment policies, practices and procedures relevant to their effective impact on the employment and utilization of minorities and women.

#### **AGENCY JOB ANNOUNCEMENTS**

**31.1.29** Job announcements publicizing the holding of examinations to create eligible lists to fill current and/or future vacancies in the Competitive Division of the Merit System, shall be distributed and posted throughout:

- County governmental offices
- In such other public places as to ensure the widest possible exposure

**31.1.30** Job announcements will normally specify:

- The class title
- Salary range
- The minimum qualification requirements for eligibility for admission to successive portions of the examination
- How to apply for the position
- The closing date for receipt of the application, if any
- The date, time, and place of written, performance, or oral examinations and other pertinent information

**31.1.31** Job announcement for the position of Deputy Sheriff II will provide a description of the duties and responsibilities as follows:

**A.** Responsible work of a general public safety nature with a primary emphasis on:

- The protection of life and property
- The routine enforcement of laws and regulations
- Performs related work as required

**B.** Requisite skills and educational levels for the position are as follows:

- Graduation from high school or completion of the Florida GED or the equivalent
- Possession of a valid Florida Driver's License at the time of appointment
- Completion of the Minimum Standards Course required by the Florida Criminal Justice Standards and Training Commission for police officers, or recognition of equivalent qualifications by the Florida Criminal Justice Standards and Training Commission. (A copy of the certification must be submitted along with the application.)

**31.1.32** Deputy Sheriff II applicants must also meet the qualifications for employment set forth in section 943.13, Florida Statute, these include:

- Being at least nineteen (19) years of age
- A citizen of the United States
- High school graduate or its equivalent
- Not having been convicted for any felony or misdemeanor involving perjury or a false statement
- Not received a dishonorable or undesirable discharge from any of the Armed Forces of the United States
- Have his/her processed fingerprints on file with the employing agency
- Have passed a physical examination by a licensed physician based on specifications established by the commission.
- Have a good moral character as determined by a background investigation under procedures established by the commission.

**31.1.33** Due to the nature of the position of Deputy Sheriff II; the Sheriff's Office also provides special information that prior to their appointment, those who are all eligible will be required to meet the stringent medical standards established by the County of Volusia.

**31.1.34** The Sheriff's Office ensures job relevancy by establishing the Recruitment Program based on a comprehensive job task analysis of the entry level positions. The job task analyses are conducted by means of incumbent interviews. Evaluations of the analyses are conducted by the immediate supervisors' evaluation of the position requirements.

**31.1.35** As part of the pre-employment medical examination, applicants will be required to participate in the Drug Screening Program.

**31.1.36** As part of the pre-employment selection process applicants will be required to submit to a CVSA examination.

**31.1.37** When there is an urgent need for applicants due to a labor market shortage, applicants may be placed on a list. The list will contain all those eligible for appointment.

**31.1.38** These procedures shall be known as Open Continuous Examinations.

**31.1.39** Announcements of Open Continuous Examinations will be distributed and posted in the same manner as any other examination announcement.

**31.1.40** Job announcements for examinations will be announced a minimum of two (2) weeks in advance of the official application filing deadline, if any. Normally the filing deadline will not be more than three (3) weeks from the date of the announcement.

**31.1.41** Advertisements announcing examinations and/or vacant positions may appear:

- In a newspaper of general circulation published five (5) times weekly in the County and such other newspapers as the Personnel Director of Volusia County may deem appropriate
- In at least one (1) Sunday edition
- In County Personnel job listings/announcements

**31.1.42** These announcements may be advertised through the electronic media (i.e. radio/television/County Web Site) with special attention given to those sources unique to the minority communities within the Sheriff's Office service areas, with a request for publicity based on public service.

**31.1.43** Job announcements, employment applications and recruitment advertisements indicate that the Sheriff's Office is an Equal Opportunity Employer. In addition, the Sheriff's Office grants certain veteran and spouse hiring preferences.

## **APPLICATION PROCESS**

**31.1.44** The Sheriff's Office through the Recruitment Team generally distributes pre-application contact forms. These forms only request that the applicant provide the basic information of:

- Name
- Residence and business address
- Residence and business telephone numbers
- Position desired

**31.1.45** The expressed purpose of the pre-application contact form is to track those applicants who have shown an interest in a sworn position.

**31.1.46** All applications for positions or examinations will be on standard forms prescribed by the Volusia County Personnel Director.

**31.1.47** An official application filing deadline may be established and boldly indicated on the employment announcements and recruitment advertisements.

**31.1.48** The Sheriff's Office, through the Volusia County Personnel Services, maintains contact with the applicants for all positions, from the initial application to the final employment disposition.

**31.1.49** The Sheriff's Office does not reject an application because of an error or omission that can be corrected. The applicant will be contacted as soon as the error or omission is noted for the correction to be made. It will be the final decision of the Volusia County Personnel Director as to whether an application is denied on the basis of a deficiency. Whenever an applicant or application is rejected, notice of such rejection will be mailed to the applicant by the Volusia County Personnel Services.

**31.1.50** The Recruitment Program has a contingency plan to recruit outside the service area. This will provide an applicant pool available to enhance the potential number of qualified applicants.

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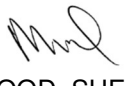

**Revised by:** 6760

**Revised on:** 02-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 32.1</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/1991	<b>Last Review</b> 12/2019
<b>Title</b>  <b>ENTRY LEVEL SELECTION</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this General Order is to establish a procedure for a fair and equitable selection process for all vacant entry level positions within the Volusia Sheriff's Office (VSO).

## II. DISCUSSION

The selection process is recognized as a vital procedure in determining the overall effectiveness of a law enforcement agency. In order for the process to be successful it must show validity, utility and minimum adverse impact. The process must promote equal employment opportunities for all candidates to employment with the Volusia Sheriff's Office.

## III. POLICY

The Volusia Sheriff's Office selection process is based on the Volusia County Merit System Rules and Regulations and provides a means to ensure:

That all personnel actions, including recruitment, selection, and advancement of employees shall be on the basis of skills, relative knowledge and abilities (SKA).

Fair treatment of all applicants in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, physical or mental handicap and with proper regard for their privacy and constitutional rights as citizens.

## IV. PROCEDURE

### A. AUTHORITY

1. The authority and responsibility for administering the Volusia Sheriff's Office selection process are placed directly with Volusia County Personnel Services. The Director of Volusia County Personnel Services is responsible for the administration and technical direction of the Volusia County Merit System Rules and Regulations.
2. The Personnel Director of the Volusia County Personnel Services shall develop and administer entry level selection examinations as may be necessary and appropriate to obtain an adequate supply of qualified applicants to meet the needs of the VSO.
3. The Volusia Sheriff's Office, through the Administrative Services Director, shall perform appropriate liaison activities to successfully accomplish the selection process.
4. The VSO Human Resources Director will be that individual assigned responsibilities for those areas relevant to the Volusia Sheriff's Office's human resource needs, including but not be limited to:
  - Planning

- Organizing
  - Staffing
  - Directing
  - Coordinating
  - Reporting
5. The Volusia Sheriff's Office maintains the primary responsibility for such selection components as the background investigation (BGI), oral interviews and probationary period assessment.

## **B. RESPONSIBILITY**

1. The Sheriff, also known as the Appointing Authority, retains final responsibility for the selection of personnel.
2. The Sheriff, through the Administrative Services Director of the Chief Deputy's Office, will identify the specific skills, knowledge, abilities and personal attributes required for the positions and the selection of personnel.
3. The Sheriff, through the Administrative Services Director, will be instrumental in the development of those components that are used in the determination of skills and attributes for the position.

## **C. SELECTION PROCESS – CIVILIAN**

1. The selection process for civilian positions with the Volusia Sheriff's Office begins upon receipt of the applications from the County Personnel Services and shall follow the same guidelines as provided for the Promotional Process described in General Order 34.1.
2. A supplemental application packet is sent to each applicant to advise the applicant of each step of the hiring process to include:
  - Preliminary Background Investigation
  - Testing, if applicable for position
  - Interview
  - Conditional Offer of Employment
  - Detailed Background Completed
  - CVSA
  - Medical Exam, to include hearing and vision for entry level Telecommunicators/Communication Aids
  - Psychological Exam, entry level Telecommunicators/Communication Aids only
  - Final offer; eligibility list, if needed
3. From start to finish the selection process may take four to six months to complete.

## **D. SELECTION PROCESS – SWORN**

1. The selection process for the Volusia Sheriff's Office begins upon receipt of the applications from the County Personnel Services.
2. Upon receipt, applications are logged into the Volusia Sheriff's Office by VSO personnel.
3. A supplemental application packet is then sent which will advise the applicant of each step of the hiring process to include:
  - Preliminary Background Investigation
  - Physical Abilities Test (PAT)
  - Shooting Assessment Course (Handgun & Shotgun)
  - Interview
  - Written Exercise (Writing Ability)

- Oral Board (Structured Questions, Minimum Score Determined by Group Average)
  - Conditional Offer of Employment
  - Detailed Background Completed
  - Polygraph Exam
  - Psychological Exam
  - Medical Exam
  - Staff Review
4. From start to finish the selection process may take four to six months to complete.

## **E. SELECTION PHASES**

### **1. PHASE I**

- a. Preliminary background investigations are begun on all qualified applications received from County Personnel Services. Each application passing an initial screening is assigned a BGI # and the background folder is initiated.
- b. Preliminary verification of application information is initiated by the Administrative Services Director; qualified applicant files are then turned over to the Background Detective in Internal Affairs for completion of the preliminary background investigation.
- c. Applicant backgrounds that were not disqualified during the preliminary background check will be placed in a pending file until the beginning of Phase II.

### **2. PHASE II**

- a. Upon the determination that vacancies will be filled, the continuation of the backgrounds will begin.
- b. A shooting assessment and Physical Abilities Test will be conducted on all sworn candidates. Candidates must meet the minimum standards of the agency approved shooting assessment course and physical abilities test (P.A.T.) as administered by qualified instructors with the Volusia Sheriff's Office Training Section. Failure to pass will result in removal from the remaining selection process.
- c. An interview will be set up to establish first contact with the applicant and answer any questions they may have regarding the agency or the up-coming selection process.
- d. A written exercise will be utilized to determine each sworn candidate's writing ability. The exercise shall consist of a scenario for a given situation in which the candidate will write a report based upon what was presented. Each candidate, in the group being evaluated, will receive the same scenario. This does not prevent the scenario from changing from group to group.
- e. Oral Boards shall use an established set of questions and scoring device. Each candidate, in the group being evaluated, will receive the same questions. This does not prevent the questions from changing from group to group.
- f. Candidates will receive a numerical score based upon the written exercise and the oral board. The minimum cut off score needed in order to proceed to Phase III will be determined by the scores achieved within each group compared to the number candidates needed to fill a vacancy.

### **3. PHASE III**

- a. Candidates who move on to Phase III will be offered a "Conditional offer of employment" dependant upon successful completion of the following:
  - (1) Completed Background Check. A detailed background shall be completed verifying all application information and follow up on any information developed during the background.
  - (2) CVSA examinations shall be conducted on all applicants. Examinations shall be conducted by and interpreted by operators trained and certified in the use of these exams.



- (3) Psychological Exam shall be scheduled and conducted by a qualified professional to ensure emotional stability and psychological fitness for all sworn candidates.
  - (4) Drug screening and a medical exam shall be conducted to certify the general health of each candidate prior to appointment.
- 4. An Executive Staff Review of each successful candidate will be conducted reviewing all the above criteria. Selections for vacancies shall be recommended by the executive staff.
- 5. The Administrative Services Director will then notify the candidate of their official start date and where and when they begin picking up equipment. This will be done by telephone followed by a letter.

## **F. SELECTION PROCESS VALIDITY**

- 1. The Volusia County Personnel Director will determine which examining device or combination of devices will be used to evaluate the relative fitness of the applicants.
- 2. The selection process uses only those devices that have been documented as job related.
- 3. The devices selected will relate to the duties and responsibilities of the class for which applicants are being examined. These devices will be impartial and will fairly appraise and determine:
  - The merit
  - Fitness
  - Ability
  - Qualifications of the applicants to perform in a position in the class
- 4. The validity of the selection process as a whole, or individual devices of the selection process, is determined in one or more of the following ways:
  - Criterion-related validation
  - Construct validation
  - Content validation
- 5. Examinations may be:
  - Assembled or unassembled;
  - Practical in nature and will be constructed to reveal the capacity of the applicant for the particular class for which they are competing
  - Designed to reveal their general background and related skills, knowledge/abilities, and
  - Designed to reveal any character or personal traits which are job-related
- 6. Positions in the Competitive Division of the Merit System, to be filled outside the County service, will be filled through a competitive examination process open to the public and based on merit principles and fitness for the position.
- 7. The Volusia County Personnel Director will assure accountability in the following areas:
  - Professionally and legally accepted data collection techniques are used to identify job tasks
  - Measurable applicant characteristics related to predicting job performance are identified
  - Selection devices whose measures are job related have been used
  - Conclusion and inferences about candidates are logical and persuasive
- 8. The Sheriff, through the Administrative Services Director, will have input as to the selection process and those devices identified and used in the examination of applicants.

## **G. QUANTITATIVE STUDY OF ADVERSE IMPACT**

- 1. The Volusia County Personnel Director will assure that any adverse impact in the selection process be measured by comparing the selection rates for each race, sex, and ethnic group with the group having the highest selection rate.
- 2. Adverse impact will be determined by the following four (4) step process:

- a. Calculate the selection rate of each group by dividing the number of persons selected from the group by the number of applicants from that group.
  - b. Observe which group has the highest selection rate.
  - c. Divide the selection rate for each group by the rate for the highest group.
  - d. Observe whether the selection rate for any group is less than eighty (80%) percent of the selection rate of the highest group.
3. The Volusia County Personnel Director will assure that any adverse impact be minimized in the selection process.
  4. Volusia County Personnel Services will have responsibility for maintenance of records and data used to determine any adverse impact. These records and data will be on file and available for inspection and will disclose the impact of the examination or other device(s) of the selection process by identifiable race, sex and ethnic group.

## **H. SELECTION PROCESS ADMINISTRATION**

1. The Volusia County Personnel Director will assure that any written test used as a device in the selection process is documented as being job related. This is true for any test used or relied upon by the Volusia Sheriff's Office, including those that are commercially developed.
2. The determination of the following will be a matter of cooperation between the Volusia County Personnel Director and the Sheriff:
  - Appropriate written, performance or other tests;
  - Method of evaluating experience, education and training;
  - Weights to be assigned to various parts of the examination.
3. The examination will represent a proper balance between the specialized knowledge of position requirements possessed by Volusia Sheriff's Office personnel and the specialized knowledge of regulatory requirements and testing methods possessed by the Personnel Services.
4. The Volusia County Personnel Services will have an examination plan prepared describing:
  - Specific qualification requirements and alternatives and skills, knowledge, and abilities to be measured by each examination device selected;
  - The importance of weighing each part of the examination process
  - The method to be used in evaluating each applicant against the others.
5. The Sheriff, through the VSO HR Director, will actively participate in the design and implementation of the examination plan.
6. The Volusia County Personnel Director will establish for all examinations the minimum performance or cut-off score.
7. If there is more than one (1) device used in an examination a minimum performance or cut-off score may be established for each device.
8. Applicants may be required to attain at least the minimum performance or cut-off score on each device to receive a passing grade or to be rated on the remaining devices of the examination.
9. In the event more than one (1) device is used, a weighting process will be applied to appropriately allocate importance of all the various devices.
10. The Volusia County Personnel Director assures that all elements of the selection process are administered, scored, evaluated, and interpreted in a uniform manner within the classification and that the conduct of the examination(s), as well as the operational elements of the selection process, is clearly set forth and carried out identically for all candidates.
11. The Sheriff, through the VSO HR Director, will assure compliance by having an active and continuous liaison with the Volusia County Personnel Services into the use of all devices used in the selection process.
12. The Volusia County Personnel Director provides final examination results in the form of numeric or adjective ratings. In either situation it is assured as being job related.

13. The Volusia County Personnel Director assures that those elements of the selection process administered or provided by any private sector organization or vendor meet the requirements of job relatedness.
14. The Sheriff, through the Administrative Services Director, will provide all needed information to support the professional and legal requirements of being job related with regard to any service that may be requested as an additional device to the selection process.
15. The Volusia County Personnel Services utilizes, whenever possible, personnel officers that are representative of the race, sex and ethnic groups in the Volusia Sheriff's Office's service area.
16. These individuals will meet the necessary qualifications and be thoroughly trained in the content and use of the selection procedures.
17. The Sheriff, through the Administrative Services Director, will provide additional logistical support to the selection process with those individuals who are qualified and trained in the content and use of the procedures. Whenever possible those individuals will also be representative of the service area.
18. The Volusia County Personnel Services will assure that selection material is stored in a secure area when not being used. These measures will include but not be limited to:
  - Locked file drawers;
  - Locked and/or limited access file rooms;
  - A microcomputer database by any or all electronic devices available, to include hard drive locks and passwords.
19. When the Volusia Sheriff's Office, through the Administrative Services Director, is in temporary care, custody, and control of selection material, the same security measures will be exercised to provide twenty-four (24) hour security.
20. At no time will unsecured selection material be left unattended.
21. All reports containing the testing materials/results regarding any required medical examinations, emotional stability and psychological fitness examinations will remain with the examination provider. Only the provider's final letter/notice will be maintained with the background files which will be secured in the locked file room maintained by Internal Affairs. All CVSA results will also be housed in Internal Affairs secured file room. No one may access files without permission from the Sheriff or the Internal Affairs Supervisor.
22. The Volusia County Personnel Services will dispose of all selection process material including records of applicants not appointed to probationary status, in a manner that prevents disclosure of the information. This destruction will be in accordance with the rules promulgated by the State of Florida, Division of Archives, History and Records Management, Tallahassee, Florida, and the Volusia County Personnel Services retention schedule.

## **I. ANNUAL SELECTION PROCESS EVALUATION**

1. The Sheriff and the Volusia County Personnel Director will confer annually for the purpose of selection process evaluation.
2. This evaluation will address the job relatedness of the selection process.
3. In addition, the examination plan will be revised to remove devices and procedures that are obsolete and add devices that are determined to be better.
4. This evaluation will also include a review of the most recent literature and case law on selection, equal employment opportunity and related selection issues.

## **J. RE-APPLICATION, RETESTING AND REEVALUATION PROCEDURES**

1. The Volusia County Personnel Director specifies the conditions and procedures for re-application, retesting, and reevaluation of applicants not appointed to probationary status.
2. The applicant who is unsuccessful in completing the selection process for one (1) or more reasons may apply to the position after six (6) months from the date of the examination in which they were unsuccessful.

3. It is necessary for an applicant to submit a new application for employment to be considered for any future examinations.
4. An applicant who is not appointed to a probationary status will remain on an eligible list for a period of twelve (12) months.
5. As vacancies become available, those applicants on the eligible list will be reevaluated for appointment to probationary status.
6. Applicants who believe their applications have been erroneously rejected or who believe that their examinations have been incorrectly rated may present their appeal to the Volusia County Personnel Director.

#### **K. SELECTION PROCESS INFORMATION TO THE APPLICANTS**

1. The Administrative Services Director will inform all applicants in writing at the time of filing their formal application of all the elements of the selection process.
2. In addition to providing a written notice of the expected duration of the selection process and a copy of the information required above, the Volusia Sheriff's Office will provide standardized information which is supplied by the Volusia County Personnel Services while conducting recruitment activities.
3. The Volusia Sheriff's Office, through the Administrative Services Director, will notify in writing all applicants not eligible for appointment to probationary status. This notification will take place within thirty (30) days.
4. The Volusia Sheriff's Office, through the Administrative Services Section will inform in writing any applicant not appointed to a probationary status on the basis of a single test, examination, interview, or investigation, of the specific reason within thirty (30) days.

#### **L. BACKGROUND INVESTIGATIONS**

1. The Volusia Sheriff's Office, through the Internal Affairs Section, will conduct a background investigation (BGI) on all selected applicants only for employment with the Volusia Sheriff's Office. This investigation will be conducted prior to appointment to a probationary status.
2. The background investigation will include, but not be limited to the following:
  - a. Pre-employment interview for the purpose of verifying qualifying credentials to include:
    - Education.
    - Employment.
    - Age.
    - Residence.
    - Citizenship.
  - b. Driver's license inquiry with the State of Florida, Department of Highway Safety and Motor Vehicles, and the state of issue for the applicant's license. This is to be done regardless of the applicant advising against having a Florida driver's license.
  - c. Military Service Record - a copy of the DD214 obtained for file, or a waiver of non-military service
  - d. Criminal records inquiry through National Crime Information Center (NCIC), Florida Crime Information Center (FCIC), Volusia County Volusia Sheriff's Office, Intelligence Unit, Criminal Records Section and Criminal Justice Information System (CJIS). Additional State and Local Agencies as may be warranted, given applicants origin.
  - e. Review of social media accounts
  - f. Credit inquiry; employment insight report.
  - g. Fingerprint submission through the Florida Department of Law Enforcement (FDLE), and the Federal Bureau of Investigation (FBI).
  - h. Employment inquiry, with at least three (3) employers.
  - i. A review of relevant national or state decertification resources, if available.
  - j. Character inquiry, with at least three (3) personal references.

- k. Neighborhood inquiry, with at least three (3) neighbors, current and previous residences
  - l. Applicant may be subject to an unannounced visit to the applicant's residence.
3. While it is more reliable to conduct these inquiries in person, telephonic and mail inquiries are appropriate in obtaining some information. Such would be the case if the applicant has relocated from outside the state.
  4. The Volusia Sheriff's Office, through the Internal Affairs Section, will use only personnel trained to conduct background investigations. These Detectives are specially trained in collecting the required information. These Detectives will participate in regular training to maintain the professional and legal requirements needed to successfully conduct background investigations. Training may be formal or in-house.
  5. The Internal Affairs Section Detectives will document the background investigation by use of the standard Report of Investigation (ROI).
  6. This written report will be submitted for all applicants who have had full consideration for appointment to a probationary status.
  7. The Internal Affairs Section Detectives will provide the Report of Investigation to the Sheriff for his review and approval. If an applicant is appointed to a probationary status, the Report of Investigation, including the background investigation file, is turned over to the Human Resources Assistant to be incorporated into the Volusia Sheriff's Office's personnel file.
  8. If the applicant is not selected for appointment to a probationary status, the Report of Investigation, including the background investigation file, is maintained on file for a minimum of five (5) years.
  9. The storage and subsequent destruction of these files are promulgated by the State of Florida, Division of Archives, History and Records Management, Tallahassee, Florida.

#### **M. INSTRUMENT TO DETECT DECEPTION EXAMINATIONS**

1. The Volusia Sheriff's Office, through the Internal Affairs Section, ensures that all applicants for employment participate in a pre-employment instrument to detect deception examination as part of the selection process. The instrument to detect deception used shall be the polygraph examination for sworn positions and the Computerized Voice Stress Analyzer (CVSA) for civilian positions.
2. These examinations are administered and evaluation of the results is conducted by Volusia Sheriff's Office CVSA operators and contracted polygraph operators. The CVSA/polygraph operators are certified through the National Institute for Truth Verification.
3. The CVSA/polygraph operator will provide the applicant with a list of questions just prior to and at the location of the test so that there is sufficient time to review and understand what is going to be asked of them.
4. Upon the conclusion of the examination, the CVSA/polygraph operator will provide a Pre-Employment Report. The report will contain information including but not limited to the applicant's name, the date of the examination and relevant questions that were asked the applicant.
5. This report will also include any pretest admissions and a statement by the CVSA/polygraph operator as to the truthfulness of the applicant. This report will be filed separately from the background investigation.
6. The results of CVSA/polygraph examination will not be used as a single determinant of employment status. An admission during the pretest or posttest interviews together with other information may be sufficient to support decisions relevant to employment status.

#### **N. ORAL INTERVIEWS**

1. The Volusia County Personnel Director will ensure an oral interview of each applicant is conducted prior to appointment to a probationary status using valid, useful and nondiscriminatory procedures.
2. This will be done by the use of a "Patterned Interview" as established in the examination plan.
3. The use of rating scales and procedures will be standardized in order to permit valid and useful distinction among applicants and their expected job performance.
4. Results will be recorded on a standardized form.

5. The Sheriff, through the Administrative Services Director, will assist in facilitating the oral interviews by having individuals who are qualified and thoroughly trained in the content and use of the selection procedure conduct the oral interviews. This does not prohibit the Sheriff from conducting the oral interviews personally, or participating as a board member.

## **O. OCCUPATIONAL QUALIFICATIONS**

1. The Volusia County Personnel Director determines that all physical and age qualifications for entry level sworn positions meet the requirements of validity, utility and minimum adverse impact.
2. Medical standards are established for all positions in the Merit System. Applicants for communications and sworn positions in the Merit System will be required to undergo a medical examination to determine physical and mental fitness to perform the work of the position for which they are being considered.
3. Medical examinations, which may include hearing and vision tests, are conducted prior to appointment to probationary status using valid, useful and nondiscriminatory procedures. The Examination shall be based upon the Entry Level Job Descriptions of the position, ensuring the applicant is medically fit to perform the functions required.
4. Determination of physical or mental fitness will be by a physician(s) designated by or acceptable to the Volusia County Personnel Director and the Volusia County Risk Manager.
5. A psychological examination shall be conducted on each communications and sworn candidate prior to appointment to probationary status, using valid, useful and non-discriminatory procedures.
6. Only licensed physicians are used to certify the general good health of an applicant, as well as assess the emotional stability and psychological fitness of the sworn applicants.
7. All medical examinations are reported on standard forms or reports and received by the VSO HR Director. These items are then filed separately from each other as well as from the background investigation information. The items are maintained in the independent files for the purpose of future statistical analysis.
8. All applicants seeking employment as a sworn Deputy Sheriff with the Volusia Sheriff's Office shall be required to meet applicable job-related physical ability/fitness standards prior to employment. Each candidate must successfully pass the agency recognized Physical Abilities Test (PAT); failure of a candidate to pass the PAT will disqualify the candidate from further processing. Only qualified PAT instructors from the Volusia Sheriff's Office Training Section will be utilized to administer the PAT.
9. All applicants seeking employment as a sworn Deputy Sheriff with the Volusia Sheriff's Office shall be required to successfully pass a Shooting Assessment Course to include both the handgun and shotgun, as administered by a qualified firearms instructor with the Volusia Sheriff's Office Training Section.
10. Pursuant to Volusia Sheriff's Office General Order 22.6 Appearance Uniforms and Equipment:
  - "Body Ornamentation" includes, but is not limited to, tattoos, intentional scarring, brands; objects inserted in/under the skin, dental ornamentation; any contact lens that when worn creates an unnatural eye color or contains graphic designs of any kind. Intentional body/tongue piercing or mutilation to include gauges/industrial bars/multiple piercings of the ear. This definition excludes the traditional piercing of the earlobe for earrings as described within this General Order.
  - Body ornamentation that is obscene, sexually explicit, advocates or symbolizes sexual acts or conduct, or advocates or symbolizes prejudice or discrimination based on race, color, national origin, ethnicity, religion, gender, sexual orientation, age, or which is likely to associate the employee with the agenda of any criminal or extremist group, or otherwise bring discredit upon the Sheriff's Office and its role in the community is considered unacceptable and shall not be permitted.
  - Body ornamentation will not be permitted on the hands, head, face, neck or scalp; medical alerts or wedding band tattoos are exempt.
  - Any body ornamentation that includes non-medically necessary and/or gaudy veneers, caps, grills or other adornments on teeth; graphic or unnatural colored contact lenses;

piercings/mutilations, or objects inserted in/under the skin will not be worn/displayed while on duty

- Existing visible body ornamentation considered unacceptable as defined above must be covered by the long sleeve uniform or dress shirt while on duty. When off duty and operating or otherwise utilizing an agency vehicle, marked or unmarked, or in any apparel that represents the VSO regardless of duty status, unacceptable body ornamentation must be covered.
  - Applicants/Candidates for Hire: So as not to exclude qualified candidates based solely on the existence of body ornamentation, a candidate's existing body ornamentation will be evaluated during selection prior to time of hire.
11. As of October 1, 2007, all sworn applicants shall be non-tobacco users at the time of hire as a condition of employment and shall be required, as an absolute condition of employment, to refrain from use of tobacco products of any kind, on or off duty, during employment with the Volusia Sheriff's Office. Any applicant hired that violates this condition of employment is subject to disciplinary action up to and including termination.

## **P. PROBATIONARY PERIODS**

1. The Volusia County Personnel Director has established the duration of probationary periods for probationary status employees as indicated in Merit System Rules and Regulations.
2. Designated personnel, those appointed to sworn positions of the Volusia Sheriff's Office, will have a probationary period of one (1) year.
3. The Volusia County Personnel Director will monitor the appointment rate of applicants from probationary to permanent status to ensure requirements of minimum adverse impact are met.
4. The Volusia Sheriff's Office will continuously reevaluate procedures, techniques and/or examinations used during the probationary period to ensure professional and legal requirements to minimize adverse impact.
5. At least thirty (30) days prior to the expiration date of an employee's probationary period an evaluation report will be completed and discussed with the employee.
6. Sworn employees hired on or after October 1, 2007 will be required to take and successfully pass a Physical Abilities Test prior to the expiration date of the employee's probationary period and annually thereafter.
7. The evaluation report will state in writing whether or not the employee has performed satisfactorily during the probationary period.
8. The evaluation report will be sent to the Volusia County Personnel Director prior to the expiration of the employee's probationary period indicating that an extension of the probationary period is desired for additional observation.
9. When the Sheriff believes additional time is required to evaluate an employee due to extenuating circumstances which did not allow the employee to be fully evaluated during the normal probationary period, the Sheriff may request an extension setting forth in writing the circumstances necessitating the extension.
10. The Volusia County Personnel Director may grant an extension up to, but not exceeding three (3) months if he determines there are valid reasons for such an extension.
11. The Volusia Sheriff's Office maintains comprehensive work performance records of the probationary employees. These employees are evaluated regularly using valid, useful and nondiscriminatory procedures.
12. The means of these evaluations are provided the probationary employee through the Field Training and Evaluation Program (FTEP).
13. The Volusia County Merit System Rules and Regulations provides that appeals during the probationary period shall be limited to only actions which are alleged to be illegal discrimination or which are based on factually incorrect information. Absent these circumstances the probationary employee can only request a review of a contested performance evaluation by the immediate supervisor of the rater.

14. Such a request will be in writing by the probationary employee and incorporated by reference to the performance evaluation. If after the conclusion of the review by the immediate supervisor of the rater no additional action is taken, the probationary employee will have no further recourse in this type of matter.





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: TRAINING PROGRAMS**

**CODIFIED: 33.1**

**EFFECTIVE: 01-2009**

**RESCINDS/AMENDS: 33.1/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish the authority, duties and responsibilities for the development, promulgation, and coordination of all Department training programs.

**DISCUSSION**

The diverse and complex tasks and responsibilities within the Department require that all training presented to Department appointees/employees be centralized and coordinated within a designated centralized section.

**POLICY**

It shall be the policy of the Department to maintain a Training Section which shall direct efforts toward the development of new skills, improving and updating old skills, re-certification of performance in high liability areas, the development of specialized skills and creating an awareness of new techniques and technologies for all employees and overseeing the departments' mandatory retraining program.

It shall further be the policy of the Department to ensure every Deputy be allowed to attend a minimum of 20 hours training each year.

The Department reserves the right to periodically mandate training which is to be considered as part of each Deputies 20 hours.

**PROCEDURE**

**ORGANIZATION**

**33.1.1** The Training Section shall be maintained under the administrative control of the Support Services Division Commander.

**33.1.2** Specialized and advanced training programs will be developed and coordinated in conjunction with the needs of various Departmental personnel and in cooperation with the affected C.J.S.T.C. training center.

**33.1.3** The following list identifies the major training programs currently offered/coordinated by the Training Section. The list is not all inclusive. Many ad hoc programs are constantly offered:

- In Service Training Program
- Specialized training
- Advanced training (Coordinated and offered through an FDLE Training Center)
- Field training program
- Civilian training program
- Emergency response training
- Specialty team training
- Career development courses
- Roll call training
- Post academy training

## **RESPONSIBILITIES**

**33.1.4** It shall be the responsibility of the Training Section, within the Support Services Division to plan, develop and coordinate all training programs and presentations affecting the Department.

**33.1.5** The Department does not administer a training academy; however, the Training Section will participate in C.J.S.T.C. Basic Recruit Curriculum meetings and the Director of Training shall be the Department's representative at the meetings.

**33.1.6** The Training Section shall coordinate training with the local FDLE Regional Training Center at the Daytona State College and with the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission.

**33.1.7** It shall be the responsibility of the Training Section to submit all schedules for FTEP classes and any other department training to the Support Services Division Commander at least four (4) weeks in advance of the scheduled start date of the training.

**33.1.8** The schedule will include courses, number of hours and instructors' names. The schedule will be submitted to the Sheriff and his staff for review. Once approved by the Sheriff and staff, there will be no changes without the authorization of the Support Services Division Commander.

**33.1.9** It shall be the responsibility of the Training Section to notify all Department personnel of upcoming training programs to be presented by the Department or approved outside sources.

**33.1.10** Training/school availability lists shall be updated and distributed monthly to each Division commander or designee.

**33.1.11** It shall be the responsibility of the Division Commanders or designee to ensure that current lists are properly posted for all personnel and that personnel from their division attend required training or other arrangements are made with the Training Section.

**33.1.12** The Training Section shall forward the names of those absent from required training, in writing, through the chain of command to the employee's Division Commander or designee.

**33.1.13** It shall be the responsibility of the Training Section to develop and maintain centralized records of all training presented to Department personnel, to include all in-house training as well as training received from approved outside sources. This includes civilian training records.

**33.1.14** It shall be the responsibility of the Training Section to provide all approved training in a timely manner, utilizing appropriate resources in order to achieve maximum results.

**33.1.15** It shall be the responsibility of the Training Section to actively seek information regarding training needs and to develop and present appropriate programs.

**33.1.16** It shall be the responsibility of each Division Commander or designee to communicate training needs and desires to the Training Section for possible program development.

**33.1.17** When requested, it shall be the responsibility of each Division Commander to provide a training facilitator who shall assist the Training Section staff in the development and presentation of training programs.

**33.1.18** It shall be the responsibility of all Division Commanders to allow personnel who have expertise in specific subject matter to be excused from normal duties in order to participate as instructors in various training presentations.

**33.1.19** Release from normal duty assignments to participate as instructors or trainers is to be permitted whenever possible without impairing operational effectiveness.

**33.1.20** It shall be the responsibility of the training facilitator assisting the Training Section to accumulate, verify and forward all required training documentation to the Training Coordinator responsible for the course being presented.

**33.1.21** The Training Section shall coordinate all Department training efforts, including but not limited to specialized training, roll call training, civilian training and training received from outside sources.

## **EVALUATION**

**33.1.22** Each training program shall be monitored and evaluated by the students and the training committee.

**33.1.23** Information from reports prepared by Internal Affairs (use of force etc.), Crime Analysis (specific types of crime training) and Community Relations (community problems which may require additional training) shall be used to evaluate existing programs and develop new training programs.

## **ANNUAL EVALUATION AND REVIEW**

**33. 1.24** The Director of Training shall be responsible for the annual evaluation and updating of the Department's training program. The evaluation and updating process shall include:

- Incorporation of new laws, court decisions and Department directives
- Evaluation of the training programs
- Recommendation of enhancements associated with physical facilities, materials or scheduling
- Consultation with Sheriff's Staff, Criminal Justice Standards and Training Commission (C.J.S.T.C.) Directors of Certified C.J.S.T.C. Training Schools, and the Sheriff
- A report including, but not limited to, the number of persons trained and the extent of the training provided

## **IN-HOUSE INSTRUCTORS**

**33. 1.25** In-house personnel will be selected as instructors based upon:

- The desire to instruct
- Subject matter knowledge and experience;
- Instructional ability
- Instructor Techniques Certificate
- Recommendations of staff and peers

**33. 1.26** A written request shall be forwarded to the instructor's Division Commander in sufficient time to arrange for the needed time away from normal duties.

**33. 1.27** Staff instructors assigned in a full time capacity shall be required to successfully complete a Florida State certified instructor techniques course. The course contains training in: (CALEA 33.1.4c)

- Lesson plan development
- Performance objective development
- Instructional techniques
- Learning theory
- Testing/evaluation techniques (CALEA 33.1.4c)
- Resource ability and use

**33. 1.28** Instruction on Departmental resources and their use will be provided by the Director of Training or designee.

**33. 1.29** Department instructors shall receive periodic re-training and up-dating to meet any specific instructional problems of the Department.

**33. 1.30** Instructors shall be evaluated in writing by students and by the Support Services Division Commander.

**33. 1.31** The Department will utilize facilitators/instructors who are selected based on their expertise, skills, knowledge and motivation.

**33. 1.32** A facilitator/instructor who has not attended an instructor techniques course shall be assisted in the development of lesson plans, testing, and evaluation techniques.

**33. 1.33** Only facilitators/instructors who have completed an approved C.J.S.T.C. instructor techniques course will be permitted to teach high liability topics as identified by C.J.S.T.C.

## **OUTSIDE INSTRUCTORS**

**33. 1.34** When necessary and appropriate, instructors who are not employed by the Department may be utilized. All facilitators must be approved by the Director of Training prior to their use. Facilitator must be on file with the Director of Training.

**33. 1.35** Outside instructors shall be required to provide lesson plans and copies of all handouts.

**33. 1.36** Outside instructors shall be required to provide a list of anticipated expenses of the program. The Training Coordinator overseeing the course shall submit all expenses in writing to the Director of Training prior to the encumbrance.

**33. 1.37** The information and program will be evaluated and submitted to the Director of Training for final approval.

**33. 1.38** Outside instructors shall be evaluated in writing by students and by the Director of Training.

**33. 1.39** Outside instructors will be selected based upon a review of their skills, knowledge, ability and educational credentials.(Résumé, C.J.S.T.C. Certification, etc..)

## **DEVELOPMENT OF PROGRAMS**

**33. 1.40** The Director of Training shall ensure that training programs are developed after review and integration from the following sources:

- Needs, deficiencies and recommendations identified by staff inspection reports
- Needs, requirements and suggestions received from staff or from staff meetings
- Consultation with field personnel and as the result of field observations by the Staff Inspections Unit
- Training committee input as identified in directive 33.5
- Training evaluations as identified in this directive
- The input of Internal Affairs based on investigative reports
- With the participation and approval of the Sheriff's Staff

**33. 1.41** All in-house training programs to be taught within the agency will be created using the following procedures:

- A. When a certain educational or training requirement is identified, a request for the development of a study course to meet that requirement will be made in writing to the Director of Training, via the chain of command from the submitting division.
- B. The Director of Training shall make course of study recommendations to the Sheriff and its developer. These recommendations will be accompanied by suggestions for methods of instruction, the total estimated course instruction time, and any special timetable requirements for complete development.
- C. Upon the approval of the Sheriff, or his designee, the Director of Training will direct the development of the course of study.
- D. The Training Section will begin curriculum development by reviewing the job task analysis on the job(s) or position(s) that are most likely to use the information from the course of study.
- E. Using the completed Job Task Analysis with tasks and competencies identified specific performance objectives will be written to insure that the tasks and competencies will be addressed in the course of study.
- F. Performance objectives will then be arranged by topic into a logical educational sequence. From these arrangements, lesson plans are written.

**33. 1.42** After a lesson plan is completed, it is to be forwarded for administrative approval according to the following schedule:

- A. The complete curriculum, including testing materials, is submitted for use review and approval to the Division Commander(s) of the Division(s) whose personnel would typically use the curriculum. These commanders shall solicit input from subordinates in their divisions to assist in the approval of the curriculum.
- B. Those curricula that are not approved are to be returned to the Director of Training with appropriate recommendations for revisions.
- C. All lesson plans shall be consistent with the Department's guidelines.
- D. The complete curriculum, including testing materials, is submitted for use review and approval to the Sheriff, or his designee.

## **LESSON PLAN RETENTION**

**33. 1.43** All curriculum development materials will be filed by the Training Section. These materials include all or in part the following:

- Finalized lesson plans
- Sequenced performance objectives
- Master copies of all printed materials
- Descriptions of all video tapes, audio tapes, and other media used
- Master copies of all written testing materials and tests key materials (CALEA 33.1.4C)
- Copies of all practical exercise evaluation materials (CALEA 33.1.4C)
- Any evaluation check lists
- Standardized evaluation guidelines
- Scenarios and conditions for practical exercise
- "Safety Briefing" materials
- List of required training aids and equipment
- A list of potential instructors for this course, with any notes as needed
- Any other information or documents that were essential to the development of the curriculum

## **TRAINING**

### **ATTENDANCE** (CALEA 33.1.2)

**33. 1.44** Employees shall attend required training sessions and the instructor/facilitator shall document attendance on a signed attendance roster and forward attendance records to the Director of Training or designee. The Director of Training shall ensure records of attendance are maintained.

**33. 1.45** Employees shall be excused from training for court appearances, depositions, recognized emergencies and illnesses. Excused absences shall be in accordance with C.J.S.T.C. guidelines.

**33. 1.46** Employees shall be required to make up time that is missed due to an excused or un-excused absence from duty.

**33. 1.47** Absences shall be scheduled through the Director of Training as soon as possible after the missed portion of the class.

**33. 1.48** Un-excused absences from required training shall be handled as any other un-excused absence and students shall receive no credit for the course.

### **RECOGNITION**

**33. 1.49** Employees shall be recognized for the successful completion of a particular training program. This will be accomplished by:

- A certificate of completion
- Upon approval, authorization to wear the appropriate firearms proficiency award for firearms qualification
- Upon approval, authorization to wear the appropriate specialized patch, wings or insignia, i.e., Motor, SWAT., Aviation and bomb disposal Deputies
- The names of those Deputies graduating from advanced training facilities (FBI National Academy etc.) shall be forwarded to the Public Information Officer for dissemination to the media.

### **TRAINING REIMBURSEMENTS**

**33. 1.50** It is the intent of the Department to provide for the costs incurred when an employee attends required and approved training. (CALEA 33.1.3)

**33. 1.51** The Department will provide all fees, books and materials needed when an employee has approval to attend training programs. (CALEA 33.1.3)

**33. 1.52** The Department will provide for housing, mileage, meals and transportation to employees attending approved training programs when conducted outside the Departments service area. (CALEA 33.1.3)

**33. 1.53** In order to be eligible for reimbursements, all costs associated with the training must be submitted on the training request form and forwarded for approval to the Director of Training. (CALEA 33.1.3)

**33. 1.54** All approved training requests must be delivered to the Travel Clerk (3) three weeks prior to the scheduled course in order for the Department to provide advance payment. (CALEA 33.1.3)

**33. 1.55** The employee may obtain approval for future reimbursement from the Travel Clerk in the event the paperwork has not been submitted on time. (CALEA 33.1.3)

**33. 1.56** The Volusia County Personnel Services may provide reimbursement for approved college courses. Approval must be received in prior to enrollment in the college course(s). (CALEA 33.1.3)

**33. 1.57** The Training Section shall develop a schedule requiring all certified personnel to attend a minimum of (20) twenty hours of in service retraining to include legal updates annually. (CALEA 33.5.1)

**33. 1.58** This schedule shall be developed in such a manner that will not affect the efficient operations of the Department and provide the flexibility to allow for unforeseen circumstances. The program will be monitored continually. (CALEA 33.5.1)

**33. 1.59** The Training Section shall select instructors, issue instructor requests and monitor the program until complete. (CALEA 33.5.1)

**33. 1.60** All Training programs shall be monitored until complete.

**33. 1.61** Ad hoc program needs will be communicated to the Training Section by the requesting division.

**33. 1.62** The Training Section, in conjunction with the requesting division, shall develop the course content.

**33.1.63** Career development courses shall be scheduled and presented by the Training Section, periodically throughout the year, in a manner that provides an opportunity for all personnel to avail themselves of the training.

**33.1.64** Training Section staff shall work in close conjunction with specialty team commanders in developing training functions for those teams.

**33.1.65** The nature and uniqueness of their tasks require specific expertise which is vital to the development of meaningful courses of instruction.

**33.1.66** The Department provides classroom space for internal training programs, i.e., Emergency Vehicle Operation Course (EVOC), the firing range.

## **RECORDS**

**33.1.67** The Training Section will maintain and update training records on each employee, to include date of training, the type of training received (course content), certificates received, attendance records and test scores. (CALEA 33.1.6, 33.1.7a)

## **WORK RELATED COURSES**

**33.1.68** The employee will notify the Training Section of course completion and will provide the Training Section with a copy of the appropriate certificate or other proof of completion within ten working days after course completion. (CALEA 33.1.6)

**33.1.69** The Training Section will notify the Florida Department of Law Enforcement, Division of Criminal Justice Standards and Training of any course work that is eligible for credit under the mandatory retraining program. (CALEA 33.1.6)

**33.1.70** No employee training records will be released outside of the agency without express written consent of the Director of Training and in compliance with Florida State law.

## **IN-SERVICE COURSES** (CALEA 33.1.7a)

**33.1.71** The Training Section will maintain training records on each course conducted by Training Section personnel. These records will include at the minimum: (CALEA 33.1.7b,c)

- Roster of those employees that were registered, attended and successfully completed the course (CALEA 33.1.7b)
- Complete grade summary of final grades and evaluations (CALEA 33.1.7b,c)
- Blank written test or other evaluation tool(s) that were actually used in the course. (Test key) (CALEA 33.1.7c)
- Completed written tests or other evaluation tool(s) that were actually completed by the students in the course (CALEA 33.1.7c)
- Instructor notes on the course, documenting any unusual occurrences during the course
- Any registration forms or signed waivers or other documents prepared by the students
- Copy of the course syllabus and outline/goals & objectives for the actual course conducted
- Completed student evaluation forms

## **ADVANCED TRAINING**

**33.1.72** Continuous training throughout a Deputy's career is considered vital for the professional individual growth and the Department.

**33.1.73** In order to further increase leadership abilities of Deputies who have demonstrated management and leadership capabilities, the Department provides the opportunity and encourages participation in training programs of an advance level. Such programs include:

- Federal Bureau of Investigation National Academy
- The Southern Police Institute
- The Northwestern Traffic Institute
- The Florida Department of Law Enforcement Executive Institute

**33.1.74** Advanced training shall be available to personnel approved by their Division Commander.

**33.1.75** The requesting Deputy must meet the entrance requirements of the particular program.

**33.1.76** Requests to participate in advanced training at an extended school shall be submitted to the Sheriff for his consideration.

**33.1.77** Participation selection in an advanced level training school and assignment subsequent to successful completion shall be determined by considering the employee's career goals and abilities consistent with the

Department's needs, objectives, organization and policy. Advanced training may be counted toward mandatory training and will be reported to the Training Section as enumerated herein.

#### **TRAINING AFFILIATIONS AND RESOURCE (CALEA 33.2.3)**

**33.1.78** The Sheriff or his designee will participate in the Daytona State College Criminal Justice Advisory Committee to provide guidance and direction to the local Regional Training Center at Daytona State College.

**33.1.79** The legal basis for participation and course requirements in C.J.S.T.C. approved training centers is established by Florida Law.

**33.1.80** The Training Section participates in the development of training programs through the FDLE Region VII Training Council and Daytona State College, which is a C.J.S.T.C. approved training center assigned within our service area.

**33.1.81** The Sheriff or his designee will participate in the Daytona State College Criminal Justice Advisory Committee to provide guidance and direction to the local Regional Training Center at Daytona State College.

**33.1.82** The Department liaison shall make recommendations based upon job task analysis of the most frequent Deputy assignments who complete recruit training.

**33.1.83** Employees are encouraged to serve as instructors for C.J.S.T.C. approved training centers. A request for outside employment must be submitted prior to teaching.

**33.1.84** The Department shall utilize training provided by other criminal justice agencies and provide training to other agency personnel as space and availability permit.

**33.1.85** The Training Section shall maintain liaison with other agencies criminal justice training sections in order to increase effectiveness, improve coordination and promote better understanding.

#### **APPOINTEES**

**33.1.86** The Department may provide tuition, supplies and fees for employees approved to participate in a recruit level program. Financial obligations are defined by Florida State Statutes.

**33.1.87** Legal and/or liability issues involving Department personnel while participating in academy programs shall be evaluated and handled on an individual basis.

**33.1.88** The Department does not operate or maintain a training academy. However, the Department's Training Section reviews the curriculum of C.J.S.T.C. approved training centers utilized for appointee training.

**33.1.89** F.S. 943.14 Criminal Justice Training Schools, defines the legal basis for the academy.

**33.1.90** Just prior to the starting of a recruit academy, all uncertified new recruits/appointees shall be assigned to the Training Section. The assigned Training Section staff member will verify that all recruits are assigned to the Training Section.

**33.1.91** The Department shall provide an orientation handbook to all new appointees if the C.J.S.T.C. approved training center utilized by the Department does not.

**33.1.92** The handbook shall contain information concerning the organization of the academy, rules and regulations, the testing, rating and evaluation system, physical fitness and proficiency skill requirements and daily training schedules.

**33.1.93** The Training Section shall ensure that each new appointee has such handbook and inserts if applicable.

**33.1.94** Supervisory duties and responsibilities will be assigned to a Training Section staff member.

**33.1.95** Upon completion of the certified C.J.S.T.C. academy training, the Training Section staff member shall develop a post academy module training program in order to provide additional training specific to the Department. (See Directive 33.4) The program will be monitored until completion.

**33.1.96** All appointees shall be required to complete a certified C.J.S.T.C. academy training program prior to being assigned to any routine duty in any capacity in which he/she is allowed to carry a weapon or allowed to make an arrest. (CALEA 33.4.1)

**33.1.97** The Employees Assistance Program provides psychological counseling services for appointees/trainees in need of the service.

**33.1.98** Counseling may be requested outside the normal chain of command and shall remain confidential.

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**Revised by:** 6620/2031  
**Revised on:** 12-2008

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>CURRICULUM</b>
<b>CODIFIED:</b>	<b>33.2</b>
<b>EFFECTIVE:</b>	<b>10-2001</b>
<b>RESCINDS/AMENDS:</b>	<b>33.2/07-1999</b>
<b>ATTACHMENTS:</b>	<b>1</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines for the development of curricula to meet the Department's training needs.

**DISCUSSION**

In-house training programs must be related to the tasks required, be properly documented, and have the approval of the administration so that they may provide the best training possible for Department members. To assure the quality of the training presented, certain methods must be identified and mandated for developing in-house curricula.

**POLICY**

It shall be the policy of the Department to develop and maintain training curriculums based on tasks identified by Job Task Analysis and the needs of the Volusia County Sheriff's Office.

**PROCEDURE**

**CURRICULUM**

**33.2.1** Training programs presented to volunteers, sworn and civilian employees will be developed and approved prior to presentation.

**33.2.2** Curriculum development shall be related to the function/job being performed. A job task analysis shall be used to insure that the curriculum teaches those tasks that are required for proper job performance. (See Standards Directive 33.1)

**33.2.3** The hours of instruction assigned to fulfill specific requirements shall be adequate to the work requirement and shall be evaluated.

**PERFORMANCE OBJECTIVES**

**33.2.4** Performance objectives will be formulated to ensure that the required tasks are taught in the curriculum.

**33.2.5** Performance objectives should focus on the elements of the job task analysis for which training is needed, provide a basis for evaluating participants, provide a clear learning statement and provide a basis for evaluating the program.

**33.2.6** Performance objectives will be arranged by topic in a logical educational sequence.

**33.2.7** Examples of properly written performance objectives are:

- The trainee will identify the six authorized uses of a firearm according to the Departmental Policies Manual to 100% accuracy;
- The crossover student will properly Field Strip a Glock semiautomatic pistol within three minutes with no mistakes.

**33.2.8** Performance objectives are specific learning goals derived from the job task analysis. They are written using the following format:

**A.** Identify the audience that is to receive the information. Examples are "Patrol Deputies," "Detectives."

- B. Identify the desired behavior that this objective will address. Examples are "will disassemble and reassemble a Glock" or "list the elements of proper interrogation."
- C. Identify the conditions under which evaluation will take place. Examples are "Given a written examination" or "Given a practical exercise."
- D. Identify the degree that defines acceptable levels of behavior. Examples are "within five minutes" or "to a score of not less than 75%."

## LESSON PLANS

**33.2.9** A lesson plan is required for each course taught. Lesson plans will include course content, references, teaching techniques (lecture, discussion, panels, seminars, debate), relationship to the job task, responsibilities of the participants for the instructed material and plans for evaluation. The format for lesson plans shall be as follows:

**A.** The cover sheet will include the following information:

- Course Name, (subject or topic)
- Lesson Name
- Length of Lesson, (hours)
- Date Prepared
- Prepared by
- Scope
- A short narrative describing the rationale for the lesson, complete with the learning goals for the lesson
- Performance objectives
- Teaching Aids - Any training materials that an instructor needs to assemble before the class. This includes such items as projectors, videotapes, televisions, written or printed materials, handouts and demonstration materials, and special classroom requirements, such as a chalkboard, large tables, etc.
- References - The source material used to draw the lesson plan will be listed here. This information is available if an instructor or student needs more information on the topic.
- Training Prerequisite - This optional area may be used if there are specific training prerequisites requiring a level of proficiency prior to enrollment in a given course.

## OUTLINE

**33.2.10** The lesson plan will be prepared in outline form. The outline will include instructor notes, course content, use of media, and other pertinent information. The outline will be written in a manner that would allow any instructor familiar with the material to teach according to the plan. The outline will use the following format:

- A. Introduction** - The introduction should contain the purpose, objectives and the responsibilities of the participants.
- B. Body** - The body shall contain the content of the training and specification of the appropriate instructional techniques. The lesson plan shall incorporate the appropriate instructional techniques, conferences, field experiences (field trips, interviews, operational experiences and operational observations), presentations (lecture, lecture discussion, lecture demonstration), problem solving and simulations.
- C. Review** - The review shall contain a synopsis of the course, directed toward significant subject matter.

## MANAGEMENT

**33.2.11** The Training Section will maintain records on each curriculum developed by the Department and used within the Department. (See Directive 33.1)

**33.2.12** The Training Section will conduct periodic review of training programs, and ensure material is updated when necessary.

**33.2.13** Lesson plans will be drawn from and include topically arranged performance objectives. Existing lesson plans from other sources may be substituted for Department originated lesson plans if they are found to meet or exceed the provisions of the required performance objectives.

**33.2.14** Lesson plans that are used, regardless of origin, must be maintained within the Training Section, and are subject to internal procedures for inspection of documentation.

**33.2.15** After a lesson plan is completed and field tested, it is to be forwarded for administrative review in accordance with the schedule in 33.1.42.

## TESTING

**33.2.16** Written testing or the appropriate practical exercise testing must accompany all in-house training. A minimum score of 75% of 100% for written testing, and a "pass" score on practical exercise tests are required to successfully complete the course. All written test materials will include a grading key in the curriculum development file. All practical exercise tests will include a listing of evaluation guidelines in the curriculum development file.

**33.2.17** Copies of all test materials, to include written tests, test keys, practical exercise scenarios, and evaluation and guidelines will be maintained by the Director of Training or designee in a separate file from course and lesson plan files.

**33.2.18** Test materials will be kept under lock and key at all times and permission for access granted only by the Director of Training.

## ATTACHMENTS

**Attachment A:** Lesson Plan Format

**Revised by:** 6620

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

## **Lesson Plan Format**

### **a. Cover Sheet :**

- (1) The cover sheet will include the following:
  - (a) Course Name (Subject or Topic);
  - (b) Lesson Name;
  - (c) Length of Lesson (hours);
  - (d) Date Prepared;
  - (e) Scope (A short narrative describing the goals and rationale for the lesson.);
  - (f) Student Performance Objectives;
  - (g) Teaching Aids;
  - (h) References.

### **b. Outline:**

- (1) The outline will be prepared as follows:
  - (a) Introduction;
  - (b) Body;
  - (c) Review.
- (2) The outline will be written in a manner that will allow any instructor familiar with the material to teach according to the lesson plan.



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>REMEDIAL TRAINING</b>
<b>CODIFIED:</b>	<b>33.3</b>
<b>EFFECTIVE:</b>	<b>10-2001</b>
<b>RESCINDS/AMENDS:</b>	<b>33.3/07-1999</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to delineate and define responsibilities and procedures as they apply to identifying and providing remedial training.

**DISCUSSION**

Traditionally, remedial training has meant sending the employee to specific classes in the subject area within which he or she is having difficulty. Remedial training may be simply practice by the employee, with supervision, or orders to rewrite a report.

In whatever form it appears, remedial training should be identified and handled as a bona fide training opportunity. Documentation as to what strategies were used and the results of the remedial training should be kept by the agency.

Criteria should be established that identifies candidates for remedial training. Timetables for this training should be established to keep remedial training from dragging on endlessly, and to give the employee a time goal to reach during the training.

The Department should attempt to retrain and motivate those employees whose skills and knowledge levels have declined. This should be a continuous process. Learning proceeds best when the employee is motivated to learn and it should be the responsibility of each supervisor to train their subordinates by the most effective methods available.

The employee should also know the consequences of non-participation or failure to successfully complete a remedial training course. Remedial training strategies should be structured to the individual trainee.

**POLICY**

It shall be the policy of the Department to provide needed remedial training to employees in order to update, improve, or re-establish the skills and knowledge required to perform the tasks assigned.

**PROCEDURE**

**33.3.1** Remedial training shall be provided to employees when their task effectiveness has been judged to be less than acceptable.

**33.3.2** Remedial training will be provided under the following circumstances:

- A.** When the employee perceives a problem in performance or behavior, they may request remedial training to improve skills or knowledge. Requests shall be made in writing, via the chain of command.
- B.** When requested by the employee's supervisor. This request may take any of the following forms:
  - The supervisor may suggest that the employee apply for remedial training.
  - The supervisor may conduct his/her own remedial training for the affected employee, through coordination with training.
  - The supervisor may make a formal request, via the chain of command.
- C.** When a written performance evaluation or behavior identifies deficiencies, the employee or supervisor may request remedial training in areas that are deemed as unsatisfactory.

**33.3.3** Prior to training, goals, objectives and time allotted shall be specified in writing.

**33.3.4** Adequate time to complete the training and show improvement shall be allotted.

**33.3.5** Those employees who do not show improvement in the allotted time may be subject to disciplinary action.

**33.3.6** Remedial training shall be conducted or coordinated through the Training Section.

**33.3.7** All remedial training records will be maintained by the Training Section. The Training Section shall document remedial training in the individual employee's training file.

**33.3.8** Remedial training that is conducted in conjunction with the Departmental Field Training and Evaluation Program shall be documented in compliance with Standards Directive 33.4.

**33.3.9** When requested, remedial training will be conducted in response to those specific areas in which the employee has received unsatisfactory employee performance ratings unless special circumstances exist.

**33.3.10** Upon receipt of a request for training, the Training Section will review all pertinent information and meet with the employees supervisors to assist in the development of the remedial training.

**33.3.11** The Director of Training will ultimately decide what remedial training solution will be employed.

**33.3.12** Remedial Training Solutions include but are not limited to assignment of the employee to any of the following:

- Training courses offered by outside entities, i.e., Daytona Beach Community College, FDLE Regional Training Centers, or other independent training facilities.
- Training courses offered by the agency through the Training Section.
- Individualized remedial training as prescribed by the employee's Supervisor.
- Other remedial assistance as prescribed by the Director of Training, or employee's Division Commander.

## **RESULTS**

**33.3.13** If an employee fails to successfully complete the training program, one or more of the following may apply:

- A.** Additional remedial training may be needed, alternate strategies may be identified and additional training assigned.
- B.** Recommendations may be made to the Chief Deputy to assign or reclassify the employee to a position that does not require use of the skills or knowledge in which the deficiency occurs.
- C.** Recommendations may be made to the Sheriff for termination, if all remedial efforts are deemed to be ineffective.

**33.3.14** Non-participation by the employee may result in serious consequences, to include termination. Care shall be taken to insure that the employee is given every opportunity to participate in the training by the employee's supervisor.

**33.3.15** All remedial training and the effectiveness of this training shall be included in the employee's training file by the Training Section.

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**Revised by:** 6620

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Written Standards Directive**

**TITLE: NEW DEPUTY TRAINING PROGRAM**

**CODIFIED: 33.4**

**EFFECTIVE: 12-2018**

**RESCINDS/AMENDS: 33.4/10-2007**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for the operation of a New Deputy Training Program (NDT) within the Volusia Sheriff's Office.

**DISCUSSION**

Recruit Deputies should be provided with some form of initial training to easily and efficiently assimilate them into the VSO. The new-hire should also be provided with the training necessary to enable them to perform at a minimum level of job competency.

To perform this task, there must be a system that can organize, administer and evaluate the training of these recruit Deputies.

Deputies who transfer between divisions should also be trained in the new position. Provisions should be made to train these individuals.

The ultimate goal for field training is to expose the trainee to as many varied situations as possible in the shortest period of time under controlled circumstances.

**POLICY**

It shall be the policy of the VSO to establish and maintain a training program that shall provide all new Deputies with a minimum of 4 weeks of academic training, which includes training in the VSO's rules, regulations and policies, regardless of their future assignment.

It shall further be the policy of the VSO to provide a minimum of 6 weeks of classroom training to each new Deputy being assigned to Patrol Duties. Experienced law enforcement officers but new to our agency may show proficiency or prior training in areas of common law enforcement practices. All Deputies shall receive training in the areas of high liability, directives, and weapons.

**PROCEDURE**

**33.4.1** All new-hire Deputies will complete designated New Deputy Training Program as applicable to their assignments. This training will be organized, administered and evaluated by the Training Section.

**33.4.2** The curriculum shall be based upon tasks of the most frequent assignments and associated duties of Deputy Sheriff's. Evaluation techniques will be designed to measure competency based upon the skills, knowledge, and abilities as identified in the Deputy Job Task Analysis.

**PHASE ONE TRAINING (ACADEMIC)**

**33.4.3** Phase one is an academic program incorporating basic academic topics with low, medium and high-level simulation.

**33.4.4** All new Deputies, regardless of assignment, will complete this training phase. All new hire deputies shall receive an orientation handbook at the beginning of phase one prior to commencement of training.

**33.4.5** The academic program will be revised periodically to reflect changes in training needs and requirements. Accordingly the length of the course may be extended due to these revisions.

**33.4.6** Classes will be conducted by instructors authorized by the Training Section.

**33.4.7** Phase One academic classes will be conducted with the use of on-file lesson plans kept by the Training Section and will include at a minimum:

- Agency Directives
- Organization, and
- Accreditation Familiarization

**33.4.8** Trainees who fail to perform at an acceptable level during any portion of the training may be assigned remedial training, with the approval of the Training Commander.

**33.4.9** Trainees who fail to perform at an acceptable level during Phase One training may be either retrained or terminated, as directed by the Sheriff/Chief Deputy, with recommendations from the Support Operations Division Chief and Training Commander.

**33.4.10** Upon successful completion of Phase One academics, the trainee, depending upon assignment, may enter the prescribed Phase Two. (Prerequisite)

## **PHASE TWO (FIELD/ROAD PHASE)**

**33.4.11** Phase two contains four stages.

### **FIELD STAGE A - PRIMARY ROAD PHASE WITH PRIMARY FTO**

**33.4.12** The trainee is assigned to a "Primary FTO" for 9 (nine) to 11 (eleven) working days in a District. The FTO and trainee shall handle calls in the District in which the trainee is. The Primary FTO is the Field Training Officer that is responsible for initial orientation and final evaluation of a recruit Deputy.

**33.4.13** The primary FTO also serves as FTO team leader and coordinates with other FTO's and the Training Section NDT Coordinator as needed.

**33.4.14** The FTO identifies the areas where the trainee may have deficiencies. These areas are reported to the NDT Coordinator so that subsequent Field Phase FTO's may address these deficiencies.

### **FIELD STAGE B - SECOND ROAD STAGE**

**33.4.15** The trainee is assigned to a second FTO in a District for 9 (nine) to 11 (eleven) working days. The FTO and trainee can respond to any District calls. The FTO and trainee may answer calls in other Districts, with supervisory permission.

**33.4.16** During this stage, the trainee works on deficient areas identified in Field Stage A. Exposure to a wide variety of calls is expected. As the trainee progresses, the FTO will identify those areas that need further attention and provide remedial training.

**33.4.17** The FTO identifies the areas where the trainee may have minor deficiencies. These areas are reported to the NDT Coordinator so that they may be addressed in subsequent field stages.

**33.4.18** At the end of this stage, the FTO will either recommend advancement to Field Stage C, or will recommend Remedial Training or assignment.

**33.4.19** If sufficient progress has not been made in the identified areas of deficiency, extensions are mandated. Deficiencies are specific competencies that relate directly to officer safety, public safety, report writing, knowledge of legal and VSO procedure, radio procedure, or driving skill.

### **FIELD STAGE C - THIRD ROAD STAGE**

**33.4.20** The trainee is assigned to a third FTO in a District for 9 (nine) to 11 (eleven) working days. The FTO and trainee respond to the calls in the FTO's assigned zone, and are totally responsible for all activity in that zone.

**33.4.21** The trainee works on those deficient areas that were identified in Phase Two. The trainee is acclimated to the responsibilities of zone work and is prepared for evaluation only in Field Stage D.

**33.4.22** At the end of this phase, the FTO will recommend Trainees who fail to perform at an acceptable level during Phase Two, be retrained or be terminated, as directed by the Sheriff/Chief Deputy. Recommendations are to be made in writing to the Training Section. If sufficient progress has not been made in the identified areas of minor deficiency, extensions are mandated. Minor deficiencies are specific competencies that relate to investigative skills, interview and interrogation skills, self-initiated field activity, decision-making, or control of conflict.



## **FIELD STAGE D - FINAL EVALUATION**

**33.4.23** The trainee is assigned to a primary FTO in a District for 9 (nine) to 11 (eleven) working days. The FTO and trainee work the calls in the FTO's assigned zone, and the trainee is totally responsible for all activity in the zone.

**33.4.24** The trainee works all calls for service and acts as a regular zone Deputy. The FTO may dress in plain clothes to give the public the perception that only one of them is a Deputy. The trainee receives no further training in Field Stage D and is only evaluated.

**33.4.25** At the end of this phase, the FTO will make one of three recommendations to the NDT Coordinator:

- Termination of training and release to Law Enforcement Operations Division for duty assignment
- Remedial training to correct deficiencies identified in Field Stage D
- Termination of training and no assignment due to substandard performance and/or behavior

**33.4.26** Once assigned to permanent duty assignments, all personnel shall receive job specific training. All formal training shall be documented with the Training Section.

### **REFRESHER FIELD TRAINING**

**33.4.27** When a Deputy II has been in continuous service to the agency and is transferred into Support Operations Division or Law Enforcement Operations Division, the following retraining schedule will be used:

- **0-12 months** since last worked in that Division, no retraining required
- **12-24 months** since last worked in that Division, 10 days retraining with two FTO's. Deputies may request additional retraining as needed.
- **24-60 months** since last worked in that Division: 20 days training with 2 FTO's. Deputies may request additional retraining as needed.
- **60 months or more** since worked in that Division: 30 days retraining with 3 FTO's
- Exceptions may be authorized by the Training Commander/Chief Deputy/Sheriff to either shorten or lengthen training.

### **FIELD TRAINING OFFICER SELECTION PROCESS**

**33.4.28** Field Training Officers will be selected, trained, and supervised. The selection process shall be in accordance with Directive 16.4.

**33.4.29** These applicants will be selected by the Training Section from recommendations of their respective Division Chiefs, immediate supervisors and current Field Training Officers.

**33.4.30** All Field Training Officers will be trained in the 40-hour FDLE course titled "Field Training Officer." No Deputy will train and/or evaluate other Deputies until he/she successfully completes this FDLE course and is appointed as a Field Training Deputy.

**33.4.31** All Field Training Officers will successfully complete 8 hour's of training each calendar year, to begin in the first calendar year after completion of initial FTO training. This program will be coordinated, scheduled and conducted by Training.

**33.4.32** All Field Training Officers will work under the direct supervision of their respective field supervisors and commanders.

**33.4.33** Scheduling and supervision in field training matters will be assumed by the designated NDT Coordinator approved by the Training Commander.

**33.4.34** The Training Section will designate a Training Coordinator for each trainee assigned to the Road Phase.

**33.4.35** Field Training Deputies will be scheduled to rotate between trainees.

**33.4.36** Any trainee that is extended in training shall be extended with a different FTO.

### **FTO/TRAINEE EVALUATION PROCESS**

**33.4.37** Field Training Officers will use standardized evaluation guidelines issued by the Training Section.

**33.4.38** Field Training Officers will report trainee progress daily on a Daily Observation Report (DOR) form provided by Training. Each DOR will reflect activity for the shift, with appropriate coded or numerical grading for each category and narrative comments on the back of the form.

**33.4.39** DOR's will be forwarded to Training along with other written activity at the end of each shift. Copies forwarded will be retained in the trainee's NDT file.

**33.4.40** Field Training Officers shall report violations of policy and procedures or serious safety violations to the appropriate field supervisor and the trainee's NDT Coordinator.

**33.4.41** At the end of each phase of training, the FTO will make the following written recommendation on the final DOR of the phase:

- Continue into the next phase (or to regular duty if in final phase);
- Extend the current phase;
- Request a conference with the Training Commander, NDT Coordinator, and other FTO's to discuss certain trainee problems.

**33.4.42** The NDT Coordinator will update records pertaining to the trainee cycle and will provide information on the trainee's progress to the primary FTO and the Training Commander.

**33.4.43** Each trainee in field experience phases will have a file maintained by Training containing all DOR's and DOR tracking sheets for the cycle. All accompanying written material submitted with DOR's will be included in this file.

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**Revised by:** 7026

**Revised on:** 12-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: TRAINING COMMITTEE**

**CODIFIED: 33.5**

**EFFECTIVE: 04-2014**

**RESCINDS/AMENDS: 33.5/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish and maintain an advisory committee to the Training Section, comprised of Department members to assist in the development of training needs and serve as a focal point for input.

**DISCUSSION**

The Training Section must solicit input from the various components of the agency to assist in developing and evaluating training needs. A Training Advisory Committee, made up of representatives of these components, can provide this assistance.

**POLICY**

It shall be the policy of the Department to maintain a training committee to act in an advisory capacity to the Training Section.

**PROCEDURE**

**COMPOSITION**

**33.5.1** The Training Committee shall act in an advisory capacity to the Training Section and shall include the following members:

- A. The Legal Advisor** - Shall be responsible for providing legal guidance and recommendations in reference to new laws, legal requirements and court decisions.
- B. The Internal Affairs Supervisor or Designee** - Shall provide input in reference to needs identified through citizen complaints, investigations of use of force, and other needs or training deficiencies.
- C. Division Representative** - Each Division Commander shall appoint a minimum of one representative from his/her division to serve on the Training Committee. Representation should cover sworn, civilian and sections which require specialized or additional training needs. Appointed committee members may be replaced or resign with the permission of their Division Commander. Division Commanders will notify the Training Director upon appointing a replacement. (May be sworn, civilian, or both)
- D. Training Section Director** - Is appointed to the committee by the Sheriff and shall head the committee and report the committee's suggestions and identified needs to the Support Services Division Commander. The Training Section Director, or his designee, shall facilitate the committee input through periodic exchange of information, emails and maintenance of the Training Website which lists upcoming and available training, bulletins, etc. Periodic meetings may be called at the direction of the Training Director.
- E. Professional Standards Director** - shall provide input on overall training needs as identified through standards related to accreditation.

**RESPONSIBILITIES**

**33.5.2** The Training Committee will act in an advisory capacity, identifying Departmental needs and making recommendations. These needs and recommendations will be reported in writing to the Director of Training for action.

**33.5.3** Each member is responsible for identifying training needs and deficiencies and making recommendations to correct them.

**33.5.4** Divisional representatives shall relay the needs, deficiencies and recommendations of the employees within their respective divisions.

**33.5.5** The Training Section Director shall submit periodic reports to the Support Services Division Commander detailing the needs, deficiencies and recommendations of the committee and the progress made towards those recommendations.

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**Revised by:** 6620

**Revised on:** 10-2001; 02-2014

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and another signature.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: MANDATORY, ROLL CALL AND  
SPECIALIZED TRAINING**

**CODIFIED: 33.6**

**EFFECTIVE: 07-2014**

**RESCINDS/AMENDS: 33.6/03-2009**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to define the responsibilities and guidelines of an annual retraining program and to maintain the Department's specialized training program.

**DISCUSSION**

The Department ensures that personnel are kept up to date with technological improvements, new laws and revisions. Mandatory training is also provided to supervisors, management, or specialized units or teams.

Certain positions require special skills, knowledge or abilities. Employees assigned to these positions must be specially trained to acquire the skills, knowledge and abilities that are required.

Training for specialized jobs must be initiated in a timely manner to prevent the employee from working at a job that he/she has not been trained to perform.

**POLICY**

It shall be the policy of the Department that all sworn personnel complete an annual retraining program, inclusive of firearms qualification.

**PROCEDURE**

**MANDATORY TRAINING**

**33. 6.1** Mandatory training shall be provided to every employee of the Department.

**33. 6.2** This training shall include but is not limited to:

- A.** The monthly publication of the Florida Police Advisor which provides all legal updates as they occur,
- B.** The Legal Bulletin Manual, which provide legal opinions and direction from the Sheriff's Office Legal Advisor.
- C.** Training on liability issues such as Firearms and Use of Force during periodic firearms qualification.
- D.** The issuance of FYI's which provides changes in policies and short-term direction. FYI's are valid for a maximum of one (1) year.

**33. 6.3** Every employee, civilian or sworn, shall receive training to meet the requirements of the job responsibilities, including the following:

- Orientation to the Department's role, purpose, goals, policies and procedures
- Working conditions and regulations
- The responsibilities and rights of the employee

**33. 6.4** Sworn personnel shall receive mandatory annual retraining as follows:

- A.** All sworn personnel shall complete instruction in Sheriff's Office use of force policies and firearms qualifications.
- B.** All sworn personnel shall receive annual retraining on revisions to the Department's rules, regulations, policies and procedures.

**33. 6.5** All Deputies promoted to supervisor shall receive supervisory training.

**33. 6.6** Supervisors promoted to command status shall receive executive development training.

**33. 6.7** Florida Statutes through C.J.S.T.C. require 40 hours of mandatory retraining every four years in order for a Florida Certified Law Enforcement Officer to keep their Certification. C.J.S.T.C. requires that part of this training covers the following subjects:

- Domestic Violence
- Human Diversity
- Juvenile Sex Offenders and Their Victims

#### **ROLL CALL TRAINING**

**33. 6.8** Roll-call training provides an effective means of updating skills, knowledge and abilities between formal training sessions. The Training Section shall annually develop and coordinate the Department's roll call training program. This training will include periodically required training for agency personnel to include, but not be limited to biennial Ethics training and triennial Mental Illness training.

#### **RESPONSIBILITIES**

**33. 6.9** Roll call training shall be developed and implemented within the guidelines established in Standards Directive 33.1.

**33. 6.10** The Training Section shall coordinate and monitor all roll call training activities.

#### **PLANNING**

**33. 6.11** Roll call training shall be planned, coordinated and scheduled by the Training Section.

**33. 6.12** The Training Section shall provide a lesson plan and associated materials and maintain files for all roll call training courses. Each individual's file shall contain information as described in Standards Directive 33.1.

#### **TECHNIQUES**

**33. 6.13** Each individual assigned roll call instruction responsibilities shall ensure that the material is presented in a manner which is conducive to learning and that the material is properly covered and understood.

**33. 6.14** The program should be constructed so as to correspond to and not conflict with courses being taught at local C.J.S.T.C. approved centers.

**33. 6.15** The Training Section should disseminate lesson plans, training aids and materials with this goal in mind.

#### **INSTRUCTIONAL METHODS**

**33. 6.16** Those persons assigned to instruct during roll call training shall make every effort to ensure the subject matter is presented in an interesting and informative manner.

**33. 6.17** This may be accomplished by the use of handout material, multimedia techniques and lectures.

**33. 6.18** This material and techniques shall be included with/in the lesson plans provided by the Training Section.

#### **INSTRUCTIONAL PERSONNEL**

**33. 6.19** The section/division commanders and or the Training Section shall assign Roll Call instructors.

**33. 6.20** The selection of personnel shall be based on the skills, knowledge, abilities and motivation of individuals on particular topics.

#### **EVALUATION**

**33. 6.21** Each individual assigned roll call instruction responsibilities shall evaluate, in writing, the effectiveness of each course and forward that evaluation to the Training Section.

**33. 6.22** Each individual attending roll call training shall evaluate, in writing, the effectiveness of each course and forward that evaluation to the Training Section.

**33. 6.23** Remedial training shall be scheduled if employee fails to grasp content.

#### **SCHEDULING**

**33. 6.24** The Training Section shall schedule roll call training courses.

**33. 6.25** It shall be the responsibility of each Division Commander to ensure the training schedule is implemented, the program is properly documented and the documentation is properly forwarded to the Training Section.

#### **SUPERVISOR/DEPUTY ROLE**

**33. 6.26** This evaluation and feedback shall be communicated to the individual instructors, who shall include this information in the written evaluation submitted to the Training Section.

#### **SPECIALIZED TRAINING**

**33. 6.27** Specialized training shall be available through in-house training, through training programs conducted by other agencies or institutions, or through on-the-job training.

**33. 6.28** Specialized training shall be provided to personnel assigned to positions listed in Directive 16.4 Specialized Assignments and section 33.6.30 below.

- A. Development and/or enhancement of the skills, knowledge and abilities particular to the specialization
- B. The management, administration, supervision, personnel policies, and support services functions of the component or function are provided through the Department's policies, procedures, rules and regulations specifically related to the function or position.
- C. Supervised on-the-job training

**33. 6.29** Specialized assignments and specialized training are listed in Directive 16.4 Specialized Assignments.

**33. 6.30** Specialized civilian training shall be provided to personnel working in any assignment requiring enhanced knowledge, skills and abilities and include:

- A. **Communications Telecommunicators, I, II, III:** Initial certification and recertification training will be in accordance with the Communications Operations manual.
- B. **Evidence Technicians:** Initial training will consist of on the job familiarization and direction with evidence procedures; technicians are encouraged to seek basic evidence training through IPTM and IAPE when training funds permit. No specific retraining is required.
- C. **Latent Print Technician:** Fingerprint Technicians must complete the Institute of Applied Science Course within 6 months of their appointment/employment; required to attend NCIC/FCIC training and update training every 2 years.
- D. **Criminal Intelligence Analyst:** Initial training requires attendance at the Florida Law Enforcement Analyst Academy; no retraining required.
- E. **Victim Advocates:** Must complete certification through the Victim Services Practitioner Training; required to attend 40 hours of training during a 4-year period to maintain this certification.
- F. **Civilian Process Server:** Assignment requires on-the-job training including two weeks of field training with a sworn FTO who provides an overview of the Civil Process; includes review of agency directives, Florida Statutes and Civil procedures. No specific retraining is required other than maintaining job performance and review of any changes in state law.
- G. **IT Staff:** Assignment requires FCIC/NCIC certification and recertification every 2 years. Personnel will maintain certifications in accordance with the specific needs as determined by the Informations Systems Director.

#### **CIVILIANS**

**33. 6.31** Civilian personnel required to answer phones, deal with the public or act in a safety related function shall be trained not only on the technical aspects of the function, but also on the importance of the link they provide between the citizen and the Department prior to assumption of job responsibilities. This initial training shall be documented and include awareness in dealing with members of the public suffering from mental illness. Retraining on mental illness awareness is required at least once every three years.

**Revised by:** 2031

**Revised on:** 02-2009; 06-2014

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>ACCREDITATION FAMILIARIZATION</b>
<b>CODIFIED:</b>	<b>33.7</b>
<b>EFFECTIVE:</b>	<b>10-2010</b>
<b>RESCINDS/AMENDS:</b>	<b>33.7/10-2001</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish a procedure whereby all Departmental employees receive information regarding the Accreditation process.

**DISCUSSION**

It is important that each member of the Department receive information regarding the Accreditation process. Newly hired employees should be provided with an historical perspective and realize the importance of the Accreditation process to the Department.

All employees should be informed regarding the self-assessment process and what it entails.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office that agency personnel receive information regarding the Accreditation process.

**PROCEDURE**

**33.7.1** Newly hired employees shall receive within thirty days after employment begins information regarding the Accreditation process during their initial training period.

**33.7.2** During periods of self-assessment, personnel will be given periodic updates/changes addressing needs associated with the on-going self-assessment process.

**33.7.3** All Department personnel shall receive information regarding the Accreditation process just prior to each reaccreditation.

**33.7.4** The information shall include:

- The history and background of Accreditation and the Department's involvement
- The Accreditation process
- The goals and objectives of Accreditation
- The advantages of Accreditation and its impact on the Department

**33.7.5** The Information shall be provided as follows:

- A.** Professional Standards thru the Training Section shall provide all new employees with instruction on the Accreditation process.
- B.** Just prior to re-accreditation, Professional Standards will provide employees with FYI updates and expectations of the on-site.

**ATTACHMENT**

ATTACHMENT A: ACCREDITATION FAMILIARIZATION TRAINING POWERPOINT (Also viewable on the Training Section's Website)



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**Revised by:** 6760  
**Revised on:** 10-2010

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: CLASSROOM CONDUCT**

**CODIFIED: 33.8**

**EFFECTIVE: 10-2001**

**RESCINDS/AMENDS: 33.8/07-1999**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines of conduct for Department employees attending Department authorized training activities.

**DISCUSSION**

Rules of conduct should be established for employees attending training courses in order to ensure an environment conducive of learning.

**POLICY**

It shall be the policy of the Department that employees attending training activities, conducted by the Department, other agencies or institutions shall not engage in any conduct which constitutes neglect of duty or which is likely to adversely affect the discipline, good order or reputation of the Department.

**PROCEDURE**

**CONDUCT**

**33.8.1** For the purposes of this section, "employee" shall denote all full-time, part-time or volunteer members of the Department.

**33.8.2** Employees engaged in training activities mandated by the Department shall be considered on-duty and shall conduct themselves in accordance with Department standards of conduct. (See Standards Directive 26.2)

**TRAINING CLASSROOM CONDUCT**

**33.8.3** The following rules apply to all employees attending training activities.

**33.8.4** Employees are prohibited from eating, drinking or using tobacco products while engaged in training activities, unless specifically authorized by the instructor.

**33.8.5** Employees will not wear sunglasses in the classroom unless authorized by the instructor.

**33.8.6** In-service course instructors shall direct employees to authorized break areas.

**33.8.7** Employees will refrain from lingering in hallways and offices.

**33.8.8** In-service instructors shall take the appropriate actions necessary to ensure compliance with Department standards of conduct.

**33.8.9** Particular care shall be taken to avoid the use of profanity, comments or conduct reflecting racial, ethnic or sexually prejudice.

**DRESS CODE**

**33.8.10** Employees shall attend in-service training activities in the attire normally worn when reporting for duty, unless directed otherwise by the Training Section.

**33.8.11** Employees attending activities offered by other agencies or institutions will ascertain and comply with the dress code authorized for the course.

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**Revised by:** 6620  
**Revised on:** 10 -2001

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and a large, stylized flourish.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: CAREER DEVELOPMENT PROGRAM**

**CODIFIED: 33.9**

**EFFECTIVE: 10-2001**

**RESCINDS/AMENDS: 33.9/07-1999**

**ATTACHMENTS: 1**

**PURPOSE**

The purpose of this Directive is to establish guidelines and procedures for a career development program.

**DISCUSSION**

Career development is a structured process that is utilized to provide opportunities for individual growth and development at all levels. It should promote productive, efficient and effective job performance and improve the overall level of job satisfaction.

Upward mobility of all personnel may be enhanced by specific opportunities for professional growth and improved job performance.

The principal components of the career development program are career counseling and in-service training.

**POLICY**

It shall be the policy of the Department to maintain the career development program to improve the mental and physical capabilities of its employees, as well as the skills, knowledge and abilities necessary to function in an efficient and effective manner in assigned tasks. This program shall be voluntary and opportunities shall be equally available to all members of the Department.

It shall further be the policy of the Department to encourage Deputies to obtain a minimum of a bachelor's degree from an accredited college or university and to cooperate with employees so they may continue their education and training.

**PROCEDURE**

**PROGRAM OBJECTIVES**

**33.9.1** Under the direction of the Support Services Division Commander, the Director of the Training Section shall formulate annual objectives of the career development program and shall submit them in an annual report, via the chain of command to the Sheriff.

**33.9.2** The report shall contain objectives in quantitative terms in order to facilitate program inspections and evaluations.

**33.9.3** The objectives shall specify the number of potential personnel to utilize the career development services, number of personnel assigned to the program and the total number of training hours provided, including technical assistance.

**33.9.4** The objectives and data provided shall be included in the Support Services Division's annual goals and objectives.

**EQUAL OPPORTUNITY**

**33.9.5** The career development program shall not discriminate against any employee based upon race, color, religion, sex, national origin, age, marital status, ethnic heritage, or veteran status.

## **PROGRAM REVIEW**

**33.9.6** The Support Services Division Commander shall ensure that the career development program is continuously reviewed to provide Deputies and management with up-to-date information regarding the organizational requirements for achieving the program goals.

**33.9.7** At least annually, the Director of Training shall evaluate the program and revise it when necessary.

**33.9.8** The Director of Training shall document all revisions and submit them to the Support Services Commander, via the chain of command.

**33.9.9** The Support Services Division Commander shall submit an annual evaluation of the program to the Sheriff.

## **ADMINISTRATION**

**33.9.10** The Support Services Division Commander shall administer the career development program and recommend any revisions to the Sheriff annually.

**33.9.11** The Director of Training shall schedule training and provide supervisors with pertinent information regarding the availability of resources, including outside resources.

## **CAREER COUNSELORS**

**33.9.12** The Training Section shall develop, plan and coordinate the orientation of supervisory personnel as career counselors.

**33.9.13** This training shall include:

- General counseling skills
- Techniques for assessing skills, knowledge and abilities
- The salaries, benefits and training opportunities offered by the Department
- Educational opportunities and incentive programs
- Awareness of the cultural background of ethnic groups in the program
- Record keeping techniques
- Career Development programs offered by other agencies and jurisdictions
- The availability of outside resources

**33.9.14** District Commanders shall be career counselors for Law Enforcement Services Division.

**33.9.15** All other Division Commanders shall appoint a career counselor for their sections or divisions.

**33.9.16** Whenever possible, the counselor shall not be the participant's immediate supervisor.

## **CAREER COUNSELING**

**33.9.17** Career counseling shall be a utilized component of the Department's career development program. There are several tools other than interviews, which may be utilized. These tools include an inventory of:

- The skills, knowledge and abilities of the Deputy;
- The skills, knowledge and abilities required to perform the position to which the employee is assigned;
- The available resources.

**33.9.18** The Training Section shall adequately train supervisors to perform the following activities:

- Assess the skills, knowledge and abilities of Deputies
- Assess the skills, knowledge and abilities required by the Department
- Prepare career planning schedules
- Utilize resource inventories
- Administer performance evaluations
- Establish provisions for feedback and recommendations to the Deputy

**33.9.19** Each supervisor shall determine if his/her subordinate has reached an effective level of performance and shall work with the Director of Training to determine the training needs of the member through an inventory of the member's skills, knowledge and abilities and the available resources.

## **IN-SERVICE TRAINING**

**33.9.20** In-service training shall be utilized as a component of the career development program.

**33.9.21** In-service shall be utilized to update Deputies on the duties and responsibilities of the job presently being performed.

**33.9.22** In-service training shall be utilized to enhance the Deputy's skills beyond the minimum level and may be required of Deputies as mandatory training.

## **CAREER SPECIALTY IN-SERVICE TRAINING**

**33.9.23** Career development courses in specialized areas shall be utilized as a component of the program.

**33.9.24** Deputies shall be encouraged to compete for specialized assignments.

**33.9.25** Individual Deputies may submit requests for specialized in-service training, i.e., motorcycle operators course, radar operator.

**33.9.26** Deputies assigned to specialized positions shall be provided with the appropriate training opportunities, based on the skills, abilities and knowledge required.

## **SUPERVISORY AND MANAGEMENT TRAINING**

**33.9.27** Management and supervisory training are key elements in the career development program.

**33.9.28** The Training Section shall schedule formal or provide in-house training to management and supervisory personnel on the following:

- The expression and communication of objectives
- Planning
- Measuring results
- Decision making
- Problem identification, prevention and solution

**33.9.29** The Training Section shall schedule formal or provide in-house training to management personnel on, but not limited to the following:

- Management information systems
- Fiscal Management
- Organizational behavior
- Decision making

## **PROMOTIONAL SKILL DEVELOPMENT**

**33.9.30** Prior to or immediately following an employee's promotion to a supervisory, management or administrative position the Training Section shall schedule formal or provide in-house training for the promoted employee on the skills and knowledge necessary to perform the assignment.

## **RECORDS**

**33.9.31** The Training Section shall maintain a record of all training, schools and advanced training on the part of program participants, to include:

- The course, training, instruction or workshop titles
- Date of completion
- Grades (grade point, if any)
- The achievement of special honors or skills

## **RESOURCE INVENTORY**

**33.9.32** The Director of Training shall maintain reference materials of schools, academies, colleges, universities and other sources where employees may receive advanced education or specialized training.

**33.9.33** This annual inventory shall include contact persons, phone numbers and the address.

**33.9.34** The Training Section shall have this information readily available to all program participants.

## **IN-SERVICE RECORD REVIEW**

**33.9.35** The supervisor and employee's career development counselor shall conduct a joint annual review of the employee's in-service training record. This will assess the training progress of each employee in achieving career objectives and to determine if the training provided adequately assists the employee in achieving the skills, knowledge and abilities required to perform present and future jobs within the Department.

**33.9.36** The review shall be conducted annually, in conjunction with the employee's annual evaluation and with the employee present.

## **JOB ASSIGNMENTS**

### **JOB ROTATION**

**33.9.37** The Department shall periodically rotate its personnel into different assignments and/or sections in order to allow for employees to develop a well-rounded knowledge of the various Departmental functions and duties.

**33.9.38** Sworn personnel in specialized components may request to be rotated after 3 years of assignment.

**33.9.39** The Sheriff may authorize exceptions for assignments requiring a lesser/higher degree of specialized training.

### **TEMPORARY ASSIGNMENTS**

**33.9.40** The Department shall utilize temporary assignments to allow employees to become familiar with existing duties and responsibilities.

**33.9.41** Any assignment within the agency may be eligible for request based upon qualifications, including specialized assignments.

**33.9.42** Requests for temporary assignments shall be forwarded to the Department's Personnel Section, via the career counselor and chain of command through use of a transfer request form.

**33.9.43** The request shall specify the position and the length of time requested for assignment.

**33.9.44** When a request for temporary transfer is disapproved, the disapproving authority shall document the reasons for the disapproval and forward them with the request.

**33.9.45** Personnel shall review the requests based upon the employee's documented career plan and make recommendations to the Sheriff who shall have final approval authority.

**33.9.46** Division Commanders shall allocate manpower and scheduling to facilitate the Department's temporary assignment program.

**33.9.47** The Division Commander shall ensure that the employee is familiarized and provided instruction on the temporary assignment.

**33.9.48** Employees assigned to specialized components requiring specialized training shall be properly supervised and shall not actively perform functions for which they are not trained, i.e., a Deputy may be temporarily assigned to the Traffic Unit but would not be allowed to operate a motorcycle or radar unit unless properly trained and certified.

## **EDUCATIONAL LEAVE**

**33.9.49** Educational leave may be granted to an employee as part of his/her work assignment, in which case the employee shall receive full pay and benefits normally afforded.

**33.9.50** An employee may be afforded an unpaid leave of absence where the absence may be of future benefit to the Department.

**33.9.51** Employees requesting an unpaid leave shall do so in writing, via the chain of command.

## **TUITION REIMBURSEMENT**

**33.9.52** The Volusia County Merit System has established a program of partial or total reimbursement to encourage employees to complete courses of instruction which may improve performance in their present positions, or which may enable them to assume greater promotional responsibilities within the County government.

**33.9.53** Each individual shall apply through the County Personnel Department and prior approval is required.

**33.9.54** A passing grade is required in order to receive refunding.

**33.9.55** The Department has no program for advanced tuition payments.

#### **SHIFT PREFERENCE**

**33.9.56** It is the policy of the Department to make exceptions to the regular shift change schedule to facilitate academic study.

**33.9.57** Exceptions to the shift change schedules shall be made for individuals attending accredited colleges or universities, and the course of study relates to law enforcement related fields, provided the individual is maintaining passing grades.

**33.9.58** This should be accomplished without affecting the operational effectiveness of the Department.

**33.9.59** Requests shall be made to the Sheriff, via the chain of command.

#### **ATTACHMENTS**

**Attachment A:** Career-Counseling Form

**Revised by:** 6620

**Revised on:** 10-2007

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE CAREER COUNSELING CHECKLIST

Employee Name: \_\_\_\_\_ Rank/DID: \_\_\_\_\_ / \_\_\_\_\_

Division: \_\_\_\_\_ Assignment: \_\_\_\_\_

	YES	NO
1. Review of the employee's work performance during the previous year discussed.	_____	_____
2. Employee's career goals discussed.	_____	_____
3. Duties and responsibilities of the next higher position discussed.	_____	_____
4. Training required to attain the employee's career goals discussed.	_____	_____
5. Employee's major strengths/weaknesses discussed.	_____	_____
6. Summation of the employee's weaknesses and a plan to improve deficiencies.	_____	_____

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I have read and received a copy of the Career Counseling Checklist.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Counselor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

cc: Personnel  
Career Counselor  
Employee

ATTACHMENT A  
DIRECTIVE 33.9  
5th EDITION



VOLUSIA COUNTY SHERIFF'S OFFICE  
Sheriff Michael J. Chitwood

Departmental Standards Directive

<b>TITLE:</b>	<b>FIREARMS RANGE</b>
<b>CODIFIED:</b>	<b>33.10</b>
<b>EFFECTIVE:</b>	<b>03-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>NEW</b>
<b>ATTACHMENTS:</b>	<b>1</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines for the safe and productive use of the Volusia County Sheriff's Office (VCSO) firearms ranges, located at the Stephen Saboda Training Center, (SSTC). This Directive applies to all persons using the Volusia County Sheriff's Office firearms range, steel shoot house, and steel ranges.

The primary purpose of the VCSO Firearms range is to provide a facility to train and maintain firearms proficiency for sworn Law Enforcement personnel.

**DISCUSSION**

Because of the nature and type of activities occurring at firearms ranges, it is critical that Directives and practices of the agency stress safety, accountability and control. As such, VCSO ensures that properly trained and certified personnel are on-site and available at all times during range use and that staff always have some form of communication immediately available during training, such as a two-way radio or cell phone.

**POLICY [CALEA 4.3.5]**

It is the policy of the VCSO that safety be paramount when utilizing all agency-controlled firearms ranges. Participants shall adhere at all times to the safety protocols contained herein.

Further, it is the policy of the VCSO that all range supervisory personnel and firearms instructors receive emergency medical response training emphasizing field treatment for the types of injuries that may potentially occur during firearms training. These safety protocols will extend to any such range utilized by the agency for any agency-sanctioned training event.

**DEFINITIONS**

- A. **AGENCY RANGE MASTERS** - A VCSO employee assigned to the Training Section responsible for the safe operation of the firearms ranges, steel shoot house, and steel ranges, as well as maintenance and scheduling. The Training Section Commander will designate a **Senior Range Master** and **Assistant Range Master**.
- B. **RANGE SAFETY OFFICER (RSO)** - An Agency Range Master, or any person approved by a Volusia County Sheriff's Office Range Master to act in the capacity of Range Safety Officer/Firearms Range Instructor during firearms training. ***RSOs will be required to hold a current Florida Department of Law Enforcement (FDLE) Firearms Instructor Certificate or an equivalent Firearms Instructor certificate. At least one RSO conducting training will be required to have received emergency medical response training, with an emphasis on field treatment for injuries that may potentially occur during firearms training. Documentation for Firearms Instructor Certification and Emergency Medical Response training will be provided to the Agency Range Master.***
- C. **RANGE** - Generally any of the areas where live firearms training takes place at the SSTC, including the large range, small range, steel ranges, and steel shoot house.
- D. **LARGE RANGE/SMALL RANGE** - Numbered, fixed position, primary firing ranges.
- E. **STEEL RANGE** - Real Terrain Range, Steel Range (Front), and/or Steel Range behind the berm (Back).
- F. **STEEL SHOOT HOUSE** - Shoot House (Front)

## PROCEDURE

### FIREARMS RANGE USAGE

**33.10.1** The firearms ranges are supervised by the Agency Range Masters and operate as a component of the Training Section. The Agency Range Masters manage the daily activities of the range including maintenance, scheduling, and submitting required reports to the Training Section Commander.

**33.10.2** The rules and requirements for the use of the firearms range shall be as follows:

- A.** All firearms safety rules shall apply when utilizing the firearms ranges.
- B.** For a listing of the range safety rules, to include the steel ranges, and the steel shoot house, see the Firearms Range Safety Rules Addendum at the end of this Directive.
- C.** Use of range property, the firearms ranges, steel ranges, or shoot house, by any user, will be coordinated through an Agency Range Master.
- D.** An Agency Range Master and/or a RSO shall be on site whenever live firearms training is being conducted. The Range Master or the RSO in charge of the range being utilized shall have final authority in the operation of that range.
- E.** The entity using the range shall provide documentation to an Agency Range Master that the RSO (lead instructor) is a FDLE or equivalent certified firearms instructor. Current documentation must also be provided to show the RSO or designee, has received emergency medical response training relating to injuries that could occur on a shooting range.
- F.** An Agency Range Master or a RSO may request to examine any firearms brought by any entity to the range facility prior to allowing its usage at the range.
- G.** The entity using the range shall be responsible for all clean up, to include picking up brass and emptying all trash containers.
- H.** An Agency Range Master and/or RSO will ensure any range equipment utilized by any entity at the facility be returned in good working order and secured in the proper location.
- I.** Damaged or malfunctioning equipment shall be reported to an Agency Range Master as soon as possible. If the Range Master cannot repair the equipment, or a cost to the Agency will be incurred, the Range Master will notify the Training Section Chain of Command. The Training Section Command will determine the appropriate course of action to facilitate repair or replacement.

### WEAPONS AND AMMUNITION

**33.10.3** Controlling the type and use of weapons and ammunition permitted at the firearms range is intended to protect the user from injury and to help prevent any damage to the weapon or equipment being utilized.

**33.10.4** Only authorized weapons, ammunition, equipment and targets will be permitted for use on the range. The Range Masters, in conjunction with the Training Commander, will determine authorized weapons and ammunition.

- A.** Weapons/ammunition shall not exceed 50 caliber.
- B.** Concrete or metal targets that were not originally intended to be used as a shooting target are prohibited.
- C.** Use of special equipment/training aides such as vehicles, barricades, etc. shall be restricted, and can only be used with prior approval from an Agency Range Master.
- D.** Training Command and the Agency Range Master may approve exceptions to the above rules, this will be done on a case by case basis. For example; the VCSO SWAT Team may be approved to shoot in and around vehicles placed on the range, or used munitions above 50 caliber.

**33.10.5** Any weapon, device, or ammunition, which could cause avoidable damage to any portion of the gun range, or risk avoidable injury by its use, **SHALL BE PROHIBITED.**

**33.10.6** Only frangible ammunition in accordance with the manufacturer's recommendations will be allowed for shooting on steel.

**33.10.7** To prevent theft, loss, or tampering, Agency weapons and ammunition will be stored in safe and secure areas only:

- A.** VCSO Weapons and Ammunition will be stored in areas approved by the Training Commander, or his/her designee. These areas will be locked, alarmed, and only allow limited access.

- B. Only authorized VCSO personnel will be allowed to access stored weapons or ammunition.
- C. The Training Commander will determine persons who are granted access to stored weapons and ammunition.
- D. Keys and alarm codes to weapon and ammunition storage areas will only be issued to persons designated by the Training Commander.

#### **TARGETS AND EQUIPMENT**

**33.10.8** Limiting the type and use of various targets and equipment on the range serves to prevent injury to the user and/or damage to the range.

**33.10.9** Prior to use, any targets or equipment that is not part of the SSTC standard target and equipment inventory, must be approved in writing by the Training Commander, or his/her designee.

**33.10.10** The location, design, material, and construction of targets will be considering factors of target approval.

**33.10.11** Equipment used on the range includes but is not limited to, barriers, barricades, obstacles, vehicles, etc.

#### **SHERIFFS OFFICE RANGE SAFETY RULES**

***\*\* Review of the Range Safety Rules prior to each firearms training event shall be completed and documented\*\****

- A. Always know the status of your firearm, loaded or unloaded, and govern yourself accordingly.
- B. All weapons MUST be pointed in a safe direction at all times.
- C. ALL weapons brought to the Outdoor Range facility shall be carried in a safe manner, i.e., unloaded with the action open; in an appropriate case, or securely holstered.
- D. Appropriate eye protection and ear protection MUST be worn at all times in the shooting area while firearms are being used. The wearing of body armor will be determined by the RSO in charge at the time and dependent on the type of training being conducted.
- E. ALL loading and unloading of firearms shall take place on the firing line, and under the direction of the RSO.
- F. RSO's are required to wear some form of red attire, i.e. red shirt, red vest, and/or red hat.
- G. The RSO/Instructor to student ratio shall be one (1) RSO to eight (8) students for certified Law Enforcement Officers, and one (1) RSO to six (6) students for all other personnel using the range.
- H. All shooting will be conducted from designated firing lines unless authorized by the RSO.
- I. ALWAYS keep your finger off the trigger until you are ready to shoot.
- J. Until cleared to do so by the RSO no one is allowed forward of the firing line. If an item is dropped while on the firing line, do not bend over until cleared by the RSO.
- K. In the event of a misfire or malfunction, keep the firearm pointed down range and clear the malfunction. If the firearm continues to misfire or malfunction, keep the firearm pointed down range and raise your support hand to alert the RSO.
- L. No horseplay shall be allowed at the Outdoor Range facility.
- M. Never use firearms while under the influence of drugs or alcohol.
- N. Follow all posted rules and any other range commands given verbally or in writing by a Range Master and/or RSO.

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**Drafted by: 2369**

**Drafted on: 03-08-19**

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**(TITLE: PROMOTIONAL PROCESS)**

**CODIFIED: 34.1**

**EFFECTIVE: 12-2017**

**RESCINDS/AMENDS: 34.1/12-2016**

**ATTACHMENTS: 0**

#### PURPOSE

The purpose of this Directive is to establish guidelines for the administration of examination devices used in the promotional process of personnel within the Volusia County Sheriff's Office. This may include, but is not limited to, written examinations, oral interviews or assessment centers.

#### DISCUSSION

The promotional process is of vital interest and concern to both the Volusia County Sheriff's Office and the employee. The promotion process brings about recognition, personal satisfaction and added responsibility. For these reasons, the process must be standardized and provide a fair and equitable means of advancement for all employees who participate. In order for the process to be successful, it must show validity, utility and minimum adverse impact.

#### POLICY

The Volusia County Sheriff's Office promotional process shall be based on Volusia County Merit System Rules and Regulations and provide a means to ensure:

- All elements of the promotional process shall be job related and nondiscriminatory. Tests shall be based on, at a minimum, the Job Task analysis/Job Description for that position.
- Employees are encouraged to develop new skills, expand knowledge of their work, and assume greater responsibilities.

Employees are encouraged to make known their qualifications for promotion to more difficult and responsible positions, and compete in all examinations for which they are qualified.

#### PROCEDURE

**34. 1.1** The authority and responsibility for administering the Volusia County Sheriff's Office's promotional process is placed directly with the Volusia County Personnel Services.

**34. 1.2** The County Human Resources Director is responsible for the administration and technical direction of the Volusia County Merit System Rules and Regulations.

**34. 1.3** The County Human Resources Director shall determine when vacancies in positions above entry level in the classified service will be filled as far as practical by qualified and interested employees within the County service, except when it is determined to be in the best interest of the County service to fill the positions with candidates recruited from outside the County service.

**34. 1.4** The Volusia County Sheriff's Office, through the Human Resources Director (VCSO HR Director), shall perform appropriate liaison activities with County Human Resources to successfully accomplish the promotional process.

**34. 1.5** The VCSO HR Director will be that individual assigned to the Office of the Chief Deputy, whose responsibilities will include, but not be limited to the planning, organizing, staffing, directing, coordinating, reporting and budgeting of those areas relevant to the Volusia County Sheriff's Office's personnel needs.

**34. 1.6** Through the VCSO HR Director, the Sheriff or his designee, shall maintain the primary responsibility for the development of the measurement instruments that are used in determining the knowledge, skills and abilities of the employees eligible for promotional positions.

**34. 1.7** The Volusia County Sheriff's Office will have primary responsibility for any oral interviews used in the promotional process, as well as administration of all employees' probationary periods.

**34. 1.8** The Sheriff or his designee, also known as the Appointing Authority, retains final responsibility for the promotions of employees.

**34. 1.9** Volusia County Human Resources shall have the responsibility for the continuous review and revision of the selection and promotion processes.

**34. 1.10** Through the VCSO HR Director, the Sheriff shall have input into these procedures.

**34. 1.11** The County Human Resources Director will determine which examining device or combination of devices will be used to evaluate the relative fitness of promotional applicants.

**34. 1.12** The promotional process as a whole and its individual components and procedures are subject to statistical proof and documentation and must satisfy professional, legal and administrative requirements designed to ensure that job relatedness has been achieved in selecting employees for promotion.

**34. 1.13** Examinations may be assembled or unassembled, shall be practical in nature and shall be constructed to reveal the capacity of the applicant for the particular class for which they are competing, their general background and related knowledge skills and abilities as well as any character or personal traits, which are job-related.

**34. 1.14** Through the VCSO HR Director, the Sheriff shall have input as to the promotional process and those devices identified and used in the examination of applicants.

**34. 1.15** The Volusia County Human Resources Director will ensure that adverse impact, if any, be measured by comparing the promotional rates for each race, sex, and ethnic group with the group having the highest promotional rate.

**34. 1.16** The Volusia County Human Resources Director will assure that adverse impact, if any, be minimized in the promotional process.

**34. 1.17** Volusia County Human Resources will have responsibility for maintenance of the records, and data used to determine adverse impact, if any.

**34. 1.18** These records and data will be on file and available for inspection by the VCSO HR Director.

**34. 1.19** They will disclose the impact of the examination or other device(s) of the promotional process by identifiable race, sex and ethnic group.

**34. 1.20** Promotional examinations will be open to any employee who meets the qualification requirements for the class for which the examination is being given.

**34. 1.21** The Volusia County Human Resources Director will ensure that a written test, if any, used as a device in the promotional process is documented as being job related.

**34. 1.22** This is true for any test used or relied upon by the Volusia County Sheriff's Office, including those that are commercially developed.

**34. 1.23** Written tests, if any, used in the promotional process will have available an updated bibliography of the reading materials used as the source of questions.

**34. 1.24** This information shall be provided to each eligible applicant. Bibliographies will be prepared and periodically revised by Subject Matter Experts (SMEs) of the agency.

**34. 1.25** Examination questions will be restricted to material covered in the referenced sources.

**34. 1.26** Promotional announcements publicizing the holding of examinations to create eligible lists to fill current and/or future vacancies in the Competitive Division of the Merit system, shall be distributed and posted throughout the County government offices and in such other public places as to ensure the widest possible exposure.

## **PROMOTIONAL PROCESS**

**34. 1.27** The promotional process begins when a vacancy occurs - either by an employee leaving the position or by the formation of a new position within the Volusia County Sheriff's Office. Following are the guidelines for filling those vacancies.

**34. 1.28 Existing Eligibility List:** If there is an existing eligibility list for the vacant position the promotional process will begin at phase three of this process.

### **PHASE I**

**34. 1.29 Announcement:** A job/promotional announcement shall be posted for a minimum of two weeks.

**34. 1.30** Job/Promotional announcements will be advertised through electronic, print, and other media and will specify Volusia County as an Equal Opportunity Employer. In addition the announcements will specify:

- The class title, salary range, duties, responsibilities, requisite skills, educational levels, and minimum qualification requirements for eligibility or for admission to successive portions of the examination, if required

- The manner of making application
- The closing date for receipt of the application, if any
- The date, time, and place of written, performance, or oral examinations, if required
- Description of process used for selection
- Other pertinent information

## **PHASE II**

### **CIVILIAN**

**34. 1.31 Applications:** Candidates must complete a county application for the position and submit on or before the closing date.

**34. 1.32** Upon receipt of applications, if advertised outside the agency, the applications are forwarded to and reviewed by Volusia County Human Resources verifying the qualifications and criteria on the application.

**34. 1.33** Applications are returned to the VCSO HR Director with a certification of eligibles.

**34. 1.34** Upon receipt of applications, if advertised inside the agency only, the applications are reviewed by and certified by the VCSO HR Director.

## **PHASE III**

**34. 1.35** The VCSO HR Director then forwards the package to the Division Chief in whose division the promotion is occurring.

**34. 1.36** The Division Chief, or designee, will then have 21 days in which to conduct interviews for selection of the employee to be promoted.

### **SERGEANTS - COMPETITIVE (BARGAINING UNIT)**

**34. 1.37** Sergeant promotions are governed by the Collective Bargaining Agreement between I.U.P.A., AFL-CIO and Volusia County under Article 7-Promotions and Article 34-Physical Fitness.

#### **ARTICLE 7-PROMOTIONS (FY 2017-18 to 2019-20)**

1. Whenever a budgeted promotional vacancy exists in a Sergeant classification, the County shall fill such vacancy within thirty (30) days from an existing eligibility list, if a valid eligibility list is in existence. Should there exist no valid eligibility list at the time a budgeted promotional vacancy occurs, the County shall establish a new eligibility list within one hundred twenty (120) days. Upon certification of the new eligibility list, the budgeted promotional vacancy shall be filled. This paragraph shall not apply to temporary appointments to fill temporary vacancies. Further, nothing contained herein shall prevent the Sheriff from failing and/or refusing to fill a budgeted promotional vacancy where he can establish that such action is being taken solely because of unforeseen budgetary restraints.

2. The County will announce promotional examinations at least thirty (30) days in advance of said examinations and shall explicitly spell out the qualifications, including the classification(s) and class code(s) as found in the officially adopted Classification Manual of the County of Volusia, of the employees eligible to apply for and be accepted into such examinations. The County will list the areas which the examination will cover, the sources from which the examination is drawn, and whenever possible the location of the sources.

3. Promotions to Sergeant shall be from an eligibility list, the ranking of which shall be determined by:

- (a) Written examination, which shall include questions relating to supervisory responsibilities, practices, procedures, including, but not limited to, the County's Personnel Policies (Note: for Sergeant, any written examination shall contain no less than twenty percent (20%) supervisory questions); or
- (b) Experience, or
- (c) Supervisory evaluation; or
- (d) Oral board; or
- (e) Assessment Center or similar selection device; or
- (f) Any combination of A through E

4. The County shall announce the selection procedures to be utilized, the allocation of points, factors to be considered, and section weights on the job announcement covering the budgeted promotional vacancy.

5. Upon written request, the County shall advise the Employee Organization of any unfilled vacancies (but not temporary vacancies) in a Sergeant Classification. Such written request may be made no more frequently than on a quarterly basis.

6. For promotional purposes for the rank of Sergeant only, final eligibility list standing shall be posted to the nearest hundredth of a point. (e.g., 86.57, 86.33, 86.00, etc.) An eligibility list shall remain in effect for one (1) year from the date of validation.

7. Notwithstanding the application of the County's "Rule of Five" procedure to the Sheriffs Department, an unexpired eligibility list shall be deemed valid for promotional purposes if it contains the names of three employees. Given the availability of such a valid list, the Department Head (Sheriff) shall not be entitled to request a new eligibility list or supplementation of the existing list in order to avoid appointment from such existing list; provided however, that the Department Head shall retain the right to refuse to fill the budgeted promotional vacancy involved.

8. Any person passed over for promotion may receive informal career counseling to improve chances for future consideration

#### **LIEUTENANT- COMPETITIVE (NON-BARGAINING)**

**34. 1.38** Announcement: A promotional announcement shall be posted for a minimum of two weeks.

**34. 1.39** Promotional announcements will be advertised through electronic print, and other media and will specify Volusia County as an Equal Opportunity Employer. In addition the announcements will specify:

- The class title, salary range, duties, responsibilities, requisite skills, educational levels, and minimum qualification requirements for eligibility or for admission to successive portions of the examination, if required
- The manner of making application
- The closing date for receipt of the application, if any
- The date, time, and place of written, performance, or oral examinations, if required
- Description of process used for selection
- Other pertinent information

**34. 1.40 Applications:** Candidates must complete a county application for the position and submit on or before the closing date.

**34. 1.41** Upon receipt of applications they are forwarded to and reviewed by County Human Resources verifying the qualifications and criteria on the application.

**34. 1.42** Applications are returned from County Human Resources to the VCSO HR Director with a certification of eligibles.

**34. 1.43** The VCSO HR Director shall then forward the package to the Sheriff's Executive Staff (Chief Deputy, Division Chiefs,) and at their direction schedule file reviews and interviews, if applicable.

**34. 1.44** Upon selection, the VCSO HR Director shall forward the package back to County Human Resources.

#### **CHIEF DEPUTY/DIVISION CHIEF/CAPTAIN –APPOINTED BY THE SHERIFF**

**34. 1.45** The positions of Chief Deputy, Division Chief and Captain are appointed at the discretion of the Sheriff.

**34. 1.46** Listed below are the qualifications for sworn positions within the Volusia County Sheriff's Office:

<b>DEPUTY SHERIFF II</b>
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**34. 1.47** Promotional announcement for the position of Deputy Sheriff II will provide a description of the duties and responsibilities as follows:

- Responsible work of a general public safety nature with a primary emphasis on the protection of life and property
- The routine enforcement of laws and regulations
- Illustrative duties intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.
- Answer a wide variety of calls and complaints involving automobile accidents, domestic disturbances, misdemeanors or felonies
- Serve writs, warrants, summonses and civil papers
- Enforce traffic laws and regulations on all roads within Volusia County
- Conduct preliminary investigations, obtain witnesses and evidence, make arrests and transport prisoners to and from confinement areas
- Testify in court relative to arrests made
- Perform related work as required

**34. 1.48** Requisite skills, knowledge and ability for promotional applicants are as follows:



- Skills in the operation, maintenance, and use of specialized police equipment
- Knowledge of local laws, ordinances, rules and regulations effective in the County
- Knowledge of first aid methods and general emergency methods
- Considerable knowledge of the geography of the County including its political subdivisions and road network
- Ability to keep informed of the current changes in all applicable laws, ordinances, rules, regulations, and procedures
- Ability to interview witnesses, gather evidence and assist in investigations
- Ability to testify in court in a professional manner relative to arrests or other police matters
- Ability to comprehend and execute written and oral instructions

**34. 1.49** Minimum qualifications and educational levels for the position are as follows:

- Graduate from high school or completion of the Florida GED or the equivalent
- Possession of a valid Florida Driver's License at the time of appointment;
- Completion of the Minimum Standards Course required by the Florida Criminal Justice Standards and Training Commission for police officers
- Successful completion of the Volusia County Sheriff's Office's Field Training and Evaluation Program (FTEP)

#### **SERGEANT**

**34. 1.50** Promotional announcements for the position of Sergeant will provide a description of the duties and responsibilities as follows:

- Illustrative duties intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.
- Instruct, assign, supervise, and assist in the work of subordinate employees
- Conduct constant and periodic inspections of subordinate employees, materials, equipment, work methods and procedures, and take the necessary steps to improve deficiencies where found
- Maintain close supervision appraising and evaluating conditions of performance for adherence and conformity to duties and methods as prescribed by Volusia County Sheriff's Official policy, rules, and regulations within the area of assigned responsibility
- Initiate corrective action and/or disciplinary action as necessary
- Take charge of any emergency or major crime scene and direct police activities until relieved by superior officer
- Perform other related supervisory and technical functions

**34. 1.51** Requisite skill, knowledge, and abilities for promotional applicants are:

- All skills, knowledge, and abilities required for lower ranking officers
- Considerable knowledge of police practices and techniques, state laws, local ordinances, and Volusia County Sheriff's Office rules and regulations
- Knowledge of the principles of crime scene and accident investigation
- Knowledge of interrogation techniques, arrest and booking procedures, and identification and preservation of evidence
- Ability to plan, assign, and supervise work of subordinates

**34. 1.52** Minimum qualifications and educational levels include:

- Five (5) years of current continuous service as a Deputy Sheriff II with the Volusia County Sheriff's Office
- A comparable amount of education, training, or experience may be substituted for the minimum qualifications.
- Successfully pass the Physical Abilities Test, or any retests thereof during that fiscal year, as per Directive 22.5 Fitness Program.

**34. 1.53** It shall be by mutual agreement between the Sheriff and the Volusia County Personnel Services Director as to how the substitutions shall be applied.

#### **LIEUTENANT**

**34. 1.54** Promotional announcements for the position of Lieutenant will provide a description of the duties and responsibilities as follows:

- Directly supervises the first line supervisors and employees of the district or administrative/operational section to which assigned.
- Prepares schedules, budgets, and other specialized reports.
- Conducts quarterly and annual evaluations.
- Implements programs that will increase the productivity of the assigned area.

- Reviews and approves subordinate decisions, recommendations and actions.
- Reviews and participates in disciplinary actions at division level.
- Maintains standards and reports necessary for accreditation.
- Conducts daily briefing with chain of command regarding the operational progress of the division.
- Participates in staff functions as necessary at division level.
- Performs line inspections at district or section level.
- Oversees all operational and administrative functions in absence of the Captain.
- May be assigned to other county locations based upon operational needs.
- Attends work on a regular and consistent basis.
- Responds to emergency situations.
- Must adhere to Federal, State, County and Local ordinances.
- Performs other duties as required.

**34. 1.55** Requisite knowledge skills and abilities for promotional applicants are:

- All knowledge, skills and abilities required for lower ranking officers.
- Knowledge of modern principles, practices, and methods of police administration.
- Able to plan, assign, supervise and review the work of subordinate personnel.
- Able to establish and maintain effective working relationships with other public officials and the community.
- Able to exercise good judgment in evaluating situations and making decisions.
- Able to work under stressful conditions.
- Must be able to relocate to other county locations based upon operational needs.

**34. 1.56** Minimum qualifications and educational levels include:

- Two (2) years of current and continuous service as a Sergeant with the Volusia County Sheriff's Office.
- Must obtain within one (1) year a total of sixty (60) college credit hours.

**34. 1.57** It shall be by mutual agreement between the Sheriff and the County Human Resources Director as to how the substitutions shall be applied.

#### **CAPTAIN**

**34. 1.58** The classification of Captain is a position in the *Unclassified Service* with vacancies filled by appointment of the Sheriff.

**34. 1.59** The Captain's duties and responsibilities are as follows:

- Highly responsible law enforcement and administrative work in the appointed area of responsibility.
- Commands and provides staff level management activities for specialized administrative or operational Districts, Sections or Units.
- Responsible for providing leadership and direction in the implementation of VCSO standards, goals and vision.

**34. 1.60** Illustrative Duties (NOTE: These are only intended as illustrations of the various types of work performed; omission of specific duties does not exclude them from the position if the work is similar, related or a logical assignment to the position):

- Exercise direct supervision of employees within a Division, District, Section, or Unit to which assigned to include but not limited to Deputies, Sergeants, Lieutenants.
- Assumes command of the Division in the absence of the Division Chief, as designated.
- Prepares schedules, budgets and other specialized reports
- Develops and designs programs that will increase the productivity of the appropriate Division, District , Section or Unit
- Reviews and approves subordinate decisions, recommendations and actions
- Reviews and participates in disciplinary actions within the VCSO
- Maintains standards, time sensitive activities and reports necessary for VCSO Accreditation
- Conducts daily briefings with the Division Commander regarding operational progress of AOR
- Participate in staff functions
- Perform related work as required.

**34. 1.61** Requisite knowledge, abilities and skills:

- All knowledge, abilities and skills required for lower ranking Deputies
- Knowledge in the operating procedures of the Office of the Sheriff
- Skilled in areas of business administration, police administration and operations

- Able to plan, assign supervise and review the work of subordinate personnel
- Able to establish and maintain effective working relationships with other public officials and the community
- Able to exercise good judgement in evaluating situations and making decision

**34. 1.62** Minimum qualifications and educational levels include:

- Two (2) years of service as a Lieutenant with the Volusia County Sheriff's Office.
- Bachelor's degree from an accredited college or university.

## **DIVISION CHIEF**

**34. 1.63** The classification of Division Chief is a position in the *Unclassified Service* with vacancies filled by appointment of the Sheriff.

**34. 1.64** The Division Chief's duties and responsibilities are as follows:

- Executive level law enforcement in the management and administration of all phases of the Sheriff's Office
- Involves the responsibility for providing leadership and direction in the implementation of VCSO standards through the supervision of subordinate commanders
- Work is performed under the administrative direction of the Sheriff and is reviewed through conferences and progress reports

**34. 1.65** Illustrative Duties (NOTE: These are only intended as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related or a logical assignment to the position):

- Manages, directs and reviews all law enforcement and support operations of the respective Division to which assigned
- Direct supervision of employees in the Division to which assigned
- Prepares schedules, budgets, and other specialized reports
- Plans and initiates programs that will increase the productivity of the appropriate Divisions
- Reviews and approves subordinate decisions, recommendations and actions
- Reviews and participates in disciplinary actions
- Conducts daily briefing with the Sheriff, or the Chief Deputy, regarding the operational progress of the Division
- Makes recommendations relative to development of standards, VCSO objectives, methods and procedures for the enhancement of the operation and administration of the Sheriff's Office
- Assumes responsibility for the Sheriff's Office operations and represents the Sheriff in his absence, or as assigned
- Performs related work as required

**34. 1.66** Knowledge Skills and Abilities

- Knowledge of current management practices, principles and procedures to include; budgeting for governmental agencies, and human resources management.
- Knowledge of the operating procedures in the Sheriff's Office.
- Skilled in the areas of business administration, as well as, police administration and operations
- Ability to develop and direct the implementation of various standards and programs designed to improve the VCSO's operational and administrative efficiency;
- Ability to plan, assign, supervise, and review the work of subordinate personnel
- Ability to establish and maintain effective working relationships with other public officials and the community
- Ability to exercise good judgment in evaluating situations and making decisions

**34. 1.67** Minimum qualification and educational levels include:

- Bachelor's degree
- A comparable amount of education, training, or experience may be substituted for the minimum qualifications.

## **CHIEF DEPUTY**

**34. 1.68** The classification of Chief Deputy is a position in the *Unclassified Service* with vacancies filled by appointment of the Sheriff.

**34. 1.69** Chief Deputy duties and responsibilities are as follows:

- An executive staff position that reports directly to the Sheriff and functions as second-in-command of the Sheriff's Office.

- Involves advanced administrative, supervisory, technical law enforcement work, exercising overall command of the entire Sheriff's Office Operations to include all Law Enforcement Operations, Support Operations, and staff functions associated directly with the Office of the Chief Deputy.
- Administers discipline, supervises members of the Sheriff's Office, represents the Sheriff at various events and functions, and reviews citizen complaints, and maintains community relations.
- Illustrative duties intended only as examples of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.
- Maintain standards and reports necessary for Accreditation.
- Participate in staff functions
- Serve as Sheriff ProTem, performing all duties commensurate with this function.
- Supervise, direct and coordinate with the Division Chiefs to include planning, directing, controlling, budget preparation and implementation, and the management of emergency and disaster plans.
- Monitor and review with the Division Chiefs both personnel and related activities.
- Evaluate the efficiency and effectiveness of the operations/divisions to ensure compliance with the policies of the Sheriff and the agency's Written Directives Manual.
- Authority to oversee the course of action and conduct of law enforcement investigations, special and emergency situations; assumes command of law enforcement activities on the scene and develops and modifies operation plans covering emergencies.
- Provide direction, coordination and control of personnel under his command and assumes responsibility for the performance of members under his immediate supervision.
- Conduct an annual career counseling session with personnel assigned to the Chief Deputy's command.
- Respond to personnel grievances in accordance with established procedures.
- Observe the conduct, appearance and actions of personnel under his command and take appropriate action for commendation or disciplinary action when needed.
- Forward any written complaints concerning personnel under his command to the Internal Affairs section.
- Participate in Volusia County Sheriff's Office recruitment activities.
- Participate in and support the Sheriff's Office programs and community relations activities.
- Hold regular staff meetings to develop division goals and objectives, improve efficiency and productivity.
- Ensure that personnel are assigned in conformance with good management practices and workload assessments to ensure proper allocation and distribution of resources and personnel.
- Perform other related duties and tasks as required.

**34. 1.70** Requisite knowledge skills and abilities for promotional applicants are:

- All knowledge, skills and abilities required for lower ranking Deputies.
- Knowledge in the operating procedures of the Office of the Sheriff and be able to carry out the duties of Sheriff in the Sheriff's absence, to include emergency management operations and crisis situations.
- Knowledge of the Sheriff's Office Directives Manual, Florida Statutes, Volusia County Ordinances, federal law, Volusia County merit rules and regulations, law enforcement operations, and the divisions of the Sheriff's Office.
- Extensive management experience within a large law enforcement agency, demonstrating a sound working knowledge of modern police administration principles and techniques.
- Skills in leadership, practical management styles, decision-making, organizational, motivational, self-discipline, tactical, analytical, public speaking, and interpersonal communications Ability to plan, assign, supervise, and review the work of subordinate personnel.
- Ability to establish and maintain effective working relationships with other public officials and the community.
- Ability to exercise good judgment in evaluating situations and making decisions.
- A solid foundation in the practices and principles of community policing within a diverse community structure.

**34. 1.71** Minimum qualification and educational levels include:

- Graduate with a Bachelor of Arts or Bachelor of Science Degree from an accredited College or State University;
- Basic Recruit Certificate of Compliance from the State of Florida;
- Sworn certification of law enforcement in the State of Florida (desired but not required);
- Valid Florida Driver's License;
- Extensive amount of administrative law enforcement experience may be substituted for the required education.

**34. 1.72** It shall be by mutual agreement between the Sheriff and the Volusia County Human Resource Director as to how the substitutions shall be applied.

<b>EXAMINATION AND TESTING</b>
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**34. 1.73** The determination of appropriate written, performance or other tests; the method of evaluating experience, education and training; and of weights to be assigned to various parts of the examination will be a matter of cooperation between the County Human Resource Director and the Sheriff.

**34. 1.74** The examination will represent a proper balance between the specialized knowledge of position requirements possessed by Volusia County Sheriff's Office personnel and the specialized knowledge of regulatory requirements and testing methods possessed by County Human Resources.

**34. 1.75** County Human Resources will have an examination plan prepared describing specific qualification requirements and alternatives and knowledge, skills and abilities to be measured by each examination device selected; the importance of weighing each part of the examination process; and the method to be used in evaluating each applicant against the others.

**34. 1.76** Through the VCSO HR Director, the Sheriff or his designee, shall actively participate in the design and implementation of the examination plan.

**34. 1.77** If there is more than one (1) device used in an examination, a minimum performance or cut-off score may be established for each device.

**34. 1.78** Applicants may be required to attain at least the minimum performance or cut-off score on each device to receive a passing grade or to be rated on the remaining devices of the examination.

**34. 1.79** In the event that more than one (1) device is used in an examination, a weighting process will be applied to appropriately allocate importance of all the various devices.

**34. 1.80** The County Human Resource Director ensures that all elements of the promotional process are administered, scored, evaluated, and interpreted in a uniform manner within the classification.

**34. 1.81** The conduct of the examination(s) as well as the operational elements of the promotional process are clearly set forth and carried out identically for all candidates.

**34. 1.82** Through the VCSO HR Director, the Sheriff, shall assure compliance by having an active and continuous liaison with County Human Resources in the use of all devices used in the promotional process.

**34. 1.83** The County Human Resource Director provides final examination results in the form of numeric or adjective ratings, as applicable.

**34. 1.84** Lists will contain the name of those persons who have successfully qualified in the examinations ranked in descending order according to final earned score plus veteran's preference points, if applicable, or in accordance with the adjective rating system.

- **The Numerical System**, when used, shall be broken down to one one-hundredth of a point. Each section of the process shall be a pre-determined percentage of the overall total score of 100%. The promotional announcement will state the break down percentage for each section.
- **The Adjective Rating System**, when used, will utilize the following terminology:
  - **Best Qualified**, those candidates who exceed the minimum qualifications established of the position;
  - **Qualified**, those candidates who meet and in some areas exceed the minimum qualifications as established;
  - **Minimally Qualified**, those candidates who meet or minimally meet the established qualifications.

**34. 1.85** In either situation it is assured as being job related.

**34. 1.86** The duration of eligible lists and the names appearing on the lists will be for a period of twelve (12) months.

**34. 1.87** The County Human Resource Director may extend an eligible list in six-month increments when he deems it to be in the interest of County service.

**34. 1.88** No list will be extended to a time more than two (2) years from the date of the original establishment of the list.

**34. 1.89** Promotional vacancies in the classified service to be filled will have a requisition sent to the County Human Resource Director for a list of those eligible for promotion.

**34. 1.90** Upon receipt of the requisition, the County Human Resource Director will certify the proper number of names from the appropriate eligible list(s), or authorize other appointments as may be deemed necessary and proper.

**34. 1.91** The Sheriff or his designee shall select from the names certified or otherwise authorized under the conditions and terms specified in the Merit System.

**34. 1.92** The County Human Resource Director determines that all qualifications for promotional positions meet the requirement of being job related.

**34. 1.93** ADA minimum standards are established for all positions in the Merit System.

**34. 1.94** Medical examinations may be conducted prior to appointment to probationary status, using valid, useful and nondiscriminatory procedures.

**34. 1.95** Determination of physical or mental fitness, if applicable, will be by a physician(s) designated by or acceptable to the County Human Resource Director and the Volusia County Risk Manager.

**34. 1.96** Only licensed physicians are used to certify the general good health of a promotional applicant, as well as assess the emotional stability and psychological fitness of the promotional applicants.

**34. 1.97** All medical examinations are reported on standard forms or reports and maintained by medical staff at Volusia County Risk Management.

**34. 1.98** Through the VCSO HR Director, the Volusia County Sheriff's Office shall provide that information (JTA) needed to demonstrate legal and professional requirements for these assessments.

**34. 1.99** The County Human Resource Director assures that those elements of the promotional process administered or provided by any private sector organization or vendor meet the requirements of job relatedness.

**34. 1.100** Through the VCSO HR Director, the Volusia County Sheriff's Office shall provide all needed information to support the professional and legal requirements of job relatedness with regard to any service that may be requested as an additional device to the promotional process.

**34. 1.101** County Human Resources utilizes personnel officers that meet the necessary qualifications and are thoroughly trained in the content and use of the promotional procedures.

**34. 1.102** Through the VCSO HR Director, the Volusia County Sheriff's Office shall provide additional logistical support to the promotional process with those individuals that are qualified and trained in the content and use of the promotional procedures.

**34. 1.103** County Human Resources shall ensure that promotional material is stored in a secure area when not being used.

**34. 1.104** These measures will include, but not be limited to:

- Secured in locked file drawers
- Secured in locked and/or limited access file rooms
- Secured, password protection electronic documents

**34. 1.105** When the VCSO HR Section, is in temporary care, custody, and control of promotional material, the same security measures will be exercised to provide twenty-four (24) hour security.

**34. 1.106** **At no time will unsecured promotional material be left unattended.**

**34. 1.107** County Human Resources shall dispose of all promotional process material, to include records of applicants not appointed to probationary status, in a manner that prevents disclosure of the information. This destruction will be in accordance with the rules promulgated by the State of Florida, Division of Archives, History and Records Management, Tallahassee, Florida and County Human Resource's retention schedule.

**34. 1.108** The County Director has established the duration of probationary periods for probationary status employees as indicated in Merit System Rules and Regulations.

**34. 1.109** Designated personnel, those appointed to promotional positions, of the Volusia County Sheriff's Office will have a probationary period of twelve (12) months.

**34. 1.110** The probationary period will be used in the same manner as with original entrance appointments.

**34. 1.111** If an employee fails to perform satisfactorily during the probationary period following a promotion he/she may be subject to an extension of probation, or an involuntary demotion to the former classification held at the previous rate of pay.

**34. 1.112** The County Human Resource's Director will monitor the appointment rate of applicants from probationary to permanent status to ensure requirements of minimum adverse impact are met.

**34. 1.113** The Volusia County Sheriff's Office will continuously re-evaluate procedures, techniques and/or examinations used during the probationary period to ensure professional and legal requirements to minimize adverse impact.

**34. 1.114** At least twenty (20) days prior to the expiration date of an employee's probationary period an evaluation report will be completed and discussed with the employee.

**34. 1.115** The evaluation report will state in writing whether or not the employee has performed satisfactorily during the probationary period.

**34. 1.116** The evaluation report will be sent to the County Human Resource Director prior to the expiration of the employee's probationary period indicating whether an extension of the probationary period is desired for additional observation.

**34. 1.117** When the Sheriff believes that additional time is required to evaluate an employee due to extenuating circumstances which did not allow the employee to be fully evaluated during the normal probationary period, the Sheriff may request an extension setting forth in writing the circumstances necessitating the extension.

**34. 1.118** The County Human Resource Director may grant an extension up to, but not exceeding three (3) months if he determines there are valid reasons for such extension.

**34. 1.119** The Volusia County Sheriff's Office maintains comprehensive work performance records of the probationary employees. These employees are evaluated regularly using valid, useful and nondiscriminatory procedures. The means of these evaluations are provided the probationary employee through the probationary period.

**34. 1.120** The County Human Resource Director specifies in writing, the conditions and procedures for re-application, retesting, and reevaluation of applicants not promoted to probationary status.

**34. 1.121** In addition to the establishment of eligibility lists, provision is made for the applicant who is unsuccessful in completing the promotional process for one (1) or more reasons to apply for the position after one (1) calendar year from the date of the examination in which they were unsuccessful.

**34. 1.122** It is necessary for an applicant to submit a new application for promotion to be considered for any future examinations.

**34. 1.123** An applicant that is not promoted to probationary status will remain on an eligible list for a period of twelve (12) months.

**34. 1.124** As vacancies become available those applicants on the eligible list may be re-evaluated for promotion.

**34. 1.125** Applicants taking a promotional examination will be entitled to one (1) inspection of their rating and examination papers, within a period of thirty (30) days following the notification of examination results.

**34. 1.126** Inspections will be permitted only during regular business hours at the County Human Resources office.

**34. 1.127** Examination papers and results will not be open to the general public.

**34. 1.128** Applicants who believe that their applications have been erroneously rejected or who believe that their examinations have been incorrectly rated may present their appeal to the County Human Resource Director.

**34. 1.129** Applicants wanting to complain, grieve, or appeal any other feature of the promotional process will do so according to the specific guidelines provided in the Merit System and VCSO Directive 25.1 Grievances and Appeals.

**34. 1.130** County Human Resource will inform all applicants in writing at the time of filing their formal application of all the elements of the promotional process, in addition to providing a written notice of the expected duration of the promotional process.

**34. 1.131** The Sheriff, or his designee and the County Human Resource Director will confer annually for the purpose of promotional process evaluation.

**34. 1.132** This evaluation will address the job relatedness of the promotional process.

**34. 1.133** In addition, the examination plan will be revised to remove obsolete devices and procedures and add devices determined to be better.

**34. 1.134** This evaluation will also include a review of the most recent literature and case law on promotional, equal employment opportunity and related promotional issues.

## **CIVILIAN PROMOTIONAL PROCESS**

**34. 1.135** The promotional process for civilian employees is in accordance with the County Merit System Sections 86-361 - 86-363. These sections have been reproduced below, verbatim, from the Merit System.

### **Sec. 86-361. Policy regarding filling of vacancies.**

Vacancies in positions above the entry level in the classified service shall be filled as far as practical by qualified and interested employees within the county service, except when it is determined to be in the best interest of the county service to fill the position with candidates recruited from outside the county service. (Ord. No. 81-19, § 11.01, 9-3-81)

### **Sec. 86-362. Promotion policy.**

County employees are encouraged to develop new skills, expand knowledge of their work, assume greater responsibilities, make known their qualifications for promotion to more difficult and responsible positions, and compete in all examinations for which they are qualified.

(Ord. No. 81-19, § 11.02, 9-3-81)

**Sec. 86-363. Method of promotion.**

An employee may be eligible to be promoted if he meets the qualifications for a position in a classification in a higher pay range and further qualifies as follows:

- (1) *Employees on promotional eligible list.* If either or both a departmental or countywide promotional eligible list exists, the employee may be promoted if his score is among the five highest on the list taking precedence. (See section 86-268.)
- (2) *Reallocation of employees with status.* In the absence of a departmental or countywide promotional eligible list, an employee with status whose position is reallocated to a classification with a higher pay range may be promoted with status in the higher level classification, if the reallocation to a higher level is:
  - a. In a trainee class series; or
  - b. A result of a gradual evolution of the duties and responsibilities of the position.
- (3) *Provisional promotion of employees with status.* In the absence of a departmental or countywide promotional eligible list, an employee with status in a lower level classification may be promoted on a provisional basis. Such an employee must compete in the next promotional examination for the class and place among the top five scores to be considered for permanent appointment.
- (4) *Employees on open competitive eligible list.* In the absence of a departmental or countywide promotional eligible list, an employee within certifiable range on an open competitive eligible list for the classification may be appointed.
- (5) *Provisional appointment of non-status employees.* In the absence of an eligible list, a non-status employee may be appointed on a provisional basis. Such an employee must compete in the next open competitive examination for the class and place among the top five scores to be considered for permanent appointment. (Ord. No. 81-19, § 11.03, 9-3-81)

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End of Merit System Sections

**34. 1.136** Employees are encouraged to apply for and test for, if applicable, higher positions and to have themselves placed on appropriate eligibility list(s). Supervisors are encouraged to counsel employees in this process. Employees who do not participate in this process could miss promotional opportunities.

**34. 1.137** In the event there is not a current eligibility list, an announcement shall be posted in accordance with this directive.

**34. 1.138** When an eligibility list is utilized, whether it was pre-existing or established through an announcement of a vacancy, a review of the applications and an interview process shall be utilized to select the new employee.

<b>DURATION OF PROMOTIONAL PROBATION</b>
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**34. 1.139** In accordance with Volusia County Merit Rule Sec. 86-332, the probationary period for all promotional appointments made on or after December 15, 2016, shall be 12 months in duration. If a position requires completion of a certification or training program in order to hold the position, the probationary period shall be extended for as long as the certification or training program runs and thereafter for an additional six months after receipt of the certification or completion of the training program.

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**Revised by:** 6760

**Revised on:** 12-2017

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



- (4) *Employees on open competitive eligible list.* In the absence of a departmental or countywide promotional eligible list, an employee within certifiable range on an open competitive eligible list for the classification may be appointed.
- (5) *Provisional appointment of non-status employees.* In the absence of an eligible list, a non-status employee may be appointed on a provisional basis. Such an employee must compete in the next open competitive examination for the class and place among the top five scores to be considered for permanent appointment.(Ord. No. 81-19, § 11.03, 9-3-81)

End of Merit System Sections

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**Revised by:** 6551

**Revised on:** 10-2008; 11-2016

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: PERFORMANCE EVALUATIONS:  
BARGAINING UNIT MEMBERS**

**CODIFIED: 35.1**

**EFFECTIVE: 08-2019**

**RESCINDS/AMENDS: 35.1/12-2016**

**ATTACHMENTS: 1**

**PURPOSE**

The purpose of this Directive is to establish uniform guidelines for performance evaluations.

**DISCUSSION**

A performance evaluation is the measurement of the employee's on-the-job performance of assigned duties by the employee's supervisor. Inspections are separate and are covered in Directive 53.1.

Employee performance evaluations are an integral element of Volusia County Government's employee training and development program. As a training tool, performance evaluations should provide the employee a clear understanding of what skills and abilities they must master to effectively perform their duties, as well as, identify areas of excellence and/or areas for improvement. The performance evaluation process is more than just the formal, annual conference. Instead it should be a continuous, on-going process of communication, consulting and feedback between supervisor and employee.

This directive deals with the principles of performance evaluations and the manner in which they should be carried out.

**POLICY**

It shall be the policy of the Volusia Sheriff's Office to maintain and administer a fair and equitable performance evaluation program for all employees including reserves. These guidelines will apply to all employees of the Volusia Sheriff's Office covered under the bargaining unit; civilian and non-bargaining unit sworn employees will be evaluated as per Directive 35.3.

**PROCEDURE**

**35.1.1** The County Merit System utilizes an annual evaluation system. This system is mandated for use by all county employees. Within this system, the County recognizes the use of the VSO evaluation form, as designated by the bargaining unit, as meeting all elements of the County Merit System required to provide fair and equitable performance evaluations for bargaining unit employees.

**35.1.2** The Volusia Sheriff's Office evaluation form utilized for bargaining unit members shall be incorporated in its entirety.

**GOALS OF PROGRAM**

**35.1.3** The goals of the program are to provide, at a minimum, the following:

- Fair and impartial personnel decisions;
- Means for measuring and improving employee performance;
- Medium for personnel consulting and feedback;
- To facilitate proper decisions regarding probationary employees;
- Objective and fair means for measurement and recognition of individual performance in accordance with prescribed guidelines;
- Means for identifying training needs for individual employees.

**35.1.4** The performance evaluation system is designed to add uniformity and objectivity to the annual review process through the use of standardized questions and adjective ratings.

## **THE EVALUATION PROCESS**

**35.1.5** Training and evaluating employees are significant functions of all supervisory positions. To be effective, the supervisor/evaluator must be perceived by employees as fair, reasonable, and unbiased. In turn, the performance evaluation system must be trusted and viewed as equitable, job-related, and useful.

**35.1.6** A supervisor's job is to provide feedback or coaching to the employee that focuses on specifics designed to improve performance. Evaluations should be developed through observations of behavior rather than opinions about the person. The evaluation questions can be used as a guide to help determine what qualities, skills and behaviors to observe and evaluate.

**35.1.7** The initial probationary period is an extension of the hiring process. Evaluators should look for trends in behavior that may be indicators of future problems.

**35.1.8** Evaluations should reflect an employee's *overall* work performance during an evaluation period, not just the most recent or the most significant events. To simplify the evaluation process, supervisors are urged to perform regular progress reviews throughout the evaluation year. The interim progress reviews maintain the lines of communication between supervisor and employee and provide an opportunity to discuss developing and current performance skills, job duties, clarify goals and expectations, and provide documentation for use on the annual evaluation.

### **EMPLOYEE UNDERSTANDING - NEW EMPLOYEES**

**35.1.9** The performance evaluation process should be reviewed and discussed with new employees during their first week of service. At that time, the supervisor should identify the skills and abilities the employee is expected to accomplish during the probationary period and the criteria on which they will be evaluated.

**35.1.10** Supervisors are encouraged to schedule regular informal meetings with the employee throughout the probationary period to discuss their progress, strengths, weaknesses, etc. Notes taken during these meetings will be helpful when the time arrives to complete the performance evaluation form.

**35.1.11** Evaluators should keep management informed on a new employee's progress. The Division Commander should be notified if serious patterns emerge involving behavior, aptitude, or competence.

### **EMPLOYEE UNDERSTANDING - REGULAR EMPLOYEES**

**35.1.12 PERFORMANCE EXPECTATIONS** - At the beginning of each new rating period each employee shall be consulted concerning the specific duties and tasks of the position occupied.

**35.1.13** Prior to the onset of the evaluation process, the supervisor and employee should agree on what evaluation criteria will be used to reach an Overall Performance Rating. This criterion will be based upon the employee's written job description.

### **STEPS IN THE EVALUATION PROCESS**

**35.1.14** The process is separated into three well-defined steps:

**35.1.15 COMPLETION OF PERFORMANCE EVALUATION FORM** - Supervisors are encouraged to keep records of the employee's significant incidences on the job as they relate to various performance requirements (specific observations and dates of behavior) from unsatisfactory through outstanding performance. If such records are not kept, the supervisor will be unable to provide specific examples of good or poor performance, and will find it unnecessarily difficult to justify an unsatisfactory or outstanding rating.

**35.1.16 REVIEW** - The Endorser (Rater's Supervisor) shall make appropriate comments relative to the performance evaluation, the supervisor/endorser comments, and the overall performance rating. The Chief Deputy, or designated Division Chief, shall also review and sign each evaluation.

**35.1.17 SUPERVISOR-EMPLOYEE CONFERENCE** - At the conclusion of the rating period, each employee shall be consulted by the rater in the following areas:

- Results of the performance evaluation just completed;
- Level of performance which will be expected of the employee for the new reporting period;
- Specific rating criteria that will be used to evaluate the employee for the new reporting period;
- Identify goals and objectives for the next evaluation period;
- Review of Directive 22.10 Workplace Harassment and Discrimination; completion of Workplace Harassment and Discrimination Policy Review Form to be signed/dated by both employee and supervisor (Attachment B);

- Career consulting relative to such topics as advancement, specialization, or training appropriate for the employee's position.

**35.1.18** During this conference, the supervisor must be prepared to:

- Clearly explain the criteria and job factors on which the evaluation was made
- Discuss and explain their selections on the performance evaluation form;
- Discuss and address any questions concerning workplace harassment and discrimination.

**35.1.19** The rater shall conduct the interview in a constructive manner and utilize the interview as a training device.

**35.1.20** At the end of the interview, a substandard employee shall be asked to recap his/her understanding of what was agreed upon and what is expected of him/her in the future.

**35.1.21** After discussing the performance evaluation, the employee should sign the evaluation form stipulating that they have received the report. Signing the form does not indicate that the employee agrees or accepts the rating assigned by the supervisor. In the event an employee does not agree with the rating, the employee may contest the rating through the proper chain of command, in accordance with procedures herein (refer to p.7, **CONTESTED EVALUATION REVIEW**).

## **MEASUREMENT DEFINITIONS**

**35.1.22** Supervisors may select from five (5) ratings ranging from Outstanding (highest) to Unacceptable (lowest):

- **Outstanding** - Performs assigned duties in a manner demonstrating mastery at every level of major responsibility. Results achieved are well beyond the level of performance rated "Exceeds Standards."
- **Exceeds Standards** - Performs assigned duties in a manner indicating exceptional understanding of essential job functions. Results achieved are often better than expected of performance rated "Meets Standards," but not of such uniqueness as to warrant an "Outstanding" rating.
- **Meets Standards** - Performs assigned duties at an acceptable level through demonstrated application of skills.
- **Needs Improvements** - Performance in one or more areas does not meet the requirement for a "Meets Standards" rating. Improvement is required if acceptable results are to be achieved.
- **Unacceptable** - Even under close direction, performance is not indicative of an ability and/or willingness to produce required results.

**35.1.23** The supervisor shall select the rating which best describes the employee's on-going performance relative to each question.

## **RATER RESPONSIBILITIES**

**35.1.24** Rater responsibilities are complex and require training prior to evaluating employees. However, the basic responsibilities of raters include, but are not limited to:

- Being systematic and thorough in recording accurate data relating to their observations of employees throughout the rating period;
- Preparing the evaluation forms;
- Conducting a supervisor-employee conference;
- Distinguishing facts from feelings;
- Weighing the performance of their subordinates against a consistent standard;
- Basing their ratings on objective data, without allowing subjective emotions, individual likes or dislikes, or biases to influence them;
- Taking care to avoid committing the error of rating on the basis of vague, general impressions;
- Avoiding the error of leniency, or overrating. This error is contagious. It has a tendency to spread rapidly. The effects force ratings so drastically high that they become useless as a management tool.
- Avoiding the error of recency in which the evaluation is based upon the employee's most recent significant action rather than on performance throughout the entire rating period;
- Being cautious to rate each category independently of the others. Raters must not allow an employee's good or bad performance in one category influence a separate category.

## **TRAINING**

**35.1.25** Training of the rater is the most important requisite in the administration of the VSO's evaluation system. Supervisors responsible for rating subordinates shall be trained in proper evaluation techniques and the use of the forms.

**35.1.26** All supervisors shall receive mandatory training in the proper application of the VSO's rating system. Each supervisor shall receive evaluation training which shall include, at a minimum:

- Common rating errors;
- How to proceed with the actual rating;
- The evaluation interview;
- Specific responsibilities as to what, when, where, how, and by whom the employee is to be evaluated.

## **FREQUENCY OF PERFORMANCE EVALUATIONS**

**35.1.27** Documented annual and quarterly performance evaluations are required on each employee.

**35.1.28** Annual evaluations shall be based on an average of the quarterly evaluations. The annual performance evaluation is a summary of the employee's work over the previous 12 months.

**35.1.29** The purposes of the annual and quarterly evaluations are to:

- Standardize the nature of the personnel decision-making process;
- Assure the public that the VSO's personnel are qualified to carry out their assigned duties;
- Provide job incumbents with necessary behavior modification information to allow them to maintain behaviors that are appropriate from the VSO's standpoint and to eliminate inappropriate behaviors;

### **ANNUAL**

**35.1.30** Annual performance evaluations are scheduled based on the employee's anniversary date that is determined by the initial hire date or the date of the last promotion.

**35.1.31** Annual performance evaluations must be completed on all full-time employees including reserves and returned to the Human Resources Unit no later than 35 days preceding the employee's anniversary date.

### **END OF PROBATION**

**35.1.32** End of Probation evaluations must be completed and returned to the Human Resources Unit no later than 35 days prior to the end of probation.

**35.1.33** Rejections of probation or requests for extensions of probation must be coordinated with the Human Resources Unit at the first available opportunity, but no later than thirty-five (35) days prior to the end of probation.

### **QUARTERLY**

**35.1.34** Quarterly employee evaluations shall be completed on all employees, to include reserves.

**35.1.35** Quarterly evaluation reports are due by the seventh day of the month following the end of the rating period. These quarterly rating periods are as follows:

- Jan 1 to Mar 31;
- Apr 1 to Jun 30;
- Jul 1 to Sep 30;
- Oct 1 to Dec 31.

### **CHANGE IN ASSIGNMENT**

**35.1.36** Whenever an employee transfers or has a change in assignment, the supervisor shall complete a final performance evaluation regardless of the date of completion of the last evaluation.

### **INTERIM/ PROBATIONARY EMPLOYEES**

**35.1.37** A written performance evaluation shall be completed at least quarterly on all probationary employees. If an employee's probation is extended for any reason, evaluations shall be required monthly, or more often as determined by the employee's Division Commander.

**35.1.38** Interim evaluations are any evaluations done on a basis more frequent than quarterly.

## FORMS

**35.1.39** There are three evaluation forms utilized by the VSO. These include:

- Employee Performance Evaluation;
- Cumulative Rating Form;
- Supervisory Ability Form.

**35.1.40** The VSO utilizes the standard County of Volusia Employee Performance Evaluation forms for all quarterly, annual, interim and end of probation evaluations. Sworn personnel in the Field Training and Evaluation Program are also evaluated using the Daily Observation Reports specific to that program.

## EMPLOYEE PERFORMANCE EVALUATION FORM

**35.1.41** This six-page evaluation form was designed to provide ease of use and consistency in rating employee performance. Listed below are instructions for completing the personnel evaluation form. (See attachment.)

**35.1.42 NAME** - State the employee's name in this box. Following his/her name, state his/her position. Name will be placed in following order: LAST, FIRST, MIDDLE INITIAL. Examples of positions are: DEP.; SGT.; OA III, AA II, etc.

**35.1.43** Circle the type of evaluation: END OF PROBATION; ANNUAL, or OTHER. Quarterly and interim evaluations are categorized as OTHER.

**35.1.44 PERIOD OF REPORT** - State the dates that the evaluation covers. The performance evaluation shall be based only on the performance during the rating period. Performance prior to or after the evaluation shall be excluded in the employee rating for the period he/she is being rated.

**35.1.45 DEPARTMENT** - Write "Sheriff's Office" in this box.

**35.1.46 DIVISION** - State the division to which the employee is assigned.

**35.1.47 DUTIES AND RESPONSIBILITIES/ PERFORMANCE CRITERIA** - Prior to completing the form, the supervisor shall identify the employee's primary job duties and responsibilities on page one of the Evaluation Form. This will be the criterion on which the employee will be evaluated. Pertinent portions of the employee's job description shall be listed in this box.

**35.1.48** This is the basis for evaluating the position task performance during the rating period as set forth in the individual's job description.

**35.1.49 Categories and Questions** - The evaluation form is comprised of thirty-three (33) questions divided into nine categories:

- Initiative;
- Cooperativeness;
- Amount of Work;
- Quality/Accuracy/Organization;
- Decision Making;
- Communication;
- Customer Service/Public Relations;
- Dependability;
- Resource Management.

## CUMULATIVE RATING FORM

**35.1.50** This is a summary of the employee's overall performance and their performance in each category. This is the document that will be maintained in the official County personnel file in Personnel Services.

**35.1.51** The rater shall transfer the identifying information (name, job title, etc.) from the Employee Performance Evaluation onto the Cumulative Rating Form.

**35.1.52 CATEGORY RATING** - Based on the selections made by the supervisor on each evaluation question, a cumulative category rating can be determined.

**35.1.53 OVERALL EVALUATION** - The cumulative ratings shall be assessed to assign an "Overall Performance Rating" for the employee. The rater will circle the appropriate rating.

**35.1.54 COMMENTS AND GOALS** - For the performance evaluation form to be an effective training tool, the "Comments" section should be given careful consideration by the evaluator and the endorser. This section should be used to communicate specific thoughts and ideas relating to the employee's work performance, work attitude, demeanor, and skills.

**35.1.55** Raters shall document ratings in the outstanding and unsatisfactory categories using explanatory comments in the comments section and, if necessary, with an attachment to the evaluation form.

**35.1.56** It is important that both strong and weak points are addressed.

**35.1.57** This section should *not* be used to transfer information to the Human Resources Unit. Comments relating to requests for pay adjustments, classification audits, disciplinary actions, etc. should be conveyed via a memo.

**35.1.58** "Goals" should be mutually agreed upon and discussed by the supervisor and employee during the evaluation process. Performance goals are projected results that are measured in terms of quality, quantity and timeliness. They describe what the employee intends to accomplish during the review period. There may be more than one goal for each performance factor that provides employees with clear direction as to where and how to channel their efforts. Properly written goals leave little doubt as to what is to be accomplished. Well-developed goals are:

- Specific because they will lead to better performance than adopting the attitude of "do your best;"
- Clearly stated to prevent ambiguity and provide clear direction;
- Measurable in terms of quality, quantity, and timeliness to determine whether they have been achieved;
- Results oriented to give employees something to work toward that will be of obvious value to the organization;
- Challenging yet achievable to provide employees with motivation to achieve goals which are not impossible to achieve;
- Backed by an action plan to give employees an understanding as to how to attain goals.

**35.1.59** "Recommendations" may be used by the rater to make career recommendations to the employee.

**35.1.60** Prior to the succeeding evaluations and throughout the year, the supervisor and the employee should refer to the goals that were established. This should provide clear tracking for the employee during the evaluation period.

**35.1.61 COMMENTS: ENDORSER** - This section will be used to document any form of comments by the Endorser (Rater's supervisor) that may be required.

**35.1.62** The Rater's supervisor shall review and sign all quarterly/annual evaluations. This review shall be conducted to ensure fairness and objectivity. The rater should be able to validate the ratings.

#### **RATING BY IMMEDIATE SUPERVISOR**

**35.1.63 EVALUATOR NAME** - Signature and rank of person evaluating performance. State date of evaluation.

**35.1.64** Only the supervisor who was in direct command of the employee during the rating period shall evaluate an employee. This responsibility shall not be delegated. "Supervisor" is defined as the person who has disciplinary, training and leave approval authority over a subordinate position.

**35.1.65** If more than one supervisor supervised the employee during the rating period, both shall submit written evaluations and the totals and comments given the appropriate value.

#### **SUPERVISOR REVIEW**

**35.1.66** The rater's supervisor shall review each evaluation form. The endorser's role is to review the evaluator's ratings for consistency, appropriateness, and validity, and, if necessary, provide additional comments and observations on the *Cumulative Rating Form*.

**35.1.67 ENDORSER NAME** - The signature of the rater's supervisor indicating a review of the evaluation was performed.

#### **EMPLOYEE SIGNATURE**

**35.1.68 EMPLOYEE CERTIFICATION** - Signature of employee. Date signed.

**35.1.69** Each employee's performance evaluation report should be read and understood by the employee.

**35.1.70** The signature does not imply agreement or disagreement with the contents. The signature indicates only that the employee has read or has been given the opportunity to read the report/evaluation.

**35.1.71** If the employee refuses to sign, the supervisor will so note and record the reason or reasons given.

**35.1.72 DIVISION CHIEF NAME** - Printed name and signature of the Division Chief, indicating a review of the evaluation.

#### **SUPERVISORY WORKSHEET**

**35.1.73** A separate, twenty (20) question insert evaluates an employee's *supervisory* abilities. It should only be applied to employees who have direct, continuous supervisory responsibilities over numerous subordinate positions.

**35.1.74** The employee's name, rank and date of the evaluation shall be printed at the top of the form.

**35.1.75** This form is divided into six categories:

- Training;
- Planning & Assigning;
- Direction & Leadership;
- Fairness & Approachability;
- Decision Making;
- Resource Management.

**35.1.76** The evaluator will circle the appropriate overall evaluation description based upon the ratings in the above listed categories.

#### **SUPERVISORS EVALUATED**

**35.1.77** Supervisors shall be evaluated regarding the fairness and impartiality of ratings given, their participation in consulting rated employees, and their ability to carry out the rater's role in the performance evaluation system.

**35.1.78** The rater's evaluation shall be documented on the Supervisory Worksheet in the appropriate category as part of his or her normal periodic quarterly and annual evaluation.

#### **USE OF EVALUATIONS**

**35.1.79** Performance evaluations shall be used for the following purposes:

- To determine suitability for reassignment;
- To identify training needs;
- To assist the employee with career development needs;
- To facilitate proper decisions regarding probationary employees;
- Promotional consideration;
- To determine the employee's effectiveness and suitability for the assignment;
- Merit increases.

**35.1.80** Supervisors may use the evaluation form to:

- Relate the employee's work to specific standards or job requirements;
- Appraise the employee of his or her performance and identify improvement opportunities;
- Evaluate the employee's work behavior by considering all the appropriate factors, and relate them to Sheriff's Office goals and objectives;
- Provide the employee a formal opportunity to discuss his or her performance, achievements and difficulties, and goals and aspirations;
- Discuss and identify current and future training needs;
- Discuss and foster career development.

#### **CONTESTED EVALUATION REVIEW**

**35.1.81** Employees shall have the right to a review of the ratings given by a supervisor. This review shall not detract from the right of an employee to the grievance procedure.

**35.1.82** When an employee requests a review of the rater's finding, the employee shall note such under the employee signature line of the evaluation form.

#### **PROCEDURES TO FOLLOW IF THE EMPLOYEE DISAGREES**

**35.1.83** These procedures are to be followed if the employee disagrees with the Employee Performance Evaluation. These procedures do not apply to any disagreement the employee may have with the amount of merit pay increase received. The Sheriff's decision on this is final.



**35.1.84** Within three (3) working days after receiving a copy of the evaluation form, the employee may submit a written request to the employee's supervisor requesting that he/she review the evaluation and discuss it with the employee.

**35.1.85** Within five (5) working days of receiving the request, the supervisor will review the evaluation and discuss it with the employee. He/she will either sustain or amend the evaluation. This decision will be furnished to the employee in writing. If the employee's evaluation is amended in any way, the employee will be asked to sign the form to acknowledge receiving a copy.

**35.1.86** The supervisor will forward via chain of command his or her written decision, the amended evaluation (if applicable) and the initial evaluation to the Sheriff with copies of appropriate materials to the evaluator.

#### **IF THE EMPLOYEE STILL DISAGREES**

**35.1.87** Within three (3) working days after receiving the written response from his or her supervisor, the employee may submit a written request to his or her Division Commander requesting that he/she review the evaluation and discuss it with the original endorser. If the Division Commander is the original endorser then the employee may submit a written request to the Sheriff.

**35.1.88** Within five (5) working days of receiving the employee's request, the Division Commander or Sheriff will review the evaluation and discuss it with the employee. He/she will either sustain or amend the evaluation. This decision will be furnished to the employee in writing. If the evaluation is amended in any way, the employee will be asked to sign the form to acknowledge receiving a copy.

**35.1.89** The Division Commander will forward his written decision and all back-up evaluations and previous written decisions to the Sheriff, with copies of appropriate materials to the endorser and original evaluator.

#### **RETENTION OF EVALUATIONS**

**35.1.90** Annual evaluations shall be maintained permanently in the employee's personnel folder. Quarterly evaluation forms shall be retained for a minimum of two years at the Division level. If the employee is transferred to a new Division these evaluation forms shall also be transferred.

**35.1.91** Each Division Commander shall ensure quarterly evaluation forms are documented and maintained at the Division level.

**35.1.92** Annual evaluation forms shall be documented and forwarded to the Sheriff, via the chain of command.

**35.1.93** Copies of the Cumulative Rating Form shall be maintained in the employee's personnel file and originals maintained by County Personnel.

#### **SYSTEM AUDIT**

**35.1.94** The Office of the Chief Deputy's Human Resources Unit shall conduct an annual inspection of the performance evaluation system to determine how well the system functions and changes which might be required. The objectives of the inspection shall be:

- To identify instances of extreme ratings and the reasons for them;
- To identify the number of contested appraisals and the reasons for them.

#### **UNSATISFACTORY PERFORMANCE**

**35.1.95** One of the purposes for the quarterly evaluation is to provide non-probationary employees with written notification of unsatisfactory performance at least 90 days prior to the end of the annual evaluation period. The quarterly evaluation also provides an opportunity for employees and supervisors to take corrective action.

**35.1.96** Raters shall substantiate ratings at the unsatisfactory level in the comments section of the Cumulative Rating Form.

**35.1.97** The quarterly performance notice will provide written notice of unsatisfactory performance

#### **WRITTEN COMMENTS**

**35.1.98** Each employee shall be allowed to attach written comments to the review form.

**35.1.99** The employee wishing to attach comments shall note the intent on the evaluation form under his or her signature. The employee shall have ten days to submit an attachment to the completed performance evaluation form.

## EMPLOYEE'S COPY

**35.1.100** Employees shall be provided with a copy of each evaluation.

- **Quarterly Evaluations** - after the rater's supervisor has reviewed the quarterly evaluation, a copy shall be forwarded to the employee.
- **Annual Evaluations** - After a review by the designated Division Chief, a completed copy of the annual evaluation shall be provided to the employee.

## ATTACHMENTS

**ATTACHMENT A:** Performance Evaluation Form

**ATTACHMENT B:** Workplace Harassment and Discrimination Policy Review Form

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**Drafted by:** 6760

**Drafted on:** 08-29-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

# ***DISTRIBUTION***

## **CUMULATIVE RATING FORM**

*TO PERSONNEL SERVICES FOR INCLUSION IN OFFICIAL  
PERSONNEL FILE; MAKE COPY FOR EMPLOYEE AND DEPARTMENT/  
DIVISION PERSONNEL FILE*

**EMPLOYEE PERFORMANCE EVALUATION FORM  
TO EMPLOYEE**

**SUPERVISORY FORM  
TO EMPLOYEE**

COUNTY OF VOLUSIA  
EMPLOYEE PERFORMANCE EVALUATION

[illegible]

**PART A- INITIATIVE****1. Completes Tasks.**

OUTSTANDING	EXCEEDS STANDARDS	MEETS STANDARDS	NEEDS IMPROVEMENT	UNACCEPTABLE
Consistently offers creative suggestions for job improvement; acts as self-starter and takes initiative to carry out improvements with little or no supervision.	Often makes suggestions & improvements to problems. Usually takes initiative.	Completes normal assigned tasks independently with little supervision.	Needs direction to complete routine assigned tasks.	Does not complete most routine assigned tasks.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2. Makes Improvements.**

Actively seeks improvement opportunities & establishes strategies for achievement within immediate area of responsibility.	Often seeks improvement opportunities & implements them within immediate area of responsibility.	Reacts effectively to changing conditions & is able to carry out improvements.	Does not have own ideas for improvements. Needs considerable supervision to implement new procedures.	Does not adapt to change; resists attempts to implement changes.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. Adaptability.**

Consistently seeks or requests additional work when time/assignment permits.	Readily accepts new or additional assignments.	Assists in completing new or additional assignments when requested.	Resents additional assignments.	Declines accepting additional work assignment.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**4. Learns New Things.**

Actively seeks out new learning experience & challenging work situations; displays an exceptional level of initiative to acquire new knowledge &/or skills.	Readily participates in new learning experiences & challenging work situations; displays an above-average initiative to acquire new knowledge/skills.	Participates in new learning opportunities; average initiative to acquire new knowledge/skills.	Rarely participates in new learning experience; shows little interest in acquiring new knowledge/skills.	Does not participate in any new learning experiences; avoids gaining new knowledge/skills.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PART B- COOPERATIVENESS****1. Cooperates With Others.**

Always cooperates with supervisor & co-workers; available to help others complete assignments as a team without being asked.	Willingness to work & cooperate with supervisor & co-workers; assists others when needed.	Understands & effectively responds to the needs of supervisor & co-workers.	Cooperates with supervisor to complete tasks but seldom assists co-workers in completing tasks.	Does not assist or cooperate with supervisor or other employees.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2. Cooperates Outside Department.**

Seeks to represent department positively & goes the extra step in responding to & cooperating w/individuals outside department.	Willingly cooperates & communicates effectively w/individuals outside department.	Cooperates effectively w/individuals outside the department.	Rarely makes an effort to cooperate or communicate w/individuals outside the department.	Does not make an effort to cooperate or communicate w/individuals outside the department.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. Interpersonal Skills.**

Actively promotes good working relationship w/fellow employees demonstration tact & courtesy; displays an ability to prevent conflicts.	Works effectively w/others under difficult circumstances; successfully handles conflict.	Works effectively w/others in most situations.	Sometimes has difficulty getting along w/co-workers; does not always interact well w/fellow employees.	Creates conflict w/co-workers.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTSTANDING	EXCEEDS STANDARDS	MEETS STANDARDS	NEEDS IMPROVEMENT	UNACCEPTABLE
<b>4. Accepts Criticism.</b>				
Actively seeks constructive criticism & profits from it. <input type="checkbox"/>	Always accepts constructive criticism when offered & acts upon it. <input type="checkbox"/>	Generally accepts constructive criticism & acts upon it. <input type="checkbox"/>	Resents criticism; displays only temporary improvement. <input type="checkbox"/>	Does not accept criticism; makes excuses. <input type="checkbox"/>
<b>PART C- AMOUNT OF WORK</b>				
<b>1. Quantity.</b>				
Quantity of work consistently exceeds job requirements. <input type="checkbox"/>	Quantity of work often exceeds job requirements. <input type="checkbox"/>	Quantity of work meets essential job requirements. <input type="checkbox"/>	Quantity of work does not meet job requirements in some areas. <input type="checkbox"/>	Quantity of work fails to meet essential job requirements. <input type="checkbox"/>
<b>2. Productivity.</b>				
With experience in the position, productivity has improved to consistently exceed job requirements. <input type="checkbox"/>	With experience in the position, productivity has improved to exceed job requirements in some areas. <input type="checkbox"/>	With experience in the position, productivity has improved to meet job requirements. <input type="checkbox"/>	With experience in the position, productivity has remained the same. <input type="checkbox"/>	With experience in the position, productivity has decreased. <input type="checkbox"/>
<b>3. Accuracy.</b>				
Work consistently exceeds expectations for accuracy, completeness & neatness; does not require revisions. <input type="checkbox"/>	Work generally exceeds expectations for accuracy, completeness & neatness; does not require revisions. <input type="checkbox"/>	Work meets expectations for accuracy, completeness & neatness; does not require revisions. <input type="checkbox"/>	Work sometimes does not meet expectations for accuracy, completeness or neatness; requires revisions. <input type="checkbox"/>	Work does not meet expectations for accuracy, completeness & neatness; requires frequent revisions. <input type="checkbox"/>
<b>4. Meeting Deadlines.</b>				
Meets deadlines; frequently ahead of deadline. <input type="checkbox"/>	Meets deadlines; sometimes ahead of deadline. <input type="checkbox"/>	Meets deadlines. <input type="checkbox"/>	Has problems meeting deadlines. <input type="checkbox"/>	Does not meet deadlines. <input type="checkbox"/>
<b>5. Potential.</b>				
Consistently exceeds their potential. <input type="checkbox"/>	Generally exceeds their potential. <input type="checkbox"/>	Works up to their potential. <input type="checkbox"/>	Sometimes does not work up to their potential. <input type="checkbox"/>	Does not work up to their potential. <input type="checkbox"/>
<b>PART D - QUALITY/ACCURACY/ORGANIZATION</b>				
<b>1. Setting Priorities.</b>				
Consistently leads in setting, following & supporting priorities consistent with departmental goals. <input type="checkbox"/>	Generally leads in setting, following & supporting priorities consistent with departmental goals. <input type="checkbox"/>	Sets &/or follows priorities consistent with departmental goals. <input type="checkbox"/>	Sometimes sets &/or follows priorities consistent with departmental goals. <input type="checkbox"/>	Does not set &/or follow priorities consistent with departmental goals. <input type="checkbox"/>
<b>2. Errors.</b>				
Work is consistently without error. <input type="checkbox"/>	Generally does not make errors & takes steps to prevent errors from occurring. <input type="checkbox"/>	Corrects errors & takes steps to prevent errors from recurring. <input type="checkbox"/>	Sometimes does not correct errors or take steps to prevent errors from recurring. <input type="checkbox"/>	Does not correct errors or take steps to prevent errors from recurring. <input type="checkbox"/>
<b>3. Job Knowledge.</b>				
Has exceptional knowledge & understanding of all phases of the job. <input type="checkbox"/>	Is well informed on all phases of the job. <input type="checkbox"/>	Has the knowledge to perform the essential job requirements. <input type="checkbox"/>	Lacks knowledge of some important phases of the job. <input type="checkbox"/>	Exhibits insufficient knowledge to perform the essential job requirements. <input type="checkbox"/>

OUTSTANDING	EXCEEDS STANDARDS	MEETS STANDARDS	NEEDS IMPROVEMENT	UNACCEPTABLE
<b>4. Time Management.</b>				
Exceeds at time management, planning ahead & anticipating needs & problems. <input type="checkbox"/>	Effectively manages his/her time & generally plans ahead & anticipates needs & problems. <input type="checkbox"/>	Effectively manages his/her time. <input type="checkbox"/>	Needs help in managing his/her time. <input type="checkbox"/>	Does not effectively manage his/her time. <input type="checkbox"/>
<b>5. Performance Under Pressure.</b>				
Excels under pressure; gets the job done with improvements. <input type="checkbox"/>	Performs well under pressure; gets the job done. <input type="checkbox"/>	Is able to perform under pressure; gets the job done. <input type="checkbox"/>	Has difficulty performing under pressure; sometimes fails to get job done. <input type="checkbox"/>	Does not perform well under pressure; fails to get the job done. <input type="checkbox"/>
<b>PART E- DECISION MAKING</b>				
<b>1. Ability to Make Good Decisions.</b>				
Consistently demonstrates ability to solve problems & make difficult decisions. <input type="checkbox"/>	Demonstrates ability to make good decisions in daily matters & unexpected situations consistent with general policies & objectives. <input type="checkbox"/>	Makes good decisions in daily situations consistent with established rules & practices. <input type="checkbox"/>	Often has difficulty in making decisions in routine matters. <input type="checkbox"/>	Cannot be relied on to make sound decisions. <input type="checkbox"/>
<b>2. Ability to Make Timely Decisions.</b>				
Always makes timely decisions in difficult &/or stressful situations. <input type="checkbox"/>	Makes timely decisions often in difficult &/or stressful situations. <input type="checkbox"/>	Is able to make timely decisions. <input type="checkbox"/>	Sometimes has difficulty making decisions in a timely manner. <input type="checkbox"/>	Is unable to make decisions in a timely manner. <input type="checkbox"/>
<b>PART F - COMMUNICATION</b>				
<b>1. Information Dissemination.</b>				
Makes above average effort to pass information up, down & laterally through organization. <input type="checkbox"/>	Shares information & makes effort to communicate with coworkers. <input type="checkbox"/>	Shares information with others in the organization. <input type="checkbox"/>	Sometimes fails to share information with others in the organization. <input type="checkbox"/>	Fails to share information with others in the organization. <input type="checkbox"/>
<b>2. Written Communication Skills.</b>				
Demonstrates outstanding written communication skills. <input type="checkbox"/>	Demonstrates above-average written communications skills. <input type="checkbox"/>	Demonstrates effective written communication skills. <input type="checkbox"/>	Demonstrates below-average written communication skills. <input type="checkbox"/>	Lacks effective written communication skills. <input type="checkbox"/>
<b>3. Oral Communication Skills.</b>				
Demonstrates outstanding oral communication skills. <input type="checkbox"/>	Demonstrates above-average oral communications skills. <input type="checkbox"/>	Demonstrates effective oral communication skills. <input type="checkbox"/>	Demonstrates below-average oral communications skills. <input type="checkbox"/>	Lacks effective oral communication skills. <input type="checkbox"/>
<b>4. Chain of Command.</b>				
Observes proper chain of command in routine situations & is able to determine the proper chain of command in new or exceptional situations. <input type="checkbox"/>	Observes proper chain of command in routine & usually in exceptional situations. <input type="checkbox"/>	Observes proper chain of command in all routine situations & seeks direction/clarification in new or exceptional situations. <input type="checkbox"/>	Does not consistently observe chain of command in routine situations &/or does not seek direction/clarification in new or exceptional situations. <input type="checkbox"/>	Does not observe the chain of command & has not responded to direction or instruction. <input type="checkbox"/>
<b>5. Response to Suggestions.</b>				
Actively seeks ideas from customers & co-workers; provides feedback which encourages their participation in service improvement. <input type="checkbox"/>	Usually consults with co-workers to resolve problems & to pursue efforts for service improvement. <input type="checkbox"/>	Listens to ideas from co-workers & responds positively to new ideas. <input type="checkbox"/>	Seldom seeks input from others regarding existing practices or proposals for change. <input type="checkbox"/>	Often rejects input from others or avoids responding to comments/recommendations. <input type="checkbox"/>

OUTSTANDING	EXCEEDS STANDARDS	MEETS STANDARDS	NEEDS IMPROVEMENT	UNACCEPTABLE
<b>PART G - CUSTOMER SERVICE/PUBLIC RELATIONS</b>				
<b>1. Attitude Toward Customers.</b>				
Consistently projects a friendly attitude; goes out of way to help customers & is able to diffuse the most difficult situations.	Is friendly in dealing with customers; maintains tact & courtesy in more difficult &/or stressful circumstances.	Demonstrates tact & courtesy in dealing with customers.	Often appears disinterested &/or does not remain tactful & courteous under stressful conditions.	May be rude to customers & often causes or escalates negative situations.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Ability To Assist Customers.</b>				
Effectively answers wide-range of non-routine &/or difficult inquiries; consistently follows through to resolutions.	Answers questions beyond routine; assists customer in obtaining appropriate outside assistance.	Effectively answers routine questions & resolves problems.	Provides minimal assistance to customer requests & does not offer assistance.	Often provides misinformation & avoids assistance.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Attitude Toward Employer.</b>				
Is an active supporter of his/her department & County government; influences others to a more positive viewpoint.	Always presents a positive attitude about his/her department & County government.	Usually presents a positive attitude about his/her department & County government.	Is often negative about his/her department &/or County government.	Often makes critical or negative comments about his/her department &/or County government.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PART H - DEPENDABILITY</b>				
<b>1. Attendance.</b>				
Always on time; rarely absent.	Always on time; few absences.	Good observance of working hours. Only routine absence from work.	High rate of lateness &/or absence from work.	Excessive & persistent pattern of lateness &/or absence from work.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Absences.</b>				
Always notifies others of whereabouts during workday; leaves clear information on whereabouts & how they can be reached.	Notifies others of whereabouts during day.	Generally notifies whereabouts during day.	Often leaves work area without notifying others; extended breaks/lunches without explanation.	Consistently leaves work area without explanation; takes inappropriate or unexplained extended lunches/breaks.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Instructions.</b>				
Always follows instructions; clarifies job requirements before beginning task.	Follows instructions; routinely asks questions for clarification.	Follows instructions.	Sometimes follows instructions; often fails to seek additional information when needed.	Routinely fails to follow instructions or seek additional information when needed.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PART I - RESOURCE MANAGEMENT</b>				
<b>1. Materials.</b>				
Consistently demonstrates creativity in solving problems related to materials (office supplies, equipment) allocation; - ensures availability of materials to complete work.	Anticipates & plans ahead for materials needed to perform job; looks for alternative materials as required.	Effectively performs duties using available resources; minimal waste or misuse of materials.	Often fails to plan ahead or use resources effectively.	Routinely performs unacceptable work due to waste or inadequate use of resources.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Changes.</b>				
Easily adjusts to sudden changes in the work environment; effectively handles crisis situations.	Adjusts to changes in work environment; performs well under pressure.	Copes effectively with unexpected situations & changes in work environment.	Performance consistently declines in other than routine situations.	Resists changes in the work environment.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## SUPERVISORY ABILITY

OUTSTANDING	EXCEEDS STANDARDS	MEETS STANDARDS	NEEDS IMPROVEMENT	UNACCEPTABLE
<b>PART A: TRAINING</b>				
<b>1. Provides Training.</b>				
Actively provides employees training & career development. <input type="checkbox"/>	Encourages employees & identifies staff training. <input type="checkbox"/>	Makes provisions for employees to acquire the necessary on-the-job, training. <input type="checkbox"/>	Minimally supports & often does not identify staff training needs. <input type="checkbox"/>	Pays little attention to employee training needs. <input type="checkbox"/>
<b>2. Measures Training.</b>				
Consistently evaluates training; actively coaches & provides constructive feedback. <input type="checkbox"/>	Actively Measures performance after training & provides feedback. <input type="checkbox"/>	Assists employees in measuring progress after training. <input type="checkbox"/>	Sometimes fails to provide needed training or feedback. <input type="checkbox"/>	Shows little interest & does not evaluate employees after training sessions. <input type="checkbox"/>
<b>3. Prepares Evaluations.</b>				
Always evaluates objectively & fairly, discusses ways to reach development goals; consistently checks for development progress. <input type="checkbox"/>	Evaluates fairly & objectively with frequent communication with employees on development opportunities. <input type="checkbox"/>	Prepares evaluations objectively & uses them to constructively develop staff. <input type="checkbox"/>	Does not always prepare evaluations in an objective manner; does not use the evaluation to develop staff. <input type="checkbox"/>	Shows little interest in using the performance evaluation as an information or development tool for employees. <input type="checkbox"/>
<b>PART B: PLANNING AND ASSIGNING</b>				
<b>1. Plans Assignments.</b>				
Plans assignments creatively taking all organizational factors into account & ensures instructions are clear & understandable; evaluates results. <input type="checkbox"/>	Plans assignment; taking individual abilities into account & ensures instructions are clear & understandable. <input type="checkbox"/>	Makes necessary planning arrangements & provides instructions to employees for follow through. <input type="checkbox"/>	Shows poor planning in work assignments & often does not give adequate instructions. <input type="checkbox"/>	Serious inattention to planning assignments & providing employees with adequate, instructions. <input type="checkbox"/>
<b>2. Sets Performance Standards.</b>				
Identifies employee potential; sets high performance, standards & provides opportunities for optimal performance. <input type="checkbox"/>	Sets high performance standards & motivates employees to achieve. <input type="checkbox"/>	Sets high performance standards & holds staff accountable. <input type="checkbox"/>	May set performance standards; does not hold staff accountable. <input type="checkbox"/>	Does not set performance standards for staff. <input type="checkbox"/>
<b>3. Sets Goals.</b>				
With employees, sets realistic goals & develops methods for attaining them. <input type="checkbox"/>	With employees, sets realistic goals for development. <input type="checkbox"/>	Sets realistic goals for the development of each staff member. <input type="checkbox"/>	Sets goals that may not be consistent with employee potential. <input type="checkbox"/>	Does not set goals for the development of staff members. <input type="checkbox"/>
<b>PART C: DIRECTION AND LEADERSHIP</b>				
<b>1. Delegation.</b>				
Always reinforces the policy of giving employees the authority/backing & responsibility for the outcome <input type="checkbox"/>	Consistently gives employees the authority/backing needed to carry out responsibilities. <input type="checkbox"/>	Gives employees; the authority/backing needed to effectively carry out responsibilities. <input type="checkbox"/>	Seldom gives subordinates the authority/backing needed to effectively carry out responsibilities. <input type="checkbox"/>	Does not give subordinates the authority/backing to effectively carry out responsibilities. <input type="checkbox"/>
<b>2. Respect</b>				
Always commands respect, confidence & is able to motivate all groups. <input type="checkbox"/>	Commands respect, confidence & is able to motivate subordinates & peers. <input type="checkbox"/>	Commands respect, confidence & is able to motivate subordinates. <input type="checkbox"/>	Has difficulty commanding respect & confidence, & motivating others. <input type="checkbox"/>	Does not command respect & confidence, & has difficulty motivating others. <input type="checkbox"/>
<b>3. Communication.</b>				
Communicates promptly & uses a wide variety of communication methods. <input type="checkbox"/>	Encourages open lines of communication; always keeps information flowing. <input type="checkbox"/>	Usually keeps staff informed on a regular basis. <input type="checkbox"/>	Seldom passes necessary information to staff. <input type="checkbox"/>	Does not communicate with staff; does not keep staff informed.. <input type="checkbox"/>
<b>4. Leadership.</b>				
Acts as a role model for subordinates by exhibiting exemplary behavior. <input type="checkbox"/>	Acts as a role model by setting, following & supporting established rules. <input type="checkbox"/>	Acts as a model to subordinates; abides by same rules as subordinates. <input type="checkbox"/>	Does not follow the same set of rules as subordinates. <input type="checkbox"/>	Is not an appropriate role model; does not follow established rules. <input type="checkbox"/>

OUTSTANDING	EXCEEDS STANDARDS	MEETS STANDARDS	NEEDS IMPROVEMENT	UNACCEPTABLE
<b>5. Team Building.</b>				
Participates & actively promotes team work & pride. <input type="checkbox"/>	Actively encourages & promotes team work & pride. <input type="checkbox"/>	Promotes team work & pride. <input type="checkbox"/>	Has difficulty promoting team work & pride among subordinates. <input type="checkbox"/>	Shows no interest in promoting team work & pride among employees. <input type="checkbox"/>
<b>6. Shares Goals.</b>				
Visualizes & defines goals & objectives; successfully leads staff to accomplish them. <input type="checkbox"/>	Visualizes goals & objectives; wins staff support to achieve them. <input type="checkbox"/>	Visualizes & defines goals & objectives. <input type="checkbox"/>	Has difficulty visualizing & defining goals & objectives. <input type="checkbox"/>	Does not define goals & objectives. <input type="checkbox"/>
<b>PART D: FAIRNESS AND APPROACHABILITY</b>				
<b>1. Favoritism.</b>				
Always treats employees fairly, does not show favoritism. <input type="checkbox"/>	Treats all employees fairly; does not favor one employee over another. <input type="checkbox"/>	Consistently treats employees fairly. <input type="checkbox"/>	Occasionally treats employees fairly; favoritism is not blatant. <input type="checkbox"/>	Does not treat employees equally; Shows favoritism. <input type="checkbox"/>
<b>2. Staff Communication.</b>				
Always encourages staff to communicate ideas; is willing to try ideas in the workplace. <input type="checkbox"/>	Encourages & solicits staff to communicate ideas. <input type="checkbox"/>	Is receptive & responsive to communication from staff. <input type="checkbox"/>	Responds coolly or defensively to communication from staff. <input type="checkbox"/>	Does not encourage communication with employees; may lose temper if approached. <input type="checkbox"/>
<b>3. Objectivity.</b>				
Always takes an objective view of individual performance by weighing all factors before making a judgment. Gives employee benefit of the doubt. <input type="checkbox"/>	Takes an objective view of individual performance by weighing all factors before making a judgment. <input type="checkbox"/>	Takes an objective view of an individual's performance. <input type="checkbox"/>	Frequently forms early opinions about an employee which clouds the supervisor's judgment. <input type="checkbox"/>	Forms judgments based on one bad experience or from rumors about an employees performance. <input type="checkbox"/>
<b>PART E: DECISION MAKING</b>				
<b>1. Rationale.</b>				
Develops creative alternatives & effectively communicates rationale behind decisions. <input type="checkbox"/>	Weighs & develops alternatives to make sound decisions. <input type="checkbox"/>	Weighs alternatives to make sound decisions. <input type="checkbox"/>	Makes quick decisions without much thought. <input type="checkbox"/>	Cannot make decisions. <input type="checkbox"/>
<b>2. Difficult and Unpopular Decisions.</b>				
Can effectively sell an unpopular decision to employees. <input type="checkbox"/>	Will make unpopular & difficult decisions & attempts to explain the decisions. <input type="checkbox"/>	Will make unpopular & difficult decisions. <input type="checkbox"/>	Has difficulty making unpopular & difficult decisions. <input type="checkbox"/>	Does not make unpopular and difficult decisions <input type="checkbox"/>
<b>PART F: RESOURCE MANAGEMENT</b>				
<b>1. Personnel Resources.</b>				
Does outstanding job managing personnel resources; uses creative alternatives. <input type="checkbox"/>	Manages personnel resources in an effective & efficient manner. <input type="checkbox"/>	Uses personnel resources in an efficient manner. <input type="checkbox"/>	Needs improvement in using personnel resources. <input type="checkbox"/>	Is not effective in using personnel resources. <input type="checkbox"/>
<b>2. Scheduling (Own and Others).</b>				
Is innovative in adjusting schedules & anticipating changes & needs. <input type="checkbox"/>	Always adjusts schedules & anticipates changes. <input type="checkbox"/>	Consistently adjusts schedules as needed. <input type="checkbox"/>	Needs improvement in adjusting schedules. <input type="checkbox"/>	Does not adjust schedules to meet deadlines. <input type="checkbox"/>
<b>3. Productivity.</b>				
Has outstanding & innovative ideas for improving productivity; can implement methods with everyone supporting the effort. <input type="checkbox"/>	Continuously looks for improvements & implements methods to improve product & efficiency. <input type="checkbox"/>	Looks for & implements methods to improve productivity & efficiency. <input type="checkbox"/>	Seldom looks for methods to improve productivity & efficiency. <input type="checkbox"/>	Shows no interest in improving productivity & efficiency. <input type="checkbox"/>

**OVERALL EVALUATION**

OUTSTANDING

EXCEEDS STANDARDS

MEETS STANDARDS

NEEDS IMPROVEMENT

UNACCEPTABLE

☐
☐
☐
☐
☐

**VOLUSIA COUNTY  
EMPLOYEE PERFORMANCE EVALUATION  
CUMULATIVE RATING FORM**

EMPLOYEE NAME: \_\_\_\_\_ JOB TITLE: \_\_\_\_\_ TYPE OF EVALUATION:  
☐ END OF PROBATION  
 DEPARTMENT \_\_\_\_\_ DIVISION: \_\_\_\_\_ ☐ ANNUAL ☐ SPECIAL  
☐ OTHER

JOB CATEGORY RATINGS	OUTSTANDING	EXCEEDS STANDARDS	MEETS STANDARDS	NEEDS IMPROVEMENT	UNACCEPTABLE
A- INITIATIVE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. COOPERATIVENESS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. AMOUNT OF WORK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. QUALITY/ ACCURACY/ ORGANIZATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. DECISION MAKING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. COMMUNICATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. CUSTOMER SERVICE / PUBLIC RELATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. DEPENDABILITY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. RESOURCE MANAGEMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUPERVISORY ABILITY**

A- TRAINING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. PLANNING AND ASSIGNING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. DIRECTION AND LEADERSHIP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. FAIRNESS AND APPROACHABILITY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. DECISION MAKING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. RESOURCE MANAGEMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**OVERALL EVALUATION** (Please Check One)

**OUTSTANDING**

☐

**EXCEEDS  
STANDARDS**

☐

**MEETS  
STANDARDS**

☐

**NEEDS  
IMPROVEMENT**

☐

**UNACCEPTABLE**

☐

Comments and Goals: (Evaluator)

A. Comments on employee's performance, i.e. employee's strengths and areas for improvement:  
(attach additional pages as necessary)

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B. Goals and recommendations:

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C. Comments: (Endorser) (if applicable)

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Evaluator Name (please print)

Title

Signature

Date

Endorser Name (if applicable) (please print)

Title

Signature

Date

**EMPLOYEE CERTIFICATION:** This Evaluation has been explained. My signature does not mean I agree with this rating.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

Department/Division Head Name (please print)

Signature

Date

# IF YOU DISAGREE WITH YOUR EMPLOYEE PERFORMANCE EVALUATION

## **COVERAGE:**

These procedures are to be followed if you disagree with your Employee Performance Evaluation.

*These procedures do not apply to any disagreement you may have with the amount of merit pay increase you receive. Your service group director's decision on this is final.*

## **PROCEDURES TO FOLLOW IF YOU DISAGREE:**

Within three (3) working days after receiving a copy of your evaluation form, you may submit a written request to your activity director requesting that he/she review the evaluation and discuss it with you.

Within five (5) working days of receiving your request, your activity director will review your evaluation and discuss it with you. He/she will either sustain or amend the evaluation. This decision will be furnished to you in writing. If your evaluation is amended in any way, you will be asked to sign your name to the form to acknowledge receiving a copy.

The activity director will forward his/her written decision, the amended evaluation (if applicable) and the initial evaluation to the division director with copies of appropriate materials to the evaluator.

## **IF YOU STILL DISAGREE...**

Within three (3) working days after receiving the written response from your activity director, you may submit a written request to your division director requesting that he/she review the evaluation and discuss it with you.

Within five (5) working days of receiving your request, your division will review your evaluation and discuss it with you. He/she will either sustain or amend the evaluation. This decision will be furnished to you in writing. If your evaluation is amended in anyway, you will be asked to sign your name to the form to acknowledge receiving a copy.

The division director will forward his written decision and all back-up evaluations and previous written decisions to the Personnel Services Director, with copies of appropriate materials to the activity director and original evaluator.

## **ROLE OF THE PERSONNEL DIRECTOR:**

If you disagree with the determination of your service group director you may, within three (3) working days, request the Personnel Services Director to review your situation and to counsel you. Please note that the Personnel Services Director may only act in an advisory capacity. He may make recommendations to your division director. However, your division director has final authority.

**VOLUSIA COUNTY SHERIFF'S OFFICE**

**Michael J. Chitwood, Sheriff**



**WORKPLACE HARASSMENT AND DISCRIMINATION  
POLICY REVIEW**

After reviewing Directive 22.10 with you, I am required to ask you the following questions:

1. Do you understand this policy?  
Yes No \_\_\_\_\_  
Initial
2. Do you have any questions about this policy?  
Yes No \_\_\_\_\_  
Initial
3. Do you know how to file a complaint should you ever have a problem with harassment, or if you see inappropriate behaviors at work?  
Yes No \_\_\_\_\_  
Initial
4. Are you aware of any behaviors going on either in our workplace or outside the workplace that may impact the workplace that are inconsistent with this policy?  
Yes No \_\_\_\_\_  
Initial

**Reporting this type of conduct can be done to any one of the following:**

- \* Anyone in your Chain of Command \*
- \* Internal Affairs \*
- \* Volusia County Personnel Office \*
- \* Florida Commission on Human Rights \*
- \* Equal Employment Opportunity Commission \*

\_\_\_\_\_  
(PRINT) EMPLOYEE'S NAME D.I.D.

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(PRINT) SUPERVISOR'S NAME D.I.D.

\_\_\_\_\_  
SUPERVISOR'S SIGNATURE

\_\_\_\_\_  
DATE



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**TITLE: PERSONNEL EARLY WARNING SYSTEM**

**CODIFIED: 35.2**

**EFFECTIVE: 06-2018**

**RESCINDS/AMENDS: 35.2/07-2014**

**ATTACHMENTS: 0**

#### PURPOSE

The purpose of this Directive is to establish a personnel early warning system (P.E.W.S.) that will identify employees who may require agency intervention and offer those employees the opportunity to receive assistance.

#### DISCUSSION

A comprehensive personnel early warning system (P.E.W.S.) offers the agency a way to analyze information from various sources that will identify employees with a history of behavioral or conduct problems. With this information, the agency will be in a position to offer remedial options or assistance before that behavior escalates to the point of becoming a liability to the agency or detrimental to the safety of the public and agency employees. Such assistance may include, but is not limited to, counseling, referral to the Employee Assistance Program (E.A.P.), training or retraining.

#### POLICY

It shall be the policy of the Volusia County Sheriff's Office to review and evaluate all reports of misconduct by agency personnel and, in accordance with Florida State Statutes, the Volusia County Merit System, and the collective bargaining agreement, offer said personnel remedial action or assistance which will help them meet the agency's values and mission statement.

#### PROCEDURE

**35.2.1** In addition to and in conjunction with the procedures, rules and regulations defined in Directives *1.1 Use of Force Guidelines*, *1.3 Use of Less-Lethal Weapons and Devices*, *26.1 Disciplinary Procedures*, *26.2 Standards of Conduct*, *52.1 Complaint Procedures*, *35.1 Performance Evaluation-Bargaining Unit*, *35.3 Performance Evaluation-Non Bargaining*, *22.1 Compensation* and *22.12 Drug Free Workplace*, the VCSO personnel early warning system shall include:

- A. Provisions to initiate review based on current patterns of collected material
- B. Reporting requirements of conduct and behavior
- C. Documented Annual evaluation
- D. Role of first and second level supervision
- E. Remedial action
- F. Employee assistance

#### RESPONSIBILITY

**35.2.2** First line supervisors have the inherent responsibility and opportunity to observe on a regular basis any behavioral patterns that indicate that an employee may need remedial training, discipline, or assistance to avoid the occurrence of more serious violations. First line supervisors shall be guided by policies as established in the VCSO Directives outlined above when addressing evaluations, reports of misconduct, and discipline and/or remedial action.

**35.2.3** If counseling, training, or other intervention does not effectively rectify a recognized problem, the first line supervisor shall advise the next level of supervision of the situation, who, in turn, shall review all action up to that point.

#### RECORDS

**35.2.4** Internal Affairs is the Sheriff's Office repository for all personnel documents that deal with supervisory discipline, citizen complaints, accident reports, and internal investigations. Directive 52.1 sets forth the

circumstances under which these documents are available to supervisors. These records are a significant tool when evaluating an employee's behavior patterns. When considering disciplinary action, supervisors shall contact the Internal Affairs supervisor to determine if an employee has been the subject of an investigation or has a history of reprimands and/or disciplinary actions on file.

**35.2.5** Supervisors shall maintain field files, which shall include, but not be limited to, copies of monthly, quarterly and annual evaluations, performance notices, and documentation of remedial training or counseling. These files shall be forwarded to subsequent supervisors at time of transfer or reassignment of personnel.

#### **EVALUATIONS**

**35.2.6** Monthly inspections, quarterly, and annual evaluations are an integral part of first line supervisor's duties and responsibilities. Each evaluation presents the supervisor with the opportunity to review observations made during the rating period, discuss concerns with employees, and suggest remedial actions. When preparing evaluations, supervisors shall review the field files.

**35.2.7** Annual evaluations are reviewed by the first line supervisor's commander, thereby presenting an overview of any concerns to the next level of supervision for their respective consideration and action.

**35.2.8** Professional Standards in conjunction with Internal Affairs shall conduct an annual evaluation of the Personnel Early Warning System.

#### **REMEDIAL ACTION**

**35.2.9** When a supervisor detects a pattern of behavioral problems, remedial action shall be considered. Forms of remedial action, include but are not limited to:

- A. Counseling by first and/or second level supervisors
- B. Voluntary or mandatory referral to the county's Employee Assistance Program
- C. In-house training or retraining
- D. Training with an outside source
- E. Disciplinary action
- F. Critical stress debriefing

**35.2.10** County Risk Management provides a link to EAP's *Manager Services* via the Employee News Network under Personnel Services.

#### **INITIATING A P.E.W.S. REVIEW**

**35.2.11** The Internal Affairs Unit shall maintain a computerized administrative management system consisting of IAPro and Blue Team, to monitor the personnel early warning intervention system regarding citizen complaints, internal complaints, supervisor discipline, and response-to-resistance incidents.

**35.2.12** The Internal Affairs Unit supervisor will review all PEWS intervention system alerts and determine if further action should be taken. The basis for these alerts is a threshold-frequency range for each criterion. Six (6) of any combination of the following incidents will initiate an alert:

<b>INCIDENT TYPE</b>	<b>FREQUENCY</b>
CITIZEN COMPLAINTS	3 within 1- month period
SUPERVISORY DISCIPLINE	2 within 12-month period
INTERNAL COMPLAINTS	2 within 12-month period
RESPONSE TO RESISTANCE	3 within 12-month period
<b>OVERALL INCIDENT THRESHOLD: 6</b> TOTAL OF 6 INCIDENTS IN ANY COMBINATION	

#### **REPORTS**

**35.2.13** The Internal Affairs Unit supervisor will submit a PEWS intervention Report outlining incidents requiring additional supervisory review to the Chief Deputy for review and assignment for follow-up and/or corrective action. Once assigned, the involved personnel's supervisor will review and complete the Intervention Report and notate how the matter was resolved. The completed Intervention Report will be returned through the chain of command to the Internal Affairs Unit for filing and recording purposes.



## REVIEW

**35.2.14** The District Commander/ Section Commander and descending chain of command shall discuss the Intervention Report with the involved personnel and review available intervention options. Options include, but are not limited to:

- A. No further action required
- B. Policy and procedure review
- C. Remedial training
- D. Discipline
- E. Referral to the Employee Assistance Program (EAP)
- F. Any combination of above as determined in the review

**35.2.15** Referrals to the EAP shall be coordinated through the VCSO HR Director and County Personnel.

**35.2.16** The District Commander/Section Commander shall notify the involved personnel's chain of command, making them aware of the PEWS Intervention Report and the intervention option utilized. It shall be the responsibility of the chain of command to report misconduct on members under their command in accordance with established procedures provided in agency directives noted in 35.2.1. The use of the Intervention Report shall not preclude a supervisor from initiating necessary corrective action.

**35.2.17** Upon supervisory review and approval, the District Commander/ Section Commander shall submit the completed PEW Intervention Report to their Division Chief within five (5) working days of receipt, documenting a summary of the review results and/or any intervention that may be initiated and completed.

**35.2.18** The Division Chief shall ensure that all approved findings and/or interventions are entered into the involved personnel's annual performance evaluation.

**35.2.19** Upon approval, the Chief Deputy shall forward the original completed Personnel Early Warning Intervention Report and related documentation to the Internal Affairs Unit for entry into the IAPro's Personnel Early Warning Intervention reporting/alert system.

**35.2.20** The Internal Affairs Unit shall maintain a Personnel Early Warning Intervention master index and files for all completed Intervention Reports initiated.

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**Revised by:** 1574

**Revised on:** 06-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**PERFORMANCE EVALUATIONS:  
TITLE: CIVILIAN/ NON-BARGAINING UNIT  
MEMBERS**

**CODIFIED:** 35.3  
**EFFECTIVE:** 08-2019  
**RESCINDS/AMENDS:** 35.1/08-2018  
**ATTACHMENTS:** 1

**PURPOSE**

The purpose of this Directive is to establish uniform guidelines for performance evaluations for all civilian and non-bargaining unit members of the Volusia Sheriff's Office.

**DISCUSSION**

A performance evaluation is the measurement of the employee's on-the-job performance of assigned duties by the employee's supervisor. Inspections are separate and are covered in Directive 53.1.

Employee performance evaluations are an integral element of Volusia County Government's employee training and development programs. As a training tool, performance evaluations should provide the employee a clear understanding of what skills and abilities they must master to effectively perform their duties, as well as, identify areas of excellence and/or areas for improvement. The performance evaluation process is more than just the formal, annual conference. Instead it should be a continuous, on-going process of communication, consulting and feedback between supervisor and employee.

This directive deals with the principles of performance evaluations and the manner in which they should be carried out.

**POLICY**

It shall be the policy of the Volusia Sheriff's Office to maintain and administer a fair and equitable performance evaluation program for all employees, including Reserves. These guidelines will apply to all Reserves and employees of the Volusia Sheriff's Office with the exception of those employees covered under the bargaining unit; bargaining unit employees shall be evaluated as per Directive 35.1.

In accordance with County Merit Rules, Sec. 86-332, Duration, the probationary period for original entrance appointments and promotional appointments made on or after December 15, 2016, shall be 12 months in duration. If a position requires completion of a certification or training program in order to hold the position, the probationary period shall be extended for as long as the certification or training program runs and thereafter for an additional six months after receipt of the certification or completion of the training program.

**PROCEDURE**

**35.3.1** The County Merit System utilizes an annual evaluation system. This system is mandated for use by all county employees.

**35.3.2** The Volusia Sheriff's Office evaluation form shall be utilized in achieving the annual performance evaluation for all civilian and non-bargaining unit members.

**GOALS OF PROGRAM**

**35.3.3** The goals of the program are to provide, at a minimum, the following:

- Fair and impartial personnel decisions;
- Means for measuring and improving employee performance;
- Medium for personnel consulting and feedback;

- To facilitate proper decisions regarding probationary employees;
- Objective and fair means for measurement and recognition of individual performance in accordance with prescribed guidelines;
- Means for identifying training needs for individual employees.

**35.3.4** The performance evaluation system is designed to add uniformity and objectivity to the review process and assist in the development and motivation of its members.

## THE EVALUATION PROCESS

**35.3.5** Training and evaluating employees are significant functions of all supervisory positions. To be effective, the supervisor/evaluator must be perceived by employees as fair, reasonable, and unbiased. In turn, the performance evaluation system must be trusted and viewed as equitable, job-related, and useful.

**35.3.6** A supervisor's job is to provide feedback or coaching to the employee that focuses on specifics designed to improve performance. Evaluations should be developed through observations of behavior rather than opinions about the person. The Employee Performance Evaluation Guidelines is used as a guide to help determine the appropriate rating for each category on the employee evaluation.

**35.3.7** The initial probationary period is an extension of the hiring process. Evaluators should look for trends in behavior that may be indicators of future problems.

**35.3.8** Evaluations should reflect an employee's *overall* work performance during an evaluation period, not just the most recent or the most significant events. To simplify the evaluation process, supervisors are urged to perform regular progress reviews throughout the evaluation year. The interim progress reviews maintain the lines of communication between supervisor and employee and provide an opportunity to discuss developing and current performance skills, job duties, clarify goals and expectations, and provide documentation for use on the annual evaluation. The Employee Performance Tracking Chart (VCSO Form# 081417.004) shall be utilized to document progress reviews and is available on Agency Forms under Performance Evaluations - Non-Bargaining.

### EMPLOYEE UNDERSTANDING - NEW EMPLOYEES

**35.3.9** The performance evaluation process shall be reviewed and discussed with new employees during their first week of service in a Performance Planning meeting with their respective supervisor (Rater/Evaluator). At that time, the supervisor shall review the job specifications, identify the skills and abilities the employee is expected to accomplish during the probationary period, explain the rating categories, and develop goals and objectives and an action plan to achieve anticipated rating and goals.

**35.3.10** Supervisors are encouraged to schedule regular informal meetings with the employee throughout the probationary period to discuss their progress, strengths, weaknesses, etc. Notes taken during these meetings will be helpful when the time arrives to complete the performance evaluation form.

**35.3.11** Supervisors (raters/evaluators) shall keep management informed on a new employee's progress. The Division Chief shall be notified if serious patterns emerge involving behavior, aptitude, or competence.

### EMPLOYEE UNDERSTANDING - REGULAR EMPLOYEES

**35.3.12 PERFORMANCE EXPECTATIONS** – At the beginning of each new rating period, each employee shall be consulted concerning the specific duties and tasks of the position occupied.

**35.3.13** Prior to the onset of the evaluation process, the supervisor and employee should agree on what evaluation criteria will be used to reach an overall performance rating. This criterion shall be based upon the employee's written job description.

### STEPS IN THE EVALUATION PROCESS

**35.3.14** The process is separated into three well-defined steps:

- A. COMPLETION OF THE PERFORMANCE EVALUATION FORM** - Supervisors are encouraged to keep records of the employee's significant incidences on the job as they relate to various performance requirements (specific observations and dates of behavior). Documenting such incidents will enable the supervisor to provide specific examples of unsatisfactory or outstanding performance and will assist in providing an accurate rating for the overall evaluation period.
- B. REVIEW** - The Endorser (Rater's Supervisor) may make appropriate comments relative to the performance evaluation, and the overall performance rating. The Chief Deputy, or designated Division Chief, shall also review and sign each evaluation.

**C. SUPERVISOR-EMPLOYEE CONFERENCE** - At the conclusion of the rating period, each employee shall be consulted by their Supervisor (Rater) in the following areas:

- Results of the performance evaluation just completed;
- Level of performance which will be expected of the employee for the new reporting period;
- Specific rating criteria that will be used to evaluate the employee for the new reporting period;
- Identify goals and objectives for the next evaluation period;
- Review of Directive 22.10, Workplace Harassment and Discrimination; completion of Workplace Harassment and Discrimination Policy Review Form to be signed/dated by both employee and supervisor (Attachment B);
- Career consulting relative to such topics as advancement, specialization, or training appropriate for the employee's position. The Career Consulting Checklist (VCISO Forms # 082897.001) shall be utilized to document the consulting and is available on Agency Forms under Administrative Forms and Performance Evaluation - Non-Bargaining.

**35.3.15** During the supervisor-employee conference, the supervisor must be prepared to:

- Clearly explain the criteria and job factors on which the evaluation was made
- Discuss and explain the ratings selected on the performance evaluation form;
- Discuss and address any questions concerning workplace harassment and discrimination.

**35.3.16** The supervisor shall conduct the interview in a constructive manner and utilize the interview as a training device.

**35.3.17** At the end of the interview, an employee requiring performance improvement shall be asked to recap his/her understanding of what was agreed upon and what is expected of him/her in the future.

**35.3.18** After discussing the performance evaluation, the employee shall sign the evaluation form confirming that it was explained to them and they received a copy. Signing the form does not indicate that the employee agrees or accepts the rating assigned by the supervisor. In the event an employee does not agree with the rating, the employee may contest the rating through the proper chain of command, in accordance with procedures herein (refer to p.7, **CONTESTED EVALUATION REVIEW**).

## MEASUREMENT DEFINITIONS

**35.3.19** There are two (2) ratings within the performance evaluation system, unsatisfactory and satisfactory. After each category has been rated a total rating shall be determined by the "majority" of ratings received as satisfactory or unsatisfactory. This overall rating shall be entered at the top of the performance evaluation.

Satisfactory - Performs assigned duties in a professional and acceptable manner as demonstrated in the application of knowledge, skills and abilities (KSA's) noted in the position's job description. "Outstanding" work is achieved when the employee performs at a level that demonstrates exceptional understanding, or mastery of the performance category throughout the entire rating period. Recognition for outstanding performance requires a written explanation.

Unsatisfactory – Performs assigned duties in a substandard manner as demonstrated in the application of KSA's noted in the position's job description. Performance at this level requires improvement if acceptable results are to be achieved. Unsatisfactory ratings require a written explanation.

**35.3.20** The supervisor shall select the rating which best describes the employee's on-going performance relative to each performance characteristic throughout the rating period.

## SUPERVISOR/RATER RESPONSIBILITIES

**35.3.21** The Supervisor/Rater's responsibilities are complex and require training utilizing the VCISO Employee Annual Performance Evaluation Guidelines prior to evaluating employees. However, the basic responsibilities of the rater include, but are not limited to:

- Being systematic and thorough in recording accurate data relating to their observations of employees throughout the rating period;
- Preparing the evaluation forms;
- Conducting a supervisor-employee conference;
- Distinguishing facts from feelings;
- Weighing the performance of their subordinates against a consistent standard;
- Basing their ratings on objective data, without allowing subjective emotions, individual likes or dislikes, or biases to influence them;
- Taking care to avoid committing the error of rating on the basis of vague, general impressions;

- Avoiding the error of leniency, or overrating. The effects force ratings so drastically high that they become useless as a management tool.
- Avoiding the error of recency in which the evaluation is based upon the employee's most recent significant action rather than on performance throughout the entire rating period;
- Being cautious to rate each category independently of the others. Raters must not allow an employee's good or bad performance in one category influence a separate category.

## **TRAINING**

**35.3.22** Training of the rater is the most important requisite in the administration of the VSO's Employee Performance Evaluation system. All supervisors responsible for rating subordinates shall receive documented training in proper evaluation techniques and the use of the forms to include, at a minimum:

- Common rating errors
- How to proceed with the actual rating
- The evaluation interview
- Review of the forms
- Establishing accurate expectations for the following evaluation period

## **FREQUENCY OF PERFORMANCE EVALUATIONS**

**35.3.23** Probationary employees and Reserves shall receive documented performance evaluations at least quarterly for the duration of their probation. All full time non-probationary employees and Reserves shall receive documented performance evaluations annually.

**35.3.24** The annual performance evaluation is a summary of the employee's work over the previous 12 months; supervisors are encouraged to utilize the Employee Performance Tracking Chart (VCSO Form # 081417.004) as needed throughout the evaluation year to assist in conducting a comprehensive and accurate annual evaluation.

**35.3.25** The purposes of the evaluations are to:

- Standardize the nature of the personnel decision-making process;
- Assure the public that the VSO personnel are qualified to carry out their assigned duties;
- Provide personnel with necessary behavior modification information to ensure: 1) that the VSO's established standards of conduct, ethics, and vision are being met, and 2) provide individual employees with the tools, training, motivation and job experience required for a rewarding career.

## **ANNUAL**

**35.3.26** Annual performance evaluations are scheduled based on the employee's anniversary date (initial hire date or date of the last promotion).

**35.3.27** Annual performance evaluations must be completed and returned to the Human Resources Section no later than 35 days preceding the employee's anniversary date.

## **END OF PROBATION**

**35.3.28** End of Probation evaluations must be completed and returned to the Human Resources Section no later than 30 calendar days prior to the end of probation.

**35.3.29** Rejections of probation or requests for extensions of probation must be coordinated with the Human Resources Section at the first available opportunity, but no later than 30 calendar days prior to the end of probation.

## **INTERIM/ PROBATIONARY EMPLOYEES**

**35.3.30** A written performance evaluation shall be completed at least quarterly on all probationary employees/Reserves and is due by the seventh (7th) day following the end of the quarterly rating period. If an employee's probation is extended for any reason, evaluations shall be required monthly, or more often as determined by the employee's Division Chief.

**35.3.31** Interim evaluations are any evaluations done on a basis more frequent than quarterly. They include but are not limited to monthly evaluations of extended probationary employees but may be used as needed, such as new work assignments that require additional training (for promotions, refer to Directive 34.1 Promotional Process).

## **CHANGE IN ASSIGNMENT**

**35.3.32** Whenever an employee transfers or has a change in assignment, the supervisor shall complete a final performance evaluation regardless of the date of completion of the last evaluation.

**UNSATISFACTORY PERFORMANCE (CALEA 35.1.6)**

**35.3.33** Whenever an employee's performance is unsatisfactory, the employee shall be advised in writing and given timely opportunity to improve performance prior to formal evaluation. Depending on the nature and/or level of unsatisfactory performance, the Employee Performance Notice (EPN) or the Employee Performance Tracking Chart may be used to document notice and define corrective actions needed to improve performance.

**35.3.34** If unsatisfactory performance continues, this information should be included in the employee's evaluation report.

**EMPLOYEE ANNUAL PERFORMANCE EVALUATION GUIDELINES**

**35.3.35** All supervisory personnel shall receive documented training in the overview and application of the VCSO Employee Annual Performance Evaluation Guidelines, all forms used in administering the evaluation process, and the vital role and responsibilities of the supervisor in providing employee guidance, feedback, direction and motivation in carrying out the mission and vision of the Volusia Sheriff's Office in service to the community.

**35.3.36** A copy of this training shall be forwarded to the Training Section and maintained in the respective supervisor's training file.

**35.3.37** A copy of the Guidelines and all referenced forms shall be maintained on Agency Forms under Employee Performance Evaluation – Non-Bargaining.

**FORMS**

**35.3.38** There are six (6) evaluation forms utilized by the VSO for non-bargaining unit employees:

- Employee Performance Evaluation;
- Supervisor Performance Evaluation;
- Performance Evaluation Continuation Form;
- Employee Performance Tracking Chart;
- Employee Performance Evaluation - Equipment List/DL Check
- Career Consulting Checklist

**35.3.39** The VSO utilizes the above forms for all annual, interim, probationary and end of probation evaluations.

**EMPLOYEE PERFORMANCE EVALUATION FORM**

**35.3.40** This evaluation form is designed to provide ease of use and consistency in rating employee performance. Listed below are instructions for completing the personnel evaluation form.

**EMPLOYEE KRONOS I.D.** – Enter the County-assigned 5-digit Kronos employee I.D. not the 4-digit VSO DID.

**EMPLOYEE NAME** - State the employee's name in this box. Following his/her name, state his/her position. Name will be placed in following order: LAST, FIRST, MIDDLE INITIAL. Examples of positions are: DEP.; SGT.; OA III, AA II, etc.

**JOB TITLE** – State the employee's job title in this box (County Position Classification Title, not the VSO working title unless same)

**DEPARTMENT** – Enter VSO

**DIVISION/COMPONENT** – Enter Division (if applicable) and primary component, Example: LEOD/D-2; S.O.D./Communications; Internal Affairs.

**TYPE OF EVALUATION** - Place an **X** in the box for the type of evaluation: END OF PROBATION; ANNUAL, or OTHER. Quarterly probation evaluations and interim evaluations are categorized as OTHER.

**EVALUATION PERIOD** - State the dates that the evaluation covers. The performance evaluation shall be based only on the performance during the rating period. Performance prior to or after the evaluation shall be excluded in the employee rating for the period he/she is being rated.

**PERFORMANCE CATEGORY AND RATING**

**35.3.41** There are five (5) rating categories for non-supervisors and an additional 5 categories (total of 10) for supervisors.

**35.3.42** Ratings are either unsatisfactory or satisfactory. To reflect unsatisfactory or satisfactory performance at a level of "outstanding" over the rating period, the rater shall provide written justification in the space provided illustrating the outstanding.

**35.3.43** The overall rating is determined by the majority of the ratings received as satisfactory or unsatisfactory. This rating shall be entered on the first page of the performance evaluation at the top right.

#### **RATING BY IMMEDIATE SUPERVISOR**

**35.3.44 RATER** – Date, signature, DID and supervisory rank/working title of person evaluating performance.

**35.3.45** Only the supervisor who was in direct command of the employee during the rating period shall evaluate an employee. This responsibility shall not be delegated. "Supervisor" is defined as the person who has disciplinary, training and leave approval authority over a subordinate position.

**35.3.46** If more than one supervisor supervised the employee during the rating period, both shall submit written evaluations.

**35.3.47** Supervisor comments are required for Unsatisfactory and Outstanding Ratings on both the Employee Performance Evaluation and the Supervisor Performance Evaluation forms.

#### **SUPERVISOR REVIEW (ENDORSER)**

**35.3.48 ENDORSER** – Date and signature of the rater's supervisor indicating a review of the evaluation was performed; any comments required may be documented on the continuation form.

**35.3.49** The Rater's supervisor (Endorser) shall review all probationary and annual evaluations for consistency, appropriateness, and validity. This review shall be conducted to ensure fairness and objectivity. The rater should be able to validate their ratings.

**35.3.50 EMPLOYEE** – Date, signature and VSO DID of employee. Employee's signature certifies that the evaluation has been explained and they received a copy of the evaluation. Signing the evaluation does not mean that they agree with the Rating.

**35.3.51 DIVISION HEAD SIGNATURE**- Date and signature of the designated Division Chief indicating a review of the evaluation.

#### **SUPERVISORS EVALUATED**

**35.3.52** Supervisors shall be evaluated on all ten (10) performance categories. In addition, using the Performance Evaluation Continuation Form the supervisor's rater shall also evaluate supervisors regarding the fairness and impartiality of ratings given to their subordinates, their participation in consulting rated employees, and their ability to carry out the "rater's role" in the performance evaluation system.

#### **USE OF EVALUATIONS**

**35.3.53** Performance evaluations shall be used for the following purposes

- To determine suitability for reassignment;
- To identify training needs;
- To assist the employee with career development needs;
- To facilitate proper decisions regarding probationary employees;
- Promotional consideration;
- To determine the employee's effectiveness and suitability for the assignment;
- Merit increases.

**35.3.54** Supervisors may use the evaluation form to:

- Relate the employee's work to specific standards or job requirements;
- Apprise the employee of his or her performance and identify improvement opportunities;
- Evaluate the employee's work behavior by considering all the appropriate factors, and relate them to Sheriff's Office goals and objectives;

- Provide the employee a formal opportunity to discuss his or her performance, achievements and difficulties, and goals and aspirations;
- Discuss and identify current and future training needs;
- Discuss and foster career development.

#### **CONTESTED EVALUATION REVIEW**

**35.3.55** Employees shall have the right to a review of the ratings given by a supervisor. This review shall not detract from the right of an employee to the grievance procedure.

**35.3.56** When an employee requests a review of the rater's finding, the employee shall note such under the employee signature line of the evaluation form.

#### **PROCEDURES TO FOLLOW IF THE EMPLOYEE DISAGREES**

**35.3.57** These procedures are to be followed if the employee disagrees with the Employee Performance Evaluation.

**35.3.58** Within three (3) working days after receiving a copy of the evaluation form, the employee may submit a written request to the employee's supervisor requesting that he/she review the evaluation and discuss it with the employee.

**35.3.59** Within five (5) working days of receiving the request, the supervisor will review the evaluation and discuss it with the employee. He/she will either sustain or amend the evaluation. This decision will be furnished to the employee in writing. If the employee's evaluation is amended in any way, the employee will be asked to sign the form to acknowledge receiving a copy.

**35.3.60** The supervisor will forward via chain of command his or her written decision, the amended evaluation (if applicable) and the initial evaluation to the Sheriff with copies of appropriate materials to the evaluator.

#### **IF THE EMPLOYEE STILL DISAGREES**

**35.3.61** Within three (3) working days after receiving the written response from his or her supervisor, the employee may submit a written request to his or her Division Chief requesting that he/she review the evaluation and discuss it with the original endorser. If the Division Chief is the original endorser then the employee may submit a written request to the Sheriff.

**35.3.62** Within five (5) working days of receiving the employee's request, the Division Chief or Sheriff will review the evaluation and discuss it with the employee. He/she will either sustain or amend the evaluation. This decision will be furnished to the employee in writing. If the evaluation is amended in any way, the employee will be asked to sign the form to acknowledge receiving a copy.

**35.3.63** The Division Chief will forward his written decision and all back-up evaluations and previous written decisions to the Sheriff, with copies of appropriate materials to the endorser and original evaluator.

**35.3.64** The Sheriff's decision is final.

#### **RETENTION OF EVALUATIONS**

**35.3.65** Annual evaluations shall be maintained permanently in the employee's personnel folder maintained by the VSO Human Resources Section Probationary evaluation forms and any supporting performance tracking forms, shall be retained for a minimum of two years at the Division level. If the employee is transferred to a new Division these evaluation forms shall also be transferred.

**35.3.66** Each Division Chief shall ensure all evaluation forms are documented and maintained at the Division level.

**35.3.67** Annual evaluation forms shall be documented and forwarded to the Sheriff, via the chain of command.

**35.3.68** Copies of the Employee Performance Evaluations and Supervisory Performance Evaluations (probationary and annual) shall be maintained in the employee's personnel file and originals maintained by County Personnel.

#### **SYSTEM AUDIT**

**35.3.69** The Office of the Chief Deputy, Human Resources Section shall conduct an annual inspection of the performance evaluation system to determine how well the system functions and changes which might be required. The objectives of the inspection shall be:

- To identify instances of extreme ratings and the reasons for them;



- To identify the number of contested appraisals and the reasons for them.

#### **WRITTEN COMMENTS**

**35.3.70** Each employee shall be allowed to attach written comments to their evaluation form.

**35.3.71** The employee wishing to attach comments shall note this intent on the evaluation form under his or her signature. The employee shall have ten (10) days to submit an attachment to the completed performance evaluation form.

#### **EMPLOYEE'S COPY**

**35.3.72** Employees shall be provided with a copy of each evaluation. After a review by the Chief Deputy, or designated Division Chief a completed copy of the annual evaluation shall be provided to the employee.

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**Revised by:** 6760

**Revised on:** 08-29-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: LAW ENFORCEMENT  
OPERATIONS ORGANIZATION  
AND ADMINISTRATION**

**CODIFIED: 41.1**

**EFFECTIVE: 05-2017**

**RESCINDS/AMENDS: 41.1/06-2010**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish the organizational and administrative functions of the patrol component of the Law Enforcement Operations Division of the Volusia County Sheriff's Office.

**DISCUSSION**

The patrol component is the primary function of the Division. It is also the most visible component of the Volusia County Sheriff's Office and is established within the Law Enforcement Operations Division. The Division shall establish standards, assign responsibilities, and grant the authority necessary to ensure the accomplishment of patrol objectives and the agency's mission.

**POLICY**

It shall be the policy of the VCSO to maintain a highly visible and effective patrol component which is responsive to the needs of the community.

**PROCEDURE**

**FUNCTIONS OF PATROL**

**41.1.1** Proactive patrol is a major part of the Division's patrol function.

**41.1.2** Patrol functions include:

- Prevention of crimes and accidents
- Maintaining the public peace and order
- Discovering hazards and delinquency-causing situations
- Crime prevention activities
- Response to calls for service
- The investigation of crimes, offenses and conditions, including arresting offenders
- Traffic direction and control
- Regulation of certain businesses or activities, i.e., wrecker companies, escort services
- Providing emergency services
- Development and maintenance of satisfactory relationships with the public
- Reporting of relevant information to the appropriate components within the Department and other agencies

**GOALS AND OBJECTIVES**

**41.1.3** The Law Enforcement Operations Division Chief shall submit annually to the Sheriff, via the chain of command, a detailed program of proposed goals and objectives for the next fiscal year.

**41.1.4** Input for these goals and objectives should be gathered utilizing employee advisory committees and employee recommendations and suggestions from each divisional component.

**41.1.5** After receipt and review by the Sheriff and Chief Deputy, the goals and objectives of all divisions and the overall agency goals and objectives shall be compiled into a proper format and distributed to agency personnel.

**41.1.6** The Law Enforcement Operations Chief shall submit a report to the Sheriff detailing an evaluation of the goals and objectives for the ending fiscal year.

**41.1.7** Objectives for Patrol may include, but are not limited to:

- Reducing the overall crime rate by a certain percentage through effective preventive patrol, aggressive investigative efforts, and pro-active community involvement.
- Reducing personal injury and property damage due to vehicular accidents through assertive proactive enforcement of traffic laws and addressing those enforcement activities (Number of DUI details, Directed patrols) to accomplish it.
- Pursuing a policy of proactive, community based policing, by decentralizing operational components with the Law Enforcement Operations Division, within a specified time period.

#### **INTRA-AGENCY RELATIONS**

**41.1.8** Effective communications, coordination, and cooperation are key elements among all agency functions and personnel. Methods utilized will include, but not be limited to the following:

- The Law Enforcement Operations Division Chief will hold staff meetings to include all District Commanders. The Division Chief may require other pertinent individuals to attend as appropriate.
- The District Commanders shall hold staff meetings to include all Shift Supervisors assigned to their District. The District Commander may require other pertinent individuals to attend as may be appropriate.
- The supervisors shall utilize briefings to pass on the pertinent information to subordinates.
- District Commanders are responsible to ensure that incident/investigative reports are distributed to appropriate divisions or divisional components in a timely manner.
- The Lieutenant and Investigative Sergeants shall periodically attend Patrol Shift briefings. These meetings will allow for the exchange of information with a view toward augmenting the investigative effort, the resolution of any problems, and the promotion of a positive rapport between the functions and personnel. The exchange of information will relate to on-going investigations, wanted persons, vehicles, crime trend changes, potential dangers, and certain criminal modes of operation as may be appropriate.
- A further exchange of information will be accomplished by formal patrol briefings, formal or informal debriefings, memoranda, bulletins, bulletin boards, face-to-face field exchanges and other means as may be deemed appropriate.

#### **TOUR OF DUTY**

**41.1.9** Each shift shall work a 12-hour tour of duty on a rotating cycle of 2/2/3 (as illustrated below). Duty times shall be 0600-1800 hours and 1800-0600 hours. The shifts shall be paired ALPHA/BRAVO and CHARLIE/DELTA. The paired shifts shall work the same duty days with one shift working 0600-1800 hours, followed by the other shift working 1800-0600 hours.

#### **SAMPLE MONTHLY PATROL SCHEDULE**

<b>ALPHA 0600-1800</b>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
A99 Dep. J. Doe 9999			X	X				X	X			X	X	X			X	X				X	X			X	X	X		
<b>BRAVO 1800-0600</b>																														
B99 Dep. T. Smith 0000			X	X				X	X			X	X	X			X	X				X	X			X	X	X		

X = DAY OFF

#### **SHIFT ASSIGNMENT**

**41.1.10** The Sheriff or his designated representative shall assign personnel to the Law Enforcement Operations Division. The Division Chief will specify the particular district or section to which a Deputy is assigned.

**41.1.11** In the case of assignment to a specialized unit or team, the assigning memorandum will so specify. If assignment is to a patrol district, the District Commander will further assign Deputies to a particular shift and zone.

**41.1.12** Assignment to a particular Shift and/or Zone will be made with the goal of providing the most effective coverage.

## **ASSIGNMENT DISPUTES**

**41.1.13** In the event of assignment disputes, the Deputy may request a review of the assignment decisions via the chain of command.

## **ASSIGNMENT CRITERIA**

**41.1.14** In assigning officers to districts, shifts, and zones, the ultimate goal is to provide the maximum services possible through the most efficient use of available personnel. In this regard the following criteria will be considered:

- Needs of the agency. Personnel should be assigned so as to provide for the most efficient distribution of resources to fulfill the mission of the VCSO.
- Special talents, foreign language skills, special or unique skills, talent, or knowledge
- The Deputy's familiarity with a particular area
- Compatibility with the other members of the shift or team
- Seniority by rank, or time employed by the Department may be considered in assignment selections
- Residence of the Deputy. Whenever possible, Deputies should be assigned to the community in which they reside.

## **LENGTH OF ASSIGNMENT**

**41.1.15** Deputies will be assigned to a particular shift and zone for an indeterminate period of time.

**41.1.16** A Deputy will remain so assigned until transferred at his/her own request, to meet the needs of the agency, because of a promotion, or other legitimate reasons.

## **SHIFT ROTATION**

**41.1.17** At approximately four-month intervals, the paired shifts shall rotate the duty times on their assigned duty days. The Law Enforcement Operations Division Chief shall designate the date duty times will change.

## **DAYS OFF**

**41.1.18** Deputies assigned to Patrol Zones and their Shift Supervisor work a continuing cycle of two consecutive duty days, followed by two consecutive non-duty days, followed by three consecutive duty days and vice versa. (2/2/3).

**41.1.19** The 2/2/3, 12 hour shift system allows for maximum coverage in accordance with workload requirements and manpower availability.

**41.1.20** Persons assigned to administrative duties, investigations, or to specialized units or teams will work a schedule determined by the Division Chief.

## **SHIFT SUPERVISORS**

**41.1.21** Within each Patrol District, each shift shall have one Sergeant permanently assigned as the Shift Supervisor. The Shift Supervisor shall work the same duty times as the assigned patrol shift. The Shift Supervisor is directly responsible for the supervision of the Zone Deputies within the District.

## **BRIEFING/ROLL CALL**

**41.1.22** Briefing may be conducted at the beginning of each tour of duty. In order to provide continuous patrol coverage, the shift may be divided into two sections as designated by the Shift Supervisor. One section may attend briefing on the first duty day. The other section would attend briefing on the second duty day. On non-briefing days, Deputies will report to the dispatcher that they are "in service", and will remain available to respond to calls for service anywhere within their Districts. Deputies attending shift briefings shall be available to respond to urgent calls.

**41.1.23** At a minimum, the briefing will:

- Provide Deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- Notify Deputies of changes in schedules and assignments
- Provide instruction on new directives or changes in procedures
- Provide training and instruction
- Evaluate Deputies' readiness to assume patrol

## **PRISONER TRANSPORT**

**41.1.24** Patrol Deputies are not normally assigned prisoner transport duties; however, when assigned to transport arrested persons, Deputies are required to perform patrol and enforcement activities which will not detract from their primary responsibilities, i.e., traffic enforcement, preventative patrol, backup, and the arrest of violators.

## **RESERVE DEPUTIES**

**41.1.25** Reserve Deputy prisoner transport units shall follow the procedures and guidelines outlined in Standards Directive 16.2.

## **CONTINUOUS RESPONSE TO EMERGENCY CALLS FOR SERVICE**

**41.1.26** Response to emergency calls for service shall be continuously available.

**41.1.27** Patrol Deputies are assigned to one of four separate patrol shifts, Alpha, Bravo, Charlie, or Delta. Each shift is scheduled to work 12 hour shifts on a 2/2/3 schedule, which provides for 24 hour coverage.

**41.1.28** In the event there is not an in-service Deputy available to respond to an emergency call for service Central Communications shall contact the Supervisor for the district the emergency call for service is in.

**41.1.29** The Supervisor shall either respond to the emergency call for service or advise Central Communications which Deputy to redirect from a non-emergency call or other business to the call.

**41.1.30** Central Communications shall dispatch the Deputy as advised by the Supervisor.

## **RESPONSE TO CALLS FOR SERVICE**

**41.1.31** Generally, a single unit will be dispatched to routine calls for service; however, certain calls may require more than one Deputy to deal effectively and safely with the problem.

**41.1.32** Guidelines for determining which situations require response from more than one Deputy shall be based on the actual or perceived presence of one or more of the following dangers:

- An actual or threatened assault upon a Deputy
- On-scene arrest for a felony or violent misdemeanor
- Resistance to arrest
- Use of force or threatened use of force
- Crime in progress
- Fleeing suspect
- Intrusion or robbery alarms
- Weapons related calls
- Calls involving known violent persons
- Domestic disturbances when both parties are on the scene (
- Disturbance calls involving disorderly conduct, intoxication, fights, and/or large parties or groups
- Upon request of the responding officer or the Shift Supervisor

**41.1.33** This in no way prevents Deputies from routinely providing backup or checking on the safety of another Deputy or police officer.

## **FOOT PATROL**

**41.1.34** The Department does not assign or deploy Deputies to foot patrol beats.

## **FIRST APPEARANCE HEARINGS**

**41.1.35** Patrol Deputies need not normally attend first appearance hearings for persons arrested. Deputies will ensure the arrest affidavit provides sufficient facts and information, establishing probable cause for the arrest.

## **INCIDENT REPORTS TAKEN BY PHONE**

**41.1.36** Certain minor incidents do not require on-scene investigation by a Deputy. Additionally, victims sometimes leave the scene of an incident and will phone the VCSO at a later time and from a different location.

**41.1.37** Examples of incidents which may be handled by telephone, mail, Internet or other alternative manner include:

- Lost property
- Car-breaks where due to time frames or evidence destruction, response would be ineffectual
- Civil complaints
- Petty thefts where there is no evidence or suspects
- Misdemeanor vandalism with no physical evidence or suspects
- Referrals
- Requests for directed traffic patrols
- Other minor calls which may be effectively handled by phone

**41.1.38** VCSO personnel may take telephone reports when circumstances deem it advantageous or more efficient.

**41.1.39** Incidents that require a follow-up investigation or other action will be assigned to the appropriate Deputy, Detective or other appropriate sections or units. Investigation of such incidents will be guided by Directive 42.1, Criminal Investigation Administration.

### **ON-LINE INCIDENT REPORTING**

**41.1.40** The VCSO offers a convenient method of quickly reporting specific non-emergency, non-life threatening crimes through its On-Line Reporting System. All reports filed on-line are reviewed by a VCSO Deputy and, after review, receive an official case number.

**41.1.41** The following types of incidents may be reported through the Volusia County Sheriff's Office On-Line Reporting System:

- A. Harassing Phone Calls
- B. Lost Property
- C. Thefts
- D. Vandalism (includes property and vehicles)
- E. Identity Theft

**41.1.42** Filing a report on-line may be done only if:

- A. The incident is not an emergency
- B. The incident occurred within unincorporated Volusia County, the City of Deltona, the city of DeBary, or the City of Pierson.
- C. There are no known suspects
- D. Reporter is at least 18 years of age

**41.1.43** Specific procedures and access to the system are maintained under "File a Police Report On-Line" on the VCSO Web site home page [www.volusia.org/sheriff](http://www.volusia.org/sheriff).

### **SERIOUS INCIDENTS**

**41.1.44** In the event of riot, civil disorder, hostage taking, barricaded suspect, disaster, police shooting, or other serious incident, the Shift Supervisor will respond and assume incident command until properly relieved by higher authority.


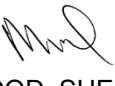

**Revised by:** 6760

**Revised on:** 05-2010; 05-2017 (component name change)

**Approved:**



**Michael J. Chitwood**  
Sheriff, Volusia County

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 41.2</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 02/15/1990	<b>Previous Revision Date</b> 12/2013
<b>Title</b>  <b>MOTOR VEHICLE APPREHENSION</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  /  <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to provide guidelines and delineate responsibilities governing pursuit of motor vehicles.

## II. DISCUSSION

The immediate apprehension of a violator is never more important than the safety of innocent motorists or the Deputy. When it becomes apparent that the immediacy of apprehension is outweighed by a clear and present danger to the Deputy or others, the pursuit shall be abandoned.

The motor vehicle pursuit of suspects who have committed minor property crimes, traffic offenses or misdemeanors is not justifiable. The risks involved far outweigh the need for immediate apprehension. If, however, a suspect used force and/or violence when committing the offense, i.e., robbery, a pursuit may be justified.

For purposes of this general order, "burglary" is defined as residential, business or commercial and does not include vehicles, outbuildings or curtilages. If there is reason to believe the suspect might kill or injure someone if allowed to escape, then a pursuit may be justified depending on the circumstances involved. If an armed robbery has occurred as the result of a dispute between two individuals who know each other there should be no pursuit, since there is little danger to other citizens. However, an armed robbery to an individual, business or residence presents a clear and present danger; therefore, a pursuit may be justified.

The decision to pursue is not irreversible. Those involved with the pursuit must continually question whether the seriousness of the crime justifies continuing the pursuit. When there is a clear and present danger to the Deputy or others, the pursuit shall be discontinued.

## III. POLICY

It is not the intent of this general order to prohibit all motor vehicle pursuits; however, it is the intent to restrict motor vehicle pursuits to those situations and circumstances in which the immediate apprehension of the violator outweighs the hazards generated to Deputies, the public, or the occupant(s) of the vehicle being pursued.

In those situations resulting in the initiation of a motor vehicle pursuit, it shall be incumbent upon all involved personnel to exercise prudent independent judgment. These procedures will not relieve deputies from their duty to drive with due care and will not protect them from the consequences of careless disregard for the safety of others.

## IV. DEFINITIONS

**Authorized Emergency Vehicle:** – A Volusia Sheriff's Office vehicle equipped with operable emergency equipment as designated by general order 41.3 Patrol Operations.

## **V. PROCEDURE**

### **A. PURSUIT CRITERIA**

1. Any Deputy in an authorized emergency vehicle is justified in initiating a motor vehicle pursuit if the Deputy has reason to believe that the suspect has committed a serious felony involving an act of violence or the threat of serious injury or death, and has the apparent capability to carry out said act, i.e., robbery/attempted robbery, aggravated battery, firing into an occupied dwelling, murder, attempted murder, sexual battery, burglary of an occupied dwelling/structure, (excluding curtilage and outbuildings), or arson of an occupied structure.
2. An aggravated assault on a Deputy by a fleeing suspect, in which a vehicle is used as the weapon, and there is no injury or property damage shall not in itself be considered criteria for initiating a pursuit.
3. The criminal offense of drug trafficking as defined in Fla. Stat. § 893.135 is considered a serious felony for which a pursuit may be initiated due to its potentially violent nature and consequences.

### **B. PROHIBITED PURSUITS**

1. Deputies shall not pursue or assist in the pursuit of vehicles fleeing from other agencies, unless the above criteria is met and is authorized by a supervisor (Refer to section: V.H. Other Agency Assistance).
2. Excluding the areas listed in section V.A. Pursuit Criteria above, Deputies shall not pursue or assist in the pursuit of motor vehicles for property crime offenses or misdemeanor offenses.
3. Deputies shall not pursue or assist in the pursuit of motor vehicles if the suspect is identified and there is an expectation of apprehending the suspect within a reasonable amount of time.

#### **4. TRAFFIC OFFENSES**

- a. Deputies shall not pursue or assist in the pursuit of motor vehicles for traffic offenses.
- b. The period of time between observing a traffic violation and when the violator comes to a stop is the "apprehension phase" of the traffic stop. This is different from a pursuit. Although these two activities are worlds apart in importance, the speed and type of driving performed by the Deputy are often similar. It is critical, therefore, that a reasonable limit on speed is maintained as traffic violators are stopped.
- c. The "apprehension phase" of an attempted traffic stop becomes a pursuit whenever the violator knows that a Deputy is signaling him to stop and continues driving or attempts to elude the Deputy. If the violator has knowledge that they are being signaled to stop and speeds up or does anything else to evade the Deputy, it then becomes a pursuit. When the traffic stop becomes a pursuit it shall be discontinued following the procedures of this general order.

### **C. RESPONSIBILITIES**

#### **1. DEPUTIES**

- a. Deputies initiating a pursuit shall immediately advise communications of:
  - The location
  - Direction of travel
  - Suspect and suspect vehicle description;
  - The crime the suspect is believed to have committed.
- b. When engaged in the emergency operation of a motor vehicle, Deputies shall comply with all general orders concerning vehicle operation (Refer to general order 41.3 Patrol Operations).
- c. Deputies authorized by a supervisor to conduct a motor vehicle pursuit shall provide the supervisor with all information requested.
- d. All Deputies involved will immediately terminate and disengage from a motor vehicle pursuit when they determine the pursuit is not within the guidelines of this policy or circumstances, as described in section V.D. Decision to Initiate or Discontinue, determine that course of action or when ordered to do so by the supervisor in charge.



## **2. COMMUNICATIONS CENTER**

- a. Upon notification of a pursuit in progress, the Communications Center shall initiate proper procedures in accordance with appropriate "Call Handling Guides", and will immediately notify the appropriate Shift Supervisor, Air-1, and K-9.
- b. Communications shall monitor the pursuit and provide communications assistance to those involved.

## **3. SUPERVISOR**

- a. The supervisor will take command of the pursuit and shall maintain command unless formally relieved.
- b. A pursuit entering into another District will continue to be commanded by the supervisor authorizing the pursuit.
- c. The supervisor will solicit and consider the information available to them and advise the Deputy who initiated the pursuit to continue or disengage.
- d. The supervisor will monitor the pursuit and direct additional assistance as required.
- e. Factors in the decision to assign additional assistance include, but are not limited to:
  - The nature and circumstances of the offense
  - The number of suspects
  - The number of Deputies in the assigned and backup/secondary vehicle.
- f. It is the responsibility of the supervisor to coordinate pursuits entering neighboring jurisdictions.
- g. If the vehicle being pursued leaves Volusia County, the supervisor in charge shall request that the County being entered assume command of the pursuit. Units of Volusia Sheriff's Office will act as support units.
- h. If the County being entered does not assume command, the supervisor will request that agency provide support units.

## **D. DECISION TO INITIATE OR DISCONTINUE**

1. Before initiating a pursuit, Deputies shall evaluate the circumstances and make the decision to pursue in accordance with this general order and the Vehicle Apprehension Decision-Making Matrix (hyperlink in references section).
2. Factors to be considered include, but are not limited to:
  - Pedestrian and/or vehicular traffic
  - Weather conditions
  - Visibility
  - Road conditions
  - The type of unit being operated by the Deputy at the time of pursuit
  - The nature and circumstances of the offense
  - When the offense occurred. A pursuit for an in-progress crime may be more readily justified than one for a crime that occurred earlier in the shift.
  - The identification of the vehicle and/or occupant, as well as the appropriateness and probability of apprehension at a later date.
  - Type of neighborhood such as residential or school zone
  - Manner in which the fleeing vehicle is being operated
3. The initiating Deputy and the authorizing supervisor shall continuously evaluate the circumstances, factors and conditions during the pursuit. Whenever one of these factors changes, the decision to continue the pursuit shall be reevaluated.

4. Under extreme circumstances in which the fleeing vehicle creates a greater danger to the public than does a pursuing sheriff/police vehicle with clearly visible lights warning the public of impending danger, a pursuit may be authorized. If authorized under these circumstances, the approving supervisor will clearly and expeditiously articulate the need for the pursuit in written form for the Sheriff.

## **E. CONDUCTING THE PURSUIT**

1. Only two Volusia Sheriff's Officer vehicles are authorized to actively pursue; the primary vehicle and the backup/secondary vehicle. Under exigent circumstances involving a violent felony, the pursuit supervisor may authorize additional backup units or elevate existing support unit personnel to engage in the pursuit in order to safely resolve the incident. Under such circumstances, the supervisor will be required to articulate justification for the additional units within the pursuit report.
2. **PRIMARY UNIT**
  - a. The primary pursuit vehicle will handle all communications relating to direction of travel, suspects, descriptions and all matters relating to the actual pursuit, until the arrival of a backup/secondary unit or an aviation unit. This shall not restrict the supervisor from giving instructions or other information directly to either the primary vehicle, the backup/secondary vehicle, or the Communications Center.
  - b. The primary unit shall not be passed during the pursuit unless authorized by the primary pursuit Deputy and/or the supervisor in charge.
  - c. Unmarked units and motorcycle units may pursue motor vehicles as a primary unit only until the arrival of a marked unit.
  - d. The motorcycle or unmarked vehicle will continue as the secondary unit until an additional marked unit arrives. Upon the arrival of the marked unit, the operator of the unmarked vehicle or motorcycle shall terminate their active involvement in the pursuit.
3. **AVIATION UNIT**
  - a. When an aviation unit arrives, it shall become the primary pursuit unit. The primary patrol unit and the secondary unit shall discontinue communications, decrease speeds and follow at a safe distance.
  - b. The aviation unit will advise the supervisor in charge of the direction of travel and other pertinent information, i.e., potential hazards or possible apprehension sites.
4. **SECONDARY UNITS**
  - a. The secondary unit is authorized to pursue at a safe distance for back-up and communication purposes.
  - b. Upon the secondary unit entering the pursuit, the secondary unit shall become responsible for handling all communications relating to direction of travel, suspects descriptions and all matters relating to the actual pursuit. This shall not restrict the supervisor from giving instructions or other information directly to either the primary vehicle, the backup/secondary vehicle, or the Communications Center.
5. **SUPPORT UNIT PERSONNEL**
  - a. Deputies not directly involved in the pursuit that are responding and being coordinated as additional support will drive their vehicles in a safe and prudent manner.
  - b. Support units may be assigned active roles including but not limited to, paralleling the pursuit, being assigned to potential termination locations, and transferring equipment or personnel.
  - c. Emergency operation is authorized to intercept, not overtake, the fleeing vehicle for the purpose of deploying Stop-Sticks.
6. **PROHIBITED DRIVING**
  - a. Primary and secondary units shall not drive parallel to each other during the pursuit, except during an authorized pass.
  - b. Deputies shall not drive on the wrong side of any divided highway, interstate, or other controlled access highway, including on/off ramps.

- c. While pursuing, Deputies shall not conduct rolling roadblocks, ram the suspect's vehicle or discharge firearms at a fleeing vehicle except in extreme cases where deadly force is justified and the Deputy has received specific training for this exception. This does not prohibit the blocking of a vehicle when said vehicle is attempting to turn around or is taking some other action at very slow speeds attempting to avoid capture. Under these circumstances, imminent danger to the public and/or the deputy(ies) outweighs the minimal risks involved in blocking and does not constitute a roadblock or ramming as defined in this policy.
- d. Roadblocks shall be prohibited unless authorized by a patrol supervisor in accordance with general order 61.11.
- e. Fleeing vehicles shall not be forcibly stopped, with exception of use of the Stop Stick System, as deployed by properly trained Deputies in accordance with general order 61.11 Roadblocks and Checkpoints, and use of the PIT as provided herein and only by those deputies properly trained.

#### **F. PRECISION IMMOBILIZATION TECHNIQUE (PIT):**

- 1. Precision Immobilization Technique (PIT) is a moving vehicle tactic that consists of 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.
- 2. 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 Precision Immobilization Technique (PIT), when circumstances and conditions dictate, in order to preserve life and protect the public safety.
- 3. The preferred manner for intentional physical contact between the vehicle being pursued and an agency vehicle is the PIT, in order to bring about an end to the pursuit.
- 4. 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] under ideal circumstances.
- 5. 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.
- 6. Only Deputies who have demonstrated PIT proficiency after receiving competency-based training from PIT Certified Driving Instructors are authorized to initiate the technique. Prior to initiation, the initiating deputy must communicate their intentions to support units for purposes of coordination.
- 7. PIT shall not be utilized as a means to stop fleeing motorcycles or vehicles with an abnormally high center of gravity, such as a recreational four (4)-wheel drive truck/SUV or vehicles with lift kits, unless the seriousness of the offense dictates otherwise, as determined by the pursuit supervisor.
- 8. 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, scuff, or yaw marks), vehicles, after they are moved from all directions, and the overall scene. Digital images shall be submitted with the supervisor's pursuit report.
- 9. Trained deputies operating sport utility vehicles, pickup trucks or similar vehicles may only use the technique with extreme caution and only under those conditions when it can be applied with relative safety to the deputy, suspect and innocent parties.
- 10. Any use of PIT requires a pursuit report, supervisory investigation and review as outlined herein under REPORT AND REVIEW PROCESS.

#### **G. TERMINATING THE PURSUIT**

- 1. When there is a clear and present danger to the Deputy or other users of the highway, the pursuit shall not be initiated. If the pursuit is in progress it shall be discontinued.
- 2. The initiating Deputy or the authorizing Supervisor is justified in terminating the pursuit if, based on his judgment, the danger to Deputies and the public outweighs the need to stop the fleeing vehicle.

3. When a Deputy discontinues a pursuit he shall immediately notify Central Communications.
4. Once a pursuit has been terminated, Deputies shall deactivate all emergency equipment and resume driving in compliance with all applicable traffic laws. Deputies may continue following the suspect vehicle route as long as they do so within the speed limit and obey all stop signs, traffic lights and other traffic control devices.

## **H. OTHER AGENCY ASSISTANCE**

1. Supervisors may authorize assistance to other agencies conducting vehicle pursuits; however, the pursuit of vehicles fleeing from other agencies shall not be authorized unless it meets the criteria established in this general order.
2. When a pursuit involves other agencies, the following procedures apply:
  - The supervisor shall ensure the notification of the agency into which the pursuit is entering.
  - Unless otherwise advised, units involved will remain on their assigned frequencies.
  - The supervisor will provide pertinent information to the agency into whose jurisdiction the pursuit is entering or has entered.
  - The Communications Center shall relay all decisions relating to pursuit information, (radio frequencies, location, direction of travel, reason for the pursuit, speed, description and other pertinent information) to affected agencies.
3. The authority to discontinue an inter-jurisdictional pursuit rests with the supervisor authorizing the pursuit;
4. Unmarked vehicles shall not be used in pursuits into other jurisdictions;
5. The agency initiating the pursuit is responsible for the arrest, booking, disposition and coordination of all reports, citations and criminal charges.
6. No more than three (3) vehicles (2 Volusia Sheriff's Officer, 1 other agency) shall be involved in the actual pursuit at any given time unless specifically authorized by the pursuit supervisor.
7. Motorcycle units shall immediately withdraw from the active pursuit, upon the arrival of a marked patrol unit.

## **I. TRAINING**

1. No Deputy shall participate in a pursuit until successfully completing a Volusia Sheriff's Officer approved Emergency Vehicle Operations Course (EVOC).
2. No Deputy shall engage in PIT maneuvers until successfully completing Volusia Sheriff's Officer approved PIT training.
3. No Deputy shall engage in the deployment of the Stop Sticks System unless properly trained in accordance with general order 61.11 Roadblocks and Checkpoints.

## **J. REPORT AND REVIEW PROCESS**

1. Immediately following a pursuit (including assistance to other agencies), all Deputies involved in the pursuit shall file a written report.
2. The primary deputy shall initiate the original report with all others filing supplements.
3. Each report will contain an account of the Deputies' involvement in the pursuit.
4. A supervisory investigation will be conducted, documented and forwarded along with a copy of the Deputy's report to the Internal Affairs Unit, which shall present the incident to the Sheriff's Staff for review.
5. An administrative review of all pursuits, including assisting other agencies, shall be conducted by the Sheriff's Staff during the Sheriff's weekly staff meeting.
6. The review shall be documented and will indicate whether policy, training issues, equipment or disciplinary issues should be addressed.
7. Copies of all pursuit reports and the results of the administrative review shall be forwarded to the Professional Standards Section by Internal Affairs.

8. The Professional Standards Section shall conduct a documented analysis of all pursuits annually to include an annual review of policies and reporting procedures.

## **VI. REFERENCES**

- [Vehicle Apprehension Decision-Making Matrix](#)

## VEHICLE APPREHENSION DECISION-MAKING MATRIX

Degree of Seriousness ↓	Decision Threshold		Decision Threshold
	Low Risk	Moderate Risk	High Risk
<b>Felony Violent Crime</b>	May pursue; continue to assess risks.	May pursue; continue to assess risks.	May pursue; continue to assess risks.
<b>Felony Burglary or Arson of Occupied Structure</b>	May pursue; continue to assess risks.	May pursue; continue to assess risks.	<b>Do Not Pursue, or discontinue.</b>
<b>Felony Burglary or Arson of Structure</b>	<b>Do Not Pursue</b>	<b>Do Not Pursue</b>	<b>Do Not Pursue</b>
<b>All Felony Property Crimes (except as noted above)</b>	<b>Do Not Pursue</b>	<b>Do Not Pursue</b>	<b>Do Not Pursue</b>
<b>All Misdemeanors &amp; Traffic Offenses</b>	<b>Do Not Pursue</b>	<b>Do Not Pursue</b>	<b>Do Not Pursue</b>
<b>Definitions:</b> <b>Felony-Violent Crime:</b> a “persons” crime in which the perpetrator and victim come face to face. (Examples: Homicide, Robbery, Sexual Battery, etc.) <b>Felony-Property Crime:</b> a “property” crime, i.e., Burglary (involving curtilage or outbuilding), Theft, Forgery, etc. <b>Tactical Parking:</b> The practice of moving close to a stationary suspect’s vehicle and parking in a manner that will allow no way to escape.			

The Vehicle Apprehension Decision-Making Matrix balances safety and risk with the need for apprehension and seriousness of the offense. In keeping with professional policing and the directions being taken by the Courts, safety considerations must outweigh considerations for apprehension. This means that when the risk and danger to bystanders and innocent third parties are high, the vehicle apprehension must be terminated despite the heinousness of the offense or the violence associated with the act committed by the fleeing subject. To fail to make this decision would be unreasonable, and that is the test applied by the Courts. Furthermore, Courts in some states have denied immunity to officers, indicated that officers had a duty to terminate vehicle apprehensions because of safety considerations, and that officers were at least partially the cause of any injuries that occurred during the vehicle apprehension (City of Pinellas Parks vs. Brown 17FLW530).

A tactic available to avoid, or minimize, vehicle apprehensions is the use of “Tactical Parking”. This tactic permits containment of the suspect vehicle and the prevention of a vehicle apprehension. The “Tactical Parking” technique may occasionally result in damage to an agency vehicle. This damage is preferable to the potential death or serious injury which can result from a vehicle apprehension.

Agency issued “Stop Sticks” are vehicle immobilization devices designed to puncture vehicle tires through the use of sleeved pikes causing rapid deflation of the tire(s). The device is deployed in the path of the pursued vehicle by agency personnel. When utilized, agency personnel shall notify the Communications dispatcher of the location of the deployment. The deployment location will be broadcast to all vehicles/agencies involved in the vehicle apprehension. “Stop Sticks” may also be used during vehicle stakeouts to reduce the possibility of a vehicle apprehension. When used in this manner, the “Stop Stick” should be placed in a manner to ensure the vehicle is disabled in the event the vehicle is moved.

### **Objective Risk Factors in Vehicle Apprehensions:**

When making the decision to pursue, no single factor should be used to evaluate the risk category. Multiple factors should be taken into consideration.

<b><u>LOW RISK</u></b>	<b><u>MODERATE RISK</u></b>	<b><u>HIGH RISK</u></b>
<ol style="list-style-type: none"><li>1. Straight road, good surface, clear lines of sight., few intersections</li><li>2. Good weather</li><li>3. Few or no pedestrians</li><li>4. Little to no traffic</li><li>5. Speeds safe for conditions</li><li>6. No hazardous maneuvers by violator</li><li>7. Authorized number of law enforcement vehicles involved in the apprehension</li><li>8. Deputy calm, in full control</li><li>9. Helicopter involved</li><li>10. DUI type driving patterns</li></ol>	<ol style="list-style-type: none"><li>1. Some intersecting streets (i.e., residential area)</li><li>2. Mild weather</li><li>3. Light pedestrian traffic</li><li>4. Moderate traffic, little congestion</li><li>5. Speeds greater than the posted limit</li><li>6. Some hazardous, but not extreme, maneuvers (i.e., crossing center line to pass other vehicles, sudden lane changes) by the violator</li><li>7. Authorized number of law enforcement vehicles involved in the apprehension</li><li>8. Deputy generally calm, under control</li></ol>	<ol style="list-style-type: none"><li>1. Frequent intersecting streets (i.e., business district) blind curves, narrow roads</li><li>2. Poor weather, slippery streets, low visibility</li><li>3. Numerous pedestrians</li><li>4. Heavy, congested traffic</li><li>5. Speeds twice the posted limit, or greater than 80 MPH</li><li>6. Extremely hazardous maneuvers (i.e., driving against on-coming traffic, "busting" red lights) by the violator</li><li>7. Numerous law enforcement vehicles involved in the apprehension</li><li>8. Deputy excited, not in full control of emotions</li><li>9. Special circumstances, i.e., School District</li></ol>



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Written Standards Directive**

<b>TITLE:</b>	<b>PATROL OPERATIONS</b>
<b>CODIFIED:</b>	<b>41.3</b>
<b>EFFECTIVE:</b>	<b>09-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>41.3/01-2017</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to provide policy and procedure for patrol functions within the Law Enforcement Operations Division.

**DISCUSSION**

The most visible segment of the Sheriff's Office is the uniformed Deputy. The Deputy's appearance, demeanor, and actions are under constant scrutiny by the public. The patrol component provides those services most commonly associated with law enforcement.

One of the most important factors governing the successful outcome of any criminal investigation is the initial handling by the first officer at the scene. Notes, observations, evidence collection, witness identification, statements, suspect information, crime scene protection, taking charge and directing resources until properly relieved are all essential elements of the initial crime scene examination.

Although this Directive primarily guides uniformed patrol operations, much of it is applicable to investigative functions as well as other components of the Sheriff's Office.

**POLICY AND PROCEDURE**

**PRELIMINARY INVESTIGATIONS**

**41.3.1** The preliminary investigation begins when a Deputy becomes aware of or is assigned the responsibility of responding to a crime or other call for service.

**41.3.2** The preliminary investigation continues until such time as the initially assigned officer reaches a successful conclusion, or the postponement or transfer of responsibility will not jeopardize the successful conclusion of the investigation.

**41.3.3** Investigation usually includes:

- A.** Providing aid or summoning aid to the injured;
- B.** Processing the crime scene;
- C.** Determining if an offense has actually occurred and if so, the exact nature of the offense;
- D.** Determining the identity of the suspect(s) and effecting an arrest if it can be accomplished at the scene or through immediate pursuit;
- E.** Furnishing other field units with descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles;
- F.** Identifying witnesses;
- G.** Obtaining preliminary information from witnesses;
- H.** Ascertaining and reconstructing circumstances surrounding an incident;
- I.** Arranging for the collection of evidence (See Directive 83.1);
- J.** Obtaining written statements from victims, witnesses and suspects;
- K.** Accurately and completely recording all pertinent information in the proper form.

**41.3.4** Deputies shall write reports of their involvement in significant events such as automobile crashes, assisting other agencies, and similar incidents.



## **FOLLOW-UP INVESTIGATIONS**

**41.3.5** Where practicable, the Deputy shall follow-up the investigation until all leads are exhausted.

**41.3.6** Supplemental reports will be submitted detailing the progress of the investigation until the case is solved or inactivated.

**41.3.7** In certain instances the follow-up responsibility may be assigned to another Deputy, such as:

- A.** When the initial investigation is conducted by a Deputy out of their normally assigned zone, the Deputy who is responsible for the zone will be responsible for the follow-up investigation;
- B.** When the follow-up investigation would require the Deputy to travel an excessive distance from their assigned zone and remain for extended periods;
- C.** When a Detective or superior responds to the scene and assumes investigative responsibility.

## **ARRESTS**

**41.3.8** Arrested subjects shall be handcuffed with their hands behind their back, with consideration given for any injury(ies). Reasonable accommodations will be made for disabled/injured suspects without compromising officer safety, in accordance with Directive 1.16 Providing Services to Persons with Disabilities.

**41.3.9** Arrested subjects shall be searched in accordance with Directive 1.7 Search and Seizure.

**41.3.10** Prior to any questioning of arrested subjects by a deputy concerning any criminal offense in which the arrested subject is a suspect, the arrested subjects shall be read their Miranda Rights; a response indicating the suspect understood his rights shall be elicited.

**41.3.11** Arrested subjects who are not processed into the Volusia County Jail/DJJ shall be released on a notice to appear or citation in accordance with Directive 1.5, Limits of Authority.

**41.3.12** When the arrested subject is to be processed into the Volusia County Jail/DJJ:

- A.** A SA-707 complaint affidavit shall be completed and delivered to the Volusia County Jail/DJJ with the arrested subject.
- B.** With the exception of bulky items such as large backpacks, duffle bags, etc., which the jail/DJJ facility does not accept, personal prisoner property, including currency, shall be:
  - Inventoried using the Prisoner Property Inventory form (VCSO #070714.001);
  - Packaged in a brown paper evidence bag;
  - Accompany the individual to the jail/DJJ facility and turned over to facility staff.
- C.** The Prisoner Property Inventory form will be verified with the arrested subject's initials if cooperative; if not cooperative, the deputy will so note and initial.
- D.** Bulky items submitted to the Evidence Section shall be thoroughly inventoried and documented on the property report.
- E.** Any prisoner property consisting of perishable food/drink items will be discarded; do NOT submit to evidence unless the item is to be submitted specifically for processing for DNA, or fingerprints. Based on circumstances and if safe to do so, perishable items of value that can be released to a prisoner-designated third party on-site may be released at the Deputy's discretion. In such case, the deputy shall document using the Prisoner Property Inventory form.
- F.** Arrested subject medications:
  - Only those medications contained in an issued prescription container (to include the name of both the arrested subject and prescribing doctor) will accompany the arrested subject to the jail/DJJ facility.
  - Any additional medications found loose or otherwise not properly labeled will be submitted to Evidence for destruction in accordance with established procedures.
- G.** If circumstances permit, the arrested subject will be given a Prisoner Property Disposal Notice form (VCSO #070714.002) whenever additional personal property is submitted to Evidence.
- H.** The arrested subject and completed paperwork shall be delivered to the Volusia County Corrections Department at the County Jail, or DJJ. Deputies shall utilize Prisoner Transport Units when available.
- I.** All adult arrested subjects are photographed and fingerprinted when processed into the Volusia County Jail.

## **PROCESSING OF DETAINEES AT THE DISTRICTS**

**41.3.13** Once the detainee is transported to the district, the arresting/transporting deputy shall be responsible and accountable for supervising and monitoring the detainee in accordance with Standards Directive 72.2 Temporary Detention until official transfer of detainee-custody to either another transport deputy or to Volusia County Jail/DJJ intake officers.

**41.3.14** Detainees requiring minimal processing prior to transport may remain secured within the back of the patrol vehicle while the arresting deputy completes required paperwork and/or waits for an in-transit Prisoner Transport Unit; however, in this instance:

- A.** The deputy shall remain with the detainee providing constant supervision and monitoring at all times;
- B.** If, during the routine processing of the detainee, there are unforeseen delays; interruptions; additional information is revealed; interview is required, etc., the detainee will be placed in the district's secured temporary holding area and monitored in accordance with policy until ready for transportation to Volusia County Jail/DJJ.

**41.3.15** Any temporary transfer of custody to a designated receiving deputy for monitoring and supervision will be documented. The receiving deputy will then assume responsibility/accountability until the documented return of the arresting/transporting deputy.

#### **INJURY TO DETAINEES / PRISONERS**

**41.3.16** While in the custody and care of the Volusia Sheriff's Office, detainees and/or prisoners will be monitored for any medical events or injuries that may occur or present themselves during transport and/or temporary detention.

**41.3.17** While some detainees will make active attempts to harm themselves while in custody, others may experience a sudden medical event or complain of injury. Deputy observance of possible injury with or without complaint may also occur.

**41.3.18** In such instances, the following procedures will apply:

##### **DEPUTY RESPONSIBILITY**

- A.** Based on severity of the medical event or injury to the individual, request medical aid, Fire Rescue or jail medical staff, depending on the location and need;
- B.** Immediately notify supervisor;
- C.** Photograph:
  - Any visible injuries to include any secondary injuries that may have occurred;
  - The area where there is complaint of injury, even if no injury is visible;
  - The overall subject (preferably standing) that includes both front and back views of subject's overall appearance and facial recognition.
  - Note date and time of photograph.
- D.** Prepare and submit a detailed report containing all the facts and circumstances surrounding the incident.

##### **SUPERVISOR RESPONSIBILITY**

- A.** Based on the nature of injury/medical event, the supervisor will respond to the scene;
- B.** Review the Deputy's report for accurate documentation and photographs;
- C.** Ensure proper procedures were followed;
- D.** If applicable, complete an auto incident along with the Deputy's report and photographs and forward to the District Commander via chain of command for review.

#### **FIELD INTERVIEW CARDS (FIC)**

**41.3.19** When a Deputy is involved in a "police/citizen encounter", he may request information from any person. If a Deputy observes circumstances which arouse suspicion or cause alarm, he shall investigate. Deputies shall stop and detain individuals in accordance with F.S. 901.151, Stop and Frisk Law.

**41.3.20** Field Interview Cards (F.I. Cards) are to be used for legitimate purposes. The following factors shall be taken into account:

- A.** The date, time, and location of person or activity;
- B.** Whether known or suspected criminal activity is in the area;
- C.** Suspicious activities or circumstances;
- D.** If persons need to be identified as possible witnesses, suspects, wanted persons, etc.

**41.3.21** When Deputies complete a Field Interview Card, they shall include a brief explanation as to the reasons for the interview.

**41.3.22** Deputies may photograph individuals who do not object during a "police/citizen encounter". Those persons detained under F.S. 901.151 may be required to submit to a photograph at the discretion of the Deputy. The photograph should be attached to the Field Interview Card.

**41.3.23** The difference between requiring a person to submit to being photographed or requesting same is whether the Deputy has reason to believe the individual is violating or has violated the law or just believes that the person is "suspicious."

**41.3.24** Whenever a Deputy conducts a field interview with a juvenile, Central Communications will conduct not only a wanted check, but will also check the juvenile data base to determine if the juvenile is on community control. If the juvenile is on community control, a flag will appear along with notation "DCF commitment. If in contact, F.I. and forward copy of the F.I. Card to a DCF counselor." or "D.J.J. commitment. If in contact, F.I. and forward copy of the F.I. Card to a D.J.J. counselor." The Deputy shall make the notation "D.J.J." on the Field Interview Card.

**41.3.25** Upon receipt of the Field Interview Card (F.I. Card), a Department of Juvenile Justice (D.J.J.) counselor will initiate paperwork to have the juvenile picked up for violating the terms of their community control, if applicable.

**41.3.26** A flagged juvenile does not constitute probable cause for an arrest. If the flagged juvenile is arrested on other arrest criteria and a Field Interview Card is completed, a notation of the arrest shall be included on the Field Interview Card.

**41.3.27** The Field Interview Card will be submitted at the end of the shift for appropriate distribution.

**41.3.28** .

#### **SOURCES OF INFORMATION & INFORMANTS-PATROL DEPUTIES**

**41.3.29** Developing sources of information is a valuable part of the patrol function and community policing. Patrol Deputies are encouraged to develop and maintain sources of information and community relationships to enhance cooperation and information exchange

**41.3.30** Deputies using informants shall follow the procedures of Standards Directive 42.6, Confidential Informants.

**41.3.31** Deputies may be temporarily reassigned to assist in major investigations, when the use of a particular informant is required.

**41.3.32** Deputies shall notify their immediate supervisors of the use of confidential informants and shall inform the supervisor of case development; CI's will not be used prior to proper documentation, review and approval as per Standards Directive 42.6, Confidential Informants.

**41.3.33** Payment and/or reimbursement for expenses to individual informants shall be arranged on an individual basis, through the Narcotics Commander, and in compliance with Directive 43.4, Vice, Narcotics and Organized Crime Operations.

**41.3.34** Procedures relating to confidential funds shall be in accordance with Directive 43.3, Confidential Funds.

#### **POLICE HAZARDS**

**41.3.35** Knowledge of potential or actual hazards helps personnel perform more effectively and safely. Hazards may be permanent or temporary and may vary hourly, daily, or seasonally. Certain hazards must be identified and transmitted to patrol Deputies in a timely fashion. The following procedures will be followed to ensure Deputies are notified of hazards:

- A.** The Communications Center receives and should endeavor to obtain information concerning police hazards linked to calls for service, i.e., armed, intoxicated, insane/irrational, or suicidal persons, threats of harm to police, dangerous animals or hazardous road conditions. The telecommunicator shall transmit pertinent information to the responding Deputies at the time of dispatch or when received.
- B.** Severe weather bulletins received in the Communications Center from the U.S. Weather Bureau shall be broadcast over the primary talk groups.
- C.** Deputies shall advise the Communications Center of hazardous road and weather conditions they encounter during their patrol.
- D.** A description of hazards likely to be encountered at a later time or date shall be placed in writing on the appropriate zone board at the District headquarters. At each briefing, on-coming Deputies are required to read their appropriate zone board to ensure they receive the latest information.

**41.3.36** Off-going Deputies are also encouraged to notify on-coming Deputies of immediate hazards in person, by phone, or by other appropriate means prior to going out of service.

#### **RADIO COMMUNICATIONS**

**41.3.37** All Deputies engaged in field operations shall have constant access to radio communications.

**41.3.38** Each Deputy shall be issued a portable radio transceiver that will serve as their primary means of communication. Additionally, patrol vehicles may be equipped with a mobile radio transceiver.

**41.3.39** Deputies shall maintain the capacity to communicate with the Communications Center, or attempt to notify a supervisor or the telecommunicator when conditions limit their ability to do so.

**41.3.40** In certain areas the range of the portable radio is insufficient for the Deputy to transmit to the Communications Center. Deputies aware of this limitation should notify the telecommunicator and should check in periodically.

**41.3.41** Buildings may limit transmission and reception for the portable radio. Deputies should check with the dispatcher periodically or provide a phone number, when possible.

**41.3.42** Deputies shall notify the telecommunicator and give their location, when they will not be available for communications, i.e., court appearances, depositions, surveillance.

**41.3.43** In the event of a failure of the portable radio, the Deputy shall notify the telecommunicator and the Shift Supervisor as soon as possible. During business hours, Monday–Friday; 7:00a.m.–5:00 p.m., Deputies will exchange their malfunctioning portable radio through the Administrative Service's Inventory Control Unit. After business hours, the malfunctioning portable radio shall be exchanged for a functioning radio through Central Communications.

#### **RADIO TRANSMISSIONS**

**41.3.44** Radio transmissions to and from Patrol Deputies will be in accordance with Directives Chapter 81.

#### **MOTOR VEHICLE PURSUIT**

**41.3.45** Motor vehicle pursuits shall be conducted in accordance with Directive 41.2.

#### **REQUESTS FOR VSO VEHICLE TO STOP**

**41.3.46** Unless responding to an emergency call, Sheriff's Office personnel, when requested or commanded by other law enforcement to stop, shall:

- A.** Immediately stop, regardless of the assignment;
- B.** Clearly identify self and activity unless such declaration would nullify or hinder a criminal investigation;
- C.** If the operator of a Sheriff's Office vehicle continues to be detained by another law enforcement officer, the operator shall advise Communications of the circumstances and request a supervisor to report to the scene.

**41.3.47** A report of the incident shall be submitted to the operator's Division/District Commander.

#### **RESPONSE TO CALLS**

**41.3.48** Response to calls for service will be classified according to the urgency at which a Deputy is needed at the scene. In determining the response, factors to be considered include, but are not limited to:

- A.** Nature of the call;
- B.** Injured persons and the nature of the injury, if known;
- C.** Potential for harm to the victim or public;
- D.** Potential for property damage or loss;
- E.** Passage of time;
- F.** Likelihood of apprehending the perpetrators on in-progress calls.

#### **VEHICLE OPERATION**

##### **ROUTINE VEHICLE OPERATION**

**41.3.49** Under normal, non-emergency operating conditions and while responding to routine calls for service, operators of Sheriff's Office vehicles shall strictly adhere to all traffic laws, and shall drive defensively in a safe and courteous manner. Seat belts shall be worn at all times as required by Florida Statutes.

##### **EMERGENCY OPERATION**

**41.3.50** Sheriff's Office personnel may engage in emergency vehicle operations in accordance with Florida Law when responding to an emergency or when in pursuit. (See Standards Directive 41.2)

**41.3.51** Sheriff's Office vehicles engaged in emergency operations shall utilize emergency lights. The siren shall be used to warn vehicular and pedestrian traffic along the emergency route. Hazardous warning lights, the spotlight, take-down lights and public address system may be used as additional safety measures during emergency operations.

**41.3.52** When engaged in emergency operations, the operator shall exercise extreme care.

**41.3.53** In accordance with Florida Law, emergency vehicle operators may:

- A.** Exceed the maximum speed limit so long as life or property is not endangered. Speed shall be limited by road and weather conditions and the exercise of good judgment.
- B.** Proceed past stop signal or sign, but only after slowing or stopping as necessary for safe operation. Sheriff's Office vehicles shall not enter controlled intersections against the flow of traffic at an unsafe speed and shall be sure that cross-traffic flow has yielded in each lane before attempting to cross that lane.
- C.** Disregard regulations governing direction of movement or turning in specified direction, so long as life or property is not endangered.
- D.** Disregard regulations governing parking laws under normal circumstances, except that a Sheriff's Office vehicle shall not block access to a fire hydrant at the scene of a fire, or in any way obstruct fire apparatus.
  - Vehicles may be operated without the display of lighted lamps required by FSS 316.217 under the following conditions:
  - Operation without the display of lighted lamps is necessary to the performance of the Deputies duties.
  - Operation of vehicle is operated within policy guidelines.
  - Operation without display of lamps is safely accomplished.

The provisions of this subsection shall not relieve the operator of the vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the vehicle operator from the consequences of his or her reckless disregard for the safety of others.

**41.3.54** Emergency operation of Sheriff's Office vehicles shall immediately be reported to Communications via radio.

**41.3.55** Operators shall immediately terminate emergency operation when ordered to do so by superior authority.

#### **EMERGENCY EQUIPMENT**

**41.3.56** The following minimum emergency equipment is required for each vehicle used in routine or general patrol service whether marked or unmarked:

- A.** Blue emergency lights mounted either inside or externally on the vehicle;
- B.** Siren;
- C.** Mobile radio transceiver;
- D.** Public address speaker.

#### **MARKED VEHICLES**

**41.3.57** The Sheriff's Office's marked patrol vehicles are identifiable from every view and from a long distance, day or night. Markings include:

- A.** A reflective star on the driver and passenger sides of the vehicle;
- B.** The "911" emergency telephone number on the driver and passenger sides of the vehicle;
- C.** A reflective star on the front license plate;
- D.** The words "VOLUSIA COUNTY" and "SHERIFF" on the driver's side, passenger side, and rear of the vehicle.

**41.3.58** Marked patrol vehicles shall be equipped with emergency lights. The lights may be mounted in the interior or on the exterior of the vehicle.

**41.3.59** Marked patrol vehicles shall be equipped with an exterior spotlight.

#### **ADDITIONAL EQUIPMENT**

**41.3.60** Each patrol Deputy must be prepared to meet a variety of needs during a normal tour of duty and is required to have a sufficient supply of forms and associated papers and pamphlets, readily available during their duty shift. Additionally, the following minimum items of equipment will be carried in each patrol vehicle used for normal patrol:

- A.** First-aid supplies;
- B.** A fire extinguisher;

- C. Traffic flares, minimum of 6;
- D. A blanket;
- E. A flashlight;
- F. A reflective vest;
- G. Fingerprint supplies (issued kit);
- H. A shotgun.

Deputies will have access to a camera through their supervisor or District office.

**41.3.61** See Directive 83.1 for additional listings of crime scene processing equipment which is required to be carried in vehicle used for normal patrol.

#### **REPLENISHMENT OF SUPPLIES**

**41.3.62** Deputies shall ensure that supplies are replenished or recharged as needed by requesting them from their supervisor.

**41.3.63** Supervisors shall insure Deputies are maintaining appropriate amounts of supplies in their patrol vehicles during the monthly inspection. Supervisors shall draw the supplies as needed from the District office.

**41.3.64** The District Lieutenant shall ensure an adequate stock of the supplies is maintained in the District office by drawing them from Inventory Control and approved suppliers.

#### **SEAT BELTS**

**41.3.65** All Sheriff's Office employees shall utilize seat belts when occupying any county vehicle, in accordance with State Statute 316.614.

**41.3.66** All drivers of Sheriff's Office vehicles will ensure that any passenger, employee or non-employee, is utilizing an installed seat belt, with the following exceptions:

- A. Prisoners transported in the rear of caged patrol vehicles or prisoner transport vans need not utilize seat belts.
- B. When there is a pre-existing injury or medical condition which may be aggravated by the use of seat belts, the Deputy shall provide documentation from a medical physician to his/her division commander.
- C. Supervisors may grant exceptions for specific situations in which they deem efficiency of operations to outweigh the safety benefit.

#### **TRANSPORTATION OF OTHER THAN VSO PERSONNEL OR AUTHORIZED OBSERVERS**

**41.3.67** Sheriff's Deputies are authorized to transport prisoners, victims, witnesses and aided citizens while in the performance of official duties.

**41.3.68** In each instance involving the transport of a prisoner, victim, witness or aided citizen of the opposite sex or juvenile in a Sheriff's Office vehicle, the operator shall contact the Communications Dispatcher and advise:

- A. Location and odometer mileage at the start of the transport;
- B. Intended destination;
- C. Odometer mileage and actual location at the end of the transport.

#### **UNIFORMS AND EQUIPMENT**

**41.3.69** The Sheriff's Office issues uniforms and equipment for each Deputy. Unless engaged in special operations, patrol Deputies will wear the issued uniform when reporting for duty, in accordance with Directive 22.6, (Appearance Uniforms and Equipment).

**41.3.70** Deputies are paid a standard uniform allowance and are responsible for the proper fit, repair, and cleaning of the issued uniforms. If a uniform item becomes excessively worn or damaged, it will be turned in and a new item issued.

#### **NON-STANDARD ITEMS**

**41.3.71** Only items issued by the Sheriff's Office will be worn on the uniform. Non-standard badges, patches, pins, or other decorations are prohibited unless approved by the Sheriff or his designee.

## **BODY ARMOR**

**41.3.72** The Sheriff's Office issues soft body armor to each sworn Deputy. Deputies assigned to uniformed field duties shall wear body armor while performing assigned functions. Exceptions may be granted by the individual Deputy's District Commander. However, body armor shall be available at all times.

**41.3.73** Deputies may purchase and wear substitute body armor while on duty. Requests, with a description of the body armor brand, model, and ballistic characteristics, will be submitted in writing to the appropriate Division Commander. Substitute body armor shall meet industry standard Level II, or above.

**41.3.74** Personnel are required to wear body armor while participating in preplanned high risk operations such as:

- A.** Execution of search warrants;
- B.** Surveillance/stakeout;
- C.** Arrest warrant service;
- D.** Drug raids;
- E.** Other high-risk situations.

## **NEXT OF KIN NOTIFICATIONS**

**41.3.75** Notification of next of kin involving death, serious injury or a critical illness shall be accomplished promptly in such a manner as to cause the least discomfort possible to the individual being notified.

**41.3.76** Timeliness in notification is essential. It is imperative that the immediate family or next of kin be notified prior to learning of the situation from outside sources such as the news media. The name of the deceased must never be released to the media before immediate survivors are notified. If the media already has the name, the media should be requested to withhold this information, pending notification of next of kin.

**41.3.77** Notification of next of kin involving death or serious illness relating to a traffic accident shall be made by the investigating agency.

**41.3.78** Notification of next of kin involving death or serious illness relating to a criminal investigation shall be made only after approval of a field supervisor or detective in charge.

**41.3.79** When practical, such notification shall be made in person by a Sheriff's Office Chaplain and accompanied by the originating Deputy, or another Deputy as authorized by a supervisor.

## **OUTSIDE AGENCY REQUESTS**

**41.3.80** All out of county agency requests for next of kin notification must be received at the Communication Section via teletype.

**41.3.81** The Telecommunicator Supervisor will contact the on-call Chaplain. The Telecommunicator Supervisor will provide all available information to the Chaplain who will re-contact the requesting agency if further clarification is needed. At the direction of the responding Chaplain, the Telecommunicator Supervisor will enter a CAD call so a deputy can accompany the responding Chaplain.

**41.3.82** The Chaplain will have a teletype sent to the requesting agency when next-of-kin notification is completed. The teletype will provide the name of the Chaplain completing notification and the phone number of the Volusia Sheriff's Office.

## **NOTIFICATION WITHIN VOLUSIA COUNTY**

**41.3.83** If the request originated from an agency other than the Volusia Sheriff's Office, the Telecommunicator Supervisor will notify the on-call Chaplain. At the direction of the responding Chaplain, the Telecommunicator Supervisor will enter a CAD call so a deputy can accompany the responding Chaplain.

**41.3.84** If the request originated from within the Volusia Sheriff's Office, the Deputy requesting notification will contact the on-call Chaplain and brief him/her about the incident, providing all available information as to next of kin.

**41.3.85** The Chaplain will assess the request and identify the resources needed to complete the task. The resources may include any services that the Chaplain Program has to offer, i.e., uniformed Deputy, childcare, medical, etc.

**41.3.86** The Chaplain will contact the identified resource people and have them assemble at an agreed location. Whenever possible, the District Headquarters shall be used. Once everyone is assembled, the Chaplain will brief everyone on the course of action to be followed.

**41.3.87** The Chaplain will meet with the assigned Deputy and other resources personnel and accompany them to the next-of-kin location.

**41.3.88** A uniformed Volusia Sheriff's Office Deputy will accompany all contacts made within Volusia County. Some circumstances may require the responding Patrol Deputy to leave his/her District to complete next-of-kin notification. Whenever possible, this shall be allowed. When the notification is completed and the Deputy is no longer needed, the Deputy will be released.

**41.3.89** The notification will be completed by the Chaplain. The Chaplain will then make inquiry of the next-of-kin reference to funeral services, and will assist, if needed. If a funeral home has been selected, the Chaplain will make contact and provide directions as to location of deceased. The Victim's Advocate will also contact either the Deputy at the scene or the Communications Section and provide them with the name of the responding funeral home.

**41.3.90** Any investigative follow-up questions, such as medical background, personal history, etc., will be asked by the assisting Deputy who, if different from the initial responding Deputy, shall forward the information to the initial responding Deputy investigating the case.

**41.3.91** At scenes where the victim is deceased and family members are present, the next of kin notification will be handled by the ranking Deputy in charge of the scene.

**41.3.92** When the victim is incarcerated within the County or State Department of Corrections facility and is the victim of an inmate-on-inmate homicide, the next of kin notification will be the responsibility of the assigned Homicide Detective. The Sheriff's Office does not make Next of Kin notifications in other in-custody deaths.

**41.3.93** Notification at the Residence:

- A.** Ask to be admitted to the house. Never make a death notification on the doorstep
- B.** Gather everyone in the house and ask them to sit down. It is the responsibility of the Deputy, or Chaplain if available, making the notification to ensure the next of kin is accompanied at the time of notification.
- C.** Inform them slowly and clearly of the information you have regarding the cause of death; however, if the cause is unknown, the Deputy should not speculate, but may explain that the cause is presently unknown. If known, the Deputy may provide the date, time and location of the death and whereabouts of the body.
- D.** Notifications involving a death relative to a criminal investigation will be made only upon the arrival of the Deputy in charge of the investigation, or his/her Supervisor.
- E.** Any number of reactions from family members, including hysteria, shock, anger, fainting, or physical violence should be expected by the notifying Deputy. Consequently, a VSO Chaplain and additional Deputies may be utilized to convey or assist in the notification process.

**41.3.94** Notification at Place of Business:

- A.** Meet with the next of kin's supervisor or manager first before meeting with the next of kin.
- B.** Arrange to meet with the supervisor in a conference room or other area away from other employees and always away from the next of kin's work area. Inform them slowly and clearly of the information regarding the death as described in **41.3.98 C.**
- C.** Offer to summon another family member, friend, clergy or other person. Offer to remain until the arrival of the person summoned.

**41.3.95** If the next of kin desires the Sheriff's Office to notify other family members, the notifying officer shall obtain their names and addresses.

**41.3.96** Under no circumstances should the next of kin be abandoned if they are elderly, alone or severely distraught. It may be necessary to summon medical help.

#### **NOTIFICATION OUTSIDE VOLUSIA COUNTY**

**41.3.97** The Deputy requesting notification shall have Communications contact the appropriate law enforcement agency for next-of-kin notification. The contact shall be made via teletype whenever possible. Follow up or additional contact between the agencies may be made by telephone after the initial teletype contact. All releasable information regarding the incident will be forwarded to the responsible Police Agency, to include the responding Deputy's name and phone number.

**41.3.98** The assigned Deputy should obtain the names of relatives to contact from immediate supervisors or from agency records.



**41.3.99** The agency shall be requested to provide confirmation when next-of-kin notification has been completed. This confirmation shall be noted in the report file.

**41.3.100** Request that the next-of-kin contact the Deputy/Detective by phone as soon as possible. At this time any follow-up investigative questions can be resolved and family wishes such as victim disposition can be made known.

**41.3.101** A reasonable time period will be allowed for next-of-kin notification. If, for some reason, this cannot be completed, the Shift Sergeant will be advised and the deceased will be removed by the rotation funeral home. The responsible Chaplain will be updated and will contact either the responding Deputy/Detective or Volusia Sheriff's Office Communications Section, regardless of whether or not next-of-kin notification is made.

**41.3.102** All attempts to contact the next of kin shall be noted in writing.

**41.3.103** Each situation has unique circumstances. The Deputy will handle each case in the most effective and compassionate manner available at the time and in those particular circumstances.

#### **SPECIAL NOTIFICATIONS**

**41.3.104** Special circumstances and events occur which require additional assistance from outside sources. The Central Communications Section will notify the outside source and log the date and time the notification was accomplished in the CAD computer system. These include:

- A. FBI/DEA/Customs/FDLE** - Instances requiring assistance from the FBI, DEA, Customs, or FDLE will usually involve major or very complex crimes in which those agencies would have an interest. In those instances, a Sheriff's Office Detective will usually be on the scene. The responding Detective will make the determination as to whether notification need be made, or assistance requested from the above agencies. If no Detective is on the scene, the Shift Supervisor will make the determination.
- B. Medical Examiner** - The Medical Examiner will be notified of all homicides, suspicious deaths, or apparent suicides. Notification should be made as soon as possible in the event the Medical Examiner elects to respond to the scene. The responding Deputy, Shift Supervisor, or Detective may request notification to the Medical Examiner.
- C. County/State Road Crews** - In the event of hazardous road, bridge, or highway obstructions or other dangerous conditions requiring immediate correction, the responding Deputy will request the call-out of the appropriate emergency crews. The Deputy will take appropriate action to protect the public from harm, including road or bridge closure, re-direction of traffic, etc.
- D. Public Utilities/Rail** - Hazardous conditions created by or to power transmission equipment, telephone/cable lines, water, gas, or sewage systems; or FEC/CSX equipment, must be corrected to ensure the public safety. The responding Deputy will request notification be made to the appropriate agency should the need arise. The Deputy will remain at the scene, if necessary, and take appropriate measures to re-direct traffic, or limit access to the hazardous area, as needed.
- E. News Media** - Should conditions arise which require widespread notification to the public, such as extended road closures, major accidents, or disaster, the Shift Supervisor shall notify the Sheriff's Office's Public Information Officer, who shall then be responsible for contacting the appropriate media.

#### **CRIMINAL WITNESS SUBPOENAS**

**41.3.105** It shall be the responsibility of each District Commander to ensure that a current District shift schedule, showing all sworn personnel and scheduled personal leave, is maintained at all times on the I Drive for review and access by the Court Liaison.

**41.3.106** Each district shall create a "subpoena log" to increase accountability and to ensure that all sworn personnel are complying with required court appearances.

**41.3.107** All subpoenas delivered to each district will be received and immediately be logged into the "subpoena log" by the District Lieutenant.

**41.3.108** The deputy whose name appears on the subpoena is to be served personally and promptly by the District Lieutenant or a designated supervisor. Under no circumstance shall service be accomplished by placing the subpoena in the deputy's mailbox.

**41.3.109** The District Lieutenant or designated supervisor serving the subpoena shall log the date and time the subpoena was served and enters their name in the appropriate space.

**41.3.110** If the District Lieutenant or designated supervisor is unable to serve the deputy due to unscheduled or emergency leave, the District Lieutenant shall personally notify the party (attorney or otherwise) who caused the subpoena to be issued and inform them of the unavailability of the deputy.

**41.3.111** In all cases where the subpoena is for trial the State Attorney in charge of the case shall be immediately notified.

**41.3.112** These required notifications or efforts to notify shall be noted in the "subpoena log."

**41.3.113** Failure to respond to a properly delivered subpoena (26.2.15) may result in disciplinary action up to and including a one-day suspension and subject the deputy to court sanctions that can include a monetary fine and/or suppression of the evidence and testimony.

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**Revised by:** 6760  
**Revised on:** 09-2019

**Approved:**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and another signature.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: PATROL ZONE BOUNDARIES**

**CODIFIED: 41.4**

**EFFECTIVE: 10-2017**

**RESCINDS/AMENDS: 41.4/09-2011**

**ATTACHMENTS: 31**

**PURPOSE**

The purpose of this Directive is to define the boundaries of the various zones within Volusia County and designate district responsibility for providing services and equalizing the workload within those zones.

**DISCUSSION**

The jurisdiction of the Department is sub-divided into four districts (2, 3, 4, and 6). The districts are further sub-divided into patrol zones, which are the smallest division of geographical areas of responsibility. Patrol Deputies are assigned to specific zones to provide preventive patrol and respond to calls for service.

**POLICY AND PROCEDURE**

**41.4.1** The zones comprising each district are as follows:

**41.4.2 DISTRICT 2** is the Northwest district. It runs from the north county line southward along the St. Johns River to the west. The eastern boundary is approximately the north-south centerline of the county. The southern boundary runs along SR 472 in the southeast and then continues to the St. John's River from the intersection of SR 472 and N. Volusia Ave. in the southwest. The cities of DeLand, Lake Helen, and Pierson are in this district, as well as the communities of Seville and Cassadaga.

**41.4.3** The District 2 patrol zones are:

- **Zone 21**
- **Zone 22**
- **Zone 23**
- **Zone 24**
- **Zone 25**
- **Zone 26**

**41.4.4 DISTRICT 3** is the Eastside district. The district runs from the north county line to the south county line to Interstate 4 (I-4), on the mainland, and to Main St. in Daytona Beach on the peninsula. The eastern border is the Atlantic Ocean. The western border is approximately the north-south centerline of the county. The cities of Ormond Beach, Holly Hill, Daytona Beach, New Smyrna Beach, Edgewater, Port Orange, South Daytona, Daytona Beach Shores, Oak Hill, as well as the community of Ormond by the sea, are located in this district. District 3 has a North and South Office locations.

**41.4.5** The District 3 patrol zones are:

- **Zone 31**
- **Zone 32**
- **Zone 33**
- **Zone 34**
- **Zone 35.**
- **Zone 51**
- **Zone 52**
- **Zone 53**
- **Zone 54**
- **Zone 55 (City of Oak Hill)**
- **Zone 57**

**41.4.6 DISTRICT 4** is the Southwest district. It runs from the south county line to the northern city limits of Deltona. The city of Deltona is located within the district. The western border is shared with the northeastern city limits of

DeBary and eastern city limits of Orange City. The eastern border encompasses the community of Osteen and runs north along CR 415 until meeting the District 5 border south of Lake Ashby.

**41.4.7** The District 4 patrol zones are:

- **Zone 41;**
- **Zone 42 (City of Deltona);**
- **Zone 43 (City of Deltona);**
- **Zone 44 (City of Deltona);**
- **Zone 45 (City of Deltona);**
- **Zone 46 (City of Deltona);**
- **Zone 47 (City of Deltona);**
- **Zone 48 (City of Deltona);**
- **Zone 49 (City of Deltona).**

**41.4.8 DISTRICT 6** is the Southwest District. It runs from the St. John's River in the south to SR 472 in the northeast. The northwest border continues from the intersection of SR 472 and N Volusia Ave. until it reaches St. John's River towards the northwest. The cities of DeBary and Orange City are located within the district. The western border is the St. John's River, and the eastern border comprises the southwestern city limits of Deltona and western city limits of Orange City.

**41.4.9** The District 6 patrol zones are:

- **Zone 61; (City of DeBary);**
- **Zone 62; (City of DeBary);**
- **Zone 63; (City of DeBary);**
- **Zone 64;**
- **Zone 65.**

**41.4.10** Each District is under the command of a District Commander, who shall be responsible for providing services to the citizens within the District, including respective contract cities. Patrol Deputies shall be assigned responsibility for a particular zone or zones.

#### **DISTRICT MAPS**

**41.4.11** Maps of each District and the zones located within that District are maintained digitally and available via **ForceWatch**, which combines AVL and CAD with Google maps and allows for visual tracking of all units from the MDC.

Digital mapping and crime data information are provided through weekly/bi-weekly CompStat meetings and are available on the VCSO Website.

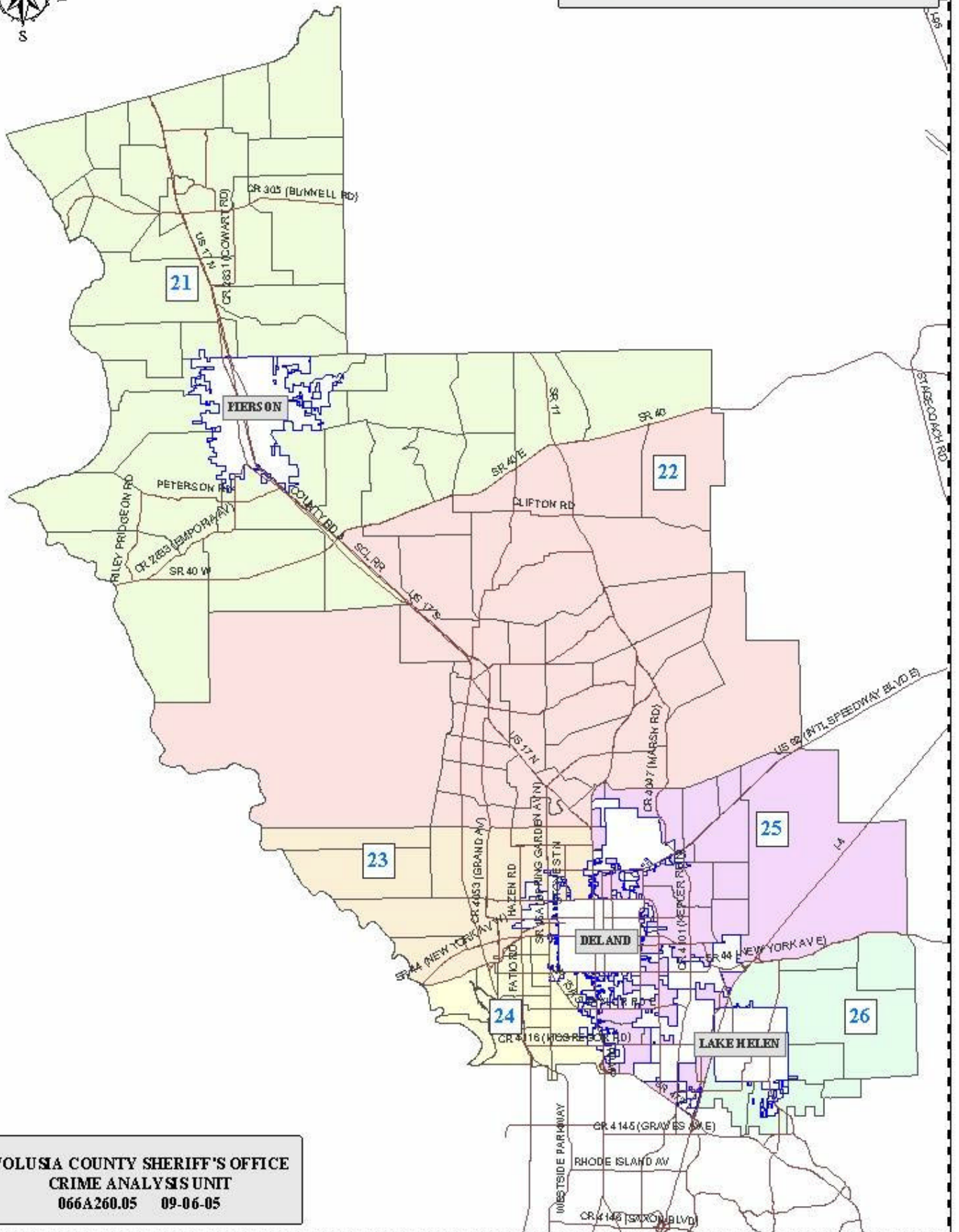
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**Revised by:** 6760  
**Revised on:** 10-2017

**Approved:**

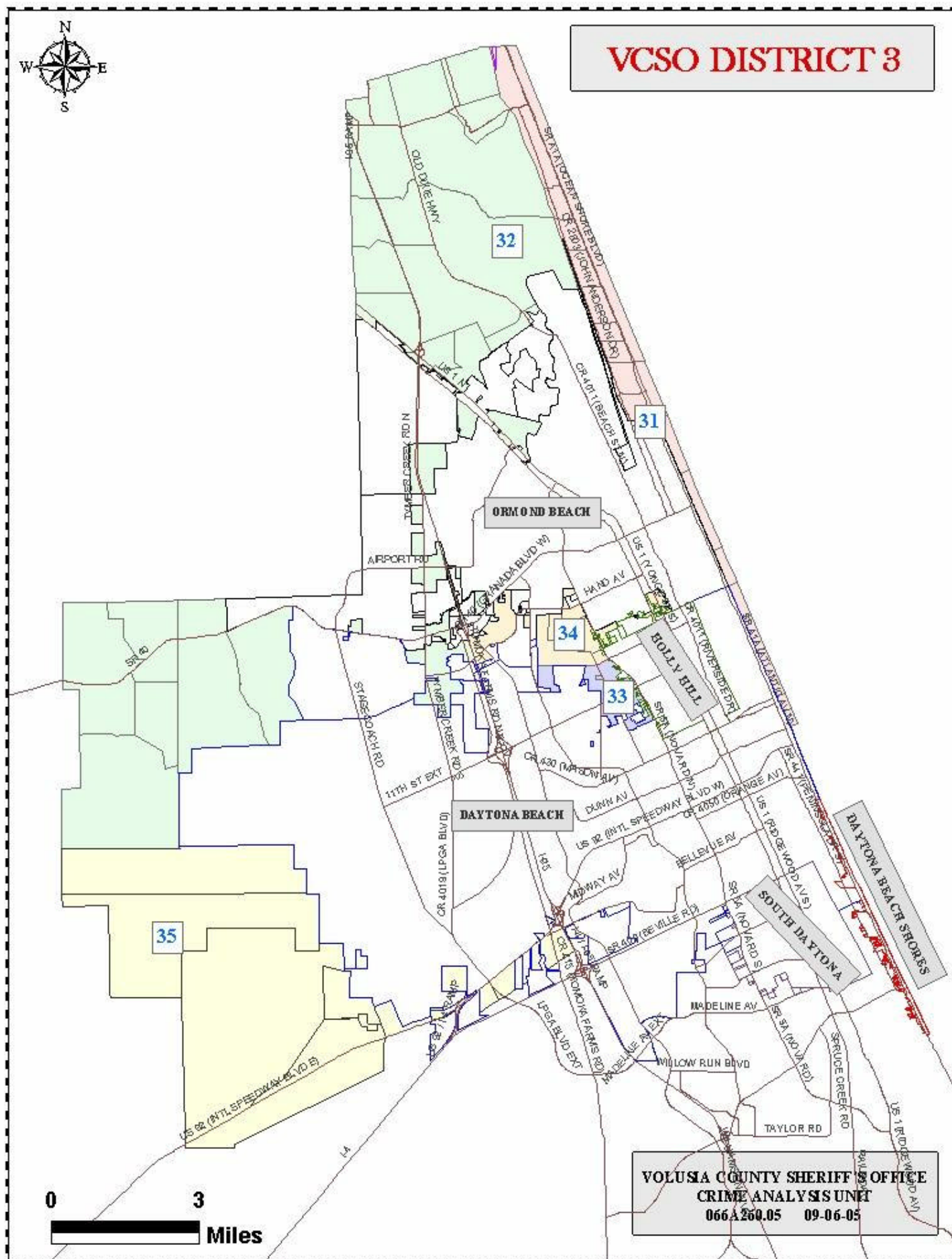


**Michael J. Chitwood**  
**Sheriff, Volusia County**



VOLUSIA COUNTY SHERIFF'S OFFICE  
CRIME ANALYSIS UNIT  
066A260.05 09-06-05





# VCISO DISTRICT 4



## Legend



DELTONA

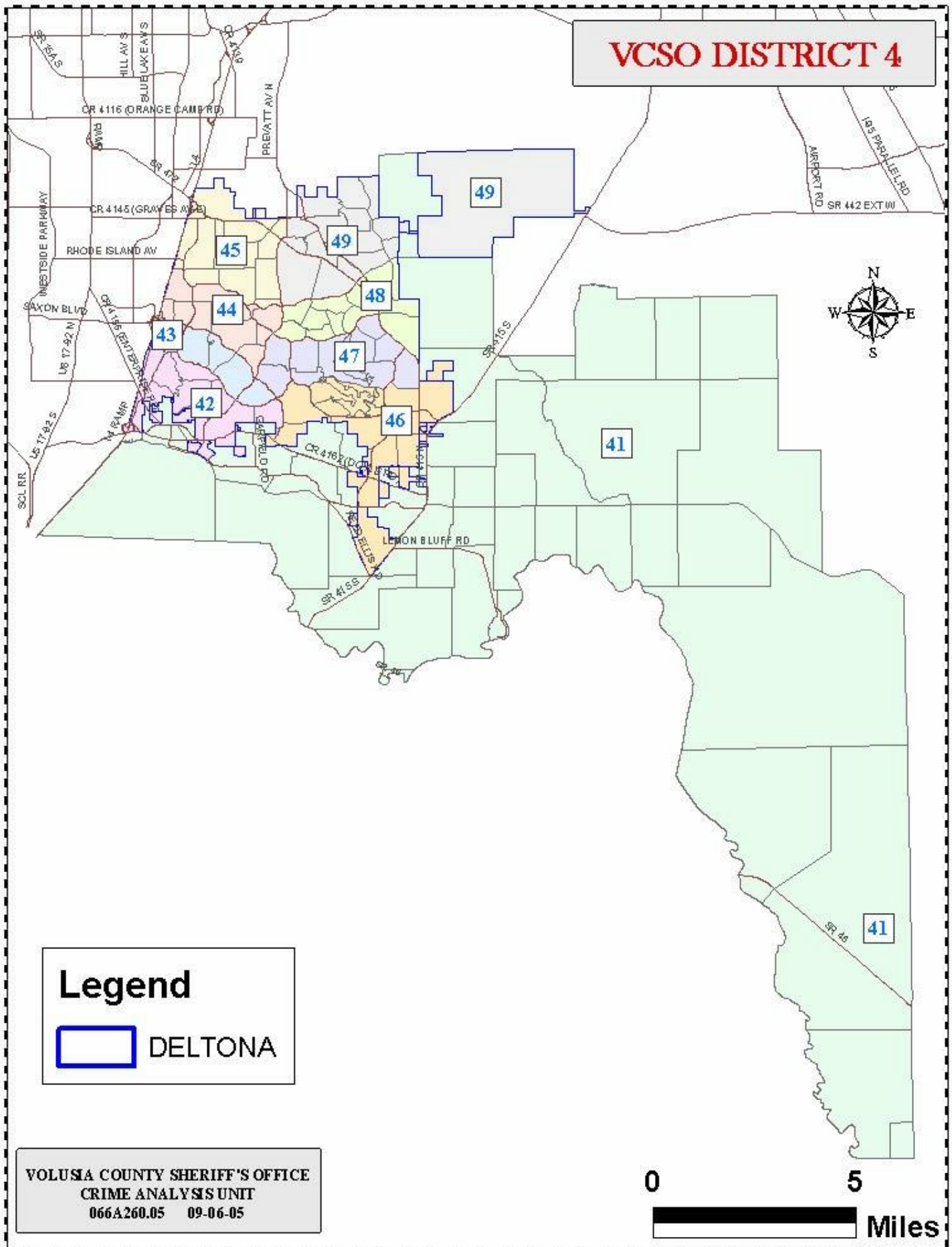
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CRIME ANALYSIS UNIT  
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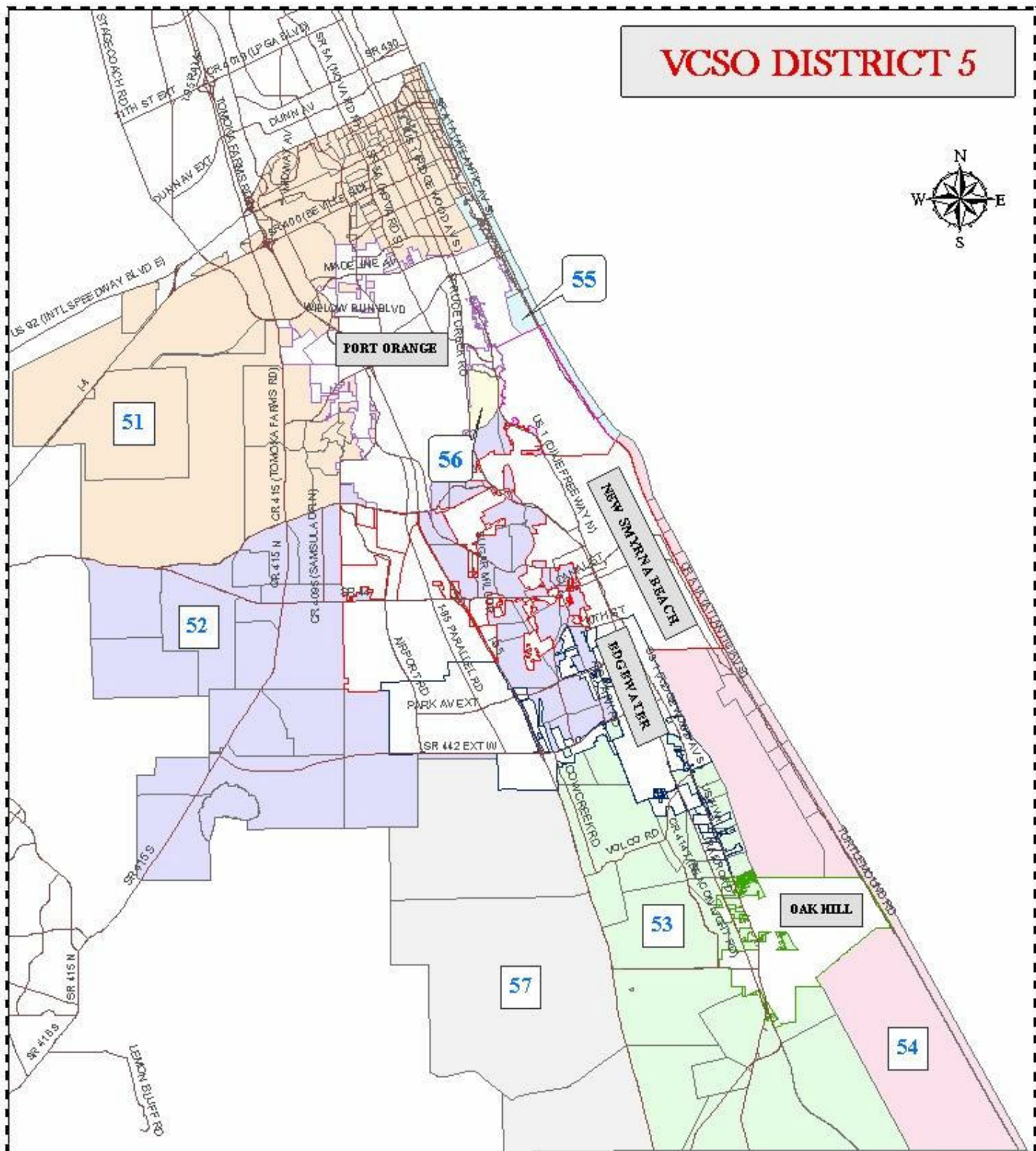


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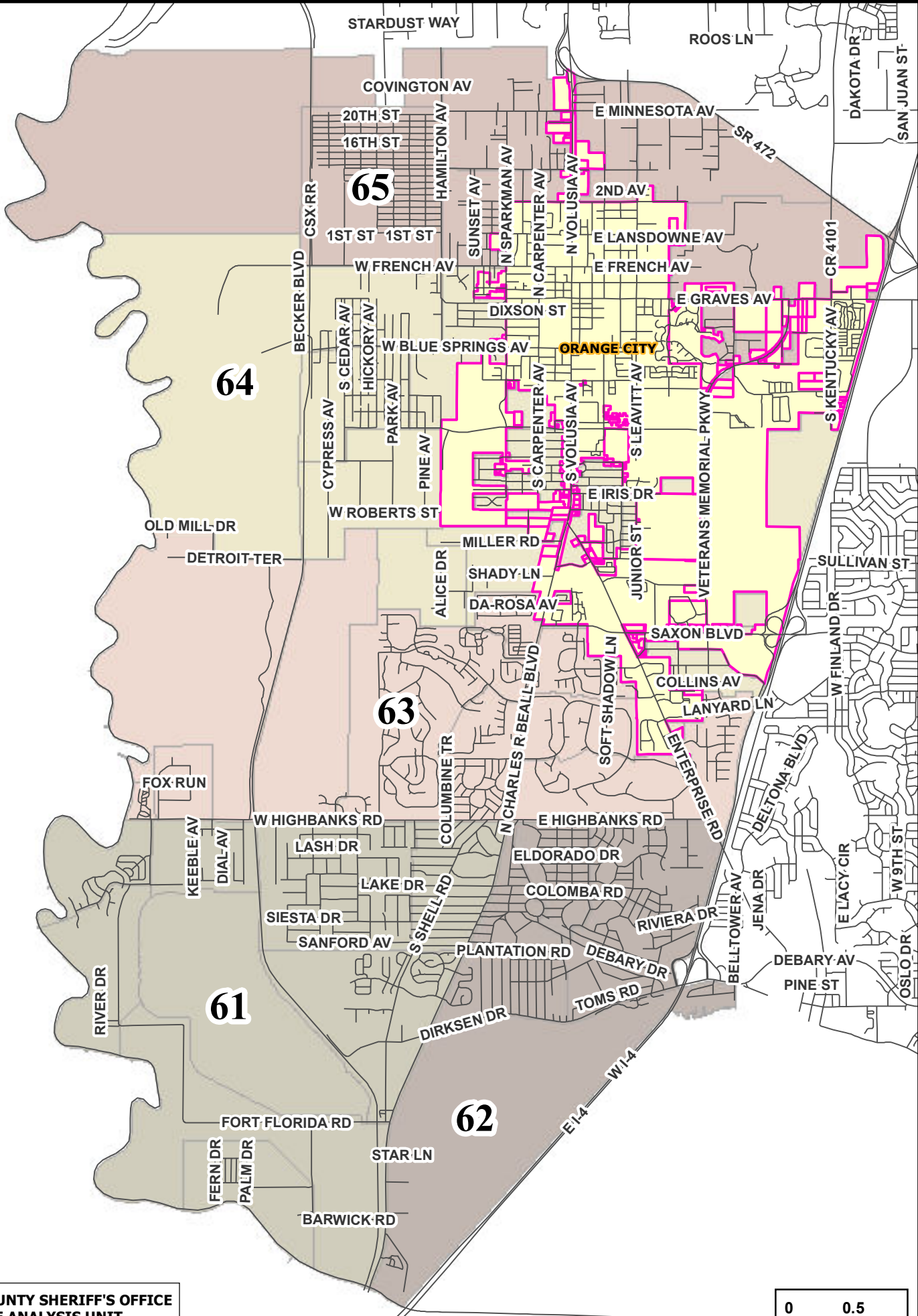
# VCISO DISTRICT 5



VOLUSIA COUNTY SHERIFF'S OFFICE  
CRIME ANALYSIS UNIT  
066A260.05 09-06-05

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**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: VEHICLE ASSIGNMENT & REPLACEMENT PROGRAM**

**CODIFIED: 41.5**

**EFFECTIVE: 09-2013**

**RESCINDS/AMENDS: 41.5/04-2003**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish general guidelines for the assignment of Department vehicles.

**DISCUSSION**

The Volusia County Sheriff's Office operates a fleet consisting of marked patrol, unmarked/investigative, administrative and a wide variety of utility and special purpose vehicles.

Due to the wide variety of applications vehicles are subject to, vehicle *assignment* is based on the vehicle's designed utilization benefits to the agency as a whole and is not based on position or rank.

Use and application also applies to vehicle *replacement*, which is based on the criteria set forth herein.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to optimize the agency's vehicle assignment and replacement program to ensure operational safety, fiscal prudence and service to the community.

Subsequently, the VCSO will diligently monitor and document preventative maintenance and individual vehicle servicing in order to identify in a timely manner any safety or excessive maintenance/ repair issues associated with a particular vehicle within the fleet.

Furthermore, the VCSO recognizes the increased fiscal responsibilities, performance issues and risk exposure that may arise from an aging fleet.

To this end, the VCSO will seek to balance cost, safety and service to ensure continued operational reliability, full emergency response capabilities and overall benefit to the community it serves.

**PROCEDURE**

**41.5.1** The Fleet Manager will oversee the agency's vehicle assignment and replacement program to include:

- A.** Coordinating with respective components to ensure vehicle is fully equipped and ready for initial assignment/ reassignment based on designated vehicle task;
- B.** Documenting and maintaining all required paperwork and forms required for assignment/ reassignment;
- C.** Monitoring the overall preventative maintenance schedule(s) to ensure adherence to established policy;
- D.** Facilitating any needed maintenance/ repairs;
- E.** Assessing vehicles for potential replacement or reassignment recommendations as they approach established mileage-level guidelines;
- F.** Assisting in the replacement and reassignment of identified vehicles to meet the needs of the agency;

**41.5.2** Vehicles are reviewed for possible replacement or reassignment as they reach pre-determined mileage levels in accordance with their task assignment (refer to the chart in section 41.5.8).

**41.5.3** These reviews are facilitated by the Fleet Manager who will assess and document overall performance, safety and cost/benefit to the agency prior to recommending replacement or reassignment of a vehicle.

**41.5.4** Based on the vehicle's performance measures during the Fleet Manager's review, the vehicle may be selected for replacement, reassignment or may remain assigned in its current service pending a future performance review.

**41.5.5** A variety of performance measures are utilized in determining the replacement or reassignment needs of a fleet vehicle. These measures include, but are not limited to:

- A. Average mileage over time (based on the average usage across the fleet for that category of vehicle).
- B. Average life expectancy in months of service
- C. Category of vehicle assignment/ type of use
- D. Task assignment of the vehicle (Primary response vehicles; administrative or investigative duties; off-road, agriculture/ ranch/ marine/, towing specialized vehicles/equipment, etc.)
- E. Maintenance schedules
- F. Previous history of accident/ damage
- G. Excessive maintenance/ repair issues (refer to section 41.5.7)
- H. Maintenance costs

**41.5.6** County variances in geography and demographics, assignment of the driver, and/ or specialty of the vehicle all dictate the accumulation of mileage, some more rapidly than others of the same year model. These variables also affect the frequency of maintenance/ repair issues and associated costs.

**41.5.7** The Fleet Manager will be watchful for any indication of driver-initiated causes that may lead to excessive maintenance/ repair issues (e.g. excessive tire or brake wear/replacement) beyond those normally associated with expected use. In such cases, the Fleet Manager will notify the respective supervisor for follow-up and/or corrective action.

**41.5.8** Unless a specific vehicle within a category is identified for review based on maintenance/ repairs, the following established milestones will be used as a guide to initiate a performance review prior to replacement or reassignment:

VEHICLE TYPE	REPLACEMENT REVIEW MILEAGE	LIFE IN MONTHS
PURSUIT VEHICLES	100,000	48 MONTHS
PURSUIT SUVs (4X2)	125,000	60 MONTHS
K-9 VEHICLES OR K-9 SUVs	100,000	60 MONTHS
ADMINISTRATIVE and INVESTIGATIVE UNITS: (NON-PURSUIT)	125,000	72 MONTHS
SUVs (4X4)	150,000	60 MONTHS
TRUCKS (4X4 OR 4X2)	175,000	72 MONTHS
VANS	175,000	84 MONTHS

**41.5.9** It is recognized that some equipment will no longer be required to perform the function for which it was originally acquired. This scenario can result in vehicle replacement or sale outside of the anticipated schedule.

**41.5.10** Once a vehicle is identified and recommended for replacement/reassignment, the Fleet Manager shall notify the Support Services Commander for any scheduled action.

**41.5.11** The following categories of assignment will be utilized when acquiring new vehicles and when making recommendations for reassignment of existing fleet vehicles:

#### CATEGORY I

##### NEW POLICE PACKAGE VEHICLES

**41.5.12** New police package vehicles are assigned to the following, whenever possible:

- Law Enforcement Services Division (L.E.S.D.)

- Judicial Services Division (J.S.D.) - Extraditions and Civil (Enforceable)

#### **CATEGORY II**

**41.5.13** Vehicles meeting designated milestones may be moved to a Category II vehicle upon review/ assessment and will be assigned as follows:

- Retained in L.E.S. for continued use as a marked Patrol/Pursuit unit if the vehicle reaches 48 months with less than the average replacement mileage and the vehicle has had no noted significant performance issues upon review, as determined by the Fleet Manager
- Administrative
- L.E.S. Investigative Units
- Judicial Services Division. (marked; supplement to new vehicles for Civil Services)

#### **CATEGORY III**

**41.5.14** Category III vehicles are pursuit package vehicles with 125,000 miles or that have had major body repair resulting from a crash.

**41.5.15** Personnel holding administrative positions shall be issued Category III vehicles.

#### **CATEGORY IV**

**41.5.16** Category IV vehicles are pursuit package vehicles that exceed the average replacement criteria for the specified class of vehicle.

**41.5.17** The following areas shall utilize these vehicles:

- Pool cars (other than L.E.S.)
- Vehicles assigned to personnel as transportation

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**Revised by: 7427/6760**

**Revised on: 08-20-2013**

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: INDIVIDUAL VEHICLE  
ASSIGNMENT PROGRAM**

**CODIFIED: 41.6**

**EFFECTIVE: 05-2017**

**RESCINDS/AMENDS: 41.6/01-2017**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for the use of individually assigned vehicles.

**DISCUSSION**

Volusia County has experienced a rapid growth rate and is changing from a rural to an urban style community. Calls for law enforcement services continue to increase in response not only to population growth and demographics, but to new legislation, homeland security issues and a host of new emerging types of crime generated in part from advancing technologies (e.g. Internet). The Individual Vehicle Assignment Program is designed and implemented to provide additional police services without a commensurate increase in Department manpower.

The program is designed to accomplish the following goals:

- Improve response time for off-duty personnel when mobilized for an emergency.
- Improve and enhance operational readiness during times of critical incidents and disasters (natural and man-made).
- Increase the availability and immediate activation of emergency resources to assist in evacuations, traffic direction and emergency response.
- Promote the security and well-being of the citizens of Volusia County by increasing the number and visibility level of patrol vehicles on the streets and highways.
- Promote police community relations by increasing the number of personal contacts and services performed by the Department.
- Reduce the opportunity for criminal activity by creating an awareness of more patrol vehicles in the community.
- Improve response time to priority calls while increasing the probability for criminal apprehension.
- Improve the level of vehicle performance and appearance by applying preventive maintenance practices.
- Reduce vehicle per-mile maintenance costs.
- Reduce annual mileage per vehicle, while increasing vehicle life expectancy.
- Provide personal incentives and improve the morale of all members through participation in the program.

**POLICY**

It shall be the policy of the Department to maintain an Individual Vehicle Assignment Program to better serve the citizens of Volusia County by providing additional police services without a commensurate increase in Department manpower.

**PROCEDURE**

**PARTICIPATION**

**41. 6.1** Participation in the Individual Vehicle Assignment program is a privilege extended to personnel and is contingent on work assignment, availability, seniority, efficiency, job performance, and general merit. Abuse of this privilege may lead to temporary or permanent revocation of participation.

**41. 6.2** Personnel must live within Volusia County in order to take their assigned vehicle home. Personnel who live outside the county, but are within twenty (20) air-miles of the county line may submit a written request to the Sheriff requesting to take the vehicle out of county for the purpose of commuting to and from work. To be considered by the

Sheriff, this memo must include the number of air-miles from the residence to the nearest county line. If a member lives outside the 20 mile limit, the request will be denied unless expressly waived in writing by the Sheriff for specific assignment related purposes.

**41. 6.3** Members will be notified in writing of the approved/denied request; a copy will be forwarded to Personnel for inclusion in the member's personnel file.

**41. 6.4** Personnel who relocate to another address outside of Volusia County will be required to submit a new written request documenting the new air-miles and respective street address in accordance with Directive 26.2.10 - 26.2.11. Only one approved request per residential location is required and shall be maintained in the member's personnel file.

**41. 6.5** Personnel living outside the 20-mile limit will leave their assigned vehicle at the nearest fire station, police department, or other authorized secured parking lot within Volusia County.

**41. 6.6** Reserve Deputies will not participate in the Individual Vehicle Assignment Program unless authorized in writing by the Sheriff.

**41. 6.7** Employees that have had their driving privileges suspended/revoked or that are under disciplinary suspension will not participate in the Individual Vehicle Assignment Program.

**41. 6.8** Leased vehicles are to be considered Department vehicles. Deputies/Members assigned leased vehicles will adhere to all sections of this Directive, as well as Directive 41.7 Fuel Consumption.

**41. 6.9** Department vehicles are assigned to authorized members for use both on and off-duty. Probationary employees (excludes promotional probation) are restricted to commuting to/from assigned work area and are not authorized to participate in off-duty use of assigned vehicle until successful completion of probation.

**41. 6.10** Off-duty use will be in accordance with this Directive.

**41. 6.11** Department vehicles may be operated by the employee they are assigned to or by another employee with authorization from their Lieutenant or Watch Commander.

**41. 6.12** All Department members participating in the Individual Vehicle Assignment Program who are involved in motor vehicle crashes, personal injury incidents, or damage to property involving a Department vehicle will have the matter referred to the County Accident Review Board.

**41. 6.13** The employee has the right to voluntarily present their explanation of the crash to their Divisional staff prior to case's presentation to the County Accident Review Committee.

**41. 6.14** The employee wishing to present their explanation at their Division's staff meeting shall request to do so through their chain of command. It is the employee's responsibility to ascertain when and where to appear.

#### **SECURING FIREARMS**

**41. 6.15** All sworn personnel shall ensure that firearms are secured within the vehicle's locking rack system when leaving the vehicle unattended during use in accordance with Standards Directive 1.2 Firearms.

**41. 6.16** At the end of shift, all firearms will be removed from the vehicle and secured in accordance with Standards Directive 1.2 Firearms.

#### **OFF-DUTY USE OF THE ASSIGNED VEHICLE**

**41. 6.17** When utilizing an assigned vehicle off-duty, the following procedures will apply:

**41. 6.18** The employee operating the Department vehicle is responsible for the actions, conduct, appearance and safety of all occupants of the vehicle.

**41. 6.19** Prior to being transported, passengers are required to agree to follow the instructions of the Deputy during emergency situations.

**41. 6.20** Non-sworn passengers shall be advised that when the Deputy responds to an emergency call for service they will be discharged at the nearest, safe, convenient location and may have to arrange for other transportation.

**41. 6.21** All occupants of the vehicle will be properly attired. Proper attire will consist of clothing of neat appearance (shirt/blouse, pants/neat shorts/ skirt and proper footwear). Employees shall use common sense and discretion when addressing the rules of this section, due to constant public awareness. Unacceptable attire will consist of the following:

**A.** Tank tops or undershirts

- B. Cut off shorts, short style gym shorts and swimsuits etc.
- C. Clothing that is soiled, stained or has rips, tears or holes
- D. Sandals or shower type shoes
- E. Suggestive clothing with profane or obscene logos displayed

**41. 6.22** Patrol Zone Units will log on and off duty for their scheduled shifts by using their MDC's unless the MDC is not functioning at which time the unit will call out via the radio. Units having MDC's will log 10-75 both in and out of service via the MDC without using the radio.

**41. 6.23** Units without MDC's will no longer log 10-75 (Off Duty in a County Vehicle) for both in and out of service via the radio.

**41. 6.24** While using the assigned vehicle off-duty, Deputies shall monitor the appropriate patrol talk group for their geographic location on their radio transceiver.

**41. 6.25** If a Deputy is within a reasonable response time to a dispatched emergency in-progress call they will advise Central Communications of their location, estimated response time and shall respond as a backup unit or first Deputy on the scene if the situation warrants. Any passengers who are not sworn officers will be discharged at the nearest safe convenient location prior to responding to the call.

**41. 6.26** Upon arrival at a call for service or while taking a police action, off-duty Deputies shall assume full responsibility for the situation until relieved by on-duty personnel. Whenever possible, on-duty personnel shall relieve the 10-75 unit as soon as possible.

**41. 6.27** Drivers of Department vehicles will obey all traffic laws to include all public and private parking signs.

**41. 6.28** Deputies/Members will operate Department vehicles with reasonable prudence in order to maintain them at the highest degree of operating efficiency to ensure operational readiness and economic fuel usage.

**41. 6.29** Car-pooling will be utilized to reduce the number of vehicles attending functions outside the County.

**41. 6.30** Department vehicles will be locked when unattended. Any switches that remotely open the vehicle or compartments will be locked, if possible. Firearms in a Department vehicle that are left unattended shall be secured.

**41. 6.31** "10-75" employees may use their vehicles to and from their part time employment, but may not utilize the vehicle as part of that employment.

#### **PROHIBITED USES**

**41. 6.32** Department vehicles shall not be operated outside of Volusia County without the permission of the Division Commander. Permission may be granted for education, training and other law enforcement related functions.

**41. 6.33** Assigned vehicles will not be driven after an employee has taken prescription or non-prescription substances that affect driving ability.

**41. 6.34** Assigned vehicles will not be driven after an employee has consumed alcoholic beverages.

**41. 6.35** "10-75" employees are prohibited from:

- A. Attending bars, lounges, and package stores
- B. Recreational visits to the beach
- C. Patronizing drive-in theaters
- D. Engaging in traffic enforcement activities while off-duty. Traffic violations of a routine nature will not be the subject of enforcement action by off-duty personnel. Only those violations, which impose an immediate threat to the safety of the public, in which an on-duty Deputy cannot be summoned, shall be authorized for off-duty stopping/enforcement.
- E. Utilizing vehicles for transporting excessive or heavy loads or have objects protruding from the trunk or windows unless authorized by a supervisor for a work-related purpose.
- F. Utilizing their vehicles in such a way as to cause public criticism.

#### **VEHICLE MAINTENANCE**

**41. 6.36** Employees will be responsible for the general maintenance, cleanliness and condition of their assigned vehicle.

**41. 6.37** Deputies are required to change flat tires on or off-duty, unless otherwise provided by tow contract. Tires will then be delivered to a Vehicle Maintenance facility for repair or replacement.

**41. 6.38** Routine preventative maintenance work must be performed at the County service facilities, to include those sites identified for oil and lube only, and done during the employee's time off, if the facilities are open during time off hours.

**41. 6.39** Deputies will not leave weapons in their assigned vehicles when the vehicle is being repaired or serviced unless the Deputy is with the vehicle while the work is being performed.

**41. 6.40** Deputies will use the following procedures when dropping off vehicles after hours for maintenance at the County Equipment Maintenance facility at 1270 Indian Lake Road, Daytona Beach.

- A. All vehicles that are placed in the cage compound must be locked and the keys placed in the "in" drop box. Keys must be identified.
- B. Maintenance request forms will be filled out and placed on the dashboard of the vehicle requesting repairs.
- C. All weapons must be removed from the vehicle.
- D. The gate to the compound must be locked upon leaving.
- E. Any vehicle that remains inside or outside the confines of Equipment Maintenance overnight will have the keys removed and the vehicle will be locked.
- F. Deputies picking up vehicles after hours from the cage compound will retrieve the vehicle's keys from the "out" key box. The key box must be re-locked and the gate re-locked after removing the vehicle from the compound.

**41. 6.41** Members will not perform the following:

- A. Make any mechanical adjustments or alterations unless authorized.
- B. Install either inside or outside the vehicle any personally or County owned equipment, unless written approval has been granted by the Division Commander prior to installation. A complete list of personally owned equipment that has been installed in the vehicle shall be forwarded to and filed with the Department's Fleet Manager.
- C. Make or have any repairs to the vehicle other than at a Department authorized maintenance facility, without authorization.
- D. Use liquid additives in the vehicle other than those authorized by vehicle maintenance.
- E. Install or use any trailer or vehicle towing equipment.

#### **INSPECTIONS**

**41. 6.42** Supervisors will inspect and document vehicles assigned to subordinate members under their command, at least monthly. Vehicles will be inspected to determine:

- A. Internal and external cleanliness
- B. Adherence to preventive maintenance practices (servicing of vehicle)
- C. The condition and availability of all equipment
- D. Current driver's license

**41. 6.43** Recurring deficiencies shall be documented and the appropriate actions taken.

**41. 6.44** Willful negligence on the part of the employee in the care or operation of vehicles, or the failure to comply with Directives governing the use of vehicles will be cause for revoking the Vehicle Assignment privileges for a period of up to one (1) year.

**41. 6.45** Two chargeable accidents within one year, either on or off-duty, while driving a Department vehicle, may result in Vehicle Assignment privileges being revoked for up to one (1) year.

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**Revised by:** 6760; 2314

**Revised on:** 02-02-2012; 06-2015; 01-2017; 05-2017

**Approved: 05-22-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>FUEL CONSUMPTION</b>
<b>CODIFIED:</b>	<b>41.7</b>
<b>EFFECTIVE:</b>	<b>06-2008</b>
<b>RESCINDS/AMENDS:</b>	<b>41.710-2001</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines for the consumption and conservation of fuel by the Volusia County Sheriff's Office.

**DISCUSSION**

Under normal circumstances, the consumption and conservation of fuels are carefully monitored to ensure a responsible balance is maintained between necessary operational flexibility and economic/fiscal responsibility; however, certain times and/or conditions may cause different levels of concern as to the availability of fuel.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office that during periods of potential fuel shortages, regardless of the reason, consumption and conservation of fuel shall be more aggressively regulated. This Directive applies to all agency personnel.

**PROCEDURE**

**41.7.1** The following levels and restrictions shall be followed as they are implemented.

**LEVEL ONE**

**41.7.2** Level One constitutes the lowest conservation level. When implemented, employees are asked to voluntarily begin enhanced conservation of fuel. At this level and all other levels, fuel tanks shall never be allowed to go below ½ tank before refueling.

**41.7.3** Off-duty use of vehicle should be kept at a minimum.

**41.7.4** This level is strictly voluntary and requires minimal supervision.

**LEVEL TWO**

**41.7.5** Level Two constitutes the second highest conservation level. When implemented, employees are asked to conserve fuel whenever possible while performing assigned duties.

**41.7.6** Fuel tanks will be kept at least half full in all but extreme circumstances.

**41.7.7** Off-duty use of vehicles shall be suspended. Vehicles may be driven to and from work or for approved work related functions only.

**41.7.8** This level requires supervision and direction from Sergeants as to how fuel consumption will be curtailed and is subject to disciplinary action.

**LEVEL THREE**

**41.7.9** Conservation level three requires mandatory measures to conserve and restrict fuel. All unnecessary driving will be curtailed.

**41.7.10** Suggested reductions include, but are not limited to:

- Routine patrol reduced to an absolute minimum;
- Only one attempt should be made to serve non-enforceable civil papers;
- Commercial carriers should be utilized, when possible and appropriate, to pick up instate and out of state prisoners;
- All other methods personnel can implement to conserve fuel should be utilized.

**41.7.11** Fuel tanks will be kept at least half full in all but extreme circumstances.

**41.7.12** Off-duty use of vehicles shall be suspended. Vehicles shall be driven to and from work or for work related functions only.

**41.7.13** This level requires strict supervision from Sergeants. Mandated restrictions will be issued. This level is subject to disciplinary action.

#### **LEVEL FOUR**

**41.7.14** Level four is the most restrictive. It shall be implemented only in extreme circumstances.

**41.7.15** This level will require all vehicles to be parked at designated locations with engines off.

- A.** These locations will be assigned by the responsible Division Chief or designee.
- B.** Assignments will be made so that responses to requests for service can be handled in an expeditious manner.
- C.** Deputies will return to these locations after responding to a call for service.

**41.7.16** This level requires strict supervision by the Lieutenants and Sergeants.

**41.7.17** Mandated restrictions will be issued. This level is subject to disciplinary action.

#### **ACTIVATION**

**41.7.18** This Directive will be activated by the Sheriff in memo form. The memo will provide:

- The level of implementation.
- Specific restrictions.
- How long the Directive implementation will be in effect.

**41.7.19** Violation of restrictions of this Directive are subject to a suspension of 3 to 5 days and/or suspension of off-duty vehicle privileges.

#### **COUNTY FUEL SITES**

**41.7.20** All County fuel sites will remain active for as long as possible. The sites listed below have the largest storage capacity and will be designated as the primary fuel sites when and if the other sites close;

- **West Side** - Northwest barn located West of DeLand on State Road 44;
- **East Side** - Walker Street Barn, located on Walker Street, between Nova road and US-1 in Holly Hill.

**Revised by:** 6760  
**Revised on:** 06-16-2008

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: SPECIAL OPERATIONS SECTION**

**CODIFIED: 41.8**

**EFFECTIVE: 07-2019**

**RESCINDS/AMENDS: 41.8/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The intent of this Directive shall be to establish the criteria for use of the Section's specialized equipment, including aircraft, vessels, and vehicles, and outline the qualifications for those who operate this type of equipment.

**DISCUSSION**

The Special Operations Section is a component of the Support Operations Division. It is staffed and equipped to handle situations and occurrences that exceed the limitations normally imposed on a Deputy or Detective. In this capacity, the section employs aircraft, vessels, and other specialized equipment for accomplishing the mission. Due to the specialized nature of the equipment utilized by the section, certain qualifications must govern both its use and operation. These qualifications and criteria for utilization are contained herein.

**POLICY AND PROCEDURES**

**STAFFING**

**41.8.1** All Department rotary winged aircraft shall be staffed with a pilot and paramedic observer for all air patrol operations. They shall function in the capacity of a team with each sharing responsibility for operational activities and aircraft readiness.

**41.8.2** Department vessels shall be staffed by an operator familiar with the specialized operating characteristics of the vessel used.

**41.8.3** Situations involving fire suppression shall be supported by at least one sectional ground person who shall maintain direct radio contact with the pilot of the aircraft. The pilot shall be the sole occupant during fire suppression operations.

**EQUIPMENT**

**41.8.4** Each aircraft shall be equipped as mandated by the Federal Aviation Administration (FAA). In addition, rotary winged aircraft used for night operations shall be equipped with a high power search light or forward looking infrared system to facilitate aerial searches.

**41.8.5** Each aircraft and vessel shall have the necessary radio equipment on-board to communicate with Central Communications and conduct the individual specialized mission.

**41.8.6** Each aircraft shall have supplemental and specialized equipment on-board as may be required by the mission assignment.

**41.8.7** Each vessel shall be equipped in accordance with United States Coast Guard (USCG) regulations.

**41.8.8** The four-wheel drive vehicles shall be equipped with the necessary communications equipment on-board to communicate with Central Dispatch. In addition, these vehicles shall be equipped as dictated by the mission assignment.

## GENERAL OPERATIONS

**41.8.9** The Special Operations Section shall respond to requests for service to include law enforcement, medical, fire, and governmental support. These requests may be handled directly by the affected personnel in an emergency situation or channeled through the Section where time allows.

**41.8.10** The pilot in command or the vessel captain shall have the sole discretion for undertaking or rejecting a mission based upon such factors as expertise, equipment capability, or risk. The pilot in command and the vessel captain shall also have sole authority to curtail a mission upon considering changing factors which may limit the success or safety of the mission.

**41.8.11** The Agricultural Crime Unit patrols the agricultural areas of the County and investigates crime involving agricultural products and livestock. The Range Deputy may be contacted either directly through Central Communications or through the section. The Agricultural Crimes Unit shall be available for all calls for service involving livestock that are loose, neglected, abandoned, or abused.

**41.8.12** Aircraft may be used for air ambulance I transport in accordance with accepted Volusia County Emergency Medical Services protocols. Each transport will be made with a paramedic attending the patient and the receiving hospital will be mutually agreed upon by the transporting paramedic and the attending physician.

## ADDITIONAL DUTIES AND RESPONSIBILITIES

**41.8.13** Personnel assigned to the Special Operations Section shall be responsible for the following:

- Care and cleanliness of the hangar and office areas.
- Cleanliness of aircraft, vessels, and vehicles.
- Assurance that each aircraft, vessel or vehicle is left fueled and in serviceable condition after each use.

**41.8.14** The Maintenance Supervisor of the Aviation Unit is responsible for the periodic and scheduled maintenance of the aircraft.

**41.8.15** The pilot in command shall on each flight, insure the fitness of the aircraft for flight and be responsible for all decisions concerning flight safety.

**41.8.16** Paramedic/Observers shall insure that each piece of medical equipment necessary for medical transport is on-board and serviceable.

**41.8.17** All training and maintenance flights shall be conducted with the authorization of the Section Commander or designee.

**41.8.18** Only those personnel who are directly supporting the mission of the flight are to be transported as passengers. A list of passengers to be transported will be available prior to authorization of a personnel transport flight.

**41.8.19** The Marine Maintenance Mechanic is responsible for the periodic and scheduled maintenance of the Section's vessels

**41.8.20** Each Marine Deputy r shall be responsible for insuring that their vessel is fit for duty and carries the necessary equipment for the mission and compliance with USCG regulations

**41.8.21** In instances of animal neglect or cruelty in which the animals are to be seized, the Agricultural Crimes Deputy shall consult with a veterinarian as soon as practical concerning the condition of the animals. The Section Commander or designee will be notified prior to any seizure.

**41.8.22**

**Revised by:** 2273

**Revised on:** 07-2019 [terminology]

**Approved:**



**Michael J. Chitwood**  
Sheriff, Volusia County



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>K-9 UNITS</b>
<b>CODIFIED:</b>	<b>41.9</b>
<b>EFFECTIVE:</b>	<b>10-2018</b>
<b>RESCINDS/AMENDS:</b>	<b>41.9/10-2017</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish policy and procedures governing the use and training of Sheriff's Office Canine (K-9) Units.

**DISCUSSION**

The use of K-9 Units has proven to be a valuable asset to the law enforcement community. The Sheriff's Office maintains K-9 Units in support of patrol operations and other specialized units, as well as court and airport security. The K-9 Units are also available to assist other agencies upon request.

Overall coordination and administration of the agency's K-9 program rests with the K-9 Unit Supervisor within the Special Operations Section of the Support Operations Division. The day-to-day operational supervision and deployment of K-9 Units rests with the respective Command to which they are assigned.

**POLICY**

It is the policy of the Sheriff's Office to maintain fully operational K-9 Units. It shall further be the policy of the Sheriff's Office to deploy K-9 Units only after careful consideration and in using great caution.

**PROCEDURE**

**41.9.1** K-9 Units are employed in the process of tracking, searching structures and areas, searching for property, evidence, narcotics, explosives, suspect apprehension and Deputy safety.

**ADMINISTRATION**

**41.9.2** The Support Operations Division K-9 Unit is assigned to the Special Operations Section and is under the supervision of the K-9 Unit Sergeant.

**41.9.3** The Special Operations Section K-9 Unit supervisor shall be responsible for coordinating the training and performance of the individuals assigned to K-9.

**41.9.4** The Special Operations K-9 Unit Supervisor shall be responsible for maintaining performance and activity records of the K-9 Teams and any other records required by the Division Commander.

**41.9.5** All K-9 Teams will be issued and shall wear the authorized K-9 uniform while performing K-9 duties, unless directed otherwise by the Chief Deputy.

**K-9 USE OF FORCE DEPLOYMENT**

**41.9.6** The use of a K-9 does not constitute the use of deadly force. K-9 handlers are reminded that only the degree of force necessary to apprehend or secure a subject may be used in accordance with Directive 1.1 Use of Force Guidelines.

**BITES**

**41.9.7** When a person has been bitten by a K-9, the handler will immediately request emergency medical personnel be dispatched, then render first aid to the bitten person as needed.

**41.9.8** All K-9 bites will be reported in accordance with Directives 1.1 Use of Force Guidelines and 1.3 Use of Less-Lethal Weapons and Devices.

**41.9.9** The Watch Commander/Assistant District Commander shall be notified.

## **K-9 APPLICATIONS**

**41.9.10** Each K-9 handler shall maintain control of his or her K-9 at all times.

### **K-9 WARNINGS**

**41.9.11** Unless specifically a tactical disadvantage, a K-9 warning will be given in a loud clear voice: **“This is the Volusia County Sheriff’s Office K-9 Unit – reveal yourself or the K-9 will be released”**, or similar words to that effect. The K-9 handler will give adequate time for the suspect(s) to surrender before releasing the K-9. The warning on a track or area search may be omitted if the K-9 handler reasonably believes that the suspect(s) is armed, if it places the K-9 team in an enhanced level of potential danger and/or at a tactical disadvantage. **In each case where a K-9 warning is determined to present a distinct tactical disadvantage, the facts and circumstances must be clearly articulated in the offense report and the use of force report.**

### **LOST/MISSING PERSONS (NON-CRIMINAL)**

**41.9.12** K-9 Teams may be deployed to search for lost/missing persons. K-9's shall be kept on-lead and muzzled at all times while conducting searches for lost/missing and other non-criminal persons. However, should the circumstances of the search change, removal of the muzzle will be at the discretion of the handler.

### **CRIMINAL SUSPECTS**

**41.9.13** K-9 Teams may be deployed to search for misdemeanor and felony suspects. K-9 Teams may be used for apprehension of felony suspects, when the K-9 is the appropriate level of use of force.

**41.9.14** Tracking and area searches for felony suspects may be on or off lead at the Handler’s discretion; all misdemeanor suspects will be conducted on-lead. The length of the lead will be appropriate for the amount of visibility in the area being searched.

**41.9.15** When possible Deputies will secure a perimeter for the K-9 Team. Deputies shall avoid entering the perimeter to prevent contamination of the area. The K-9 handler should know the locations of perimeter units and be advised of any contamination of the area being searched.

**41.9.16** When not a tactical disadvantage, the K-9 handler should keep the perimeter units updated with their location and direction of movement, allowing the perimeter to flow with the track.

### **BUILDING/COMPOUND SEARCHES**

**41.9.17** For building/compound searches, the supervisor in charge of the incident shall ensure the outside perimeter is secure prior to the search.

**41.9.18** After the K-9 handler announces the warning, the K-9 handler shall allow ample time for the suspect to surrender. If the suspect refuses to surrender or answer, the K-9 handler may conduct a search. For FELONY suspects, the search may be on-lead or off-lead. For MISDEMEANOR suspects, the search shall be on-lead. In those situations where the building/compound is comprised of multiple floors and/or expansive rooms/area, consideration should be given to the number of K-9 warnings given and the length of time allowed to surrender. Since each situation is different, the K-9 handler will need to consider the totality of the situation when determining a reasonable number of warnings prior to deployment.

**41.9.19** K-9 Teams may be used to apprehend and/or prevent the escape of suspects when probable cause exists that the suspect committed or is committing a felony. The utilization of the K-9 must be progressive force where lesser force could not reasonably accomplish the arrest. The K-9 may be released, in this situation, when the handler deems it necessary. The K-9 handler will consider possible dangers prior to releasing their K-9 such as: civilians and/or other law enforcement officers in the area, vehicular traffic, etc.

### **CROWD CONTROL**

**41.9.20** Due to the strong emotions involved and the likelihood of a counter-productive reaction, the use of K-9 dogs for crowd control, civil disorder, or riot is prohibited without the direct, on scene authorization by the District Commander or if the District Commander is unavailable the Watch Commander.

### **SEARCHES FOR ARTICLES**

**41.9.21** K-9 Teams may be deployed to search for articles such as evidence, explosives, and narcotics. K-9's may be used to search persons, areas, conveyances, buildings, etc. where legally allowed to do so.

**41.9.22** K-9 handlers shall be advised of the type of object to be located and the area to be searched to ascertain if a search will be appropriate.

**41.9.23** Searches will not be conducted if the K-9's handler believes there is a chance of the K-9 ingesting any harmful or fatal substance.

#### **ADDITIONAL USES**

**41.9.24** K-9's may also be utilized to protect the handler from being battered, or to prevent serious injury to another person.

**41.9.25** In addition to operational uses, K-9 Teams may also be utilized for agency approved skill demonstrations and community events to enhance public education and awareness.

#### **ASSISTING OTHER AGENCIES**

**41.9.26** The Sheriff's Office will assist local law enforcement agencies through use of K-9 teams whenever possible.

**41.9.27** When a request is received from another agency within Volusia County for use of the Sheriff's Office K-9 Teams, the Watch Commander/Assistant District Commander will be notified. When the request is from an agency outside of Volusia County, the Watch Commander may grant such request.

**41.9.28** K-9 handlers shall operate within the scope of the Sheriff's Office's policies and procedures.

#### **K-9 VEHICLES**

**41.9.29** Law Enforcement Operations K-9 vehicles will be modified to include a compartment in which the K-9 may be secured. The compartment must provide for the safety of the K-9, prevent unauthorized persons from having contact with the K-9, and prevent the K-9 from damaging the vehicle's interior.

**41.9.30** The vehicle will be marked with the words "CAUTION" and "K-9 UNIT". The lettering shall be at least two inches high. They will be affixed to the rear doors at readable level in two parts: "CAUTION" shall be placed at the top of the door just below the window; "K-9 UNIT" will be placed immediately beneath the word "CAUTION". Exception: Use of detection K-9s in an undercover capacity does not require vehicle markings.

**41.9.31** The vehicle will be equipped with a temperature monitoring alarm. The alarm will be used anytime the handler is away from the vehicle and the dog is left inside.

**41.9.32** The handler will ensure adequate ventilation for the dog when confined to the interior of the vehicle. Considering the climatic conditions of the day, the handler may leave the air conditioning on or fully lower the rear windows of the vehicle.

**41.9.33** When leaving the K-9 vehicle unattended or being out of sight of the vehicle the K-9 handler shall lock the vehicle to prevent unauthorized persons having contact with the K-9.

#### **TRAINING AND CERTIFICATION**

##### **INITIAL CERTIFICATION**

**41.9.34** New or not previously certified drug/explosives detection K-9's and/or handlers shall attend a one hundred sixty hour (160) hour training school specializing in the detection of drugs/explosives prior to working in a drug/explosive detection capacity as part of the team's assigned duties unless otherwise approved by the Division Commander.

**41.9.35** New or not previously certified dual-purpose (drug and tracking/apprehension) teams shall attend and successfully complete a four hundred (400) hour training school consistent with FDLE standards.

**41.9.36** Each K-9 team shall also achieve a passing score at an approved recognized certification entity. Local, regional or national certifying entities may be utilized. E.g. U.S. Police Canine Association, North American Police Work dog association, etc. The decision relating to the choice of which entity to utilize shall be made by the Division Commander with input from the Special Operations K-9 Unit Supervisor and/or Trainer.

**41.9.37** All VCSO K-9 teams unable to attend said certification due to verified illness, injury, or other extenuating circumstances will be addressed by the Division Commander, or his designee, with input from the Special Operations Commander.

##### **MAINTENANCE TRAINING**

**41.9.38** The K-9 team shall conduct regular objective-oriented training sufficient to maintain operational proficiency on all trained odors. Qualified handlers may be issued training aids to be maintained in their assigned vehicle, which will be equipped with a secure safe and a vehicle alarm system to maintain the security of the training aids.

**41.9.39** Training is meant to sustain and enhance the performance of the handler, the canine and the canine team.

**41.9.40** In training, situations are purposely sought to challenge the capabilities of the K-9 team within the operational environments for which the team may be deployed.

**41.9.41** Teams shall be challenged to improve and enhance abilities.

**41.9.42** Training in detection shall include:

- A variety of locations
- A variety of heights, depths, containers and distraction odors.
- A variety of types of searches, e.g. vehicles, buildings, parcels, luggage, blank areas and persons depending on federal, state and local laws).
- A varied duration of set times
- A varied duration of search times.

**41.9.43** Dual-purpose K-9 teams shall train to a minimum of the agency-recognized standard of twenty-four (24) hours per month in routine supervised training. Dual-purpose K-9 teams (detection & tracking/apprehension) shall incorporate four (4) hours of scent specific training into the 24 hours a month or attend the single purpose training to maintain proficiency.

**41.9.44** Single purpose K-9 teams shall train to a minimum of the agency-recognized standard of twelve (12) hours per month in routine supervised training.

**41.9.45** Failure to meet the minimum monthly requirement will require the K-9 handler to complete an entry in his/her training records indicating why the training requirement was not met, e.g. vacation, sick leave, special assignment, etc.

**41.9.46** Routine training conducted by the handler to maintain the dog's proficiency and to reinforce odor recognition is an acceptable form of training, but shall be combined with supervised training on a regular basis. A qualified trainer other than the handler conducts supervised training in order to improve performance and to identify and correct training deficiencies.

## **PROFICIENCY ASSESSMENTS**

**41.9.47** Reliability of the canine teams shall be based upon the results of certification and proficiency assessments.

**41.9.48** Proficiency assessments should be conducted bi-annually. The format used will be that set forth by the agency utilizing standards developed by one or more of the following:

- USPCA (United States Police Canine Association)
- NNDDA (National Narcotic Detector Dog association)
- NAPWDA (North American Police Work Dog Association), or
- ADCA (American Detection Canine Association)

**41.9.49** The United States canine industry standard for certification is a yearly certification. This standard was developed and is currently endorsed by the three largest U.S. police canine associations: USPCA, NAPWDA and NPCA (National Police Canine Association). This standard is also endorsed by the largest U.S. police canine contraband detector dog association, NNDDA.

**41.9.50** All detection teams, as determined by the agency, should seek and hold at least yearly a certification, which shall be issued by the agency and based on nationally recognized certifying agencies such as USPCA, NNDDA, or NAPWDA, or comparable organization.

**41.9.51** It will be the responsibility of the K-9 Team's direct supervisor to ensure each handler attends training to meet the minimum agency recognized standards with their assigned K-9.

**41.9.52** The Special Operations Section K-9 Unit Supervisor, or designee, will ensure that copies of all in-service training records are forwarded to the Training Section at the end of each month for retention.



**41.9.53** Each quarter, the Training Section will provide a certificate of training to each K-9 handler summarizing his or her respective total hours of roll-call training for the quarter. Each handler will maintain a copy of this certificate in his/her training logbook.

**41.9.54** The handler receiving such documentation shall maintain any certification documents. A copy of any certificate shall be sent to and maintained by the Training Section.

## **DOCUMENTATION**

**41.9.55** The only approved K-9 reporting software for the Volusia County Sheriff's Office will be that which is designated for such use by the Special Operations K-9 Supervisor; the designated software shall be utilized to track all training and deployment records of the individual K-9 teams, both dual purpose and single purpose.

### **K-9 HANDLERS**

**41.9.56** Each K-9 Handler will have the software installed on their MDC (if applicable); each District will have at least one designated computer workstation with the appropriate software installed.

**41.9.57** K-9 records will accurately detail training and deployments including all relevant facts.

**41.9.58** Handlers are required to complete a K-9 training or deployment log after each individual training or deployment event.

**41.9.59** Each K-9 Handler is required to have their records uploaded to the server no later than one week after completion of the training or deployment.

**41.9.60** Each K-9 Handler will print a completed copy of their training and deployment log and place it in a book to be kept by the handler in his/her possession at all times.

### **SPECIAL OPERATIONS K-9 UNIT SUPERVISOR**

**41.9.61** The Special Operations K-9 Unit Supervisor will monitor and ensure compliance with handler reporting requirements.

**41.9.62** The Special Operations K-9 Unit Supervisor will perform a weekly on-line backup to minimize any loss of records should there be a system failure.

## **TRAINING AIDS – DRUGS & EXPLOSIVES**

**41.9.63** Training aids shall consist of actual drugs and/or explosives. The Special Operations Section Commander, or his designee, will be responsible for acquiring, securing and preparing all training aids. A control log will be prepared and maintained by the respective designee to maintain information on training aid, chain of custody, and accountability. This log will be stored in the safe room at each safe location.

**41.9.64** The Volusia County Sheriff's Office shall obtain drug-training aids through the Drug Enforcement Administration (DEA); all such training aids are prepackaged with a recorded weight, sealed and stamped with a tracking number by the DEA.

**41.9.65** Authority to repackage any drugs received from DEA for training purposes will be limited to the Special Operations

**41.9.66** Section K-9 Unit Supervisor in the presence of a designated witness. The following information will be documented:

- A.** Date and initial the repackaged/sealed training aid(s) [Both the K-9 Unit Supervisor and the witness]
- B.** Record the weight and contents on the new package label
- C.** Record the DEA tracking number from the package being sub-divided on the new package label.
- D.** Designate and record a unique in-house tracking number for each new training aid
- E.** Record the designated sub-custodian/deputy assigned the training aid
- F.** Designated sub-custodians/deputies assigned a training aid will sign the log maintaining chain of custody.

**41.9.67** K-9 explosive training aids shall be obtained through an approved vendor as reviewed and submitted by the Bomb Squad Commander. As the Special Operations Section Commander's designee, the Bomb Squad Commander will be responsible for acquiring, securing and preparing all training aids utilized by explosive detection K-9 teams and shall issue and account for said training aids in the same manner as drug training aids.

**41.9.68** VCSO personnel shall not alter the packaging of any training aid(s) assigned to them; training aids signed out from the safe will be inspected when checked out/in to ensure all contents are present and packaging is not compromised. All training aids will be returned by end of shift and documented on the log.

**41.9.69** All K-9 teams will report to the Special Operations Section K-9 Unit Supervisor for designated training-related activities.

**41.9.70** All caution shall be taken to prevent K-9's from ingesting or coming into contact with any training aids as this could impose serious and life-threatening injury. All K-9 handlers will be trained in the use and issued Naloxone (NARCAN) in accordance with Directive 41.21 Narcan-Emergency Opioid Antagonist Program.

**41.9.71** When not in use for training, assigned training aids will be maintained in the designated training safe.

## **INVENTORY, DAMAGE AND DESTRUCTION OF TRAINING AIDS**

### **INVENTORY**

**41.9.72** The Special Operations Section K-9 Unit Supervisor shall inspect all personnel with assigned training aids once a month at in-service training. The K-9 Supervisor will maintain documentation of the monthly inspection. Integrity of the overall packaging/seal will be of particular concern to ensure safety of the K-9 and provide early detection of any damage to the training aid(s). Any discrepancies will be documented and brought to the attention of respective command personnel.

**41.9.73** In addition, the Bomb Squad Commander will conduct a documented semi-annual audit/inspection of both inventoried and assigned explosive aids. Any discrepancies will be documented and brought to the attention of respective command personnel.

**41.9.74** The Professional Standards Section shall conduct periodic audits of training aides.

### **DAMAGE**

**41.9.75** The K-9 Officer shall immediately notify their Unit Supervisor of any damage to the packaging, spillage, loss, theft, or contamination of training aids. If the Unit Supervisor is not available, the K-9 handler shall notify the on-duty Special Operations chain of command (SOCOC). The Unit Supervisor, or SOCOC, shall notify the Special Operations Commander verbally and in writing. In the case of compromised explosive training aids, the Bomb Squad Commander shall also be notified immediately. A copy of the memorandum shall be forwarded to Professional Standards.

**41.9.76** When a controlled substance is lost during training or other circumstances, the K-9 officer will secure the scene and immediately initiate a search for the item, if practicable, along with making the notifications required above.

**41.9.77** Damaged training aids will be inspected by the Special Operations K-9 Unit Supervisor to determine if there is any loss or contamination to the substance.

- A.** If the packaging is damaged and there is no loss or contamination, the Special Operations K-9 Unit Supervisor and a witness will repack the training aid. The Special Operations K-9 Unit Supervisor will document the repackaging in a report that will be reviewed through the chain of command.
- B.** If any package is broken open, the Unit Supervisor, or on-duty SOCOC, shall perform a presumptive test on the contents in the presence of the reporting K-9 officer. The gross weight of the drugs and total weight of the package will be documented before resealing the training aid. Both the Supervisor and the K-9 officer will initial the repackaged training item.
- C.** If it is determined that the training aid has been contaminated, the training aid will be packaged as evidence and submitted for destruction.
- D.** If a narcotic training aid is lost, or any part thereof, the Special Operations K-9 Unit Supervisor will complete a DEA 106 form on-line ([www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)) reporting the loss. A copy of the report will be printed, retained and an additional copy sent to the local DEA office.

**41.9.78** A written report explaining the circumstances shall be completed for all damaged, compromised and lost training aids. The report shall document the tracking number, weights of the training aid and its contents. The original report will be forwarded and reviewed through the chain of command. Copies of all logs and training aid inspections will be attached to the written report.

### **DESTRUCTION**

**41.9.79** If it is determined upon initial review of the damaged or otherwise compromised training aid(s) that further supervisory review/inquiry is to be conducted, the training aid will be weighed, packaged as evidence and submitted to the Evidence Section pending conclusion of the supervisory review.

**41.9.80** Once reviewed and cleared by chain of command, the training aid will be scheduled for disposal in accordance with established Evidence Section procedures.

**41.9.81** In the case of compromised explosive training aids, the Bomb Squad Commander will be notified immediately. The Bomb Squad Commander will be responsible for ensuring proper disposal and documentation.

**41.9.82** All inventory records and documentation reporting loss, spillage, contamination, or theft shall be maintained by the Special Operations Section Commander, or designee, and available for inspection by Executive Command, Internal Affairs, and/or Professional Standards.

#### **CONDUCT OF SHERIFF'S OFFICE PERSONNEL**

**41.9.83** Due to the specialized training and temperament of K-9's, Sheriff's Office personnel will conduct themselves as follows:

- Sheriff's Offices personnel will not pet or feed K-9's unless the handler is present and gives permission to do so.
- Under no circumstances will personnel tease or harass a K-9.
- Under no circumstances will anyone other than the handler give commands to a K-9, except in an emergency or with prior approval from the handler.

#### **K-9 CARE**

**41.9.84** Each K-9 Handler is responsible for the 24 hour/day care of the K-9 assigned to them. Care of the K-9 includes:

- A. Feeding and supplies
- B. Grooming
- C. All necessary medical care at VCSO approved veterinary facilities.
- D. Cleaning and maintaining the kennel and assigned vehicle.
- E. In cases where the K-9 needs to be boarded, a VCSO approved facility or other VCSO handler shall be utilized.

**41.9.85** All K-9 handlers will receive four (4) hours overtime pay per week to provide for the care of the K-9.

#### **K-9 EQUIPMENT**

**41.9.86** All K-9 handlers will be issued the following equipment for use in handling their dog:

- 1 - six foot lead
- 1 - heavy metal choke chain
- 1 - leather tracking harness
- 1 - muzzle
- 1 - Kennel

**41.9.87** Additional specialty equipment may be issued based on additional training received and/or targeted activity.

**Revised by:** 2243  
**Revised on:** 10-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: STATE ATTORNEY REFERRAL CARD**

**CODIFIED: 41.11**

**EFFECTIVE: 06-2008**

**RESCINDS/AMENDS: 41.11/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish procedures for the use and dissemination of the State Attorney Referral Card.

**DISCUSSION**

The State Attorney's Office has provided a form to take the place of non-arrest complaint affidavits. The form was designed to reduce the number of non-arrest affidavits processed through their office.

**POLICY**

It shall be the policy of the Department to utilize the State Attorney Referral Card according to the procedures described in this Directive.

Utilization of the card does not relieve the Deputy of the responsibility to complete an incident report. The card shall be utilized whenever:

- There is indecision by the victim as to whether prosecution is desired.
- The State Attorney needs to decide who is going to be charged or what offense will be charged.
- The victim/complainant does not wish to sign affidavits.

**PROCEDURE**

**41.11.1** An incident report will be completed in conjunction with the referral card.

**41.11.2** This form shall not be used for juvenile offenders.

**41.11.3** The State Attorney Referral Card takes the place of a non-arrest complaint affidavit for any state misdemeanor for which a suspect cannot be arrested on probable cause and where the name, address and approximate age of the suspect is positively known.

**41.11.4** The State Attorney Referral Card shall not be used for state misdemeanor charges that allow arrest without warrant when the misdemeanor is not committed in the presence of an officer.

**41.11.5** In cases where additional action is deemed necessary an SA-707/non-arrest affidavit may be generated and forwarded through regular channels to the State Attorneys Office.

**41.11.6** Deputies shall complete the back of the referral card as thoroughly as possible. The Deputy shall print their name in the appropriate section, along with their department identification number.

**41.11.7** Deputies shall check the appropriate box indicating what State Attorneys Office the victim shall report to and on what date. The victim shall then be instructed to follow the instructions printed on the card.

**41.11.8** Deputies shall leave the clerk number blank and place the case number under the O.R. Number.

**41.11.9** Deputies shall complete the cards for the victims, printing the information legibly.

**41.11.10** Victims shall be told that this process speeds up their complaint and that they (the victim) will be talking directly with an Assistant State Attorney who will be making a filing decision on their complaint.

**41.11.11** When the victim knows the witnesses, it will be unnecessary to produce an additional witness list.

**41.11.12** When the victim does not know the witnesses, deputies shall include witnesses in their report and indicate such on the back side of the referral card.

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**Revised by:** 6760

**Revised on:** 06-20-2008

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>RESTITUTION</b>
<b>CODIFIED:</b>	<b>41.12</b>
<b>EFFECTIVE:</b>	<b>10-2001</b>
<b>RESCINDS/AMENDS:</b>	<b>41.12/07-1999</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines pertaining to restitution for damage or loss caused directly or indirectly by a defendant's offense or actions and to establish a procedure for the restitution of losses incurred by the Department and its personnel.

**DISCUSSION**

By law, the courts are required to order restitution to the victim for damage or loss caused directly or indirectly by the defendant as a result of an offense, unless it finds clear and compelling reasons not to order such restitution.

**POLICY**

It shall be the policy of the Department, in cooperation with the State Attorney's Office, to support and assist victims in the restitution process.

**PROCEDURE**

**41.12.1** When Department property has been lost, destroyed or damaged as the result either directly or indirectly of a defendant's offense Department personnel issued or charged with the care of said property shall:

- A.** Report the loss, destruction or damage to their immediate supervisor;
- B.** If applicable, charge the defendant with the additional appropriate State Statute;
- C.** Include an estimate of the amount of loss on the original arrest/complaint affidavit;
- D.** Include in an offense report a description of the property lost or damaged, the event and the facts leading to the damage or loss.

**41.12.2** The supervisor shall:

- A.** Ensure the damage or loss estimate is included in the arrest affidavit;
- B.** Complete a supervisor's supplement report;
- C.** Photograph the damage, if applicable;
- D.** Forward copies of the reports to Risk Management and the Division Commander.

**41.12.3** If the damage is in excess of \$100.00, a copy of the reports will be forwarded to the Department Legal Advisor.

**41.12.4** When an employee's personal property has been lost, destroyed or damaged in the direct performance of duty or as the result either directly or indirectly of a defendant's offense the employee owning said property will:

- A.** Advise their immediate supervisor of the loss, damage or destruction;
- B.** Charge the defendant with the appropriate State Statutes, when applicable;
- C.** Include in the original arrest affidavit an estimate of the loss or damages and a description of the lost or damaged property, when applicable;
- D.** Include in an offense report a description of the property lost or damaged, the event and the facts leading to the damage or loss.

**41.12.5** The supervisor shall review the event and forward their findings and suggestions along with all reports and the request for replacement or repair, through channels to the Sheriff.

**41.12.6** All requests for replacement or repair of said property shall be in writing, through the chain of command, to the Sheriff.

**41.12.7** Departmental reimbursement will be made on a case by case basis.

**41.12.8** This procedure is meant to supplement and in no way infringes on the rights or privileges afforded in Florida Statute 775.089, or civil remedies.

**41.12.9** When public or private property has been lost, destroyed or damaged, or private or public persons experience a loss as the result either directly or indirectly of a defendant's offense, the following shall apply:

- A.** The employee will include in the original arrest/complaint affidavit and in the incident report an estimate of the damage or loss.
- B.** The victim, person in charge or person experiencing such deprivation or loss will be advised that restitution may be ordered by the courts.
- C.** Victims may be referred to the State Attorney's Office for additional assistance as it relates to restitution.

**41.12.10** When Department personnel are injured or require medical treatment as a direct or indirect result of a defendant's offense, the following shall apply:


- A.** The injured party will report the injury to their immediate supervisor.
- B.** An incident report will be completed describing the event and the circumstances which led to the injury.
- C.** The defendant will be charged with the appropriate State Statute.
- D.** The arrest/complaint affidavit shall include a reference to any medical treatment received.
- E.** The supervisor will review the event and complete a Notice of Injury Report and an Auto-Incident Report.
- F.** The reports will be forwarded to Risk Management, along with a copy of the incident report.
- G.** Copies of the reports shall also be forwarded to the Division Commander and the Department Legal Advisor.

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**Revised by:** 6620

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: CITIZEN RIDE-ALONG PROGRAM**

**CODIFIED: 41.13**

**EFFECTIVE: 07-2014**

**RESCINDS/AMENDS: 41.13/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for the transportation of persons other than Sheriff's Office personnel or prisoners in on-duty Department vehicles.

**DISCUSSION**

The Volusia County Sheriff's Office encourages community interest and involvement in the law enforcement process and allows reputable citizens and student interns to ride as passenger observers in Department vehicles for legitimate civic or educational purposes.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to allow reputable citizens and student interns to ride along for legitimate civic or educational purposes.

**PROCEDURE**

**AUTHORIZED OBSERVERS**

**41.13.1** Persons wishing to ride as observers in a Department vehicle shall submit a written request to the District Commander.

**41.13.2** Requests shall be screened to ensure they are based on legitimate civic or educational reasons and shall be forwarded to the appropriate District Commander.

**41.13.3** District Commanders receiving such requests shall cause a records' check of said person to be made.

**41.13.4** Requests from persons with a criminal history shall be evaluated by the appropriate District Commander, and shall be denied where there is reason to believe that the approval of the request would not be in the best interest of the public or the Department.

**41.13.5** District Commanders shall make the necessary arrangements for approved requests.

**41.13.6** A written ride-along request will be submitted for each ride-along.

**41.13.7** If an extension is requested by the individual and is approved by the District Commander, the Release and Indemnity Agreement form shall be corrected to show actual time of participation in the program.

**41.13.8** The Release and Indemnity Agreement form shall state the time period during which the observer will accompany Deputies.

**RELEASE AND INDEMNITY AGREEMENT**

**41.13.9** The District Commander receiving the request from an individual to ride as an observer shall ensure that a Release and Indemnity Agreement form is signed by the observer prior to them entering a Department vehicle.

**41.13.10** The original of the Release and Indemnity Agreement form shall be forwarded to the Legal Advisor, and a copy will remain in the office of the District Commander approving the request.



## **OBSERVER CONDUCT**

**41.13.11** The actions of the observer shall be under the direction and supervision of the Deputy with whom the observer is assigned.

**41.13.12** Observers are prohibited from assisting in criminal interrogations, physical confrontations involving arrests or entering correctional facilities.

**41.13.13** Whenever practical the observer will be dropped off, in a safe location, prior to a pursuit or responding to particularly dangerous calls.

**41.13.14** Observers shall not leave the vehicle except upon specific instructions of the Deputy providing the ride-along experience.

## **RESTRICTIONS**

**41.13.15** This program is not intended to provide companionship for Deputies. Its purpose, as stated, is to provide citizens who have a legitimate educational or civic need for participating. The following restrictions shall be followed:

- Participants shall be restricted to riding only once with the same deputy during each calendar month.
- Participants shall be assigned to deputies by the Shift Sergeant. The shift Sergeant shall be responsible for ensuring that the participant adheres to the requirements of this directive.

**41.13.16** Shift Sergeants shall ensure that participants are assigned to deputies of the same gender when ever possible. The Shift Sergeant shall provide in writing, on the ride along form, the circumstances and need, in which authorization was given for participants and Deputies of opposite gender to ride together.

**41.13.17** Husbands/wives, girl friends/boy friends, and/or relatives, upon approval, are permitted to participate in the program. They however shall not be permitted to ride with their wife/husband, boy friend/girl friend or relative.

**41.13.18** It shall be the responsibility of the Shift Sergeant to ensure compliance with this section.

**Revised by:** 6620/ 6760

**Revised on:** 10-2001; 07-2014

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



# Sheriff's Office

**Volusia County**  
**Michael J. Chitwood, Sheriff**

**REQUEST PERMISSION TO RIDE AS AN OBSERVER WITH THE  
VOLUSIA COUNTY SHERIFF'S OFFICE AND HOLD HARMLESS AGREEMENT**

I, the undersigned being EIGHTEEN years of age or older, do hereby request that the Volusia County Sheriff's Office grant me permission to ride as an observer in an authorized Volusia County Sheriff's Office motor vehicle. If this request is granted, I agree to obey all instructions, orders and commands given by the Volusia County Deputy or Deputies in command of the VCSO vehicle in which I am riding. I acknowledge that I fully understand and accept the possibility that situations may arise which could result in me being exposed to the danger of physical harm, personal injury or death.

WHEREFORE, in consideration of being allowed to ride as an observer in an authorized Volusia County Sheriff's Office motor vehicle, I agree to hold the County of Volusia, the Volusia County Sheriff's Office, and their employees, agents and servants harmless from all liability for property damage, physical harm, personal injury or death incident to my participation as an observer. I further agree to waive all rights or claims for damages, legal or equitable, arising out of any intentional or negligent acts or omissions by me, or any officer, employee or agent of Volusia County or the Volusia County Sheriff's Office.

NAME: \_\_\_\_\_ DOB: \_\_\_\_\_ RACE: \_\_\_\_\_ SEX: \_\_\_\_\_  
PHONE: \_\_\_\_\_ ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_  
SOCIAL SECURITY NUMBER: \_\_\_\_\_ DRIVER'S LICENCE NUMBER: \_\_\_\_\_  
CRIMINAL HISTORY CHECK: \_\_\_\_\_ DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
NEXT OF KIN: \_\_\_\_\_ PHONE: \_\_\_\_\_

I AM: \_\_\_\_\_ LAW ENFORCEMENT \_\_\_\_\_ BLE currently enrolled  
\_\_\_\_\_ OTHER (explain purpose for request) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPLICANT SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_  
\_\_\_\_\_

DEPUTY SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
SUPERVISOR SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

TIME PERIOD: DATE \_\_\_\_\_ TIME \_\_\_\_\_ DISTRICT \_\_\_\_\_  
\_\_\_\_\_

Chain of command approval:

DISTRICT CAPTAIN: \_\_\_\_\_ DATE: \_\_\_\_\_

DIVISION COMMANDER: \_\_\_\_\_ DATE: \_\_\_\_\_

ATTACHMENT A  
DIRECTIVE 41.13

### **INSTRUCTIONS TO OBSERVER**




1. Only Florida State Certified Law Enforcement Officers may carry a weapon while participating in the Observer program.
2. Do not exit the vehicle without permission of the Deputy.
3. No tobacco products will be utilized while in contact with the public. (Smoking or use of tobacco products may not be allowed in the deputy's vehicle).
4. Do not touch anything in the vehicle without permission.
5. In certain emergencies, the observer may be asked to exit the vehicle and be left at a safe location away from the emergency.
6. The deputy will instruct the observer in overall radio procedure.

I, \_\_\_\_\_, have received and understand the instructions given

By Deputy \_\_\_\_\_.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Observer's Name)

Witnessed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Deputy Sheriff)

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 41.14</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 07/1995	<b>Previous Revision Date</b> 10/2001
<b>Title</b>  <b>BLOODBORNE AND AIRBORNE PATHOGENS</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  MICHAEL J. CHITWOOD, SHERIFF  	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to provide a comprehensive infection control system which maximizes protection against communicable diseases for all employees and for the public that they serve.

## II. DISCUSSION

The Volusia Sheriff's Office recognizes that communicable disease exposure is an occupational health hazard. Communicable disease transmission is possible during any aspect of emergency response. The health and welfare of each employee is paramount to the Volusia Sheriff's Office. While each employee is ultimately responsible for his or her own health, the Volusia Sheriff's Office recognizes a responsibility to provide as safe a work place as possible. The goal of this plan is to provide all employees with the best available protection from occupationally acquired communicable disease.

## III. POLICY

It is the Policy of the Volusia Sheriff's Office:

- To regard all suspect/prisoner or patient contacts as potentially infectious. Universal precautions will be observed at all times to include all body fluids and other potentially infectious material (body substance isolation).
- To provide employees with the necessary training, immunizations and personal protective equipment (PPE) needed for protection from communicable diseases.

## IV. PROCEDURE

### A. GENERAL

1. This general order applies to all Volusia Sheriff's Office employees, full time and part time, and all volunteers at risk of occupational exposure.
2. All members of the Volusia Sheriff's Office shall abide by requirements and guidelines of the Volusia Sheriff's Office's published Biological Exposure Control Plan.
3. A copy of the Biological Exposure Control Plan shall be accessible to each employee or volunteer at each of the Volusia Sheriff's Office's several facilities and offices.
4. Personal protective equipment (PPE) will be kept readily available and shall be used in compliance with the Biological Exposure Control Plan. Sworn, uniformed members shall wear the issued PPE on their duty belt (see general order 22.6 Appearance, Uniforms, and Equipment.)
5. Supervisors shall be responsible for ensuring compliance with the plan.

6. The Volusia Sheriff's Office Infection Control Officer shall be designated by the Sheriff. The Infection Control Officer shall conduct and document an annual review of the Biological Exposure Control Plan, as well as maintain and update the plan as needed.
7. The Infection Control Officer shall be responsible for publishing and distributing these updates and keeping the various manuals throughout the Volusia Sheriff's Office current with the latest revisions.

## **V. REFERENCES**

- [Biological Exposure Control Plan](#)



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**TITLE: SPECIAL PURPOSE VEHICLES**

**CODIFIED: 41.15**

**EFFECTIVE: 08-2018**

**RESCINDS/AMENDS: 41.15/07-2014**

**ATTACHMENTS: 0**

#### PURPOSE

The purpose of this Directive is to provide guidance for the use of and responsibility for special purpose vehicles.

#### DISCUSSION

Special purpose vehicles are defined as vehicles that require special training or authorization for deployment and/or those used because of considerations of weather, terrain, or the need for inconspicuous appearance, quietness, storage requirements, special operational needs, etc. Includes but is not limited to SWAT vehicles, Bomb disposal vehicles, Mobile command posts, ATV's, boats, aircraft, prisoner transport vehicles, motorcycles, bicycles and animals.

#### POLICY AND PROCEDURE

**41.15.1** The vehicles listed in this directive have been identified by the Volusia County Sheriff's Office as special purpose vehicles. This directive will address the following for each vehicle.

- A.** A statement of the objective of their operation or usage;
- B.** Instructions, conditions, and limitations of usage;
- C.** Authorization for use in various situations;
- D.** Qualifications and training for personnel assigned to operate the vehicle, or control the animal;
- E.** Designation of the person or position responsible for the condition and maintenance of the vehicle or animal;
- F.** A listing of equipment, if any to be kept in or on the vehicle or required for the animal;
- G.** A listing of persons or positions authorized to operate the vehicle and its equipment, or control the animal.

**The information included with the animals and vehicles list below, corresponds with the seven (7) items listed in 41.15.01**

**41.15.2** The Sheriff's Office Fleet Manager is authorized to operate all specialized land vehicles in coordination with the respective Commander.

#### **41.15.3 Bomb Truck:**

- A.** The Bomb truck is to be utilized by the Volusia County Sheriff's Office Bomb Squad to transport team members and equipment to the scene of bomb related calls.
- B.** The Bomb Truck may be used anytime there is a bomb related call and is kept in stand-by status at a secure location designated by the Bomb Squad Commander and approved by the Sheriff, or his designee. The vehicle may be used for calls not related to bombs under special situations if deemed appropriate by the Sheriff, or his designee.
- C.** Use of the truck must be authorized by the Bomb Squad Commander, or higher authority.
- D.** The Bomb Truck may only be operated by those members of the Bomb Squad who have completed the required training, as designated by the Bomb Squad Commander
- E.** The Bomb Squad Commander is responsible for care of the vehicle and equipment.
- F.** Equipment: bomb suit, explosives, X-ray machine, bomb handling tools and implements, pan disruptors, render safe equipment, any other necessary equipment as designated by the Bomb Squad Commander.
- G.** Members of the Bomb Squad are authorized to operate the Truck and its equipment.

#### **41.15.4 Bomb Robot:**

- A.** The Bomb Robot is to be utilized by the Volusia County Sheriff's Office Bomb Squad primarily for explosive disposal but shall be available for use in other hazardous situations by, but not limited to, SWAT, Hostage Negotiations and HazMat. The Bomb Robot will be available for Mutual Aid responses.

- B. The Bomb Robot will be kept in the Bomb Truck on stand-by status at a secure location designated by the Bomb Squad Commander and approved by the Sheriff, or his designee.
- C. Use of the Bomb Robot must be authorized by the Sheriff, or his designee.
- D. Only Bomb Squad members trained in robot operations shall operate the Bomb Robot.
- E. The Bomb Squad Commander is responsible for the care and maintenance of the Bomb Robot.
- F. Bomb Robot equipment shall include batteries, lights, monitor, cameras and disrupters.
- G. Members of the Bomb Squad are authorized to operate the robot.

**41.15.5 Bomb Trailer and Total Containment Unit (TCU):**

- A. The Bomb Trailer and TCU are to be utilized by the Volusia county Sheriff's Office Bomb Squad to transport suspected explosive devices.
- B. The bomb Trailer and TCU may only be used for bomb related calls and are kept in stand-by status at a secure location designated by the Bomb Squad Commander and approved by the Sheriff, or his designee. The trailer and TCU may only be used by qualified, trained members of the Bomb Squad or their designee, and towed by trained Volusia County Sheriff's Office personnel. The trailer and TCU may be used in other jurisdictions by Volusia County Sheriff's Office personnel under Mutual Aid requests.
- C. Use of the Trailer and TCU must be authorized by the Sheriff, or his designee.
- D. The trailer and TCU may only be operated by members of the Bomb Squad or their designee.
- E. The Bomb Squad Commander is responsible for care of the vehicle and equipment.
- F. Equipment: Boom, Sled.
- G. Members of the Bomb Squad are authorized to operate the Trailer and TCU.

**41.15.6 SWAT Armored Personnel Carrier/MRAP:**

- A. The vehicle is used as a protective transportation vehicle for the SWAT Team. It may be utilized for man down rescue, chemical agent delivery, mechanical breaching and movement in hostile environments.
- B. The vehicle may be used anytime there is a threat to the safety of the SWAT Team. The vehicle may be used under special situations without the SWAT Team being present if deemed appropriate by a SWAT Team Commander. The vehicle should be used with caution on graded terrain or near low power lines in accordance with conditions outlined during familiarization training.
- C. The use of the vehicle will be at the discretion of a SWAT Team Commander.
- D. Due to the vehicles' weight, height and operating systems, special familiarization training is required for operation; training will be facilitated by the SWAT Team Commander, or his designee. No special licensing is required for operation.
- E. A designated team member is responsible for operation and maintenance of the vehicle. The team member is designated and overseen by the team leader.
- F. Ammunition, entry tools, chemical agents, and shields may be stored in the vehicle periodically as needed for team operations.
- G. All team members who have been trained to operate the vehicle are authorized to operate the vehicle.

**41.15.7 SWAT Armored Personnel Carrier/ M113:**

- A. The vehicle is used as a protective transportation vehicle for the SWAT Team. It may be utilized for man down rescue, chemical agent delivery, mechanical breaching and movement in hostile environments.
- B. The vehicle may be used anytime there is a threat to the safety of the SWAT Team. The vehicle may be used under special situations without the SWAT Team being present if deemed appropriate by a SWAT Team Commander.
- C. The use of the vehicle will be at the discretion of a SWAT Team Commander.
- D. The M113 is a tracked vehicle that requires special training for operation as facilitated by the SWAT Team Commander, or his designee. No special licensing is required for operation.
- E. A designated team member is responsible for operation and maintenance of the vehicle. The team member is designated and overseen by the team leader.
- F. Ammunition, entry tools, chemical agents, and shields may be stored in the vehicle periodically as needed for team operations.
- G. All team members who have been trained to operate the vehicle are authorized to operate the vehicle.

**41.15.8 SWAT Truck:**

- A. The vehicle is used by the SWAT Team to transport personnel and equipment.
- B. The vehicle is kept on stand-by status at a secure location designated by the SWAT Team Commander and approved by the Sheriff, or his designee.
- C. The SWAT Commander may authorize use of the vehicle.
- D. Training is provided by Fleet management or the SWAT Supervisor; the training is OJT

- E. SWAT Commander assigns a primary and a backup driver who are responsible for maintenance.
- F. SWAT equipment will include medical equipment, ladders, ammunition, breaching tools, repelling equipment and ballistic shields.
- G. SWAT Personnel may operate the vehicle.

#### **41.15.9 Marine Vessel – Large Commercial Grade**

- A. Commercial grade vessels are outfitted for patrolling Volusia County waters, enforcing boating laws and search and rescue missions.
- B. The size and draft of the vessel makes shallow water areas inaccessible.
- C. Use of the vessel is authorized for Department business by sworn Sheriff's Office Marine Unit personnel trained to operate the vessel.
- D. Operators shall complete an 80 hour in house training program to include trailering techniques.
- E. The Marine Supervisor, or his designee is responsible for the maintenance of the vessel.
- F. Equipment kept in the vessel shall include: horn, whistle, anchor, fenders, flares, first aid kit, life preservers and law enforcement supplies.
- G. Only appropriately certified Marine Deputies are authorized to operate the vessel.

#### **41.15.10 Marine Vessel – Small:**

- A. The small marine vessels are used for small or shallow water applications.
- B. The size of boat limits its use to shallow waters.
- C. Use of the vessel is authorized for Department business by sworn Sheriff's Office Marine Unit personnel trained to operate the vessel.
- D. Operators shall complete an 80 hour in house training program to include trailering techniques.
- E. The Marine Supervisor, or his designee is responsible for the maintenance of the vessel.
- F. Equipment kept in the vessel shall include: horn, whistle, anchor, fenders, flares, first aid kit, life preservers and law enforcement supplies.
- G. Only appropriately certified Marine Deputies are authorized to operate the vessel.

#### **41.15.11 Marine Vessel – Airboats:**

- A. The Airboat is a shallow draft vessel that is designed to be used in very shallow water or flats where a conventional vessel would not be able to travel.
- B. The vessel is not designed to be used in a deep open water environment.
- C. Use of the vessel is authorized for Department business by sworn Sheriff's Office personnel trained to operate the vessel.
- D. Operators must attend a 40 hour FDLE approved certification course taught by various agencies in the State.
- E. The Marine Supervisor, or his designee is responsible for the maintenance of the vessel.
- F. Equipment kept in the vessel shall include all USCG required safety equipment, first aid kit and law enforcement supplies.
- G. Only appropriately trained and certified Marine Deputies are authorized to operate the vessel.

#### **41.15.12 Marine Vessel - Personal Water Craft:**

- A. The personal water craft is used by both the Marine Unit and the Dive Team for patrol and search and rescue. The personal water craft is utilized by the Marine Unit to enforce personal water craft violations on the waterway.
- B. Use of the personal water craft is limited by weather and water conditions.
- C. All Marine and Dive Team Members are authorized to use the personal water craft.
- D. A one day personal water craft course and familiarity with trailering techniques are required qualifications for use of the personal water craft.
- E. The Marine Supervisor, or his designee is responsible for maintenance of the vessel.
- F. Equipment kept onboard the personal water craft includes a whistle and fire extinguisher.
- G. Volusia County Sheriff's Office Deputies assigned to the Marine Unit and Dive Team are authorized to use the personal water craft.

#### **41.15.13 Dive Truck & Trailer:**

- A. The dive truck/trailer is used to store and transport Dive Team Members and equipment to training sites and emergency call outs such as drownings, airplane crashes, and search and rescue missions.
- B. Dive truck usage is limited to dive team training and call outs.
- C. The Dive Team Commander, or his designee will determine authorization for use
- D. Diver Certification, personal water craft training and familiarity with trailering techniques are required to operate the vehicle.
- E. The Dive Team Commander is responsible for the maintenance of the vehicle.



- F. Equipment kept in the vehicle includes: air tanks, air, fins, wet and dry suits, ropes anchors, marking buoys and first aid supplies.
- G. Volusia County Sheriff's Office Deputies assigned to the Dive Team are authorized to operate the vehicle.

**41.15.14 Bell 407 Helicopter:**

- A. A Bell 407 Helicopter utilized for routine law enforcement air patrols, medevac, search and rescue, surveillance, and evacuations.
- B. Use of the helicopter is limited by weather and weight restrictions limit the number of passengers.
- C. The helicopter may be used by certified, licensed, trained helicopter pilots only.
- D. The helicopter shall be operated only by rotor wing turbine license rated pilots.
- E. The Maintenance Supervisor is responsible for all helicopter maintenance.
- F. Equipment in or on the helicopter may include: licensed air ambulance equipment providing advanced life support, night sun search light, forward looking infrared system (F.L.I.R.), and police radios.
- G. Only Sheriff's Office pilots assigned to the Aviation Unit are authorized to operate the helicopter.

**41.15.15 Tactical Command Post/Law Enforcement Services:**

- A. The Tactical Command Post is a specially outfitted trailer to be used as a forward command post, a breath alcohol testing unit, and a base of operations for the hostage negotiators.
- B. The Tactical Command Post is utilized only as needed for various operations. When in use the vehicle may be driven by any Deputy assigned to Special Services. Equipment within the vehicle may only be used by Deputies trained in the equipment's particular functions.
- C. The Tactical Command Post is utilized by supervisors on the scene of an incident/ event and for hostage negotiations.
- D. Knowledge of the vehicle's components and the driving and handling characteristics of the truck are required to operate it.
- E. The Special Services Section Executive Officer is responsible for the vehicle's maintenance.
- F. Equipment kept in the vehicle shall include: fire equipment, first aid kit, mission specific equipment loaded at the time of use i.e., intoxilyzer, hostage negotiations equipment.
- G. Volusia County Sheriff's Office Deputies assigned to Specialty Units are allowed to operate the vehicle with prior authorization from the Law Enforcement Services Division Commander, or his designee.

**41.15.16 Sheriff's Office Motorcycles:**

- A. A Sheriff's Office motorcycle is a standard motorcycle equipped with a law enforcement package used to enforce traffic laws and for road patrol functions.
- B. A Sheriff's Office motorcycle is a single passenger vehicle. It requires a motorcycle endorsed driver's license to operate.
- C. A Sheriff's Office motorcycle is authorized for use by all trained Sheriff's Office motormen in all situations applicable for motor use.
- D. Each Volusia County Sheriff's Office Traffic Unit member must possess a motorcycle endorsement on their driver's license and pass an 80 hour police motorcycle training course to operate a Sheriff's Office motorcycle.
- E. Each Deputy is responsible for their assigned motorcycle's maintenance.
- F. Equipment kept on a Sheriff's Office motorcycle includes radar equipment, 800 MHz radio and rain gear.
- G. Volusia County Sheriff's Office Deputies assigned to the Traffic Unit are authorized to use Sheriff's Office motorcycles.

**41.15.17 Full Service K-9:**

- A. A K-9 properly trained and certified for police work is utilized for crowd control, search and rescue, narcotic searches and searches to apprehend suspects.
- B. The physical condition of the K-9 and the conditions under which the animal must work are its limitations.
- C. Trained and certified K-9's are assigned to a singular K-9 handler.
- D. Each K-9 and handler attends a comprehensive eleven week K-9 training/handling course.
- E. Each K-9 is assigned to a single handler who has sole responsibility for its care.
- F. Equipment required for the K-9 includes: collar, leads, water and food. All K-9 vehicles will be equipped with a heat alarm; **no K-9 will be kept in a vehicle without a heat alarm.**
- G. Each trained/certified Volusia County Sheriff's Office handler assigned to the K-9 Unit is authorized to handle the K-9.

**41.15.18 Explosive Detection K-9:**

- A. Explosive Detection K-9's are to be used to search for hidden explosives or explosive devices.

- B. Search for explosives: Explosive Detection K-9's may be deployed to search for hidden explosives or unidentified suspicious explosive devices. If an object has already been determined to be explosive the K-9 shall not be deployed.
- C. The use of the Explosive Detection K-9's shall be requested by the Law Enforcement Services shift supervisor. Depending upon the situation, the K-9's deployment is ultimately up to the K-9 handler.
- D. The Explosive Detection K-9 and handler shall have attended and successfully completed a course at a recognized Explosive Detection K-9 school or receive a certificate of achievement from a recognized Explosive Detection testing or certification agency.
- E. The K-9 Handler shall be responsible for the condition and maintenance of the vehicle and the care of the assigned K-9.
- F. Equipment required for the K-9 includes: 1 six-foot lead, 1 heavy metal choke chain, 1 30-foot web tracking lead, 1 muzzle, 3 tactical uniforms. All K-9 vehicles will be equipped with a heat alarm; **no K-9 will be kept in a vehicle without a heat alarm.**
- G. Only the K-9 handler shall give commands to the assigned K-9 dog except in an emergency situation or with prior approval.

#### **41.15.19 Narcotic Detection K-9:**

- A. Narcotic Detection K-9's are to be used to search for narcotics.
- B. Search for narcotics: Narcotic Detection K-9's may be deployed to search for hidden narcotics.
- C. The use of the Narcotic Detection K-9's shall be requested by the Law Enforcement Services shift supervisor. Depending upon the situation, the K-9's deployment is ultimately up to the K-9 handler.
- D. The Narcotics Detection K-9 and handler shall have attended and successfully completed a course at a recognized Narcotic Detection K-9 school or receive a certificate of achievement from a recognized Narcotic Detection testing or certification agency.
- E. The K-9 Handler shall be responsible for the condition and maintenance of the vehicle and the care of the assigned K-9.
- F. Equipment required for the K-9 includes: collar, leads, water and food. All K-9 vehicles will be equipped with a heat alarm; **no K-9 will be kept in a vehicle without a heat alarm.**
- G. Only the K-9 handler shall give commands to the assigned K-9 dog except in an emergency situation or with prior approval.

#### **41.15.20 Livestock Trailers:**

- A. The Special Services Section use livestock trailers to transport horses and animals (cattle, pigs, goats, emus, etc.).
- B. Use of the livestock trailers is limited to Special Services Section personnel members with knowledge of trailer towing techniques to include the loading of animals.
- C. The livestock trailers are authorized for use in Department business as necessary.
- D. Knowledge of towing skills and understand the limitations of backing techniques are the qualifications for use of the livestock trailers.
- E. The Range Unit Supervisor is responsible for the Range Unit's livestock trailer's maintenance.
- F. Equipment kept in or on the livestock trailers includes: loading ramps, tie downs and ropes.
- G. Special Services personnel are authorized to use the livestock trailers.

#### **41.15.21 Utility Vehicles – Special Services:**

- A. The Special Services Section uses the utility vehicles to tow and start the helicopters and fixed wing aircraft. The Special Services Section utility vehicle may be used to transport people on the airport property.
- B. The Special Services Section utility vehicles are limited to use on the airport.
- C. The Special Services Section utility vehicles are authorized to tow and start aircraft, transport materials and people on the airport grounds
- D. No special training or qualifications are required to operate the utility vehicles.
- E. The Special Services Section Maintenance Supervisor is responsible for the maintenance of the Special Services utility vehicles.
- F. Equipment kept in the utility vehicles include: battery packs for starting aircraft.
- G. Special Services personnel assigned to the Unit are authorized to use the utility vehicles.

#### **41.15.22 ATV – Special Services:**

- A. The Special Services ATV's may be used to patrol county parks, wooded areas and used in search and rescue missions or emergencies.
- B. The ATV is limited to usage at the discretion of a Special Services supervisor.

- C. When used for special events or emergencies, agency personnel will contact a Special Services supervisor reference usage. The Special Services Supervisor will arrange to have personnel transport and use the equipment.
- D. No special training or qualifications are required to operate the ATV.
- E. The Range Unit Supervisor is responsible for maintenance of the ATV.
- F. No special equipment is kept on the vehicles.
- G. Special Services personnel are authorized to operate the vehicles.

#### **41.15.23 ATVs / UTVs – Support Services:**

- A. These vehicles may be used to transport people and cargo on the grounds at the respective facility(ies) they are assigned to. These vehicles may be used by agency personnel during special events or emergencies.
- B. The vehicle(s) assigned to a particular facility/grounds is limited to usage at that facility during special events or emergencies.
- C. When used for special events or emergencies, agency personnel will contact the Communications Center, reference usage. The Communication Center will then contact appropriate on-call section personnel to authorize operation and transport.
- D. No special training or qualifications are required to operate the ATV/UTV.
- E. The respective Section Director/Commander is responsible for maintenance of the Section's ATV/UTV.
- F. No special equipment is kept on the ATV/UTV.
- G. Section personnel assigned to the respective unit and agency personnel deemed appropriate during special events or emergencies are authorized to operate the vehicles.

#### **41.15.24 Forklift – Support Services:**

- A. The forklift is used to lift and transport cargo throughout the assigned facility and may be used by agency personnel during emergencies.
- B. The forklift is limited to usage at the assigned facility or during emergencies.
- C. During emergencies, agency personnel will contact the Communications Center reference to usage. The Communications Center will then contact appropriate on-call Section personnel to authorize operation and transport.
- D. The forklift may be operated by members of the assigned section that have completed required training, as designated by the Section Manager.
- E. The Section Manager is responsible for maintenance of the forklift.
- F. No special equipment is kept on the forklift.
- G. Section personnel and agency personnel deemed appropriate during emergencies are authorized to operate the forklift

#### **41.15.25 Law Enforcement Services Large Passenger Bus:**

- A. These vehicles are converted school buses utilized by PAL or other personnel when there is a need to transport a large number of personnel to a scene or event.
- B. Operation requires a CDO license with passenger endorsement.
- C. PAL Lieutenant/Fleet Management may authorize the use of the vehicle.
- D. Vehicle operators must have CDO License/Passenger Endorsement/ Air Brake Endorsement.
- E. The PAL Lieutenant and Fleet Management personnel may operate the vehicle.
- F. Fire Extinguishers, flares and a first aid kit shall be carried on the vehicle.
- G. Any Department member meeting requirement in "D.". Pal Program Members meeting same criteria include DeLand Police Department Pal Personnel.

#### **41.15.26 Law Enforcement Services Vehicles - Crime Scene:**

- A. Crime scene vehicles are utilized for crime scene processing.
- B. They may be used by Sheriff's Office Crime Scene Technicians only.
- C. Crime Scene Technicians may authorize the use of the vehicle as requested by any VCSO Detective or road Sergeant.
- D. Operators must be trained Crime Scene Technicians as approved by the LES Division Commander.
- E. Assigned Crime Scene Technicians are responsible for maintenance of the vehicles.
- F. Equipment shall include evidence gathering equipment, emergency lighting generator, forensic photography/video equipment, assorted evidence bags and containers, hazmat material disposal equipment, and record keeping equipment.
- G. Crime Scene Technicians are authorized to operate these vehicles.

#### **41.15.27 Undercover Vehicles to include pickups, vans, automobiles:**

- A. These vehicles may be used for undercover and covert operations/surveillance close to target, visual surveillance, electronic surveillance, photography, covert evidence collection, and undercover contact with suspects.
- B. No special instructions are required for the operation of these vehicles. Conditions for use shall be for non-exposure to suspects or public as law enforcement. Vehicles shall not be used for raids or "jump out activities."
- C. Authorization shall be as assigned by the unit supervisors.
- D. Orientation and approval of the Technical officer shall be required prior to operation.
- E. Unit supervisors or Deputy assigned to the vehicle shall be responsible for maintenance of the vehicles.
- F. The vehicles shall be equipped with extensive electronic and optical equipment not for public record.
- G. All undercover Detectives as cleared by the Technical Officer may operate the vehicle.

**41.15.28 Police Mountain Bikes:**

- A. A police mountain bike allows deputies to access areas not open to standard patrol, i.e., sidewalks, public parks, off road travel including trails, narrow alleyways and other confined areas.
- B. Due to the physical demands and characteristics of the bicycle-patrol duty, the operation of these bikes shall be limited to only those sworn personnel who volunteer for bicycle-patrol duties and who have received and successfully completed the proper training in the use and operation of these bikes.
- C. Police mountain bikes shall be used for general and/or directed patrol, special events, community relations activities, and other assignments as directed. Any surveillance operations negating the use of a bicycle helmet shall require prior approval by a supervisor.
- D. Sworn personnel must successfully complete 16 hours of training through LEBA (Law Enforcement Bicycle Association) or a comparable agency-approved training course in the use and operation of these bikes.
- E. The Law Enforcement Operations Division Chief will designate a program coordinator to oversee the maintenance and repair of agency bicycles. In addition to the program coordinator, each District Lieutenant shall serve as a local coordinator to handle day-to-day operations involving bikes. Each Deputy assigned to the program is responsible for inspecting the bicycle before each use and shall fill out the bicycle log located with the equipment when taking and returning the bike. Any damage shall be noted on the log (*VCSO FORM# 080818.001 Bike Unit Log*) and a notification email will be sent to the District Lieutenant documenting any needed repairs. Deputies shall not make any modification or repair (except those of a minor nature) without authorization of the Division Chief's designated program coordinator.
- F. Each Sheriff's Office bicycle shall be equipped with the following: headlight, red tail light, and a rear mount bag for holding paperwork and/or miscellaneous items. Operators shall have a portable radio and must wear an ANSI-approved helmet. Bicycle uniforms will conform to the appropriate section of the uniform policy. Deputies should also supply their own water bottle.
- G. Only trained sworn personnel who volunteer for the Police Mountain Bike Program, as noted in B. and D. above, are authorized to operate a Sheriff's Office bicycle.

**41.15.29 Clandestine Laboratory Response Team (CLRT) Trailer:**

- A. The CLRT Trailer will be utilized by the CLRT members to store and transport protective equipment.
- B. The CLRT Trailer will be used for all suspected clandestine lab related calls and kept in stand-by status at a secure location designated by the Narcotics Commander and approved by the Sheriff, or his designee.
- C. The CLRT Trailer will only be used by qualified, certified members of the CLRT or their designee, and towed by certified CLRT personnel. The trailer may be used in other jurisdictions by the CLRT personnel under Mutual Aid requests.
- D. The trailer will only be operated by certified members of the CLRT, or designee. Members are certified upon completion of an OSHA approved curriculum of 40 hours of training and will maintain certification upon receiving 8 hrs of refresher training annually.
- E. The Clandestine Laboratory Coordinator and/or his designee, will be responsible for care of the vehicle and equipment.
- F. Equipment to be kept in the trailer includes:
  - BW Gas Alert Micro 5PID Multi-Gas monitors with docking stations and calibration gases;
  - BW Gas Alert Single Gas-NH3 monitors with calibration gases
  - Multi-Gas calibration kit with case
  - MSA Black Hawk HP SCBA harnesses
  - MSA Fire Hawk Mask and regulators with heads up display
  - MSA Regulator o-rings for first-stage
  - 60 minute carbon cylinder
  - MSA Quick-Fill EEBBS 3" hose and pouch kit
  - Advantage 1000 APRs medium/large
  - Chemical cartridge for APR GME-P100

- Ty-Chem SL coverall, Level B, Hood & Elastic wrist/ankle, Ty-Chem OC coverall prisoner, Latex HAZMAT Boot cover disposable
- N-Dex Nitrile Plus gloves 8 mil.
- Nitrile outer glove, textured fingers
- 1-oz glass vial, Teflon cap; 4-oz glass vial, Teflon cap
- 8-oz/ 16-oz /24-oz wide-mouth Teflon containers
- Allegro ventilation exhaust fan
- Flood Light, Tripod, 1200 watt halogen
- 14-gage extension cord
- Stream light flashlights
- Fire extinguisher ABC chemical; Fire extinguisher CO2
- PVC decontamination shower w/ bag; PVC decontamination pool w/ bag
- 10 X 10 Easy-Up tent with leg stands weights
- Chemical classifier strip kit, drug test kit, crime scene tape, digital camera, traffic cones, respirator wipes non-alcohol, poly-sheeting 4 mil 12' X 100', chemical tape II – 2' X 60 yards, disposable transfer pipettes

#### **41.15.30 Mobile Command Post - Communications:**

- The vehicle is used as a mobile communications command center.
- A minimum of two communications personnel shall staff the mobile command post when in operation.
- Use of the mobile command post requires authorization by the Communications Director.
- The member must demonstrate proficiency in the operation of the mobile command post to the Communication's Director and have their authorization.
- The Communication's Director is responsible for its maintenance.
- Equipment shall include six (6) 800 MHZ radios, one VHF radio, maps of Volusia County and a copy of Directive 46.1 All-Hazards Plan.
- Operation of the vehicle requires the authorization of the Communication's Director. A list of authorized operators is maintained by the Communication's Director.

#### **41.15.31 Judicial Services Division, Prisoner Transport Vehicles: Court Services PT Bus and Vans:**

- These vehicles are used for the transport of prisoners between the Branch Jail and the various court facilities within Volusia County.
- The maximum number of prisoners to be transported is based on their physical size. Special precaution shall apply to the transporting of adult/juvenile/male/female prisoners. Transporting and security measures shall be in compliance with Directive 70.1 Prisoner Transport.
- All sworn Court Services personnel are authorized to operate the prisoner transport vehicles.
- No special qualifications are required to operate the transport vehicles.
- The member assigned to operate the vehicle will be responsible for its maintenance. Fleet Management shall be responsible for pool vehicles.
- Equipment shall include a fire extinguisher and first aid kit.
- Sworn Court Services personnel are authorized to operate these vehicles.

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**Revised by:** 1434  
**Revised on:** 08-15-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

<b>TITLE:</b>	<b>AIRPORT UNIT</b>
<b>CODIFIED:</b>	<b>41.17</b>
<b>EFFECTIVE:</b>	<b>03-2006</b>
<b>RESCINDS/AMENDS:</b>	<b>41.17/02-2003</b>
<b>ATTACHMENTS:</b>	<b>0</b>

#### PURPOSE

The purpose of this Directive is to establish security procedures for the Daytona Beach International Airport.

#### DISCUSSION

The Daytona Beach International Airport plays host to thousands of visitors to the Volusia County area per year. It is the responsibility of the Volusia County Sheriff's Office in coordination with the TSA and FAA to ensure the security of the DBIA and surrounding properties.

#### POLICY

It shall be the policy of the Volusia County Sheriff's Office to enforce all Federal, State, and County laws and ordinances on Daytona Beach International Airport property and to work in coordination with the TSA and FAA to make the airport a secure facility.

#### PROCEDURE

#### ADMINISTRATION

**41.17.1** Minimum staffing for all shifts shall be three Deputies.

**41.17.2** The security measures that are to be used are defined in an operational manual available to all personnel assigned to the unit.

**41.17.3** Electronic timecards shall be completed by 0800 hours each Thursday of the pay week.

**41.17.4** Deputies shall be assigned permanent "Papa" numbers. Calls for service shall be dispatched on VCSO Channel 3 and the Deputy shall remain on that channel for the duration of the call. All Airport Deputies shall monitor the DBA PS channel at all times.

**41.17.5** Staff meetings are held on a quarterly basis. All Deputies are required to attend unless excused by the Airport Unit Commander.

#### ASSIGNMENTS

**41.17.6** Deputies assigned to the Airport Unit are responsible for ensuring that the Airport is a secure facility. This will be accomplished by making the following assignments:

#### CONCOURSE

**41.17.7** The primary responsibility of the concourse Deputy is to be highly visible and to act as an armed deterrent to criminal activity.

**41.17.8** The concourse shall be manned during flight operations.

**41.17.9** The concourse Deputy shall be responsible for the security of the checkpoint and concourse area.

**41.17.10** The concourse Deputy is responsible for monitoring all activity and handling LEOs who need to pass through the checkpoint.

#### ROVING PATROL

**41.17.11** The roving Patrol Deputy shall be responsible for patrolling the interior and exterior of the terminal, including the businesses and parking lots.

**41.17.12** The roving Patrol Deputy shall respond to back up calls for other Deputies, when necessary.

**41.17.13** The roving Deputy shall be near the ticket counters during check-in peak times, on the concourse prior to boarding, and in the baggage claim during arrivals.

**41.17.14** The roving Deputy shall be alert to suspicious activity and investigate where appropriate.

**41.17.15** Other duties include assisting with ground transportation, traffic enforcement, providing relief for the Deputy working the concourse and the curb, and handling walk in complaints and other requests for law enforcement assistance.

#### **CURBSIDE**

**41.17.16** The primary responsibility of the curbside Deputy is to keep the ramp in front of the terminal clear of all vehicles not loading or unloading passengers.

**41.17.17** The curbside Deputy shall be responsible for patrolling the curbside around the terminal.

**41.17.18** The curbside Deputy shall respond to back up calls only in an emergency.

**41.17.19** Other duties include assisting with ground transportation problems, traffic enforcement, and assisting passengers in need of information.

**41.17.20** The curbside Deputy shall request assistance from the roving Deputy for problems in the parking areas.

#### **CHECKPOINT PROCEDURES**

**41.17.21** Airport Unit Deputies shall not assist non-LEOs in bypassing the security checkpoint. This includes all non-sworn civilian employees.

**41.17.22** The deplaning (exit) lanes at the checkpoints shall not be used for bypassing security at the checkpoint(s), except by uniformed, on-duty Deputies, or when responding to an emergency situation.

**41.17.23** Airport Unit Deputies shall not conduct a search of a person unless a criminal violation is suspected. The Deputy may stand by to keep the peace while checkpoint security personnel conduct the search.

**41.17.24** Checkpoint screening personnel are only authorized to search for prohibited items. Should checkpoint security personnel discover narcotics or a large amount of money, they should notify a Deputy. The Deputy must establish their own probable cause to detain or search the individual.

#### **WEAPONS SEIZED AT THE CHECKPOINT**

**41.17.25** When weapons are seized at the checkpoint, the incident report shall contain the following:

- A copy of the passenger's ticket
- Bag claim ticket
- A notation in the report whether or not the weapon was operational.
- Whether or not an arrest was made (A decision not to arrest for this type of violation requires notification and approval of an Airport Unit supervisor.)

**41.17.26** The investigating Deputy shall be responsible for delivering/faxing the report to the FBI and/or the TSA, no later than the next business day.

#### **FIREARMS VIOLATIONS AT THE CHECKPOINT**

**41.17.27** A search shall be conducted of every person detained for weapons violations.

**41.17.28** All persons detained for weapons violations at the checkpoint shall be escorted to the Airport Unit office for further investigation.

**41.17.29** Once the decision is made to pursue formal arrest charges, the defendant shall remain in handcuffs and under constant Deputy control, pending the completion of all paperwork.

**41.17.30** Should the Deputy feel as though circumstances dictate not making a physical arrest, the Deputy must have the approval of an Airport Unit supervisor.

**41.17.31** Should the determination be made that criminal charges will not be filed, the individual shall be placed in an interview room until all pertinent information is obtained. At no time will the individual/defendant be left unsupervised.

**41.17.32** A VCSO incident report shall be completed in all firearm cases, regardless if criminal charges are filed.

**41.17.33** The firearm shall be properly packaged and submitted to evidence pursuant to Directive 83.1, Collection of Evidence.

**41.17.34** Under no circumstances shall the firearm be returned to the violator.

**41.17.35** All dangerous weapons/firearms violations shall be disposed of by either complaint affidavit or making a physical arrest.

**41.17.36** In all cases, the FBI shall be contacted at 252-0463 or after hours at 904-721-1211.

## **ARMED LEOs**

### **LEO FLYING ARMED**

**41.17.37** In order to fly armed, a LEO must present to the checkpoint Deputy the following:

- LEO credential with photo
- Airline ticket
- Flying Armed form provided for airline
- Letter of authorization to fly armed from LEO's agency on respective agency letterhead.

**41.17.38** The checkpoint Deputy shall enter the LEO in the checkpoint logbook and escort the LEO through the checkpoint, at which point the LEO is permitted to proceed to the departure gate, unescorted.

### **LEO ARMED/NOT FLYING IN SECURE AREAS**

**41.17.39** LEOs who are armed on an airside and are on "Official Duty", must:

- Present LEO credential with photo
- Fill out and sign the checkpoint logbook
- Be escorted through the checkpoint (The escort Deputy must remain within sight of the visiting LEO at all times.)
- If at any time the escort Deputy determines that the visiting LEO is not on official duty, the LEO will immediately be brought back to the main terminal. The Airport Unit Commander shall be notified and will initiate notifying the visiting LEOs agency and the FBI/FSD.

### **ARMED OFFICERS IN UNIFORM OR PLAINCLOTHES FOR OTHER THAN OFFICIAL DUTY**

**41.17.40** No officer, who is not flying or on official duty, shall be permitted to go past a checkpoint armed. This applies to all officers in uniform or plainclothes.

**41.17.41** Deputies may escort an armed officer to an airside to pick up a minor child once it has been cleared through the airline. In this instance, the same procedures as an officer on official duty shall be followed.

**41.17.42** Armed officers in uniform shall wait inside the terminal for their adult passengers.

**41.17.43** A VCSO Airport supervisor must approve any deviation from this policy and shall resolve any problems encountered from officers of other agencies.

**41.17.44** Exception to this section (41.17.37-41.17.43); any armed Federal Law Enforcement Officer may go through the security checkpoint and to the airside unescorted, whether flying or not. However, the agent must still fill out and sign the log-sheet at the checkpoint after having their credentials verified by the Deputy.

**41.17.45** When armed LEOs require access to the ramp, the Deputy shall evaluate the circumstances and determine if access is necessary. If the Deputy determines that access is warranted, he/she shall escort the officer.

## **PARKING REGULATIONS & ENFORCEMENT ACTION**

### **PARKING LOTS**

**41.17.46** All parking regulations covered by proper painting or signs shall be enforced.

### **CURBSIDE VIOLATIONS**

**41.17.47** When a Deputy discovers an abandoned vehicle in front of the terminal, he/she shall utilize the public paging system to request the operator respond immediately to remove the vehicle. If after a reasonable period of time the operator does not do so, the vehicle shall be ticketed.

### **TOWING & TICKETING OF VEHICLES**



**41.17.48** Vehicles towed for a violation of County parking violations shall be issued a parking ticket(s).

**41.17.49** Deputies have the authority to tow vehicles from airport property for violation of County Ordinance, State Statute, or as the result of an accident/traffic hazard. Deputies shall follow the procedures outlined in Directive 61.13, Vehicle Towing & Impound.

### **TRESPASS WARNINGS**

**41.17.50** When requested by DBIA authorities or other persons in charge of an area, the Deputy shall complete a Trespass Warning and take a Polaroid photo of the trespassed person.

**41.17.51** The photograph shall be posted, along with the Trespass data, in the Airport Unit Read Book, unless the suspect is a juvenile.

**41.17.52** If the suspect is a juvenile, the photograph and Trespass data shall be forwarded to an Airport Unit sergeant for retention in a locked file cabinet. The name and date of birth of the suspect shall be recorded in the Airport Unit Read Book, and if needed, the original Trespass Warning can be retrieved by the sergeant for the Deputy.

### **REPORTING PROCEDURES**

**41.17.53** A copy of all arrest affidavits shall be submitted to the Airport Unit Commander.

**41.17.54** When an arrest, incident, or report is of such a nature as to be brought to the immediate attention of the Airport Unit Commander and/or the Command staff, the Deputy shall contact the Airport Unit Commander personally.

**41.17.55** The following shall be mandatory for all Airport Unit reports:

- All reports shall be completed and all statements turned in by the end of the Deputy's shift. In certain instances reports may be completed later, with the approval of a supervisor.
- Written statements shall be obtained for all reports, where applicable.
- For all stolen vehicle reports by rental car companies, the Stolen Vehicle Affidavit shall be completed, in addition to all of the other relevant paperwork.
- When victims or witnesses are not local residents, a local address and telephone number, as well as the length of stay, shall be documented in the report.
- When serialized property is stolen, the Deputy shall obtain the serial number at the time of the report, or ask the victim to call the numbers in to the Deputy at a later time, and document this in the report.
- When an incident involves the theft of credit cards or a cellular telephone, the Deputy shall allow the victim access to a telephone to immediately cancel the service. This action shall be documented in the report.

**41.17.56** Original Property Reports shall be placed in the evidence locker in the Evidence Room for all items submitted.

**41.17.57** Reports shall only be disseminated to law enforcement agencies, including the TSA. Requests by other agencies or individuals shall be referred to the VCSO Records Section.

### **LOG SHEETS**

**41.17.58** An Airport Unit Event Log shall be maintained and kept in the Deputy's Room.

**41.17.59** The supervisor or ranking Deputy on duty shall ensure that the Airport Event Log is kept up-to-date.

**41.17.60** Entries shall be made prior to the end of the Deputy's current tour of duty. The appropriate form shall be used for entries. All relevant areas of the form shall be filled in.

**41.17.61** Where overlap shifts occur Deputies shall, when feasible, make their entry prior to the reporting time of the oncoming shift.

**41.17.62** Event Log entries are to be handwritten. Entries shall be neat and legible.

**41.17.63** Log entries shall be made for the following events:

- Criminal Acts
- Arrests
- Any extraordinary incident that causes the utilization of significant VCSO resources.
- Any incident that might cause news media attention.
- Incidents of interest to the Sheriff, DBIA Director, and Airport Unit Commander.
- Any accident involving a VCSO vehicle.

- Any incident involving injury or death.
- Shots fired at or by VCSO.
- All missing persons not recovered.
- Incidents involving road closings that have a major impact on traffic flow.
- Any information an officer, supervisor, or manager determines VCSO personnel should know about.

#### **SIGNIFICANT ACTIVITY NOTIFICATION**

**41.17.64** Notification shall be made to the Airport Unit Commander of the following events:

- Any accident involving a VCSO vehicle.
- Controversial decisions that may be challenged.
- Any incident involving injury or death.
- Shots fired at or by VCSO.
- Major incidents occurring at DBIA.
- Any incident that might cause news media attention.
- Any extraordinary incident that causes the utilization of significant VCSO resources.
- Missing juveniles when the disappearance is out of character.
- Any traffic accident involving major injuries or death.
- Incidents involving road closings that have a major impact on traffic flow.
- Incidents of interest to the Sheriff, DBIA Director, or any other VCSO personnel.

#### **FOUND PROPERTY**

**41.17.65** All found property shall be turned over to Airport Operations.

**41.17.66** Airport Operations may subsequently turn items of great value over to the Airport Unit for safekeeping.

**41.17.67** Where found items of great value (such as jewelry) are given to a Deputy by Airport Operations, they shall be placed into evidence and a report generated.

**41.17.68** When a Deputy is requested by Airport Operations to assist with found luggage, a cursory search of the exterior of the unattended luggage shall be made to attempt to identify the owner.

**41.17.69** The public page system shall be used to attempt to locate the owner.

**41.17.70** At no time shall a Deputy remove found luggage and take it to the checkpoint for screening.

**41.17.71** Any suspicious containers shall be referred to the VCSO Bomb Unit.

#### **LOST PROPERTY**

**41.17.72** Citizens should first be directed to check with Lost & Found. If the property is not there and a person wants to report lost property, the Deputy shall direct the citizen to an Airport Operations Agent. If the citizen wants to report the property as stolen, the Deputy shall generate an Incident Report.

#### **EVIDENCE HANDLING**

**41.17.73** All evidence seized can be temporarily stored in one of the lockers provided pending transfer to the Evidence Section. Transfer will normally be accomplished by the Deputy calling the Evidence Section at 822-6458 and requesting that they pick-up the next day.

**41.17.74** The Evidence Room is controlled access via a key. Once evidence is stored in a locker, only Evidence Section personnel shall remove it.

**41.17.75** Latent print cards shall be placed in an envelope, labeled with a case number, and then placed in the supervisor's office for later transfer to the Latent Print Unit.

#### **PRISONERS/HOLDING CELLS**

**41.17.76** The old holding cell shall not be used to secure prisoners for any reason.

#### **MONITORING OF PRISONERS**

**41.17.77** The arresting Deputy shall ensure there is an LEO in the office area that accepts the responsibility of keeping the prisoner under continuous observation by actually viewing the prisoner, should the arresting Deputy not

be available to do so. **Under no circumstances will the arresting Deputy leave the prisoner unattended without another LEO being responsible for observing the prisoner.**

### **SEARCHING OF PRISONERS**

**41.17.78** It shall be the responsibility of the arresting Deputy to ensure that their prisoners are properly searched in accordance with current Directive 1.8, Body Searches and safe police practices regarding booking procedures, prior to transport to the Branch Jail. Property of the prisoner(s) shall be inventoried. Items shall be itemized and listed on the inventory form. In the event that a large amount of cash is removed from the prisoner, the arresting Deputy shall have a second officer witness the counting of said money. The property shall be turned over to booking personnel for safekeeping. If the arresting Deputy turns the prisoner over to another unit for transportation, it is the arresting Deputy's responsibility to also turn over all of the prisoner's property to the transport unit.

**41.17.79** All prisoners shall be thoroughly searched for weapons and all personal property removed. Smoking material, matches, lighters, pens and pencils and other like property shall be removed prior to transport.

### **TRANSPORTATION**

**41.17.80** It shall be the responsibility of the arresting Deputy to transport the prisoner to the Branch Jail. If the arresting Deputy is unable to effect the transportation, he/she shall arrange for transportation by calling Central Communications and requesting a unit be assigned to transport the prisoner. This shall be done after the arresting Deputy has completed the paperwork.

### **SICK PRISONERS**

**41.17.81** When a Deputy observes that an arrestee is ill, he/she shall immediately alert Central Communications so that they may dispatch Fire Rescue to attend to the individual. At that time, they will determine if the arrestee should be transported to the jail or to the nearest hospital for further medical attention. Arrestees transported to the hospital shall be handled in accordance with current Directive 71.1, Prisoner Transport.

### **INJURED PRISONERS**

**41.17.82** In the event a prisoner is injured upon being arrested or suffers an injury after being arrested, the arresting Deputy shall immediately call Central Communications requesting medical assistance. Additionally, a supervisor shall be notified so all required investigation and paperwork as prescribed are completed.

### **VIOLENT AND/OR SELF DESTRUCTIVE PRISONERS**

**41.17.83** Prisoners that become violent and/or self-destructive shall be immediately restrained in accordance with current Directives and shall be transported to the most appropriate facility, be it the Branch Jail or a medical facility.

**41.17.84** The Deputy shall notify the Chain of Command and other appropriate authorities of all incidents concerning:

- Prisoner deaths
- Serious injuries to prisoners or employees.
- Escapes
- Escapes or attempted escapes, regardless of number, where violence was involved, hostages taken, guns or other weapons involved.
- Any other serious or unusual circumstances that occur.

### **ESCAPE**

**41.17.85** In the event of an escape, the discovering Deputy shall IMMEDIATELY notify Central Communications and request assistance.

**41.17.86** When an escape is confirmed, the Deputy shall have Central Communications issue a BOLO for the escapee and request the following for their assistance as needed:

- District zone units
- Daytona Beach Police Department
- FAA Tower
- K-9
- Air One
- FHP

**41.17.87** An immediate and thorough search shall be made of the Airport Unit offices. If the escapee is not found, the search shall extend throughout the airport and surrounding area. If it is feasible, K-9 and Air One shall be called out to assist.

**41.17.88** The original responding Deputy shall be responsible for documenting the escape. At a minimum, an Incident Report shall be completed.

**41.17.89** Emergency radio traffic shall be terminated once it is deemed safe to do so by the Deputy or supervisor.

#### **PRISONER ESCORTS**

**41.17.90** Deputies shall assist other agencies in order to minimize the chances of prisoners escaping from other LEOs at the airport. Deputies shall, when manpower permits, offer to escort LEOs who are transporting prisoners to or from an aircraft.

**41.17.91** When going with another agency, the Deputy shall stand by while the LEO/representative handles the prisoner. If resistance is encountered our agency shall assist.

**41.17.92** Departing prisoners under other agency escort shall be escorted by VCSO out to the departure gate.

**41.17.93** Because Juvenile Justice prisoners are not always handcuffed, VCSO shall always escort them to or from a gate whenever we are notified. VCSO shall maintain visual contact with the prisoner and escort officer until they have boarded the plane or are off airport property.

#### **BOMB THREATS/TERMINAL EVACUATION**

**41.17.94** VCSO maintains responsibility for this type of incident once a suspicious device is identified. At this point, command is transferred to the Airport Unit Deputy. If no device is found or the threat has passed and it is determined that normal operations should resume, VCSO shall terminate the call.

#### **SUSPICIOUS OBJECTS**

**41.17.95** A suspicious object is any item that is observed/found and is not immediately and positively identified by the owner or is left unattended, and causes concern. A suspicious object shall be upgraded to a Definite Threat should the circumstances deem it appropriate. The VCSO Bomb Unit shall then be notified to respond and safety procedures outlined in Directive 46.4, Explosive Device Plan.

#### **INDEFINITE THREAT**

**41.17.96** A threat that involves no specific area or time element. Personnel shall establish a one-hour time period from the time the indefinite threat is received. After the one-hour period the situation shall be reevaluated for termination.

#### **DEFINITE THREAT**

**41.17.97** A threat that clearly states that a bomb or explosive device is located in a specific area or with a definite time element involved.

**41.17.98** When any type bomb or explosives threat is identified, both DBIA Operations and VCSO shall respond to investigate the call. The Operations Agent shall assist the Deputy to assess the threat. If it is deemed to be a credible threat the Deputy shall take control of the incident.

**41.17.99** Suspected devices shall not be moved or handled by anyone other than VCSO Bomb Unit personnel.

**41.17.100** If the threat is to an aircraft, the location for the aircraft will be coordinated through the Airport Director and the FAA Control Tower.

**41.17.101** The Mobile Command Post, buses, airstairs and any other equipment requested shall respond to the staging area.

**41.17.102** Whenever it is determined that there is no threat, control of the incident shall revert back to Operations.

#### **NOTIFICATIONS**

**41.17.103** All notifications are outlined in the Airport Emergency Plan. In all cases the Airport Director and VCSO Airport Unit Commander shall be notified.

#### **BOMB THREAT STATEMENTS MADE BY TRAVELING PUBLIC**

**41.17.104** If bomb threat statements made by a civilian are found to be credible, or cause a disruption in airline service, an incident report and proper TSA paperwork must be completed. Such individuals shall be brought to the VCSO office pending notification of the FBI, completion of the incident report, and TSA paperwork.

## **TERMINAL EVACUATION PLAN**

### **EVACUATION DEFINITIONS**

#### **41.17.105 Level One:**

- Fire
- Gas/Odor
- Smoke Condition
- Natural Disaster (Flooding-High Wind)
- Other (Building Collapse, Utility Problems)

#### **41.17.106 Level Two:**

- Bomb Threat
- Hostage
- Riot
- General Disturbance
- Other (as deemed necessary)

### **EVACUATION**

**41.17.107** After the alarm has sounded, proceed and encourage others to proceed to the nearest fire exit.

**41.17.108** Elevators shall not be used.

**41.17.109** Check all restrooms (if your own safety is not in question) to assure that all hearing impaired and disabled persons are notified and assisted as needed.

**41.17.110** Disabled persons shall be assisted to a designated accountability area.

**41.17.111** If approached by Emergency personnel, give them information pertaining to your vacated area such as:

- Give last known location of anyone not accounted for.
- Advise if anyone is trapped or injured.
- Note if flames were present.
- Note if there were any strange boxes or containers in your area.
- Advise of any explosions, seen or heard.
- Give any other information to Emergency Crews that may be helpful.

## **CALL RESPONSE**

**41.17.112** Deputies normally shall not respond off-site to routine calls for service. They may, however, respond to requests for mutual assistance to back up or standby while waiting for a Daytona Beach Police Department unit to arrive and handle the call.

**41.17.113** The Florida Fish and Wildlife Conservation Commission shall be contacted on all cases involving a non-domesticated animal. All cases involving a domesticated animal shall be referred to animal control. Operations shall be contacted in reference to any injured animal on Airport property.

## **OFFICE SECURITY**

### **SECURITY CAMERAS**

**41.17.114** Cameras are located throughout most of the public access part of the airport. If a significant incident occurs, Deputies shall request to focus a camera on the area to provide intelligence information prior to arrival. The camera view can be taped for later use.

**41.17.115** Deputies shall change the tapes at 2400 hours daily and put the used tape in the box provided. At no time will a tape be altered to misrepresent an incident on film.

### **BADGES**

**41.17.116** Airport badges shall be worn in all security identification display areas (SIDA).

**41.17.117** If an individual is found in the SIDA without his/her badge, the individual shall be escorted off the SIDA by VCSO and his/her supervisor informed of the infraction.

**41.17.118** Access to the SIDA by persons not authorized shall be controlled by frequent patrolling of the SIDA by a VCSO Airport Unit Deputy.

**41.17.119** Deputies shall respond to any unauthorized entry into the SIDA.

## GLOSSARY

**AIRPORT UNIT DEPUTIES:** Volusia County Sheriff's Office members (sworn personnel) assigned to the Airport Unit.

**AIRSIDE:** Any areas of the AOA to include, runways, taxiways and SIDA.

**AOA: AIRPORT OPERATIONS AREA** - This is the area of the airport outside the terminal in the area of the terminal hubs. It includes the outside areas where the airplanes taxi to and park at the gates. As a general rule, the AOA begins once past the manned vehicle security gates.

**DBIA:** Daytona Beach International Airport

**FAA:** Federal Aviation Administration

**LEO:** Law Enforcement Officer

**SIDA:** Security Identification Display Area

**TOWER:** Refers to the main control tower. The tower controls all aircraft and vehicle movement on the runway and taxiway areas of the airport. Permission is required from the tower before vehicles can enter the runway and taxiway areas.

**TSA:** Transportation Security Administration

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**Revised by:** 6760

**Revised on:** 03-28-2006

**Approved: 01-01-17**



**Michael J. Chitwood**  
Sheriff, Volusia County



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

#### **TITLE: RESPIRATORY PROTECTION PLAN**

**CODIFIED: 41.18**

**EFFECTIVE: 07-2014**

**RESCINDS/AMENDS: 41.18/06-2005**

**ATTACHMENTS: 0**

#### **PURPOSE**

The purpose of this policy is to provide a respiratory protection plan ensuring employee respiratory protection in compliance with 29 Code of Federal Regulations 1910.

#### **POLICY**

It shall be the policy of the Volusia County Sheriff's Office to provide National Institute for Occupational Safety and Health (NIOSH) approved respiratory protection to those employees who may perform duties in a respiratory hazard. Employees listed in this plan, identified as having a potential respiratory hazard, are:

- Hazardous Device Team
- Special Weapons and Tactics (SWAT)
- Forensics
- Homicide
- Emergency Response Team (ERT)
- Critical Incident Management Team (CIMT)

#### **DEFINITIONS**

- A. Respirator** - an enclosure that covers the nose and mouth and or the entire face or head. Air-purifying respirators use filters or sorbents to remove harmful substances from the air. They range from simple disposable masks to sophisticated devices. Air-purifying respirators do not supply oxygen and may not be used in an oxygen-deficient atmosphere or in ones that are immediately dangerous to life or health (IDLH). The current model issued with the PPE equipment is the 3M, M-7800 and has a weight of 9 pounds. All training will be based on this model.
- B. United States Code of Federal Regulations (CFR)** - 29 CFR 1910 mandates that employers establish and maintain a respiratory protective plan for employees in hazardous respiratory environment
- C. Qualitative fit testing** - involves the introduction of harmless odoriferous or irritating substances into the breathing zone around the respirator being worn. If the wearer detects no odor or irritation, a proper fit is indicated.
- D. Quantitative fit testing** - offers more accurate, detailed information on respirator fit. It involves the introduction of a harmless aerosol to the wearer while he or she is in a test chamber. While the wearer performs exercises that could induce face piece leakage, the air inside and outside the face piece is then measured for the presence of the harmless aerosol to determine any leakage into the respirator.

#### **PROCEDURES**

##### **MEDICAL SCREENING**

**41.18.1** At the time of training, each Deputy will complete a Medical Screening Questionnaire. The questionnaire will be placed in a sealed envelope with a contact number for the Deputy. A medical provider with the Volusia County Health Department will review the questionnaire (OSHA questionnaire Part A, Section 2, questions 1-9) and contact the Deputy directly, if necessary.

**41.18.2** The *Respiratory Protection Medical Screening Determination* form will be completed by the medical provider and sent to the Deputy. It will be the Deputy's responsibility to forward the form to the designated person within his/her organization.

#### **SELECTING RESPIRATORS AND PROPER USE**

**41.18.3** Persons should not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the work and use the equipment. Asthma, allergies, bronchitis, emphysema, and high blood pressure are common conditions that prohibit respirator use. The agency contracted physician or health care provider shall determine what health and physical conditions are pertinent. The respirator user's medical status shall be reviewed annually.

Based on this assessment, some employees may be classified for use as "escape purposes only". Deputies with this user classification will only use the equipment when needed to escape from a hazardous environment; equipment will be issued with this purpose in mind. As stated, the purpose of this use will be for the respective deputy's safety; deputies with this classification will not be required to reenter a warm zone.

**41.18.4** Corrective eyeglasses worn by employees present a problem when fitting respirators. Special mountings are available to hold corrective lenses inside full-face pieces. If corrective lenses are needed, the face piece and lenses must be fitted by qualified individual to provide good vision, comfort, and proper sealing.

**41.18.5** Although respirators are designed for maximum efficiency, they cannot provide protection without a tight seal between the face piece and the face of the wearer. Consequently, beards and other facial hair can substantially reduce the effectiveness of a respirator. The absence of dentures can seriously affect the fit of a face piece.

**41.18.6** Employees under this plan may be re-fit tested having experienced ten percent body weight gain or loss or any significant change in facial features.

**41.18.7** To ensure proper respiratory protection, a face piece must be checked each time that the respirator is worn. This can be accomplished by performing either a positive pressure or negative pressure check. (Taken from U.S. Department of Labor, Occupation Safety and health Administration Standard Number 1926.62 App D)

**A. Positive pressure check** - Close off the exhalation valve and exhale gently into the face piece. The fact fit is considered satisfactory if a slight positive pressure can be built up, inside the face piece, without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and than carefully replacing it after the test.

**B. Negative pressure check** - Close off the inlet opening of the canister or cartridge by covering with the palm of the hand or by replacing the filter seal, inhale gently so that the face piece collapses slightly, and hold the breath for ten seconds. If the face piece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

#### **INSPECTING, CLEANING, MAINTAINING, AND STORING, DISCARDING AND REPAIR**

**41.18.8** All respirators must be inspected by personnel using the respirator for wear and deterioration of their components before and after each use. Respirators shall also be inspected monthly by Commander(s) or designee of each respective unit to ensure operational readiness. Special attention should be given to rubber or plastic parts that can deteriorate. The face piece, especially the face seal surface, headband, valves, connecting tube, fittings, and canister must be in good condition. A respirator inspection must include a check of the tightness of the connections.

**41.18.9** Chemical cartridges and mask canisters must be replaced as necessary to provide complete protection.

**41.18.10** In the event a respirator is found not to be serviceable, the respirator shall be taken out of service by the Commander(s), or designee to prevent its accidental use in a hazardous respiratory environment. Respirators shall be repaired, or discarded and replaced if not serviceable. The Commander(s) may determine which action is appropriate. If replacement is required, the respirator shall be replaced as soon as reasonably possible.

**41.18.11** A respirator shall be cleaned and disinfected immediately after each use. Face pieces should be washed in warm water, with soap or a detergent, rinsed and air-dried. They may be disinfected with hypochlorite solution.

**41.18.12** Respirators must be stored to protect against dust, sunlight, heat, extreme cold, excessive moisture or damaging chemicals. Protection against any mechanical damage also should be provided. Respirators should be stored so that face pieces and exhalation valves will rest in a normal position to prevent the rubber or plastic from reforming into an abnormal shape.



## TRAINING

**41.18.13** Every respirator wearer shall receive fitting instructions including demonstrations and practice in how the respirator should be worn, how to adjust it, and how to determine if it fits properly. This training shall be conducted when the mask is issued and during annual training.

**41.18.14** Each Deputy issued the PPE will carry the equipment in their issued vehicle. The training received will provide the Deputies with the knowledge and training to utilize the equipment in an emergency situation. The level of training is not for routine use that would be associated with a team such as a Haz Mat team. The use of equipment is for emergency situations only.

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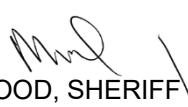

**Revised By:** 6760

**Revised On:** 06-24-05; 06-12-14

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 41.19</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 11/2007	<b>Previous Revision Date</b> 11/2007
<b>Title</b>  <b>DOMESTIC VIOLENCE</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  MICHAEL J. CHITWOOD, SHERIFF  	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish policy and procedures governing the Volusia Sheriff's Office response to incidents of domestic violence.

## II. DISCUSSION

Domestic violence is a critical human rights issue and interpersonal violence between intimate partners is a crime and must be treated as such by the law enforcement community.

## III. POLICY

It is the policy of the Sheriff's Office that all reported allegations of domestic violence will be thoroughly investigated in compliance with Volusia Sheriff's Office general orders and existing state statutes.

It shall further be the policy of the Sheriff's Office to make an arrest or file charges whenever there is probable cause to believe that an individual has committed an act of domestic violence. Deputies will make an effort to determine which individual was the primary aggressor and arrest is the preferred response only for the primary aggressor.

## IV. PROCEDURE

### A. INITIAL RESPONSE AND ENTRY

- Deputies will respond to Domestic Violence calls in accordance with general order 41.3, Patrol Operations.
- If refused entry at the reported location of a domestic violence call, deputies should be persistent in seeing and speaking with the victim. If access to this person is refused, the officers should request that the dispatcher attempt contact with the victim by phone.
- If access is still refused and the deputies have reason to believe that someone is in imminent danger, the deputies should use appropriate force to gain entry.

### B. ON-SCENE INVESTIGATION

- The initial actions of the responding deputy should be to ensure the safety of all persons at the scene. This should include:
  - Assessing the severity of injuries to all parties and summoning appropriate medical assistance if needed
  - Separating the victim physically, verbally and, if possible, visually

- Taking possession of all involved weapons and securing other weapons which pose an immediate threat at the scene
- Locating and ensuring the welfare of any children and others at the scene
- Interviewing all parties and potential witnesses, including children and neighbors as appropriate. These witnesses should be interviewed separately and out of visual/hearing range of each other if possible
- Determining if relationship of the involved parties is that of family or household members as defined by Florida statute 741.28
- Determining nature and extent of all injuries, including defensive wounds
- Documenting any outward signs of strangulation if present, including redness, bruising or ligature marks on neck, burst blood vessels in victim's eyes, hoarseness in voice
- Ascertaining whether female victim is pregnant and whether the suspect is aware of her condition
- Recording in writing or with voice recorder any statements of victim, suspect or witnesses that may be categorized as spontaneous statements or excited utterances. Note the exact words used, time frame when statements were made and emotional condition of the speaker.
- Collecting and recording physical evidence and take color photographs of injuries to all involved parties and any property damage
- Determining if there is probable cause that an act of domestic violence has occurred

### **C. DETERMINE PRIMARY AGGRESSOR**

1. When two or more persons make allegations of domestic violence against each other, deputies should try to determine which party was the primary aggressor and which party was acting in self-defense. Per Florida statute, arrest is the preferred response only with regard to the primary aggressor. Arresting both parties (dual arrests) for the same incident is strongly discouraged.
2. Factors to consider when determining primary aggressor should include:
  - Nature and extent of injuries inflicted
  - History of domestic violence perpetrated by one party against the other
  - Existence or previous existence of protection orders
  - Efforts by one party to prevent the other party from summoning law enforcement
  - Determination of actions that appear to be reasonable self-defense
  - Observations from crime scene
  - Comparison of statements from involved parties, witnesses
  - Who fled the scene

### **D. ARRESTS**

1. If a deputy has probable cause to believe that a suspect has committed an act of domestic violence, generally a physical arrest should be made if the suspect can be located.
2. If there is probable cause to make an arrest but the suspect has fled the scene, deputies should make an effort to locate the suspect to affect an arrest and they should document all attempts to locate the suspect.
3. If there is probable cause to make an arrest but the suspect cannot be located, deputies should complete a thorough report and appropriate criminal complaint affidavit that should be signed by the victim or the investigating deputy.
4. In cases in which the investigating deputy believes that the suspect presents a clear danger to the victim while the suspect remains at large, the deputy should notify his/her supervisor to make arrangements to have a warrant issued in an expedited manner as soon as practical.
5. In rare instances in which there is probable cause to make an arrest for domestic violence but the deputy believes that immediate arrest is not the appropriate response, the deputy must notify

his/her supervisor of this decision for approval. Such circumstances might include the medical or mental condition of the suspect.

6. Pursuant to Florida statute, if a deputy investigates an allegation of domestic violence and if an arrest is not made or criminal charges are not filed, a detailed incident report must be completed which details the reason(s) that an arrest was not made.
7. Pursuant to Florida statute, if two or more persons make an allegation of domestic violence against each other and the deputy arrests more than one person, a detailed incident report must be completed which details the reason(s) for arresting more than one person.
8. In some rare instances, arresting both parties might be unavoidable. Examples would include:
  - Victim could have active warrant
  - Victim may commit another criminal offense in the deputy's presence
  - Victim took self-defense action beyond a reasonable limit (Excessive force disproportionate to the acts committed by the other party)
9. If there is probable cause to make an arrest, but the suspect has fled the scene, deputies should make an effort to locate the suspect to effect an arrest. All attempts to locate the suspect should be documented.
10. If there is probable cause to make an arrest and the suspect cannot be located, the investigating deputy and/or their supervisor should review the particular circumstances of the case to determine if a criminal warrant should be obtained by expedited means. The warrant may be obtained by the reporting deputy or referred to a detective for immediate follow-up.
11. If there is probable cause to make an arrest but the victim refuses to cooperate or sign a complaint affidavit, the investigating deputy should sign the criminal complaint affidavit.
12. Factors that should NOT be considered in a decision to make an arrest include:
  - Socio-economic status of either party
  - Victim's reactions, i.e., verbal hostility, yelling
  - Belief that victim will not cooperate with prosecution
  - Disposition of previous calls involving same victim or suspect
  - Denial by either party that domestic violence occurred when there is evidence of domestic violence
  - Absence of visible injury unless inconsistent with nature of allegation of violence
  - Presence of children or dependency of children upon the suspect
13. The investigating deputy should determine if the suspect has pending domestic violence charges. If so, the deputy should attempt to determine if there has been a violation of conditions of pre-trial release. If so, the deputy should take the appropriate enforcement action pursuant to state statute.

## **E. VICTIM SUPPORT**

1. The investigating deputy should:
  - Convey to the victim concern for his/her safety.
  - Advise the victim that the incident report will be sent to the local domestic violence center
  - Advise the victim that domestic violence is a crime and that the responsibility for decisions regarding whether charges are filed is with the state, not the victim
  - When an elderly or disabled adult victim is the victim of domestic violence, or if the suspect is no longer able to provide care for the elderly or disabled victim, the deputy must notify the State Abuse Registry at 1-800-96-ABUSE.
  - Determine if the severity of the incident or continued risk to the victim require the immediate services of a Sheriff's Office victim advocate
  - In cases in which the victim wishes to seek shelter at the Domestic Abuse Council, the deputy should assist in arranging transportation to the shelter if needed

- If an arrest is made, encourage the victim to report any known violations of conditions of pre-trial release that may occur if suspect is released
- Encourage the victim to contact the local certified domestic violence center for assistance, counseling, legal aid, shelter, safety planning and other services if needed

## **F. OFFICER-INVOLVED DOMESTIC VIOLENCE CASES**

1. When an incident of domestic violence involves a sworn law enforcement officer:
  - The on-duty district supervisor shall be notified and shall respond to the scene;
  - The incident shall be investigated and all parties involved will be treated in the same manner as with any other domestic violence investigation;
  - If an arrest is made, the supervisor shall notify the agency that employs the sworn law enforcement officer of the incident as soon as possible;
  - If the arrestee is a member of the Volusia Sheriff's Office, an internal affairs investigation shall be initiated upon approval of the Sheriff.
2. If an Injunction for Protection is served upon a sworn member of the Volusia Sheriff's Office, see general order 74.3 Injunctions for Protection for additional procedures.
3. Any deputy who witnesses or otherwise has firsthand knowledge or well-founded knowledge of a domestic violence incident involving another deputy in the Sheriff's Office, must report that incident to a supervisor. This information will be forwarded through channels to the involved deputy's Division Chief.

## **G. REPORTS**




1. All calls involving an allegation of an act of domestic violence will result in a written report.
2. If an arrest is made, the incident report should be written in such a manner as to allow for successful prosecution even without cooperation from the victim.
3. The incident report prepared by the deputy should include, but not be limited to:
  - Information provided by communications personnel. The deputy should consider the evidentiary value of the 911 call;
  - Descriptive information regarding the victim and suspect, including the demeanor of each;
  - Written and oral statements obtained from the victim and suspect (including excited utterances, their approximate time frame and the person's emotional condition). If written statements are not obtained, a reason should be given;
  - A description and location of observed injuries or complaints of injury and whether an offer of medical treatment was refused;
  - The name of the medical treatment provider including EMS personnel;
  - A description of steps taken to locate the suspect if he/she was not at the scene;
  - A list of indicators of threats or risk to the victim (e.g., verbal threats, suicide threats by suspect, history of abuse, abuse of pets, substance abuse, other unusual behaviors);
  - Any evidence that the suspect tried to prevent victim from reporting the crime to law enforcement;
  - Information regarding whether minor children were present, their names and ages and whether the Department of Children and Families was contacted;
  - Information on whether an injunction is in effect;
  - An indication that the victim received the "Victim/Witness Information/Rights Pamphlet";
  - If no arrest is made, an indication that the officer advised the complainant of the reasons why an arrest was not made;
  - Any information that may be relevant to the assessment of bond at first appearance.

## **H. FOLLOW-UP INVESTIGATION**

1. Some domestic violence calls will require follow-up investigation. Reasons for follow-up might include:
  - Photographing or re-photographing injuries and bruises that weren't visible at the time of original report;
  - Obtaining statements from parties that weren't available or able to provide a statement at the time of the original report;
  - Obtaining additional information or evidence in support of the original charge or additional charges;
  - Providing additional information at the direction of the State Attorney's Office to assist with prosecution;
  - Some cases can be followed up by the original reporting deputy; other cases, by their nature, will need to be assigned to a detective for further action.
  - In addition to the reporting deputy's immediate supervisor, all domestic violence reports should be reviewed by the District Investigative Sergeant to assist in determining if additional follow-up is necessary;
  - Determining what additional measures may need to be taken to protect the victim.

## **V. FORMS**

- [Victim/Witness Information/Rights Pamphlet \(English\)](#)
- [Victim/Witness Information/Rights Pamphlet \(Spanish\)](#)

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 41.20</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 04/17/2020
		<b>Original Issue Date</b> 03/2016	<b>Previous Revision Date</b> 06/2018
<b>Title</b>  <b>BODY WORN CAMERAS</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  /  MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines related to the use of body-worn cameras (BWCs) so that deputies may reliably record their official law enforcement contacts with the public in accordance with policy and the law. In addition, this general order shall serve to establish guidelines associated with the secure management, storage and retrieval of the data stored on the Volusia Sheriff's Office issued BWC to safeguard the integrity of the digital images captured should they need to be produced for evidential purposes.

## II. DISCUSSION

When implemented correctly, body worn cameras can strengthen the law enforcement profession overall. BWCs can assist in promoting agency accountability and transparency; they offer useful tools for increasing officer professionalism, improving officer training, capturing and preserving evidence and documenting encounters with the public.

It is recognized, however, that due to several uncontrolled variables and circumstances, video footage does not always fully represent or capture the complete and entire encounter as experienced by the deputy. Factoring in physiological reaction times, law enforcement training and knowledge of inherent dangers and stress associated with particular encounters, persons reviewing recordings must be cautious before conclusions are reached about what the video shows.

It is further recognized that BWC equipment has the potential to malfunction, become disengaged from BWC accessory components, or otherwise become damaged, if it is subjected to shock or physical impacts while a deputy is engaged in physical contact or an altercation with a person, physically traversing terrain or landscape in pursuit of a person, or is otherwise engaged in a hazardous activity while performing a legitimate law enforcement function or duty.

Like other new forms of technology, body worn cameras have the potential to transform the field of policing. First and foremost, agencies must always remember that the ultimate purpose of these cameras is to help law enforcement protect and serve the people in their communities through open communication and best practices.

## III. POLICY

To enhance the services provided to the community, the Volusia Sheriff's Office authorizes the use of body-worn camera technology as an additional layer of documentation for events, actions, conditions and statements made in accordance with the performance of official law enforcement duties and to improve deputies' reports, the collection of evidence and testimony in court. The use of body-worn camera technology is meant to assist and complement deputies in the performance of their duties and is not meant to replace or relieve the deputy of submitting any and all required written reports.

It is the policy of the Volusia Sheriff's Office that all audio, images and media associated with the BWC are the express property of the Volusia Sheriff's Office and shall not be accessed, copied, released or disseminated in ANY form or manner outside the parameters of this policy without the express written consent of the Sheriff.

In accordance with general order 26.2 Standards of Conduct, any violation of this policy/general order shall result in discipline up to and including termination (Refer to Sections IV.H.1.c. – IV.H.2.d. and Sections IV.I.12.a. – IV.I.12.c.). Supervisors shall be held accountable and subject to disciplinary action for failure on a subordinate's part to adhere to this policy (Refer to general order 12.1 Command and Control, Section IV.C.1.).

## IV. DEFINITIONS

**Active Mode** – In active mode, the BWC saves the buffered pre-recording and continues recording audio and video for the available life of the battery or until the BWC is deactivated.

**Authorized User** – Volusia Sheriff's Office designated personnel with a direct job-related function/responsibility regarding BWC footage to include BWC Operators, BWC Operator supervisors, Detectives; Command Staff; Internal Affairs Lieutenant; Office of Public Affairs and Media Relations; Training Director; Digital Records Unit personnel and their supervisors; IT Director, and/or personnel specifically designated by the Chief in furtherance of legitimate law enforcement purposes.

**Body Worn Camera (BWC)** – A camera worn on an individual deputy's person that records and stores audio and video.

**Body Worn Camera (BWC) Operator** – An authorized and trained representative of the Volusia Sheriff's Office assigned to operate the BWC equipment.

**Buffering Mode** – In buffering mode, the BWC continuously loops recording for a pre-designated amount of time before the recording is activated by the deputy.

**Digital Evidence** – Includes photographs, audio recordings, and video footage with evidentiary value that is captured and stored in digital format.

**Long Term Storage** – The Digital Crime Scene (DCS) system which is used to provide access and storage for digital evidence in audio, picture and video formats.

**Members of the Public** – Inclusive of all persons whether or not a citizen of the United States of America.

**Short Term Storage** – The temporary storage location for digital media, such as a camera memory card, Evidence.com, or the Milestone system.

**Video Recording** – The electronic recording of visual images with or without audio recordings.

## V. PROCEDURE

### A. OBJECTIVE

1. The Volusia Sheriff's Office has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:
  - a. To enhance public trust, reduce the number of complaints and resolve deputy-public involved incidents by preserving objective representations of deputy-public interactions in the form of video and audio recordings;
  - b. To enhance deputy safety through the recognition that visible display of a BWC can assist in defusing potentially confrontational situations and improve behavior from all parties;
  - c. To accurately document statements and events during the course of a law enforcement encounter;
  - d. To enhance the accuracy of deputy reports and testimony for courtroom preparation/presentation;
  - e. To enhance the Volusia Sheriff's Office ability to review probable cause for arrest and deputy-suspect interaction;
  - f. To enhance the documentation of crime and accident scenes, or other events that include the confiscation and documentation of evidence or contraband.



- g. To provide an impartial measurement for self-critique and field evaluation during deputy training;
- h. To identify areas for professional development, training and policy enhancement;
- i. To proactively prevent problems from arising in the first place and assist in evaluating/improving performance.

## **B. MODES OF OPERATION**

1. The BWC has two operating modes:
  - a. **Buffering Mode:** In buffering mode, the BWC continuously loops recording for a pre-designated amount of time before the recording is activated by the deputy.
  - b. **Active Mode:** In active mode, the BWC saves the buffered pre-recording and continues recording audio and video for the available life of the battery or until the BWC is deactivated.

## **C. PROHIBITED USE AND ACTIONS**

1. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as a video camera, cell phone or other device to record or capture digital video/images of BWC recordings is strictly prohibited. ONLY Volusia Sheriff's Office issued equipment may be used to access BWC equipment.
2. Under no circumstances shall any employee of the Volusia Sheriff's Office make a personal or secondary copy of any recorded event by any means without the written consent of the Sheriff (e.g. using a personal cell phone camera to record BWC image/media). Lead detectives/deputies creating a secondary copy of a BWC recording subsequent to an official investigation, which shall remain attached to the case file, or submitted to court as evidence, are exempt from this requirement.
3. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and/or contrary to this procedure is strictly prohibited without prior written approval from the Chief Deputy, or his designee.
4. BWC operators shall not use any other electronic devices or other means in order to intentionally interfere with the capability and professional agency intent of the BWC system.
5. Volusia Sheriff's Office employees are prohibited from altering, reusing, modifying or tampering with BWC recordings. Only members of the Information Technology Section are authorized to delete recordings in accordance with this policy.
6. Deputies are not authorized to playback BWC recorded media for public viewing except for official law enforcement purposes as authorized by a supervisor.

## **D. OPERATIONAL PROTOCOLS**

1. Deputy safety shall remain the primary consideration when contacting members of the public and/or conducting vehicle stops, not the ability to record an event.
2. Deputies shall follow all existing deputy safety policies and practices when conducting enforcement stops as outlined in Volusia Sheriff's Office general orders and in accordance with Volusia Sheriff's Office training.
3. It is understood that not all situations clearly start out as a law enforcement encounter requiring documentation by the BWC, nor do all recorded events have a clear ending for when the BWC is no longer required.
4. The Volusia Sheriff's Office recognizes certain circumstances where deputies in a proactive capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest and/or prevent the destruction of evidence or escape. When these situations occur, deputies shall activate the BWC if doing so does not place them, or others, in danger. If the immediate activation of the BWC is not feasible due to an immediate risk to the safety of the deputy or others, the deputy will activate the BWC at the first available opportunity after the immediate threat is addressed.

Supervisors shall closely review documentation of such incidents to ensure such circumstances did in fact exist.

## **5. BEGINNING OF SHIFT**

- a. Each deputy with a functioning BWC device shall document this fact in CAD once the BWC is in the deputy's possession and is ready for activation. This shall be accomplished by adding a secondary operator to the unit that identifies the specific BWC device using the procedures defined below:
  - (1) For deputies using an MDC, the log on function shall be used to document the availability of a BWC by entering "BWC" as a secondary operator and logging the BWC Volusia Sheriff's Office issued device number as the corresponding radio identifier.
  - (2) For deputies without a functioning MDC, the BWC device ID shall be called out over the radio and documented in the unit's CAD history as a secondary radio identifier along with a secondary operator of "BWC" by Communications personnel.
  - (3) If the deputy is not yet in possession of the BWC at the time of log on (e.g., specialty team member deployed prior to arrival at assigned home District) the deputy shall advise via radio; Communications Section personnel shall document this fact in the comment field of the respective unit's CAD history.
  - (4) If the deputy previously logged on duty without an available BWC, a second log on shall be performed (i.e., re-log on) when the BWC is in the Deputy's possession and is ready for use, as outlined above.

#### **6. CAMERA POSITION**

- a. In order to maximize deputy point of view (POV) recordings, deputies shall wear the BWC on or about the head area utilizing Volusia Sheriff's Office issued accompaniment(s). Head or collar mounts are acceptable; the option shall be at the discretion of the individual Deputy. **Exception:** Deputies assigned to specialized units such as K-9, or engaged in a special operation, may wear the BWC as specifically authorized by the Chief Deputy, or his designee.
- b. Camera mounting positions shall be monitored and tested periodically as part of the Volusia Sheriff's Office continual program evaluation to determine the best performance options available for deputies.
- c. Deputies shall periodically check the position of the camera based on its mounting location and Deputy activity to ensure proper camera alignment.

#### **7. CAMERA SECURITY AND HANDLING**

- a. Images on the BWC may contain footage of an evidentiary nature and shall therefore be treated and safeguarded as such. Good security practices provide the foundation for the chain of custody and ensure the integrity of evidence. Preventing unauthorized access and eliminating any perception that unauthorized access may have occurred, reduces the potential for accusations of tampering.
- b. Functioning BWC devices shall be worn at all times by the authorized deputy while on duty.
- c. Malfunctioning BWC devices shall be secured by the deputy until returned to the Information Technology Section, in accordance with this general order.

#### **8. END OF SHIFT**

- a. At the end of each shift, deputies shall place their assigned BWC device in a docking station. When properly docked, the device will recharge and all recordings shall be automatically off-loaded from the device and placed into Short Term Storage. For those recordings tagged with a case number, an automated process transfers the recordings into Long Term Storage on the Digital Crime Scene (DCS) system.
- b. If the deputy remains on duty after docking the BWC device, then the docking event shall be immediately documented in the CAD unit history. For deputies with a functioning MDC, this shall be accomplished by entering a miscellaneous comment indicating the location where the BWC was docked. For deputies without a functioning MDC, the BWC docking event and location shall be called out over the radio and documented in the unit's CAD history by Communications personnel.
- c. At the end of each shift, any spare BWC and accessories shall be returned and docked at the originating location.

#### **9. ADVISEMENTS ABOUT RECORDING**

- a. Members of the public do not have a reasonable expectation of privacy when talking with deputies during the scope of the Deputy's official duties while responding to and investigating crime, even when the contact is in a private residence. Therefore, deputies are not required to give notice they are recording. However, if asked, deputies shall advise the individual they are being recorded.
- b. Deputies are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a member of the public.
- c. Deputies shall be aware of patients' rights to privacy when in hospital settings.

## **E. REQUIRED TRAINING**

- 1. Deputies shall not use the BWC until they have successfully completed all required training on the inspection, activation, use, storage and uploading of all recorded media from the BWC. Only those deputies completing the required training are authorized to use or be in possession of a BWC device.
- 2. Training content shall include, but not be limited to the following:
  - a. Manufacturer's operating procedures/requirements;
  - b. general order 41.20 Body Worn Cameras;
  - c. An overview of relevant state and federal laws;
  - d. Discussion of scenario-based events deputies may encounter;
  - e. Procedures for uploading and classifying recorded data;
  - f. Procedures for accessing and reviewing recorded data;
  - g. Procedures for preparing and presenting digital evidence in court.
- 3. In addition, relevant BWC training bulletins shall be issued covering operational scenarios, new/emerging trends, legislative changes, court cases, etc. This material shall be issued by the Training Section and posted on Training's intranet site to serve as a resource/reference for personnel.
- 4. Supervisory personnel that are not already trained as BWC Operators shall receive documented training on accessing and reviewing BWC footage and the Administrative Review Process.

## **F. EQUIPMENT MAINTENANCE AND INSPECTION**

- 1. Inspection and general maintenance of BWC equipment shall be the responsibility of the Deputy assigned the equipment.
- 2. BWC equipment shall be operated in accordance with manufacturer's recommended guidelines, Volusia Sheriff's Office training and policies.
- 3. Prior to the beginning of each shift, deputies shall inspect their assigned BWC device to ensure:
  - a. The BWC is fully charged;
  - b. There is no visual damage;
  - c. The BWC is performing in accordance with the manufacturer's recommendations;
  - d. All recorded video from the previous shift has been off-loaded.
- 4. If any of these requirements are not met, then the deputy shall follow the section below for ***Defective or Unavailable BWC Devices***.
- 5. **DEFECTIVE OR UNAVAILABLE BWC DEVICES**
  - a. Malfunctions or other operational problems, damage, loss, or theft of the BWC equipment must be immediately:
    - (1) Documented in the unit's CAD history;
    - (2) Reported to the deputy's supervisor and;
    - (3) Reported to the Information Technology Section via e-mail.

- b. Any changes to the availability of a BWC device during a deputy's assigned shift shall be immediately documented in the CAD unit history. This includes BWC devices that were found or restored to working order during the same shift that they were reported as malfunctioning or otherwise unavailable, as well as the temporary use/assignment of spares. For deputies with a functioning MDC, this shall be accomplished by entering a miscellaneous comment. For deputies without a functioning MDC, the change in the BWC device availability shall be called out over the radio and documented in the unit's CAD history by Communications personnel.
- c. It is incumbent upon the deputy and the supervisor to immediately contact the Information Technology Section to report malfunctioning, damaged, lost, or stolen BWC devices; this may be accomplished via e-mail. All repairs or replacements shall occur during normal business hours for the Information Technology Section.
- d. An Auto-Incident Report, the form is located under Volusia Sheriff's Office Forms/Administrative Forms on the intranet shall be completed anytime a BWC is damaged, lost, or stolen; a copy of the report shall be forwarded to the Division Chief via chain of command. Approved Auto-Incident Reports shall be forwarded to the Information Technology Section and the Internal Affairs Unit.

## **G. SPARE BWC USAGE AND PROCEDURES**

### **1. SPARE BWC USAGE**

- a. A designated number of spare BWCs are available at each District office, Special Services Section, and the Civil Unit in Daytona Beach. All spare equipment shall be labeled with a unique camera identifier to indicate the assigned location and shall be returned to the originating location at the end of each shift.
- b. Spare cameras and tablets are paired together. Therefore, when using a spare camera, the associated spare tablet with the same designated camera ID must be used.
- c. Spare cameras are right-hand oriented ONLY. When utilizing a spare, deputies that normally use a left-handed mount shall be required to wear the spare on the right side, otherwise all video will be upside down.
- d. The temporary use and assignment of spare BWCs shall be coordinated through the respective sergeant; priority shall be given first to those deputies experiencing BWC operational problems during their regularly scheduled shift.
- e. Spare BWC equipment is required for use in the following situations:
  - (1) Temporary replacement of defective equipment (camera/tablet, battery pack, cables, mount equipment).
  - (2) Deputies assigned a BWC as part of their official duty assignment but working overtime outside their assigned home district and where their assigned BWC is docked/secured at their home district, or not otherwise readily accessible.
  - (3) Deputies not assigned a BWC, but work overtime to fill a position that would normally require use of a BWC.

### **2. SPARE BWC PROCEDURES**

- a. When required to use spare BWC equipment in the abovementioned scenarios, deputies must adhere to the following procedures:
  - (1) Contact the sergeant in charge for replacement of defective BWC equipment, or to utilize equipment while working overtime;
  - (2) The sergeant shall be responsible for the following:
    - Distributing, tracking, and ensuring the return of the spare BWC equipment at each respective location; and
    - Notifying Information Technology if any equipment is temporarily removed to replace defective equipment.
  - (3) Prior to using a spare BWC, the deputy MUST (via MDC or a Telecommunicator) enter the "BWC" as the second operator and the camera ID assigned to the spare camera (as labeled on camera) as the second operator's radio ID.

- Example: The radio ID of “SPARE22” identifies the camera as a spare assigned to District 2 and is the second spare camera at that location.
- (4) **IMPORTANT:** This procedure is very important; it is this identification method that allows an automated process to assign all videos recorded to the respective deputy using the spare on that date/time.
  - (5) **ALL** videos associated with a case number must be tagged on the corresponding tablet **PRIOR** to docking the camera. Since spare BWCs are not assigned to individual deputies, but rather to the originating location, BWC video cannot be viewed or tagged after it is uploaded to Short Term Storage. Once the automated process assigns the videos to the submitting deputy and the transfer to the Digital Crime Scene (DCS) is complete, the tagged videos shall be available for view.

## H. REQUIRED ACTIVATIONS: WHEN AND WHERE TO RECORD

1. Members of the public have a reasonable expectation of privacy in their homes. However, when deputies are lawfully present in a home in the course of official duties, there is no reasonable expectation of privacy.
2. BWC recordings are meant to assist and compliment the field reporting and investigative process as a secondary layer of documentation. Recordings shall not be used as the primary source of gathering or documenting information in lieu of required reports, witness statements, or any other investigative documentation.
3. Deputies with an assigned BWC device shall activate it during the following type of events:
4. **ENFORCEMENT RELATED CONTACTS**
  - a. **EMERGENCY RESPONSE:** When responding to calls that require the deputy to engage in emergency vehicle operations and the activation of emergency lights and siren (i.e. Code 3), the BWC shall be activated as safely as possible upon being dispatched.
  - b. **NON-EMERGENCY RESPONSE:** When responding to non-emergency or routine calls, or self-initiated activities that require a BWC recording noted herein, the BWC shall be activated upon arriving at the scene and just prior to exiting the vehicle.
  - c. **Enforcement Related Contacts** include, but are not limited to, the following circumstances:
    - (1) In-progress crimes
    - (2) Arrests; advising an individual of their Miranda warnings
    - (3) Traffic stops
    - (4) Traffic crashes – when Volusia Sheriff’s Office is the reporting agency
    - (5) Building alarms
    - (6) Use of force incidents
    - (7) Foot and motor vehicle pursuits
    - (8) Sexual offender/predator address verifications
    - (9) Baker Act enforcement
5. **CRIMINAL INVESTIGATION CONTACT**
  - a. **Criminal Investigation Contacts** include, but are not limited to, the following circumstances:
    - (1) Encounters with persons who are accused or suspected of crimes
    - (2) Field interviews.
    - (3) During investigations of criminal acts and/or encounters in which the deputy is attempting to develop reasonable suspicion on the subject of the encounter
    - (4) Vehicle searches, building searches, and searches for suspects
    - (5) Execution of a search warrant, a Fourth Amendment waiver search, or a consent search
6. **VOLUNTARY CONSENT TO SEARCH**

- a. The BWC shall be used to record all consent searches (vehicle/residence/structure). Consent must be freely, voluntarily and knowingly given by the person and may be revoked at any time. The Deputy shall capture the full consent process on the BWC, including the individual's authorization and/or denial.

## **7. PRISONERS/DETAINEES**

- a. While a prisoner/detainee is secured in the back of a patrol vehicle and in the presence of the deputy (either stationary or transporting), the deputy shall continue to record using the BWC in accordance with the following procedures:
  - (1) While recording a prisoner/detainee secured in the back of a patrol vehicle, the deputy may use discretion to re-orient the camera to capture the best possible viewing angle of the prisoner/detainee
  - (2) Recordings shall continue while the deputy remains in the vehicle
  - (3) Recording shall be stopped after transferring the prisoner/detainee to a Prisoner Transport Unit or once secured into a holding cell.
  - (4) While being guarded by a deputy in the hospital, prisoners in custody awaiting court appearance shall not routinely be recorded unless actions fall within the parameters of this general order.

## **8. SCHOOL RESOURCE DEPUTY**

- a. While in the performance of SRD duties, deputies shall be required to activate their BWC in the following circumstances:
  - (1) All transport;
  - (2) Active incident;
  - (3) While conducting a criminal investigation
  - (4) During subject and suspect interviews
- b. SRDs are prohibited from recording the following events:
  - (1) Student discipline while in an office
  - (2) Parent discussions
  - (3) Nurse's office
  - (4) During casual conversations and mentoring

## **9. SUSPECT**

- a. When recording suspect interviews, deputies shall ensure they record any admonishments prior to the start of an interview and shall not stop and start the recording during the course of the interview. If the interview is conducted in a Volusia Sheriff's Office interview room equipped with recording equipment that is being actively utilized, the BWC may be deactivated during the course of the interview.

## **10. CRIME VICTIMS**

- a. Deputies shall record victim/witness statements while investigating crimes. In accordance with Fla. Stat. § 943.1718(4), Chapter 934 does not apply to body worn camera recordings made by law enforcement. However, if the victim/witness is unwilling to give a statement while the BWC is activated, the Deputy may deactivate the BWC after first recording the date, time and reason for the deactivation. This deactivation shall be noted in the Deputy's report or CAD if no report is completed.

## **11. SPECIAL CIRCUMSTANCES**

- a. If a deputy witness's an event occur, such as a criminal act or traffic crash, he/she shall immediately activate the BWC in an attempt to capture the events that lead to the incident.
- b. All activities while providing backup to another deputy or another agency in the execution of the abovementioned definitions of required use shall be recorded.

## **12. OUTSIDE DETAILS AND OVERTIME**

- a. Deputies working outside details, outside employment (when in uniform), overtime assignments and assignments as directed by a supervisor shall activate their assigned BWC for any activities that fall under the definition of required use within this general order.

## **I. PROHIBITED ACTIVATIONS: WHEN AND WHERE NOT TO RECORD**

1. The BWC shall not be used to deliberately record:
  - a. Confidential informants or undercover deputies;
  - b. Conversations of fellow employees without their knowledge during routine, non-enforcement related activities;
  - c. Volusia Sheriff's Office administrative investigations;
  - d. Personal activity or while on a break;
  - e. Pre-shift conferences/briefings.
2. A BWC shall not be used to record crime scenes or injuries unless incidental while recording another activity that falls under the definition of required use. Established methods such as handheld cameras and still photos shall remain the primary method for recording crime scenes and injuries.
3. Unless the BWC is being used as part of an activity that falls under the definition of required use, the BWC shall not be activated in places where a reasonable expectation of personal privacy exists such as locker rooms, dressing rooms, or restrooms.
4. Under no circumstance shall a conversation between Volusia Sheriff's Office employees be recorded without all parties to the conversation being aware of the fact that it is being recorded. Conversations between Volusia Sheriff's Office employees that are not required to be captured as evidence in the furtherance of completing a law enforcement investigation shall not be recorded.

## **5. DEMONSTRATIONS**

- a. As a general policy, deputies should refrain from video recording or photographing peaceful demonstrations. The Volusia Sheriff's Office does not condone systematic surveillance or tracking of the general law abiding peaceful member of the public exercising their right to peaceful demonstrations in accordance with their constitutional rights.
- b. When there is reason to believe that a planned event has the potential for unlawful activity, Commanders should make the determination whether visual recording or photographing is appropriate.
- c. If deputies witness crimes occurring among the demonstrators and/or believe an arrest is likely, they should begin recording.

## **J. FAILURE TO RECORD**

1. There may be circumstances when a deputy fails to record an event or activity that is otherwise required by policy to be recorded, including but not limited to:
  - a. Conditions make it unsafe or impossible to activate the camera;
  - b. Deputy-exercised discretion during citizen contacts or enforcement actions for the purpose of protecting privacy rights (victims, hospitals, mental health facilities), or at the request of the public to facilitate information/intelligence gathering and preserve community relations. In these scenarios, deputies shall record the specific request or circumstance prior to deactivating the recording. As soon as the requested private conversation is completed, the BWC shall be returned to active mode so long as the situation still falls under the definition of required use. Deputies are reminded that when the BWC is placed back to active mode, prior video footage captured during buffering mode shall also be saved;
  - c. The BWC malfunctions or otherwise fails to capture the event/activity;
  - d. Emergency call out of an off-duty deputy who does not have immediate access to their issued BWC; in such scenarios, the deputy will respond directly to the scene of the emergency and shall not be required to first obtain their BWC from the District. (i.e., calls for SWAT, K-9, Bomb Squad)

2. In these situations, deputies are required to document their reasons at the beginning of the narrative of the appropriate report such as incident report, arrest/complaint affidavit, field interview, traffic crash report, and CAD incident history. For traffic citations and warnings, this should be documented in the officer notes section.
3. Documenting the reasons for not recording in a particular circumstance helps to maintain agency transparency and accountability, ensures supervisory review of recording irregularities for quality assurance, and explains the absence of such video footage for investigations and court proceedings.
4. In any circumstance requiring BWC recording of a consent to search (vehicle, residence, structure) for which the BWC is not utilized by the deputy to capture the full voluntary consent, the respective deputy's supervisor shall review the circumstances and complete a memorandum to the Sheriff detailing the action taken.

## **K. SUPERVISOR RESPONSIBILITIES – PRESERVATION OF BWC EVIDENCE**

1. When an incident arises that requires the immediate retrieval of BWC media for chain of custody purposes (including, but not limited to: deputy involved shootings/use of deadly force, in-custody deaths, or others as determined by policy/supervision) a supervisor shall respond to the scene and ensure the BWC remains affixed to the deputy in the manner it was found, take a photograph of the BWC as worn by the Deputy and ensure that the BWC data remains uncompromised until the documented custody transfer to the lead Detective, either Investigative Services Major Case, or FDLE as deemed required in accordance with established policy (refer also to general order 1.1 Use of Force Guidelines for additional on-scene supervisory responsibilities surrounding Deputy involved shootings/use of deadly force, in-custody deaths.). The BWC shall continue recording until advised by the on-scene supervisor to deactivate.

**EXCEPTION:** In a deadly force incident that, due to exigent circumstances (such as the deputy is incapacitated, the suspect is at large), access to the BWC video may aid in capture of the suspect, the on-scene supervisor, with approval from the watch commander, may view the footage. Required access shall be documented in the supervisor's report.

2. Through direct supervision, the supervisor is responsible for the care and custody of the BWC and corresponding tablet until it has been removed, secured and powered off by the lead Detective.
3. Supervisors may view recordings in the field in order to mitigate citizen complaints, however the respective Captain, or his/her designee should be contacted prior to playback of the BWC recorded media for viewing by the involved member of the public.

### **4. QUALITY CONTROL**

- a. As part of the report review process, supervisors shall verify that recordings relating to a case number are properly documented in accordance with established procedures listed below under Documenting Recorded Events.
- b. Monthly District/Section Lieutenants shall randomly review 3-5 BWC recordings to ensure that deputies are using the devices in accordance with policy and shall identify any areas that may require additional training or guidance.
- c. This review shall include a range of activity types to ensure review of a variety of deputy response (e.g. traffic stop, domestic violence, use of force, suspicious person, etc.). The Lieutenant shall document and forward this review via memorandum to their respective Captain. The Captain shall maintain all memorandums in a tickler file for one (1) calendar year.

## **L. DOCUMENTING RECORDED EVENTS**

1. If the recorded event requires a report or citation in accordance with Volusia Sheriff's Office policy and procedures, the existence of a BWC recording shall be documented within the associated report as defined below.
  - a. **Incident Report** – For all activities related to incidents that have been assigned a case number, the existence of BWC recordings shall be documented on a property report with a description of "BWC Recording" and a property involvement of "Digital Evidence".
  - b. **Charging Affidavit** – For all charging affidavits including complaint affidavits, arrest affidavits, and notices to appear in court, the existence of BWC recordings shall be listed



under the “Evidence Collected” section with a description of “BWC Recording”. The statement “BWC Recording” shall also be included at the beginning of the narrative.

- c. **Traffic Crash Report** – For all traffic crash reports, the existence of BWC recordings shall be documented with the statement “BWC Recording” at the beginning of the narrative. Using the traffic crash report, the Records Section shall be responsible for recording the required BWC property information in RMS.
  - d. **Traffic Citation, Warning, and Field Interview Card (FIC)** – The existence of BWC recordings is not required to be documented on traffic citations, warnings, or FIC’s. However, if a deputy with an assigned BWC fails to record the issuance of a traffic citation, warning, or FIC, then the reason for the failure shall be documented in the officer notes section.
  - e. **Criminal Citation** – for arrests involving misdemeanor criminal traffic offenses through the issuance of a Uniform Traffic Citation, the existence of BWC recordings shall be documented by adding the notation “BWC Recording” after the case number on the front of the agency’s copy. Using the criminal citation, the Records Section shall be responsible for recording the required BWC property information in RMS.
2. Except for traffic crash reports and criminal citations, the original report writer shall indicate the existence of BWC video in a property report; all deputies shall be responsible for tagging their BWC footage with respective case numbers in accordance with policy and required training.
  3. Prior to the end of each shift, deputies shall ensure that all BWC recordings documented on a property report, traffic crash report, or criminal citation in accordance with this general order have been updated with the associated case number.
  4. If the video is related to multiple case numbers, a comment shall be placed in the narrative of each respective incident report referencing all case numbers associated with the video.
  5. When assisting another agency, a case number shall be pulled and a property report completed for any recordings of evidentiary/investigative value or when requested by the agency to which assistance was provided. For multiple deputy response, refer to section V.L.3.
  6. No documentation is necessary for BWC recordings that do not require an associated report such as a confrontational public contact that subsequently de-escalates.

## **M. DATA MANAGEMENT AND RETENTION**

1. At the end of each shift, deputies shall place their assigned BWC device in a docking station. When properly docked, the device will recharge and all recordings shall be automatically off-loaded from the device and placed into Short Term Storage.
2. For those recordings tagged with a case number, an automated process transfers the recordings from Short Term Storage to Long Term Storage in the Digital Crime Scene (DCS) System. All video contained within the Long Term Storage shall be managed by the Information Technology Section in accordance with established procedures in general order 84.2 Digital Evidence Management System (DEMS).
3. All BWC recordings in Short Term Storage shall be retained for 180 days unless determined otherwise through the Administrative Review Process.
4. If a complaint is associated with a recorded event or a deputy believes an incident may generate a complaint, the supervisor shall initiate the Administrative Review Process to include a written request via email to the Division Chief or designee through chain of command for the Information Technology Section to retain the video until the complaint investigation is complete.

## **N. ACCESSING BWC RECORDINGS**

1. With the exception of deputy-involved shootings/use of deadly force incidents, BWC Operators may review their own recordings. In deputy-involved shooting/use of deadly force incidents, involved deputies (primary, backup, witness deputies) shall not view related BWC footage and shall secure their respective BWC as evidence pending arrival of a supervisor in accordance with established procedures in general order 1.1 Use of Deadly Force.
2. All other access to all BWC recordings shall be restricted to Authorized Users for legitimate law enforcement purposes only. Posting of BWC video data to ANY social media site, without prior approval from the Chief Deputy, or his designee is prohibited.


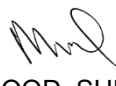

3. All activities related to BWC footage is recorded, monitored, and subject to audit to ensure it is authorized.
4. Only Volusia Sheriff's Office issued equipment may be used to access BWC equipment, or the BWC recordings.
5. Any request for BWC media made from outside the Volusia Sheriff's Office shall comply with both the records disclosure and records management policies of the Volusia Sheriff's Office.
6. **DEPUTIES AND DETECTIVES**
  - a. Deputies should review digital evidence prior to completing reports/supplements when necessary to ensure accuracy of specific details. Deputies shall review digital evidence prior to providing testimony at hearings, trial, or depositions.
  - b. Detectives are responsible for tracking and properly classifying digital evidence associated with their respective assigned cases.
7. **ADMINISTRATIVE REVIEWS**
  - a. Digital recordings may be reviewed by respective sergeants and above for administrative purposes including, but not limited to the following:
    - (1) Investigation of a complaint against the deputy or a specific incident in which the deputy was involved;
    - (2) Deputy involved traffic crash;
    - (3) Use of force/response to resistance;
    - (4) When there is a pattern of allegations of abuse or misconduct;
    - (5) When a deputy has been identified through the Volusia Sheriff's Office's early intervention system;
    - (6) Review the performance of probationary deputies or deputies still assigned to an FTO;
    - (7) Civil claims;
    - (8) Identify videos for training purposes and instructional use.
8. **ADMINISTRATIVE REVIEW PROCESS**
  - a. The Administrative Review Process shall be the same as that used for reporting use of force; it shall be documented and reviewed through the respective chain of command to the Division Chief, or designee. If the Division Chief determines the recording needs additional review prior to finalizing a retention recommendation, a copy shall be sent to the Chief Deputy for final determination.
  - b. If a recording is accidental in nature, the deputy shall notify his supervisor. If the recording does not meet the Volusia Sheriff's Office requirement for activation and the footage holds no law enforcement or public value for retention, the supervisor shall initiate the Administrative Review Process and recommend an abbreviated retention period.
  - c. If a recording is related to a court order, citizen's complaint, or potential/pending legal issue, the recording may be kept for an additional period of time.
  - d. For recordings that require a retention period other than the standard 180 days, the Division Chief, or designee shall document the request via interoffice memorandum to the Information Technology Section.
9. **TRAINING & OFFICE OF PUBLIC AFFAIRS AND MEDIA RELATIONS**
  - a. Training staff may digitally copy any incident contained on digital media specifically for training purposes with authorized permission from the Chief Deputy, or his designee.
  - b. The Office of Public Affairs and Media Relations may also access BWC recordings as necessary to provide accurate, timely release of public information. BWC recordings related to Volusia Sheriff's Office initiated community interest stories may also be released in coordination with the respective deputy (ies); notification shall be made by the Office of Public Affairs and Media Relations via office email.

## **O. INFORMATION TECHNOLOGY SECTION AND RECORDS SECTION**

1. The Information Technology Section shall perform routine audits of the BWC system to ensure it is properly transferring data from the devices to the Short Term Storage including the correct metadata. The Information Technology Section shall ensure the proper retention of BWC video recordings contained in the Short Term Storage in accordance with this general order.
2. The Information Technology Section shall perform routine audits of the Long Term Storage and facilitate the timely disposal of BWC video recordings contained in the Long Term Storage that have surpassed the record retention period and have no further evidentiary or administrative value in accordance with general order 84.2 Digital Evidence Management System (DEMS).
3. The Information Technology Section shall monitor adherence to procedures used for the control of BWC video storage and make recommendations for any policy changes and training if needed.
4. The Records Section shall operate in conjunction with the Office of Public Affairs and Media Relations and the Information Technology Section to fulfill all public record requests for BWC video recordings.
  - a. The Records Section shall be responsible for coordinating all public record requests for BWC video recordings to include verifying the case status and disposition meet the requirements as defined in Florida Public Records Statutes, Fla. Stat. Ch. § 119.
  - b. Upon verification that a BWC public record request is not exempt based upon the case status or disposition, the Records Section shall process the request.
  - c. The Records Section shall make a copy of the requested BWC video recordings, and if necessary, redact any exempt video or audio footage in accordance with Florida Public Records Statutes, Fla. Stat. Ch. § 119.
  - d. The Records Section shall provide the requestor with the BWC video recordings associated with the public record request.

## **VI. FORMS**

- [VSO Auto/Incident Report, VSO Form # 012114.001](#)

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 41.21</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 05/2017	<b>Previous Revision Date</b> 05/2017
<b>Title</b>  <b>NALOXONE HCL, "NARCAN" EMERGENCY OPIOID ANTAGONIST PROGRAM</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to provide Volusia Sheriff's Office personnel with guidelines governing the administration of Naloxone hydrochloride by trained personnel of the Sheriff's Office.

## II. DISCUSSION

The objective is for trained Volusia Sheriff's Office personnel to treat suspected opioid overdoses as outlined in Fla. Stat. § 381.887 to reduce injuries and fatalities when Volusia Sheriff's Office personnel arrive at the scene before emergency medical personnel.

## III. POLICY

It is the policy of the Volusia Sheriff's Office to be able to provide the best possible response to the citizens and visitors of Volusia County including the administration of an emergency opioid antagonist when indicated by trained members in the absence of trained emergency medical personnel, as outlined in Fla. Stat. § 381.887, also known as the Emergency Treatment and Recovery Act.

## IV. DEFINITIONS

**911 Good Samaritan Act** – A person acting in good faith who seeks medical assistance for a person experiencing a drug-related overdose and needs medical assistance, may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence relating to such possession was obtained as a result of the overdose and need for medical assistance. It also provides that a person, who experiences a drug-related overdose and needs medical assistance, may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence relating to such possession was obtained as a result of the overdose and need for medical assistance. (Fla. Stat. § 893.21)

**Antagonist** – a drug that counteracts the effects of another drug.

**Emergency Treatment for Suspected Opioid Overdose** – Emergency responders, including law enforcement officers, are authorized to possess, store, and administer emergency opioid antagonists as clinically indicated. Civil immunity is provided for those who possess, administer, prescribe, dispense, and store in compliance with the Good Samaritan Act. (Fla. Stat. § 381.887)

**FDA** – Food and Drug Administration

**Good Samaritan Act** – Any person who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a public health emergency or at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection of the injured patient or patients thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging

further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances. (Fla. Stat. § 768.13)

**Naloxone HCl Nasal Spray** – also known as “Narcan”, is 4 mg of Naloxone hydrochloride which is a medicine used for the emergency treatment of known or suspected opioid overdose in adults and children. It is an opioid antagonist as it quickly reverses the effects of opioids but it is only temporary. Therefore, it is not a substitute for emergency medical care. Each Naloxone HCl nasal spray contains only one dose of the medicine and cannot be reused. The medicine in the Naloxone HCl nasal spray does not affect people who are not taking opioid medicines. It has been approved by the FDA.

**Office of the Medical Director’s Standing Order** – is a formal document signed by the Volusia County Office of the Medical Director authorizing trained Volusia Sheriff’s Office personnel to administer Naloxone HCl nasal spray to persons at risk of experiencing a suspected opioid-related overdose. The Standing Order is to be renewed annually by Volusia County’s Office of the Medical Director.

**Opioid Overdose** – is the ingestion of an excessive dose of heroin or opiate based prescription drugs such as methadone, fentanyl, oxycodone, hydrocodone, morphine, and codeine and name-brand drugs such as Percocet, Vicodin, and Demerol. Indicators of an opioid overdose are the patient shall not wake up, shall not respond to your voice or touch, breathing is very slow, irregular, or has stopped, “pinpoint pupils,” or bluish lips.

**Recovery Position** – is a first aid position to protect the airway of an unconscious or semi-unconscious person. The patient is laid on one side with the underneath leg straight while the other leg is fully flexed at the hip, with the knee bent and resting on the ground, to prevent rolling onto the back. The head is supported by the arm, maintaining the desired position with the face tilted towards the ground.

## **V. PROCEDURE**

### **A. PROCEDURE FOR DEPLOYMENT: RESPONDING DEPUTY**

1. Upon arriving at the scene of a medical emergency involving a suspected opioid overdose, ensure the safety of the scene.
2. Request that Communications Center dispatch Emergency Medical Services (EMS) to the scene; provide updates.
3. Once the safety of the scene has been secured, using universal precautions to protect from blood borne pathogens and other communicable diseases, medically assess the subject, which may include, but is not limited to, determining unresponsiveness and other indications of an opioid-induced overdose.
4. Provide CPR/rescue breathing if needed; use a one-way pocket mask or other similar device.
5. Prepare the nasal spray device for deployment.
6. Administer Naloxone according to Volusia Sheriff’s Office training guidelines.
7. Use proper defensive tactics when administering Naloxone; aided individuals who are revived from an opioid overdose may regain consciousness in an agitated or combative state, and may exhibit symptoms associated with withdrawal.
8. If effective, place patient into the recovery position and provide supportive care, if needed.
9. Immediately inform responding EMS personnel that Naloxone has been administered and provide updates as needed.
10. Transfer care of the patient to responding Fire Department/EMS personnel.
11. Due to the temporary effect of an opioid antagonist and the potential for a reoccurring life-threatening episode, a patient refusing medical treatment on scene or transportation to a medical facility shall be held in protective custody under the Marchman Act and transported for appropriate medical observation/care.
12. Advise supervisor and the Communications Center as soon as possible that Naloxone has been administered. Notification must be completed while still on scene.
13. Used Naloxone units shall be treated as sharps and biomedical waste and shall be disposed of in the EMS sharps container/medical waste bag, or at the hospital.

14. Anytime a Volusia Sheriff's Office member administers Naloxone it will be documented in a written offense report. The narrative will contain the articulable facts used by the deputy to assess the need to deploy the medicine.

## **B. DOCUMENTATION/REPORT**

1. In order to accurately retrieve the administration and effectiveness of Naloxone, all incidents involving overdoses of any type shall be assigned a case number and documented with an incident report.
2. All overdose reports shall be routed to Narcotics; suspected overdose cases that result in death shall be routed to both Narcotics and Major Case Unit.
3. **INCIDENT REPORT**
  - a. The "Nature of Call" tab shall be labeled "SOD" for a suspected overdose or a "Dead Person" for death as a result of a suspected overdose.
  - b. If the overdose is a suspected heroin/opioid overdose and Naloxone nasal spray was administered by authorized personnel, the following template shall be utilized in the narrative in addition to the basic information:
  - c. **WHY** is this incident a suspected heroin/opioid overdose? (e.g. past drug history, physical evidence, pinpoint pupils, bluish lips, witness testimony?)
  - d. **WHICH** authorized personnel administered the Naloxone HCl?
  - e. **HOW MANY** Naloxone HCl doses were administered?
  - f. **WHAT TIME** was the Naloxone HCl administered?

## **C. TRAINING**

1. **INITIAL TRAINING**
  - a. The Volusia Sheriff's Office Training Section is responsible for coordinating and providing an approved emergency opioid antagonist training course for all members participating in this program. The course shall provide the first responder with carrying, storage and administration of an emergency opioid antagonist training and shall specifically include:
    - (1) An overview of Fla. Stat. § 381.887 as it relates to this policy;
    - (2) Patient assessment to identify the signs and symptoms of opioid overdose;
    - (3) Universal precautions and infection control when administering naloxone;
    - (4) Summoning medical attention (Fire Rescue/EMS)
    - (5) Use of the Naloxone nasal spray;
    - (6) Required reports and documentation relating to the administration of naloxone.
  - b. Training protocols are developed in collaboration with and approval of Volusia County's Office of the Medical Director; a documented review of established protocols shall be conducted with the Medical Director at least once biennially prior to deputy refresher training.
2. **CONTINUING TRAINING**
  - a. Volusia Sheriff's Office personnel issued Naloxone nasal spray shall receive ongoing periodic education and training on the use of Naloxone nasal spray through roll-call training, or during annual deputy refresher training as deemed necessary based on the nature of any changes.
  - b. Volusia County's Office of the Medical Director provides the medical oversight for the Volusia Sheriff's Office training and use of the Naloxone nasal spray. The Office of the Medical Director shall reevaluate the Naloxone nasal spray policy on an on-going basis and shall approve all training related to this program.
3. **DOCUMENTED TRAINING**
  - a. All training will be documented and in accordance with medically approved and adopted protocols.

## **D. FIELD DEPLOYMENT AVAILABILITY AND CARRY**

1. The Volusia Sheriff's Office shall have the Naloxone HCl nasal spray available as follows:
  - a. A minimum of 3 kits per squad assigned to authorized individual deputies, with additional kits provided to each District for distribution/replacement as needed.
  - b. Additional kits may be issued to authorized deputies working in locations reflecting areas of concentrated overdoses as identified through historical data.
  - c. The kit will be carried on the person (e.g., a pouch on the duty belt, a pocket of the protective vest cover or the pocket of the uniform shirt or pants) of all authorized Volusia Sheriff's Office personnel. Volusia Sheriff's Office personnel shall not store Naloxone nasal spray within the vehicle for long periods of time. Excursions of Naloxone are permitted up to 104°F.
  - d. As available, additional kits may be made available at other physical locations/additional trained personnel, as deemed necessary.

## **E. MAINTENANCE AND REPLACEMENT**

### **1. INVENTORY CONTROL UNIT**

- a. Inventory Control shall be responsible for verifying the expiration dates of all stored Naloxone nasal sprays maintained within the Inventory Control Unit.
- b. Inventory Control will record Naloxone nasal spray to maintain a sufficient supply and shall exchange any Naloxone HCl nasal spray that is expired, damaged or otherwise unusable.

### **2. DISTRICT COMMANDERS**

- a. Each Patrol District Commander, or designee, is responsible for ordering and maintaining the inventory of Naloxone within their respective district through Inventory Control, and for the distribution of Naloxone units to their respective members who have successfully completed the required training.
- b. District Commanders, or their designee, of those Volusia Sheriff's Office personnel authorized to administer the Naloxone nasal spray shall:
  - (1) Verify all Volusia Sheriff's Office personnel in their chain of command have received the required Naloxone HCl nasal spray training;
  - (2) Verify inspections of all Naloxone HCl nasal spray occurs to confirm the sprays are current and not expired;
  - (3) Verify all overdoses or suspected overdoses in which the Naloxone HCl nasal spray is deployed by Volusia Sheriff's Office personnel in their chain of command are properly documented via incident report with a case number.

### **3. DEPUTIES**

- a. Deputies are responsible for the inspection of the issued Naloxone unit at the beginning of each shift. Due to the fact that the medication is sensitive to extreme temperature, deputies shall store the kit on his/her person or on limited bases within his/her vehicle's passenger compartment while on duty. When off-duty, deputies shall store the kit in a climate-controlled environment less than 104°F.
- b. Lost, damaged, opened or used Naloxone kits shall be immediately reported to the deputy's supervisor.
- c. Where any condition necessitates, the Naloxone kit shall be replaced or taken off line and be submitted for replacement to their respective supervisor.
- d. Upon administering Naloxone, the deputy shall contact their supervisor for replacement. It shall be the deputy's responsibility to arrange for collection of the replacement unit once one is available.

### **4. PATROL SERGEANTS**

- a. Inspection of assigned Naloxone units shall be performed by supervisors during the monthly line inspection and noted on the report. If a unit is discovered to be damaged or opened, the supervisor shall request a new unit to be issued to the deputy.



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: CRIMINAL INVESTIGATION  
ADMINISTRATION**

**CODIFIED: 42.1**

**EFFECTIVE: 08-2018**

**RESCINDS/AMENDS: 42.1/01-2017**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish and delineate responsibilities for the criminal investigation function within the VCSO.

**DISCUSSION**

Criminal investigation is essential to the law enforcement function. Most crimes are committed out of the presence of police and therefore require a concerted, organized effort by police to identify, locate and apprehend the offender. Additionally, the investigative function includes the recovery of stolen property and the collection of evidence. Investigations begin with the first notification that a crime may have occurred, and continues until the case is solved or all leads have been exhausted.

Cases should be screened to determine the extent of the follow-up investigation based upon the seriousness of the offense and the solvability factors present, i.e., suspect leads, witnesses, identifiable vehicle, distinctive method of operation, available physical evidence, traceable property involved and the investigative workload.

All cases should be checked at least one time in order to ensure that the facts are properly recorded, that there is no additional information and to build public confidence.

**POLICY**

It is the policy of the VCSO to utilize the integrated resources of investigative and patrol functions to maintain an effective criminal investigative function to arrest, convict perpetrators, and to recover stolen property.

**PROCEDURE**

**INVESTIGATIVE FUNCTIONS AND RESPONSIBILITIES**

**ZONE DEPUTIES**

**42.1.1** Preliminary investigations will usually be conducted by the responding Zone Deputy.

**42.1.2** Normally, apprehensions shall be assigned to Zone Deputies. Only when apprehensions have proven overly difficult shall Investigative Units become involved.

**DISTRICT DETECTIVES**

**42.1.3** Detectives are assigned to Districts and are supervised by the District Investigations Sergeant.

**42.1.4** District Detectives will conduct preliminary and follow-up investigations originating within their District. Investigations will be assigned to District Detectives by the Investigative Services Commander and/ or designee or District Investigations Sergeant.

**42.1.5** District Detectives will also be responsible for follow-up investigations for incidents to which their response is specifically requested by a Shift Supervisor (call out).

**MAJOR CASE INVESTIGATIONS**

**42.1.6** The Major Case Unit is under the administrative control of the Law Enforcement Operations Division and assigned to the Investigative Services Section.



**42.1.7** The Major Case Unit is responsible for follow-up investigation of major crimes and incidents which have not been identified as related to organized crime. Major Case Detectives will also conduct preliminary investigations specifically assigned by the Supervisor of the unit.

**42.1.8** Major Case Unit Detectives and/ or Major Case Unit On-Call Detectives shall respond to all:

- A. Homicides
- B. Suicides
- C. Any criminal act resulting in serious injury to the victim where death is likely to occur
- D. In-custody deaths, i.e. Sheriff's Office Custody or County Correctional Facility
- E. Drownings
- F. Aircraft Crash resulting in death
- G. Train Crashes resulting in death
- H. Shootings resulting in death
- I. Sudden Unexpected Infant Death
- J. Cases which require specialized skills, knowledge and abilities beyond those of other Investigative Units
- K. Fire (structure) involving a death

**42.1.9** The Major Case Unit oversees the agency's cold case investigations. The purpose of these investigations is to dedicate investigative resources to the specific task of investigating any case considered to meet the criteria for a "cold case". (refer to Standards Directive 42.13, Cold Case Investigations)

## **NARCOTICS DETECTIVES**

**42.1.10** Narcotics Detectives have the primary responsibility of investigating narcotics cases, vice, major firearms violations, organized criminal activity, and gathering, analyzing and disseminating intelligence information in reference to the above.

## **JUVENILE UNIT**

**42.1.11** District Juvenile Detectives are assigned to the Districts in accordance with the distribution requirements established in Chapter 16. Juvenile Detectives are responsible for follow-up investigations of juvenile cases involving juvenile offenders and certain cases involving juvenile victims.

## **CHILD EXPLOITATION UNIT**

**42.1.12** The Child Exploitation Unit is responsible for all sex offenses in which the victim is 17 years of age or younger and for severe child abuse investigations. The Child Exploitation Unit is responsible for initial review of any case involving a person with mental retardation as defined in Florida State Statute 393.063, and/or Sex Offense cases involving multiple victims or perpetrators, regardless of age; and/or Sex Offenses where aggravated battery also occurred which resulted in serious injury to the victim.

**42.1.13** The Child Exploitation Unit will investigate and assist in the prosecution of predators who seek to exploit or engage minors in sexual activity through the use of technology, computers, and the internet. The Child Exploitation Unit will target those offenders who are actively involved in this type of criminal activity and in the production, advertisement, and distribution of child pornography.

**42.1.14** The Child Exploitation Unit Supervisor will be responsible for evaluating any case involving a person with mental retardation as defined in Florida State Statute 393.063, and/or Sex Offense cases involving multiple victims or perpetrators, regardless of age; and/or Sex Offenses where aggravated battery also occurred which resulted in serious injury to the victim on a case-by-case basis for the purpose of determining whether the case is appropriate for re-assignment to the Child Exploitation Unit.

**42.1.15** The Child Exploitation Unit Supervisor will document this initial review and his/her determination of appropriate case assignment status (District Detective vs. Child Exploitation Unit Detective); a copy of this determination will be provided via email to the originating case agent and to his/her respective chain-of-command through the level of District Commander.

**42.1.16** Reports taken of incidents between very young children, i.e. a six year old touching a five year old at a day care or elementary school, will be written up as "Police Information" with the statute block completed as 7777.7777. Such reports are not normally assigned, as the children are too young to formulate intent to commit a crime. These reports will be forwarded to the Child Exploitation Unit for review.

**42.1.17** Instances of a middle or high school student grabbing another student over the clothing, if not accompanied by any additional lewd acts, do not normally require a Child Protection Team interview and can be handled by the School Resource Deputy filing a SA707 when the report is taken.

## CASE ASSIGNMENT

**42.1.18** Investigative personnel shall be assigned to investigate cases on the basis of their expertise.

**42.1.19** Cases requiring specialized skills, knowledge and abilities shall be assigned to those detectives having the necessary credentials. The intent is to utilize the best qualified person available for the assignment. To accomplish this requirement the Sheriff's Office's training and career development programs shall be utilized (see Directive Chapter 33).

**42.1.20** It shall be the responsibility of the supervisor to ensure cases are assigned to qualified personnel or that assistance is obtained from those who may have more specialized skills.

## CASE STATUS

**42.1.21** The administrative case designations are:

**A. Active** - An open case. The following shall apply:

- The victim/complainant will be contacted as soon as reasonable, preferably in person, but phone contact is permissible.
- A supplement report shall be submitted within five (5) days.
- At a minimum, each subsequent report will be filed every thirty (30) days as long as the case is active.

**B. Inactive** - Indicates all available leads have been exhausted but the case has not been brought to a conclusion or suspended and investigative efforts may be resumed.

**C. Pending** - Awaiting additional known information.

**D. Closed** - The case has been concluded.

**42.1.22** The RMS Case Management System provides for the following subcategories:

**A. Unfounded** - The facts of the case reveal that the alleged criminal offense did not take place.

**B. Cleared By:**

- **Arrest Adult** - Case is cleared by the physical arrest of the suspect(s).
- **Arrest Juvenile** - Case is cleared by the physical arrest of a juvenile(s).
- **Exceptional Adult** - Case is satisfactorily concluded and prosecution is not being sought.
- **Exceptional Juvenile** - Case is satisfactorily concluded and prosecution is not being sought.
- **Other** - Case is cleared by arrest affidavit or warrant request.

## SUSPENDING INVESTIGATIVE EFFORTS

**42.1.23** Criteria for suspending/inactivating investigative effects shall include:

- A.** The absence of further leads or solvability factors; case has not been brought to a conclusion.
- B.** Unavailability of investigative resources
- C.** The case significance or insufficient degree of seriousness

**42.1.24** All assigned follow-up investigations will be reviewed by the Section/Unit Supervisor prior to the suspension of investigative activity.

## CASE FILES

**42.1.25** A case file shall be maintained in Central Records on each case and it shall be available to provide immediate information to Detectives. The Detective shall maintain copies in an investigative case file.

**42.1.26** When applicable, files shall contain:

- A.** A copy of the preliminary report
- B.** Records of statements
- C.** Results of examinations of physical evidence
- D.** Case status reports
- E.** All other reports and records needed for investigative purposes

**42.1.27** All original and supplemental reports and information shall be maintained by the Records Section.

**42.1.28** Investigative files shall be available for review by Detectives, Crime Analysis personnel and other law enforcement officers for investigative and other legitimate purposes. Investigative files shall be maintained in accordance with public record laws.

**42.1.29** Records shall be maintained and purged in accordance with F.S. Chapters 119 and 257.

**A.** The Records Section Supervisor shall make the determination as to which records are to be purged and the method of disposition, in conformance with applicable law.

**B.** All homicides shall be kept indefinitely.

**42.1.30** Detectives shall maintain the investigative copy of active cases assigned to them until the case is closed or inactivated.

**42.1.31** Requests for obtaining records shall be for a valid reason and made to the records supervisor or designate.

**42.1.32** If the record is sealed the records supervisor shall permit access to the file.

**42.1.33** If the record has been expunged the requestor will be advised there is no record.

## **PERSONNEL**

**42.1.34** Personnel shall be assigned to Investigative Units based upon skills, knowledge and abilities.

### **DETECTIVES**

**42.1.35** The factors involved in the selection process are outlined in Department Directive 16.4. All applications shall be made through the Sheriff's Office's Human Resources Unit.

**42.1.36** The Human Resources Unit shall maintain proofs as it relates to the selection process.

**42.1.37** Personnel assigned as Detectives will retain their same rank and pay rate while so assigned. Detectives are eligible to receive Special Assignment Pay.

### **ZONE DEPUTIES**

**42.1.38** Zone Deputies are assigned as outlined in Directive 41.1.

## **CASE DISTRIBUTION**

### **DISTRICT LEVEL**

**42.1.39** Zone Deputies are dispatched to crimes as they are reported and are responsible for:

- A.** Verification that the offense has actually occurred, identification of the victim, the place of the crime and when the crime occurred,
- B.** Identification of solvability factors (leads),
- C.** Proper documentation of the circumstances of the crime,
- D.** Follow-up investigations of incidents assigned to them.

### **DISTRICT DETECTIVES**

**42.1.40** District Detectives will conduct initial and follow-up investigations assigned by the Investigative Services Section Commander and/ or designee and District Investigations Sergeant. District Detectives may be called to the scene of some crimes by the Shift Supervisor. In these instances, the Detective will be responsible for follow-up investigation. Some investigations may require special expertise or skills, which should be considered when making assignment decisions.

### **MAJOR CASE**

**42.1.41** Major Case Unit Detectives will be assigned cases by the Supervisor of the unit. The Supervisor will evaluate each case when received and will assign Detectives with due regard for any special talent or skills which may be applicable. Major Case Detectives will also be responsible for the follow-up investigation of cases to which they are "called out".

### **JUVENILE INVESTIGATIONS**

**42.1.42** Juvenile cases are assigned by the District Investigations Sergeant or Child Exploitation Unit Supervisor. Some investigations may require special expertise or skills, which should be considered when making assignment decisions.

## **CRIME VICTIMS**

**42.1.43** Victims of crimes will be kept informed of the current investigative status. It will be the Detective's responsibility to ensure victims are notified of any changes in the case status. When a case is deemed "Inactive" for any reason, the victim will be notified and such notification will be documented in the supplemental report.

**42.1.44** Arresting Deputies and Detectives assigned to conduct a follow-up shall utilize the VCSO Victim's Advocate Program and/or the State Attorney's Office Victim Assistance Program when there is reason to believe an event has had an unusually severe impact on witnesses or victims.

**42.1.45** The Detective in charge or the arresting Deputy shall request assistance from the VCSO Victim's Advocate Office and/or the State Attorney's Victim Assistance Office and provide the assigned Victim Advocate/Victim Assistant with the necessary information to explain to the victim/witness the involved procedures in the prosecution of their case and their role in those procedures, so long as it does not endanger the successful prosecution of the case.

## **PRELIMINARY INVESTIGATIONS**

**42.1.46** Preliminary investigations will normally be conducted by the responding Zone Deputy. In certain situations, however, it may be advantageous to have Detectives in plain clothes respond initially. In these instances, the assigned Detective will conduct both the preliminary and follow-up investigations.

## **FOLLOW-UP INVESTIGATIONS**

**42.1.47** Investigations may be assigned to the Deputy who conducted the preliminary investigation, District Detectives, and/or Investigative Services Section Detectives. In some circumstances follow-up responsibility may be assigned to another Deputy, routed to another District or Section.

**42.1.48** A follow-up detective shall:

- A. Check to assure the preliminary investigation was thoroughly conducted
- B. Continue investigation of those leads which have surfaced
- C. Work to link the crime with others of a similar type
- D. If an arrest is made, prepare the case for prosecution

## **CASE SCREENING**

**42.1.49** Each incident report shall be thoroughly reviewed by the supervisor.

**42.1.50** The reviewing supervisor shall ensure that:

- A. All appropriate lines, blocks or entry items are correct and complete
- B. The crime classification is correct
- C. The report body is in the correct format
- D. Spelling, grammar and phraseology are correct and/or appropriate
- E. All pertinent information is documented
- F. The report is clear and legible
- G. To the fullest extent possible, leads, clues or suspect information have been pursued at the preliminary level and a good faith effort has been made to solve the crime

## **REJECTIONS**

**42.1.51** The supervisor shall reject incident reports not meeting the above criteria.

**42.1.52** The report will be marked "Re-write" on the top, a copy sent to records marked not for dissemination. Original is forwarded to the Deputy with a slip outlining the reasons for rewrite. Copy sent to records is to be destroyed when rewritten report arrives.

**42.1.53** Corrections shall be made within two working days.

## **ROUTING**

**42.1.54** The District Sergeant shall appropriately route the correct copy of the report to the appropriate component by [Sheriff's Office email](#).

**42.1.55** The District Detective within each District will investigate the following juvenile-related crimes and be routed copies of the following reports:

- A. Child abuse

- B. Dependent children
- C. Youth gang activity
- D. Assaults/batteries
- E. Abductions - criminal and parental
- F. Interference with custody
- G. Juvenile offenders involved in crimes against children
- H. Missing/runaway children
- I. Tracking and monitoring of juvenile habitual offenders

**42.1.56** The Narcotics Investigations Unit will be routed investigative copies of reports related to narcotics cases, vice, major firearms violations, confiscation/seizure, major schemes to defraud (pyramid schemes, business and land sale) and organized criminal activity.

**42.1.57** The Major Case Unit will be routed investigative copies of reports related to:

- A. Homicides
- B. Suicide and attempted suicide
- C. Cases which require specialized skills, knowledge and abilities beyond those of other Investigative Units
- D. Suspicious death investigations
- E. Any criminal act resulting in serious injury to the victim where death is likely to occur
- F. In-custody deaths, i.e. Sheriff's Office Custody or County Correctional Facility
- G. Drownings
- H. Aircraft Crash
- I. Train Crashes
- J. Shootings resulting in death
- K. Sudden Unexpected Infant Death
- L. Fire (structure) involving a death

**42.1.58** District Detectives are assigned cases that are clearly beyond the preliminary investigative responsibilities of the originating Deputy, including:

- A. Property crimes
- B. Theft cases
- C. Felony criminal mischief
- D. Persons crimes and missing adults
- E. Robberies
- F. Adult sexual batteries and attempts
- G. Arson (conveyance)
- H. Commercial crimes. i.e., counterfeit bills, forged wills, forged checks
- I. Schemes to defraud, i.e., advance fee schemes, repair and service schemes, insurance fraud, computer related crimes, embezzlements, and other frauds
- J. Auto theft and related cases, i.e., altered VIN, counterfeiting license plates, title frauds, laws concerning dismantling, destruction, changing records of salvaged vehicles

**42.1.59** A copy of reports involving the following categories shall be forwarded to the Crisis Negotiations Team Leader for evaluation:

- A. Mentally disturbed persons
- B. Suicide attempts and threats of suicide
- C. Weapon assaults
- D. Threats against law enforcement officers
- E. Continuous family disturbances
- F. Chronic domestic disturbances

**42.1.60** Supervisors charged with assigning cases shall screen them to determine the extent of the follow-up investigation, based upon:

- A. The seriousness of the offense
- B. Solvability factors present, i.e., suspect leads, witnesses, identifiable vehicle, distinctive method of operation, available physical evidence, traceable property involved and the investigative workload
- C. Investigations most likely to reach a successful outcome

## **POST-ARREST INVESTIGATIONS**

**42.1.61** The Supervisor charged with screening cases shall determine the extent of post-arrest activity required for successful prosecution and or determining companion cases. The case shall be assigned as circumstances dictate.

**42.1.62** In cases such as theft, burglary, or robbery, the apprehended individual may have been involved in other "like" crimes and may admit to additional crimes during interrogation.

**42.1.63** State law allows law enforcement agencies to recover the costs of prosecution, including investigative costs, of criminal cases if documented by the agency.

**42.1.64** Detectives shall complete an Investigative Cost Affidavit upon the completion of a criminal case that leads to prosecution to the Unit Supervisor for review and approval. The Investigative Cost Affidavit will be forwarded to the Assistant State Attorney assigned to prosecute the case.

**42.1.65** Detectives will document in supplement report any post-arrest activity, i.e. court case disposition, plea agreements, sentencing, and submission of investigative cost Affidavit.

#### **FOLLOW-UP CRITERIA**

**42.1.66** Based upon past experience, and research conducted within other law enforcement agencies, (the Rand analysis), all criminal cases shall be followed up at least one time in order to ensure that the facts are properly recorded, that there is no additional information and to build public confidence. The case assignment for follow-up shall be based on the factors identified in this Directive.

**42.1.67** The following cases shall always be assigned for investigation:

- A. Homicide
- B. Sexual Battery
- C. Armed Robbery
- D. Extensive burglary and theft cases
- E. Other cases in which the circumstances lead the Supervisor to believe a follow-up is warranted

#### **CASE MANAGEMENT**

**42.1.68** Each District and Investigative Unit will maintain case management via the RMS Case Management System (see RMS Manual).

#### **REPORT SUBMISSIONS**

##### **ORIGINAL REPORT**

**42.1.69** Original reports will be due at the end of the workday on which the preliminary investigation is conducted. Exception to this may be approved by the appropriate Shift Supervisor.

**42.1.70** Deputies involved in incidents while off-duty or working light-duty, outside details, etc. that require a report shall complete the report and see that it is forwarded to the District where the incident occurred. Reports shall be forwarded by the end of the patrol shift during which the incident occurred, unless otherwise approved by the supervisor.

##### **SUPPLEMENTARY REPORT**

**42.1.71** A follow-up investigation and supplementary report will be due within thirty (30) calendar days from the date a case is assigned to a Deputy or Detective for follow-up investigation. Extensions must be approved by the assigning supervisor.

#### **CASE FILES**

**42.1.72** Distribution of each report shall be as follows:

- A. Original Incident and Supplementary Reports will be maintained in the Records Section of the VCSO. Only work copies shall be maintained in investigative files.
- B. A copy will be forwarded to the appropriate assigning supervisor. The Supervisor will make a case follow-up assignment, when appropriate, and forward the copy to the assigned Detective or Deputy. The copy will be returned to the assigning supervisor along with supplementary reports upon completion for review. Copies of incident reports may be kept in the District Office for one (1) calendar year. At the end of the said calendar year, the copies will be purged as indicated by Sheriff's Office procedures.
- C. A copy will be forwarded to Crime Analysis.
- D. A copy will be returned to the original Investigating Deputy for his/her own files.

**42.1.73** The Deputy shall assume responsibility for the security and keeping of such records in accordance with state and federal law and Sheriff's Office policies and procedures. Unwanted copies shall be forwarded to records.

**42.1.74** Only original records will be used in court presentations.

**42.1.75** Those incident reports of a serious nature, or still under active investigation, shall be maintained longer than one (1) year, but their status will be reviewed every six months with a maximum time period of three (3) years.

**42.1.76** All copies of pending, inactive and closed cases shall be forwarded to Records, with the exception of the Deputy's copy.

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**Revised by:** 2459/6760

**Revised on:** 08-2018

**Approved:**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and another signature.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: CRIMINAL INVESTIGATION OPERATIONS**

**CODIFIED: 42.2**

**EFFECTIVE: 08-2019**

**RESCINDS/AMENDS: 42.2/10-2016**

**ATTACHMENTS: 3**

**PURPOSE**

The purpose of this Directive is to provide policy and general procedures for the conduct of the investigative function.

**DISCUSSION**

The investigative function is a necessary requirement to solving crime. Investigations begin upon the first notification that a crime may have been committed. Investigations end when the case is solved and the perpetrator is arrested, prosecuted or the case is otherwise satisfactorily resolved. Cooperation is vital to effective investigative efforts.

**POLICY**

It shall be Department policy to apply proactive investigative methods and to fully investigate (if possible) all reported crimes to the extent necessary to support prosecution, or satisfy the victim's desires.

**PROCEDURE**

The following procedures are guidelines to be followed by Deputies and Detectives conducting criminal investigations. These procedures should not be considered restrictive or all inclusive in nature.

**GENERAL INVESTIGATIVE PROCEDURES**

**42. 2.1** The following is to be used as a guideline, keeping in mind not all investigations and follow-up investigations will utilize all the steps.

**42. 2.2** All requests for notification of Detectives, Crime Scene Technicians, Medical Examiners, State Attorney's Victim Assistance Program or other personnel who may be called to a crime scene or area of an investigation shall be routed through Central Communications. It is imperative that Central make the initial contact so that the time of notification will be logged in CAD. Deputies, Detectives and Supervisors on the scene are free to make direct contact to provide additional information, but initial notification must be made by Central.

**42. 2.3** Upon receipt of a case the Detective will first analyze and review all reports as submitted.

**42. 2.4** Deputies shall not conduct any investigation unless there has been a report filed detailing a violation of Florida Statute and the case has been properly assigned by a supervisor.

**42. 2.5** Deputies shall not conduct any intelligence investigation unless properly assigned by a supervisor.

**REQUESTS FOR LEGAL ADVICE**

**42. 2.6** Due to liability considerations, all requests for legal advice should be made to the Volusia County Sheriff's Office Legal Advisor. If a referral to the State Attorney's Office is necessary, the legal advisor will make said referral. Deputies may work directly with an Assistant State Attorney on a specific case, for example, obtaining warrants. However, the legal advisor should be kept informed of the progress of the case.

**INFORMATION DEVELOPMENT**

**42. 2.7** After review and analysis, it may be necessary to re-interview the witness, complainant, suspect or person arrested. This process may develop additional valuable information.



**42. 2.8** The Detective should attempt to gather additional information pertaining to the case by contacting pawn shops, utilizing RMS, checking with the Intelligence and Crime Analysis Units, checking with Zone Deputies, utilizing criminal history information and driver's license checks.

**42. 2.9** Detectives may utilize the Public Information Officer to develop information for the public.

#### **WITNESSES**

**42. 2.10** Whenever possible, witness statements should be obtained in writing or recorded.

**42. 2.11** When necessary, witnesses may be subpoenaed to provide information. Arrangements shall be made through the State Attorney's Office.

#### **INFORMANTS**

**42. 2.12** The term "informant" is widely misused. Informants mean any source of information, including criminals, concerned citizens or other persons passing on information. Detectives and Deputies should not overlook the function of informants in the investigative procedure.

#### **OTHER SOURCES**

**42. 2.13** During the investigation, the assigned investigating Deputy should determine what information will be helpful and be mindful of the potential sources available. These include but are not limited to:

- A.** Other law enforcement agencies
- B.** Local, state and federal agencies
- C.** Past and present employers
- D.** Public records
- E.** V.C.S.O. Intelligence Unit
- F.** The FDLE directory of informational sources lists thousands of informational sources

#### **INTERVIEWS AND INTERROGATIONS**

**42. 2.14** Suspect interrogations shall be conducted in accordance with established state and federal law to ensure the suspects civil rights are not violated in any way. No attempt will be made to obtain confessions or statements by force, coercion, threat or promise.

**42. 2.15** Generally, there should be no more than two law enforcement officers present during the interrogation of a suspect who is accused of a violation of the law. If circumstances warrant, a supervisor may authorize additional officers to sit in on an interrogation, but the number of interrogators should be limited to two Detectives.

**42. 2.16** Investigating Deputies shall:

- A.** Ensure the suspect is not subjected to unusually long periods of incommunicado interrogations.
- B.** Not deny the suspect necessities such as water, food or use of toilet facilities.
- C.** Not subject the suspect to overly intimidating atmosphere.
- D.** Not subject the suspect to physical or mental abuse or the threat thereof.
- E.** Remain cognizant and exercise due caution in regards to weapons when entering the interview room with a suspect. Portable radios provide an emergency one-touch button for 10-24 and will be available at all times to summon emergency assistance.
- F.** All digital/audio recording equipment will be kept in a location near but not within view of the interview room. Interview rooms are to be kept clear with the exception of chairs and/or desk.

#### **ADVISEMENT OF RIGHTS**

**42. 2.17** All persons undergoing a custodial interrogation will be advised of their Miranda Warnings. Arrested juveniles shall be immediately advised of their rights (even if there is no intent to interrogate) and a signed Waiver of Rights form shall be obtained if an interrogation is to take place. Whenever possible, the reading of the rights and interrogation will be recorded.

**42. 2.18** Miranda Warnings should be fully read from Department issued cards.

**42. 2.19** The suspect should be advised of the name(s) and authority of the interrogating Deputy and the nature of the matter in question.

**42. 2.20** Once the suspect indicates an intention to invoke the right to counsel or silence, interrogation into the particular offense will cease.

## **WAIVER OF RIGHTS**

**42. 2.21** The burden of proof is on the state to establish that the suspect has waived his/her rights. Whenever possible the waiver should be recorded or obtained in writing. This is especially important in the interrogation of a juvenile.

**42. 2.22** Once recorded or the waiver form is executed, it becomes evidence and shall be treated as such.

**42. 2.23** The suspect need not be informed that the interrogation is being recorded.

## **WITNESS STATEMENTS**

**42. 2.24** There is no requirement that witnesses be advised of their rights prior to questioning.

**42. 2.25** Witness statements should be electronically recorded or on a statement form.

**42. 2.26** Witnesses need not be advised that the interview is being recorded when the information obtained may be used as evidence in a criminal case.

## **COMPLAINANT SIGNATURES ON SA-707**

**42. 2.27** Complainant should print their names below their signatures on the SA-707. Additionally, the Deputy shall print their name below their signature along with their Department ID number.

## **STATEMENT FORMAT**

**42. 2.28** Every statement should contain the following information:

- A.** The case number
- B.** The name, date of birth and address of the person giving the statement
- C.** Name of the person taking the statement
- D.** The date, time and location where the statement was taken

## **SUSPECT STATEMENTS**

**42. 2.29** Suspect and defendant statements obtained during custodial interrogations must include the Miranda Warnings prior to questioning.

**42. 2.30** If statement is recorded, the media shall be evidence and submitted in accordance with Directive 83.1.

**42. 2.31** A copy of the media may be made and maintained by the investigating Deputy as part of the case file.

**42. 2.32** If the statement is handwritten by the suspect or defendant, the document is evidence and shall be submitted as such.

**42. 2.33** Copies shall be made and included in the case files.

**42. 2.34** Each page of the statement should be read and initialed by the interviewee and interviewer.

**42. 2.35** The time the statement was completed should be noted therein.

**42. 2.36** The statement shall be signed and witnessed.

**42. 2.37** Juvenile interrogations shall be conducted in accordance with Directive 44.2.

## **COLLECTION, PRESERVATION AND USE OF PHYSICAL EVIDENCE**

**42. 2.38** The collection, preservation, and use of physical evidence shall be conducted in accordance with Directive 83.1.

## **SURVEILLANCE**

**42. 2.39** Surveillance or stakeout activity may lead to information, obtaining a search warrant or other valuable information, i.e., other suspects or the recovery of stolen property.

**42. 2.40** When stakeouts and surveillance operations require additional support, the appropriate District Commander/Watch Commander and/or outside agencies where the operation will be conducted will be notified, if feasible without compromising the investigation.

**42. 2.41** The supervisor of the surveillance team shall be responsible for determining if such notifications are to be made and making same.

#### **VISUAL**

**42. 2.42** Actual visual observation of persons, objects, or actions.

#### **ELECTRONIC**

**42. 2.43** Surveillance is conducted through the use of electronic means to monitor or record a target's activities.

**42. 2.44** Surveillance equipment shall be available for surveillance operations by Investigative personnel.

#### **LEGAL ISSUES**

**42. 2.45** All surveillance activities shall be conducted with strict adherence to current legal guidelines.

### **PRELIMINARY INVESTIGATIONS**

**42. 2.46** Preliminary investigations will generally be conducted by the Deputy initially responding. The preliminary investigation should be as complete as possible, including the arrest of the offender if probable cause exists. The investigation should continue until all relevant investigative actions have been taken and no further progress can be made at this time.

**42. 2.47** The Department recognizes that each investigation is unique, the following investigative steps are recommended courses of actions and should be taken where appropriate:

- A.** Upon arrival at scene, observe conditions, events and any remarks made by witnesses.
- B.** Take control of the crime scene to protect potential evidence.
- C.** Identify any witnesses and assure their availability.
- D.** Separately, if possible, interview victims and witnesses and take written statements when appropriate.
- E.** When appropriate, interrogate suspects to identify the perpetrator.
- F.** When probable cause exists and Florida Statutes permit, arrest the perpetrator. If circumstances prevent an immediate arrest, secure a warrant for the perpetrator's arrest. Arrests shall be made in accordance with Standards Directive 1.5, Florida State Statutes and Legal Guidelines in the issued Florida Criminal Law and Motor Vehicle Handbook.
- G.** Process the crime scene for evidence to include searching for and processing latent fingerprints.
- H.** Search for tools or other items left at the crime scene by the perpetrator.
- I.** Search for and recover property moved or taken by the perpetrator.
- J.** Recover and submit physical evidence to the Evidence/Property Section or Crime Lab.
- K.** Report the incident accurately and fully.

### **PART ONE CRIMES**

#### **HOMICIDE**

**42. 2.48** Homicides require extensive investigation and verification of the facts. A Major Case Detective will be called to all homicide investigations. Prior to arrival of a Major Case Detective, the Deputy should:

- A.** Immediately ensure that no present danger exists to them or others present at the scene.
- B.** Determine the nature and extent of any injuries and provide life-saving medical care if needed. Pertinent information will be radioed to the dispatcher so that responding medical units may be advised.
- C.** If death is obvious, protect the body from disturbance or tampering.
- D.** If the suspect is still on the scene, the suspect will be detained and secured. Refrain from Miranda Warnings/questioning until turned over or the arrival of a Major Case Detective.
- E.** Protect, secure the integrity and mark the crime scene, and initiate a crime scene log.
- F.** No one should be allowed to remove anything, or otherwise disturb the scene. No persons will be allowed to enter the crime scene for any reason except emergency medical personnel for the purpose of providing medical care to injured parties.
- G.** Any weapons at the scene will be left where found and undisturbed pending arrival of the Major Case Detective. If circumstances are such that there is a danger the weapon may be removed or otherwise tampered with, the initially responding Deputy will safely secure the weapon to prevent its loss.
- H.** Detain and isolate witnesses until they can be interviewed in detail.
- I.** Obtain a verbal statement of the facts from witnesses, the suspect's description and identity if known, if the suspect is not at the scene.
- J.** If the suspect has recently fled, provide the dispatcher with descriptive information and mode and direction of flight so that other units may conduct an area search for the offender.

- K. Obtain complete identifying information for all witnesses, their relationship to the case and the nature of the information they can provide.
- L. Upon arrival of the Major Case Detective, the crime scene will be turned over to the Detective. The Deputy will brief the Detective as to the facts currently known.
- M. Assist the Detective in the investigation; coordinate with the Detective to ensure compatibility of effort. The Detective will control the conduct of the investigation.
- N. Turn over all evidence collected to the Detective or Crime Scene Unit with established chain of custody.
- O. The Detective will be responsible for over seeing the processing, documentation and submission of evidence.
- P. Will write an original report detailing their observations and actions up to the arrival of the Detective.
- Q. Detectives will utilize the Homicide Investigations Checklist (Refer to Attachment C).

## **INCIDENTS OF SEXUAL VIOLENCE**

**42. 2.49** Deputies shall initially respond to incidents of sexual violence in accordance with Standards Directive 41.3.

**42. 2.50** Incidents of Sexual violence are divided into two categories: Adult Victim's 18 years of age and older and Juvenile Victim's 17 years of age and younger. In both cases the investigation must be conducted with the utmost care, compassion and in compliance with Florida State Statute 794.052.

### **ADULT VICTIM**

**42. 2.51** The following procedures shall apply to the investigations of adult victim sex offenses:

#### **42. 2.52 FIRST RESPONDING DEPUTY RESPONSIBILITIES:**

- A. Upon initial contact, determine if the victim is injured and request emergency medical personnel if needed. Any adult victim requiring emergency medical treatment will be transported to the nearest emergency medical treatment facility.
- B. If the victim does not wish to report the incident to law enforcement, the Deputy will provide the victim with the Sexual Battery Victim's Rights and Services Brochure. Inform the victim of the "non-report" option of completing the sexual assault examination and requesting the evidence be kept confidential and stored for an indefinite period. This allows the safeguarding of the forensic evidence in the event the victim changes her/his decision to report the assault and pursue criminal prosecution. If the victim wishes to pursue the "non-report" sexual assault examination, the Deputy will notify communication to dispatch a SANE nurse. The Deputy will document the incident with an information report. The victim is not required to provide any information for the information report.
- C. In order to minimize the trauma to the victim, repeated detailed interviews will be avoided. The Deputy will obtain the basic facts of the incident.
- D. Determine if an offense has occurred and if so, the nature of the offense. Determine the location of the incident and the basic facts as to how the incident occurred. Determine the identity of the suspect(s) and provide descriptions, method and direction of flight, and other relevant information to other field units concerning wanted persons or vehicles.
- E. Identify, collect and preserve physical evidence in accordance with Directive 83.1.
- F. If the incident just occurred or there is evidence to be collected from the victim's person, request the On-Call Detective through Central Communications. DNA evidence can be collected from the victim up to 120 72-hours after the time of the incident.
- G. If the offense occurred in the past, the Deputy will provide an approved report to the District's Criminal Investigations Division. The District's Criminal Investigations Division Case Manager will forward the information to the Child Exploitation Unit.

#### **42. 2.53 DETECTIVE'S RESPONSIBILITIES:**

- A. The Detective will request the VCSO Victim Advocate be notified through Central Communications.
- B. Upon arrival of the Victim Advocate, advise the advocate of the facts currently known.
- C. If feasible, the Detective and Victim Advocate will conduct a joint detailed interview of the victim. If the victim desires only the Victim Advocate to be present, the victim's wishes will be complied with. The Detective will later obtain the detailed facts from the Victim Advocate.
- D. If there is evidence to be collected from the victim, the Detective will request the Sexual Assault Nurse Examiner through Central Communications. (Refer to Attachment B)
- E. The Detective will provide or arrange for transportation for the victim to the appropriate exam location. (Refer to Attachment B)
- F. The Detective will request the Sexual Assault Nurse Examiner to perform a forensic sexual assault examination on the victim. The Sexual Assault Forensic Kit (FDLE Kit) shall be used to collect evidence specific to the sex offense and submitted by the Deputy/Detective into the Evidence Section using the secure refrigerated storage area in order to preserve the evidence.

- G. If applicable, the Detective will contact the On-Call Assistant State Attorney through Central Communications for assistance with arrest and/or search warrant review, extensive crime scenes, multiple victims, multiple suspects and/or legal consultation.
- H. Prior to submitting a final report, the Detective will permit the victim to review the final report and provide a statement as to the accuracy of the final report.

## **JUVENILE VICTIM**

**42. 2.54** The investigations of juvenile sex offenses are inherently complex, requiring coordination between multiple resources and compliance with the Seventh Judicial Circuit Court Administrative Order G-94-180. **WHEREAS**, § 914.16, Florida State Statute, requires the chief judge of each circuit, after consultation with appropriate officials, to provide for limits on the number of interviews that victims of certain crimes who are under the age of sixteen, or who are a person with mental retardation as defined in Florida State Statute 393.063, must submit to for law enforcement or discovery purposes. (Refer to Attachment A)

**42. 2.55** The following procedures shall apply to the investigations of juvenile victim sex offenses:

### **42. 2.56 FIRST RESPONDING DEPUTY RESPONSIBILITIES:**

- A. Upon initial contact, determine if the victim is injured and request emergency medical personnel if needed. Any juvenile victim requiring emergency medical treatment will be transported to the nearest emergency medical treatment facility.
- B. Determine if the offender is a family member or otherwise known to the family/victim. The initial investigation shall be conducted out of the presence of any suspect who is a family member.
- C. The first responding deputy shall make every attempt possible to determine if a sex offense has occurred without directly interviewing the juvenile victim. The first responding deputy will attempt to obtain the details of the reported sex offense from the reporting party and/or whomever the juvenile victim disclosed the incident to.
- D. If the juvenile victim must be directly questioned by the first responding deputy to determine if a sex offense occurred, the deputy shall first contact his immediate supervisor for approval. The deputy will:
  - Obtain only the basic facts to determine if a sex offense occurred. The questioning will be limited to:
    - (a) what occurred;
    - (b) when the incident occurred;
    - (c) where the incident occurred, and
    - (d) who is the offender.
  - Include in the incident report that a direct conversation with the juvenile victim was completed and recorded. It shall also be noted who witnessed the questioning, i.e. (Parent-Guardian-Custodian, etc.)
  - The deputy shall record said conversation by audio.
- E. Provide descriptions, method and direction of flight, and other relevant information to other field units concerning wanted persons or vehicles, if applicable.
- F. Identify, collect and preserve physical evidence in accordance with Directive 83.1.
- G. Report the incident by phone (800-962-2873), fax or through the internet, to the Department of Children and Families.
- H. If the incident just occurred or there is evidence to be collected from the victim's person, request the On-Call Detective through Central Communications. DNA evidence can be collected from the victim up to 120 ~~72~~ hours after the time of incident.
- I. If the offense occurred in the past, the Deputy will provide an approved report to the District's Criminal Investigations Division. The District's Criminal Investigations Division Case Manager will forward the information to the Child Exploitation Unit.

### **42. 2.57 DETECTIVE'S RESPONSIBILITIES:**

- A. The Detective will request the VCSO Victim Advocate be notified through Central Communications.
- B. Upon arrival of the Victim Advocate, advise the advocate of the facts currently known.
- C. Detectives will utilize the services of trained personnel to conduct forensic interviews of juvenile victims who are under the age of sixteen or who are a person with mental retardation as defined in Florida State Statute 393.063. Detectives will be compliant with the Seventh Judicial Circuit Court Administrative Order G-94-180 governing interviews with victims of certain crimes who are under the age of sixteen, or who are a person with mental retardation as defined in Florida State Statute 393.063. (Refer to Attachment A) Detectives shall conduct investigations in cooperation with the Department of Children and Families when applicable.
- D. The Detective will request the Juvenile Sexual Assault Examiner through Central Communications (Refer to Attachment B).

- E. The Detective will provide or arrange for transportation to the appropriate Sexual Assault exam location. (Refer to Attachment B).
- F. The Detective will request the Juvenile Sexual Assault Examiner to perform a forensic sexual assault examination on the victim. The Sexual Assault Forensic Kit (FDLE Kit) shall be used to collect evidence specific to the sex offense and submitted by the Deputy/Detective into the Evidence Section using the secure refrigerated storage area in order to preserve the evidence.
- G. If applicable, the Detective will contact the On-Call Assistant State Attorney through Central Communications for assistance with arrest and or search warrant review, extensive crime scenes, multiple victims, multiple suspects and or legal consultation when applicable.

**42. 2.58** Prior to submitting a final report, the Detective will permit the victim's Parent/Legal Guardian to review the final report and provide a statement as to the accuracy of the final report.

## **ROBBERY**

**42. 2.59** The following procedures shall apply to robbery investigations:

- A. In most cases, robbery investigations will begin immediately after the incident has occurred. An immediate response, coupled with an aggressive investigation, may result in the arrest of the offender during the initial investigation. In most cases the dispatcher will be able to advise the responding Deputy if the offender is still present or has left the scene. In all cases, the initial approach will be cautious to ensure that no present danger exists.
- B. Upon arrival the responding Deputy should check to determine whether the offender is still present or has left the scene.
- C. If the robbery is "in-progress", the Deputy should keep his/her distance, remaining out of sight, to avoid a hostage situation. Maintain surveillance; keep the dispatcher and other responding units advised of the current situation.
- D. The Deputy should not attempt to apprehend the suspect while the robbery is occurring unless there is an imminent threat to the life of any victim.
- E. Attempts to apprehend the offender should be made while they are leaving the scene and when the offender is in a position that would not constitute an immediate threat to innocent parties.
- F. If the perpetrator has left the scene, the Deputy should contact the victim.
- G. Check for any injured persons and request/provide medical assistance as necessary.
- H. Determine what type of weapon was used or implied, if any.
- I. Determine what property was taken.
- J. Obtain descriptions of the suspect(s), mode and direction of flight. Detailed BOLO information should be provided immediately.
- K. Secure the scene to protect evidence. If a business, have an employee lock the door.
- L. Locate and identify any witnesses to the incident.
- M. Notify the appropriate District Detective. If, during the course of the robbery, an aggravated battery occurred which resulted in a serious injury to the victim or other person, the Major Case Unit will be notified.
- N. If an Detective responds, they will assume responsibility for the investigation, including the collection of physical evidence or the notification of the crime scene technician. The Zone Deputy will assist as requested by the Detective.
- O. If no Detective responds, the Deputy will process the scene for physical evidence including latent fingerprints, footprints, tire tracks, interview the victim and witnesses in detail and obtain written statements.
- P. A detailed report of the incident will be written.

## **AGGRAVATED BATTERY AND AGGRAVATED ASSAULT**

**42. 2.60** The following procedures shall apply to aggravated battery and aggravated assault investigations:

- A. Caution must be taken if the offender is still present at the scene.
- B. Upon arrival, the Deputy should determine if the perpetrator is still present and check for armed persons. Weapons should be retrieved and secured.
- C. Provisions should be made for the injured.
- D. Detain and secure the offender pending the conduct of the investigation.
- E. If the offender has fled the scene, obtain description, and mode and direction of flight.
- F. Locate, identify and interview any witnesses. Obtain written statements from any who can identify the suspect.
- G. If possible, interview the victim and obtain a written statement.
- H. Process the scene for physical evidence.
- I. Write a detailed report, including complaint affidavits and arrest reports if the identity of the suspect is known.

## **BURGLARY**

**42. 2.61** Burglary investigations should include:

- A. An exterior crime scene search for physical evidence to include method, route of approach and departure.

- B. A determination of the location, method of entry/exit and tools used should be made.
- C. The Deputy should interview persons/neighbors.
- D. The interior should be examined to determine mode of operation during the crime.
- E. A list of stolen property, its description and value should be obtained.
- F. When appropriate, the stolen property description should be entered into the Teletype by phone.
- G. The scene should be processed for latent prints.
- H. If known, the descriptions of suspects, method and direction of escape should be noted.
- I. If possible, the Deputy should identify suspects and attempt to effect arrest.
- J. The Deputy should obtain statements from witnesses.
- K. Written or recorded statements should be obtained from witnesses who can identify suspects by name and sight.
- L. A complete and detailed report of the investigation will be made.

## **LARCENY/THEFT**

**42. 2.62** Theft is one of the most common crimes encountered. For investigative purpose investigations will be divided into two basic categories: Grand/Petit Theft and Retail Theft.

### **GRAND/PETIT THEFT**

**42. 2.63** The Deputy should:

- A. Upon initial contact with the victim, determine what property was stolen and the circumstances surrounding the theft.
- B. If available, obtain suspect information.
- C. Locate and identify any witnesses and obtain statements.
- D. In Grand theft cases, if probable cause is established, the identity and location of the suspect are known, an arrest should be made.
- E. If the property stolen is of a serialized nature and the information is available, the property will be entered into Teletype via telephone.
- F. Complete a written report providing a detailed description of the property stolen.

### **RETAIL THEFT**

**42. 2.64** Retail theft is one of the exceptions to the misdemeanor arrest rule. Retail theft incidents are usually in-progress or have just occurred. Immediate response is usually necessary if there is to be a likelihood of apprehending the offender.

**42. 2.65** In cases where the incident is still in progress or the offender is being detained at the business, the Deputy will respond, make contact with the business and suspect as soon as possible.

**42. 2.66** Retail theft investigations should include:

- A. In cases where the dispatcher advises that the suspect has fled, the Deputy will first make an effort to locate the suspect based on information supplied by the dispatcher.
- B. Upon arrival at the business, contact will be made with the reporting party (the suspect if still present) and the circumstances of the incident obtained.
- C. If probable cause to arrest is established and the business desires prosecution, the offender should be arrested. If the suspect has escaped and his identity is known, an SA-707 complaint affidavit will be completed and submitted with a written report.
- D. If the suspect has been arrested, the Deputy will consider releasing the defendant with a Notice To Appear if eligibility guidelines are met and the Defendant agrees to sign the Notice To Appear. (NOTE: Juveniles may not be issued a Notice To Appear)
- E. If an arrest is made (including Notice To Appear), or Complaint Affidavit submitted, the stolen property will be photographed and a Photographic Evidence Form completed. The property will then be returned to the business.

### **AUTO THEFT/OTHER TITLED VEHICLES**

**42. 2.67** Auto Theft investigations may be original reports or recovery reports. The following steps also apply to other titled vehicles such as boats, trailers and heavy equipment.

### **ORIGINAL REPORT**

**42. 2.68** Auto theft investigations should include:

- A. Obtain the circumstances and location from which the vehicle was stolen.
- B. Verify ownership of the vehicle and location of the vehicle keys.
- C. Determine if the vehicle is financed and if the owner is delinquent in making payments. The purpose is to determine if the vehicle was repossessed.
- D. Determine if the vehicle was loaned by the owner and not returned, the time frame involved.

- E. Obtain detailed description of the vehicle to include license plate numbers and Vehicle/Hull Identification Number.
- F. Identify and interview any witnesses.
- G. If possible, obtain detailed description of any suspects, including name and address if suspect is known.
- H. Determine direction of travel and possible destination if known.
- I. Make Teletype entry by phone if the required information is known.
- J. Write detailed report of the incident.

## **RECOVERY REPORT**

**42. 2.69** Recovery report shall further include:

- A. Verify stolen status by checking Vehicle/Hull Identification Number through Teletype.
- B. Determine circumstances and location of recovery.
- C. Make exterior investigation to locate any physical evidence to include a check for fingerprints.
- D. If available, identify and interview any witnesses.
- E. Check the vehicle interior for physical evidence and fingerprints.
- F. Determine method of vehicle operation, i.e., key, hot-wired.
- G. Assess any damage to the vehicle and determine if it can be driven.
- H. If suspects are apprehended in possession of the vehicle, detain and interview, giving Miranda Warning when appropriate. Make arrest if probable cause is established.
- I. When applicable, the suspects should be placed in a patrol vehicle and the conversation recorded.
- J. An attempt to contact the owner to arrange for its removal should be made.
- K. If no owner is available to respond, the Deputy must tow and impound the vehicle for later release to the owner.
- L. The vehicle will be removed from the Teletype system.
- M. A detailed report describing the recovery of the vehicle shall be written.

## **ARSON**

**42. 2.70** Arson investigations will include:

- A. Response from Fire Services. As necessary, the initially responding Deputy will assist the fire units with traffic and crowd control, until relieved. If arson is suspected, the investigation should begin as soon as possible.
- B. Request dispatcher notify County Fire Marshal and District Investigations Unit.
- C. Determine who the property owner is and make contact if possible.
- D. Locate and identify witnesses and obtain statements.
- E. With the assistance of Fire Services, check the scene for any physical evidence.
- F. Upon arrival of the Fire Marshal/ Detective, advise of the facts as currently known.
- G. Write detailed report describing the incident.

## **PART TWO CRIMES**

### **KIDNAPING/ABDUCTION**

**42. 2.71** Investigations of kidnapping/ abduction shall include:

- A. Upon initial contact with the reporting party, determine the time and location the incident occurred. If possible, determine if the victim and suspect are related.
- B. If the incident has just occurred, obtain descriptive information for the victim, suspect, including any vehicle description and direction of travel.
- C. Advise the dispatcher of any descriptive information, request it be broadcast to pertinent units and agencies.
- D. If the victim is a juvenile, determine if the abductor may be a parent involved in a child custody dispute. If so, determine if any court order exists assigning custody, and the status of any court proceedings.
- E. Any questions concerning legal custody shall be directed to a supervisor.
- F. The Department's Legal Advisor may be contacted when the case is involved or the legal questions arise.
- G. Notify the Major Case Unit.
- H. Locate and identify witnesses, and obtain statements as necessary.
- I. Request that a Composite Technician respond if needed.
- J. Obtain all necessary information to complete the incident report, including the Missing Person Checklist.
- K. If the identity of the suspect is known, complete an SA-707 for submission with the report.
- L. Enter the victim's information into Teletype via telephone.
- M. If the facts and circumstances of the incident warrant a "CART" response, the on-scene supervisor will contact the VCSO CART Coordinator for direction. The VCSO CART Coordinator contact information is located on the VCSO Intranet under "On-Call List".

### **BATTERY AND ASSAULT**



**42. 2.72** Investigations of battery and assault shall include:

- A. Upon arrival, contact the victim and determine circumstances of incident.
- B. Locate and identify any witnesses to the incident.
- C. If the suspect is known, but not present, obtain all identifying information available.
- D. If the suspect is present, obtain complete identifying information from them.
- E. If the victim desires to prosecute, complete an SA-707 and have the victim sign it.
- F. If the suspect is present and there is the probability of continued violence, the Deputy should arrest the suspect.
- G. If there is no probability of continued violence, the SA-707 should be submitted as a Complaint Affidavit along with an incident report detailing the circumstances.

#### **DOMESTIC VIOLENCE**

**42. 2.73** Deputies shall respond to domestic violence calls in accordance with Directive 41.3 Patrol Operations and Directive 41.19 Domestic Violence.

#### **NARCOTICS**

**42. 2.74** Narcotics investigations shall include:

- A. Upon discovering narcotics in the actual or constructive possession of a person, the Deputy will investigate.
- B. The person will be detained and read their Miranda Rights.
- C. The suspected substance will be seized and be subjected to a presumptive field chemical test for illegal substances.
- D. If the test is positive and probable cause for arrest exists, the Deputy may arrest on the appropriate misdemeanor and shall arrest on a felony charge.
- E. If the Deputy elects not to affect an arrest on a misdemeanor charge, the suspected narcotics will be tagged and turned in for destruction. The evidence report may serve as a complete report.
- F. Felony charges require the physical arrest and booking of the defendant.
- G. Seized substances will be submitted to the Evidence Section along with a request that a sample be sent to the FDLE Crime Lab for positive identification.
- H. If no charges are filed, the substance will be submitted to the Evidence Section with a request that it be destroyed.
- I. A written incident report will be completed.

#### **EMBEZZLEMENT**

**42. 2.75** Embezzlement cases come under the Florida Theft Statute. Since they are inherently complex crimes, any reported embezzlement shall be investigated by the respective District Investigations Unit where the incident occurred.

#### **FRAUD/ WORTHLESS CHECKS**

**42. 2.76** Worthless check offenses shall be referred to the Worthless Check Division of the State Attorney's Office.

#### **FALSE PERSONATION/CONFIDENCE SCHEME/CREDIT CARD FRAUD**

**42. 2.77** Offenses of the above nature are to be investigated and if valid will be charged under the theft statute.

#### **INSURANCE FRAUD**

**42. 2.78** Any Deputy believing an incident may give rise to a fraudulent insurance claim will write an incident report detailing the circumstances and forward such report to the District Investigations Unit.

### **MISSING PERSON INVESTIGATIONS**

#### **MISSING PERSONS**

**42. 2.79** Deputies shall respond to all missing persons/missing endangered persons calls in accordance with Directive 44.3 Missing Persons.

### **FOLLOW-UP INVESTIGATIONS**

**42. 2.80** Follow-up investigations will generally be the responsibility of the original investigating Deputy, unless such follow-up responsibility has been assigned, or assumed by another Deputy or Detective.

**42. 2.81** The procedures for conducting follow-up investigations are similar to those used during the preliminary investigation. Procedures that could not be conducted during the initial phase of the investigation may be completed at a later time. A second interview with victims and witnesses will frequently result in additional leads.

**42. 2.82** The steps listed below may also be part of a follow-up investigation:

- A.** Review and analyze all previous reports prepared during the preliminary investigation.
- B.** Conduct additional interviews and interrogations as required.
- C.** Review all Departmental records that may pertain to the case.
- D.** Seek additional information from patrol Deputies who work or have worked the area of the offense, informants, neighbors or any other persons known to frequent the area.
- E.** Review the results of any laboratory exams that may have been conducted.
- F.** Arrange for the dissemination of information which may assist in the case.
- G.** Conduct surveillance.
- H.** Obtain search/arrest Warrants.
- I.** Plan, organize, and conduct searches.
- J.** Prepare cases for court presentation.
- K.** Assist in prosecution.
- L.** Identify and apprehend suspects.
- M.** Check for and collect any physical evidence that may have been overlooked during the preliminary investigation.
- N.** Determine the suspects' involvement in other crimes.
- O.** Check the suspects' criminal histories.
- P.** Make a second contact of the complainant, victim and all witnesses to ascertain any additional information which may have been left out or overlooked.
- Q.** Make a second contact with complainant and witnesses, preferably several days after the initial contact. This lapse of time may result in their remembering additional information.
- R.** Make the second contact by telephone or in person; contact will be recorded in the case file.
- S.** Notify Victim/Witness.

#### **ROBBERY**

**42. 2.83** Robberies not resolved within 24 hours will be forwarded to District Investigations Unit. Patrol Deputies are relieved of follow-up responsibility.

#### **ARSON**

**42. 2.84** Arson investigations involving a conveyance will be assigned to District Investigations. Arson investigations involving deaths will be assigned to Major Case.

#### **CASE AGENT**

**42. 2.85** The detective originally assigned the case shall be the Case Agent, whether or not additional detectives are assigned to assist.

**42. 2.86** The Case Agent shall be accountable and responsible for the case until its conclusion.

**42. 2.87** Deputy/Detective case assignments shall be recorded via the Case Management System.

#### **ON-CALL DETECTIVES**

**42. 2.88** Law Enforcement Services Division will maintain a county-wide Detective On-Call roster to cover after normal business hours, weekends and holidays. The On-Call list is accessible on the VCSO intranet home page under "On-Call List".

#### **ON-CALL DETECTIVES**

**42. 2.89** The Investigative Service Section Commander, or his/her designee is responsible for maintaining the list of on-call Investigative Resources (Detective, Major Case Detectives, Crime Scene Detectives, Investigative Sergeants) in the VCSO intranet home page under "On-Call List".

**42. 2.90** The on-call detective list is available on VCSO intranet home page under "On-Call List".

**42. 2.91** If an on-call Detective is requested to respond to a scene by a Supervisor, the Detective shall respond.

**42. 2.92** When a Detective is on County-wide call out and a situation presents itself that requires supervisory guidance, the Detective will call the on-call Investigative Sergeant for that guidance. In his/her absence the Assistant Commander of Investigative Services, and in his/her absence the Commander of Investigative Services.

#### **ROLL-CALL ATTENDANCE**

**42. 2.93** Joint roll-call meetings enhance relationships and provide for an exchange of information.

**42. 2.94** Each District Lieutenant shall ensure that representative of the District Investigative Unit attends at least one roll-call of each squad per month.

**42. 2.95** The information obtained at these meetings will be exchanged at investigative meetings between the District Investigations Units, the Major Case Unit and Narcotics Task Forces personnel.

**42. 2.96** Detectives shall attend briefings periodically as circumstances dictate to obtain information and exchange information in regard to specific cases.

#### **CONSTITUTIONAL WARNINGS**

**42. 2.97** An important aspect of criminal investigations is ensuring compliance with constitutional requirements when interviewing suspects. The admissibility of statements made by a defendant to a police officer often will determine the outcome of a criminal prosecution. It is also important to note that constitutional warnings given at an inappropriate time may hinder the investigative effort. The state of mind of the officer is often the determining factor in deciding when Miranda Rights should be given. The courts have generally held that "custodial" detention, or, when the investigation focuses on the individual to be interviewed, is the point at which offenders must be advised of their Miranda Rights prior to any further questioning about the offense.

**42. 2.98** In cases where the offender has been arrested and the Deputy intends to ask questions concerning any criminal offense in which the arrestee is suspect, they will be read their Miranda Rights and a response indicating they understood them elicited prior to any further questioning.

**42. 2.99** Juvenile defendants shall immediately be advised of their rights upon arrest.

**42. 2.100** During the course of a criminal investigation it may be necessary to interview a suspect in order to develop evidence, or determine if probable cause to arrest exists. If the Deputy has no probable cause to arrest and the suspect is "free to leave" at anytime, it is usually not necessary to advise of Miranda Rights. When, "in the officer's mind", the suspect is not free to leave, Miranda Rights should be given. That point is reached when the Deputy has decided to arrest the suspect but may not have yet advised the suspect they were under arrest; or undecided about arrest, the Deputy intends to detain the suspect against their will for further investigation.

**42. 2.101** At no time will an Detective or Deputy use coercion or attempt a confession or admission by means that would cause a suspect to confess or admit guilt involuntarily.

**42. 2.102** At no time will an Detective or Deputy deprive a defendant or suspect of counsel or First Appearance.

#### **FIELD INTERVIEWS AND INTERROGATIONS**

**42. 2.103** When a Deputy or Detective is involved in a "police/citizen encounter", they may request information from any person. If a Deputy observes circumstances that arouse suspicion or cause alarm, they shall investigate. Deputies shall stop and detain individuals in accordance with F.S. 901.151, Stop and Frisk Law.

**42. 2.104** Field Interview Cards are to be used for legitimate purposes. The following factors should be taken into account:

- A.** The date, time and location of person or activity
- B.** Whether known or suspected criminal activity is in the area
- C.** Suspicious activities or circumstances
- D.** If persons need to be identified as possible witnesses, suspects, wanted persons, etc.

**42. 2.105** When Deputies complete a Field Interview Card, they shall include a brief explanation as to the reasons for the interview.

**42. 2.106** Deputies should note suspected activity on the card, i.e., prostitution, gambling, narcotics.

**42. 2.107** Deputies may photograph individuals who do not object in a "police/citizen encounter" and those persons detained under F.S. 901.151 may be required to submit to a photograph at the discretion of the Deputy.

**42. 2.108** When a photograph is taken, it shall be noted on the Field Interview Card.

**42. 2.109** The photograph should be attached to the Field Interview Card.

**42. 2.110** The name, date of birth and case number should be written on the back of the photo.

**42. 2.111** The Field Interview Card will be submitted at the end of the shift. The Deputy or Detective may keep a copy for their files.

**42. 2.112** The Unit Supervisor shall file the photograph in the District/Unit photo file.

**42. 2.113** The White copy of the FIC will be forwarded to the data entry clerk for entry into the Records Management System.

**42. 2.114** This information is available at terminals throughout the Department.

#### **PROTOCOL FOR INTERVIEWING NON-ENGLISH SPEAKING DEFENDANTS**

**42. 2.115** The number of non-English-speaking citizens throughout the 7<sup>th</sup> Judicial Circuit has increased significantly over the past several years. It is not unusual for the investigating Deputies to interview witness and/or defendants who can neither understand nor speak English or have limited English language skills.

**42. 2.116** Usually the interpreter does not write down what is being said and when called to testify at trial may not recall much, if anything, that the witness or defendant said even though they served as the interpreter at the time.

**42. 2.117** In these circumstances a potential for unnecessary confusion and credibility questions is great. To avoid these problems the following protocol is to be followed whenever non-English-speaking witnesses or suspects are interviewed through the interpreter:

- A.** Record the witness' statement and interpretation as it occurs by audio and/or video. The audio and/or video recording will be saved as evidence.
- B.** Immediately after the investigating Deputy writes down the English version of the interpreted statement, have the interpreter read the statement and sign a certificate attesting to the accuracy of the written version of the statement.

**42. 2.118** If these procedures are followed the suspect/defendant's rights will be fully protected and an authenticated version of the interpreted statement will be available for use at trial.

#### **INTERVIEWING INDIVIDUALS WITH AUTISM/ AUTISM SPECTRUM DISORDER (ASD)**

**42. 2.119** Deputies and Detectives will be mindful of the special needs of individuals with developmental disabilities and ensure their rights guaranteed by Florida Statutes and the United States Constitution are protected.

**42. 2.120** In accordance with F.S. 943.0439, upon the request of an individual diagnosed with autism or an autism spectrum disorder (ASD) or his or her parent or guardian, the deputy/detective, prior to interviewing, will make a good faith effort to ensure a professional with experience treating, teaching, or assisting individuals with autism or ASD is present at all interviews of the subject.

**42. 2.121** Procedures for requesting an ASD Professional are as follows:

- A.** The interviewing deputy/detective, or designee, shall advise the individual making the request that all expenses related to the attendance of the professional shall be borne by the requesting individual.
- B.** The deputy/detective shall ask the individual making the request if they have a particular professional they would like to request or if they know of one who may be requested. If so, obtain the contact information and make contact with the professional. The requesting individual may make the contact directly, if preferred.
- C.** If the individual making the request does not have or know of a particular professional to contact, the interviewing deputy/detective or designee will contact the Communications Center for available local agencies/organizations to assist in guidance in obtaining a professional. These may include but are not limited to:
  - [Easterseals Northeast Central FL:](#)
    - 1. [Daytona Beach: 386-873-0365](#)
    - 2. [DeLand: 386-873-3658](#)
  - SAAFE Behavioral Services (DeLand) 386-873-2963
  - Florida Autism Center of Excellence, (DeLand) 888-288-4762
  - UCF Center for Autism & Related Disabilities (C.A.R.D.- Orlando), 1-888-558-1908; 407-823-6011 (Referral based only)
- D.** The interviewing deputy/detective or designee shall document all attempts to obtain a professional for the interview.
- E.** If after all known sources for a professional have been exhausted and a good faith effort has been made to locate a professional and all attempts were unsuccessful, the interviewing deputy/detective may begin the interview without a professional present.
- F.** Deputies/detectives should be aware that a professional may not be available on weekends and/or after normal business hours and in order to have a professional present during all interviews advance arrangements may need

to be made. The determination to delay an interview should be on a case by case basis and at the deputy/detective's or respective supervisor's discretion.

## **TRAINING**

**42.2.122** In addition to CIT training, all sworn members shall receive documented training on Autism Awareness, to include a combination of F.S. 943.0439, this directive in regards to interviewing individuals with autism or ASD, and additional resources as made available.

## **PURGING RECORDS**

**42.2.123** The Judicial Services Division Commander has the responsibility of determining when information will be purged from the system, based on the capacity of the system and the amount of input.

**42.2.124** Normally, field contact information will be maintained for a two-year period.

**42.2.125** Photographs shall be maintained at least two years, or until the photo is updated or no longer useful, i.e., death of person photographed.

**42.2.126** Retention of reports records is controlled by the Department of State, Division of Archives and Records Management, Schedule BC-2.

**42.2.127** Criminal intelligence information shall be considered active and retained as long as it relates to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activity.

## **BACKGROUND INVESTIGATIONS**

**42.2.128** Frequently in the course of an investigation the investigating Deputy will need to conduct a background investigation of persons involved, in addition to the criminal activity already being investigated. Background investigations are particularly useful in white collar, organized crime and vice activities.

**42.2.129** Investigating Deputies will conduct background investigations only in correlation of ongoing criminal investigations (this does not preclude pre-employment background "checks"). Information obtained from background investigations may reveal physical or circumstantial evidence which may be used as evidence, reveal witnesses, other individuals connected with the crime or provide information which is essential in obtaining a search warrant.

**42.2.130** Sources of information may be, but are not limited to financial institutions, pawn shops, business associates, past employment records, present employment records, other law enforcement agencies, criminal histories, utility companies, public records or licensing records.

## **DISTRIBUTION**

**42.2.131** All information obtained as the result of a background investigation will be incorporated into a report, which shall become part of the case file. This file shall be subject to the provisions of the Public Records Laws and Department policy. The information will be available on a need to know basis.

**42.2.132** As applicable, requests for review of case files shall be made through the Records Section or Intelligence Unit Supervisor.

## **ATTACHEMENT**

**ATTACHMENT A:** Seventh Judicial Circuit Court Administrative Order G-94-180

**ATTACHMENT B:** Sexual Assault Response Protocol

**ATTACHMENT C:** Homicide Investigation Checklist (VCSO Form # 050515.001 thru # 050515.014)

**Revised by:** 2391; 6760

**Revised on:** 08-2019

**Approved:**



**Michael J. Chitwood**  
Sheriff, Volusia County

IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR  
FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA COUNTIES

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RE: LIMITS ON INTERVIEWS OF  
VICTIMS OF CHILD ABUSE AND  
SEXUAL ABUSE UNDER THE  
AGE OF SIXTEEN, OR WITH  
MENTAL RETARDATION

REF: G-94-180  
(Rescinds S-93-59)

WHEREAS, F.S. 914.16 requires the Chief Judge of each Circuit, after consultation with the State Attorney and the Public Defender for the Circuit and the appropriate Chief law enforcement officials, and others, to provide for a limit on the number of interviews that a victim of a violation of s.794, s.800, or s.827, who is under the age of sixteen, or mentally retarded, must submit to for law enforcement or discovery purposes;

NOW THEREFORE, I, Gayle S. Graziano, Chief Judge of the Seventh Judicial Circuit, hereby order and direct as follows:

1. Administrative Order S-93-59 is hereby rescinded;
2. All law enforcement agencies of the Seventh Judicial Circuit shall, whenever possible, coordinate and consolidate the initial interview of alleged victims (under the age of sixteen or with mental retardation) of child abuse and sexual abuse covered by s.794, s.800, and s.827 and, whenever possible, shall videotape and/or audiotape said interviews;
3. All subsequent interviews shall be limited to a maximum of two, unless permission is granted by the presiding judge for good cause shown, and all subsequent interviews shall be preserved by either audio or video taping, whenever possible;
4. The Department of Health and Rehabilitative Services, other child protective agencies and their respective employees, agents, or contractees, shall limit their interviews of said victims to a maximum of three, without further court order, and shall preserve said interviews by audio or video taping, whenever possible;
5. Discovery depositions shall be coordinated by all interested parties, where there are pending juvenile, civil, or criminal cases involving the same victim, in order to prevent repetition through multiple depositions;
6. Nothing in this order limits a judge in a specific case from considering further limitations upon application of any interested party and pursuant to the guidelines of F.S. 92.53, 92.54, and 92.55;

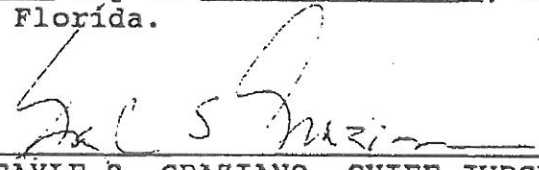
RE: LIMITS ON INTERVIEWS OF VICTIMS OF  
CHILD ABUSE AND SEXUAL ABUSE  
UNDER THE AGE OF SIXTEEN, OR with  
MENTAL RETARDATION

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7. This order shall become effective immediately.

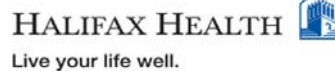
TO BE RECORDED in Flagler, Putnam, St. Johns and Volusia  
Counties.

DONE AND ORDERED this 5<sup>th</sup> day of October, 1994  
in Daytona Beach, Volusia County, Florida.

  
\_\_\_\_\_  
GAYLE S. GRAZIANO, CHIEF JUDGE

Copies:

All County and Circuit Judges  
All law enforcement agencies of the Circuit  
State Attorney  
Public Defender  
Department of Health and Rehabilitative Services  
Guardian Ad Litem Program  
Child Protection Team  
All Bar Associations, 7th Circuit  
Volusia County Criminal Defense Attorneys Association



## **VOLUSIA COUNTY SEXUAL ASSAULT PROTOCOL**

### **I. Sexual assault victims\*18 years of age and older:**

The on scene supervisor or detective in charge will contact Volusia County Sheriff's Office Communications for the *SANE Nurse* listed on the web based on-call list.

***Sexual assault victims\*18 years of age and older will be brought to the following locations for care and forensic examination:***

Detective will contact the charge nurse prior to arrival and a room will be made available. Detectives/ victims are to use designated private entrances and/ or ambulance ramp into the medical facility.

#### **West Volusia**

1. Florida Hospital Fish Memorial, 1055 Saxon Boulevard, Orange City (386-917-5107)
2. Florida Hospital Deland, 701 West Plymouth Avenue, Deland (386-943-4650)

#### **East Volusia**

1. Halifax Health, 303 North Clyde Morris Boulevard, Daytona Beach (386-254-4000)
2. Florida Hospital Memorial Medical Center, 301 Memorial Medical Parkway, DB (386-231-3023)
3. Medical Center of Port Orange, 1041 Dunlawton Avenue, Port Orange (386-322-4750)
4. Florida Hospital Oceanside, 264 South Atlantic Avenue, Ormond Beach (386-672-4161)

\*Victims requiring emergency medical treatment will be transported to the closest facility\*

### **II. Sexual assault victims\*17 years of age and younger:**

The on scene supervisor or detective in charge will contact Volusia County Sheriff's Office Communications for the University of Florida, First Coast Child Protection Team.

***Sexual assault victims\*17 years of age and younger will be referred to the University of Florida, First Coast Child Protection Team.***

\*Victims requiring emergency medical treatment will be transported to the closest facility\*

**Stewart-Marchman-Act Victim Services**  
Crisis Hotline, Advocacy, Crisis Intervention and Counseling  
1000 Big Tree Road Daytona Beach, FL. 32119  
800-503-7621 (Hotline)





# *Volusia County Sheriff's Office*

## *Homicide Investigation*

*VCSO CASE #:* \_\_\_\_\_ - \_\_\_\_\_

*DETECTIVE:* \_\_\_\_\_

*SUPERVISOR:* \_\_\_\_\_

**LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

Exempt from public disclosure under Florida Statute 119

ATTACHMENT C  
DIRECTIVE 42.2

\*\*This form is to be included in all case files started on initial response to scene \*\*

Victim:

Case Number:

Date Assigned:

Date	Detective	Task	Notes
		Responded to Crime Scene	
		HIU Notified	
		Interviewed Witness(s)	
		Interviewed Victim's Family	
		Interviewed Suspect(s)	
		Notified NOK	Name of NOK: Relationship to NOK: Address: Phone: Date and Time notified: Notification made by:
		Neighborhood Canvass	
		Check Victim(s) CH Resources Checked: <input type="checkbox"/> FCIC/NCIC <input type="checkbox"/> David <input type="checkbox"/> DOC <input type="checkbox"/> DNA Database <input type="checkbox"/> ARS <input type="checkbox"/> Finder <input type="checkbox"/> TLO <input type="checkbox"/> Clear	
		Obtained Recent Photo of Victim(s)	
		Check Witness(s) CH Resources Checked: <input type="checkbox"/> FCIC/NCIC <input type="checkbox"/> David <input type="checkbox"/> DOC <input type="checkbox"/> DNA Database <input type="checkbox"/> ARS <input type="checkbox"/> Finder <input type="checkbox"/> TLO <input type="checkbox"/> Clear	

**LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

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ATTACHMENT C  
DIRECTIVE 42.2

Date	Detective	Task	Notes
		Check Suspect(s) CH Resources Checked: <input type="checkbox"/> FCIC/NCIC <input type="checkbox"/> David <input type="checkbox"/> DOC <input type="checkbox"/> DNA Database <input type="checkbox"/> ARS <input type="checkbox"/> Finder <input type="checkbox"/> TLO <input type="checkbox"/> Clear	
		Requested 911 Recordings	
		Phone Records Requested <input type="checkbox"/> Vic <input type="checkbox"/> Wit <input type="checkbox"/> Suspect	
		Victim's Phone Seized/Searched	
		Suspect(s) Phone Seized/Searched	
		Witness(s) Phone Searched	
		Computer/Phone Forensics Requested	
		Social Network Site Records Requested	
		Social Network Sites Reviewed	
		<b>24 Hour Case Review with All Detectives and Crime Scene Unit</b>	
		24 Hour CSI Evidence Review/Submission	
		Obtained CAD Printout	
		Supplement Reports Obtained/Reviewed	
		Jail Call/Visitation Requested	
		Crime Stopper Flyer Completed	
		<b>48 Hour Case Review with All Detectives</b>	
		Review Case with HIU	
		Review Forensic Reports with CSI	
		Secondary Forensic Submissions	

**LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

Exempt from public disclosure under Florida Statute 119

ATTACHMENT C  
DIRECTIVE 42.2

## **HOMICIDE INVESTIGATION CHECKLIST**

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ TIME: \_\_\_\_:\_\_\_\_ CASE #: \_\_\_\_ - \_\_\_\_

VICTIM: \_\_\_\_\_ AGE: \_\_\_\_\_ RACE: \_\_\_\_\_ SEX: \_\_\_\_\_

LOCATION/ADDRESS: \_\_\_\_\_

DETECTIVE ASSIGNED: \_\_\_\_\_

DATE NOTIFIED: \_\_\_\_/\_\_\_\_/\_\_\_\_ TIME NOTIFIED: \_\_\_\_:\_\_\_\_

DATE ARRIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_ TIME ARRIVED: \_\_\_\_:\_\_\_\_

NOTIFIED BY: \_\_\_\_\_

SUPERVISOR: \_\_\_\_\_

ON-CALL CID DETECTIVE: \_\_\_\_\_

PRIMARY CSI: \_\_\_\_\_

MEDICAL EXAMINER: \_\_\_\_\_

MEDICAL EXAMINER INVESTIGATOR: \_\_\_\_\_

BODY REMOVED BY: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ TIME: \_\_\_\_:\_\_\_\_

### **SUMMARY OF INCIDENT**

WEATHER CONDITIONS: \_\_\_\_\_ TEMPERATURE: OUT: \_\_\_\_ IN: \_\_\_\_

TYPE OF LOCATION: \_\_\_\_\_

DESCRIPTION OF LOCATION: \_\_\_\_\_

SUMMARY: \_\_\_\_\_

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### **LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

Exempt from public disclosure under Florida Statute 119

ATTACHMENT C  
DIRECTIVE 42.2

**REPORTING PARTY/NOK LIST**

REPORTING PARTY: \_\_\_\_\_  
RACE: \_\_\_\_ SEX: \_\_\_\_ DOB: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMPLOYER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
AKA/STREET NAME(S): \_\_\_\_\_  
STATEMENT TAKEN BY: \_\_\_\_\_  
DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
TIME: \_\_\_\_:\_\_\_\_  
LOCATION: \_\_\_\_\_  
AUDIO RECORDED: YES / NO                      AUDIO/VISUAL RECORDED: YES / NO

NEXT OF KIN: \_\_\_\_\_  
RACE: \_\_\_\_ SEX: \_\_\_\_ DOB: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMPLOYER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
AKA/STREET NAME(S): \_\_\_\_\_  
RELATIONSHIP TO VICTIM: \_\_\_\_\_  
STATEMENT TAKEN BY: \_\_\_\_\_  
DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
TIME: \_\_\_\_:\_\_\_\_  
LOCATION: \_\_\_\_\_  
AUDIO RECORDED: YES / NO                      AUDIO/VISUAL RECORDED: YES / NO

**LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation  
Exempt from public disclosure under Florida Statute 119

## **VICTIM DATA SHEET**

PRONOUNCED DECEASED (Time): \_\_\_\_\_ (Date): \_\_\_\_/\_\_\_\_/\_\_\_\_

BY: \_\_\_\_\_

LOCATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_ EYES: \_\_\_\_\_ HAIR: \_\_\_\_\_

AGE: \_\_\_\_\_ DOB: \_\_\_\_\_ RACE: \_\_\_\_\_ SEX: \_\_\_\_\_ HT: \_\_\_\_\_ WT: \_\_\_\_\_

SCARS, MARKS, TATTOOS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_

OCCUPATION: \_\_\_\_\_ EMPLOYER: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_

SSN: \_\_\_\_\_ DL #: \_\_\_\_\_ STATE: \_\_\_\_\_

**CRIMINAL HISTORY CHECK: YES / NO**

**RMS: YES / NO UCF DATA: YES / NO TLO: YES / NO**

**CP CLEAR: YES / NO**

**NCIC/FCIC STATE ID #:** \_\_\_\_\_ **FBI #:** \_\_\_\_\_

RELATIVES (Name, Address, Telephone Number): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ASSOCIATES/FRIENDS (Name, Address, Telephone Number): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDITIONAL NOTES: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

Exempt from public disclosure under Florida Statute 119

## WITNESS LIST

WITNESS: \_\_\_\_\_  
RACE: \_\_\_\_ SEX: \_\_\_\_ DOB: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMPLOYER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
AKA/STREET NAME(S): \_\_\_\_\_  
STATEMENT TAKEN BY: \_\_\_\_\_  
DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
TIME: \_\_\_\_:\_\_\_\_  
LOCATION: \_\_\_\_\_  
AUDIO RECORDED: YES / NO                      AUDIO/VISUAL RECORDED: YES / NO

WITNESS: \_\_\_\_\_  
RACE: \_\_\_\_ SEX: \_\_\_\_ DOB: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMPLOYER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
AKA/STREET NAME(S): \_\_\_\_\_  
STATEMENT TAKEN BY: \_\_\_\_\_  
DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
TIME: \_\_\_\_:\_\_\_\_  
LOCATION: \_\_\_\_\_  
AUDIO RECORDED: YES / NO                      AUDIO/VISUAL RECORDED: YES / NO

WITNESS: \_\_\_\_\_  
RACE: \_\_\_\_ SEX: \_\_\_\_ DOB: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMPLOYER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
AKA/STREET NAME(S): \_\_\_\_\_  
STATEMENT TAKEN BY: \_\_\_\_\_  
DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
TIME: \_\_\_\_:\_\_\_\_  
LOCATION: \_\_\_\_\_  
AUDIO RECORDED: YES / NO                      AUDIO/VISUAL RECORDED: YES / NO

WITNESS: \_\_\_\_\_  
RACE: \_\_\_\_ SEX: \_\_\_\_ DOB: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMPLOYER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
AKA/STREET NAME(S): \_\_\_\_\_  
STATEMENT TAKEN BY: \_\_\_\_\_  
DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
TIME: \_\_\_\_:\_\_\_\_  
LOCATION: \_\_\_\_\_  
AUDIO RECORDED: YES / NO                      AUDIO/VISUAL RECORDED: YES / NO

### LAW ENFORCEMENT SENSITIVE

Active Criminal Investigation

Exempt from public disclosure under Florida Statute 119

**SUSPECT/PERSON(s) OF INTEREST**

SUBJECT: \_\_\_\_\_  
RACE: \_\_\_\_ SEX: \_\_\_\_ DOB: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMPLOYER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
AKA/STREET NAME(S): \_\_\_\_\_  
STATEMENT TAKEN BY: \_\_\_\_\_  
DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
TIME: \_\_\_\_:\_\_\_\_  
LOCATION: \_\_\_\_\_  
AUDIO RECORDED: YES / NO                      AUDIO/VISUAL RECORDED: YES / NO

SUBJECT: \_\_\_\_\_  
RACE: \_\_\_\_ SEX: \_\_\_\_ DOB: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMPLOYER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
AKA/STREET NAME(S): \_\_\_\_\_  
STATEMENT TAKEN BY: \_\_\_\_\_  
DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
TIME: \_\_\_\_:\_\_\_\_  
LOCATION: \_\_\_\_\_  
AUDIO RECORDED: YES / NO                      AUDIO/VISUAL RECORDED: YES / NO

SUBJECT: \_\_\_\_\_  
RACE: \_\_\_\_ SEX: \_\_\_\_ DOB: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMPLOYER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
AKA/STREET NAME(S): \_\_\_\_\_  
STATEMENT TAKEN BY: \_\_\_\_\_  
DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
TIME: \_\_\_\_:\_\_\_\_  
LOCATION: \_\_\_\_\_  
AUDIO RECORDED: YES / NO                      AUDIO/VISUAL RECORDED: YES / NO

SUBJECT: \_\_\_\_\_  
RACE: \_\_\_\_ SEX: \_\_\_\_ DOB: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
EMPLOYER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
AKA/STREET NAME(S): \_\_\_\_\_  
STATEMENT TAKEN BY: \_\_\_\_\_  
DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
TIME: \_\_\_\_:\_\_\_\_  
LOCATION: \_\_\_\_\_  
AUDIO RECORDED: YES / NO                      AUDIO/VISUAL RECORDED: YES / NO

**LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

Exempt from public disclosure under Florida Statute 119



**SUSPECT/PERSON(S) OF INTEREST INFORMATION**

NAME: \_\_\_\_\_ EYES: \_\_\_\_\_ HAIR: \_\_\_\_\_  
AGE: \_\_\_\_\_ DOB: \_\_\_\_\_ RACE: \_\_\_\_\_ SEX: \_\_\_\_\_ HT: \_\_\_\_\_ WT: \_\_\_\_\_  
SCARS, MARKS, TATTOOS: \_\_\_\_\_

FACIAL HAIR: \_\_\_\_\_ GLASSES: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
OCCUPATION: \_\_\_\_\_ EMPLOYER: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_  
SSN: \_\_\_\_\_ DL #: \_\_\_\_\_ STATE: \_\_\_\_\_

AKA/STREET NAME(S): \_\_\_\_\_

PHOTOGRAPH AVAILABLE: YES / NO

FINGERPRINTS AVAILABLE: YES / NO

DNA AVAILABLE: YES / NO

RIGHT HANDED: YES / NO GSR TAKE: YES / NO  
LEFT HANDED: YES / NO CLOTHING TAKE: YES / NO

RELATIVES (Name, Address, Telephone Number): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ASSOCIATES (Name, Address, Telephone Number): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PAROLE/PROBATION OFFICER: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_  
DATE PAROLED/PROBATION: \_\_\_\_/\_\_\_\_/\_\_\_\_ REASON: \_\_\_\_\_

**CRIMINAL HISTORY CHECK: YES / NO**  
**RMS: YES / NO UCF DATA: YES / NO TLO: YES / NO**  
**CP CLEAR: YES / NO**  
**NCIC/FCIC STATE ID #:** \_\_\_\_\_ **FBI #:** \_\_\_\_\_

**LAW ENFORCEMENT SENSITIVE**  
Active Criminal Investigation  
Exempt from public disclosure under Florida Statute 119

## **SEARCH WARRANT RESIDENCE/STRUCTURE**

LOCATION SEARCHED: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ AUTHORED BY: \_\_\_\_\_  
PERSONNEL INVOLVED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION SEARCHED: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ AUTHORED BY: \_\_\_\_\_  
PERSONNEL INVOLVED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION SEARCHED: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ AUTHORED BY: \_\_\_\_\_  
PERSONNEL INVOLVED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION SEARCHED: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ AUTHORED BY: \_\_\_\_\_  
PERSONNEL INVOLVED: \_\_\_\_\_

## **SEARCH WARRANT RECORDS**

SERVICE PROVIDER SERVED: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
HOW SERVED (i.e. Fax #/ email / mailing address): \_\_\_\_\_  
DATE RECORDS RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_  
HOW RECORDS RECEIVED \_\_\_\_\_

SERVICE PROVIDER SERVED: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
HOW SERVED (i.e. Fax #/ email / mailing address): \_\_\_\_\_  
DATE RECORDS RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_  
HOW RECORDS RECEIVED \_\_\_\_\_

SERVICE PROVIDER SERVED: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
HOW SERVED (i.e. Fax #/ email / mailing address): \_\_\_\_\_  
DATE RECORDS RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_  
HOW RECORDS RECEIVED \_\_\_\_\_

SERVICE PROVIDER SERVED: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
HOW SERVED (i.e. Fax #/ email / mailing address): \_\_\_\_\_  
DATE RECORDS RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_  
HOW RECORDS RECEIVED \_\_\_\_\_

SERVICE PROVIDER SERVED: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
HOW SERVED (i.e. Fax #/ email / mailing address): \_\_\_\_\_  
DATE RECORDS RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_  
HOW RECORDS RECEIVED \_\_\_\_\_

### **LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

Exempt from public disclosure under Florida Statute 119

## **SEARCH WARRANT ELECTRONICS**

DEVICE TYPE SEARCHED: \_\_\_\_\_  
MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_ SERIAL # \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
DATE OF SEARCH: \_\_\_\_/\_\_\_\_/\_\_\_\_

DEVICE TYPE SEARCHED: \_\_\_\_\_  
MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_ SERIAL # \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
DATE OF SEARCH: \_\_\_\_/\_\_\_\_/\_\_\_\_

DEVICE TYPE SEARCHED: \_\_\_\_\_  
MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_ SERIAL # \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
DATE OF SEARCH: \_\_\_\_/\_\_\_\_/\_\_\_\_

DEVICE TYPE SEARCHED: \_\_\_\_\_  
MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_ SERIAL # \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
DATE OF SEARCH: \_\_\_\_/\_\_\_\_/\_\_\_\_

DEVICE TYPE SEARCHED: \_\_\_\_\_  
MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_ SERIAL # \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
DATE OF SEARCH: \_\_\_\_/\_\_\_\_/\_\_\_\_

DEVICE TYPE SEARCHED: \_\_\_\_\_  
MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_ SERIAL # \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
AUTHORED BY: \_\_\_\_\_ EXECUTED BY: \_\_\_\_\_  
DATE OF SEARCH: \_\_\_\_/\_\_\_\_/\_\_\_\_

### **LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

Exempt from public disclosure under Florida Statute 119

**SEARCH WARRANT VEHICLE**

TAG # \_\_\_\_\_ STATE: \_\_\_\_\_ MONTH/YEAR EXPIRES: \_\_\_\_/\_\_\_\_

VIN # \_\_\_\_\_ YEAR OF VEHICLE: \_\_\_\_ MAKE: \_\_\_\_\_

MODEL: \_\_\_\_\_ COLOR: \_\_\_\_\_/\_\_\_\_\_

REGISTERED OWNER: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_

SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ AUTHORED BY: \_\_\_\_\_

EXECUTED BY: \_\_\_\_\_

VEHICLE TOWED/STORED WHERE: \_\_\_\_\_

**LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

Exempt from public disclosure under Florida Statute 119

ATTACHMENT C  
DIRECTIVE 42.2

## **SEARCH WARRANT PERSON**

NAME OF PERSON SEARCHED: \_\_\_\_\_  
LOCATION SEARCHED: \_\_\_\_\_  
PURPOSE OF SEARCH: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ AUTHORED BY: \_\_\_\_\_  
SERVED BY: \_\_\_\_\_  
OTHER PERSONNEL INVOLVED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME OF PERSON SEARCHED: \_\_\_\_\_  
LOCATION SEARCHED: \_\_\_\_\_  
PURPOSE OF SEARCH: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ AUTHORED BY: \_\_\_\_\_  
SERVED BY: \_\_\_\_\_  
OTHER PERSONNEL INVOLVED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME OF PERSON SEARCHED: \_\_\_\_\_  
LOCATION SEARCHED: \_\_\_\_\_  
PURPOSE OF SEARCH: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ AUTHORED BY: \_\_\_\_\_  
SERVED BY: \_\_\_\_\_  
OTHER PERSONNEL INVOLVED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME OF PERSON SEARCHED: \_\_\_\_\_  
LOCATION SEARCHED: \_\_\_\_\_  
PURPOSE OF SEARCH: \_\_\_\_\_  
ISSUE DATE OF S/W: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
SERVED DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ AUTHORED BY: \_\_\_\_\_  
SERVED BY: \_\_\_\_\_  
OTHER PERSONNEL INVOLVED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

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ATTACHMENT C  
DIRECTIVE 42.2

## **COURT ORDER/SUBPOENA INFORMATION**

COURT ORDER FOR TARGET TELEPHONE NUMBER: \_\_\_\_\_  
SERVICE PROVIDER: \_\_\_\_\_  
OWNER OF PHONE NUMBER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
ISSUE DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
OBTAINED BY: \_\_\_\_\_  
DATE RECORDS RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_  
HOW RECORDS RECEIVED \_\_\_\_\_

COURT ORDER FOR TARGET TELEPHONE NUMBER: \_\_\_\_\_  
SERVICE PROVIDER: \_\_\_\_\_  
OWNER OF PHONE NUMBER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
ISSUE DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
OBTAINED BY: \_\_\_\_\_  
DATE RECORDS RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_  
HOW RECORDS RECEIVED \_\_\_\_\_

COURT ORDER FOR TARGET TELEPHONE NUMBER: \_\_\_\_\_  
SERVICE PROVIDER: \_\_\_\_\_  
OWNER OF PHONE NUMBER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
ISSUE DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
OBTAINED BY: \_\_\_\_\_  
DATE RECORDS RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_  
HOW RECORDS RECEIVED \_\_\_\_\_

COURT ORDER FOR TARGET TELEPHONE NUMBER: \_\_\_\_\_  
SERVICE PROVIDER: \_\_\_\_\_  
OWNER OF PHONE NUMBER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
ISSUE DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ JUDGE: \_\_\_\_\_  
OBTAINED BY: \_\_\_\_\_  
DATE RECORDS RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_  
HOW RECORDS RECEIVED \_\_\_\_\_

### **LAW ENFORCEMENT SENSITIVE**

Active Criminal Investigation

Exempt from public disclosure under Florida Statute 119

ATTACHMENT C  
DIRECTIVE 42.2



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: HABITUAL/SERIOUS OFFENDERS**

**CODIFIED: 42.3**

**EFFECTIVE: 06-2018**

**RESCINDS/AMENDS: 42.3/03-2015**

**ATTACHMENTS: 1**

**PURPOSE**

The purpose of this Directive is to establish a Career Criminal Unit to track and identify habitual/serious offenders residing in Volusia County.

**DISCUSSION**

Habitual offenders are responsible for a disproportionate measure of criminal activity in society. The VCSO has an obligation to identify habitual/serious offenders and ensure that a coordinated responsive effort towards successful prosecution is realized.

**POLICY**

It shall be the policy of the VCSO to identify and track habitual/serious offenders residing within Volusia County and assist and support the State Attorney's Office with the collection of evidence and preparation of cases.

**DEFINITION**

"Habitual offenders" are designated by the court system and labeled as Habitual Felony Offenders, Habitual Violent Felony Offenders, Violent Career Criminals, or Three Time Violent Felony Offenders (F.S.S. 775.084) or Prison Releasee Reoffender (F.S.S. 775.082(9)).

"Career Criminals" are labeled by the Career Criminal Unit.

**PROCEDURE**

**CAREER CRIMINAL UNIT**

The responsibility for tracking habitual/serious offenders is assigned to the Career Criminal Unit of the Investigative Services Section of the Law Enforcement Operations Division. The unit is supervised by a Sergeant and is staffed with a Detectives and Office Assistants.

**42.3.1** The Career Criminal Unit shall establish and identify through the CJIS System a signal system to alert law enforcement officers when they are in contact with a habitual/ serious offender.

**42.3.2** The Career Criminal Unit shall track sexual offenders / predators as defined in Directive 42.7.

**RECORDS**

**42.3.3** All offenders convicted of a felony and residing in Volusia County are required to register with the Sheriff's Office, Operations Building, upon release from custody. The felon uses the VCSO Felon Registration Form to conduct this registration. The Latent Print Unit will complete photographs and ten-print cards for new felons.

**42.3.4** The Career Criminal Unit registers Florida Career Offenders using the FDLE Career Offender Registration Form. This form is to be completed by an employee of the Volusia County Sheriff's Office only.

**42.3.5** The Career Criminal Unit shall maintain felony registration records for a period of one (1) year. The Career Criminal Unit shall act as the Records Custodian for Court Matters pertaining to the compliance or non-compliance of offenders.



**42.3.6** The Career Criminal Unit shall utilize databases to store information of offenders released from any correctional facility/agency and residing within Volusia County. The Unit shall share this information with any requesting law enforcement agency.

**42.3.7** The Career Criminal Unit will flag the habitual/serious offender with one of the following flag codes:

- A. Signal 200 – Career Criminal
- B. Signal 300 – Habitual Felony Offender
- C. Signal 600 – Sexual Predator
- D. Signal 700 – Sexual Offender
- E. Signal 800 – Florida Career Offender

#### **CAREER CRIMINALS (SIGNAL 200)**

**42.3.8** A Career Criminal is a felony offender defined by the Career Criminal Unit as a defendant found guilty of felony convictions, regardless of whether adjudication is withheld, with no specific time period. This decision is based on conducting a criminal history search utilizing the FCIC/NCIC system as well as the Florida Department of Corrections Offender Information Network. A "Score Sheet" is used and any offender who scores "5" or more points is flagged as a Career Criminal. (see attachment for Score Sheet)

#### **HABITUAL FELONY OFFENDERS (SIGNAL 300)**

**42.3.9** A Habitual Felony Offender is defined as a defendant for whom the court may impose an extended term of imprisonment if it finds that:

- A. The defendant has previously been convicted of any combination of two or more felonies in this state or other qualified offenses.
- B. The felony for which the defendant is to be sentenced was committed within 5 years of the date of the conviction of the last prior felony or other qualified offense of which they were convicted, or within 5 years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later.

#### **FLORIDA CAREER OFFENDER (SIGNAL 800)**

**42.3.10** Under Florida State Statute 775.261 (The Florida Career Offender Registration Act) "Career Offender" means any person who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9) and who are serving or have been released from sanction in the State of Florida on or after July 1, 2002. This classification is found through a search of the FCIC/NCIC system during the felon's initial registration with the Volusia County Sheriff's Office.

#### **FLORIDA CAREER OFFENDER ADDRESS VERIFICATIONS**

**42.3.11** The *Career Criminal Worksheet* serves as a checklist for action and also a sworn affidavit. The *Career Criminal Worksheet* is required only when the Florida Career Offender cannot be **personally** located at the residence by the deputy. The originals of this form shall be sent to the Career Criminal Unit.

#### **CAREER CRIMINAL UNIT RESPONSIBILITIES**

**42.3.12** The Career Criminal Unit is the Sheriff's designee for coordination of all Florida Career Offenders compliance and enforcement operations. The Unit shall be the primary point-of-contact for Florida Career Offender matters and the liaison to the FDLE Career Offender Application for Statewide Tracking (COAST).

**42.3.13** The Career Criminal Unit shall handle the criminal registration as well as notification to Districts or police departments of statutorily required address verifications.

**42.3.14** The Career Criminal Unit shall have the authority to delegate field investigations involving matters of Florida Career Offender non-compliance, address verification, and similar matters, to the District Commander or their designee. By mutual agreement between the Sheriff and local Police Chiefs, the Career Criminal Unit may have the authority to delegate similar field investigations to police chiefs or their designee.

## INVESTIGATING DEPUTY RESPONSIBILITIES

**42.3.15** The investigating deputy or officer shall document all Address Verifications in the OffenderWatch® program after each visit and also in CAD. The Florida Career Offender will be verified annually.

**42.3.16** The *Career Criminal Worksheet* serves as a checklist for action and also a sworn affidavit. The *Career Criminal Worksheet* is required only when the Florida Career Offender cannot be **physically** located at the residence by the deputy or officer. The originals of this form shall be forwarded to the Career Criminal Unit.

**42.3.17** Address Verifications by the District or agencies should meet the following minimum standards. These standards satisfy the State Attorney's Office requirements for prosecution of Florida Career Offenders. After completing any of the following actions, the information will be entered into OffenderWatch®:

- A.** A warrant check should be done on the Florida Career Offender just before or during contact. If an arrest warrant is served then further Address Verification is unnecessary.
- B.** All address verifications will be completed by the Deputy, Detective or Officer in person only; telephonic or electronic (e-mail, text) verifications are NOT permitted.
- C.** If the Florida Career Offender is located at the residence shown on his/her Florida driver's license or identification card, there is no violation.
- D.** If, after a first attempt, the deputy cannot confirm the subject lives at the residence, he/she should return after 24-48 hours from initial contact and make one final attempt to contact the subject. The deputy shall document the dates and times of his/her efforts and observations in OffenderWatch® and CAD.
- E.** If the Florida Career Offender is NOT living at the residence shown on his/her Florida driver's license or identification card, and the subject has lived at a new unreported residence for at least 14 consecutive days or 14 days in the aggregate calendar year, the Florida Career Offender should be arrested for failing to update their Florida driver's license or identification card. Documentation of the incident should be forwarded to the Career Criminal Unit.
- F.** If the subject is NOT residing at the residence any longer, have the current resident, relative, neighbor, or landlord complete an *Address Verification Statement* (Page 2 of the *Career Criminal Worksheet*). If there is no one at the residence, make a follow-up attempt to contact someone there after 24-48 hours. A canvass the neighborhood to find a witness that can complete an Address Verification Statement. Return the *Career Criminal Worksheet* to the Career Criminal Unit.

## AFFIDAVIT "FLAGGING"

**42.3.11** The Career Criminal Unit shall identify felony offenders according to the criteria previously established. The Career Criminal Unit shall flag the felony offenders in the VCSO RMS System utilizing the appropriate "signal" as the designator. VCSO Central Dispatch will advise the Deputy or Officer who is in contact with the felon with the designated "signal". Deputy will complete an FI card on all "signal" contacts and forward to the Career Criminal Unit.

**42.3.12** When a Deputy or Officer arrests an individual who is flagged in the computer VCSO Central Dispatch will notify the Deputy of the assigned "signal".

**42.3.13** If a Florida Career Offender is arrested, first line of the Charging Affidavit will read: **++++Florida Career Offender ++++**. This alerts proper authorities that the subject *appears* to meet the requirements for habitualization, and that there should be enhanced sentencing for this case.

## BOND ENHANCEMENTS

**42.3.14** Under current Florida law, officers can currently set a bond that departs from the statutory bond schedule.

**42.3.15** Deputies and Officers MUST use caution when adjusting bonds. The 6th Amendment to the Constitution guarantees all persons a reasonable bond. Problems arise from overuse and abuse (unsubstantiated bond increases, unreasonable bonds).

**42.3.16** When considering bond enhancements outside the parameters of the normal bond schedule consider the following

- What is the *threat* to the public that causes the bond increase?
- Is the increase in bond justified?
- Is the additional increase in bond a reasonable bond under the US Constitution's 6<sup>th</sup> Amendment?
- Is the defendant a transient or does he / she have local ties to the community?

## PROBATION AND PAROLE

**42.3.17** If a habitual/serious offender is determined to be on probation or parole at the time of arrest, then Department of Corrections Probation and Parole Office shall be notified. The Probation and Parole Duty Officer can determine the status of the individual and what action should be taken at the time of arrest. If the defendant is on federal probation, DO NOT charge the defendant with a violation of probation. The arresting officer or supervisor must send a copy of the charging affidavit to the Career Criminal Unit who will in turn notify the Federal Probation Officer of the new law violation.

**42.3.18** Deputies, Officers and Detectives who discover a person who meets the criteria but has not yet been identified by the Career Criminal Unit shall complete a Police Information report and forwarded to the Career Criminal Unit.

## ATTACHMENTS

**Attachment A:** Score Sheet

**Attachment B:** Career Criminal Worksheet

**Revised by:** 2512

**Revised on:** 06-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

**Career Criminal Unit- SCORE SHEET  
(Updated 01/03/2017)**

<b>F.S.S.</b>	<b>Offenses</b>	<b>Number of Convictions</b>	<b>Points</b>	<b>Total</b>
876.32	Treason		5	
782.04	Murder		5	
782.07	Manslaughter		5	
812.133	Carjacking		5	
812.135	Home-Invasion Robbery		5	
812.13	Robbery		5	
806.01	Arson		5	
787.01	Kidnapping		5	
784.021	Aggravated Assault		5	
784.045	Aggravated Battery		5	
784.048(3)	Aggravated Stalking		5	
794.011	Sexual Battery		5	
860.16	Aircraft Piracy		5	
790.1615	Unlawful throwing, placing or discharging of a destructive devise or bomb		5	
790.19	Shooting into or throwing deadly missiles into a dwelling, building, vessels, aircraft, bus, railroad car, street car, or any other vehicle		5	
810.02(2)(b)	Armed Burglary		5	
810.02(2)(c)	Burglary of an occupied structure, dwelling, or conveyance		5	
827.03	Child Abuse, Aggravated Child Abuse, or Neglect of a Child		5	
790.07	Any felony violation of 790.07 (any crime committed with a weapon)		5	
	Any felony that involves the use or threat of physical force or violence against any individual (ROMV, Battery/LEO/EMT/FF, Aggravated Assault with a weapon, Felony Battery)		5	
790.01(2)	Carrying concealed fire arm without a Concealed Weapons Permit		3	
787.02	False Imprisonment		3	
836.05	Extortion		3	
812.019	Dealing in stolen property		2	
893.135	Trafficking in a controlled substance		2	
843.0855	Impersonating a law enforcement officer		2	
316.1935(3)(a)	Aggravated fleeing an eluding		2	
810.02	Burglary of an unoccupied structure, dwelling, or conveyance		2	
843.02	Resisting Arrest with-out violence		1	
893.13	Unlawful Possession/Sale/Manufacture /Distribution/Delivery of a Controlled Substance		1	
831.09	Passing or uttering a forged instrument/check		1	
831	Forge public document/certificate		1	
817.60	Theft; obtaining credit card(s) through fraudulent means		1	
812.014	Grand Theft over \$300.00		1	
812.014	Grand Theft-Motor Vehicle		1	
316.1935(1)	Fleeing and Attempting to Elude LEO-Lights/Siren		1	
316.193(2)(b)	Felony Driving Under the Influence		1	
322.34(2)(c)	Felony Driving While License is Suspended or Revoked		1	

VCSO 051809.001

**Career Criminal Unit- SCORE SHEET**  
**(Updated 01/03/2017)**

790.23	Felon in possession of weapon or ammunition		1	
948.06	Violation of Probation for any felony charges		1	
316.027(1)(a)	Leaving scene of accident with injury		1	
837.05	Filing a false police report		1	
843.15	Failure to Appear (on any felony charge)		1	
810.06	Possess burglary tools		1	



# Volusia County Sheriff's Office

Career Criminal Unit  
Michael J. Chitwood, Sheriff

## SEXUAL OFFENDER/SEXUAL PREDATOR/FLORIDA CAREER OFFENDER WORK SHEET

[ ] WARRANT [ ] Sexual Offender [ ] Sexual Predator [ ] Florida Career Offender

Deputy/Officer		Agency		ID #	Telephone
Subject Last Name		Subject First & Middle Name			
Race	Sex	Date of Birth	Social Security #		
Address of Record				Last Verified Date	
Possible Addresses to Check				Date Verified	

*Check the small shaded block below for the applicable situation!*

<input type="checkbox"/>	If you find the subject (in person) living at the address of record shown on his/her Florida Driver License or Identification Card...	
Action : Subject is in compliance. Update OffenderWatch@.		
<input type="checkbox"/>	If the subject isn't at the address of record but you can determine through a third party (relative, roommate, neighbor, or landlord) that the subject is living at the address of record...	
Action : Complete an <i>Address Verification Statement</i> and send it to the Career Criminal Unit. Update OffenderWatch@.		
<input type="checkbox"/>	If there is no one at the residence...	
Action : Locate a third party who can complete an <i>Address Verification Statement</i> and send it to the Career Criminal Unit. Update OffenderWatch@.		
<input type="checkbox"/>	If, after a first attempt, you can not confirm the subject lives at the residence...	
Action : Return after 48 hours from initial attempt and make one final attempt to contact subject or third party. Document the dates, times of your efforts, and observations in OffenderWatch@.		
<input type="checkbox"/>	If the subject is NOT residing at the address of record any longer...	
Action : Have a third party (current resident, relative, neighbor, or landlord) complete the <i>Address Verification Statement</i> . Complete an offense report and affidavit. Send the <i>Address Verification Statement</i> , a copy of the offense report, and a copy of the affidavit to the Career Criminal Unit. Update OffenderWatch@.		
<input type="checkbox"/>	If OffenderWatch@ has shown a new address for more than 2 business days and the subject's FL Driver License or Identification Card still has the old address...	
Action : Arrest the subject for failing to update Florida DL/ID card within 48 hours, F.S.S. 943.0435 (3 <sup>rd</sup> degree felony for Sexual Offenders) and F.S.S. 775.21 (3 <sup>rd</sup> degree felony for Sexual Predators). Per F.S.S. 322.212(5) make sure the Sexual Predator/Sexual Offender designation is on their Florida DL/ID card. Update OffenderWatch@.		
<input type="checkbox"/>	If the subject has an open warrant...	
Action : Arrest the subject wherever he/she is found. Update OffenderWatch@.		
<input type="checkbox"/>	If unable to complete an <i>Address Verification Statement</i> , please contact the Career Criminal Unit.	



# Volusia County Sheriff's Office

## Address Verification Statement

Sexual Offender/Sexual Predator/Florida Career Offender Name		
Race	Sex	Date of Birth
Address of Record		

Affiant Name	Date of Birth	Race	Sex
Affiant Address		Telephone	

*Please circle the exact boldfaced variable.*

I, \_\_\_\_\_, **reside at / manage / own / have personal knowledge of**  
the below listed residence.

Street Address: \_\_\_\_\_ Apartment or Lot #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

I hereby state that \_\_\_\_\_ **is / is not** known to me, and that  
person **has / has not** resided at the above address since \_\_\_\_\_ (approximate date).

(Additional comments of affiant): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

Sworn to this \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_,  
before \_\_\_\_\_,  
law enforcement officer, for \_\_\_\_\_.

Agency

Investigating Agency	Agency Case Number	Investigating Officer/Deputy	Officer/Deputy ID Number
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**Instructions:** Use this form to obtain an official sworn statement as to whether a Sexual Predator, Sexual Offender, or Florida Career Offender is living where they claim to live on their Driver License or Identification Card. Have the witness circle one condition in each boldface group of selections. Return the original of this form, notarized, to the Volusia County Sheriff's Office Career Criminal Unit with the Sexual Offender/Sexual Predator/Florida Career Offender Work Sheet.



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: DETECTION OF DECEPTION EXAMINATIONS**

**CODIFIED: 42.4**

**EFFECTIVE: 10-2001**

**RESCINDS/AMENDS: 42.4/07-1999**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for the use of equipment designed for the detection of deception.

**DISCUSSION**

The use of the computerized voice stress analysis (CVSA) as an investigative aid may accelerate investigations. The examiner should be highly trained in interrogations techniques. The interpretation of physiological and emotional responses recorded on the instrument in the course of an interview shall not be left to the untrained.

The services of these examiners are routinely available.

**POLICY**

It shall be the policy of the Department to utilize the CVSA as an investigative aid. It shall further be the policy of the Department that all CVSA examinations be administered only by certified examiners who have graduated from institutes that provide training for this purpose.

**PROCEDURE**

**42.4.1** The CVSA may be used, but are not limited to:

- A.** DEFENDANTS to ascertain if statements made are true;
- B.** WITNESSES to verify information given Detectives as to what they believe to be the truth;
- C.** SUSPECTS to verify information supplied, i.e., to verify alibis;
- D.** INFORMANTS to:
  - Verify information supplied to Detectives;
  - Develop additional investigative leads;
  - Locate hidden evidence.

**REQUESTS FOR EXAMINATIONS**

**42.4.2** A CVSA test should be used as a supplemental tool to investigations. It is not a substitute for a good criminal investigation and should be used only as an investigative aid.

**42.4.3** A CVSA examination shall not be utilized as the first step in an investigation.

**42.4.4** The CVSA examination is not to be used as a feint. A person is not to be asked to submit to a CVSA unless a follow through is intended.

**42.4.5** If a CVSA test is desired by an Detective:

- A.** "Request for CVSA" form will be filled out;
- B.** The form will be given to the Unit Supervisor for approval;

**42.4.6** After approval, scheduling will be between the Case Agent, the person to be examined and a CVSA examiner.

**42.4.7** The Case Agent shall be available in the event a confession is obtained during the examination.

**42.4.8** The Case Agent shall be available prior to the test date for case file review, and when the test is administered, unless excused by the CVSA examiner.



## TESTING

**42.4.9** Standard CVSA testing procedures will be used by the examiner as applicable to case facts.

### PRE-TEST INTERVIEW

**42.4.10** Pre-test Interview steps include:

- Constitutional Rights Form.
- Consent forms.
- Background information.
- Establish facts as given by person being examined.

### POST-TEST INTERROGATION

**42.4.11** If deception is indicated on the exam or inconclusive results exist, an interrogation will be initiated.

**42.4.12** If a confession is obtained, the Case Agent will be called on to obtain the confession as required and where applicable.

**42.4.13** A written report will be prepared by the examiner and a copy will be provided to the Case Agent with results of the examination shown. This will be completed as soon as possible after completion of the test.

**42.4.14** The examiner will retain copies of the file, the entire "package" of the examination, including Consent Form, charts, questions, written report.

**42.4.15** All original reports, forms and results shall be maintained by Records.

**42.4.16** The results of the examination are confidential. Any release to unauthorized persons is prohibited.

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**Revised by:** 2031

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: DEATH INVESTIGATIONS**

**CODIFIED: 42.5**

**EFFECTIVE: 05-2015**

**RESCINDS/AMENDS: 42.5/05-2013**

**ATTACHMENTS: 3**

**PURPOSE**

The purpose of this Directive is to establish procedural guidelines for the handling of death investigations by members of the Volusia County Sheriff's Office.

**DISCUSSION**

A death investigation is one of the most important examinations that a Deputy will conduct. This type of investigation must be conducted completely and professionally. Any oversight by a responding Deputy could result in a failure to detect a homicide and its perpetrator. These investigations also protect the victim's property until the estate is probated.

**POLICY**

It will be the policy of the Volusia County Sheriff's Office to investigate all deaths fully and professionally.

**PROCEDURE**

**BIOLOGICAL HAZARDS**

**42. 5.1** Officer safety shall be emphasized during any death investigation. It is strongly recommended that rubber gloves and cotton masks be worn when processing a death scene or whenever the victim is handled. All body fluids are to be considered as hazardous substances and shall be treated as such. Deputies shall be careful not to expose open cuts to any of the deceased's body fluids.

**ARRIVAL ON SCENE**

**42. 5.2** Upon arrival, Deputies responding to death scenes shall exercise extreme caution. The assumption must be made that a perpetrator is still at or near the scene, until proven otherwise. The Deputies first act shall be to check the scene for officer safety before beginning the investigation.

**42. 5.3** If emergency medical units are present, have them check the victim to verify that they are deceased. If emergency medical units are not present, the responding Deputy shall check the victim

**42. 5.4** Upon arrival at any death scene, the Deputy shall note the following:

- A.** Name of the Supervisor and other Deputies present
- B.** Names of emergency medical, rescue, and other personnel present
- C.** Location and position of the victim

**PROTECT THE SCENE**

**42. 5.5** Deputies must maintain control of the scene and protect it to preserve the integrity of the evidence. This shall be accomplished in part by:

- A.** Recording on a crime scene log the names of persons entering the premises and their activities
- B.** Allowing only those persons on the scene who are needed, i.e., Crime Scene Technicians
- C.** Identifying those who were present at time of incident, i.e., family members, friends, medical personnel
- D.** Minimize disturbance of the scene while verifying that victim is deceased

E. Remove all nonessential persons from the crime scene area. If necessary to restrict entrance to the scene, tape off an area that is larger than the visible scene. Secure the entire house if the victim is located in a room. NOTE: If the victim is visible to public view, cover the victim so no one will be offended.

F. Post a Deputy to secure the scene

G. Do not touch any weapons except in cases where Officer Safety is at issue. If there is no alternative and a weapon MUST be moved, do not unload or disassemble it. Handle it so as not to destroy any latent prints or other evidence.

**42.5.6** If the VCSO Victim Advocate or a Department Chaplain is needed, the Deputy shall instruct Central Communications to call them at this time.

**42.5.7** If not present, the Supervisor will be advised of the situation.

### **PRELIMINARY EXAMINATION**

**42.5.8** The preliminary examination shall include the following steps, at a minimum:

A. Note lighting and temperature conditions of room

B. Note exact location and position of the deceased's body

C. Record the condition of the room. (Orderly, messy, lights on or off, doors locked or unlocked etc.)

D. Describe the victim's clothing

E. If investigation thus far indicates no foul play, examine the deceased thoroughly and methodically, front to back, side to side. Look for signs of injury, i.e., visible body/head trauma, presence of blood, (not necessarily an indication of foul play), and any other signs of foul play.

F. Check for rigor mortis (may not be present)

G. Photograph the scene completely, if necessary

H. Photograph the deceased, if necessary. It is not necessary to photograph all death scenes and all deceased. If the preliminary investigation reveals that death appears to have been by natural causes, the attending physician will sign the death certificate, and no autopsy will be performed, then it may not be necessary to photograph the body and scene. If your preliminary investigation produces any suspicious or unusual circumstances, then photographs would be appropriate. Discretion should be used to minimize the trauma that may be felt by any family members that may be present.

I. Sketch the scene, if needed, and keep accurate notes

J. Look for postmortem lividity. If the settling of blood is found in an unnatural position, this may indicate the body has been moved. Determine why.

K. Obtain any available medical history and other information from family members, friends, witnesses, or personnel

L. Keep family members informed, if present, about what will be done. Ask about existence of will and where it may be found.

**42.5.9** If an Detective will NOT be responding, the Deputy shall process the scene. The Supervisor will assist, if available.

### **PROPERTY**

**42.5.10** If the spouse is not in attendance and the premises is not turned over to the next-of-kin or other persons designated, then the deputy or detective will package the residence keys and any "will" separate from other evidence or valuables and list them on a separate Property Report form. All of the above and a copy of the report shall be placed into the "will" locker at the District office.

**42.5.11** Look for any jewelry on the victim and describe type and location and whether it has been removed from the victim. If removed, note who removed it and its current location. A property report form shall be used.

**42.5.12** Inventory and seize all of the decedent's prescribed medications. Pills, capsules, and liquid levels shall be compared to the date of issue. Any extensive over usage needs to be investigated as death may be attributable to an overdose.

**42.5.13** Document and seize any firearms or easily negotiated valuables such as currency, jewelry, stocks and bonds, or credit cards that are in plain view.

**42.5.14** Secure all seized valuables in District evidence lockers prior to the end of the shift. Property shall NOT be kept in a Department vehicle overnight.

**42.5.15** The residence will not be released to relatives or unsealed without an appropriate order from the Probate Court with the following exceptions:

- A. If a family member or other designated person is not authorized to take control of the premises, family members or other authorized persons may be allowed access to the house solely for purposes of obtaining burial instructions and clothing for the deceased or to look for a "will." A Deputy or Detective who will take custody of any will that is found within the home shall accompany the person entering the home for such purposes. The Deputy or Detective shall comply with F.S. 732.901(1) and deliver the will to the Clerk of the Court, Probate Division. The home shall thereafter remain sealed until an appropriate order has been obtained from the Probate Court.
- B. A responsible person named in the decedents will, may complete section (1) or (3) of the sworn affidavit (Attachment A), at which time the decedents estate and/or property may be released or unsealed. It shall be the responsibility of the District Detective to obtain the sworn affidavit from such person.
- C. The next-of-kin of the decedent may complete section (2) or (3) of the sworn affidavit, at which time the decedents estate and/or property may be released or unsealed. Next of kin will be recognized in order of priority as follows:
- Spouse
  - Son or Daughter
  - Father or Mother
  - Legal Guardian
  - Grandson or Granddaughter (in the absence of all the above)
  - Brother or Sister
  - Aunt or Uncle
- If a legal heir or next of kin higher on the priority list objects to the release or unsealing of property to the next of kin lower in priority an order of the Probate Court shall be required.
- D. A person designated in writing by a named heir, legal heir or next of kin may complete the sworn affidavit of designated custodian of property and premises. At which time the decedent's estate and/or property may be released or unsealed. (See Attachment A, section 3)
- E. Release to owner of premises/landlord applies to rented residences or mobile home/rented lot.

#### **ATTENDING PHYSICIAN**

**42.5.16** If death was natural and no foul play is suspected and the attending physician is known, it is the duty of the deputy or detective to contact the attending physician, or his/her representative, to determine medical history and if the attending physician will sign the death certificate.

**42.5.17** Ask the attending physician, or his/her representative, if the cause of death was attributed to a previous accident or a previous deliberate act. If so, the case must be forwarded to the Medical Examiner's office.

**42.5.18** If death was natural, no foul play is suspected, and the attending physician WILL sign the death certificate, note these facts in the report and release the deceased to a funeral home. Complete those arrangements when done with the investigation.

**42.5.19** If death was natural, no foul play is suspected, and the attending physician WILL NOT sign the death certificate, secure and inventory all of the victim's prescribed medications and controlled substances using the *VCSO Medications Supplement* form (Attachment B). The report will include:

- A. the name of the substance,
- B. the quantity prescribed,
- C. the quantity remaining,
- D. the name of the person who prescribed the substance, if known or ascertainable,
- E. the date prescribed, and
- F. the name of the pharmacy, if known or ascertainable.

**42. 5.20** All prescribed medications and controlled substances inventoried at the location will be submitted to the VCSO Evidence Section for disposal.

**42. 5.21** If later found to be an overdose, a copy of the report will be sent to the Medical Examiner for further investigation.

#### **MEDICAL EXAMINER**

**42. 5.22** The Medical Examiner's Office shall be called for any death that is not determined to be by natural cause.

**42. 5.23** If an Detective will be called to the scene, the Detective will contact the Medical Examiner's Office. If no Detective will be responding to the scene, then the Medical Examiner will be contacted by the Deputy or his/her Supervisor, if necessary.

**42. 5.24** If death was natural and no foul play is suspected but the physician will not sign the death certificate, contact the Medical Examiner's office and follow their instructions.

**42. 5.25** If no physician will sign the death certificate and the Medical Examiner will not accept the case, document their reasons. Have the deceased sent to a funeral home, advise family members or other authorized persons of the problem and that the Medical Examiner's Office is working on resolving the issue.

**42. 5.26** If the Medical Examiner claims jurisdiction over the case:

- A. Request their office to arrange for transportation of the deceased when they are contacted.
- B. Coordinate with the Medical Examiner as to the completion of a RIDD (Rapid ID) fingerprint scan of the victim, to be conducted by Sheriff's Office personnel and the results documented accordingly within the report.

**42. 5.27** If the Medical Examiner claims jurisdiction over the case:

- A. Complete the Death Investigation Report (Attachment C).
- B. The Medical Examiner will arrange transportation to the morgue.
- C. Send a copy of the report to the Medical Examiner's Office, with the victim.

**42. 5.28** If the case is referred to the Medical Examiner's Office for investigation, the Deputy and/or Detective will attempt to identify any prescribed medications and controlled substances which are found on or near the deceased or among the deceased's possessions and inventory for safekeeping. The Deputy and or Detective will prepare a report using the VCSO Medications Supplement form (Attachment B). The report will include the name of the substance, the quantity prescribed, the quantity remaining, the name of the person who prescribed the substance, if known or ascertainable, the date prescribed, and the name of the pharmacy, if known or ascertainable.

- A. Identification of unlabeled medications shall be attempted and included in the inventory.
- B. The Deputy and or Detective will provide a copy of the VCSO Medications Supplement form (Attachment B) to the Medical Examiner by the end of the shift.
- C. All prescribed medications and controlled substances inventoried at the location will be secured at VCSO evidence and held for safekeeping.

#### **RTI DONOR SERVICES – LIONS EYE INSTITUTE FOR TRANSPLANT AND RESEARCH**

**42. 5.29** RTI Donor Services and Lions Eye Institute provide tissue donation services to the District 7/24 Medical Examiner's Office. Tissue donation includes: bone, skin, eyes, ligaments, tendons, heart valves, veins, bone marrow and the pericardium.

**42. 5.30** RTI Donor Services and the Lions Eye Institute are the contracted organizations for tissue procurement for all cases originating from Halifax Health Medical Center - Daytona Beach; and Halifax Health Medical Center - Port Orange, in addition to referrals for tissue donation screening directly from the Medical Examiner's Office. The role of RTI Donor Services is:

- A. Check the State of Florida donor registry (or other state of legal residence) for donor designation
- B. Speak with next of kin to obtain medical/social history as well as authorization/consent for donation
- C. Determine donor eligibility
- D. Dispatch a tissue recovery team for procurement when and if a case is cleared

**42. 5.31** The Sheriff's Office will assist in the procurement of tissue donation by acting as a liaison between the family of the deceased and RTI Donor Services / Lions Eye Institute when necessary. It is imperative the next of kin be properly notified by law enforcement before being contacted regarding tissue donation.

**42. 5.32** The Sheriff's Office will become involved in tissue donation cases only at the request of the Volusia County Medical Examiner's Office, as notified by the Medical Examiner Detective at the time of the initial investigation.

**42. 5.33** During the initial contact with the Medical Examiner Detective, the Sheriff's Office will be notified if the Medical Examiner Detective intends to refer the case to RTI Donor Services and/or the Lions Eye Institute for screening. If the Medical Examiner Detective intends to refer the case for tissue procurement the following will apply:

- A. If the next of kin has been notified, contact information for the next of kin will be provided to the Medical Examiner Detective. No further assistance from the Sheriff's Office will be needed concerning tissue procurement.
- B. If the next of kin has NOT been notified, the Sheriff's Office Deputy or Detective will provide their contact information to the Medical Examiner Detective to be given to RTI Donor Services. The Sheriff's Office Deputy or Detective will continue to make diligent efforts to notify the next of kin, as tissue procurement is limited by strict time constraint guidelines.

- C. RTI Donor Services will contact the Sheriff's Office Deputy or Detective to determine if next of kin is notified within their time constraints.

#### **TRANSPORTATION TO FUNERAL HOME**

**42. 5.34** If the deceased is to be transported to a funeral home:

- A. Attempt to locate any prearrangement.
- B. Ask family members or authorized persons if they have any preference.
- C. If a preference is shown by family, authorized persons or written report, honor this request. If no preference, contact the nearest known funeral home.
- D. If there is no attending physician who will sign the certificate, contact the Medical Examiner's Office to arrange transportation. Advise the responding funeral home to contact that office.
- E. Ensure a RIDD (Rapid ID) fingerprint scan has been completed upon the deceased prior to releasing the body to a funeral home or their transport service.

#### **SECURING THE RESIDENCE**

**42. 5.35** When the sole occupant of a home dies at the residence, it is the policy of the Volusia County Sheriff's Office to seal the residence after seizing and inventorying any easily negotiable valuables such as currency and jewelry.

**42. 5.36** If death occurred at the victim's residence and the deceased was the sole occupant of the residence:

- A. Conduct cursory examination of the residence for a will.
- B. Gather all house keys.

**42. 5.37** If the deceased was not sole occupant of home:

- A. The house does not have to be sealed if the person(s) responsible, named on the will, is present to sign the affidavit. Affidavit can be used to unseal the house if the person responsible comes into town and signs the affidavit.
- B. Determine other occupant's relationship to the deceased, i.e., spouse, friend, or family member.
- C. Determine legal right of other occupant to residence, i.e., the owner, co-owner, visitor, etc.
- D. If other occupant has no legal right to remain on property, advise that they must relocate before the Deputy leaves. Obtain all house keys. If any problems or questions develop, call the Volusia County Sheriff's Office Legal Advisor.
- E. Ensure that no pets are left unattended. If unable to find temporary assistance, (i.e., a neighbor) call Animal Control.
- F. Conduct final check to ensure that everything has been done.
- G. Before leaving, place a Volusia County Sheriff's Office business card in the residence. The card shall list the Deputy's name and the case number on it. The card shall also list the District Investigative Sergeant's name for contact when the Deputy is off duty.
- H. Secure all doors and windows.
- I. Lock residence upon leaving.
- J. Post an extra patrol house watch for the home through Communications via telephone and the briefing board at the District.

**42. 5.38** The residence will not be released to relatives or unsealed without an appropriate order from the Probate Court with the following exception:

**42. 5.39** Family members or other authorized persons may be allowed access to the house solely for purposes of obtaining burial instructions and clothing for the deceased or to look for a will. The person entering the home for such purposes shall be accompanied by a Deputy who will take custody of any will that is found within the home. The Deputy shall comply with Florida Statute 732.901(1) and deliver the will to the Clerk of the Court, Probate Division. The home shall thereafter remain sealed until an appropriate order has been obtained from the Probate Court.

**42. 5.40** If next-of-kin, as outlined in 42.5.15C, has NOT been contacted at this point, the Deputy shall:

- A. Attempt to locate any information regarding next-of-kin from residence or neighbors.
- B. Request Central Communications to teletype the law enforcement agency that has jurisdiction over any possible location of next-of-kin, to assist with notification.
- C. If no contact is made, note all attempts in the report.

**42. 5.41** If next-of-kin location HAS been determined within Volusia County, notify the VCSO Victim Advocate and Chaplain and advise them of the situation. The Victim Advocate will then make contact along with a uniformed Deputy and offer any assistance that the Sheriff's Office can provide. Document all details of contact.

#### **INVESTIGATIVE FOLLOW UP**

**42. 5.42** With any of the following listed death incidents, the Supervisor shall be present at the scene and may call both the District Detective and a Major Case Detective simultaneously.

**42. 5.43** In all cases where an detective responds to a death investigation, he or she will ensure a (RIDD) Rapid ID fingerprint scan has been completed upon the victim, coordinating with the Medical Examiner Investigator as to the timing of the scan when applicable.

**42. 5.44** Death incidents that require investigative response:

- A. Homicide
- B. Suicide
- C. In-custody death, i.e., Sheriff's Office custody or State or County correctional facility
- D. Sudden Unexpected Infant Deaths
- E. Suspicious/Foul play suspected
- F. Drowning
- G. Fire
- H. Aircraft crash
- I. Train accident
- J. Accidental gunshot death
- K. Industrial death
- L. Other deaths not covered by above that require investigative follow-up

**42. 5.45** The responding Deputy has specific responsibilities that must be carried out before the Detective's arrival on the scene:

- A. Verify that the victim is deceased. If possible, control the number of medical personnel on the scene.
- B. Examine the victim for obvious injuries or trauma.
- C. Do not touch any weapons except in cases where officer safety is an issue.
- D. Conduct preliminary investigation.
- E. Interview anyone at the scene who has information, i.e., next-of-kin, medical personnel.
- F. Protect the scene and start crime scene log.
- G. Tape off an area larger than the visible scene. Secure the entire house if the victim is located in a room.
- H. Post a Deputy at the scene.
- I. Deputies shall request that any witnesses remain at the scene until a Detective arrives and releases them.

**42. 5.46** The Deputy shall release the scene to the Detective when they arrive. The Deputy will brief the Detective as to:

- A. Type of call responded to and time responded;
- B. What action was taken upon arrival;
- C. Which emergency units were at the scene and what they did;
- D. Advise where the victim was found. If transported to a medical facility, identify the same;
- E. Describe anything that may have been moved or disturbed at the scene and why, i.e., victim or weapon moved by medical personnel;
- F. Identify any potential witnesses to the incident. They shall remain at the scene until an Detective releases them;
- G. Provide a copy of report, written statements, and any other documents to the Detective.

**42. 5.47** If a copy of the Will has been secured, place it, a copy of the report, and the keys to the residence into the "Will" locker for processing by the District Detective. Attach a completed Property Report form to the items.

#### **REPORT**

**42. 5.48** For any death investigation that requires investigative follow-up:

- A. The incident header will be "Death Undetermined."
- B. Status will be "Continued," to be followed up by Detective.

**42. 5.49** Reports shall include such details as:

- A. Time and type of call responded to

- B. Case number
- C. Time arrived
- D. Weather conditions
- E. Action taken upon arrival
- F. Which emergency units were at the scene and what action was taken
- G. Where the victim was found. If transported to medical facility, identify the same
- H. Detail anything that may have been moved or disturbed at scene and why, i.e... victim or weapon moved by medical personnel
- I. Names and identification information of any potential witnesses to the incident
- J. When applicable, the name of the person who prescribed the controlled substance, if known or ascertainable.

#### **DEATH - NATURAL**

**42. 5.50** In addition to the guidelines given above, the following procedures shall apply when investigating a death by natural causes.

- A. If the attending physician will sign the death certificate, the incident header shall read "Death Natural"; status shall be "Closed."
- B. The Patrol deputy will ensure a RIDD (Rapid ID) fingerprint scan has been completed upon the victim, the results to be documented in the original report.
- C. If any investigative follow-up is necessary to file the will at the Clerk's office, the case status will be "Closed," with the Detective doing a supplemental report documenting their activity.
- D. If follow-up is required reference next-of-kin notification, case status will be "Continued," with case being followed up by District Detectives.

**42. 5.51** If death was natural and no foul play is suspected but the physician will not sign the death certificate:

- A. Incident header shall read "Death Undetermined" and the status shall be "Continued."
- B. Inventoried medications will be submitted to the Evidence Section for "safekeeping" until conclusion of the investigation.
- C. The case file shall be given to District Detective for follow-up and status closing.
- D. Upon conclusion of the investigation, the assigned investigating deputy will promptly contact the Evidence Section in writing to authorize disposal of any medications. Note: email notification will meet this requirement; Evidence personnel will acknowledge receipt of such notice with a return email confirming receipt of notice to dispose. This correspondence will become part of the property report.

**42. 5.52** The Volusia County Sheriff's Office shall respond to Hospice patient deaths if notified and requested to respond.

**42. 5.53** If a death investigation involves a Hospice patient or other terminal illness care giving organization, a preliminary report shall be completed the same as for any other natural death.

#### **DEATH AT NON-RESIDENTIAL LOCATION**

**42. 5.54** If the victim is pronounced dead in a medical institution, make sure that the Volusia County Sheriff's Office has jurisdiction over the incident. If the onset of the incident occurred in a city it is the city's case to follow up.

**42. 5.55** Incidents of Volusia County Sheriff's Office jurisdiction:

- A. Victim arrives at hospital being coded
- B. Victim's death is believed suspicious or foul play is suspected

**42. 5.56** Get information for attending medical personnel. Ask if the attending physician will sign the death certificate.

**42. 5.57** Examine and photograph the victim. If not present, the supervisor will be advised of the situation.

**42. 5.58** Check for visible trauma/injuries.

**42. 5.59** Look for any jewelry on victim and note the same.

**42. 5.60** Contact Medical Examiner's Office and advise of the incident.

**42. 5.61** If necessary to return to the residence advise residents at this time, explaining why.

**42. 5.62** If not needed, return personal property of the victim to next-of-kin. Document with Volusia County Sheriff's Office Property Receipt form.

**42. 5.63** Determine what, if any, prescription medication the victim used and seize them.



**42. 5.64** If no family member or next-of-kin was at the medical facility, attempt notification at the victim's residence, if local. Forced entry may be used as a last resort and must be cleared by the supervisor first, unless exigent circumstances exist. Check the following:

- A. Welfare of anyone else in residence
- B. Names of next-of-kin to notify and possible telephone numbers
- C. Pets
- D. Inventory and seize medicines
- E. Funeral arrangements
- F. Cursory examination for will
- G. If necessary, lock the residence to protect the victim's property

**42. 5.65** Try to develop information by interviewing any neighbors or fellow employees.

**42. 5.66** If no next-of-kin notification is made, request that Central teletype the law enforcement agency that has jurisdiction over any locale of next-of-kin so they can assist with notification.

**42. 5.67** If next-of-kin notification is negative, forward case to District Detective for follow-up. Note all attempts and information in the report.

**42. 5.68** Follow the procedures outlined in "Securing the Residence", above.

**42. 5.69** If will has been secured, forward it and copy of the report to District Detective for processing.

**42. 5.70** The following incident headers and case status categories shall apply to deaths in non-residential/institutional locations:

- A. If attending physician WILL sign death certificate and Medical Examiner concurs, the incident header shall indicate "Death -Natural," status "Closed."
- B. If the attending physician WILL NOT sign and the Medical Examiner refuses the case, the incident header is "Death Undetermined," status "Continued." It is the District Detective's responsibility to conduct follow-up.
- C. If an autopsy is required, the incident header is "Death Undetermined," status "Continued." Follow-up is responsibility of District Detective.
- D. If the only investigative follow-up necessary is filing of will at Clerk's office, the case status is still "Closed," with the Detective doing a supplemental report documenting their activity.
- E. If follow-up is required reference next-of-kin notification, the District Investigative Unit will conduct the follow-up. Case status will be "Continued."

#### **DEATH IN A CONVEYANCE**

**42. 5.71** In addition to the guidelines given above, the following procedures shall apply when investigating a death in a conveyance.

**42. 5.72** Death Investigations in a non-residential location where the victim is located in a conveyance requires that the Supervisor respond to the scene along with the Deputy.

**42. 5.73** The Supervisor will call out the District Detective to respond if foul play is NOT suspected. If foul play or suspicious circumstances are suspected, then the Supervisor can call out both the District Detective and the Major Case Detective.

**42. 5.74** Protect and control the scene by taping off the area around conveyance.

**42. 5.75** Incident header will be "Death Undetermined," status will be "Continued", to be followed up by Detective.

#### **DEATH AT SANCTIONED MOTOR SPORTS EVENTS**

**42. 5.76** In order to minimize the traumatic impact of deaths occurring in public view at sanctioned motor sport events, it is in the public's best interest to secure and remove the victim from public view in as respectful and expeditious a manner as possible while maintaining the safety of emergency responders.

**42. 5.77** When such a death occurs in a conveyance during such an event, and the body is entrapped within the conveyance, the conveyance will be secured and removed from public view as quickly and safely as possible. The Deputy will then contact the Medical Examiner's Office. The ME Investigator will then respond and arrange for the conveyance containing the victim to be brought from the site to the Medical Examiner's Office for subsequent follow-up investigation.

**42. 5.78** Should a death occur as a result of a pedestrian/event worker being struck during an event, the body will be recovered and removed from public view to the infield or other appropriate safe area as quickly and safely as

possible. The Deputy will immediately contact the Medical Examiner's Office. The ME Investigator will then respond and arrange for removal of the body and follow-up investigation.

**42. 5.79** Should death occur within the spectator audience as a result of accidental loss of vehicle/conveyance control, flying debris, etc., the Deputy, his Supervisor and the District Detective will respond to the scene for investigation. The Supervisor will then notify Major Case and may summon additional resources as necessary, based on the incident and the number of victims.

#### **DEATH-SUICIDE**

**42. 5.80** In addition to the guidelines given above, the following procedures shall apply when investigating a death by suicide:

- A. Supervisor will respond to the scene along with the assigned Deputy.
- B. Verify that the victim is deceased. If possible, control the number of medical personnel on the scene.
- C. Do not move the victim. If the victim is found hanging, do not cut down. If there is a possibility that the victim is still living, cut above or below the knot.
- D. Examine the victim for obvious injuries or trauma.
- E. Conduct preliminary investigation. At this point take care to minimize scene disturbance. Move only what is necessary for Officer Safety and investigative need. Supervisor shall be present.
- F. Interview anyone present at the scene who has information, i.e., next-of-kin, medical personnel.
- G. If preliminary investigation indicates the incident is a suicide, the Supervisor will request both the District Detective and the Major Case Detective to respond.

**42. 5.81** The Incident header will be "Death Undetermined." Status will be "Continued" to be followed up by Detective.

#### **ATTACHMENT**

**ATTACHMENT A:** RELEASE OF PREMISE/PROPERTY PENDING PROBATE – SWORN AFFIDAVIT (VC SO #071510.001)

**ATTACHMENT B:** VC SO MEDICATIONS SUPPLEMENT (VC SO # 050312.001)

**ATTACHMENT C:** DEATH INVESTIGATION REPORT-M.E. (VC SO # 010606.001)

Revised by: 2931

Revised on: 05-05-15

Approved: 01-01-17



**Michael J. Chitwood**  
**Sheriff, Volusia County**

**STATE OF FLORIDA  
COUNTY OF VOLUSIA**

**RELEASE OF PREMISE/PROPERTY PENDING PROBATE - SWORN AFFIDAVIT**

Before me personally appeared \_\_\_\_\_ who being first duly sworn, deposes and says:

1. I, \_\_\_\_\_, affirm that I am named in the will of \_\_\_\_\_, who died on \_\_\_\_\_, as the Personal Representative of his/her estate. As the named Personal Representative, I have a legal right to take possession of the property of the decedent which is in the possession of the Volusia County Sheriff's Office, pending Probate of the will,

**or**

2. I, \_\_\_\_\_, am a legal heir to the estate of \_\_\_\_\_, who died on \_\_\_\_\_. To the best of my knowledge and belief, the decedent died without having executed a will. I hereby affirm that I have the authority of all other legal heirs to take possession of the property of the decedent which is in the possession of the Volusia County Sheriff's Office, pending Probate or other legal disposition of the property,

**or**

3. I, \_\_\_\_\_, am the (circle one) Personal Representative/ legal heir to the estate of \_\_\_\_\_, who died on \_\_\_\_\_. I hereby designate \_\_\_\_\_ to take possession of the premises and property thereunto in my stead pending Probate or other legal disposition of the property.

I agree to release, acquit, satisfy and forever hold harmless the Volusia county Sheriff's Office and the County of Volusia from any claims, demands, damages, expenses or costs of whatever nature for injuries, losses, and damages of any and every kind associated with the actions of the Volusia County Sheriff's Office in releasing said property to me.

I (Swear) (Affirm) that the above information is true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public State of Florida or Law Enforcement Officer

\_\_\_\_\_  
(Print, Type or Stamp commissioned Name of Notary Public)  
Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_



Incident Type		Location of Incident		
Date Reported	Time Reported	Connecting Report/Agency	Incident Number	

[illegible]

Recording Deputy/DID Number: \_\_\_\_\_

Page \_\_\_\_ of \_\_\_\_

Office of the Medical Examiner  
District 7 and 24  
DEATH INVESTIGATION REPORT  
Death Reporting (386) 252-4911 or (800) 323-3822  
**Office Telephone (386) 258-4060 Fax (386) 258-4061**

Law Enforcement Agency: \_\_\_\_\_ Law Enforcement Case #: \_\_\_\_\_

Law Enforcement Officer: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Deceased: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_ SSAN: \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Death: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ By Whom: \_\_\_\_\_

Last Seen Alive or Incident Where: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ By Whom: \_\_\_\_\_

Identified How/By Whom: \_\_\_\_\_

Next of Kin: \_\_\_\_\_

Address/Telephone Number: \_\_\_\_\_

Next of Kin Notified and by Whom: \_\_\_\_\_

Local Physician/Telephone Number: \_\_\_\_\_

History and Pertinent Findings: \_\_\_\_\_

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**FAX COMPLETED FORM TO (386) 258-4061**



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Written Standards Directive**

**TITLE: CONFIDENTIAL INFORMANTS**

**CODIFIED: 42.6**

**EFFECTIVE: 09-2019**

**RESCINDS/AMENDS: 42.6/03-2016**

**ATTACHMENTS: 10**

**PURPOSE**

The purpose of this Directive is to provide guidelines for the use of confidential informants.

**DISCUSSION**

Law enforcement agencies regularly use non-law enforcement individuals, termed Confidential Informants (C.I.), to make contact with or provide information about criminals and/or criminal activity to assist in their investigations. The use of confidential informants in undercover operations improves law enforcement efforts to reduce crime and remove dangerous criminals from the community.

Due to the inherent risks and dangers associated with undercover operations and because most confidential informants are not trained law enforcement personnel, the Volusia Sheriff's Office takes special care to evaluate the abilities of the confidential informant to perform the required tasks of the undercover operation.

As an extension to law enforcement agencies, participation of confidential informants creates operational, supervisory and administrative situations with a potential for adverse consequences that may be detrimental and dangerous to both the informant and to others. Past experience has demonstrated that careful, precise documentation and close supervision at all times of confidential informants diminishes the number and seriousness of problems encountered and assists in maintaining safety of all persons involved.

In accordance with Rachel's Law enacted July 1, 2009, the Volusia Sheriff's Office utilizes the following procedural guidelines to address recruitment, selection and utilization of confidential informants.

**POLICY**

It shall be the policy of the Volusia Sheriff's Office to cultivate the use of individuals wishing to cooperate with law enforcement and to aid with the investigative process through use of a structured, well documented and supervised Confidential Informant protocol.

It shall also be the policy of the Volusia Sheriff's Office that the first priority of such operations is the safety of the persons involved, including the confidential informant, agency personnel, target offender(s) and the public. Operational decisions and actions regarding the use of Confidential Informants will require utmost care and judgment in order to minimize the risk of harm to all persons involved.

In order to ensure the proper security for, documentation, and supervision of confidential informants, hereafter termed C.I.'s, the following procedures shall be followed by all personnel.

**DEFINITIONS**

**A. CONFIDENTIAL INFORMANT (CI):** Any person who, by reason of his or her familiarity or close association with suspected or actual criminals, or:

- Who can make a controlled buy or controlled sale of contraband, controlled substances, or other items material to a criminal investigation;
- Who can or does supply regular or constant information about suspected or actual criminal activities to a law enforcement agency;

- Who can otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts;
- And who may be, through such efforts, seeking to improve his or her status in the criminal justice system.

NOTE: A person's improved status in the criminal justice system may include, but is not limited to, avoiding an arrest, a reduction or modification of a sentence imposed or to be recommended to be imposed upon him or her, or a reduction or modification of charges pending or anticipated to be placed against him or her and whose association or cooperation with law enforcement must remain unknown to those about whom the information is provided or with whom one or more transactions occur.

- B. CONTROLLED BUY:** The purchase (or attempted purchase) of contraband, controlled substances, or other items material to a criminal investigation from a target offender which is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of the confidential informant.
- C. CONTROLLED SALE:** The sale (or attempted sale) of contraband, controlled substances, or other items material to a criminal investigation from a target offender which is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of the confidential informant.
- D. TARGET OFFENDER:** The person whom law enforcement personnel suspects will be implicated by the activities of a confidential informant.

## PROCEDURE

**42.6.2** Except in emergency situations, personnel shall not use a confidential informant in any capacity until such time as they have been properly documented, reviewed and approved for use by the Law Enforcement Operations Division (LEOD) Chief, or designee.

**42.6.3** Factors to be considered in recruiting and assessing the suitability of a C.I. prior to the informant's utilization shall include, but not be limited to:

- A.** The informant's age and maturity;
- B.** The risk the informant poses to adversely affect a present or potential investigation or prosecution;
- C.** The effect upon agency efforts that the informant's cooperation becoming known in the community may have;
- D.** Whether the person is a substance abuser, has a history of substance abuse, or is known by the lead detective or deputy to be involved in a court-supervised drug treatment program or drug-related pretrial intervention program;
- E.** The risk of physical harm that may occur to the person, his or her immediate family, or close associates as a result of providing information or assistance, or upon the person's assistance becoming known in the community;
- F.** Whether the person has shown any indication of emotional instability, unreliability, or of furnishing false information;
- G.** The person's criminal history and/or prior criminal record
- H.** Whether the nature of the matter being investigated is such that the use of the informant is important to, or vital to, the success of the investigation.

**42.6.4** Any person who is requested to act as a confidential informant shall, upon request, be afforded the opportunity to consult personal legal counsel prior to agreeing to serve as a C.I.; such counsel will be secured at cost to the individual, not the agency.

**42.6.5** Personnel utilizing confidential informants facing criminal charges will clearly indicate to the C.I. that the agency cannot make promises or inducements such as a grant of immunity, dropped or reduced charges, or reduced sentences or being placed on probation, and that the value (if any) of the confidential informant's assistance and any effect that assistance may have on pending criminal matters can only be determined by the appropriate legal authority.

**42.6.6** All personnel involved in the utilization of confidential informants shall first receive documented training to include the agency's written directives and a PowerPoint presentation on Rachel's Law.

**42.6.7** Confidential informants will be advised of conditions, restrictions and procedures associated with his or her participation in the investigative or intelligence-gathering activities and shall be required to read and sign a C.I. Code of Conduct prior to utilization.

**42.6.8** Deputies utilizing a member of the opposite sex as a C.I. shall exercise extreme caution in order to prevent any allegations of misconduct.

**42.6.9** As a precautionary measure two Deputies should be present at meetings with informants.

- 42.6.10** When Detectives meet with an informant of the opposite gender, at least two Detectives shall attend the meeting.
- 42.6.11** Contacts with confidential informants will be for official purposes. No relationship will be developed which may be construed by continuing circumstances as "social" in nature.
- 42.6.12** Meetings with confidential informants in or around Sheriff's Office facilities will be strictly controlled; Detectives will not meet a CI at the Detective's residence nor at any other Sheriff's Office member's residence unless first cleared by the Law Enforcement Operations Division Chief, or designee.
- 42.6.13** Confidential informants will not be a party to any information concerning investigations conducted by this or any other Department and will be a party to only that information/investigation which directly concerns them.
- 42.6.14** C.I.'s shall not be allowed to meet or view any undercover officers or other C.I.'s with whom they will not be directly involved.
- 42.6.15** No contact will be made with a terminated C.I. without the expressed documented permission of a supervisor.
- 42.6.16** C.I.'s will not be made a part of the planning of operations or investigations, except for those areas in which they are directly involved.
- 42.6.17** Detectives shall periodically and without prior warning conduct a check on their informants to ensure compliance with the code of conduct provisions. Failure of the C.I. to submit will result in the termination of their status as a C.I.
- 42.6.18** Detectives shall at all times strive to control the actions of C.I.'s.
- 42.6.19** When interviewing prospective informants, attempts shall be made to identify their motivation and mental stability.
- 42.6.20** Deputies/Detectives will regard these factors when dealing with C.I.s.

## **DOCUMENTATION**

- 42.6.21** All individuals meeting the definition and/or being used in the capacity of a confidential informant by Detectives or paid/active informants for other divisions shall be documented as follows:
- 42.6.22** A complete background check to include criminal history, drivers license history and status, current status in the criminal justice system and any previous documentation with any other agency with which they have been involved as a C.I.
- 42.6.23** A master data file form will be filled out, dated and signed by the Deputy employing the C.I.
- 42.6.24** A current photo will also be attached to the form.
- 42.6.25** Inquiries received from other agencies about the C.I. can also be logged on the back of this form.
- 42.6.26** A confidential informant consent form will be filled out, dated and signed by the informant and at least one witness.
- 42.6.27** A confidential informant code of conduct form will be filled out, dated and signed by the informant and at least one witness.
- 42.6.28** The informant's fingerprints will be taken and/or a recent copy may be obtained from Tech Services for identification purposes.
- 42.6.29** A statement of understanding form will be signed by the informant and at least one witness.
- 42.6.30** The informant's activity shall be logged into a data base maintained by the Narcotics Investigations Commander.
- 42.6.31** The database will have the date, case number and a brief synopsis of the involvement.
- 42.6.32** If an informant receives any funds, for whatever reason, they will sign a "Receipt/Investigative Funds Report". Copies will be maintained in accordance with Directive 43.3 Confidential Funds.
- 42.6.33** If for some reason the informant is unable to sign the receipt for the funds at the time that they receive them, they shall do so as soon as possible. If this cannot be done, the Detective paying the funds should write a brief explanation of why in the synopsis section of the form. An attempt should be made by the Detective to have a witness present during the transaction and to have the witness sign the form also.



## **INFORMANT PAYMENTS**

**42.6.34** Generally, Detectives will not hire or pay informants for intelligence information or their participation in investigations. However, there may arise occasions where informant information or participation in a case may warrant a payment of a fee.

**42.6.35** Informant fees will be in the form of expenses incurred by an informant during the course of an investigation and shall be paid on a case by case basis. The amount and frequency of expense money paid will have prior approval from and be determined by a Division Supervisor.

**42.6.36** There will be no oral agreements for expense money and all such payments will be documented on a receipt form signed by the informant.

**42.6.37** Expense money does not include reward monies or percentages of seizures and/or forfeitures of money or property. Examples of expense money are: meals, gas money, phone tolls, vehicle rental or phones.

## **INFORMANT FILES**

**42.6.38** Informant files will be considered highly confidential and to ensure their confidentiality and provide for their security, the following guidelines will be adopted:

**42.6.39** Confidential files will at all times be kept in a locked file cabinet and stored in a secured area.

**42.6.40** Access to the files will be limited to the Law Enforcement Operations Division Chief or designee.

**42.6.41** Requests for confidential informant information will be directed to the Law Enforcement Operations Division Chief or designee. The information shall be logged in the informants file on the master data file form to include the person's name that accesses such records and the date of access.

**42.6.42** Once the Law Enforcement Operations Division Chief or designee has reviewed the documentation and approved the use of a C.I., he/she will issue a C.I. number that will be unique to that particular C.I. This number will be a sequential number that is prefixed by the current year.

**A.** Example: 04-001 would indicate the first informant signed up in the year 2004. 04-002 would indicate the second informant signed up in the year 2004.

**B.** This number will be taken from a digital Master C.I. Log Book that will contain the following:

- C.I. sequential number
- Date assigned
- Requesting Deputy's name and identification number
- Assigning supervisor's identification number

**42.6.43** In addition to the original CI file/ packet containing all original signed acknowledgements and required documentation, a digital log will be filled out and indexed by C.I. number. The digital log and digital Master Log Book will be kept in the locked file cabinet with the C.I. files.

**A.** The digital log will contain the following information:

- The C.I. number
- The C.I.'s full name (Last, First Middle Suffix)
- C.I.'s Race/Sex
- C.I.'s Date of Birth (mm/dd/yyyy)
- Comments (aka, termination information, special conditions, etc.)
- Unit signing up the C.I.
- Detective signing up the C.I.

**B.** The sergeant for each unit signing up a C.I. will keep a digital log by year of their respective C.I.'s which will be kept in a locked file cabinet and will contain the following information:

- The C.I.'s number
- The date the C.I. was signed up
- The detective signing up the C.I.
- The C.I.'s full name
- The C.I.'s race/sex
- The C.I.'s address
- The C.I.'s date of birth
- The C.I.'s contact numbers

- Whether the C.I. is working off charges
- What the C.I.'s general history is
- If we have a copy of the C.I.'s prints
- If we have a copy of the C.I.'s photo
- What type of activity the C.I. is doing
- Notes on the C.I. (aka, termination information, special conditions, etc.)

**42.6.44** An informant's file will contain all the required forms as described in this Directive.

#### **STORAGE AND SECURITY OF ELECTRONIC DATA**

**42.6.45** Digital files/data will be maintained via an independent drive apart from the network (e.g. disk; thumb drive). The media source will be kept secured in the locked file drawer/cabinet. No unauthorized access is allowed.

**42.6.46** Each task force supervisor will be responsible for updating and securing their respective digital log. A digital Master Log book will be maintained by the Law Enforcement Operations Division Chief's designee in charge of narcotics investigations.

#### **SPECIAL CONSIDERATIONS**

**42.6.47** The use of confidential informants is an issue which must be approached with caution, and the use of certain types of individuals requires even stricter supervision guidelines. Some situations which will require special considerations are:

##### **JUVENILES**

**42.6.48** No person under the age of 18 will be recruited as a C.I. without the knowledge and written consent of the juvenile's parent or legal guardian and the knowledge and approval of the Law Enforcement Operations Division Chief, or designee.

**42.6.49** The use of a juvenile as a C.I. is discouraged except under the most extreme circumstances where other investigative means are unavailable.

##### **PROBATION AND PAROLE**

**42.6.50** An individual on probation, parole, community release or any other supervised or unsupervised program shall not be used as a C.I. without the full knowledge and consent of the person or agency maintaining jurisdiction over the individual.

**42.6.51** This does not preclude the use of/nor pertain to juveniles or individuals on probation or parole if they are an unwitting participant in an ongoing investigation.

**42.6.52** In order to utilize an informant who is currently on probation, the Detective is required to seek approval from their immediate supervisor, Assistant State Attorney, and Judge who has jurisdiction over the probationer. The approval process will also require the detective to notify and seek input with the individual's Probation Officer.

**A.** All communications with Assistant State Attorney, Probation Officer and Judge will be by telephone or in person in order to maintain confidentiality of the process.

##### **42.6.53** Procedure for Using Criminal Informants on Probation:

**A.** The Detective will complete all related confidential informant documents as stated in 42.6.21 through 42.6.29 and review with supervisor for approval. (Do not assign C.I. Number)

**B.** Meet with Assistant State Attorney to discuss use of the informant. If the ASA agrees with use of informant, ASA and Detective will contact the assigned Probation Officer and notify them of intent to utilize the probationer as criminal informant for a specific date range including an end date. The detective and ASA will evaluate the Probation Officer's input with said use of the informant and determine risk versus benefit with the informant's participation in the case.

**C.** Detective and Assistant State Attorney will meet with the Supervising State Attorney for final review/ approval.

**D.** If approved, an order changing the probation status to administrative probation\* will be prepared for the Judges review and an in-camera hearing will be scheduled between detective and Judge. The order will expire on the date stated and probation status will revert back to original conditions.

**E.** The amended probation order will be sealed by the court and all court records, probation records or State Attorney records will not be discoverable unless legally compelled.

**F.** No additional fees to probationer for status change.

G. Notice of hearing will not be sent to probationer's previous legal counsel.

H. Review with Judge should be in chambers however, a Judge may schedule the hearing on court docket. (Consult with ASA if this occurs).

**NOTE:** *\*Administrative Probation* is a form of non-contact supervision, non-reporting status. Periodic record checks are completed to ensure the offender has not violated the law.

#### **ACTIVE PARTICIPANT CONFIDENTIAL INFORMANTS**

**42.6.54** The following controls shall apply when using a C.I. as an active participant during an investigation, be it to make introductions or to actually purchase drugs, contraband or other unlawful objects:

**42.6.55** If the informant is to be wearing any type of recording or transmitting device, then they must sign a "Permission to Intercept Oral Communications" form. This authorization will cover a 24-hour period, after which the form will be initialed and dated by the CI for every instance thereafter.

**42.6.56** If the informant is to purchase evidence, they will be subject to a thorough search of their person prior to and immediately after the transaction.

**42.6.57** If a vehicle is to be used by the C.I., then a thorough search of the vehicle to be used will be conducted prior to and as soon as practical after the transaction.

**42.6.58** Once the search of the C.I. and the vehicle has been conducted, a continued surveillance to, during, and from the transaction shall be conducted.

**42.6.59** A thorough debriefing of a C.I. involved in any transaction should be conducted. The debriefing should be in the form of a written statement.

#### **DEACTIVATION/TERMINATION OF CONFIDENTIAL INFORMANTS**

**42.6.60** The decision to terminate a C.I. will be made by the Law Enforcement Operations Division Chief, or designee, based on supervisory input and review of code of conduct violations.

**42.6.61** The detective controlling the C.I. will verbally communicate the termination to the C.I.; this termination will be documented and included within the C.I. file.

#### **FILE MAINTENANCE**

**42.6.62** The Law Enforcement Operations Division Chief or designee shall continually monitor the C.I. files to ensure security, that they are up to date and in compliance with policies and procedures. Once an individual has been documented as a C.I. the file will be maintained regardless of the informant's status.

**42.6.63** A confidential informant will be terminated for the following reasons:

- A. Repeated failures to keep appointments, court dates, return telephone calls, or follow through on legitimate requirements
- B. Violations of the informant's code of conduct
- C. Misrepresenting facts
- D. Repeated failure to follow the case agent's instructions
- E. Any incident, circumstances or information which would cause a loss of informant credibility

**42.6.64** Once terminated, a memorandum shall be placed in the informant's file detailing the reasons for termination.

**42.6.65** Retention of confidential informant files will be in accordance with the guidelines set forth in Florida General Records Schedules, GS-2, item #199. Destruction will be by burn and witnessed by at least one additional detective.

#### **ADMINISTRATIVE REVIEW**

**42.6.66** The Professional Standards Section will conduct periodic documented reviews of the confidential informant practices to ensure conformity with agency policy, procedures and legal requirements.

**42.6.67** Nothing contained herein shall be considered to create a substantive or contractual right, or entitlement for any person.

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**Revised by:** 6760  
**Revised on:** 09-2019

**Approved:**

A handwritten signature in black ink, appearing to read 'MJC', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>SEXUAL PREDATORS/OFFENDERS</b>
<b>CODIFIED:</b>	<b>42.7</b>
<b>EFFECTIVE:</b>	<b>06-2018</b>
<b>RESCINDS/AMENDS:</b>	<b>42.7/03-2015</b>
<b>ATTACHMENTS:</b>	<b>3</b>

**PURPOSE**

The purpose of this Directive is to establish procedures to manage, control, and ensure the compliance of residential restrictions of Sexual Predators and Sexual Offenders residing within Volusia County and to enforce all applicable state laws.

**DISCUSSION**

Sexual Predators and Sexual Offenders are responsible for criminal sexual activity against society. The Department has an obligation to identify Sexual Predators and Sexual Offenders and ensure that a coordinated responsive effort towards successful prevention and prosecution is realized.

**Address Verification:** According to Florida Statute 943.0435(6) and Florida Statute 775.21(8), the Sheriff and local law enforcement agencies are responsible for verifying the addresses of Sexual Offenders and Sexual Predators who are not under supervision of the Department of Corrections but may verify the addresses of Sexual Predators and Sexual Offenders who are under the care, custody, control, or supervision of the Department of Corrections.

Sexual Predators and Sexual Offenders are required to report IN PERSON, within 48 hours, to the sheriff's office in the county in which the offender establishes or maintains a permanent, temporary, or transient residence; or being released from the custody, control, or supervision of the Department of Corrections or from the custody of a private correctional facility; or in the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for registration if the offender is not in the custody or control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility. Additionally within 48 hours upon changing a permanent, temporary, or transient residence after the initial registration, the sexual predator / offender shall report in person at a driver license office of the Department of Highway Safety and Motor Vehicles, and obtain a driver license or identification card that complies with the requirements of s.943.0435, s. 775.21, s. 322.141(3) or updated under s. 944.607..

If the offender cannot be located or verified as living at the address shown on the driver's license then an arrest warrant must be obtained. Probable cause must be documented in the affidavit indicating the Sexual Predator or Sexual Offender knew of his/her responsibilities. A sworn affidavit accompanied with a VCSO Address Verification Form is required to show the Sexual Predator or Sexual Offender was in violation of s. 943.0435.

**Florida Sexual Predators Act:** Florida Statute 775.21 requires the Florida Department of Law Enforcement (F.D.L.E.) to register and maintain a computer database of all persons who commit certain sex offense violations after October 1, 1993, who fit the statutory definition of a Sexual Predator. This Act further requires local law enforcement to verify the address of the Sexual Predator and notify the community of the Sexual Predator's presence.

**Jessica Lunsford Act:** In 2005, House Bill 1877 (The Jessica Lunsford Act) amended the Florida Sexual Predators Act and Florida Statute 943.0435. This Act requires Sexual Predators and Sexual Offenders to register with the Sheriff's Office of their county of residence within 48 hours of moving to the county from out of state, or within 48 hours of being released from prison or supervision. It further requires that each Sexual Predator and Sexual Offender reregister quarterly or bi-annually (as determined by FDLE) with the Sheriff's Office.

**Adam Walsh Act:** In 2006, HR4472 (The Adam Walsh Act) was enacted to protect the public, in particular children, from violent sex offenders via a more comprehensive, nationalized system for registration of sex offenders. The act states that the Attorney General will issue guidelines and regulations in interpretation and implementation of the legislation. The act calls for state conformity to various aspects of sex offender registration, including information that

must be collected, duration of registration requirement for classifications of offenders, verification of registry information, access to and sharing of information, and penalties for failure to register as required.

**Sexual Predator:** Florida Statute 775.21 defines a Sexual Predator as a person who has been convicted of a capital, life, or first degree felony violation, or any attempt thereof, of s. 787.01 or s. 787.02, where the victim is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a violation of any felony violation, or any attempt thereof, of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity was involved in at least one sexual offense listed above or at least one offense listed above which had a sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court has made a written finding that the racketeering activity was involved in at least one sexual offense listed above or at least one offense listed above which had sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a similar law of another jurisdiction or the offender has not received a pardon for any felony or similar law of another jurisdiction.

**Sexual Offender:** Florida Statute 943.0435 defines a Sexual Offender as a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed above or at least one offense listed above which has sexual intent or motive; or any similar offense committed in this state which has been re-designated from a former statute number to one of those listed above; or has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described above, or by a sanction imposed in this state or in any other jurisdiction which includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility. A "Conviction" means: the person has been determined guilty as a result of a plea or a trial, regardless of whether adjudication is withheld.

## POLICY

It is the policy of the Volusia County Sheriff's Office to aggressively track and maintain close contact with Sexual Predators and Sexual Offenders released from the Florida State Prison system, or any other sanction from another jurisdiction, including federal, to the Volusia County area. The Volusia County Sheriff's Office will work closely with other local law enforcement agencies toward this goal.

## PROCEDURE

### CAREER CRIMINAL UNIT RESPONSIBILITIES

**42.7.1** The Career Criminal Unit is the Sheriff's designee for coordination of all Sexual Predator and Sexual Offender compliance and enforcement operations. The Unit shall be the primary point-of-contact for all Sexual Predator and Sexual Offender matters and the liaison to the FDLE Florida Offender Registration and Tracking Services (FORTS).

**42.7.2** The Career Criminal Unit shall handle the registration process involving Sexual Predators and Sexual Offenders, as well as notification to Districts or police departments of statutorily required address verifications and community notifications.

**42.7.3** The Career Criminal Unit shall have the authority to delegate field investigations involving matters of Sexual Predator and Sexual Offender non-compliance, address verifications, and similar matters, to the District Commander or their designee. By mutual agreement between the Sheriff and local Police Chiefs, the Career Criminal Unit shall have the authority to delegate similar field investigations to police chiefs or their designee as indicated in the Memorandum of Understanding with all Police Chiefs within Volusia County.

## DISTRICT AND POLICE DEPARTMENT RESPONSIBILITIES

**42.7.4 Community Notifications:** District Commanders and Police Chiefs are responsible for effecting community notifications of the presence of Sexual Predators in their jurisdiction in the manner described by statute. Additional requirements are described below.

**42.7.5 One-Thousand Foot Rule:** This rule applies to Sexual Predators and Sexual Offenders who have been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence. This law applies to any person convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 if such offense occurred on or after May 26, 2010 for out-of-state conviction and October 1, 2004 for in-state convictions, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

**42.7.6** The Department of Corrections-Probation and Parole Office, in conjunction with the Career Criminal Unit are responsible for determining the location of acceptable residences for Sexual Predators and Sexual Offenders who are under supervision. This also includes those Sexual Predators and Sexual Offenders who are under Federal Supervision. Cities under contract with the Sheriff's Office for law enforcement services may further extend the boundary by local ordinance.

**42.7.7** District Commanders are responsible for effecting **monthly** Address Verifications on Sexual Predators residing temporarily or permanently in their district, excluding those within municipalities having their own police department. No further notification from the Career Criminal Unit is required unless the offender changes his or her address or commits a new law violation

District Commanders are responsible for effecting Address Verifications **quarterly** on Sexual Offenders residing temporarily or permanently in their district, excluding those within municipalities having their own police department.

## INVESTIGATING DEPUTY RESPONSIBILITIES

**42.7.8** The investigating deputy shall document Address Verification checks in the OffenderWatch® program after each visit to the Sexual Predator's or Sexual Offender's address.

**42.7.9** The *Career Criminal Worksheet* serves as a checklist for action and also a sworn affidavit. The *Career Criminal Worksheet* is required only when the Sexual Predator or Sexual Offender cannot be physically located at the residence by the deputy. The originals of this form shall be sent to the Career Criminal Unit.

**42.7.10** Address Verification by the District should meet the following minimum standards. These standards satisfy the State Attorney's Office requirements for prosecution of Sexual Predators and Sexual Offenders. After completing any of the following actions, the information will be entered into OffenderWatch®:

- A. A warrant check will be completed on the Sexual Predator or Sexual Offender prior to or during contact. If an arrest warrant is served, then further address verification requirements are not necessary unless the Sexual Predator or Sexual Offender returns to the same address upon release from incarceration.
- B. All address verifications will be completed by the Deputy or Detective in person only; **telephonic or electronic (e-mail, text) verifications are not permitted.**
- C. If the Sexual Predator or Sexual Offender is located at the residence as indicated on his/her Florida driver's license or identification card, there is no violation.
- D. The Deputy or Detective must also verify that the Sexual Predator's or Sexual Offender's Florida Driver's License have the identifiers "**Sexual Predator**" or **s.943.0435** on the face of the driver's license or ID Card. If the Florida driver's license or identification card does not contain these indicators, the Sexual Predator or Sexual Offender should be arrested for the violation, a third degree felony.
- E. If there is any attempt made by the Sexual Predator or Sexual Offender to cover, conceal or disguise the "**Sexual Predator**" or "**s.943.0435**" identifiers on the Florida driver's license or identification card the Sexual Predator or Sexual Offender should be arrested for the violation under s. 322.141 (3), a third degree felony.
- F. If the Sexual Predator or Sexual Offender is NOT living at the residence shown on his/her Florida driver's license or identification card, and the subject has lived at a new unreported residence for at least 48 hours (excluding weekends and holidays), the Sexual Predator or Sexual Offender should be arrested for failing to update their Florida driver's license or identification card as a Sexual Offender, Florida statute 943.0435 (3<sup>rd</sup> degree felony),

or failing to update their Florida driver's license or identification card as a Sexual Predator, Florida statute 775.21 (3<sup>rd</sup> degree felony). Send the original *Career Criminal Worksheet* and copy of charging affidavit to the Career Criminal Unit.

- G. If the subject is NOT residing at the residence any longer, have the current resident, relative, neighbor, or landlord complete an *Address Verification Statement* (Page 2 of the *Career Criminal Worksheet*). If there is no one at the residence, make a follow-up attempt to contact someone there after 48 hours. Canvass the neighborhood to find a witness that can complete an Address Verification Statement. Return the *Career Criminal Worksheet* to the Career Criminal Unit.
- H. If, after a first attempt, the deputy cannot confirm the subject lives at the residence, he/she should return after 48 hours from initial contact and make one final attempt to contact the subject. The deputy shall document the dates and times of his/her efforts and observations in OffenderWatch@.
- I. All successful and unsuccessful attempts should be documents in CAD. If after three attempts to verify a Sexual Predator or Sexual Offender address the Deputy or Detective is unable to have a witness complete an Address Verification Form, the Deputy or Detective should complete a Police Information report indicting all attempts to contact the Sexual Predator or Sexual Offender were unsuccessful. The report must be forwarded to the Career Criminal Unit for further follow-up investigation.

**42.7.11** The following information resources shall be used in support of Address Verification:

- A. The FDLE Sexual Predator/Offender Database through the CJNet. This is a law enforcement only website that provides the most up-to-date information on Florida Sexual Predators and Sexual Offenders to include the latest official address as reported to DHSMV.
- B. The Volusia County Sheriff's Office OffenderWatch@ Database provides the most recent law enforcement activity regarding Sexual Predators and Sexual Offenders in Volusia County.
- C. D.A.V.I.D. provides the most recent driver's license or identification card image, address, and motor vehicle registrations for Sexual Predators and Sexual Offenders in Florida.
- D. NCIC/FCIC - A criminal warrants check is completed
- E. The Volusia County Criminal Justice Information System (CJIS) will determine the custody status of a subject. Screen F will identify the cell and days in custody if the subject is still in custody.
- F. A Florida prison inmate check through CJNet provides information on inmate status.
- G. A federal inmate locator at <http://bop.gov/> checks if a subject is in federal custody (post adjudication).
- H. A nationwide Internet search (various sites available).
- I. The Career Criminal Unit records, registrations, Notice of Responsibility forms and intelligence files.
- J. A new criminal history report that may show a new arrest in another jurisdiction.

## **SEXUAL PREDATORS**

**42.7.12** A Sexual Predator must register with the Sheriff's Office within 48 hours after establishing or maintaining a permanent or temporary residence within Volusia County.

**42.7.13** Registration through the Volusia County Sheriff's Office shall be conducted in the following manner:

- A. The Volusia County's Sheriff's Office registration is conducted between the hours of 0900-1100 and 1300-1500 hours, Mon - Fri at the Operations Center, excluding holidays.
- B. The Career Criminal Unit is responsible for the completion of all Sexual Predator registrations.
- C. The Latent Print Unit will complete photographs and ten-print cards and palm prints for the new Sexual Predators and as needed.

**42.7.14** The Sexual Predator must notify DHSMV of any change in permanent or temporary residence within 48 hours after arrival at the new residence. The Sexual Predator will report to the Department of Motor Vehicles (DHMSV) and update their Florida driver's license or identification card. Per F.S. 322.141(a), the Florida driver's license or identification card must display the wording "**Sexual Predator**".

**42.7.15** The Career Criminal Unit must notify the Chief of Police or their designee of the residence where the Sexual Predator is residing within 48 hours of the initial registration or address change. The Career Criminal Unit shall make this notification via email. If the Sexual Predator is temporarily or permanently residing in an unincorporated area of



the county or within a city contracting law enforcement services with the Sheriff's Office, the appropriate District shall be notified by the Career Criminal Unit via email.

**42.7.16** State law requires law enforcement agencies to inform members of the community and the public of a sexual predator's presence. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator establishes or maintains a permanent or temporary residence shall notify members of the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. Within 48 hours after receiving notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify each licensed child care facility, elementary school, middle school, and high school within a 1-mile radius of the temporary or permanent residence of the sexual predator of the presence of the sexual predator. Information provided to members of the community and the public regarding a sexual predator must include the name of the sexual predator, a description of the sexual predator, including a photograph, the sexual predator's current permanent, temporary, and transient addresses, and descriptions of registered locations that have no specific street address, including the name of the county or municipality if known, the circumstances of the sexual predator's offense or offenses, and whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult. The Sheriff is not authorized the release of the name of any victim of the sexual predator. The sheriff or the police chief may coordinate the community and public notification efforts with the department. Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel. The department shall notify the public of all designated sexual predators through the Internet. The Internet notice shall include the information as stated above

The Sheriff delegates this responsibility to the District Commander or Police Chief of the area concerned.

**42.7.17** Within 48 hours after receiving notification of the residence of a Sexual Predator in an unincorporated area or within a city contracting law enforcement services with the Sheriff's Office, the District Commander where the Sexual Predator establishes or maintains a permanent or temporary residence shall additionally notify each private school and place of worship (church, synagogue, mosque, temple, etc) within a 1-mile radius of the temporary or permanent residence of the Sexual Predator of the presence of the Sexual Predator.

**42.7.18** Upon notification of the presence of a Sexual Predator, the District Commander or the Chief of Police of the municipality where the Sexual Predator establishes or maintains a permanent or temporary residence shall notify the community and the public of the presence of the Sexual Predator in a manner deemed appropriate by the Sheriff or the Chief of Police. Florida Statute mandates community and public notification.

**42.7.19** The Sheriff's Office will copy the FDLE Internet flyer to make notification to the community where the Sexual Predator will reside. In cases of a deficient FDLE flyer, a Sheriff's Office produced flyer may be used. Deputies should make door-to-door contact with the citizens of the community. If no one is at home a copy of the flyer will be posted to the door. Citizens Observer Patrol volunteers may be used to assist with these notifications. The current minimum of neighborhood notification is to notify all residents in line-of-sight and within a 1-block radius of the Sexual Predator.

**42.7.20** All notifications described in this section shall be logged on the *Sexual Predator Notification Log*. This form documents the date and time of notification, person notified, address of the notification, the identity of the Sexual Predator, and the name of the official making the notification. The original of this form shall be forwarded to the Career Criminal Unit upon completion. Once this form is received by the Career Criminal Unit, contact will be made with "A Child is Missing" and a telephonic notification to the community within a one-mile radius will be completed to the inform the community. This service is provided at no cost to the Sheriff's Office.

## **SEXUAL OFFENDERS**

**42.7.21** A Sexual Offender must register as follows:

- A.** A Sexual Offender must register with the Sheriff's Office within 48 hours after establishing or maintaining a permanent or temporary, or transient residence within Volusia County.
- B.** A Sexual Offender must report in person at a driver's license office of the Department of Highway Safety and Motor Vehicles (DHSMV) within 48 hours after any change in the offender's permanent or temporary, or transient residence. The Sexual Offender if otherwise qualified, will secure a Florida driver's license, renew a Florida driver's license, or secure an identification card. The Florida driver's license or identification card must display "943.0435, F.S."

**42.7.22** When registering through the Volusia County Sheriff's Office, the following procedures shall be used:

- A.** The Volusia County's Sheriff's Office registration is conducted between the hours of 0900-1100 hours and 1300-1500 hours, Mon - Fri at the Operations Center, excluding holidays.

**B.** The Career Criminal Unit is responsible for the completion of all Sexual Offender registrations. The Latent Print Unit will complete photographs and ten-print cards and palm prints for the new Sexual Offenders and as needed.

**42.7.23** Florida Statute does not mandate community or public notification of the presence of a Sexual Offender. The Sheriff's Office may release to the public any criminal history information and other information regarding a Sexual Offender. At each District office, this agency will assist the public in viewing the FDLE Sexual Predator/Offender Database website.

<b>REGISTRATION: (JESSICA LUNSFORD ACT)</b>
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**42.7.24** Effective December 1, 2005, all Sexual Offenders (unless otherwise notified by FDLE) are required to report to the Sheriff of their county of residence semi-annually. This applies to those supervised and unsupervised by the Department of Corrections (Probation & Parole). The required reporting times are the birth month and the 6<sup>th</sup> month following the birth month. Effective July 1, 2007 all Sexual Predators and certain Sexual Offenders (who have been notified by FDLE) are required to report to the Sheriff of their county of residence quarterly. This applies to those supervised and unsupervised by the Department of Corrections (Probation & Parole). The required reporting times are the birth month and every third month following the birth month.

**42.7.25** The Career Criminal Unit is responsible for the process of registration. The Latent Print Unit shall assist this process by taking photographs and fingerprints of the re-registrants as needed.

**42.7.26** The registration process shall include the following actions:

- A.** Warrant check
- B.** Florida driver's license or Identification inspection - is the Sexual Predator or Sexual Offender in compliance with s. 322.141 (3)?
- C.** Address validation and mapping - does this address exist? Does the address meet state or city ordinance restrictions?
- D.** Review of previous registration information
- E.** Photograph update, as needed
- F.** Signature of the offender
- G.** Inked right thumb print of the offender
- H.** A copy of the FDLE Sexual Predator / Offender Registration Form - will be provided to the offender with the next registration month/year highlighted for the offender on the top of the form
- I.** Electronic submission to FDLE
- J.** Upon completion of the registration process, the Career Criminal Unit Registrar shall then scan all documents into the Sexual Predator's or Sexual Offender's electronic file. The original document shall be held for a period of one year then properly destroyed in accordance with State Records Retention.

**42.7.27** The post re-registration process shall include:

- A.** Update OffenderWatch®
- B.** Address Verification request sent to the District or Police Department Sex Offender Team, if there is an address change

**42.7.28** When the Career Criminal Unit determines that a Sexual Predator or Sexual Offender has failed to properly register during the required month, the Career Criminal unit shall initiate an investigation into the non-compliance of the offender.

**42.7.29** A non-compliance of registration investigation will determine if the Sexual Predator or Sexual Offender knew of their obligation to report for registration. This investigation should include checking the Sexual Predator/Sexual Offender electronic file located at the Career Criminal Unit.

**42.7.30** If the investigation determines probable cause of non-compliance of registration exists, the Sexual Predator or Sexual Offender shall be arrested. The Career Criminal Unit Detective will have the option of filing an affidavit on the Sexual Predator or Sexual Offender or making a physical arrest.

## **ABSCONDERS**

**42.7.31** An absconder is a person, subject to the above criminal registration laws, who violates the state criminal registration requirements then conceals himself / herself or otherwise takes flight. The Career Criminal Unit is responsible for insuring that arrest warrants are obtained for absconders in a timely manner and that a reasonable search is made for the absconder. Probable cause to obtain a warrant for an absconder is based upon the proper completion of the Address Verification process described in 42.7.10.

**42.7.32** Absconded Sexual Predators and Sexual Offenders may be advertised as wanted fugitives in available media and Internet outlets. Additionally, notification to the United States Marshal Service, Central Florida Sex Offender Investigations Unit, should be made in regards to the absconded Sexual Predator or Sexual offender for violation of the Adam Walsh Act for coordination under federal prosecution.

## **TRANSIENTS**

**42.7.33** A transient is a person that does not have a temporary or permanent address. When a Sexual Predator/Sexual Offender becomes a transient, they must register this information with the Volusia County Sheriff's Office IN PERSON every 30 days. The transient Sexual Predator or Sexual Offender must still maintain a Florida driver's license or identification card; the address should be "General Delivery-Transient" and include the city in which they are residing. Transients must also have the Sexual Predator/Sexual Offender designation (F.S.S. 775.21 for Sexual Predators or the wording "Sexual Predator" and F.S.S. 943.0435 for Sexual Offenders) on the bottom right hand corner of their Florida driver's license or identification card.

**42.7.34** A transient Sexual Predator or Sexual Offender must report in person every 30 days to the sheriff's office in the county in which he or she is located while maintaining a transient residence. The Career Criminal Unit will only allow transient Sexual Predators and Sexual Offenders to register up to 48 hours prior to the expiration of their 30 day registration requirement unless the registration date is on a weekend or holiday. The Sexual Predator or Sexual Offender must provide a geographical location where he or she maintains a transient residence. If an Address Verification is needed, the Career Criminal Unit will notify the responsible District or agency.

## **RECORDS**

**42.7.35** The Career Criminal Unit shall maintain all career criminal registration records to include registration, re-registration, *Notice of Responsibilities* form, compliance investigations, and address verifications. The Career Criminal Unit shall act as the Records Custodian for Court matters pertaining to the compliance or non-compliance of Sexual Predators and Sexual Offenders to state law. District Commanders and assisting Police Departments may maintain duplicate records, as needed, to complete the tasks required by this Directive or delegated to them by the Career Criminal Unit.

**42.7.36** The Career Criminal Unit shall utilize the OffenderWatch ® Database and the CrimeNtel database to store information on Sexual Predators/Sexual Offenders registered in Volusia County. The Unit shall supply the names of those residing within Volusia County to the following:

- A.** The Police Department of each jurisdiction where the offender will reside.
- B.** Any other departmental unit or law enforcement agency for which it is determined that the information would be useful.
- C.** The licensed day care centers, elementary, middle and high schools within a one-mile radius of the Sexual Predator's temporary or permanent home address.

**42.7.37** The Career Criminal Unit will flag the Sexual Predator/Sexual Offender and his/her registered address in the Records Management System (RMS), CrimeNtel and in CJIS with one of the following flag codes:

- A.** Signal 200 – Career Criminal
- B.** Signal 300 – Habitual Felony Offender
- C.** Signal 600 - Sexual Predator
- D.** Signal 700 - Sexual Offender
- E.** Signal 800 – Florida Career Offender

## **AFFIDAVIT FLAGGING**

**42.7.38** The Career Criminal Unit shall identify Sexual Predators/Sexual Offenders according to the criteria previously established. They shall then cause these individuals to be flagged in the RMS System utilizing the appropriate "signal" as the designator. Dispatch will promptly notify the Deputy of the designated "signal". The Deputy will complete a field interview card on all "signal" contacts and forward to the Career Criminal Unit.

**42.7.39** When a Deputy arrests an individual who is flagged in the computer as a Sexual Predator/Sexual Offender, dispatch will notify the Deputy of the assigned "signal". The Deputy shall indicate that status on the first line of the SA-707 Arrest Affidavit.

## **PROBATION AND PAROLE**

**42.7.40** If a Sexual Predator or Sexual Offender is determined to be on probation or parole at the time of arrest, the Probation and Parole Officer or Duty Officer shall be contacted. The Parole/Probation Duty Officer can determine the status of the individual and what action should be taken at the time of arrest.

**42.7.41** If a Sexual Predator or Sexual Offender is determined to be on Federal Probation or Parole at the time of arrest, the arresting officer WILL NOT charge the Sexual Predator or Sexual Offender with a Violation of Probation. After the initial arrest, the Career Criminal Unit should be notified of the arrest. The Career Criminal unit Detective will notify the Federal Probation and Parole officer of the new law violation.

**42.7.42** Upon request, sworn members of the Sheriff's Office may provide assistance to Probation & Parole Office for those Sexual Predators and Sexual Offenders on probation and are under court ordered Sexual Offender Probation Conditions or normal probation conditions. The purposes of conducting address verifications, is to insure the compliance of all probation conditions. Deputies are also present to provide general security for the Probation and Parole Officers, transportation of prisoners, and securing evidence resulting from arrests by the Probation and Parole Officer.

**42.7.43** The Department of Corrections, Probation and Parole Officers are co-located with the Career Criminal Unit's Detective at the Sheriff's Office Operation Center. The Probation and Parole Officers co-located with the Career Criminal Unit are responsible for, and supervise all Sexual Predators and Sexual Offenders currently on probation, community control, or parole in the county. Information dissemination between the two agencies is essential to the control and supervision of all Sexual Predators and / or Sexual Offenders in the county.

**42.7.44** The Career Criminal Unit's Detective will provide information directly to Districts and agencies of those Sexual Predators and Sexual Offenders who have violated their conditions of probation that have active warrants for their arrest at the request of the Probation and Parole Officers co-located with the Career Criminal Unit.

## **REFERRALS**

**42.7.45** Deputies and Detectives who discover a person who meets the above criminal classification criteria, but has not yet been identified by the Career Criminal Unit, shall contact the Career Criminal Unit to obtain guidance when to arrest or release and un-registered Sexual Predator or Sexual Offender. All reports as a result of these types of contact will be forwarded to the Career Criminal Unit for follow up investigations.

## **EMERGENCY EVACUATION PLAN**

### **SEXUAL PREDATORS**

**42.7.46** It shall be the policy of the Volusia County Sheriff's Office not to allow any Sexual Predator, regardless of their probation status, to enter any public shelter under the protection of the Volusia County Sheriff's Office during states of emergency. All Sexual Predators may report to the Volusia County Brach Jail for shelter during emergency evacuations. The Sexual Predator's family members are allowed access to all emergency shelters. This policy applies to all facilities maintained by Volusia County. Example: Volusia County Fair Grounds.

**42.7.47** If a Sexual Predator arrives at a shelter as a last resort, the deputy shall contact their supervisor for alternate placement location and decisions on transportation.

### **SEXUAL OFFENDERS**

**42.7.48** Sexual Offenders can be admitted into a shelter under the protection of the Volusia County Sheriff's Office. Sexual Offenders that are on probation should have contacted their probation officer for shelter placement.

## **PREDATORS/ OFFENDERS**

**42.7.49** Sexual Predators and Sexual Offenders must complete an *Emergency Evacuation Plan* (see Attachment B and C) at their initial registration, which shall be kept on file with the Volusia County Sheriff's Office Career Criminal Unit. Upon subsequent JLA registrations, the Sexual Predator / Sexual Offender will be questioned if there has been any changes to the Emergency Evacuation Plan. If there is a change to the Emergency Evacuation Plan, the Sexual predator / Sexual Offender shall complete and update the Emergency Evacuation Form.

### **ATTACHMENTS**

**Attachment A:** Career Criminal Worksheet Form (located on intranet under agency forms)

**Attachment B:** Sexual Predator – Emergency Evacuation Plan

**Attachment C:** Sexual Offender – Emergency Evacuation Plan

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**Revised by:** 2512

**Revised on:** 06-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



# Volusia County Sheriff's Office

Career Criminal Unit  
Michael J. Chitwood, Sheriff

## SEXUAL OFFENDER/SEXUAL PREDATOR/FLORIDA CAREER OFFENDER WORK SHEET

[ ] **WARRANT** [ ] Sexual Offender [ ] Sexual Predator [ ] Florida Career Offender

Deputy/Officer		Agency		ID #	Telephone
Subject Last Name		Subject First & Middle Name			
Race	Sex	Date of Birth	Social Security #		
Address of Record				Last Known Date	
Possible Addresses to Check				Date of Address	

*Check the small shaded block below for the applicable situation!*

<input type="checkbox"/>	<b>If the subject has an open warrant...</b>
<b>Action:</b> Arrest the subject wherever he/she is found. Send this form and copy of charging affidavit to the Career Criminal Unit.	
<input type="checkbox"/>	<b>If you find the subject (in person) living at the address of record shown on his/her Florida Driver License or Identification Card...</b>
<b>Action:</b> DO NOT ARREST! Subject is in compliance. Return this page, (completed) to the Career Criminal Unit. Please be sure to check the block so we know the subject is verified to be at the address!	
<input type="checkbox"/>	<b>If you determine through a third party (the current resident, relative, neighbor, or landlord) that the subject is living at the address of record shown on his/her Florida Driver License or Identification Card...</b>
<b>Action:</b> Have the third party complete an <i>Address Verification Statement</i> . Return this form to the Career Criminal Unit with the completed <i>Address Verification Statement</i> .	
<input type="checkbox"/>	<b>If the subject is NOT living at the residence shown on his/her Florida Driver License or Identification Card, and the subject has lived at this new residence for at least 48 hours (excluding weekends and holidays) ...</b>
<b>Action:</b> Arrest the subject for failing to maintain registration as a sexual offender, Florida statute 943.0435 (3 <sup>rd</sup> degree felony), or failing to maintain registration as a sexual predator, Florida statute 775.21 (3 <sup>rd</sup> degree felony), or failure to maintain registration as a Florida Career Offender, Florida Statute 775.261 (3 <sup>rd</sup> degree felony). Send this form and copy of charging affidavit to the Career Criminal Unit.	
<input type="checkbox"/>	<b>If the subject is NOT residing at the residence any longer...</b>
<b>Action:</b> Have the third party (current resident, relative, neighbor, or landlord) complete an <i>Address Verification Statement</i> . Return this form to the Career Criminal Unit with the completed <i>Address Verification Statement</i> .	
<input type="checkbox"/>	<b>If there is no one at the residence...</b>
<b>Action:</b> Make a follow-up attempt to contact someone there after 48 hours. Canvass the neighbors to find anyone that can complete an <i>Address Verification Statement</i> . Return this form to the Career Criminal Unit with a completed <i>Address Verification Statement</i> .	
<input type="checkbox"/>	<b>If, after a first attempt, you can not confirm the subject lives at the residence...</b>
<b>Action:</b> Return after 48 hours from initial contact and make one final attempt to contact the subject. Complete an offense report documenting the dates and times of your efforts and observations. Forward a copy of your report and this form to the Career Criminal Unit.	
Return this form to the Volusia County Sheriff's Office, Career Criminal Unit, 1330 Indian Lake Road, Daytona Beach, FL 32124, or by Inter-Office Mail to VCSO-Operations. For questions call the unit at 386-248-1788. Your efforts are needed in order to obtain probable cause for arrest warrants for absconders. Please ensure all information provided is legible.	



# Volusia County Sheriff's Office

## Address Verification Statement

Sexual Offender/Sexual Predator/Florida Career Offender Name		
Race	Sex	Date of Birth
Address of Record		

Affiant Name	Date of Birth	Race	Sex
Affiant Address	Telephone		

*Please circle the exact boldfaced variable.*

I, \_\_\_\_\_, **reside at / manage / own / have personal knowledge of** the below listed residence.

Street Address: \_\_\_\_\_ Apartment or Lot #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

I hereby state that \_\_\_\_\_ **is / is not** known to me, and that person **has / has not** resided at the above address for the past \_\_\_\_\_ **months / years**.

(Additional comments of affiant) : \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

Sworn to this \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_,  
before \_\_\_\_\_,  
law enforcement officer, for \_\_\_\_\_.

Agency

Investigating Agency	Agency Case Number	Investigating Officer/Deputy	Officer/Deputy ID Number
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**Instructions:** Use this form to obtain an official sworn statement as to whether a Sexual Predator, Sexual Offender, or Florida Career Offender is living where they claim to live on their Driver License or Identification Card. Have the witness circle one condition in each boldface group of selections. Return the original of this form, notarized, to the Volusia County Sheriff's Office Career Criminal Unit with the Sexual Offender/Sexual Predator/Florida Career Offender Work Sheet.

## Sexual Predator – Emergency Evacuation Plan

Sexual Predators **MAY NOT BE ADMITTED** into a public shelter under the protection of the Volusia County Sheriff's Office.

1. If you must evacuate your registered residence you must inform the Volusia County Sheriff's Office Career Criminal Unit where you are staying. You may do this either in person or by telephone Monday through Friday 8:00am to 5:00pm. After hours, call **(386) 248-1788** and leave a message. Emergency operation hours may vary. The Volusia County Sheriff's Office Career Criminal Unit is located at 1330 Indian Lake Road Daytona Beach Florida 32124. If you know in advance where you would stay complete the bottom of this form.
2. Upon returning to your registered residence or current living location, you must again contact the Volusia County Sheriff's Office Career Criminal Unit within 48 hours.
3. If you do not return to your registered residence within 48 hours, you must register in person with the Sheriff's Office in the County or State in which you have relocated. If you are in the State of Florida you must update your Florida Driver's License/Identification Card to your new temporary/permanent residence within 48 hours. Failure to comply with this requirement is a third degree felony.
4. Should you decide to change your evacuation plan before an emergency is declared, you must report the change to the Volusia County Sheriff's Office Career Criminal Unit.

Please provide a Phone Number and Address where you will be residing if you evacuate:

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By signing below, you acknowledge that you have read or have been read the above requirements on this form, and that you understand these requirements.

Registrant: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



# **SEXUAL OFFENDER**

## **EMERGENCY EVACUATION AND SHELTER INSTRUCTIONS**

1. **If you are on Probation, please contact your Probation Officer for instructions.**
2. Upon arrival at an emergency shelter, identify yourself as a Sexual Offender to the Law Enforcement Officer on duty. Make sure you have your Florida Driver's License or Florida Identification Card, your Sexual Offender paperwork and this form with you.
3. You are required to check in/check out with the on-duty Law Enforcement Officer should you decide to leave and/or return to the shelter ground.
4. You are required to follow any and all shelter rules and guidelines.
5. **REMINDER:** Florida State Statute for Sexual Offenders (943.0435) defines a temporary or permanent residence as any place where a person abides, lodges or resides for a period of 5 or more aggregate or consecutive days. Should you need to stay at the shelter or any other location for more than 5 days please contact the Volusia County Sheriff's Office/Career Criminal Unit at **386-248-1788**.
6. The Volusia County Sheriff's Office is located at 1330 Indian Lake Road, Daytona Beach, Florida 32124. The telephone number is 386-248-1788. Hours of operation are Monday through Friday 8:00 am to 5:00 pm. After hours please leave a message. Emergency operations hours may vary.
7. If you are unable to return to your residence, you must register in person with the Sheriff's Office in the County or State in which you have relocated. If you are in the State of Florida you must update your Florida Drivers License or Florida Identification Card within 48 hours.

**FAILURE TO COMPLY WITH THIS REQUIREMENT IS A THIRD DEGREE FELONY.**

**IF YOU ARE NOT GOING TO A SHELTER, PLEASE PROVIDE AN ADDRESS AND PHONE NUMBER WHERE YOU WILL RESIDE.**

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**By signing below, you acknowledge that you have read or have been read the above requirements on this form, and that you understand these requirements.**

**Registrant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>STALKING</b>
<b>CODIFIED:</b>	<b>42.8</b>
<b>EFFECTIVE:</b>	<b>10-2001</b>
<b>RESCINDS/AMENDS:</b>	<b>42.8/07-1999</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish the Volusia County Sheriff's Office response to complaints concerning stalking.

**DISCUSSION**

The crime of stalking (F.S. 784.048) requires a swift and effective response from law enforcement personnel. Victims of stalking may face the danger of physical, as well as emotional, harm from the unrelenting harassment associated with stalking. Stalking may be committed by persons previously involved in a relationship with the victim or by a virtual stranger who behaves in an obsessive manner towards the victim.

It is imperative that Deputies recognize the special needs and concerns of stalking victims, such as shelter opportunities, injunctions for protection, and counseling through the Domestic Abuse Council in addition to taking the proper law enforcement action.

**POLICY**

It shall be the policy of the Department to thoroughly investigate complaints concerning stalking, to take effective law enforcement action and to offer the victim(s) of stalking all appropriate assistance. The Volusia County Sheriff's Office will maintain a pro-arrest policy with regard to the crime of stalking.

**PROCEDURE**

**LAW ENFORCEMENT COMMUNICATIONS CENTER**

**42.8.1** All complaint desk operators at the Communications Center shall be familiar with the elements of the crime of stalking. A citizen's complaint over a seemingly minor incident might involve a course of conduct which would constitute stalking.

**42.8.2** A Deputy shall be dispatched to investigate and take a report on all stalking or stalking-related complaints.

**RESPONSIBILITY OF PATROL DEPUTIES**

**42.8.3** All stalking complaints will be thoroughly investigated by the responding Deputy.

**42.8.4** Deputies shall attempt to obtain physical evidence during the investigation. Evidence often associated with stalking complaints includes letters and notes from the suspect and taped messages on the complainant's answering machine. Deputies should encourage the victim to maintain a log of any/all contact by suspect.

**42.8.5** If the suspect is known to the victim, Deputies shall attempt to determine if the suspect is the respondent in an injunction for protection against domestic violence (F.S. 741.30) or injunction for protection against repeat violence (F.S. 784.046).

**42.8.6** If no injunction is in effect and the necessary criteria for issuance are met, the victim shall be encouraged to obtain the appropriate injunction through the Clerk of the Court. The Deputy shall provide detailed instructions on where and how to obtain the injunction.

**42.8.7** If a suspect is known, Deputies shall use their investigative judgment to determine if probable cause exists to charge the suspect with Stalking (F.S. 784.048(2)) or Aggravated Stalking (F.S. 784.048(3) and (4)). Deputies shall be aware that the crime of Stalking is either a felony or a warrantless arrest misdemeanor exception.

**42.8.8** Deputies shall arrange for extra-patrol at the victim's residence, when appropriate.

**42.8.9** A detailed report shall be prepared.

**42.8.10** If the stalking complaint is related to domestic violence, a domestic violence package shall be provided to the victim pursuant to State Statute and Department policy.

#### **RESPONSIBILITY OF SUPERVISOR**

**42.8.11** The patrol supervisor shall review the written report to confirm that it is complete and that proper enforcement action has been taken where appropriate.

**42.8.12** Regardless of whether or not an arrest was made, all stalking reports shall require follow-up. The supervisor shall continue the case to the reporting Deputy or to a District Detective for follow-up.

#### **FOLLOW-UP INVESTIGATION**

**42.8.13** All victims of stalking shall be re-contacted by the reporting Deputy or a District Detective. Victims of stalking are often terrorized by the perpetrators who have been released following arrest. The reporting Deputy or District Detective shall determine if the stalker has made any subsequent contact and shall prepare additional charges, if appropriate.

**42.8.14** If the suspect has not yet been identified or charged, the Deputy or Detective shall aggressively pursue all investigative leads to clear the case.

**42.8.15** The reporting Deputy or the Detective shall keep the victim informed on the status of the case.

**42.8.16** If the assigned Deputy or Detective learns that an arrested stalking suspect has been released from custody, he/she shall attempt to notify the victim when it is feasible to do so. This will also be accomplished by victim notification from the jail.

#### **REPORTING PROCEDURES**

**42.8.17** The "Stalking" block shall be checked at the top of any incident report taken pursuant to a stalking related complaint such as vandalism, harassing phone calls, etc.

**42.8.18** Supervisors will review reports to ensure this proper notation is made.

**42.8.19** Records personnel will fax a copy of each domestic violence related stalking report to the Domestic Abuse Council office in Daytona Beach within 24 hours of receipt.

**42.8.20** Records personnel will forward a copy of each stalking related report to the Sheriff's Office Legal Advisor or their designee.

#### **CELLULAR PHONES**

**42.8.21** Each District Investigations Unit shall have available a supply of cellular phones that can be issued to stalking victims. These phones may be used to summon assistance in situations where a regular phone is unavailable.

**42.8.22** In order to be eligible for loan of a cellular telephone under this program, the victim must meet all of the following qualifying factors:

- Must have filed a domestic violence case with a law enforcement agency
- Must have a protection order and that order must be current and enforceable
- Must not be living with the respondent (perpetrator of the assault or battery)

**42.8.23** If the stalking is not domestic in nature (i.e.; a stranger) the District Investigations Sergeant or designee can still authorize the use of a telephone at their discretion.

**42.8.24** Other qualifying factors to be considered may include:

- History of violence
- If there are children that may be affected

- The current residential status of the victim
- The nature of the threats, if any
- Financial resources of victim

**42.8.25** The victim's participation in the program may be terminated if any of the following occur:

- The victim allows the respondent back into the residence
- The victim fails to appear in court or at a hearing
- The protection order is removed or expires
- The victim fails to check in weekly, or is arrested
- The victim or respondent moves out of the County
- The case is adjudicated in court
- The victim misuses the equipment

**42.8.26** The District Investigations Sergeant shall establish criteria and guidelines for the issue of the phones. These guidelines will include, but shall not be limited to:

- A system for maintaining inventory control of phones in stock and those that are on-loan.
- Person who has authority to approve issue of the phones.

**42.8.27** All phones used for this program shall be modified so as to be capable of dialing the 911 emergency number and non-emergency Sheriff's Office numbers only. If possible, they shall be programmed to not receive incoming calls.

**42.8.28** Each citizen who is issued a phone shall be required to sign a receipt or Memorandum of Understanding. They shall also be informed of the following, at a minimum:

- A. The loan is for a limited time only and the phone must be returned at the end of that time. A maximum of three months is recommended.
- B. The recipient is responsible for the phone and could be held liable for replacement costs due to loss or negligent damage.
- C. The phone is to be used for actual emergencies only and will be capable of dialing the 911 emergency number or Sheriff's Office non-emergency number only.
- D. Should any non-emergency calls be made or received with the phone, the recipient shall be responsible for the costs incurred.
- E. The recipient will notify the District Investigations Sergeant of any change of address while in possession of the phone. In addition, the victim shall make weekly contact with any detective who may be assigned the case.
- F. Use of the cell phone to place an emergency call does not guarantee the individual's safety, specialized handling of the call or a more rapid response by a Deputy Sheriff. All calls placed to Central Communications shall be handled according to established procedures and priority ranking.

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**Revised by:** 6620

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: HATE CRIME INVESTIGATIONS**

**CODIFIED: 42.9**

**EFFECTIVE: 10-2001**

**RESCINDS/AMENDS: 42.9/07-1999**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish procedures for the complete investigation of all hate crimes and to emphasize the priority which the Volusia County Sheriff's Office places on protecting its citizens from this type of crime.

**DISCUSSION**

The Florida Legislature has identified certain acts as "Hate Crimes," establishing enhanced penalties and separate reporting procedures for them.

The Volusia County Sheriff's Office is in a unique position to take a proactive role in promoting peace and harmony within the community by ensuring that rights guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of their personal characteristics.

Acts of hate crime generate fear and concern among victims and the public. Members of the Sheriff's Office will place special emphasis on victim assistance and community cooperation dealing with these crimes in order to reduce victim and community fear. The actions taken by this agency in dealing with incidents of hate crime are a means of demonstrating concern and commitment to the community. Each Deputy must remain sensitive to the feelings, needs, and fears that may be present in the community as a result of incidents of this nature.

The aggressive, proactive nature of the Sheriff's Office response to these incidents will reduce the potential of recurring or escalating violence and possible counter-violence.

**Definitions:** For the purposes of this Directive, the following terms are defined:

**Hate Crime:** A committed or attempted act by a person or group of persons against a person or the property of another person or group, which in any way constitutes an expression of hatred toward the victim because of his/her personal characteristics; a crime wherein the perpetrator intentionally selects the victim because of the victim's personal characteristics.

**Personal Characteristics:** A person's race, color, religion, ethnicity, ancestry, national origin, or sexual orientation.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to bring its investigative and enforcement elements into quick action following any reported or observed incident of violence resulting from hatred based upon race, color, ethnicity, ancestry, sexual orientation, or religion of the victim. All such acts or threats of violence will be viewed as serious and the investigations will be given priority attention. The Sheriff's Office will use every resource necessary to rapidly and decisively identify the perpetrators, arrest them, and bring them before the proper court.

**PROCEDURE**

**42.9.1** Whenever any incident of hate crime comes to the attention of any member of the Sheriff's Office, a Deputy shall be dispatched immediately and the shift supervisor shall be notified of the incident.

**42.9.2** The Crime Analysis Unit shall review incident reports for patterns of incidents occurring at either the same location or directed at a particular individual or group.

**42.9.3** Florida Statutes and case law require that the following factors be met for a crime to be classified as a hate crime:

- A. The perpetrator must demonstrate prejudice or bias.
- B. This bias must be evidenced in the commission of a crime.
- C. The bias must be based on one or more of the enumerated personal characteristics of the victim.
- D. The perpetrator perceived, knew, or had reasonable grounds to know or perceive, that the victim was within the class delineated by statute.

**42.9.4** The motivation behind the act, i.e. the selection of the victim, is the key element in determining whether an incident is hate-related. Deputies must rely on their investigative judgment, as well as probable cause standards, to assist them in determining whether a specific incident constitutes a hate-motivated crime. Statements of victims or witnesses, as well as physical evidence, may be used to make this determination.

#### **RESPONSIBILITY OF DEPUTIES**

**42.9.5** Deputies responding to a reported hate crime shall:

- A. Demonstrate compassion and sensitivity for the victim.
- B. Preserve the crime scene and evidence.
- C. Immediately initiate all possible investigative and enforcement action.
- D. Provide to the shift supervisor sufficient information so that the supervisor is able to determine if a Detective needs to respond to the scene.
- E. Have Central Communications notify the on-call Victim's Advocate.
- F. Prepare a detailed report, clearly identifying the incident as a hate crime at the top of the report.
- G. Make a follow-up visit to inform the victim of the progress of the case.

#### **RESPONSIBILITY OF SUPERVISOR**

**42.9.6** Road Patrol Supervisors shall:

- A. Respond immediately to the scene, if practical.
- B. Ensure that the crime scene is protected.
- C. Cause Central Communications to notify the on-duty or on-call Detective if a serious incident of hate motivated injury to persons or destruction of property has occurred.
- D. If no Detective will be responding to the scene, the supervisor shall ensure that the responding uniformed Deputy properly processes the scene and gathers evidence.
- E. If the incident is serious, the patrol supervisor shall request Central Communications to notify the appropriate District and Divisional supervisors. The Public Information Officer shall also be notified in similar fashion.
- F. If appropriate, arrange for immediate extra patrols throughout the affected area.
- G. If, in the judgment of the patrol supervisor, there still exists the potential for further acts of violence, a unit or units shall be assigned to the location in a fixed post, if possible.
- H. Ensure that all physical remains of the incident are removed after processing. If the remains cannot be removed (i.e.; paint on walls) the supervisor shall impress upon the building or property owners the need for complete restoration as soon as possible.
- I. Review the written report to confirm that it contains all necessary information including, but not limited to materials used (i.e.; cross, literature, paint), construction of wrappings, messages, method of removal, and disposition of remains.
- J. Review written report to ensure that the hate crime notation is included along with the appropriate report heading.
- K. Insure that victims and other concerned parties are kept informed of case status.

#### **RESPONSIBILITY OF DETECTIVES**

**42.9.7** A Detective shall respond to the scene of any serious hate crime incident involving injury to persons or destruction of property.

**42.9.8** Assignment of the case shall follow the same criteria as other crimes. For example, if extensive vandalism to property is involved, it shall be assigned to a District Detective; if serious injury which may result in death is involved, the case would be assigned to the Major Case Unit.

**42.9.9** Upon arrival, Detectives shall assume responsibility for processing the scene and gathering evidence.

**42.9.10** If additional assistance from state or other law enforcement agencies is needed, the Detective shall make the appropriate request through Central Communications. The Investigations Supervisor shall also be notified.

**42.9.11** The Intelligence Unit shall maintain liaison with federal, state, and other local agencies for intelligence information exchange. Contact shall be maintained with Detectives working hate crime cases.

**42.9.12** Detectives shall keep victims informed of the status of the case.

## REPORTING PROCEDURES

**42.9.13** All hate crimes reports will be clearly denoted by placing a check-mark in the "Hate Crime" box at the top of each incident or supplement page. The incident type box will continue to contain the incident classification as listed in the Department Report Writing Manual. The "Hate Crime" notation will be an additional designator.

**42.9.14** Supervisors shall review reports to ensure the proper identification and classification of each report and supplement.

**42.9.15** Records personnel shall classify and report hate crimes to the Florida Department of Law Enforcement (F.D.L.E.) according to procedures established by the F.D.L.E.

**42.9.16** The Records Section Supervisor shall periodically inspect the hate crimes reporting system to assure quality control.

## TRAINING

**42.9.17** All patrol, investigative, and supervisory personnel shall receive periodic training on hate crime issues and investigations. This training may be in the form of training bulletins, legal bulletins, roll-call training, or such other form as deemed appropriate.

- Training may include, but shall not be limited to,:
- Definitions and classifications.
- Victim issues and treatment.
- Changing case law and statutes.
- Investigative techniques.
- Organized group activities and intelligence.

**Revised by:** 2031/6620

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>TASK FORCES</b>
<b>CODIFIED:</b>	<b>42.10</b>
<b>EFFECTIVE:</b>	<b>10-2017</b>
<b>RESCINDS/AMENDS:</b>	<b>42.10/10-2001</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to outline procedures for the implementation and use of task forces.

**DISCUSSION**

Periodically, unique situations arise which necessitate the formation of a group of persons who possess special skills. These personnel may be within a component, from various districts and sections of the agency or from various agencies. The needs and particulars of the situation will dictate what mix of personnel and organizational components, or agencies, are needed. These groups shall be known as task forces.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to form and participate in task forces to address emerging, continuing, multi-jurisdictional law enforcement threats and to ensure the safety of its participating members through intelligence information sharing and deconfliction.

**PROCEDURE**

**PURPOSE**

The purpose of these task forces is to address the situation that necessitated their formation. Each task force will operate until the applicable situation has been resolved, or until the task force commander and overseeing authority ascertain that the unit should be disbanded, or participation discontinued.

**AUTHORITY & RESPONSIBILITY**

**VOLUSIA COUNTY SHERIFF'S OFFICE RESPONSIBILITIES**

**42.10.1** To accomplish the stated objectives, the Volusia County Sheriff's Office will assign detectives to the Task Force.

**42.10.2** The Volusia County Sheriff's Office participation will also be subject to the availability of annually appropriated funds or any continuing resolution thereof, provide necessary funds and equipment to support the activities of the other agency Officer(s) and Deputies assigned to the Task Force.

**RESPONSIBILITIES - ORGANIZATION AND OVERSIGHT**

**42.10.3** When the need for a task force is ascertained, the situation will dictate at what level the task force should operate. Safety is paramount, especially with multi-jurisdictional task forces. Access to intelligence information and identification procedures for participants will be provided through the Volusia County Crime Center in accordance with Directive 42.18 VC3; all personnel will be deconflicted upon their entry in accordance with Directive 42.16 Event Deconfliction System.

- A.** If operation at the division level would produce the maximum results, the division commander will become the overseeing authority
- B.** If members are from different areas of responsibility, or a multi-agency task force is necessary, the Chief Deputy, or designee, will oversee the operations of the task force.
- C.** The overseeing authority will appoint a task force commander and other team members accordingly.



**42.10.4** The overseeing authority will document the purpose of the task force, available resources, and the authority and responsibilities of the task force commander.

**42.10.5** The respective commander shall be accountable to the overseeing authority for the overall operation of the task force.

**42.10.6** In addition to normal supervisory responsibilities, the commander will have those, which are applicable with the particularities of the situation and any agreement between participating agency(s).

**42.10.7** Resources shall be made available for use by the task force, including personnel, vehicles, technical equipment, and funding. All resources shall be provided in accordance with the task force goals and objectives, expected duration and budgetary limitations.

**42.10.8** Periodically the overseeing authority and commander will evaluate the progress of the task force, its continued existence based on need, and any need for additional resources. These periodic evaluations will be documented for future reference and will be based on available resources and the need for expansion or elimination of resources.

**42.10.9** When the task force is disbanded, the commander will complete an after-action report complete with outcome, manpower usage and suggestions for future usage.

- A.** Should the commander be of another agency, the highest-ranking member of the Sheriff's Office, or designee, will complete a report for Agency records and future reference or obtain a copy of the completed report.
- B.** Because each situation is different, these guidelines are meant to outline the general procedures used. Special procedures will be formulated at the time of the task force creation.

**42.10.10** The after-action report and any supportive documentation will be filed in the office of the Chief Deputy.

#### **AUTHORITY**

**42.10.11** Pursuant to the mutual aid agreement or contract, members of the participating agencies, when actually engaging in mutual cooperation and assistance outside of the jurisdictional limits but inside this state, under the terms of that agreement, shall, pursuant to the provisions of Section 23.127, Florida Statutes, have the same powers, duties, rights, privileges and immunities as if they were performing their duties inside the member's political subdivision in which they are normally employed.

**42.10.12** Members of the State of Florida and federal law enforcement agencies shall operate under the authority of their state or federal position.

**42.10.13** The current, signed mutual aid agreement shall serve as the written agreement between participating agencies.

#### **RECORDS AND REPORTS**

**42.10.14** The Task Force shall maintain complete and accurate records and accounts of all obligations and expenditures of funds in accordance with generally accepted accounting principles and instructions provided by Volusia County Sheriff's Office to facilitate on-site inspection and auditing of such records and accounts.

#### **DISTRIBUTION OF FORFEITED ASSETS**

**42.10.15** Assets seized during Task Force investigations will be forfeited under State law and will be shared equitably among the participating agencies in accordance with State Statutes and established memorandum of understandings (MOU) on Seized and Forfeited Property. The parties agree that Volusia County Sheriff's Office will base sharing recommendations on the number of personnel assigned to the Task Force by each member agency at the time of the seizure. Disposition of assets forfeited under State law is within the discretionary authority of the Circuit Court.

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**Revised by:** 6760/1598

**Revised on:** 10/2017

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>CRIME STOPPERS</b>
<b>CODIFIED:</b>	<b>42.11</b>
<b>EFFECTIVE:</b>	<b>10-2017</b>
<b>RESCINDS/AMENDS:</b>	<b>04-2006</b>
<b>ATTACHMENTS:</b>	<b>1</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines for Crime Stoppers operations.

**DISCUSSION**

Crime Stoppers of Northeast Florida, Inc., is a not-for-profit corporation with the mission to support all law enforcement agencies by providing citizens a means of reporting information on unsolved crimes, while citizens remain anonymous. The Volusia County Sheriff's Office provides a Law Enforcement Coordinator to work with the program by managing the information received on the anonymous tip line, educating the public, training law enforcement and promoting the program with Flagler, Putnam and St Johns Counties. An ancillary function of the Crime Stoppers Unit is to manage tips received from Student Crime Stoppers and other outside sources such as the FDLE Fugitive Tips website.

The Crime Stoppers Unit is a function of the Investigative Support Group of Investigative Services.

**POLICY**

The Volusia County Sheriff's Office actively participates in the Crime Stoppers program by providing a Law Enforcement Coordinator for Volusia County and managing all tips generated by the program's operations.

**PROCEDURE**

**42.11.1** The Crime Stoppers Unit shall be staffed with a detective who acts as the Law Enforcement Coordinator. This detective is responsible for all Crime Stoppers operations to include processing of tips, analysis of current crime patterns vs. current tips, marketing the program to the public and law enforcement, and the professional interaction and support of the Crime Stoppers Board of Directors. This detective shall not handle or distribute Crime Stoppers funds, which is the responsibility of the Crime Stoppers Executive Director.

**42.11.2** In order to preserve the public's confidence the Crime Stoppers program, there shall be no attempts by the Crime Stoppers Unit to identify sources of anonymous tips.

**42.11.3** Department members are prohibited from advising informants to call the Crime Stoppers tip line to be eligible for a reward if that information was already communicated to, or will be communicated to, the Department member as part of any separate arrangement.

**42.11.4** All Crime Stoppers anonymous tips, which exclude tips from other entities, are the property of Crime Stoppers of North East Florida, Inc. All other tips shall be the property of the Volusia County Sheriff's Office unless otherwise labeled. Tip information is exempt from public records disclosure.

**42.11.5** The Crime Stoppers Unit shall maintain records of all tips, related warrants, and their dispositions, to include reward payments for a period of three years after the final disposition. Tips regarding homicides shall be maintained indefinitely. Such records should be electronically stored in the P3 system, where it is regularly archived.

**42.11.6** The Crime Stoppers Unit shall maintain or administer a public website that solicits the public's assistance in solving open cases.

**42.11.7** The Volusia County Sheriff's Office is responsible for funding a Law Enforcement Coordinator and the computer hardware, office space, and equipment associated with that position.

**42.11.8** The Crime Stopper's Board of Directors is responsible for funding all other aspects of the Crime Stoppers program, including but not limited to: communications services (including answering services), website, software, rewards, advertising, and training.

#### **TIP PROCESSING**

**42.11.9** All tips received by the Crime Stoppers Unit shall be processed in the following manner:

- A.** Verification by computer research, of any information contained in the tip to include identity of persons named therein, and the validity of addresses or telephone numbers. Methods of verification include, but are not limited to, DHSMV databases, public records databases, Department databases, and Property Appraiser records. Such factual verification shall be documented in the tip. Driver's license photographs and any other FCIC/NCIC restricted data should not be uploaded into the tip.
- B.** A CJIS and NCIC/FCIC warrants check shall be completed on all persons sufficiently identified in the tip before the tip is transmitted. Such warrant verification and warrant details shall be documented in the tip. FCIC/NCIC restricted data should be paraphrased into the tip and should not be uploaded in its entirety.
- C.** Emergency tips may be communicated to the Crime Stoppers Detective or Sheriff's Office Communications Center by the call center (answering service) at any time. Emergency tips are those that regard the imminent commission of a crime or the location of a dangerous fugitive. The Crime Stoppers Detective shall evaluate the tip and may route the tip to on-duty law enforcement officers for immediate response. Such communication should be made through the Sheriff's Office Communications Center.
- D.** All tips shall be received through the P3 tip management system and will then be transmitted to the agency/district of primary jurisdiction the same day as received except after hours, weekends and holidays. If a tip is received after working hours, during a weekend or holiday, that tip may be processed the next working day. Each tip shall be uniquely identified by a sequential number, automatically assigned by the P3 system.
- E.** Tips sent as "For Information Only", or forwarded to out-of-county agencies shall be transmitted as soon as practical. Often, a point of contact must be identified at an out-of-county agency before a tip can be transmitted there. The P3 system (for participating Crime Stoppers agencies) and the NCIC ORION file can identify agency telephone and fax numbers.
- F.** Tips shall be transmitted, when possible, via the P3 system electronically (for those agencies/districts able to access P3) or by email in PDF format (for those agencies/districts unable to access the P3 system). Tips should be transmitted, when possible, to more than one point of contact at an agency/district when possible to ensure prompt reaction in the event a recipient is absent. Tips may be faxed, in the event email is impractical, but a printed copy of the tip with a fax receipt shall be retained and a telephone call shall be made to the intended receiver to ensure receipt.
- G.** Agencies and Department units that receive Crime Stoppers tips are responsible for submitting a *Tip Disposition* to the Crime Stoppers Unit as soon as possible after final disposition. Dispositions should be submitted electronically whenever possible. If electronic submission is not possible, a Disposition Form can be submitted in hard copy. This process is extremely important for the survival of the program by providing the Crime Stoppers Board of Directors with enough information to award an appropriate amount of money to tipsters. A *Tip Disposition* shall be returned even if the tips are determined to be unfounded, or not actionable.

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**Revised by:** 6760; 2391

**Revised on:** 03-02-2006; 10-2017

**Approved: 10-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

<b>TITLE:</b>	<b>IDENTITY THEFT</b>
<b>CODIFIED:</b>	<b>42.12</b>
<b>EFFECTIVE:</b>	<b>07-2007</b>
<b>RESCINDS/AMENDS:</b>	<b>NEW</b>
<b>ATTACHMENTS:</b>	<b>1</b>

#### PURPOSE

The purpose of this Directive is to establish guidelines for processing reports of identity theft/fraud.

#### DISCUSSION

Identity crimes cost businesses, consumers and individuals billion of dollars. Significant credit problems and financial loss often affect an individual for years.

In addition, identity crime has been directly linked to terrorist activities in both funding operations and obtaining documents for illegal purposes.

#### POLICY

It shall be the policy of the Volusia County Sheriff's Office to thoroughly investigate, and to accurately document cases of reported identity theft.

#### DEFINITIONS

**Identity Theft and Identity Fraud** - defined as the wrongful use of your name, date of birth, social security number or any other identifying data, to include biometric data, by someone not lawfully issued for his/her use to obtain credit, merchandise, or services:

- Unauthorized use of existing credit card accounts, unauthorized use of other types of existing accounts, such as bank and telephone accounts, takeover of existing credit card accounts, for example, by changing the billing address or adding unauthorized users to the account.
- Unauthorized use of personal information to obtain new credit cards, incur debts, open new accounts or commit some other financial crime.
- Unauthorized use of personal information to commit other crime(s) in the victim's name, such as using the victim's name as one's own when caught committing a crime or using the victim's name to obtain government documents, such as a driver's license.
- Unauthorized use of personal information to gain unlawful access to facilities, networks, equipment or information.

**Victim** - defined as the person whose personal identification was used; this shall not include a company that was deceived into providing the goods and/or services.

#### PROCEDURE

##### INITIAL REPORT

**42.12.1.** The Volusia County Sheriff's Office shall take a report from a person who knows or reasonably suspects that his or her personal information has been unlawfully used by another (Identity Theft).

**42.12.2.** Under Florida State Statute (817.568), the victim of identity theft has the right to file a report in the location in which the offence occurred, or, the city or county in which the victim resides.

**42.12.3.** Personnel taking a report shall provide the victim with the **Identity Theft Victim Assistance Kit**. This form is to be completed by the victim and if the victim chooses to he/she can mail affidavit to each creditor the victim is associated with.

**42.12.4.** Personnel taking a report are required to provide the victim with the incident report number. Additionally, the victim shall be given instructions on how to get a copy of the report.

#### **FOLLOW-UP INVESTIGATIONS**

**42.12.5.** The assigned detective shall coordinate the investigation with other applicable agencies as determined through the follow-up investigation. This shall be documented via supplementary report forms.

#### **PREVENTION OF IDENTITY THEFT**

42.12.6. The Sheriff's Office will maintain information on its website and District Offices to educate the public on Identity Theft.

### **ATTACHMENTS**

#### **ATTACHMENT A: Identity Theft Victim Assistance Kit**

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**Prepared by:** 6760/7001

**Prepared on:** 07-2007

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

# Florida's Identity Theft Victim Kit

A guide for victims of identity theft, detailing what to do and who to contact.

This kit is designed to help you work through the process of resolving your identity theft case and clearing your name. While there are many general identity theft resource guides available, this kit was specifically developed to provide assistance to Floridians who are identity theft victims, as well as individuals in other states who had their personal information fraudulently used in the state of Florida.

Navigating through the system as an identity theft victim can be a lengthy and confusing process. As you contact law enforcement, creditors, and financial institutions, it is important that you keep track of the actions you take and retain a record of your progress.

When your identity is stolen your personal identifiers can be misused in a variety of different ways. As soon as you become aware that your information has been misused, there are several basic steps you should take that apply to nearly all kinds of identity theft cases:

## Step One

**Report the incident to the fraud department of the three major credit bureaus.**

- Ask the credit bureaus to place a "fraud alert" on your credit report.
- Order copies of your credit reports so you can review them to see if any additional fraudulent accounts have been opened in your name or if any unauthorized charges have been made to other accounts.
- Request a victim's statement that asks creditors to contact you prior to opening new accounts or making changes to any existing accounts.

Contact information for the three major credit bureaus is as follows:

### [Equifax](#)

P.O. Box 740241  
Atlanta, GA 30374-0241  
To order your report: 1-800-685-1111  
To report fraud: 1-800-525-6285  
TDD: 800-255-0056  
[www.equifax.com](http://www.equifax.com)

### [TransUnion](#)

Fraud Victim Assistance  
P.O. Box 6790  
Fullerton, CA 92634-6790  
Email: [fvad@transunion.com](mailto:fvad@transunion.com)  
To order your report: 1-800-888-4213  
To report fraud: 1-800-680-7289  
TDD: 877-553-7803  
[www.transunion.com](http://www.transunion.com)

### [Experian](#)

P.O. Box 9532  
Allen, TX 75013  
To order your report: 1-888-EXPERIAN (397-3742)  
To report fraud: 1-888-EXPERIAN (397-3742)  
TDD: 800-972-0322  
[www.experian.com](http://www.experian.com)

## **Step Two**

**Contact the fraud department of each of your creditors.**

- Gather the contact information for each of your credit accounts (credit cards, utilities, cable bills, etc.) and call the fraud department for each creditor.
- Report the incident to each creditor, even if your account at that institution has not been tampered with. Close the accounts that you believe have been compromised. Ask the credit bureaus to place an "alert" on any accounts that remain open.
- Follow-up in writing immediately. The Federal Trade Commission provides an Identity Theft Affidavit (attached), a standardized form used to report new accounts fraudulently opened in your name. Check with the company to see if they accept this form. If not, request that they send you their fraud dispute form.
- Confirm all conversations in writing. Follow behind your phone call with a letter and any necessary documentation to support your claim.

- Call the Federal Trade Commission at 1-877-IDTHEFT (438-4338) and request a copy of their brochure "Identity Crime: When Bad Things Happen to Your Good Name." This brochure contains sample dispute letters to help get you started as well as more information on resolving credit problems. The brochure is also available through the Federal Trade Commission website at [www.ftc.gov](http://www.ftc.gov)

## Step Three

### Contact your bank or financial institution.

- If your checks have been stolen, or if you believe they have been used, contact your bank or credit union and stop payment right away.
- Put stop payments on any outstanding checks that you are unsure about.
- Contact the major check verification companies and request they notify retailers who use their databases not to accept your checks:

**TeleCheck** 1-800-710-9898 or 927-0188

**Cetergy, Inc** 1-800-437-5120

**International Check Services** 1-800-631-9656

- Call SCAN at 1-800-262-7771 to learn if bad checks have been passed in your name.
- If you suspect your accounts have been compromised, cancel your checking and savings accounts and obtain new account numbers.

## Step Four

### Report the incident to law enforcement.

- Contact your local police department or sheriffs office to file a report. Under Florida Statute 817.568, the report may be filed in the location in which the offense occurred, or, the city or county in which you reside.
- When you file the report, provide as much documentation as possible, including copies of debt collection letters, credit reports, and your notarized ID Theft Affidavit.
- Request a copy of the police report. Some creditors will request to see the report to remove the debts created by the identity thief.



## What Else Can I Do?

### **File a complaint with the FTC's Identity Theft Clearinghouse**

The Clearinghouse is the federal government's repository for ID theft complaints. Complaint information is entered into a central database, the Consumer Sentinel, which is accessed by many local and state law enforcement agencies in Florida, as well as Florida's Attorney General, for identity theft investigation. Call the toll-free hotline at 1-877-IDTHEFT.

### **Flag your Florida Driver's License.**

At your request, the Fraud Section of the Department of Highway Safety and Motor Vehicles (DHSMV) will place a flag on your driver's license if you are a victim of identity theft (regardless of whether your Florida Driver's License has been compromised). To reach the Fraud Section, call (850) 617-2405. You will be asked to submit your request in writing to:

Department of Highway Safety and Motor Vehicles  
DDL/BDI - Fraud Section, Room A327  
Neil Kirkman Building  
Tallahassee, FL 32399-0570

If you believe that the identity thief has actually used your personal information to secure a Florida Driver's License or Identification Card, DHSMV will conduct a fraud investigation. To initiate this investigation, request a DHSMV Identity Theft Report Form and mail it to the address above. The form is also available through the DHSMV website at [www.hsmv.state.fl.us](http://www.hsmv.state.fl.us)

### **Get assistance through Florida's Fraud Hotline.**

Florida's Attorney General provides a toll-free fraud hotline for Floridians who are the victims of Fraud. Contact the hotline at 1-866-9-NO-SCAM (1-866-966-7226). Trained advocates can help provide additional resource information in your area.

### **Check your Florida criminal history information.**

In some instances of identity theft, a victim may be faced with a criminal record for a crime he or she did not commit. The Florida Department of Law Enforcement (FDLE) can provide a Compromised Identity Review (based on a fingerprint comparison of state criminal history files) to determine what, if any, criminal history belongs to you, and if any arrest records have been falsely associated with you as a result of someone using your identity. If a fingerprint check determines you are an identity theft victim, FDLE will work with local law enforcement agencies to attempt to clear fraudulent data from the criminal history files and provide you with a Compromised Identity Certificate. For more information, contact FDLE's Quality Control Section at (850) 410-8880 or visit [www.fdle.state.fl.us](http://www.fdle.state.fl.us)

**Contact the Florida Department of Law Enforcement.**

After you have filed a report with local law enforcement and with the FTC's Identity Theft Clearinghouse, you may contact FDLE. FDLE Special Agents who work identity theft cases may be able to provide additional guidance and assistance. Check your phone book to find the nearest FDLE Regional Operations Center or visit [www.fdle.state.fl.us](http://www.fdle.state.fl.us)

**Remove your personal identifiers from Florida court records.**

Any person has the right to request the Clerk or County Recorder to redact/remove his or her Social Security number, bank account number, credit, debit or charge card number from an image or copy of an Official Record that has been placed on such Clerk's/County Recorder's publicly available Internet website, or in a court file. If you believe your personal information appears in a publicly available record, contact your County Clerk's Office to initiate a request. A listing of all County Clerks can be found at [www.flclerks.com](http://www.flclerks.com)

**Report Mail Theft to the U.S. Postal Inspection Service.**

The U.S. Postal Inspection Service will investigate if your mail has been stolen by an identity thief and used to obtain new credit or commit fraud. Incidents should be reported to your nearest U.S. Postal Inspection Service district office. Check your telephone book for your local office or visit [www.usps.com](http://www.usps.com)

**Report Passport Fraud to the U.S. Department of State.**

If your passport is lost or stolen, or you believe it is being used fraudulently, contact your local Department of State field office. Check your telephone book for your local office or visit [www.state.gov](http://www.state.gov)

**Protect your Social Security number.**

The Social Security Administration can verify the accuracy of the earnings reported on your social security number. To check for inaccuracies or fraud, order a copy of your Personal Earnings and Benefit Estimate Statement (PEBES) from the Social Security Administration by calling 1-800-772-1213 or visiting [www.ssa.gov](http://www.ssa.gov)

# Instructions for Completing the ID Theft Affidavit

To make certain that you do not become responsible for the debts incurred by the identity thief, you must provide proof that you didn't create the debt to each of the companies where accounts were opened or used in your name.

A working group composed of credit grantors, consumer advocates and the Federal Trade Commission (FTC) developed this ID Theft Affidavit to help you report information to many companies using just one standard form. Use of this affidavit is optional. While many companies accept this affidavit, others require that you submit more or different forms. Before you send the affidavit, contact each company to find out if they accept it.

You can use this affidavit where a **new account** was opened in your name. The information will enable the companies to investigate the fraud and decide the outcome of your claim. (If someone made unauthorized charges to an **existing account**, call the company to find out what to do.)

This affidavit has two parts:

- **ID Theft Affidavit** is where you report general information about yourself and the theft.
- **Fraudulent Account Statement** is where you describe the fraudulent account(s) opened in your name. Use a separate Fraudulent Account Statement for each company you need to write to.

When you send the affidavit to the companies, attach copies (**NOT** originals) of any supporting documents (e.g., drivers license, police report) you have.

Before submitting your affidavit, review the disputed account(s) with family members or

friends who may have information about the account(s) or access to them.

**Complete this affidavit as soon as possible.** Many creditors ask that you send it within two weeks of receiving it. Delaying could slow the investigation.

**Be as accurate and complete as possible.** You *may* choose not to provide some of the information requested. However, incorrect or incomplete information will slow the process of investigating your claim and absolving the debt. Please print clearly.

When you have finished completing the affidavit, mail a copy to each creditor, bank or company that provided the thief with the unauthorized credit, goods or services you describe. Attach to each affidavit a copy of the Fraudulent Account Statement with information only on accounts opened at the institution receiving the packet, as well as any other supporting documentation you are able to provide.

**Send the appropriate documents to each company by certified mail, return receipt requested**, so you can prove that it was received. The companies will review your claim and send you a written response telling you the outcome of their investigation. **Keep a copy of everything you submit for your records.**

If you cannot complete the affidavit, a legal guardian or someone with power of attorney may complete it for you. Except as noted, the information you provide will be used only by the company to process your affidavit, investigate the events you report and help stop further fraud. If this affidavit is requested in a lawsuit, the company might have to provide it to the requesting party.

Completing this affidavit does not guarantee that the identity thief will be prosecuted or that the debt will be cleared.

## ID Theft Affidavit

### Victim Information

- (1) My full legal name is \_\_\_\_\_  
(First) (Middle) (Last) (Jr., Sr., III)
- (2) (If different from above) When the events described in this affidavit took place, I was known as \_\_\_\_\_  
(First) (Middle) (Last) (Jr., Sr., III)
- (3) My date of birth is \_\_\_\_\_  
(day/month/year)
- (4) My social security number is \_\_\_\_\_
- (5) My driver's license or identification card state and number are \_\_\_\_\_
- (6) My current address is \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
- (7) I have lived at this address since \_\_\_\_\_  
(month/year)
- (8) (If different from above) When the events described in this affidavit took place, my address was \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
- (9) I lived at the address in #8 from \_\_\_\_\_ until \_\_\_\_\_  
(month/year) (month/year)
- (10) My daytime telephone number is (\_\_\_\_) \_\_\_\_\_  
My evening telephone number is (\_\_\_\_) \_\_\_\_\_

## How the Fraud Occurred

### Check all that apply for items 11 - 17:

(11) ☐ I did not authorize anyone to use my name or personal information to seek the money, credit, loans, goods or services described in this report.

(12) ☐ I did not receive any benefit, money, goods or services as a result of the events described in this report.

(13) ☐ My identification documents (for example, credit cards; birth certificate; driver's license; social security card; etc.) were ☐ stolen ☐ lost on or about \_\_\_\_\_.  
(day/month/year)

(14) ☐ To the best of my knowledge and belief, the following person(s) used my information (for example, my name, address, date of birth, existing account numbers, social security number, mother's maiden name, etc.) or identification documents to get money, credit, loans, goods or services without my knowledge or authorization:

\_\_\_\_\_  
Name (if known)

\_\_\_\_\_  
Name (if known)

\_\_\_\_\_  
Address (if known)

\_\_\_\_\_  
Address (if known)

\_\_\_\_\_  
Phone number(s) (if known)

\_\_\_\_\_  
Phone number(s) (if known)

\_\_\_\_\_  
additional information (if known)

\_\_\_\_\_  
additional information (if known)

(15) ☐ I do NOT know who used my information or identification documents to get money, credit, loans, goods or services without my knowledge or authorization.

(16) ☐ Additional comments: (For example, description of the fraud, which documents or information were used or how the identity thief gained access to your information.)

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(Attach additional pages as necessary.)

### Victim's Law Enforcement Actions

(17)(check one) I ☐ am ☐ am not willing to assist in the prosecution of the person(s) who committed this fraud.

(18)(check one) I ☐ am ☐ am not authorizing the release of this information to law enforcement for the purpose of assisting them in the investigation and prosecution of the person(s) who committed this fraud.

(19)(check all that apply) I ☐ have ☐ have not reported the events described in this affidavit to the police or other law enforcement agency. The police ☐ did ☐ did not write a report.  
*In the event you have contacted the police or other law enforcement agency, please complete the following:*

_____ <b>(Agency #1)</b>	_____ (Officer/Agency personnel taking report)
_____ (Date of report)	_____ (Report Number, if any)
_____ (Phone number)	_____ (e-mail address, if any)

_____ <b>(Agency #2)</b>	_____ (Officer/Agency personnel taking report)
_____ (Date of report)	_____ (Report Number, if any)
_____ (Phone number)	_____ (e-mail address, if any)

### Documentation Checklist

Please indicate the supporting documentation you are able to provide to the companies you plan to notify. Attach copies (NOT originals) to the affidavit before sending it to the companies.

(20) ☐ A copy of a valid government-issued photo-identification card (for example, your driver's license, state-issued ID card or your passport). If you are under 16 and don't have a photo-ID, you may submit a copy of your birth certificate or a copy of your official school records showing your enrollment and place of residence.

(21) ☐ Proof of residency during the time the disputed bill occurred, the loan was made or the other event took place (for example, a rental/lease agreement in your name, a copy of a utility bill or a copy of an insurance bill).

(22) ☐ A copy of the report you filed with the police or sheriff's department. If you are unable to obtain a report or report number from the police, please indicate that in Item 19. Some companies only need the report number, not a copy of the report. You may want to check with each company.

**Signature**

I declare under penalty of perjury that the information I have provided in this affidavit is true and correct to the best of my knowledge.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date signed)

**Knowingly submitting false information on this form could subject you to criminal prosecution for perjury.**

\_\_\_\_\_  
(Notary)

*[Check with each company. Creditors sometimes require notarization. If they do not, please have one witness (non-relative) sign below that you completed and signed this affidavit.]*

**Witness:**

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(telephone number)

## Fraudulent Account Statement

### Completing this Statement

- Make as many copies of this page as you need. **Complete a separate page for each company you're notifying and only send it to that company.** Include a copy of your signed affidavit.
- List only the account(s) you're disputing with the company receiving this form. **See the example below.**
- If a collection agency sent you a statement, letter or notice about the fraudulent account, attach a copy of that document (**NOT** the original).

### I declare (check all that apply):

- ☐ As a result of the event(s) described in the ID Theft Affidavit, the following account(s) was/were opened at your company in my name without my knowledge, permission or authorization using my personal information or identifying documents:

<b>Creditor Name/Address</b> <i>(the company that opened the account or provided the goods or services)</i>	<b>Account Number</b>	<b>Type of unauthorized credit/goods/services provided by creditor</b> <i>(if known)</i>	<b>Date issued or opened</b> <i>(if known)</i>	<b>Amount/Value provided</b> <i>(the amount charged or the cost of the goods/services)</i>
Example Example National Bank 22 Main Street Columbus, Ohio 22722	01234567-89	auto loan	01/05/2000	\$25,500.00

- ☐ During the time of the accounts described above, I had the following account open with your company:

Billing name \_\_\_\_\_

Billing address \_\_\_\_\_

Account number \_\_\_\_\_



**I-877-IDTHEFT (1.877.438.4338)**  
**[www.consumer.gov/idtheft](http://www.consumer.gov/idtheft)**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: COLD CASE INVESTIGATIONS**

**CODIFIED: 42.13**

**EFFECTIVE: 07-2007**

**RESCINDS/AMENDS: NEW**

**ATTACHMENTS:**

**PURPOSE**

The purpose of this Directive is to establish guidelines for defining a cold case, establishing evaluation criteria prior to investigation and recording investigative actions and /or activities.

**DISCUSSION**

With the advent of improved DNA testing and other forensic technologies and law enforcement expertise advancements, cold cases once considered unsolvable will be reviewed:

- To properly review the case file and evidence to determine if new techniques exist that were not previously available that may help solve the case,
- To permit a fresh perspective by either the same or a different detective for the possibility that a new approach might be considered for additional follow-up,
- To possibly reopen the case as an active investigation when circumstances indicate the opportunity to develop new information.

**POLICY**

The Volusia County Sheriff's Office has instituted a Cold Case Squad within the Major Crimes Unit. The Cold Case Squad is comprised of Detectives and may be augmented by civilian volunteers who have successfully completed a full background prior to working with detectives. Volunteers are not certified law enforcement officers and will not have arrest powers. The purpose of this squad will be to dedicate detectives to the specific task of investigating any case considered to meet the criteria for a "cold case".

**DEFINITION**

**COLD CASE** – A "Cold Case" is any homicide, suspicious death, unidentified human remains, and missing person's cases (under suspicious circumstances) that have gone unresolved due to lack of leads or case activity for two (2) years or more.

This criteria/definition does **not** encompass those active cases of homicides, suspicious deaths, etc. that commonly exceed more than two (2) years of active investigative work. Only at such time that the active case exhausts all available leads and becomes inactive for a period of 2 years or more would that case be added to the cold case files.

**UNSOLVED COLD CASE** - Because cases may or may not have a suspect named at the time of the crime and/or developed during the original investigation, a cold case is considered unsolved until a suspect has been identified, charged, and tried for the crime, or until the case can be exceptionally cleared as in the case of a deceased suspect.

**PROCEDURE**

**CASE INVESTIGATIONS**

**42.13.1** Usually one "cold case" will be worked at any given time. The actual case records will be securely maintained either in the Cold Case Squad's office or a secured file cabinet or storage room.

**42.13.2** The primary assignment of the Cold Case Detective(s) will be the investigation of cold cases; however, cold case detectives may be utilized in other major cases as determined by the Supervisor of Major Case and/or agency need.

**42.13.3** When a cold case is to be evaluated, the first step will be to physically locate any and all reports, papers, notes and other writings associated with the case. Based on the evaluation of this information, a solvability rate for the case will be identified. This solvability rate will determine whether the case will be re-opened and assigned for investigation.

**42.13.4** Once the case is determined that it is to be re-opened, the evidence must be accounted for. The Cold Case Detective will then review this evidence, preferably with a member of Crime Scene.

**42.13.5** New evidence collection, preservation and testing techniques will prove to be invaluable in investigating cold cases. Crime Scene personnel will be incorporated and consulted within every decision concerning evidence.

**42.13.6** When possible, the original case agent and/or detective will be interviewed.

#### **COLD CASE FILES**

**42.13.7** The Major Case Unit Supervisor will maintain a list of the current cases assigned to detectives, including Cold Cases.

**42.13.8** A Case Management System will be utilized to assign the cold cases between the Cold Case Detectives, as designated by the supervisor, and to maintain the tracking of all leads associated with a case.

**42.13.9** The agency's Report Writing system will be used to report and record the investigation.

#### **CASE REVIEWS**

**42.13.10** Periodically, a meeting will be held with the Investigative Services Commander and investigating members to discuss case status and identify issues and/or problems resulting from the case(s).

**42.13.11** All cases meeting the Cold Case criteria will be reviewed annually to determine the actual status of the case and if it has been correctly classified. However nothing prevents a case from being reopened any time information becomes available that may further that investigation.

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**Drafted by:** 6760

**Drafted on:** 07-2007

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

<b>TITLE:</b>	<b>CLANDESTINE LABORATORY RESPONSE</b>
<b>CODIFIED:</b>	<b>42.14</b>
<b>EFFECTIVE:</b>	<b>12-2016</b>
<b>RESCINDS/AMENDS:</b>	<b>06-2015</b>
<b>ATTACHMENTS:</b>	<b>4</b>

#### PURPOSE

The purpose of this Directive is to establish guidelines to ensure the safety of personnel when encountering and/or investigating clandestine laboratories.

#### DISCUSSION

The type and scope of chemical and physical hazards that personnel may be exposed to during clandestine laboratory law enforcement activities is extremely diverse. Safe clandestine laboratory investigations are accomplished through phased investigatory procedures, information gathering and evaluation, and proper selection and use of personal protective equipment.

For this reason, the Sheriff's Office has developed an ongoing health and safety program for law enforcement personnel working such investigations. As part of this program, a Clandestine Laboratory Coordinator, or his/her designee, will routinely research and monitor lab operations to ensure compliance with applicable Federal and State Occupational Safety and Health Administration regulations and continually update the health and safety program as conditions and regulations change.

#### POLICY

It is the policy of the Volusia County Sheriff's Office to ensure the safest possible investigation of clandestine laboratories through avoidance or reduction of chemical exposure, or at a minimum, reduction of chemical exposure to acceptable levels. The procedures set forth in this policy are intended to standardize the safe handling and processing of clandestine laboratories by Sheriff's Office personnel.

This directive provides guidance for personnel who encounter a stationary or mobile methamphetamine laboratory, gives examples of chemicals and other hazardous substances used in the manufacture of methamphetamines, and establishes procedures for the safe investigation of laboratory crime scenes to be conducted by trained personnel.

#### DEFINITION

- A. A.C.S.:** Authorized Central Storage Program; Storage facilities utilized by State/Local agencies for the secure, temporary storage of seized chemicals and contaminated apparatus managed by properly trained and equipped State/Local personnel whose lead agency (FDLE) has signed a Letter of Agreement with the Drug Enforcement Administration.
- B. APR:** Air Purifying Respirator
- C. Clandestine Lab:** An illicit operation consisting of sufficient chemicals, or combination of apparatus and chemicals, that has been or could be used in the manufacture of controlled substances. Any facility such as a house, motel room, vehicle, storage shed, etc. used to combine chemicals in glassware to produce a controlled substance.
- D. EPIC:** El Paso Intelligence Center
- E. HMIS:** Hazardous Materials Information System
- F. Methamphetamine:** A highly addictive central nervous system stimulant that can be injected, smoked, or ingested. Common street names for methamphetamine include Meth, Crank, Crystal Meth, Speed, and Ice.
- G. NES:** Network Environmental System

- H. **NFPA:** National Fire Protection Association
- I. **NIOSH:** National Institute of Occupational Safety and Health
- J. **P.P.E.:** Personal Protection Equipment; offers various levels of respiratory and splash protection based on equipment level utilized.
- K. **SCBA:** A Self-Contained Breathing Apparatus, or respirator, that provides uncontaminated air to the wearer. Primary limitations are weight (approximately 20 pounds), bulkiness, finite air source and training needed to maintain and use equipment. Only SCBA providing at least 30 minutes of breathing air operated in the positive pressure mode will be used to enter unknown atmospheres and atmospheres containing known hazardous contaminants that require the use of a SCBA.
- L. **VCSO C.L.R.T.:** The Volusia County Sheriff's Office Clandestine Laboratory Response Team; a group of specially trained personnel certified in the proper and safe methods of securing and dismantling clandestine laboratory operations.
- M. **B.H.O. (Butane Hash Oil) Extraction Lab** – This is an operation that most commonly uses butane (other flammable solvents can be used) to extract the tetrahydrocannabinol, or THC, and other cannabinoids (trichomes) from the plant material of cannabis plants. This process leaves the manufacturer with a product known as hash or hash oil which has a substantially higher THC content than normal cannabis.

## PROCEDURE

### RECOGNIZING AND IDENTIFYING SIGNS OF A CLANDESTINE LABORATORY

**42.14.1** A laboratory used to manufacture methamphetamine may be set up in a residence, outside shed, inside of vehicles, inside of camper/trailers, or in any other similar location.

**42.14.2** When entering unknown structures or stopping vehicles, deputies will take cautionary notice of any of the following items that may be used in the manufacturing of methamphetamine:

#### CHEMICALS

- A. Ephedrine (cold tablets)
- B. Pseudoephedrine (cold tablets)
- C. Iodine (antiseptic)
- D. Hydrogen Peroxide (antiseptic)
- E. Toluene (brake cleaner)
- F. Sulfuric Acid (drain cleaner)
- G. Ether (engine starter)
- H. Trichloroethane (gun scrubber)
- I. Lithium (batteries)
- J. Muratic Acid (pool cleaner)
- K. Sodium Hydroxide (lye, Drano, Red Devil Lye, etc.)
- L. Red Phosphorous (matchbook striker plates/flare igniters)
- M. Methanol (gasoline additive/Heet)
- N. Anhydrous Ammonia (farm fertilizer)
- O. Sulfuric Acid (Battery Acid)
- P. Iodized Salt
- Q. Paint thinner
- R. Acetone
- S. Gasoline
- T. Kerosene
- U. NAPTHA (camping fuel/white gas)
- V. Alcohol
- W. Distilled water
- X. MSM (Animal supplement)
- Y. Ammonium Nitrate (cold packs, tannerite)
- Z. Butane
- AA. Propane
- BB. Hexane
- CC. CO 2

#### COMMON EQUIPMENT

- A. Tempered glass baking dishes
- B. Glass and/or plastic jugs/jars
- C. Glass /mason jars
- D. Bottles (plastic/glass of various sizes)
- E. Pyrex dishes
- F. Measuring cups
- G. Turkey baster
- H. Funnels
- I. Strainers
- J. Coffee filters
- K. Coffee grinders
- L. Paper towels
- M. Blender
- N. Rubber tubing
- O. Cloth rags
- P. Cotton balls
- Q. Gasoline cans
- R. Rubber gloves
- S. Plastic tote box (coolers)
- T. Tape
- U. Clamps
- V. Hot plate
- W. Aluminum Foil
- X. Propane cylinders
- Y. Insect sprayers
- Z. Fire Extinguishers
- AA. Vacuum Pumps
- BB. Vacuum Ovens
- CC. Wax Paper
- DD. Extraction Tubes
- EE. Blenders/Grinders

**Note: Many chemicals and products used to manufacture illegal narcotics are highly caustic and flammable. Vapors alone can cause serious injury and/or death.** Personnel must use caution when approaching houses, vehicles, or other facilities if any of these items have been seen. The universal hazard with methamphetamine is that it can be produced with ordinary household products.

#### ROLES AND RESPONSIBILITIES OF PERSONNEL

**42.14.3** This section will provide safety guidelines and procedures for all personnel responding to the clandestine laboratory site including:

- A. Deputy First on Scene
- B. Team Leader
- C. Case Agent
- D. Site Safety Officer
- E. Clandestine Laboratory Coordinator

**42.14.4 Deputy First On Scene:** The member who discovers the laboratory is considered the first deputy on the scene. When a clandestine lab is believed to have been located, or chemicals, substances, or equipment related to a lab is discovered, VCSO personnel will immediately:

- A. Remove themselves and other persons from the immediate area of the suspected lab site and secure the scene. **ONLY Clandestine Laboratory Certified Personnel may access a known lab site.**
- B. Establish a perimeter around the site to ensure proper safety and security. Do not permit anyone to enter until the scene is turned over to the VCSO Clandestine Laboratory Response Team (CLRT).
  - Perimeter distance:
    - **Meth lab** – between 50-100 feet;
    - **BHO lab** – between 100-150 feet minimum if active
- C. Notify immediate supervisor and VCSO Communications Center.
- D. If appropriate, notify Fire Department and, if available, request rescue/EVAC to respond.
- E. Minimize deputy exposure; no unnecessary exposure
- F. **Avoid** turning **ANYTHING** on or off; >>>>**MAY CAUSE EXPLOSION**<<<<

- G. Avoid contact with liquids, vapors, gases, etc.
- H. Avoid areas with odors
- I. Stay upwind/upgrade at a safe distance
- J. Avoid entering spill areas, if safety is compromised
- K. Refrain from rescuing persons unless personal safety can be maintained.
- L. Notify VCISO Drug Unit Supervisor during normal business hours. If after hours, notify the on-call **VCISO Clandestine Laboratory Response Team (CLRT)** team leader to respond via the VCISO Communications Center.
- M. **Upon arrival, CLRT members shall assume control of the crime scene.**

**42.14.5 On-Site Supervisor:** The Team Leader shall be a laboratory safety certified law enforcement officer who has completed the Site Safety Officer Training and, if applicable, the eight hour Health and Safety Supervisor's training course. The Team Leader shall:

- A. Ensure that the provisions of this directive are adhered to by all personnel
- B. Function as ultimate authority at the scene
- C. Be responsible for reporting unusual occurrences to his/her immediate supervisor and the Clandestine Laboratory Coordinator
- D. Ensure the completion of all appropriate reports/forms in a timely manner
- E. Direct all phases of the investigation if the Case Agent is not laboratory safety certified

**42.14.6 Team Leader:** The Team Leader will direct all phases of the investigation and shall:

- A. Act as or assign a Site Safety Officer (SSO) and coordinate with the SSO during all phases of the investigation
- B. Ensure procedures, as outlined in this Standards Directive, are followed by all personnel
- C. Work with lab certified detectives in determining what items of evidence are sampled
- D. Ensure that a Hazard Assessment and Recognition Plan (HARP) form and Epic form is completed and submitted to the Clandestine Laboratory Coordinator within five (5) days of the incident
- E. Complete all appropriate reports in a timely manner
- F. Ensure that an **ACS** Packing Slip is properly completed before transporting any waste to the ACS container. This form will be forwarded to the Clandestine Laboratory Coordinator within 24 hours.
- G. Ensure that the evidence is properly submitted to the analyzing laboratory
- H. Ensure that all personnel are briefed on safety issues related to the investigation

**42.14.7 Site Safety Officer (SSO):** A laboratory safety certified law enforcement officer appointed by the Team Leader to act as the Site Safety Officer. The Team Leader may also assume the duties of the SSO. The SSO shall:

- A. Be responsible for health and safety at the site
- B. If necessary, ensure that one laboratory safety certified individual is designated to be available in the immediate area to enter with a Self-Contained Breathing Apparatus (SCBA) and/or any other necessary equipment in case of an emergency.
- C. Ensure that emergency first aid equipment is available for immediate use at the site (i.e., first aid kit, eye wash, shower, etc.)
- D. Ensure the proper selection and use of personal protective equipment and that replacement equipment is available
- E. Notify personnel of on-site changes that could affect safety (i.e. weather)
- F. Ensure that all contaminated disposable equipment is removed via the **ACS** program.
- G. Ensure that non-disposable equipment is removed via the **ACS** program.
- H. Establish work zones and ensure that they are respected based upon information obtained through a combination of direct reading instruments and his/her observation
- I. Ensure there is adequate lighting to perform all required tasks safely
- J. Ensure chemical spill containment material is available

**42.14.8 Clandestine Laboratory Coordinator:** The Clandestine Laboratory Response Team Supervisor, or his/her designee, functions as the Coordinator and shall:

- A. Develop and inform employees of procedures regarding safety, industrial hygiene and training requirements
- B. Provide technical advice and training in lab investigation and safety
- C. Review and approve the selection of health and safety equipment
- D. Coordinate the medical monitoring of personnel

## CATEGORIES OF CLANDESTINE LABORATORIES

**42.14.9** To assist law enforcement officers in properly classifying the clandestine lab scenes, VCSO CLRT draws a distinction between the different types of clandestine laboratories. These distinctions are based on a combination of the activity at the site and the potential health risk to its employees and the public.

**42.14.10** Due to the different health risks associated with these laboratories, a separate protocol is established for each. Therefore, for the purpose of this Standards Directive, clandestine laboratories have been classified into the following categories: With all labs below where it is apparent that chemicals have been mixed Fire Services will be requested to respond and standby until the scene is determined safe by the **SSO/Team Leader**.

- A. Operational/Cooking** - An operational laboratory is defined as an active or cooking laboratory. All personnel responding to this category of laboratory shall wear Level B personal protective equipment until it has been deemed safe to downgrade the scene. These laboratories not only have the potential of causing injury to the employee's respiratory system, but also pose an increased risk of either a fire or explosion. In the event of operational labs fire/chemical resistant equipment will be used. i.e.; Kapplar or Thermopro suit, Hazmat One Gloves, and Fire Retardant Boots.
- B. Operational/Non-Cooking** - This lab is the same as above but has been discovered either before the cooking process has begun or after the process has been completed and the chemical process is no longer warm. This lab, dependent upon the chemicals present, may be processed in level B, C or D. The Site Safety Officer will determine what level of protection is necessary based on the hazards present.
- C. Boxed/Dismantled** - This is a lab where the chemicals and cooking apparatus are in some form of storage awaiting their use. This could also be a lab that has been dismantled for the purpose of being transported to a manufacturing site. This lab, dependent upon the hazards present, may be processed in level B, C or D. The site safety officer will determine what level of protection is necessary based on the hazards present.
- D. Fire Extinguishers/Sealed Glass or Metal Cooking Vessels** – If vessels such as this are encountered and it cannot be determined if they are under pressure, lab personnel should back out of the immediate area due to the possibility of vessel failure (that could potentially cause an explosion and shrapnel.) Once the area has been cleared the Team Leader/SSO shall be notified who in turn will notify the Clandestine Laboratory Coordinator or designee. The Clandestine Laboratory Coordinator or designee will respond and also contact the VCSO Bomb Unit. It will be the responsibility of the VCSO Bomb unit to render the vessel safe.
- E. Hash Oil Extraction Labs** – These labs are used to extract the trichomes from cannabis plants. This process leaves the user with a much more concentrated THC commonly known as Hash. There are several different methods of completing this extraction process and most of them call for using flammable solvents in the process. Due to the use of these solvents in areas that are not well ventilated there is a high potential for explosions. In the event an operational Hash Extraction lab is encountered the following equipment will be used. i.e.; Nomex, Kapplar, or Thermopro suit, Fire Retardant gloves, boots, and hoods, SCBA, and air monitoring equipment. Also, the residence/structure where the lab is encountered needs to be ventilated and Fire Services shall be requested to respond and standby until the scene is deemed safe by the SSO/Team Leader.
- F. Indoor Cannabis Grow Operations** – In order to provide the best growth environment, growers usually closely control the temperature and humidity in these operations. As a result there is a high probability of fungal growth within the structure which leads to elevated mold exposure. Due to this the following P.P.E... Will be used by those dismantling the operation i.e.; Tyvek coveralls (chemical resistant clothing is always a consideration depending on the operation), Chemical resistant gloves (work gloves with nitrile gloves worn inside), and An N-95 or P-100 disposable respirator (full face APR with P-100 cartridge is acceptable.) In addition if the operation is an area that does not allow ventilation air monitoring equipment should be used. In the event that there is an oxygen deficiency reading an SCBA shall be utilized by members working on the operation.

## CLANDESTINE LABORATORY INVESTIGATIONS

**42.14.11 VCSO Narcotic Task Force Supervisors: If not laboratory safety certified** Task Force/VBI Supervisors should request a Clandestine Laboratory Response Team member for assistance at the initiation of a clandestine laboratory investigation to ensure the availability of CLRT for seizure and dismantling.

**42.14.12** Notification should be made prior to any briefing so that Laboratory Team members can attend.

**42.14.13** Task Force/VBI Supervisors shall ensure that officers under their command are briefed on and understand the policies and procedures in this Standards Directive.

**42.14.14** Task Force/VBI Supervisors that supervise lab certified task force personnel shall ensure that they adhere to the procedures outlined in this policy.



**42.14.15** All personnel working at a clandestine laboratory site shall use the level of protection established by the Site Safety Officer.

**42.14.16** Prior to eating, drinking, or smoking, all personnel shall follow decontamination procedures established within this directive.

**42.14.17** All personnel shall report any observed safety hazards immediately to the Site Safety Officer.

**42.14.18** All personnel shall follow decontamination procedures prior to leaving the scene.

**42.14.19** All clandestine laboratory personnel shall participate in a medical surveillance program provided by their employer.

**42.14.20** All personnel shall complete the minimum required training as outlined in this directive prior to participating in clandestine laboratory pre-assessment, assessment, or processing phases of the investigation.

**42.14.21** All personnel using personal protective equipment are required to ensure their equipment is in safe working condition.

## **SITE CONTROL**

**42.14.22** To minimize the exposure potential to personnel and control the spread of contamination to equipment and the environment, site controls and decontamination procedures will be followed at each clandestine laboratory scene. These procedures shall be planned and in place before entry into the lab or contaminated area.

**42.14.23** All personnel and equipment exiting the contaminated area will be decontaminated to the fullest extent possible.

**42.14.24** All disposable clothing and equipment will be left at the scene for removal via the **ACS** program

**42.14.25** Each clandestine laboratory site must be controlled in a way that does not allow unauthorized personnel access to the site. Besides keeping unauthorized personnel out of the site, site control also designates where the areas of contamination are, where employees can decontaminate themselves and which areas are safe for eating and drinking. Methods to accomplish this control include:

- A.** Using barrier tape around the lab site and contaminated areas;
- B.** Allowing only one entrance into the site;
- C.** Breaking the site up into zones based on the threat of contamination.

**42.14.26** Clandestine laboratories will be broken down into three control zones:

### **A. Hot Zone (Exclusion Zone)**

This is the area of contamination. This area can include the lab; areas where chemicals are stored or removed, waste pit areas, and contaminated grounds. Direct reading instruments (e.g. combustible gas indicator, dragger tubes) may need to be used in determining location of the boundaries. An entry/exit checkpoint must be established at the boundary of the hot zone to regulate the flow of personnel and equipment into and out of the zone and to verify that personal protective equipment is donned properly and that procedures established to enter and exit are followed. Only personnel who are certified to work clandestine laboratories may enter the hot zone. Under no circumstances will personnel who are not lab certified be allowed to enter this zone.

### **B. Warm Zone (Contamination Reduction Zone)**

This area is for decontamination of personnel and equipment when leaving the hot zone. This area should be immediately adjacent to the hot zone, positioned upwind, and placed so it is easy for personnel to enter. The entrance from the warm zone into the hot zone should be large enough that personnel can enter the hot zone without interfering with decontamination procedures.

### **C. Cold Zone (Support Zone)**

This area does not contain any noticeable contamination. All allied personnel not immediately associated with the clandestine laboratory, command post, support vehicles and general populace will stay in this zone. This is the only zone where eating, drinking, and smoking are allowed at a clandestine lab scene.

## **PERSONAL PROTECTIVE EQUIPMENT (PPE)**

**42.14.27** Personal Protective Equipment (PPE) shall be provided by the Sheriff's Office and used by personnel to protect themselves from known and potential health hazards at the clandestine laboratory scene.

**42.14.28** No VCSO employee or person assigned to the CLRT will wear any personal protective equipment that has not been approved by the Clandestine Laboratory Coordinator.

**42.14.29** The Site Safety Officer will make all decisions regarding the selection of personal protective equipment. It will also be the responsibility of the Site Safety Officer to determine the level of personal protective equipment to wear and when it is appropriate to downgrade the required personal protective equipment.

**42.14.30** Levels of PPE worn at the scene shall be based on the chemicals found, location of the chemicals, reaction by-products, concentration of chemicals in the air, and other available information. Types of PPE used by the VCSO CLRT are:

- A. Self-Contained Breathing Apparatus (SCBA)
- B. Air Purifying Respirator (APR), with combination chemical cartridges
- C. Hooded, chemical impermeable clothing with heat sealed seams (e.g., Saranex)
- D. Nitrile inner and outer gloves
- E. Latex boot covers or chemical resistant neoprene boots with steel toe and shank.

#### **PPE LEVEL GUIDELINES**

**42.14.31** The following U.S. EPA guidelines will be used to determine the appropriate level of PPE to wear:

##### **LEVEL B GUIDELINES**

**42.14.32 Level B** - The highest level of respiratory protection and splash protection used by VCSO. This level is for initial investigation of a clandestine drug lab, whenever the potential for phosphine or phosgene exposure exists, when the concentration and type of chemicals are unknown, or when handling a deceased individual at a clandestine lab. Level B shall also be worn when entering confined spaces or areas that have a potential lack of oxygen (less than 19.5%). Level B equipment includes:

- A. Full-face Self-Contained Breathing Apparatus (SCBA), NIOSH approved;
- B. Hooded, chemical impermeable clothing with heat sealed seams (e.g., Saranex);
- C. Chemical resistant outer gloves (Nitrile);
- D. Chemical resistant inner gloves (Nitrile);
- E. Chemical resistant neoprene boots with steel toe and shank, or latex boot covers;
- F. Nomex flame resistant inner garment (optional).

##### **LEVEL C GUIDELINES**

**42.14.33 Level C** - Downgrade in respiratory protection, same level of splash protection. Level C shall be worn when the types and concentrations of airborne substances are known there is no possibility of phosphine or phosgene exposure, and when oxygen levels are greater than 19.5%. Level C equipment includes:

- A. Full-face Air Purifying Respirator with chemical combination cartridges;
- B. Hooded, chemical impermeable clothing with heat sealed seams (e.g., Saranex);
- C. Chemical resistant outer gloves (Nitrile);
- D. Chemical resistant inner gloves (Nitrile);
- E. Chemical resistant neoprene boots with steel toe and shank, or latex boot covers;
- F. Nomex flame resistant inner garment (optional).
- G. Level C chemical combination cartridges shall be routinely changed based upon the "Change-out Schedule"

##### **LEVEL D GUIDELINES**

**42.14.34 Level D** - No respiratory protection required; minimum level of PPE used. This level is used for handling dirty or contaminated articles that are no longer a respiratory hazard. Level D does not require all of the PPE to be worn together, but can include only what is needed for the task at hand (i.e., Nitrile gloves only). Level D equipment includes:

- A. Hooded, chemical impermeable clothing (e.g., Saranex);
- B. Chemical resistant gloves (Nitrile);
- C. Chemical resistant boots with steel toe and shank, or latex boot covers;
- D. Safety glasses or goggles.

##### **42.14.35 Donning and Doffing Guidelines**

- A. All levels of personal protective equipment shall be donned and doffed outside of the hot zone.

- B. All zippered seams, cuffs, and ankles shall be taped with duct tape with gauntlet of glove and ankle cover of boots on the inside of suit.
- C. All PPE should be decontaminated to the fullest extent possible, once the task is completed.
- D. In the event of an emergency or if a leak is noticed in the PPE, the individual must be removed from the hot zone immediately and the PPE deconned (decontaminated) and removed.

## **EMPLOYEE EXPOSURE INCIDENTS**

### **42.14.36 Exposure Reporting Requirements**

- A. If any employee working at a clandestine drug lab site is exposed to hazardous chemicals that affect the health of the person, a VCSO Clan Lab Exposure Report (CLER) form, Notice of Injury, Auto Incident and all necessary VCSO reports will be completed, and the employee will be transported to the nearest hospital capable of treating the exposure.
- B. A copy of the CLER form as well as all related reports will be forwarded to the clandestine lab coordinator within a timely manner.
- C. If an employee is seriously injured, the On-Site Supervisor will notify his/her chain of command immediately.

## **SECURING & DISMANTLING PROCEDURES**

**42.14.37** The following phases shall be used in the securing and dismantling of clandestine laboratory scenes:

- A. Planning
- B. Entry
- C. Assessment
- D. Dismantling & Evidence Sampling
- E. Disposal
- F. Decontamination

### **PLANNING**

**42.14.38** This is the initial phase of all clandestine laboratory enforcement actions. This phase includes:

- A. Evaluating all available information about the chemicals at the scene to develop the HARP form;
- B. Developing emergency evacuation and medical treatment plans;
- C. Coordinating service of search warrants with allied agencies;
- D. Ensuring adequate personnel and safety equipment are available;
- E. Initiating the HARP form;
- F. Ensuring participants are briefed on issues of safety and procedures;
- G. Designating the Site Safety Officer to be assigned by the Case Agent.

### **42.14.39 Raid Briefing**

- A. Pre-raid briefings of all personnel will be conducted prior to entering a scene.
- B. These briefings will discuss the activities to be performed considering health and safety issues and the necessary protective equipment.
- C. The briefing will be conducted by the Case Agent or his/her designee and documented on the HARP form.
- D. No employee shall be allowed to enter the scene without being provided a health and safety briefing.

### **ENTRY**

**42.14.40** For purposes of this safety policy only, entry is defined as: the initial entry into a building by law enforcement personnel pursuant to the investigation of illegal drug manufacturing.

**42.14.41** Entries into buildings where suspects are or might be present will be accomplished using safety equipment.

**42.14.42** Once the building has been cleared of suspects, the site supervisor will direct the pre-assessment or assessment phase to begin utilizing proper safety equipment as determined by the Site Safety Officer.

**42.14.43** Whenever possible the entry team will consist of Laboratory-Safety certified law enforcement personnel. No entry into a suspected lab site will be conducted without a safety briefing as outlined within this Standards Directive.

### **ASSESSMENT**

**42.14.44** The assessment team shall be comprised of **at least** two laboratory-safety certified personnel. This phase includes:

- A. Determining the level of personal protective equipment required for this phase;
- B. Identifying and/or verifying site hazards for known or suspected hazardous conditions;
- C. Deactivating and ventilating as needed;
- D. Informing the Site Safety Officer of all observed chemicals and perceived hazards;
- E. If necessary, reviewing the Material Safety Data Sheets (MSDS), NIOSH, NES, NFPA, HMIS, and any other available literature for chemical information regarding chemicals at the scene (refer to the Definition Section page 1-2);
- F. Using the above information to establish site control zones and determine the level of PPE needed for the next phase;

**42.14.45** Labs inside buildings or other spaces that do not have good ventilation and ANY lab where “cooking” has been in process when the lab was entered. A SCBA shall be used until the atmospheric content can be determined to be safe.

**42.14.46** Non-cooking labs with good ventilation or boxed labs. A full-face respirator with the standard SCOTT or MSA cartridges will be used as a precaution until it can be determined that none of the containers are open and leaking.

**42.14.47** Air monitoring instruments (Lower Explosive Limit = 10%, Oxygen >19.5% or less than 23.5%, Phosphine <0.3 ppm, Ammonia < 50ppm) will be used to determine whether respiratory protection continues to be necessary. Colorimetric tubes may also be used for other contaminants, such as hydrogen chloride (< 5 ppm).

#### **DISMANTLING & EVIDENCE PROCEDURES**

**42.14.48 DISMANTLING:** Dismantling, if necessary, shall be directed by the site safety officer and will consist of the following:

- A. Photographs shall be taken prior to dismantling;
- B. Identify, document and collect evidence;
- C. Follow all of the guidelines outlined on the evidence sampling, transporting and storage section of this policy;
- D. Under no circumstances shall personnel deliberately use their sense of smell to identify hazardous materials;
- E. Photographs of all samples shall be taken together with the original containers;
- F. Photographs shall be taken of any evidence items to be removed from the scene;
- G. Photographs shall be taken of any items from which latent prints are taken.

**42.14.49 EVIDENCE SAMPLING, TRANSPORTING & STORAGE:** Evidence sampling/collection is vital to the successful prosecution of a person charged with manufacturing an illicit drug. Therefore, it is essential that selected items of evidence are properly collected, packaged and transported to the lab and/or storage facility. To ensure that this task is accomplished, the Case Agent working with the site safety officer shall determine what items need to be collected at the scene.

**A. Collection of Evidence** - Pursuant to the provisions of this policy, only clandestine laboratory certified personnel will collect evidence samples at the scene. During this process these individuals shall be under the direction of the designated laboratory-certified site safety officer on scene and/or the on scene Site Safety Officer Supervisor, who shall ensure the following tasks are accomplished:

- Seal each of the inner sample containers in a chemical resistant evidence pouch
- Place the chemical resistant evidence pouches in an evidence container
- Coordinate with the Case Agent for the transport of samples to the regional crime laboratory

**B. Transporting & Storage** - Upon the collection of the sample, the Case Agent or his/her designee shall ensure the following tasks are accomplished:

- In coordination with the SSO, ensure the samples are transported from the scene to the regional laboratory or arrange for later transport to the crime lab.
- Ensure that all evidence is in compliance with both state and federal laws.
- Ensure that all evidence is stored safely and disposed of according to law.

## TRAINING REQUIREMENTS

**42.14.50** All employees working on-site who may be exposed to hazardous substances, health hazards, or safety hazards, and their supervisors and management responsible for the site, shall receive training before they are permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety, or health hazards.

**42.14.51** Primarily Network Environmental Systems (NES) will provide training; however, this does not preclude attending training offered from other sources/agencies so long as all safety and certification training curriculum is documented as meeting OSHA standards. The following classes describe the required training for VCSO Clandestine Laboratory Personnel working clandestine laboratories:

- A. Clandestine Laboratory Certification (40hr)** - This training provides the basic understanding of health and safety issues pertaining to a clandestine drug lab. This includes the recognition, evaluation, and control of chemical and physical hazards, air monitoring instrumentation, and utilization of personal protective equipment.
- B. Safety Refresher Training (8hr)** - Required annually to review and refresh the topic of health and safety at clandestine laboratories, and to discuss any new health and safety concerns with the manufacture of illicit drugs.
- C. Site Safety Officer Training (8 hrs. min.)** - Site Safety Officer (SSO) course is an advanced training session for experienced individuals who have successfully completed the 40-hour Clandestine Laboratory Certification Course. The program is designed to certify the participants as clandestine laboratory site safety officers, an OSHA requirement for every site. Individuals with the responsibility of managing and/or developing their agency's clandestine laboratory health and safety program should also attend. The advanced course schools participants in topics such as advanced assessment techniques, confined space entry requirements, respirator fit testing procedures, in-depth air monitoring instrumentation, and other health and safety related issues.
- D. Supervisor Training (8hr)** - This supervisor training course is required, if available, for all clandestine laboratory supervisors or agents at a clandestine lab scene who have to act as the on-scene supervisor or persons who supervise personnel who respond to clandestine laboratories. Emphasis is placed on legal issues of supervising a lab crew when working with hazardous chemicals and dangerous situations.

## MEDICAL SURVEILLANCE PROGRAM

### PROGRAM OBJECTIVES

**42.14.52** The Sheriff's Office Medical Surveillance Program requires that only medically approved employees shall participate in clandestine laboratory activities. Monitoring the health status of employees may detect the early stages of a possible work related illness. No employee will be allowed to participate on the Clandestine Laboratory Enforcement Team (CLRT) unless medically certified by a County or personal physician. To participate in the CLRT refers to any employee or other person who, as a matter of employment, is required to enter the contamination or hot zone. The objectives of this program are to provide:

- A.** Recognition of medical abnormalities at the earliest opportunity in order for corrective action to be implemented;
- B.** Identify illnesses that may be aggravated by exposure to hazardous substances, physical agents, or other job related factors;
- C.** Provide immediate attention for injuries due to overexposure from an emergency incident involving hazardous substances;
- D.** Identify personnel who may be at risk from the use of personal protective equipment such as respirators and protective clothing.

**42.14.53 Medical Examination Procedures** -The medical examination provided for by the Sheriff's Office consists of the following:

- A.** Occupational/medical history;
- B.** Physical examination;
- C.** Blood chemistry screening;
- D.** Pulmonary function and spirometry testing;
- E.** Treadmill exercise test/echo stress test (optional, determined by physician);
- F.** Employee chest x-ray (optional).

**42.14.54 Medical Examination Requirements** - Medical examinations and consultations will be performed by or under the supervision of a licensed physician, preferably an occupational physician.

**42.14.55** When using County physicians, the examinations and consultations will be at no cost to the employees and time will be provided to participate in the program. Examinations will be provided:

- A.** Prior to assignment;

- B. Every 12 months;
- C. At termination of employment or reassignment outside of the clandestine laboratory response group;
- D. Episodic and emergency medical care;
- E. At more frequent times, if the physician deems it necessary

**42.14.56** At the completion of the examination, the physician will provide the employer with a confidential written opinion.

**42.14.57** The employer will provide this opinion to the employee.

#### **LAW ENFORCEMENT NOTIFICATION**

**42.14.58** The clandestine laboratory investigation Team Leader (or his/her designee) shall send a written notification letter (see attachments) to responsible parties for notification of potential remaining hazards.

**42.14.59** The notification letter shall be sent to:

- A. the location of the clandestine laboratory seizure site;
- B. the property owner of record if the location of the clandestine laboratory seizure is rented/leased by a third party other than the property owner of record;

**42.14.60** A VCSO Clandestine Laboratory Warning Sticker shall be applied to the exterior side of the front door of the site of a clandestine laboratory seizure.

#### **ATTACHMENTS**

**ATTACHMENT A:** HAZARD ASSESSMENT AND RECOGNITION PLAN (HARP) FORM

**ATTACHMENT B:** CLANDESTINE LABORATORY EXPOSURE REPORT (CLER) FORM

**ATTACHMENT C:** CONFINED SPACE ENTRY PERMIT

**ATTACHMENT D:** NOTIFICATION LETTER TO PROPERTY OWNER

**Revised by:** 2391

**Revised on:** 05-2015; 10-2016

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



# VOLUSIA COUNTY SHERIFF'S OFFICE

## CLANDESTINE LABORATORY INVESTIGATION

### HAZARD ASSESSMENT AND RECOGNITION PLAN

VCISO CASE #

#### SECTION A – CASE INFORMATION

FIELD OFFICE	AGENCY ASSISTED	DATE SEIZED

#### SECTION B – SITE SAFETY OFFICER

SAFETY OFFICER (NAME)	AFFILIATION {If other than VCISO: (Enter agency name)}

#### SECTION C – SITE DESCRIPTION

CLAN LAB ADDRESS															
SITE LOCATION AND DESCRIPTION															
STRUCTURE DESCRIPTION															
	<input type="checkbox"/>	Residence	<input type="checkbox"/>	Mobile Home	<input type="checkbox"/>	Storage Locker	<input type="checkbox"/>	Motel/Hotel	<input type="checkbox"/>	Apartment					
	<input type="checkbox"/>	Other (Describe)													
WEATHER CONDITIONS															
<input type="checkbox"/>	<input type="checkbox"/>	Calm	<input type="checkbox"/>	Breezy	<input type="checkbox"/>	Windy	Temperature Range	<input type="checkbox"/>	Clear	<input type="checkbox"/>	Fog	<input type="checkbox"/>	Snow	<input type="checkbox"/>	Rain
<input type="checkbox"/>	Other:														

#### SECTION D – OTHER AGENCY FIELD SUPPORT

FIELD SUPPORT	OFFICIAL CONTACTED (Name/Title)	CONTACT NUMBER	AGENCY NAME	NOTIFIED Date/Time
FL DEPT. of TOXIC SUBSTANCES CONTROL (DTSC)				
FIRE DEPARTMENT				
HOSPITAL EMERGENCY ROOM				
DISPOSAL COMPANY				
HEALTH DEPARTMENT				
MEDIVAC HELICOPTER/ AMBULANCE				
OTHER				

#### SECTION E – FIELD TEAM: Activities/Level of Protection

		ENTRY					ASSESSMENT					PROCESSING				
NAME	UNIT/ AGENCY		B	C	D	TIME SPENT HR/MIN		B	C	D	TIME SPENT HR/MIN		B	C	D	TIME SPENT HR/MIN
		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		YES NO	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	

**SECTION F – CLANDESTINE LABORATORY CATEGORY**

<input type="checkbox"/> OPERATIONAL/COOKING	<input type="checkbox"/> OPERATIONAL/NON-COOKING	<input type="checkbox"/> BOXED/DISMANTLED
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**SECTION G – CLANDESTINE LABORATORY TYPE**

<input type="checkbox"/> METHAMPHETAMINE	<input type="checkbox"/> FENTANYL	<input type="checkbox"/> MDA/MDMA	<input type="checkbox"/> OTHER (Specify)
<input type="checkbox"/> AMPHETAMINE	<input type="checkbox"/> LSD	<input type="checkbox"/> GHB	
<input type="checkbox"/> PCP	<input type="checkbox"/> P2P	<input type="checkbox"/> PSEUDO/EPHEDRINE EXTRACTION	

**SECTION H – CHEMICAL HAZARDS (Check all that apply)**

<input type="checkbox"/> ACETONE	<input type="checkbox"/> COLEMAN FUEL	<input type="checkbox"/> HYDROCHLORIC ACID (HCl)	<input type="checkbox"/> METHYLAMINE	<input type="checkbox"/> OTHER
<input type="checkbox"/> AMMONIA	<input type="checkbox"/> DENATURED ALCOHOL	<input type="checkbox"/> HYDROGEN CHLORIDE GAS	<input type="checkbox"/> RED PHOSPHORUS	
<input type="checkbox"/> BENZENE	<input type="checkbox"/> ETHER	<input type="checkbox"/> IODINE CRYSTALS	<input type="checkbox"/> SODIUM HYDROXIDE	
<input type="checkbox"/> BROMOBENZENE	<input type="checkbox"/> FREON	<input type="checkbox"/> LITHIUM METAL	<input type="checkbox"/> SODIUM METAL	
<input type="checkbox"/> CAUSTIC SODA	<input type="checkbox"/> HYDRIODIC ACID(HI)	<input type="checkbox"/> METHANOL	<input type="checkbox"/> SULFURIC ACID	

**SECTION I – OTHER HAZARDS (Check all that apply)**

<input type="checkbox"/> BOOBY TRAP	<input type="checkbox"/> CONFINED SPACE	<input type="checkbox"/> HEAT STRESS	<input type="checkbox"/> OTHER
<input type="checkbox"/> COMPRESSED GAS CYLINDER(s)	<input type="checkbox"/> ELECTRICAL	<input type="checkbox"/> SLIP/TRIP/FALL	

**SECTION J – DECONTAMINATION OF PERSONNEL & MONITORING EQUIPMENT** ☐ DRY ☐ WET


**SECTION K – HAZARD ASSESSMENT FINDINGS (Mandatory)**

	Readings Obtained/Time	Location	Time of Last Functional Test
Lower Explosive Level			
% Oxygen			
Phosphine			
<b>DRAGER TUBES/OTHER</b> (Check all used)	RESULTS (Circle)	COLOR CHANGED TO:	CONCENTRATION (PPM) (Highest level noted – i.e., longest length of color stain)
<input type="checkbox"/> Hydrochloric Acid			
<input type="checkbox"/> Hydrocyanic Acid			
<input type="checkbox"/> Hydrogen Sulfide			
<input type="checkbox"/> Ammonia			
<input type="checkbox"/> Other:			
<input type="checkbox"/> Other:			

**SECTION L – COMMENTS:**


SITE SAFETY OFFICER(Sign &amp; Date)    CASE AGENT(Sign &amp; Date)

SPECIAL AGENT SUPERVISOR(Sign &amp; Date)





## CLANDESTINE LABORATORY EXPOSURE REPORT



VCSO personnel and Task Force personnel who have received or intend to receive medical evaluations shall complete and submit this document as per VCSO policy directives and procedures within 24 hours to: The Clandestine Laboratory Coordinator, and/or Clandestine Laboratory Response Team Supervisor.

EMPLOYEE INFORMATION	NAME: (Last, First, Middle Initial)		DATE OF BIRTH
	NARCOTIC UNIT	POSITION/TITLE	
INCIDENT DATA	DATE OF LABORATORY RAID		CASE NO. / OTHER AGENCY NO.
	TYPE OF DRUG LAB (Methamphetamine, LSD, PCP, Cocaine conversion, etc)		
LAB SITE INFORMATION	RESULTS OF DRAEGER TUBES (If available)		RESULTS OF GAS ALERT MICRO 5
	PERSONAL PROTECTIVE EQUIPMENT USED FOR EACH ACTIVITY LISTED (Nomex suit, gloves, boots, etc.)		
	ENTRY	Pre Assessment	
	Assessment	Processing	
	Disposal	Other	
MEDICAL TREATMENT INFORMATION	PROVIDER	MEDICAL CONDITION	TYPE OF TREATMENT
	DATE FIRST AID TREATMENT RECEIVED	NAME OF DOCTOR AND PHONE NO.	

EMPLOYEE'S SIGNATURE

DATE

SUPERVISOR'S NAME (PRINTED)

SUPERVISOR'S SIGNATURE

DATE

# CLANDESTINE LABORATORY EXPOSURE REPORT (Cont)

## CHEMICAL EXPOSURE

Name ALL chemicals to which you were exposed:

### LABORATORY RAID ACTIVITIES (Check All That Apply)

ACTIVITY	Duration of activity within Clandestine Lab	Symptoms resulting from Laboratory Activities												Special Conditions in Lab			
		Eyes Burn	Nose Irritation	Nose Bleed	Cough	Sore Throat	Breathing Difficulty	Nausea / Queasiness	Headache	Light-Headed / Dizzy	Skin Irritation / Rash	Chemical Burns	Collapse	Fire	Explosion	Uncontrolled Reactions	Leaks / Spills
ENTRY																	
PRE-ASSESSMENT																	
ASSESSMENT																	
PROCESSING																	
DISPOSAL																	
OTHER																	

Other Symptoms (Describe):

Other Conditions of Unusual Circumstances (Describe):



# CONFINED SPACE ENTRY PERMIT



**Permit valid for 8 hours only. All copies of permit will remain at job site until job is completed.**

Date:

Time:

Site Location:

Site Description:

Authorized Entrants:

Attendants:

Supervisor:

## TYPE OF HAZARD

☐ Oxygen Deficiency (< 19.5%)

☐ Oxygen over 23.5%

☐ Toxic Gas/Vapor (IDLH) Type of Toxic

☐ Flammable Gas/Vapor (>10% LEL)

☐ Engulfment

☐ Electrical Hazard

Other(s):

HAZARD CONTROL	DATE	TIME
Area Secured		
Space Ventilated		
Level B PPE Donned		
Level C PPE Donned		
Emergency Response Team On-Site		
Employees Informed of Hazards		
Entry Procedures Reviewed with Entrants		
Monitoring Equipment Calibration Check		

Continuous Monitoring Tests To Be Taken	Permissible Entry Level	Results	Time
Percent of Oxygen			
Lower Explosive Limit			
Phosphine			
Others			

Supervisor Authorization: \_\_\_\_\_ Time Cancelled: \_\_\_\_\_

Department: \_\_\_\_\_

Phone Number: \_\_\_\_\_



**NOTIFICATION OF HAZARDOUS/TOXIC CHEMICAL CONTAMINATION  
TO OWNER OF RECORD OF PRIVATE PROPERTY**

Dear \_\_\_\_\_:  
(Property Owner of Record)

This letter is being written to advise you, as property owner of record, that on \_\_\_\_\_, the property known as \_\_\_\_\_ was legally searched as a result of an illegal drug laboratory investigation. Observations made during the search indicate that hazardous/toxic chemical substances were transferred, stored or disposed of on the property.

Governmental seizure and removal of "bulk" chemicals and other hazardous materials has occurred. Because there may still be significant chemical contamination at the property, copies of this notification are being sent to local authorities concerned with environmental toxic contamination. You are hereby notified that any further chemical decontamination is your responsibility as the property owner of record and govern yourself accordingly.

Inquiries regarding this matter should be made to \_\_\_\_\_ at \_\_\_\_\_. Please refer to investigation case number # \_\_\_\_\_ when making such inquiries.

Sincerely,

Case Agent  
Volusia County Sheriff's Office

Cc: case file



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

<b>TITLE:</b>	<b>EYEWITNESS IDENTIFICATION: LINE-UPS &amp; SHOW-UPS</b>
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**CODIFIED:** 42.15

**EFFECTIVE:** 04-2014

**RESCINDS/AMENDS:** 12-2013

**ATTACHMENTS:** 2

#### PURPOSE

The purpose of this Directive is to establish procedures for preparing and conducting non-suggestive photographic/live line-ups and show-ups, thus enhancing accuracy and use of eyewitness identifications and minimizing the potential for misidentifications.

#### DISCUSSION

Eyewitnesses frequently play a vital role in uncovering the truth about a crime. The evidence they provide can be critical in identifying, charging, and ultimately convicting suspected criminals. That is why it is absolutely essential that eyewitness evidence be accurate and reliable.

In the use of eyewitnesses, there are two variables that affect eyewitness identification: *estimator variables* and *system variables*.

*Estimator variables* are those that cannot be controlled by the criminal justice system. They include simple factors such as lighting, distance to the perpetrator, time lapse, eyewitness veracity, etc., to more complex factors involved with stress and/or trauma.

*System variables* on the other hand, are those that the criminal justice system can and should control and include all the ways that law enforcement agencies retrieve and record witness memory, such as line-ups, photo arrays and show-ups.

For this reason, it is imperative that proper protocol be established and strictly adhered to while administering eyewitness identification procedures.

Misidentifications not only threaten the innocent, they also derail investigations by taking the focus off the actual perpetrator. Enhanced attention to identification procedures helps to avoid misidentifications and ensure that more accurate identifications are made.

#### POLICY

It is the policy of the Volusia County Sheriff's office to adhere to non-suggestive, professional and objective eyewitness identification protocol and administrative procedures as outlined herein. This policy applies to all forms of eyewitness identification to include photographic and live line-ups as well as field show-ups. Further, it is the policy of the Volusia County Sheriff's Office to authorize and conduct simultaneous line-ups only.

In cases involving multiple witnesses, it shall be the policy of the VCSO that only one witness at a time view the selected lineup. If there are multiple suspects involved and a field show-up procedure is warranted, the suspects shall be separated and subjected to separate individual show-up procedures as outlined herein.

#### DEFINITIONS

- A. **Administrator** – The person conducting the line-up or showup (Detective/ Deputy).
- B. **Eyewitness** - The person who observes another person at or near the scene of an offense.

- C. **Filler** – Either a person or a photograph of a person who is not suspected of an offense and is included in an identification procedure. Used to complete a photo array and bring the total number of photos/persons up to a minimum of six photos/persons.
- D. **Live lineup** – An identification procedure in which a group of persons, including the suspected perpetrator of an offense and other persons not suspected of the offense, is displayed before an eyewitness for the purpose of identifying or eliminating suspects.
- E. **Photo Array** – The group of photographs utilized in a photographic lineup.
- F. **Photo lineup** – Showing photographs to an eyewitness for the purpose of identifying or eliminating suspects
- G. **Simultaneously** - Presentation of photos or individuals in a lineup to a witness all at once rather than one-at-a-time.
- H. **Showup** – an identification procedure in which an eyewitness is presented with a single suspect for the purpose of determining whether the eyewitness identifies this individual as the perpetrator.
- I. **Suspect** – the person believed by law enforcement to be the possible perpetrator of the crime.

## PROCEDURE

The following procedures are designed to enhance the accuracy of identifications and minimize the risk of inadvertent misidentifications thus providing stronger evidentiary value for the case.

### COMPOSING & PREPARING LINE-UPS

**42.15.1** In composing a photo or live lineup, the administrator shall ensure that the lineup is comprised in such a manner that the suspect does not unduly stand out; however, complete uniformity of features is not required.

**42.15.2** When selecting photographs:

- Do not mix color photos with black and white photos;
- Use photos of the same size and basic composition;
- Do not mix mug shot photos with other photos;
- Do not include more than one photo of the same suspect;
- Cover or crop any portion of a mug shot or other photo that provides identifying information on the subject or other persons included in the photographic lineup (e.g. previous arrest information, name tags, etc).

**42.15.3** Suspects will be placed in different positions in each lineup, to include across multiple cases (e.g. same suspect in 3 separate robberies) and with multiple witnesses in the same case.

### PHOTO LINEUP

**42.15.4** In composing a photo lineup, the lineup administrator shall: (CALEA 42.2.11A)

- A. Include only one photo of the suspect in each identification procedure; if multiple photos of the suspect are reasonably available to the detective/ deputy, select a photo that resembles the suspect's description or appearance at the time of the incident.
- B. Select fillers (non-suspects) who generally fit the witness's description of the perpetrator. Use contemporary photographs of individuals who are reasonably similar in age, height, weight, and general appearance and are of the same sex and race. When there is a limited or inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
- C. Include a minimum of five (5) fillers per identification procedure.
- D. Do not reuse fillers in line-ups shown to the same witness when showing a new suspect.
- E. View the array, once completed, to ensure that the suspect does not unduly stand out.

### LIVE LINEUP

**42.15.5** Live line-ups require the authorization/coordination through a supervisor and availability of video/digital and audio equipment for recording of the procedure. All such video/digital and audio equipment will be in record-ready status prior to beginning the identification process.

**42.15.6** In composing a live lineup, the lineup administrator shall:

- A. Include only one suspect in each identification procedure.

- B. Select fillers (non-suspects) who generally fit the witness's description of the perpetrator in age, height, weight, and general appearance and are of the same sex and race. When there is a limited or inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
- C. Include a minimum of five (5) fillers (non-suspects) per identification procedure.
- D. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g. scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature.
- E. Do not reuse fillers in line-ups shown to the same witness when showing a new suspect.
- F. Present separate line-ups when there are multiple eyewitnesses.
- G. Place the suspect in different positions in each lineup, both across cases and with multiple witnesses in the same case.

#### **INSTRUCTING THE WITNESS PRIOR TO VIEWING A LINEUP**

**42.15.7** Prior to viewing any photo or live lineup, the administrator shall provide standardized instructions to the witness and shall obtain from the witness a signed acknowledgement of the information provided through use of the Witness Form (Attachment A). Instructions to the witness will include the following information:

- A. You will be asked to view a group of photos/ individuals.
- B. The person of interest may or may not be among the persons in the identification procedure.
- C. You should not feel compelled to make an identification; it is just as important to clear innocent persons from suspicion as it is to identify the correct guilty parties.
- D. The photos/ individuals will be shown to you simultaneously (in a group) and are not in any particular order. Take as much time as you need to examine the photos/ individuals.
- E. Individuals presented in the group may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.
- F. If you do identify someone, I will have you designate the photograph/person you have identified and note your exact words regarding your identification.
- G. Regardless of whether an identification is made, the investigation will continue.
- H. Since this case is an ongoing criminal investigation, you should not discuss the identification procedures or results.

#### **DIRECTIONS TO THE ADMINISTRATOR**

**42.15.8** After instructions are read to the witness and the witness acknowledges the specific instructions in writing, the Administrator will step away from the witness's immediate vicinity. If possible, the Administrator should not be in the witness's direct line of sight. This will help to minimize the opportunity for inadvertent behaviors that might influence the witness's decision and provides the witness a more relaxed opportunity to view the lineup.

**42.15.9** During contact with the witness(es), Administrators are prohibited from communicating, either verbally or by body language, anything beyond the reading of the standardized instructions that may mislead a witness during the eyewitness process and shall scrupulously avoid any conduct that directly or indirectly influences the witness's decision.

**42.15.10** Any special circumstances that prompt a variance from the instructions or refusal of the witness to acknowledge that he or she read the instructions shall be documented.

#### **CONDUCTING THE ID PROCEDURE**

**42.15.11** The identification procedure will be conducted in a manner that promotes the accuracy, reliability, fairness and objectivity of the witness's identification.

**42.15.12** The Administrator shall ensure communication among multiple witnesses is prevented during lineup procedures to avoid "contamination" of results.

#### **PHOTO LINEUP**

**42.15.13** When presenting a simultaneous photo lineup, the lineup administrator shall:

- A. Confirm that the witness understands the nature of the lineup procedure;

- B. Avoid saying anything to the witness that may influence selection;
- C. If identification is made, scrupulously avoid communicating in any way to the witness any information regarding the individual he or she has selected.
- D. Record all results as per section, "Recording ID Results".

**42.15.14** Preserve the presentation order of the photo lineup. In addition, the photos themselves shall be preserved in their original condition.

#### **LIVE LINE-UPS**

**42.15.15** All live line-ups must conform to specific legal requirements. If the right to counsel has attached, the counsel representing the accused is entitled to have sufficient time to confer with his or her client prior to the lineup, and to observe the lineup itself. Any waiver of right of counsel must conform with requirements of law.

**42.15.16** In a live lineup no person aware of the suspect's identity other than the detective who is administering the lineup, and in the case where the right to counsel has attached the suspect's attorney, may be present.

**42.15.17** Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup and that such communication in any way, verbal or body language, about assumed identity of the suspect is prohibited.

**42.15.18** When presenting a live lineup, the lineup Administrator shall:

- A. Prior to the viewing, provide viewing instructions to the witness.
- B. Ensure that any identification actions (e.g. speaking, moving, etc.) are performed by all members of the lineup.
- C. If an identification is made, scrupulously avoid communicating in any way to the witness any information regarding the individual he or she has selected.
- D. Record all results as per section, "Recording ID Results".

**42.15.19** Document the lineup by photo, video and audio. This documentation should be of a quality that represents the lineup clearly and fairly.

**42.15.20** Instruct the witness that since the case is an ongoing criminal investigation, the witness should not discuss the identification procedures or results.

#### **RECORDING ID RESULTS**

**42.15.21** When conducting an identification procedure, the lineup Administrator shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness. Preparing a complete and accurate record of the outcome of the identification procedure is crucial. This record can be a critical document in the investigation and any subsequent court proceedings.

**42.15.22** Document in writing the lineup procedure including:

- A. Date and time of the identification procedure
- B. Identification information of lineup participants
- C. If a photo lineup, include sources of all photos used
- D. Names of all persons present at the lineup

**42.15.23** Document the level of confidence expressed by the witness in terms of witness conduct, relevant observations, and the witness's statements word-for-word regarding how sure he or she is by utilizing the Witness Form (Attachment A).

- Example: "Upon viewing photo number four, the witness stated, 'That's the one. He's the one who told me he was going to kill me,' and the witness began crying."

**42.15.24** Record both identification and non-identification results in writing as noted by the witness.

**42.15.25** Ensure that the results are signed and dated by the witness including any acknowledgement forms.

**42.15.26** Ensure that no materials indicating previous identification results are visible to the witness.

**42.15.27** Ensure that the witness does not write on or mark any materials that will be used in other identification procedures.

**42.15.28** Regardless of whether, or not an identification is made, all results, forms utilized and documentation about the identification process will be maintained in the investigative case file; all recordings and photograph arrays shall be preserved and submitted to the Evidence Section.



## SHOW-UPS

**42.15.29** A showup is a field identification procedure performed when circumstances require the prompt display of a single suspect to a witness. The inherent suggestive nature of the encounter can be minimized through the use of procedural safeguards.

**42.15.30** In order to determine whether a suggestive out-of-court confrontation gave rise to a likelihood of misidentification, courts have considered such factors as:

- The opportunity of the witness to view the criminal at the time of the crime
- The witness's degree of attention
- The accuracy of the witness's prior description of the criminal
- The level of certainty demonstrated by the witness at the confrontation
- The length of time between the crime and the confrontation,
- Whether the witness was a "casual observer" or the victim of the crime.

**42.15.31** Show-ups should be used when compelling reasons/circumstances require the prompt display of a single suspect to a witness (e.g. public safety concerns).

**42.15.32** Show-ups require a supervisor's approval. The approving supervisor will evaluate the above noted factors before approving a showup.

**42.15.33** Determine and document the description of the perpetrator prior to the showup; be as detailed with the description as possible.

**42.15.34** Show-ups should only be conducted when the suspect matching the description of the perpetrator is located in close proximity (in time and place) to the crime.

**42.15.35** If practical, transport the witness to the location of the detained suspect to limit the legal impact of the suspect's detention.

**42.15.36** The showup administrator/ deputy is prohibited from providing any feedback/communication, verbal or body language, which may influence the witness in identifying the suspect.

**42.15.37** Show-ups shall not be conducted with more than one witness present at a time.

**42.15.38** Witnesses shall be given the following cautionary instructions **before** viewing a suspect:

- A. You will be asked to view an individual(s)
- B. The person of interest may or may not be the person that is presented in the identification procedure;
- C. The eyewitness should not feel compelled to make an identification; it is just as important to clear innocent persons from suspicion as it is to identify the correct guilty parties;
- D. Take as much time as you need to view the individual; regardless of whether an identification is made, the investigation will continue;
- E. If an identification is made, your exact words will be noted in regards to your identification;
- F. Since the case is an ongoing criminal investigation, the witness should not discuss the identification procedures or results.

**42.15.39** If there are multiple witnesses and one witness makes a positive identification during a showup, that identification should provide the probable cause to make an arrest; the remaining witnesses should then be provided with a photo lineup procedure rather than continue with the showup.

**42.15.40** Words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator is prohibited.

**42.15.41** Presentation of the suspect should (if safe to do so):

- A. Avoid the restraint of the suspect during the course of the showup;
- B. Remove the suspect from the patrol vehicle.

**42.15.42** If there are multiple suspects and a showup procedure is warranted, the suspects should be separated and subjected to separate procedures if at all possible. Any extenuating circumstances (e.g. public safety issue) that prohibit separation shall be documented in the report.

**42.15.43** Deputies shall fully document the event and the result in an incident report. The documentation shall include the witness form and the name of the supervisor who authorized the showup.

## TRAINING

**42.15.44** All sworn officers whose duties include the use of line-ups and show-ups shall receive documented field/roll call training on VCSO policy and authorized protocol for conducting eyewitness identifications and shall acknowledge via electronic signature that he or she has read and understands VCSO Directive 42.15, Eyewitness Identification – Line-ups & Show-ups.

**42.15.45** This directive shall be addressed as part of the FTEP for all new recruits; documented refresher training will be conducted periodically through training bulletins issued by the Training Section.

## ATTACHMENTS

**Attachment A:** Witness Form: Line-ups (VCSO # 083011.001)

**Attachment B:** Witness Form: Show-ups (VCSO # 083011.002)

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**Revised by:** 6760

**Revised on:** 12-10-13: 04-2014

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

**WITNESS FORM: SIMULTANEOUS LINEUP**

WITNESS NAME: \_\_\_\_\_ LINEUP ID #: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_

**ADMINISTRATOR: READ THE FOLLOWING instructions to the witness before the lineup:**

- A. You will be asked to view a group of photos/ individuals.
- B. The person of interest may or may not be among the persons in the identification procedure.
- C. You should not feel compelled to make an identification; it is just as important to clear innocent persons from suspicion as it is to identify the correct guilty parties.
- D. The photos/ individuals will be shown to you simultaneously (in a group) and are not in any particular order. Take as much time as you need to examine the photos/ individuals.
- E. Individuals presented in the group may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.
- F. If you do identify someone, I will have you designate the photograph/person you have identified and note your exact words regarding your identification.
- G. Regardless of whether an identification is made, the investigation will continue.
- H. Since this case is an ongoing criminal investigation, you should not discuss the identification procedures or results.

Complete AFTER viewing the lineup:

The photo array/ lineup I was shown consisted of \_\_\_\_\_ photos / \_\_\_\_\_ individuals.

CHOOSE ONE:

\_\_\_\_ I am unable to select any photo/ individual as being the person who \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_ I have selected photo/ individual # \_\_\_\_\_ as the person who \_\_\_\_\_  
\_\_\_\_\_.

I hereby acknowledge that I have thoroughly read the above instructions and that I understand the administration of this lineup procedure.

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Date

Witnessed By:

\_\_\_\_\_  
Signature of Administrator conducting the lineup Date

\_\_\_\_\_  
DID #

Note: Document any refusal or inability of the witness to complete this form.

ADMINISTRATOR OBSERVATIONS: (Note any non-verbal communications of the witness) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VOLUSIA COUNTY SHERIFF'S OFFICE

**WITNESS FORM: SHOWUPS**

WITNESS NAME: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_

**ADMINISTRATOR: READ THE FOLLOWING instructions to the witness BEFORE the showup procedure.**

- A. You will be asked to view an individual(s)
- B. The person of interest may or may not be the person(s) in the identification procedure;
- C. You should not feel compelled to make an identification; it is just as important to clear innocent persons from suspicion as it is to identify the correct guilty parties.
- D. Take as much time as you need to view the individual; regardless of whether an identification is made, the investigation will continue.
- E. If an identification is made, I will note your exact words regarding your identification.
- F. Since this case is an ongoing criminal investigation, you should not discuss the identification procedures or results.

Complete AFTER viewing the individual(s):

I was shown \_\_\_\_\_ individual(s).

CHOOSE ONE:

\_\_\_\_ I am UNABLE to identify the individual [#\_\_\_\_] as being the person who \_\_\_\_\_

\_\_\_\_\_.

\_\_\_\_ I am ABLE to identify the individual [# \_\_\_\_] as being the person who \_\_\_\_\_

\_\_\_\_\_.

I hereby acknowledge that I have thoroughly read the above instructions and that I understand the administration of this lineup procedure.

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Date

Witnessed By:

\_\_\_\_\_  
Signature of Administrator conducting the Showup Date

\_\_\_\_\_  
DID #

Note: Document any refusal or inability of the witness to complete this form.

ADMINISTRATOR OBSERVATIONS: (Note any non-verbal communications of the witness) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: EVENT DECONFLICTION AND  
CASE MANAGEMENT  
DECONFLICTION**

**CODIFIED: 42.16**  
**EFFECTIVE: 01-2017**  
**RESCINDS/AMENDS: 11-2015**  
**ATTACHMENTS: 2**

**PURPOSE**

The purpose of this Directive is to ensure appropriate use of an event deconfliction pointer system.

**DISCUSSION**

Event Deconfliction, along with the sharing of event and investigative information with other law enforcement agencies, and proper case activation procedures enhances officer safety, reduces risk and liability, safeguards the community, promotes case integrity, enhances criminal investigations, and encourages the effective use of critical resources. As such, the following policy will be adhered to when executing all planned operations or conducting high risk criminal investigations.

**POLICY**

It is the policy of the Volusia County Sheriff's Office to engage in event deconfliction in an attempt to avoid dangerous confrontations and/or unintentional consequences for law enforcement personnel and our citizens by entering qualifying events into the Case Explorer system.

**DEFINITIONS**

- A. **Event Deconfliction** – The Event Deconfliction feature in Case Explorer is used to ensure officer safety. The user submits information about planned events including, but not limited to surveillance operations, buy bust operations or the execution of search and seizure warrants. Case Explorer will alert anyone involved of possible operational conflicts with other known high risk events that exist within a certain geographic proximity.
- B. **Case Management** – Case Explorer can be utilized as a case management tool. Cases can either be labeled as a "Case" or "Group" in which users can add information into one of six entities: people; places; things; vehicles; weapons; or drugs. Once the user has recorded their information into the program, they are able to create associations between entities, as well as relate cases to one another.
- C. **Case Deconfliction** – Runs case/target deconfliction. After submitting an entity into the system, Case Explorer searches the entire database for a positive match based on certain criteria entered. If a match is found, the user will receive pointer information to contact the other party involved and share relevant cases information. Match data between organizations allowing interagency deconfliction while maintaining control of local data. Case Explorer also interfaces with the National Virtual Pointer System (NVPS).
- D. **Event** – An event is any planned law enforcement investigative operation submitted for inclusion into an event deconfliction system that requires a uniformed or plainclothes officer's personal appearance at a predetermined location for purposes such as serving of a search warrant, an arrest warrant, or a protective order; warrant sweeps; surveillance; money pickups; stings; and any other high risk operation.
- E. **Conflict** – A conflict refers to two or more operations that meet the match criteria and are deemed to be in conflict with each other; a separate Conflict ID number is generated as a result.

## PROCEDURE

**42.16.1** To ensure officer safety, it is vital for all law enforcement agencies and personnel to participate in event deconfliction.

**42.16.2** The three nationally recognized event deconfliction systems – Case Explorer, RISSafe, and SAFETNet – are designed to enable law enforcement personnel to enter specific, relevant information prior to an event to determine whether there are any conflicts (e.g. the event happening at the same date/time/location as another event) with other law enforcement actions.

**42.16.3** Once the information is submitted, personnel receive notification of a potential conflict with another operation. Based on the information returned to the submitter, a review should be conducted of potential conflicts to more precisely determine whether an actual conflict of events exists and to address the conflict accordingly.

**42.16.4** The three systems are connected using an interface solution developed in coordination with the system owners. This interconnectivity further strengthens deconfliction among agencies, enhances officer and citizen safety, and improves information sharing.

**42.16.5** The Volusia County Sheriff's Office utilizes Case Explorer for event deconfliction.

**42.16.6** Case Explorer issues a "*deconfliction number*" for each target and/or event submitted. These numbers are considered verification that deconfliction has occurred; the deconfliction number will be documented on the Investigative Operational Plan (VCSO #091597.002).

**42.16.7** Personnel are cautioned that Case Explorer is only able to deconflict information it actually receives. As such, the receipt of a deconfliction number does not preclude the possibility that other law enforcement agencies are pursuing an investigation of said target or event.

**42.16.8** Necessary precautions will always be taken regardless of deconfliction.

## EVENT DECONFLICTION

**42.16.9** All information entered into Case Explorer is confidential and law enforcement sensitive. Participating agencies own their data; limited data will be stored for conflict/auditing purposes only.

**42.16.10** The following activities/events shall be entered into the Case Explorer Event Deconfliction system:

- A. The service of search warrants and seizure warrants;
- B. The service of high risk arrest warrants;
- C. Narcotic Operations (buy-walk, buy-busts, reverse sting operations, controlled drug deliveries, undercover operations, etc.);
- D. Informant or officer face-to-face meetings with suspects for the purpose of receiving, delivering, or negotiating the receipt or delivery of **any** contraband;
- E. Approaching a person at his or her place of domicile and requesting permission to search for any contraband ("knock and talk"); especially in anticipation of activities involving a felony crime or drug related crime;
- F. Predetermined surveillances, whether stationary or mobile, including those occurring in our agency's jurisdiction or the jurisdiction of a non-participating law enforcement agency;
- G. Covert activity by officers, or by informants acting under the direction of officers, that could initiate a response from citizens or local police who may reasonably believe that a crime is in progress;
- H. Fugitive operations which are operational (roundups);
- I. Long term covert operations (storefronts);
- J. Tracking Device Installation/ Removal;
- K. Person or property operations; stolen or burglarized property operations;
- L. Any other high-risk or specialized law enforcement activities that would benefit from event deconfliction.

**42.16.11** Personnel conducting field operations as described above shall ensure that these operations are entered into the Case Explorer Event Deconfliction system either through online secured web access or through any Case Explorer trained personnel.

**42.16.12** All operations requiring entry into the event deconfliction system shall be made as soon as information is available, but at least two hours prior to the event taking place, if possible.

**42.16.13** Information entered into the Case Explorer Event Deconfliction system shall include:

- A. Date and time of planned operation;
- B. Type of operation'
- C. Location of the operation;
- D. Information about the suspect(s), including full names, aliases or monikers, date of birth, vehicle information, phone numbers;
- E. Lead and participating agency names;
- F. Agency case number;
- G. Name and agency of the person entering the operation, including cellular telephone number, along with a secondary point of contact for the operation;
- H. Specify the radius of deconfliction (if not preset by the deconfliction system):
  - 1. Hard/fixed address/location= 280 feet
  - 2. Parking Lot or Intersection= 1 mile
- I. Lead Agent name, cellular telephone number and e-mail;
- J. Supervisor name, cellular telephone number and e-mail.

**42.16.14** If a conflict with other law enforcement activity is identified, both of the event contact personnel will be notified by Case Explorer Event Deconfliction system or personnel making the entry.

**42.16.15** Each affected law enforcement entity is responsible for contacting one another and resolving the conflict before taking further action. Investigating personnel will not execute any operations until identified conflicts have been resolved.

**42.16.16** Event owners will contact each other prior to engaging in operational activities and responsible for sharing appropriate operational data; system owners will not release operational details.

**42.16.17** Unresolved operational conflicts will be immediately referred to supervisory level personnel.

**42.16.18** Any exemption or deviation from this procedure shall be considered on a case-by-case basis and approved only by a District/Section Commander or designee.

## **CASE MANAGEMENT**

**42.16.19** Case Explorer can be utilized as a case management tool.

**42.16.20** Cases can either be labeled as a "Case or "Group" in which users can add information into one of six entities: *People, Places, Things, Vehicles, Weapons, or Drugs*.

**42.16.21** Once the user has recorded their information into the program, they are able to create associations between entities, as well as relate cases to one another.

## **CASE DECONFLICTION**

**42.16.22** Target and investigative activity deconfliction applies to subjects, gangs, locations, telephone numbers, vehicles, and other investigative information about criminal activity.

**42.16.23** Investigations of narcotics, weapons, internet crimes against children, child pornography, human/sex trafficking shall be queried to determine whether another agency has an ongoing investigation with common investigative information.

**42.16.24** Case Deconfliction is intended to reduce parallel investigations and to promote investigative collaboration.

**42.16.25** If a conflict is discovered in either target or investigative activity, contact shall be made with the other agency to resolve and coordinate issues and information.

**42.16.26** Any criminal investigation or intelligence information can be entered into Case Explorer Case Deconfliction System.

**42.16.27** Investigations of narcotics, weapons, internet crimes against children, child pornography and human/sex trafficking will be entered into Case Explorer Case Deconfliction System when initiating an investigation.

#### **ACCESS, TRAINING AND COMPLIANCE**

**42.16.28** Personnel with assignments that require event deconfliction will receive training (available through the *Central Florida HIDTA Investigative Support Center*) prior to use/access.

**42.16.29** Once trained, respective individuals will receive appropriate security access allowing them to navigate through the Case Explorer Event Deconfliction System.

**42.16.30** Event deconfliction is a key component of officer safety during planned law enforcement operations and high risk investigations. Consequently, failure to comply with this policy may result in disciplinary action.

#### **ATTACHMENTS**

**Attachment A:** Investigative Operational Plan (VCSO # 091597.002)

**Attachment B:** Search Warrant-High Risk Arrest Warrants - Operations (VCSO # 091597.001)

**Revised by:** 2391; 6760

**Revised on:** 11-2015; 01-2017

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



# Volusia County Sheriff's Office

## OPERATION PLAN

Unit \_\_\_\_\_

Agency:		Case Number:	
Case Agent:		Contact Number(s):	
Operations Supervisor:		Contact Number(s):	
Team Leader (if separate):		Contact Number(s):	
ASA/AUSA:		Contact Number(s):	
Type of Operation:      Controlled Delivery      Search Warrant Execution      Arrest Warrant Execution Buy Walk                      Intel Gathering                      Other:			
SWAT Matrix Completed?      Yes      No      (Yes-Attach)		Score:	Scanned to I-Drive: Yes      No
SWAT Official Contacted:		Date & Time:	
<b>BRIEFING</b>		Date:	Time:      Location:
<b>EXECUTION OF OPERATION</b>		Date:	Time:      Location:
Type of Premises:      House      Apartment      Business      Other:			
Description of Premises:			
Violations of Law/Charges:			
Conveyance Type/Description:			
Type/Quantity of Contraband:			
<b>Deconfliction</b>			
Case Explorer Operation Deconfliction : Date:                      Time:                      Entered By:			
District Office/Local Police Notification: Date:                      Agency: Time:                      Name:		Fire Dept/ EVAC/Other Official Notified: Date:                      Agency: Time:                      Name:	
Name, Address, and Contact Number(s) of Local Police:			
<b>Case Agent &amp; Supervory Approval</b>			
Prepared by Detective/Deputy      Date		Approved by Supervisor      Date	
_____		_____	

**Operation Objectives****Brief Summary of Investigation****Undercover Operative (Attach additional information if more than one U/C operative)**

Is U/C Operative?

LEO

Confidential Informant

Cooperating Defendant

Other:

Name or Source Number of U/C Operative:

Physical Description:

Contact Number(s):

U/C Vehicle Description and License:

**Officer Safety Information**

Distress Code

Audio:

Visual:

Arrest Signal

Audio:

Visual:

Nearest Hospital:

Map Attached

Nearest Trauma Center (if different):

Map Attached

Potential Hazards/Public Safety Concerns:

High crime area

Pets/Animals

Children/Elderly

Persons with Disabilities

Known Weapons

Hazardous Materials/Chemicals

School Zone

Site Fortification

Booby Traps

Other:

Additional Details/Notes:

Communications			
Radio Channels Primary: Secondary:		Out of AOR Radio Channels Primary: Secondary:	
Bug Monitoring Number/ Channel:		PIN #:	
Air & K-9 Support			
Air Support To Be Utilized? Yes    No	Call Sign:	Type of Aircraft:	Maximum Flight Time:
Air Support Notes/Instructions:			
K-9 Support To Be Utilized? Yes    No			
K-9 Support Notes/Instructions:			
Other Considerations			
Equipment Required:			
Attire:    Uniform    Tactical Dress    Plain Clothes    Other:			
Prisoner Processing Location:			
Anticipated Evidence To Be Transported:			
Crime Scene Unit Participating? Yes    No	Name and Contact Number(s):		
Computer Forensics Agent Needed? Yes    No	Name and Contact Number(s):		
Technical Information Officer (VBI) Needed? Yes    No	Technical equipment or services needed:		
Foreign Language Required? Yes    No	If "Yes," Language(s) Required: How need will be met:		
Potential Media Attention? Yes    No	Public Information Officer Name and Contact Number(s):		

**Suspect Information**

(Attach additional copies if more than one suspect)

Name of Suspect:	Date of Birth (DOB):
Address of Suspect:	
Photograph Attached?    Yes    No	
Physical Description:	
Vehicle(s):	
History of Violence or Weapons:	
Prior Criminal History:    No    Yes (Criminal History Attached)	
Summary of Prior Criminal History:	
Other Pertinent Information:	

LAW ENFORCEMENT PERSONNEL				
Name	Agency	Contact Number(s) & Radio ID	Vehicle Description	Assignment(s)
				Case Agent
				Assisting Case Agent
				Operations Supervisor

**VOLUSIA COUNTY  
SHERIFF'S OFFICE  
SEARCH WARRANT-HIGH RISK ARREST WARRANTS-  
OPERATIONS CHECKLIST**

DATE:

CASE NUMBER:

CASE AGENT:

OFFENSE:

UNIT:

***All sections are Mandatory***

This document will be page 1 of the completed Search Warrant/ High Risk Arrest Warrants/ Operations packages followed by applicable documents in order. Only Supervisor Approved packages scanned to I-Drive.

- ☐ Search Warrant Affidavit Review and Approval (Section 1)
- ☐ SWAT Search Warrant Package (Section 2)
- ☐ Operation Plan (Section 3)
- ☐ Case Explorer Event Deconfliction (Section 4)
- ☐ Notifications (Section 5)

---

**SECTION 1  
Search Warrant Affidavit Review and Approval**

- ☐ Search Warrant Affidavit Reviewed and Approved by Supervisor.

Approving Supervisor Name: \_\_\_\_\_

- ☐ Search Warrant Affidavit Reviewed and Approved by Assistant State Attorney or Legal Advisor.

**VOLUSIA COUNTY  
SHERIFF'S OFFICE  
SEARCH WARRANT-HIGH RISK ARREST WARRANTS-  
OPERATIONS CHECKLIST**

Approving Assistant State Attorney or Legal Advisor Name:

\_\_\_\_\_

**SECTION 2  
SWAT Package Review**

The below information will be placed in the below order.

If there is no information on a specific category, the face sheet will state-  
No information found.

- ☐ Search Warrant Service Risk Assessment Matrix VCSO FORM # 110801.001
- ☐ SWAT Search Warrant Report VCSO FORM # 031303.001
- ☐ Target Picture
- ☐ Target Information and Criminal History
- ☐ RMS/ CAD printout on Target
- ☐ Wanted check print out
- ☐ Other known occupants Picture
- ☐ Other known occupants Information and Criminal History
- ☐ Other known occupants RMS/ CAD printout
- ☐ Other known occupants Wanted check print out
- ☐ Photographs of target house
- ☐ Target House Information/ Property Appraiser printout
- ☐ Target House Schematics
- ☐ RMS/ CAD printout on target house
- ☐ Informant intelligence on target house
- ☐ Prior intelligence sketch of interior of target house
- ☐ Directional Map to target house
- ☐ Ariel map of target house

**VOLUSIA COUNTY  
SHERIFF'S OFFICE  
SEARCH WARRANT-HIGH RISK ARREST WARRANTS-  
OPERATIONS CHECKLIST**

- ☐ Any additional information deemed necessary by the case agent to be documented on a word document.

**SECTION 3  
Operation Plan**

- ☐ Operation Plan Reviewed and Approved by Supervisor. VC SO FORM # 091597.002

Approving Supervisor Name: \_\_\_\_\_

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**SECTION 4  
Case Explorer Event Deconfliction**

Case Explorer Event DeConfliction entries:

- Business Hours

Investigative Services Section Crime Analysts Unit 386-254-1537

- After Hours and Weekends

On Call Analyst

Or

Central Florida HIDTA Investigative Support Scott Storz



**VOLUSIA COUNTY  
SHERIFF'S OFFICE  
SEARCH WARRANT-HIGH RISK ARREST WARRANTS-  
OPERATIONS CHECKLIST**

386-239-7848 X20185  
Central Florida HIDTA  
Office 407-585-2741  
Cell Phone: (321) 303-9093

**SECTION 5  
Notifications**

- ☐ Briefing Time and Location announced to All personnel assigned to Operation.

\*\*If you are not at the Briefing you do not participate in Operation\*\*

- ☐ Pre-Warrant Notification- *To be sent prior to operation.*

1. Narcotic Units will send Pre- Warrant notification to  
[narccallout@vcso.us](mailto:narccallout@vcso.us)

*On [date and time], the [XXXX] Unit will execute a search warrant within the [D#] AOR. Search Warrant Package scanned to I-drive.*

2. Investigative Services Section Units and District Units will send Pre-Warrant notifications to their respective Chain of Command and  
[Operationnotification@vcso.us](mailto:Operationnotification@vcso.us)

*On [date and time], the [XXXX] Unit will execute a search warrant within the [D#] AOR. Search Warrant Package scanned to I-drive.*

- ☐ Post- Warrant Notification- *To be sent immediately following operation.*

1. Narcotic Units will send Post- Warrant notification to  
[narccallout@vcso.us](mailto:narccallout@vcso.us)

*On [date and time], the [XXXX] Unit executed a search warrant at [location]. Brief summary, any incidents and case number.*

2. Investigative Services Section Units and District Units will send Post-

**VOLUSIA COUNTY  
SHERIFF'S OFFICE  
SEARCH WARRANT-HIGH RISK ARREST WARRANTS-  
OPERATIONS CHECKLIST**

Warrant notifications to their respective Chain of Command and  
[Operationnotification@vcsso.us](mailto:Operationnotification@vcsso.us)

*On date and time, the XXXX Unit executed a search warrant at location.  
Brief summary, any incidents and case number.*



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>INTERVIEW ROOMS</b>
<b>CODIFIED:</b>	<b>42.17</b>
<b>EFFECTIVE:</b>	<b>01-2017</b>
<b>RESCINDS/AMENDS:</b>	<b>08-2016</b>
<b>ATTACHMENTS:</b>	<b>3</b>

**PURPOSE**

The purpose of this Directive is to establish basic guidelines and procedures for both uniformed and non-uniformed personnel utilizing agency designated rooms to conduct interviews and interrogation.

**DISCUSSION**

Interview rooms are commonly used in the investigative process and may include electronic recording and monitoring equipment to aid in the documentation of interviews.

Occasionally, serious conditions may unexpectedly develop or escalate during the course of conducting interviews or interrogations, such as a cooperative suspect becoming combative.

Therefore, it is important that interview rooms be used in the most professional manner possible to ensure the safety of all persons involved in the interview process and to ensure the admissibility of any statements made therein.

**POLICY**

It is the policy of the Volusia County Sheriff's Office to provide designated rooms for the purpose of conducting interviews and interrogation in order to ensure the safety of personnel and of those being interviewed. Further, it is the policy of the VCSO that such designated rooms be utilized in a professional manner to ensure compliance with all applicable constitutional requirements.

**DEFINITIONS**

- A. Digital Evidence** – Evidence that is captured digitally on a device such as a Digital Camera, Body Worn Camera or Interview Room Camera and stored on a server; may include photographs, audio recordings, and video footage with evidentiary value that is captured and stored in digital format.
- B. Digital Records Unit (DRU)** – A unit within the Information Technology Section that will maintain the integrity and accessibility of the Digital Evidence through disposals, audits, expungements and redactions.
- C. Interview Room** – A designated room within any agency facility used for conducting interviews, interrogations or truth verification examinations of suspects, victims and witnesses.
- D. Long Term Storage** – The Digital Crime Scene (DCS) system which is used to provide access and storage for digital evidence in audio, picture and video formats.
- E. Milestone System** – Computer system consisting of hardware and software used to digitally record video and audio of interviews conducted in the interview rooms at the Sheriff's Operations Center and the district offices. For recordings with evidentiary value, the Milestone System is used as short-term storage until the recording can be transferred to long term digital evidence storage.
- F. Short Term Storage** – The temporary storage location for digital media, such as a camera memory card, Evidence.com, or the Milestone system.
- G. Video Recording** – The electronic recording of visual images with or without audio recordings.

- H. **Weapon** – Any authorized firearm or weapon as defined by agency Standards Directives 1.2 Firearms and 1.3 Use of Non-Deadly Force.
- I. **Weapons Control** – The act of securing in an appropriate manner all weapons in the deputy/detective's custody, either on their person in approved agency holsters/holder or through other means, at all times when conducting interviews and interrogations in any agency designated interview room.

## PROCEDURE

### INTERVIEW ROOM SECURITY

**42.17.1** An interview room is not a holding cell. Suspects or detainees will be under direct, continuous supervision, monitoring and control by deputies/detectives whether in person or through continuous monitoring of electronic video recording equipment.

**42.17.2** The lead deputy/detective shall inspect the interview room for contraband/weapons both prior to and after conducting any interview regardless of length of time in the room.

**42.17.3** Arrestees shall be searched prior to being placed in the interview room. If the individual to be searched is a member of the opposite sex, the search will be conducted by a member of the same sex and/or in the presence of another deputy/detective, as practical. Non-Arrestee searches will be at the discretion of the deputy/detective and in accordance with Directive 1.7 Search and Seizure.

**42.17.4** Property taken from any person will be safeguarded as follows:

- A. Evidence will be identified, marked and processed in accordance with Directive 83.1 Collection of Evidence;
- B. Personal items that are to be returned after the interview will be inventoried and document using the *Prisoner Property Inventory Report* (VCSO Form# 071014.001) in Attachment B; items will be placed into a paper bag and secured in a locked cabinet/file drawer by the deputy/detective taking it;
- C. If money is to be taken, the deputy/detective taking the money will complete a *Currency Verification Form* (VCSO #071410.001) in Attachment C; the form will be initialed by the deputy/detective and the individual from whom the money is taken.

**42.17.5** The wearing of weapons by deputies/detectives while conducting interviews in an agency interview room will be at the discretion of deputy/detective. Lethal and less lethal weapons must be thoroughly controlled by Deputies if taken into interview rooms. If carried into an interview room, all weapons must be secured in a holster or other restraining device and, if possible, concealed from view. If the deputy/detective enters the interview room unarmed, their firearm must be secured in a lock box or in the trunk of a department vehicle. Members will maintain proper weapons control at all times while conducting interviews.

**42.17.6** The preferred method of conducting interviews with suspects and detainees will be to have two law enforcement members in the room; however, based on the circumstances of the investigation, sworn members may, at their discretion, interview a suspect or detainee alone.

**42.17.7** The conduct of interviews/interrogations shall follow established protocols found in Directives 42.2 Criminal Investigation Operations, and 44.2 Juvenile Arrest and Investigation Procedures.

**42.17.8** During interviews that have only one interviewer, another deputy/detective shall continuously monitor the interview through the Milestone system to ensure the safety of the interviewer and shall be immediately available to render assistance.

**42.17.9** Authorization to have other persons be present in an agency interview room will be at the discretion of deputy/detective and/or a supervisor, in accordance with Directives 42.2 Criminal Investigation Operations, and 44.2 Juvenile Arrest and Investigation Procedures.

**42.17.10** Handcuffing or restraint of in-custody suspects will be at the discretion of the deputy/detective conducting the interview. Arrested persons will not be left alone in an interview room without first being handcuffed. If necessary, due to the actions and/or propensity of the individual to become violent, additional restraint may be necessary to include cuffing to bar/ring designed for such purpose, or use of a restraint chair, if available. Use of a restraint chair will be in accordance with Directive 1.12 Emergency Restraint Chair.

**42.17.11** At all times, a sworn officer will remain in the interview room or right outside the door of the interview room containing an arrested person. While the interview may only require one person, the second person will operate the monitoring video & audio equipment and/or serve as security for the interviewer.

**42.17.12** Under no conditions, will a suspect or prisoner be left unsupervised. If a suspect or prisoner is left alone inside an interview room for investigative purposes, the Milestone system must be engaged and continuously monitored by a deputy/detective; a law enforcement officer must be stationed immediately outside the interview room to prevent escape.

#### **USE OF INTERVIEW ROOMS**

**42.17.13** Each District is responsible for designating in writing a specific room(s) to be utilized for conducting interviews/ interrogations and will provide signage that indicates such. Signage will also indicate when the room is in use. During use, civilian personnel not directly engaged in the interview process will not be permitted in the designated area.

**42.17.14** The interview room may be utilized without activating the electronic monitoring equipment.

**42.17.15** The deputy/detective conducting an interview is responsible for its cleanliness.

**42.17.16** Items in the interview room will be kept to a minimum and normally include a table and enough chairs to accommodate the individuals in the room. Any additional equipment or items, except for CVSA equipment, required for an interview must be authorized by the respective District or Investigative Services Commander.

**42.17.17** Any person who intentionally damages any portion of the room or its equipment may be charged with criminal mischief or other applicable statutes.

**42.17.18** Victims and witnesses may be left alone in an agency interview room; at the discretion of the deputy/detective conducting the interview, electronic recording equipment may be used to monitor these persons:

- A. If victims/witnesses are to be left alone in an interview room as a method of investigation, deputies/detectives should exercise caution.
- B. While audio and/or video monitoring can assist Detectives during the interview process, it cannot be relied upon to take the place of personal contact, should intervention become necessary;
- C. Persons left alone unattended in interview rooms will be personally observed at least once every 15 minutes and contacted face-to-face at least once every 30 minutes; these observations/ personal contacts will be documented on an investigative interview contact log and initialed by the deputy/detective making the observation/contact.

**42.17.19** Non-custodial detainees will not be restrained but will be accompanied and/or monitored for safety purposes.

**42.17.20** Access to restrooms, water or comfort breaks will not be denied to suspects/detainees as a means of eliciting or coercing statements or designed to embarrass or humiliate the individual. Access to restrooms, water or comfort breaks will be granted in a timely manner to all suspects/detainees, victims and/or witnesses.

**42.17.21** Personnel authorized to use a Sheriff's Office interview room are restricted to Sheriff's Office Deputy Sheriffs, Detectives, Victim Advocates, Child Protective Detectives, or other personnel under the direct supervision of an authorized Sheriff's Office deputy sheriff.

**42.17.22** A member of an outside law enforcement agency requesting use of any interview rooms and electronic recording equipment must have the approval of the respective District or Operations investigative supervisor, be assisted by authorized trained sworn personnel, and must agree to follow the procedures outlined herein.

#### **USE OF ELECTRONIC RECORDING EQUIPMENT**

**42.17.23** The Milestone system shall be the primary method used to record interviews conducted in the interview rooms at the Sheriff's Operations Center and the district offices.

**42.17.24** A document outlining the proper use of the Milestone application is available on the shared "I" drive under the folder "Manuals and Documents" and the Intranet Homepage under Manuals and References.

**42.17.25** In the event a problem is encountered with the Milestone system, the Sheriff's Office Information Technology Section shall be contacted immediately to report the issue. Sheriff's Office Information Technology personnel may be reached after hours for such emergencies by contacting the Communications Center.

**42.17.26** When using the Milestone system to record an interview, a backup recording device such as an audio recorder **must** also be used.

**42.17.27** In the event there is a technical issue with the Milestone System, the recording from the backup recording device will become the official copy of record for the interview. This shall be documented on the property report and

the Sheriff's Office Information Technology Section shall be notified of the issue. The detective shall transfer the backup recording into Long Term Storage as outlined in Directive 84.2 Digital Evidence Management System.

**42.17.28** The suspect/detainee, witness, or victim may request an interview be recorded using electronic recording equipment.

**42.17.29** A member conducting an interview has the discretion whether or not to use electronic recording equipment in any investigation.

**42.17.30** A supervisor may direct a member to use electronic recording equipment during an interview.

**42.17.31** Whenever a member is not sure if electronic recording is necessary or required, the member should consult with a supervisor or the agency Legal Advisor regarding the circumstances of the interview.

#### **TRAINING**

**42.17.32** Only members who have received training/instruction in the operation of the electronic recording equipment may utilize the recording equipment.

**42.17.33** Training in the use of the equipment will be conducted by Investigative Services Section members who are knowledgeable in its operation and use.

**42.17.34** Personnel will be issued user names and passwords only after successfully completing the training.

#### **DOCUMENTING RECORDED EVENTS**

**42.17.35** After the interview is complete, all Video Recordings considered Digital Evidence must be marked within the Milestone system by the person making the recording with an "evidence lock". **Any recorded video without this mark will not be transferred to Long Term Storage by the Digital Records Unit and will be automatically deleted by the system after ten (10) calendar days.**

**42.17.36** If the detective requires a copy of the recording for their case file then it is incumbent upon them to export it from the Milestone system within the ten (10) calendar day window.

**42.17.37** When an "evidence lock" is placed on a video recording, the "headline" section of the "evidence lock" shall be labeled with the case number associated with the video recording and the "description" section shall be labeled with the type of case (i.e. homicide, sex offense, etc.). See the Attachment A to this directive for the list of acceptable case types.

**42.17.38** For those Interview Room videos marked with an "evidence lock" the detective/deputy will document on a Property Report the submission of Digital Evidence using the property involvement of "Digital Evidence" and will include the total number of interview room videos submitted. The description of the evidence shall contain the designation of "Interview Room Recording" and the type of case (see Attachment A). This will electronically establish the chain-of-custody and transfer custody release from the detective/deputy to the DRU for transferring the recording to Long Term Storage.

**42.17.39** For all charging affidavits including complaint affidavits, arrest affidavits, and notices to appear in court, the existence of Interview Room videos shall be listed under the "Evidence Collected" section with a description to include "Interview Room Recording" and the type of case (see Attachment A). The statement "Interview Room Recording" shall also be included at the beginning of the narrative. This will electronically establish the chain-of-custody and transfer custody release from the detective/deputy to the DRU for transferring the recording to Long Term Storage.

**42.17.40** A copy of the property report or charging affidavit shall be forwarded via email to the DRU at the email address of "dru@vcso.us". **The DRU will respond to this email with confirmation once the video recordings have been transferred to Long Term Storage. If a confirmation email is not received, it is the responsibility of the detective/deputy to contact the DRU for follow-up.**

#### **DIGITAL RECORDS UNIT**

**42.17.41** During normal business hours the Digital Records Unit (DRU) will review the property reports and charging affidavits that have been received and will export the video in both supported formats (MKV and the native format).

**42.17.42** All Video Recordings that are not marked with an "evidence lock" will not be processed by the DRU and will be automatically deleted by the system after ten (10) calendar days.

**42.17.43** The Digital Records Unit shall transfer the recorded video to Long Term Storage under the case number and type of case contained in the "evidence lock" and shall verify that the upload was successful.

**42.17.44** Once the Digital Records Unit verifies that the video files were successfully transferred to Long Term Storage the “evidence lock” shall be removed from the video in the Milestone system. The Milestone system will automatically delete the backup copy of the recorded videos from Short Term Storage.

**42.17.45** Video Recordings that are housed in the Long Term Storage will be handled by the DRU in accordance with Directive 84.2 Digital Evidence.

#### **SECURITY OF ELECTRONIC VIDEO RECORDING SYSTEM**

**42.17.46** Passwords are required on all workstations in order to gain entry/access to the system.

**42.17.47** Access to the Milestone system to view recordings or access the cameras is controlled via user permissions in the system. The granting or removing of a user's permissions is controlled by the Investigative Services Commander or their designee. Any updates to a user's permissions shall be forwarded to Sheriff's IT.

**42.17.48** Monitoring of the cameras may be monitored remotely using the Milestone system by authorized personnel for legitimate law enforcement purposes only.

#### **ATTACHMENTS**

**Attachment A:** Milestone Case Types

**Attachment B:** Prisoner Property Inventory Report (VCSO Form# 071014.001)

**Attachment C:** Currency Verification Form (VCSO Form #071410.001)

**Revised by:** 2391; 6477; 6760

**Revised on:** 04-04-2016; 07/2016; 01-2017

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

## **MILESTONE CASE TYPES**

- Assault/Battery
- Attempted Suicide
- Burglary
- Burglary (Conveyance)
- Crime Scene Unit
- Death (Undetermined)
- Death (Accidental)
- Death (Homicide)
- Death (Natural)
- Death (Suicide)
- Domestic Violence
- Intelligence
- Narcotics
- Other
- Sex Offense/Adult
- Sex Offense/Juvenile
- Theft
- Traffic Homicide
- Vandalism



**VOLUSIA COUNTY SHERIFF'S OFFICE**

**PRISONER PROPERTY INVENTORY REPORT**

**ARRESTED SUBJECT'S NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**CASE #** \_\_\_\_\_ **CHARGE:** \_\_\_\_\_

**ITEMIZED PROPERTY:**

[illegible]



# Sheriff's Office

## Volusia County

Michael J. Chitwood, Sheriff

### CURRENCY VERIFICATION FORM

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Case Number: \_\_\_\_\_

Location Found: \_\_\_\_\_

**Number of items:**

**Total Value:**

_____ Pennies	_____
_____ Nickels	_____
_____ Dimes	_____
_____ Quarters	_____
_____ Half dollar	_____
_____ One dollar coin	_____
_____ One dollar bill (\$1)	_____
_____ Five dollar bill (\$5)	_____
_____ Ten dollar bill (\$10)	_____
_____ Twenty dollar bill (\$20)	_____
_____ Fifty dollar bill (\$50)	_____
_____ One hundred dollar bill (\$100)	_____
_____ Other (describe) _____	_____
_____ Other (describe) _____	_____
_____ Foreign Currency: _____ #coins _____ #paper bills	_____

**TOTAL AMOUNT OF CURRENCY:** \_\_\_\_\_

**Counted and Witnessed By:**

Case Deputy: (Print) \_\_\_\_\_ Initials/DID: \_\_\_\_\_

Verifying Deputy: (Print) \_\_\_\_\_ Initials/DID: \_\_\_\_\_

This form must accompany a property receipt listing the total amount of currency placed into Evidence/ Property.

**\*\*\* EVIDENCE SECTION USE ONLY \*\*\***

Verified By: \_\_\_\_ Audit Prior to Deposit \_\_\_\_ Upon Release

Verified by: \_\_\_\_\_ Verified by: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

<b>TITLE:</b>	<b>VOLUSIA COUNTY CRIME CENTER (VC3)</b>
<b>CODIFIED:</b>	<b>42.18</b>
<b>EFFECTIVE:</b>	<b>10-2017</b>
<b>RESCINDS/AMENDS:</b>	<b>NEW</b>
<b>ATTACHMENTS:</b>	<b>1</b>

#### PURPOSE

The purpose of this standards directive is to establish guidelines and procedures for the operation of the Volusia County Crime Center.

#### DISCUSSION

Law enforcement requires real-time information for better situational awareness and informed decision-making in the field and in the communications center. Mission critical intelligence gives law enforcement the power to access information, stream video, and collaborate in real-time through the integration of various data sources containing 911 data, criminal reports, GPS coordinates, field contacts, arrests, warrants, sex offenders, parolees, probationers, pawned property, DHSMV information, data mining resources, public and private video management systems and other intelligence information.

This intelligence also incorporates applications such as automated license plate readers, social media analytics, Department of Transportation cameras, Volusia County Traffic Engineering cameras, and aircraft video. By utilizing intelligent resources/ hardware/ software and personnel, the VC3 will provide dispatchers, patrol units, Detective and other law enforcement personnel with valuable real-time information that will improve and enhance in-the-field decision making capabilities and ultimately increase safety for both law enforcement and the public it serves.

#### POLICY

It shall be the policy of the Volusia County Sheriff's Office to maintain and operate a Crime Center (VC3) as a comprehensive, evidence-based, data-driven approach to improving officer situational awareness, field intelligence and enhanced safety for both law enforcement and the public.

#### DEFINITIONS

- A. **1VC#** – Radio call sign used by personnel transmitting information from the Volusia County Crime Center whereas “#” represents the investigator/analyst position number (e.g. “1VC1”).
- B. **Automated Reporting System (ARS)** – Field deputies submit reports to ARS through Copperfire.
- C. **Communications** – The dedicated area where VC3 staff provides real-time information and investigative support to law enforcement personnel.
- D. **Computer Aided Dispatch (CAD) System** – The system comprised of hardware and software that is used by the Volusia County Sheriff's Office Communication Center to dispatch deputies to incidents requiring a law

enforcement response. The CAD system also provides tools that allow the dispatcher to electronically communicate with field deputies.

- E. **Copperfire** – The software utilized by law enforcement personnel to generate various reports such as incident reports, arrest reports, complaint affidavits, etc. These reports, once completed, are uploaded to the ARS.
- F. **Crime Center Incident Log** - A log used to document the activities of the VC3.
- G. **Criminal Justice Information Systems (CJIS)** - Various web-based applications that provide real-time access to several local and national criminal justice and MVD resources, providing the information in a secure, expedient and efficient manner. These systems increase deputy safety with features like the ability to view driver's license and booking photos to confirm identification and conducting wants and warrant checks
- H. **Criminal Justice Network (CJNET)** - State network of criminal justice agencies and resources providing various links to CJIS resources.
- I. **JusticeXchange** - JusticeXchange is an integrated justice solution that gives criminal justice professionals an instant, up-to-date database of booking records, persons of interest, and other data from thousands of agencies across the country. The system provides analytic capabilities that help users analyze the data being presented.
- J. **Law Enforcement (LE) Sensitive** – Databases and information sources specifically identified by the Sheriff, or his designee as confidential.
- K. **Outlook Web Access (OWA)** – Microsoft Outlook e-mail for the web.
- L. **Situational Awareness (SA)** – Situational awareness involves being aware of what is happening in the vicinity to understand how information, events, and one's own actions will impact goals and objectives.
- M. **Smart Policing** – Evidence-based, data-driven law enforcement tactics and strategies that are effective, efficient, safe and economical.
- N. **VC3 Personnel** – Sworn officer and/or civilians who have specialized law enforcement training and certifications who provide the real-time information and investigative support to law enforcement personnel in the field.
- O. **Volusia County Crime Center (VC3)** – The physical facility used to conduct Crime Center operations.

## PROCEDURE

**42.18.1** It is the goal of the Volusia County Crime Center to provide relevant, real-time information directly to those deputies and Detective in the field who are engaged in high-risk calls-for-service as the situation develops to improve overall situational awareness (SA) and enhanced decision-making in the field.

**42.18.2** The Crime Center will provide relevant, investigative intelligence to Detective actively working priority cases to include but not limited to; homicides, sexual battery, armed robbery, etc.

**42.18.3** The Crime Center will provide investigative support for all Operations approved by the VC3 Supervisor to include but not limited to; search warrants, narcotic operations, arrest warrant round ups, etc.

**42.18.4** The VC3 will provide relevant information to the entire agency to ensure all divisions are aware of active day-to-day operational information. This intelligence will be provided through a daily Roll Call Briefing to be posted on the VCSO Home Page.

**42.18.5** The VC3 will provide subject bios, tactical and strategic crime analysis and the collection, evaluation and dissemination of criminal intelligence.

## ADMINISTRATION OF THE VC3

**42.18.6** The VC3 is organizationally placed within the Investigative Services Section and overseen by the Investigative Services Section Commander and/ or designee, who will function as the VC3 Commander. A Detective Sergeant (VC3 Supervisor) supervises daily operations of the VC3. The center is staffed by VC3 operators including Detective, Crime- Intelligence Analysts, and Office Assistants as support personnel. The VC3 Supervisor will designate a "Lead Operator" to oversee daily tasks as needed.

**42.18.7 Command Protocol for the VC3:**

- A. Investigative Services Section Commander (VC3 Commander)/ or Designee
- B. Detective Sergeant (VC3 Supervisor)
- C. Detective (VC3 Lead Operator)

- D. All Crime- Intelligence Analysts, Detectives and Deputy Sheriffs (VC3 Operators)
- E. OA3 (Support)

**42.18.8** Personnel assigned to the VC3 shall perform research on existing information sources (e.g., databases, video links, etc.) and provide relevant information to deputies responding to high-risk calls-for-service. The VC3 staff, in communication with the deputies and Detectives in the field, is responsible for ensuring relevant information is passed to the Deputies; VC3 staff is also responsible for minimizing information overload.

**42.18.9** The VC3 Supervisor will maintain communication with other units of the Investigative Support Group, Central Florida Information Exchange, as well as additional organizations that wish to share real-time information.

**42.18.10** The VC3 Supervisor will serve as the supervisor, leading the VC3 operators and managing live operations. The VC3 Supervisor will:

- A. Review individual operator's daily Crime Center Incident Logs to ensure accuracy and completeness;
- B. Ensure hazards, when identified, are added to the Hazard File;
- C. Ensure VC3 operators add special flags to reference hazards;
- D. Ensure VC3 operators have access to the required databases;
- E. Ensure the appropriate use of the intelligence video wall, databases, and any other VC3 resources;
- F. Maintain communication and coordination with the Intelligence Analysts, Information Technology, and any other responsibilities of the VC3

**42.18.11** The VC3 Supervisor is responsible for:

- A. Delegating work to another VC3 operator or themselves when a VC3 operator is unable to fulfill their responsibilities due to their workload;
- B. Monitoring all radio channels;
- C. Designating the lead VC3 operator when the VC3 supervisor is not present at the VC3 during team assignment;
- D. Making all proper notifications involving any noteworthy calls; (**See Notifications Attachment**)
- E. Auditing all priority calls to ensure a log has been created; in the event that a log is not created and the call could have been worked, a missed call notification must be completed;
- F. Ensuring adequate manpower levels at all times;
- G. In the event that overtime will be offered to personnel, the VC3 supervisor will send a notification of available overtime to all eligible personnel;
- H. Personnel on overtime assignment must have all certifications and training materials completed and submitted to be archived in the training files and personnel field file that will be maintained on the Investigative Services H Drive;
- I. Personnel may be added to the overtime roster after successfully completing their training and upon approval from the Investigative Services Section Commander and/ or designee; to remain on the overtime roster, personnel must maintain a commitment of accepting overtime when offered.

**42.18.12** The VC3 Operators will:

- A. Notify dispatch when VC3 is monitoring by going "1VC# in-service" or "1VC# out-of-service";
- B. Actively monitor his/her assigned area(s) of command (AOC) calls-for-service to identify potential calls where additional SA could be provided prior to deputy arrival. VC3 involvement will begin when an active call is identified by the VC3 Operator, VC3 Lead Operator and/ or VC3 Supervisor;
- C. Maintain availability to respond to active calls-for-service county-wide;
- D. Provide an active role in SA for all priority calls-for-service where an active threat is still present. These calls may include, but are not limited to:
  - Shooting
  - Stabbing
  - Suicide
  - Domestic Disturbance
  - Fight
  - Suspicious Person or Vehicle
  - Mental Illness
  - Neighbor Dispute
  - Traffic Stops - where subject flees from deputy(s)
  - Bomb Threat
  - Kidnapping/Abduction/Hostage
  - SWAT Call

## PRIORITIZING CALLS

**42.18.13** The VC3 will prioritize which calls will receive attention based on circumstances and information available as the call develops based on the following priority protocol:

- A. **Priority 1** status will be given to in-progress calls where an active threat exists at the scene.
- B. **Priority 2** status will include crimes where an offender is still present but is not actively causing a threat or has left the scene and information is present that can help identify or locate him/her.
- C. **Priority 3** status will include all other calls for service that do not meet Priority 1 or 2 statuses.

**42.18.14** Calls-for-service that have an offender present who is still causing an active threat will be considered a **priority 1 for VC3 action**. VC3 operators provide information based on experience and are expected to exercise discretion in choosing what information is relevant so as not to create information overload.

**42.18.15** As time permits, the VC3 will assist with other calls and investigations.

**42.18.16** The VC3 will maintain an observational status on all calls it becomes involved with after a law enforcement personnel's arrival. The VC3 will continue to provide SA (if available) as the call progresses.

**42.18.17** The VC3 operator will determine when VC3 services are no longer needed. In doing so, the VC3 operator will consider the following criteria:

- A. Status of offender (in custody or outstanding);
- B. Status of deputies at the scene;
- C. Status of active threat;
- D. Status of additional available information not already provided.

**42.18.18** For non-priority calls, VC3 assistance can be requested by officers, dispatch, or a supervisor.

**42.18.19** When the situation permits, the VC3 may provide information to other deputies engaged in a critical incident or complicated investigation.

## **ASSISTANCE**

**42.18.20** Any assistance provided by the VC3 operator during a priority call will be sent to the law enforcement officer's MDC and/or smartphone/tablet in accordance with Directive 82.6 Computer Security and Utilization (Mobile Devices, sections 82.6.87-82.6.92).

**42.18.21** If the VC3 operator is already logged on to one call-for-service and provides information to a second call-for-service, the dispatcher may add comments for the second call for the VC3.

## **COMMUNICATIONS WITH DEPUTIES IN THE FIELD**

**42.18.22** VC3 operators are expected to use the most appropriate communication method (e.g., LE2; LE5; MDC Messaging). Law enforcement personnel's safety and public safety are critical factors considered in deciding what information to send to the field and how.

**42.18.23** All voiced communications to responding law enforcement personnel will be done on recorded communication. All communications will be relayed to the primary responding law enforcement personnel. The VC3 operator is responsible for verifying that all communications have been received or acknowledged. Communication methods will include the following:

### **RADIO**

**42.18.24** Radio is the primary method of communication. The VC3 operator will determine if the information is compact enough to be voiced over the area of command (AOC) channel(s).

**42.18.25** All VC3 operators are responsible to monitor and answer the radio on their designated channel(s) when the VC3 is called.

**42.18.26** The VC3 operator will advise Communications and law enforcement personnel via radio when monitoring a specific call. (e.g. "1VC# on the air")

**42.18.27** The radio should always be utilized whenever law enforcement personnel or public safety is at risk to ensure that the relayed information has been received. These circumstances include:

- A. All felony warrants and stolen vehicles;

- B. History of resisting, evading, assaulting or battering law enforcement personnel/ First Responders;
- C. History of a suspect in possession of weapons;
- D. Identified parties' history of violence;
- E. Hazard or safety risk;

#### **MDC INSTANT MESSAGING (IM)**

**42.18.28** Text messages may be sent using the MDC instant messaging feature.

#### **MICROSOFT OUTLOOK WEB ACCESS (OWA)**

**42.18.29** Email messages may be sent using OWA. When communicating by email, VC3 operators must use the VC3 assignment designated email address; [VCCC@VCSO.US](mailto:VCCC@VCSO.US) or [VC3@vcsso.us](mailto:VC3@vcsso.us)

**42.18.30** All VC3 operators are responsible for monitoring the designated email [VCCC@VCSO.US](mailto:VCCC@VCSO.US) or [VC3@vcsso.us](mailto:VC3@vcsso.us)

#### **SMARTPHONE- TABLET APPs**

**42.18.31** Documents and intelligence information will be shared from an MDC or smartphone / tablet in accordance with Directive 82.6 Computer Security and Utilization (Mobile Devices, sections 82.6.87-82.6.92).

#### **CELL PHONE**

**42.18.32** In an emergency, the VC3 may contact law enforcement personnel (via voice or text).

### **DATA SEARCHES**

**42.18.33** The VC3 operator will decide which law enforcement information resources to search and in what order. The VC3 operator prioritizes this search to critical SA information.

**42.18.34** The available, searchable database is dynamic and will change over time; the VC3 operator will have access to authorized databases: The VC3 Supervisor will maintain files of databases and personnel with authorized access on the Investigative Services Section H Drive.

**42.18.35** All VC3 operators working calls for service in the VC3 will be required to search prior VC3 logs, RMS, and other historical databases whenever suspect information is known or a location is provided.

- A. These logs can be utilized to help speed the process of distributing relevant information to law enforcement personnel responding to a call-for-service.
- B. When a previous VC3 log or a case management system is utilized to provide information, the VC3 operator will reference the previous log number in the current log being generated.
- C. In compliance with the U.S. Department of Justice's Criminal Intelligence Systems Operating Policies CFR 28 Chapter 23, the VC3 will archive all VC3 logs after a 5-year period. If access is needed to a log that is older than five years, a request must be submitted to the VC3 Supervisor.

### **LOGGING SEARCHES**

**42.18.36** All calls-for-service where the VC3 operator is utilizing a database, including the video network, must be logged into the Crime Center Incident log.

**42.18.37** Even if the VC3 does not send information, (because nothing could be added to improve law enforcement personnel SA) the search must be logged.

**42.18.38** VC3 operator will provide a summary of their assistance to law enforcement personnel via the comments section in the Crime Center Incident Log.

**42.18.39** All databases utilized must be documented as well as the information sent to the law enforcement personnel to improve SA. All photographs provided to the law enforcement personnel will be attached to the log.

**42.18.40** All logs must contain the initial call information that was supplied from CAD to include:(this can be done via hyperlink)

- A. Dispatched address;
- B. The caller's name;
- C. The caller's phone number;
- D. Subject information (if provided);
- E. Call synopsis

**42.18.41** Upon providing documentation, the VC3 operator must provide the DOB or SSN, if known, of any subject they reference in Crime Center Incident Log. .

**42.18.42** When assisting a request for information, all logs must contain the CAD number or CAD/case number. If a CAD or case number cannot be provided, the VC3 operator must generate a Crime Center Incident number...

## **REVIEW**

**42.18.43** All VC3 activated calls will be reviewed for possible follow-up including the placing of hazard notifications. The VC3 Supervisor and/ or designee will review and approve all assisted calls/ investigations/ operations.

**42.18.44** Prior to any hazard notifications being placed, the VC3 operator must present the call-for-service to the VC3 supervisor for review.

## **DISCLAIMER**

**42.18.45** All data provided by the VC3 is considered informational. Law enforcement personnel are required to validate the information in the usual and customary manner prior to taking action (e.g. arrest) per established legal procedures. An arrest will not be made solely on the information provided by the VC3.

## **PUBLIC RECORDS**

**42.18.46** All of the activity of the VC3 is discoverable. The VC3 must take care to ensure the documentation associated with each engagement is complete and ready for court or public records requests.

**42.18.47** VC3 operators are not permitted to disseminate any information, data, or reports to the public.

**42.18.48** All public records requests, legal discovery, or other request for VC3 information, data, or reports will be processed by the VCSO records custodian in cooperation with the PIO and the VC3 commander.

## **TRAINING**

**42.18.49** Prior to becoming a VC3 operator, personnel must successfully complete a required thorough and comprehensive training program and receive in-house training before they are allowed to work an assignment unattended. The VC3 certification process consists of successfully completing and becoming individually certified (if applicable) in the following:

- A. CAD, FCIC/NCIC, DAVID;, InSite, CrimeNtel
- B. Crime Center Incident Log use and access
- C. U.S. DOJ Criminal Intelligence Operating Systems (CFR 28 Chapter 23);
- D. Video Network operation and privacy;
- E. A minimum of 8 hours of training with an approved VC3 Operator.

## **VIDEO NETWORK**

**42.18.50** The video network is comprised of the Department of Transportation cameras, Volusia County Traffic Engineering cameras, aircraft video, and private/public sector cameras.

**42.18.51** Procedures and stipulations on accessing any cameras are set forth in written agreement between the VCSO and the parties involved. Access to the VCSO's Video Network is limited to authorized VC3 operators and personnel.

## **PRIVACY STATEMENT**

**42.18.52** The Volusia County Sheriff's Office recognizes and values the privacy of members of the public.

**42.18.53** Video monitoring and recordings generated by closed circuit television (CCTV) accessible by VCSO and the VC3 are used solely to enhance the safety of the public and provide law enforcement with real-time mission critical intelligence to enhance situation awareness.

**42.18.54** Access and viewing of live and recorded video is limited to trained and certified VC3 operators.

## **PRIVATE/PUBLIC SECTOR CAMERA INTEGRATION**

**42.18.55** All private/ public businesses must have a written memorandum of understanding (MOU) with VCSO to maintain limited access to their security cameras.



**42.18.56** Access to the private/public sector camera systems is comprised of the following:

- A.** Each business shall authorize VC3O to access their surveillance systems ONLY in the event of a call within the immediate vicinity of said business;
- B.** Each business will provide a link enabling the VC3 to view and use the video to provide mission critical intelligence to law enforcement personnel;
- C.** Each business will specify through the MOU what cameras may be accessed by VC3 (e.g. interior, exterior, etc.);
- D.** Each business authorizes VC3 to review video which is applicable to the collection of real-time intelligence and is reasonably based on the situation;
- E.** VC3 will call the business to obtain permission from each business in order to access older recordings for investigative purposes:
  - Contact information for responsible party can be obtained through video management software;
  - If verbal permission is given, it will be recorded on a VC3 log.
  - If necessary, a permission to search form will be utilized.
- F.** It is understood that the business reserves the right to withhold any recordings made by their business.
- G.** VC3 is not a monitoring service and may or may not access the cameras located at the business in the event of an alarm:
  - VC3, in its sole discretion, will access the cameras when it deems it necessary to do so, depending on the call-for-service.

### **VC3 OPERATOR VIDEO NETWORK RESPONSIBILITIES**

**42.18.57** The VC3 operator will continually monitor calls for service (queued or dispatched) and identify calls to which they can provide additional mission-critical intelligence.

**42.18.58** VC3 operators will provide mission-critical intelligence utilizing the video network for all priority calls-for-service where an active threat is present.

**42.18.59** Assistance from the video network may also be requested by law enforcement personnel when they deem it necessary for additional critical intelligence.

- A.** Provide other VC3 operators with live video feeds or screen shots as they become available;
- B.** "Push" video feeds/screenshots to responding law enforcement personnel as they become available.

**42.18.60** An on-call VC3 representative will be available for all SWAT situations; the on-call representative will coordinate with the SWAT Commander for deployment instructions as soon as possible.

**42.18.61** Video recordings are limited in length by the capabilities of the security camera system set in place by each business. Only pertinent portions of the recorded video shall be accessed to collect real-time intelligence and should be based on the situation.

**42.18.62** When VC3 plays an active role in assisting law enforcement personnel with real-time video intelligence, the VC3 operator will document it in accordance with this directive.

**42.18.63** VC3 operators may provide responding law enforcement personnel with JPEG images or video clips obtained from video feeds if they deem the image or clip pertinent for enhancement of SA.

**42.18.64** When accessing cameras on the network, VC3 operators understand that the owner of the cameras has primary override control of those cameras.

- A.** This pertains to all pan-tilt-zoom (PTZ) cameras on the video network; this can be identified when a PTZ camera controlled by a VC3 operator is non-responsive to the controls.
- B.** At that time, the VC3 operator will relinquish all controls of that camera.
- C.** If exigent circumstances exist where access to that camera is critical to the safety of the community and/or law enforcement personnel, the operator will make every attempt to contact the responsible party to obtain full control of that camera.

### **VIDEO NETWORK REQUESTS FROM OTHER UNITS**

**42.18.65** Units may request assistance from the video network for tactical operations.

- A.** The request must be made through chain of command to the VC3 Commander and/ or designee and subsequently logged on the Crime Center Incident Log;
- B.** The VC3 designated supervisor will make the determination if the request is reasonable and will have final authority to approve or disapprove the request;
- C.** The VC3 supervisor or designee, will contact the law enforcement personnel making the request;

- D. The VC3 may not be available for all requests;
- E. Given the limitations of recording hardware, video may or may not be available.

**42.18.66** Law enforcement personnel may request assistance from the VC3 to obtain recordings, if available, for the purpose of aiding in an investigation.

- A. If recordings exist, law enforcement personnel will be directed to the business where the recordings may be obtained, with approval from proprietor.
- B. Proprietor will be contacted by the VC3 operator assisting the law enforcement personnel.

**42.18.67** If video is available from the VC3, the law enforcement personnel will be required to personally obtain and copy the recording at the VC3.

- A. The recording(s) may only be used as a tool to further assist law enforcement personnel in their investigation;
- B. Law enforcement personnel will be responsible for labeling the video and documenting it in accordance with Standards Directive 84.2 Digital Evidence Management Systems (DEMS).

**42.18.68** Law enforcement personnel may be allowed to review video at the VC3 after prior approval from the VC3 supervisor.

### **VC3 SUPERVISOR VIDEO NETWORK RESPONSIBILITIES**

**42.18.69** The VC3 supervisor will manage and maintain the video network and will:

- A. Ensure operational security of all private and public credentials is maintained;
- B. Add business credentials as they become available on the software;
- C. Ensure all software is updated when a new business is either added to or removed from the video network;
- D. Report any deficiencies to the VC3 Commander.

**42.18.70** The VC3 supervisor will maintain the on-call list located on the VCSO intranet for SWAT activations.

**42.18.71** The VC3 supervisor will ensure all video network operators are meeting criteria and maintain all required certifications.

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**DRAFTED BY:** 1388/ 2391

**DRAFTED ON:** 10-2017

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

<b>TITLE:</b>	<b>ALIAS IDENTIFICATION</b>
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<b>CODIFIED:</b>	<b>42.19</b>
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<b>EFFECTIVE:</b>	<b>10-2017</b>
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<b>RESCINDS/AMENDS:</b>	<b>NEW</b>
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<b>ATTACHMENTS:</b>	<b>1</b>
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#### PURPOSE

The purpose of this Directive is to establish guidelines for the use and issue of alias identification.

#### DISCUSSION

To develop an undercover identity, it is necessary to utilize various documents to ensure undercover status creditability. These documents may include drivers' license, credit cards, social security cards, birth certificates and physical examination forms, etc. A procedure for obtaining, utilizing and returning these documents must be established to ensure proper accountability and usage of these documents. Only select members of the Investigative Services Section and Narcotics Section will be eligible to receive an alias identity.

#### POLICY

It is the policy of the Volusia County Sheriff's Office to ensure accountability in obtaining and utilizing alias identification for select investigative members through a joint Memorandum of Understanding with the Florida Department of Law Enforcement (FDLE).

#### PROCEDURE

**42.19.1** The Volusia County Sheriff's Office has entered into a Memorandum of Understanding (MOU) with FDLE on provision of Alias Social Security Program.

- A.** The Investigative Services Section Commander is the designated point of contact with FDLE to facilitate, coordinate and manage all alias social security number processes.
- B.** Requests for alias social security numbers will be in compliance with the FDLE Memorandum of Understanding on provision of Alias Social Security Program (MOU on file).

#### FICTITIOUS DOCUMENTATION

**42.19.2** To obtain a fictitious Florida drivers' license, a form letter must be signed by the Sheriff or designee and mailed to the Department of Motor Vehicles in Tallahassee with a copy of the applicant's true drivers' license. The applicant's fictitious name, date of birth, and address must also be provided. The Department of Motor Vehicles will return a letter with instructions for obtaining the license.

- A.** During undercover operations this license may be used to maintain an undercover identity.
- B.** This license shall not be used for personal reasons. Example: members, either off or on duty and not in an undercover capacity, who are stopped by another police agency for any reason, will properly identify themselves with their personal drivers' license.

- C. Upon completion of assignment in the Investigative Services Section or Narcotics Section, members will return the fictitious drivers' licenses to the Narcotics Section Commander or designee. The licenses will be returned to the Department of Motor Vehicles along with a form letter signed by the Sheriff or designee.

**42.19.3** To obtain a fictitious credit card, the applicant, with approval of the Narcotics Section Commander will sign a letter of responsibility. This credit card will be issued in the undercover identity of the member. This credit card will be used to maintain undercover status. Its usage and accountability is the sole responsibility of the assigned member. The following parameters will be adhered to:

- A. Under no circumstances will the credit card be used for any personal reasons.
- B. The account balance of the credit card will be paid off totally at the end of each billing period.
- C. Any investigative expenses incurred by the use of the credit card will be documented on an Investigative Funds Report in accordance with Directive 43.3 Confidential Funds.
- D. The member and their supervisor will review monthly credit card statements. Copies of the statements will be forwarded to the Narcotics Section Commander via chain of command for review and approval. Upon approval, copies of the statements will be placed in the fictitious credit card file.
- E. Upon completion of the member's undercover assignment in the Investigative Services Section and/or Narcotics Section, the member will return the undercover credit card to the Section Commander.

**42.19.4** Investigative Services Section and/ or Narcotics Section fictitious business credit cards will be issued to members only with the approval of the respective Section Commander. These cards will remain in the assigned member's possession for as long as the undercover identity remains in effect. Monthly statements for these cards will be maintained in the fictitious information file with payments made per Investigative Expense Funds.

**42.19.5** The Narcotics Section Commander or designee will maintain an updated list of all undercover driver's licenses, alias social security numbers and credit cards which will be updated in January and in July each calendar year.

#### **UNDERCOVER TAGS**

**42.19.6** The use of undercover vehicle tags, out of state tags, or tags not registered to the undercover vehicles is permissible under the following conditions:

- A. Prior approval of the member's immediate supervisor must be obtained.
- B. The member's immediate supervisor will have the tag number and description of the vehicle on which the tag will be displayed. Any change in tags will be updated and approved by the member's immediate supervisor.
- C. The member requesting to use an undercover tag will complete records checks to ensure the tag is not stolen or on any alert status.
- D. The Narcotics Section Commander or designee will maintain a current list of all Narcotics Section vehicles, assigned tags and undercover tags utilized by Division members.

#### **ADDITIONAL DOCUMENTATION**

**42.19.7** There are unique undercover operations that may require additional fictitious documentation. All applications, false records and documents will be utilized only with the approval of the Investigative Services Section and/ or Narcotics Section Commander. Upon termination of these undercover operations, all fictitious records and documents will be delivered to the Division Chief for proper filing or destruction.


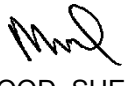

**DRAFTED BY:** 2391  
**DRAFTED ON:** 08-2017

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**Approved: 10-01-2017**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and another signature that appears to read 'Chitwood'.

**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 42.21</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 12/18/2019
		<b>Original Issue Date</b> 12/2019	<b>Last Review</b> NEW
<b>Title</b>  <b>UNMANNED AIRCRAFT SYSTEMS</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines for the safe operation of Volusia Sheriff's Office unmanned aircraft systems (UAS).

## II. DISCUSSION

Unmanned aircraft systems provide an aerial viewpoint, as well as the ability to access locations a person cannot access or cannot safely access. These abilities make UAS a valuable tool for inspection, evidence collection, and public safety, such as search and rescue missions and critical incident response.

## III. POLICY

It is the policy of the Volusia Sheriff's Office to deploy unmanned aircraft systems in a variety of approved missions covering critical incident response, suspicious packages, and threat assessment. Unmanned aircraft systems are only operated by personnel meeting FAA qualifications and VSO authorization and training requirements. All missions and training flights are flown within U.S. Code, Florida Statutes, and FAA Regulations.

## IV. DEFINITIONS

**Certificate of Waiver or Authorization (COA)** – FAA waiver or authorization for an agency to self-certify UAS and operators for flights performing governmental functions.

**Daylight Flight** – Flight of a UAS that occurs one half-hour before sunrise and one half-hour after sunset. The time of sunset and sunrise are determined by the National Oceanic and Atmospheric Administration (NOAA).

**Defined Incident Perimeter** – A defined perimeter to be determined based on the scope of the operation and a defined operational ceiling at or below 400 feet above ground level (AGL)

**Observer** – Individual trained to maintain the line-of-sight and 360 degree hazard awareness around the UAS at all times and assist the pilot in carrying out all duties required for the safe operation of the UAS.

**Pilot** – The individual exercising control over the UAS during flight, who either

- Holds a current FAA remote pilot certificate with small UAS rating
- Is operating under a FAA certificate of Waiver/Authorization (COA).
- Is under the direct supervision of an individual holding a current FAA remote pilot certificate.

**Remote Pilot in Command** – Individual who is directly responsible for and is the final authority as to the operation of the small UAS.

**Unmanned Aircraft System/Vehicle (UAS)** – An aircraft without a human pilot on board. Its flight is controlled either autonomously by computers in the vehicle or under the remote control of a pilot on the ground or in another vehicle.

## **V. PROCEDURE**

### **A. GENERALLY**

1. All training, testing, and maintenance programs will fall under the oversight of the Investigative Services Section (ISS) Commander or his/her designee

### **B. UAS PILOTS**

1. Pilots of small UAS are considered “pilots”.
2. UAS pilots will comply with all testing and vetting criteria as managed by the Investigative Services Section (ISS).

#### **3. QUALIFICATIONS**

- a. The requirements to pilot a VSO UAS are:
  - (1) Holder of a current FAA issued remote pilot's certificate with a small UAS rating.
    - The FAA Part 107 rules require the certificate holder to pass a recurring aeronautical knowledge test every 24 months to remain current.
  - (2) Approval to pilot VSO UAS from the ISS Commander or his/her designee.
  - (3) Are current with the VSO required proficiency training outlined below.

#### **4. PILOT MISSION ELIGIBILITY**

- a. All pilots must be able to show proficiency in specific core competencies in all UAS controls and operating systems in accordance with FAA regulations and this general order before being approved to fly missions.
- b. All pilots must have a minimum of three qualifying UAS flights, to include take-offs and landings, in the preceding 90 days to be eligible to fly UAS missions.

#### **5. PROFICIENCY TRAINING**

- a. In order to maintain proficiency, all pilots shall undergo monthly flight training. This training shall include at least one 15 minute flight with at least one take-off and landing along with a practical exercise as determined by the ISS Commander or his/her designee.
- b. All training flights shall be documented in the pilot's training records.
- c. Each pilot must attend in-service training once a year, to include updated industry standards.
- d. Any pilot that does not have documented training or flight time for 60 days or more is required to be retrained by another UAS pilot who is current.
  - (1) This training shall include a minimum of one hour ground instruction and flight time, including making three take-offs and landings to demonstrate proficiency.
  - (2) All pilots must complete the required flight time and documentation prior to operational deployment.
  - (3) Failure to maintain and prove proficiency will result in removal from UAS operations.

#### **6. LOGBOOKS**

- a. Pilots will be required to maintain an active electronic logbook, utilizing VSO approved software, which will document the Pilot's ratings and hours of operations.

### **C. UAS OBSERVERS**

1. Initial Training:
  - a. Observers will have a current working knowledge of the airspace intended for operations, Air Traffic Control phraseology and communications requirements, specific UAS aerodynamic factors, and the ability to obtain and interpret weather information.

- b. The observer will receive training on their obligation to see and avoid other aircraft and the ability to identify position for purposes of relaying position reports to the pilot.

#### **D. UAS CONDITION AND MAINTENANCE**

1. The ISS Commander or his/her designee is responsible for ensuring UAS are maintained in flyable condition and required maintenance is completed and documented.
2. UAS will be maintained in a safe operating condition at all times.
3. Pilots will comply with all maintenance guidelines as administered by the VSO Aviation Unit.
4. Maintenance will be conducted per the operational requirements of the UAS manufacturer's suggested maintenance plan.
5. Each UAS will undergo a 100 hour inspection by the VSO ISS Technical Operations Group.
6. All maintenance logbooks will be completed and maintained by the member responsible for the completion of the maintenance and will be subject to review by the ISS Commander or his/her designee.
7. Prior to each flight, the UAS will undergo a pre-flight inspection by the remote pilot in command of the flight, who shall possess a current certificate designated for that type of aircraft and relevant knowledge of that aircraft's operating systems.

#### **E. UAS AVAILABILITY AND STORAGE**

1. The availability, control, and authorized conditions of use of UAS equipment shall be determined by the ISS Commander or his/her designee.
2. The ISS Commander, his/her designee, or higher authority is authorized to direct the use of a UAS during a given operation.
3. The use of UASs will be restricted to personnel who have completed the requisite training and have logged the required number of hours. ONLY Sheriff's Office members who have been specifically identified as a Sheriff's Office pilot under the VSO UAS program are permitted to operate UASs for official Sheriff's Office purposes. Use of personal UASs by unsanctioned personnel is prohibited. Storage of UASs will be mandated by needs of use but in any case will be controlled by the Investigative Services Section.
4. A digital log of use and training will be kept by all personnel including maintenance logs, certification logs, and flight proficiency and standards logs.
5. UASs must be properly registered with the Federal Aviation Administration (FAA).
6. Personnel authorized to operate UASs will be determined by the ISS Commander, his/her designee or above.

#### **F. DEPLOYMENT CRITERIA**

1. UAS equipment will be deployed under specific criteria in compliance with Fla. Stat. § 934.50 (2015) which outlines search and seizure usage by UAS equipment, referred to in the statute as "Drones."
2. UASs will be deployed under five main criteria:
  - a. Upon a lawfully executed search warrant signed by a judge, specifically authorizing the use of a UAS.
  - b. To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is such a risk.
  - c. With reasonable suspicion that under particular circumstances swift action is needed to prevent imminent danger to life or serious damage to property.
  - d. With reasonable suspicion that under particular circumstances swift action is needed to forestall the imminent escape of a suspect or the destruction of evidence.
  - e. To achieve other purposes including, but not limited to, facilitating the search for a missing person.



## **G. FLIGHT OPERATIONS**

### **1. GENERAL FLIGHT REQUIREMENTS**

- a. No person may act a crewmember:
  - (1) Within eight hours after the consumption of any alcoholic beverage
  - (2) While under the influence of alcohol, narcotics, or any medication which may negatively affect the crewmember's ability to safely conduct the flight
- b. All missions will be flown in accordance with FAA regulations 14 CFR Part 107 and current FAA National Policy regarding UAS Operational Approval.
- c. UAS operations (UASOPS) will be conducted by two personnel at all times. One Sheriff's Office member will act as the pilot, the other Sheriff's Office member will act as an observer and safety officer. Responsibility for the safe operation of the aircraft will ultimately fall on the pilot.
- d. The UAS will weigh less than 55 pounds.
- e. All flights with the UAS shall be conducted under VFR conditions and at an altitude below 400 feet above ground level (AGL).
  - (1) VFR for the purpose of UAS use in the Volusia County Area of Operations (AO) will be 3 miles visibility and a cloud ceiling of 1,000 feet for day operations.
- f. The UAS will only be operated under visual line of sight only. The UAS must remain within the visual line of sight of the pilot or visual observer.
- g. The UAS must remain close enough to the pilot or visual observer to be capable of seeing the UAS with vision unaided by any device other than corrective lenses.
- h. The UAS may not operate over anyone not directly involved in the operation.
- i. The UAS will be flown during daylight/nighttime operations.
- j. The UAS will yield the right of way to other aircraft manned or unmanned.
- k. All officer safety operations will involve the use of a visual observer.
- l. The UAS operator will follow "see and avoid" procedures. First person camera views will not satisfy this requirement.
- m. All personnel authorized to operate UAS equipment will do so while minimizing possible danger to civilians or bystanders in the area.
- n. The UAS will not exceed the maximum altitude of 400 feet above ground level (AGL), or if higher than 400 feet AGL, remain within 400 feet of a structure, unless otherwise authorized by waiver.
- o. The UAS will be allowed to fly in Class B, C, D, and E airspace with the appropriate Air Traffic Control (ATC) clearances.
- p. Operations in class G airspace will be allowed without ATC permission.
- q. Only one pilot per UAS at any one time. Multiple observers are allowed when needed depending on conditions.
- r. To the extent possible, prior to a positive change in controls, the UAS will be landed prior to handing over the control unit.

### **2. PRE-FLIGHT BRIEFING**

- a. A pre-flight briefing is required to be completed prior to all flights, in which both the pilot and observer must participate. The pre-flight briefing will include, but is not limited to the following:
  - (1) Mission – A review of the mission's goal and expected outcomes.
  - (2) Weather – A review of current and forecasted weather conditions.
  - (3) Pilot/observer duties
  - (4) Communication procedures – A review of communication procedures between pilot, observer, and other personnel used to support the mission. Including verifying phone

numbers or radio frequencies used to communicate with air traffic control in the event of a fly-away or other flight emergency.

- (5) Danger to non-participants/notification to interested parties
- (6) Notices to Airmen (NOTAMs) checked and filed, if necessary
- (7) Air Traffic Control (ATC) notified, if necessary
- (8) Check for temporary flight restrictions (TFRs)
- (9) Mission parameters area of operations boundaries – A review of the proposed flight area, including maximum ceiling and class of airspace.
- (10) Identification of mission limitations and safety issues – Such as battery charge, GPS strength, and potential for radio interference.
- (11) Emergency procedures – A review of emergency/contingency procedures including aircraft system failure, flight termination, divert, and lost link procedures.
- (12) Firmware updates – The UAS firmware is up to date.
- (13) Class of airspace checked. – The class of airspace determines whether ATC must be contacted for clearance to fly.
- (14) Checking video downlinks.

### **3. PRE-FLIGHT INSPECTION**

- a. The remote pilot in command is required to complete the pre-flight inspection prior to takeoff.
  - (1) The inspection will be documented digitally using the VSO approved checklist.
  - (2) Any deficiencies found that would affect flight safety must be repaired before flight.
    - (a) The remote pilot in command may make any repairs within their training and abilities.
    - (b) Any required repairs outside the remote pilot in command's abilities will be completed by the Investigative Services Section's (ISS) Technological Operations Group.
    - (c) Any maintenance/repairs made will be documented in the UASs maintenance log.

### **4. FLIGHT VIDEO**

- a. If the UAS provides the ability, video will be for the entire flight including takeoff and landing.
- b. To the extent possible, all video obtained through UAS equipment will be available through real-time telemetry.
- c. The drone's pilot for the flight is responsible for ensuring all video from the flight is uploaded into Digital Crime Scene (DCS) prior to ending their work shift.
- d. Flight video determined to not be evidence shall be retained for 180 days, unless determined otherwise through the administrative review process.

### **5. FLIGHT RECORDS**

- a. All UAS training and mission flights shall be documented digitally using VSO approved software.
- b. All flights will be documented in an agency flight log. Each log entry shall include information regarding:
  - Duration of flight time
  - Reason for the flight
  - Time, date, and location of the flight
  - Name of the supervisor approving the deployment
  - Staff assigned
  - Summary of the activities covered, actions taken, and outcomes from the deployment

## **H. ACCIDENT/INCIDENT NOTIFICATION AND REPORTING**

1. For all in flight accidents and incidents involving injury to any person, damage to property, other than the UAS, the remote pilot in command shall:
  - a. Notify the supervisor who authorized deployment of the UAS.
  - b. If the authority who authorized UAS deployment is not the supervisor over the incident for which the UAS was deployed, the incident supervisor shall be notified of the accident/incident.
  - c. The ISS Commander or his/her designee shall be notified of the accident/incident.
  - d. Complete a VSO report detailing the accident/incident.
  - e. All in flight accidents and incidents involving serious injury to any person or loss of consciousness, or property damage, other than to the UAS, in excess of \$500.00 shall be reported to the FAA by the remote pilot in command within 10 calendar days of the event.

## **I. FLIGHT VIDEO ADMINISTRATIVE REVIEW PROCESS**

1. The administrative review process shall be the same as that used for reporting use of force; it shall be documented and reviewed through the respective chain of command to the Division Chief, or designee. If the Division Chief determines the recording needs additional review prior to finalizing a retention recommendation, a copy shall be sent to the Chief Deputy for final determination.
2. If a recording is accidental in nature, the deputy shall notify his supervisor. If the recording does not meet the agency's requirement for activation and the footage holds no law enforcement or public value for retention, the supervisor shall initiate the administrative review process and recommend an abbreviated retention period.
3. If a recording is related to a court order, citizen's complaint, or potential/pending legal issue, the recording may be kept for an additional period of time.
4. For recordings that require a retention period other than the standard 180 days, the Division Chief, or designee shall document the request via interoffice memorandum to the Digital Records Unit.

## **J. QUALITY CONTROL**

1. Monthly the ISS Commander or designee shall randomly review 1-3 flight recordings to ensure that the UASs are being used in accordance with policy and shall identify any areas that may require additional training or guidance.

## **K. EVIDENCE**

### **1. PHYSICAL EVIDENCE**

- a. Any evidence collected in the form of physical samples, video, audio, biological sampling, or other evidence which may come into contact with the UAS will be deemed to have been collected by the operator piloting the UAS.
- b. The pilot of the UAS will be responsible for collecting, packaging, and submitting any physical evidence to the Evidence Section in order to preserve the integrity of any operations or investigations undertaken.

### **2. DIGITAL EVIDENCE**

- a. Retention, research and disposal of flight video held as evidence shall be in accordance with General Order 84.2 Digital Evidence Management System (DEMS)



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE:** **NARCOTIC, VICE AND  
ORGANIZED CRIME  
INVESTIGATIONS**

**CODIFIED:** 43.1

**EFFECTIVE:** 02-2009

**RESCINDS/AMENDS:** 43.1/10-2001

**ATTACHMENTS:** 0

**PURPOSE**

The purpose of this Directive is to delineate the responsibility for the Department's narcotic, vice, and organized crime investigations.

**DISCUSSION**

The Department is committed to the identification, apprehension and prosecution of persons and organizations involved in the offenses related to organized criminal enterprises, narcotics, and vice.

**POLICY**

It shall be the policy of the Department to vigorously investigate, record and seek prosecution in all cases involving organized criminal activity, narcotics, vice and major firearms violations.

**PROCEDURE**

**GENERAL RESPONSIBILITIES**

**43.1.1** It is the duty and responsibility of all Deputies to be constantly alert for, seek out and identify organized criminal activity, narcotics, vice, and major firearms violation activities and to take appropriate action.

**43.1.2** Narcotics, vice and firearms violations shall be dealt with by all Deputies. However, offenses of great magnitude and/or involving alleged organized criminal activity require investigation by specifically trained and specialized units. Therefore, cases of this nature shall be referred to and investigated by the Narcotics Investigative Units (Volusia Bureau of Investigation, West Volusia Narcotics Task Force and Eastside Narcotics Task Force). All such activities will be conducted in accordance with the guidelines established in the VCSO Confidential Plan for Conducting Operations.

**43.1.3** The Law Enforcement Services Division Commander shall be responsible for the Department's efforts to control vice, organized crime and narcotics.

**ADMINISTRATION**

**43.1.4** The Law Enforcement Services Division has the primary responsibility of investigating organized criminal activity, narcotics, vice and major firearms violations and for gathering criminal intelligence.

**43.1.5** The Division Commander or designee is responsible for the overall administration and operational assignments within the Division and shall report directly to the Sheriff. The responsibilities include, but are not limited to:

- Ensuring all cases/reports pertaining to narcotics, vice, intelligence, major firearm violations and organized criminal activity are reviewed and assigned to the appropriate unit for investigation.
- Maintaining control and security over the confidential informant files.
- Maintaining control of and updating records of all funds.

- Reviewing and forwarding required reports. In addition to the required monthly reports, the Law Enforcement Services Division Commander shall, on a daily basis as incidents occur, report to the Sheriff information pertaining to the County's vice, organized crime problems and the actions taken to control the County's problems.
- Monitoring and evaluating allocation and distribution of manpower, budgetary needs and ensuring the goals and objectives are met. Adjustments will be made as necessary.
- Preparing the annual budget detailing the division's needs. This will be completed and submitted in accordance with Department procedures.
- Reviewing and approving all surveillance, sting operations, reverse operations and undercover operations to include raids and the execution of search warrants by the Division.
- Maintaining control and coordinating the use and maintenance of all vehicles and equipment used within the Division.
- Establishing and maintaining liaison with other local, state and federal agencies responsible for the investigation of criminal activity in order to ensure effective communication, cooperation and coordination of effort.
- Establishing and maintaining communication, coordination and cooperation with other Divisions within the Department.
- Coordinating training needs with the Training Section.
- Complying with Department policy and lawful orders given by competent higher authority.

## **SUPERVISORS**

**43.1.6** Supervisors shall be responsible for first line administration and operational functions of personnel assigned to the unit. In addition to general supervisor's responsibilities, supervisors shall:

- Review, evaluate and assign incoming cases to Unit Detectives.
- Review and approve written documentation to ensure punctuality, accuracy, completeness.
- Supervise surveillance activities to ensure efficient manpower utilization, deployment of equipment, proper documentation and Deputy safety.
- Supervise the issuing and expenditure of case funds to ensure accuracy, accountability and replenishment as necessary.
- Oversee the use and maintenance of specialized equipment assigned to include cameras, transmitting, listening devices, night vision equipment and communications equipment. A sign out log shall be maintained for all equipment utilized by the Division. Missing, damaged or worn out pieces of equipment shall be promptly reported to the Division Commander.
- Oversee the use and maintenance of all units leased and assigned vehicles.
- Maintain the issuance, security and control of Confidential Informant files.
- Supervise all stings, reverse, undercover operations, raids and the execution of search warrants to ensure safety, completeness and accuracy.
- Provide active and close supervision of personnel in the preparation and execution of all operations and make the appropriate notification to the affected districts or jurisdictions.
- Identify and assist with the training and use of specialized equipment.

## **DETECTIVES**

**43.1.7** Detectives report directly to their unit supervisor. The duties and responsibilities of Unit Detectives include, but are not limited to:

- Being familiar with and adhering to all Departmental directives, particularly those dealing with funds, documentation, equipment and vehicle use, undercover operations and the use of confidential informants.
- Vigorously investigating, documenting and seeking prosecution for all violators of offenses listed in this Directive.
- At all times conducting themselves in a safe and professional manner.
- Writing complete, accurate and timely reports on investigations conducted.
- Comply with all Directives and lawful orders given by higher competent authority.

## **ORGANIZED CRIME**

**43.1.8** The Volusia Bureau of Investigation Unit is primarily responsible for actively investigating and enforcing local, state and federal laws relating to, drug trafficking organizations, major firearms violations and organized criminal activity.

**43.1.9** The Unit shall also be responsible for supporting and coordinating with other law enforcement agencies in their efforts to combat these activities.

**43.1.10** The responsibilities for investigation of organized crime include:

- Cases of long term, protracted nature or involving multi-persons and jurisdictions.
- Vice cases of a more complex nature than street level.
- Major firearms violations, i.e., Dealers in large quantities of firearm and explosive materials.
- Organized criminal activity including cases of an historical nature to include O.C.D.E.T.F., R.I.C.O., and C.C.E. cases.
- Cases involving oral and wire intercepts.

#### **STREET LEVEL NARCOTICS/VICE**

**43.1.11** Generally, the Narcotics Task Force Detectives shall be responsible for the following types of activities occurring within the county and contract cities:

- Narcotic investigations of less than long term, complex or protracted nature.
- Specific targets such as street dealers, dealers in or around public establishments, private dwellings, schools and areas frequented by juveniles.
- Street level vice, i.e., non-organized prostitution, gambling, alcoholic beverage, tobacco and firearm violations.
- Response to specific citizens' complaints regarding narcotic investigations.

**43.1.12** All narcotics/vice enforcement and undercover operations will be approved by the unit supervisor prior to such operations being conducted. The unit supervisor shall ensure that the appropriate notifications to the affected districts or jurisdictions are made; in situations involving imminent danger and/or specific urgency, prior notification is not required.

**Revised by:** 6760

**Revised on:** 02-17-2009

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: FLASH ROLL PROCEDURES**

**CODIFIED: 43.2**

**EFFECTIVE: 09-2010**

**RESCINDS/AMENDS: 43.2/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to provide guidelines for conducting undercover operations that show or "flash" large quantities of cash to suspects.

**DISCUSSION**

Undercover Detectives will occasionally find it necessary to "flash" a large amount of cash to convince a suspect that the Detective has the cash available to pay for illegal drugs, property or services.

**POLICY AND PROCEDURE**

**43.2.1** The following procedure shall apply when using flash rolls that require funding from County Finance to conduct the operation.

**43.2.2** The Detective shall submit a memo to the Division Commander requesting additional funds to support the flash roll operation.

**43.2.3** The memo will be assigned a Divisional memo number and shall contain the following information:

- A. The subject matter to include respective case number;
- B. The amount of currency requested;
- C. The date the memo was sent;
- D. Who sent the memo;
- E. To whom the memo was sent.

**43.2.4** Upon the approval of the Law Enforcement Services Division Commander, the memo is forwarded to the Sheriff for approval. In the Sheriff's absence, the Chief Deputy may authorize approval.

**43.2.5** The memo shall then be forwarded to the Volusia County Finance Director or designated representative for approval.

**OBTAINING CURRENCY**

**43.2.6** If the amount of the flash roll request is over ten thousand dollars (\$10,000.00), the Finance Director will notify the appropriate Banking Establishment of the amount of cash withdrawal.

**43.2.7** The check will be made out in the name of two (2) Detectives.

**43.2.8** If the check is less than ten thousand dollars (\$10,000.00), it may be cashed at any appropriate bank.

**43.2.9** When possible, a one-day notice will be given the main banking establishment when the check is larger than ten thousand dollars (\$10,000.00).

**43.2.10** When a check is drawn from the Finance Department, a deposit slip will also be provided to the Detectives.

**43.2.11** Anytime the flash roll is not in the Division office safe, it shall be accompanied by at least two Detectives. Any deviation from this procedure must be approved by the Division Commander or designee.

**43.2.12** Prior to using currency, the serial numbers shall be recorded and submitted to the Division Commander or designee or designate.

**43.2.13** The flash roll shall not leave the direct control of Department personnel unless so authorized by the Division Commander or designee.

**43.2.14** No portion of the flash roll shall be used without authorization of the Division Commander or designee.

**43.2.15** Upon conclusion of the operation the flash roll shall be re-deposited in the appropriate bank using a deposit slip provided by the Finance Department.

**A.** The case number shall be placed on the deposit slip.

**B.** The bank will validate the deposit slip at the time of deposit.

**43.2.16** A copy of the memo, the check and the deposit slip shall be forwarded to the Case Agent, Office of the Chief Deputy and the County Finance Department.

**43.2.17** It is the responsibility of the Detectives drawing the flash roll to secure these copies and to supply them to the appropriate department/division.

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**Revised by:** 6760/2364




**Revised on:** 08-23-2010

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and another signature.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>GO-043-03</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 07/28/2020
		<b>Original Issue Date</b> 09/1991	<b>Previous Revision Date</b> 10/2017
<b>Title</b> <b>CONFIDENTIAL FUNDS</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines for the use of confidential funds for the furtherance of investigations and the recovery of properties and/or contraband.

## II. DISCUSSION

Law enforcement agencies engaged in proactive investigations of criminal activity have a legitimate need for access to and the use of confidential funds. Strict control of these funds is necessary for not only the legal aspects of their use, but also for accountability and to eliminate potential for their misuse.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to include in its operational budget confidential funds to support investigations. Confidential funds shall be received, recorded and disbursed in such a manner as to ensure justification and accountability.

## IV. PROCEDURE

### A. PROCUREMENT AND RECORDING

1. The direct responsibility for requesting, receiving, recording, maintaining and the disbursing of confidential funds rests with the Law Enforcement Operations Division (L.E.O.D.) Chief. Although the L.E.O.D. Chief is primarily responsible for these duties, he/she may, as necessary, designate subordinates to assist him/her.
2. The Law Enforcement Operations Division Chief shall also continually monitor the demand for and utilization of these funds in order to ensure that they are adequate, used properly, assist with the preparation of budgetary requests and project future needs.
3. The Law Enforcement Operations Division Chief, or designee, shall maintain a Master Accounting Ledger detailing all transactions to include receipt of funds, dates of transactions, nature of transaction, persons issuing/receiving funds and a transaction number. The Ledger at all times shall indicate the current balance on hand. Number 15-001 will indicate that it is the first transaction of 2015. Number 15-002 will indicate the second transaction of 2015.
  - a. EXAMPLE: Transaction number 15-001
    - 15 denotes year of transaction
    - 001 denotes the number of the transaction

### B. MASTER LEDGER BOOK

1. Funds disbursed to Unit/Task Force Supervisors shall be identified in the master ledger book. The master ledger book shall be completed and contain:
  - The transaction Number (consecutive numerical system as detailed above)
  - The date of the transaction
  - A description of the transaction, i.e., "Thomas Account" or "Roberts Account" OR #15010491
  - Debit or credit for the amount of transaction
  - The initials of issuer
  - A second separate triplicate copy receipt book will also document the transaction and include the initials of the issuer and the receiver.
2. Funds disbursed to Detectives by Unit/Task Force Supervisors shall be identified in a secondary ledger book retained by the respective Unit/Task Force Supervisor. The secondary ledger book shall be completed and contain
  - The transaction number
  - The date of the transaction
  - A description of the transaction, i.e., "Thomas Account" or "Roberts Account" OR #15010491
  - The case number
  - Debit or credit for the amount of transaction
  - The initials and DID of issuer
  - A second separate triplicate copy receipt book will also document the transaction and include the initials and DID of the issuer and receiver.
  - The reason for the transaction
3. Receipt book copies will be distributed as follows:
  - a. WHITE COPY: The white copy will remain in the receipt book
  - b. PINK COPY: The pink copy will be placed in the Sergeant's/Detectives/Deputies' individual investigative funds log book.
  - c. YELLOW COPY: The yellow copy remains in the receipt book.
4. Confidential funds are drawn and assigned to the Division.
5. The Master Log and the receipt books shall be kept in a secure locked safe at all times.
6. The safe will remain in a Divisional office. Access is limited to the Law Enforcement Operations Division Chief or designees.
7. Running totals of each Detective's transactions will be recorded on the "Individual Detectives Expenditure Report" form.

## **C. DISBURSEMENT**

1. The Sheriff requests approval for confidential funds in excess of \$50,000 from the Volusia County Council.
2. With the approval of the Sheriff/Chief Deputy, the Chief Financial Officer disburses the \$50,000 to the Law Enforcement Operations Division Chief.
3. The Law Enforcement Operations Division Chief or designee shall disburse funds as appropriate. Single expenditures of \$3,500.00 or more require the approval of the Investigative Services Section Commander, or designee.
4. **DISBURSING FUNDS**
  - a. If the funds to be disbursed are to pay unit expenses, the transaction will be logged in the purchasing detective's ledger book.

- b. When funds are expended for these items, the person drawing and paying out the funds shall obtain a receipt for the expenditure. The receipts will be attached to the divisional copy (yellow) investigative funds report.
- c. The receipts shall have the transaction number on them and be maintained in the unit office.

## 5. INVESTIGATIVE FUNDS

- a. Detectives assigned to narcotics investigations shall be issued an advanced investigative funds in the amount of one thousand dollars (\$1,000.00) to be used for incidental expenditures in the furtherance of their investigations. Situations where funds may be used will include, but are not limited to:
  - The purchase of beverages and meals while meeting with potential suspects, informants or other persons, for the purpose of gathering intelligence information and/or attempting to procure contraband.
  - Approved purchases of controlled/unlawful substances, stolen property, contraband, and/or other articles of service which constitute criminal activity or may be of interest to the enforcement efforts of the Volusia Sheriff's Office.
  - Admission fees, transportation services, tolls, incidental items for potential sources of intelligence information in the furtherance of an ongoing or potential investigation.
- b. Funds expended for situations such as those listed above shall be reported to the Detective's supervisor as soon as practical. These funds should ordinarily not be used to purchase budgetary expendable items such as film, tapes, flex-cuffs, batteries, but may be purchased on an emergency basis only. Whenever possible, the Detective, when using funds, should obtain a receipt. When the funds are used, the Detective will fill out and submit a receipt/investigative funds report to their supervisor for accounting purposes and replenishment of funds.
- c. Detectives who are issued approved investigative funds are required to maintain an up-to-date running balance sheet furnished by the Special Investigations Section Commander that includes the following for all transactions:
  - date;
  - agency case number, if applicable;
  - amount of funds disbursed/received
- d. Investigative funds allocated to Detectives are intended to be utilized for pre-arranged purchases of contraband, unlawful/controlled substances, stolen property, illegal/illicit services and/or payments of informants. Such disbursements will receive prior approval from the Unit/Task Force Supervisor.
- e. Detectives should exercise restraint and a great deal of discretion in the use of investigative funds, since the majority of such expenditures will not be verified by receipt or tangible merchandise.
- f. Funds used in this context will be documented on a four copy "Receipt/Investigative Funds Report" form. Copies will be disbursed as follows:
  - **WHITE COPY** – Central Records, at conclusion of case;
  - **YELLOW COPY** – Ledger File. (separate file kept in a division office);
  - **PINK COPY** – Unit/Task Force Supervisor's Investigative Funds File;
  - **GOLD COPY** – Detective/Deputy's Investigative Funds File.
- g. All payments of funds made to Confidential Informants shall be documented by a signed receipt (Receipt/Investigative Funds Report), filled out by the Case Detective and signed by the informant. In the event a confidential informant is unable, for whatever reason, to sign the receipt for funds paid to him/her, the Case Detective shall explain why in the synopsis section of the form and have another Detective witness the transaction and sign the witness section of the form.

## D. ACCOUNTING/AUDITING

- 1. At least annually, the Office of the Chief Deputy shall inspect the accounting records pertaining to the confidential funds for accuracy.

2. Professional Compliance shall at least quarterly inspect the accounting procedures and the funds on hand to ensure completeness, accuracy and compliance with this general order.
3. Unit/Task Force Supervisors shall periodically conduct inspections of their subordinates' case files/funds and contingency funds to ensure accuracy and compliance with this general order.
4. Whenever there is a change in supervisors with sub-custodial authority to disburse and receive investigative funds (cash), an accounting of funds and associated documentation will be conducted by the incoming and outgoing supervisors recording the custodial transfer. This accounting verification will be documented in the respective account ledger and initialed by both supervisors involved in the transfer. Upon completion, the Law Enforcement Operations Division Chief will be notified via memorandum of the custodial transfer and total cash amount on hand at the time of transfer.
5. Whenever a detective is no longer assigned to a narcotics Unit/Task Force, he/she will immediately surrender any advanced funds to the Unit/Task Force supervisor. The supervisor will conduct an audit of those funds along with the detectives ledger book to ensure his/her book is at a "zero" balance prior to departing the unit.
6. If an agency or auditing firm from outside the agency, or members of another division of the Volusia Sheriff's Office are directed to review or audit the division's confidential funds, records on current ongoing investigations will be excluded from the review until such time as they are completed.



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: VICE, NARCOTICS AND  
ORGANIZED CRIME OPERATIONS**

**CODIFIED: 43.4**

**EFFECTIVE: 10-2009**

**RESCINDS/AMENDS: 43.6/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for receiving/processing information and conducting investigations related to vice, drug and organized crime activities.

**DISCUSSION**

Complaints and information regarding narcotics, vice and organized criminal activity may be received in any number of ways and from a variety of sources. It may come in the form of an anonymous phone tip giving a suspect's name or a source that is able and willing to give complete background information and provide an introduction to the suspects.

**POLICY**

It shall be the policy of the Department to ensure that all vice, narcotics and organized crime information/complaints are recorded, controlled and investigated to the fullest extent possible.

**PROCEDURE**

**RECEIVING COMPLAINTS/INFORMATION**

**43.4.1** When a complaint or information is received, the procedures described hereinafter shall apply.

**43.4.2** All information/ complaints shall be documented and assigned a control number.

**DEPUTIES**

**43.4.3** Deputies shall use an incident report to document cases involving preliminary investigations or complaints.

**43.4.4** Raw information or unconfirmed reports which may require later investigation shall be recorded on an intelligence information form and forwarded to the Intelligence Unit.

**COMMUNICATIONS**

**43.4.5** All complaints shall be assigned a complaint/control number. However, raw information shall be assigned an intelligence number by the Intelligence Unit.

**43.4.6** Communications personnel shall forward raw information to the Intelligence Unit on an Intelligence Information Form.

**43.4.7** All complaints shall be handled in accordance with the respective Communications Call Handling Guide and the Law Enforcement Communications Policy and Procedure Manual.

**PROCESSING**

**43.4.8** Detectives shall process intelligence information in the following manner:

- A.** Preliminary background checks will be made through NCIC, FCIC, CJIS and Intelligence files, if the information received gives the names of suspects.

- B. If the information provides locations, such as residences, businesses, or vehicle registration numbers, the preliminary information on ownership shall be gathered and added to the intelligence form.
- C. An intelligence report number will be assigned to the case to ensure tracking and follow-up.
- D. The intelligence report number will be drawn from the Intelligence Log Book kept in the Division Office.
- E. The log book will indicate the number, the date received, type of offense, person taking the report, source and address if known, location or incident, suspect names if known, and whether it is an assigned case or for information.
- F. Once the form has been assigned a number, it will be forwarded to a Unit Supervisor for evaluation.

**43.4.9** Unit Supervisors shall evaluate raw intelligence information and determine if a preliminary investigation is warranted based on the validity of the information, the nature of the problem, the importance of the problem, leads, resources, the techniques to be employed and the operational problems which might exist. If so, he/she shall draw a complaint/control number and assign the case.

**43.4.10** All criminal cases shall be followed up at least one time in order to ensure that the facts are properly recorded, that there is no additional information and to build public confidence.

**43.4.11** Once assigned, a copy of the intelligence report will go to the Detective assigned to the case. The original will be filed in the Intelligence Unit.

**43.4.12** Unassigned intelligence information will be noted as information only and placed in the intelligence files for future reference.

**43.4.13** All criminal cases shall be reviewed and assigned in accordance with Department Standards Directive 42.1.

**43.4.14** Upon completion, the Detective shall re-contact the source and advise them of the case status, if possible.

**43.4.15** Data will be maintained to reflect organized crime, narcotics and vice complaints that are substantiated by investigation.

**43.4.16** Members shall maintain a record of vice, drug, and organized crime complaint information conveyed to and received from outside agencies.

#### **DOCUMENTING AN INVESTIGATION**

**43.4.17** Investigations into narcotics, vice or organized criminal activity shall be documented.

**43.4.18** All pertinent initial information shall be gathered, i.e., who, what, where, when, and how the violations are being committed.

**43.4.19** A case file shall be constructed on each particular investigation. The file shall contain all pertinent information and forms used during the investigation.

**43.4.20** The forms to be used and included will consist of the standard Department report forms (event, vehicle/property, supplement) case expenditure forms and all other pertinent information and forms that are not considered and treated as evidence.

**43.4.21** At no time will an Intelligence Report be turned in as part of the case file.

**43.4.22** Investigative case files will be reviewed periodically by a Unit Supervisor to ensure compliance with Directive 42.1.

**43.4.23** All investigative reports involving the investigation shall be added to the original case file.

**43.4.24** The Unit Supervisor will review all completed case files.

**43.4.25** Once approved, the case file and copies will be forwarded to the Record's Section.

#### **CONDUCTING INVESTIGATIONS**

**43.4.26** The investigation of narcotic, vice and organized crime violations are conducted in the same basic manner as any other criminal investigation.

**43.4.27** In addition to those sources listed in Directive 42.2, Detectives can gather general information from a variety of sources, i.e., phone and cross reference books, newspapers, occupational licenses, tax rolls, garbage analysis, private businesses that provide a service (garbage pickup, utilities, cable subscriptions).

**43.4.28** Other detailed or more specific information is available from the criminal justice system, criminal records, civil court records, police reports, Motor Vehicle Bureau, Driver's License Bureau, Probation and Parole and Jail Records.

**43.4.29** Private and limited access information can be obtained through the use of court orders, i.e., phone subscriber information, bank records, credit reports.

**43.4.30** Once enough information has been gathered to allow development of a course of action, a Unit Supervisor must approve the tactics to be employed and must be continually updated on the case status. The nature of these investigations normally preclude a formal written plan of action.

**43.4.31** Detectives may employ several different techniques while conducting investigations, i.e., undercover operations, telephone taps, search warrants, decoy operations, trash analysis. These operations are explained in detail in other division policies.

**43.4.32** The safety of citizens, Deputies and Detectives shall be of foremost importance during every investigation.

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**Revised by:** 6760  
**Revised on:** 02-2009

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: SEARCH WARRANT EXECUTION**

**CODIFIED: 43.5**

**EFFECTIVE: 09-2010**

**RESCINDS/AMENDS: 43.5/10-2001**

**ATTACHMENTS: 1**

**PURPOSE**

The purpose of this Directive is to provide guidelines for serving search warrants and to provide reference to the Department's confidential plan for conducting vice raids, decoy/undercover operations, and organized crime raids.

**DISCUSSION**

There are several techniques Detectives may employ to accomplish their goals, these include reverse operations, raids, search warrants, undercover and surveillance operations. These operations are described in the Department's confidential plan for conducting vice raids, decoy/undercover operations, and organized crime raids. Florida Statutes, Chapter 933 governs the issuance and execution of search warrants.

**POLICY AND PROCEDURE**

**43. 5.1** To ensure the safe, efficient and effective use of surveillance, raid and undercover operations, the following procedures apply.

**SEARCH WARRANTS**

**43. 5.2** The execution of a search warrant is most often a high profile operation that is an efficient means of eliminating distribution points and/or storage locations for contraband. Search warrants shall be obtained and executed pursuant to Chapter 933, Florida Statutes.

**43. 5.3** Search warrants will be reviewed, approved and authorized by a supervisor prior to execution.

**43. 5.4** A supervisor will be present to coordinate the execution of the search warrant.

**43. 5.5** If the location of the search warrant falls within the jurisdiction of another agency, that agency will be notified prior to the execution of the warrant. Consideration should also be given to including personnel from that agency in the operation.

**43. 5.6** Notification of the location of the warrant shall be given to Central Communication prior to or at the time of execution of the warrant.

**43. 5.7** Department personnel involved in the execution of a search warrant made by an outside agency shall not deviate from Department policy.

**43. 5.8** Non-sworn personnel shall not physically participate in the execution of a search warrant without the expressed approval of a supervisor.

**43. 5.9** Prior to the execution of a search warrant all personnel will be briefed on the objectives, tactics and operational plan.

**43. 5.10** The disruption caused by the service of a warrant will be kept to a minimum.

**43. 5.11** Property damage incurred will be documented and photos taken.

**43. 5.12** The affiant, or his designee, will be responsible for the reading of and copies of the warrant and its return to the court.



## OPERATIONS

**43. 5.13** Vice raids, decoy/undercover operations and organized crime raids shall be conducted in accordance with Department plans for conducting such operations.

**43. 5.14** If intelligence information indicates any special hazards such as heavily armed or especially dangerous persons the entrance and securing of the area shall be done by the SWAT Team.

**43. 5.15** When serving search warrants the attached Warrants Service Matrix will be utilized.

## ATTACHMENTS

### ATTACHMENT A: SWAT Warrant Service Risk Assessment Matrix

**Revised by:** 6760/2364

**Revised on:** 08-23-2010

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

### Warrant Service Risk Assessment Matrix

Risk assessment is based on facts and circumstances stated in the affidavit for the arrest or search warrant and the criminal history of the suspect(s). Select only one fact from each section. If two conditions exist within a single section, choose the more severe selection.

Points	Facts concerning search warrant execution	X	Score
1	Search warrant is for evidence of property		
3	Search warrant is for evidence of a crime against a person		
4	Search warrant is for narcotics		
3	Arrest warrant is for property crimes		
3	Arrest warrant is for drug possession and/or distribution		
4	Arrest warrant is for crimes against a person		
2	Subject of warrant has property crime history only		
4	Subject of warrant has narcotics history		
5	Subject of warrant has history of crimes against a person		
7	Subject of warrant has made statements regarding resisting, Apprehension and/or search		
8	Subject of warrant has violent criminal history and/or escape history		
10	Subject of warrant has used firearms during commission of crimes		
2	Service of warrant requires minimal forced entry		
3	Service of warrant requires use of ram or other breaching tools		
10	Location is fortified, requiring specialty breaching or guard dog present		
5	Firearms readily available to suspects at location		
9	Subject of warrant known to carry firearms on person or arrested for Carrying Concealed Firearm		
10	Subject of warrant is always armed		
10	Subject of warrant has history of assault or resisting arrest offense against L.E.O.		
	<b>TOTAL POINTS</b>		

The SWAT Commander, Assistant Commander, and/or Team Leaders will review the score of the warrant matrix, criminal histories, the size of the residence, number of occupants, and geographical location of the target area to determine if the warrant will be executed by the Investigative Unit, a SWAT Search Warrant Team, or the full SWAT Team.



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: INTRA-AGENCY COMMUNICATION  
AND COOPERATION**

**CODIFIED:** 43.6

**EFFECTIVE:** 09-2010

**RESCINDS/AMENDS:** 43.6/10-2001

**ATTACHMENTS:** 0

**PURPOSE**

The purpose of this Directive is to provide for intra-agency communication/cooperation in suppressing vice and narcotics violations.

**DISCUSSION**

Suppression of narcotics and vice is a Department-wide function and these violations are often related to other criminal enterprises. There must be open communication and cooperation between the Investigative Services Section and all other Department members and components.

**POLICY**

It shall be the policy of the Department to foster open communications and cooperation within the Department.

**PROCEDURE**

**43.6.1** A Narcotics Investigations Supervisor, or his designee, shall attend monthly Detective's meetings. (Criminal Detectives, Crime Analysis and the Major Case Unit)

**43.6.2** The Intelligence Unit shall provide affected units and components with information leading to the arrest of serious/habitual offenders, intelligence information which relates to the safety of Department personnel and information about ongoing criminal activity which would not jeopardize or impede on-going investigations.

**43.6.3** A Narcotics Investigations Unit Supervisor will be available at all times on a call-out basis through Communications.

**43.6.4** A list of "on-call" supervisor's shall be provided to the Communications Center.

**43.6.5** Section manpower, vehicles and specialized equipment shall be available to other divisions as needed.

**43.6.6** District Detectives shall conduct post arrest and confidential informant interviews that shall cover areas in addition to narcotics, vice and organized crime activities, i.e., crimes against persons and property.

**43.6.7** Pertinent information shall be documented and forwarded to the affected components.

**43.6.8** Investigative Services will designate one Detective per District to function as a liaison to the District Commander.

**43.6.9** It shall be the liaison officers' responsibility to maintain communications between the divisions.

**Revised by:** 6760/2364

**Revised on:** 08-23-2010

**Approved: 01-01-17**

**Michael J. Chitwood**  
Sheriff, Volusia County



E. The property is a monetary instrument.

AND

The property is a contraband article, vessel, motor vehicle, aircraft, other personal property, or real property used in violation of any provision of the F.C.F.A.

OR

Any violation of the F.C.F.A has taken place or is taking place in, or upon the property.

**43.7.2** Probable cause seizures taking place at the time of F.C.F.A. violations may be made without prior judicial approval. Decisions to seize property for forfeiture must be made via the District Commander or designee. The legal advisor is available for consultation through the District Commander or designee via the chain of command.

**43.7.3 PRE-SEIZURE DUTIES AND RESPONSIBILITIES OF THE DEPUTY:**

**A.** Prior to instituting a seizure, the deputy must:

- Determine the ownership of the property (co-owner, lien holder, or other person who claims an interest).
- Determine the nature of ownership interest, if applicable; contemplate the potential "innocent owner" defense.
- Any potential claimant that disclaims an ownership interest in any property seized (personal property or U.S. currency) shall be requested to sign an "Ownership Disclaimer" form (Attachment A1, A2).
- If property is other than U.S. currency, ensure it meets the minimum value standard, or there is a compelling law enforcement interest which indicates seizure is appropriate.

**43.7.4** Immediately following the seizure of any currency of \$200.00 or greater and/or any items intended for forfeiture will be documented on the **Notice of Seizure Form VCSO #112415.001 (Attachment B)**. Immediately following seizure/ forfeiture, the completed **Notice of Seizure Form** and completed VCSO Property Report will be e-mailed to: [FloridaContrabandForfeitureActnotification@vcso.us](mailto:FloridaContrabandForfeitureActnotification@vcso.us). Within 24 hours after the seizure, the seizing Deputy shall forward completed and supervisor approved offense report, property report and forfeiture affidavit particularly describing the circumstances surrounding the seizure to the Legal Advisor.

**43.7.5** The Sheriff or his designee shall decide whether to file a forfeiture action.

**43.7.6** As soon as practicable following seizure, the seizing Deputy or Detective shall make a diligent effort to determine ownership of the seized property, including the identification of the registered owner(s), title holder(s), and bona fide lien-holder(s), if any.

**43.7.7** Within 5 business days of the seizure, the Sheriff's Office through its Legal Advisor must notify, by certified mail (return receipt requested), the owner(s), bona fide lienholder(s), all claimants and potential claimants of the seizure of the property and their right to request an Adversarial Preliminary Hearing within 15 days of the notice. It shall be the Deputy's responsibility to email the completed **Notice of Seizure Form** and completed VCSO Property Report to [FloridaContrabandForfeitureActnotification@vcso.us](mailto:FloridaContrabandForfeitureActnotification@vcso.us) immediately following the seizure so that notice may be given of property seized. Within 10 business days of seizure, the seizing Deputy must apply, with the assistance of the Legal Advisor, to a judge to determine if there is probable cause for the seizure. The **Probable Cause Application Form # 071416.001 (Attachment C)** and the Forfeiture Affidavit must be presented to a judge (ex parte) in the same manner as you would an arrest warrant or search warrant. If the Judge finds probable cause and signs the Order Finding Probable Cause the Sheriff's legal Advisor shall retain the Order Finding Probable Cause which will be attached to the Complaint for Forfeiture in the event the complaint is filed.

If the Judge finds no probable cause for the seizure, the seized property shall be returned to the person from whom it was seized or to the owner of record.

**43.7.8** If a determination not to proceed with the forfeiture is made, then the Sheriff's Office shall release the seized property to the lawful owner or their legally authorized designee.

**43.7.9** The Sheriff's Office is required to set and provide notice of a hearing within 10 days, or as soon as practicable, after receiving a request from a claimant for an adversarial preliminary hearing for sufficient probable cause hearing.

<b>STORAGE AND MAINTENANCE OF SEIZED VESSEL, VEHICLE &amp; AIRCRAFT</b>
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**43.7.10** At the time of seizure, the Deputy should have the vessels, vehicles, aircrafts, etc. transported or towed to our primary storage facility at 2564 West New York Avenue (Highway 44), DeLand, Florida.

**43.7.11** A complete inventory of the seized property and all containers, open or closed, found therein shall be completed at the time of seizure and placed on the property form. As soon as practicable after seizure, a good faith

attempt shall be made to release to the lawful owner all personal property (e.g., clothing) seized with items impounded pursuant to the F.C.F.A. and not being retained as evidence or for forfeiture. If the owner is unknown, has been arrested, or is otherwise unavailable to take possession of the property, the property shall be placed in separate packaging with separate property forms completed and submitted to the Evidence Section, to be released to the owner at a later date.

**43.7.12** Any personal property seized as evidence shall be packaged and stored separately and handled in accordance with Directive 83.1 and 84.1.

**43.7.13** Reasonable attempts shall be made by the Evidence Section to maintain the property in the time-of-seizure-condition. Although all rights, interest in and title to all seized assets vest immediately in the Sheriff's Office upon seizure, seized items shall not be used for any purpose until the rights, interest in and title to the seized property are perfected pursuant to the F.C.F.A. This section does not prohibit use or operation necessary for reasonable maintenance of seized property.

**43.7.14** If special maintenance is required to maintain seized property in time-of-seizure-condition, as may be necessary with aircraft and vessels, the Sheriff's Office shall ensure that such maintenance is provided within a reasonable time after seizure, with such care continuing through the pendency of forfeiture action.

#### **HANDLING OF FORFEITURE ACTIONS**

**43.7.15** The V.C.S.O. Legal Advisor shall:

- A.** Promptly review copies of all reports describing the circumstances attendant to the seizure and make an independent evaluation of the Deputy's probable cause determination.
- B.** Determine as soon as practicable after the seizure whether to proceed with the forfeiture or to release the seized property to the lawful owner, bearing in mind that 90 days after seizure motions for return of property or other actions may lie.
- C.** Upon the determination to proceed with the forfeiture, coordinate the forfeiture process with the originating Division.
- D.** Promptly proceed against the seized property by filing a forfeiture action or entering into a settlement agreement.
- E.** Upon a determination not to proceed with a forfeiture action, absent evidentiary value to a pending criminal case and absent any settlement agreement to the contrary, ensure that the seized property is immediately released to the lawful owner or their designee.
- F.** All settlement agreements under the F.C.F.A must be personally approved by the Sheriff or his designee.

#### **DISPOSITION OF SEIZED PROPERTY**

**43.7.16** If the claimant prevails at the conclusion of the judicial process, the seized property shall be released immediately to the lawful owner. Under these circumstances, the Sheriff's Office shall not assess any towing charges, storage fees, administrative costs, or maintenance costs against the claimant.

**43.7.17** In all other instances, if a seized vessel, vehicle, aircraft, etc. is to be released to the lawful owner, the Sheriff's Office may assess against the owner the actual costs of towing, storage, and maintenance of the seized property. Absent settlement, administrative costs which do not reflect actual expenses shall not be assessed.

**43.7.18** Refer to Sheriff's Office Directive 42.10 and 84.1 for additional procedures concerning the disposition of property.

#### **HIGHWAY INTERDICTION PROCEDURES**

**43.7.19** *A legitimate objective of law enforcement agencies is protecting the public by enforcing the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority, while protecting the rights of all persons.*

**43.7.20** *To this end enforcement action, to include but not limited to vehicle stops, stop and frisk of an individual, arrests, searches and seizures, the application of force, and initiation of forfeiture proceedings must be based solely on law, agency policy, and articulable facts.*

**43.7.21** *Bias Based Profiling is the exercise of police authority based solely upon an individual's race, ethnic origin, gender, age, or income status.*

**43.7.22** *Bias Based Profiling, as defined in 43.7.21 and Directive 1.10, is prohibited.*

**43.7.23** The Volusia County Sheriff's Office may operate a Highway Interdiction Program. This program is a function of the Crime Suppression Unit of the Law Enforcement Services Division.

**43.7.24** After stopping a vehicle for a traffic infraction, the Deputy shall issue either a Uniform Traffic Citation or a written warning.

**43.7.25** The Deputy shall attempt to record the traffic infraction on the same dash mounted video camera and/ or body worn camera on which they record the subsequent search and seizure. See Directives 41.3 for in-vehicle audio/video recording procedures and 41.20 Body Worn Cameras.

**43.7.26** The Law Enforcement Services Division Commander and/or designee shall be responsible, on a weekly basis, to review the videos that result in a seizure.

**43.7.27** The Deputy shall obtain the authorization of their Supervisor before money is seized and shall, via the chain of command, ensure that the Department's Division Commander and the Legal Advisor are notified.

**43.7.28** When working drug interdiction, Deputies will work with a partner, whenever possible.

**43.7.29** If working without a partner, a second Deputy will be called to the scene when cash is found. Whenever possible the cash will not be moved or handled prior to the second Deputy's arrival.

#### **CASH HANDLING PROCEDURE**

**43.7.30** When it is determined that cash will be confiscated, the following procedures will be followed:

**43.7.31 Photographs** - Whenever possible the money is to be digitally photographed exactly as found prior to removal.

**43.7.32 Cash Seizures** - All cash seizures will be placed into custody of the Evidence Section in accordance with Directive 84.1. The Evidence Section will then arrange for transfer of the funds to County Finance via the Legal Advisor's office.

**43.7.33** Cash will not be stored on a long term basis at Evidence and will be transferred as quickly as possible.

**43.7.34 Required Signatures** - Whenever possible prior to leaving the scene, the Deputy will have the person(s) the money is being seized from sign a form acknowledging the money was sealed UNCOUNTED and placed in seizing Deputy's trunk for transport purposes. The person(s) signature will also acknowledge whether they will or will not follow the Deputy to the Operations Center for counting said monies.

**43.7.35 Refusal to sign** - If the person(s) from whom the monies are being seized refuse to sign the form, the witness (the second Deputy) will witness the refusal on the form.

**43.7.36 Leaving the Scene** - The person(s) from whom money is being seized will be requested to follow the Deputy to the Sheriff's Operation Center. If the person(s) from whom the money was seized follows the seizing Deputy to the Operations Center, they will follow directly behind seizing Deputy, and followed by the witness (second Deputy).

#### **OPERATIONS CENTER**

**43.7.37** Upon arriving at the Operations Center the following procedures will be followed:

**43.7.38 Currency** - Currency is to be removed from transport bag in the presence of the person(s) from whom it was seized, by seizing Deputy and witness (second Deputy).

**43.7.39 Photographing of Currency** - Digital images will be taken of the currency before counting, denoting packaging and banding of currency.

**43.7.40 Currency Count** - Currency will be counted in the presence of the person(s) from whom seized (if available) and the witness (second Deputy).

**43.7.41 Signatures** - When the currency is counted, all present will sign the form attesting to the total amount. The seizing Deputy's supervisor will verify the amount of money prior to being turned in as evidence.

**43.7.42 Evidence** - The digital images of the currency, and wrappings (if any), will be stored in the Digital Crime Scene database.

**43.7.43 Reports** - Immediately following the seizure of currency intended for forfeiture, the Deputy and/or Detective will complete the **Notice of Seizure Form VCSO #112415.001**. **Immediately** following the seizure, the completed **Notice of Seizure Form** and completed VCSO Property Report will be e-mailed to: **FloridaContrabandForfeitureActnotification@vcso.us**.

**43.7.44** All reports will be completed and turned in within 24 hours of the seizure of monies.

## ATTACHEMENT

**ATTACHMENT A1: Ownership Disclaimer VCSO # 082503.001** (located on agency intranet, *Agency Forms/Law Enforcement*)

**ATTACHMENT A2: Ownership Disclaimer–MV, Vessel, Other VCSO VCSO#112114.001** (located on agency intranet, *Agency Forms/Law Enforcement*)

**ATTACHMENT B: Notice of Seizure Form VCSO #112415.001** (located on agency intranet, *Agency Forms/Law Enforcement*)

**ATTACHMENT C: Probable Cause Application Form VCSO #071416.001** (located on agency intranet, *Agency Forms/Law Enforcement*)

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**Revised by:** 2391; 6477; 6160

**Revised on:** 07-2016

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**STATEMENT OF DISCLAIMER OF INTEREST OR TRANSFER OF OWNERSHIP  
AND WAIVER OF RIGHT TO NOTICE OF SEIZURE (Non Titled Property)**

COUNTY OF VOLUSIA, STATE OF FLORIDA

BEFORE ME personally appeared (Name) \_\_\_\_\_,  
who states the following information as to the (List property, currency)

\_\_\_\_\_,  
that was seized by the VOLUSIA COUNTY SHERIFF'S OFFICE at or near (Location)

\_\_\_\_\_,  
on (Date of seizure) \_\_\_\_\_, under VCSO case No. \_\_\_\_\_.

**INITIAL BY ONLY ONE OPTION**

**DISCLAIMER OF INTEREST**

\_\_\_\_\_(initial) I hereby state that I am not the owner of the above-listed property and have no claim for its return to me. I renounce any personal interest in or connection to the above-listed property. I am waiving any right to a Notice of Seizure, to an Adversarial Preliminary Hearing, and to notice of any other judicial or administrative proceedings regarding the above-listed seized property.

**TRANSFER OF OWNERSHIP**

\_\_\_\_\_(initial) I am the sole owner of the above-listed property. I hereby transfer any personal interest, ownership, and claim I have to the VOLUSIA COUNTY SHERIFF'S OFFICE. I am waiving any right to a Notice of Seizure, to an Adversarial Preliminary Hearing, and to notice of any other judicial or administrative proceedings regarding the above-listed seized property.

1. I hereby declare that no law enforcement officer or other person coerced or threatened me in any manner or has promised me anything whatsoever to sign this STATEMENT.
2. I hereby declare that I have carefully read this document and fully understand its content and meaning.
3. I understand I have the right to refuse to sign this form.
4. I hereby declare that I am fully competent to sign this document and that I am knowingly, freely, intelligently and voluntarily signing this STATEMENT.
5. I am not under the influence of any drugs, alcohol or medications at this time that would impair my judgment.
6. I hereby waive my right to speak with an attorney regarding this document.

I DO HEREBY AFFIRM UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

\_\_\_\_\_  
Signature of Individual

\_\_\_\_\_  
Printed Name of Individual

SUBSCRIBED before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_,  
who is personally know to me or \_\_\_\_\_ who has produced proper identification as follows:

\_\_\_\_\_  
LEO Name (Printed) & I.D. Number or Notary Public

\_\_\_\_\_  
LEO or Notary Name (Signature or Stamp)

**TRANSFER OF OWNERSHIP OF MOTOR VEHICLE, MOTOR HOME OR VESSEL  
AND WAIVER OF RIGHT TO NOTICE OF SEIZURE (Titled Property)**

COUNTY OF VOLUSIA, STATE OF FLORIDA

BEFORE ME, personally appeared (Name) \_\_\_\_\_,  
who states the following information as to the (List motor vehicle, motor home, or vessel, including  
make/model/year and VIN)

\_\_\_\_\_ that was seized by the VOLUSIA COUNTY SHERIFF'S OFFICE at or near (Location)

\_\_\_\_\_ on (Date of seizure) \_\_\_\_\_, under VCSO case No. \_\_\_\_\_.

1. I hereby state that I am the sole owner of the above-listed property.
2. I hereby **transfer any personal interest, ownership, and claim** I have in the above-listed vehicle/vessel to the VOLUSIA COUNTY SHERIFF'S OFFICE for its use, sale or other disposal. I am waiving any right to a Notice of Seizure, to an Adversarial Preliminary Hearing, and to notice of any other judicial or administrative proceedings regarding the above-listed property.
3. I hereby declare that no law enforcement officer or other person coerced or threatened me in any manner or has promised me anything whatsoever to sign this TRANSFER.
4. I hereby declare that I have carefully read this document and fully understand its content and meaning.
5. I understand I have the right to refuse to sign this form.
6. I hereby declare that I am fully competent to sign this document and that I am knowingly, freely, intelligently and voluntarily signing this TRANSFER.
7. I am not under the influence of any drugs, alcohol or medications at this time that would impair my judgment.
8. I hereby waive my right to speak with an attorney regarding this document.
9. I hereby name and appoint ANDREW CONKLIN as Vehicle Coordinator, for the VOLUSIA COUNTY SHERIFF'S OFFICE, to be my lawful attorney-in-fact, to act for me in applying for an original or duplicate certificate of title, to register, transfer title, or record a lien to the above-listed motor vehicle, motor home or vessel, and to print my name and sign his/her name in my behalf. My attorney-in-fact can also do all things necessary to the application or any other related instrument and to bind me in as sufficient a manner as I myself could do, were I personally present and signing the same. I hereby ratify and confirm whatever my said attorney-in-fact may lawfully do or cause to be done relating to the above-listed property.

I DO HEREBY AFFIRM UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORECT.

\_\_\_\_\_  
Signature of Individual

\_\_\_\_\_  
Printed Name of Individual

SUBSCRIBED before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_,  
who is personally know to me or \_\_\_\_\_ who has produced proper identification as follows:

\_\_\_\_\_  
LEO Name (Printed) & I.D. Number or Notary Public

\_\_\_\_\_  
LEO or Notary Name (Signature or Stamp)

# Volusia County Sheriff's Office

## Notice of Seizure and/or Forfeiture

<b>Seizing Deputy's Name &amp; Contact Number(s):</b>	
<b>Seizing Deputy's Supervisor Name &amp; Contact Number(s):</b>	
<b>Date of Seizure:</b>	
<b>Address(s) Seized From:</b>	
<b>Provide full description of item seized(s):</b> <i>(Include VIN Numbers, Serial Numbers, Bank Account Numbers or other identifiers if applicable)</i>	
<b>VCSO Report Number:</b>	
<b>Item Number from Property Report:</b>	
<b>Person(s) Seized From:</b>	
<b>Address(s):</b>	
<b>Phone Number(s):</b>	
<b>Other Potential Claimants of Seized Item(s):</b>	
<b>Other Potential Claimants Address(s):</b>	
<b>Other Potential Claimants Phone Number(s):</b>	

### Brief Synopsis of Seizure and Nexus to Criminal Violation

Any currency of \$200.00 or greater and/or any items intended for forfeiture will be documented on this form. **Immediately** following seizure/ forfeiture, the completed form and completed VCSO Property Report will be e-mailed to:

**[FloridaContrabandForfeitureActnotification@vcso.us](mailto:FloridaContrabandForfeitureActnotification@vcso.us)**

43.7 Attachment B

**IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA**

IN RE: FORFEITURE OF:

VCSO CASE NO.:

\_\_\_\_\_ /

**PROBABLE CAUSE APPLICATION**

**COMES NOW,** \_\_\_\_\_, a sworn deputy of the Volusia County Sheriff's Office pursuant to Section 932.703(2)(a), Florida Statutes, and moves this Honorable Court to make a preliminary finding of probable cause based upon the seizure of the above listed property on or about \_\_\_\_\_, 2016, at or near \_\_\_\_\_, Volusia County, Florida, and as grounds therefore would show:

1. **Please see attached affidavit.**
2. The investigation resulting in the seizure of this property is ongoing in nature and it is requested that the Application, supporting documents, and any record of the proceeding be sealed and considered exempt from disclosure.

Dated: \_\_\_\_\_, 2016

\_\_\_\_\_  
Signature

## **ORDER REGARDING PROBABLE CAUSE**

**THIS MATTER** having come before the Court on the Volusia County Sheriff's Office Probable Cause Application pursuant to Section 932.703(2)(a), Florida Statutes, and the Court having reviewed the sworn Affidavit for Forfeiture, considered relevant testimony, and being otherwise fully advised in the premises, the Court finds as follows:

- \_\_\_\_\_ 1. The owner of the seized property was arrested for a criminal offense that forms the basis for determining that the property is a contraband article; or
- \_\_\_\_\_ 2. The owner of the seized property was not arrested; however, one or more of the following apply:
  - \_\_\_\_\_ 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 at the time of the seizure;
  - \_\_\_\_\_ b. The owner of the property is a fugitive from justice or is deceased;
  - \_\_\_\_\_ c. The individual arrested does not own the property, but the owner had actual knowledge of the criminal activities;
  - \_\_\_\_\_ d. The owner of the property has agreed to be a confidential informant as defined in Section 914.28, Florida Statutes; or
  - \_\_\_\_\_ e. The seized property is a monetary instrument or equivalent.
- \_\_\_\_\_ 3. The events involving the seizure of the property constitute an active criminal investigation.

**BASED UPON** the above findings, it is **ORDERED AND ADJUDGED** as follows:

- \_\_\_\_\_ Probable Cause exists for the property seizure under the Florida Contraband Forfeiture Act, Section 932.701, Florida Statutes, et seq. The property is to be held until the issue of a determination of title is resolved pursuant to the procedures defined in the Act.
- \_\_\_\_\_ The events involving the seizure of the property constitute an active criminal investigation and are exempt from Section 119.07(1), Florida Statutes, and Section 24(a), Article 1 of the Florida Constitution and are to be otherwise sealed pursuant to Rule 2.420, Florida Rules of Judicial Administration.
- \_\_\_\_\_ No Probable Cause exists for the property seizure, as requirements have not been met. Any forfeiture hold, lien, lis pendens, or other civil encumbrance is to be released within five (5) days of this Order.

**DONE AND ORDERED** in Chambers in Volusia County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
JUDGE

43.7 ATTACHMENT C



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>INTELLIGENCE EQUIPMENT</b>
<b>CODIFIED:</b>	<b>43.8</b>
<b>EFFECTIVE:</b>	<b>04-2013</b>
<b>RESCINDS/AMENDS:</b>	<b>43.8/09-2010</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines for the acquisition, use, maintenance and control of the Department's technical and electronic intelligence equipment.

**DISCUSSION**

Technical and electronic intelligence equipment are tools used by law enforcement for obtaining evidence not available through routine methods of visual surveillance, interviews, witnesses and crime scene evidence collection. Such tools often are extremely expensive to acquire and maintain. These tools also require a high level of training and experience to use effectively. In many cases the very existence of these tools, if known to the public, may compromise the future use of them.

**POLICY**

It is the policy of the Department to utilize technical and electronic equipment within the constraints of State and Federal laws for the purpose of collecting evidence in criminal cases.

**PROCEDURE**

**TECHNICAL INTELLIGENCE EQUIPMENT**

**43.8.1** Technical and electronic intelligence equipment shall include:

- A.** Radio transceivers used by Investigative Services personnel who operate on bands and frequencies not used by the Department in general;
- B.** Covert or disguised transmitters or digital/ tape recorders;
- C.** Radio receivers and recording equipment used with covert or disguised transmitters;
- D.** Radio repeaters;
- E.** Night vision equipment;
- F.** Video cameras, video recorders, photographic equipment and accessories;
- G.** Audio devices, audio recorders and accessories;
- H.** Electronic counter measure equipment;
- I.** Dialed number recorders (pen registers) and related telecommunications intercept equipment;
- J.** Surveillance vehicles containing installed electronic equipment;
- K.** Computer equipment and software used with technical and electronic intelligence equipment.

**TECHNICAL INTELLIGENCE OFFICER**

**43.8.2** Technical Intelligence Officer shall be located within the Investigative Services Section of the Law Enforcement Services Division.

**43.8.3** The Technical Intelligence Officer shall be responsible for:

- A.** Control, use, repair and maintenance of technical and electronic intelligence equipment;
- B.** Direct support of all Court ordered installation, monitoring and removal of technical and electronic intelligence equipment;
- C.** General support of Department operations and operations of other agencies, as approved by the Commander of Investigative Services, involving technical and electronic intelligence equipment;
- D.** Training and assisting users of technical and electronic intelligence equipment;

E. Setup and maintenance of an Audio-Video center where tapes may be enhanced or duplicated.

**43.8.4** The Department shall provide secure office and storage space for the Technical Intelligence Officer to accomplish the above duties.

**43.8.5** The Technical Intelligence Officer shall maintain a high level of expertise in the use, maintenance and repair of technical and electronic equipment through initial and periodic training, practice and study of:

- Radio communications;
- Telecommunications;
- Surveillance technology;
- Computer technology;
- Video technology;
- Audio technology;
- Automotive design;
- Security systems technology.

**43.8.6** The Technical Intelligence Officer shall perpetually collect and review information on the needs of the Department in regard to technical and electronic intelligence equipment, research available vendors and then make recommendations, through the chain of command, for the purchase or lease of such equipment.

**43.8.7** The Technical Intelligence Officer shall be authorized to purchase supplies, materials and parts for the repair and maintenance of equipment. The Technical Intelligence Officer shall also be authorized, subject to approval of the Commander of Investigative Services, to purchase or lease special equipment for the furtherance of investigations.

**43.8.8** The Technical Intelligence Officer shall be available 24 hours a day for emergency technical assistance involving deployed technical and electronic intelligence equipment and for SWAT operations.

#### **EQUIPMENT CONTROL**

**43.8.9** The Technical Intelligence Officer shall maintain central control of Department technical and electronic intelligence equipment and shall be responsible for registering new equipment with Inventory Control and maintaining records of issue and use of the equipment.

**43.8.10** The Technical Intelligence Officer may assign and delegate control of technical and electronic intelligence equipment, on an indefinite basis, to other units based upon the reoccurring needs of the unit needing such equipment. This does not relinquish the Technical Intelligence Officer of responsibility and control of the equipment.

**43.8.11** Detectives, supervisors and other law enforcement agencies may make requests for the use of technical and electronic intelligence equipment directly to the Technical Intelligence Officer. The Technical Intelligence Officer shall determine if the requested equipment is suitable for the objectives of the requester. The requester shall not be required to identify the identity of the target of the investigation or the exact location of the investigation.

**43.8.12** The Technical Intelligence Officer may deny the use of technical and electronic intelligence equipment if the requested equipment will not accomplish the objective, if the use of the equipment would likely cause damage or loss, if the requested use of the equipment would violate Department policy, State or Federal laws or if the equipment is in use or will be in use by prior arrangement with other units. The Commander of Investigative Services shall arbitrate over any conflicts.

**43.8.13** Law Enforcement Operations Division Detectives shall have priority on the use of technical and electronic intelligence equipment over other personnel and other agencies, unless an emergency is stated.

#### **EQUIPMENT RESTRICTIONS**

**43.8.14** All members of the Department are prohibited from disclosing any of the following information to anyone except sworn personnel and then only on a need to know basis as determined by a supervisor: (Violation subject up to dismissal)

- A. The transmitting or receiving frequencies used by Department technical and electronic intelligence equipment;
- B. The capabilities and limitations of Department technical and electronic intelligence equipment;
- C. The description of any disguised Department technical and electronic intelligence equipment;
- D. The location of any deployed Department technical and electronic intelligence equipment;
- E. Any techniques or methods of deploying technical and electronic intelligence equipment on persons, vehicles or in structures.

**43.8.15** This section does not prohibit the disclosure of this information pursuant to an Order of the Circuit Court or higher authority.

**43.8.16** All defective or inoperable technical and electronic intelligence equipment must be returned to the Technical Intelligence Officer along with a written explanation of the problem. No one may take such equipment to other repair facilities without the approval of the Technical Intelligence Officer.

**43.8.17** No technical and electronic intelligence equipment may be disassembled or modified from its original configuration without approval of the Technical Intelligence Officer.

**43.8.18** Department technical and electronic intelligence equipment may be used only for authorized criminal investigations or for authorized training.

#### **INTERCEPTING COMMUNICATIONS**

**43.8.19** The Technical Intelligence Officer shall be included in all planning activities prior to clandestine installation of technical and electronic intelligence equipment or the use of telecommunication intercept equipment unless the case is being supported operationally and logistically by a senior State or Federal law enforcement agency.

**43.8.20** No member of the Department shall engage in any intercept of communications, as described in this Directive, except during the authorized investigation of a criminal case. No member shall electronically or mechanically monitor or record any non-criminal communication without all parties to the communication being first informed.

**43.8.21** All informants, or others who are not law enforcement officers, are required to execute the "Permission to Intercept Oral Communications" form for each and every separate operation where they will be using a transmitter or digital/ tape recorder where all parties are not advised of such during the monitoring or recording. This form shall be witnessed by two law enforcement officers and the form shall be retained in the Detective's case file.

**43.8.22** No member of the Department shall monitor or record or allow another to monitor or record any oral conversation, telephone conversation, cordless telephone conversation, cellular telephone conversation, pager transmission (except tone only pagers), fax transmission or data transmission without an Order of the Court or one party consent.

**43.8.23** No member shall reveal the content of any such communication to any other person without the Order of the Court or one-party consent.

**43.8.24** Unintentional monitoring during lawful and normal maintenance, common eavesdropping which does not involve the use of technical or electronic intelligence equipment, or when such an intercept is an emergency involving possible grave injury or loss of life of a human being (and then an Order still must be obtained as soon as possible) are excepted from this Directive (Florida Statute 934.03).

**43.8.25** Authorized operations of the 911 Dispatch Center are also excluded from this Directive.

**43.8.26** No dialed number recorder or pen register may be activated on any target line without the prior issuance of an Order of the Court (Florida Statute 934.31-33).

**43.8.27** The exception to this Directive is when such an intercept is an emergency involving possible grave injury or loss of life of a human being and then an Order still must be obtained as soon as possible. Note: Telephone companies are not required to assist law enforcement without an Order from the Court.

**43.8.28** Mobile tracking devices shall be installed in compliance with the standards established by the United States Supreme Court, and Florida State Statutes 934.42, which address the installation and monitoring of mobile tracking devices. In accordance with the requirements of F.S. 934.42(2), use of a mobile tracking device to monitor a vehicle's movements constitutes a search under the Fourth Amendment and as such requires court application and order/authorization based on probable cause prior to attachment to the vehicle. (Refer to Attachment A and Attachment B).

**43.8.29** No member of the Department shall reveal the existence of any Order of any Court authorizing the installation or use of technical and electronic intelligence equipment, nor shall any member reveal the existence of any active Court ordered operation involving technical and electronic intelligence equipment except as authorized by the Court (Florida Statute 934.43). (Violation subject up to dismissal and/or prosecution for a felony)

**43.8.30** Violation of this section, Intercepting Communications is subject to dismissal and/or prosecution for a felony.



## ATTACHMENTS

**ATTACHMENT A:** Application for Mobile Tracking Device Authorization (VCSO # 013012.001)

**ATTACHMENT B:** Order Authorizing Installation and Use of Mobile Tracking Device (VCSO # 013012.002)

Revised by: 6760/2364

Revised on: 02-2013

Approved: 01-01-17

A handwritten signature in black ink, appearing to read 'MJC', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**

# APPLICATION FOR MOBILE TRACKING DEVICE AUTHORIZATION

STATE of FLORIDA:  
COUNTY of VOLUSIA:

This Application for Mobile Tracking Device Authorization is personally made by the applicant, Detective \_\_\_\_\_, who is a lawfully sworn Detective for the Volusia County Sheriff's Office, before The Honorable \_\_\_\_\_, Judge, in and for the Seventh Judicial Circuit, Volusia County, Florida, under oath and pursuant to Florida Statute 934.42. This written Application is for an Order Authorizing Installation and Use of a Mobile Tracking Device attached to the property described as:

A \_\_\_\_\_ (Year) \_\_\_\_\_ (Make/Model), bearing  
Florida registration tag \_\_\_\_\_ registered to  
" \_\_\_\_\_," commonly driven by  
\_\_\_\_\_.

This Application is based upon the applicant's investigative training and experience, which indicates the use of a tracking device, an electronic or mechanical device that tracks the movement of the vehicle or other mobile object to which it is attached, will assist the investigation.

The Volusia County Sheriff's Office, is conducting a criminal investigation into information that \_\_\_\_\_ is engaged in committing, within the jurisdiction of the court, ongoing violations of the Florida Statutes, to-wit, the offenses of:

Trafficking in \_\_\_\_\_, a controlled substance listed in  
Florida Statute 893.03, in violation of Florida Statute 893.135; Sale and Delivery of  
\_\_\_\_\_ and Possession of \_\_\_\_\_, in  
violation of Florida Statute 893.13.

[If investigating different crimes, name them here, cite the applicable statute numbers, and delete the foregoing crimes.]

There is probable cause to believe, based upon facts and evidence outlined below, that ongoing crimes are occurring and \_\_\_\_\_ has used or intends to use the

specified vehicle in the commission of the above specified offense(s) and/or that the tracking of the specified vehicle will lead to the discovery of evidence relating to the offense(s).

As grounds for this application, the applicant submits the following facts:

[Include here facts and details of the investigation establishing PROBABLE CAUSE that the owner, or person who routinely uses the vehicle, is involved in ongoing violations of criminal law.]

[If voluminous, include the facts in "Exhibit "A," and insert the following at this point]

Accordingly, authorization is requested for the surreptitious installation, attachment, and use of a mobile tracking device on or in the vehicle described above. The applicant has probable cause that ongoing crimes are occurring, or related vehicles kept, within the court's jurisdiction, and the applicant certifies the information likely to be obtained by such installation and use is relevant to the ongoing criminal investigation specified above, which is being conducted by the above-named agency.

If this application is granted, it is expected the tracking device will be installed in Volusia County and primarily monitored from equipment located in Volusia County, although the device is expected to track movement throughout several other Florida counties, and it may, if this application is approved and if reasonably possible, be monitored in other counties, or by transmission of information back to Volusia County, as the nature of the state, local jurisdictions, and the criminal activity being investigated is such that the vehicle can be expected to travel to counties outside of this Judicial Circuit.

Authorization is also requested to access and/or enter upon the vehicle, if necessary, to maintain the tracking device including, but not limited to, changing batteries, replacing the unit in case of malfunction, or obtaining and removing the tracking equipment when the approved surveillance is ended.

**WHEREFORE**, the applicant makes this application, certifies all of the above information is true and correct, and requests the issuance of the Order Authorizing Installation

and Use of a Mobile Tracking Device as specified above and in compliance with Florida Statute 934.42.

**SWORN TO** as true and correct this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Detective (print name),  
Volusia County Sheriff's Office

The foregoing was SWORN TO and SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Circuit Judge

# ORDER AUTHORIZING INSTALLATION AND USE OF A MOBILE TRACKING DEVICE

**IN THE NAME OF THE STATE OF FLORIDA:**

**TO: The Volusia County Sheriff, or any of his duly constituted Deputies:**

**WHEREAS**, before me, The Honorable \_\_\_\_\_, Judge, in and for the Seventh Judicial Circuit, Volusia County, Florida, a written and sworn Application For Mobile Tracking Device Authorization has been made on this date pursuant to Florida Statute 934.42, by the applicant, Detective \_\_\_\_\_, who is a lawfully sworn Detective for the Volusia County Sheriff's Office, requesting authorization for the installation and surreptitious use of a mobile tracking device upon the property described as:

A \_\_\_\_\_ (Year) \_\_\_\_\_ (Make/Model), bearing Florida  
registration tag \_\_\_\_\_, registered to " \_\_\_\_\_,"  
commonly driven by \_\_\_\_\_.

[Include additional vehicles, if applicable.]

**AND WHEREAS**, a tracking device is an electronic or mechanical device that tracks the movement of the vehicle or other mobile object to which it is attached.

**THIS COURT FINDS** there is a criminal investigation ongoing within the jurisdiction of the Court that would be assisted by the installation and use of an electronic tracking device, to wit: ongoing violations of the Florida Statutes, as follows:

Trafficking in \_\_\_\_\_, a controlled substance listed in Florida  
Statute 893.03, in violation of Florida Statute 893.135; Sale and Delivery of  
\_\_\_\_\_ and Possession of \_\_\_\_\_, in  
violation of Florida Statute 893.13.

[If investigating different crimes, name them here, cite the applicable statute numbers, and delete the foregoing crimes.]

**THE COURT FURTHER FINDS** that Detective \_\_\_\_\_ of the Volusia County Sheriff's Office has established probable cause of continued criminal activity and a

reasonable basis, and has certified that the information likely to be obtained by the requested installation and use of an electronic tracking device is relevant to gathering evidence for the ongoing criminal investigation specified above which is being conducted by the above-named law enforcement agency relating to crimes occurring or vehicle(s) kept within the Court's jurisdiction.

**THIS COURT FURTHER FINDS** that the vehicle(s) described above and authorized to be tracked is mobile and, therefore, it may be necessary to track said vehicle outside the jurisdiction of this Court but within the State of Florida. [If multiple vehicles are involved, revise language accordingly.]

**THEREFORE, IT IS HEREBY ORDERED** that this Court authorizes the surreptitious installation, attachment, and use of a mobile tracking device on, or in, the vehicle(s) described above, within and outside the jurisdiction of this Court, but within the State of Florida, so long as such device is actually installed while still within the jurisdiction of this Court, or is installed pursuant to order of a Court of competent jurisdiction over the location at which the device is installed, for a period not to exceed forty five (45) days, unless an Extension Order is issued. The tracking device may be monitored remotely in any Florida county in which the vehicle is located, or by transmission of information back to a location in Volusia County, Florida. The mobile tracking device may be removed and re-installed during said time period as needed for maintenance, battery replacement, replacement of the unit if it is malfunctioning, or other service. Authorization is given to enter the vehicle, if necessary, to obtain and remove the tracking equipment, when the approved surveillance is ended. [If multiple vehicles are involved, revise language accordingly.]

This Order and the Application for it shall be safely kept by Detective \_\_\_\_\_ of the Volusia County Sheriff's Office until otherwise required by law or upon further order of a Court of competent jurisdiction.

**ORDERED and ADJUDGED** pursuant to Florida Statute 934.42, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Circuit Judge  
Seventh Judicial Circuit of  
Volusia County, Florida



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>JUVENILE OPERATIONS</b>
<b>CODIFIED:</b>	<b>44.1</b>
<b>EFFECTIVE:</b>	<b>10-2001</b>
<b>RESCINDS/AMENDS:</b>	<b>44.1/07-1999</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to provide guidelines for Juvenile Investigations and delineate responsibilities within the Volusia County Sheriff's Office.

**DISCUSSION**

There is a need for the development and perpetuation of programs designed to prevent and control juvenile delinquency.

The District Lieutenants should coordinate the development and implementation of programs that are designed to prevent and control juvenile delinquency.

**POLICY**

It is the policy of the Volusia County Sheriff's Office to develop, and perpetuate programs designed to prevent and control juvenile delinquency.

In addition, it is the policy that all of the Sheriff's Office components and personnel share in the responsibility of participating in and supporting the Juvenile function within each District.

**PROCEDURE**

**ADMINISTRATION**

**44.1.1** Each District is staffed with one Juvenile Detective under the direct supervision of the Investigative Sergeant.

**44.1.2** Each District Juvenile Detective shall be responsible for:

- Designing and implementing programs intended to prevent and control delinquent and criminal behavior by youths;
- Follow-up processing of youth arrests;
- Coordinating or preparing court cases in which a juvenile offender is involved;
- Diverting juvenile offenders out of the juvenile justice system and adjusting cases;
- Reviewing cases involving juveniles as either victims, suspects or defendants, determining that the investigations are complete, and have been properly classified;
- Ensuring victims are afforded all the juvenile justice system has to offer and that juvenile offenders are dealt with in the least coercive among reasonable alternatives, consistent with conserving public safety, order and individual liberty.

**44.1.3** Each District shall be the repository for information related to the movement or relocation of juvenile offenders who have been adjudicated or had adjudication withheld for a violent misdemeanor or felony. The Juvenile Detective shall ensure that this information is disseminated to the other Districts and County law enforcement agencies.

**44.1.4** The Sergeant supervising the Juvenile Detective shall ensure that they are properly trained.

**44.1.5** The Investigative Sergeant has the ultimate authority to return any case to the Juvenile Detective for additional follow-up.

**44.1.6** The Juvenile Detective may be assigned other cases as the workload permits.

**RESPONSIBILITIES**

**DISTRICT LIEUTENANTS**

**44.1.7** District Investigative Sergeants shall be designated as Juvenile Case Managers.

**44.1.8** The initial assignment of cases shall be accomplished by the Juvenile Case Managers.

**44.1.9** The case shall be entered into RMS by the Case Manager showing the assignment and due dates.

**44.1.10** When a case is completed, the complete case file shall be sent to the Case Manager for review and approval. An RMS entry will show;

- Closed;
- Juvenile arrest;
- Cases inactivated;
- Cases not assigned.

**44.1.11** The Juvenile Case Manager shall document periodic checks to ensure that all juvenile cases are being dealt with.

**44.1.12** If a trained case manager is not available for whatever reason, copies of all cases involving juveniles shall be delivered to the District Lieutenant within 24 hours for assignment.

#### **JUVENILE DETECTIVES**

**44.1.13** Juvenile Detectives' case responsibilities are described in Directive 42.1.

**44.1.14** Juvenile Detectives will be provided with the training necessary and must demonstrate the ability to effectively function in both the criminal and non-criminal environments.

**44.1.15** The District Lieutenant or his/her designee shall act as the Sheriff's Office liaison with the various social service agencies involved in delinquency prevention and enforcement programs.

**44.1.16** The District Lieutenant will insure that any new or updated information regarding the handling of juvenile offenders is disseminated throughout the Sheriff's Office on a timely basis.

#### **SEX CRIMES UNIT**

**44.1.17** Juvenile cases involving severe child abuse and/or sex offenses shall be investigated by the Sex Crimes Unit as outlined in Directive 42.1.

#### **PROGRAM REVIEW**

**44.1.18** The District Lieutenant or his/her designee shall forward a written annual evaluation of the Sheriff's Office juvenile prevention and enforcement programs to the Sheriff, via the chain of command.

**44.1.19** This evaluation/report shall contain both quantitative and qualitative elements of the program with recommendations regarding specific programs which should be modified or discontinued.

**Revised by:** 7001

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: JUVENILE ARREST AND  
INVESTIGATION PROCEDURES**

**CODIFIED: 44.2**

**EFFECTIVE: 02-2017**

**RESCINDS/AMENDS: 44.2/06-2008**

**ATTACHMENTS: 2**

**PURPOSE**

The purpose of this Directive is to establish guidelines and procedures for the handling of arrested juveniles (persons under age 18).

**DISCUSSION**

Florida law provides exclusive original jurisdiction of proceedings in which a child is alleged to be delinquent. It further provides that the Judge, after a waiver hearing, may enter an order waiving jurisdiction, certifying the case for trial as if the child were an adult, if the child in question is fourteen (14) years of age or older.

The Juvenile Court has jurisdiction of juvenile traffic offenses if the Volusia County Traffic Court waives jurisdiction and certifies the case to the Circuit Court.

Any child under eighteen (18) years of age, charged with a violation of Florida law punishable by death or life imprisonment, is subject to the jurisdiction of the Juvenile Court unless and until an indictment on such charge is returned by the Grand Jury. In that event, the Juvenile Court is divested of jurisdiction under Florida law and the charge is made in the Circuit Court, Criminal Division. The child shall then be processed in every respect as if an adult.

**POLICY**

It shall be the policy of the VCSO to cooperate with the Department of Juvenile Justice (D.J.J.), Social Service Agencies, the State Attorney's Office and Circuit Court (Juvenile Divisions) in handling juveniles in compliance with Florida Statutes, Chapter 39 and Chapter 985, governing juveniles.

It shall further be the policy of the VCSO to use the least coercive reasonable alternatives when dealing with juveniles, consistent with the preservation of public safety, order and individual liberty.

**PROCEDURE**

**TAKING A CHILD INTO CUSTODY**

**44. 2.1** A child may be taken into custody under the following circumstances:

- Pursuant to an order of the Circuit Court issued pursuant to the provisions of F.S. Chapter 985.101, based upon sworn testimony, either before or after a petition is filed.
- For a delinquent act or violation of law, pursuant to Florida law pertaining to a lawful arrest.
- For failing to appear at a court hearing after being properly noticed.

**44. 2.2** The Deputy taking a child into custody shall immediately attempt to notify the parent, guardian, or legal custodian of the child.

**44. 2.3** The Deputy taking the child into custody shall continue such attempt until the parent, guardian, or legal custodian of the child is notified or the child is delivered to an intake counselor. At that time the responsibility to notify the parent, guardian, or legal custodian of the child transfers to that intake counselor.

**44. 2.4** Juveniles shall be transported to the D.J.J. intake facility without delay, unless the juvenile is in need of emergency medical treatment.

**44. 2.5** Taking a child into custody is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence in conjunction therewith is lawful.

**44. 2.6** Cases with juveniles involved in such activities or circumstances that indicate that no crime has been committed, but in some other way the child is jeopardized shall be referred to the Florida Department of Children and Families.

**44. 2.7** Florida Statute 985.101(d) authorizes a law enforcement officer to make an arrest when they have probable cause to believe that a child on community control, probation, or other court supervision is in violation of the conditions of the applicable supervision order.

- The Juvenile Delinquency Division provides parents/guardians with a "Notice to Parents" form when a child is placed on court supervision, community control, after care supervision, furlough, etc.
- The notice advises parents/guardians that when the juvenile is under this care and runs away from home or otherwise violates the order, a law enforcement officer with probable cause of such violation can take the child into custody. This would be a probable cause arrest for which neither a warrant nor an order to take custody is necessary.
- It is important that, before making the arrest, you verify the child's current supervision status (i.e. by seeing a copy of the community control order) and that you have probable cause that the child has violated a condition of the order.

**44. 2.8** Juveniles shall be immediately notified of their constitutional rights when taken into custody.

**44. 2.9** Florida laws of arrest and interrogation do not distinguish between adults and juveniles. Juveniles must be warned of their constitutional rights prior to interview when the suspect is in violation of the law. Parents, legal custodians or attorneys should be present, if possible, during interrogation of a juvenile suspect.

#### **JUVENILE INTERROGATION**

**44. 2.10** Miranda warnings will be given to any child suspected of committing a violation of law. It is important to remember that juveniles have all the basic rights of adults. A juvenile should be advised that they have the right to have a parent present during questioning just as they may have an attorney present. This is the child's right, not their parents.

**44. 2.11** The investigating Deputy will make a reasonable attempt to notify the juvenile's parent or legal custodian as soon as practical and shall continue such attempts until the parent or legal custodian is notified or the child is delivered to an intake counselor.

**44. 2.12** While it would be ideal to have a parent present during interrogation of a juvenile, appellate courts have held that admissibility of statements made by juveniles during interrogation depends upon whether Miranda warning was properly given, the child understood the warning and waived their rights and made the statement freely, voluntarily, knowingly, and intelligently.

**44. 2.13** Generally, there should be no more than two law enforcement officers present during the interrogation of a juvenile who is accused of a violation of the law. If circumstances warrant, a supervisor may authorize additional officers to sit in on an interrogation of a juvenile, but the number of interrogators should be limited to two Detectives.

**44. 2.14** The interviewing Deputy shall inform the juvenile and any parent/or legal guardian present of the procedure regarding interrogation and the juvenile justice system as it relates to their particular case.

**44. 2.15** Juveniles shall not be interrogated for an unreasonable length of time. The duration of an interrogation shall be governed by the nature and severity of the crime under investigation.

**44. 2.16** Supervisors shall be kept advised as to the nature of complicated investigations and the need for lengthy interrogation of a juvenile suspect.

**44. 2.17** Normally, the length of time for each session is 2 hours. The time between each session should be at least 15 minutes, but that can vary depending on how the interrogation and investigation are progressing.

**44. 2.18** If a juvenile has not been secured at any time within the facility (District Office), a juvenile can be interrogated for as long as necessary following above guidelines. However, if a juvenile has been secured within the facility (District Office), either in a secured room/holding cell, or handcuffed to a stationary object, the interrogation session, including the time the juvenile was initially secured, will be a maximum of six (6) hours. **THERE ARE NO EXCEPTIONS TO THIS RULE.**

**44. 2.19** When circumstances require a juvenile to be securely held as described above at any District location, then the Juvenile Justice Compliance Monitoring Report Form must be notated with all appropriate information as requested on the form. (Refer to Attachments A and B). If no juveniles are secured at the facility within a calendar

month, then the log will be so noted in the box provided at the top of the form. When documenting information on the form, the case number will be utilized in place of the juvenile's name. All forms are to be completed as needed and turned in to the District Commander, or his/her designee, by the 5<sup>th</sup> of the following month. The District Commander, or his/her designee, will be responsible for forwarding this form to the Professional Standards Section by the 10<sup>th</sup> of the month; reports may be sent by interoffice mail, fax, or e-mail to the following:

Professional Standards Section, VCSO

TCK Administration Bldg. / 4<sup>th</sup> Floor

DeLand

Fax: 943-7064

E-Mail: ProfessionalStandards@VCSO.US

#### **TRAFFIC VIOLATIONS**

**44. 2.20** Jurisdiction over juvenile misdemeanor traffic offenses, including traffic warrants and DUI's, rests with the Volusia County Court rather than the Juvenile Circuit Court.

**44. 2.21** The Department of Juvenile Justice (DJJ) is NOT statutorily obligated to take custody of any juvenile presented for misdemeanor traffic offenses. These juveniles should be released by law enforcement to a parent, guardian, or responsible adult within a reasonable period of time after being taken into custody. However, DJJ Intake personnel will assist law enforcement if all other reasonable attempts to contact a responsible adult have failed.

**44. 2.22** The following procedure will be adhered to prior to attempting to deliver the juvenile to the Juvenile Assessment Center (JAC):

- A.** A diligent effort will be made to contact the parent or a responsible adult to take custody of the juvenile; all efforts to make such contact will be documented.
- B.** If all attempts to contact have been unsuccessful, the DJJ personnel will accept the juvenile and assist law enforcement by holding the juvenile for the sole purpose of establishing contact with a parent or responsible adult. The juvenile will not be processed into the detention facility.
- C.** In the case of DUI, this attempt to contact will be made after processing. The eight-hour rule specified in Florida State Statute 316.193, subsection (9) does not apply to juvenile offenders, so the juvenile can be released to a parent, or responsible adult as soon as practicable after processing is completed. In such cases, if the juvenile cannot be released to a parent or responsible adult, medical clearance must be obtained and presented with the juvenile at the Juvenile Assessment Center.
- D.** This process is an accommodation by DJJ to assist law enforcement and, therefore, should not be abused. If DJJ personnel refuse to accept the juvenile, or question their authority to do so, ask the staff member to contact the JAC Director.

**44. 2.23** Juveniles are issued uniform traffic citations and handled in the same manner as adults for traffic violations with the following exceptions: (See Directive 61.3)

- A.** If the charge is leaving the scene of a crash involving death or personal injury, 316.027, a SA-707 will be completed in addition to the citation and the felony procedure outlined below will be followed.

**44. 2.24** If the charge is leaving the scene of a crash with property damage, 316.061; fleeing or attempting to elude a police officer, 316.1935; reckless driving, 316.192; making false crash report, 316.067; willfully failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, 316.072; or any driver's license violation listed in Chapter 322, an SA-707 may be completed in addition to the citation and the misdemeanor procedure outlined below will be followed.

**44. 2.25** Deputies are encouraged to consider alternatives to the arrest or issuance of citations when appropriate.

**44. 2.26** If an arrest is made, diversion tactics should be considered.

**44. 2.27** Deputies are encouraged to mail a copy of the citation(s) issued to the juvenile to the child's parents or contact the parents to advise them of verbal or written warnings.

**44. 2.28** Deputies shall follow the procedures outlined in Directive 61.3, Traffic Law Enforcement in reference to juvenile citations.

## **MISDEMEANOR VIOLATIONS**

**44. 2.29** When a Deputy elects to arrest a juvenile for a misdemeanor violation (state statute or county ordinance), the Deputy will:

- A. Complete an SA-707 and an incident report.
- B. If possible, check with D.J.J. Intake and/or FCIC, for existence of outstanding capias, pick-up orders or violations of probation for which the juvenile must be held.
- C. Consider releasing the juvenile to a parent, legal guardian or a responsible adult relative, (not friends or family friends), upon agreement of the person to whom the child is released, to produce the child in court at such times as the court may direct. The child shall not be released on their own recognizance.

**44. 2.30** If the parent, legal guardian or a responsible adult relative cannot be reasonably located, the Deputy shall notify D.J.J. that the juvenile is being transported, first to the booking facility for fingerprinting/photograph, then to the detention center for the additional screening.

**44. 2.31** When booking information and processing are completed, the juvenile shall be transported without unreasonable delay, with the appropriate paperwork, to the on-duty intake officer at the detention facility.

## **FELONY OFFENSES**

**44. 2.32** Deputies arresting juveniles for felony offenses shall:

- A. Transport juvenile to booking facility for processing (fingerprinting/photography)
- B. Complete an SA-707 and incident report
- C. Make every reasonable effort to contact the juvenile's parent(s) or legal guardian
- D. Contact the D.J.J. Intake Officer, advising the Intake Officer of the charges and that an officer is transporting the juvenile, along with a properly completed SA-707 to the detention facility.
- E. The juvenile shall be transported to D.J.J. without unreasonable delay. The appropriate copies of the SA-707 shall be left at the detention facility.
- F. The juvenile intake officer will take custody of the juvenile and paperwork.

## **USE OF DETENTION**

**44. 2.33** A child may be detained after a detention hearing under the following conditions:

- A. The child is an escapee or absconder from a commitment, community control, furlough, or after care program.
- B. The child is wanted in another jurisdiction for an offense, which if committed by an adult would be a felony.
- C. The child is charged with a violation of law and requests in writing to be detained for protection.
- D. The child is charged with a violation of law which is a:
  - Capital Felony
  - Life Felony
  - First Degree Felony
  - Second Degree Felony
  - Felony that is a crime of violence
- E. If the child is charged with a serious property crime described in F.S. 810.02(2) or 810.02(3)(Armed Burglary, Burglary with Assault or Battery, Occupied Burglary) or 812.014(2)(c)4 (Grand Theft Auto) or offense involving firearm or second or third degree felony involving violation of 893 (Drug Abuse); and has record of failure to appear, a record of law violation prior to court hearings, is already detained, or has record of violent conduct.

## **PROCEDURE FOR PICKUP ORDER**

**44. 2.34** The following procedure shall apply to a pickup order on juveniles:

- A. An Order To Take into Custody (OTIC) is received from Juvenile Division Assistant State Attorney.
- B. The OTIC and original SA-707 are taken before a juvenile judge for signature.
- C. The Deputy shall go to Clerk's Office for case number to put on OTIC and original SA-707 and leave the original SA-707 and a copy of OTIC with Juvenile Clerk's office.
- D. The original OTIC and copy of the SA-707 shall be taken to Judicial Services, first floor of the annex, to get a warrant number. The original OTIC will remain with Judicial Services and the OTIC will be entered on CJIS. (Juvenile pickup orders are entered on FCIC and NCIC only on specific request).
- E. Deputies should verify the warrant number on copies of OTIC.
- F. The warrant may be served upon contact with the juvenile.
- G. An SA-707 will be completed as a juvenile pickup order.
- H. A return of service on copy of OTIC must be completed.

I. The Warrants Unit shall be notified who served the warrant and the time and date of service.

**44. 2.35** In all juvenile pick-ups the original SA-707 will be left at the Juvenile Detention Center along with the juvenile. There is a red box at the Juvenile Detention Center in which the SA-707 is to be placed.

## **TRANSPORTING JUVENILES**

### **ADULTS AND JUVENILES**

**44. 2.36** Adults and juvenile prisoners shall not be transported in the same vehicle unless the juvenile and the adult were involved in the same incident.

**44. 2.37** When a juvenile is transported, the transporting Deputy shall advise Communications of the juvenile's presence in the vehicle, the expected destination, and starting mileage.

**44. 2.38** Upon arriving at the destination, the transporting Deputy shall advise Communications and give the ending mileage.

## **RELEASE OR DELIVERY FROM CUSTODY**

**44. 2.39** Pursuant to Florida Statute, Chapter 985.211, a child taken into custody shall be released from custody as soon as is reasonably possible.

**44. 2.40** Unless otherwise ordered by the court pursuant to Chapter 985.211, and unless there is a need to hold the child, a person taking a child into custody shall attempt to release the child as follows:

- A. To the child's parent, guardian, or legal custodian or, if the child's parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, to any responsible adult relative. When releasing a juvenile to persons other than the juvenile's parent or guardian, the Deputy will contact the Warrants Unit to have a criminal history background check conducted. Individuals who are not parents or guardians are not considered to be responsible adults if they have a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution. The person to whom the child is released shall agree to inform D.J.J. or the person releasing the child of the child's subsequent change of address and to produce the child in court at such time as the court may direct;
- B. To a D.J.J. approved shelter or to a protective investigator.

**44. 2.41** If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, then the child shall be delivered to a hospital for necessary evaluation and treatment.

**44. 2.42** If the child is believed to be mentally ill as defined in F.S. 394.463(1), then that child shall be taken to a designated public receiving facility, as defined in F.S. 394.455, for examination.

**44. 2.43** If the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on themselves or another, or is incapacitated by substance abuse, then the child shall be delivered to a hospital, addictions receiving facility, or treatment resource.

**44. 2.44** If the child is released, the Department shall make a written report or probable cause affidavit to the appropriate intake counselor or case manager within 3 days, stating the facts and reason for taking the child into custody. The written report or probable cause affidavit shall:

- Identify the child, their parents, guardian, or legal custodian, and the person to whom they were released.
- Contain sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law or a delinquent act.

**44. 2.45** A Deputy taking a child into custody who determines, pursuant to Chapter 985.215, that the child should be detained or released to a shelter designated by D.J.J., shall make a reasonable effort to immediately notify the parent, guardian, or legal custodian of the child, without unreasonable delay, and deliver the child to the appropriate intake counselor or case manager or, if the court has so ordered, pursuant to Chapter 985.215, to a detention center or facility.

**44. 2.46** The Deputy taking the child into custody will complete a written report or probable cause affidavit showing:

- Identity of the child and, if known, their parents, guardian, or legal custodian.
- Establish that the child was legally taken into custody, with sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law.

**44. 2.47** Upon taking a child into custody, a Deputy may deliver the child, for temporary custody not to exceed 6 hours, to a secure booking area of a jail or other facility intended or used for the detention of adults, for the purpose of fingerprinting or photographing the child or awaiting appropriate transport to D.J.J., provided no regular sight or sound

contact between the child and adult inmates or trustees is permitted and the receiving facility has adequate staff to supervise and monitor the child's activities at all times.

**44. 2.48** A copy of the probable cause affidavit or written report shall be filed with the Clerk of the Circuit Court for the County in which the child is taken into custody or in which the affidavit or report is made within 24 hours after the child is taken into custody and detained, within 1 week after the child is taken into custody and released, or within 1 week after the affidavit or report is made, excluding Saturdays, Sundays, and legal holidays.

#### **DISCRETION**

**44. 2.49** The Sheriff's Office recognizes the importance of allowing the Deputies to use their discretion when handling calls for service. The proper use of discretion when involved with juveniles is crucial to the success of any juvenile program. The following are some guidelines to assist the Deputies with their discretionary decisions.

**44. 2.50** The Deputy's discretionary decisions will be restricted if the juvenile meets the following criteria and the juvenile will be transported to D.J.J. Intake with the completed paperwork for:

- All delinquent acts that if committed by an adult would be felonies
- All delinquent acts involving weapons
- All serious gang-related delinquent acts
- All delinquent acts involving aggravated assault and battery
- All delinquent acts committed by juveniles on probation or parole or by those with a case pending
- All repeated delinquent acts (within the preceding 12 months)
- Juveniles who have been selected for a diversion program but have refused to participate
- Those cases in which it was determined that parental supervision is not effective

#### **DIVERSION**

**44. 2.51** Youthful offenders may be dealt with by, outright release with no further action, a relatively prolonged program of treatment on a voluntary basis, supervision by the parents, or referral to the juvenile court. Formal diversion after processing is determined by the State Attorney's Office, D.J.J. and the judicial system; however, the Sheriff's Office shall cooperate with the victim, the State Attorney's Office, juvenile social service agencies and juvenile authorities. Deputies will collect and record all available information in order to ensure an effective diversion program is maintained.

**44. 2.52** The diversion of juveniles to the appropriate program should be based upon:

- The nature of the offense
- All misdemeanor cases are eligible for diversion from the formal juvenile justice system except, delinquent acts involving weapons; when the Deputy has reason to believe the accused will repeat the offense if left at liberty; or violent gang-related delinquent acts.
- Felony cases are not eligible for diversion from the formal juvenile justice program, unless the juvenile meets the criteria set for the Juvenile Diversion Program (JDP).
- The age and circumstances of the alleged offender.
- If the alleged offender is under the age of 16 then the Deputy should make a concerted effort to divert the juvenile from the formal juvenile justice system.
- An alleged offender who has no valid address or does not reside in the State of Florida is not eligible for the diversion program.
- An alleged offender who has failed to respond to previous diversion attempts is not eligible for new diversion consideration.
- Those cases in which it has been determined that parental supervision is not effective, are not eligible for diversion consideration.
- The alleged offenders record, if any.
- If the juvenile is known to be a habitual offender then they are not eligible for diversion consideration.
- If the Deputy has reason to believe the accused will repeat the offense if left at liberty, then they are not eligible for diversion consideration.
- An alleged offender who exhibits violent or disorderly behavior is not eligible for diversion consideration.
- All delinquent acts committed by juveniles on probation or parole or by those with a case pending are not eligible for diversion consideration.
- All repeated delinquent acts (within the preceding 12 months), are not eligible for diversion consideration.
- All juveniles who have been selected for a diversion program but have refused to participate are not eligible for new diversion consideration.
- The availability of community based rehabilitation programs.

- Juveniles are released or arrested per judicial circuit directive.

**44. 2.53** Parents, case workers and victims may be referred to the District Juvenile Detective should further assistance be required.

#### **THE JUVENILE DIVERSION PROGRAM (JDP)**

**44. 2.54** A program that is open to first-time felony offenders and first or second time misdemeanor offenders. To be eligible the child must admit the offense. An Assistant State Attorney will set whatever sanctions and/or restitution is deemed suitable.

#### **GUIDELINES FOR ARREST DIVERSION**

**44. 2.55** Upon contact with an alleged juvenile offender, first get control of the situation.

**44. 2.56** Gather all the available information on the incident, to include suspect I.D., victim I.D., location of incident, facts of the case, name of suspect's parent/guardian and any other pertinent information.

**44. 2.57** Interview the victim as to the course of action they are interested in. If the victim or complainant makes a recommendation for a diversion program that information shall be included in the report.

**44. 2.58** Attempt contact with the parents or guardian immediately and transport the juvenile to the nearest District office.

**44. 2.59** Contact the Intake Counselor at D.J.J. for a records check, (phone number 386-238-4786.)

**44. 2.60** If the Deputy feels the juvenile is a candidate for the diversion program, by meeting the described criteria, then the Deputy should advise the shift supervisor.

**44. 2.61** Re-contact the Intake Counselor at D.J.J. to determine how the juvenile is to be released. If the Intake Counselor at D.J.J. wants the juvenile transported to D.J.J., then follow their instructions.

**44. 2.62** Complete any processing of the juvenile by following the section "Fingerprint and Photo."

**44. 2.63** Advise the juvenile and parent/ guardian of the procedures that the diversion program will follow and release the juvenile to a parent/guardian or adult relative.

**44. 2.64** Complete all paperwork indicating the recommendation for the diversion program in the narrative of the incident report and at the end of the narrative on the SA-707.

**44. 2.65** The Deputy shall complete the incident report, indicating what action was taken and whom the child was released to by name and relation.

**44. 2.66** The report should also reflect any referrals made to local social service agencies. If necessary, a copy of the report should be sent to the referred social service agency.

**44. 2.67** A Field Contact Card (FCC) will be filled out completely and a photograph attached.

#### **NON-ARREST DIVERSION**

**44. 2.68** Deputies usually have a wide range of discretion involving juvenile misdemeanor cases. Additional alternative remedies that can be used by Deputies involved in juvenile misdemeanor cases to divert offenders from the court system are as follows. It is possible that more than one alternative remedy will be necessary to resolve an offense.

#### **DISTRICT WARNINGS**

**44. 2.69** The Deputy arrests the juvenile, contacts the parent, guardian or adult relative and transports the juvenile to the District office. If, after a review of the allegations, the Deputy feels justice would best be served by a warning and all parties agree, the Deputy will warn the juvenile, release the juvenile to the parent, guardian or relate and document the information in a report.

#### **INFORMAL REFERRALS**

**44. 2.70** If, in the opinion of the Deputy, the juvenile is in need of services that could best be provided by agencies other than the court system, the juvenile and parents/guardian shall be referred to the appropriate social service agency.

#### **CORRECTIVE ACTION BY PARENTS**

**44. 2.71** By far, the swiftest form of punishment for a juvenile offender usually comes from the parent or guardian. If the offense is a misdemeanor, and the Deputy feels that the best course of action would be to refer the juvenile offender back to the parents or guardian, then the Deputy will:

- Advise all parties of the course of action
- Advise the parents or guardian of the offender's involvement in the case
- Advise the parents that if their corrective action does not eliminate the juvenile's criminal activity then formal charges will be filed.

#### **DROPPING CHARGES**

**44. 2.72** If a juvenile has been processed and as the result of a later review of the case the investigating Deputy feels that justice would better be served by one of the above alternative methods, then they will contact the District Juvenile Detective and request for the formal charges to be dropped.

**44. 2.73** The Deputy shall initiate a supplemental report outlining the reasons for the request, the Assistant State Attorney the request was made to and any other pertinent information.

**44. 2.74** A copy of the report will be forwarded to the District Juvenile Detective.

**44. 2.75** In situations involving minor violations of the law, and where the victim does not wish to prosecute, Deputies are encouraged to utilize alternatives such as informal referrals, simple warning and consultation with the parents to initiate corrective action. Deputies should consider the following:

- A. The child's physical and mental condition
- B. Juveniles experiencing emotional disorder, and who are a danger to themselves or others come under the requirements of the Florida Mental Health Act and shall be dealt with accordingly.
- C. Juveniles under the influence of alcoholic beverages, dangerous drugs, or suffering from physical injuries to the extent that their health or safety is in jeopardy shall be transported to a medical facility.
- D. The parents, guardian/adult relative or D.J.J. shall be contacted in incidents involving drugs or alcoholic beverages.
- E. The attitude of the parents.

**44. 2.76** The Deputy may discuss the investigation with the parent/legal guardian and advise them of a course of action that may be taken. The Deputy should only advise the parent/legal guardian of the social service programs available for them and not recommend a specific one.

**44. 2.77** The Juvenile's attitude should be a key element in decisions relating to diversion.

#### **RECORDING ACTION**

**44. 2.78** Deputies will record actions taken on a report or field contact card as applicable and request a copy be forwarded to the District Juvenile Detective.

#### **RECORDS**

**44. 2.79** All personnel accountable for the collection, dissemination, and retention of juvenile records maintained by the Department shall comply with Chapter 985.

**44. 2.80** The Records Section supervisor shall be accountable for the collection, dissemination, and retention of juvenile records maintained by the Records Section.

**44. 2.81** The District Juvenile Detective shall be accountable for the collection, dissemination, and retention of juvenile records maintained by the Juvenile Detective.

#### **FINGERPRINT AND PHOTO**

**44. 2.82** F.S. Chapter 985.11 allows any law enforcement agency to fingerprint and photograph a child taken into custody upon probable cause that such child has committed a violation of law.

**44. 2.83** Fingerprint records and photographs shall be retained by the Sheriff's Office in a separate file maintained only for that purpose. These records and all copies thereof shall be marked "Juvenile Confidential."

**44. 2.84** For the most part, these records are not available for public disclosure, but shall be available to other law enforcement agencies, state attorneys, the courts, the child, the parents, or legal custodians of the child, their attorneys, and any other person authorized by the court to have access to such records. Any photograph taken within these guidelines may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.



## **REQUIRED FINGERPRINTING AND PHOTOGRAPHING**

**44. 2.85** All juveniles taken into custody for violation of the law shall be fingerprinted and photographed at the respective District. This procedure shall be followed regardless of the decision to release or detain the juvenile.

**44. 2.86 PRINTS:** The deputy shall first verify that fingerprints are on file; if no prints are on file, the juvenile shall be fingerprinted using ink and fingerprint cards. Two (2) cards shall be made, one for the VCSO and one for FDLE. The prints will be forwarded to the Latent Print Unit and maintained/secured in accordance with existing policy and FSS 985.11.

**44. 2.87 PHOTOS:** Regardless of existing photographs, the deputy shall update the photograph with each arrest using the standardized photo backdrop station located at each District. Two (2) photographs shall be taken with each arrest: one (1) with the juvenile holding the case number and one (1) without the case number. All photographs are uploaded and stored in RMS.

**44. 2.88** The arresting Deputy shall transport the juvenile to the closest designated facility where the juvenile shall be fingerprinted and photographed.

**44. 2.89** When fingerprinted at the Volusia County Branch Jail, the fingerprints shall be taken electronically through the Automated Fingerprint Identification System (AFIS). The AFIS system transmits the fingerprints to the Florida Department of Law Enforcement.

**44. 2.90** When the juvenile is fingerprinted using ink and fingerprint cards, two (2) cards (one for the Sheriff's Office and one for the Florida Department of Law enforcement) and one photograph of the juvenile shall be made. The fingerprint cards shall be forwarded to the Technical Services Unit, which shall forward one of the cards to the Florida Department of Law Enforcement.

**44. 2.91** All necessary equipment to accomplish this function shall be maintained in the Technical Services Unit and in any other facility designated by the Sheriff.

**44. 2.92** The Technical Services Unit shall make the necessary disposition of the fingerprints and photographs.

**44. 2.93** This procedure shall be followed regardless of the Deputy's decision to release or detain the child.

## **TRAFFIC VIOLATIONS**

**44. 2.94** Nothing in this procedure shall prohibit the fingerprinting and photographing of juvenile traffic violators, as prescribed in Florida Law.

**44. 2.95** Other forms of identification, such as physical samples from the suspect (hair, blood, urine, nails, breath, or stomach contents) and handwriting samples will be preserved for laboratory examination by using current processing standards and procedures as described in the F.D.L.E. Evidence Submission Manual.

## **SEPARATION**

**44. 2.96** All arrest and identification records pertaining to juveniles shall be considered confidential and separated from adult files.

## **EXPUNGEMENT**

**44. 2.97** Upon receipt of a court order to expunge or seal a criminal history record, the Records Section Supervisor shall ensure the requirements of the law are fulfilled:

- A.** Confirm the order is appropriately signed and certified as a true copy
- B.** Ensure the arrest report, fingerprints and photographs are removed from the files
- C.** Ensure the arrest record is removed from the Record Management System
- D.** Mail a letter of transmittal and a copy to F.D.L.E.
- E.** Notify all agencies to whom the subject's affected record has been disseminated

**44. 2.98** Expunged records shall be held in a pending status until a reply letter has been received from the F.D.L.E. Upon receipt of the reply from the F.D.L.E. the process will be completed.

**44. 2.99** Sealed records shall be maintained by the Records Section.

## **DISPOSITION**

**44. 2.100** Records may be purged in accordance with F.S. 985.04.

**44. 2.101** The Records Section Supervisor shall make the determination as to which records are to be purged, and the method of disposition, in conformance with applicable law.

#### **RECORDS CONTROL**

**44. 2.102** Requests for obtaining records shall be for a valid reason and made to the records supervisor.

**44. 2.103** If the record is sealed the Records Supervisor shall permit law enforcement officer's access to the file.

**44. 2.104** If the record has been expunged the requestor will be advised there is no record.

#### **ATTACHMENTS**

**ATTACHMENT A: Florida JJDPA Monitoring Compliance Report Form**

**ATTACHEMENT B: Reporting Form Instructions**

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**Revised by:** 6760

**Revised on:** 06-20-2008; 02-2017

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

**FLORIDA JJDPA COMPLIANCE MONITORING REPORTING FORM**

Reporting Facility \_\_\_\_\_

Month/Year \_\_\_\_\_

**securicor**

***If No Juveniles Held for the month, place X here***

5

[illegible]

**\*\* All blocks must be completed. Please ensure all dates are accurate.**

**Race:**    **A** - Asian    **B** - Black    **H** - Hispanic    **I** - Native American Indian    **O** - Other    **W** - White

Name & Phone Number of person completing form:

## REPORTING FORM INSTRUCTIONS

The Report form should be filled out monthly and forward to the FL-JJDPA Compliance Monitoring Office, as soon as it is completed, and no later than the 20<sup>th</sup> of the next month. A new sheet should be started for each month. If no juveniles were held for the month, you are still required to submit an e-mail or Report to notify the Compliance Office. If you file the Report, there is a box at the top of the form that indicates no juveniles being held for the month. Please ensure that all areas of the form are completed and all information is legible.

1. Please enter the juvenile's last name and then first name, separated by a comma, **OR** a case number, ensuring that all letters/numbers are accurate and written legibly.
2. Enter the juvenile's date of birth. Please use the two-digit month and day and the four-digit year. Example: 05/10/1963
3. Enter the race of the juvenile. The codes are listed at the bottom of the form: A – Asian, B – Black, H – Hispanic, I – Native American, O – Other, or W - White
4. Enter the date that the juvenile was admitted into the agency. Please use the two-digit month, day and year. Example: 02/02/02
5. Enter the time that the youth was admitted into agency. *Please use military time only and the colon must be utilized..*
6. Enter the date that the juvenile was released from your agency. Please use the two-digit month, day and year. Example: 02/03/02.
7. Enter the time that the youth was released from your agency. Please use *military time only and the colon must be utilized.*
8. Enter the juvenile offender type: F – Felony, M – Misdemeanor, N – Non-Offender, or S – Status Offender
9. Enter whether or not the juvenile is an illegal alien.
10. Enter whether or not the juvenile is being held on a gun charge.
11. Enter whether or not the juvenile is an out-of-state runaway.
12. Enter whether or not the juvenile was held in a secure setting.
13. If held in a secure setting, enter whether or not the juvenile was held sight/sound separated from any adult offenders/trustees.
- 14.** If the juvenile was moved to the adult system, enter the appropriate code as to how the transfer occurred: D – Direct Filed, I – Indicted or W-Waived. **THIS AREA OF CORRECTIONS/JAILS ONLY.**



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>MISSING PERSONS</b>
<b>CODIFIED:</b>	<b>44.3</b>
<b>EFFECTIVE:</b>	<b>10-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>44.3/04-2013</b>
<b>ATTACHMENTS:</b>	<b>1</b>

**PURPOSE**

The purpose of this Directive is to establish uniform procedures and responsibilities regarding response to reports of missing persons and missing children including investigation, recovery and case closure. In addition, this Directive will provide guidelines for the criteria, use and activation of the Florida AMBER, SILVER and BLUE Alert Plans.

**DISCUSSION**

Attitude and approach with which an agency and its officers respond may well determine whether the person or child is recovered promptly and safely.

The Volusia Sheriff's Office recognizes that time is of the essence when responding and investigating reports of missing persons and children. Particular care shall be exercised when the disappearance involves those 26 years of age and under, the aged, mentally or physically handicapped or those insufficiently prepared to care for themselves, or any other adult person over 26 years of age in which there are suspicious circumstances indicating possible foul play.

Questions concerning parental custody occasionally arise in relation to missing child reports. The Volusia Sheriff's Office shall accept the report of a missing child even if custody has not been formally established.

There is **NO** waiting period for reporting a missing person/child. Requirements for reporting a missing person or missing child are mandated by Florida law as revised and enacted July 1, 2008 in amended Sections 937.0201, 937.021, and 937.022, Florida Statutes, also known as the Jennifer Kesse & Tiffany Sessions Missing Persons Act.

Since the advancement of computer and forensic technological resources, the chances of matches occurring between long term missing persons and the unidentified deceased persons have increased. Due to enhancements in laboratories and databases, law enforcement and medical examiners are encouraged to re-submit fingerprints, dental records and DNA on older cases as the technology has evolved over the years, which in turn could generate positive identifications. Volusia Sheriff's Office participates in this initiative as coordinated through the Cold Case component within the Major Case Unit.

**POLICY**

It is the policy of the Volusia Sheriff's Office to thoroughly investigate all credible reports of missing/abducted persons and children. Additionally, the VSO holds that every missing person/child will be considered **at risk** until significant information to the contrary is confirmed.

The VSO shall act within the scope of its authority provided under FSS 937 and 984 and shall utilize internal and external resources to identify, locate, recover, and assist any person or child who is reported missing as further defined below.

**DEFINITIONS**

- A. A.C.I.M. - A Child Is Missing organization.** An organization that helps law enforcement throughout the United States locate missing children, the elderly (Alzheimer's/ Dementia), the disabled and college students missing on campus through a high speed telephone alert system. ACIM is the activation arm, which mobilizes Child Abduction Response Teams (C.A.R.T.) for a swift response and hopeful fast and safe resolution. ACIM continues to work with the law enforcement officer on the scene and/or agency communications section until the missing person has been found. For additional info visit ACIM's website at [www.achildismissing.org](http://www.achildismissing.org).
- B. AMBER ALERT** – A program designed to broadcast critical information of a missing/abducted child younger than 18 years of age believed to be in danger, using the Emergency Alert System via radio, television and billboards.

- C. AT RISK/ENDANGERED** – A missing person is considered “at risk” when one or more of the unusual circumstances noted in Q below, are present.
- D. BLUE ALERT PLAN** - A plan designed to broadcast critical information in response to the increasing number of law enforcement officers in the state who were killed, injured or abducted in the line of duty. Under this plan, when established criteria is met, FDLE, FDOT, and FHP will activate dynamic highway message signs to immediately broadcast important information about the offender/vehicle involved in an incident to increase the chances of capturing the suspect(s) responsible.
- E. C.A.R.T. – Child Abduction Response Teams** consist of members of all facets of law enforcement, emergency response, non-profit organizations, and civilian search groups that come together when a child is abducted.
- F. CREDIBLE REPORT** - A missing person report filed with a local law enforcement agency that has, upon preliminary investigation by the initial responding law enforcement officer, met one or more of the criterion for missing persons/children as identified and adopted by the National Center for Missing & Exploited Children and the Missing Endangered Persons Information Clearinghouse, as defined herein.
- G. FAMILY ABDUCTIONS:** A non-custodial family member flees with a child, usually in direct violation of a court-ordered custody arrangement.
- H. FLORIDA ABUSE HOTLINE INFORMATION SYSTEM (FAHIS):** This statewide, computerized Abuse Registry System, or Hotline, which tracks allegations of abuse, neglect and abandonment.
- I. JENNIFER KESSEE & TIFFANY SESSIONS MISSING PERSON ACT** - A Florida law enacted July 1, 2008 amending Sections 937.0201, 937.021, and 937.022, Florida Statutes. This law requires local law enforcement agencies to notify the Florida Crime Information Center and the National Crime Information Center within 2 hours of receiving a credible police report of missing persons. In addition, amendments require specific written policies specifying the procedures to be used to accept, initiate, investigate, maintain, close or refer such cases, collection and submission of DNA samples and the maintenance and clearing of computer data on missing persons within FCIC/NCIC. Additional requirements are also placed on the Florida Department of Law Enforcement and the Missing Endangered Persons Information Clearinghouse.
- J. LOST OR OTHERWISE MISSING:** A child who becomes separated from parents, legal guardians or caretakers under circumstances not indicating the likelihood of an abduction or voluntary absence.
- K. MISSING ADULT** – A person 18 years of age or older whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported missing to a law enforcement agency.
- L. MISSING CHILD** - A person younger than 18 years of age whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.
- M. MISSING ENDANGERED PERSON** – Includes a missing child; a missing adult younger than 26 years of age; or a missing adult 26 years of age or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity.
- N. MISSING ENDANGERED PERSONS REPORT** – a report prepared on a form prescribed by the Florida Department of Law Enforcement by rule for use by the public and law enforcement agencies in reporting information to the *Missing Endangered Persons Information Clearinghouse* information about a missing endangered person.
- O. NON-FAMILY ABDUCTIONS:** A child taken by an unknown individual, through force or persuasion, usually in furtherance of additional victimization.
- P. RUNAWAY:** Most often a teenager, who leaves home voluntarily for a variety of reasons; may be younger than 13 however.
- Q. SILVER ALERT:** The Silver Alert System has been developed to broadcast information of a missing elderly person who suffers from irreversible deterioration of intellectual faculties (dementia) in a timely manner, to the general public. The Silver Alert Plan recognizes that the most effective response to a missing senior citizen leverages community resources for the search to augment the investigative response by the local law enforcement agency.
- R. THROWN AWAY:** A child whose caretaker makes no effort to recover the child who has run away, or who has been abducted or deserted.
- S. (ENDANGERED) UNUSUAL CIRCUMSTANCES:** For purposes of this Standards Directive, *Endangered/Unusual Circumstances* refer to:

1. A missing child younger than 18 years of age.
2. A missing adult younger than 26 years of age.
3. Whose disappearance involves circumstances that would cause a reasonable person to conclude that the child or person should be considered at-risk/endangered.
4. A child or an adult who is missing and believed to be one or more of the following:
  - *Out of the "zone of safety" for his or her age and physical and mental condition* - The zone of safety will vary depending on age. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child the zone of safety might be the immediate neighborhood or route taken between home and school. In the case of an elderly person of diminished physical and/or mental condition, the zone of safety might include the close proximity and availability of a caregiver familiar with that individual's condition and needs.
  - *Mentally diminished* – If the person is developmentally disabled or emotionally disturbed, or the victim of disease, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the person in danger of exploitation or other harm.
  - *Drug dependent* – In the case of a child, the term "drug dependent" shall refer to dependence on either prescription or illicit substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term "drug dependent" shall refer to a dependence on legally prescribed medicines vital to the adult's continued well-being. This in no way limit's a Deputy's discretion in determining exigent circumstances regarding and adult's use of illicit drugs.
  - *A potential victim of foul play or sexual exploitation* – Significant risk to the person can be assumed if investigation indicates a possible abduction, violence at the scene of abduction, or signs of sexual abuse.
  - *In a life-threatening situation* – The environment in which the person is missing may be particularly hazardous. Examples of a dangerous environment could be a busy highway for a toddler, an all-night truck stop for a teenager, or simply an outdoor environment in inclement weather for a child or the elderly.
  - *Believed to be with persons who could endanger his or her welfare* – A missing person in such circumstances is in danger not only of sexual exploitation, but also of involvement in criminal activity such as burglary, shoplifting, and robbery.
  - *Is absent under circumstances with established patterns of behavior* – Most children, and adults to some degree, have established routines that are reasonably predictable. Significant, unexplained deviations from those routines increase the probability that the person may be at risk. A child or adult whose disappearance involves circumstances that would cause a reasonable person to conclude that the missing person should be considered at risk.
  - *Absence from home for more than 24hrs* - While some parents/individuals may incorrectly assume that 24 hours must pass before law enforcement will accept a missing persons case, a delay in reporting may also indicate the existence of neglect or abuse within the family.

**T. ZONE OF SAFETY:** The area or location where an individual is normally safe and secure for their age, physical, and mental condition.

## PROCEDURE

### REPORTS OF MISSING PERSONS/ CHILDREN

**44.3.1** Due to the inherent potential danger and outcome of such calls, the VSO responds to all initial reports of missing persons **of any age** as if the person is at risk and will thoroughly investigate all credible reports of such incidents.

**44.3.2** In accordance with F.S. 937.021, upon the filing of a credible police report that a person is missing, the responding Deputy will ensure that immediately after receiving the report, the information gathered is transmitted for entry into the FCIC/NCIC.

**44.3.3** The Teletype operator who completes the entry will complete a supplement report indicating what was done.

**44.3.4** The following procedures sets forth the process for initiating, maintaining, closing, and referring a missing person investigation and provides standards for maintaining and clearing all missing person computer data stored in FCIC/NCIC.

## **COMMUNICATIONS CENTER RESPONSIBILITIES**

**44.3.5** The Telecommunicator who receives the report of a missing child or missing person is responsible for ensuring that appropriate information is collected. This information includes the following:

- A.** Determine if the circumstances of the report meet the definition of a missing child/person as set forth in DEFINITIONS.
- B.** Prioritize the call based on the factors determining unusual circumstances, and immediately dispatch deputies accordingly. The handling of missing persons reports over the phone, such as suspected runaways, is not permitted.
- C.** Collect essential information from the caller:
  - Person's age, height, weight, hair and eye color
  - Clothing descriptions
  - Location where person was last seen
  - Mode of travel (i.e. on foot, in a vehicle, public transit, etc.)
  - Any information about a possible abductor, suspect and vehicle description and direction of travel.
- D.** Transmit appropriate radio alerts and notifications and provide information obtained from the caller
- E.** When applicable, inform the caller they should not disturb or tamper with the location where the child might have been, or any of the child's belongings.
- F.** Notify the on-duty Patrol Supervisor and Communications Supervisor
- G.** Search agency records for related information that may facilitate the search and investigation:
  - History of violence or child abuse calls
  - Complaints of attempted abductions, prowlers, suspicious persons or other criminal activity in the area.
  - Sexual predators/offenders that reside, work, or are otherwise associated with the neighborhood and/or zone of safety
  - Criminal activities of family members or others living at the address
  - Runaway reports on the child and/or siblings
  - Juvenile delinquency reports of the child or siblings.
  - If a juvenile runaway from a group home, attempt to determine if the runaway is local to the area or from another area.
- H.** Safeguard all pertinent records for future investigative reference, to include communications related to the incident, written notes, radio broadcasts and subsequent notifications.

## **FIRST RESPONDER RESPONSIBILITIES**

**44.3.6** The Deputy assigned as first responder to the report of a missing person shall:

- A.** Unless acting in response to the person's immediate safety, respond directly to the scene of the report to conduct a preliminary investigation.
- B.** Interview the parent(s) or person who made the initial report regarding the circumstances surrounding the disappearance.
- C.** Obtain and/or verify a detailed description of the missing person and sufficient pertinent information about the circumstances of the person's disappearance and relay descriptive updates to Communications for dissemination. Information should include, but not be limited to:
  - Person's name, age, race, sex, date of birth, height, weight, eye color
  - Clothing description
  - Time and location last seen



- Any descriptive information about possible abductor/suspect
  - Method of transportation used and description and direction of travel
  - Possible destinations
  - Physical and mental condition; any unusual circumstances
  - Officer safety issues should law enforcement come in contact with the missing person
- D. Collect available photograph(s) and videotapes of the missing person to be forwarded to the assigned lead detective. If photographs are unavailable at that time, the Deputy will clearly articulate the reason within his/her report. Determine if the missing person has social media accounts. Obtain as much information as possible regarding any and all accounts.
- E. Regardless of any search that may have been conducted previously by parent or others, verify that the person is missing by conducting a consensual search of the house and grounds to include places where the child/person could be hiding, trapped or asleep.
- F. If a child under 18 years of age, confirm the child's custody status: whether a custody dispute or similar problem exists between the parents; whether a restraining order is in effect; or if the child has expressed an interest in living with the non-custodial parent.
- G. Identify the missing person's zone of safety for his or her age, developmental stage and physical and mental state.
- H. Make an initial determination of the type of incident, as defined in the directive under DEFINITIONS.
- Note:** Deputies must be cautious in "labeling" or classifying a missing child case, since the classification process shall affect the way in which initial information or evidence is gathered. Even if first indications suggest a "less urgent" incident, deputies should consider all possibilities and always treat the case as at-risk/"urgent" until the case category is clearly determined.
- I. Determine the need for additional resources, and whether the incident should be initially classified as a missing endangered person with "unusual circumstances", as defined in this directive.
- J. If it is determined that there are NO "unusual circumstances" present, the reporting Deputy will continue his/her preliminary missing person investigation and determine the correct FCIC/NCIC Missing Person File Category and ensure that a notification is promptly transmitted to both databases within the required 2 hours from the filing of the report using one of the following categories:
- *Disabled:* a person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting him/herself or other to personal and immediate danger.
  - *Endangered:* a missing child; a missing adult younger than 26 years of age, or a missing adult 26 years of age or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity; a person of any age who is missing and is in the company of another person under circumstances indicating that his/her physical safety may be in danger.
  - *Involuntary:* a person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, i.e., abduction or kidnapping.
  - *Juvenile:* a person under the age of eighteen who is missing and does not meet any of the criteria set forth in the other categories, less "other".
  - *Catastrophe Victim:* a person of any age who is missing after a catastrophe.
  - *Other:* a person over the age of eighteen not meeting the criteria for entry in any other category who is missing and for whom there is a reasonable concern for his/her safety.
- Note:** The circumstances of the disappearance govern category selection. Simply because the child is under 18 does not require that the juvenile category be used. NCIC suggests that family and non-family abductions be entered in the "involuntary" category. Runaways are most commonly entered in the "juvenile" category unless unusual circumstances exist. If a missing person is determined to be a runaway, refer to F.S. 984.13.
- K. The Deputy will conduct an immediate follow-up on any leads that are within their assigned area. If the leads exist outside their assigned area, the Deputy will advise their supervisor and follow their instructions.
- L. If it is determined that unusual circumstances ARE involved, the person shall be considered at risk and an expanded investigation will commence at once. If not already on scene, the District Supervisor and District

Detective shall be notified to respond directly. (Refer to sections on ***Supervisory Responsibilities*** and ***Detective Responsibilities***)

- M. If appropriate criterion is met, existing interagency response, including the Amber Alert system and/or other community notification methods such as the Code Red Emergency Notification System, shall be activated. (Refer to sections on *Supervisor's Responsibilities* and *Amber Plan*)
- N. If the child/person was abducted, obtain a description of the abductor(s) if available, vehicle description and related information
  - Document witness information
  - If the abductor is a family member, obtain suspect photographs
  - If the abductor is known obtain telephone number and determine if abductor has any social media accounts
  - If the scene involves a business or other public place, security video may supplement witness informationDetermine the correct FCIC/NCIC Missing Person File Category and ensure that a notification is promptly transmitted to both databases immediately after the filing of the report.
- O. Provide detailed descriptive information to Communications for broadcast updates.
- P. Identify and interview everyone at the scene
  - Record the name, address, home and work telephone numbers of everyone present at the scene, including their relationship to the missing person/child.
  - Conduct each interview privately
- Q. Conduct a criminal history check on all principal suspects and participants in the investigation
- R. Conduct a thorough home search, even if the child's disappearance occurred elsewhere
  - Obtain written permission to conduct the search
  - Include the residence, outbuildings, other structures, vehicles, and related property
- S. Secure and safeguard the area as a potential crime scene
- T. Document if the child has access to the Internet, cellular telephone, pager or other electronic messaging device.
- U. Prepare necessary reports:
  - A missing person report will be completed
  - The report shall be as accurate and complete as possible and will include any available photographs and leads the family can provide.
  - The narrative shall include a chronological account of actions taken and information obtained, including why a photo is not attached if not submitted/available.
  - The investigating officer shall immediately inform all on-duty officers of the existence of the missing child report and shall cause the report to be issued as a BOLO to every law enforcement agency in the county.
  - A copy of the FDLE Missing Child or Missing Person report form will be left with the reporting party with instructions for its completion.
- V. If the missing person is not located by the end of the work shift, then the reporting Deputy is to turn in his/her completed report; the report will then be forwarded without delay to the District Detective for further investigation. (Refer to Detective Responsibilities).

#### **SUPERVISOR RESPONSIBILITIES**

**44.3.7** The supervisor assigned to the report of a missing child/person shall:

- A. Obtain a briefing from the first responder(s) and other agency personnel at the scene.
- B. Conduct the briefing away from family, friends, or any other individuals who may be present.
- C. Determine if additional personnel and resources are needed to assist in the investigation, such as:
  - Additional Deputies, K-9 Unit, Air One, additional special equipment

- School Resource Officers (SRO)
  - Other District Juvenile Detectives
  - State Attorney's Office
  - Department of Juvenile Justice
  - Department of Children and Family Services
  - A Child Is Missing – call 888-875-2246 to activate ACIM's Alert Program
  - Missing Endangered Persons Information Clearinghouse - 1-888-FL-MISSING(356-4774)
  - Other law enforcement agencies and social service organizations
- D. If a child, evaluate whether circumstances of the child's disappearance meet existing Amber Alert criterion (refer to **Florida Amber Plan, Section 44.3.8 - 44.3.9**) and/or other immediate community notification protocols (e.g. Code Red Emergency Notification). Advise the Investigative Services Captain, or his designee and appropriate Staff members of the activation.
- E. If an elderly person age 60 or above, or any person age 18 to 59 for whom there is established irreversible deterioration of intellectual faculties, evaluate whether circumstances of the disappearance meet existing Silver Alert criterion (refer to **Florida Silver Alert Plan, Section 44.3.10 - 44.3.12**)
- F. When circumstances dictate, establish a command post as close as possible to, but at least a block away from, the missing child's residence or location the child was last seen.
- G. Appoint a search coordinator to organize and coordinate search efforts
- H. Ensure all required notifications have been made:
- Chain of Command
  - Investigative personnel
  - Operations Support Personnel
  - Other law enforcement agencies and investigative networks
  - Available Community resources
- I. Notify the Public Information Officer. The PIO will deal with media inquiries and, if appropriate, solicit media assistance in locating the child.
- J. Establish a liaison with the family who can explain law enforcement efforts and work with the family to assist search efforts.
- K. Confirm that all VSO policies and directives are observed.

#### **FLORIDA AMBER PLAN**

**44.3.8** If in the initial investigation it is determined the child's life is in danger, the **Florida Amber Plan** may be activated. In order to activate the Amber Alert, the following criteria must be met:

- A. The child must be under 18 years of age
- B. There must be a clear indication of abduction
- C. If not a clear abduction, the law enforcement agency' investigation must conclude that the child's life is in danger
- D. There must be a detailed description of the child and/or abductor/vehicle to broadcast to the public (photo when available)
- E. Authorization to activate the Florida Amber Plan must be obtained from the shift or Division Chief

Note: Not to be used for Runaway or Parental Abduction, unless investigation determines child's life is in imminent danger.

#### **44.3.9 Steps for Activation of the Florida Amber Plan:**

- A. The Amber Alert can only be activated by law enforcement
- B. The local law enforcement agency will telephone the Florida Department of Law Enforcement (FDLE) Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774.

- C. FDLE will work in conjunction with the local law enforcement agency of jurisdiction to determine if information is to be broadcast on a regional or statewide basis.
- D. FDLE, in conjunction with the local law enforcement agency will prepare information for public distribution
- E. FDLE will ensure that the information is broadcast through the Emergency Alert System, Dynamic Message Signs, lottery machines, <http://missingchildrenalert.com> and other sources.
- F. For additional information Refer to the **FDLE Amber Alert Plan** located on the VSO Intranet under "Manuals".

#### **FLORIDA SILVER ALERT PLAN**

**44.3.10** The **Silver Alert System** may be activated if all of the following criteria are met:

- A. The investigating officer has entered the missing person in FCIC/NCIC and issued a statewide BOLO to other law enforcement/911 centers.
- B. The missing person is 60 years of age or older and there is a clear indication that the individual has a diagnosed cognitive impairment, such as Dementia as verified by law enforcement; or
- C. Under extraordinary circumstances when a person age 18 to 59 has irreversible deterioration of intellectual faculties and law enforcement has determined the missing person lacks the capacity to consent and that the use of dynamic message signs may be the only possible way to rescue the missing person.

**44.3.11** Authorization to activate the Florida Silver Alert Plan must be obtained from the shift or Division Chief.

#### **44.3.12 Steps for Activation of the Florida Silver Alert Plan:**

- A. The Silver Alert can only be activated by law enforcement.
- B. There must be a description of the vehicle and a tag number; this information must be verified by law enforcement.
- C. The local law enforcement agency will telephone the Florida Department of Law Enforcement (FDLE) Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774.
- D. FDLE will work in conjunction with the local law enforcement agency of jurisdiction to determine if information is to be broadcast on a regional or statewide basis.
- E. FDLE, in conjunction with the local law enforcement agency will prepare information for public distribution.
- F. FDLE will ensure that the information is broadcast through the Emergency Alert System, Dynamic Message Signs, lottery machines, <http://missingchildrenalert.com> and other sources.
- G. Additional resources may also be contacted for assistance:
  - A Child Is Missing, Inc. (1-888) 875-2246 [www.achildismissing.org](http://www.achildismissing.org).
  - Florida Department of Elder Affairs (850) 414-2000; law enforcement may provide the Department of Elder Affairs with the missing persons flyer or information via [SilverAlert@ElderAffairs.org](mailto:SilverAlert@ElderAffairs.org).

#### **FLORIDA BLUE ALERT PLAN (LAW ENFORCEMENT OFFICERS)**

**44.3.13** The **Florida Blue Alert Plan** (formerly known as Law Enforcement Officer Alert Plan) is established to ensure that information will be broadcasted through dynamic highway message signs and other appropriate notification methods to increase the chances of capturing the suspect(s) responsible for injuring, killing or abducting a law enforcement officer.

#### **44.3.14 To activate a Blue Alert, the following criteria must be met:**

- A. A law enforcement officer must have been seriously injured or killed by an offender(s) or is missing while in the line of duty under circumstances evidencing concern for the law enforcement officer's safety.
- B. The investigating law enforcement agency must determine that the offender(s) poses a serious risk to the public or to other law enforcement officers and dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.
- C. A detailed description of the offender's vehicle or other means of escape, including vehicle tag or partial tag, must be available for broadcast to the public.
- D. The local law enforcement agency of jurisdiction must recommend issuing the Blue Alert.

**44.3.15 In addition to the criteria being met, the following steps must occur in order to activate a Blue Alert:**

- A.** The local law enforcement agency of jurisdiction calls FDLE's Florida Fusion Center (FFC) Watch Desk at (850) 410-7645 or (800) 342-0820, which is manned 24 hours a day, seven days a week.
- B.** FDLE's on-call supervisor will work with the investigating agency to offer assistance, ensure that the activation criterion have been met and determine if the alert will be displayed regionally or statewide.

**44.3.16** The same activation steps will be used if there is revised vehicle information or a broadcast area is changed.

**44.3.17** Once FDLE is notified that the offender(s) have been captured, FDLE will contact the appropriate parties to cancel the alert.

<b>DETECTIVE RESPONSIBILITIES</b>
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**44.3.18** The District Detective/ Juvenile Detective, or designee, shall review all missing person/child cases directly upon receipt.

**44.3.19** The Detective assigned to conduct the follow-up investigation of a missing person/child shall:

- A.** Review the report, and any supplements that may have been completed. The District Detective/ Juvenile Detective will check with other District Detectives to see if other reports have been turned in to them.
- B.** Upon completion of review of the written report(s), the District Detective/Juvenile Detective will without delay, complete an information flyer in NC4 to include a photograph; if a photograph is not included the Detective must articulate in his report the reason(s) for its omission.
- C.** The flyer will then be distributed to respective personnel to include the PIO, posted in each District office and disseminated to all area law enforcement agencies. Under the direction of investigative services the PIO will arrange for expedient media release/ coordination activities.
- D.** If the case is still active, obtain a briefing from personnel that were at the scene prior to interviews with family members and/or witnesses.
- E.** Re-contact the reporting party directly after receipt of the report to:
  - Advise the reporting party that the Detective will be handling the case and will be the point of contact for any further questions or information regarding the case.
  - Verify the accuracy of all descriptive information concerning the child/person with the reporting party; gather any new/additional information that has developed.

**44.3.20** If the child has already returned home, ask if any assistance is needed.

**44.3.21** Inquire from either the child (preferable) or the reporting party where the child stayed while away from home.

**44.3.22** If the child has not returned home, initiate a neighborhood investigation without delay:

- A.** Canvass the neighborhood to identify and interview residents and others within the abduction zone.
- B.** Identify all vehicles parked within the neighborhood.
- C.** Determine if individuals designated as sexual predators/offenders reside, work or are otherwise associated with the area.

**44.3.23** Obtain a brief history of recent family dynamics from family members, neighbors, classmates, teachers, school counselors, and other persons who may have had close personal interaction with the child and/or family.

**44.3.24** Conduct in-depth fact-finding interviews. Identify any conflicting information offered.

**44.3.25** Evaluate the need for additional resources and specialized services not yet activated that include, but may not be limited to:

- A.C.I.M (A Child is Missing) to activate C.A.R.T. (Child Abduction Response Teams)
- Florida Missing Endangered Persons Information Clearinghouse
- FBI
- National Center for Missing and Exploited Children

**44.3.26** If the child is still enrolled in the school system, the District Juvenile Detective will locate which school and contact the school officials. If there is a School Resource Officer assigned to the school, the District Juvenile Detective will work with that Deputy.

**44.3.27** The District Detective/ Juvenile Detective will routinely and frequently re-contact the reporting party to keep the case file updated and the reporting party informed. All activity and contacts/attempts to contact will be documented for the case file.

**44.3.28** When a reported missing person is located, the District Juvenile Detective will schedule an interview with the child. The results of the interview will be included in the case file. (Refer to *Recovery/ Return of a Missing Child/ Person* procedures, section 44.3.55, A – Q and section 44.3.56, C)

**44.3.29** If it appears the case will not be promptly resolved, ensure that descriptive records and those entered into the state and federal missing persons databases are updated. Include dental characteristics, scars, marks, tattoos, fingerprints, and additional articles of clothing, jewelry or unique possessions.

**44.3.30** It will be the District Detective/ Juvenile Detective's responsibility to update active cases and cancel closed cases.

**44.3.31** If at the end of 21 days the case is still active, the District Detective/ Juvenile Detective will assist the family or legal guardian in completing the dental history information packet. The District Detective/ Juvenile Detective will retain the dental history packet with the case file.

**44.3.32** If at the end of 30 days the case is still active, the District Detective/ Juvenile Detective will have the missing person's dental records, (if available), entered into the NCIC/FCIC system in accordance with F.S. 937.031.

**44.3.33** If at the end of 45 days the case is still active, the District Detective/ Juvenile Detective will review the case file with the Major Case Sergeant. If at that time there are no other leads to follow-up on or action to take, the case file will be put on inactive status. The District Juvenile Detective will advise the parent and/ or legal guardian of the case status.

**44.3.34** If a person who has been reported as missing has not been located within 90 days after the missing person report is filed, Detectives will attempt to obtain a biological specimen approved by FDLE for DNA analysis from the missing person, or from appropriate family members of the missing person, in addition to any documentation necessary to enable the agency to use the specimens shall be submitted to University of North Texas Center of Human Identification (UNTCHI). (Refer below to DNA Sample Collection & Submission Procedures, below)

**44.3.35** Based on the circumstances, the attempt to obtain a biological specimen as noted above may be conducted prior to the expiration of 90-day period with approval from the Detective's supervisor.

**44.3.36** To ensure information integrity within the system, the Investigative supervisor, or his designee, shall review each missing person/child case (both active and inactive) at least monthly to determine whether the case should be maintained in FCIC/NCIC. Determination of the removal of missing person/child entry information will not be made based solely on the age of the missing person.

#### **DNA SAMPLE COLLECTION & SUBMISSION PROCEDURES**

**44.3.37** DNA kits and DNA analysis are available, at no cost, to all Florida law enforcement agencies, and is funded by the President's DNA Initiative. The President's DNA Initiative is a 5-year initiative with a specific target goal of using DNA to solve missing and unidentified person cases.

**44.3.38** All DNA sample collection and submission procedures will be in accordance with the President's DNA Initiative, as described within this directive.

**44.3.39** The Volusia Sheriff's Office is a designated FDLE Control Point Center. As such, the VSO maintains the approved Family Reference Sample DNA kits to expedite access and distribution to local and surrounding law enforcement agencies requiring quick access to the DNA kits. The point of contact for all such requests shall be the Inventory Control Section, ext. 5096.

**44.3.40** DNA can be collected for three different categories associated with Missing Persons' Cases:

- **Direct Reference Samples (DRS)** – obtained directly from the missing person and consist of medically obtained blood cards, whole blood, or a tissue specimen that was collected from the missing person, or a toothbrush used only by the missing person.
- **Family Reference Samples (FRS)** - obtained from family members of the missing person. Close relatives and/or maternal relatives' samples are the most useful and are collected using buccal/oral swabs and/or blood cards.

- **Unidentified Human Remains Samples (UHR)** – obtained from unidentified human remains including bones (skeletal remains), tissue and teeth.

**44.3.41** These DNA profiles will be submitted directly to the **University of North Texas Center of Human Identification (UNTCHI)**, analyzed and uploaded into the CODIS+mito index of the FBI's National DNA Index System. Then, the DNA profiles for missing persons and relatives of missing persons will be continuously searched against unidentified human remains.

#### **DIRECT/PERSONAL REFERENCE SAMPLES (DRS)**

**44.3.42** No kits are provided for the collection and submission of DRS. However, the following process will be utilized when collecting DRS and submitting to the UNTCHI:

**44.3.43** The following samples are considered acceptable by UNTCHI for submission and analysis:

- Any medically obtained blood cards, whole blood, or a tissue specimen that was collected from the missing person (preferred, if available)
- A Toothbrush used only by the missing person
- A razor used only by the missing person
- Hairbrush, if nothing else is available. (Note: This source is not preferred due to potential sharing/multiple users and subsequent cross-contamination.)

**44.3.44** The assigned detective will collect and package the DRS as DNA evidence in accordance with existing procedures in Directive 83.1 and in keeping with the **FDLE Crime Lab Evidence Submission Manual** guidelines, as provided on the VSO intranet under "Manuals".

**44.3.45** The detective must complete the **Personal/Direct Reference Sample Evidence Registration Form** (available on the VSO Intranet under "Agency Forms") ensuring that both the Evidence Submitted and Chain of Custody sections contain all the required information; include the NCIC number on the form.

**44.3.46** All submitted paperwork must be complete before processing samples can begin.

**44.3.47** Place form and evidence in mailing envelope/box and mail to:

**PRESIDENT'S DNA INITIATIVE**

**NATIONAL MISSING PERSONS PROGRAM – 72007**

**UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER**

**3500 CAMP BOWIE BLVD**

**FORT WORTH, TX 76107-9964**

**44.3.48** The VSO is responsible for shipping fees to the UNTCHI for all DRS

**44.3.49** All submissions and returns must be coordinated with the UNTCHI evidence custodian:

- Evidence Custodian Office Toll Free Number: 800-763-3147
- Missing Persons E-Mail: [MissingPersons@hsc.unt.edu](mailto:MissingPersons@hsc.unt.edu)

#### **FAMILY REFERENCE SAMPLE (FRS)**

**44.3.50** A Family Reference Sample Collection Kit should also be collected whenever possible.

**44.3.51** Each kit is designed to be used for the collection of a reference sample from one family member.

**44.3.52** A separate kit should be used for each additional family member.

**44.3.53** Each kit contains all necessary forms and supplies for collection and submission:

- Brochure: **Identifying Victims Using DNA: A Guide for Families** (To remain with family/donor)
- Instructions Sheet
- 4-Part Sample Collection Form
- One Pair Disposable Gloves
- One Swab Collection Pouch

- Four Sterile Collection Swabs
- Four Swab Labels
- One Prepaid Mailing Envelope
- Fax Back Sample Tracking Form

**44.3.54** Prior to the collection of a sample from a maternal and/or closely related biological relative of a missing person, a voluntary ***Consent for Collection, Testing and CODIS Entry Form*** must be completed.

**44.3.55** Oral swab samples will be used for both mitochondrial and nuclear DNA analysis and must be **mailed within 24 hours of collection** in the envelope provided.

**44.3.56** All submissions should include the NCIC number.

**44.3.57** Refer to the collection instructions provided in the kit; maintain a copy of this tracking form for confirmation of evidence submission and for case tracking.

**44.3.58** The Deputy/Detective collecting the DNA sample shall be responsible for completing all necessary forms, faxing the FRS Tracking Form to 800-221-3515 to notify the lab of the sample shipment and shall keep a copy of the form for confirmation of evidence submission and case tracking.

#### **UNIDENTIFIED CHILDREN / PERSONS/ REMAINS**

**44.3.59** A Deputy/Detective assigned to the report of an unidentified person/child, whether living or deceased, shall:

- A. Obtain a complete description using FCIC/ NCIC Unidentified Persons File Worksheets
- B. Enter the unidentified child's description into the FCIC/NCIC Unidentified Persons File
- C. Utilize available resources to identify the person/child to include:
  - The National Center for Missing and Exploited Children
  - Florida Missing Endangered Persons Information Clearinghouse
  - State Medical Examiners Office and organizations
- D. When identification has been made, cancel all notifications.
- E. In cases involving unidentified human remains, Major Case Detectives shall coordinate with the Volusia County Medical Examiners Office.

#### **RECOVERY/ RETURN OF A MISSING CHILD / PERSON**

**44.3.60** A Deputy/ Detective assigned to the recovery or return of a missing child/person shall:

- A. Verify the identity of the returned child. Assess the child's safety and gather any intelligence about possible predators; this may assist in preventing future episodes.
- B. Request medical assistance, if needed
- C. If the child indicates that either physical or sexual abuse was the reason, then contact the District Detective sergeant or on call detective sergeant after hours for instructions; the Detective shall contact the Child Sex Abuse Hotline at 1-800-96-ABUSE.
- D. Secure intervention services, if indicated
  - Physical and/or mental health examinations,
  - Family counseling
- E. If the case originated from another jurisdiction, advise that law enforcement agency both verbally and in writing.
- F. Refer to **F.S. 984.13, *Taking into custody a child alleged to be from a family in need of services or to be a child in need of services.***
- G. If during the interview the child indicates that they do not want to go home, there is not sign of any abuse, and the Deputy believes the child can benefit from talking to a Department of Juvenile Justice Intake Counselor, the child should be transported there.



- H. Prior to leaving the District Office, the Deputy conducting the follow-up will call the intake counselor and will provide the counselor with the available background information; the Deputy will attempt to contact the parent or guardian of the child and advise them that the child is being transported and request that they contact the intake counselor.
- I. If during the de-briefing the child indicates that there is no problem at home and that they want to return home, the Deputy will transport the child home or arrange for a parent or legal guardian to pick-up the child. Prior to arranging transport of the child home, the Deputy will attempt to contact a parent or legal guardian and advise them of the child's recovery and the fact that they are being transported home.
- J. If the Deputy is unable to contact a parent or legal guardian to take custody of the child, then an alternative responsible adult needs to be located. This can be any responsible adult relative who is willing to take custodial control of the child. Adult relatives are not considered to be responsible if they have a prior felony conviction, a sexual offender/predator or a conviction for child abuse, drug trafficking, or prostitution. Deputies should contact the Records Section or teletype operator and have personnel conduct a criminal history background check. Efforts to contact the parent or legal guardian will continue until they are notified.
- K. In the case of a runaway or a missing child that is located in another jurisdiction, and who is not wanted on a warrant or another law violation, arrange the return of the child to his or her legal guardian or an appropriate children's shelter.
- L. In the case of a runaway from another jurisdiction; or from out-of-state who has been located and for whom a warrant exists; or for whom an FCIC/NCIC missing person "hit" is verified, place the child in custody and transport him or her to the appropriate facility for admission.
- M. Complete the required incident/supplemental reports, documenting the child's activities while missing and the circumstances of the recovery/return:
- Location where the subject was found
  - Subject's physical and mental condition
  - How identity was verified
  - Synopsis of any criminal charges contemplated
- N. Cancel all outstanding notifications to include any teletypes, BOLOS or FCIC/ NCIC Missing Person File and state clearinghouse entries.
- O. Advise original complainant of the relevant details of the case and the subject's location.
- NOTE:** Deputies are cautioned in this regard that every case presents different problems and that discretion will be exercised where deemed appropriate in furnishing information.
- P. If it develops that the missing person has been the subject of foul play or has been located either deceased or in severely deteriorated physical or mental condition, personal contact will be made with the complainant after advising the respective supervisor; the VSO Volunteer Chaplain may also be utilized in such cases. In all other cases, telephone contact will suffice.
- Q. If necessary return any photographs/videos in Sheriff's Office Custody to the owner.

#### **CASE CLOSURE**

**44.3.61** Prior to final closing, the cases will be reviewed by the District Detective/ Juvenile Detective or his/her designee to:

- A. Ensure that procedures were followed in the handling of the case
- B. Check for files/ juvenile files on any previously reported cases involving the same person/ child
- C. In the case of a child identified as a habitual (three or more reports in a six month period) missing person, then the District Juvenile Detective will make contact with the child at a designated location for an interview, i.e. the office of the School Resource Officer, or the like.
- D. Depending on the outcome of the interview, the District Juvenile Detective may develop a plan of action to help the child e.g. referral to community based services

**44.3.62** The District Juvenile Detective will complete a supplement, closing a case when the child has been located and/or returned home. The District Juvenile Detective will check to confirm the cancellation of the NCIC/FCIC entry and all issued information flyers and BOLOS.

## **FCIC/NCIC INFORMATION MAINTENANCE AND CLEARING**

**44.3.63** The following procedures shall be applied to maintaining and clearing computer data of missing person information stored in the FCIC/NCIC databases:

- A.** Once missing person information is received and entered into FCIC/NCIC, no missing person or missing child entries will be removed prior to confirmation from the law enforcement officer.
- B.** The investigating Deputy/Detective shall conduct at least monthly a case review and status determination to include both reports and FCIC/NCIC data. An update of any additional or omitted information will be completed. This review shall be documented in the case file.
- C.** A cancellation will be completed if appropriate; determination of the removal of missing person/child entry information will not be made based solely on the age of the missing person.
- D.** The law enforcement agency having jurisdiction over a case involving a missing person shall, upon locating the child or adult, immediately purge information about the case from the FCIC/NCIC databases and notify the clearinghouse.

## **JURISDICTION**

**44.3.64** In accordance with Section 937.021(3), Florida Statutes, "A report that a child or adult is missing must be accepted by and filed with the law enforcement agency having jurisdiction in the county or municipality in which the child or adult was last seen. The filing and acceptance of the report imposes the duties specified in this section upon the law enforcement agency receiving the report. This subsection does not preclude a law enforcement agency from accepting a missing child or missing adult report when agency jurisdiction cannot be determined."

**44.3.65** If the missing person or child resides in this jurisdiction, but was last seen in another jurisdiction and that law enforcement agency does not take a report, or jurisdiction is unclear, this agency will assume reporting and investigative responsibility.

## **ATTACHMENTS**

**ATTACHMENT A: FDLE Missing Adult Report Form**

**ATTACHMENT B: FDLE Missing Child Report Form**

**Revised by:** 1598  
**Revised on:** 10-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

# MISSING ENDANGERED PERSON REPORT FORM



MISSING ADULT									
<b>MISSING ENDANGERED PERSONS INFORMATION CLEARINGHOUSE (MEPIC) USE ONLY</b>								DATE:	
FDLE/MEPIC CASE NUMBER:									
NAME: (Last, First, Middle)					ALIAS/NICKNAMES/MAIDEN NAME:				
SEX:	RACE:	HISPANIC: Y / N	PLACE OF BIRTH: (City, State, County)		DATE OF BIRTH:	AGE:	HEIGHT:	WEIGHT:	BUILD:
EYE COLOR:	HAIR COLOR:	HAIR LENGTH:	HAIR STYLE:	NAMES OF PLACES FREQUENTED: (Mall, Beach, Restaurant, Etc.)					
COMPLEXION: <input type="checkbox"/> Albino <input type="checkbox"/> Black <input type="checkbox"/> Fair, Light <input type="checkbox"/> Medium <input type="checkbox"/> Dark <input type="checkbox"/> Ruddy <input type="checkbox"/> Olive <input type="checkbox"/> Yellow <input type="checkbox"/> Acne				TEETH: <input type="checkbox"/> Normal <input type="checkbox"/> Braces <input type="checkbox"/> Caps <input type="checkbox"/> Protruding <input type="checkbox"/> Gaps <input type="checkbox"/> Chipped <input type="checkbox"/> Decayed <input type="checkbox"/> Other					
SCARS; MARKS; TATTOOS:				SPECIAL IDENTIFIERS: (Eye glasses, Contacts, Beard, Mustache, Etc.)					
EMAIL/SCREEN NAME(S):		CELL PHONE:		MENTAL STATE:		DATE & TIME LAST SEEN:		MISSING FROM: (City, State)	
SOCIAL SECURITY NUMBER: (To be used for investigative purposes only)			DRIVER'S LICENSE NUMBER/STATE:			POSSIBLE DIRECTION OF TRAVEL:			
CLOTHING DESCRIPTION:			BIOLOGICAL PARENT(S) LIVING: Y / N		BIOLOGICAL PARENT(S) FULL NAME(S) IF KNOWN:				
INCIDENT DESCRIPTION:									
OTHER PERSON(S)									
IN COMPANY OF: 1 <input type="checkbox"/> Companion 2 <input type="checkbox"/> Abductor 3 <input type="checkbox"/> Suspect			NAME: (Last, First, Middle)						
ALIAS/MAIDEN NAME:		SEX:	RACE: 1 <input type="checkbox"/> White 2 <input type="checkbox"/> Black 3 <input type="checkbox"/> American Indian/Alaskan Native 4 <input type="checkbox"/> Asian/Pacific Islander 5 <input type="checkbox"/> Unknown				HISPANIC: Y / N	PLACE OF BIRTH: (City, State, County)	
DATE OF BIRTH:	AGE:	HEIGHT:	WEIGHT:	BUILD:	EYE COLOR:	HAIR COLOR:	HAIR STYLE:	HAIR LENGTH:	
FACIAL HAIR:	SPECIAL IDENTIFIERS: 1 <input type="checkbox"/> Glasses 2 <input type="checkbox"/> Disability 3 <input type="checkbox"/> Contacts 4 <input type="checkbox"/> Other				TEETH: <input type="checkbox"/> Normal <input type="checkbox"/> Braces <input type="checkbox"/> Caps <input type="checkbox"/> Protruding <input type="checkbox"/> Gaps <input type="checkbox"/> Chipped <input type="checkbox"/> Decayed				
COMPLEXION: <input type="checkbox"/> Albino <input type="checkbox"/> Black <input type="checkbox"/> Fair, Light <input type="checkbox"/> Medium <input type="checkbox"/> Dark <input type="checkbox"/> Ruddy <input type="checkbox"/> Olive <input type="checkbox"/> Yellow <input type="checkbox"/> Acne					SCARS, MARKS, TATTOOS:				
LAST KNOWN ADDRESS: (Street, City, State, Zip)									
OCCUPATION:		EMPLOYER/SCHOOL AND ADDRESS:						TELEPHONE: (Home)	
DRIVER'S LICENSE NUMBER/STATE:			SOCIAL SECURITY NUMBER:			IMMIGRATION/NATURALIZATION NUMBER:			
CLOTHING DESCRIPTION:						RELATIONSHIP TO MISSING PERSON:			
VEHICLE									
MAKE:	MODEL:	VEHICLE YEAR:		TYPE/STYLE:	COLOR: (Top, Bottom, Interior)				
TAG REGISTRATION NUMBER:		TAG STATE:	TAG YEAR:	DESCRIPTION: (Other identifying characteristics, noticeable damage, accessories, Etc.)					
BACKGROUND INFORMATION									
SCHOOL/ADDRESS:					TELEPHONE NUMBER:				
EMPLOYER/ADDRESS:					TELEPHONE NUMBER:				

OTHER PERTINIENT INFORMATION:	DENTAL RECORDS AVAILABLE:  Y / N	DENTIST NAME: ADDRESS:  PHONE NUMBER:
<b>RELATIVE CONTACT INFORMATION (If known)</b>		
NAME: (Last, First, Middle)	RELATIONSHIP:	
STREET ADDRESS:	TELEPHONE: (Home)	
CITY/STATE/ZIP:	TELEPHONE: (Work)	
<b>PERSON SUBMITTING REPORT</b>		
REPORTER NAME:	TELEPHONE:	
STREET ADDRESS:	ALTERNATE TELEPHONE:	
CITY/STATE/ZIP:	RELATIONSHIP:	
<b>INVESTIGATING LAW ENFORCEMENT AGENCY</b>		
LOCAL AGENCY NAME:	CASE NUMBER:	
STREET ADDRESS:	CITY/STATE/ZIP:	TELEPHONE:
INVESTIGATING OFFICER'S NAME:		
<b>INSTRUCTIONS</b>		
<b>IMPORTANT CHECK LIST:</b>  <input type="checkbox"/> Completed AND Signed MEPIC Endangered Missing Report Form  <input type="checkbox"/> Current photograph of the missing adult	<b>MAIL TO:</b>  <b>Florida Department of Law Enforcement</b> <b>Missing Endangered Persons Information Clearinghouse</b> <b>2331 Phillips Road</b> <b>Tallahassee, Florida 32308</b> <b>Toll-Free Number: 1-888-FL MISSING (356-4774)</b> <b>Fax: 850-410-8744</b> <b>Email: MEPIC@fdle.state.fl.us</b>	
<b>PLEASE NOTIFY MEPIC AS SOON AS POSSIBLE AFTER LOCATION OF THE ADULT HAS BEEN DETERMINED</b> <b>1-888-FL-MISSING (356-4774) or (850) 410-8585</b>		
<b>SUBMITTING PERSONS SIGNATURE</b>		
<p>I do hereby swear or affirm that the information contained in this Endangered Missing Person report is true and correct, to the best of my knowledge and belief.</p> <p>I request that said information and photograph(s) be published and circulated by any method subscribed to by the Florida Department of Law Enforcement (FDLE), which includes, but is not limited to, electronic and hard copy dissemination to the public, media outlets, businesses, other law enforcement agencies, hospitals, social services, shelters, medical examiners and/or other agencies or individuals involved with missing persons.</p> <p>I understand that per Section 937.021(5)(b), Florida Statutes, FDLE is immune from civil liability for damages for complying in good faith with this request to provide information and is presumed to have acted in good faith in recording, reporting, transmitting, displaying, or releasing information or photographs pertaining to this missing adult.</p> <p>I agree to notify FDLE of any updated, new or additional information concerning the missing person and/or his or her whereabouts, and of any changes in my contact information. I agree to notify FDLE once the missing person has been located and/or rescued.</p> <p>I agree not to file or pursue any claim, demand, action, or suit at law or equity, including but not limited to any claim, demand, action, or suit for indemnity, contribution, or reimbursement, against FDLE for recording, reporting, transmitting, displaying or releasing information or photographs contained in this report when done so in good faith for the purpose of locating the missing person or suspect(s) named in the report.</p>		
X _____ PRINT Name of Person Submitting Report	X _____ Signature of Person Submitting Report	X _____ Date
OR		
X _____ PRINT Name of Law Enforcement Contact Person	X _____ Signature of Law Enforcement Contact Person	X _____ Date
<b>Completed Form Must Be Signed By The Submitting Person</b>		

# MISSING CHILD REPORT FORM



## MISSING CHILD

### MISSING ENDANGERED PERSONS INFORMATION CLEARINGHOUSE (MEPIC) USE ONLY

FDLE/MEPIC

DATE:

CASE NUMBER:

NAME: (Last, First, Middle)

ALIAS/NICKNAMES/MAIDEN NAME:

SEX:	RACE:	HISPANIC: Y / N	PLACE OF BIRTH: (City, State, County)	DATE OF BIRTH:	AGE:	HEIGHT:	WEIGHT:	BUILD:
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EYE COLOR:	HAIR COLOR:	HAIR LENGTH:	HAIR STYLE:	NAMES OF PLACES FREQUENTED: (Mall, Beach, Restaurant, Etc.)
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COMPLEXION: <input type="checkbox"/> Albino <input type="checkbox"/> Black <input type="checkbox"/> Fair, Light <input type="checkbox"/> Medium <input type="checkbox"/> Dark <input type="checkbox"/> Ruddy <input type="checkbox"/> Olive <input type="checkbox"/> Yellow <input type="checkbox"/> Acne	TEETH: <input type="checkbox"/> Normal <input type="checkbox"/> Braces <input type="checkbox"/> Caps <input type="checkbox"/> Protruding <input type="checkbox"/> Gaps <input type="checkbox"/> Chipped <input type="checkbox"/> Decayed <input type="checkbox"/> Other
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SCARS; MARKS; TATTOOS:	SPECIAL IDENTIFIERS: (Eye glasses, Contacts, Beard, Mustache, Etc.)
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EMAIL/SCREEN NAME(S):	CELL PHONE:	MENTAL STATE:	DATE & TIME LAST SEEN:	MISSING FROM: (City, State)
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SOCIAL SECURITY NUMBER: (To be used for investigative purposes only)	DRIVER'S LICENSE NUMBER/STATE:	POSSIBLE DIRECTION OF TRAVEL:
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CLOTHING DESCRIPTION:	BIOLOGICAL PARENT(S) LIVING: Y / N	BIOLOGICAL PARENT(S) FULL NAME(S) IF KNOWN:
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INCIDENT DESCRIPTION

## OTHER PERSON(S)

IN COMPANY OF: 1 ☐ Companion  
2 ☐ Abductor 3 ☐ Suspect

NAME: (Last, First, Middle)

ALIAS/MAIDEN NAME:	SEX:	RACE: 1 <input type="checkbox"/> White 2 <input type="checkbox"/> Black 3 <input type="checkbox"/> American Indian/Alaskan Native 4 <input type="checkbox"/> Asian/Pacific Islander 5 <input type="checkbox"/> Unknown	HISPANIC: Y / N	PLACE OF BIRTH: (City, State, County)
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DATE OF BIRTH:	AGE:	HEIGHT:	WEIGHT:	BUILD:	EYE COLOR:	HAIR COLOR:	HAIR STYLE:	HAIR LENGTH:
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FACIAL HAIR:	SPECIAL IDENTIFIERS: 1 <input type="checkbox"/> Glasses 2 <input type="checkbox"/> Disability 3 <input type="checkbox"/> Contacts 4 <input type="checkbox"/> Other	TEETH: <input type="checkbox"/> Normal <input type="checkbox"/> Braces <input type="checkbox"/> Caps <input type="checkbox"/> Protruding <input type="checkbox"/> Gaps <input type="checkbox"/> Chipped <input type="checkbox"/> Decayed
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COMPLEXION: <input type="checkbox"/> Albino <input type="checkbox"/> Black <input type="checkbox"/> Fair, Light <input type="checkbox"/> Medium <input type="checkbox"/> Dark <input type="checkbox"/> Ruddy <input type="checkbox"/> Olive <input type="checkbox"/> Yellow <input type="checkbox"/> Acne	SCARS, MARKS, TATTOOS:
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LAST KNOWN ADDRESS: (Street, City, State, Zip)

OCCUPATION:	EMPLOYER/SCHOOL AND ADDRESS:	TELEPHONE: (Home)
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DRIVER'S LICENSE NUMBER/STATE:	SOCIAL SECURITY NUMBER:	IMMIGRATION/NATURALIZATION NUMBER:
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CLOTHING DESCRIPTION:	RELATIONSHIP TO MISSING PERSON:
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## VEHICLE

MAKE:	MODEL:	VEHICLE YEAR:	TYPE/STYLE:	COLOR: (Top, Bottom, Interior)
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TAG REGISTRATION NUMBER:	TAG STATE:	TAG YEAR:	DESCRIPTION: (Other identifying characteristics, noticeable damage, accessories, Etc.)
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## BACKGROUND INFORMATION



X _____ PRINT Name of Person Submitting Report	X _____ Signature of Person Submitting Report	X _____ Date
OR		
X _____ PRINT Name of Law Enforcement Contact Person	X _____ Signature of Law Enforcement Contact Person	X _____ Date

**Completed Form Must Be Signed By The Submitting Person**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: SCHOOL RESOURCE PROGRAM**

**CODIFIED: 44.4**

**EFFECTIVE: 08-2017**

**RESCINDS/AMENDS: 44.4/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish and delineate guidelines and responsibilities for the Sheriff's Office School Resource Program.

**DISCUSSION**

The School Resource Program provides a forum through which students, parents, faculty and law enforcement officers can become acquainted and, as a result, earn mutual respect. Such programs demonstrate to the parents and faculty that the Sheriff's Office has a genuine interest in the community's youth.

**POLICY**

It shall be the policy of the Sheriff's Office to maintain a school resource program to act as a resource with respect to delinquency prevention, provide guidance on ethical issues, provide individual counseling to students and to explain the rule of law enforcement in society to students.

**PROCEDURE**

**ADMINISTRATION**

**44.4.1** The School Resource Program shall be under the administrative control of the Law Enforcement Operations Division.

**44.4.2** The Community Services supervisor shall be responsible for the coordination and supervision of the program. The liaison between school officials and the Sheriff's Office shall be coordinated through the Law Enforcement Operations Division Chief's office.

**44.4.3** The Community Services Supervisor shall implement and ensure:

- The program is utilized as a resource for delinquency prevention;
- School Resource Officers provide guidance on ethical issues in a classroom setting;
- Individual counseling and/or mentoring is available to students;
- The program has provisions for explaining the role of law enforcement in society to students.

**44.4.4** School procedures specifically governing the actions of a School Resource Officer in a particular school do not conflict with the policies of the VCSO.

**44.4.5** Deputies shall not operate outside VCSO policies and procedures. Any agreements or operating procedures with school officials shall be reviewed and implemented in accordance with the VCSO's policies and procedures.

**44.4.6** Deputies shall be required to act within the scope and authority of the VCSO's policies and procedures.

**44.4.7** Each Community Services Supervisor shall submit a quarterly School Resource Program activity report to the Law Enforcement Operations Division Chief.

**SCHOOL RESOURCE OFFICERS**

**44.4.8** SRO's are under the supervision and accountable directly to the Community Services Supervisor and shall have the following specific duties:

- A.** Submit a record of daily activities to the Community Services Supervisor weekly. All activity sheets will be maintained at the school SRO office and a copy at the Community Services office;



- B. Keep the Communications Section Telecommunicator informed of duty status in accordance with current procedures;
- C. Keep the school advised of unscheduled campus departures;
- D. Shall not act as a school disciplinarian. Rule violations shall be reported to the dean or principal;
- E. Report or take necessary enforcement action for violations of Florida Statute or County Ordinance as appropriate;
- F. Will coordinate all activities with the principal and staff members concerned, and will seek permission, advice and guidance from the principal and Supervisor before enacting any new programs within the school;
- G. Will research and prepare presentations related to law enforcement and community social problems for student, faculty and community audiences;
- H. Request to give classroom presentations on ethical issues and the role of law enforcement in society;
- I. Will coordinate all extracurricular activities and outside overtime work details, both compensation time and pay, with the Community Services Supervisor;
- J. When possible and with an equitable allocation of time, participate in school activities, including athletic events, plays, parades, social functions and school organizations like S.A.D.D.;
- K. Will conduct investigations and write reports as required. All reports shall be forwarded via the Community Services Supervisor;
- L. Will maintain a liaison with local law enforcement agencies and cooperate with them in law enforcement matters, including cooperation with school security officers;
- M. Will adhere to VCSO procedures, in interviewing juveniles in relation to law enforcement investigations, and procedures on releasing juvenile information or reports;
- N. Will adhere to the VCSO's assigned vehicle procedures;
- O. Will serve as a liaison between the school and the surrounding community to give advice or support to residents, businesses, and officers who work the area on problems with traffic, trespassing, etc. which relate to the school and its students;
- P. Will make themselves available for conferences with students, parents and faculty members to offer assistance and advice on problems of a law enforcement or crime prevention nature;
- Q. Will be familiar with community agencies to provide a resource for further professional counseling if necessary;
- R. As time and duty permits, attend student, parent, faculty and community meetings to coordinate and provide an understanding of School Resource Program goals and objectives;
- S. Perform other duties during summer vacation as assigned by the Law Enforcement Operations Division Chief.

**44.4.9** School Resource Officers shall wear a uniform while on duty. The uniform will not be worn if participating in athletic events, plays or other functions making such wear inappropriate for such activity. Exceptions may be made by supervisory approval.

**44.4.10** Rumors involving gang fights, conflicts or any major felony will be reported to the principal and Supervisor as soon as possible.

**44.4.11** Incidents involving gang fights, conflicts or any major felony will be recorded and the appropriate action taken.

**44.4.12** Monthly logs will be provided to the School Board administrative coordinators and to the Juvenile Services Director.

**44.4.13** Vacations shall be in conjunction with school holidays or during summer break; exceptions to be made must have approval of the Law Enforcement Operations Division Chief, or designee and the school principal.

**44.4.14** School Resource Officers shall be required to complete 40 mandatory retraining hours every four (4) years. Training may include FASRO, NASRO and of appropriate related training as determined by the Law Enforcement Operations Division Chief.




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**Revised by:** 6760  
**Revised on:** 08-2017

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>GO-044-05</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 09/14/2020
		<b>Original Issue Date</b> 03/2018	<b>Previous Revision Date</b> 09/2018
<b>Title</b> <b>JUVENILE CIVIL CITATION PROGRAM</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines associated with participating in the Seventh Judicial Circuit "Juvenile Civil Citation Program".

## II. DISCUSSION

Through a memorandum of understanding (MOU) pursuant to Fla. Stat. § 985.12, the Volusia Sheriff's Office, the Department of Juvenile Justice (DJJ) and the State Attorney's Office for the Seventh Judicial Circuit, agree that it is appropriate to divert Juvenile Offenders who are eligible for the issuance of a Juvenile Civil Citation ("Citation") through the "Juvenile Civil Citation Program for Volusia County" ("Program").

The purpose of the MOU is to establish guidelines that will be used by the Seventh Judicial Circuit to promote the proper use and expansion of Juvenile Civil Citations throughout the Circuit and to provide Qualified Juvenile Offenders who commit certain misdemeanors and municipal ordinance violations, the opportunity to participate in the *Program*.

In addition, the MOU establishes guidelines for the issuance of the Citation; the referral of the Qualified Juvenile Offender to DJJ and provides access to intervention services designed to prevent future delinquent acts. Further, the MOU addresses criteria for participation in, or rejection from, the *Program*.

The *Program* will:

- Promote accountability and immediate intervention;
- Provide swift consequences for Qualified Juvenile Offenders;
- Increase public safety by assessing and referring "at risk" Qualified Juvenile Offenders to intervention programs with the goal of reducing recidivism;
- Ensure appropriate resource allocation;
- Prevent life-long consequences associated with an arrest, adjudication, or conviction;\*
- Result in no arrest record upon successful completion of the Program;
- Assist in obtaining consistent treatment of Juvenile Offenders throughout the Circuit;
- Seek to reduce repeat offenses by Qualified Juvenile Offenders;
- Encourage more efficient use of law enforcement, the court system, and the State Attorney's Office;
- Reduce the number of Juvenile Offender referrals to the justice system;
- Reduce costs associated with administration of the criminal juvenile justice system; and
- Reduce the number of pending cases within the criminal juvenile justice system.

\*ABA Criminal Justice Section, State Policy Implementation Project, "Civil Citation for Minor Offenses and National Juvenile Justice Network, Snapshot – "Civil Citations," December 2016.

### III. POLICY

It shall be the policy of the Volusia Sheriff's Office to participate in the Juvenile Civil Citation Program for Volusia County, as provided herein.

### IV. DEFINITIONS

**Juvenile Offender** – means any person who is alleged to have committed a misdemeanor or municipal law violation occurring prior to the time that person reached the age of 18 years.

**Qualified Juvenile Offender** – means a Juvenile Offender who commits a Qualifying Offense and who: 1) has two or fewer prior Citations; 2) does not have a pending Citation or an outstanding warrant or custody order; 3) has never been adjudicated delinquent for a felony or been convicted of a misdemeanor or felony as an adult; and 4) is not a gang member as defined in Fla. Stat. § 874.03(3).

**Qualified Offense** – means any misdemeanor or municipal ordinance violation except any offense that involves the use of possession of any firearm or deadly weapon, or any traffic offense proscribed by chapters 316, 230, or 322, Florida Statutes.

**Stake Holders** – mean the signatories of the respective Memorandum of Understanding (MOU), "Juvenile Civil Citation Program for Volusia County".

### V. PROCEDURE

#### A. GENERAL

1. Deputies shall issue a civil citation to a Juvenile Offender in lieu of arrest, if the juvenile:
  - a. Commits a Qualifying Offense;
  - b. Meets all 4 criteria established under Qualified Juvenile Offender;
  - c. Offender and Parent/Guardian agree to participate in the program;
  - d. Offender agrees to participate in the program

#### B. JUVENILE CIVIL CITATIONS

1. When a Deputy has probable cause to believe a Juvenile Offender has committed a Qualifying Offense, the Deputy should determine whether the Juvenile Offender is a Qualified Juvenile Offender by contacting DJJ:
2. DJJ shall be contacted [386-238-4780, ext. 112 or 113] to ensure no prior criminal history or program referrals exist.
3. The following charges do NOT qualify for participation in the Juvenile Civil Citation Program:
  - a. Any firearm/felony offenses;
  - b. Any sexual offense (exposure of organs, prostitution, or lewd and lascivious behavior)
4. The Deputy shall issue a civil citation to a Qualified Juvenile Offender in accordance with criteria listed in section V.A.1. above.
5. While some youth may be eligible for a pre-arrest diversion program, there may be a specific and legitimate reason why the Deputy is not able to utilize pre-arrest diversion/civil citation of the youth.
6. When a Deputy presents a youth to DJJ for processing that was eligible for civil citation or similar pre-arrest diversion but not referred, pursuant to Fla. Stat. § 985.12, the Deputy must articulate in the incident report why an arrest in lieu of diversion is warranted.
7. The following reasons are the most frequent, but not all inclusive, for youth not receiving a civil citation:
  - a. LEO suspects gang association
  - b. Offense involved cruelty to animals
  - c. Offense involved weapons or firearms
  - d. Parent declined/refused to participate

- e. Youth declined/refused to participate
  - f. Civil citation or alternative diversion program not available
  - g. Youth not eligible based on local policy:
    - Ineligible offense type
    - Offense involved domestic violence
    - Offense involved drugs/narcotics
    - Youth charged with multiple misdemeanor offenses
    - Offense involved resisting arrest
    - Victim requested formal arrest processing
  - h. Reason not available or provided by LEO
  - i. LEO has knowledge that youth previously participated in a Pre-arrest Diversion
8. If the Deputy determines the Juvenile offender is a Qualified Juvenile Offender, the Deputy will advise the Qualified Juvenile Offender that he or she may participate in the *Program* subject to DJJ approval.
  9. The Deputy will advise the Qualified Juvenile Offender of his or her rights and confirm that the Qualified Juvenile Offender agrees to participate in the *Program*.

### **C. RESTITUTION**

1. If restitution is owed and can be determined at the time the Citation is issued, the Deputy will request the victim, or the parent/guardian of the victim to provide an estimate of the amount of restitution due.
2. If restitution is owed and cannot be immediately determined, the Deputy shall include on the Citation that payment is “due and owing” to the victim in an amount to be determined by DJJ.

### **D. REFERRALS**

1. No juvenile referred to the *Program* shall be fingerprinted or photographed.
2. All juveniles referred to the *Program* shall be turned over to a parent/guardian following guidelines described below.
3. The Deputy shall advise the Qualified Juvenile Offender that he/she has the option to refuse the citation and instead be referred to the State Attorney for criminal prosecution:
  - a. This option may be exercised at any time before completion of the *Program*.
  - b. The juvenile and the parents/guardian shall also be advised that the citation is subject to review by the State Attorney.
  - c. Upon review, the State Attorney may reject the referral to the *Program* and proceed with criminal prosecution.
4. If the Qualified Juvenile Offender agrees to participate in the *Program*, he or she will sign the citation.
5. The parent or guardian of the Qualified Juvenile Offender will be contacted by the Deputy and will be advised that the Qualified Juvenile Offender is the subject of a Citation. If the parent or guardian is available, the Deputy will request the parent or guardian sign the Citation indicating the agreement to participate in the *Program*.
6. In cases where there is a victim, the Deputy will advise the victim, or the parent/guardian of the victim, that the Qualified Juvenile Offender will be issued a Citation in lieu of an arrest. If the victim, or his or her parent/guardian, does not agree with the issuance of the Citation, the Deputy shall advise that an objection may be submitted to DJJ and that DJJ will mail them a notification letter advising them how to file the objection and that it must be filed within five (5) business days of receipt of said letter.

### **E. CITATION PROCESSING**

1. The Volusia Sheriff's Office will provide copies of the Citation to the Qualified Juvenile Offender, the Qualified Juvenile Offender's parent or guardian and DJJ.

2. The charging affidavit (707) shall be used as the *Juvenile Civil Citation* form:
  - a. The Deputy shall write “*Juvenile Civil Citation – Attn: DJJ Coordinator*” along the side of all charging affidavits (707’s).
  - b. The original affidavit shall then be forwarded to Central Records.
  - c. Central Records shall then forward the **original 707** to:  
**DJJ**  
**Attn: Civil Citation Coordinator**  
**210 N. Palmetto Ave.**  
**Daytona Beach FL 32114**
3. The Deputy shall notify the parent that once the 707 is received, the DJJ *Juvenile Civil Citation Program Coordinator* will contact them with program details and set an appointment.
4. The Volusia Sheriff’s Office Director of Juvenile Services shall be responsible for documenting and maintaining records of each rejection for the Juvenile Civil Citation Program and the reason(s) for said rejection.

**F. NON-ARREST COMPLAINT AFFIDAVIT PROCESSING**

1. The Volusia Sheriff’s Office will forward juvenile non-arrest complaint affidavits to the State Attorney’s Office only for review and disposition. These complaint affidavits will not be forwarded to the Clerk of Courts.
2. The deputy shall:
  - Write “Juvenile Complaint Affidavit – Attn: SAO” along the side of all juvenile non-arrest complaint affidavits.
  - Forward juvenile non-arrest complaint affidavits to Central Records
3. Central Records shall forward the original juvenile non-arrest complaint affidavits to either  
**SAO – Westside**  
**Attn: Juvenile Division**  
**101 N. Alabama Avenue**  
**DeLand, FL 32724**  
Or  
**SAO – Eastside**  
**Attn: Juvenile Division**  
**251 N. Ridgewood Avenue**  
**Daytona Beach, FL 32114**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: COMMUNITY SERVICES PLAN**

**CODIFIED:** 45.1  
**EFFECTIVE:** 12-2017  
**RESCINDS/AMENDS:** 45.1/06-2010  
**ATTACHMENTS:** 0

**PURPOSE**

The purpose of this Directive is to establish and delineate guidelines for operation of the VCSO's crime prevention and community services programs.

**DISCUSSION**

Effective law enforcement agencies strive to create an integrated, responsive and proactive criminological approach. Maintaining a community services component is an effective means of integrating responsive enforcement functions and anticipatory preventative programs to propagate a coordinated approach toward achieving the VCSO's strategic and tactical goals.

It is also important for every member of the VCSO to be committed to a policy of serving the communities' needs and to do so in a professional and courteous manner.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to develop and perpetuate a firm commitment to proactive community engagement and crime prevention programs.

The VCSO shall maintain close ties with and respond to the needs of the community in a courteous and professional manner.

It shall further be the policy of the VCSO to take steps to correct practices, actions or attitudes that may contribute to community tensions and grievances.

**PROCEDURE**

**CRIME PREVENTION AND COMMUNITY SERVICES PROGRAMS**

**45.1.1** The Law Enforcement Operations Division has the fundamental responsibilities related to community services and crime prevention activities; however, every VCSO employee is responsible for conscientious efforts in community services and crime prevention activities, when in contact with the public.

**45.1.2** The VCSO will assist in organizing, establishing, maintaining and promoting crime prevention/community services programs in targeted areas, including but not limited to those listed below.

**NEIGHBORHOOD WATCH PROGRAM**

**45.1.3** The Neighborhood Watch program is facilitated by VCSO's crime prevention program.

**45.1.4** Neighborhood Watch groups consist of an area coordinator and shall meet at least twice a year.

**45.1.5** The District *Citizens Observer Program* (COP) Directors or designee shall maintain contact with the representatives of Neighborhood Watch groups at least quarterly.

**45.1.6** At this meeting Neighborhood Watch groups will be briefed in reference to criminal activity using information from CompStat regarding their respective area and appropriate preventative measures.

**SCHOOL RESOURCE OFFICER PROGRAM**

**45.1.7** The VCSO has full-time School Resource Deputies in the middle and high schools who also actively participate in community services and crime prevention efforts directed towards students and parents. Refer to Directive 44.4 School Resource Program.

#### **VOLUNTEER/ AUXILIARY PROGRAMS**

**45.1.8** The VCSO actively engages members of the community through a variety of volunteer service programs. Interested community volunteers are required to apply and meet established requirements of the individual program of interest.

**45.1.9** The Administrative Captain, or a designated Program Coordinator, oversees each volunteer program and shall be responsible for facilitating the application process and the documented orientation and training program for each participant. Training files will be maintained on each respective volunteer.

**45.1.10** Volunteers shall be subject to all Sheriff's Office Directives applicable to their respective mission.

**45.1.11** The VCSO currently provides for the following volunteer community programs:

##### **A. CITIZEN OBSERVER PROGRAM (COP)**

Citizen observers are a mobile Neighborhood Watch program; members actively patrol those areas identified as high crime rate areas based on current trends and information provided by the Volusia County Crime Center (VC3) and in accordance with Directive 16.1 Auxiliary Programs and the COP Volunteer Handbook.

##### **B. CITIZEN VOLUNTEER AUXILIARY PROGRAM (C.V.A.P.)**

The Citizen Volunteer Auxiliary Program provides volunteers to serve in clerical and support positions throughout the Volusia County Sheriff's Office in accordance with Directive 16.1 Auxiliary Programs and the CVAP Volunteer Handbook.

##### **C. CHAPLAIN PROGRAM**

The Volunteer Chaplain Program provides specially trained and qualified volunteer Chaplains that are available to Detectives and Deputies in cases that require immediate counseling or other compassionate services. Volunteer Chaplains shall be guided in accordance with Directive 16.1 Auxiliary Programs and the Chaplain Volunteer Handbook.

#### **CRIME PREVENTION**

**45.1.12** The Crime Prevention Deputy shall utilize crime analysis reports and focus prevention programs at those crimes and areas in which lives and property are endangered, in order of importance. Those programs may include, but are not limited to:

- Safety for women;
- Safety for the elderly;
- Residential security surveys;
- Safety programs directed at the handicapped;
- Robbery prevention;
- The Stranger Danger program;
- Commercial security surveys;
- Bicycle safety;
- Babysitting safety;
- Vial of Life;
- Vehicle Safety;
- Vehicle Theft;
- Dating 101
- Carjacking

#### **RESPONSIBILITIES OF CRIME PREVENTION DEPUTY**

**45.1.13** Crime prevention duties include, but are not limited to:

- A.** Maintaining close ties to all VCSO divisions and units to ensure the exchange of information and support necessary in the crime prevention function. This may be accomplished by the exchange of information at briefings or requesting assistance from various personnel within the VCSO.
- B.** Identifying sources of conflict between law enforcement activities and the community in order to encourage efforts to resolve them;

- C. Presenting community and civilian organizations with programs of interest to promote the VCSO;
- D. Promoting and arranging tours of VCSO facilities;
- E. Organizing displays promoting the VCSO at Town Hall meetings, special events;
- F. Providing guidance to parents and students on law enforcement related matters;
- G. Maintaining and distributing a supply of pamphlets and materials to promote the VCSO, crime prevention and traffic safety techniques;
- H. Targeting those areas identified as problem areas for crime prevention programs. Crime Watch organizations should be formed in these targeted areas.
- I. Targeting programs to address community perceptions or misperceptions of crime;
- J. At least once every three years, prepare a documented evaluation report that determines the effectiveness of each crime prevention program in use;
- K. Arranging for foreign language specialists for interaction with specific groups (A list of interpreters is available at Central Communications);
- L. Maintaining close liaison with interested groups, incorporating their interests into plans. This includes local citizen groups, the business community, civic organizations, private security agencies, and statewide associations;

**45.1.14** The Crime Prevention Deputy duties in regard to community services include, but are not limited to:

- A. Monitoring and submitting reports of current concerns voiced by the community and any potential problems that have a bearing on law enforcement activities within the community to the Community Services Unit supervisor.
- B. Establishing and maintaining liaison with existing community organizations and other community groups.
- C. Maintaining liaison with the training component to ensure that employees receive periodic training as it relates to the community services function, people and courtesy;
- D. Maintaining a close working relationship with the Public Information Officer to have the VCSOs objectives, problems and successes published.

**45.1.15** A documented Community Survey of citizens' attitudes and opinions shall be conducted at least once every two years and shall include at a minimum:

- A. The overall agency performance;
- B. The overall competence of agency employees;
- C. Citizens' perception of officers' attitudes and behavior;
- D. Concerns with safety and security;
- E. Citizens' recommendations and suggestions for improvement.

The results of the survey shall be compiled and a written summary provided to the Sheriff.

#### **COMMUNITY SERVICES UNIT**

**45.1.16** The Community Services Unit is responsible for the development and coordination of the VCSO's Community Services/Crime Prevention functions.

**45.1.17** The Community Services Unit shall report and advise the Administrative Captain on a monthly basis regarding community services matters.

**45.1.18** Due to the nature and fluidity of community engagement, interaction and problem solving, direct collaboration with the Sheriff may be required in responding to community engagement activities, requests for the Sheriff's attendance at various events, meetings, etc. In these cases, the Community Services Unit shall keep the Administrative Captain apprised of these activities and shall include a summary in the monthly report provided to the Administrative Captain.

**45.1.19** In addition to ongoing collaboration with the Sheriff on the status of various community events and requests, the Community Services Unit supervisor, or designee, shall prepare and submit quarterly to the Sheriff via chain of command a report that includes, at a minimum, the following:

- A. An overview of community meetings attended
- B. A description of concerns voiced by the community;
- C. A description of potential problems which have a bearing on law enforcement activities;
- D. A statement of recommended actions to address concerns and problems noted in C., above; and
- E. A statement of progress toward addressing previously identified concerns and problems.

**45.1.20** The above report on community concerns and problems should provide information on conditions in the community to allow the Sheriff to react in a timely manner to alleviate identified concerns, avert potential problems and build community trust.



**45.1.21** Form #062514.001, VCSSO Community Concerns may be used as needed to collect and transmit this information from field personnel (form available on intranet and I-Drive under Agency Forms\Law Enforcement).

**45.1.22** The Community Services Unit's Crime Prevention Deputy shall maintain liaison with and actively seek the opportunity to provide crime prevention through environmental design (CPTED) input into development and/or revisions into the zoning policies, building codes and residential and commercial building permits, security surveys, etc..

**45.1.23** The Administrative Captain shall review the survey results with the Law Enforcement Operations Division Commander in order to identify any concerns that require deployment of resources, change in protocols, procedures, etc. Reports and verbal updates shall be made available to the Chief Deputy.

**45.1.24** Results may be used in the development of policies and practices for the VCSSO to ensure the needs of the community are being met as concerns, potential problems and new trends emerge.

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**Revised by:** 1441/6760

**Revised on:** 12-2017

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Written Standards Directive

<b>TITLE:</b>	<b>ALL-HAZARDS PLAN</b>
<b>CODIFIED:</b>	<b>46.1</b>
<b>EFFECTIVE:</b>	<b>04-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>46.1/12-2017</b>
<b>ATTACHMENTS:</b>	<b>9</b>

#### PURPOSE

The purpose of this standard directive is to establish the Incident Command System (ICS) as the method of response to organize both short-term and long-term field-level operations for an "All-Hazards" approach to a broad spectrum of emergencies ranging from small to complex incidents, both natural and manmade.

#### DISCUSSION

ICS is a key feature of the National Incident Management System (NIMS). All levels of government -Federal, State, Local, and Tribal - use ICS as well as many private sector companies and nongovernmental organizations. ICS is applicable across disciplines and is normally structured to facilitate activities in five major functional areas: Command, Operations, Planning, Logistics, and Finance and Administration.

ICS is a proven management tool representing "best practices" and has become the standard for all-hazard emergency operations management, ensuring unity of command and providing a framework for more efficient and effective response and recovery coordination.

The expanding scope and sophistication of emergency operations, along with increased possibilities of acts of terrorism, require law enforcement agencies to quickly act to stabilize and control a large scope of emergency situations, some with catastrophic possibilities. Increasingly, law enforcement agencies must deal with large catastrophes with little or no notice. Immediate and decisive action is required to minimize loss of life, reduce property damage, and permit involved authorities to fulfill their responsibilities. While disasters, critical incidents, and/or terrorist/WMD incidents are complex by nature, every incident is different and therefore, coordination is key.

The Incident Command System (ICS) permits a clear point of control with various elements of support, which can be expanded and/or contracted with ease to escalating or diminishing situations. This directive does not eliminate the need to carry out the procedures and specific activities set forth in operational directives, nor will this directive divert, replace, or contradict the responsibilities of the first responder on scene. Rather, it is the intent of this directive to ensure that all hazards are handled in a manner so as to ensure unity of command and maximize the benefits of a coordinated emergency management response through the activation/deactivation of the Incident Command System (ICS), as deemed appropriate by the nature, size and severity of a given incident.

#### POLICY

(CALEA 46.1.2)

It is the policy of the Volusia Sheriff's Office to use the Incident Command System model of response at disasters and various critical incidents that require more than routine emergency response by the Sheriff's Office. This standard directive describes the Incident Command System (ICS) and explains the activation and functions of the Incident Command process. Not all components of ICS will need to be activated when the system is operational. Component activation and deactivation will depend upon changing circumstances; only those that are needed in the situation should be used, as determined by the Incident Commander (IC). It shall further be the policy of VSO to sustain and maintain integrated operational coordination between specialized units and other operational components during special operations.

#### DEFINITIONS

- A. Action Plan** – See Incident Action Plan.
- B. Agency Representative** – An individual assigned to an incident from an assisting or cooperating agency who has the authority to make decisions about that agency's participation. Reports to the Liaison Officer.

- C. Area Command (Unified Area Command)** – Activated only if necessary, depending on the complexity of the incident and if the incident management span-of-control considerations so dictate. The purpose of an Area Command is to oversee the management of multiple incidents each being handled by a separate ICS organization or to oversee the management of a very large, or complex incident that has multiple incident management teams engaged. Most often used when there are a number of incidents in the same area and of the same type that may compete for the same resources. Area Command becomes Unified Area Command when incidents are multi-jurisdictional.
- D. Assisting Agency** – An agency contributing tactical or other direct resources.
- E. Base** – The location at which primary logistics functions for an incident are coordinated and administered. There is only one base for an incident. The base may be co-located with the Incident Command Post.
- F. Branch** – The organizational level having functional or geographic responsibility for major parts of incident operations. For example, the Law Enforcement Branch composed of several sections (Operations, Planning, Logistics and Finance/Administration), reports to a higher division or group Operations Commander while in a Unified Command operation, along with the Fire Suppression Branch, Public Works Branch, etc.
- G. Casualty Collection Point (CCP)** – A location near the incident, which provides an area to triage, treat and transport victims.
- H. Check-In** – The process through which resources first report to an incident. Check-in locations include the incident command post, staging areas, or directly on the site.
- I. Chief** – The ICS title for individuals responsible for command of the five basic ICS functional sections (Command, Operations, Planning, Logistics and Finance/Administration).
- J. Clear Text** – The use of plain English in radio communications transmissions. **(CODES and SIGNALS ARE NOT USED).**
- K. Command Post** – See Incident Command Post
- L. Command Staff** – The ICS title for a group consisting of the Information Officer, Safety Officer, and Liaison Officer. They report to the Incident Commander.
- M. Cooperating Agency** – An agency assisting with other than tactical or other direct resources, includes but is not limited to the Red Cross, the telephone company, power company, etc.
- N. Function** – Under ICS, the structure includes Command, Operations, Planning, Logistics and Finance/Administration functional sections.
- O. General Staff** – The ICS title describing the incident management team that reports to the Incident Commander. Consists of the Chiefs of the five functional sections.
- P. Incident Action Plan (IAP)** – An oral or written plan that contains objectives reflecting the overall incident strategy and specific tactical actions and supporting information for the next operational period. When written, there may be specific sub-plans for traffic, communications, safety operations, etc.
- Q. Incident Commander (IC)** – The individual responsible for the management of all incident operations at the incident scene.
- R. Incident Command Post (ICP)** – The field location at which the primary tactical-level, on-scene command functions are executed. The ICP may be co-located with other incident facilities.
- S. Incident Management Team (IMT)** – The Incident Commander and appropriate Command and General Staff, as defined by this directive, assigned to the incident.
- T. Information Officer (IO)** – A member of the ICS command staff responsible for contact with the media or other agencies requiring direct information. There is only one IO per incident.
- U. Joint Information Center (JIC)** - The facility established to coordinate all incident related public information activities; functions as the central point of contact for all news media at the scene of the incident. Public information officials from all participating agencies should collocate at the designated JIC.
- V. Joint Information System (JIS)** – Integration of incident information and public affairs into a cohesive organization designed to provide consistent, coordinated, timely information during times of crisis or incident operations. The mission of JIS is to provide structure and a system for developing and delivering coordinated interagency messages; developing, recommending and executing public information plans and strategies on behalf of the Incident Commander and advising the Incident Commander concerning public affairs issues that could affect a response effort. This system also assists in controlling rumors and inaccurate information that could undermine public confidence in the emergency response effort.
- W. Liaison Officer (LO)** – A member of the ICS command staff responsible for coordinating with representatives from cooperating and assisting agencies.

- X. Managers** – Under ICS, individuals who are assigned specific responsibilities for certain activities; e.g. Staging Area Manager.
- Y. N95 Disposable Particulate Respirators (Filtering Face Pieces)** – mask blocks about 95% of particles that are 0.3 microns in size or larger.
- Z. Operational Period** – The time set for a given set of actions as specified in the Incident Action Plan. Can be of various lengths but usually not over 24 hours.
- AA. Pandemic** – an epidemic (an outbreak of an infectious disease) that spreads through human populations across a large region (e.g. a continent), or worldwide. Examples of a pandemic include but are not limited to:
- Influenza
  - SARS-CoV
  - H1N1 virus (Swine Flu)
  - H3N2 virus
  - Smallpox
  - H5N1 (Avian Flu)
- BB. Policy Group** – Comprised of the County Manager, Sheriff, Emergency Management Director, etc.
- CC. Safety Officer (SO)** – A member of the ICS command staff responsible for monitoring and assessing safety hazards or unsafe situations and for developing measures for ensuring the safety of assigned personnel.
- DD. Span of Control** – The number of individuals a supervisor is responsible for, usually expressed as a ratio of supervisors to individuals. (Under NIMS, the recommended span of control is between 1:3 and 1:7)
- EE. Staging Area** – Location (s) during an incident where resources can be placed while awaiting tactical assignment.
- FF. Transfer of Command** – The process of moving the responsibility for incident command from one Incident Commander (IC) to another. It should be recognized that transition of command on an expanding incident is to be expected and the transfer does not reflect on the competency of the current IC.
- GG. Unified Command** – An application of ICS used when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions. Agencies work together through the designated members of the UC, often the senior person or CEO from agencies and/or disciplines participating in the UC, to establish a common set of objectives and strategies and a single IAP. Unified Command allows agencies with different legal, geographic, and functional authorities and responsibilities to work together effectively without affecting individual agency authority, responsibility, or accountability.
- HH. Unity of Command** – The principle that a subordinate reports to only one supervisor at any given time, providing a clear channel of authority and accountability.

## PROCEDURE

### INCIDENT COMMAND SYSTEM

**46.1.1** ICS is a standardized management tool for meeting the demands of small or large emergency or non-emergency situations and ensures command, control and coordination of resources.

**46.1.2** The concept of “Incident Command” is practiced routinely by both law enforcement deputies and supervisors as they respond daily to citizen calls for service:

- Small incidents are resolved by the on-scene deputy and/or supervisor as they respond to citizen calls for service.
- Larger, or more serious incidents, result in many deputies and/or units functioning under the command of a designated “Incident Commander”, who may elect to handle all elements of the ICS, or appoint one or more persons to assist him/her.

**46.1.3** ICS may be used for planned events, or for a large range of critical incidents such as natural and man-made disasters, civil disturbances, mass arrests, bomb threats, hostage/barricaded person situations, acts of terrorism, and other unusual incidents. Although the very nature of such unusual incidents preclude addressing every aspect of a given occurrence, additional information specific to these respective incidents are addressed within sections of this plan. (CALEA 46.1.2)

**46.1.4** ICS operations are predicated upon the principles of:

- Protecting life and providing for the safety of emergency responders and the public;
- Stabilizing the incident by developing a strategy that will minimize the effect it has on the surrounding area,

- Conservation of property by minimizing the effect(s) on the environment while accomplishing the action plan developed to bring closure to the incident.

**46.1.5** Based on these principles, the first on-scene responder is authorized to implement the ICS and function as the IC until authority is transferred to more experienced command. (Refer to 46.1.10, Transfer of Command)

**46.1.6** ICS provides:

- A.** Unified Command – A common organizational structure across all agencies that can expand and contract as dictated by the situation, including:
- A modular organization
  - A unified command structure
  - Common terminology; e.g. during radio communications and for functional identities
- B.** Standardized emergency management principles that work across all types of emergency incidents, including:
- Integrated Communications
  - A manageable span of control and unity of command
  - Creation and distribution of Incident Action Plans in a common format
  - Comprehensive resource management

## **INCIDENT COMMAND STRUCTURE**

**46.1.7** The ICS structure is extremely flexible and has the ability to expand or contract to meet demands faced in resolving an incident regardless of size or complexity.

**46.1.8** The Incident Commander is responsible for overall incident management and oversees the functional areas of ICS, which include:

- Command,
- Operations,
- Planning,
- Logistics, and
- Finance and Administration

## **INCIDENT COMMANDER**

**46.1.9** All events have an Incident Commander who is responsible until authority is transferred to another. The Incident Commander is responsible for activating the ICS, requesting and designating staff, as necessary, and the subsequent management of all incident operations and resources at the incident scene, including, but not limited to:

- A.** Ensuring incident safety,
- B.** Establishing an ICP
- C.** Obtaining a briefing from the prior IC and/or assessing the situation,
- D.** Establishing immediate priorities and directing initially arriving resources, (CALEA 46.1.3.a),
- E.** Determining incident objectives and strategy (ies) to be followed,
- F.** Establishing a staging area, when necessary, and maintain accountability for the safety of personnel and the public and for task accomplishment, and (CALEA 46.1.3 e, CALEA 46.1.3 g)
- G.** Establishing the level of organization needed, and continuously monitoring the operation and effectiveness of that organization,
- H.** Maintaining an effective span of control. In emergency planning, effective span of control is considered to be three to seven persons, with five being the optimal assignment; however, under less than ideal circumstances, the span of control may exceed these guidelines for short durations, as deemed necessary by the IC.
- I.** Managing planning meetings, as required,
- J.** Approving and implementing the Incident Action Plan (IAP) based on the concept of Management by Objectives,

- K. Coordinating the activities of the ICS Command and General Staff,
- L. Approving requests for additional resources or for the release of resources, (CALEA 46.1.3 c)
- M. Establishing necessary liaison with other agencies and the Emergency Operations Center (EOC) or Sub-EOC, when activated. (CALEA 46.1.3 D)
- N. Directing the expansion or contraction of the ICS organization based on the three priorities of life safety, incident stability and property conservation and activating other sections, as needed, e.g. Operations, Planning, Logistics or Finance/Administrative Sections.
- O. Identifying contingencies, which may affect ongoing operations and plan accordingly, making necessary notifications and requesting resources that could reasonably be expected to offset contingent actions.
- P. Ordering demobilization of the incident when appropriate,
- Q. Ensuring incident after-action reports are complete.
- R. Transferring the command in an orderly manner and briefing the incoming commander on the incident status.

## TRANSFER OF COMMAND

**46.1.10** There are five important steps in effectively assuming command of an incident in progress:

- A. **STEP 1:** The incoming IC should, if at all possible, personally perform an assessment of the incident situation with the existing IC.
- B. **STEP 2:** The incoming IC must be adequately briefed by the current IC; the briefing will cover the following:
  - Incident history
  - Priorities and Objectives
  - Current plan (written or oral, depending on incident size, requirements)
  - Resource Assignments
  - Incident Organization
  - Resources ordered/needed
  - Facilities Established
  - Status of Communications
  - Any Constraints/limitations
  - Incident Potential
  - Delegation of Authority

Use of ICS Form 201 will expedite exchange of the above information and provide written documentation of the incident.

- C. **STEP 3:** Determine appropriate time for transfer of command
- D. **STEP 4:** At the appropriate time, notice of change in IC shall be made to:
  - Sheriff and Chief Deputy
  - ICS Command Staff, if designated
  - ICS General Staff, if designated
  - All incident personnel
- E. **STEP 5:** The incoming IC may give the outgoing IC another assignment on the incident thus providing the new IC with first-hand knowledge at the incident site. In addition, this strategy allows the initial IC to observe the incident progress and gain experience for future critical incidents.

## COMMAND STAFF (CALEA 46.1.3)

**46.1.11** Command Staff is assigned to carry out staff functions needed to support the Incident Commander and those not specifically identified in the General Staff functions. These positions include designation of Liaison Officer (LO), a Safety

Officer (SO) and an Information Officer (IO). Additional assistants and command staff positions may be assigned, as determined by the Incident Commander.

**46.1.12** The Command function addresses the following areas:

- Activating the incident command system (CALEA 46.1.3 A)
- Establishing a command post (CALEA 46.1.3 B)
- Initiating the notification and mobilization of additional agency personnel (CALEA 46.1.3 C)
- Obtaining support from other agencies (CALEA 46.1.3 D)
- Establishing a Staging area, if necessary (CALEA 46.1.3 E)
- Providing public information and maintaining media relations (CALEA 46.1.3 F)
- Maintaining the safety of all affected personnel (CALEA 46.1.3 G)
- Preparing a documented after action report (CALEA 46.1.3 H)

## **GENERAL STAFF**

**46.1.13** General Staff is comprised of the respective Section Chiefs who oversee the remaining four functional areas of ICS: Operations, Planning, Logistics and Finance and Administration. The General Staff forms the incident management team and is responsible for reporting to the Incident Commander the status and needs of the following functions under their respective control:

### **OPERATIONS SECTION** (CALEA 46.1.4)

**46.1.14** Operations Section Chief will address the following:

- Establish Perimeters (CALEA 46.1.4 A)
- Ensure the safety of assigned personnel
- Conduct Evacuations (CALEA 46.1.4 B)
- Maintain command post and scene security (CALEA 46.1.4 C)
- Provide for detainee transportation, processing and confinement (CALEA 46.1.4 D)
- Direct and controlling traffic (CALEA 46.1.4 E)
- Conduct post-incident investigation(s) (CALEA 46.1.4 F)
- Direct and coordinate all tactical operations as required by the primary mission
- Request (or release) resources with the acknowledgement of the IC
- Implement the activities specified in the IAP.
- Keep the IC advised of the status of the situation and resources; resources are considered either:
  - a. "Assigned" (to carry out some specific task),
  - b. "Available" (in a staging area), or
  - c. "Out of service" (for rest and recuperation).

### **PLANNING SECTION** (CALEA 46.1.5)

**46.1.15** The Planning Section Chief is responsible for the collection, evaluation, dissemination and use of information about the development of the incident and the status of resources. The Planning Chief will address the following:

- Prepare a documented Incident Action Plan, which defines response activities and use of resources for a specified period of time (CALEA 46.1.5 A)
- Gather and disseminate information and intelligence (CALEA 46.1.5 B)
- Plan post-incident demobilization (CALEA 46.1.5 C)

**46.1.16** The Planning Chief will be responsible for all aspects of the planning meeting.

### **LOGISTICS SECTION** (CALEA 46.1.6)

**46.1.17** The Logistics Section provides manpower, facilities, services, and materials in support of the critical incident. The Logistics Chief will address the following:

- Communications (CALEA 46.1.6 A)
- Transportation (CALEA 46.1.6 B)
- Medical support (CALEA 46.1.6 C)
- Food Services and supplies (CALEA 46.1.6 D)
- Specialized team and equipment needs (CALEA 46.1.6 E)

**46.1.18** In a large-scale and/or long term incidents, the Section Chief will identify a logistics base of operation. The Section may be further divided into Support and Service Branches with subordinate Units to provide facilities, ground support (vehicle/equipment repair), and a medical unit for the care of assigned personnel.

**46.1.19** Logistics personnel shall develop a plan that will provide the necessary resource through the duration of the event/incident.

**46.1.20** The Communications Unit Leader (COML) shall be assigned all communication tasks and shall ensure that communications are established with all necessary agencies and personnel. He/she shall also be responsible for notifying required personnel, as directed by the Incident Commander.

**46.1.21** The Communications Unit Leader (COML) shall ensure that the Mobile Command Post is kept in proper working order and readily available.

**46.1.22** The Communications Unit Leader (COML) shall call out the required communications personnel and assign responsibilities.

**46.1.23** Communications within law enforcement agencies will be on normally assigned channels, unless otherwise directed. Communications will be in "clear text/plain talk".

#### **FINANCE/ADMINISTRATION SECTION (CALEA 46.1.7)**

**46.1.24** The Finance/Administration Section Chief oversees:

- Recording personnel time (CALEA 46.1.7 A)
- Procuring additional resources (CALEA 46.1.7 B)
- Recording expenses (CALEA 46.1.7 C)
- Documenting injuries and liability issues (CALEA 46.1.7 D)
- Any other cost analysis/recuperation activities and compensation/claims

**46.1.25** The Finance Section Chief is responsible for tracking incident costs and reimbursement accounting.

**46.1.26** In large-scale and/or long-term incidents the Section may be further divided into individual Time, Procurement, Compensation/Claims and Cost Units.

**46.1.27** Some functions are especially important in order to provide documentation if the incident results in a *Disaster Declaration* and for the establishment and monitoring of cost-sharing agreements.

#### **BRANCHES, DIVISIONS AND GROUPS**

**46.1.28** When an Area Command is activated, all law enforcement emergency services will comprise the Law Enforcement Branch of the Unified Area Command. Additional branches may include Fire, Medical, etc.

**46.1.29** Divisions and groups may be established based on need when the number of resources exceeds the manageable span of control of the IC and the Operations Section Chief.

- Divisions will be utilized when dividing an incident into a physical or geographical area.
- Groups will be utilized to when dividing responsibilities into functional areas of operation that may serve multiple geographic areas/divisions. (e.g. Logistics Section may be grouped into specialty areas such as Medical Group, Food Group, Topic-Specific Specialty Teams, etc.)

#### **CRISIS COMMUNICATION - JOINT INFORMATION SYSTEM**

**46.1.30** During times of crisis or mass law enforcement/public safety events that are handled by or involve the Sheriff's Office, it shall be the policy of the Sheriff's Office to inform the community and work cooperatively with the news media to facilitate the flow of factually consistent information on a timely basis through the implementation of Crisis Communication procedures. The Sheriff's Office shall not interfere with the legitimate right of the media to collect and report information, provided such news-gathering efforts do not disrupt, interfere with or jeopardize ongoing operations or endanger the safety of citizens, public safety officers or news reporters.



**46.1.31** Taking into account the extent and severity of the incident, the impact on the public safety of the community and the information demands of the news media, the Sheriff, in consultation with the Public Information Officer, will determine the necessity to activate Crisis Communication procedures on a case-by-case basis.

**46.1.32** Based on the size and magnitude of the incident, a Joint Information System may be implemented as a coordinated information management response and a Joint Information Center (JIC) designated to include representatives of each jurisdiction, agency, private sector and other organizations involved in incident management activities. Multiple JICs may be required for complex incident(s) spanning a wide geographic area or multiple jurisdictions. The VSO Public Information Officer shall ensure the proper coordination and dissemination of official information.

**46.1.33** During activation of the Crisis Communication, or Joint Information System, the Sheriff's Office Public Information Officer shall report to the scene of extreme emergencies and be responsible for coordinating news media activities.

**46.1.34** In order to fulfill the responsibilities under this plan, the Public Information Officer shall:

- A. Work at the direction of the Sheriff and the Incident Commander or his/her designee.
- B. At all times adhere to Directive 54.1, Media Relations.
- C. Respond to the scene, obtain a briefing from the Incident Commander or his/her designee and prepare an initial information summary upon arrival.
- D. Act as liaison and coordinate all activities with Public Information Officers from other responding agencies and jurisdictions.
- E. Establish a staging area for the news media to obtain information safely without interfering in tactical operations. When selecting a staging area, consideration shall be given to providing the news media with the ability to observe public safety operations when practical, while ensuring that the news media does not disrupt ongoing operations. Consideration also shall be given to ensuring that the staging area is separate from the Command Post, yet close enough to facilitate the flow of information. The Public Information Officer shall be responsible for the control of the news media within the staging area and shall have the authority to eject individuals disrupting or hampering law enforcement activities.
- F. Coordinate all media briefings. Every effort shall be made to conduct media briefings at regular and continuing intervals to facilitate the flow of timely, accurate, consistent, updated information and control rumors and misinformation to the maximum extent possible. Every effort will be made to include representatives from the various responding agencies at all media briefings.
- G. Seek approval of the Sheriff, Command Staff or Incident Commander or his/her designee prior to the release of all information. All media briefings shall be conducted by the Sheriff or his/her designee, Incident Commander or his/her designee or the Public Information Officer or his/her designee and shall be in accordance with established Directives.
- H. Via the news media, relay special bulletins, instructions and other public safety messages requested by bonafide agencies responsible for various activities related to the emergency situation.

**46.1.35** The Public Information Officer, at his/her discretion, shall request on-scene response of mutual aid PIOs from other public safety agencies, as the need arises. Upon request of the Public Information Officer, the County's Community Information Director shall provide mutual aid to the extent possible. In addition to general PIO duties as directed by the Public Information Officer, County Community Information shall act as liaison to the County Manager/County Council. All mutual aid PIOs shall act at the direction of the Sheriff's Office's Public Information Officer and may be directed to collocate at the JIC, if so designated.

**46.1.36** The Public Information Officer or his/her designee shall be included in all briefings at the Command Post to facilitate the flow of timely, updated information to the news media.

**46.1.37** Whenever practical, the Public Information Officer shall coordinate and arrange media interviews with incident personnel to provide the news media with first-hand information on the operations.

**46.1.38** In addition to on-scene media briefings, the Public Information Officer shall cause to have the Sheriff's Office's web site and the automated media telephone line updated during regular intervals throughout the duration of the incident.

**46.1.39** The Incident Commander or his/her designee, on a case-by-case basis, shall consider requests by the news media for access to restricted areas. If approved, the Incident Commander or his/her designee will specifically identify the access area, and said access will be accommodated by PIO-escort.

**46.1.40** To the extent that a public safety crisis event impacts the County as a whole and/or other County Government services/resources in addition to law enforcement, the Sheriff shall serve as liaison to the County Manager in coordinating the release of information to the news media to the maximum extent possible.

#### **ACTIVATION OF THE INCIDENT COMMAND SYSTEM**

**46.1.41** With a decision to implement the Incident Command System, the Incident Commander shall:

- A. Identify a Safety Officer (SO), an Information Officer (IO) and a Liaison Officer (LO)

- The SO is responsible for:
    - (a) The immediate safety of assigned personnel
    - (b) Correct unsafe acts through the chain of command; however, the SO may exercise emergency authority to stop unsafe acts when such action is immediately required to protect life.
  - The IO is responsible for:
    - (a) Implementing and following the procedures outlined in the Joint Information System (JIS). The agency's Public Information Officer will function in this role and will function as the agency's liaison in coordination with the Sheriff whenever Unified Area Command is required/activated.
  - The LO is the primary contact for coordinating with agencies assisting in an incident. The LO will coordinate with the agency's Legal Advisor (if not already functioning in that capacity), who shall function as the agency's Court and Prosecutorial Liaison and advise the Sheriff on all legal matters.
- B.** Ensure notifications to the chain of command are instituted in accordance with existing procedures.
- C.** Retain the elements of the Incident Command process unto himself/herself, or appoint one or more Section Chiefs to carry out the General Staff functions, if necessary, for the coordination of incoming resources.
- D.** Oversee the development and implementation of an Incident Action Plan (IAP) to resolve the event/incident.
- Refer to existing written directives, the County's Comprehensive Emergency Management Plan (CEMP), the Continuity of Operations Plan (COOP), and the Florida Incident Field Operations Guide.
  - Consider the immediate implementation of emergency staffing configurations to better provide personnel and other resources.
  - For short-term events, the IAP need not be written. A written plan is required when:
    - (a) Resources from multiple agencies from within or outside the County are used.
    - (b) Several jurisdictions are involved.
    - (c) The incident is complex; i.e. changes in shifts of personnel or equipment are expected/required.
- E.** If not already operating in that mode, ensure that all radio communications take place in "clear text".
- Direct Communications to establish a radio channel to initially handle the event,
  - Ensure that Communications advises any responding agencies of the channel being used,
  - Remain mindful that electronic data communications (CAD to MDC) are not available to all agencies responding to a request of mutual aid assistance.
- F.** Follow direction from the Policy Group, or Area Command upon activation. The IC is responsible at the scene, while the Area Command is responsible for countywide or multiple jurisdictional activity. There can be more than one scene, and thus, more than one Incident Command Team reporting to the Area Command.
- G.** Consider activation of the Crisis Intervention Teams and other Tactical Teams (SWAT, Bomb Disposal), as needed.
- H.** At the appropriate time, plan for an orderly demobilization of all resources and the gathering of necessary documents and materials to provide the ability to closely review and evaluate operations.

**46.1.42** Command protocol will exist at all stages of the ICS command structure and during the administration of the incident.

**46.1.43** Commanders shall be assigned as needed to ensure adequate supervision and authority, considering the need for rest and recuperation.

**46.1.44** Principles of span of control, unity of command and unified command shall be followed during ICS operations.

**46.1.45** Incident Commanders will cooperate fully when functioning in a unified command mode.

**46.1.46** The Sheriff shall authorize all requests for State or Federal assistance.

**46.1.47** Various standard ICS forms are available for use by the IC and functional Section Chiefs in order to manage the incident in an organized manner. These forms are available on the I Drive and VSO Intranet, and are attached to this directive for reference.

#### UNIFIED COMMAND UNDER ICS

**46.1.48** The Incident Command System is designed to expand to include other County services, other jurisdictions, both inside and outside of the county, and state and federal agencies, should the situation(s) dictate.

**46.1.49** One or more functions of the ICS structure may be placed into operation, as needed.

**46.1.50** The Incident Command Structure within this directive describes the Law Enforcement Branch of operations as represented by the Volusia Sheriff's Office. Similar branches and sections exist for other services such as Fire/Rescue, medical, health and other support services.

**46.1.51** Refer to **Attachment A: Unified Command Structure** for an example diagram depicting the Unified Command concept for a major incident. In such cases, all agencies contribute to the command process and the management of resources in achieving the objectives of the Incident Action Plan (IAP).

**46.1.52** In large-scale events, an Area Command may be established to coordinate and oversee the response to multiple events/incidents. In such scenarios, the agency's PIO will function as the agency's liaison whenever the Unified Area Command is activated and will be located at the designated Joint Information Center (JIC).

**46.1.53** Under a Unified Area Command, it will be the responsibility of the Area Command to set overall incident-related priorities, allocate critical resources and ensure incident management. The Law Enforcement Branch will maintain ICS protocols in full cooperation and incorporation within the Area Command.

## **LEGAL CONSIDERATIONS**

**46.1.54** The Sheriff or his deputies shall suppress tumults, riots, and unlawful assemblies and have the authority to raise the power of the county and command any person to assist them, when necessary. The Volusia Sheriff's Office shall act within the scope and authority provided in Chapters 30 and 870, Florida State Statutes.

**46.1.55** The Sheriff shall authorize the declaration of a state of emergency.

### **CHAPTER 870, F.S.**

Florida Law Provides for Affrays, riots, routs and unlawful assemblies in Chapter 870, Florida Statutes.

#### **FS 870.043**

Whenever the Sheriff or designated city official determines that there has been an act of violence or a flagrant and substantial defiance of, or resistance to, a lawful exercise of public authority and that, on account thereof, there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or property, all of which constitute an imminent threat to the public peace or order and to the general welfare of the jurisdiction affected or a part or parts thereof, he may declare that a state of emergency exists within that jurisdiction or any part or parts thereof.

#### **F.S. 870.044**

The following acts are prohibited during the period of a state of emergency:

1. The sale of firearms or ammunition;
2. The display of firearms or ammunition by or in any store or shop;
3. The possession of a firearm in a public place, except by law enforcement or military personnel.

#### **F.S. 870.045**

During a state of emergency the Sheriff may order and promulgate all or any of the following in whole or in part:

1. Establish curfews, prohibit or restrict pedestrian or vehicular movement;
2. Prohibit the sale and distribution of alcoholic beverages;
3. Prohibit the possession of alcoholic beverages in a public place;
4. Close places of assemblage;
5. Prohibit the sale of gasoline or flammable or combustible liquids, except by delivery to gas tanks properly attached and necessary for propulsion;
6. Prohibit the possession of portable containers containing gasoline or any flammable or combustible gas;

**46.1.56** Under the Charter Government of Volusia County, Florida, the Sheriff shall be the Director of Public Safety and shall, upon activation of Volusia County's Comprehensive Emergency Management Plan (CEMP), coordinate all law enforcement activities in the County. As the chief law enforcement official in Volusia County, Florida, the Sheriff shall exercise command and control over all civil law enforcement resources committed to unusual occurrence/ large-scale critical incident operations within Volusia County, Florida.

**46.1.57** The Sheriff, or his designee, shall be the Sheriff's Office liaison with the Volusia County Government, military authorities and civil defense officials as it relates to law enforcement activities.

### **MARTIAL LAW**

**46.1.58** All requests for military support shall be made through the Sheriff, in compliance with the County Charter and State Statute.

**46.1.59** Chapter 250 F.S. identifies the power of the Governor to preserve the public peace, execute the laws of the State, suppress insurrection, repel invasion, and respond to an emergency or imminent danger thereof.

## **DOCUMENTATION AND TRAINING** (CALEA 46.1.9)

**46.1.60** Activation of the Incident Command System requires the preparation of a written After-Action Report. The report, explaining and evaluating the activation may either be separate from the standard after-action report required by existing directives, or it may be included as an identified section within the larger report about the incident/event. If separate, it shall be submitted by the Incident Commander to the Executive Officer of the Law Enforcement Services Division within fifteen (15) days of the conclusion of the event. The after-action report will address specific objectives and will be used in developing future assignments, plans, procedures, and protocols. Any noted training issues will be coordinated through the Training Director.

**46.1.61** All sworn officers receive NIMS certification training; all supervisory personnel who may be called upon to participate in an event or incident as part of the All-Hazard Plan, shall receive NIMS certification training and participate in annual training on the agency's All-Hazard plan. Special coordination and training may also include tabletop, actual scenario exercises, and/or multiple agency involvement; the Director of Training will be provided a copy of all after action reports associated with all such training to ensure the effectiveness of future training provided.

**46.1.62** Each Deputy with the rank of Sergeant and above shall receive documented annual retraining on the agency's All Hazard plan; Sergeants and above shall have access to a current up-to-date hard copy of the All-Hazard plan to be maintained and located at each District and Sheriff's Office facility. Electronic access to the plan will be available to all personnel through the agency's intranet.

**46.1.63** Biennially, a documented training scenario consisting of a tabletop or full-scale exercise shall be conducted to assess the agency's capabilities with the All Hazards Plan and the Incident Command System. Critique of the training exercise will be utilized to identify areas for improvement in policies, procedures, additional training and equipment needs.

## **EMERGENCY PLANNING**

### **DEVELOPMENT**

**46.1.64** The VSO is responsible for developing and maintaining an All-Hazards Plan in addition to and in augmentation of those provided in Volusia County's Comprehensive Emergency Operations Plan (CEMP) and to participate in the annual Volusia County Emergency Management exercises.

**46.1.65** The Law Enforcement Operations Division Chief shall be responsible for developing and planning the VSO's response to critical incidents. (CALEA 46.1.1) In developing such plans, the use of measurable objectives will be utilized to ensure fulfillment of the incident management goals as determined by the Sheriff and his Command Staff.

**46.1.66** The Support Operations Division Chief is responsible for the annual updating, if necessary, of the VSO's ESF 16 annex to the Comprehensive Emergency Management Plan and the VSO's Continuity of Operations Plan. The Support Operations Division Chief shall further be responsible for coordinating the ESF 16 participation in all county Emergency Management preparatory exercises in conjunction with the County's Comprehensive Emergency Management Plan. (CALEA 46.1.1, 46.1.9)

**46.1.67** Elements of the Comprehensive Emergency Management Plan shall be reviewed, coordinated and updated annually as required by the Florida Division of Emergency Management under the rules of the Florida Administrative Code. The Support Operations Division Chief shall be responsible for this review and will coordinate revisions as necessary, with Emergency Management Staff.

**46.1.68** The Support Operations Division Chief or designate shall maintain liaison with Emergency Management personnel (civil defense) and correlate the VSO's All-Hazard Plan with those prepared by the Emergency Management Director.

**46.1.69** A current copy of the All-Hazards Plan shall be maintained in the Mobile Command Post at all times.

### **RESOURCE AVAILABILITY & READINESS**

**46.1.70** The Law Enforcement Operations Division Chief or designate shall annually prepare a list of emergency equipment and resources used in emergency operations. This list shall show the numbers and locations of equipment and resources and shall be submitted annually to the Florida Department of Law Enforcement for inclusion in the State's Manpower, Assets and Resource System (MARS).

**46.1.71** The Commander of the Division to which emergency equipment is assigned shall ensure that equipment for use in emergency operations is inspected quarterly and kept in good working order to ensure operational readiness. Any non-functioning equipment or replacement needs will be restored to fully functional capability and readied for mobilization. (CALEA 46.1.8)

**46.1.72** All nonexpendable resources will be fully accounted for at the incident site during check-in and again upon return to the issuing/responding component. Post-incident, it shall be the responsibility of the respective Division Chief, or designee, to ensure that all resources are restored to full operational readiness as soon thereafter as practicable. Broken and/or lost

items will be replaced through coordination with Administrative Services Division or the respective agency responsible for invoicing, as may be defined in mutual aid agreements.

**46.1.73** It is important that adequate rest and recuperation time and facilities are provided for human resources. Mobilization plans will incorporate appropriate rest and recuperation time guidelines within functional areas of deployment configurations. Personnel will be monitored for occupational health and mental health issues, both short and long-term. Any identified issues will be addressed accordingly through appropriate medical protocols and/or mental health providers, such as the Employee Assistance Program.

## **MAPS**

**46.1.74** The Communications Unit Leader (COML) shall ensure that situation maps are available for use in plotting operational commitments during unusual occurrences. These maps can be either paper or electronic.

**46.1.75** These maps shall be of a scale small enough to permit ease in plotting logistical installations, high priority protective areas, force commitments, command posts, "hot spots," and similar items of interest.

## **NATURAL & MAN-MADE DISASTERS**

### **EMERGENCY CALL-OUT**

**46.1.76** During any natural and man-made disasters/critical incidents, a large number of resources must be activated quickly and efficiently. In such instances when the All-Hazard Plan is implemented (for hurricanes, also refer to Appendix A, Hurricane Plan), the IC will ensure notification of the following key personnel:

- Sheriff
- Chief Deputy
- Law Enforcement Operations Division Chief
- Support Operations Division Chief
- Incident Commander
- First Supervisor on scene
- Legal Advisor
- Public Information Officer
- Communications Supervisor

### **TRAFFIC CONTROL**

**46.1.77** The Incident Commander, or Operations Section Chief as applicable, shall designate the agency's Traffic Unit Supervisor responsible for:

- Directing and controlling traffic,
- Maintaining traffic equipment and manpower,
- Coordinating and maintaining outer perimeters,
- Coordinating traffic routes for evacuations, and
- Functioning as liaison with the traffic units of other affected agencies.

### **EVACUATIONS**

**46.1.78** The Logistics Section Chief shall coordinate the evacuation of residents during natural and manmade disasters and advise the IC of the approximate number of individuals needing to be evacuated, to include those residents without transportation.

**46.1.79** The IC shall coordinate with the County's Emergency Management Director to ensure transportation arrangements are made, as necessary.

**46.1.80** If the Volusia County Comprehensive Emergency Management Plan (CEMP) is activated, the VSO shall provide evacuation broadcasts via mobile PA systems, provide traffic control and secure the area against vandalism/theft/looting. Evacuation procedures at this level are described in the CEMP.

### **PUBLIC FACILITY SECURITY**

**46.1.81** The Court Services Section Commander shall be designated to coordinate security for the courts, judicial buildings and the County Council and keep the IC, or Operations Section Chief apprised of the status and any changes.

**46.1.82** The Community Services Section Lieutenant shall be designated to provide security to shelters and other designated public facilities, as required, and shall keep the IC, or Operations Section Chief apprised.

**46.1.83** Emergency Response Teams shall be available to provide additional assistance and security as required.

#### **CUSTODIAL TRANSPORTATION**

**46.1.84** The arresting Deputy or available Reserve Deputy transportation units shall transport persons arrested to the designated processing center.

#### **AGENCY PERSONNEL**

**46.1.85** All agency personnel shall respond to the designated staging area with assigned vehicles and check-in. The IC shall make a determination of the transportation methods to be employed.

#### **EQUIPMENT**

**46.1.86** Equipment shall be transported by the Division charged with its' care and maintenance.

**46.1.87** The Communications Unit Leader (COML) has the responsibility of maintaining and coordinating the agency's emergency communication equipment, including the mobile command post.

**46.1.88** The Traffic Unit Supervisor shall coordinate escort services for large pieces of machinery or equipment required at the scene of an emergency.

**46.1.89** All resources utilized during any natural or manmade disaster will be checked-in at locations designated by the IC; locations may include the incident command post, staging areas, or directly on the site.

**46.1.90** The Communications Unit Leader (COML) has the responsibility of maintaining and coordinating the VSO's emergency communication equipment, including the mobile command post, which will be kept in stand-by status at a secure location designated by the Communications Commander and approved by the Sheriff, or his designee when not in service.

**46.1.91** The County Comprehensive Emergency Management Plan contains an emergency equipment list, which has provisions for barricade rental, generators, sand bag supplies, the Beach Safety and Beach Ranger equipment and manpower.

#### **SEARCH AND RESCUE/ RECOVERY**

**46.1.92** During search and rescue/ recovery operations, the Incident Commander shall coordinate the VSO's role in the operation.

**46.1.93** The Logistics Section Chief shall coordinate special team and equipment needs during any large-scale search and rescue/ recovery operations. Search and rescue/ recovery operations may include other agencies including but not limited to:

- Other Law Enforcement Agencies
- Fire departments
- Public Works
- Civil Air Patrol

**46.1.94** The SWAT Team and other emergency response/tactical team equipment may be utilized for high-risk rescue operations.

**46.1.95** All requests for utilization shall be through the Incident Commander.

#### **PANDEMIC SCENARIOS**

**46.1.96** Members anticipated to face occupational exposures will be considered "high risk". During a Pandemic outbreak, members in the high-risk category will have occupational exposure to potentially infectious materials. These members will include: law enforcement deputies, crime scene technicians, property/evidence technicians, and some civilian employees.

**46.1.97** The occupational actions that create the expectation of an occupational exposure to the influenza virus may include, but are not limited to the following:

- Providing first aid;
- Processing crime scenes where infected citizens are present;
- Hospitals/ Quarantine locations;
- Entering an area where the presence of body fluids can be expected;
- Gathering and handling evidence contaminated with body fluids;

- Arrest situations involving physical confrontations or other force.
- High profile/interactive contact with the public.

**46.1.98** All employees are encouraged to take universal protective steps to maintain health and minimize risk of exposure during pandemic scenarios. The Sheriff's Office will assist in providing appropriate supplies for employees while in the performance of their official duties (refer to the section below under "Protective Measures").

**46.1.99** The following pandemic periods and phases are established by the Center for Disease Control (CDC) and as announced will determine activation of the All-Hazard Plan:

#### **INTER-PANDEMIC PERIODS**

**46.1.100 Phase 1:** No new influenza virus subtypes have been detected in humans. An influenza virus subtype that has caused human infection may be present in animals. If present in animals, the risk of human infection or disease is considered to be low.

**46.1.101 Phase 2:** No new influenza virus subtypes have been detected in humans. However, a circulating animal influenza virus subtype poses a substantial risk of human disease.

**NOTE:** The distinction between **phases 1** and **2** is based on the risk of human infection or disease resulting from circulating strains in animals.

#### **PANDEMIC ALERT PERIOD**

**46.1.102 Phase 3:** Human infection(s) with a new subtype but no human-to-human spread, or at most, rare instances of spread to a close contact.

**46.1.103 Phase 4:** Small cluster(s) with limited human-to-human transmission but spread is highly localized, suggesting that the virus is not well adapted to humans.

**46.1.104 Phase 5:** Larger cluster(s) but human-to-human spread still localized, suggesting that the virus is becoming increasingly better adapted to humans but may not yet be fully transmissible (substantial pandemic risk).

**NOTE:** The distinction among **phases 3, 4, and 5** is based on an assessment of the risk of a pandemic. Various factors and their relative importance according to current scientific knowledge may be considered. Factors may include rate of transmission, geographical location and spread, severity of illness, presence of genes from human strains (if derived from an animal strain), and other scientific parameters.

#### **PANDEMIC PERIOD**

**46.1.105 Phase 6:** Increased and sustained transmission in general population.

#### **PLAN ACTIVATION**

**46.1.106** The Florida Department of Health along with the Volusia County Health Department will establish liaison with the Center for Disease Control (CDC) and give direction as to what Pandemic Phase is being entered into. Health officials will officially announce the phased alerts. In the absence of guidance from local or state health agencies, the Volusia Sheriff's Office will activate the All-Hazard Plan when the CDC announces a Phase 5 alert.

**46.1.107** Once the alert is announced, the Sheriff, or his designee, has the ability to activate one or all of the stages listed below to protect the agency employees and the community:

#### **STAGE 1 (CDC PHASE 5)**

**46.1.108** Educating agency personnel to reduce fear, rumors, and give guidance on family planning during the pandemic. Personal Protective Equipment supplies will be checked and estimates will be made if additional purchases are needed. Steps will be taken to ensure the Sheriff's Office is a "clean environment". Hand washing stations will be established at all entrances to all facilities. Custodians will be re-tasked to focus additional attention in high traffic areas, to change HVAC filters, daily wipe down of surfaces with antiseptic sprays, restrooms will be cleaned daily and trash picked up twice daily. The Sheriff or designee will meet with County officials to discuss the Continuity of Operations Plans (COOP) and the Volusia County CEMP.

#### **STAGE 2 (CDC PHASE 6)**

**46.1.109** All personnel that deal directly with the public will be issued a minimum of two N95 masks and two pairs of rubber gloves and bacterial hand wipes. Command will establish a public hand washing station outside lobby doors. The Sheriff or his designee will identify core agency functions that must be maintained during the pandemic as well as functions that can be suspended. Should the need arise, all vacations, education classes, scheduled leave requests, outside details, etc., will be cancelled and essential members/employees will transfer and work the Alpha/Bravo shift mobilization response plan until further notice. The Sheriff or his designee will identify specialty units that can no longer be effective when significant size reduction occurs. Reassignments will be made accordingly.

#### **STAGE 3 (CDC PHASE 6)**

**46.1.110** Agency wide staffing levels are at 70%. Steps are already underway to ensure actions in stage one and stage two are being completed. A liaison officer will be assigned to work with the County EOC. Personnel interacting with the public will be mandated to wear the N95 mask. The Incident Command System will be activated and will be running daily activities. An Incident Action Plan is required for every Operational Period. The IC has the authority at this phase to:

- Change call priority working with Central Communications
- Re-task deputies and administrative personnel to different duties to accomplish daily objectives.
- Limit or discontinue briefings and/or group meetings to avoid cross contamination and further reduction in personnel resources.
- Establish mandatory use of hand-washing stations before entering into a Sheriff's Office facility by all VSO personnel.
- Close District Offices and other Sheriff's Office facilities from public access.
- Deputies not assigned to a take home vehicle may be assigned a vehicle (for their use only) to avoid cross contamination that can occur during a pandemic.
- Decrease law enforcement services that would overly expose healthy personnel to the public, i.e., civilian training academies, PAL activities, Neighborhood Watch meetings, COP activities, etc.

#### **COMMUNITY RESPONSIBILITIES**

**46.1.111** Due to stresses placed upon the health care system and other critical functions, civil disturbances and breakdowns in public order may increase. Emergency call centers may be overwhelmed with calls for assistance, including requests to transport influenza victims. Local law enforcement agencies may be called upon to enforce movement restrictions or quarantines, which could divert resources from traditional law enforcement duties. To add to these challenges, law enforcement and emergency response agencies can also expect to have their uniform and support ranks reduced significantly as a result of the pandemic. As the need arises, the Law Enforcement Incident Commander will make a determination for the most effective utilization of available personnel and will disseminate this information in a timely manner as circumstances arise.

**46.1.112** **In the event of a mandatory quarantine, the US Department of Health (DoH) will have the power given by FSS 381.0011 (6) to** *"Declare, enforce, modify, and abolish quarantine of persons, animals, and premises as the circumstances indicate for controlling communicable diseases or providing protection from unsafe conditions that pose a threat to public health, except as provided in ss. 384.28 and 392.545-392.60"*. The VSO will work closely with the DoH to assist them, if requested. If at all practical, the VSO will consider using sworn deputies to assist the DoH, however such assistance may be minimal or unavailable as dictated by limited availability of manpower.

#### **GOVERNMENT ENTITIES**

**46.1.113** Procedural and operational changes occurring in agencies and offices outside of the control of the Sheriff's Office may dictate adjustments in daily operations. Such changes will be identified and communicated as quickly as possible. Examples include but are not limited to:

- Volusia County Branch Jail
- All aspects of the 7<sup>th</sup> Judicial Circuit
- Volusia County Government offices (including vehicle maintenance and facility service/repairs)
- Halifax Medical Center
- DHSMV
- FDLE
- Pre-designated Homeland Security high-risk facilities.

#### **NON-GOVERNMENTAL ENTITIES**

**46.1.114** The Volusia Sheriff's Office relies on outside non-governmental agencies to support services to the community. Some of these agencies may be unable to perform their normal services due to depletion of healthy work staff. These services should be considered during the planning by command staff. Examples include but are not limited to:

- Fuel deliveries
- Utilities
- Technology Support (vendors)

#### **MONITORING**



**46.1.115** The IC, or his designee will continually re-assess the effectiveness of deployed staffing every operational period and adjust as needed.

**46.1.116** On duty staff that has not been affected by the Pandemic shall be evaluated for signs of stress due to employee shortages and working extended hours/shifts.

#### **COMMUNICATIONS & PUBLIC INFORMATION**

**46.1.117** The Crisis Communications plan will be implemented according to the procedures herein.

#### **PROTECTIVE MEASURES**

**46.1.118** A major objective is to reduce the risk of exposure and to minimize the subsequent quarantine through appropriate protective equipment and universal precautions, including frequent hand washing with antibacterial hand wash, N95 surgical masks, and antimicrobial gloves. Risk reduction through appropriate protective equipment will help to minimize the potential number of employees in quarantine.

**46.1.119** The use of the N-95 mask will not be mandatory until so ordered by the IC. However, employees will be provided with information that will fully inform them of the protection provided by the mask as well as general instructions on the proper use and sizing of the mask in the event of an emergency contact or situation requiring the use of the mask. Examples of situations where the wearing of a mask is encouraged will be calls for service, particularly calls where confined spaces are likely to be encountered, such as a residence, apartment or home; service of arrest warrants; interviews with witnesses and suspects; crime scenes, etc. It is not possible to specify each situation that will expose the deputy to someone who is potentially contagious with the Pandemic Flu. Deputies will have to use their judgment in determining which situations will require wearing a mask.

**46.1.120** Employees will be provided information concerning the protection afforded by the use of gloves, and will be strongly encouraged to use same. The agency will provide non latex gloves for use by employees that are allergic to latex.

**46.1.121** Hand hygiene is very important in preventing the spread of the virus. Use antibacterial hand soap in the same manner as other soap. In addition to hand washing after use of restrooms, hands will be washed when protective gloves are removed and before a new pair is donned.

**46.1.122** Antibacterial hand sanitizer will be provided to all civilian personnel at the central office and each of the districts. There will be a supply of hand sanitizer staged at each District and at the main Sheriff's Office for Deputies and civilians. Civilian employees are encouraged to utilize the hand sanitizer to cleanse hands after contact with others as well as documents brought to the agency by the public. The sanitizing wipes will be used to sanitize such surfaces as telephone headsets, door knobs, desk tops, pens and other surfaces that may have been exposed to the virus unless latex gloves are utilized. There is no list of situations that employees will encounter in the performance of their duties. Employees will have to be especially aware of situations that present the possibility of exposure and govern themselves accordingly.

**46.1.123** When in doubt, use common sense and take preventative precautions and health courtesies in dealing with others.

#### **CIVIL DISTURBANCES AND MASS ARRESTS**

**46.1.124** The Volusia Sheriff's Office conducts civil disturbance operations by rapid assembly, movement to and deployment of law enforcement personnel in the objective area to assist in the restoration of law and order.

**46.1.125** Areas of operations include:

- Unincorporated Volusia County
- Municipalities within Volusia County
- Neighboring jurisdictions under mutual aid agreements

#### **RESTORATION OF LAW AND ORDER**

**46.1.126** The primary rule in the restoration of law and order is the application of minimum force. This paramount principle should control the selection of operational tasks and techniques and the choice of operations for Sheriff's Office personnel.

**46.1.127** Use of force shall be in accordance with Standards Directives 1.1, 1.2, and 1.3

**46.1.128** Only properly trained and authorized personnel shall utilize riot control agents and only under the direction of the Incident Commander.

#### **CROWD CONTROL/DISPERSAL PROCEDURES**

**46.1.129** Law enforcement protection must extend to all people.

**46.1.130** Whenever possible, local community leaders should be utilized to calm the crowd.

**46.1.131** After an order is given it must be executed to the letter of the law. Primary concern must be preservation of the public peace and protecting the life and property of citizens to ensure the basic rights of all people.

**46.1.132** If a hostile crowd is gathering, never hesitate to request assistance. In these circumstances, it is safer to overstate the number of personnel needed to restore order than to act alone or to under estimate resource needs.

**46.1.133** A show of force has a restraining effect on the crowd and will also provide the necessary manpower. Underestimating needs may result in losing control of the situation, escalating force, and requiring more assistance than would have originally been necessary to handle the incident.

**46.1.134** Establish order. Approach the more vocal individuals in a crowd; when addressing these individuals, be firm and carefully phrase commands. Do not make threats, use profanity, or become involved in an argument.

**46.1.135** Use simple language and inform these persons of the violations of the law the group is committing. Command that the violations stop and the group disperse. Allow the crowd the opportunity to withdraw by leaving an avenue of escape open.

**46.1.136** If the crowd refuses the lawful order to disperse, arrests should be made. Remember when dealing with an excited or hostile crowd, that it is a volatile and potentially dangerous situation and may require only a slight incident to turn the crowd into an unruly mob. Establishing and maintaining order are the best deterrents to mob action.

#### **RULES OF PERSONAL BEHAVIOR**

**46.1.137** Every effort should be made to avoid provoking the crowd.

**46.1.138** Deputies shall stand ground without yielding; maintain order and protect life and property.

**46.1.139** Avoid all unnecessary conversation; act with firmness and neutrality.

**46.1.140** Maintain professional presence and stance.

**46.1.141** Do not apologize for Sheriff's Office actions; grant no special privileges.

**46.1.142** Place violators under arrest.

- Do not overlook violations or defiance of lawful orders.
- Do not bluff. If a lawful order is given and not obeyed, make immediate arrests.

**46.1.143** Use reasonable force to enforce the law.

- Sufficient manpower does not mean undue force.
- Do not use excessive force as this often incites a crowd that would normally otherwise be passive or curious.

**46.1.144** Remain on the fringe of the crowd.

**46.1.145** Keep violators who have sought refuge in the crowd under observation and wait until sufficient manpower is available.

**46.1.146** Assist fellow law enforcement deputies/officers:

- Immediately assist any officer that is physically attacked; make an immediate arrest if at all possible.
- To permit such a person to escape will encourage others to assault or attempt to overpower other officers.

#### **MASS ARREST PROCEDURES**

**46.1.147** The theory of establishing a perimeter around the affected area and withdrawing law enforcement officers from the interior is contrary to the responsibility of maintaining the peace. When arrests become necessary, they shall be done quickly and directed at the leaders of a group.

**46.1.148** Upon becoming aware of an imminent mass arrest situation, the IC shall ensure sufficient field manpower is gathered before the enforcement action is taken at the scene.

**46.1.149** Forces shall be committed only when they are sufficiently strong to overwhelm the rioters swiftly and decisively.

**46.1.150** Riot personnel shall remain together; individual deputies will not pursue a subject into a crowd or group.

**46.1.151** The IC will designate Arrest Teams. Arrestees will be removed immediately from the scene by arrest teams and taken to the field-processing center.

#### **CHEMICAL AGENTS**

**46.1.152** Factors to be considered before utilizing chemical agents include:

- Wind conditions

- Direction the crowd should be moved
- Type of area the group members might disperse into
- If said dispersal will expose innocent residents and businesses to vandalism, destruction, and/or danger.
- What effects the chemicals will have on innocent persons, merchandise, supplies, materials, and property of innocent persons in the affected area.

## **SNIPER FIRE**

**46.1.153** When possible, protection against sniper fire should be provided by assigning one or more Deputies to observation posts in a high position above the affected area.

**46.1.154** Observers can also provide valuable information to the IC or Operations Chief.

## **RIOT EQUIPMENT**

**46.1.155** Riot helmets, shields and batons are maintained by Law Enforcement Services Division and are distributed when needed to those Deputies who have received training in their use.

**46.1.156** The current model issued with the PPE equipment is the 3M, M-7800 and has a weight of 9 pounds. All training will be based on this model.

**46.1.157** Only Deputies meeting the guidelines set forth in 41.18, Respiratory Protection Plan will be utilized in situations requiring protective respirators.

**46.1.158** The SWAT Team maintains Two (2) 37 mm CS gun and projectiles.

## **PROCESSING**

**46.1.159** The IC shall have authority to request assistance from the Department of Corrections and set up a temporary processing center.

**46.1.160** The Department of Corrections Director, or his designee, shall establish procedures for the receipt, confinement, processing, and identification of all arrestees.

**46.1.161** The Department of Corrections personnel shall be responsible for security at the prisoner processing area.

**46.1.162** When possible, Arrest Teams Deputies will complete the necessary paperwork and depending on the location of the processing site, transfer arrestees to an available prisoner transport unit or walk the arrestee to the processing site.

**46.1.163** The arresting Deputy shall be photographed and video taped with each arrestee. B.A.T. personnel will provide the video (with sound) recording.

**46.1.164** A control number shall be assigned to each individual arrestee. This control number shall be reflected on all associated paperwork and photographs.

**46.1.165** The arresting Deputy shall conduct a search of the arrestee for weapons and/or contraband and evidence.

**46.1.166** Arrest Team members shall return to duty as quickly as possible.

**46.1.167** Persons not taken into custody will be afforded an escape route by which they can leave the area by foot or vehicle.

**46.1.168** Defense counsel visits at the processing site are rare occurrences. Normally, arrestees are detained at the processing site for a short period of time before being transported to the County Correctional facility. However, if an arrestee's attorney requests a visit while the arrest is at the processing site, the Liaison Officer/Legal Advisor shall coordinate the arrangements for such a visit, when possible.

## **EVIDENCE**

**46.1.169** Evidence shall be placed in an evidence bag, sealed and a chain-of-custody initiated and maintained at the processing site or prisoner transport unit.

**46.1.170** An evidence technician will be present at the central processing area. He/she will receive, login and maintain all evidence collected by Deputies during the incident.

**46.1.171** Prisoner's personal property shall be placed in a property bag. The prisoner's name, case number and the Deputy's name will be written on the bag and transferred with the prisoner via the transport unit, if applicable.

## **JUVENILE OFFENDERS**

**46.1.172** It is the policy of the VSO to use the least coercive reasonable alternatives when dealing with juveniles, but consistent with the preservation of public safety, order and individual liberty.

**46.1.173** All juveniles who are arrested and detained will be treated in accordance with Chapter 985, Florida Statutes and Standards Directives in Chapter 44.

**46.1.174** In emergency mass arrest situations, the Sheriff may require intake officers to respond to a designated staging area set up for processing juvenile offenders.

#### **HANDLING OF THE INJURED**

**46.1.175** Fire Services or EVAC personnel shall examine any person injured during the course of being arrested on a timely basis dictated by the seriousness of the injury.

**46.1.176** Evaluation of injured arrestees shall be conducted at the prisoner processing area.

**46.1.177** Evaluation and treatment of injured law enforcement personnel and innocent civilians shall be conducted separate from the prisoner processing area, as established by the IC and or IC Team (ICT).

**46.1.178** Injured persons requiring care beyond the scope of those medical personnel on scene shall be transported to the nearest hospital, or hospital so designated by the ICT. Aviation units will be on scene for air medi-vac of individuals requiring immediate life saving measures.

**46.1.179** Designated Sheriff's Office personnel will be responsible for providing security for injured arrestees who are admitted to the hospital or while in the emergency room.

#### **DEMOBILIZATION**

**46.1.180** Deputies will be assigned specific areas of responsibility with instructions to check persons who have no legitimate reason for being in the area.

**46.1.181** If a state of emergency has been declared, these persons will be directed to leave the area and Deputies will record the contact utilizing filed contact cards and photographs.

**46.1.182** Deputies shall strictly enforce laws protecting the lives and property of those within the affected area.

**46.1.183** The IC or ICT will take immediate steps to prevent reoccurrence, or re-escalation.

#### **USE OF EMERGENCY TACTICAL TEAMS**

**46.1.184** The VSO maintains the following Emergency Response Teams:

- SWAT;
- The Crisis Negotiation Team;
- The Bomb Disposal Team.

**46.1.185** When activated, it is the responsibility of each respective tactical team leader to coordinate all tactical activities with the Incident Commander and in accordance with ICS protocols. (CALEA 46.2.1 b)

#### **SPECIALIZED VEHICLES**

**46.1.186** A variety of specialized use vehicles are available for use by those respective units activated during critical incidents and/or special operations. While the Incident Commander may activate and coordinate a particular unit or tactical team based on need, the responsibility for operating and maintaining operational readiness of the vehicle(s) remains with the respective Unit/Team Supervisor in accordance with Standards Directive 41.15, Special Purpose Vehicles. These special purpose vehicles include the following:

##### **MOTORCYCLES**

**46.1.187** Motorcycle units may be used in a variety of situations, including but not limited to, rapid deployment in vehicular or pedestrian congestion, escort services, and message delivery.

##### **PRISONER TRANSPORT VANS**

**46.1.188** The Court Services Section maintains prisoner transport (mass arrest) vehicles that may be used for evacuation, prisoner transport, transport of VSO personnel, supplies and equipment.

##### **BOATS**

**46.1.189** The Special Services Section maintains emergency equipped boats, which may be utilized as directed.

##### **AVIATION**

**46.1.190** The Aviation Unit utilizes helicopters to provide aerial observation and support in areas such as damage assessment, medi-vac transport, search and rescue, fire command and fire fighting.

##### **FOUR WHEEL DRIVES**

**46.1.191** The VSO has four-wheel-drive vehicles that may be employed to transport equipment and personnel in rough terrain or high water situations.

#### **ARMORED VEHICLE**

**46.1.192** The armored vehicle may be used in high-risk situations, including but not limited to, rescue operations, inner perimeter riot transportation and the transportation of SWAT Team personnel and equipment.

#### **SWAT VAN**

**46.1.193** The SWAT van has the necessary communications equipment and may be employed in emergency situations as a mobile field command post, or to transport personnel and equipment.

#### **MOBILE COMMAND CENTER**

**46.1.194** The mobile command center is equipped with the necessary equipment to set up and man a command post.

#### **CANINE VEHICLES**

**46.1.195** The VSO maintains separate transportation units for building search and crowd control K-9 dogs.

### **SPECIAL OPERATIONS**

#### **EMERGENCY DEPLOYMENT COORDINATION (CALEA 46.2.1 c)**

**46.1.196** In order to alleviate misunderstandings and provide for officer safety, as well as ensure the success of special operations, the commanders of all operational units likely to be affected should be informed of special operations and use of any tactical teams. (CALEA 46.2.1 c)

**46.1.197** The dissemination of information regarding special operations should be on a "need to know" basis; however, this reasoning should not be used to withhold information from units or personnel when it may adversely affect the safety of personnel or success of the operation or lead to misunderstandings that may jeopardize the VSO's integrated operational readiness.

**46.1.198** In cases involving the emergency response of special operational units, the commanders of all other operational components that may be affected shall be kept informed of the situation. These components include, but are not limited to:

- Major Case;
- Law Enforcement Operations;
- Communications;
- Community Relations;
- Public Information Officer.

**46.1.199** Commanders of the respective components shall disseminate the information regarding the operation on a "need to know" basis. Consideration should be given, but is not limited to:

- The assistance requested;
- The effect on the emergency response of zone Deputies to calls unrelated to the operation, i.e., detours, use of siren, areas to avoid or concentrate on;
- The need for prisoner transport or holdover for duty.

#### **NON-EMERGENCY DEPLOYMENT COORDINATION**

**46.1.200** Normally, Special Investigations or Detectives conduct undercover stakeouts/surveillance; however, the SWAT Team will be utilized in those situations that present a high risk. (CALEA 46.2.1 c)

**46.1.201** Commanders of components that may be affected by special operations shall be informed of such operations and involved in the tactical planning phases. These operations include, but are not limited to: (CALEA 46.2.1 c)

Undercover operations;  
Surveillance/stake-outs;  
The service of arrest warrants on dangerous persons;  
The execution of search warrants.

**46.1.202** It shall be the responsibility of the Commander of the special operation to inform the affected component commanders of the operation, preferably involving operational unit commanders in the planning.

**46.1.203** All units or personnel whose actions may have an effect on the safety or success of the operation shall be briefed on the operation. (CALEA 46.2.1 c)

## **ROLL-CALL BRIEFINGS (CALEA 46.2.1 C)**

**46.1.204** Whenever feasible, a representative of the component conducting the operation should attend the briefing in the District where the operation is to take place. The intent is to alleviate potential misunderstandings that may arise.

**46.1.205** Discretion should be used in disseminating information to operational components that might jeopardize the tactical operation; however, normal street narcotic operations, warrant service and other operations should involve the zone units in some manner.

## **BOMB THREATS AND EXPLOSIVE/INCENDIARY DEVICES**

**46.1.206** The VSO maintains a well equipped and professionally trained Bomb Disposal Team. The VSO will procure assistance or render aid and equipment, as needed, to other bomb technicians in accordance with mutual aid agreements.

**46.1.207** When the Communications Section receives a bomb threat, the person receiving such call shall gather and record as much intelligence information as possible, in accordance with established procedures outlined in the Communications Call handling Guide.

**46.1.208** The Communications Supervisor shall ensure the appropriate District Law Enforcement Operations Supervisor is advised of all available information by telephone.

**46.1.209** The Communications Supervisor shall ensure that attempts to notify the target of the threat have been made.

**46.1.210** If possible, a contact person should be identified and relayed to the supervisor.

**46.1.211** The dispatched Deputy shall evaluate the threat and if needed request a supervisor.

**46.1.212** Deputies assigned to respond to the targeted area shall advise communications, via radio of the response to a special detail.

**46.1.213** All radio and cellular phone communications shall be discontinued within 1000 feet of the threatened area.

**46.1.214** Responding Deputies should: (CALEA 46.2.1 a)

- Contact a representative of the targeted area
- If necessary, establish a command post with telephone communications;
- Determine if evacuation is necessary; if there is no suspicious package or device, the facility manager or representative should be advised and shall normally make the determination to evacuate or not
- Evacuate suspected areas of the facility to be searched prior to search by Explosive K-9
- Ensure there is be one certified Bomb Technician on scene in the event the Explosive K-9 handler requires assistance.
- Conduct a search of the targeted area, assisted by individuals familiar with the business or facility.
- Consideration should be given to detonation times.

**46.1.215** If no explosive device is located, the decision to return persons to the area shall normally be the responsibility of the facility management.

**46.1.216** If a destructive device or suspect object is discovered, the area will be evacuated for a minimum of 1000 feet and no personnel shall be allowed within the evacuated area, without the expressed permission of the Bomb Disposal Team Leader.

**46.1.217** The Deputy shall notify communications by telephone and request a supervisor and fire department. (CALEA 46.2.1 a)

**46.1.218** The supervisor shall respond to the scene, notify the Watch Commander if at night or a weekend or the District Commander during duty hours. The supervisor will assume incident command until relieved by higher authority. (CALEA 46.2.1 a)

**46.1.219** The Incident Commander shall have overall command responsibility in all phases of an operation and follow the ICS protocols within this plan; however, all tactical decisions relating to the actual bomb disposal and inner perimeter shall be the responsibility of the Bomb Disposal Team Leader. (CALEA 46.2.1 a,b)

## **BOMB DISPOSAL TEAM**

**46.1.220** The Bomb Disposal Team Leader shall be responsible for all activities within the evacuated area, until the device is rendered safe, including but not limited to:

- The identification of suspected materials;
- Rendering the device safe;

- The transport and disposal of dangerous or potentially dangerous explosive or incendiary materials by utilizing the VSO bomb trailer. Hazardous materials shall be conducted in conjunction with the Hazardous Materials Team;
- Determining if the area is safe for post blast or post disposal investigations and advising the Incident Commander.

**46.1.221** Bomb Technicians shall be readily available to respond to emergency situations, in accordance with established *Hazardous Device Team* Standard Operating Procedures., on and off-duty.

**46.1.222** Each technician shall be accessible via pagers, telephone or radio on a twenty-four hour basis.

**46.1.223** Bomb technicians will advise the Team leader of circumstances that would inhibit response, i.e., vacation, injury or illness.

**46.1.224** "Off-duty" members ordered to the scene will respond to the designated area promptly, utilizing emergency equipment as required or as conditions permit.

**46.1.225** In the event of fire or explosion, the fire department shall assume command within the inner perimeter until the immediate danger has passed.

**46.1.226** There shall be a minimum of three certified Bomb Technicians responding to actual/suspected explosive device calls for service, when it is anticipated that full dress out, X-Ray, PAN disputation and render safe procedures will be necessary.

**46.1.227** This may be accomplished in accordance with mutual aid agreements.

**46.1.228** The Bomb Disposal Team shall be equipped or have access to all equipment necessary to fulfill the disposal function.

**46.1.229** The selection of bomb technicians shall be within guidelines set by the International Association of Bomb Technicians and Detectives. (CALEA 46.2.2)

**46.1.230** All necessary equipment and vehicles are maintained by and under the control of the Law Enforcement Operations Division.

## **HOSTAGE/ BARRICADED SUBJECTS**

**46.1.231** An attempt should be made by the responding Deputy(s) or supervisor to allow the suspect(s) to surrender prior to calling out a negotiator or SWAT Team. If attempts are unsuccessful, the first Deputy on the scene should follow ICS protocols and: (CALEA 46.2.1 a)

- Assess the situation and render assistance to any injured persons, if possible.
- Request a cleared radio channel and backup based on the initial assessment.
- Confine the perpetrator(s) to the immediate area.
- Request communications notify the Deputy's immediate supervisor of the situation.
- Secure the area and arrange for the evacuation of the injured, if possible.
- Designate a secure area for an initial command post, and advise communications of areas or streets that may be unsafe for responding personnel. The location for the command post should be out of the offender's line of sight and fire.
- Request emergency personnel as needed and direct the personnel to a safe area.
- Refer or escort persons having pertinent information to the command post for debriefing.

### **FIRST SUPERVISOR ON THE SCENE (CALEA 46.2.1 A)**

**46.1.232** Following ICS protocols, the first supervisor on the scene should:

- Assess the situation and ensure the responsibilities of the first Deputy on the scene have been executed.
- Request Communications notify the appropriate District Commander or Watch Commander, as applicable.
- Ensure that all law enforcement personnel at the scene are aware that the safety of VSO personnel, hostages and citizens in the area is the primary concern, and stress the necessity of maintaining firearms discipline.
- Designate an alternate mobilization point for responding personnel if needed.
- Determine and, if necessary, commence the evacuation of bystanders and residents of the area.

- Ensure an inner and outer perimeter has been secured.
- Deploy additional personnel as they respond.
- Relay information to communications with a status report regarding deployment of personnel.
- Provide a complete status report to responding VSO Commanders.
- Appoint one Deputy as the recorder of all events in chronological order.
- Designate an assembly area for the press.
- Maintain the outer perimeter, crowd control and support functions until the arrival of the Incident Commander.

**46.1.233** The supervisor shall gather intelligence information regarding:

- The location of the suspect(s);
- Type of weapons available to the suspect;
- Identification of the suspect, including physical description, mental state, and physical condition;
- What crime has been committed;
- Physical descriptions of any hostages and their physical and mental states.

**46.1.234** After receiving a request for deployment of the SWAT Team, the team leader will evaluate the tactical situation and:

- Determine the manpower and equipment needed for the initial call-out.
- Designate a primary and secondary driver to respond with special purpose vehicles.
- Develop and implement tactics for the apprehension of a captor, sniper or barricaded gunman, the rescue of injured or captive persons.
- Consult with the Incident Commander on the most effective method of containment and the successful conclusion of the situation.
- Ensure the establishment of inner and outer perimeters meets the tactical needs of the operation.
- Coordinate all access within the inner perimeter.
- Maintain communications with the Crisis Negotiations Team Leader and coordinate situational intelligence.
- Ensure SWAT is strategically deployed to provide for the safety of hostages, VSO personnel, VIP's and citizens.
- Consult with the Incident Commander in regards to the use of force and deployment of chemical agents.

**46.1.235** The SWAT Team Leader shall be authorized to employ the degree of force and the deployment of chemical weapons necessary to neutralize the situation. The Sheriff and/or his designee must authorize the use and/or delivery of chemical agents into a structure/residence.

## **SWAT TEAM MEMBERS**

**46.1.236** During emergency situations "on-duty" team members shall advise their immediate supervisor, then respond to the scene. "Off-duty" members ordered to the scene will respond to the designated area promptly, utilizing emergency equipment as required or as conditions permit and shall be under the command of the SWAT Team Leader.

**46.1.237** SWAT Team members may be utilized as mobile reserves to assist VSO units during various critical incidents including riots, natural disasters, surveillance, VIP protection, the execution of search warrants, tactical situations involving snipers, barricaded gunman, hostages, or any high risk incident.

**46.1.238** SWAT Team members shall:

- Provide and deploy personnel for special problems that may be beyond the capabilities of a particular VSO component.
- Provide perimeter security for visiting dignitaries and other officials when necessary.
- Establish inner and outer perimeter lines and control ingress and egress of the inner perimeter in tactical situations.
- Man chase/surveillance vehicles should a tactical situation become mobile



- Conduct studies and compile intelligence information for the effective deployment of manpower during tactical situations.
- Test and evaluate new equipment that may be utilized in a particular tactical situation.
- Maintain a proficient knowledge of every team position.

#### **CRISIS NEGOTIATIONS TEAM**

**46.1.239** Negotiators are not authorized to negotiate to give any weapon to the suspect(s).

**46.1.240** Negotiators may arrange for food, comforts, and contact with other persons.

**46.1.241** Concessions will require approval by the Team Leader.

**46.1.242** Relocation is not authorized, unless a tactical advantage may be gained and with the approval of the Incident Commander in coordination with the SWAT Team Leader.

**46.1.243** Negotiators shall not negotiate to exchange hostages for other persons. This does not preclude the use of armed SWAT personnel for tactical operations.

**46.1.244** Negotiators shall be armed at all times.

#### **CRISIS NEGOTIATIONS TEAM LEADER**

**46.1.245** After receiving a call for assistance the crisis negotiations team leader will:

- Evaluate the situation and determine the call-out response needed.
- Notify the Communications Center of the personnel to be contacted.
- Act as advisor to the Incident Commander, relating to the capabilities, resources and progress of the negotiation team.
- Determine the best method of establishing contact with and conducting negotiations with the suspect(s).
- Direct other members of the crisis negotiations team in negotiation strategies and intelligence gathering activities.
- Maintain direct communications with the SWAT Team Leader to ensure effective coordination of intelligence information.
- Directly consult with the Incident Commander regarding evaluations of the situation as they relate to negotiations.
- Consult directly with the Incident Commander regarding demands made by suspect(s).

#### **CRISIS NEGOTIATION TEAM MEMBERS**

**46.1.246** Crisis negotiation team members shall:

- Assist VSO components by establishing and conducting negotiations in situations involving snipers, barricaded gunman, hostages, or any other unusual situations requiring negotiations.
- Conduct intelligence-gathering activities on suspects or hostages.
- Gather intelligence and information on potential negotiations targets, as directed by the team leader.

#### **INTELLIGENCE UNIT MEMBERS**

**46.1.247** Intelligence Unit members may:

- Be assigned and organized under the Incident Commander, Operations Chief, or Planning Chief depending on the needs of the operation.
- Be deployed in advance of a planned event to assess the threat of violence or other hazards.
- Be deployed during an event to provide the Incident Commander or Unified Command with movements and activities of threat groups.

#### **SPECIAL EVENTS (CALEA 46.2.7)**

**46.1.248** The VSO shall develop a written plan for handling each individual special event, which includes delineating responsibilities, planning for crowds, traffic, logistical requirements and the crime problems often associated with the events.

These plans shall also establish procedures for the coordination of the VSO functions with agencies with concurrent jurisdictions and shall follow ICS protocols.

**46.1.249** The Law Enforcement Operations Division Chief is responsible for planning and coordinating services for special events. (CALEA 46.2.7)

**46.1.250** The Law Enforcement Operations Division Chief shall be responsible for coordinating inter-departmental and concurrent jurisdictional functions and the procurement, distribution, maintenance and replacement of equipment and personnel used during special events. (CALEA 46.2.7)

**46.1.251** Prior to each specialized event the Law Enforcement Operations Division Chief shall address the following: (CALEA 46.2.7)

- Strategic and tactical objectives;
- Anticipated activity factors;
- Estimated crime escalation projections;
- Written traffic and crowd estimates to include contingency plans for traffic control and traffic direction changes;
- Logistical requirements;
- Coordination inside and outside the agency to include review of reciprocal agreements with concurrent jurisdictions;
- Projected expenditures;
- The utilization of specialized units, i.e., bomb technicians, SWAT, motorcycle units, aviation;
- An explicitly designated chain of command for the operation, including the use of specialized units.

**46.1.252** The Law Enforcement Operations Division Chief shall ensure an after action report is completed on each event upon completion of the event. (CALEA 46.2.7)

## ATTACHMENTS

**Attachment A: Unified Command Structure Illustration**

**Attachment B: ICS 201, Incident Briefing**

**Attachment C: ICS 202, Incident Objectives**

**Attachment D: ICS 203, Organizational Assignment List**

**Attachment E: ICS 204, Division Assignment List**

**Attachment F: ICS 205, Incident Radio Communications Plan**

**Attachment G: ICS 206, Medical Plan**

**Attachment H: ICS 218, Support Vehicle Inventory**

**Attachment I: ICS 220, Air Operations Summary**

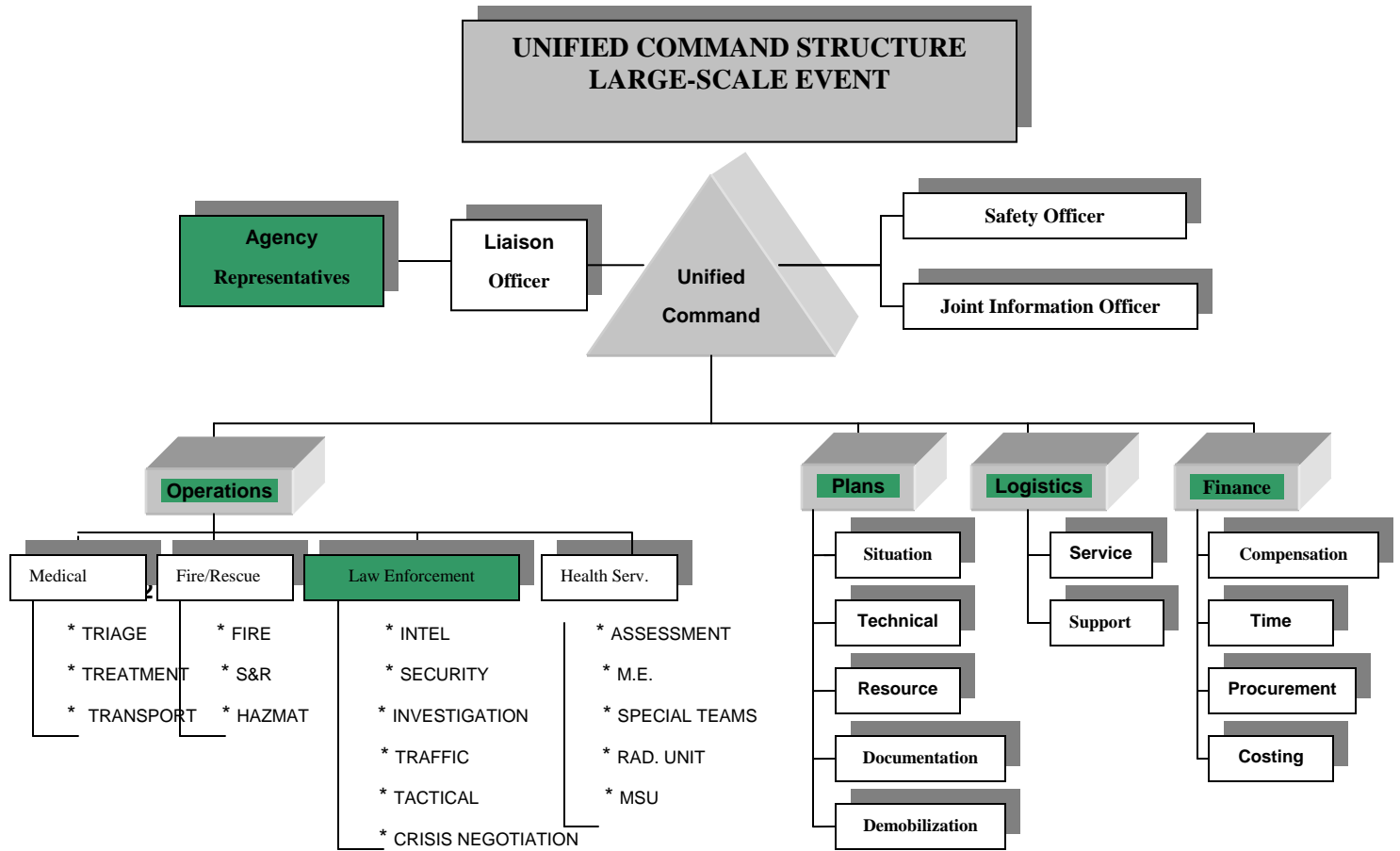
Revised by: 2267

Revised on: 04-2019

Approved:



**Michael J. Chitwood**  
**Sheriff, Volusia County**





Volusia County Sheriff's Office

## VCSO Incident Briefing

1. Incident Name / Case #

2. Date

3. Time

4. Map Sketch

5. Current Organization

Page 1 of

Prepared by (Name and Position)

## 6. Resource Summary

[illegible]

## 7. Summary of Current Actions

Page 2 of



Volusia County Sheriff's Office

## VCISO Incident Objectives

1. Incident Name /Case #	2. Date	3. Time
4. Operational Period		
5. General Control Objectives for the Incident (Include Alternatives)		
6. Weather Forecast for Period		
7. General Safety Message		
8. Attachments (Mark if Attached)		
<input type="checkbox"/> Organizational List	<input type="checkbox"/> Medical Plan	<input type="checkbox"/> (Other)
<input type="checkbox"/> Div. Assignment Lists	<input type="checkbox"/> Incident Map	<input type="checkbox"/>
<input type="checkbox"/> Communications Plan	<input type="checkbox"/> Traffic Plan	<input type="checkbox"/>
9. Prepared by	10. Approved by (Incident Commander)	



1. Incident Name / Case #

### 3. Tracking Number

## 5. Incident Commander and Staff

## 6. Agency Representative

Name

## Training

Ground Support Unit

Prepared by (Resources Unit Leader)



## 1. Branch

3. Incident Name / Case #

#### 4. Operational Period

Date:

Time:

Operations Chief

Branch Director

Rank

Name

DID

Start Time

End Time

## 7. Control Operations

## 8. Special Instructions

## 9. Division / Group Communications Summary

Function

## Talk Group

Channel

Function

## Talk Group

Channel

Command

## Logistics

Tactical  
Div / Group

Air to  
Ground





Volusia County Sheriff's Office

## VCSO Incident Radio Communications Plan

1. Incident Name / Case #

2. FEMA Tracking Number

3. Operational Period Date/Time

### 4. Basic Radio Channel Utilization

Radio Talk Group	Channel	Function	Assignment	Remarks

5. Prepared by



Volusia County Sheriff's Office

<b>VCSO Medical Plan</b>		1. Incident Name / Case #	2. Date Prepared
		4. Operational Period	
3. FEMA Tracking Number			
<b>5. Incident Medical Aid Station</b>			

Medical Aid Stations	Locations	Paramedics	
		Yes	No

<b>6. Transportation</b>
--------------------------

<b>A. Ambulance Services</b>
------------------------------

Name	Address	Phone	Paramedics	
			Yes	No

<b>B. Incident Ambulance</b>
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Name	Location	Paramedics	
		Yes	No

VCSO Medical Plan ( continued )		1. Incident Name / Case #
------------------------------------	--	---------------------------

7. Hospitals
--------------

Name	Address	Travel Time		Phone	Helipad		Burn Center	
		Air	Ground		Yes	No	Yes	No

8. Medical Emergency Procedures
---------------------------------


9. Prepared by	10. Reviewed by
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Volusia County Sheriff's Office

# VCISO Support Vehicle Inventory

(Use Separate Sheet for Each Vehicle Category)

1. Incident Name / Case #	2. Date Prepared	3. FEMA Tracking Number
---------------------------	------------------	-------------------------

Vehicle Category: ☐ Command Trailer ☐ Vehicle ☐ Motorcycle  
☐ SWAT ☐ ATV ☐ Boat ☐ Other \_\_\_\_\_

## 4. Vehicle / Equipment Information

Rank	Name	Vehicle Type	Vehicle Make	Property #	Agency / Owner	Vehicle License Rig Number	Mileage Out	Mileage In

Page ____ of ____	5. Prepared by
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Volusia County Sheriff's Office

# VCSSO Air Operations Summary

1. Incident Name / Case #	2. Helibases Fixed Wing Bases	3. FEMA Tracking Number
---------------------------	----------------------------------	-------------------------

4. Personnel and Communications	Name	Air/Air Frequency	Air/Ground Frequency	5. Remarks (Spec. Instructions, Safety Notes, Hazards, Priorities)
Air Operations Supervisor				
Air One Pilot				
Air One Medic				
Other				

6. Location / Function	7. Assignment	8. Fixed Wing		9. Helicopters		10. Hours		11. Aircraft Assigned	12. Operating Base
		No.	Type	No.	Type	Beginning	End		

13. Totals									
14. Air Operations Support Equipment				15. Prepared by					



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: PROTECTIVE SERVICES PLAN**

**CODIFIED: 46.2**

**EFFECTIVE: 10-2007**

**RESCINDS/AMENDS: 46.6/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to delineate and define the Department's Protective Services Plan.

**DISCUSSION**

It is important for the Department to have a plan for providing a measure of security to visiting dignitaries, political figures, famous personalities, notorious persons and other citizens in need of special security.

**POLICY**

It shall be the policy of the Department to cooperate and coordinate operations with the U.S. Secret Service and other law enforcement agencies involved in VIP protection. It shall further be the policy of the Department to afford increased security to those persons in need of special protective security.

**PROCEDURE**

**46.2.1** All special protective services operations will be under the administrative command of the Law Enforcement Services Division. All SWAT operations will be under the command of the Support Services Division Commander.

**46.2.2** Requests for special protective services will be directed to the Law Enforcement Services Commander. SWAT requests will be coordinated with the Support Services Division Commander.

**46.2.3** The SWAT Team Leader shall be responsible for the supervision and coordination of tactical protective services operations. This includes

- The coordination with representatives of those requiring the protective services and any other personnel within or outside the agency;
- Equipment or body armor needs;
- The assignment of private security personnel;
- Providing instructions for travel routes and alternative routes;
- Arranging for the appropriate weapons, equipment, vehicles and SWAT personnel;
- Arrangement for protective vests for VIP's and Security Officers;
- The advance planning, inspection and evaluation of sites and facilities to be used;
- The coordination with the Department's Intelligence Unit and other intelligence sources for advanced planning.

**46.2.4** The Law Enforcement Services Division Commander shall be responsible for the coordination of support activities by Department personnel and other agencies. This includes but is not limited to: (CALEA 46.2.6)

- Fire, rescue, ambulance and medical facilities;
- Communications;
- Additional personnel requirements.
- Ensuring that all assigned personnel are identifiable by security pin or badge or other means deemed appropriate.

**TRAINING**

**46.2.5** The SWAT Team Leader shall coordinate training needs with the VCSO Training Section to ensure those personnel assigned to protection services are adequately trained.

## **SPECIAL EQUIPMENT**

**46.2.6** Each member of the SWAT Team shall be responsible for the routine maintenance of issued equipment, including but not limited to; weapons, communications equipment, protective vests, clothing and ballistic helmet.

**46.2.7** Weapons utilized by team members shall be issued by the Department and designated by the team leader. Standard issued weapons include:

- Glock handgun;
- Heckler and Koch MP5 9mm rifle;
- .308 sniper rifle;
- 12 gauge shotgun;
- .223 Colt Commando M-4
- .223 Colt Commando M-16 A2

**46.2.8** Tactical munitions may be used as an alternative to deadly force. These munitions shall be used only by members trained in the use and delivery. These munitions include, but are not limited to:

- Chemical agents;
- Diversionary devices.

**46.2.9** The SWAT Team leader shall designate the uniform to be worn, types of uniforms include:

- Long sleeve camouflage fatigues;
- Long sleeve green fatigues;
- Military type combat or jungle boots;
- A black ball-cap with a subdued five point star above the bill;
- Specialized SWAT Team vehicles will be stored at the aviation hangar and include a communications vehicle and an armored truck.

**46.2.10** The team leader shall designate a primary and secondary driver to respond with the vehicles.

**46.2.11** The SWAT Team is a volunteer unit. Its members and negotiation personnel will be selected as outlined in Departmental Standards Directive 16.4.

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**Revised by:** 2221/6760

**Revised on:** 10-16-2007

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: ACTIVE SHOOTER/ KILLER:  
IMMEDIATE ACTION RAPID  
DEPLOYMENT**

**CODIFIED: 46.3**

**EFFECTIVE: 09-2019**

**RESCINDS/AMENDS: 46.3/07-2017**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this directive is to establish guidelines for responding to incidents involving an active shooter/killer(s) in order to quickly and effectively resolve such incidents in a manner that will protect human life and prevent injury.

**DISCUSSION**

The active shooter/killer concept represents a shift in traditional patrol response; equipment needs, and command protocol. These situations require the initial deputies arriving on the scene to have the authority and the capability to **take immediate action** without waiting for command staff or for the arrival of specialty units such as SWAT, Crisis Negotiators, etc.

Traditionally, most law enforcement scenarios consist of patrol personnel securing a perimeter and containing the suspect prior to the arrival of tactical teams. This approach provides time for the tactical team to deploy their personnel and resources without serious concern of suspect escape; once the incident has been isolated, time enables patrol and/or tactical personnel to formulate a structured and deliberate plan.

However, active threat scenarios require immediate action and rapid deployment of patrol personnel prior to the arrival of the tactical team(s). In these cases, a delayed deployment could have catastrophic consequences. The tragic incidents experienced across the country suggest that the typical police response involving containment, isolation, and negotiation may not be adequate in cases of an active shooter/killer(s). Unlike most criminals, active shooters/killers are likely to continue to use deadly physical force until intervention occurs or until the shooter/killer decides to stop. The motives for these behaviors can range from rage or vengeance, to mental dysfunction, to acts of terrorism.

Sworn members responding to active shooter/killer incidents shall protect the life of innocent persons through any legal means at their disposal in order to swiftly find the active shooter/killer(s) and stop them. Those means may include arrest, containment, or the application of deadly physical force. The time frame for the use of deadly physical force against the shooter/killer continues until the suspect(s) discards his weapons and surrenders, or is incapacitated/neutralized. In such scenarios, the prioritization of activities in order of importance shall be:

- Stop the active shooter/killer
- Rescue the victims
- Provide medical assistance
- Preserve the crime scene

While it is important to provide first aid to the wounded, it is law enforcement's public safety duty to first protect lives by stopping the actions of the active shooter/killer engaged in the continuing criminal episode.

**POLICY**

The Volusia Sheriff's Office recognizes that an active shooter/killer must be stopped quickly before he/she can take any more innocent lives. To ensure that swift response, tactics and immediate intervention be taken, it shall be the policy of the Volusia Sheriff's Office, to provide training in specific tactics and allow initial responding deputies the authority and responsibility to take immediate action to neutralize active shooter/killer incidents. During immediate action, and at the safest point, the deputy will advise a supervisor of his/her progress. It shall further be understood that **Immediate**



**Action Rapid Deployment tactics are not a substitute for conventional response tactics to barricaded subjects, hostage situations or building searches.** Overall incident management will follow ICS protocols, as provided in Standards Directive 46.1 All-Hazard Plan.

## DEFINITIONS

### ACTIVE SHOOTER/ KILLER:

An active shooter/killer is an armed person(s) who is participating, or is likely to participate in a random or systematic shooting/killing incident, demonstrating their intent to begin or continuously inflict death or serious bodily injury on people, their specific objective appearing to be that of spree murder or acts of terrorism, rather than that of other forcible felonies such as robbery, hostage taking, etc.

### IMMEDIATE ACTION RAPID DEPLOYMENT:

Immediate Action Rapid Deployment is the swift and immediate deployment of law enforcement resources to on-going, life-threatening situations where delayed deployment could otherwise result in death or great bodily injury to innocent persons. Deputies should keep in mind the following principles, if immediate intervention is necessary:

- **Speed** – the quicker the suspect is discovered and stopped, the greater the opportunity to prevent the loss of innocent life.
- **Surprise** – through proper tactics, speed, and the use of available tools, an element of surprise can be achieved.
- **Forcefulness of Action** – the use of whatever force is necessary to stop the harming of innocent persons.

### ENTRY TEAM:

The first responding deputy/deputies (individual action may be necessary) shall form an entry team (when possible) and go in immediate pursuit of the active shooter/killer. Their focus shall be to make direct contact with the active shooter/killer(s) as soon as possible and stop them by containment, physical arrest or use of deadly physical force. The deputy and/or team may be subject to 360-degree vulnerability and will not perform a thorough building clearance, unless the shooter/killer's location is unknown. They will pass by victims or harmless distractions. The location of victims shall be communicated to the rescue team.

### RESCUE TEAM:

The second set of responding deputies arriving on scene shall form a rescue team, if not needed to neutralize the subject, which will locate and remove injured victims and direct those uninjured persons out of the building. Rescue team members should remember that uninjured persons may be in shock or paralyzed with fear, and may not respond to regular verbal commands. Rescue team members are to remain constantly vigilant as the dynamics of the incident may place them in direct contact with the suspect(s). They may be subject to 360-degree circumspect vulnerability.

### SUPPRESSIVE FIRE:

Cover fire towards the active shooter/killer to prevent, curtail, or reduce the intensity or severity of the situation. Suppressive fire may be necessary, especially if the active shooter/killer has gained the advantage by height or by barricade. It is only to be used as long as it appears that no innocent persons are in the line of fire.

### DIRECT TO THREAT:

The direct-to-threat principle is based upon immediately identifying the location of the threat(s) and traveling directly to said location for the purpose of eliminating the possibility of continued violence.

## PROCEDURES

### CHARACTERISTICS OF AN ACTIVE SHOOTER/ KILLER

**46.3.1** The following is a list of characteristics commonly associated with active shooter/killer suspects. While the list is compiled from descriptions of past active shooters/killers experienced throughout the nation, it is not meant to be a comprehensive list describing all active shooters/killers (each active shooter/killer situation is unique):

- Active shooter/killers usually focus on assaulting persons with whom they come into contact. Their intention is usually an expression of hatred or rage rather than the commission of a crime.
- An active shooter/killer is likely to engage more than one target. Active shooter/killers may be intent on killing a number of people as quickly as possible.

- Generally, the first indication of the presence of an active shooter/killer occurs when he or she begins the actual assault on victims (little or no warning).

## RESPONSE GUIDELINES

**46.3.2** The following seven (7) tenets set general response guidelines for active shooter/killer incidents. Again, these incidents are sufficiently unique such that their effective handling cannot be totally reduced to procedures. These guidelines are not meant to limit conventional police tactics appropriate to a crisis situation. The significant factors regarding these tactics are that they represent a means of immediate intervention available to the deputies where there is the potential of elevated risk to bystanders and deputies. The risk is acceptable in light of the potential these tactics have for saving lives. Another significant aspect of the active shooter/killer tactical doctrine is that deputies arriving at the scene of an active shooter/killer incident are authorized to intervene prior to the arrival of command personnel and special units.

### A. GOAL

The overall purpose of employing these tactics is to save lives and prevent serious injuries. The goal of immediate response to an active shooter/killer event is elimination of the threat by forceful means or denying access to additional victims.

### B. ASSUME TACTICAL RESPONSIBILITY

The first responding deputy will immediately assess the situation and assume tactical responsibility. If more than one deputy is present, assumption of tactical responsibility may be based on rank, expertise or seniority. However, it must be made immediately clear to both Communications and other deputies, who is in charge. A deputy of superior rank who is on scene and fully briefed may ultimately assume incident command. Any change in incident command will be made known to Communications and other deputies.

### C. SITUATION ANALYSIS

The deputy taking charge must, based on all information available at the time, make a situation analysis. The analysis will be immediate and continuous, taking into account new information from Central Communications and observations from deputies and citizens. The analysis must lead to a decision as to whether the situation is an active shooter/killer event.

### D. FIRST RESPONDER TACTICAL INTERVENTION

Individual action may become necessary based on the situation. Remember, the goal is to stop the active shooter/killer from claiming more victims. A coordinated, focused response to an active shooter/killer event is preferred. Once tactical command is established, a minimum of at least two (2) deputies, or a single deputy if the situation dictates, will make entry. Additional deputy teams should be added as they become available. Teams will function in the following order of priority:

**1. Entry Team:** First responder intervention will be based on opportunity. When at all possible, entry team(s) should be a minimum of two (2) deputies with an identified element leader. If a SWAT team member is on the entry team, he/she will assume the role as team leader. Deputies will select entry points that provide the most secure and effective entry. A location other than the main entrance should be selected if possible, as this is the place where the suspect(s) might logically set up barricades, explosives, or an ambush.

Team movement will be in a controlled and disciplined tactical action under the control and at the direction of the element leader. The principle goal of the Entry Team is to eliminate the threat of the active shooter/killer to prevent access to potential victims; it is not the responsibility of the Entry Team(s) to render aid. They will continue on past victims or harmless distractions using direct-to-threat principles. The location of the victims may be relayed to the rescue team when able to safely and tactically do so.

If the entry team is able to contain the suspect(s) with no further access to victims, the SWAT team will relieve them, and Crisis Negotiators will be used to try and effect a surrender as in accordance with procedures on barricaded suspect situations.

**2. Rescue Team:** The Rescue team(s) priorities are to locate, recover and facilitate the evacuation process of victims to a safe area or to medical personnel for treatment. If there is a non-ambulatory victim who needs medical assistance, the rescue team is required to extricate him/her. The rescue team(s) will provide 360-degree coverage during the ingress and egress movement.

If either the entry team or rescue team encounters a suspected explosive device, they must use their own judgment reference to posting a deputy near it, or reporting, marking, and bypassing it. All explosive devices shall be the responsibility of the Volusia Sheriff's Office Bomb Squad, or qualified bomb disposal resources through mutual aid, to render safe / remove.

**3. First Responding Supervisor:** The first arriving supervisor will assume command of the team(s) who has entered the building and assign arriving deputies the task of establishing an inner and outer perimeter.

In the event a deputy is injured during an operation, the shift supervisor may assign manpower to extract the downed officer or he may leave the downed officer in the last secured location, with or without support personnel, depending on the circumstances he or she is faced with. Nothing precludes the shift supervisor from making a complete retreat from the crime scene to the inner perimeter.

Dedicated security elements should always be a component of intervention teams. Site containment will be left to the discretion of the first deputy on scene that assumes incident responsibility and initiates the situation assessment, until arrival of the first supervisor.

#### **E. ACTIVE SHOOTER/ KILLER SITE SECURITY & PERIMETERS**

1. Each deputy assigned to the perimeter is assigned the task of creating a barrier between the on going incident and the public as a whole. At no time should any person(s) be allowed to enter the area under penalty of arrest; this will include fire and rescue personnel until notified by a supervisor on scene that it is safe for such personnel to enter.
2. Since the possibility exists that a suspect (known or unknown) may have concealed him/herself in an evacuation group, the group should be directed to place their hands over their heads until they can be frisked for weapons or identified.
3. All options of force are available to the deputies assigned to the perimeter based upon state law and VCSO Use of Force policies. Any armed person should be considered dangerous to the safety and welfare of the public and members of law enforcement.
4. As escaping persons are identified, check their welfare and have them await further instruction. Once a safety / assembly area is announced, direct the person(s) to said area.
5. Emergency medical personnel should be staged in a triage area that is safe and does not require vehicle transfer or excessive movement of victims. Only medical personnel that are absolutely required to move injured victims may be allowed to enter danger areas. All members should be advised of the location of the triage area to allow direct transport.
6. Radio traffic should be held to a minimum and only used in the case of life and death.
7. No location associated with an active shooter/killer will be considered secure until the Incident Commander (IC) declares it is so. Deputies assigned to security functions will maintain positions until properly relieved.

#### **F. SWAT**

When SWAT Units are prepared to deploy, the initial responding deputies may be relieved or re-deployed by the IC, depending on the situation.

#### **G. ACTIVE SHOOTER/ KILLER COMMUNICATIONS GUIDELINES**

1. Communication is essential for informed decisions and will be the first strategy utilized in such calls. It is important for members to know which information is based on observation as opposed to perception. The process will most likely start with a 911 call.
2. Upon receiving the initial call, Central Communications will follow the appropriate Communications call handling guide and will immediately send all available deputies and supervisor(s).
3. The Telecommunicator will establish emergency (10-33) traffic only upon dispatching the call.
4. Telecommunicators will update the responding deputies both verbally and on MDC as information about the incident becomes available.
5. Communications will immediately notify SWAT, the Sheriff, Chief Deputy, the Law Enforcement Operations Division Chief and surrounding law enforcement agencies of the incident.
6. Upon approval of the on-scene supervisor or deputies on scene, Communications will notify the following additional resources of the incident:
  - Fire Department
  - EVAC
  - Facilities supervisor for the incident location

- All applicable utility companies (Electric, Gas, Water, Phone)
  - Appropriate VCSO wrecker
7. Responding personnel shall advise Communications of a staging area as soon as practical.
  8. Communications will make proper notification via chain-of-command.
  9. Upon notification by appropriate field supervisory personnel, the on-duty dispatch supervisor shall notify the Volusia County Emergency Management duty officer that a CodeRED alert be sent to the affected area notifying the public of the incident (Refer to *Directive 81.6 Emergency Information and Alert Systems*). The message should notify citizens to seek shelter until the incident is contained and to report any suspicious activity by calling or texting 9-1-1.
  10. Communications will notify the PIO to respond to coordinate media staging area and information dissemination in accordance with ICS protocols.

#### **DEVELOPMENT OF INTERVENTION TACTICS & TRAINING**

**46.3.3** The Volusia Sheriff's Office will develop tactics to deal with active shooter/killer incidents and will provide appropriate documented training to personnel of all ranks. These tactics will be developed under the following guidelines:

- A. Personnel will be trained to conduct immediate assessment.
- B. Tactics will conform to and capitalize upon existing tactical skills.
- C. Tactics and training will be basic and flexible.
- D. All sworn personnel will attend active shooter/killer training; training will include review of this Standard Directive.
- E. The Training Section will document all such training.
- F. The Training Section Director shall make training recommendations for the type of tactics addressed in this Standard Directive.
- G. The Intelligence Unit shall maintain maps of school campuses and any available facility floor plans/escape routes (Courthouses, hospitals, malls, etc.) on the Intelligence Bulletins website. These campus maps are available over patrol MDCs and may serve to guide responders to the correct area of the campus. Intelligence Unit will develop table top and scenario exercises as required.
- H. Additionally, both hard copies and electronic copies of every school's internal layout will be made available to responders. Responders will familiarize themselves with each school's layout.

**46.3.4** At least annually, the Training Commander, or designee, in coordination with the Law Enforcement Operations Division Chief will facilitate a documented review of this policy and all related procedures and training.

#### **AFTER-ACTION**

**46.3.5** The first responding deputy will file a report of the incident. All other responding personnel will file supplements to that case number.

**46.3.6** Detectives will be assigned to thoroughly investigate the incident and complete follow-up investigations of any arrestees.

**46.3.7** A debriefing will be held with all personnel and agencies involved after the incident. It will be scheduled after all personnel have returned to a routine work schedule.

**46.3.8** The Law Enforcement Operations Division Chief shall chair the meeting. The purpose will be to review the incident and critique performance of members, participating agencies and policies. The information will be incorporated into an after-action report and used to enhance future planning and training for such incidents.

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Revised by: 7391

Revised on: 09-2019

**Approved:**

A handwritten signature in black ink, appearing to read 'MJC', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**TITLE: RESPONDING TO INDIVIDUALS  
WITH MENTAL ILLNESS/ C.I.T.**

**CODIFIED: 46.4**

**EFFECTIVE: 06-2018**

**RESCINDS/AMENDS: 46.10/05-2017**

**ATTACHMENTS: 0**

#### PURPOSE

The purpose of this policy is to establish operational guidelines for agency members who respond to persons suspected of suffering from mental illness.

#### DISCUSSION

The Volusia County Sheriff's Office often is involved with the assessment, intervention, and transportation of individuals who are mentally ill and recognizes the growing need to address community mental health issues in the public safety arena. To that end, the VCISO adopted the Crisis Intervention Team (CIT) training concept as an effective law enforcement response-program designed specifically for first responders who handle crisis calls involving people with mental illness including those with co-occurring substance use disorders. A law enforcement response based on an understanding of the causes, effects and outcomes of mental illness is imperative in a morally and socially responsive agency.

#### POLICY

It shall be the policy of the Volusia County Sheriff's Office to provide persons in a state of mental health crisis with the appropriate intervention in accordance with current Florida Statutes and to recognize mental-health crisis intervention training.

#### DEFINITIONS

**A. CRISIS INTERVENTION TEAM (CIT)** –Trained Law Enforcement Deputies designated to handle situations involving the mentally ill in crisis. Crisis Intervention Team members only handle those incidents that do not rise to the level of a high-risk incident. High-Risk incidents will continue to be managed by SWAT and the Hostage Negotiators. All VCISO Deputies hired after 2004 are certified in Crisis Intervention Team training using the Memphis Tennessee model.

#### PROCEDURE

##### RECOGNIZING THE SYMPTOMS OF A PERSON SUFFERING FROM MENTAL ILLNESS

**46.4.1** The following are generalized signs and symptoms of behavior that may suggest mental illness, although deputies should not rule out other potential causes such as reactions to narcotics or temporary emotional disturbances that are situationally motivated. Subjects with mental illness who may need further evaluation typically exhibit a combination of the following characteristics or indicators of their illness:

- A. Behaviors** – Behaviors exhibited by those in crisis may include rapid speech, flight of thought, no direct eye contact, quick movements, and disconnected thought patterns. They may constantly move or pace, they cannot concentrate, and may be subject to sudden mood changes, disorganized thoughts, and be disoriented as to time and place. Acts of violence, injury to self, inappropriate dress or nudity, or aggressiveness are also common of those persons in crisis. Excited Delirium Syndrome can become an issue in persons exhibiting these types of behaviors and diligent care should be used to recognize potential signs of a dangerous escalation of conflict.
- B. Hallucinations:** Hallucinations can affect all of a person's senses. Individuals suffering from hallucinations may see and/or hear persons or things that aren't there, or hear internal voices telling them to hurt themselves or others. Television or other external sources may suggest they harm themselves or others. Often they will turn their head as if to listen to an unseen person or voices only they hear. This behavior is generally associated with

schizophrenia, and the danger of a potentially violent encounter is intensified if the person is in crisis and not taking medications.

- C. Self-Care Issues:** Persons in crisis may exhibit insomnia or an increased need for sleep and may not eat for days at a time. They may not be taking prescribed medications and can exhibit a general neglect of their household, property, or personal hygiene to the point of putting self or others at risk.
- D. Feelings:** This is defined as low self-esteem with feelings of hopelessness or helplessness, flat affect. The person in crisis may not react with much feeling or interest to persons or objects that were once of importance to them. These behaviors are often indicative of bipolar disorder or major depression.
- E. Suicidal Risks:** Persons at a heightened risk of suicide may have thoughts or ideation of suicide and may have a previous history of attempted suicide. If the person has immediate access to weapons and has a family history of suicide and/or mental illness, the risk of suicide increases further. Often life changing or catastrophic events such as a death in the family, loss of job, divorce, etc., can lead to attempted or successful suicides in persons suffering from mental illness.
- F. Elderly Issues:** Elderly issues relating to mental illness may include wandering at night, leaving items on the stove, not eating or sleeping, unrealistic fears, confusion, and uncontrollable anxiety.
- G. Substance Abuse:** Mentally ill persons often self-medicate to alleviate their symptoms, leading to substance dependence as a co-occurring disorder to the mental illness. It is often difficult to separate the two (2) issues during a crisis intervention contact.
- H.** Sheriff's Office Deputies should be aware that mental illness and mental retardation are two (2) distinctly different medical conditions and care must be used not to confuse the two. A person suffering solely from mental retardation will not meet the criteria for a Baker Act.

#### **PROCEDURES FOR ACCESSING COMMUNITY RESOURCES**

**46.4.2** A sworn member having contact with a mentally ill person in crisis who meets the involuntary commitment criteria described in Section 394.463, F.S., shall initiate a Baker Act.

**46.4.3** Often a mentally ill person in crisis recognizes the need for help and only needs assistance in getting to a mental health treatment facility. Deputies shall be responsible for ensuring persons requesting voluntary mental health care have access to it in a timely fashion.

**46.4.4** Additional Crisis Intervention Community Resources are available on Stewart-Marchman-Act (SMA) Behavioral Healthcare, <http://www.smabehavioral.org/services/crisis-services/>

#### **GUIDELINES FOR MEMBERS DURING CONTACTS WITH THE MENTALLY ILL**

**46.4.5** The safety of the person in crisis, the Deputy(s) involved, and the general public shall be of primary concern when responding to calls involving the mentally ill.

**46.4.6** Deputy safety, and the safety of others, will always be priority. If the initial contact with the person in crisis is not of a criminal or barricaded/ high-risk situation, every effort shall be made when possible to avoid an escalation that may result in criminal charges or the use of protective action.

**46.4.7** Deputies shall demonstrate patience and empathy while interacting with mentally ill persons, recognizing that mental illness is a disease and not a conscious decision.

**46.4.8** Deputies should consider other alternatives to arrest when investigating infractions of a minor nature committed by a person with mental illness. This policy does not conflict with Directive 1.6 Pretrial Release and Diversion Programs, in that it allows discretion prior to an arrest being made and does not affect the procedures governing what occurs after an arrest is made.

**46.4.9** Deputies shall evaluate the mental state of any person suspected or accused of a criminal act when conducting interviews or interrogations. While it is not the Deputy's responsibility to determine competency as it relates to the decisions of the court, it is a responsibility to ensure the person undergoing questioning is capable of understanding the nature of the questioning and the potential consequences of any statements given.

**46.4.10** Civilian personnel, while in the course of their assigned duties, shall summon a Deputy to assist whenever there is an indication of an individual in possible crisis, as learned through agency-provided awareness training. This may be accomplished through summoning available Deputies at the respective facility, or through contacting the Communications Center. In such cases, civilian personnel shall attempt, to the best of their ability, to keep the individual calm until the Deputy arrives.

## STRUCTURE AND DEPLOYMENT OF C.I.T. DEPUTYS

**46.4.11** The CIT Coordinator is a lieutenant or above as designated by the Sheriff. The CIT Coordinator shall be responsible for coordinating Deputy training. The CIT Coordinator shall also serve as the agency liaison with other mental health service providers and community mental health support groups.

**46.4.12** Deputies are specially trained to handle situations involving the mentally ill in crisis; however, Deputies shall only handle those incidents that do not rise to the level of a high-risk incident.

**46.4.13** A crisis could consist of a person having delusions, refusing to take prescribed psychotropic medications, erratic behavior, suicidal thoughts or ideation, or other activity that causes alarm or concern to the average person.

**46.4.14** The first Deputy to arrive on-scene shall be responsible for managing the response during the entire call, to include dialogue with the mentally ill person, determining the appropriate action to be taken, and completing all required documentation of the incident, unless relieved by competent authority. Other deputies on the scene shall provide tactical assistance as needed.

**46.4.15** Deputies are approved to display the recognized CIT service pin above the right side pocket flap of the class A or B uniform. This serves as a point of recognition for those persons in crisis who have regular contact with members of law enforcement.

## TRANSPORT OF INDIVIDUALS TO MENTAL ILLNESS RECEIVING FACILITIES

**46.4.16** Deputies may transport individuals to mental health receiving facilities under the following provisions of the Baker Act:

- A. When the court issues an *"Ex Parte Order for Involuntary Examination"* (CF-MH 3001 or 3002), deputies shall deliver the person named in the court order to the nearest facility for involuntary examination, unless the court order specifies a particular facility regardless of location.
- B. In compliance with FS 394.463, deputies shall take custody of and transport individuals to receiving facilities for involuntary examination when there is reason to believe the individual is mentally ill and because of that mental illness, having refused voluntary examination, is unable to determine for themselves whether an examination is necessary; and
  - Without care or treatment, they refuse to care for themselves or are likely to suffer from neglect; and that such neglect or refusal poses a real and present threat of substantial harm to their well-being; or
  - 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.
- C. Deputies initiating or executing the Baker Act shall complete *Report of Law Enforcement Officer Initiation Involuntary Examination* (CF-MH3052a) and *Transportation to Receiving Facility* (CF-MH3100). Both forms are necessary for a valid commitment, mandating assessment of the person named.
- D. Deputies initiating or executing a Baker Act on a child shall make reasonable efforts to notify the child's parents or guardians of the circumstances prior to making a final determination to Baker Act the child.
- E. Mental illness does not include retardation, developmental disability, simple intoxication, conditions manifested only by antisocial behavior, or drug addiction. Individuals exhibiting such behavior without the circumstances listed above do not meet the Baker Act criteria.
- F. A physician, psychiatric nurse, clinical social worker, or a clinical psychologist may complete a *"Certificate of Professional Initiating Involuntary Examination"*, (CF-MH 3052B), usually referred to as a *Professional Form 52*. Deputies shall take into custody the person named in the certificate and deliver him/her to the designated Volusia County receiving facility. Deputies shall not transport to facilities outside of Volusia County without a court order or approval of the Watch Commander or equivalent. The deputy shall complete *Transportation to Receiving Facility Form CF-MH3100* indicating the time and date the subject was delivered.

**46.4.17** Prior to transporting an individual to the nearest designated receiving facility, deputies shall determine if a medical clearance will be required. Examples of conditions requiring medical clearance include, but are not limited to:

- Known unmanageable or uncontrolled hypertension, diabetes
- Wounds which require more than dry dressing changes,
- Known severe infections which require close medical management,
- Any condition requiring intravenous fluid and/or oxygen,
- Conditions which require specialized treatment such as renal dialysis or chemotherapy,



- Severe acute alcohol intoxication and/or drug impairment in which the person is not responsive or not ambulatory,
- Medication overdoses in which the patient has not been medically observed for at least 24 hours.

**46.4.18** Designated receiving facilities will not accept a patient if medical attention is needed. If medical treatment is needed, deputies shall verify that the individual is treated at the nearest hospital. Following medical treatment, deputies shall transport Baker Act clients to the nearest designated receiving facility in the event that the treating emergency room is not a Baker Act facility.

**46.4.19** When transporting an individual from a medical facility to a designated receiving facility, deputies shall obtain proper supporting documents showing the individual has been medically cleared for transport. Without proper documentation, the patient may not be accepted by a receiving facility.

#### **VOLUNTARY ADMISSIONS**

**46.4.20** When deputies encounter an individual who desires voluntary admittance and is in need of transportation, deputies may provide this service.

- A.** When providing transportation for voluntary clients to the designated receiving facility, deputies shall use discretion with regard to restraints.
- B.** Deputies shall inform the receiving facility staff of the circumstances under which the individual was taken into custody. Under no circumstances will deputies leave an individual at a receiving facility without notifying the staff.

**46.4.21** Deputies have complied with FS 394 when the individual has been delivered to the designated receiving facility and the proper forms have been completed.

#### **MENTAL HEALTH- ISSUES AWARENESS TRAINING**

**46.4.22** All new entry level sworn shall receive forty-hours of CIT training during FTEP. Training is based on the "Memphis Model" of crisis intervention training. This training is recognized nationwide as a "best practice" for interacting with the mentally ill in crisis.

**46.4.23** All new entry-level civilian personnel shall receive documented mental health awareness training as part of their civilian orientation training.

**46.4.24** All personnel shall receive documented annual refresher training.

**46.4.25** All training (entry-level and annual refresher) will be documented and entered into the individual's training record.

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**Revised by:** 6760/Legal

**Revised on:** 06-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: SPECIAL WEAPONS AND TACTICS**

**CODIFIED: 46.5**

**EFFECTIVE: 04-2019**

**RESCINDS/AMENDS: 46.5/04-2014**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish and delineate guidelines for the utilization of the VCISO Special Weapons and Tactics Team and to establish criteria for the selection and training of its members.

**DISCUSSION**

The VCISO Special Weapons and Tactics Team is comprised of specially trained individuals who utilize expertise, training and specialized equipment.

The team shall be well disciplined and trained. The organization, leadership and qualifications for membership shall be clearly defined. The unit shall have the capacity to neutralize situations involving exceptional risks or unusual hazards.

**POLICY**

It shall be the policy of the VCISO to maintain a Special Weapons and Tactics to assist in resolving situations of a high-risk nature.

**PROCEDURE**

**46.5.1** The Law Enforcement Operations Division Chief shall be responsible for the supervision of the SWAT Team, which reacts to situations presenting grave danger to deputies and civilians.

**46.5.2** The Special Weapons and Tactics Team may be utilized in situations requiring specialized equipment and training. These situations include, but are not limited to:

- Taking mentally deficient persons into custody for psychological exam (Baker Act);
- Suspects barricaded with hostages;
- Armed and barricaded suspects with criminal charges;
- The execution of arrest or search warrants involving suspects with a background or criminal history that would suggest a propensity for violence, or in situations involving barricaded entrances;
- The apprehension of armed suspects in areas of containment or established perimeters, i.e., wooded areas, buildings;
- During civil disorders or in riot situations;
- Dignitary protection;
- Formidable rescue and evacuation operations;
- Surveillance and apprehension operations involving armed suspects, or requiring specialized equipment;
- Sniper incidents;
- Counter ambush protection.

**46.5.3** Special Weapons and Tactics Team members shall be readily available to respond to emergency situations, on and off-duty.

**46.5.4** Each team member shall be accessible via telephone or radio on a twenty-four hour basis.

**46.5.5** Team members will advise the team commander of circumstances that would inhibit response, i.e., vacation, injury or illness.

**46.5.6** In emergency call-out situations requiring the use of Special Weapons and Tactics Team members, the entire team shall respond as well as an Incident Commander.

**46.5.7** "On-duty" team members shall advise their immediate supervisor, then respond to the scene.

**46.5.8** "Off-duty" members ordered to the scene will respond to the designated area promptly, utilizing emergency equipment as required or as conditions permit.

**46.5.9** Requests for the services of the Special Weapons and Tactics shall be made through the Law Enforcement Operations Division Chief, or designee.

**46.5.10** Each member of the Special Weapons and Tactics Team shall be trained in the use of special weapons and tactics and shall be responsible for the duties as follows:

**46.5.11** The **SWAT Team Commander** is responsible for the overall supervision of the team. This includes:

- Command of team operations in call out situations.
- Approval of all SWAT-related business.
- Coordinate with Law Enforcement Operations Division Chief.
- Field operations
- The coordination of selection of members, on going training/ readiness exercises and administration of the team
- All tactical decisions relating to deployment and strategy

**46.5.12** The **Assistant Team Commander** shall be a supervisor responsible for:

- Tactical planning/deployment of tactical resources.
- The correlation of the team and support personnel interaction. This includes ambulance, fire, rescue, evacuation, aviation and K-9 personnel;
- Coordination of requests for specialized equipment or services;
- Functioning as the team leader in his absence;
- Deliberation with the team leader on tactical deployment and operational stratagem.
- Coordinating points of entry and target acquisition;
- Assigning positions and ensuring members meet standards of competency for the positions assigned;
- Correlating and implementing the tactical decisions.

**46.5.13** The **Sniper** shall:

- Provide long and short-range defensive security to team members involved in hazardous operations;
- Accrue and disseminate long range intelligence;
- Provide anti-sniper control and support fire as needed.

**46.5.14** **Team members** may be utilized in a variety of specialized functions, including but not limited to:

- Building entry and clearance;
- Team security;
- Hostage rescue;
- Suspect apprehension;
- Perimeter security;
- Chemical agent delivery;
- Operation of specialized vehicles;
- The use of electronic apparatus.

**46.5.15** The **Medical Support Team** shall be paramedics certified and licensed to practice in Volusia County, Florida and shall provide medical support to the Special Weapons and Tactics.

**46.5.16** The **Hostage Negotiation Team** shall be trained in crisis resolution and hostage negotiation techniques and shall be responsible for the utilization of electronic equipment necessary to monitor and talk with suspects and victims.

**46.5.17** The **SWAT Team Commander** may appoint a liaison officer (LO), who shall have the responsibility of coordinating the actions and needs of the Special Weapons and Tactics with both civilian and VCSO support units necessary for the successful resolution of the incident.

**46.5.18** The **Incident Commander** shall have overall command responsibility in all phases of an operation; however, once the decision to employ SWAT has been made, all tactical decisions relating to deployment and tactics shall be the responsibility of the SWAT Commander.

## **SPECIAL WEAPONS AND TACTICS EQUIPMENT**

**46.5.19** Each member of the Special Weapons and Tactics shall be responsible for the routine maintenance of issued equipment, including but not limited to: weapons, communications equipment, protective vests, clothing and ballistic helmet.

**46.5.20** Weapons utilized by team members shall be issued by the Department and designated by the team leader. Standard issued weapons include:

- Glock handgun;
- .50 Caliber Barrett sniper rifle
- .308 sniper rifle;
- 12-gauge shotgun;
- .223 M-4 rifle

**46.5.21** Tactical munitions may be used as an alternative to deadly force. Only members trained in the use and delivery shall use these munitions. These munitions include, but are not limited to:

- Chemical agents;
- Diversionary devices
- Impact munitions

**46.5.22** The SWAT Team commander shall designate the uniform to be worn, and may include fatigues and military type boots.

**46.5.23** SWAT vehicles will be stored at a location designated by the SWAT Team commander.

**46.5.24** The SWAT commander shall designate a primary and secondary driver to respond with the vehicles.

**46.5.25** The Special Weapons and Tactics is a volunteer team. Its members and negotiation personnel will be selected as outlined in Standards Directive 16.4.

## **OPERATIONS**

**46.5.26** The SWAT Team Commander shall be under the administrative supervision of the Law Enforcement Operations Division Chief.

**46.5.27** The SWAT Team may be deployed to supplement patrol operations, high-risk stakeouts and surveillance details under the direction and control of the Law Enforcement Operations Division Chief.

**46.5.28** Prior to conducting high-risk stakeouts, decoy or other operations, the Law Enforcement Operations Chief shall notify the District Commander in which the operation is to be conducted, of the operation.

**46.5.29** The Sheriff and/or his designee must authorize the use and/or delivery of chemical agents into a structure/residence.

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**Revised by:** 6760

**Revised on:** 04-09-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: UNDERWATER SEARCH AND  
RESCUE/RECOVERY (DIVE TEAM)**

**CODIFIED: 46.6**

**EFFECTIVE: 10-2007**

**RESCINDS/AMENDS: 46.8/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish and define the qualifications and responsibilities of Dive Team members and define the authority for use of the Dive Team.

**DISCUSSION**

Diving is inherently dangerous. Its unusual demands require a high degree of physical and psychological fitness, and a thorough knowledge of diving techniques and recovery procedures. A Dive Team member's safety must be insured at all times, and a Deputy assisting on the surface must be familiar with all the required procedures.

In most cases recovery dives are conducted in water with zero visibility, strong currents and other hazardous conditions. To this end, Department divers will be trained to at least the level of cavern diver and will have the equipment and resources available to handle diving recovery.

**POLICY**

The Department shall establish and maintain a Dive Team for the purpose of safely conducting underwater search and recovery operations and surface rescue operations.

**PROCEDURE**

**ADMINISTRATION**

**46.6.1** The Dive Team shall be under the administrative control of the Special Services Section Supervisor.

**46.6.2** Requests for the Dive Team shall be made through the Special Services Supervisor or designee.

**46.6.3** The Dive Team shall be on-call at the request of the on-duty Shift Supervisor or higher authority.

**46.6.4** The Special Services Section shall maintain all equipment and maintenance records.

**DIVING SUPERVISOR**

**46.6.5** The Diving Supervisor is responsible for all diving operations and coordinating all training undertaken by the Department, and is responsible for the qualifications and safe diving practices of all assigned divers.

**46.6.6** The Diving Supervisor shall ensure that the Dive Team performs only those functions for which it is trained and equipped.

**46.6.7** The Diving Supervisor shall coordinate with local, state and federal agencies if further equipment or expertise is required.

**46.6.8** The Diving Supervisor shall ensure safe diving practices and procedures are applied.

**46.6.9** The Diving Supervisor shall be trained in diving first aid emergency procedures.

**46.6.10** The Diving Supervisor shall designate a team leader to coordinate and supervise diving activities in their absence.

## **OPERATIONS**

**46.6.11** The success of any diving operation is directly related to careful and thorough planning. The following shall apply to every diving operation.

**46.6.12** Divers should not be utilized if the objective can be more safely and efficiently accomplished by another means. Bottom time is always at a premium. Proper planning conserves bottom time and improves effectiveness.

**46.6.13** Diving operations shall not be conducted under extreme environmental conditions or whenever the safety of the diver will be jeopardized.

**46.6.14** Divers must at all times be given protection against hazards, extremes of temperature and dangerous pollution.

**46.6.15** The availability of emergency assistance must be insured.

**46.6.16** Equipment and supplies must be appropriate and adequate.

## **STEPS IN PLANNING**

**46.6.17** Prior to each operation the Diving Supervisor or Team Leader shall:

- A. Define the objectives of the operation. A clear understanding of why the operation is being undertaken and what is to be accomplished shall be explained to each of the participants.
- B. Collect and analyze available data. The extent and nature of the information to be gathered depends on the size of the operation, the location of the diving site, and the time of year. If the operation is to involve the recovery of an object from the bottom, the team will need to know at least the dimensions and weight of the object. Other information may include the probable degree of embedment in mud or silt and the type of equipment that may be needed to lift the object. Data gathered will help limit the area of the search and minimize the time required for the search. If the object is large and cannot be lifted immediately, it should be marked with a buoy.
- C. Establish operational tasks. It must be remembered that pre-dive and post-dive activities are of equal importance with the diving activities.
- D. Select the equipment and supplies needed. The air supply used shall conform with standards of purity as stipulated by Federal specifications (grade A air). The air supply and equipment must be adequate for the mission, taking into consideration the duration of the air supply and the diver's consumption rate. Specialized protective clothing may be needed to protect the diver from the elements while in the water and out, or to protect the diver and equipment from harm.
- E. Make all final preparations and check all safety precautions.

## **BRIEFING**

**46.6.18** The person in charge of the briefing shall be the Diving Supervisor or the Team Leader. The briefing should include:

- The objective and scope of the operation;
- Conditions in the area;
- Diving techniques and equipment to be utilized;
- Particular assignments;
- Anticipated hazards;
- Reiteration of normal safety precautions;
- Discussion of special considerations;
- A team discussion period and questions from the team.

## **STANDBY DIVER**

**46.6.19** A standby diver is a mandatory requirement for all diving operations utilizing underwater breathing equipment.

**46.6.20** He/She shall be a qualified diver, assigned as backup or to provide emergency assistance, and immediately ready to enter the water.

**46.6.21** He/She shall wear the apparatus and be completely ready for quick deployment.

## **BUDDY DIVER**

**46.6.22** Divers shall be assigned in pairs and shall be jointly responsible for an assigned mission; each will keep track of time and depth factors.

**46.6.23** Each has the particular responsibility to watch out for the safety and well being of the other, being especially alert for symptoms such as nitrogen narcosis, decompression sickness, and carbon dioxide poisoning.

**46.6.24** A buddy diver shall keep the other diver in sight, or in touch contact at all times and will never leave their partner alone except to obtain additional assistance when the diver is hopelessly entangled or entrapped.

**46.6.25** In poor visibility situations, divers shall utilize a search line or safety reel.

**46.6.26** Each diver shall know and understand line signals and hand signals.

**46.6.27** If a signal is given it shall be immediately acknowledged. Failure to acknowledge is to be considered an emergency.

**46.6.28** Divers will establish a lost diver plan for any dive. If buddy contact is broken follow the plan, i.e., surface, meet at a specified point, in a specified time period.

**46.6.29** If one member of a buddy pair aborts the dive for whatever reason, the other member will also abort and both will surface.

**46.6.30** Both partners shall know the proper method of "buddy breathing."

## **TENDER**

**46.6.31** Tenders are responsible for assisting divers with equipment, entry and exit from the water, and maintaining communications with divers.

## **DEPTH LIMITATIONS**

**46.6.32** Divers shall remain within the limits of the U.S. Navy No-Decompression Dive tables.

**46.6.33** The Diving Supervisor shall respond to all diving operations that might require divers to exceed 60 feet or entail cave operations.

**46.6.34** Surface and shallow water non-SCUBA operations shall be manned as directed by the Diving Supervisor.

## **DECOMPRESSION DIVES**

**46.6.35** Only certified cave or deep water divers will be allowed to exceed the U.S. Navy no-decompression tables. Whenever a decompression dive is conducted, a person certified to recognize the symptoms of decompression sickness and embolism must be present and a decompression chamber must be available.

**46.6.36** The Diving Supervisor shall ensure that adequate manpower is available to perform the assigned operation.

**46.6.37** The Diving Supervisor shall summon necessary assistance to perform the operation.

## **ONE DIVER OPERATIONS**

**46.6.38** A minimum of three Department divers will be required to perform a one-diver operation requiring the use of SCUBA.

**46.6.39** One diver operations shall include the following assignment:

- A.** One diver shall be assigned as a standby diver and will coordinate the surface activities, and will be prepared to enter the water in the event of an emergency.
- B.** One diver shall be assigned as tender and will be prepared to immediately enter the water in the event of emergency.
- C.** One diver will be assigned to underwater activities.
- D.** The diver shall be tendered and tethered. Tended divers shall utilize quick release equipment.
- E.** Both diver and tender shall be familiar with standardized line signals.

## EMERGENCY OPERATIONS

**46.6.40** Divers who arrive on the scene immediately after an incident occurs are authorized to initiate rescue operations.

**46.6.41** Once it has been determined that there is no hope for successful resuscitation the diver will exit the water and proceed with the operational plan for a recovery dive.

## TWO DIVER OPERATIONS

**46.6.42** Two diver operations shall be conducted under the same minimum requirements as a one diver operation with the inclusion of another diver assigned to underwater activities and divers need not be tethered when buddy diving.

## HULL SEARCHES

**46.6.43** Divers utilized to search the exterior hulls of vessels shall follow the following procedures:

- A.** The Diving Supervisor or Team Leader shall ensure that the vessel is completely shut down and that the vessels engine will not be restarted during diving operations.
- B.** Precautions shall be taken to keep other vessels clear and slowed to avoid precarious movements of the vessel being searched.

## CAVE OPERATIONS

**46.6.44** Only certified cave divers will conduct operations in any cave.

**46.6.45** Cave divers will adhere to the rules of the National Speleological Society Cave Diving Section.

**46.6.46** Additional equipment for cave operations:

- Standard pressure gauge;
- Air tank will be a minimum of 90 cu. ft. with a Y valve;
- An additional independent regulator with a minimum of 5 feet of hose;
- A minimum of three lights;
- One safety reel with a minimum of 75 feet of line.

## EQUIPMENT

**46.6.47** The minimum equipment required for each diver shall include:

- Open-circuit SCUBA;
- A floatation device;
- Weight belt, if not included in the floatation device;
- Knife;
- Face mask;
- Swim fins;
- A watch;
- Depth gauge.

## SELECTION REQUIREMENTS

### DISQUALIFICATIONS

**46.6.48** Applicants shall be disqualified for the following:

- **EARS** Acute or chronic disease of the auditory canal, membrane, middle or internal ear.
- **NOSE AND THROAT** Obstruction to breathing or chronic hypertrophic or atrophic rhinitis and chronic or recurrent sinusitis.
- **CARDIOVASCULAR SYSTEM** Persistent tachycardia and arrhythmia except the sinus type, evidence of arteriosclerosis, varicose veins, marked or symptomatic hemorrhoids.

### QUALIFICATIONS



**46.6.49** Applicants must be non-probation status and certified as a SCUBA diver by a nationally recognized organization. Applicants must also have an above average performance evaluation.

**46.6.50** The Training Section shall maintain training records and Qualifications of divers assigned to the Dive Team.

#### **DIVER RESPONSIBILITIES**

**46.6.51** Divers assigned to the Dive Team shall:

- Participate in training dives as assigned by the Diving Supervisor.
- Maintain assigned equipment. This includes cleaning all equipment immediately after use and having tanks refilled as soon as possible.
- Turn in Invoices for equipment repair or air fills to the Diving Supervisor as soon as possible. The Diving Supervisor shall forward these to the Special Services Supervisor.
- Team members may utilize personal diving equipment approved by the Diving Supervisor while engaged in Department activities.
- Maintain a log of all dives.
- Report all injuries or symptoms related to diving injuries immediately to the Diving Supervisor.

**46.6.52** Assigned diving equipment shall not be taken out of the County without the authorization of the Diving Supervisor.

#### **CALL OUT PROCEDURE**

**46.6.53** All requests for the Dive Team shall be through the Special Services Supervisor or designee, with the exception of life saving activities.

**46.6.54** The Diving Supervisor shall provide a roster of Dive Team members and the order of call out to the Communications Center.

#### **RECORDS**

**46.6.55** Each diving operation shall be recorded in addition to incident and supplemental reports required. The Diving Supervisor shall maintain all records, with the exception of training records.

**46.6.56** The Diving Supervisor or Team Leader shall record the following information in reference to each diving operation:

- The mission and objective;
- The location, depth, and time required to complete the task;
- The names and assignments of the participants.

#### **DIVING EMERGENCY/ACCIDENT**

**46.6.57** Diving personnel who require emergency medical treatment fall into two classes, those who require recompression and those who do not. All members of the Team should be able to identify these differences. The first rule of first aid is to do nothing that will do harm to the patient.

**46.6.58** There are four medical problems which must be solved immediately:

- Assure a clear air way;
- Restore breathing;
- Assure heart function;
- Stop massive bleeding.

**46.6.59** Every member of the dive team shall know the warning signs and symptoms of:

- Hypoxia;
- Carbon dioxide poisoning;
- Carbon monoxide poisoning;
- Asphyxia;
- Strangulation;
- Chemical irritants;
- Nitrogen narcosis;
- Oxygen poisoning (toxicity).

## **GAS EMBOLISM**

**46.6.60** Gas embolism must be quickly diagnosed. The supply of blood to the brain or spinal cord is almost always involved, and unless promptly and correctly treated (by recompression), gas embolism is likely to result in death or permanent brain damage.

**46.6.61** Symptoms involving the (CNS) central nervous system are likely to show up within a minute or two after resurfacing.

**46.6.62** Any diver who is unconscious or soon loses consciousness upon reaching the surface shall be assumed to be suffering from a gas embolism.

**46.6.63** If the diver regains consciousness and displays no signs of brain injury, gas embolism is probably not involved.

## **OTHER SYMPTOMS**

**46.6.64** The onset of symptoms involving gas embolism are sudden and dramatic, often occurring within seconds after the arrival on the surface or before surfacing.

**46.6.65** The signs of gas embolism include dizziness, paralysis or weakness in the extremities, blurring of vision or convulsions.

**46.6.66** Divers suffering from decompression sickness may experience some of these symptoms. If the depth of the dive is less than 33 feet, decompression sickness is unlikely and gas embolism must be assumed.

## **MEDIASTINAL EMPHYSEMA**

**46.6.67** Symptoms include pain under the breastbone, shortness of breath and faintness, and may include blueness (cyanosis) of the skin, lips or fingernails.

## **SUBCUTANEOUS EMPHYSEMA**

**46.6.68** Produces a feeling of fullness around the neck and difficulty swallowing. The sound of the voice may change, and the observer may note marked swelling or inflation of the neck. Movement of the skin near the collar bone may produce a crackling or crunching sound (crepitation).

## **PNEUMOTHORAX**

**46.6.69** Is usually accompanied by a sharp pain in the chest which is aggravated by deep breathing. Signs of hypoxia may appear. May produce a collapsed lung.

## **DECOMPRESSION SICKNESS**

**46.6.70** Abnormal conditions in the diver or in their surroundings may cause a diver to absorb an excessive amount of inert gas or may inhibit the natural elimination of dissolved gas. Decompression sickness usually causes symptoms within a short period of time following the dive. Symptoms which occur 24 hours or more following a dive are probably not caused by decompression sickness.

## **PAIN ONLY**

**46.6.71** Pain is usually slight when first noticed, but may grow progressively worse. The most common symptom is pain in the arm or leg; however, unusual symptoms may occur to include skin rashes, prickling, tingling, itching or burning of the skin. If there is any doubt as to the cause of the pain, a diver will be considered to be suffering from decompression sickness.

## **CNS DECOMPRESSION SICKNESS**

**46.6.72** Symptoms of central nervous system decompression sickness involvement includes weakness or paralysis of muscles, vertigo, dizziness, ringing in the ears, hearing loss and disturbance of vision.

## **TREATMENT**

**46.6.73** A diver experiencing symptoms of gas embolism or decompression sickness shall be assumed to have such sickness or condition and shall be immediately treated if possible. The Diving Supervisor shall ensure that medical and evacuation personnel are aware of the special emergency procedures required for transport and first aid treatment of diving related injuries.

**46.6.74** Divers being transported to a recompression chamber shall be kept lying down, feet slightly higher than the head, with the body tilted 20 degrees to the left side. The diver shall be kept warm and given oxygen.

**46.6.75** If the patient is to be moved by air, the helicopter or other aircraft shall be flown as low as possible. If communications can be established, the doctor shall be consulted while in transit.

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**Revised by:** 6620

**Revised on:** 07-24-2001

**Reviewed:** 10-2007 (Renumbered)

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and another signature.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>INTELLIGENCE</b>
<b>CODIFIED:</b>	<b>51.1</b>
<b>EFFECTIVE:</b>	<b>06-2010</b>
<b>RESCINDS/AMENDS:</b>	<b>51.1/03-2005</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to define the procedures of the Department's intelligence function.

**DISCUSSION**

The purpose of law enforcement intelligence is to gather, collate, analyze, and disseminate information concerning known or suspected criminal activity. This information can be tactical or strategic in nature. Tactical intelligence refers to information concerning known, on-going criminal activity which is developed and intended for immediate use. Intelligence of this type would be developed prior to the service of a search warrant for the purpose of identifying and planning for potential problems. Strategic intelligence is that information which is collected from a wide variety of sources which identifies on-going or potential criminal activity, subjects, groups, trends, and relationships.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to systematically collect raw information which, after collation, evaluation, and analysis, shall be disseminated to appropriate units of the Department for the development of law enforcement strategies, priorities, policies, and investigative tactics.

**PROCEDURE**

**INTELLIGENCE INFORMATION**

**51.1.1** The collection and reporting of intelligence information is the responsibility of each member of the Department. Information coming to the attention of Department members concerning on-going or suspected criminal activity, which has not been documented in a Department incident report, shall be reported to the Intelligence Unit in a timely manner on an intelligence report form or by electronic mail.

**51.1.2** Intelligence information collection shall be limited to criminal conduct and activities that present a threat to the community. Intelligence data will not be collected by any member of the Department or Unit merely on unpopular causes, unless criminal intent can be shown.

**51.1.3** Intelligence data will not be collected on person(s) merely on the basis of disability, ethnicity or race.

**51.1.4** Intelligence data will not be collected on any individual merely on the basis of the individual's religious and/or political affiliation unless such affiliation is with organizations that advocate violence against the United States or its allies.

**51.1.5** Information shall not be gathered by any employee or their agent by illegal or unlawful means.

**51.1.6** No member of the Department will use intelligence data for political and/or economic purposes.

**51.1.7** The collection of information is the primary step in the intelligence process. The information that may be included in the file system will be collected from a variety of sources including:

- Open Sources
- Official police reports
- Criminal intelligence submissions from officers
- Other law enforcement agencies

- Confidential Informants
- Public records
- Surveillance
- Other records gathered via legal methods

**51.1.8** Once the information has been collected, it will be subjected to collation, analysis, and evaluation to determine the accuracy of the information, identification of subjects involved, determination of homeland security/criminal activity and then possible dissemination to operational units for enforcement action.

## **INTELLIGENCE UNIT**

**51.1.9** The Investigative Support Group Supervisor shall be responsible for the overall administration and supervision of the Intelligence Unit

**51.1.10** The Intelligence Unit shall accomplish the following tasks:

- Conduct homeland security investigations and operations.
- Conduct homeland security/intelligence training and consultation to the Department and other local agencies.
- Gather intelligence information concerning potential or on-going criminal activity relating to individuals, groups, or trends.
- Evaluate intelligence data relating to individuals, groups, and trends and collate and disseminate the information to proper personnel within the Department and to outside agencies.
- Assist with Department investigations in the intelligence support role which will include the preparation of flow charts, background information, and analytical support.
- Maintain the Department intelligence files.
- Establish and maintain liaison with other local, state and federal agencies.
- Establish and maintain membership in state and regional intelligence groups.

**51.1.11** The Intelligence Unit shall recognize the delicate balance between the individual rights of the citizens of the community and the legitimate needs of law enforcement. Members of the Intelligence Unit shall comply with all State and Federal guidelines to include 28 CFR 23.

## **SECURITY**

**51.1.12** Security of the Intelligence Unit and its data will be of the utmost concern; the following guidelines will be strictly adhered to:

- Access to intelligence files and work area will be limited to those persons from duly constituted law enforcement agencies authorized to review intelligence files.
- Persons seeking information from intelligence files shall do so only when accompanied by unit personnel.
- The Intelligence Unit work area and files will be kept locked at all times when unit personnel are not in the area.
- Intelligence Unit work product waste shall be shredded or burned at the end of each work day.
- Unit personnel shall be "on-call" to respond to urgent information requests, i.e., requests by the SWAT Team.
- Intelligence files will be maintained in a secure area designated for the Intelligence Unit which is separate from the Department's Records Section.
- Intelligence files stored on a computer system will be secured and accessible only with a password assigned by the Investigative Support Group Supervisor.
- Members of the Department that have access to or possession of intelligence products, to include bulletins, may not show or release the information to the public, in writing or orally, without permission of the Intelligence Unit or the originator.

## **AUDITING AND PURGING**

**51.1.13** The Investigative Services Commander or designee will review and approve each intelligence file to ensure that the documented information is in accordance with the purposes and objectives of the Department.

**51.1.14** Intelligence files may be electronic and stored in a secure database or may be hard copy and secured in a locked container.

**51.1.15** The Investigative Support Supervisor will review each file and determine if a case can be generated within a 30-day period. If a case can be generated the Detective Support Group Supervisor or designee shall provide the intelligence to a unit or agency that has primary investigative responsibility. If it is determined that a case cannot be generated, an Intelligence report will be filed for future reference under an inactive status. If inaccurate information is detected during this process it shall be corrected by the originator upon notification by the Investigative Support Supervisor.

**51.1.16** After a five (5) year period, if the intelligence information is not placed back on active status, the information will be purged from the intelligence system and disposed of in the appropriate manner as regulated in Section F.S. 119.011 per General Records Schedule GS2, item #30. Intelligence that does not specifically identify individuals is exempt. An example is a specific method of operation or a suspicious incident.

**51.1.17** Existing surveillance photographs and magnetic media will be kept with the appropriate intelligence file when possible. If the file is purged, the photographs and magnetic media will be destroyed.

**51.1.18** The Investigative Support Supervisor shall conduct an annual review of intelligence procedures and processes then recommend changes to the Chain of Command.

#### **UNDERCOVER / SURVEILLANCE**

**51.1.19** Members of the Intelligence Unit will adhere to Department policy and procedures when using confidential informants, funds or specialized surveillance equipment.

**51.1.20** Members of the Intelligence Unit will adhere to Department policy and procedures when engaged in undercover or surveillance activities.

**51.1.21** The Intelligence Unit shall have access to specialized equipment to support the intelligence function.

#### **REQUESTS FOR INTELLIGENCE INFORMATION**

**51.1.22** Requests for information contained in the Intelligence Unit files can be by telephone, in person, or written. The requesting Deputy must state the reason for said information and the nature of the investigation.

**51.1.23** All requests for information will be logged.

**51.1.24** The log shall contain the date of the request, to whom the data was transmitted, the nature of the investigation and the date the request was honored.

**51.1.25** Data disseminated from the database will be logged within the record.

**51.1.26** All Gang Field Intelligence Cards will be forwarded in their entirety to the Intelligence Unit. This will include all supporting documentation such as photos, writings, bandanas, etc. The Intelligence Unit will then review and distribute as necessary. Only the latest version of the Gang Intelligence Card may be used, as located on the VCSO intranet under Agency Forms/Law Enforcement.

#### **INTELLIGENCE REPORTS**

**51.1.27** Intelligence Reports, to include any information contained within the intelligence files, or any reference to intelligence information, shall not be made part of any criminal prosecution or report which will subject it to discovery or subpoena.

**51.1.28** If information contained in the intelligence report is a basis for probable cause, the originator of the intelligence report will be subpoenaed to testify to the facts and validity of the report.

#### **MONTHLY REPORT**

**51.1.29** The monthly statistical administrative report utilized to track Unit productivity will be forwarded to Professional Standards by the 25<sup>th</sup> of the following month.

#### **DISTRICT INVESTIGATIONS INTELLIGENCE OFFICERS**

**51.1.30** Each District, task force, and specialized investigative unit supervisor or designee shall function as that unit's intelligence officer.

**51.1.31** Each Unit Intelligence Officer shall:

- Collect and receive, on an on-going basis, information concerning investigations being conducted by their unit. This information will include, but should not be limited to, names, addresses, license plate numbers, and telephone numbers.
- Submit this information to the Intelligence Unit in a timely fashion
- Emphasize the collection of intelligence information by the unit through the use of informants, prisoner debriefings, and by attending roll call briefings
- Act as the contact between the unit, Patrol, and the Intelligence Unit on a routine basis

**51.1.32** No intelligence files will be kept at any office other than the Intelligence Unit office.

**51.1.33** The Intelligence Unit is not a first response Unit. Employees may not encourage the general public to directly telephone or contact the Intelligence Unit.

**51.1.34** Members of the public that provide intelligence information shall be interviewed by the deputy receiving the information. The deputy shall forward the information to the Intelligence Unit. On more urgent matters, the deputy may fax, telephone, email, or personally contact the Intelligence Unit with the information.

**51.1.35** If a member of the public wishes to report intelligence information but wants to remain anonymous, they should be referred to Crime Stoppers at 1-800-877-TIPS.

**51.1.36** All intelligence information transmitted by electronic mail shall be labeled "Intelligence Report – Confidential" in the subject line. This serves to exempt the communication from public records disclosure.

## ATTACHMENTS

**Attachment A:** Intelligence Information Form

**Revised by:** 6760

**Revised on:** 05-2010

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**





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## RECEIVERS'S EVALUATION OF INFORMATION

\_\_\_\_\_ **Reliable**    \_\_\_\_\_ **Questionable**    \_\_\_\_\_ **Unknown Reliability**

**Comments:**

[illegible]



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**TITLE: HOMELAND SECURITY**

**CODIFIED: 51.2**

**EFFECTIVE: 06-2010**

**RESCINDS/AMENDS: 51.2/04-2007**

**ATTACHMENTS: 0**

#### PURPOSE

The purpose of this directive is to define the role of and establish procedures for the Homeland Security Group, and the Department, in regard to Homeland Security and related intelligence operations.

#### DISCUSSION

Local law enforcement is the most effective tool to combat terrorism within Volusia County, Florida, and the United States. Local law enforcement is the first responder to all terrorist events and must have constant interaction with the community who will assist in the reporting of suspicious activity. Local law enforcement must be engaged in monitoring events in the community and reporting significant incidents to federal and state agencies.

#### POLICY

It shall be the policy of the Volusia County Sheriff's Office to participate in Homeland Security investigations and operations with federal, state and local agencies. The Intelligence Unit shall be the primary unit responsible for Homeland Security coordination and communication of intelligence and operations within Volusia County and shall maintain liaison with other organizations for the exchange of information relating to terrorism and threat related activity.

#### DEFINITIONS

##### DOMESTIC SECURITY TASK FORCE (DSTF)

The statewide anti-terrorism task forces, created by law, that are composed of state and local law enforcement officers.

##### HOMELAND SECURITY

Homeland Security is an ongoing and comprehensive process of preventing terrorism within the United States through intelligence gathering, investigation and interdiction.

##### JOINT TERRORISM TASK FORCE (JTTF)

The Federal Bureau of Investigation anti-terrorism task forces composed of federal, state and some local law enforcement agents.

##### TERRORISM

Under the Homeland Security Act of 2002, terrorism is defined as activity that involves an act dangerous to human life or potentially destructive of critical infrastructure or key resources and is a violation of the criminal laws of the United States or of any State or other subdivision of the United States in which it occurs and is intended to intimidate or coerce the civilian population or influence a government or affect the conduct of a government by mass destruction, assassination, or kidnapping.

**NOTE:** As terrorists' methods and training evolve, the act of planning, coordinating or complicitous association/collusion with regard to such occurrences or attempts to cause death, destruction, or government/ civilian intimidation, both successful and failed, are considered acts of terrorism in and of themselves and as such are fundamentally of extreme, paramount concern to law enforcement.

## **HOMELAND SECURITY GROUP**

**51.2.1** The Homeland Security Director shall serve as the agency's Point of Contact (POC) for all Homeland Security matters and will supervise the Intelligence Unit. The Homeland Security Director and Intelligence Unit will comprise the Homeland Security Group under the Commander of Investigative Services. The duties and responsibilities of the Homeland Security Group shall include but not be limited to the following:

- Maintain the Volusia County Sheriff's Office Homeland Security Manual / Threat Level Procedures, posted on the Intranet.
- Conduct critical infrastructure protection operations
- Advise the Chain of Command on Homeland Security or threat related issues.
- Participate in the activities of the Joint Terrorism Task Force, Domestic Security Task Force, and other Homeland Security related multi-disciplined partnerships.
- Coordinate Homeland Security related grant projects.
- Investigate Homeland Security threats.
- Respond to Homeland Security emergencies.
- Deliver anti-terrorism awareness training to law enforcement and the community.

## **HOMELAND SECURITY INTELLIGENCE INFORMATION**

**51.2.2** The collection and reporting of Homeland Security information is the responsibility of each member of the Department. Homeland Security information coming to the attention of Department members concerning ongoing or suspected terrorist activity, to include activities occurring within a municipality, shall be reported to the Homeland Security Group in a timely manner.

**51.2.3** The Chain of Command, to include the Communications Center Supervisor, District Commanders, and the Watch Commander, are responsible for insuring that the Homeland Security Group or the Commander of Investigative Services is notified of significant events as described herein. The following events, if within Volusia County, shall require immediate notification of the Homeland Security Group. Information shall include what radio frequencies are being utilized for the response, the identity of the Incident Commander and the location of any Incident Command Post established to manage the following:

- Any murder, attempted murder, kidnapping, or abduction of a law enforcement officer, government official or of an on-duty security officer where the suspect(s) is still at large.
- Any actual bombing, use of a weapon of mass destruction or the discovery of a genuine explosive device, improvised explosive device, nuclear, biological or chemical weapon (WMD). It shall be the duty of the Bomb Squad supervisor to inform the Communications Center of these findings.
- Any abduction, kidnapping, aircraft, marine or public transportation piracy where a demand is made, or reasonably assumed, that expresses the intent described in the above definition of terrorism.
- Any attack, mass illness or unexplained crisis at critical infrastructures to include, but not limited to, bridges, dams/dikes, public utilities, fuel depots, airports, ports, communication towers, government facilities, hospitals, defense contractors, or large concentrations of people to include special events.
- Any notification received after normal duty hours regarding a verified terrorist attack occurring within the State of Florida.
- Any suspicious event or emergency that appears to relate to another suspicious event or emergency that one might reasonably assume could involve a pattern of terrorist activity.

**51.2.4** The following are indicators of possible terrorist activity that shall be reported to the Homeland Security Group. Immediate notification shall be made if the activity is in progress or a suspect is being detained.

- Suspicious photography, video taping or sketching of government facilities, places drawing large crowds, or critical infrastructure such as bridges, dams, power facilities, water facilities, telephone facilities, fuel depots, airports, ports, communication towers, etc.
- Stolen or missing aircraft, ocean vessels, fuel trucks, emergency vehicles, explosives, or large quantities of poisons, military style weapons, blank identity documents, etc.

- Suspicious attempts to enter restricted areas without authorization or by use of false identity.
- Possession or production of false identity documents or multiple identities such as driver licenses, vehicle registrations, passports, immigration visas, etc.
- Suspicious requests for sensitive information such as government radio frequencies, blue prints of public buildings, security plans, emergency plans, personal information of government officials, etc.
- Suspicious attempts to disguise one's personal or vehicle appearance or identity.
- ANY OTHER activity that a reasonable person would suspect to be a terrorist act or that such act is being planned, or a terrorist organization is being funded or otherwise supported.

**51.2.5** The Intelligence Unit shall insure that Homeland Security intelligence information is shared on a need to know basis and that sensitive or classified information is physically controlled or secured at all times.

#### **HOMELAND SECURITY INVESTIGATIONS**

**51.2.6** The Intelligence Unit or, through coordination with other agencies' intelligence officers, shall conduct investigations of reported information and make a determination if the subjects of the information pose a threat to the community. If a genuine threat is identified, necessary law enforcement action shall be initiated. All direct law enforcement action shall be coordinated with federal and state Homeland Security entities. All legal and acceptable methods of investigation and reasonable Department and task force resources may be used to accomplish this objective.

**51.2.7** The Intelligence Unit shall be the contributor of Volusia County's Homeland Security intelligence information to designated federal and state systems.

**51.2.8** The Federal Bureau of Investigation and its adjunct, the Joint Terrorism Task Force, shall have primary jurisdiction on all terrorist related investigations.

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Revised by: 6760/2106

Revised on: 05-2010

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Written Standards Directive**

**TITLE: COMPLAINT PROCEDURES**

**CODIFIED: 52.1**

**EFFECTIVE: 11-2019**

**RESCINDS/AMENDS: 52.1/06-2018**

**ATTACHMENTS: 2**

**PURPOSE**

The purpose of this Directive is to establish guidelines for the investigation of complaints against the Volusia County Sheriff's Office and its employees so the facts in each incident are determined and carried to a proper disposition.

**DISCUSSION**

A system to review and investigate complaints and allegations is essential to establish and maintain the confidence of the Volusia County citizens, in order to protect the integrity/rights of the VCSO employees and to protect the public from police misconduct.

Citizens are encouraged to bring forward legitimate grievances regarding misconduct by Volusia County Sheriff's Office personnel. A complaint should be received courteously, handled efficiently and VCSO personnel should assist and cooperate in the processing of citizen complaints.

It is recognized that Volusia County Sheriff's Office personnel often are subjected to intense pressures in the discharge of their duties. They must remain neutral under circumstances that are likely to generate tension, excitement and emotion. In such situations, words, actions and events may result in misunderstanding and confusion. It is beneficial to all concerned that procedures exist which provide for the investigation of allegations and underlying causes. This ensures that all investigations are conducted in a professional and consistent manner.

**POLICY**

It shall be the policy of the VCSO to investigate all complaints against the agency and its employees and to maintain an internal affairs unit, which shall thoroughly, expeditiously and impartially investigate all unresolved complaints or cases involving integrity of the Sheriff's Office.

It shall further be the policy of the Volusia County Sheriff's Office to disseminate to all employees an updated copy of all Directives relating to internal affairs administration and discipline.

**PROCEDURE**

**52.1.1** The Internal Affairs Unit shall be responsible for recording, registering and controlling all alleged or suspected misconduct complaints against the agency and its employees. The confidentiality of internal investigation files shall be maintained in accordance with public records law and CALEA (Commission on Accreditation for Law Enforcement Agencies) standards.

**52.1.2** All complaints and discipline files can be classified under one of the following three areas:

- **Supervisory Discipline:** This type of discipline is usually generated through the first level of supervision and generally does not require a formal investigation.
- **Citizen Complaints:** Depending upon the severity of the allegation, such complaints usually do not require a formal investigation and should it be necessary to impose discipline, it usually is generated from the first level of supervision. Should a Citizen's Complaint be so severe as to merit a formal investigation, it will then be labeled as an Internal Investigation.
- **Internal Investigations:** The more serious allegations usually require a formal investigation and may include the advisement of rights pertaining to an administrative investigation.

**52.1.3** The Internal Affairs Unit is a staff unit, which coordinates and exercises staff supervision over complaint investigations and/or allegations of misconduct against VCSO employees from all sources.

**52.1.4** The Internal Affairs Supervisor shall be directly responsible for the internal affairs function and shall report all pertinent information directly to the Sheriff.

**52.1.5** The Internal Affairs Unit shall have the authority to interview any employee of the VCSO, use facilities, equipment, and to review any record or report of the VCSO.

**52.1.6** Personnel shall cooperate with and assist the Internal Affairs Unit, recognizing that complaint investigations are conducted under the immediate authority of the Sheriff.

**52.1.7** Internal Affairs Detectives shall conduct administrative investigations. Criminal investigations shall be conducted by the appropriate investigative unit or agency.

**52.1.8** The supervisor of the Internal Affairs Unit shall be responsible for maintaining all records pertaining to internal investigations in the security file(s) within the Internal Affairs Unit.

**52.1.9** The Internal Affairs Supervisor shall take all proper precautions to ensure the security of these records. These records shall be stored separate and apart from personnel records.

**52.1.10** All complaints received by any member of the VCSO against the Sheriff's Office or an employee, shall be assigned a complaint control number. Internal Affairs assigns control numbers and enters them into the IAPro.

**52.1.11** The numbering system shall be sequential, prefixed by the type and year. Examples:

- **Supervisory Discipline:** SD95-001
- **Citizen Complaints:** CC95-001
- **Internal Investigations:** IA95-001

**52.1.12** The IAPro database shall include the complainant's name, VCSO member against whom the complaint was lodged, date complaint received, type of complaint, case number and final disposition and the investigating Deputy.

**52.1.13** The IAPro database shall provide the following:

- Complainant's name, address, home and business telephone numbers;
- Case/Control number;
- Person complained against and nature of complaint;
- Disposition and date.

**52.1.14** Internal Affairs shall prepare a separate file, alphabetically indexed by names of personnel who have become the subject of an Internal Affairs investigation. The index shall provide the following:

- Name, rank, employee identification number and assigned division/district;
- Case/Control number;
- Complainant's name and nature of complaint;
- Disposition and date.

**52.1.15** Internal Affairs shall prepare a file for every complaint assigned. The file shall contain the original report and audiotapes of Internal Affairs investigation, copies of offense reports, photographs and other pertinent documentation, when applicable.

**52.1.16** Folders shall be filed numerically by control number and kept secure while in the custody and control of Internal Affairs.

**52.1.17** No one may access files without permission from the Sheriff or the Internal Affairs Supervisor.

**52.1.18** No portion of the file shall be copied or reproduced by anyone other than Internal Affairs personnel.

**52.1.19** For record keeping efficiency, information tracking files are computerized.

## **INVESTIGATIONS**

**52.1.20** The Internal Affairs Unit shall conduct investigations into:

- Civil liability suits against members of the VCSO;
- At the direction of the Sheriff, internal investigations for other agencies within the concurrent jurisdiction of the VCSO;
- Allegations of corruption;
- Gross misconduct;
- Allegations of the use of excessive force or brutality;
- Use of deadly force and firearms per VCSO Standards Directives 1.1, 1.2 and 1.3;

- Violations of civil rights;
- Allegations of criminal misconduct;
- Incidents requiring investigations that are extremely lengthy, time consuming, involve multiple units or divisions or when other investigative resources are unavailable;
- All other administrative investigations assigned by the Sheriff.

**52.1.21** Supervisory personnel are authorized to investigate violations involving:

- Minor violations of policy and procedure;
- Allegations of rudeness to citizens;
- Insubordination;
- Tardiness or dilatory behavior.

**52.1.22** Investigations by supervisory personnel shall be forwarded in memo form to the Sheriff, via chain-of-command for review to ensure citizen complaints are resolved satisfactorily. After the Sheriff's review, the supervisory review containing all chain-of-command input shall be forwarded to Internal Affairs Section for record maintenance.

**52.1.23** These reports, and all copies will be completed and submitted to the Internal Affairs Supervisor within forty-five (45) calendar days.

**52.1.24** A Supervisor's comprehensive investigative report shall be prepared on all investigations. This report will include:

- A summary of the complaint or alleged act of misconduct;
- A description of the incident, physical evidence and other pertinent information;
- Non-edited investigative statements;
- Evaluation of the complaint, with a statement indicating what can or cannot be substantiated.

**52.1.25** All records shall be maintained by the Internal Affairs Unit Supervisor in a secure area and in compliance with Florida Statutes 112.533, Confidential Records/Disclosure and Chapter 119 of the Public Records Law.

**52.1.26** When an employee is under investigation and subject to a formal interview, the interview shall be conducted under the following conditions:

- The interview shall be conducted at a reasonable hour, preferably at the time when the employee is on duty unless the seriousness of the allegation requires immediate action.
- The interview will take place at the office of command of the investigating Deputy or at the District headquarters where the offense occurred.
- The employee subject of the investigation shall be advised of the name, rank and division of the Deputy in charge of the investigation, the interviewing Deputy and all persons present.
- Interrogations sessions shall be for reasonable periods, and time shall be allowed for personal necessities and rest periods as are reasonable.

**52.1.27** Prior to the interview, the employee shall be notified, in writing, of the nature of the investigation, the employee's rights and responsibilities relative to the investigation and the names of all complainants.

**52.1.28** The employee subject to the investigation shall not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. No promise or award shall be made to induce the answer to any questions.

**52.1.29** If the employee under interrogation is under arrest or is likely to be placed under arrest as a result of the interrogation, the employee shall be informed of their Miranda rights prior to commencement of the interrogation.

**52.1.30** The sworn employee subject to investigation shall have right to counsel or any other representative of their choice, who shall be present at all times during the interrogation whenever the interrogation relates to the continued fitness for service.

**52.1.31** All formal interrogations shall be taped/video recorded.

**52.1.32** The rights of all sworn and non-sworn employees under Florida Statutes, the Florida Constitution, the United States Constitution, the Merit System rules and regulations and any applicable collective bargaining agreement will be protected.

**52.1.33** Employees are required to answer all questions related to the performance of their duties. Employees are protected under the Fifth Amendment against self-incrimination in criminal proceedings. However, failure to answer questions related to the performance of duties may result in disciplinary action.

## **COMPLAINT PROCESSING**

**52.1.34** All complaints against the VCSO and its personnel will be documented and investigated. This includes anonymous complaints.

**52.1.35** Every effort shall be made to facilitate the convenient, courteous and prompt processing of citizen complaints.

**52.1.36** All VCSO employees are charged with the responsibility of courteously receiving all complaints, which may be lodged against the Sheriff's Office or any employee thereof, whether made in person, by mail or telephone, regardless of nature.

**52.1.37** Persons making complaints by mail or telephone will be interviewed and a complaint form prepared and processed as any other complaint (see Attachment A).

**52.1.38** Anonymous complaints will be received and processed as any other complaint.

**52.1.39** Minors who wish to file a sworn complaint, MUST be accompanied by a parent or legal guardian; the sworn complaint should be signed by the parent or legal guardian.

**52.1.40** Citizens wishing to register a complaint will be referred to the employee's immediate supervisor. If the immediate supervisor is unavailable, a supervisor within the employee's division shall be notified.

**52.1.41** The supervisor processing the complaint will record pertinent information concerning the complaint on the Citizen Complaint Form.

**52.1.42** All complaints will be investigated, including complaints where the complainant is unwilling to sign the complaint form.

**52.1.43** When appropriate, the supervisor shall conduct a preliminary investigation, including interviewing the complainant and any witnesses readily available in person. The supervisor shall also advise the subject employee of the complaint.

**52.1.44** The complaint shall be documented and a control number will be assigned by Internal Affairs as soon as possible.

### **SCHEDULE FOR STATUS NOTIFICATION TO COMPLAINANT**

**52.1.45** The person recording said complaint shall provide the complainant with a copy of the complaint form with a description of the investigative process.

**52.1.46** The original Citizen Complaint Form will be forwarded to the Internal Affairs Unit within 5 (five) days of receipt of the original complaint. Upon receipt, the complaint is assigned electronically via the Blue Team application to the District Commander (Captain) of the district in which the complaint occurred; a due date is placed on the complaint no later than 30 days from the date the complaint was sent to the Captain. Once received, the Captain has the option to assign the complaint to either the Lieutenant or Sergeant. The investigating supervisor will maintain and utilize a copy of said complaint while completing the investigation.

**52.1.47** Once assigned for review, a letter is drafted and sent by mail to the complainant, notifying them their complaint has been received and is being processed. The letter shall also indicate the anticipated completion date is 45 days. This time frame may change dependent upon whether further investigation is needed or a criminal review may be necessary. In this case, the complainant will receive a second written notification by mail of the timeframe being extended and the reason why.

**52.1.48** The District Commander or Lieutenant shall notify their Division Chief of all citizen's complaints.

**52.1.49** Complaints involving corruption, the use of deadly force, or those of a serious or sensational nature shall be immediately reported to the Sheriff.

**52.1.50** Whenever practical, supervisors shall take corrective action to resolve minor complaints, which result from a misunderstanding, or need little or no investigation to resolve the issue.

**52.1.51** The employee assigned to an internal investigation shall maintain contact with the complainant periodically during the investigation and at its conclusion to inform the complainant of the status of the investigation, acting in compliance with Florida Statutes 112.533 and Chapter 119, Public Records.

**52.1.52** Upon completing the investigation, the District Captain shall forward the results through the chain of command via the Blue Team application. The completed complaint is then housed in the Internal Affairs Unit (IAU).



**52.1.53** Upon receipt of the completed complaint, a letter is drafted by IAU personnel indicating the outcome of the investigation and its final disposition. The letter is then mailed to the complainant.

**52.1.54** During this entire investigative process, IAU personnel have the ability to review and track the status of active complaints in order to ensure the complaint is being completed in a timely manner and in accordance with applicable General Orders. Blue Team notifies the IAU member who entered the complaint when the complaint is either nearing, or has past, the 30 day due date, prompting follow-up by IAU.

**52.1.55** The impact of cases that reflect on the integrity of the VCSO and employee morale necessitates an expeditious resolution. Therefore, complaints investigated by the Internal Affairs Unit shall be completed within a reasonable time period. This time period will not exceed the statutory requirements of FSS 112.532.

**52.1.56** Extensions may be granted in cases due to extenuating circumstances in accordance with FSS 112.532 (6)(a)1-6.

**52.1.57** The Internal Affairs Unit Supervisor shall report the status of ongoing investigations and all complaints against the VSO and employees to the Sheriff at least once a week.

**52.1.58** The Sheriff shall be notified immediately from the level at which the complaint is received when the following complaints are received against the VCSO, or its employees:

- Civil liability suits against members of the VCSO;
- Allegations of corruption when there is evidence to support the allegation;
- Allegations of the use of excessive force or brutality, and there is evidence to support the allegation;
- Use of deadly force per VCSO Standards Directives 1.1, 1.2 and 1.3;
- Violations of civil rights where there is evidence to support the allegation;
- Allegations of criminal misconduct where there is evidence to support the allegation.

**52.1.59** Complaints initiated by employees shall be handled using the same procedure as for citizens' complaints.

**52.1.60** In cases where the subject of the complaint is directly in the chain of command, the complaint will be forwarded via the subject's supervisor, except for the cases listed above in paragraph 52.1.55.

**52.1.61** Employees shall be notified they have become the subject of an internal affairs investigation. The Internal Affairs Unit shall provide an accused employee, in writing, a statement of the allegations and the employee's rights and responsibilities relative to the investigation.

**52.1.62** This does not apply in cases where confidentiality is deemed necessary because of the sensitivity of the investigation.

## **INVESTIGATIVE TECHNIQUES**

**52.1.63** The collection of evidence in investigations directed toward employees of the Sheriff's Office shall follow the following guideline.

**52.1.64** All testing methods for the detection of illegal drugs shall be conducted in conformance with Florida Statute, 112.0455 and VCSO Standards Directive 22.3, Drug Testing.

**52.1.65** All such orders shall be in writing and signed by the Sheriff.

**52.1.66** An employee shall be required to be photographed or participate in a line-up if it is material to a particular offense or investigation.

**52.1.67** Employees may be required to submit financial disclosure statements if the particular investigation involves questions of a financial nature.

**52.1.68** Members of the employee's immediate family shall not be required to give statements in administrative investigations, but may volunteer such statements.

**52.1.69** An employee of the Sheriff's Office shall not be required to subject their residence, place of private business, or private vehicle to search unless a valid search warrant has been obtained or the employee voluntarily agrees.

**52.1.70** Issued or assigned property shall be subject to search based on reasonable suspicion when related to a particular investigation.

**52.1.71** Employees may be required to submit to other types of medical or laboratory procedures related to particular investigations.

**52.1.72** No employee shall be required to submit to a device measuring the truth responses during questioning. However, there shall be no restriction on the right of an employee to submit to such device on a voluntary basis.

**52.1.73** In accordance with the Volusia County Merit System, an employee may be suspended without pay:

- For up to (7) seven calendar days pending investigation whenever the Sheriff's Office has reason to believe the employee has committed a serious violation or offense, but sufficient evidence is not yet available to make a proper evaluation and determination of appropriate final action;
- For disciplinary actions;
- When so ordered by the Sheriff and the employee is charged with a felony or misdemeanor.

**52.1.74** In accordance with the Volusia County Merit System Rules and Regulations, a suspension with pay may be given to an employee when necessary to relieve the employee from duty and remove them from the work position.

**52.1.75** Supervisory personnel shall have the authority to temporarily suspend employees due to physical or psychological unfitness.

**52.1.76** In cases of disciplinary suspension, on or before the effective date of suspension, the employee will be provided with:

- A written statement setting forth the reasons for the suspension;
- The effective dates of the suspension;
- The charge and the specific behavior and dates that support the charge;
- An offer of assistance in correcting the behavior;
- The employee's rights to respond to the charge.

#### **INVESTIGATIVE FINDING**

**52.1.77** All evidence involving investigations that may result in adverse actions will be presented to the Sheriff's staff by the Investigating Deputy.

**52.1.78** The Sheriff's Staff shall recommend one of the following dispositions and an appropriate disciplinary action:

- **EXONERATED** - The allegation is true, however, proper, appropriate police procedures and techniques were adhered to.
- **NOT SUSTAINED** - The investigation discloses insufficient evidence to clearly prove or disprove the allegation.
- **POLICY FAILURE** - Policy or procedure does not properly address the allegation or procedure, which led to the alleged conduct, and the investigation reveals policy or procedural changes are recommended.
- **SUSTAINED** - The investigation discloses that the accused employee has committed a substantial part of the alleged act(s) or improper conduct.
- **UNFOUNDED** - No basis for the allegation, or the employee acted properly under the circumstances.

**52.1.79** Upon conclusion of the investigation, both the complainant and the employee(s) shall receive, in writing, the conclusion of fact and the disposition of the allegation.

#### **ANNUAL REPORT AND PUBLIC INFORMATION**

**52.1.80** To ensure unimpeded access/availability by the public to the agency's citizen's complaint procedures, the VCSO will maintain an informational brochure and Citizen's Complaint Forms in the public lobby at each District office and the Administrative Offices in DeLand. In addition, the agency will maintain easy-to-access information, Frequently Asked Questions (FAQ's), and complaint forms on it's website at [www.volusia.org/sheriff](http://www.volusia.org/sheriff).

**52.1.81** The Supervisor of the Internal Affairs Unit shall annually prepare a statistical summary of Internal Affairs investigations. A copy will be sent to Planning & Research for inclusion in the agency's Annual Report, which is made available to all personnel through the agency intranet; a copy will also be sent to the PIO for posting on the agency's website.

**52.1.82** The Public Information Officer and Community Relations shall disseminate information to the public on procedures for registering complaints against the Sheriff's Office and its employees. These procedures and required forms will also be made available on the agency's website.

#### **ATTACHMENTS**

**Attachment A:** Citizen's Complaint Form

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**Revised by:** 1574  
**Revised on:** 11-2019

**Approved:**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**

VOLUSIA COUNTY SHERIFF'S OFFICE CITIZEN'S COMPLAINT FORM

Case# \_\_\_\_\_

**COMPLAINANT:**

Name: \_\_\_\_\_ DOB \_\_\_\_\_ Sex \_\_\_\_\_

Res. Address \_\_\_\_\_ Phone \_\_\_\_\_

Bus. Address \_\_\_\_\_ Phone \_\_\_\_\_

Personnel Involved:

Name: \_\_\_\_\_ I.D. No. \_\_\_\_\_

Name: \_\_\_\_\_ I.D. No. \_\_\_\_\_

Witnesses:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Additional witness information to be entered on Citizen's Complaint Continuation Form.

Complaint:

Nature of Complaint: \_\_\_\_\_

Date/Time of Incident: \_\_\_\_\_

Location: \_\_\_\_\_

**Detail by Complainant:**

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**CAUTION:** Whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall be guilty of a misdemeanor of the second degree: pursuant to Florida State Statute S.S. 837.06. Further, if the person filing a complaint against a deputy knew the charges to be false at the time of filing the complaint, the accused has the right to pursue civil damages against the complainant: pursuant to Florida State Statute 112.532(3).

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

at \_\_\_\_\_, Florida.

\_\_\_\_\_  
NOTARY

\_\_\_\_\_  
COMPLAINANT

Supervisor: \_\_\_\_\_ Date/Time \_\_\_\_\_

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
at \_\_\_\_\_, Florida.

COMPLAINANT

VCSO 103097.022 (Rev 04/08)



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>LINE INSPECTIONS</b>
<b>CODIFIED:</b>	<b>53.1</b>
<b>EFFECTIVE:</b>	<b>10-2008</b>
<b>RESCINDS/AMENDS:</b>	<b>53.1/01-2007</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to provide general guidelines and responsibilities for conducting regular inspections of personnel, facilities and equipment.

**DISCUSSION**

Since police service is almost entirely a personal service, every condition in a police organization and its environment is traceable in large measure to the acts of law enforcement officers and to the success or failure of their operations. Line inspection is a continuous inspection of the process of doing a task.

The purpose of inspections is to learn whether the task is being performed, whether the anticipated results are being realized, whether the resources of the Department are being utilized to the best advantage, to reveal needs for additional or modified organization, regulations, procedures, equipment, manpower training, direction or leadership. Line inspections also provide a vehicle for employee evaluation.

Line inspections ensure that employees are acting in concert with the Department's requirements in such areas as personal appearance, use and maintenance of equipment and adherence to Directives and orders. Additionally, line inspections encompass the status and conditions of physical facilities.

**POLICY**

It shall be the policy of the Department that all components, facilities, property, equipment, activities and personnel of the Department be subject to line inspections.

**PROCEDURE**

**INSPECTIONS**

**53.1.1** Line inspections shall be conducted on a continuous basis and the results of both formal and informal inspections documented. The evaluation of employees, equipment and facilities shall be based on both informal and formal inspections.

**53.1.2** Division and District Commanders and Lieutenants shall make personal inspections of personnel and areas under their command at frequent and irregular intervals.

**53.1.3** Every supervisory level within the Department shall be required to exercise supervisory control through frequent and routine inspections. Observations should be made on a routine basis as part of the normal course of daily events.

**53.1.4** Line inspections will be an ongoing activity to ensure that employees are acting in concert with Department requirements in areas such as personal appearance, use and maintenance of equipment, adherence to Directives and orders. Line inspections ensure accountability.

**53.1.5** Informal line inspections shall be the cornerstone for employee evaluation.

**53.1.6** Formal line inspections shall be conducted quarterly. Formal line inspections shall be conducted for the purpose of accountability/correction and shall be supplementary to informal line inspections.

**53.1.7** District Commanders shall formally inspect personnel, vehicles and equipment quarterly.

**53.1.8** Deficiencies will be documented. Deficiencies shall be corrected or addressed. The District Commander shall conduct a follow-up inspection to ensure such deficiencies have in fact been corrected.

**53.1.9** Division Commanders shall formally inspect facilities, procedures, vehicle assignments and the operational readiness of the Division quarterly.

**53.1.10** Deficiencies shall be documented and corrected. The Division Commander shall conduct a follow-up inspection to ensure such deficiencies have been properly addressed.

**53.1.11** Counseling, corrective or disciplinary action should be utilized when appropriate.

#### **INFORMAL INSPECTIONS**

**53.1.12** It is the responsibility of each supervisor to make informal inspections of the personnel under their supervision and take corrective actions on the conditions discovered. These inspections may include, but are not limited to:

- Punctuality,
- Readiness for duty,
- Compliance with the dress code,
- Appearance,
- Condition of issued equipment or equipment in the employee's charge,
- Issued equipment and materials.
- Cleanliness of Department vehicles,
- Appearance of work station,
- Adherence to rules and regulations,
- Completeness of standards manuals,
- Conduct when dealing with the public and fellow employees.
- For Law Enforcement Service Deputies the Supervisor should contact 3-5 citizens selected at random monthly.

**53.1.13** During informal inspections, deficiencies should be brought to the attention of the subordinate for prompt correction.

**53.1.14** Repeated or serious deficiencies shall be documented and added to the employee's division/district level personnel file.

**53.1.15** Counseling or disciplinary action should be utilized when appropriate.

**53.1.16** Supervisors shall conduct follow-up inspections to ensure deficiencies are corrected.

#### **FORMAL INSPECTIONS**

**53.1.17** Formal inspections shall be conducted on all organizational components.

##### **FIRST LINE INSPECTIONS**

**53.1.18** First line supervisors shall formally inspect vehicles, work stations, equipment and personnel at least monthly.

**53.1.19** These inspections shall examine:

- The cleanliness of equipment and/or work stations,
- The presence and condition of equipment,
- The operational readiness of the equipment,
- Maintenance records,
- The personal appearance of personnel,
- The completeness of standards manuals.

**53.1.20** Deficiencies should be brought to the attention of the subordinate for prompt correction.

**53.1.21** Serious or frequent deficiencies shall be documented.

**53.1.22** Counseling, corrective or disciplinary action should be utilized when appropriate.

**53.1.23** Supervisors shall conduct follow-up inspections to ensure deficiencies are corrected.

## **PATROL INSPECTION PROCEDURES**

**53.1.24** Formal roll call inspections shall be conducted monthly by the Squad Sergeant, quarterly by the District Commander. Additional inspections may be ordered and attended by the Division Commander.

### **SIDEARM INSPECTION**

**53.1.25** Glock pistols may be inspected holstered, unholstered, assembled or disassembled.

**53.1.26** If unholstered pistols are to be inspected, the inspection shall be conducted only after:

- the pistol has been rendered safe by the Deputy being inspected using an approved VCSO bullet trap, and
- the Safety Officer or Inspector has determined the pistol is safe by a visual and tactile inspection using a chamber checker tool to ensure the pistol chamber and magazine well are clear.

**53.1.27** A Safety Officer or Inspector must be present during loading or unloading inspection procedures.

**53.1.28** The Deputy or Inspector will use the following unloading and loading procedures to unload the Glock pistol for inspection and reload the Glock pistol for duty.

### **UNLOADING INSTRUCTIONS**

**53.1.29** Fingers must be kept off the trigger and outside the trigger guard during unloading.

- A. With the weapon in the holster remove the magazine.
- B. Put the magazine away and out of deputy's hands.
- C. While facing the bullet trap, draw the weapon and place the muzzle into the bullet trap.
- D. Rack the slide to the rear and observe the chambered round being ejected.
- E. Lock the slide to the rear.
- F. Visually and physically check to insure that there is not a round in the chamber and there is not a magazine in the magazine well.
- G. Present the weapon to the Inspector for inspection to insure the weapon is safe.
- H. The Safety Officer or Inspector must use a chamber checker tool to ensure that the chamber and magazine well are clear.

**53.1.30** Disassembly:

- A. If the weapon is to be disassembled for inspection, place the muzzle of the empty weapon in the bullet trap, pull the slide to the rear and release to let the slide move forward and press the trigger to uncock the weapon.
- B. Remove the slide from the frame for inspection.
- C. If the slide was pulled to far to the rear when disassembling and the weapon is recocked, the Deputy will place the muzzle back into the bullet trap before pressing the trigger to uncock.

### **LOADING INSTRUCTIONS**

**53.1.31** Fingers must be kept off the trigger and outside the trigger guard during loading.

- A. Lock the slide to rear.
- B. Insert the muzzle of the weapon into the bullet trap.
- C. Insert a fully loaded (15 round) magazine into the magazine well.
- D. Pull the slide to the rear and release, charging the weapon.
- E. Press check while the muzzle is still in trap.
- F. Place the weapon in holster and snap it in.
- G. Remove the magazine and replace round fifteen.
- H. Insert the fully loaded magazine into the magazine well, tap the base of the magazine to insure that it is fully seated.
- I. Pull on the magazine to ensure that it is locked in the magazine well.



**53.1.32** The Safety Officer or Inspector shall record discrepancies and shall ensure that the necessary corrections are made through follow-up inspections.

#### **INVESTIGATIVE INSPECTIONS**

**53.1.33** Investigative personnel and vehicles shall be inspected in the same manner as patrol Deputies.

**53.1.34** Supervisors shall make daily inspections of their assigned work areas (rooms, cubicles) to ensure the area is clean, orderly and supplied with the proper equipment.

**53.1.35** Serious or repeated deficiencies shall be documented.

**53.1.36** If disciplinary action appears warranted, it shall be documented and forwarded to the District/Division Commander as appropriate.

#### **OPERATIONAL DEFICIENCIES**

**53.1.37** Supervisors charged with inspection responsibilities shall identify and report any deficiencies, which affect the operational readiness of the Department.

**53.1.38** If the deficiency noted can be corrected by a change in procedure at the division level, the appropriate action shall be taken.

**53.1.39** If the deficiency cannot be corrected at the Division/District level, the appropriate component shall be notified.

**53.1.40** Upon request, The Staff Inspections Unit will provide guidance and coordination during the inspection process.

**53.1.41** Staff inspections shall be conducted in compliance with Departmental Standards Directive 53.2, with the purpose to inspect all organizational components, facilities, property, equipment and activity.

#### **INSPECTION REPORTS**

**53.1.42** Following the quarterly formal roll call inspection, the individual inspecting supervisor shall complete an inspection/evaluation report on each employee.

**53.1.43** Deficiencies noted during the inspection shall be noted on the inspection/evaluation form.

**53.1.44** Deputies with noted deficiencies shall be re-inspected within two working days. If the deficiencies are not corrected, disciplinary action may be initiated by the Supervisor.

**53.1.45** The Supervisor shall maintain the original copy of the inspection/evaluation in the Division/District files after review by the Division/District Commander.

**53.1.46** On-street and other inspections of personnel and equipment shall be conducted as deemed necessary by the line supervisor, District or Division Commander.

**53.1.47** Serious or repeated deficiencies shall be documented and a copy placed in the employee's district/division level personnel file.

**Revised by:** 2031

**Revised on:** 10-2008

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**TITLE: STAFF INSPECTIONS**

**CODIFIED: 53.2**

**EFFECTIVE: 09-2011**

**RESCINDS/AMENDS: 53.2/01-2009**

**ATTACHMENTS: 0**

#### PURPOSE

The purpose of this Directive is to establish and provide guidelines for a Staff Inspections Unit.

#### DISCUSSION

A staff inspection process provides the Sheriff with an effective means of regularly assessing the Department's efficiency and effectiveness.

Inspections provide information necessary for planning, ensure policies and procedures are adhered to, determine whether resources are adequate and are properly utilized. Inspections further offer a means to evaluate and improve the Department's overall performance.

The staff inspection process focuses on discovering and pinpointing specific areas where irregularities or weaknesses occur. The staff inspection process also ensures compliance with procedures and applicable laws.

#### POLICY

It shall be the policy of the Department to objectively evaluate and improve the Department's performance, operational efficiency and professional standards by regularly conducting staff inspections and maintaining a Staff Inspections Unit.

#### PROCEDURE

##### AUTHORITY AND RESPONSIBILITY

**53.2.1** The Staff Inspections Unit is under the administrative control of the Director of Professional Standards.

**53.2.2** Staff inspections shall be conducted by Staff Inspectors assigned to the Professional Standards Section and other persons as required. (CALEA 53.2.1a)

**53.2.3** Persons with expertise in specialized areas may be temporarily assigned to a particular inspection process. (CALEA 53.2.1a)

**53.2.4** Staff inspectors shall conduct inspections through the authority of the Sheriff and shall have access to all records, facilities, procedures, operations, personnel and equipment required for the purpose of inspection.

**53.2.5** Staff Inspectors are responsible neither to the supervisors of the function being inspected, nor for the performance of the unit. (CALEA 53.2.1a)

**53.2.6** Staff Inspectors are subordinate to the Director of Professional Standards, who is subordinate to the Chief Deputy/Sheriff. (CALEA 53.2.1a)

**53.2.7** The primary duties of Staff Inspectors are to observe, evaluate, recommend and report.

**53.2.8** During the course of an inspection, Staff Inspectors may operate outside of the normal supervisory, line inspection procedures and the chain of command, within the components being inspected.

**53.2.9** The Staff Inspection Unit shall be responsible for coordinating and conducting individual inspections, compiling reports, monitoring the status of deficiencies and making recommendations to the component commander to bring the affected component into compliance. The staff inspection process includes, but is not limited to, ensuring the following tasks or goals are achieved:

- The Department fulfills its legally mandated responsibilities,

- Divisions, districts, sections, and units comply with all Department policies, procedures and standards,
- Progress is being made and/or program goals and objectives are being achieved through observation of selected programs,
- Integrity in the reporting of crime, arrest and other statistical information is achieved and maintained,
- The service rendered to line personnel by support elements is adequate and productive.

**53.2.10** Staff inspections shall be conducted openly and the commander of the component being inspected may provide liaison personnel to assist with or observe the inspection.

**53.2.11** All Department employees shall cooperate with and provide assistance to members of the Staff Inspection Unit conducting the inspection process.

**53.2.12** The correction of deficiencies through training, direction and discipline is the responsibility of the appropriate component commander.

## **FREQUENCY OF INSPECTIONS**

**53.2.13** Staff inspections shall be scheduled so that all Department components are formally inspected at least once every three years. Components are defined as; (CALEA 53.2.1e)

- Office of the Chief Deputy
- Administrative Services
- Law Enforcements Services
- Support services
- Judicial Services

**53.2.14** Sections and Units are entities with-in each Component. At the discretion, of the Sheriff, Chief Deputy Division Commander or the Director of Professional Standards, all or part of these may be inspected during the Staff Inspection.

**53.2.15** The Staff Inspections Unit shall conduct unannounced inspections of evidence and property storage areas annually or as directed by the Sheriff.

**53.2.16** Staff inspections may be formally scheduled or may be initiated:

- As the result of complaints from the public,
- At the request of a specific unit, division or section,
- To confirm accreditation compliance proofs,
- To affirm, through observation, that selected goals and objectives are achieved by particular programs or procedures,
- At the direction of the Sheriff.

## **INSPECTION PROCEDURE (CALEA 53.2.1b)**

### **ORIGINATION**

**53.2.17** Staff inspections shall be initiated in accordance with accepted accreditation standards.

**53.2.18** Inspections may be suggested or requested by any member of the Department upon submission of a memorandum via the chain of command to the Sheriff, briefly stating the reasons for the inspection.

### **PRE-INSPECTION NOTIFICATION**

**53.2.19** Written notice of a formal inspection shall be provided to the Division Commander and the component to be inspected five (5) days prior to the inspection.

**53.2.20** The memorandum shall indicate the nature of the inspection and may include specific requests for desired actions, questions to be answered, documents to be produced, or other necessary actions to complete the inspection.

### **TYPES OF INSPECTIONS**

**53.2.21** Inspections shall be conducted in the following areas to insure compliance with Department policies, procedures and applicable law:

**53.2.22 OPERATIONS** inspections shall include:

- Facilities and equipment condition,
- Investigative techniques,
- Communications,
- Incident response time,
- Quality of service,
- Report preparation and records,
- Roll calls,
- Supervision and command,
- Court appearance and presentation,
- Selectivity of enforcement,
- Manpower scheduling and deployment.

**53.2.23 ADMINISTRATION** inspections shall include:

- Cooperation within other components or agencies,
- Manpower utilization,
- Control of overtime,
- Compliance with established procedures or law.

**53.2.24** The Sheriff may order other inspections deemed necessary and/or Staff Inspectors may spot check any component, procedure or condition which does not appear to be functioning properly.

#### **SPOT CHECK STAFF INSPECTION (CALEA 53.2.1b)**

**53.2.25** Spot check inspections shall be conducted continuously on an unscheduled basis, requiring no advance notification.

**53.2.26** All spot check inspections shall be approved by the Director of Professional Standards or designee.

**53.2.27** If deficiencies are identified and can be corrected immediately, they will be.

**53.2.28** The inspection shall be documented as described below.

**53.2.29** The Director of Professional Standards may authorize or schedule such follow-up spot check inspections as deemed appropriate.

**53.2.30** If a spot check inspection reveals the need for a more comprehensive inspection, the pre-inspection notification shall be initiated prior to a formal inspection.

#### **POST INSPECTION ACTIVITY (CALEA 53.2.1b)**

**53.2.31** The Staff Inspections Team leader shall be designated by the Professional Standards Section Director.

**53.2.32** The Inspector shall be responsible for the completion of a constructive report at the conclusion of the spot check. (CALEA 53.2.1c)

**53.2.33** The specific format shall be as described in the Volusia County Sheriff's Office Staff Inspections Manual. The report will identify deficiencies and make recommendation for improvement and correction. The report will also identify positive aspects of the component being inspected. (CALEA 53.2.1c)

**53.2.34** Credit or recognition shall be given to the inspected organizational component and its personnel found to be exemplary.

**53.2.35** When possible, upon conclusion of the staff inspection, the Staff Inspection Supervisor shall brief the Commander of the inspected unit on the findings of the inspection.

**53.2.36** The Commander may offer input on specific items, and both the Staff Inspection Supervisor and the Commander should be satisfied that the Staff Inspection Unit was not misled by erroneous information.

**53.2.37** Recommendations for improvement shall be made to the commanding officer in cases where it is within the authority of the commanding officer to effect the change.

#### **RESPONSE TO FINDINGS**

**53.2.38** Staff inspections reports are reviewed and appraised by the Sheriff and the Chief Deputy.

**53.2.39** A copy of the inspection report is then forwarded via the chain of command to the Division Commander of the affected component for review and response, in writing.

**53.2.40** Division Commanders shall respond to the Sheriff, in writing, within fourteen days of receipt of the staff inspection report.

**53.2.41** The response shall indicate corrective actions taken, or reasons for not correcting noted deficiencies.

**53.2.42** The response, proofs and original report shall be maintained by the Professional Standards Section in a report file.

**53.2.43** Contested findings or recommendations shall be resolved by the Sheriff.

**53.2.44** The Division Commander of the affected unit shall be responsible for insuring implementation of the approved recommendations.

**53.2.45** The Staff Inspections Unit shall maintain a tracking file to keep the Sheriff informed of responses due.

**53.2.46** The Sheriff may direct such follow-up inspections deemed necessary to determine compliance.

**FOLLOW-UP INSPECTIONS** (CALEA 53.2.1d)

**53.2.47** At the direction of Command Staff, inspectors shall conduct follow-up inspections and report on the progress of implementation of the recommended changes and noted deficiencies, which could not be immediately corrected.

**53.2.48** Follow-up inspections shall be documented in written reports.

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**Revised by:** 6760/2031

**Revised on:** 05-2011

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: ACCREDITATION MANAGEMENT**

**CODIFIED: 53.3**

**EFFECTIVE: 04-2018**

**RESCINDS/AMENDS: 53.3/04-2007**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish an accreditation management system, which provides authority for the administering of the accreditation process and the delegation of responsibilities to those involved.

**DISCUSSION**

Due to the complex, changing and continuous nature of the accreditation process, it is necessary to assign accountability, responsibility and a system of review to ensure continued compliance with accreditation standards.

Providing Standards Directives (policies and procedures) that meet and/or exceed the minimum requirements set forth by the Commission on Accreditation for Law Enforcement Agencies and maintaining the Directives in current compliance is the responsibility of the Professional Standards Section.

For the purpose of this Directive, staff authority shall be defined as the authority conferred upon another to command in the name of the principal. This authority extends over all persons subordinate to the principal so long as the person exercising the authority is acting within the scope of their assignment.

For the purpose of this Directive, the Principal shall be the Sheriff.

**POLICY**

The Director of the Professional Standards Section shall have "Staff Authority" to discharge their responsibilities of ensuring the success of the accreditation process and the continued compliance with all standards.

**PROCEDURE**

**53.3.1** The Director of the Professional Standards Section shall have direct access to all Division Chiefs, District Commanders, Lieutenants, Program Managers and any other persons whose expertise and/or authority is required for the successful operation of the accreditation and staff inspections processes.

**53.3.2** The Director of Professional Standards shall receive specialized accreditation manager training within one year of being appointed and shall ensure appropriate training to other agency personnel assigned to the accreditation function.

**53.3.3** Division Chiefs, District Commanders, Lieutenants and all other persons shall cooperate with the Professional Standards Section.

**53.3.4** Division Chiefs, District Commanders, Lieutenants and all other persons shall furnish and/or provide access to all necessary annual, semi-annual, quarterly, monthly, weekly and daily reports as required by the Professional Standards Section and Standards Directives.

**53.3.5** Division Chiefs shall be responsible for all section manuals pertaining to their Division. If Divisions have separate section manuals by which they operate, the manuals shall be approved by the Division's Commander. The manuals, even though separate from the Standards Directives Manual, are required to be reviewed at least annually as with any other Directive. The Professional Standards Section will be supplied with copies of all separate section manuals.

**53.3.6** It shall be the responsibility of the Division Chiefs to ensure continued compliance with all applicable standards. The Professional Standards Section shall assist all divisions in maintaining compliance.

**53.3.7** Division Chiefs, District Commanders, Lieutenants and all other persons shall comply with all sections of this Directive. This includes due dates on all draft copies of Standards Directives, standard review dates and proofs of compliance.

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**Revised by:** 7001

**Revised on:** 04-2018

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>MEDIA RELATIONS</b>
<b>CODIFIED:</b>	<b>54.1</b>
<b>EFFECTIVE:</b>	<b>03-2015</b>
<b>RESCINDS/AMENDS:</b>	<b>54.1/10-2001</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines and define responsibilities for the release of information to the news media and the dissemination of informative data and statistics to the community.

**DISCUSSION**

In order to effectively provide and disseminate information to the community and the news media, the Sheriff's Office must establish and maintain media relations procedures. These procedures should provide for the timely and effective distribution of information, which bolsters community support, provides for the rights of the public to be informed, yet safeguards against the release of information, which could impede ongoing investigations or damage the integrity and rights afforded to victims. It is therefore, imperative that this position be maintained by professionally experienced, trained and knowledgeable individual.

**POLICY**

It shall be the policy of the Sheriff's Office to be committed to informing the community and the news media of events within the public domain that are handled by or involve the Sheriff's Office.

**PROCEDURE**

**54.1.1** The Sheriff's Office Public Information Officer shall have the responsibility of coordinating news media activities and acting as liaison between the Sheriff's Office and the news media. All press releases shall be sent to the Public Information Officer for dissemination to the news media as soon as practicable upon completion of the situation being reported.

**54.1.2** The Public Information Officer will:

- A.** Act as a liaison between news media representatives and the agency for the dissemination of news including but not limited to, specific incidents, statistical information and feature stories on Sheriff's Office activities, personnel or changes.
- B.** Respond to the incident scenes which are of concern to the press and coordinate information release.
- C.** Act as a spokesperson for the agency and advise the Sheriff on matters relating to media affairs.
- D.** Assist news personnel by issuing press releases that originate with the investigating officers and answer questions concerning press releases.
- E.** Coordinate and authorize release of information about victims, witnesses, and suspects.
- F.** Respond to the scene of special operations or unusual incidents and assist the Incident Commander in the management of the media and dissemination of information to news media representatives.
- G.** Be available and "on-call" twenty-four-hours-a-day by telephone, pager or radio for response to emergency situations or other Sheriff's Office occurrences which involve the media.
- H.** Gather, utilize and disseminate information provided by Sheriff's Office employees to compose a finished press release in traditional news style. Specific attention should be given to the rules of grammar, punctuation and spelling.
- I.** Schedule and assist at press conferences for incidents considered of major significance; i.e., the conclusion of a lengthy investigation or arrests in an unusually high-profile case.
- J.** At the direction of the Sheriff, act as the Sheriff's Office spokesman to provide information on events that may have negative connotations in the public sector.
- K.** Assist in crisis situations within the Sheriff's Office.



- L. Coordinate media requests for interviews with the Sheriff or Sheriff's Office personnel, with the approval of the Sheriff.
- M. Coordinate and administer the issuance and revocation of press cards to media.
- N. Coordinate the release of information or statistics concerning confidential investigations or operations. Normally, information will not be supplied to the press until such information becomes "public record."
- O. Coordinate and release information relating to the Sheriff's Office's objectives, problems and successes.
- P. Coordinate the processing of all requests from the media for access to public records of the agency.

**54.1.3** When unavailable, due to vacation or out of town business trips the Public Information Officer will advise the communications supervisor.

**54.1.4** When an incident requires an immediate agency spokesperson, the Incident Commander shall designate a spokesman.

**54.1.5** When the Public Information Officer is unavailable during normal work hours, the assistant to the Public Information Officer may release information from agency files.

**54.1.6** In the Public Information Officer's absence, the Deputy in charge of an incident or their supervisor will release information concerning criminal investigations and incidents.

**54.1.7** When available, the Detective in charge of a criminal investigation or their supervisor will answer media representatives' inquiries on agency cases.

**54.1.8** The Assistant Public Information Officer will, during normal office hours, attempt to comply with media requests for information by notifying the appropriate person to supply the information, be it the Sheriff, an Detective in charge of the investigation, a Division Commander or a Shift Commander.

**54.1.9** Sheriff's Office employees shall cooperate with the Public Information Officer and assist in the release of information, which does not impede or interfere with ongoing investigations.

**54.1.10** The Public Information Officer shall seek the advice of Incident Commanders, Detectives or other Deputies in charge of incidents or operations in a conscientious effort to protect the rights of individuals and the interests of the Sheriff's Office.

**54.1.11** Individual Deputies are not prohibited from answering telephone calls and questions from the media concerning an investigation or incident. However, particulars about victims, suspects or witnesses relative to an individual case shall not be released without the authorization of the Public Information Officer.

**54.1.12** When other public service agencies such as Fire Services, Medical Examiner's Office or other outside agencies are involved in a mutual effort, the agency having primary jurisdiction shall be responsible for coordination and release of any information beyond the basic information provided by either the Sheriff's Office Public Information Office, or Communications Center personnel.

## **PRESS RELEASES**

**54.1.13** Public information shall be released as promptly as circumstances allow in an impartial, courteous and objective manner. The Supervisor or Deputy in charge shall prepare and forward newsworthy events to the Public Information Officer in a timely fashion. The Public Information Officer shall be responsible for releasing press releases.

**54.1.14** When deemed necessary and approved by the Sheriff, the Public Information Officer may distribute public service announcements to all local television, radio and newspaper companies within Volusia County, Florida.

**54.1.15** Press releases regarding criminal activity and events, which may be of interest to the press are available to all legitimate media sources from the Public Information Office.

**54.1.16** Supervisors shall ensure that information concerning newsworthy events, which has been released to the press during the absence of the Public Information Officer is reported to the Public Information Officer as soon as possible.

**54.1.17** Press releases should be prepared on major events or arrests, the seizure of large quantities of narcotics, weapons or currency, items of public interest and unusual events and forwarded to the Public Information Officer for release.

**54.1.18** Press releases shall be released on a daily basis: as they occur if during working hours or during a major incident day or night.

**54.1.19** To ensure information is equally available to all area media, press releases will be broadcasted by electronic transmission to agencies on a recipient list.

**54.1.20** Press releases are issued in the Sheriff's name and shall be generally limited to those aspects of the case or incident that are "public record." However, a press release may contain additional data the Detective in charge of the incident and Public Information Officer consider appropriate and which does not conflict with Federal and State law.

#### **INFORMATION NOT TO BE RELEASED**

**54.1.21** Neither the Public Information Officer nor any other member of the Sheriff's Office shall release the following information:

- Information regarding a suspect's character, reputation, the existence of any confession, admission of guilt or statement made by the accused or the failure or refusal by the accused to make a statement.
- Information concerning the testimony or credibility of any prospective witness. Sheriff's Office personnel will not give their opinion on the specific merits of a case or the specific quality of evidence.
- Information received from other law enforcement agencies without their concurrence.
- Information concerning test or examination results or refusal by the accused to submit to any examinations or tests.
- The identity of critically injured or deceased persons, until the next of kin has been notified.
- The specific cause of death until determined by the Medical Examiner.
- The contents of a suicide note.
- The exact monetary figures involved in robbery or embezzlement cases, until completion of the investigation.
- Identity or location of suspects, without permission of the Detective in charge.
- The results of lineups, lab reports or polygraph examinations.
- Unchecked or unverified leads or information.
- Personal opinions.
- Information concerning civil actions.
- Information commonly used as investigative tools, i.e., specifics that only the suspect would know and may be used as suspect confirmation.

#### **EXCEPTIONS TO PUBLIC INFORMATION**

**54.1.22** Among the exceptions to the public information law that shall not be released are:

- Information on active criminal intelligence or active investigative information without the permission of the Case Agent or *Detective* in charge.
- Information, which may identify a confidential informant or source.
- Surveillance or undercover techniques, procedures or personnel.
- Information or photographs, which reveal the identity of victims of a sexual battery or lewd, lascivious, or indecent assault.
- Information that reveals the identity of the victim of any sexual offense or child abuse.
- Information that would reveal the assets of the victim of a crime.
- Information that would reveal the address or telephone number of active or former law enforcement personnel or the address, place of employment or school of spouse or children. Except in the case of the arrest of law enforcement personnel, then the exemption is nullified.
- Information revealing the substance of a confession, until the final disposition.
- As outlined in Florida Statutes, press releases may include the names and addresses of juveniles taken into custody for a violation of law, which, if committed by an adult, would be a felony. Also, the names and addresses of such individuals may be released if they were found by a court to have committed at least three or more violations which, if committed by an adult, would be misdemeanors.
- Information relating to a complaint or the existence of a complaint filed against a law enforcement officer until the final disposition of the complaint.
- Complaints or records relating to discrimination, until the final disposition.
- Inmate medical records.
- Expunged or sealed arrest records.

#### **ONGOING INVESTIGATIONS**

**54.1.23** The Supervisor or Deputy in charge of an ongoing investigation or newsworthy event shall forward information to the Public Information Officer as soon as possible. The release of information regarding ongoing investigations shall conform to the guidelines stated herein.

**54.1.24** Information that may be released before charges are officially filed may include:

- A confirmation or denial that an offense allegedly occurred.

- A brief, non-technical explanation of the incident as reported.
- The location, date, and time of the alleged incident.
- Confirmation that arrest(s) was made.
- Name of officer in charge of investigation (unless confidentiality is requested or necessary due to assignment).
- A statement that the matter is under investigation.

**54.1.25** Information that may be released after official charges have been filed includes:

- Specific charges against the defendant.
- The defendant's name and identifying information.
- The arresting Deputy's name and a statement of investigation duration.
- Circumstances of the arrest, i.e., place and time, amount of resistance, weapons involvement and a general description of property seized.

**54.1.26** The Public Information Officer may arrange for the release of mug shots on a case-by-case basis and upon the request of the media pursuant to Public Records law.

**54.1.27** In some cases, information which is not confidential by law may be of a sensitive nature.

**54.1.28** The Public Information Officer should make the press aware of victim's requests that certain information not be released.

**54.1.29** The decision to publish the information is the responsibility of the press.

## **PRESS CONFERENCES**

**54.1.30** A press conference may be conducted with the consent of the Sheriff.

**54.1.31** In most cases, the Sheriff, a Division Commander or the Deputy in charge of the case, and other knowledgeable Deputies will be present to provide additional background information.

**54.1.32** Sheriff's Office representatives should be appropriately attired and respond to inquiries courteously.

**54.1.33** The Public Information Officer should respond to improper questions or adversarial situations.

**54.1.34** Media representatives will be supplied with appropriate press packets. Packets may include, but are not confined to:

- When appropriate, a general press release detailing the incident, with correctly-spelled names, dates of birth and addresses of suspects.
- Applicable statistics.
- Photographs of suspects, news clippings and other visual objects that will meet the special needs of television crews.

**54.1.35** At the discretion of the Sheriff, Public Information Officer or their designees, any representative of the news media who does not possess Sheriff's Office issued press credentials, may be prohibited entry to the press conference area.

**54.1.36** Temporary passes may be issued by the Public Information Officer.

**54.1.37** Media representatives will remain in one central location until the press conference is scheduled to begin. At the conclusion of the press conference, reporters will be escorted from the room and will exit through the same door.

**54.1.38** In instances where the Sheriff's Office is engaged in an activity with another agency (e.g., another law enforcement agency, fire department, Medical Examiner's Office), the agency having primary jurisdiction shall be responsible for releasing or coordinating the release of information.

## **STAGING AREAS**

**54.1.39** The media shall remain outside the outer perimeter or within the established press area at the scene of an unusual or high risk incident, major occurrence, major fire, natural disaster or crime scene.

**54.1.40** The Public Information Officer shall be responsible for the control of the press within the press area, and shall have the authority to eject individuals disrupting or hampering law enforcement activities.

**54.1.41** In the event a reporter is ejected from the press area, the Public Information Officer will record the event and report the incident in writing to the reporter's supervisor.

**54.1.42** Information shall be released and coordinated by the Public Information Officer.

**54.1.43** In the absence of the Public Information Officer, the Incident Commander shall designate a Deputy to act as Public Information Officer.

## **PRESS CREDENTIALS**

**54.1.44** Upon approval of the Press Credential application, the Volusia County Sheriff's Office shall issue press credentials to individuals who are employed as reporters, as members/representatives of the press/media, or as freelance journalists.

**54.1.45** Press credentials shall remain the property of the Sheriff's Office.

**54.1.46** Press credentials shall be issued through editors or station managers or by written request.

**54.1.47** Only those possessing Sheriff's Office issued press credentials shall be allowed within the outer press perimeter.

**54.1.48** Members of the press shall be furnished with written behavior expectations.

**54.1.49** News media representatives will not interfere with the following law enforcement operations at the incident scene:

- Contacting barricaded suspects during the operation.
- Soliciting information from emergency services personnel while they are performing their assigned duties.
- Using lights and camera equipment in such a manner as to endanger the lives of personnel.
- Media representatives shall remain within the designated press area or outside of the outer perimeter.

**54.1.50** Media representatives will be requested to honor specific requests to delay the release or omit information obtained within the (inner perimeter) press area when it relates to:

- The identity of critically injured or deceased persons, until the next of kin has been notified.
- When information release might be of aid to a suspect, i.e., the live coverage of operations which could endanger the lives of law enforcement personnel, or operations during a barricaded suspect or hostage situation.
- When photographing undercover or surveillance personnel would reveal their identity.
- Specifics that only the perpetrator or person committing an offense would know and that may be used as suspect confirmation.

**54.1.51** During press conferences, they will be asked to state their name and the agency they represent before presenting their question.

**54.1.52** Reporters will generally be allowed one question and one follow-up at a time.

**54.1.53** Media representatives will remain in one central location until the press conference is scheduled to begin. At the conclusion of the press conference, reporters will be escorted from the room and will exit through the same door.

**54.1.54** Media representatives in violation of the expected behavior will be ejected from the press area and are subject to having their press credentials revoked.

**54.1.55** When a media representative violates one or more of the above listed rules, the Public Information Officer and the Incident Commander shall submit a written report to the Sheriff detailing the event.

**54.1.56** Each incident will be decided on a case by case basis.

**54.1.57** In most cases, violations may be handled by mediation with the media representative's supervisor.

**54.1.58** If necessary, revocation of a media representative's press credentials shall be done in writing, in the name of the Sheriff.

**54.1.59** The letter revoking press credentials shall be sent to the individual media representative, and a copy of said letter shall be forwarded to the media representative's supervisor.

**54.1.60** The Public Information Officer shall maintain files relating to violations.

**54.1.61** The Public Information Officer shall be responsible for identifying problems, which may occur between the Sheriff's Office and the press. If these problems are the result of a policy failure, the Public Information Officer shall solicit ideas and suggestions from the press and submit a written evaluation of the problem(s) and input from the press, to the Sheriff.

**54.1.62** These suggestions and ideas will be taken into consideration in the revision or formulation of policies and procedures.




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**Revised by:** 7001; 8302  
**Revised on:** 03-2015

**Approved: 01-01-17**

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**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 55.1</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 04/29/2020
		<b>Original Issue Date</b> 11/1991	<b>Previous Revision Date</b> 12/2019
<b>Title</b>  <b>VICTIM ASSISTANCE</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to delineate responsibilities and furnish guidelines for the implementation and delivery of victim and witness services by members of the Volusia Sheriff's Office. This general order will also govern the relationship between Volusia Sheriff's Office and victim/witness efforts of other agencies and organizations.

## II. DISCUSSION

Article I, Section 16 of the Florida Constitution and Florida Statute 960.001 outline the rights of victims and witnesses of crimes. In order to further these objectives a program has been established that assists victims and witnesses with referral to the appropriate community service agencies and aids them, when possible, to attain a state equivalent to that prior to the offense.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to utilize the Victim Advocate Program and the Victim Services Program of the State Attorney's Office to provide a strong link between the victims of a crime and Volusia Sheriff's Office. It shall be the overall goal of Volusia Sheriff's Office to assist victims of a crime and their families, to return to the level of normalcy enjoyed prior to the offense and to ensure compliance with Article I, Section 16 of the Florida Constitution and Chapter 960, Florida Statutes.

The Volusia Sheriff's Office is committed to the development, implementation and continuation of victim/witness assistance programs and activities and shall comply with Florida's Constitution and Statutes.

## IV. PROCEDURE

### A. LIAISON PROCEDURES

1. The Criminal Investigations Lieutenant shall be responsible for coordinating the Volusia Sheriff's Office Victim Advocate Program involvement with the State Attorney's Office Victim Assistance Program.
2. The Criminal Investigations Lieutenant shall maintain liaison with criminal justice agencies, government and non-government agencies and organizations concerned with victim/witness needs and rights.
3. Volusia Sheriff's Office will utilize these agencies and maintain communications with them to ensure accurate and up-to-date knowledge on the services offered.
4. Volusia Sheriff's Office shall maintain liaison to offer and receive suggestions in order to correlate effective methods of serving victims/witnesses.

5. Victim/Witness awareness training shall reflect the findings of the victim/witness assistance analysis.

## **B. VICTIM/WITNESS SERVICES**

1. All Volusia Sheriff's Office employees are charged with the responsibility of assisting the public and shall treat all victims and witnesses with fairness, compassion and dignity.
2. Victim/witness services are divided into two categories: those offered by the Volusia Sheriff's Office and those provided through other agencies and organizations within the community.
3. Members shall evaluate the circumstances encountered by the victim or witness. The member shall offer assistance or arrange the appropriate service if provided by the Volusia Sheriff's Office. If the needed service is not one provided by the Volusia Sheriff's Office, the member shall determine the appropriate resource and make the appropriate referral to the outside agency or organization. Volusia Sheriff's Office personnel shall refer persons in need of assistance to the law enforcement agency having jurisdiction, or when not related to criminal matters, to the agency best able to provide the requisite aid.
4. The responsibility to inform victims and witnesses of the available services rests with each individual employee, particularly Law Enforcement Operations Deputies, Detectives and Communications Services Section Telecommunicators.
5. NOTE: VOLUSIA FLAGLER 2-1-1 is a comprehensive one-stop resource of social services, health and wellness programs offered throughout the community and is facilitated through United Way. The service is free and confidential and available 24/7/365 either on-line at [www.211live.org](http://www.211live.org), or through the 2-1-1 Call Center.

## **C. SERVICES OFFERED PRIOR TO DEPUTY'S ARRIVAL**

1. Whenever a victim or witness reports a crime, a Deputy is assigned to respond as expeditiously as circumstances allow. If a victim or witness should need information or assistance prior to the Deputy's arrival, the Sheriff's Office maintains a single point of contact that is available 24 hours a day.
2. A victim/witness calling the Sheriff's Office Communications Center has access to information, including the Volusia Sheriff's Office emergency response phone number, regarding the victim/witness assistance offered by the Volusia Sheriff's Office. Telecommunicators staffing the Communications Center maintain copies of the Victim/Witness Information/Rights Pamphlet and this general order from which they are able to answer a caller's questions.
3. United Way maintains a 24 hour a day help line, "First Call for Help," that provides referral information that is available from a single point of contact regarding services offered within Volusia County by other organizations, both governmental and private sector, for victims/witnesses in need of medical attention, counseling and emergency financial assistance.
4. As a back-up, callers to the Sheriff's Communications Center may also be referred to the United Way First Call for Help telephone line for information regarding services offered by other agencies and organizations. Directory of Human Services for Volusia and Flagler Counties will be kept readily available at the Communications Center for referring persons in need of assistance.
5. The phone numbers for United Way First Call for Help shall be printed and distributed on various Volusia Sheriff's Office materials such as the Victim/Witness Information/Rights Pamphlet, business cards, Internet web page and other appropriate mediums.
6. Victim referral services shall also be available by phone or in person at any District Office and through the Sheriff's Office Victim Advocate Program, during normal business hours from 0800-1700, Monday through Friday.

## **D. SERVICES OFFERED DURING PRELIMINARY INVESTIGATION**

1. During the preliminary investigation, Deputies shall:
  - a. Provide the victims/witnesses with the Victim's Right to Confidentiality Form advising them of their right not to prevent disclosure of information or records.
    - (1) The form is located under Agency Forms/Law Enforcement/Victim's Right to Confidentiality.

- (2) The form shall be completed and submitted to Records for every crime where there is an identified victim. If the victim refuses to sign the form, such will be documented in the deputy's report.
  - (3) Deputies shall state at the end of the Incident Report Narrative that the victim has or has not elected to prevent disclosure of confidential or privileged information per Marsy's Law.
- b. Provide the Victim/Witness with the Victim/Witness Information/Rights Pamphlet (Marsy's Law Pamphlet).
  - (1) Deputies shall complete the last page of the pamphlet to include the case number and investigating Deputies name.
  - (2) Deputies shall state in the incident report narrative that the victim/witness was provided the Marsy's Law Pamphlet.
2. Deputies and Detectives shall advise the victim/witness regarding procedures to follow if the suspect or the suspect's family threatens or otherwise intimidates them. Victim/witnesses shall be instructed to telephone 911 if the threat is immediate or to dial the non-emergency phone numbers to the Communications Center if the threat is not exigent.
3. When a Deputy has reason to believe a victim/witness has been threatened and there are specific, credible reasons to believe intimidation or further victimization will occur, the Deputy will ensure the appropriate steps are taken. The appropriate steps may range from arranging for protective custody to offering words of encouragement. Members shall contact their supervisor for further instruction in arranging protection, if necessary.
4. Deputies and Detectives will provide information to the victim/witness regarding subsequent steps in the processing of the case.

#### **E. FOLLOW-UP INVESTIGATION SERVICES**

1. Arresting Deputies and Detectives assigned to a follow-up shall utilize the Sheriff's Office Victim Advocate Program to re-contact the victim/witness periodically when there is reason to believe an event has had an unusually severe impact on witnesses or victims.
2. The Deputy or Detective in charge shall request assistance from the Victim Advocate Program and provide the assigned Victim Advocate with the necessary information to explain to the victim/witness the procedures involved in the prosecution of their cases and their role in those procedures, so long as it does not endanger the successful prosecution of the case.
3. The supervisor shall ensure that the arresting Deputy or Detective forward a copy of the report to the Victim Advocate Program Office, with a request for assistance, if an Advocate does not respond to the scene.
4. Deputies and Detectives shall schedule line-ups, interviews, and other required Volusia Sheriff's Office appearances at the convenience of the victim/witness, when possible.
5. If requested, Deputies and Detectives shall coordinate with the assigned Victim Advocate to arrange for transportation for the victim/witness on a case by case basis for Volusia Sheriff's Office scheduled activities.
6. Efforts shall be made to promptly return evidentiary property to the victim. Whenever possible, the property shall be photographed in accordance with the rules of evidence and returned to the owner.
7. Upon request, written notification to the employer that the need of the victim/witness may necessitate absence from work shall be provided.

#### **F. VICTIM/WITNESS INFORMATION/RIGHTS PAMPHLET (MARSY'S LAW PAMPHLET)**

1. The Volusia Sheriff's Office *Victim/Witness Information/Rights Pamphlet* explains the rights of victims and witnesses, in compliance with Florida Constitution Article I, Section 16 (Marsy's Law) and Statute 960.001. Volusia Sheriff's Office employees shall provide this pamphlet to every victim reporting a crime and witnesses which may be called upon to testify.
2. Every District headquarters and all Law Enforcement Operations vehicles shall keep a sufficient supply.



3. The Victim/Witness Information/Rights Pamphlet provides information regarding:
  - a. The Florida Constitution Article I, Section 16, Rights of Accused and of Victims
  - b. Florida Statutes Chapter 960 Victim Assistance
  - c. Requesting restitution
  - d. Florida's Crime Victim Compensation Program
  - e. Victim/witness protection
  - f. Notifications made to victims/witnesses
  - g. Scheduling changes
  - h. Filing a victim impact statement
  - i. Victim's right to request the offender charged with violating Florida Statute 775.0887(1)(a)-(n) to be tested for HIV/Hepatitis
  - j. Victim's/witness' roll in the criminal justice process and the stages in the process
  - k. Services available to victims:
    - (1) Contacts for numerous community based support organizations
    - (2) Through the State Attorney's Office
    - (3) Through the Sheriff's Office:
      - Victim/Witness protection
      - Scheduling
      - Work notification for absences necessitated by the case
      - Creditor notification of serious financial strain caused by the case or incident
      - Support by the Victim Advocate Program
  - l. Legal rights and remedies for victims of domestic, dating, repeat, and sexual violence and stalking:
    - (1) Definitions of domestic, dating, and repeat, and sexual violence and stalking
    - (2) What the laws mean and how they can help the victim
    - (3) How to apply for an injunction for protection
    - (4) What to do if the respondent violates the injunction
  - m. Contacts for:
    - Volusia Sheriff's Office
    - Law enforcement agencies
    - State Attorney's Office
    - Witness coordination
    - Government and private organizations providing support and/or resources to victims

## **G. VICTIM ADVOCATES**

### **1. LINE OF AUTHORITY**

- a. The Victim Advocate Program is assigned to the Investigative Services Section under Criminal Investigations. The Criminal Investigations Lieutenant has daily coordination and administrative responsibility over the program and supervises activities of the advocates.
- b. Advocates may be paid or volunteer members of the Volusia Sheriff's Office who have undergone specialized training in victim advocacy. Advocates have no arrest power or law enforcement authority.
- c. Advocates will be on a rotating emergency call out list. The on-call Advocate shall be available to respond to calls for service involving severe impact to victims.
- d. Advocates will comply with all policies, procedures and orders issued by competent authority of the Volusia Sheriff's Office and in accordance with all VOCA rules and regulations.

## **2. JURISDICTION**

- a. The Volusia Sheriff's Office Victim Advocate Program will provide support to victims of crimes and tragedy within unincorporated Volusia County and any contracted cities. The Victim Advocate Program administrative office is located in the Sheriff's Operations Center, or may be operationally placed at satellite offices in designated Districts, as determined by the Investigative Services Captain, or designee.

## **3. VICTIM ADVOCATE PROGRAM'S CRIMINAL INVESTIGATIONS LIEUTENANT**

- a. The Lieutenant shall:
  - (1) Organize and administer all training necessary for implementation, maintenance, and management of the program.
  - (2) Develop a case assignment system to ensure an organized system of case management and follow-up.
  - (3) Review all the reports referred from other members of the Volusia Sheriff's Office.
  - (4) Ensure that supplemental reports are completed and submitted for approval.
  - (5) Ensure that contacts with, and activities involving, clients are documented in confidential advocate files.
  - (6) Supervise the performance of each advocate to ensure high quality service delivery.
  - (7) Maintain personnel and training files of volunteer advocates.
  - (8) Assist the Grants Coordinator to ensure all requirements of the VOCA grant are met and maintained.
  - (9) Ensure all Victim Advocate contact numbers and information is accurately reflected on the on-call schedule.
  - (10) Act as liaison to area service providers to ensure quality referrals.
  - (11) Participate in various public and community functions to keep the citizens of Volusia County aware of the Victim Advocate Program and its ability to deliver services to the victims of crime and other unexpected emergencies.
  - (12) Assist in obtaining information and resources available to the citizens.
  - (13) Ensure *Victim Services Practitioner* certification status is maintained and that advocates are given training opportunities offered by Attorney General's Division of Victim Services, Criminal Justice programs and the Volusia Sheriff's Office.
  - (14) Complete other coordination tasks, as assigned.

## **4. ADVOCATE DUTIES**

- a. Advocate duties include, but are not limited to:
  - Providing the Criminal Investigations Lieutenant with current, accurate contact information.
  - Handling emergency call-outs in a satisfactory manner.
  - Successfully completing training as assigned.
  - Filing reports under the supervision of the Criminal Investigations Lieutenant.
  - Recording all contacts with victims or citizens.
  - Maintaining a friendly, helpful and professional demeanor when in contact with the public at all times when engaged in the advocacy mission.
- b. Advocates are to be mindful of the fact that they are representatives of the Volusia Sheriff's Office and to act accordingly at all times.
- c. Advocates receiving calls for service will complete a Victim Contact Log. The Log will be maintained in the advocate's office for follow up.
- d. All members of the Victim Advocate Program will have access to highly sensitive information. There is an absolute need to respect victim privacy and to avoid any type of activity that would expose victims, or family members, to unwarranted public exposure and related

embarrassment. Attention must be given to avoiding activity that would hamper successful court processing of the case. It cannot be stressed too strongly that confidentiality is a legal requirement as well as being the expressed policy of the Volusia Sheriff's Office. Any and all information given to members of the media will be given through the Public Information Office and approved by the Victim Advocate Coordinator. All members of the Victim Advocate Program will sign a Confidentiality Form.

- e. Victims will be advised to call the Victim Advocate Office the following day to make an appointment for any further assistance needed in the criminal justice system (1-800-755-4264). If no call is received, an advocate will make at least one follow up call to the victim.
- f. Advocates will not respond to natural death cases or cases that do not fit the Victims of Crime Act (VOCA) guidelines.

## **5. DRESS CODE**

- a. Advocates shall be dressed in appropriate civilian attire:
  - Business casual attire is required. No tee shirts or torn jeans are permitted.
  - In rare unavoidable cases when the advocate must respond immediately and does not have the opportunity to change clothes, an exception to the dress code may be necessary.
  - Professional business attire is required when attending court.
  - A Volusia Sheriff's Office identification card will be worn at all times while in the work place or on duty in the field.
  - Wind breaker and Polo type shirt with Sheriff's Office insignia will be issued attire.

## **6. AFTER HOURS CALLOUT**

- a. The Victim Advocates are available during normal business hours from 0800-1700, Monday through Friday. The decision to call out a Victim Advocate at any other time shall be made by the first line supervisor. The immediacy of the situation, the age of the victim if the victim is a child or elderly, and the seriousness of any injuries should be given great weight by the supervisor when making this decision.
- b. The Victim Advocates can be reached outside normal business hours through the Communications Center.
- c. The dispatcher will refer to the call-out list to initiate "advocate call for service." The dispatcher will give the advocate the information provided by the supervisor.
- d. Advocates will respond to the location in a safe and direct manner. No speeding or breaking of traffic laws will be tolerated.
- e. Upon arrival of an advocate, the requesting supervisor will brief the advocate on what is required in terms of services. The supervisor will not leave the advocate alone at a potentially dangerous scene. The advocate will be briefed on hazards, both human and environmental, by the requesting supervisor. The Advocate will not enter any scene without the permission of the supervisor in charge of that scene. The time entered and the time of exit along with a description of the task will be documented by the advocate.
- f. The Criminal Investigations Lieutenant must be notified immediately via phone in the event of an extraordinary call-out of a victim advocate.
- g. The Criminal Investigations Lieutenant has the authority to modify the response of personnel due to qualifications and experience.
- h. Advocates will be on a rotating emergency call out list. The advocate on-call shall be available and ready to respond to calls for service at all times. It is the responsibility of the advocate to notify the backup on-call advocate and Volusia Sheriff's Office Communications if the advocate cannot respond to calls for service. Victim Advocates will be fit for duty while on-call and adhere to Volusia Sheriff's Office general order 26.2 Standards of Conduct.

## **7. OTHER SERVICES**

- a. Deputies shall provide the assistance necessary to ensure the safety and security of victims/witnesses. Victims/witnesses in need of referral shall be directed to the agency best suited to provide assistance.

## **8. NOTIFICATIONS**

- a. The Volusia Sheriff's Office provides specific victim/witness assistance services upon the arrest and during post-arrest processing of a suspect. This service is provided in the form of notification to the victim/witness under the following circumstances.
- b. The Volusia Sheriff's Office shall promptly attempt to notify the victim when the accused is arrested.
- c. When any employee of the Volusia Sheriff's Office becomes aware of danger to a victim/witness, prompt and reasonable efforts shall be made to warn the victim/witness.
- d. In the event the witness is outside the jurisdictional responsibilities of the Volusia Sheriff's Office, the appropriate agency shall be notified and the employee contacting said agency shall request that reasonable precautions be taken.
- e. In the case of a homicide, pursuant to chapter 782; or a sexual offense, pursuant to chapter 794; or an attempted murder or sexual offense, pursuant to chapter 777; or stalking, pursuant to s. 784.048; or domestic violence, pursuant to s. 25.385, the arresting Deputy or Detective must request that the victim or appropriate next of kin of the victim or other designated contact complete a victim notification card. However, the victim or appropriate next of kin of the victim or other designated contact may choose not to complete the victim notification card. If this option is waived, it shall be documented in the incident report.
- f. Unless the victim or the appropriate next of kin of the victim or other designated contact waives the option to complete the victim notification card, a copy of the victim notification card must be filed with the incident report. The notification card shall, at a minimum, consist of:
  - (1) The name, address, and phone number of the victim; or
  - (2) The name, address, and phone number of the appropriate next of kin of the victim; or
  - (3) The name, address, and phone number of a designated contact other than the victim or appropriate next of kin of the victim;
  - (4) Any relevant identification or case numbers assigned to the case.

## **9. HOMICIDE NOTIFICATION**

- a. The Deputy or Detective arresting an accused shall attempt to make prompt notification to the victim, relative of a minor who is the victim, or relative of a homicide victim that the arrest has been made and the results shall be recorded in the incident report.
- b. If contact cannot be made by the arresting Deputy or Detective within a reasonable amount of time, the information concerning the arrest shall be forwarded to the Sheriff's Office Victim Advocate(s) with a request that contact be attempted. The Victim Advocate shall notify the Criminal Investigations Lieutenant of such request.
- c. Contacts/attempted contacts shall be recorded and maintained via files or data base. This data base or file shall contain the date of contact/attempted contact, the case number, suspect identifiers, the name, phone number, address of the person contacted, and the person attempting contact.
- d. Agencies outside the jurisdiction of the Volusia Sheriff's Office that issued warrants shall be informed of the arrest. The issuing agency shall have the responsibility of contacting the victim.

## **10. SPOUSE ABUSE**

- a. Cases of spouse abuse where there is a serious impact and the suspect is not charged shall be referred to the Sheriff's Office Criminal Investigations Lieutenant, or his designee. The spouse abuse victims may be contacted, offered assistance and given referral information.

## **11. JUVENILE VICTIMS**

- a. Those cases involving juvenile victims shall be coordinated between the District Detectives and the Sheriff's Office Investigative Services Section, Child Exploitation Unit, in accordance with Volusia Sheriff's Office policy and procedures.
- b. Liaison shall be maintained between the District Detectives, the Child Exploitation Unit and the Sheriff's Office Victim Advocate Program to ensure this coordination.

## **12. CHAPLAINS**

- a. Volusia Sheriff's Office Chaplains are available to assist the public, as well as Volusia Sheriff's Office personnel, in the event of severe injuries, deaths, homicides, suicides/suicide attempts, mentally disturbed persons and other situations or tragedies.
- b. Chaplains shall be aware of the various community service agencies and functions available to victims.
- c. Chaplains are specially trained and qualified volunteers that are available to Detectives and Deputies in cases in which immediate counseling or other compassionate services are required.
- d. The LEOD Executive Officer, or his designee shall ensure that all Chaplains are properly trained in those tasks which they perform. Training shall be coordinated with the Training Section.
- e. The LEOD Executive Officer or his designee shall determine the records system and reports, if any, that are to be kept.
- f. Chaplains shall be used to notify the next-of-kin of deceased, seriously injured, or seriously ill persons. The Chaplain shall be accompanied by a uniformed Deputy.

## **13. EMPLOYEE ASSISTANCE**

- a. In accordance with Volusia Sheriff's Office general order 22.2 Benefits and Leave, when an employee is seriously injured or killed on duty, the "person to be notified in case of emergency" listed in the Records Management System (RMS) shall be notified in person by a Chaplain and the Sheriff, the Chief Deputy or in their absence, the ranking Volusia Sheriff's Office deputy.
- b. Employees wishing to change or update the "person to be notified", should complete an emergency notification form.
- c. In the event of the death of an employee, the immediate supervisor of the employee at the time of the event will be appointed liaison.
- d. The supervisor or designee shall assist the family of the deceased or seriously injured by providing information concerning benefits and support services available to the family, assist the family with funeral arrangements (if applicable), maintain contact with the family throughout any criminal proceedings, maintain long term contact with the family, and keep the Volusia Sheriff's Office informed of the needs.
- e. The County of Volusia will send notification of the death to the Florida Retirement System and Life Insurance agency who, in turn, will provide the survivors of the deceased with a record of benefits due them.
- f. The supervisor of persons seriously injured on duty shall prepare and submit to Volusia County Risk Management Office all Worker's Compensation paperwork within 24 hours of date of the incident report. The supervisor shall provide the injured person with a copy of "What Employees Need to Know about Workers' Compensation in Florida".
- g. When a Volusia Sheriff's Office employee is absent from duty due to illness or injury covered by Florida Worker's Compensation Law, the employee's immediate supervisor shall act as liaison and contact the employee on a weekly basis to ensure the employee is updated on Volusia Sheriff's Office policy and events.
- h. The liaison will act as a link between the disabled employee and the Volusia Sheriff's Office and shall submit a weekly written report to the Division Chief on the employee's progress, needs or inequitable treatment.

## **14. RECORDS**

- a. All cases where a referral has been made to the Sheriff's Office Victim Advocate Program shall be documented by the investigating Deputy in the case report. Records shall be maintained in accordance with state statutes and Volusia Sheriff's Office policies.
- b. Members will ensure the confidentiality of records, files and the roles of victims/witnesses in case development to the extent consistent with state and federal law. The confidentiality of

files will be determined by a review of the public information law and Volusia Sheriff's Office policies and procedures as they relate to the release of information.

#### **15. PUBLICITY**

- a. The Volusia Sheriff's Office will use a variety of methods to inform the public and media about the Volusia Sheriff's Office victim/witness services.
- b. The Volusia Sheriff's Office Victim/Witness Information/Rights Pamphlet explains in brief the rights of victims and witnesses. Volusia Sheriff's Office employees shall provide this pamphlet to every victim reporting a crime and to witnesses who may be called upon to testify.
- c. Information concerning the rights of victims and witnesses will be posted on the Sheriff's Office Web site.
- d. As needed, the Law Enforcement Operations Division Chief, or his designee shall periodically submit a memorandum to the Public Information Officer detailing any updates to the Volusia Sheriff's Office victim/witness services offered to the public.
- e. The Sheriff's Office Public Information Officer will periodically distribute press releases and other information to all of the area's media outlets and social media platforms informing them of the Volusia Sheriff's Office victim/witness services.

#### **16. DOCUMENTED REVIEW**

- a. The Criminal Investigations Lieutenant shall complete a documented review, at least once every two years, of victim/witness assistance needs and available services within the Volusia Sheriff's Office service area. To the extent that another organization's survey conforms to these requirements, that survey may be adopted in whole or in part.
- b. This documented review shall include:
  - The major type and extent of victimization.
  - An inventory of information and service needs of victims/witnesses in general.
  - Victim assistance and related community services available within the County.
  - Identification of any existing or emerging unfulfilled needs and selecting those that are appropriate for the Volusia Sheriff's Office to fulfill.

#### **17. USE OF DOCUMENTED REVIEW**

- a. A copy of the biennial report shall be submitted to the Chief Deputy for strategic planning review by the Sheriff's Staff.
- b. Staff shall use this documented review to assist in better defining Volusia Sheriff's Office goals and objectives related to the delivery of services to the victims/witnesses of crimes and coordinating with partner agencies.
- c. Services provided by Volusia Sheriff's Office but better rendered by other agencies or organizations shall be reviewed for discontinuation. Identified lapses and unmet needs shall be reviewed by the Staff for possible referral through the liaison activities of the Criminal Investigations Lieutenant, or his/her designee.

### **V. REFERENCES**

- Victim/Witness Information/Rights Pamphlet (Marsy's Law Pamphlet)
- <http://www.211live.org>

### **VI. FORMS**

- [Victim's Right to Confidentiality Form \(Marsy's Law\), VSO Form # 071519.001](#)



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>TRAFFIC ADMINISTRATION</b>
<b>CODIFIED:</b>	<b>61.1</b>
<b>EFFECTIVE:</b>	<b>02-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>61.1/10-2008</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to provide general guidelines and assign responsibility for the enforcement of State and local traffic laws and ordinances.

**DISCUSSION**

The enforcement of traffic laws is an integral part of the law enforcement function. It is one of the most visible activities observed by the public, and frequently is the only contact some citizens may have with a law enforcement officer. Traffic stops are important not only because they promote driver safety, but also because they frequently reveal criminal activities which may have otherwise gone unnoticed.

The Department abdicates the responsibility of traffic crash investigation in the unincorporated areas of Volusia County and any municipalities that contract for law enforcement services to the Florida Highway Patrol, except within the incorporated municipalities of Deltona and DeBary. Investigating crashes, along with other law enforcement functions within the incorporated cities, that do not contract with the Department for law enforcement services are primarily the responsibilities of the respective police departments. The Department has a responsibility to reduce traffic crashes by the enforcement of Florida Statutes and local ordinances. This responsibility includes the formulation of policy and procedures, the development of effective enforcement techniques, allocation of personnel, and the evaluation of the effectiveness of the traffic enforcement effort.

**POLICY**

It shall be the policy of the Department to maintain a Traffic Unit to plan, analyze, monitor, implement and coordinate the Department's traffic activities.

**PROCEDURE**

**ORGANIZATION AND RESPONSIBILITIES**

**61.1.1** The Traffic Unit shall be under the administrative command of the Special Operations Section of the Support Operations Division and shall have the responsibility of planning, analyzing, monitoring, coordinating and implementing the VCSO's traffic activities. These activities include, but are not limited to:

- The operation, maintenance, and control of all speed measuring devices
- The VCSO's breath testing equipment and activities
- Parking and congestion control
- Maintaining liaison with Traffic Engineering, the Volusia County School Board Transportation Department, and other groups interested in traffic safety
- Conducting traffic related surveys and preparing and maintaining traffic related reports
- Scheduled escort and selective enforcement activities
- Responding to traffic related complaints

**61.1.2** The Traffic Unit conducts the VCSO Traffic Education Activities.

**61.1.3** The Traffic Unit shall not provide technical crash investigation.

**61.1.4** Traffic Unit Deputies shall be deployed in an effort to reduce traffic crashes and respond to the needs of the motoring public. This function includes:

- D.U.I. enforcement and breath testing operations
- Checkpoints for D.U.I. and vehicle safety inspections
- Radar operation in areas where speed violations occur
- Traffic violations and other related offenses
- Crowd and traffic control functions
- Mobility and rapid response, under certain conditions such as disturbances in congested areas
- Directing traffic when necessary to ensure the safe and/or efficient flow of vehicular and pedestrian traffic
- Maintaining police visibility in areas known to produce frequent violations or which have a high crash count
- Stopping violators and issuing warnings or traffic citations, as appropriate
- Arresting violators found to have committed criminal traffic offenses

**61.1.5** It shall be the responsibility of all uniform personnel to enforce the traffic laws, ordinances, and regulations of the State of Florida relating to traffic, with the exception of enforcement action as the result of a motor vehicle crash.

**61.1.6** The Traffic Unit assigned to District 4/Deltona and District 6/DeBary report directly to their respective Districts.

#### **TRAFFIC UNIT SUPERVISOR**

**61.1.7** The Traffic Unit Supervisor shall be responsible for:

- Ensuring the Traffic Unit is properly trained, equipped and maintained to carry out the traffic enforcement function.
- Ensuring that annual goals and objectives to support this function are developed.
- Planning, crash and enforcement information review and monitoring, and coordinating of traffic activities.
- Conducting a documented annual review of selective traffic enforcement activities.
- Developing annual performance objectives based on the annual review of activities.

**61.1.8** The Traffic Unit Supervisor, or designee, shall enter data into the records management system, which is capable of providing accurate information regarding traffic crash and citation information. Such information shall be available upon request.

**61.1.9** Traffic supervisors shall have the capacity to produce daily activity and citation summaries utilizing the C.A.D./R.M.S. System and the Iye Tek crash and citation program.

#### **REPORTS**

**61.1.10** All incident reports related to traffic or traffic hazards shall be maintained in Central Records. Copies of these reports will be available for the Traffic Unit for review. The Traffic Unit shall work with Crime Analysis, which provides various temporal and geographic analysis reports, electronic mapping as determined by crash and enforcement information.

**61.1.11** Crime Analysis will be utilized to prepare maps of specific locations to assist with resource deployment and evaluation of various selective enforcement activities.

**61.1.12** Collision data, enforcement activity records and traffic violation factors as provided by the Florida Crash Records Database (Florida DHSMV) provide data summaries for Volusia County and contain a tabulation of the most common contributing crash factors.

**61.1.13** These reports shall be reviewed along with the Volusia County Traffic Engineering Crash Records database information; Traffic Engineering provides detailed reports to all user-agencies in the County. Reports are used to support field operations in trend monitoring and decision making; assist in traffic enforcement program planning and development; devise counter measures, and evaluate program effectiveness.

**61.1.14** Department generated reports and records may be filed, stored, or accessed via computer systems.

#### **TRAFFIC RECORDS**

**61.1.15** Specific information concerning traffic activities is available for planning, research, management, and informational purposes upon request from the following locations:

#### **TRAFFIC ENGINEERING**

**61.1.16** Information concerning traffic patterns, traffic volume data, traffic volume and distribution reports, trends, roadway hazards, and crash data is provided and readily available.

**61.1.17** Traffic Unit receives monthly reports from Traffic engineering which contain traffic crash enforcement data (reports, investigations, locations, arrests, dispositions.)



**61.1.18** Information about routine traffic related deficiencies shall be routinely exchanged. Situations which may prove hazardous shall be reported immediately to Traffic Engineering.

**61.1.19** Traffic Engineering provides a yearly Crash Statistic Report. This report contains a statistical breakdown of traffic crash facts and figures.

**61.1.20** Traffic Engineering maintains a computerized system for recording crash locations.

#### **COMPUTER AIDED DISPATCH (CAD), AND RECORDS MANAGEMENT SYSTEM (RMS)**

**61.1.21** Information concerning traffic enforcement data (citations/arrests) by date, time, location and type is available. The Records Management System has a complete crash management system incorporated.

**61.1.22** All citations, crash data and traffic arrest reports shall be processed through the RMS system as expeditiously as possible. These records will be handled in accordance with the current regulations governing the RMS system.

**61.1.23 The Florida Department of Highway Safety and Motor Vehicles** compiles information regarding:

- Crash facts - Geographic, temporal and causative analysis of traffic crashes occurring throughout the State of Florida
- Crash Records/investigations
- Statewide crash analysis by code and individual County.

**61.1.24 The Florida Department of Community Affairs, Bureau of Public Safety Management** compiles a three year matrix which identifies traffic problems within all of Florida's counties.

**61.1.25 The National Highway Safety Administration** maintains information regarding:

- Fatal Crash Reporting System. (F.A.R.S.)
- Traffic related studies

**61.1.26 The Traffic Unit** shall maintain traffic safety education reports.

**61.1.27** The Traffic Unit shall respond to and maintain statistical data in reference to requests or complaints regarding traffic violations.

**61.1.28** Deputies assigned to directed patrols or S.T.E.P. shall prepare activity reports that reflect the enforcement action taken.

**61.1.29** These reports are reviewed by the Deputy's immediate supervisor and forwarded to Records Section.

**61.1.30** Records Section shall maintain Department incident reports in reference to crashes without injury occurring on private property, hazardous roadway incident reports and directed patrols.

**61.1.31** Clerk of The Court, Violations Bureau - Once issued, copies of traffic citations will be reviewed by the issuing Deputy's immediate supervisor, then logged into the Records Management System by those designated by the Traffic Unit Supervisor and transmitted to the Clerk's office.

**61.1.32** Citation data is logged into the Records Management System prior to transfer to the Clerk's Office.

**61.1.33** The Clerk's Office maintains copies of citations issued by Deputies.

**61.1.34** The Department is not responsible for traffic crash investigation and the maintaining and distribution of crash reports required by the State in the unincorporated areas of Volusia County and any municipalities that contract for law enforcement services, except the incorporated municipalities of Deltona and DeBary, to the Florida Highway Patrol.

#### **ROADWAY HAZARD REPORTS**

**61.1.35** Hazardous roadway conditions or deficiencies will be verified and appropriate action taken. Those conditions that cannot be corrected by law enforcement personnel will be referred to the appropriate agency.

**61.1.36** Complaints or suggestions which are received or referred to the Communications Section will be recorded in C.A.D., then forwarded to the Traffic Unit or the proper agency for analysis and correction of deficiencies.

**61.1.37** Written complaints or suggestions received by the Department shall be forwarded to the Traffic Unit for evaluation and forwarded as necessary to the appropriate agency.

**61.1.38** Deficiencies which present a hazard shall be reported to Traffic Engineering by the employee receiving the complaint.

**61.1.39** The complainant should be assured that their complaint will be forwarded.

**61.1.40** The Traffic Unit shall respond to and maintain statistical data in reference to requests or complaints regarding traffic violations.

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**Revised by:** 2475

**Revised on:** 02-2019

**Approved:**

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**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: SELECTIVE TRAFFIC  
ENFORCEMENT**

**CODIFIED: 61.2**

**EFFECTIVE: 10-2007**

**RESCINDS/AMENDS: 61.2/07-1999**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish and provide guidelines for selective traffic enforcement.

**DISCUSSION**

Crashes may be reduced by the application of such techniques as scientific geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. The techniques used should be based on crash data, enforcement activity records, traffic volume and traffic conditions.

**POLICY**

It shall be the policy of the Department to employ selective traffic enforcement techniques to reduce traffic crashes and to deploy available manpower and equipment to those areas having the greatest concentration of crashes and calls for traffic services.

**PROCEDURE**

**61.2.1** The ultimate goal of selective traffic law enforcement is to reduce traffic crashes. Selective enforcement activities shall be governed by a compilation and review of traffic crashes and traffic enforcement activity records.

**61.2.2** The Traffic Unit Supervisor shall be responsible for the coordination of all selective enforcement activities. This includes the comparison of collision data and enforcement activities.

**61.2.3** The Traffic Unit Supervisor may appoint a Traffic Administration Coordinator to assist; however, the Traffic Unit Supervisor shall retain the responsibilities of coordinating traffic enforcement activities.

**61.2.4** The Traffic Unit Supervisor shall ensure that traffic units are equipment and deployed as needed, to the areas identified through review of compiled data and various analyses conducted by Crime Analysis. Information provided by Traffic Engineering, the Records Management System (RMS) and other traffic data sources shall be the basis for the deployment of manpower and equipment.

**61.2.5** The Traffic Unit Supervisor shall be responsible for the annual evaluation of the Selective Traffic Law Enforcement program and setting traffic enforcement goals and objectives for the following year. The evaluation should attempt to ascertain the effectiveness of selective law enforcement efforts and include a comparison of work required against work accomplished.

**COMPILATION AND REVIEW PROCEDURES**

**61.2.6** The Traffic Unit Supervisor or designee shall gather all available traffic crash data, enforcement activity records, traffic volume, and traffic conditions reports from Traffic Engineering, Florida Highway Safety and Motor Vehicles and the various sources listed in Directive 61.1. This data shall be compiled and reviewed.

**61.2.7** Traffic Engineering provides monthly traffic crash analysis reports to the Department. These reports shall be incorporated into the Department's compilation and review of traffic enforcement activities. Provided data includes facts and figures such as a breakdown of fatal crashes, lighting conditions, hit and run, DUI influences and other contributing factors.

**61.2.8** The above information shall be used in conjunction with Monthly Traffic Enforcement/Crash Data Summary Reports, Department incident reports detailing activity during directed traffic enforcement, Crime Analysis traffic related analysis reports/maps/etc, and the Records Management System (RMS) to provide a complete review of traffic factors.

**61.2.9** The review shall consist of the following traffic crash factors, including but not limited to:

- Location, hour, day of week and violation;
- Fluctuations caused by seasonal variations that result in increases in traffic volume and crashes;
- The types of vehicles involved;
- The volume of traffic;
- Environmental factors;
- The types of violations noted;
- Traffic crash data. The time, location and violation factors should be based upon numerically significant samples.
- Traffic enforcement activities;
- Equipment availability;
- Comparison of fluctuations caused by seasonal variations that result in an increase of traffic volume or crashes.

**61.2.10** Review of these various reports and analyses shall identify and assign priorities as to the types of violations needing enforcement attention. Enforcement actions shall be in proportion to the frequency with which they occur in crash situations and in response to traffic-related needs identified by the analysis.

#### **PERSONNEL AND EQUIPMENT DEPLOYMENT**

**61.2.11** Traffic enforcement personnel shall be deployed to areas having the greatest concentration of crashes and calls for traffic services and at the times experience has shown these occur. The purpose of the assignments is to take enforcement action against those violations determined to cause crashes. Crash location data may also influence the geographic distribution of patrol zone units.

**61.2.12** The Traffic Unit Supervisor shall deploy Traffic Unit Personnel based on review of traffic crashes and traffic related calls for service covering the most recent three year period.

**61.2.13** Speed measuring devices and other equipment shall be issued to Traffic Unit Deputies, as well as those Deputies in zones identified as having hazardous or congested conditions.

**61.2.14** The Traffic Unit Supervisor shall make the appropriate geographic adjustments of Traffic Unit personnel and equipment to compensate for temporal conditions or to address events or situations demanding attention.

**61.2.15** The Traffic Unit Supervisor or the designated Traffic Administration Coordinator shall provide monthly statistical summaries through the administrative reporting process. This report is available to all personnel via the agency intranet under Monthly Reports.

**61.2.16** Crime Analysis provides various traffic analysis reports; these reports will be utilized by field supervisors to assist in directing zone Deputies to provide extra patrol and traffic enforcement to problem areas during the times identified by the analysis.

**61.2.17** Deputies shall be directed in their enforcement actions toward those violations identified as contributing to the crashes.

**61.2.18** Deputies assigned a selective enforcement detail shall document the actions taken during the detail under an incident number. The data contained in the report will be forwarded to the Traffic Administration Coordinator.

**61.2.19** The Traffic Unit Supervisor shall deploy personnel and equipment to areas and times identified by the report and direct enforcement efforts toward those violations contributing to the traffic crashes.

**61.2.20** Traffic Unit Deputies assigned a selective enforcement detail shall document the actions taken during the detail under an incident number. The data contained in the report will be forwarded to the designated coordinator.

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**Revised by:** 7001  
**Revised on:** 04-17-2006

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: TRAFFIC LAW ENFORCEMENT**

**CODIFIED: 61.3**

**EFFECTIVE: 03-2019**

**RESCINDS/AMENDS: 61.3/06-2008**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish procedural guidelines and standards for uniformed sworn employees charged with enforcing traffic laws.

**DISCUSSION**

Traffic law enforcement is the responsibility of all uniformed law enforcement personnel. Emphasis is placed on the qualitative aspects of traffic law enforcement, rather than quantitative. Activities should be directed to control violations of the traffic law through preventative patrol and active enforcement.

**POLICY**

It shall be the policy of the Department to enforce the traffic laws of the State of Florida, and local traffic ordinances and regulations in a uniform and consistent manner, without regard to race, religion, sex, age, or economic standing in the community.

Deputies shall conduct themselves in a courteous manner, and not intentionally humiliate, embarrass, or harass citizens.

Unless otherwise directed, Deputies shall retain their discretionary privilege, and shall exercise sound judgment in reference to traffic law enforcement.

There shall be no "quota system" nor other procedure by which an employee is required to cite a specific or minimum number of motorists during a specified time period.

**PROCEDURE**

**61.3.1** Enforcement action is necessary whenever a Deputy observes a serious or overt traffic violation, or a violation which places others in immediate or near danger.

**61.3.2** Traffic violations of a routine nature will not be the subject of enforcement action by off duty personnel. Only those violations which pose an immediate threat to the safety of the public, in which an "on duty" deputy cannot be summoned, shall be authorized for off duty stopping/enforcement.

**61.3.3** Deputies responding to a previously dispatched call for service will balance the seriousness of the traffic violation against the urgency of the call for service to which they are responding.

**61.3.4** Deputies shall use discretion in reference to the type of enforcement action to take for traffic violations. When deciding the level of enforcement action to take, the type and severity of the violation committed shall be considered. There are three general levels of enforcement action available to Deputies:

- **Warning** - Warnings may be either verbal or written. Warnings may be given for minor traffic infractions when the Deputy feels the warning is sufficient to correct the violation.
- **Traffic Citation** - Deputies may issue Uniform Traffic Citations for specific violations of Florida Statutes. Traffic infractions are non-criminal violations and may only be charged through use of a Uniform Traffic Citation (UTC). Criminal traffic violations must be evaluated with the utmost care. As in most cases, Deputies have the option to physically arrest the offender. If physical arrest is not possible or deemed inappropriate, the defendant will be charged using the Uniform Traffic Citation.

- **Physical Arrest** - Physical arrest may be made for most misdemeanor and all felony criminal violations of the traffic laws. All arrests will be in accordance with current Florida law.

**61.3.5 Misdemeanor violations may be handled:**

- By the issuance of a Uniform Traffic Citation with mandatory court appearance;
- By the arrest and release upon issuance of a Uniform Traffic Citation;
- Through arrest, issuance of a Uniform Traffic Citation, and completion of an SA-707 Arrest Report followed by processing the offender into the County Jail.
- By submission of a SA-707 Complaint Affidavit to include a Uniform Traffic Citation to accompany the SA-707 to the State Attorney's Office when physical arrest is not possible or appropriate.

**61.3.6** Felony violations may be handled only by the issuance of a Uniform Traffic Citation and physical arrest of the offender followed by processing into the County Jail; or, by submission of an SA-707 Complaint Affidavit to include a Uniform traffic Citation to accompany the SA-707 to the State Attorney's Office when physical arrest is not possible or inappropriate.

**61.3.7** In all cases, Deputies will exercise sound judgment and discretion when deciding what level and type enforcement action to take.

<b>TRAFFIC ENFORCEMENT PRACTICES</b>
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**61.3.8** Concentrated enforcement efforts should be directed at those areas, at the times and for the offenses, which have been identified by analysis. A variety of tactics may be used to enforce compliance with the traffic laws.

**61.3.9 Visible Traffic Patrol** - shall be used while conducting:

- **Area Patrol** - Units may be deployed to a specific geographical area to enforce the traffic laws. Normally, Deputies will be assigned to particular areas for events or circumstances to conduct highly visible preventative patrols.
- **Line Patrol** - Units are stationed on particular roads or highways, either in stationary observation or moving patrol. Line patrols will be conducted when specific roads or highways are identified as having unusually high crash or fatality rates. Rigorous enforcement of all traffic laws should be employed. An example calling for line patrol would be heavy beach traffic on a specific roadway.
- **Directed Patrol** - Directed patrols should be employed to tackle specific problems or complaints (see Directive 61.2 Selective Enforcement.) Deputies are directed in their enforcement actions toward those violations identified as contributing to the crashes or specific complaints. Deputies assigned directed patrols shall document the actions taken during the detail in an incident report. The data contained in the report will be forwarded to Traffic Administration.

**61.3.10 Stationary Observation** - Stationary observation may be covert or overt and employed for the operation of radar, detection of defective equipment violations, surveys and the enforcement of other traffic violations. Stationary observation may be conducted in two ways:

- Overt** - Highly visible stationary observation may be employed to slow traffic, remind citizens of their responsibility to obey the traffic laws, or observe, identify and target particular problems. Deputies should park vehicles so as to avoid presenting a roadway or visibility obstruction. Radar may be effectively employed during overt observation.
- Covert** - Covert observation is normally employed to conduct surveys or detect those violations of traffic laws which would not occur if the Deputy's presence was known. Deputies may use covert observation to detect and enforce any violation of the laws of the State of Florida. Covert observation of intersections, roadways and school crossings are recommended during traffic surveys.

**61.3.11 Unmarked/Unconventional Vehicles-** All unmarked or unconventional vehicles used for traffic enforcement shall be equipped with emergency lighting equipment and a siren.

**61.3.12** Plain-clothes sworn personnel shall not regularly conduct traffic stops; however, an exception would be violations or circumstances which expose the public to danger.

**61.3.13** Plain-clothes deputies conducting traffic stops shall advise the dispatcher of the stop, location, tag number, description of the vehicle and the fact that they are in plain-clothes.

**61.3.14** The dispatcher shall dispatch a uniformed Deputy to the location.

**61.3.15** Plain-clothes deputies shall clearly identify themselves to the violator and advise the violator to stand-by until a uniformed deputy arrives.

**61.3.16** The Deputy stopping the violator shall handle the enforcement actions.

#### **UNIFORM TRAFFIC LAW ENFORCEMENT ACTIONS**

**61.3.17** It is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, Deputies must decide what enforcement action is proper based on a combination of training, experience and common sense.

#### **DRIVING UNDER THE INFLUENCE OF ALCOHOL /DRUGS**

**61.3.18** Deputies shall make a concerted effort to detect and apprehend those persons suspected of violating F.S. 316.193, Driving or Actual Physical Control of a Motor Vehicle While Impaired Due to Alcohol or Controlled Substances; or, Driving with an Unlawful Blood-Alcohol Level. (See Department Standards Directive 61.6, DUI Enforcement Program)

#### **SPEED VIOLATIONS**

**61.3.19** Deputies enforcing speed violations shall comply with Department Standards Directive 61.4, Speed Measuring Devices.

**61.3.20** Deputies using speedometers to establish probable cause to issue speed violation citations must pace the violator for an adequate distance to ensure an accurate reading prior to the stop.

**61.3.21** Deputies not certified in radar operation may support certified operators by issuing citations and listing the Deputy who operated the device as a witness.

#### **EQUIPMENT VIOLATIONS**

**61.3.22** Deputies shall consider using written warnings for minor equipment violations in lieu of traffic citations.

**61.3.23** If the citation is issued to the operator of a non-commercial vehicle for an equipment violation, the issuing Deputy shall explain the procedure that allows the operator or owner to have the vehicle inspected by a police agency after the repairs have been made, which results in a reduction of the fine.

**61.3.24** If a written warning is issued, the issuing Deputy shall explain the procedure for making the necessary repairs, and mailing the warning card to Traffic Administration, where a data file will be maintained.

#### **PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS**

**61.3.25** Public carriers and commercial vehicles must comply with all applicable laws, rules and regulations.

**61.3.26** Deputies may summon assistance from the Highway Patrol or Department of Transportation for special equipment needs.

**61.3.27** School buses must comply with Federal laws as well Florida Statutes.

#### **TRAFFIC VIOLATIONS**

**61.3.28** Traffic citations shall be based on lawful authority and probable cause which satisfies the elements of the specific violation being charged. Discretion may be used by Deputies enforcing hazardous and non-hazardous violations when appropriate.

**61.3.29** Hazardous violations expose a person or property to risk, loss or damage (i.e., running a red light/stop sign, careless driving), .

**61.3.30** Non-hazardous violations are violations which are not likely to involve or expose persons and/or property to risk, loss, or damage.

#### **MULTIPLE VIOLATIONS**

**61.3.31** Deputies shall exercise discretion when dealing with multiple violations. Consideration should be given to issuing citations for charges encompassing multiple lesser violations, i.e., running a stop sign and speeding can be cited as careless driving.

#### **NEWLY ENACTED LAWS AND/OR REGULATIONS**

**61.3.32** Deputies shall be notified of newly enacted laws or regulations via legal bulletins.

**61.3.33** When considering enforcement action in the above listed situations, the Deputy shall evaluate:



- The actual or potential danger to persons and property;
- The seriousness of the violation;
- The degree or excessiveness to which the motorist violated the law;
- The attitude of the motorist;
- The urgency of calls for service to which the Deputy may be responding.

### **BICYCLE/PEDESTRIAN VIOLATIONS**

**61.3.34** Written warnings and Uniform Traffic Citations shall be issued to bicycle operators and pedestrians who violate traffic laws, with particular attention being paid to the following offenses:

- Riding on the wrong side of the road, against traffic;
- Improper lights during night riding;
- Failure to obey traffic signs or signals;
- Failure to yield to on-coming traffic when exiting residential driveways;
- Soliciting a ride, employment, or business from an occupant of any vehicle;
- Crossing an intersection at other than right angles.

**61.3.35** Traffic citations or warnings for bicycle/pedestrian violations shall be issued under the following guidelines:

- For violators 14 years of age or older, the Deputy shall use discretion when deciding to issue a Uniform Traffic Citation, written or verbal warning.
- First time violators under 14 years of age should be issued a verbal or written warning.

**61.3.36** If a written warning is issued, the Deputy shall write a "B" for bicycle or "P" for pedestrian on the top left corner of the warning to indicate a bicycle infraction.

**61.3.37** The Deputy shall obtain the violator's parent's name, address, and zip code and write this information on the citation.

**61.3.38** Warning citations shall be forwarded to Traffic Administration.

**61.3.39** For serious violators and repeat offenders under the age of 14, the Deputy should use discretion when deciding to issue a citation, written or verbal warning.

**61.3.40** If a Uniform Traffic Citation is issued, the Deputy shall write the letter "B" or "P", as applicable, on the top left corner of the infraction.

**61.3.41** Deputies shall advise Communications of bicycle/pedestrian violation contacts and the action taken. This information shall be used as data for analysis and counteracting the precipitating factors.

**61.3.42** Bicycle/pedestrian safety pamphlets shall be available in all Districts.

### **OFF-ROAD VEHICLES**

**61.3.43** Deputies shall enforce all traffic laws as they apply to off-road recreational vehicles.

**61.3.44** Written warnings and Uniform Traffic Citations shall be issued to operators who violate traffic laws, with particular attention being paid to the following offenses:

- Unlicensed vehicles operating on the roadway. Deputies shall immediately remove or cause unlicensed vehicles to be removed from the trafficway.
- Misuse of public trails.
- Improper crossing of trafficway.

**61.3.45** For violators 14 years of age or older, the Deputy shall use discretion when deciding to issue a Uniform Traffic Citation, written or verbal warning.

**61.3.46** First time violators under 14 years of age should be issued a verbal or written warning. The Deputy shall obtain the violator's parent's name, address, and zip code and write this information on the citation.

**61.3.47** Warning citations shall be forwarded to Traffic Administration.

**61.3.48** For serious violators and repeat offenders under the age of 14, the Deputy should use discretion when deciding to issue a citation, written or verbal warning.

**61.3.49** Deputies shall advise Communications of off-road recreational vehicle violations and the action taken.

## **VEHICLE OPERATION**

### **ROUTINE VEHICLE OPERATION**

**61.3.50** Under normal, non-emergency operating conditions and while responding to routine calls for service, operators of Department vehicles shall strictly adhere to all traffic laws, and shall drive defensively in a safe and courteous manner. Seat belts shall be worn at all times as required by Florida Statutes.

### **REQUESTS FOR DEPARTMENT VEHICLE TO STOP**

**61.3.51** Department personnel, when requested or commanded by other law enforcement to stop, shall:

- A.** Immediately stop, regardless of the assignment, even if handling a serious emergency call;
- B.** Clearly identify self and activity unless such declaration would nullify or hinder a criminal investigation,
- C.** If the operator of a Department vehicle continues to be detained by another law enforcement officer, the operator shall advise Communications of the circumstances and request a supervisor to report to the scene.

**61.3.52** A report of the incident shall be submitted to the operator's Division/District Commander.

### **EMERGENCY OPERATION**

**61.3.53** Department personnel may engage in emergency vehicle operations in accordance with Florida Law when responding to an emergency or when in pursuit. (See Department Standards Directive 41.2)

**61.3.54** Department vehicles engaged in emergency operations shall utilize emergency lights. The siren shall be used to warn vehicular and pedestrian traffic along the emergency route. Hazardous warning lights, the spotlight, take-down lights and public address system may be used as additional safety measures during emergency operations.

**61.3.55** When engaged in emergency operations, the operator shall exercise extreme care.

**61.3.56** In accordance with Florida Law, emergency vehicle operators may:

- Exceed the maximum speed limit so long as life or property are not endangered. Speed shall be limited by road and weather conditions and the exercise of good judgment.
- Proceed past stop signal or sign, but only after slowing or stopping as necessary for safe operation. Department vehicles shall not enter controlled intersections against the flow of traffic at an unsafe speed and shall be sure that cross-traffic flow has yielded in each lane before attempting to cross that lane.
- Disregard regulations governing direction of movement or turning in specified direction, so long as life or property is not endangered.
- Disregard regulations governing parking laws under normal circumstances, except that a Department vehicle shall not block access to a fire hydrant at the scene of a fire, or in any way obstruct fire apparatus.

**61.3.57** Emergency operation of Department vehicles shall immediately be reported to Communications via radio.

**61.3.58** Operators shall immediately terminate emergency operation when ordered to do so by superior authority.

### **TRAFFIC STOPS: Traffic Violators, Unknown Risk and High Risk Stops:**

**61.3.59** Due to the uniqueness and inherent potential for risk involved with all traffic stops, it is impossible to establish procedures that address each and every scenario. However, these procedures and guidelines are intended to maximize the safety of the officer, as well as the violator and passing motorists.

**61.3.60** Occasions may arise where adverse weather and road conditions, engineering conditions, the urgency to stop a particular violator, and traffic congestion, may require altering the steps listed herein. This will be determined based on the Deputy's training, experience, discretion and circumstances surrounding the stop.

**61.3.61** Whenever a Deputy makes any traffic stop, Communications shall be contacted and advised that a vehicle is being stopped, the location, the tag number and the vehicle description (model, color, year, other identifying features.) This shall be done in a manner that allows the dispatcher to copy the information; this information will be provided to other Deputies via MDT.

**61.3.62** Traffic stops should preferably be made at the right-hand edge of the roadway.

### **61.3.63 Traffic Violators - Deputies shall:**

- Direct the traffic violator to a suitable stopping point where the normal traffic flow will not be impeded.
- When possible, avoid using private drives and business access areas (when open) for traffic stops. Care shall be taken to avoid inconvenience to property owners or patrons.

- When stopping traffic violators in residential areas at night, flashing emergency lights may be turned off if there is no traffic hazard or need to signal location to additional units.
- Exercise caution when approaching the violator's vehicle, observing for any suspicious activity by the vehicle's occupants. The approach method employed should be based upon the Deputy's training, experience and the circumstances surrounding the stop. The passenger side approach is preferable for officer safety unless the situation prevents this approach.

**61.3.64 Unknown Risk Stops – Deputies shall:**

- Always use caution and be alert/aware of surroundings
- Position their vehicles in a tactically safe position.
- When exiting the vehicle, remain particularly alert to suspicious movements or actions of the vehicle operator and/or passengers.
- When approaching the vehicle, be observant of the vehicle trunk and passenger compartment.
- Approach the vehicle being particularly observant of occupant movements and choosing a path that will not allow the occupants to thrust the door open against the Deputy.
- Request the driver to produce their driver's license and vehicle registration; only accept the license without the wallet or other card case containing the license.
- Advise the driver and all occupants to remain inside their vehicle before backing away from the vehicle, unless exigent circumstances or safety concerns exist.

**61.3.65 High Risk Felony Traffic Stops – Deputies shall:**

- Use extreme caution and make a plan.
- Not individually initiate a known high-risk vehicle stop; the deputy shall trail the vehicle until backup arrives unless the urgency of the situation demands immediate action.
- Select an appropriate location to initiate the stop considering visibility, nearby cover and vehicular and pedestrian traffic.
- Once backup units are in position, signal the suspect to stop. Once the suspect vehicle has stopped, Deputies should exit their vehicles quickly and assume positions of cover.
- Employ Contact/Cover techniques: the initial officer is the Contact; the backup officer is the Cover.
  - a. Only the Contact Deputy gives initial orders, while other units provide cover.
  - b. Orders will be given in a clear professional manner. The Deputy will first identify himself or herself and then notify the occupant(s) of the vehicle that all instructions are to be followed without hesitation or suspicious movements.
  - c. After ordering the vehicle be turned off and keys placed on the roof, the occupants will be ordered to exit the vehicle one at a time; the suspect will be talked back to a position between the patrol cars and placed in appropriate position most advantageous to the Deputy's safety.
  - d. The Cover Deputy will now control the suspect as the Contact Deputy watches the vehicle and remaining occupants.
  - e. With appropriate cover, the suspect will be approached, handcuffed, checked quickly for weapons and escorted backwards to the rear of the patrol cars.
  - f. Once at the rear of the patrol vehicle, the suspect will be thoroughly searched for weapons as the deputy attempts to gain information about the number of vehicle occupants and presence of weapons.
  - g. Place suspect into one of the patrol cars; acquire another set of handcuffs.
  - h. Other suspects are removed in the same manner.
  - i. With appropriate cover and adequate back-up, Deputies should then approach the suspect vehicle using extreme caution, avoiding a cross fire situation, and inspect the passenger compartment and trunk. Be alert for any signs of movement.
  - j. Communicate with Central Communications and other backup units as necessary, but only when safe to do so; avoid "reporting to the dispatcher".

- ALWAYS BE AWARE OF YOUR SURROUNDINGS.

## **CITATION AND REPORT PREPARATION AND PROCESSING**

**61.3.66** Traffic citations and arrest reports form the basis for prosecution and ultimate adjudication of traffic offenses.

### **ISSUANCE AND ACCOUNTABILITY**

**61.3.67** Citations are received from the Florida Department of Highway Safety and Motor Vehicles by the Traffic Unit. The Traffic Unit stores the citations in a locked storage room within their office.

**61.3.68** The Traffic Unit distributes the books of citations to the Sheriff's District Offices and law enforcement units upon request, with the member receiving the citation books signing a receipt.

**61.3.69** The citation books distributed to the District Offices and law enforcement units shall be stored securely in a locked storage area within the District Office until issued to individual Deputies, as needed.

**61.3.70** Citations are issued to individual Deputies by the book and are available at the District Offices from the District Supervisors.

**61.3.71** It shall be the responsibility of the receiving Deputy to personally examine each pre-numbered citation form to insure that each form is present and complete. If one form is found to be missing, damaged or incomplete, the entire book shall be returned to the District Supervisor who issued it.

**61.3.72** Upon issuance of a citation book Deputies shall complete the book's accountability record (the first 2 pages of the book) and forward it for entry to the District from which the book was issued.

**61.3.73** The data on the accountability record shall be entered into the RMS computer system by the District's School Crossing Guard Supervisor/Traffic Clerk, then forwarded to the Traffic Unit.

**61.3.74** Use of paper citations should only be used when the Iye Tek system is not functioning/down or the deputy does not have access to the system at the time of the stop.

### **AUDIT OF CITATIONS**

**61.3.75** The Traffic Unit designee shall complete a documented audit of citations issued to the Sheriff's Office by the Department of Highway Safety and Motor Vehicles (DHSMV) semi-annually. The audit shall be for the purpose of ensuring the integrity of the Sheriff's Office citation tracking system, not an inventory of each individual citation.

**61.3.76** The audit shall utilize the Traffic Unit distribution receipts and the Records Management System (RMS) computer program.

**61.3.77** The audit shall accomplish the following:

- Insure citations are being securely stored and verify their physical location;
- Insure distribution and issuance records are up to date and correct. If errors are detected, they shall be corrected.
- Identify and account for any lost or missing citations not previously reported.

**61.3.78** Any errors discovered during the audit shall be corrected.

**61.3.79** The results of the audit, including any errors and corrections shall be documented.

**61.3.80** A copy of the audit report shall be forwarded to the Professional Standards Section.

### **UNIFORM TRAFFIC CITATION LOG**

**61.3.81** Each Deputy issued Uniform Traffic Citations is required to maintain a citation log for inspection at anytime by a supervisor, member of the Staff Inspections Unit, or authorized representative of the Department of Highway Safety and Motor Vehicles. The following minimum information will be recorded:

- Citation number;
- Date issued;
- Last name of person citation was issued to;
- Nature of violation.

### **UNIFORM TRAFFIC CITATION PROCEDURE**

**61.3.82** Traffic citations will be completed in accordance with the current instructions issued by the Department of Highway Safety and Motor Vehicles.

**61.3.83** At the time a motorist is charged with a violation the Deputy will:

- Advise the motorist whether court appearance is mandatory or optional. If a court appearance is optional, the Deputy shall advise the motorist, that if they want a court appearance, they must request a court date in writing from the clerk of the court. If a court appearance is mandatory, the Deputy should indicate "to be noticed" on the UTC and explain to the motorist that they will be receiving notification of their court date via the mail.
- Advise the motorist if they will be allowed to pay a fine in lieu of court appearance, the amount of the fine, and that it may be paid by mail, if applicable;
- Advise the motorist of any other options available to them, if other options apply;
- Point out the information sections on the defendant's copy of the citation.

**61.3.84** Citations are processed as follows:

- A. If the violator is not taken into custody, a copy of the citation will be turned into the district citation box. If a paper citation is issued, all copies except the violator's copy (yellow), shall be turned in to the District citation box. Each citation will be reviewed by a supervisor or their designee and then entered into the Records Management System.
- B. The citations shall be delivered to the Clerk's Office within 5 working days.
- C. If a physical arrest is made a copy of the citation, or if a paper citation is issued the pink and two white copies shall be presented to booking; the yellow copy or copy of the citation shall be given to the defendant; the blue copy or a copy of the citation shall be placed in the District citation box.
- D. If the defendant is cited for other charges or infractions in addition to the criminal charges, all "companion" citations will be routed as directed above.

#### **VOIDED UNIFORM TRAFFIC CITATIONS**

**61.3.85** If a Deputy voids a citation, the following procedures will apply:

- A. The Deputy will ensure that all copies of the citation are present or accounted for.
- B. The word "VOID" will be conspicuously printed in large block letters on the face of the citation.
- C. A brief explanation of why the citation is voided will be printed on the face of the citation. If a replacement citation is issued, the citation number of the replacement citation will be noted on the voided citation. If the explanation is lengthy, the Deputy will attach a note with the printed explanation to the voided citation.
- D. The Deputy will sign their name and ID Number on the face of the citation.
- E. The citation will be forwarded through the chain of command to Traffic Administration for proper disposition and disposal.

#### **LOST OR STOLEN TRAFFIC CITATIONS**

**61.3.86** An incident report shall be completed when citations are discovered lost or stolen by the Deputy issued the citations. The report shall list the numbers of the lost or stolen citations and describe the circumstances.

**61.3.87** A copy of the report shall be forwarded to the Traffic Unit.

**61.3.88** The Traffic Unit shall notify the Department of Highway Safety and Motor Vehicles (DHSMV) of the lost or stolen citations to have them removed from the Sheriff's Office inventory kept by DHSMV.

#### **WARNING CITATIONS**

**61.3.89** When a warning citation is issued by a Deputy the violator's copy shall be given to the violator along with a verbal explanation of the violation, what measures should be taken in the future to prevent the reoccurrence and any instructions as to the return of the violator's copy. The original copy shall be placed in the District office citation box. The citation will be entered into the Records Management System. The original copies shall be stored by Traffic Administration as required by the public records laws.

**61.3.90** Traffic Incident/Supplementary Reports and Arrest Reports will be completed in accordance with the current instructions in the Volusia County Sheriff's Office Report Writing Manual.

**61.3.91** Misdemeanor arrests may be processed with the issuance of a traffic citation and an arrest affidavit.

**61.3.92** A copy of any non-electronically submitted arrest affidavit shall be placed in the District report box and reviewed by a supervisor. A copy of the arrest affidavit shall be forwarded to Central Records..

**61.3.93** The arrest of juveniles requires an incident report, arrest affidavit and citation. The arrest affidavit and incident report shall be turned into the District report box. The citation shall be marked "JA" in the upper right hand corner and placed in the District citation box for review and then entry into the Records Management System.

**61.3.94** Felony arrests reports shall be handled as follows:

- A. Adults charged with a traffic felony shall be arrested and booked. An Incident report will be completed and arrest affidavit shall be completed. The gold copy of the arrest affidavit and the incident report shall be placed in the District report box for a supervisor's review.
- B. Juveniles charged with a felony requires an incident report, arrest affidavit and citation. The arrest affidavit and incident report shall be turned into the District report box. The citation shall be marked "JA" in the upper right hand corner and placed in the District citation box for review and then entry into the Records Management System.

**61.3.95** Information from any or all the aforementioned resources may be cross-referenced to the original case file which is maintained by the Clerks Office.

#### **CITIZEN CONTACT**

**61.3.96** The Deputy's initial contact with the violator shall be courteous and professional in nature. The Deputy shall not approach the citizen in a rude and offensive manner.

**61.3.97** The Deputy shall be certain that the vehicle stopped has in fact committed the violation.

**61.3.98** The Deputy shall present a professional image by proper dress, grooming, language, bearing, and emotional stability.

**61.3.99** Citizens shall be greeted and addressed by an appropriate title (Sir, Ma'am) and the reason for the stop.

**61.3.100** The Deputy should ask for license/registration/insurance information. Once identified, the citizen should be addressed by name (Mr. Jones, Ms. Smith, Miss Collins).

**61.3.101** The Deputy should explain the violation, ensuring the driver understands how they violated the law and the proper course of conduct to correct the violation.

**61.3.102** During contact with the violator, the Deputy should check for signs of physical impairment, emotional distress, and alcohol/drug abuse.

**61.3.103** Deputies conducting traffic stops shall have the proper forms to issue a traffic citation or written warning. The proper form shall be completed in accordance with current instructions.

**61.3.104** Upon completion of the traffic stop the Deputy should assist the violator to re-enter the traffic flow safely.

#### **SUSPENDED/REVOKED DRIVER'S LICENSE**

**61.3.105** When a Deputy suspects a driver's license is either suspended or revoked, the following procedure shall be followed:

- A. The Deputy shall conduct a license check to determine if the license is suspended, revoked or canceled;
- B. Upon receiving information from the Department of Highway Safety and Motor Vehicles that an individual's license is suspended, revoked or canceled, the Deputy shall make reasonable attempts to verify the information.
- C. This may be done by a phone call or teletype to the licensing agency or an interview with the suspect. Physical arrest shall not be made unless verified by one of these methods.
- D. For the charge of unlawful use of license, including possession of a suspended license, the appropriate Florida Statute shall be cited.
- E. The driver's license shall be seized by the Deputy and transmitted to the Evidence Section using an evidence/transmittal report. The citation number shall be in the narrative section of the property report.
- F. Deputies may physically arrest any driver operating a motor vehicle with a suspended, revoked or canceled driver's license.
- G. If the driver's license has been suspended/revoked for DUI or for refusal to submit to a blood/alcohol test, the physical arrest of the violator is mandatory. The violator shall be booked into the Volusia County Branch Jail in accordance with current procedures.
- H. If the driver's license has been suspended/revoked for any reason other than DUI or refusal to submit to a blood/alcohol test, the Deputy shall have the following options:
  - Physical arrest followed by booking into the Volusia County Branch Jail with appropriate bond set.
  - Physical arrest followed by issuance of a criminal Uniform Traffic Citation.

#### **REFERRAL FOR RE-EXAMINATION**

**61.3.106** Routine traffic enforcement activities may lead to the discovery of drivers who have suspected incompetency, physical or mental disability, disease, or other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In this event, Deputies should submit a report, using the appropriate form, to the Bureau of Driver Improvement recommending reexamination.

## **PARKING**

**61.3.107** Deputies may engage in parking enforcement activities while on normal patrol, or may be dispatched to specific locations upon receipt of citizen's complaints. Upon observing a parking violation, Deputies should attempt to have the offending vehicle moved by the driver if the driver is present or can be readily located. Deputies may also take one or more of the following actions:

- A.** Issue a Uniform Traffic Citation to the driver/owner if present. IN NO CASE WILL A UNIFORM TRAFFIC CITATION BE ATTACHED TO AN UNATTENDED VEHICLE;
- B.** Issue a Volusia County Parking Citation to the driver/owner if present, or securely attach the parking citation to the offending vehicle if unattended;
- C.** Have the offending vehicle towed to an impound yard if the vehicle is illegally parked in a handicapped parking space, is blocking a public or private driveway, is parked upon a sidewalk, is obstructing the normal and safe flow of traffic, or is otherwise creating a hazard to the public.

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**Revised by:** 2475

**Revised on:** 03-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: SPEED DETECTION DEVICES**

**CODIFIED: 61.4**

**EFFECTIVE: 10-2018**

**RESCINDS/AMENDS: 61.410-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish procedures for the operation of speed measuring devices and the authentication of documents for court presentation.

**DISCUSSION**

Speed measuring devices are an effective tool used to regulate speed and have an important role in traffic safety; however, speed measuring devices can be complex. They have inherent limitations and are susceptible to internal and external interference.

The effectiveness of speed measuring devices is dependant upon the operator's training and understanding of the limitations of the device used, and the operational readiness of the device.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to employ speed measuring devices in compliance with Florida Statutes, 316.1905 (speed calculating devices) and 316.1906, (radar speed measuring devices) and administrative orders of the Department of Highway Safety and Motor Vehicles, Chapter 15B-2.

**PROCEDURE**

**ELECTRONIC AND MECHANICAL SPEED MEASURING DEVICES**

**61.4.1** Electronic or mechanical devices used to measure speed will meet the following requirements:

- The device must be approved for use by the Department of Highway Safety and Motor Vehicles.
- The device must have been tested not less then once each six (6) months.
- A certificate, signed and witnessed, showing the device was tested within the required test period and that the device was in proper working order will be kept on file and ready for court presentation.

**61.4.2** Visual Average Speed Computer (VASCAR) devices shall not be utilized by Deputies.

**RADAR**

**61.4.3** The use of radar speed measuring devices require:

- The operator must have completed the radar training course established by the Criminal Justice Standards and Training Commission.
- The operator will have an independent visual determination that the vehicle is operating in excess of the applicable speed limit.
- The operator will issue a citation only where conditions permit a clear assignment of speed to a single vehicle.
- The device shall have no automatic locking device or audio alarm unless said device is deactivated or disconnected.
- The audio Doppler will be engaged.
- The radar unit must be approved by the Department of Highway Safety and Motor Vehicles.
- The operator will maintain a citation log and conduct tests in accordance with Chapter 15B-2, Department of Highway Safety and Motor Vehicles.
- The radar unit will be used in conjunction with a certified speedometer, where applicable.



- The operator will follow the manufacturers recommended methods of checking calibration.

#### **SPEEDOMETER**

**61.4.4** Deputies may use vehicle speedometers with current accuracy certificates to pace clock vehicles.

**61.4.5** Deputies shall follow the target vehicle being clocked at a safe distance for the length of time necessary to accurately establish the target vehicle's speed.

#### **ADMINISTRATION**

**61.4.6** It shall be the responsibility of the District Commander to:

- Ensure the devices utilized are in compliance with State Statutes and Administrative procedures
- Determine the proper assignment of speed measuring devices
- Ensure the devices are properly maintained

**61.4.7** The Special Operations Section Captain or their designee shall maintain documents and certification on all radar units and speed measuring devices, with the exception of speedometer calibration certificates.

**61.4.8** The Special Operations Section Captain or their designee shall provide certified copies of documentation to the District Commanders.

**61.4.9** The Special Operations Section Captain or their designee shall ensure that District Commanders are notified of radar units in need of scheduled recertification.

**61.4.10** Speedometer certificates shall be maintained by the individual operators.

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**Revised by:** 2475

**Revised on:** 10-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER 61.6</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 01/01/2020
		<b>Original Issue Date</b> 04/1991	<b>Previous Revision Date</b> 10/2018
<b>Title</b>  <b>DUI ENFORCEMENT PROGRAM</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   <b>MICHAEL J. CHITWOOD, SHERIFF</b>	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish policy and procedures for the enforcement of state laws prohibiting the operation of a motor vehicle while impaired due to alcohol or other controlled substances, (Fla. Stat. § 316.193, Driving or Actual Physical Control of a Motor Vehicle While Impaired Due to Alcohol or Controlled Substances; or, Driving With An Unlawful Blood-Alcohol Level (DUI)), and state law regarding zero tolerance (Fla. Stat. § 322.2616).

## II. DISCUSSION

Enforcement of DUI traffic laws is an important duty of the law enforcement officer charged with protecting the public welfare. Drivers impaired by alcohol and/or drugs represent a serious threat to public safety. A comprehensive DUI enforcement program is necessary. This multi-faceted program includes not only enforcement of the traffic laws, but also education, prosecution, substance abuse treatment programs, and public support. Current Florida Law also requires law enforcement officers to seize the driver's licenses of persons arrested for DUI under certain circumstances. The underlying intent of the law is to provide an immediate impact at the time of the DUI arrest. This general order will address law enforcement efforts in the areas of detection, apprehension, arrest, processing, and seizure of driver's licenses. Procedures contained herein are intended to provide a uniform method for the agency's enforcement countermeasures programs against alcohol and drug related traffic offenders.

## III. POLICY

It shall be the policy of Volusia Sheriff's Office to vigorously enforce the DUI traffic laws of the State of Florida to include the State's zero tolerance law, Fla. Stat. § 322.2616.

All uniformed Deputies shall make a concerted effort to detect and apprehend those persons suspected of violation of Fla. Stat. § 316.193, Driving or Actual Physical Control of a Motor Vehicle While Impaired Due to Alcohol and/or Drugs; Driving with an Unlawful Blood-Alcohol Level, and those persons under 21 years of age in violation of Fla. Stat. § 322.2616 (zero tolerance law).

All Deputies affecting an arrest for violation of Fla. Stat. § 316.193 shall adhere to the provisions of Fla. Stat. § 322.2615 relating to the seizure and suspension of driver's licenses.

## IV. PROCEDURE

### A. GENERAL

1. While each DUI traffic stop is unique, the following procedures shall be followed as closely as is practicable. It is recognized that in some cases the level of intoxication may be so high that some procedures may be impractical. Also, if an intoxicated driver becomes belligerent, it may become necessary to physically secure the offender to minimize the danger of injury to the public, the officer, and/or the offender.

## **B. DETECTION PHASE**

1. An impaired driver may be detected in a variety of ways. Frequently, the Deputy may first suspect the driver is intoxicated upon the initial face-to-face meeting after stopping the vehicle for some other reason. If the Deputy suspects intoxication prior to the traffic stop, it is important that the Deputy first establishes probable cause to stop/approach the offender during this phase. Probable cause to stop a vehicle may be established by the following means:
  - a. The Deputy observes a violation of State or local traffic laws, or other violation, which gives the Deputy cause to stop the vehicle for the purpose of investigation or to take enforcement action.
  - b. The Deputy observes specific behavior or driving style that indicate a high probability that the driver may be impaired by alcohol and/or drugs, commonly referred to as a wellbeing check on the driver.
  - c. The Deputy locates the occupied vehicle based upon a description from a citizen's complaint of erratic, improper, or reckless driving.
  - d. The vehicle and/or occupants are suspected of involvement in a criminal act.
  - e. The vehicle and/or driver have been, or are suspected of involvement in a recent traffic accident.
2. Regardless of the means by which the Deputy comes into contact with an impaired driver, the Deputy must establish sufficient probable cause to stop and investigate. The Deputy shall note the indicators present and shall be able to articulate those factors in any subsequent arrest reports and/or court proceedings.

## **C. APPREHENSION PHASE**

1. Once probable cause to stop a vehicle has been established, the Deputy shall conduct a traffic stop in accordance with the provisions of general order 61.3 Traffic Law Enforcement. Often, it is at this time the Deputy may first become suspicious that the driver may be impaired. The Deputy shall carefully observe the driver's actions and driving during this phase to gather further evidence to support an arrest.

## **D. INVESTIGATIVE PHASE**

1. Once the vehicle has been stopped, the Deputy shall approach with caution. The Deputy will be alert to signs of intoxication due to alcohol and/or drug use. This investigative process is continuous as long as the Deputy is in contact with the driver. The following procedures shall apply, where applicable.
2. Upon the initial approach to the vehicle, the Deputy should look into the vehicle interior for such plain-view evidence as open containers of alcoholic beverages or narcotics residue or paraphernalia.
3. The Deputy should request the driver's license, vehicle registration, and insurance card. The Deputy shall be alert for the odor of alcoholic beverages, note any physical characteristics indicating alcohol and/or drug use, and signs of possible medical impairment.
4. If the driver is suspected of being intoxicated, they will be asked to exit the vehicle. The Deputy will note the driver's balance, demeanor, speech, and general appearance.
5. The Deputy will make inquiries regarding the driver's well-being to rule out possible medical impairment, i.e. Diabetes, Epilepsy, etc. If and/or when in doubt, the Deputy shall have the driver evaluated by medical personnel. The Deputy shall request the response of medical personnel through Central Communications.
6. The Deputy will advise the driver of the specific reason for the traffic stop (i.e. speeding, improper lane change, equipment violation, etc.). At this point, the Deputy may proceed with processing the traffic infraction while continuing to observe the driver for signs of impairment due to alcohol and/or drugs.
7. Upon a reasonable suspicion that the driver may be impaired due to alcohol and/or drugs, the Deputy will advise the driver they are suspected of a DUI violation.
8. The Deputy should proceed with the DUI investigation and may ask specific questions concerning the driver's consumption of alcohol or drugs.

## 9. STANDARDIZED FIELD SOBRIETY EXERCISES

- a. If conditions warrant, the driver will be asked to take a Standardized Field Sobriety Exercise (SFE). If the driver agrees, the Deputy shall carefully observe the driver's performance during the exercises and accurately record the results. The Deputy will administer the three (3) Standardized Field Sobriety Exercises (SFSE), Horizontal Gaze Nystagmus, Walk and Turn and One Leg Stand. These exercises are designed to be administered and evaluated in a standardized manner to obtain validated indicators of impairment based on National Highway Traffic Safety Administration (NHTSA) supported research. These three acceptable exercises include:

(1) **HORIZONTAL GAZE NYSTAGMUS EXERCISE:** [This exercise may only be administered by those Deputies who have attended a 24-hour Field Sobriety Exercise training class and who have been instructed in the proper use and procedures of the HGN]

- Begin the exercise by positioning the driver in a manner that is deemed safe by the Deputy and safe for the person being evaluated.
- The driver should be turned away from emergency lights; take care as to not interfere with the person's ability to fixate on the stimulus.
- Ask the driver to remove glasses, if applicable (Note if subject wears contacts, especially colored contacts); Place feet together; put hands at your side; look straight ahead; keep your head still; and follow stimulus with eyes only. It is suggested to give the subject the following verbal instructions: "I am going to check your eyes. Keep your head still and follow the stimulus with your eyes only." "Keep your eyes on the stimulus until I tell you to stop."
- The stimulus will be held approximately 12-15 inches away from the person's face, slightly above the bridge of the nose.

(2) **WALK AND TURN EXERCISE:** The Walk-and-Turn (WAT) exercise is divided into two stages: Instruction Stage and Walking Stage.

(a) **Instruction Stage:** During the instructions stage the subject must stand heel-to-toe, with the right foot ahead of the left foot with the heel of the right foot against the toe of the left foot, keeping their arms at their sides.

- The Deputy shall demonstrate the stance that the driver must maintain during the instructions stage. If the driver fails to maintain the starting position during your instructions, discontinue the instructions and direct them back to the starting position before continuing.
- If the driver continues to struggle with the stance, the deputy shall document the indicator and continue with the exercise.
- The person must be told not to start walking until told to do so.
- The person must be told to take nine heel-to-toe steps on the line. After completing the ninth step the person must turn around keeping the front or lead foot on the line and turn by taking a series of small steps with the other foot.
- The person will then return nine heel-go-toe steps down the line. The person must be told to watch his or her feet while walking, and to count the steps out loud.
- The person must be told to keep their arms at the sides at all times. The person must be told not to stop walking until the test is completed.
- The person should be asked if he/she understands the instructions.

An example of how to describe the exercises: *"Put your left foot on the line with your right foot directly in front of it, heel touching toe. Keep your hands straight at your sides. At my command, take nine (9) steps forward, heel-to-toe, counting each step out loud and looking at your feet. After taking the last step, keep the front foot in place and turn using a series of small steps with the rear foot, to turn around. Continue walking, taking nine (9) more steps, heel-to-toe. Do not stop walking until the exercise has been completed. Do you understand?"*

- (b) **Walking Stage:** Once the person acknowledges his/her understanding of the instructions, instruct the person to begin the exercise.
    - If the person stops or fails to count out loud or watch his/her feet, remind him/her to perform these tasks.
    - The interruption will not affect the validity of the exercise and is essential for evaluating divided attention.
- (3) **ONE-LEG-STAND EXERCISE:**
- Initial positioning and verbal instructions: “Stand with your feet together and your arms down at your sides. “Remain in this position and do not begin until I tell you to do so.” “Do you understand the instructions so far?”
  - During the instructions stage, the person must stand with their feet together, arms at their side, facing the deputy. The deputy shall demonstrate the stance that the person is required to maintain. The person must be told that they will have to raise either leg approximately six (6) inches of the ground, keeping both legs straight with the elevated foot parallel to the ground. The Deputy must demonstrate the one-leg stance.
  - Emphasize that the person must maintain the foot elevation throughout the exercise. If the person lowers his/her foot, he/she should be instructed to raise it. The person must be told to look at the elevated foot during the exercise. The deputy shall not look at his or her own foot while giving the instructions; **for safety reasons, the Deputy must keep eyes on the person at all times.** The person must be told that they will have to count out loud in the following manner: “one thousand one, one thousand two, one thousand three” and so on until told to stop. After giving the instructions, the deputy shall ask the person if they understand.
- b. The aforementioned exercises shall be explained, demonstrated and performed in the order as they are listed above.
  - c. There will be cases, such as crashes involving injuries to the impaired suspect, where the exercises are not applicable. In those cases, the Deputy will provide detailed documentation of the reason for deviating from performing the SFSE's.
  - d. Absent the required HGN training, or the inability to perform one of the above exercises, the Deputy may also administer other recognized Field Sobriety Exercises (FSE's). In such cases, the Deputy will sufficiently articulate how the selected exercise assisted in determining impairment. These FSE's include:
    - (1) **FINGER-TO-NOSE EXERCISE:** Stand with your feet together, arms at your side and your index fingers pointed straight towards the ground (demonstrate). Do not start the exercise until told to do so. Do you understand the instructions so far (make sure the subject understands with a verbal response). When I tell you to start, tilt your head back and close both of your eyes. When I tell you to, bring the hand and pointed index finger straight out in front of you and then bring the tip of the index finger to the tip of your nose and then back to your side without stopping (demonstrate the exercise to the subject). Ensure the person understands the tip-to-tip contact versus using the pad of the finger and side of the nose. Do you understand the instructions so far (make sure the subject understands with a verbal response). **\*\*NOTE:** The Deputy will conduct the exercise in the following sequence: left-right; left-right; right-left.
    - (2) **RHOMBERG BALANCE WITH RECITATION EXERCISE:** Stand with your feet together and arms down by your side (demonstrate). Do not start the exercise until told to do so. Do you know your numbers from 1 to 100? And do you know the English alphabet? Based on the subject's response, the Deputy will then follow-up with the appropriate exercise:
      - **If Alphabet:** When I tell you to begin, close your eyes, tilt your head back, and keep your arms at your side. You will recite the entire alphabet out loud in a slow, non-rhythmic manner until I tell you to stop; do you understand the instructions so far (make sure the subject understands with a verbal response). Remain in the instruction position until I tell you to stop.
      - **If Numbers:** When I tell you to begin, close your eyes, tilt your head back, and keep your arms at your side. Count out loud from \_\_\_\_ to \_\_\_\_ (Deputy decides the

appropriate number series equal to 30 seconds of counting). Do you understand the instructions so far (make sure the subject understands with a verbal response). Remain in the instruction position until I tell you to stop.

10. When sufficient probable cause to arrest has been established, the Deputy will then advise the driver he is under arrest and may then arrest the offender. The Deputy shall retain their discretionary privilege to arrange for some other disposition in lieu of arrest in questionable cases.

#### **E. ARREST/PROCESSING PHASE**

1. If the offender is arrested the following procedures shall apply.
2. In all cases the offender will be handcuffed per Volusia Sheriff's Office general orders immediately following arrest and shall be secured inside a caged Volusia Sheriff's Office vehicle.
3. The Deputy shall immediately notify Central Communications they have made an arrest, and shall note the specific time of arrest. The time given by the dispatcher shall be the official time of arrest.
4. An appropriate disposition shall be made of the offender's vehicle in accordance with general order 61.13 Vehicle Towing and Impound.
5. The arresting Deputy shall advise the offender of the circumstance of his/her arrest, and:
  - a. They will be asked to take a breath test if alcohol is suspected;
  - b. They will be asked to take a urine test if drugs are suspected;
  - c. If the offender refuses to provide a breath sample for alcohol or a urine sample for drugs, then the offender shall be read the Florida Implied Consent Law.
  - d. The offender shall be advised that his/her refusal could cause the suspension of their driver's license and that any refusals could be used against them in court.
  - e. If the offender still refuses, then the offender will be charged with DUI and DHSMV Refusal Affidavit will be completed and submitted along with all associated paper work. If the suspect has a prior refusal to submit to DUI testing and they currently refuse, then they will be additionally charged with Refusal to Submit to DUI Testing (FLA. STAT. § 316.1939).
  - f. If the person agrees, then the arresting Deputy shall make arrangements to have Central Communications locate a Volusia Sheriff's Office Breath Test Operator (BTO) and the offender shall be transported to a Volusia Sheriff's Office District Office where there is a valid Breath Testing Instrument.
  - g. The Volusia Sheriff's Office has a certified Intoxilyzer in Districts Two, Three North, Three South and Four.
6. The offender shall be transported to the designated location within the Volusia Sheriff's Office to meet with the BTO for the breath test and all applicable paper work to be completed in accordance with Florida Administrative Code, Rule 11 D-8. If no agency BTO's are on duty, arrangements may be made to have the breath test conducted by another agency.
7. Breath testing shall be conducted by BTO operators. If the breath test is given by another agency, the arresting Deputy shall adhere to Volusia Sheriff's Office policies as closely as is practicable.
8. After arriving at the location for the breath test, the offender will be observed by the BTO for a required 20 minute observation period. This time is to ensure the offender has nothing in his/her mouth, drinks or takes anything, or regurgitates or brings anything up in their mouth that may interfere with a valid sample being obtained of their breath. This 20 minute observation time may be used to make sure the offender has been read Miranda before asking them the questions about their driving and prior actions.
9. The arresting Deputy shall be responsible for all citations, arrest reports, tow sheets, and booking of the offender.
10. The BTO operator will be responsible for all Administrative Code Rules 11 D-8 forms of the alcohol influence report, breath testing and its associated reports and forms.

#### **F. SPECIAL CIRCUMSTANCES**

1. The breath-alcohol test shall be the normal test requested of a DUI offender. If the breath sample reads 0.049 or below and the Deputy suspects impairment/intoxication is due to drugs or other

controlled substances, they shall request the offender supply a urine sample to be collected and sent to FDLE for analysis.

2. In all cases where drugs are the primary suspicion for the impairment and the breath sample reads 0.049 or below, the Deputy will contact the Communications Center in an attempt to locate and use a Volusia Sheriff's Office Drug Recognition Expert (DRE); DRE's are used for observation and screening of the offender to try and identify the type of drug(s) that may be causing the impairment of the offender.
3. After the DRE has been located and responds, it will be the responsibility of the arresting Deputy to remain with the DRE for the interview and evaluation phase of the investigation.
4. The DRE shall follow all the Administrative Rules and Regulations for completing the evaluation and shall be responsible for all the required paper work of the evaluation of the offender.
5. If for any reason the offender is incapable of giving a sufficient breath sample, the Deputy may request a blood or urine sample to be collected. The blood sample shall be taken by an authorized person as defined in Fla. Stat. § 316.1932(f)2a. The Deputy may utilize EVAC personnel to obtain the blood sample, using an approved kit. If needed, the offender may be transported to the nearest hospital where the blood may be taken.
6. If the offender becomes ill, unconscious, or otherwise incapacitated, he/she shall be transported to a hospital emergency room for treatment. If incapacitation occurs prior to the taking of a breath sample, a blood sample should be taken while at the medical facility.

#### **G. DRIVER'S LICENSE SEIZURE/SUSPENSION**

1. Fla. Stat. § 322.2615 provides for the seizure and suspension by the arresting officer of the driver's licenses of persons arrested for DUI under certain circumstances. The seizure and suspension may be made only for impairment due to alcohol intake; or for refusal to submit to a blood or urine test as requested and required. The DUI Uniform Traffic Citation will be used for cases falling within the purview of this statute. In all other cases, the standard Uniform Traffic Citation will be used.
2. There are only two instances in which the driver's licenses may be seized under this statute:
  - a. The offender has a blood-alcohol level of 0.08% or higher; or
  - b. The offender refuses to submit to a blood-alcohol test.
3. DUI Uniform Traffic Citations will be retained by the Volusia Sheriff's Office BAT Unit Coordinator and shall be made available at each of the Volusia Sheriff's Office breath testing locations; DUI Uniform Traffic Citations are also available electronically through use of the Iye Tek portal.

#### **H. BLOOD-ALCOHOL LEVEL 0.08% OR HIGHER**

1. In this instance, it is necessary that the offender give a breath sample if the Deputy is to seize the driver's licenses immediately. If blood or urine is taken, the licenses may be suspended at a later date after receiving test results indicating a blood-alcohol level of 0.08% or higher. In either case, the license is automatically suspended, administratively, for six (6) months for the first offense and for one year for subsequent offenses. This suspension has no effect upon any subsequent punitive suspension awarded by a court. The following procedures shall apply.

#### **I. BREATH TEST**

1. Following a lawful arrest for DUI, the breath test will be administered to the offender.
2. If any one of the test results is 0.08% or higher, the Deputy will issue a DUI Uniform Traffic Citation and retain any and all driver's licenses held by the offender. This includes licenses issued by any state or foreign country.
3. The Deputy will check the first block below the Defendant's signature line indicating that the license is suspended for driving with an unlawful blood-alcohol level.
4. The arresting Deputy will request a teletype verification of the license status to ensure there are no other suspensions currently in effect.
5. If no other suspensions/revocations are currently in effect, the Deputy will check the "YES" block on the citation indicating the driver is "Eligible For Permit?". This allows the offender to use their copy of the citation as a ten-day (10 DAY) Temporary Driving Permit.

6. If the license is currently suspended or revoked, or there is no verification that the offender has a current license issued, the Deputy will check the "NO" block on the citation. The Deputy will indicate the reason the offender is not eligible for the permit on the line provided.
7. The remainder of the citation will be completed in accordance with the instructions issued by the Department of Highway Safety and Motor Vehicles.

#### **J. BLOOD/URINE TEST**

1. If blood or urine is taken, the samples will be submitted to the Evidence Section for further shipment to an appropriate lab for analysis. In this instance the driver's licenses may not be immediately seized.
2. The offender will be issued a standard Uniform Traffic Citation charging the DUI statute.
3. Upon receipt of the results of the chemical analysis of the blood or urine samples, the arresting Deputy will check for a blood-alcohol level of 0.08% or higher.
4. If the results indicate a blood-alcohol level of 0.08% or higher, the arresting Deputy will submit the appropriate reports and forms to the State Attorney's Office, along with the appropriate citations for the offense of DUI. The Deputy may make contact with the offender and issue them the DUI Uniform Traffic Citation, and submit all reports to the Bureau of Driver Improvement, who may then suspend the offender's driver's license. In either case, the Deputy shall complete all needed paper work and forward to the State Attorney's Office and the Volusia Sheriff's Office BAT Unit office.

#### **K. REFUSAL TO SUBMIT TO BLOOD-ALCOHOL TEST**

1. Following lawful arrest, the Deputy will request the offender submit to a breath test; or blood/urine test if circumstances dictate. If the offender refuses to submit to a blood test that would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test, ALSO inform the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has been previously disqualified as a result of a refusal to submit to a breath, urine or blood test.
2. The arresting Deputy or BTO will read the appropriate Florida Implied Consent Law pertaining to the request for blood to the offender and request that they submit to a blood-alcohol test.
3. The offender must then refuse to take the offered blood-alcohol test.
4. The Deputy will issue a DUI Uniform Traffic Citation and retain any and all driver's licenses held by the offender. This includes licenses issued by any state or foreign country.
5. The Deputy will check the second block below the defendant's signature line indicating that the license is suspended for refusing to submit to a blood-alcohol test.
6. The arresting Deputy will request a teletype verification of the license status to ensure there are no other suspensions currently in effect.
7. If no other suspensions/revocations are currently in effect, the Deputy will check the "YES" block on the citation indicating the driver is "Eligible For Permit". This allows the offender to use their copy of the citation as a ten-day (10-DAY) Temporary Driving Permit.
8. If the license is currently suspended or revoked, or there is no verification that the offender has a current license issued, the Deputy will check the "NO" block on the citation. The Deputy will indicate the reason the offender is not eligible for the permit on the line provided.
9. The remainder of the citation will be completed in accordance with the instructions issued by the Department of Highway Safety and Motor Vehicles.

#### **L. ADMINISTRATIVE PROCEDURES**

1. In all cases falling under the purview of FLA. STAT. § 322.2615, two separate documentation "packets" must be prepared. One packet is to support the arrest and booking of the offender. The second packet supports the seizure and suspension of the driver's licenses.
2. **ARREST PACKET**



- a. It shall be the responsibility of the arresting Deputy to prepare and/or assemble all necessary paperwork and citations to support the arrest of the offender. These documents may include some or all of the following:
  - (1) SA-707 Arrest Report/Complaint Affidavit;
  - (2) All issued citations, including the DUI Uniform Traffic Citation;
  - (3) Alcohol Influence Report;
  - (4) Breath Test Report/Results;
  - (5) Affidavit of Refusal To Submit;
  - (6) Teletypes;
  - (7) Incident Report (if required); and
  - (8) Tow Sheet (if required).

### **3. SUSPENSION PACKET**

- a. It shall be the responsibility of the arresting Deputy to assemble the packet to support the seizure and suspension of the driver's license. This packet must include the following:
  - (1) A copy of the DUI Uniform Traffic Citation;
  - (2) A copy of the arrest affidavit (SA-707) which contains an original signature and original LEO notary and is separately sworn to by the arresting officer;
  - (3) A copy of the Alcohol Influence Report;
  - (4) A copy of the breath, blood, or urine tests; or, the originally sworn Affidavit of Refusal to Submit;
  - (5) The driver's license, if surrendered.
- b. The arresting Deputy will forward the completed suspension packet to the BAT Unit Coordinator at Volusia Sheriff's Office District 3 where it will then be checked and recorded before being taken to the Bureau of Driver Improvement Office.

### **4. BUREAU OF DRIVER IMPROVEMENT OFFICE**

- a. The Department of Highway Safety and Motor Vehicles, through the Bureau of Drivers Improvement Office, reviews and processes all DUI cases in which the arresting officer seized/suspends the driver's licenses of the defendant. All suspension packets will be sent to:

***Bureau of Driver Improvement***

***995 Orange Ave.***

***Daytona Beach, FL 32114***

## **M. CONCENTRATED ENFORCEMENT EFFORTS**

1. The Volusia Sheriff's Office may engage in concentrated DUI enforcement efforts when deemed necessary. The Special Operations Captain or their designee shall be responsible for coordinating concentrated enforcement efforts.
2. Concentrated enforcement efforts may be conducted when deemed necessary due to holidays, special events, or periods of unusually high alcohol-related accidents or arrests.
3. The targeted areas will be selected based upon accident/citation statistics involving impaired drivers, and past Volusia Sheriff's Office experience in identifying specific problem locations.
4. Selective roadway checks (checkpoints) for impaired drivers are also authorized for deterrence purposes. This shall be evaluated by Command Staff.
5. The Special Operation Captain or their designee may assign any personnel under his/her command to concentrated DUI enforcement efforts to include, but not limited to:
  - a. The Crime Suppression Team;
  - b. Traffic Units;

- c. Selected Zone Deputies;
- d. Reserve Deputies.

**N. ARRESTING JUVENILES FOR DUI TRAFFIC OFFENSES**

1. The procedure for the arrest of a juvenile for DUI will be handled in the same manner as the arrest of an adult except for the requirements surrounding the detainment of the juvenile per Fla. Stat. § 318.143(5).

**O. ZERO TOLERANCE LAW – Fla. Stat. § 322.2616 [OVER THE LIMIT & UNDER 21 YEARS OF AGE]**

1. Effective January 1, 1997, Fla. Stat. § 322.2616 was enacted which provides for the suspension of the driver's license of any person under the age of twenty-one who has a blood alcohol level of 0.02 percent or higher, who is driving and in actual physical control of a motor vehicle.
2. Violation of this statute (Fla. Stat. § 322.2616) results in administrative suspension of the person's driver's license and is neither a traffic infraction nor a criminal offense unless the person is arrested for DUI in violation of Fla. Stat. § 316.193.
3. Fla. Stat. § 322.2616 provides that a law enforcement officer who has probable cause to believe that a vehicle is being driven by or is in the actual physical control of; a person under the age of twenty-one while under the influence or with a breath alcohol level may lawfully detain the person and request he/her to submit to a breath test.
4. Further, Fla. Stat. § 322.2616 specifically states that detention pursuant to this section does not constitute an arrest. For this reason, it has been recommended that law enforcement agencies do not transport underage drivers to a breath testing facility. Since a violation of Fla. Stat. § 322.2616 is not a criminal act, it is also recommended that the driver not be handcuffed, placed in an area with persons who are under arrest or taken to a detention facility
5. For the purpose of this statute, and to keep and maintain the rights of those stopped under the age of twenty-one (21), it is the policy of the Volusia Sheriff's Office to have a person respond to the location of the traffic stop who has been trained in the use of and who has an Alco Sensor Hand Held Breath testing Device that is and has been approved for the purpose of testing those drivers under the age of twenty-one (21) years of age, who have been lawfully stopped for committing a traffic infraction, or who were found to be in actual or physical control of a motor vehicle and have been determined to be under the influence of alcohol.
6. Any person found in violation of Fla. Stat. § 322.2616 shall first be read the Implied Consent Warning, which is on the front part of the suspension notice. If they are found to be in violation or refuse, they shall be issued an Under 21 citation packet to include: This will include the following:
  - a. Affidavit of probable cause;
  - b. Breath test result affidavit, or the Refusal Affidavit (whichever is applicable); and
  - c. Notice of suspension if the results were above a 0.02 and the driver was under the age of twenty-one.
7. This packet is provided by DHSMV and is located throughout the Volusia Sheriff's Office locations. This packet, when completed along with a copy of any traffic citations and any other reports or paper work, will be forwarded to The Volusia Sheriff's Office Bat Unit to be validated and forwarded to The DHSMV Office.
8. **GUIDELINES FOR ENFORCEMENT OF FLA. STAT. § 322.2616**
  - a. First, you must ensure that lawful contact was made prior to an underage driver being checked for a violation of Fla. Stat. § 322. 2616. Lawful contacts include but are not limited to:
    - (1) A traffic stop related to a violation of Florida Law;
    - (2) Contact at a sobriety checkpoint.
    - (3) Driver's license and equipment checkpoints.
    - (4) Contact at the site of a traffic crash.
    - (5) A consensual encounter with an underage driver.

- b. First, the Deputy shall rule out the possibility that the driver is legally impaired under Fla. Stat. § 316.193 before checking for a violation of Fla. Stat. § 322.2616. If the driver is found to be impaired or under the influence, then the Deputy shall proceed with a DUI investigation, and if needed, an arrest should be made for DUI
  - (1) Interview the driver, verify the driver's age and check for signs of impairment.
  - (2) Check the driver for a medical bracelet, or condition.
  - (3) Have the driver perform standardized field sobriety tests if reasonable cause exists.
  - (4) Rule out probable cause to make an arrest for DUI
    - If the decision is made to apply the use of a portable breath tester (PBT), and the person provides a breath sample and that sample provided is above a 0.02 level including up to or even above an 0.08, a change cannot be made to then arrest for DUI.
    - The deputy shall rule out the possibility of DUI first and then proceed to enforce the FLA. STAT. § 322.2616.
- c. If no D.U.I arrest is to be made, but there are indications of alcoholic beverage consumption, you should determine if the driver is in violation of Fla. Stat. § 322.2616 through the use of the P. B. T.
- d. If there is no arrest for another violation and the driver is age 18-22, the driver will be released after complying with the requirements of Fla. Stat. § 322.2616. The driver will not be allowed to continue to drive if any presence of alcohol and or impairment is noted. All opportunities will be made to contact the legal registered owner of the vehicle and make arraignments to have the owner respond to the location and retrieve the vehicle. If the driver is the owner and no other person on-scene is deemed safe and/or sober, the owner may summon a third party person respond to retrieve their vehicle. If said third party cannot respond in a reasonable time, then the vehicle will be towed according to any and all Volusia Sheriff's Office policies concerning the towing of vehicles.
- e. If there is no arrest for another violation and the person is under the age of 18, the Deputy shall follow the procedures listed below:
  - (1) Attempt to contact a parent, guardian or legal custodian to come and pick up the vehicle and child;
  - (2) If contact with a responsible person is unable to be made, the vehicle shall be towed, and transportation to the violator's residence shall be obtained.
  - (3) If any of the conditions cannot be made, a Volusia Sheriff's Office Supervisor shall be contacted and any and all Volusia Sheriff's Office policies and procedures involving juveniles shall be followed.
- f. At the conclusion, the under 21 years of age driver shall be given his/her copy of the 0.02 suspension notice and advised that his/her driver's license is now suspended and they cannot operate a motor vehicle.
- g. They have a 10-day period that they must contact the local **Driver Improvement Office** and request a hearing about their license.
- h. It should be noted that at all times during the encounter with any impaired driver and particularly with a minor, the person's safety and any medical needs should be noted and addressed.

## **9. TRAINING, RECORDS AND MAINTENANCE OF THE PBT**

- a. A PBT test can only be administered by a person who has received documented training in the use of the PBT.
- b. It shall be the duty and responsibility of the Volusia County BAT Unit Coordinator and/or a designated FDLE-certified Volusia Sheriff's Office Inspector to conduct accuracy checks every six months. The purpose of these accuracy checks is to ensure that:
  - (1) The PBT works within acceptable guidelines as set forth by the manufacturer;

- (2) The instrument still operates within the guidelines set forth in Fla. Stat. § section 322.2616(17) for devices acceptable for use of administering breath test for a person under the age of 21;
  - (3) The operation limits set for the temperature guidelines and the instrument's tolerance levels are still acceptable given a test with a known value of alcohol dry gas.
- c. The records for each of the inspection tests will be noted on the operator's Breath Test Log Book carried and used with each instrument in the field, as well as on the matching Agency Calibration Log.
- d. The Breath Test Log Book shall accompany the PBT in the field; all tests run on individuals will be noted as to:
  - (1) Name;
  - (2) Date;
  - (3) Test results of both tests;
  - (4) Officer requesting the test; and
  - (5) Name of the agency and the BTO's name
- e. The Agency Calibration Log shall be kept and maintained in the BAT Unit Office of the Volusia Sheriff's Office and shall show:
  - (1) Any deviations or notes of repairs, failures, or out-of-service repair needs that may be required and/or performed to the unit(s) notes;
  - (2) An accurate accounting of all downloaded tests that must be removed from the PBT periodically to keep the unit's memory from becoming full.
- f. These calibration tests and downloaded notes will be kept in accordance with the Florida State Archive Record Retention Schedule should any checks or requests of the units' working abilities resulting from any civil or criminal hearing arise from the units' use.



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>TRAFFIC DISCRETION</b>
<b>CODIFIED:</b>	<b>61.7</b>
<b>EFFECTIVE:</b>	<b>10-2018</b>
<b>RESCINDS/AMENDS:</b>	<b>61.710-2001</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to provide general guidelines on the discretionary privilege of personnel involved in traffic law enforcement activities and actions that require special processing.

**DISCUSSION**

The goal of traffic law enforcement is to reduce traffic crashes, fatalities and injuries, as well as, facilitate the safe and expeditious movement of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations. This goal should be met through a combination of education, enforcement, engineering and public support.

Traffic enforcement activities should be conducted in a consistent and uniform manner and should not give preference; however, certain classes of traffic law violators require special processing such as persons with diplomatic immunity, United States Legislators, military personnel and juveniles.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to fairly and impartially provide a deterrent to traffic law violations and faithfully observe the rights and privileges of all people.

**PROCEDURE**

**61.7.1** Deputies may in the course of their duties encounter individuals claiming to have diplomatic immunity. Members of diplomatic missions, consular posts and certain international organizations should be accorded their respective privileges, rights, and immunities as directed by international law and federal statute. These officials shall be treated with the courtesy and respect that benefit their distinguished positions.

**61.7.2** The United States Department of State issues identification cards to all members of diplomatic missions, consular posts and certain international organizations who are entitled to privileges and immunities. A brief statement of the bearer's immunity is printed on the reverse side of the card.

**61.7.3** Deputies should be aware that newly arrived members of diplomatic and consular staffs may not have received identification documents.

**61.7.4** Deputies may seek verification of an individual's status by contacting the U.S. Department of State Protocol Office at:

- (202) 647-2663 during business hours
- (202) 647-7277 after hours diplomatic security office.

**TRAFFIC STOPS**

**61.7.5** Traffic stops and issuance of traffic citations do not constitute an arrest. Traffic citations may be issued to persons with immunity at the Deputy's discretion, based on the nature of the violation. The person with immunity is not required to sign a citation.

## **DRIVING UNDER THE INFLUENCE**

**61.7.6** The primary consideration in an incident involving a person with immunity that is believed to be driving under the influence is to ensure that the person and the public are not endangered. The following options are available:

- Transport the party to a location where they can recover sufficiently to drive, such as a hotel or a friend's residence.
- Assist the person in summoning a friend or relative to drive them.
- Call a taxi for them.
- Transport them home.

**61.7.7** The person should not be handcuffed, subjected to a sobriety test or mistreated in any way.

**61.7.8** An incident report will be completed for any incident involving driving under the influence by members of diplomatic missions, consular posts or certain international organizations who are entitled to privileges and immunities.

## **REPORTING INCIDENTS**

**61.7.9** Should a member of a diplomatic mission, consular post or one of the certain international organizations, who is entitled to privileges and immunities, be involved in criminal actions, it shall be documented by an incident report and immediately reported to the Sheriff, via chain of command.

## **MILITARY PERSONNEL**

**61.7.10** On occasion it may be necessary to issue a traffic citation or effect a physical arrest of military personnel.

**61.7.11** Deputies stopping military vehicles should use discretion based on the nature of the offense. In most cases, offenses can be handled by reporting it to the liaison officer of the Armed Forces Investigative Division.

**61.7.12** When armed forces personnel are physically arrested, the Armed Forces Investigative Division liaison officer of the nearest armed forces headquarters shall be contacted by the arresting Deputy's immediate supervisor.

## **UNITED STATES SENATORS AND REPRESENTATIVES**

**61.7.13** United States Senators and Representatives in all cases, except treason, felony offenses and breach of the peace, are immune from arrest during their attendance at sessions of their respective houses, while going to or returning from the same and for any speech or debate in either house.

**61.7.14** State Senators and Representatives do not possess any special immunity.

**61.7.15** Driving under the influence shall be considered within the breach of the peace category.

## **NON-RESIDENTS**

**61.7.16** Persons who are not United States citizens or Florida residents shall not be afforded special considerations and shall be warned, cited or arrested as appropriate.

## **JUVENILES**

**61.7.17** Juveniles are issued uniform traffic citations and handled in the same manner as adults for traffic violations with the exceptions outlined in VCSO *Directive 44.2 Juvenile Arrest and Investigation Procedures*.

## **EMERGENCY VEHICLES**

**61.7.18** As provided in Florida Statute 316.072, unless specifically applicable, provisions of Florida Statute, Chapter 316, except for F.S. 316.193, 316.1925, 316.193, shall not apply to:

- The driver of an authorized emergency vehicle when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to a fire alarm, but not when returning from a fire.
- A medical staff physician or technician of a medical facility licensed by the State of Florida when responding to an emergency in the line of duty in their privately owned vehicle, using red lights as authorized in statute 316.2398.

**61.7.19** Emergency vehicles shall be subject to the constraints of Chapter 316.072.


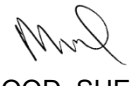

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**Revised by:** 2475  
**Revised on:** 10-2018

**Approved:**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>GO-061-08</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 06/24/2020
		<b>Original Issue Date</b> 04/1991	<b>Previous Revision Date</b> 10/2019
<b>Title</b> <b>TRAFFIC CRASHES</b>			
<b>Section</b>		<b>AUTHORITY OF</b>   MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines regarding the responsibilities and duties of members of the Volusia Sheriff's Office as they apply to traffic crashes.

## II. DISCUSSION

Traffic crash investigations within the unincorporated areas of Volusia County are the responsibility of the Florida Highway Patrol and the Volusia Sheriff's Office. Investigating crashes, along with other law enforcement functions within the incorporated cities are primarily the responsibilities of the respective police departments.

Responsibility for traffic crash investigations within the contracted municipalities of Deltona, Debary, and Oak Hill rests with the Volusia Sheriff's Office.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office to respond to the scene of traffic crashes in areas where the Volusia Sheriff's Office provides primary law enforcement services, in order to provide emergency assistance to injured persons and protect the crash scene.

In the contracted municipalities of Deltona, Debary, and Oak Hill: Deputies will respond to, investigate, and properly document all crashes that occur within the city limits.

## IV. PROCEDURE

### A. GENERALLY

1. In the unincorporated areas of Volusia County, Florida Highway Patrol (FHP) will be primarily responsible for investigating crashes that are required to be documented on a Long Form Crash Report (HSMV 90010). FHP will be responsible for all crashes occurring on the interstates and interstate ramps within Volusia County.
2. The Volusia Sheriff's Office will investigate and document the following crashes in the unincorporated areas of Volusia County, excluding interstates and interstate ramps:
  - a. All crashes that will be documented on a Short Form Crash Report (HSMV 90010S).
  - b. Crashes with no injuries, where one or more of the involved vehicles requires a wrecker, requiring a Long Form Crash Report (HSMV90010S).
3. In the event a Deputy is not able to respond to a crash within a reasonable amount of time, FHP will be requested to investigate a crash in the unincorporated area, at the discretion of a supervisor.

### B. CRASH SCENE RESPONSIBILITIES



## **1. PRELIMINARY RESPONSIBILITIES OF INITIAL RESPONDING DEPUTY**

- a. Upon arriving at the scene of a motor vehicle crash, deputies shall conduct a preliminary survey of the scene to determine the existence of any hazards. Deputies shall implement temporary measures to stabilize dangers posed by:
  - (1) Downed power lines
  - (2) Gasoline/fuel spill
  - (3) Fire
  - (4) Hazardous material leaks/incidents
  - (5) If possible, ensure that all personnel are kept 2,000 feet/0.4 miles from the scene.
  - (6) Provide responding emergency personnel with spill/leak information and note content of identification placards
  - (7) The presence of explosives - arrange, if possible, for a protective zone as directed in the US Department of Transportation's Emergency Response Guidebook
  - (8) Unstable vehicles/traffic conditions - request assistance as required.
- b. The primary responsibility of the first deputy responding to the scene of a motor vehicle crash is to care for injured persons and to protect the crash scene. Consequently, deputies shall:
  - (1) Position the patrol vehicle to protect victims or warn other motorists of roadway obstructions or hazards that cannot be moved from the roadway. Deputies are cautioned not to rely on the presence of the patrol car to divert traffic around crash scenes. Other warning measures should be employed as well and vehicles should be removed from the roadway once the need to protect victims or warn other motorists no longer exists.
  - (2) Utilize vehicle emergency lighting to maximize visibility/warning. Augment with safe, proper placement of traffic cones and/or flares, if appropriate.
  - (3) Assess injuries, provide immediate aid to victims and initiate requests for first responder services (i.e. fire equipment, Air One, hazardous material response units, ambulances/paramedics, power companies, tow trucks, etc.)
- c. Establish a safe traffic pattern.
  - (1) The Deputy may use flares and traffic cones to temporarily detour traffic.
  - (2) Deputies may utilize trained Citizen Observer Patrol (COP) for traffic control at crash scenes where the road is expected to be closed or obstructed for an extended period of time.
  - (3) COP assistance should be requested through central communications by a supervisor.
  - (4) Fire Police may be requested using the same criteria, in unincorporated areas of the county.
  - (5) Locate witnesses that are immediately available.

## **2. SECURE SCENE AND PROTECT EVIDENCE**

- a. For traffic crashes involving a fatality, or potential fatality, the scene will be considered a crime scene. Deputies will secure and protect the scene in accordance with general order 42.2 Criminal Investigation Operations.

## **C. CRASHES INVOLVING VOLUSIA SHERIFF'S OFFICE VEHICLES**

- 1. For crashes involving a Volusia Sheriff's Office vehicle, the involved employee will notify central communications of the details of the incident, to include:
  - a. Location
  - b. Injuries
  - c. Number of vehicles involved and description
  - d. Any known hazards

## **2. SUPERVISOR RESPONSIBILITY**

- a. The involved Deputy's immediate supervisor will be notified and shall respond to the scene if available. If the immediate supervisor is not available, the District Patrol Supervisor shall respond to the scene, notify the chain of command, and conduct a supervisory investigation of the incident.
- b. Incidents in which the Volusia Sheriff's Office vehicle is the only vehicle involved, and there is no property damage other than minor vehicle damage shall not require a crash report.. A supervisor will respond and conduct an investigation. The chain of command will be notified.
- c. For Volusia Sheriff's Office vehicle crashes involving injury or property damage, Florida Highway Patrol will be notified to conduct the crash investigation. For minor crashes occurring within the jurisdiction of a city police department, the respective police department of that jurisdiction, may be notified to complete the crash investigation, at the discretion of the Patrol Supervisor,
- d. The investigating Supervisor shall take photographs, document the incident, and submit all documentation to the chain of command.

## **D. CRASH REPORTS AND FORMS**

1. Each crash investigation conducted by a deputy shall be reported on the following report forms in iyeCrash
  - a. Long Form (HSMV 90010S)
  - b. Short Form (HSMV 90010S)
  - c. Driver Exchange (HSMV 90006)
2. A Long Form (HSMV 90010S) must include a Narrative/Diagram when the following criteria are met:
  - a. Resulted in death of, personal injury to, or any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash;
  - b. Leaving the scene involving damage to attended vehicles or property (Fla. Stat. § 316.061(1));
  - c. Driving while under the influence (Fla. Stat. § 316.193);
  - d. Hit and run with bodily injuries or hit and run with property damage where the property was attended by a person.
  - e. Rendered a vehicle inoperable to a degree that required a wrecker to remove it from the scene of the crash; or
  - f. Involved a commercial motor vehicle.
  - g. Involved Hazardous Materials
3. A Short Form (HSMV 90010S) is used to report other types of traffic crashes. If form HSMV 90010S is used as a Short Form Report, diagrams are not required.
4. Driver Exchange of Information (HSMV 90006) is used only as a Driver Report of Crash or Driver Exchange of Information Form.
5. Time, location, and vehicle and pedestrian sections should be completed based upon the information requested for each field. The Volusia Sheriff's Office call number will be entered into the field designated for the case number. This form is used to exchange driver information between the parties involved in a traffic crash. The deputy shall provide this form to all drivers on crashes investigated by the Volusia Sheriff's Office.
6. A Deputy may use a Driver Exchange of Information if the following criteria are met:
  - a. All involved vehicles remained at the scene of the crash.
  - b. Total damage to vehicles or property is less than \$500.00.
  - c. None of the involved vehicles are disabled to the point of requiring a tow.
  - d. No signs of impairment.

- e. No criminal violations.

## **E. CONDUCTING TRAFFIC CRASH INVESTIGATIONS**

1. Subsequent to arranging treatment for the injured and securing the scene, Deputies shall initiate an investigation into the incident. The investigating Deputy Shall:
  - a. Obtain roadway evidence, to include pre-crash skid marks, post-crash skid marks, distance from area of collision(s) to final rest, roadway width, and any other measurements deemed necessary for the completion of a crash diagram.
  - b. Conduct interviews of the drivers and passengers of the involved vehicles along with any available witnesses.
  - c. Take evidentiary photos (if needed)
  - d. Collect, mark, and preserve physical evidence.
  - e. Obtain identification information from vehicles and assess damage.
  - f. Summon wrecker(s) for involved vehicles with disabling damage.
2. Upon completion of the crash investigation, if possible, the investigating Deputy will determine which party is at fault. If it can be clearly established which party is at fault, and when sufficient evidence exists to satisfy all the elements of a violation of Florida Statute, the investigating Deputy should take appropriate enforcement action by either issuing a traffic citation(s) or making a criminal arrest if applicable. In the case of a crash resulting in a fatality or the possibility of a fatality, citations and/or criminal charges will be the responsibility of the assigned Traffic Homicide Case Agent.
3. Document findings and prepare the appropriate crash report in iyeCrash. The Instructions for Completing the Florida Uniform Traffic Crash Report Forms and the iyeCrash Training Manual can be found on the Volusia Sheriff's Office Intranet.

### **4. FATALITY OR POTENTIAL FATALITY**

- a. If the crash involves a fatality or will likely result in a fatality within the contracted municipalities of Deltona, Debary, or Oak Hill, the investigation will be the responsibility of the Volusia Sheriff's Office Investigative Services Section, Traffic Homicide Unit. If the crash involves a fatality within the unincorporated areas of Volusia County, Florida Highway Patrol will be notified.
- b. The Patrol Supervisor will notify the on-call Traffic Homicide Unit Supervisor, who in turn will determine the appropriate amount of resources required to investigate. The initial responding Patrol Deputies will be responsible for securing the crime scene and preserving evidence. Patrol deputies, with the assistance of COP's if available, will create and maintain a detour around the scene. Deputies will locate and separate witnesses, and maintain a crime scene log. The crime scene log will be turned over to the assigned Traffic Homicide Unit member.
- c. In some cases, traffic fatalities may actually be as a result of an intentional act, therefore if such a determination is not clear, both the Traffic Homicide Unit and the Major Case Unit will conduct a joint investigation until a determination of intent is established.
- d. The Traffic Homicide Unit Supervisor may request the Crime Scene Unit to document and collect evidence.
- e. The Traffic Homicide Unit Supervisor will assign a member of the unit as the case agent. The case agent will be responsible for the entire investigation and documentation of the incident, to include:
  - (1) Initial crash report.
  - (2) Interviewing drivers and witnesses. Obtaining recorded and/or written statements.
  - (3) Obtaining blood samples.
  - (4) Collecting and securing evidence.
  - (5) Notification to the Florida DHSMV of the Fatality or Serious Bodily Injury
  - (6) Conducting vehicle inspections.

- (7) Collect Crash Data Recorder (CDR) evidence.
  - (8) Attend autopsy.
  - (9) Next of Kin notification.
  - (10) All follow up investigation.
  - (11) Final documentation of the incident, to include filing criminal charges and/or traffic citations, if appropriate.
- f. All drivers involved in fatal or serious bodily injury crashes investigated by the Volusia Sheriff's Office will be asked to voluntarily consent to a blood draw to determine the driver's blood alcohol content, or the presence of chemical or controlled substances.
  - g. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test (Fla. Stat. § 316.1932).
  - h. If signs of impairment are observed, and the driver refuses the blood test, a search warrant will be obtained. The case agent will contact the appropriate on-call Assistant State Attorney and/or on-call Judge in the respective county the suspected impaired driver is in at the time it will be obtained.
  - i. If the search warrant cannot be obtained in a timely manner, the case agent will:
    - (1) Notify the Investigative Services Section Lieutenant and Volusia Sheriff's Office Legal Advisor, if available.
    - (2) Cause the blood to be drawn from the suspected impaired driver.
    - (3) Clearly document all exigent circumstances which led to a request for a blood draw.
    - (4) Document all steps taken in an attempt to secure a search warrant, including any contact with an Assistant State Attorney and/or Judge; that serious injury or death was involved, the condition of the driver of whom the blood was requested, and the length of time between the crash and the blood draw request.
  - j. If the suspected impaired driver is being treated at the hospital, and medical blood is drawn, the results of the medical blood test may be obtained by warrant or subpoena at a later date.
  - k. Vehicles involved in fatal crashes will be towed to the Volusia Sheriff's Office evidence facility for storage. A deputy will escort the vehicle to the evidence facility. When appropriate, the case agent will be responsible for coordinating the release of vehicles to the registered owner or insurance company.
  - l. Once the case agent has completed his/her investigation, a review of the case file and disposition will occur between the THI Sergeant and an Investigative Services Lieutenant.

## 5. HIT AND RUN

- a. If the crash involves hit and run with bodily injuries or hit and run with property damage where the property was attended by any person, it will be investigated and reported by a Deputy using a Long Form Crash Report (HSMV 90010S).
- b. If the crash involves hit and run with property damage of more than \$500.00, where the property was not attended and there is no vehicle or suspect information, it will be investigated and reported by a Deputy using a Short Form Crash Report (HSMV 90010S).

## 6. DUI CRASH INVESTIGATIONS

- a. Deputies should carefully observe all parties involved in a traffic crash, paying particular attention to the behavior, attitude, speech, physical condition, balance and other characteristics that may indicate impairment on the part of any driver.
- b. The investigating Deputy should consult with attending medical personnel to identify any indicators of impairment they have observed and obtain written statements, if applicable.
- c. If signs of impairment are observed, the Deputy shall, at the conclusion of the traffic crash investigation, initiate a criminal investigation, in accordance with general order 61.6 DUI Enforcement Program, to determine if probable cause of Driving Under the Influence (DUI) exists.

- d. When the investigation leads to probable cause of Driving Under the Influence, the driver shall be arrested. Every effort should be made to ensure that an appropriate test is performed to determine the driver's blood alcohol content or the presence of chemical or controlled substances, if warranted.
- e. If criminal charges will not be filed until the results of a blood or urine test are returned, the Deputy shall complete the crash report and state in the narrative section that the issuance of citations or criminal charges are pending the receipt of the blood or urine test results. When the blood or urine test results are received, the Deputy will complete an updated report and will issue citations and/or make an arrest when appropriate.
- f. All DUI crashes will be documented using a Long Form Crash Report (HSMV 90010S).

**7. PRIVATE PROPERTY**

- a. Deputies shall investigate and document traffic crashes occurring on private property open to the public using the same criteria as public property or roadways. Traffic crashes occurring on private property will only be investigated if there is a fatality or potential fatality as a result of the crash, as outlined in 61.8.13

**F. FOLLOW-UP INVESTIGATIONS**

- 1. A deputy who is assigned to investigate a crash will also be responsible for any follow-up investigation that may be required, to include the following:
  - a. Obtaining formal statements from witnesses and/or people involved in crashes, which could not be obtained at the scene of the crash.
  - b. Respond to hospitals to identify victims, provide a Driver Exchange of Information (HSMV 90006), or issue appropriate citations and/or criminal charges.
  - c. Vehicle inspections at a location other than the crash scene.
  - d. Results of blood or urine tests.
  - e. Any other duties required to gather information needed to complete the crash report.
- 2. Follow up reports on all open investigations shall be required at no more than 30 day intervals until the investigation is completed.

**G. REPORT SUBMISSION**

- 1. The original crash report will be submitted electronically into iyeCrash. Reports will be submitted by the end of the shift in which the crash investigation was conducted, unless approved by the District Lieutenant. Reports will be submitted to the State of Florida within 10 days (Fla. Stat. § 316.066).



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: SCHOOL CROSSING GUARDS**

**CODIFIED: 61.9**

**EFFECTIVE: 10-2018**

**RESCINDS/AMENDS: 61.9/02-2012**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish policy and delineate responsibility for the VCSO's School Crossing Guard program.

**DISCUSSION**

In 1988, the School Crossing Evaluation Committee was appointed by the Volusia County Council to review and oversee requests for the opening and closing of school crossings.

The VCSO must evaluate and maintain a safe, efficient and effective method of crossing children. This is accomplished by the assignment of responsibilities within the VCSO and working in cooperation with Traffic Engineering, the Volusia County School Board and the Volusia County Council.

**POLICY**

It shall be the policy of the VCSO to establish and maintain a School Crossing Guard program.

It shall further be the policy of the VCSO to act within the local legislative policies to ensure a safe and uniform policy of expediting the movement of children to and from school.

**PROCEDURE**

**AUTHORITY AND RESPONSIBILITY**

**61.9.1** The School Crossing Guard program is under the supervision of the Sheriff's Office Law Enforcement Services District Community Relations Supervisors.

**SCHOOL CROSSING GUARD SUPERVISOR**

**61.9.2** Civilian School Crossing Guard Supervisor(s) shall be assigned to each district and shall have the following responsibilities:

- Directly supervise civilian School Crossing Guards.
- Provide and insure that all School Crossing Guards are appropriately trained.
- Ensure that each crossing within their assigned District is manned each working day.
- Perform other traffic or crossing guard related duties as assigned by the District's Community Relations Supervisor.

**SCHOOL CROSSING GUARD**

**61.9.3** School Crossing Guards are to report for duty at the assigned post at the designated time regardless of weather conditions.

**61.9.4** Crossing Guards shall remain at their posts as assigned, unless properly relieved.

**61.9.5** When unable to report for duty due to illness or other exigent circumstances, the School Crossing Guard shall notify their immediate supervisor (1) hour prior to the scheduled reporting time. The supervisor shall insure the post is manned.

**61.9.6** School Crossing Guards shall not direct traffic. Their role is to expedite the movement of children to and from school by creating gaps in traffic.

**61.9.7** Crossing Guards have no law enforcement powers and shall take no enforcement actions.

**61.9.8** While on duty, Crossing Guards are prohibited from:

- Talking or texting on cell phones or listening to electronic devices, with or without headphones.
- Reading books magazines, newspapers or other educational or entertainment materials.
- Becoming directly involved with the discipline of children. Crossing Guards may remind children of traffic and bicycle laws and safety regulations. Crossing Guards shall contact school officials in regard to children who do not cooperate.
- Supervising children participating in a safety patrol program.

**61.9.9** Crossing Guards shall remain alert for and report the description of:

- Suspicious persons or vehicles in the area.
- Vehicles or situations which create hazardous conditions.

#### **METHOD OF CROSSING**

**61.9.10** When engaged in stopping traffic, each Crossing Guard shall have access to cones, raincoat, whistle, retro-reflective STOP paddle, and retro-reflective vest.

**61.9.11** The Crossing Guard will verify that signs, signals or cones are in place or properly functioning.

**61.9.12** The Crossing Guard will position them self where they can best observe the traffic conditions and be most visible to vehicular and pedestrian traffic.

**61.9.13** Crossing Guards shall assume a posture that reflects confidence, command and courtesy.

**61.9.14** The Crossing Guard shall insure that the traffic is completely stopped before directing children across the street.

**61.9.15** The Crossing Guard shall ensure all children are off the roadway (that portion of the highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder) before allowing vehicular traffic to proceed.

#### **WHISTLE SIGNALS**

**61.9.16** Whistle signals shall be coordinated with hand signals and of sufficient volume as to be audible with respect to the surrounding conditions.

- **STOP** - One long whistle blast.
- **ATTENTION** - A series of short whistle blasts.

**61.9.17** The whistle shall be upon the Crossing Guard's mouth upon entering the roadway.

#### **HAND AND ARM SIGNALS**

**61.9.18** The following hand signals shall be used:

- **STOP** – One arm is extended at shoulder level parallel to the ground with the palm and fingers pointing upward. The retro-reflective STOP paddle shall be held in the opposite hand with the arm extended at shoulder level parallel to the ground with the paddle perpendicular clearly visible to traffic.

#### **CRITERIA FOR SELECTION**

**61.9.19** School Crossing Guards shall be required to possess the skills, knowledge and abilities required for job performance.

#### **REQUIREMENTS**

**61.9.20** Candidates for School Crossing Guards must meet the following eligibility requirements:

- Must be physically and mentally capable of safely crossing children and fulfilling the requirements of the job.
- Must successfully complete medical, CVSA and background examinations.
- Must have no history of criminal arrests.
- Must have a home telephone or cell phone access.
- Must maintain a valid Florida Driver's license.
- Must have a 10<sup>th</sup> grade or higher education

## **UNIFORMS**

**61.9.21** Crossing Guards and Crossing Guard Supervisors shall wear the issued uniform of a non-sworn employee while engaged in assigned duties.

**61.9.22** Crossing Guards and Crossing Guard Supervisors shall be issued the uniforms and equipment specified in Directive 22.6, Appearance, Uniforms, and Equipment, and comply with the portions of the Directive applicable to them.

**61.9.23** When wearing the short sleeve shirt, all buttons shall be buttoned with the exception of the very top button of the shirt.

**61.9.24** The School Crossing Guard uniform is designed to be distinctively different from those worn by sworn personnel and clearly identify the wearer as a school crossing guard.

## **CRITERIA FOR CROSSINGS**

**61.9.25** The location of School Crossing Guard posts at crossing points is determined by an evaluation committee consisting of a representative from the Sheriff's Office, School Board and Traffic Engineering, as well as a County Council member and a Volusia County resident.

**61.9.26** The School Crossing Guard Unit conducts annual surveys of current crossing posts and submits them to the evaluation committee for a documented review. A copy shall be forwarded to the Law Enforcement Services Assistant Division Commander.

**61.9.27** Requests for new crossing posts are received by the School Crossing Guard Unit from Law Enforcement Officers, School employees or other interested parties. The School Crossing Guard Unit Supervisor shall ensure a survey of the crossing is conducted. The Requested Crossing Evaluation Form shall be completed and forwarded to the evaluation committee for review. A copy shall be forwarded to the Law Enforcement Services Assistant Division Commander.

**61.9.28** The following variables shall be addressed in survey reports to the School Crossing Evaluation Committee:

- Traffic volume and speed;
- Number of Turning Movements;
- The width of the intersection;
- The physical terrain;
- The existence or absence of traffic control devices;
- The number and ages of the children utilizing the crossing.

**61.9.29** The evaluation committee meets monthly and reviews the surveys submitted by the School Crossing Guard Unit, then votes to create, maintain or eliminate crossing posts.

**61.9.30** The results of the surveys shall be included in the Law Enforcement Services Division Assistant Commander's personnel allocation/workload assessment report.

**61.9.31** The School Crossing Evaluation Committee Chairman shall maintain liaison with Traffic Engineering and the Volusia County School Board Transportation Department to insure a uniform approach to school area traffic control development. This promotes uniform behavior on the part of drivers and pedestrians.

## **COMMUNITY RELATIONS SECTION**

**61.9.32** The Community Relations Section shall offer assistance to area schools in organizing, instructing and supplying instruction in the supervision of student safety patrol programs.

## **TRAINING**

**61.9.33** School Crossing Guards shall receive an annual training and refresher course.

**61.9.34** This training course shall instruct Crossing Guards on safety measures and methods, rules and regulations and responsibilities.



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**Revised by:** 6760  
**Revised on:** 10-2018

**Approved:**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: TRAFFIC DIRECTION AND CONTROL**

**CODIFIED: 61.10**

**EFFECTIVE: 10-2018**

**RESCINDS/AMENDS: 61.10/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines regarding the movement and control of vehicles and pedestrians, including traffic control, parking, school crossing guards and activities related to the safe and expeditious movement of traffic both vehicular and pedestrian.

**DISCUSSION**

Traffic control functions are performed to ensure the safe and efficient movement of traffic.

**POLICY**

It shall be the policy of the Department to ensure the safe and efficient flow of vehicular and pedestrian traffic and to direct or control the movement of traffic where conditions or emergency situations require.

**PROCEDURE**

**TRAFFIC DIRECTION BY SWORN PERSONNEL**

**61.10.1** Traffic direction will be performed by sworn personnel as follows:

- When it is determined that, in the interest of safety or efficiency, it is necessary
- When necessary to preserve a crime scene
- At special events involving the large flow of vehicular or pedestrian traffic, to facilitate the safe passage of the public

**61.10.2** Due to the rural nature of Volusia County scheduled routine manual traffic direction is not performed by the Department.

**TRAFFIC DIRECTION BY NON-SWORN PERSONNEL**

**61.10.3** Citizen's Observer Patrol (COP) members are permitted to direct and control traffic only after successful completion of Department training in traffic direction and control.

**61.10.4** COP's will wear the prescribed uniform and a Volusia County Sheriff's Office issued reflective vest while directing traffic.

**61.10.5** The uniform will be distinctively different from those worn by sworn personnel.

**61.10.6** A sworn supervisor shall be the only person authorized to initiate a call-out of Citizen Observer personnel.

**61.10.7** Sworn supervisors may utilize COP's for traffic control at crash scenes where the road is expected to be closed or obstructed for more than an hour.

**61.10.8** After having been at the scene or advised by Deputies, Fire Fighters, or Emergency Management personnel that COP's are needed the following criteria shall be followed:

- Whether or not the situation can best be handled by non-sworn personnel.
- Determine the number of COP's that are needed
- The number of COP vehicles that are needed

- Any need for additional safety equipment, outside that normally issued to COP's

**61.10.9** The supervisor will notify Communications of the number of vehicles and COP members that are needed, the location that they are needed, and the contact person at the scene whom they are to report.

**61.10.10** Communications personnel, COP Coordinator, COP District Supervisors, COP Base Station personnel shall upon receiving a request from a Sworn Supervisor, make the following notifications:

- Communications: If available, notify COP Base Station of what is needed and other information listed in 61.10.08.
- If Base Station is not in operation, Communications will notify the COP Coordinator and/or COP District Supervisors of the information listed in 61.10.08.

**61.10.11** The COP Base Operator shall:

- Direct on duty COP members having traffic control certification to the location identified
- Advise COP members responding of the supervisor making the request and to whom they are to report
- Notify the COP Coordinator and/or COP District Supervisors and brief them on the situation and receive permission to call off duty members if required.

**61.10.12** The COP Coordinator and/or COP District Supervisors shall:

- Determine the number of COP members and vehicles to respond
- Contact the appropriate number of trained members, advising them of where and whom to report

**61.10.13** COP Coordinator and/or the COP District Supervisors have the option of directing COP members to the scene in their personal vehicles to expedite response time if additional vehicles are not needed.

**61.10.14** COP Members certified in traffic control shall when called out:

- Respond to the specified incident scene in a safe manner
- Direct traffic in accordance with this directive
- Continue to direct traffic until relieved by competent authority
- Upon securing their post a COP Member will advise COP Base or Communications Center, VIA VCWIDE-1-channel, of which units have secured their traffic posts and the location.

**61.10.15** School Crossing Guards shall not direct traffic, but are allowed to create a gap in the traffic pattern to allow crossing. Crossing guards will follow guidelines per Departmental Standards Directive 61.9.

#### **CRITICAL INCIDENTS TRAFFIC CONTROL**

**61.10.16** A traffic control perimeter should be established near the scene in order to control access to the scene, but a sufficient distance from the scene to prevent injury to personnel or damage to property.

**61.10.17** Fire Department personnel, including volunteer police/fire units, may be utilized to direct traffic at fires, accident scenes or other emergency situations.

**61.10.18** An unobstructed traffic-way should be maintained for use by emergency vehicles.

**61.10.19** Volunteer fire fighter vehicles should be directed to an area so as not to obstruct the flow of emergency vehicles.

**61.10.20** A location should be established for pedestrian (spectators, reporters) control.

#### **SPECIAL EVENTS**

**61.10.21** The Traffic Unit Supervisor shall be responsible for the deployment and management of traffic control personnel and equipment.

**61.10.22** Consideration should be given to:

- The use of major traffic arteries to allow vehicular and pedestrian traffic egress and ingress for the event
- Easily accessible and clearly designated parking
- The assignment of Deputies to specific duties of spectator control, as required
- The use of public transportation to alleviate vehicular traffic
- Provisions for relief of personnel assigned point control duties
- Provisions for the news media
- Emergency vehicle access
- Alternate routes for traffic

- Temporary traffic controls

**61.10.23** The Traffic Unit Supervisor shall, in cooperation with Traffic Engineering, survey specific locations where point traffic control and parking is needed, and analyze alternatives, at least annually.

**61.10.24** This survey, which is normally conducted by Traffic Engineering, shall identify and suggest alternatives to:

- Deficiencies or needs in no parking zones, peak tow away zones, restricted parking zones and overtime parking enforcement
- Expedite the safe and efficient movement of vehicles and pedestrians

#### **MANUAL CONTROL OF TRAFFIC**

**61.10.25** Deputies shall exercise judgment in carefully weighing the necessity of effecting manual control of traffic. Factors to be considered should include, but are not limited to, existing roadway congestion, adverse weather conditions, emergency situations, traffic volume, traffic speed, and number of pedestrians, estimated duration of the congestion period, and manpower availability and safety.

**61.10.26** If manual control is performed at an intersection the existing automated signals should be turned off.

**61.10.27** When engaged in the manual direction of traffic, each Deputy shall have access to a whistle, a flashlight or traffic wand, portable or mobile radio, a raincoat, flares or cones, and a reflective vest.

**61.10.28** The whistle shall be upon the Deputy's person while engaged in manual direction of traffic.

**61.10.29** The issued reflective vest shall be worn while directing traffic. The reflective vest will be worn over rain gear in foul weather conditions. An exception would be during those brief periods of time when initially effecting manual traffic direction on an emergency basis.

**61.10.30** The Deputy will position them self where they can best observe the traffic conditions and be most visible to vehicular and pedestrian traffic.

**61.10.31** Deputies shall assume a posture that reflects confidence, command and courtesy.

**61.10.32** When more than one Deputy is involved in manual direction or control of traffic within the same area, the first Deputy on the scene shall assume the responsibility of coordinating traffic control.

#### **WHISTLE SIGNALS**

**61.10.33** Whistle signals shall be coordinated with hand signals and of sufficient volume as to be audible with respect to the surrounding conditions.

- **STOP** - One long whistle blast.
- **PROCEED** - Two short whistle blasts.
- **ATTENTION** - A series of short whistle blasts.

#### **HAND AND ARM SIGNALS**

**61.10.34** The following hand and arm signals shall be used:

- **STOP** - The arm is extended at shoulder level with the palm and fingers pointing upward.
- **PROCEED** - A waving motion across the chest indicating the direction of travel.
- **URNS** - The arm and hand is pointed at the line of traffic to be turned, and then a pointing motion in the direction the traffic is to be directed to.

**61.10.35 PEDESTRIANS** - The Deputy must control the vehicular traffic present and coordinate pedestrian traffic into the traffic pattern.

#### **MANUAL OPERATION OF TRAFFIC SIGNALS**

**61.10.36** The determination to initiate traffic control or the signal devices should be based upon traffic conditions and the limitations of the signal device.

**61.10.37** Point control of traffic at an intersection normally controlled by a traffic control signal will be accomplished by turning off the traffic control signal at the signal breaker box and proceeding with manual traffic control as described.

**61.10.38** Each District Supervisor shall have access to a traffic signal controller box key. All traffic units shall carry or have immediate access to a traffic signal controller box key.

## **FLASHING MODE**

**61.10.39** Locate the access door on the traffic signal controller.

**61.10.40** Open the access door and locate the "flash" switch.

**61.10.41** Care will be taken to stop traffic or alert drivers that the signal is going to be changed prior to activation of the "flash" switch.

**61.10.42** Verify the signals are flashing (amber color for the primary roadway and red color for the secondary roadway).

**61.10.43** When returning the intersection to automated control, insure that no traffic is confused or endangered by the signal indication change. Deactivate the "flash" switch.

**61.10.44** Verify the signal is functioning properly, then lock the access door.

## **MANUAL MODE**

**61.10.45** The manual mode is activated by the "Manual" switch inside the signal controller and the use of a controller may be required.

**61.10.46** Deputies shall observe the intersection and insure that a change in the traffic signal indication will not create a confusing or hazardous condition.

**61.10.47** Activate the "manual" switch. Do not change the position of the other switches.

**61.10.48** Each depression of the manual control switch will cycle the signal lights once.

**61.10.49** Care should be taken when restoring the light to the automation mode to insure that no traffic will be endangered. If a hazard exists, the appropriate corrective action shall be taken before returning the signal to automated operation.

**61.10.50** Deputies shall insure the automated signal is functioning correctly before locking the access box and securing.

## **TEMPORARY TRAFFIC CONTROL DEVICES**

**61.10.51** Temporary traffic devices may be employed for a variety of traffic conditions including but not limited to:

- Emergency conditions such as accidents, fires, hostage situations, riots, road obstructions
- Non-emergency situations such as parades, sporting events, other planned events involving large gatherings of people or traffic

**61.10.52** The basic types of temporary traffic control devices and their uses are as follows:

- A. Deputies** - Utilized to divert or control traffic in lieu of other regulatory devices; should not be used when a traffic signal will alleviate the problem.
- B. Marked Vehicle** - Utilized to block a particular area or street or to provide warning.
- C. Barricade or Rope** - Used to block an area or street.
- D. Traffic Cones or Flares** - Utilized to gradually channel traffic from a situation or hazard.

## **ADVERSE ROAD OR WEATHER CONDITIONS**

**61.10.53** When the normal control of traffic is impaired during adverse road or weather conditions, (i.e.; sink holes, fog, rain, ice, snow, smog, blowing sand, downed power lines, spillage) officer safety shall be paramount.

**61.10.54** The same procedures for traffic direction and control shall apply as specified in this procedure.

**61.10.55** Additional equipment and Deputies may be required to adequately perform traffic control in a safe and efficient manner.

**61.10.56** Deputies requiring additional equipment or personnel shall make such requests through the Communications Center.

**61.10.57** Deputies shall insure that the situation has been adequately provided for before securing their post. This does not preclude the placement of barricades, cones and/or signs to route traffic around or away from the hazard.

## EMERGENCY VEHICLES

**61.10.58** Emergency vehicles approaching in an emergency status shall be given precedence over other traffic.

**Revised by:** 2475

**Revised on:** 10-2018

**Approved:**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and another signature.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: ROADBLOCKS AND CHECKPOINTS**

**CODIFIED: 61.11**

**EFFECTIVE: 04-2017**

**RESCINDS/AMENDS: 61.11/06-2009**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines regarding the use of stop sticks, roadblocks and checkpoints by VCSO personnel.

**DISCUSSION**

There are circumstances, which may necessitate the use of stop sticks, roadblocks (rolling or stationary), or checkpoints, including but not limited to:

- Routing/capturing a fleeing felon away from densely populated areas
- Containing or isolating of crime scenes, civil disorders or riots
- Limiting or stopping of traffic during emergency situations
- Safely stopping fleeing vehicles
- Determining if motorists are under the influence of alcoholic beverages or narcotics, or in the possession of the necessary documents to operate a vehicle.

**POLICY**

The extreme danger inherent in the use of roadblocks (rolling or stationary) mandates that they should be used only after lesser means of traffic control have failed or have been determined to be ineffective.

The Volusia County Sheriff's Office authorizes the use of Stop Sticks to deflate the tires of vehicles that are fleeing or attempting to elude a law enforcement officer as defined in 316.1935 Florida Statutes and pursuant to Volusia County Sheriff's Office Directives.

The Stop Stick System will be deployed in order to reduce the risk posed to the general public, Deputies and suspects by reducing speeds and allowing pursuing Deputies to gain control over the suspects.

The use of Stop Sticks shall be in accordance with the guidelines described in this Directive.

**PROCEDURE**

**STOP STICK DEPLOYMENT**

**61.11.1** If the Stop Sticks are to be deployed, it must be part of a planned strategy. Supervisory authorization is required prior to deploying the Stop Stick System.

**61.11.2** Prior to deployment, all involved patrol units must be advised of the location that the Stop Sticks will be used.

**61.11.3** The safety of the public, the deploying Deputy, other Deputies, and the suspect must be top priority when deployment locations are considered.

**61.11.4** Deputies should seek out and identify locations that afford the highest level of cover and concealment and provide the element of surprise. The locations should be selected with the following in mind:

- Adequate sight and distance in all directions to enable the Deputies deploying the Stop Sticks to observe the suspect vehicle and other traffic as it approaches.

- Traffic conditions, population density, and road construction.

**61.11.5** Natural barriers such as overpass pillars, guardrails, shrubbery, trees, and bridge abutments offer some degree of protection and concealment.

**61.11.6** Darkness provides a degree of concealment, but can make it difficult to judge distances and identify the suspect vehicle.

**61.11.7** The use of emergency lighting can defeat the element of surprise unless the patrol vehicle is placed in a strategic position.

**61.11.8** Certain roadway configurations such as steep embankments, curves and hills, should be avoided.

**61.11.9** In areas that do not offer natural barriers, patrol vehicles may offer some protection while deploying the Stop Sticks.

**61.11.10** If the Stop Sticks cannot be deployed with complete Deputy safety, no attempt shall be made. Deputies and patrol vehicles will be off the roadway in a safe position out of harms way.

**61.11.11** Stop Sticks shall not be deployed on two wheeled vehicles (Motorcycles electric or gasoline powered scooter and mopeds, bicycles).

**61.11.12** Careful consideration will be given to the deployment of Stop Sticks on passenger buses, school buses, vehicles with hostages, or vehicles transporting hazardous materials. The use of tire deflation devices may pose an increased hazard in the situation.

**61.11.13** Only Deputies who have received documented training in the familiarization and deployment of the Stop Stick System are authorized to deploy the system to stop fleeing vehicles.

#### **DEPLOYING DEPUTY**

**61.11.14** The deploying Deputy must ensure that the following communications procedures are followed:

- Obtain supervisory authorization to deploy the Stop Sticks
- Advise pursuing units of the location the Stop Sticks are to be deployed
- Ascertain the number of vehicles involved, location, direction, and speeds of the pursuit
- Ascertain the suspect vehicle description, weapon involvement and risks involved such as lack of headlights, DUI, etc
- Ascertain the suspect's lane of travel
- Ascertain if other law enforcement agencies are involved in the pursuit

**61.11.15** Announce the location of the deployment to the approaching patrol units and request that they not enter the deployment area until given the all clear announcement. The announcement will allow patrol vehicles to continue once the deployment area has been cleared of hazards.

#### **STOP STICK DEPLOYMENT**

**61.11.16** The deploying Deputy must have an escape route planned in the event the suspect tries to run them down or tries to drive around the Stop Sticks.

**61.11.17** The deploying Deputy must be in position at a predetermined location to allow sufficient time for proper deployment.

**61.11.18** Deputies shall not overtake a fleeing vehicle being pursued at a high rate of speed in an attempt to set up the Stop Sticks. A rush deployment is often ineffective and dangerous. However, the use of emergency equipment to position a unit in the likely path of a fleeing vehicle for a deployment may be authorized by the field sergeant or other competent authority.

**61.11.19** Deputies shall take into consideration difficulties in judging distance and identifying suspect vehicles at times of low visibility.

**61.11.20** All pursuing Deputies shall proceed cautiously when approaching and traversing the deployment area. The fleeing vehicle may decrease speed rapidly as its tires deflate, take sudden evasive action, or make unpredictable maneuvers. Reducing speed allows backup units time to arrive.

**61.11.21** A *Response to Resistance* report shall be completed by supervisors when authorizing Stop Sticks.

**61.11.22** An Incident Report and Supplement Reports shall be completed by the Deputies involved to include filing the company provided report form with Stop Stick, Ltd.

#### **RECOVERY**



**61.11.23** Once Stop Sticks are deployed and damaged they are to be replaced immediately with replacement sticks that are in each District.

## **ROADBLOCKS/VEHICLE**

**61.11.24** Use of Roadblocks to stop a fleeing felon shall be

### **STATIONARY**

**61.11.25** A field sergeant or other competent authority may authorize the use of a stationary roadblock:

- To route a fleeing felon away from densely populated areas and/or prevent the cause of great/serious bodily harm to the innocent public at the hands of the fleeing felon. For the purpose of this section, the person pursued must have committed an act in which the use of deadly force would have been justified at the time the decision to pursue is made.
- When necessary to preserve crime scenes, in emergency situations, or in the event of road obstructions, fires, riots, civil disorders, to limit or stop traffic.
- In non-emergency situations such as parades, sporting events, and other planned events involving large gatherings of people or traffic, to limit or stop traffic flow.

**61.11.26** Roadblocks shall not be used when the hazards or risks to the general public would be greater than if the roadblock is not used.

**61.11.27** A *Response to Resistance* report shall be completed by supervisors when authorizing roadblocks. An administrative review shall be documented through chain of command and forwarded to Internal Affairs.

**61.11.28** Only those Deputies who have received documented training in the deployment of roadblocks are authorized to actively participate.

### **ROLLING ROAD BLOCK**

**61.11.29** **Rolling Roadblocks** refer to the blocking of a vehicle when said vehicle is attempting to turn around or is taking some other action in an attempt to avoid capture during a pursuit.

**61.11.30** Attempting to stop a target vehicle through the process of a rolling roadblock shall only be done when deputies have received proper training, received approval from a supervisor and it meets the criteria of a pursuit.

### **ROAD BLOCK DEPLOYMENT**

**61.11.31** Prior to establishing a roadblock, approval from a field supervisor shall be obtained.

**61.11.32** Personnel and equipment necessary shall be assembled.

**61.11.33** All involved personnel shall be briefed on the purpose of the roadblock, limitations imposed and specific duties to be performed.

**61.11.34** The roadblock shall be established. An escape route for law enforcement officers and the innocent public will be provided when at all practicable.

**61.11.35** The Supervisor and the Communications Center will be advised when the roadblock is initiated, the exact location and the units involved.

**61.11.36** The Supervisor shall continuously monitor the roadblock to insure that it is fulfilling its function, meeting criteria and is not presenting unnecessary safety risks.

**61.11.37** The roadblock shall be immediately discontinued upon accomplishing its goal or if the risks involved are outweighed by public safety.

**61.11.38** The Supervisor and the Communications Center shall be advised at the time the roadblock is discontinued.

## **CHECKPOINTS**

**61.11.39** Driver's license, vehicle safety and driving under the influence (DUI) checkpoints will normally be the responsibility of the Special Operations Section Captain, with prior approval, in writing, from the Support Operations Division Chief.

**61.11.40** The location will be published in a local paper prior to the checkpoint (a location manned by Deputies for the purpose of inspecting motorists or vehicles).

**61.11.41** The supervisor in charge shall insure placement of:

- Signs informing the public of the reason for the checkpoint
- Cones and/or flares, as needed
- Barricades and other safety devices as required

**61.11.42** A report will be prepared upon completion to include:

- The name and rank of the supervisor in charge
- The name and rank of all personnel involved
- The number of citations issued, categorized, i.e.; number of D.L., equipment, registration violations and arrests
- The sequence or method used for vehicle selection

**61.11.43** Checkpoint statistical information will be maintained by Traffic Administration.

**61.11.44** Criminal cases shall require a separate case number and be referred to the checkpoint case number.

**61.11.45** Only uniformed personnel will conduct traffic checkpoints.

**61.11.46** All personnel involved will be briefed by the supervisor in charge, to include but not limited to:

- The purpose of the checkpoint
- Safety precautions
- Assignments
- The planned vehicle stop sequence (the order in which vehicles will be stopped)
- The manner and procedure to be used when contact is made with the public

**61.11.47** The Supervisor in charge shall organize and correlate the availability of personnel and equipment, to provide for:

- The safety of the public
- Transportation of arrested persons
- The towing of vehicles
- The collection of evidence
- Breath testing and video operations
- Other specialized personnel and equipment, as required

**61.11.48** The Supervisor in charge may temporarily discontinue operations in order to facilitate the safe flow of traffic.

**61.11.49** Deputies will:

- Inform the operator of the reason for the stop
- Request the driver's license, vehicle registration, and proof of insurance of every vehicle
- Adhere to the stopping sequence, unless an enforceable violation occurs
- Be observant for signs of criminal activities
- Conduct investigations at the designated location
- Wear a reflective vest while controlling traffic

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**Revised by:** 2475

**Revised on:** 04-2017

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>TRAFFIC ENGINEERING</b>
<b>CODIFIED:</b>	<b>61.12</b>
<b>EFFECTIVE:</b>	<b>01-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>61.12/10-2001</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish policy governing the relationship between the Department and the Volusia County Traffic Engineering Department.

**DISCUSSION**

Traffic engineering is a complex field requiring specific training and expertise. The Traffic Engineering Department maintains the equipment and staff to deal with traffic related problems inherent in large, growing areas such as Volusia County.

Traffic Engineering maintains a properly trained staff which conducts studies to identify engineering problems at high accident locations. Traffic Engineering studies the effects of changing traffic patterns and they participate in local and regional transportation management system planning.

**POLICY**

It is the policy of the VCSO to refer all formal complaints or suggestions concerning traffic deficiencies directly to the Traffic Engineering Department for review.

Further, it is the policy of the VCSO to forward all traffic crash data to the Traffic Engineering Department for review.

**PROCEDURE**

**61.12.1** All parties reporting traffic deficiencies, initiating complaints, and/or suggestions will be referred directly to Traffic Engineering.

**61.12.2** Deficiencies which present a hazard shall be reported to Traffic Engineering by the employee receiving the complaint. The complainant should be assured that their complaint will be forwarded.

**61.12.3** Traffic Engineering performs duties relating to:

**A.** The review of citizen complaints and the determination of corrective action, including:

- Traffic operations;
- Safety problems;
- Sign, signal and pavement marking replacement or improvements.

**B.** The coordination of activities and policies for the County traffic program.

**61.12.4** The instigation and analysis of traffic engineering studies and investigations.

**61.12.5** The review of traffic accident reports and field checks of high accident locations to determine the appropriate improvements.

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**Revised by:** 2475  
**Revised on:** 01-2019

**Approved:**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: VEHICLE TOWING AND IMPOUND**

**CODIFIED:** 61.13  
**EFFECTIVE:** 06-2017  
**RESCINDS/AMENDS:** 61.13/07-2014  
**ATTACHMENTS:** 0

**PURPOSE**

The purpose of this Directive is to establish guidelines regarding the removal/towing of vehicles from public streets and highways for various legitimate purposes, such as vehicles in violation of provisions regulating stopping, standing or parking, stolen or abandoned vehicles, confiscated vehicles and vehicles of arrested persons.

**DISCUSSION**

A variety of circumstances arise that require a vehicle to be moved or towed by Sheriff's personnel. These range from the removal of a traffic hazard to confiscation in accordance with the Florida Contraband Forfeiture Act. In order to insure procedural and legal requirements are met, a uniform method is required. This procedure will outline the authority and process to be utilized in meeting this need.

**POLICY AND PROCEDURE**

- 61.13.1** Deputies are empowered to authorize the removal of vehicles in accordance with Florida Statutes, 316.194:
- A.** When the vehicle is parked upon a bridge or causeway or in any tunnel, or on any public highway and constitutes an obstruction to traffic;
  - B.** When the vehicle has been stored for a period exceeding 48 hours in other than a designated parking area and is within 30 feet of the pavement edge;
  - C.** Where an operative vehicle has been parked or stored on a public right-of-way for a period exceeding 10 days, in other than designated parking areas, and is more than 30 feet from the pavement edge;
  - D.** Whenever a vehicle is found in violation of the Florida Handicapped Parking Statute (316.1955) and the operator or person in charge of said vehicle cannot immediately remove the vehicle.;
  - E.** When a vehicle is being driven upon the public street or highway in such an unsafe condition it creates a significant hazard and conditions render parking off the paved portion of the highway or street hazardous or impractical;
  - F.** When the removal is necessary in the interest of public safety, due to fire, flood, storm, rising tide, or other exigent causes;
  - G.** When the operator of a motor vehicle is taken into custody by a Deputy and,
    - the vehicle will be left unattended and no waiver of responsibility is obtained;
    - when the person in charge of the vehicle is mentally incapacitated;
    - when the person in charge of the vehicle can provide no reasonable alternative;
  - H.** When the vehicle is subject to confiscation in accordance with the Florida Contraband Forfeiture Act or has been used in the commission of a felony.
  - I.** When a stolen vehicle is recovered and the owner cannot immediately respond.
  - J.** When the vehicle is of evidentiary value.
  - K.** When the vehicle is an abandoned vehicle as described in F.S. 705.101.

**61.13.2** Whenever a vehicle is towed for any reason other than "owner's request", the following procedures will apply:

- A.** A registration check will be made to determine the identity of the owner.
- B.** In the case of an abandoned or stolen vehicle reasonable attempts to contact the registered owner will be made prior to towing said vehicle. If unable to contact the registered owner prior to towing, the deputy in charge of towing the vehicle will attempt to contact the owner as part of the follow-up investigation. Reasonable attempts to contact will be documented in the supplement report (refer to Follow-up Investigations in 41.3, Patrol Operations).
- C.** The Deputy in charge of towing a vehicle will ensure a vehicle report is completed as outlined in the departmental report-writing manual.
- D.** The report will incorporate in the narrative, the reason for the tow or removal and notification or attempts to notify the registered owner.
- E.** A complete inventory shall be listed on the vehicle report; however, if circumstances preclude a complete inventory, the inventory will be completed at the storage facility at the earliest opportunity.
- F.** The inventory shall include all areas of the vehicle, including but not limited to:
  - The inside compartments, dash, glove box, console, under seats, and all containers therein.
  - The trunk area and containers therein.
  - All exterior containers (boxes, truck beds, tanks and the engine compartment).
- G.** Locked containers should not be forced open during an inventory but shall be logged on the vehicle report as such; however, if a key or combination is available the container will be opened and inventoried.
- H.** If possible the inventory will be accomplished in the presence of the operator or owner.
- I.** Currency found within the vehicle shall be counted in the presence of the owner or operator, if possible. If not the money should be counted in the presence of at least one witness and be returned to the owner, or be submitted as personal property or evidence.
- J.** Deputies towing vehicles to the Evidence Compound will:
  - Notify Communications of the location of the vehicle to be towed.
  - Contact the evidence technician to ensure the vehicle is transferred to the secured evidence compound.
  - Provide a copy of the tow sheet with original chain of custody signatures and vehicle keys.
- K.** If present at the time the vehicle is towed, the person responsible for the vehicle will be notified of the following:
  - The name of the wrecker company
  - The location where the vehicle will be stored.
  - The steps necessary to recover the vehicle.
- L.** Upon request, the owner of a vehicle towed or removed should be directed to the Sheriff's Department Legal Advisor for review of the legality of such removal or tow. This in no way encroaches on the rights afforded in F.S. 713.78, subsection 4 (Liens for recovering, towing, or storing vehicles).

**61.13.3** The Lieutenant or designee in the District in which the vehicle is towed will ensure compliance with Florida Statutes 715.07 (Reporting of unclaimed motor vehicles), 812.062 (Notification to owner upon recovery of stolen vehicle) and 713.78 (Liens for recovering, towing, or storing vehicles) as applicable to the Volusia County Sheriff's Office.

**61.13.4** A supplement report is completed when cases are closed either by release of the vehicle to its owner or sale at public auction.

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**Revised by:** 6760

**Revised on:** 10-2001; 04-2014; 05-2017

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: MOTORIST ASSISTANCE**

**CODIFIED: 61.14**

**EFFECTIVE: 10-2001**

**RESCINDS/AMENDS: 66.14/07-1999**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to explain the types of assistance Deputies will provide motorists on the streets, roads and highways and to establish guidelines to protect and assist stranded motorists.

**DISCUSSION**

It is the Department's objective to be of service to the public in rendering aid in a timely and courteous manner. Motorists on occasion need assistance of various types of directions to hospitals or addresses, or when stranded for a variety of reasons.

There is a potential danger to stranded motorists and inherent hazards involving disabled vehicles on or near roads and highways. Reasonable assistance should be rendered in order to negate these dangers and hazards; emergency situations such as fire and sick or injured persons and hazardous driving conditions.

In order to ensure procedural requirements are met, a uniform method is required. This procedure will delineate the authority and process to be utilized to provide this aid.

**POLICY**

It shall be the policy of the Department to offer assistance to motorists in need of aid. Deputies will assist or provide for the assistance of motorists appearing to be stranded or in need of aid.

**PROCEDURE**

**61.14.1** Deputies shall be alert for highway users in need of assistance and respond to provide general assistance.

**61.14.2** Deputies assisting stranded motorists will remain alert and cognizant to the possibility that law enforcement activity may be required, such as unattended disabled vehicles creating hazardous conditions for the motoring public.

**61.14.3** Deputies will respond to requests for information.

**61.14.4** Deputies will assist, as practical, in obtaining fuel or arranging for mechanical assistance.

**61.14.5** Whenever a Deputy encounters an attended motor vehicle which they consider a traffic hazard, they shall:

- Assist in the removal to the untraveled or unpaved portion of the roadway or,
- Ensure the placement of warning devices.
- Deputies shall not use Department owned vehicles to push or pull any vehicle from the roadway.
- Whenever a motorist requires a wrecker, if the owner has no preference the "on call" wrecker service will be utilized.

**61.14.6** Deputies may, at their discretion, transport stranded motorists to the nearest convenient location where assistance may be obtained.

**61.14.7** Deputies will take all reasonable steps to ensure the safety of occupants of disabled vehicles.

**61.14.8** Deputies may, at their discretion, assist stranded motorist with minor repairs, such as changing tires; however, Deputies will not become involved with lengthy or technical repairs.

**61.14.9** Deputies shall render emergency assistance to motorists.

**61.14.10** Deputies will respond to vehicle fires. Deputies will immediately inform the dispatcher of the location, vehicle description and the extent of involvement. The dispatcher will notify the fire department.

**A.** Upon arrival of the fire department, the Deputy will relinquish control of the fire to the senior fire department official.

**61.14.11** The Deputy will assist in traffic control until the hazardous situation has been resolved.

#### **MEDICAL EMERGENCIES**

**61.14.12** Deputies will respond to roadside medical emergencies and notify the dispatcher of the location, the type of medical emergency, the number of injured parties, and the apparent condition of the sick or injured.

**61.14.13** Deputies will request Emergency Medical personnel as needed.

**61.14.14** In cases of serious injury, Deputies will request an Aviation unit be placed on standby.

**61.14.15** Deputies will render as much assistance as possible, based on individual training and experience.

**61.14.16** Deputies will not escort civilian vehicles under emergency circumstances.

#### **ROADWAY AND ROADSIDE HAZARDS**

**61.14.17** Deputies will identify and summon aid from, or report to, the proper agencies via Communications Section, roadway and roadside hazards that may contribute to traffic accidents, including but not limited to:

- Debris or defects in the roadway;
- Damaged and/or missing traffic signs, or inoperable traffic signals;
- Weather, smoke or tidal conditions;
- Lack of, or defective, roadway lighting;

**61.14.18** For vehicles parked or abandoned on or near the roadway see Department Standards Directive 61.13, Vehicle Towing and Impound.

**61.14.19** Deputies suspecting hazardous materials will take steps to identify the type of hazardous material, protect and isolate the scene, and notify the Communications Center and their immediate supervisor. (See Departmental Standards Directive 61.8, Traffic Crashes)

**Revised by:** 6620

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>ESCORTS</b>
<b>CODIFIED:</b>	<b>61.15</b>
<b>EFFECTIVE:</b>	<b>10-2001</b>
<b>RESCINDS/AMENDS:</b>	<b>61.15/07-1999</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to provide guidelines and specify circumstances under which escort services will be provided.

**DISCUSSION**

Vehicular escorts are provided for a variety of reasons, i.e., emergency situations, funerals, the relocation of wide loads, providing for the safety of public officials and dignitaries, or for the safe transport of hazardous or unusual cargos.

The benefits and risks of providing law enforcement escort services vary with the nature and purpose of the escort. The risks are often so severe that the service must be denied under all but the direst of circumstances. In other cases, the risks are sufficiently low, and the benefits sufficiently great that the service may be provided. The decision to provide an escort is never taken lightly, or without due deliberation.

**POLICY AND PROCEDURE**

**EMERGENCY ESCORTS**

**61.15.1** Emergency escorts will not be provided for other emergency vehicles or privately owned vehicles.

**61.15.2** The District Commander or designee may authorize the escort of equipment necessary to preserve life or property to the scene of an emergency, i.e., bulldozers to a fire scene.

**NON-EMERGENCY ESCORTS**

**61.15.3** Escorts for dignitaries or public officials will be provided with the approval of the Law Enforcement Services Commander. These services will normally be provided by the Traffic Units.

**61.15.4** Escorts for hazardous or unusual cargos will be provided with the approval of the Law Enforcement Services Commander.

**61.15.5** Private funeral escorts and requests for other non-emergency escorts may be authorized by the Captain of the District in which the escort is initiated, as an outside detail.

**61.15.6** In the event, privately owned and operated escort services are established and operated within the jurisdiction of the Department, it shall be the responsibility of the Special Services Section Captain to ensure the adequacy of such escort services.

**61.15.7** Deputies conducting escorts should be aware that the first priority of any escort is to protect lives and property.

**61.15.8** A non-emergency scheduled escort service will be authorized in writing and will provide the following:

- The trip route will be established in advance;
- The maximum speed for each segment of the route will be established;
- Point traffic control will be established, as required;
- Control of the escort will be assigned to a specific Deputy or Supervisor.

**61.15.9** The Supervisor will set the pace of the escort.

**61.15.10** The escort will be terminated if conditions are such that continuation would constitute an unacceptable risk.

**61.15.11** Use of emergency equipment and radio procedures should be established in advance.

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**Revised by:** 7001  
**Revised on:** 10-2001

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>PRISONER TRANSPORT</b>
<b>CODIFIED:</b>	<b>70.1</b>
<b>EFFECTIVE:</b>	<b>10-2008</b>
<b>RESCINDS/AMENDS:</b>	<b>71.1/04-2005</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines for the safe and expedient transport of persons in custody.

**DISCUSSION**

Any person in custody can become a danger to a Deputy and the public by the mere fact that being in custody has taken their freedom away.

The chances of an escape or compromise can be greatly reduced, if not totally removed, when proper security measures are adhered to.

**POLICY**

It is the policy of the Volusia County Sheriff's to handle each person in custody so as to prevent escape or receipt of contraband, whether in a holding facility, a courtroom or while being transported.

**PROCEDURE**

**70.1.1** All prisoners shall be searched prior to being transported. Prisoners shall be searched each time they come into the transporting Deputy's custody, including transport to and from court appearances.

**70.1.2** It shall not be assumed by the Deputy that someone else has completed a search. As with the transport vehicle, it will again be assumed that each person has had an opportunity to obtain a weapon or contraband. When accepting a prisoner, the transporting Deputy, shall thoroughly search the prisoner. The search shall consist of, but is not limited to:

- A complete pat down of the person
- An inspection of all footwear both inside and out

**70.1.3** Every vehicle which may be used to transport prisoners shall be examined at the beginning of each shift, before and after each transport of prisoners. The examination shall consist of, but is not limited to:

- The area in which a person in custody will be confined shall be searched for contraband or weapons. All movable areas such as seats shall be lifted out or up so as to expose and permit inspection of the cavity under the seat.
- Fluid levels and tires, to ensure they are filled and in good working order
- All assigned equipment necessary for vehicle operation, i.e., spare tires, road flares, tire jack, lug wrench, and any other equipment assigned to vehicle

**70.1.4** Missing equipment or other discrepancies shall be noted and corrected in a timely manner.

**70.1.5** Each Deputy is responsible for maintaining the vehicle's safe operating condition and ensuring it is appropriately equipped.

**70.1.6** All locking devices on the vehicle shall be checked for proper working order and security. If locking devices are not secure or otherwise not in working order, they shall be repaired or replaced in a timely manner before transport of custody persons.

**70.1.7** Vehicles used primarily for transporting prisoners shall be equipped with a partition or screen separating the Deputy from the prisoner. Rear compartments shall be modified to minimize opportunities for exit without the aid of the transporting Deputy. Vans will have extra locks added to the compartment doors. Sedans will have rear child

safety locks activated or rear interior door handles removed. Electric power-windows in rear will be disabled while vehicle is occupied by a prisoner.

#### **COURT APPEARANCE**

**70.1.8** Searches shall be conducted after each appearance and before transport from a temporary holding facility.

**70.1.9** Strip searches shall not be conducted by Volusia County Sheriff's Office personnel. See Directive 1.7.

#### **PRISONER HANDLING**

**70.1.10** All prisoners being transported shall be securely handcuffed.

**70.1.11** Deputies will double lock the handcuffs at the safest possible opportunity to avoid tightening of the handcuffs.

#### **HOBBLES**

**70.1.12** The use of hobbles are authorized under the following conditions only. As soon as possible after handcuffing and hobbling the prisoner, they shall be placed in an upright, sitting position. A prisoner shall never be placed in a prone position. Research has linked laying a prisoner on their stomach with positional asphyxia, a cause of sudden custody death syndrome.

**70.1.13** "High risk" prisoners shall be transported with leg irons. Supervisors may make exceptions.

**70.1.14** Whenever possible, prisoners should be secured together by handcuffs. The right hand of one prisoner will be handcuffed to the left hand of another prisoner.

**70.1.15** Under no circumstances, shall a person in custody be secured to any portion of the transport vehicle.

**70.1.16** While in transport, no more than three persons shall be handcuffed together.

**70.1.17** When a large number of prisoners are being transported together they shall be paired in groups of two.

**70.1.18** When seven or more prisoners are to be transported in the same vehicle, two Deputies shall be assigned to transport. This shall not be required during the movement or transfer of prisoners from the correctional facility to the branch jail for the purpose of first appearance or pretrial hearings.

**70.1.19** Deputies shall remain outside the secure area where prisoners are seated.

**70.1.20** At no time will a Deputy ride with or otherwise be seated with the person in custody within the secured area of the vehicle. Deputies will be seated in the driver's seat and front seat.

**70.1.21** In case of emergency, such as serious injury to a person in custody, the vehicle shall be driven in a safe manner to the nearest holding facility. Medical assistance and support from the nearest law enforcement agency shall be summoned. Once law enforcement support has arrived, the Deputy shall render aid to the person in custody.

**70.1.22** Male and female prisoners may be transported together in the same prisoner transport vehicle provided the vehicle is designed to separate the prisoners by sight and touch, when being moved between correctional facilities, court holding facilities, and the branch jail.

**70.1.23** While in transit, prisoners are not to engage in outside conversation. The Deputies may inquire as to prisoner's well being or other transport concerns. However, Deputies shall not question or initiate conversation with the prisoner in regard to the prisoner's case. Deputies shall not engage in or initiate conversation with Death Row inmates with the specific exception of that questioning which is directly related to the health or safety of the inmate.

**70.1.24** Deputies are not to lose sight of their prisoners at any time.

**70.1.25** For security purposes, toilet facilities will be checked prior to being used by prisoners. Deputies shall remain outside a stall if security permits. If it can be safely done, the Deputy may remain outside the facility, securing the entrance.

#### **RENDERING ASSISTANCE**

**70.1.26** While engaged in the transportation of prisoners, Deputies shall not stop to render law enforcement assistance, except in the following circumstances:

- A.** A law enforcement officer requests help, other back-up is unavailable and the transporting Deputy is in close proximity to the officer requesting help.
- B.** The Deputy comes upon an accident scene with serious injuries or death.

**70.1.27** If two transport Deputies are available, one Deputy shall stay with the prisoner(s), while the other renders assistance. The tactical situation and the safety and security of the prisoner shall be the first concern of the transport Deputy.

#### **RECEIVING FACILITIES**

**70.1.28** Upon arrival at the receiving facility, Deputies shall follow the procedures established by the receiving facility. The following minimum procedures will be adhered to at any receiving facility:

**70.1.29** Deputies shall not enter a secure holding area or receiving area with their firearm.

**70.1.30** If the receiving facility does not have the facilities for securing firearms, they are to be locked in the trunk of the vehicle. If the vehicle does not have a trunk, firearms should be placed in a secure lock box within the driver compartment of the vehicle.

**70.1.31** The receiving office shall authorize and determine when restraints will be removed.

**70.1.32** It will be the responsibility of the transporting Deputy to make sure that all the necessary paperwork is properly exchanged with regard to the transfer of the prisoners and if applicable, obtain the signature of the receiving officer upon receipt of the prisoner(s). Written documentation detailing the prisoner transaction may be retained in addition to or in lieu of the receiving officer's signature.

**70.1.33** Deputies shall advise receiving agency personnel of any potential medical or security hazards.

#### **MEDICAL TRANSPORTS**

**70.1.34** Individuals transported to medical facilities for treatment or an examination shall be prevented from coming into physical contact with persons other than those medically assigned to the case.

**70.1.35** Appropriate safety and health precautions shall be taken when transporting prisoners for medical purposes. These precautions may include wearing gloves and masks as well as keeping the prisoner at a safe distance.

**70.1.36** The Deputy will maintain control over the prisoner's actions at all times. The prisoner shall be kept in restraints unless the attending physician requests they be removed for medical purposes, but only if the Deputy determines it is safe to do so.

**70.1.37** Deputies will stay with the prisoner unless the physician requests the Deputy to remain clear. Deputies will maintain a close vigil and maintain a post immediately outside the restricted area.

**70.1.38** Hospitalized prisoners are the responsibility of the Department until first appearance.

**70.1.39** After first appearance, responsibility for the prisoner rests with the Volusia County Department of Corrections.

**70.1.40** Deputies shall immediately notify the Department of Corrections of prisoners who are injured while in the Deputy's care.

**70.1.41** If the injury can quickly be treated, the Deputy will remain with the prisoner. If the injury requires a prolonged stay at the hospital, the Department of Corrections will assume security of the prisoner.

**70.1.42** If the prisoner is admitted to a hospital, the Volusia County Department of Corrections will be notified. The prisoner will be turned back over to their control and they shall provide the necessary security.

**70.1.43** The Deputy in charge of the prisoner shall maintain the security of the prisoner until officially relieved.

**70.1.44** Deputies will ensure that the prisoner and public are not in close proximity.

**70.1.45** The Deputy shall transport the appropriate arrest paperwork from the hospital to the Branch Jail.

#### **FLORIDA MENTAL HEALTH ACT TRANSPORTS**

**70.1.46** Persons who are believed to be mentally ill and must be transported for an involuntary examination shall be transported to Halifax Medical Center. Secondary transport sites include the ACT office on Red John Road and Atlantic Shores Hospital, as directed by Halifax Medical Center. If the person is suffering from an emergency medical condition, (i.e. acute symptoms are observed that are of such severity that a lack of immediate medical attention could reasonably be expected to result in jeopardy to the patient's health, bodily functions, etc.) the Deputy should request EVAC to respond.

**70.1.47** Deputies will not divulge information pertaining to the physical or legal status of the prisoner, except to assigned medical staff.

## **SPECIAL SITUATION TRANSPORTS**

**70.1.48** Inmates with special needs, No Mix, Protective Custody or any other Court Orders will be identified prior to being transported from the branch jail to the VCSO Court facilities.

**70.1.49** In order to safely and securely transport sick, injured and disabled prisoners, Deputies must first determine the nature of the sickness, the injury, and the extent of the handicap.

**70.1.50** All sick persons except those with a contagious or highly communicable disease will be transported in the normal fashion per policy guidelines.

**70.1.51** If the malady is contagious or becomes serious, other means of transportation will be sought. All sick prisoners with control of their faculties will be restrained.

**70.1.52** Restraints will be used only on body parts of injured persons that are not affected by the injury. After restraints are in place, normal transport procedures will be used.

**70.1.53** Deputies providing prisoner transportation will place a blue plastic wristband on the left wrist of the inmate prior to entering the transport vehicle (In the event the inmate is an amputee, the blue wristband will be placed on the opposite wrist, or in the case of double amputee, one of the inmate's ankles.). The Deputies will advise control room personnel of the inmates requiring special needs prior to entering the Holding Facility.

**70.1.54** Disabled persons will be transported in a like manner.

**70.1.55** Prisoners in wheelchairs will be transported in the handicap transport vehicle, if available. If not available, the prisoner will be removed from the chair and the chair placed in the rear of the transport vehicle.

**70.1.56** The prisoner will then be transported in the normal manner. The wheelchair will be searched and secured away from the immediate control of the prisoner.

**70.1.57** All transports falling outside the stated guidelines will be handled by other emergency vehicles with the transport Deputy's assistance.

## **COURT-ORDERED SPECIAL TRANSPORTS**

**70.1.58** Unless ordered by the court or authorized by the Sheriff, Deputies will not transport prisoners to visit critically ill persons, attend funerals or the reading of a will.

**70.1.59** If authorized to do so, the prisoner will be escorted by two Deputies, remain restrained, and be prohibited from physical contact with other individuals.

**70.1.60** When available, one of the assigned Deputies shall be of the same sex as the prisoner being transported. If a Deputy of the same sex is unavailable, Deputies of the opposite sex may transport; however, the Communications Center shall be provided with the following information:

- Point of departure
- Destination
- Starting mileage
- Ending mileage

## **EXTRADITIONS**

**70.1.61** When transporting an extradited prisoner by commercial carrier, the following procedures will be followed.

**70.1.62** All warrants, orders and confirmation documentation (CJIS, teletype etc.) will be secured and checked for any errors through the Warrant Section.

**70.1.63** The transport Deputy will contact the asylum state within two days of transport, coordinate pickup times and any pertinent information about the prisoner.

**70.1.64** When handling prisoners, Deputies will adhere to the guidelines set forth in this Directive, rules and requirements outlined in FAA standards and the policies of the carrier for the transportation of prisoners.

**70.1.65** When a prisoner is moved by commercial carrier, i.e., planes, trains, buses, rentals, the transport Deputies will not:

- Allow prisoners to come in contact with anyone in the terminal nor on the carrier
- Allow prisoners to engage in conversation with anyone during transport
- Allow prisoners to occupy an aisle seat while on the carrier

- Allow prisoners to leave their seats while the carrier is in motion unless a prisoner needs to use bathroom facilities, in which case the Deputy will accompany them
- Allow prisoners to smoke while being transported. Exceptions will be determined on a case by case basis with the prior approval of a supervisor.

**70.1.66** When available, a Deputy of the same sex as the prisoner will be present for out-of-state extraditions.

#### **PRISONER MEALS**

**70.1.67** Security shall be maintained at all times. Deputies shall randomly select the nearest fast-food drive-through restaurant and purchase a meal.

**70.1.68** If a drive-through is unavailable, the Deputy will retrieve meals or have a merchant deliver the meal to the Deputy.

**70.1.69** There shall be no routine or established pattern for meal stop locations.

**70.1.70** The meal should be close to the minimum requirement for a reasonable dietary supplement.

**70.1.71** At no time will a prisoner be permitted to leave the transport vehicle to obtain a meal.

#### **RESTRAINING DEVICES**

**70.1.72** Prisoners transported alone shall be secured with handcuffs in back for any transport within Volusia County.

**70.1.73** Deputies will double lock the handcuffs at the safest possible opportunity to avoid tightening of the handcuffs.

**70.1.74** Personnel assigned to the Court Services Unit providing mass prisoner transportation may handcuff prisoners in the front.

**70.1.75** Individual prisoners transported via foot will be handcuffed (palms facing outward) in front unless movement is subsequent to an arrest situation. When an arrest takes place, the prisoner's hands will be placed behind their back.

**70.1.76** Personnel of the Court Services Unit transporting prisoners via foot and conducting normal court business during the prisoners trial/hearing phase, may allow the prisoners palms to face inwards (**THIS WILL NOT APPLY TO HIGH RISK PRISONERS**).

**70.1.77** Judicial Services Transport Deputies shall use waist restraints, with handcuffs when securing/escorting/transporting individual high risk prisoners. When transporting multiple prisoners, transport Deputies shall use transport chains (in conjunction with transport vans), using handcuffs in front/intertwining arms, or by using individual waist restraints securing the hands with handcuffs.

**70.1.78** When transporting mentally disturbed prisoners, the transporting Deputy will use waist restraints at all times. Leg irons are optional, depending on the demeanor of the prisoner.

**70.1.79** Mentally disturbed prisoners should never be handcuffed or restrained to another person or to any object during transport. All transports where restraining devices are used are subject to court-ordered sanctions.

**70.1.80** The Deputy transporting unusual security risk prisoners to court or another agency shall notify the presiding judge or agency of such condition. The judge or agency may direct or allow the use of restraining devices in the court, or may request additional security personnel.

#### **DOCUMENTATION**

**70.1.81** Prior to accepting custody the transporting Deputy shall verify the identity of prisoners.

**70.1.82** Identification may be made by comparing the prisoners' arm band against jail records, booking numbers, fingerprints, signature, or other methods which ensure the correct identity of the prisoner(s) being transported.

**70.1.83** Any transporting Deputy taking a prisoner to court shall have in their possession documentation on the prisoners to include their name, booking number, charge, appearance time, judge's name, and courtroom to which the prisoner is to be delivered.

**70.1.84** When transporting a prisoner to another facility, the documentation shall include, if applicable, a court action form, commitment papers, the prisoner's medical records, and personal property.

**70.1.85** During interstate prisoner transport, the transporting Deputy shall have a properly executed agency warrant, a Governor's Warrant, and/or a signed waiver of extradition.

**70.1.86** Transporting Deputies shall identify potential security problems the prisoner may present and include it in the documentation accompanying prisoners. This information shall include escape risks, suicidal tendencies, unusual or contagious illnesses, protective custody status, or any other personal trait posing a security hazard.

**70.1.87** Records and/or documentation regarding the prisoner shall be safeguarded at all times. The information shall not be disseminated or insecure at any time. The prisoner's constitutional privacy rights shall not be violated.

**70.1.88** The transporting Deputy shall maintain the prisoner's records/documentation until the prisoner is turned over to the holding facility.

**70.1.89** The Deputy at the holding facility shall insure that all records/documentation are kept secure.

#### **TRANSPORT EQUIPMENT**

**70.1.90** Vehicles used to transport persons in custody shall have the following equipment removed: inside rear door handles, inside rear door window handles (in case of power windows - have the electric connections disconnected), and door locks (manual or power). The rear area of the vehicle used to transport persons in custody shall be separated from the front by a barrier that shall allow constant visual contact between the Deputy and persons in custody.

**70.1.91** Trucks used for transport purposes shall have an external padlock on the rear doors.

**70.1.92** A spare key to the padlock shall remain inside the glove compartment of each vehicle.

#### **PRISONER ESCAPE**

**70.1.93** Transporting Deputies must be prepared to act quickly to apprehend the prisoner. The following procedure shall be implemented in the event of an attempt or actual escape of a prisoner.

**70.1.94** The Transporting Deputy shall secure any remaining prisoners and notify the Communications Center of all pertinent information regarding the escape and escapee identifiers.

**70.1.95** If the Deputy is in another jurisdiction, they shall immediately make every effort to retake the prisoner and contact the nearest law enforcement agency with jurisdiction.

**70.1.96** If the escapee is not immediately apprehended, Communications Center shall notify the transporting Deputy's immediate supervisor, the District Supervisor and other concurrent jurisdictions.

**70.1.97** The Division Commander shall be advised of the circumstances surrounding escape and shall have the responsibility of notifying the Sheriff.

**70.1.98** If the prisoner is not apprehended immediately, the District Sergeant shall assume control of the incident until relieved or the search proves futile.

**70.1.99** If the escapee is not apprehended, the District Supervisor will ensure that a "BOLO" is generated.

**70.1.100** The initial report of the incident will be made by the transporting Deputy. The transporting Deputy's supervisor shall ensure that the report(s) are complete and forwarded to the appropriate unit for follow-up on the day of occurrence.

#### **GLOSSARY**

**APPROPRIATE APPAREL** - Equipment such as masks, surgical gloves, and gowns issued by the Department for the purpose of transporting diseased persons.

**ASYLUM STATE** - The state that has the person in their care, custody, or control.

**EXTRADITION** - The process of transporting a prisoner from one state to another.

**FACILITY** - The physical confines of the holding facility. The reception area for the facility, the sally port, holding cells, and related spaces are included. If used only for booking detainees into the holding facility, the booking area is included. May also refer to the Volusia County Correctional Facility or other correctional facility.

**IN CUSTODY** - Being under the full control of an escort Deputy during transportation.

**IN TRANSIT** - State of being transported, such as when an escort officer moves a prisoner from point of origin to the destination.

**PRISONER** - A person who has been arrested and taken into custody.



**RESTRAINING DEVICES** - Equipment used to restrain the movement of the prisoner, such as handcuffs, waist chains, leg irons, and tie down stretchers.

**RESTRICTED AREA** - Any area where a transport Deputy or the general public is not allowed.

**SECURITY HAZARD** - Any threat to the security of the prisoner, the court to which they are being transported, the facility in which they are being held or delivered to, or to others with whom the prisoner may come into contact. The degree of security hazard will dictate the means of transport, the kinds of restraining devices to be used, and other actions to be taken by the escort officer to provide proper protection and security for the prisoner.

**TRANSPORT** - A state of being transported, such as when an escort Deputy moves a person in custody from point of origin to the destination, by vehicle or foot.

**TRANSPORT VEHICLE** - A vehicle used for transporting persons in custody from one point to another. This term does not include civilian vehicles that may be used for transportation of persons in custody such as buses, trains, or airplanes.

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**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: COURTROOM HOLDING FACILITIES**

**CODIFIED: 72.1**

**EFFECTIVE: 07-2018**

**RESCINDS/AMENDS: 72.1/09-2011**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to provide minimum standards for temporarily holding persons in-custody while awaiting court. The procedures outlined apply to the Volusia County Court House in DeLand, the courthouse annex located in Daytona Beach, and the S. James Foxman - Justice Center in Daytona Beach.

**DISCUSSION**

Due to the complexity of the criminal justice system and the enormous caseloads being handled by the courts, it has become increasingly imperative that temporary holding facilities be used to allow a greater number of in-custody persons access to those courts.

These facilities are used for the duration of the court appearance only for persons that have cases before the court at the time of transport and for new in-custody detainees as ordered by a Judge.

**POLICY**

It shall be VCSO policy to maintain safe, secure and well-operated holding facilities. It shall further be the policy to ensure that those operating the facilities have the skills, knowledge and ability to manage, operate and control said facilities.

**PROCEDURE**

**ADMINISTRATION**

**72.1.1** The Judicial Services Section Captain shall be responsible for the operation of holding facilities.

**72.1.2** The facilities shall be maintained by Deputies assigned to Judicial Services.

**72.1.3** Personnel assigned to holding facilities shall receive training in the management, operations and security of the facility; to include fire suppression and equipment provided for use by the agency, and retraining at least once every two years.

**72.1.4** Training shall be coordinated through the Judicial Services Captain or their designee to ensure that personnel are trained in the function that they perform.

**72.1.5** Holding facilities will be operated in a professional manner, adhering to all rules and regulations outlined in Florida Statute and VCSO policy.

**PHYSICAL PLANT**

**QUARTERLY LINE INSPECTIONS**

**72.1.6** The Judicial Services Captain or designee shall formally inspect holding cells quarterly to ensure policies and procedures are being adhered to and that the facility meets the following requirements:

- A.** Adequate lighting as required by law or regulation and approved in writing by the inspecting authority.
- B.** Circulation of fresh or purified air in accordance with public health standards and approved in writing by the inspecting authority.

- C. Access to a toilet, washbasin and drinking water.

#### **EQUIPMENT INSPECTION AND TESTING**

**72.1.7** The Sergeant assigned to each respective Court facility shall be responsible for ensuring that various daily, weekly, monthly and semi-annual documented inspections and/or testing of all safety and sanitation equipment shall be conducted. Inspections shall be documented on log sheets and initialed by the Deputy performing the inspection to include DID number.

**72.1.8** Facilities shall have automatic fire alarm and heat and smoke detection systems and fire equipment approved in writing by state or local fire officials.

**72.1.9** At a minimum, these inspections shall consist of the following and shall be documented:

- A. Daily visual inspection of the automatic fire detection devices and alarm systems.
- B. Weekly documented visual inspection of fire equipment.
- C. Semiannual documented testing of fire equipment.
- D. Monthly documented testing of the automatic fire detection devices and alarm systems.
- E. Daily cleanliness inspection.
- F. Weekly security inspections to include:
  - a search for weapons and contraband
  - inspections of bars, locks, windows, walls, floors, ventilator covers, glass panels, access plates, protective screens, doors and any other security devices
- G. Weekly inspection of facility first aid kit; replenishment as needed.
- H. Monthly sanitation and vermin inspection.

**72.1.10** Defective equipment shall be replaced or repaired immediately. Unsanitary conditions shall be cleaned and pest control services shall be called as needed.

**72.1.11** The documented results of inspections shall be forwarded to the Judicial Services Section Captain who shall ensure that unsatisfactory conditions are corrected.

#### **SECURITY**

**72.1.12** Deputies shall not enter an occupied cell while in possession of any facility key(s).

**72.1.13** Deputies shall not enter a cell alone unless being monitored by audio-visual equipment or in possession of a portable radio.

**72.1.14** Portable radios shall be worn by Deputies at all times when handling prisoners. Radios shall be monitored at all times within the control area of each facility.

**72.1.15** All facilities shall be equipped with audio or audio-visual listening devices.

**72.1.16** These devices shall be situated in such a manner that persons being held in the facility could summon help.

**72.1.17** The devices shall not be situated so as to invade the privacy of persons being held.

**72.1.18** Monitoring of these devices shall be located in the control area of each facility.

**72.1.19** Written reports of all incidents which threaten the facility or any persons within the facility shall be made immediately and forwarded to the Judicial Services Captain. This does not prohibit verbal notification followed by written documentation.

**72.1.20** The Judicial Services Captain shall then provide the Sheriff with a copy of the report and notify appropriate outside agencies.

**72.1.21** In the event of a fire alarm, bomb threat, terrorist threat, active shooter, or other such incidents, personnel shall immediately activate protocols in accordance with the Support Operations Division's Judicial Services Operations Manual.

#### **TEMPORARY DETENTION/HOLDING FACILITY**

**72.1.22** The following facilities are to be used for temporary detention/holding:

- A. **Courthouse Annex** - 125 East Orange Ave., Daytona Beach,
- B. **S. James Foxman - Justice Center** - 251 North Ridgewood Ave., Daytona Beach,

**C. Volusia County Court House** - 101 N. Alabama Ave., DeLand.

**72.1.23** Two (2) Deputies will be assigned to the control room of each holding facility to ensure that proper coverage and security are maintained. At least one (1) Deputy will be present in the control room at all times while prisoners are being held in the facility.

**72.1.24** The Control Room Deputy shall record all pertinent information for each inmate on the inmate log. The inmate log shall be located at the receiving area.

**72.1.25** The Control Room Deputy shall ensure that inmates make the appropriate court appearances in a timely fashion.

**72.1.26** All holding cells will be checked prior to any placement of persons and re-checked immediately after persons are removed on a daily basis for weapons, contraband, or any other item that may compromise the safety of personnel and the integrity of the security.

**72.1.27** Deputies will remove firearms and place them in gun lockers provided before entering the holding area. At no time will a Deputy be in a holding facility while armed. Exceptions will be made for riot or attempted jailbreak situations. Facility supervisors will ensure extreme care is used during these incidents. All weapons will be accounted for before leaving the facility.

**72.1.28** Holding facilities will provide posted escape routes for emergency situations, fire equipment readily accessible to all personnel, posted information on problem inmates, medical services and accessible guidelines governing the disposition of all keys and other security paraphernalia used in the safe and secure handling of in-custody person.

**72.1.29** The legal capacity for occupancy of holding cells shall not be exceeded. In the event the inmate schedule exceeds the facility capacity, the supervisor will arrange to have inmates transported in shifts.

**72.1.30** Female and male inmates must be held in separate areas separated by sight and normal sound.

**72.1.31** Juvenile inmates shall be separated by sight and sound from all adult inmates unless they have been adjudicated as an adult by courts.

**72.1.32** Security checks on prisoners will be handled by Deputies of the same gender when available. If a Deputy of the same gender is not available, prisoners will be checked by two (2) Deputies.

**72.1.33** Deputies shall check inmates a minimum of every thirty (30) minutes on the hour and half hour for the duration of their stay.

**72.1.34** No aspirin or other prescription or non-prescription medication will be administered within the facility. Arrangements will be made with the Department of Corrections if prescribed medications are necessary.

**72.1.35** A VCSO issued, fully stocked first-aid kit shall be available at all holding facilities.

**72.1.36** A prepared bag lunch may be given to an inmate if the duration of the court appearance exceeds a four-hour time limit.

**72.1.37** No adult will remain in-custody in a holding facility over an eight-hour period; no juvenile shall remain in-custody in a holding facility over a six-hour period per FSS 985.211 (5). (Refers to holding facility only and not courtroom time). All inmates will be transported back to their respective facility by end of court day.

**72.1.38** Each holding facility shall be equipped with a locking file cabinet, which shall be used for secure storage of prisoner property. Property shall be inventoried on appropriate forms in accordance with procedures in the Judicial Services Operations Manual.

**72.1.39** If an inmate is violent, self-destructive or under the influence of alcohol or other drugs, they shall be housed in a separate holding cell. More violent inmates may be shackled and/or belted as necessary with the approval of the facility supervisor. Deputies shall conduct checks every ten to fifteen minutes on inmates described in this paragraph.

**COURTHOUSE ANNEX**

**72.1.40** The procedure for handling inmates at the Courthouse Annex will be:

**A.** Inmates are to enter the holding area directly from the east side of the Courthouse Annex through the east doors. Inmates will be secured in full restraints including leg irons. Prior to close contact, inmates shall be in the holding area with restraints intact.

**B.** An unarmed Deputy will remove or place restraints on inmates while in holding area.

**72.1.41** Deputies will not allow inmate(s) to make phone calls or have any contact with outside persons. Exceptions will only be made for the inmate's attorney(s).

**72.1.42** In the event of a fire or an emergency inside the holding area, inmates will be led outside the building to transport vehicles located immediately outside of the holding area.

**72.1.43** When a judge orders inmates to be held for short periods in the courtroom, deputies shall keep inmates separated from jurors, judges, judicial court staff, and the public.

**72.1.44** The holding area may not be used for any other purpose unless approved by the facility supervisor.

**72.1.45** With the exception of the movement of prisoners, members, and emergencies, all doors leading into the actual holding facility shall be kept locked at all times. Interior cell door will be kept closed and locked when not in use.

**72.1.46** Only authorized personnel shall have access to the electronic combination and be authorized inside the facility.

#### **S. JAMES FOXMAN - JUSTICE CENTER**

**72.1.47** The procedure for the holding cell area of the S. James Foxman -Justice Center will be:

- A.** Inmates are to enter the holding area directly from the sally port (prisoner load area).
- B.** Female prisoners will be taken into the facility first.
- C.** Inmates cell assignment will be determined by, Presiding Judge, Court Order or criteria pertaining to "No Mix" inmates.
- D.** A Deputy will operate the control room, monitor surveillance cameras and emergency phone lines any time inmates are in the building.

**72.1.48** At no time shall an inmate enter or remain near the control room area while in the holding area.

**72.1.49** Deputies shall allow inmates to visit attorneys in interview rooms provided for this purpose.

**72.1.50** No other person will be allowed in interview rooms or may visit inmates at any facility except by court order.

**72.1.51** With the exception of the movement of prisoners, members, and emergencies, all doors leading into the actual holding facility shall be kept locked at all times. Interior cell door will be kept closed and locked when not in use.

**72.1.52** Only authorized personnel shall have access to the electronic combination and be authorized inside the facility.

**72.1.53** In the event of an emergency at the Criminal Justice Center, Deputies will move inmates immediately to the sally-port area and arrange transport back to facility of origin.

#### **VOLUSIA COUNTY COURT HOUSE**

**72.1.54** The following procedure will apply for the holding facility at the Volusia County Court House:

- A.** Control room personnel will be responsible for operating the admissions doors from within the control room. The control room door will be secured during the admission of inmates and while inmates are secured in the facility.
- B.** The control room operator will observe entry of all persons into the vestibule, checking both inmates and security officers for weapons.
- C.** The control room operator will constantly observe the main door and the electric gate. All doors leading into the holding facility shall be kept locked at all times. Keys shall be issued only to authorized personnel.
- D.** The main entry door, the outside and inside gate, shall not be opened at the same time, nor will any combination of two be opened simultaneously.
- E.** Deputies will procure inmate holding area keys from the control room deputy; all firearms shall be secured inside a gun locker prior to entering the holding area.
- F.** Restraints may be removed once the inmates are inside the jail area and the entry gates are closed.

**72.1.55** Inmates will be placed in holding cells while awaiting court appearance.

**72.1.56** With the exception of the movement of prisoners, members, and emergencies, all doors leading into the actual holding facility shall be kept locked at all times. Interior cell door will kept closed and locked when not in use.

**72.1.57** Only authorized personnel shall have access to the electronic combination and be authorized inside the facility.

#### **COUNTY FACILITY**

**72.1.58** Prisoners are picked up and positively identified by wristband and by corrections personnel at the county facility. Prisoners shall be searched by both county corrections and transporting Deputies. Prisoners are then placed into a previously secured transport vehicle prior to being brought to any of the holding facilities.

**72.1.59** Prisoners will be met by the second officer in the lobby of the holding area. Upon entry, all prisoners will be escorted to the appropriate cells for holding. Any property taken will be documented on a written itemized inventory.

**72.1.60** The escorting officer will note special custody i.e., protective custodys, juveniles, and mental incompetents. Separation of special cases will be accomplished immediately.

## **ESCAPES**

**72.1.61** In the case of an escape or attempted escape from a holding facility, the supervisor, as soon as possible, shall;

- A. Secure any remaining inmates.
- B. Notify the Communications Section of all personal information on the escapee.
- C. Notify the Judicial Services Captain or his designee - - as to the circumstances surrounding the escape.
- D. If the search goes beyond a one-block radius, the facility Supervisor shall notify the Patrol District Supervisor.
- E. The District Supervisor shall coordinate any continued search efforts and may request such assistance as necessary, i.e., aviation units, K-9.
- F. When continuation of the search efforts appears futile, the personnel assigned to the search shall be released to return to normal duty.
- G. Submit all reports to persons responsible for follow-up of the incident.

## **INMATES – NO MIX – SPECIAL NEEDS**

**72.1.62** Inmates with special needs, No Mix, Protective Custody or any other Court Orders will be identified prior to being transported from the branch jail to the VCSO Court facilities.

**72.1.63** Deputies providing prisoner transportation will place a blue plastic wristband on the left wrist of the inmate either prior to entering the transport vehicle or holding cells (In the event the inmate is an amputee, the blue wristband will be placed on the opposite wrist, or in the case of double amputee, one of the inmate's ankles).

**72.1.64** The Deputies will advise control room personnel of the inmates requiring special needs prior to entering the Holding Facility.

**72.1.65** Deputies assigned to control room duties will have total control and responsibility of inmates, inmate transportation and their cell assignments.

**72.1.66** The inmates with special needs will have first priority to cell assignments.

**72.1.67** Control room personnel for the purpose of identification, cell assignment and verification of the blue plastic wristband will physically meet all inmates with special needs.

**72.1.68** The cell assignment will be documented and placed in a permanent file within each location at the end of each day. This file will be available for inspection upon request.

**72.1.69** When court appearance is required by the inmate, the escorting Deputy will always inform control room personnel of the following:

- A. Inmates name
- B. Special needs, No Mix, Protective Custody, etc.
- C. Court or location responding to (*this will occur prior to leaving the holding area*)

**72.1.70** When the inmate has completed their court appearance and directed back to holding, the escorting Deputy will always inform control room personnel of the following:

- A. Inmates name
- B. Special needs, No Mix, Protective Custody, etc. (*this will occur prior to entering the control room holding area*)
- C. Upon entering the holding/control room area, the control personnel will be informed of the inmates name, special needs, No Mix, Protective Custody, etc.

**72.1.71** Control room personnel will take physical custody of the special needs inmate to ensure proper control and accountability.

**72.1.72** If logistics allow, the special needs inmate will be placed within the same cell they were assigned to prior to trial. If this cannot be accomplished, the changes in cell assignments will be documented.

## **AUTHORIZED ACCESS**

**72.1.73** The following personnel shall have access to the holding facility:

- A. **Judicial Services Deputies** while on duty or while conducting VCSO or court business.
- B. **In-custody Persons** under guard, with cases before the court.
- C. **Attorneys** for legal consultation with in-custody inmates only.
- D. **Judges** when making judicial inquiries.
- E. **Detectives** when working on assignments involving in-custody inmates or security personnel.
- F. **Law Enforcement Personnel** in the event of a disturbance and assistance is requested by security personnel.

**72.1.74** In the event of a major disturbance, the Control Room Deputy shall notify the facility Supervisor of the situation and request additional assistance as required.

#### **ACCESS OF NON-ESSENTIAL PERSONNEL**

**72.1.75** Non-essential personnel shall not be admitted to the holding facility except for the purpose of repairs or inspection of equipment.

**72.1.76** Maintenance and repair personnel (non-essential personnel) shall be properly identified prior to entry.

**72.1.77** Non-essential personnel shall be accompanied at all times when prisoners are present and shall not be allowed direct access to any prisoners.

**72.1.78** The tools and materials of maintenance personnel shall be inventoried upon entering and exiting the holding facility to ensure items have not intentionally or unintentionally been left within the facility.

**72.1.79** Maintenance inspections and non-emergency repairs will be scheduled at times when these activities will have the least impact on the facilities' operations.

**72.1.80** At no time will any person be allowed to obstruct or frustrate the acquisition and development of information for presentation in court by either the prosecution or the defense.

**72.1.81** Access to the facility shall be denied to non-essential personnel during emergencies, all non-essential personnel within the facility will be removed immediately.

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**Revised by:** 6760

**Revised on:** 07-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: TEMPORARY DETENTION**  
**CODIFIED: 72.2**  
**EFFECTIVE: 11-2018**  
**RESCINDS/AMENDS: 72.2/09-2018**  
**ATTACHMENTS: 1**

**PURPOSE**

The purpose of this Directive is to establish procedures and guidelines for the temporary detention of persons in Department facilities such as District offices and the Operations Center.

**DISCUSSION**

Although the Volusia County Sheriff's Office does not have holding cells in any Department facility, it may become necessary to process, question, or test a detainee. To accomplish this, certain rooms or areas within Department facilities have been set aside to detain or securely hold persons.

This Directive does not apply to holding facilities such as courtroom holding facilities, which are covered in Directive 72.1.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office to limit detention of a person in a temporary detention room, space, or area to only that amount of time necessary to complete initial responsibilities and that the detainee be monitored closely.

It shall further be the policy of the Sheriff's Office to only shackle a detainee to an immovable object designed and intended for such use and only when no other suitable method of detention is available. The restraint period for shackled detainees shall not exceed two hours.

No STATUS OFFENDERS shall be securely held in any VCSO facility in accordance with the Juvenile Justice Delinquency Prevention Act (JJDNA) Guidelines.

**PROCEDURE**

**TEMPORARY DETENTION ROOM/AREA**

**72.2.1** The need often arises to interview or detain individuals prior to booking at the branch jail. This may require that a room, space, or area be set aside within Department buildings for interrogation, to separate persons under arrest, to conduct an investigation, or to prepare paperwork.

**72.2.2** Division Commanders or District Commanders may authorize the use of specific portions of Department facilities to be used as temporary detention facilities or areas for testing purposes (e.g. DUI).

**72.2.3** Temporary detainees shall be the responsibility of the arresting Deputy. If a detainee is transported by a Deputy other than the arresting Deputy, the transporting Deputy shall remain responsible for the detainee until such time as they are relieved by the arresting Deputy.

**72.2.4** At no time shall a non-sworn employee be responsible for the control or supervision of a temporary detainee.

**72.2.5** All detainees will be escorted into the District via the back door with their hands secured behind their back.

**72.2.6** All firearms will be secured before entering the temporary detention area; lockboxes are provided in designated areas at District offices.



**72.2.7** Detainees shall be thoroughly searched before being placed into the temporary detention room. Personal items, evidence, and contraband shall be placed into a bag or other suitable container to be transported or released with the prisoner.

**72.2.8** Prior to any detainee being placed in the detention room, an inspection will also be made by the arresting deputy of the cell and surrounding area for any contraband, articles or items that may be used as weapons or assist in escape.

**72.2.9** Male, female, and juvenile detainees shall be temporarily detained separately.

**72.2.10** To ensure due process, any detainee temporarily placed within a Sheriff's Office detention area will be documented with the reason, date and time in and out of the facility. Detainees will be held only that amount of time necessary to complete initial interviews and report responsibilities.

**72.2.11** All securely held juveniles will be in compliance with Juvenile Justice Delinquency Prevention Act (JJDP Act) Guidelines. Securely held juveniles will NOT BE HELD IN EXCESS OF 6 HOURS – NO EXCEPTIONS.

**72.2.12** The responsible Deputy shall conduct a face-to-face visual observation of unattended detainees at least every thirty minutes.

**72.2.13** The arresting deputy will ensure that the detainee has been properly logged on the appropriate adult or juvenile logs.

**72.2.14** Detainees may be temporarily restrained by securing them to fixed objects only when the fixed object has been specifically designed and constructed for that purpose. Such objects may include a bar or ring fastened to the wall or floor to which a handcuff is attached. Detainees shall not be secured to chairs, desks, or other similar objects.

**72.2.15** Whenever a more suitable method of restraint, such as a locked door, is available it shall be used instead of securing the detainee to a fixed object.

**72.2.16** Detainees shall not be shackled or handcuffed to any fixed object for longer than two hours. Monitoring is required to ensure that medical issues do not arise; EMS will be summoned immediately if such a need arises.

**72.2.17** When a deputy is prepared to exit the District with the detainee, they will enter the cell unarmed releasing the subject from the cuffing ring, secure the detainee with handcuffs behind the back; the deputy will then exit the cell and retrieve his firearm from the gun locker. All detainees will be escorted from the District by the deputy via the back door to a waiting patrol and/or prisoner transport vehicle.

**72.2.18** Temporary detention facilities shall include lighting, adequate airflow, a bench or chair for sitting, and access to a sink with running water, and a working toilet. When a sink and/or toilet are not built into the area or room, access to them shall be provided by the responsible Deputy in a timely manner.

**72.2.19** Inspections of temporary detention facilities will be included in the facilities inspection during the quarterly District Line Inspection governed by Standards Directive 53.1.9-53.1.10; deficiencies, if any, will be noted. Professional Standards will conduct an administrative review of the areas and procedures at least annually.

## **SECURITY**

**72.2.20** Deputies shall practice constant weapon retention techniques to prevent access to their weapons by detainees

**72.2.21** Panic or duress alarms shall consist of each Deputy's portable radio/emergency button which may be used to summon assistance or alert communications, if needed.

**72.2.22** When occupied by a detainee, access to the temporary detention area and to the detainee shall be restricted by the responsible Deputy to prevent escape and transfer of contraband.

**72.2.23** The responsible Deputy shall periodically check the door lock and/or handcuffs to prevent escape.

**72.2.24** The Deputy transporting the detainee shall be responsible for conducting a thorough security inspection of the temporary detention room or area after occupancy by the detainee.

**72.2.25** Use of audio and/or video devices, if available at the District, to monitor detainees will not replace the requirement of a face-to-face visual observation at least every 30 minutes.

**72.2.26** Constant supervision is required for detainees who undergo testing for DUI investigations. This requires the deputy to stay in close proximity to the detainee and not leave the immediate area during the activity in order to minimize potential for escape and prevent safety issues to both the deputy and other facility personnel. Use of audio and/or video devices from another area does not constitute constant supervision.

**72.2.27** All detainees shall be booked and processed at the Branch Jail by Corrections personnel.

#### **TRAINING**

**72.2.28** All Deputies who may be responsible for detainees in temporary custody shall be trained in the policies and procedures set forth in this Directive and receive retraining at least once every four (4) years. Roll call training shall be sufficient provided that this Directive shall serve as the lesson plan and training attendance shall be documented.

#### **ATTACHMENTS**

**Attachment A:** Fire Prevention, Evacuation, and Suppression Plan

**Revised by:** 6760; 2366

**Revised on:** 09-2011; 01-2017; 09-2018; 11-2018

**Approved:**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and another signature.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



## **FIRE PREVENTION, EVACUATION, AND SUPPRESSION PLAN FOR TEMPORARY DETENTION AREAS OR ROOMS**

1. Fires will be prevented by searching all detainees for matches, lighters, and flammable materials before placing them into temporary detention area or room. No smoking or possession of smoking materials will be allowed in the temporary holding area or room.
2. When feasible, locking temporary detention rooms shall be equipped with an automatic device which unlocks the door when smoke or fire is detected.
3. The person discovering a fire shall notify the Deputy responsible for the detainee and call 911 from the closest phone, if possible. If the responsible Deputy discovers fire, he/she shall direct any other employees on the premises to call 911 or request the fire department via radio.
4. All available personnel will assist in securing prisoners, handcuffing them (time permitting) and placing them in patrol or transport vehicles.
5. Transport vehicles will be moved away from the building until it is determined if and when the prisoners can be returned to their cells.
6. Any extra personnel will assist in helping evacuate the building.
7. A report of the incident will be submitted to the Sergeant.



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**TITLE: COURT SECURITY**

**CODIFIED: 73.1**

**EFFECTIVE: 09-2011**

**RESCINDS/AMENDS: 73.1/04-2007**

**ATTACHMENTS: 0**

#### PURPOSE

The purpose of this Directive is to establish security procedures for the court facilities located throughout the County.

#### DISCUSSION

Security measures in any form should always provide for safety, security, and general welfare of those persons involved.

When these measures involve not only the physical facilities, but also judges, jurors, and Sheriff's personnel, then additional measures may be needed.

When the responsibility of such a task is placed upon the Sheriff's Office, procedures must be implemented to interrupt, intercept, and remove any threat to the peace, order and integrity of the courts.

#### POLICY AND PROCEDURE

##### ADMINISTRATION

**73.1.1** The responsibility for courtroom security rests solely with the Judicial Services Division Commander who then delegates the operational functions to the sworn supervisor of each facility. (CALEA 73.1.1a,c)

**73.1.2** The following procedures will be adhered to by all persons engaged in court activities in Volusia County.

**73.1.3** These procedures will aid Judicial Services in providing the necessary physical security for all courtrooms operating in the County.

**73.1.4** The security measures that are to be used are defined in an operational manual available to all personnel assigned to the division. (CALEA 73.3.2)

**73.1.5** These operational measures shall instruct persons as to what security equipment and guidelines will be used to initiate the physical security plan, the security operations, special operations, hostage situations, high-risk trials, and any emergencies that may interrupt normal court operations.

**73.1.6** The security measures are based on a documented security survey conducted once every three years. (CALEA 73.2.1c)

##### SECURITY OF FACILITIES (CALEA 73.1.1b)

**73.1.7** Judicial Services' responsibility for the security of court facilities in the County is limited to the court's hours of operation. The following security procedures apply for Deputies assigned to details at the facility. (CALEA 73.1.1a, 73.2.1a)

**73.1.8** When courtrooms are not in use, the outer doors shall be locked. The last Deputy leaving a courtroom shall be responsible for securing it. (CALEA 73.5.15)

**73.1.9** Any defects in locks or breaches of security of a locked building shall be promptly reported to the immediate supervisor and promptly replaced or repaired.

**73.1.10** A complete check of the interior of the courtroom and holding areas will be conducted by Judicial Services personnel before any in-custody persons are placed in them. (CALEA 73.2.1a)

**73.1.11** Court facilities are secured and guarded by private security during non-use hours. (CALEA 73.2.1a)

**73.1.12** Each court facility (except Daytona Annex and New Smyrna) shall have separate entrances for in-custody persons, judges, court personnel, the general public, and court security officers. (CALEA 73.2.1a)

**73.1.13** All court facilities shall be equipped with an accessible fire extinguisher, hoses, or a sprinkler system with posted operating instructions available to court personnel. (CALEA 73.2.1a, 73.4.1)

**73.1.14** The supervisor of court security for each facility shall maintain all keys in a secure locked box, which will be kept in the Supervisor's Office or the Control Room, as determined by the facility supervisor. (CALEA 72.4.3, 73.2.1a, 73.5.14)

**73.1.15** Keys for the security of holding areas shall be issued and noted on the key log. The Supervisor shall maintain a log of the persons in possession of keys and the areas of access. (CALEA 72.4.3, 73.5.14)

**73.1.16** The Supervisor of court security for each facility shall be the assigned liaison between private security agencies and the Department. (CALEA 73.2.1a)

**73.1.17** The movement of prisoners within the court facilities shall be regulated so that prisoners are separated from juries, judges, court staff, and the public. (CALEA 73.2.1a)

**73.1.18** Within the Daytona Beach Justice Center prisoners shall, at all times, be moved through the isolated walkways designed for that specific purpose. These walkways provide secure access from the holding facility to each courtroom. (CALEA 73.2.1a)

**73.1.19** Prisoners shall not be moved at the same time that judges, juries, court staff and the general public are utilizing the same passageways. Deputies must temporarily clear passageways before moving prisoners (CALEA 73.2.1a)

**73.1.20** The Daytona Beach Annex shall utilize the stairwell outside the holding facility door. When prisoners are escorted to courts within the Daytona Beach Annex, Deputies shall precede the prisoners clearing all persons from the entranceways and along the route to the courtroom.

#### **COURTROOM SECURITY (CALEA 73.1.1b)**

**73.1.21** Courtroom security and the safety of all the participants in the criminal or civil process are important goals of Judicial Services.

**73.1.22** Court bailiffs shall be responsible for court security.

**73.1.23** The bailiff will have a working knowledge of guarding prisoners, civil and criminal codes, legal terminology, court procedure, the law, restraint devices, and policies pertaining to prisoner transport.

**73.1.24** Bailiffs must have the ability to:

- Control and safeguard individuals or groups of prisoners.
- Maintain order in courtrooms during criminal and civil trials.
- Establish and maintain an effective working relationship with public officials as well as the general public.
- Safely move in-custody persons throughout the courtroom without incident.
- Serve process, make reports, guard against escapes and have a working knowledge of all aspects of the courtroom and its procedures.
- Advise the court, in advance, of any security problem in the courtroom.
- Carry out all orders issued by the presiding or Chief Judge pertaining to court security.

**73.1.25** Bailiffs shall be responsible for security checks of the courtroom, i.e., packages or items left behind that might cause harm to court personnel.

**73.1.26** All in-custody persons who have not been in direct control of a Courtroom Security/Prisoner Transport Deputy will be searched before they enter and after they leave the courtroom area. These searches are to be in conjunction with searches conducted in holding areas.

**73.1.27** Deputies may search any and all individuals entering the courtroom.

**73.1.28** Deputies should use discretion; be firm but polite.

**73.1.29** All bags, boxes, suitcases, purses and briefcases are subject to search and confiscation by Deputies before individuals enter the courtroom area.

**73.1.30** Per written administrative court order as issued by the Chief Judge, "Uniformed law enforcement officers, while conducting official business, are permitted to possess weapons in the Volusia County courthouses upon presentation of proper identification. Proper identification is defined as a photo ID and badge issued by the employing law enforcement agency." No firearms shall be allowed in secured areas of the courthouse; all other less-lethal weapons will be worn as issued and in accordance with policy.

**73.1.31** Firearm Lockboxes will be conveniently located for the purpose of law enforcement officers to temporarily secure their firearms.

## **EMERGENCY ALARM SYSTEM** (CALEA 73.1.1b, 73.2.1a,b)

**73.1.32** As part of the security system each judge will have access to an emergency alarm located in chambers and in the courtroom. The emergency alarm response procedure is as follows: (CALEA 73.4.3)

- A.** When alarm is activated, the monitoring Deputy will immediately respond or dispatch available Deputies to the location of the signal. (CALEA 73.4.3)
- B.** The court security supervisor will be notified of the alarm and respond to the scene. (CALEA 73.4.3)
- C.** The first Deputy at the scene will be responsible for reporting and logging the disposition of the alarm. (CALEA 73.4.3)
- D.** In the event of an emergency situation (escape, hostage taking, threats, fire, etc.) the facility supervisor will take charge of the scene. (CALEA 73.4.3)

**73.1.33** Daily checks will be conducted of the emergency alarm system. (CALEA 73.4.3)

**73.1.34** All courtrooms shall be equipped with emergency lighting operational in the event of power failure.

**73.1.35** All courtrooms shall be equipped with at least one means of external voice communication. (CALEA 73.4.2)

**73.1.36** Emergency medical situations will be handled by an EVAC medical team.

## **HIGH RISK TRIALS** (CALEA 73.1.1b, 73.2.1c)

**73.1.37** Special precautions must be taken to ensure the safety of all persons involved. Deputies responsible for securing courts during high risk trials shall:

- Search all persons entering the court facility.
- Check the courtroom and surrounding areas for unauthorized persons or objects.
- Make sure all communications and security devices are operational.
- Take all necessary precautions when dealing with in-custody persons.
- Ensure restraining devices are readily available for use by courtroom Deputies.

**Revised by:** 6760/2190

**Revised on:** 09-2011

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>LEGAL CIVIL PROCESS/FINANCIAL MANAGEMENT</b>
<b>CODIFIED:</b>	<b>74.1</b>
<b>EFFECTIVE:</b>	<b>06-2018</b>
<b>RESCINDS/AMENDS:</b>	<b>74.1/07-2016</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines for financial management and audit trail for the civil legal process.

**DISCUSSION**

The Office of the Sheriff is held to very strict requirements governing receipt, disbursement, and audit of funds administered for the legal civil process. These procedures are mandated by state constitution, statute, ordinance, and accepted accounting principles.

**POLICY**

All civil legal processes received by the VCSO shall be delivered or forwarded to the Civil Unit in an expedient manner to insure proper service.

**PROCEDURE**

**ADMINISTRATION**

**74.1.1** The Civil Lieutenant is responsible for the financial management of the civil process. A Civil Accounting Specialist performs the function and is supervised by the Civil Lieutenant, or his designee.

**74.1.2** A Civil Unit Accounting Specialist, or designated alternate, shall be available to the public for financial management information inquiry, Monday through Friday, during established business hours.

**74.1.3** The primary Civil Unit offices are located at 442 S. Beach Street, Daytona Beach and 101 North Alabama Ave., DeLand, basement. District Offices are located at:

- District 4: 1691 Providence Boulevard, Deltona;
- District 3 South: 101 E. Canal Street, New Smyrna Beach, second floor.

**74.1.4** All civil legal processes received shall have an audit trail for financial management with monthly reports forwarded to the County Finance Department.

**74.1.5** No financial management records shall be disposed of without the permission of the State of Florida, Department of Archives, Tallahassee, Florida, with copies of disposal records to the County Finance Department.

**REMITTANCES**

**74.1.6** Florida law provides that the Sheriff must pay to the proper person all money collected by him.

**74.1.7** All money received under an execution, whether by sale or otherwise, must be paid to the party or their attorney in whose favor the execution was issued.

**74.1.8** When property sold under the execution brings more than the amount due, including costs, the surplus shall be handed over to the defendant without delay.

**74.1.9** The Sheriff is responsible for ensuring that sales are made in accordance with the priority of writs, or judgment liens that are on file with the Florida Department of State on personal property as listed in creditor's affidavit. On real property, priority is determined by recording final judgment with Clerk of the Court as listed on creditor's affidavit.

#### **FAILURE TO REMIT**

**74.1.10** If the Sheriff fails or refuses to pay money collected under an execution within thirty (30) days after its receipt by him or within ten (10) days after demand of the plaintiff or their attorney of record, he is liable for payment of the amount together with an additional twenty (20) percent as damages.

#### **RECEIPT, DISBURSEMENT AND AUDIT**

**74.1.11** Receipt, disbursement and audit funds administered for the legal process function.

##### **74.1.12 FEES FOR SERVICE:**

- **Non-enforceable Process** - \$40.00 per person per service.
- **Out of State Process** - \$40.00 per person per service.
- **Levy Deposits on Boat, Car or Motorcycle (requiring towing & storage)** - \$1900.00 (per item).
- **Levy Deposits on Real Property** - \$1200.00 (short legal) to \$1300.00+ (long legal) depending on length of legal description of property.
- **Levy Deposits on Businesses** - \$2700.00 (limited inventory) - \$3700.00+ (extensive) depending on size of business or inventory to be taken.

#### **MONEY TRAIL PROCEDURES**

**74.1.13** As papers and monies are received, the civil documents are processed for service and the monies shall be deposited daily with the County finance department. Should extenuating circumstances prevent deposit of monies that day, the monies will be secured in a designated locked container until the next business day.

**74.1.14** Written supervisory notification is required for any adjustments/corrections to any transaction/deposit. A copy of the notification will be kept with the paperwork reflecting the change. The notification will include a brief description of the correction and will reference the transaction/receipt number.

**74.1.15** Each month a report of the receipts and earnings shall be reported to the County Finance Department.

**74.1.16** All financial management for the Civil Unit will be performed on the CivilServe computer system housed in the Civil Unit at 442 S. Beach Street, Daytona Beach.

**74.1.17** All monies received and disbursed shall be run daily and closed daily through the computer system.

**74.1.18** Copy of daily receipts for all monies received and disbursed shall be forwarded to the County Finance Department at least weekly.

**74.1.19** The Administrative Services Director or designee shall conduct an audit of all monies received and disbursed, at least quarterly.

**74.1.20** The Civil Unit shall be audited annually, in conjunction with the annual county audit.

**74.1.21** All monies collected at the offices other than Daytona Beach will be forwarded to the 442 S. Beach Street Daytona Beach office no later than the next business day.

**74.1.22** All funds will remain secured in a predetermined location until taken to the Daytona Beach office. In any instance, no more than \$500.00 cash will remain in any civil office over night.

**74.1.23** Civil couriers may transport up to \$500.00 from the satellite office to the Daytona Beach office. All cash in amounts greater than \$500.00 will be transported to the Daytona Beach office by sworn personnel, i.e., child support purges, Sheriff's sales, civil arrest purges, stand-by fees, etc.

**74.1.24** Any time any civil clerical personnel leaves any process with any funds attached, those processes and funds will be secured in a locked container until deposited.



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**Revised by:** 6760; 1514

**Revised on:** 12-02-13; 04/2014; 07/2016; 06-2018

**Approved:**

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**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>CIVIL LEGAL PROCESS</b>
<b>CODIFIED:</b>	<b>74.2</b>
<b>EFFECTIVE:</b>	<b>04-2014</b>
<b>RESCINDS/AMENDS:</b>	<b>74.2/08-2007</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines for the service of civil legal process and civil arrest procedures.

**DISCUSSION**

The functions of the courts are affected by the prompt service of court documents. Thus, the effectiveness and image of the judicial system are dependant, in part, upon the effective and timely service of court documents.

**POLICY**

It shall be Department policy to fulfill the constitutionally mandated civil process in a timely and effective manner.

**PROCEDURE**

**ADMINISTRATION**

**74.2.1** The Civil Lieutenant shall be responsible for the civil legal process received by the Department.

**74.2.2** All civil legal process received shall be delivered or forwarded to the Civil Unit in an expedient manner.

**74.2.3** The primary Civil Unit offices are located at 442 South Beach St., Daytona Beach and 101 North Alabama Ave., DeLand basement, with district offices located at:

- **District 4:** 1691 Providence Boulevard, Deltona.
- **District 3 South:** 101 East Canal Street, New Smyrna Beach, second floor.

**74.2.4** The Civil Unit shall be opened to the public for information inquiry Monday through Friday, 8:00 a.m. until 4:00 p.m.

**RECORD INFORMATION**

**74.2.5** The following information on all civil process, non-enforceable and enforceable, shall be recorded and available for cross reference:

- Date and time received.
- Type of legal process (civil or criminal).
- Nature of document.
- Source of document.
- Name of plaintiff/complainant or name of defendant/respondent.
- Deputy assigned for service.
- Date of assignment.
- Court docket/case number.
- Date service is due.

**SERVICE ATTEMPTS**

**74.2.6** A record of all attempts at services of each legal process shall be documented and maintained.

**74.2.7** Each Deputy attempting service of process will make a diligent search to locate the subject named in the process. When applicable and time permits, the search will include but is not limited to:

- Attempting service at the physical address supplied by the requesting party.
- Requesting change of address information from the United States Postal Service
- Researching local directories supplied by the Civil Unit.
- Checking with neighbors at the physical address supplied.
- Researching CJIS which is available in each District office.
- Attempting service at the forwarding address.
- Attempting service at a place of employment, when provided.
- Researching the Civil Unit AS/400 computer system for prior services and addresses.
- Requesting additional information from the requesting party.

## **RECORDS**

**74.2.8** The following information shall be recorded for all legal civil process that has been served:

- The date and time served.
- The name of server.
- To whom process was served or on whom executed.
- The method of service (personal, substitute, posted, corporate).
- The location of service.

## **SERVICE OF LEGAL PROCESS OUTSIDE VOLUSIA COUNTY**

**74.2.9** All legal civil process for service outside of Volusia County shall be forwarded to the Sheriff of the respective County where the person to be served resides. A request letter shall accompany the process asking that service be executed and a return forwarded.

## **THE SERVICE AND RETURN OF CIVIL PROCESS-GENERAL**

**74.2.10** The Sheriff is responsible for serving legal process originating in the Supreme Court, Circuit Court, County Courts, County Council, local government code enforcement boards, and other governmental agencies as may be provided by law. He is required to serve such other process as may be directed to him and come into his hands for execution in his County.

**74.2.11** Enforceable Writs shall only be executed by the Sheriff or his sworn Deputy.

**74.2.12** Witness subpoenas may be served by any person who is not a party and who is not less than eighteen (18) years of age. Proof of such service should be made by affidavit of the person making service if not served by an officer authorized by law to do so. F.S. 92.151, F.R.C.P. 1.410 (c).

**74.2.13** The primary purpose of the service of process is to give a defendant/respondent notice that a legal proceeding has been instituted against them. The process provides defendant/respondent of the nature of the action brought against them and vests jurisdiction in the court that issued the process. Process is the means by which a court obtains jurisdiction in a case to determine controversies involved therein and to enforce its orders against parties involved.

**74.2.14** Summons, subpoenas and other process in civil actions run throughout the state. All process, except subpoenas, shall be directed to all and singular Sheriffs of the state.

**74.2.15** Although a Deputy assigned to the Civil Unit serves a writ, makes the personal contacts, signs the return, and in general performs the functions of service, they do so in the name of the Sheriff. The Sheriff and Deputy are held responsible for the service and only they can be penalized. A false return on any writ may subject the Sheriff to an action for damages by any person injured thereby. Neglect or refusal to execute and return any process may constitute a crime.

**74.2.16** Deputies shall not argue or discuss the merits of the case, offer legal advice or recommend an attorney.

**74.2.17** The assigned Deputy shall read each writ and become familiar with its contents, especially dates, times, and requirements imposed by the writ on the person being served.

**74.2.18** After completing the service, the Deputy will sign and complete the return of service. The return will then be returned to the court together with the original process.

**74.2.19** Each return will be signed by the serving Deputy. This includes process with more than one defendant where more than one Deputy obtains service on the defendants. Each Deputy who makes service shall sign the return as to the defendants they have served.

#### **SERVICE ON SUNDAY**

**74.2.20** Process may not be served on Sunday without specific authorization by Judicial Order or statute.

**74.2.21** An order authorizing service or execution on Sunday may be issued by a judge or magistrate of any incorporated town (Florida Statute 48.20 or administrative blanket court order) for an individual who is about to escape the service of process by leaving the state.

**74.2.22** Enforcement of an injunction for protection may be served any day of the week pursuant to Florida Statute 741.30(8)(a).

#### **SHERIFF, A PARTY**

**74.2.23** When the Sheriff is sued, he may accept service for himself and may serve his co-defendants.

#### **POWERS OF SHERIFF/PROCESS**

**74.2.24** The process served by the Sheriff is the command of the court issuing the writ and the command of the Sheriff serving the writ. The Sheriff will be protected in the service of any process which is valid on its face.

**74.2.25** Persons are subject to punishment for obstructing the Sheriff or his Deputies in the service of civil process, as well as, for obstructing criminal process or resisting arrest.

**74.2.26** When a person refuses to accept service, service may be executed by explaining the contents of said writ and laying the copy of the writ on the table or floor in their presence. When this method of service is used, it will be so noted on the return to the court.

**74.2.27** It is not a requirement that the defendant/respondent accept or sign for the service of process.

#### **ENFORCEABLE VS NON-ENFORCEABLE WRITS**

##### **Enforceable**

**74.2.28** When executing an enforceable writ, some positive action against a person or thing is required.

##### **Non-enforceable**

**74.2.29** In serving non-enforceable writs, the Deputy has a responsibility to contact the defendant (in person if possible, if not, substitute service may be sufficient), identify him or herself and explain the contents of the writ to be served.

#### **OUT -OF-STATE COURTS**

**74.2.30** Deputies may serve civil process issued out of a court other than in Florida, however, authority is limited to the service of process and shall not be interpreted to permit any action against personal property, real property, or persons even though directed to do so by the out-of-state court.

**74.2.31** If applicable, there are remedies pursuant to Florida Statutes for out-of-state orders to be domesticated through the Florida Courts.

#### **FAILURE TO SERVE PROCESS**

**74.2.32** The Sheriff may be subject to an action for damages by any party injured should he fail to serve process in the manner provided by law, or if he should fail to make proper return to the court.

#### **PROCESS OF SUPREME COURT**

**74.2.33** Process issued by the Supreme Court may be served by the Sheriff as Deputy of the Marshal of the Supreme Court or may be served by him through one of his Deputies. Such process may be executed throughout the state.

**74.2.34** The court will take judicial notice of the fact that he, as Sheriff or his Deputy, is the Deputy of the Marshal of the Supreme Court.

#### **PROCESS OF DISTRICT COURTS OF APPEAL**

**74.2.35** Process issued by the District Courts of Appeal may be served by the Sheriff as Deputy of the Marshal(s) of the District Court(s) of Appeal or may be served by him through one of his Deputies. Such process may be executed throughout the state.

**74.2.36** The court will take judicial notice of the fact that he, as Sheriff or his Deputy, is the Deputy of the Marshal(s) of the District Court(s) of Appeal.

## **THE SERVICE OF PROCESS**

**74.2.37** Chapter 48, F.S. provides the general laws on service of process:

- A.** Service of original process is made by delivering a true copy thereof, with the time and date of service and signature of Deputy thereon, to the person to be served with a copy of the complaint, petition, or other initial pleading or paper or by leaving such copy at his/her usual place of abode with any person residing therein who is fifteen (15) years of age or over and informing such person of the contents. If a person is served as stated herein, it is not necessary to show or read the original process to them. Never leave the original process with person served, it must be returned to the court from which it was issued with an account of the Deputy's actions (called a "return of process or return of service").
- B.** After service is made, the original writ must have a return stating the manner of service and signed by the Deputy making such service. Where no service is made, the return should state the reason for such failure. An incomplete return invalidates the service.

### **SERVICE BY OFFICE MEMBERS**

**74.2.38** Process may be served by any sworn law enforcement member of the office or by any other member designated by the Sheriff.

### **WHERE SERVED**

**74.2.39** Service of a writ may be had by serving the individual named anywhere they may be found. This is a personal service and considered the best service. When personal service is not required or personal service cannot be obtained on the defendant/respondent, then service of the original process shall be effected by leaving a copy of the process and other pleadings at their usual place of abode with any person residing therein. This is called "Substitute Service". Substitute service may be made on the spouse of the person to be served anywhere within the County if the spouse requests such service and if the spouse and person to be served reside together in the same dwelling.

**74.2.40** Substitute service may be made on an individual doing business as a sole proprietorship at their place of business, during regular business hours, by serving the manager of the business if one or more attempts to serve the owner have been made at the place of business.

### **WHEN SERVED**

**74.2.41** Service should be made at the earliest practical moment and within a reasonable time after received by the office, unless otherwise stated on the process. Generally, service should be effected between 6 a.m. and 6 p.m. (regular Civil Deputies' work shift). However, there are no time of day restrictions except no service is allowed on Sunday.

### **SERVICE ON MINORS**

**74.2.42** Process against a minor who has never been married shall be served:

- By serving a parent or guardian of the minor.
- When there is a legal guardian appointed for the minor, by serving the guardian as provided for in F.S. 48.031.
- By serving said process on the guardian ad litem or other person, if one is appointed by the court to represent the minor. Service on the guardian ad litem appears voluntarily or when the court orders them to appear without service of process on them.

### **SERVICE ON PUBLIC AGENCIES AND OFFICERS**

**74.2.43** Process against any municipal corporation, agency, board or commission, department or subdivision of the state or any county which has a governing board, council, or commission of which is a body corporate, shall be served on the president, mayor, chairman, or other head thereof, and in his absence, on the vice-president, vice-mayor, or vice-chairman, or in the absence of all of the above, on any member of the governing board, council or commission.

**74.2.44** In any suit in which the Department of Revenue or its successor is a party, process against the department shall be served on the executive director of the department. This procedure is to be in lieu of any other provision of general law and shall designate said department to be the only state agency or department to be so served.

### **SERVICE ON STATE PRISONER**

**74.2.45** Process against a state prisoner shall be served on the prisoner by delivery to the prisoner.

## **SERVICE ON THE STATE**

**74.2.46** When the state is sued, process against the state shall be served on the State Attorney or an Assistant State Attorney for the judicial circuit within which the action is brought and by sending two (2) copies of the process by registered or certified mail to the Attorney General (the latter is done by the party requesting service).

## **SERVICE ON CORPORATIONS**

**74.2.47** A corporation service should be made on the highest officer of such corporation that may be found in the county such as the president, vice-president, director, secretary, treasurer, cashier, general manager and as far down as business agent or resident agent. Should a lower officer be served, the return must state which officer of the corporation was served and their title and that they were served in the absence of higher ranking officers.

**74.2.48** When process is to be served upon a corporation, it is summoned by its corporate name and in the absence of all officers, service may be made upon the registered agent designated by the corporation at the place specified for such service. This place shall be kept open from 10:00 a.m. until noon of every day, except Saturdays, Sundays, and legal holidays so that service may be accomplished. However, if service cannot be made on a registered agent because of failure to comply with Florida Statute 48.091, service of process shall be permitted on any employee at the corporation's place of business.

**74.2.49** If the corporation to be served has been dissolved, the service may be made personally upon any one or more of the directors of the dissolved corporation as trustees.

## **SERVICE ON INSURANCE COMPANIES**

**74.2.50** Service of process on insurance companies is accomplished by serving upon the insurance commissioner or upon their assistant, deputy, or other person in charge of their office, as process agent of the insured, copies in triplicate of the process.

## **NON-SERVICE OF PROCESS**

**74.2.51** A non-service is when the process is not served. Non-service falls into two (2) categories:

- When the Sheriff has been unable to obtain service on the defendant within the bounds of the county within the effective time period of the process.
- When the plaintiff/petitioner requests the process be returned unserved.

**74.2.52** If none of the foregoing services can be made and the person to whom the paper is directed cannot be found, this constitutes a non-service. A notation shall be made setting forth the time and date of each attempted service on a work slip and attached to the copy of the return that is filed in the Sheriff's Office.

## **RETURN OF PROCESS**

**74.2.53** The return of the Sheriff of process served by him is a report of his actions in the matter. The return of process is highly important, it is evidence of the fact service was made and that the service conformed to the requirements of law. It is also notice that the court has properly acquired jurisdiction of the party upon whom service was made. The obligation of the Sheriff to make proper return of process is as strong as his obligation to make proper service.

**74.2.54** All department personnel to whom service is directed shall note on it the time and date when it is executed, the manner of execution, the name of the person on whom it was executed and if such person is in a representative capacity, the position occupied by them. A failure to state the foregoing facts invalidates the service.

## **MADE BY WHOM**

**74.2.55** If service was made by a Deputy, the return must be in the proper name of the Sheriff and signed by the Deputy making the service.

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**74.2.56** The return must specifically state the manner in which the service was had. If the manner of service is specifically prescribed by statute, the wording of the return should conform to the statutory manner of service. Thus, if service is had upon a defendant by leaving a copy of the process at the usual place of abode of the defendant/respondent with any person residing therein who is fifteen (15) years of age or over, the return should state that it was served at the usual place of abode of the named defendant by leaving a copy of process with a named person residing at the defendant's usual place of abode. The return should also state that such person was fifteen (15) years of age or over and that the contents of the process were explained to the person. In some cases the statute requires that the return state, in addition to the items mentioned, the place at which service was had. The

return may be prepared by the attorney for whom the process is served, but the Sheriff must see that if it is so prepared it states the actual facts as to the service.

#### **FALSE RETURN**

**74.2.57** No member of the department shall issue or cause to be issued a false return.

**74.2.58** A false return may subject the Sheriff to suit or to forfeit and pay five hundred dollars (\$500.00), one moiety thereof to the party aggrieved, and the other moiety to him who will sue for the same to be recovered with costs by action of debt.

### **NON-ENFORCEABLE WRITS**

#### **SUMMONS**

**74.2.59** Suits in action at law are commenced by the plaintiff and a summons is issued by the Clerk of the Court. A summons commands the Sheriff to serve a copy of the summons and the attached complaint or petition on the defendant or defendants. The summons will name the parties to the action and always bear the name of the court from which it was issued. It is designed to warn the defendant they must file an answer within a time and place specified to make their defense or suffer judgment by default to be entered against them (in some suits the party against whom the action is taken is referred to as respondent).

**74.2.60** The summons is usually accompanied with a complaint affidavit, petition, or initial pleading that explains why and how the action was brought about. The original summons must be stamped with the time and date received. The Sheriff shall serve a true copy of this summons together with a copy of the complaint or petition as furnished by the plaintiff to the defendant and mark the time and date of service and signature on both the true copy and original summons. The original summons is ready for return of service and return to court of issue.

**74.2.61** Sometimes a notice of hearing is used in the place of a summons and attached to this notice of hearing is a statement of claim and should be served the same as a summons, except it must be served several days (usually five) prior to the hearing date.

#### **NOTICE OF HEARING**

**74.2.62** A notice of hearing is a notice to appear at a specified time and place. A true copy is served upon said defendant or person specified in the notice and served in the same manner as a summons by delivering a true copy of the notice to the person to be served and placing the time and date of the service and signature of the Deputy on both the copy and original. Then the original notice is ready to have a return of service made and the notice returned to the court of issue.

#### **RESTRAINING ORDER**

**74.2.63** A restraining order is a prohibitive writ issued by a judge forbidding a party to do certain things. It is of a temporary nature and its purpose is to restrain the party until a hearing can be had to determine whether or not an injunction will be granted. This writ should receive immediate attention and, if directed to an individual, must be personally served.

#### **WRIT OF INJUNCTION**

**74.2.64** A writ of injunction is very similar to the restraining order. However, it is of a permanent nature with the exception of a temporary writ of injunction. It must also be personally served and may instruct the Sheriff to stand by while the respondent vacates the residence.

#### **WITNESS SUBPOENA**

**74.2.65** The usual mode of securing the attendance of a witness is by subpoena. Every subpoena must be issued under the seal of the court and must state the name of the court and title of the action or suit and command each person to whom it is directed to attend and give testimony at the time and place therein specified.

**74.2.66** A subpoena may be served by any person authorized to serve process. Subpoenas for witness in civil cases run throughout the state.

**74.2.67** Service is made by delivering a copy of the subpoena to the person named therein and by tendering to them the fees for one day's attendance and the mileage allowed by law. No person may be compelled to attend court as a witness in any civil case unless the party in whose behalf they are summoned first pays or deposits with the executive officer of said court the amount of compensation to which they would be entitled for mileage and per diem for one day.

**74.2.68** In addition to personal service, a witness subpoena may be served by substitute service, however, service of a subpoena on a witness in a criminal case that involves only a misdemeanor may be made by certified United States mail directed to the witness at their last known address and shall be mailed at least seven (7) days prior to the date of the witness' required appearance.

**74.2.69** Section 48.031(3) (a) Florida Statutes authorizes a designated supervisory or administrative employee of any law enforcement officer or federal, state, or municipal employee called to testify in an official capacity in a criminal case to accept such service if the agency head or highest ranking official at the witness' place of employment has designated that employee to accept service. The designated employee is not required to accept service:

- For a witness who is no longer employed by the agency at that place of employment.
- If the witness is not scheduled to work prior to the date the witness is required to appear or,
- If the appearance date is less than five (5) days from the date of service

**74.2.70** The agency head or highest ranking official at the witness' place of employment may determine the days of the week and the hours that service may be made at the witness' place of employment.

**74.2.71** The Lieutenant of the Civil Unit shall be responsible for maintaining a directory of designated persons to be contacted.

### **SUBPOENA DUCES TECUM**

**74.2.72** A subpoena may command the person to whom it is directed to produce the books, paper, documents or tangible things designated therein. A subpoena duces tecum is a process by which the court, at the instance of a party, commands a witness who has in their possession or control some document or paper that is pertinent to the issues of a pending controversy to produce it at trial.

**74.2.73** A subpoena duces tecum is served in the same manner as a witness subpoena.

### **WRIT OF GARNISHMENT**

**74.2.74** A writ of garnishment is a summons to a third party or person other than the defendant to appear in the lawsuit. It requires the garnishee to give statement within twenty (20) days of any defendant's property or money owed defendant, in the garnishee's possession at the time of service pending settlement of the lawsuit. The service is made on the garnishee or third party in the same manner as a summons by delivering a true copy of the writ to the garnishee; and although not mandatory, it is better to explain the contents thereof. The failure of the garnishee to answer such process may result in a money judgment rendered against them.

### **WRIT OF HABEAS CORPUS**

**74.2.75** Application for writ of habeas corpus is made by a petition. Since habeas corpus is not in any respect a technical proceeding and since the writ is one of right, the petition is not required to be in any particular form. The writ is signed by the issuing judge and directed to the person in whose custody the party is detained commanding them to have the body of such party before the court or judge before whom the writ is returnable in order that appropriate judgment may be rendered upon judicial inquiry into the alleged unlawful restraint.

**74.2.76** The writ must be served by the Sheriff of the county in which the petitioner is alleged to be detained upon the officer or other person to whom it is directed or, in his absence, from the place where the prisoner is confined or the person having immediate custody of the prisoner. In a case where the Sheriff of the county is the person holding the party detained, a delivery to or a receipt of the writ by him is sufficient service thereof. From the moment the Sheriff receives the writ, the custody of the prisoner is by virtue thereof, and not under any other writ he may have previously received. Any person who fails to return a writ served upon them with the cause of the prisoner's detention or to bring the body of the prisoner before the court, justice, or judge according to the command of the writ within the time prescribed by law must forfeit and pay to the prisoner the sum of three hundred dollars (\$300.00) the right to recover which does not cease by the death of either or both of the parties.

**74.2.77** After the hearing on the writ, the court must dispose of the petitioner as the law and evidence may require. They may be discharged, remanded or admitted to bail.

### **EMINENT DOMAIN PROCEEDINGS**

**74.2.78** This is a proceeding where a public agency files suit to acquire private property for public use. A petition and declaration of taking is filed with the Clerk of the Circuit Court in the county where the property to be acquired is located. The clerk issues a summons and a notice of hearing. The original summons and notice of hearing with sufficient true copies of the petition and declaration of taking are delivered to the Sheriff for service. True copies of the summons and notice of hearing with the petition and declaration of taking attached are delivered and served in the same manner as a summons, however, this process must be served not less than twenty (20) days before the return date as stated in the notice of hearing.



## **RULE TO SHOW CAUSE**

**74.2.79** A rule to show cause is a writ commanding a party to appear or show cause why they should not be compelled to do the act required or why the object of the rule should not be enforced. Personal service of this writ is required before a judge will issue a pick-up order for failure of a party to appear as commanded in rule to show cause. Sometimes this writ will have a petition to be served with the true copy of the writ.

## **NOTICE TO VACATE**

**74.2.80** A notice to vacate is a notice to a tenant to move from certain premises within a specified time or meet certain conditions. The delivery of such writ shall be made by the landlord by delivering or leaving a copy at the last place of abode. This notice is not issued by a court and the Sheriff is not required to serve it.

## **LANDLORD/TENANT SUMMONS OR "FIVE-DAY NOTICE"**

**74.2.81** This is similar to an ordinary summons but is used in eviction proceedings. The answering period is five (5) days instead of twenty (20) and rules governing service differ. The summons should be served as follows:

### **NON RESIDENTIAL PROPERTY**

**74.2.82** Non residential property served by:

- Personal service.
- Substitute service on a person of family over fifteen (15) years of age at the place of abode.
- Post on premises involved in the proceedings provided defendant cannot be found at usual place of abode and no person of the family over fifteen (15) years of age is at their place of abode. (Note: requires two (2) attempts to serve in (1) or (2) herein before posting. The minimum time delay between the two attempts to obtain service shall be six hours).

### **RESIDENTIAL PROPERTY**

**74.2.83** Residential property served by:

- Personal services.
- Substitute service on person of a family fifteen (15) years or older.
- Posted on the property described if the tenant cannot be found in the county or there is no person 15 years of age or older residing at the tenant's usual place of abode in the county. (Note: requires two (2) attempts to serve in (1) or (2) herein before posting. The minimum time delay between the two attempts to obtain service shall be six hours.)

## **INCOMPETENCY**

### **Notice to Alleged Incompetent**

**74.2.84** A Notice to an alleged incompetent is a writ requiring the alleged incompetent to appear for a hearing at a specified time and place. Service is made as set forth in F.S. 48.041.

### **Detention Order**

**74.2.85** A detention order is an order directing the Sheriff to take into custody the alleged incompetent and confine them where ordered pending examination or further order of the court. Service is made by showing the writ to the subject and explaining the contents and taking them into custody in accordance with the detention order. (This function is handled by the Judicial Services Deputies).

### **Order to Summons a Committee**

**74.2.86** An order to summon a committee is an order summoning two (2) doctors and one layman to examine the alleged incompetent and make their report to the court. Service is made by delivering a true copy of the writ to each of them and a doctor's report form should also be given to the doctors for their report.

## **RULE NISI**

**74.2.87** A rule nisi is an order that the court will enforce at a given date unless cause is shown why it should not or unless it is changed by further proceedings. The service is made upon the defendant by the Sheriff by delivering a true copy of said writ to the defendant. A rule nisi is an order issued by a court, usually the circuit court, for a party to appear in pending proceedings for whatever purposes are set forth in the rule. This is served by the Sheriff in the same manner as a summons.

## **WRIT OF MANDAMUS**

**74.2.88** When an officer or Sheriff fails or refuses to perform a lawful duty or do a specific act that is ordered, a writ of mandamus may be issued requiring them to perform a lawful duty. A petition for alternative writ proceedings in mandamus in the Circuit Court may be instituted by petition stating briefly the basis for the relief sought. If the petition makes a prima facie case (established fact), the court may either issue the alternative writ or an order to show cause why an alternative should not be granted returnable on a certain day.

## **MISCELLANEOUS**

**74.2.89** There are other writs such as writ of prohibition, writ of scire facias, unlawful detainer, supplementary proceedings and others that require service by the Sheriff.

## **ORDER TO SHOW CAUSE IN REPLEVIN ACTION**

**74.2.90** Is issued by the court after a complaint in replevin has been filed. This writ directs the defendant to show cause why certain property shall not be taken in replevin. The order:

- Fixes the date and time of the hearing which shall be no sooner than five (5) days from the date of service of the order.
- Directs the time within which service of the order shall be made on the defendant.
- Fixes the manner in which service shall be made.

**74.2.91** Service as provided in Florida Statutes, Section 48.031.

**74.2.92** In the event service as provided in Florida Statutes, Section 48.031 is not possible, the officer shall be directed to place the order and summons on or in the claimed property or on the main entrance of the defendant's residence. In that instance, the return should state that the officer was unable to locate the defendant and how the order was served.

## **ENFORCEABLE WRITS**

**74.2.93** An enforceable writ describes the action to be taken, commands it to be done and has the force of the court behind it to see that it is done.

## **WRIT OF NE EXEAT**

**74.2.94** A writ of ne exeat is a writ forbidding a defendant to leave the jurisdiction of the court. A copy of the writ must be served upon the defendant when they are taken into custody and request them to post bond. The condition of the bond should be specified in said writ.

## **DISTRESS WRIT**

**74.2.95** A distress writ (sometimes referred to as a distress warrant) is a combination of a summons based on a filed affidavit and a levy. The writ is obtained by the landlord for payment of rent (not allowed for residential tenancies). The writ must be served by the Sheriff at least five (5) days before the return date and property levied upon taken into possession until further order of the court. No property of any tenant or lessee shall be exempt from distress and sale for rent, except beds, bedclothes and wearing apparel. If the court renders judgment against the defendant, and execution issued, the property taken into possession shall be advertised twice within a ten-day period prior to sale. It may be sold on the leased premises or as advertised by the Sheriff. If the defendant, before sale, pays all costs and makes restitution with the plaintiff, the property shall be returned to them and there will be no sale. Service of this writ is had upon the defendant and also by the officer taking the property into their possession. If the defendant cannot be found, the levy upon the property is sufficient service. In such cases, if the Sheriff cannot find property upon which to levy, he is required to deliver the writ to the Sheriff of another county if the property subject to levy is in such other county. The statutory lien of a landlord for rent attaches to the property found on or off the premises leased or rented and in possession of any person as follows:

- On agricultural products raised on the land lease or rented for the current year;
- On all other property of the lessee, his sub-lessee or assigns usually kept on the premises and;
- On all other property of the defendant. As used in the controlling statute, the words "property usually kept" refers to chattels regularly and habitually, if not continuously, kept on the premises and removed only at occasional intervals.

**74.2.96** The Sheriff is not authorized under the writ to change the locks on the property without the defendant's permission. The alternative here, if the defendant refuses to allow the locks to be changed, is to remove the property and place it in a bonded warehouse.

**74.2.97** The sale of the property levied on pursuant to a distress writ is made under a writ of execution.

## **WRIT OF ASSISTANCE**

**74.2.98** A writ of assistance is a form of process issued by a court to transfer the possession of land or personal property, the title or right of possession of which it has previously adjudicated as a means of enforcing its decree. The writ of assistance is sometimes called a writ of possession, the objects of the two being substantially the same, that is, to put the person entitled to the property in possession.

**74.2.99** A writ of assistance is executed by the Sheriff placing the party for whose benefit it has been granted in possession of the property.

#### **WRIT OF POSSESSION**

**74.2.100** A writ of possession is an order requiring the Sheriff to remove the defendant from premises described in said writ and to place the plaintiff or their agent in full possession thereof. In proceedings for the removal of a tenant, if the issues are for the plaintiff and judgment is entered that the plaintiff recover possession of the premises, the Clerk of the Court issuing such judgment shall issue a writ to the Sheriff describing the premises and commanding him to put the plaintiff in possession.

**74.2.101** This writ is used in landlord and tenant proceedings and usually follows a notice to vacate when the defendant has refused to get out after being served a notice to vacate and the court has found that the plaintiff is entitled to possession (property or premises). The writ of possession is used where personal property is involved and, there being no storage period, possession immediately goes to the plaintiff.

#### **WRIT OF REPLEVIN**

**74.2.102** A writ of replevin is a court order which summons the defendant to appear and it commands the Sheriff to take into custody specifically described property. Replevin is a statutory writ having as its foundation the common law and is frequently referred to as a common law action.

**74.2.103** The law provides for several types of writs of replevin. They are:

- Order issued by the judge authorizing writ to be issued
- Pre-judgment writ of replevin and the property seized delivered forthwith to the petitioners.

#### **WRIT OF REPLEVIN AFTER JUDGMENT**

**74.2.104** It is absolutely essential to read carefully the body of the writ to determine if the Deputy is to hold the seized property for a specified period of time, deliver property forthwith to petitioners or take property from one party and deliver it to another party.

#### **ISSUANCE**

**74.2.105** A writ of replevin is issued by the Clerk of the Court:

- After final judgment in a suit for replevin or
- Upon the filing of a court order authorizing the clerk to issue the writ.

#### **PROCEDURE**

**74.2.106** Florida Statute, Chapter 78, completely controls the procedure to be taken by all parties involved. The action shall be brought in the county where the property is at the time of the issuance of the writ and in the court which has proper jurisdiction of the value of the property shown to be replevied. Service is made upon the defendant by delivering to them a true copy of the writ together with a copy of the complaint or initial pleading as furnished by the plaintiff and by taking possession of the property described in the writ. In executing the writ, if the property or any part is concealed in a building or enclosure, the officer shall publicly demand delivery thereof. If same is not delivered by the defendant or by another person to the officer, they shall cause such building or enclosure to be broken open and make replevy according to the writ and, if necessary, they shall take to this assistance the power of the county. Such breaking of the building or enclosure should take place only where the officer has personal knowledge that the particular article to be replevied is, in fact, concealed in the building or enclosure.

**74.2.107** Where the defendant cannot be found the property can be taken by the officer, if the property can be found. When property to be replevied was in the possession of the defendant at the time of the issuance of the writ, but is in the possession of a third person, the officer shall serve a copy upon the defendant and also serve a copy upon the third person and take the property in the same manner. (Note: writ of replevin must be amended to name third party in possession).

**74.2.108** The Deputy executing the writ by levying on the property described shall deliver the property forthwith to plaintiff unless the writ directs otherwise. The defendant may obtain release of the property seized within 5 days after the seizure by posting with the Clerk of the Court who issued the writ the amount of 1 ¼ times the amount due and owing, conditioned to have the property forthcoming to abide the result of the action, or on the agreement for the satisfaction of any judgment which may be rendered against the defendant.

**74.2.109** Certain property may not be taken. The following may not be taken by replevin:

- Property taken for taxes.
- Property taken under execution or writ of attachment by defendant.
- Property already replevied (by defendant).
- Property to which the plaintiff has no rights of possession.

#### **WRIT OF ATTACHMENT**

**74.2.110** A writ of attachment is an order from the court to the Sheriff commanding him to take into possession and hold for further disposition of the court property of debtor for a creditor. If the property to be attached is of a perishable nature or if the costs of keeping the property taken is out of proportion to its value, an order may be obtained from the court to dispose of the property. Defendant may retake the property by giving a bond with surety to the officer payable to the plaintiff in an amount which shall exceed by one-fourth the value of the property as determined by the court or which shall exceed by one-fourth the amount of the claim whichever is less, conditioned for the forthcoming of the property restored to abide by the final order of the court.

**74.2.111** A writ of attachment is the authority of the Sheriff to take property of the defendant into his possession. Under such a writ, the Sheriff may not dispossess the tenant of any lands or tenements belonging to the defendant. In levying the writ the Sheriff is required to take personal property into his control or custody by an action which, without the writ, would amount to trespass. Under a writ of attachment the Sheriff may levy upon personal property or lands. The Sheriff must take into his custody sufficient property to satisfy the sum demanded by the plaintiff and the costs.

#### **ORDERS**

**74.2.112** In addition to writs specifically described herein the Sheriff, an executive officer of the court, is required to execute whatever orders the court may issue. These vary greatly in nature and compel the Sheriff to perform a specific action.

#### **WRIT OF EXECUTION**

**74.2.113** The word "execution" is broadly defined as the act of carrying into effect the final judgment or decree of the court or as the remedy available by law for the enforcement of a judgment. It is not a separate action but is rather "process" in an action and is more accurately defined as a writ issued to an officer which directs and authorizes him/her to carry into effect the judgment of the court. It is the duty of the Sheriff to serve executions by levying upon property and carry out orders directed to him for the satisfaction of judgments of courts. The execution is required to be served by the executive officer of the court from which it is issued. Execution of a court of record are in full force throughout the state. As of October 1, 2001 judgments are required to be filed with the Department of State in Tallahassee electronically. An electronic judgment lien certificate and electronic creditor affidavit certification for writs of execution docketed prior to October 1, 2001 is required with execution and levy instructions.

#### **EXECUTION DOCKET**

**74.2.114** As of October 1, 2001 the Sheriff is no longer required to docket writs of execution. Prior to this date, the Sheriff was required to keep an execution docket in which he listed all executions received by the Sheriff's Office.

#### **PRIORITY OF EXECUTIONS**

**74.2.115** The writ of execution is for the enforcement of the judgment of the court. If the writ is to be enforced against personal property, the priority is established as of the date the writ was originally delivered to the Sheriff (prior to October 1, 2001) and they will be satisfied in accordance with their order of priority. The order of the filing of the judgment lien with the Department of State will determine priority after October 1, 2001 if there are no executions previously docketed. If the writ is to be enforced against real property, several writs in the hands of the Sheriff against the same person or property take priority as of the date the judgment was entered in the records of the court of the county where the property is located and will be determined by title search.

#### **ENDORSEMENT AND RETURN**

**74.2.116** If the full amount of the execution is not collected at one time, the Sheriff shall endorse on the execution a return of his actions and list all monies he has received in payment. When the execution is fully paid, it must bear a "fully satisfied" return on the back and be filed in the court issuing it. The return should be made in the name of the Sheriff by the Deputy executing the writ.

#### **CAPIAS AD SATISFACIENDUM**

**74.2.117** The Sheriff has no authority to take the defendant and hold them for non-payment of any execution except for fines imposed by lawful authority.

## **CUSTODY OF PROPERTY**

**74.2.118** Property which has been seized by the Sheriff under a proper writ is considered to be in the custody of the court unless released by the Sheriff under a property authorization. Any interference with the possession or custody of the property seized by the Sheriff constitutes a contempt of the court under whose authority the Sheriff has acted.

## **RETURN UNSATISFIED**

**74.2.119** If no property is found upon which levy may be made, the Sheriff shall, at the request of the plaintiff in writing, return the writ unsatisfied. However, the Sheriff has no responsibility to search for property of the defendant in order to make a levy under any "writ" or to make a return of "nulla bona" on any writ and return it to the court of issuance. Since the Sheriff has no statutory duty to search for property of the defendant, he has no duty to make a return which certifies he has searched the county for property of the defendant. The Sheriff should make a return as "unsatisfied" if he receives in writing from the plaintiff or plaintiff's attorney such request. All unsatisfied executions in the hands of the Sheriff may be returned to the court issuing the execution twenty (20) years after the date of issuance of final judgment upon which the execution was issued. Upon such return, the Clerk of the Court of issuance shall provide a receipt to the Sheriff submitting the return acknowledging the return of the unsatisfied execution.

**74.2.120** A judgment creditor is entitled to enforce their judgment by execution. The writ is issued for their benefit and they have the right to control and direct what proceedings should or should not be taken thereunder. Hence, their wishes and instructions, if lawful when made known to the execution officer, should ordinarily be respected and obeyed. If the Sheriff fails or refuses to execute a writ of execution, he may be compelled to do so by mandamus proceedings.

## **PROPERTY SUBJECT TO EXECUTION**

**74.2.121** Lands and tenements, goods and chattels, equities of redemption in real and personal property and stock in corporations, shall be subject to levy and sale under execution. As well as the interest in personal property in possession of vendee under a retained title contract or conditional sale contract shall be subject to levy and sale under execution to satisfy a judgment against the vendee.

## **PROPERTY TO BE LEVIED UPON**

**74.2.122** It is the duty of the Sheriff to levy upon any property specifically described in the writ delivered to him.

**74.2.123** If no property is specifically described in the writ, then the Sheriff shall levy upon any property in the possession of the defendant which is described in instructions for levy and upon any property assessed against the defendant on the current tax rolls of the county or registered in his name under any law of the United States or of the state upon the request of the plaintiff or plaintiff's attorney listing such property in the instructions for levy.

**74.2.124** The Sheriff is not liable for damages for making a wrongful levy whenever he levies upon property described in the writ, instructions for levy or upon property assessed against or registered in the name of the defendant when such property is listed in an instruction for levy.

**74.2.125** If the writ described specific property and it is found in the possession of some other person who claims ownership or right of possession, the plaintiff may be required to furnish a bond with good and sufficient sureties for the protection of the Sheriff. This bond must amount to the reasonable value of the property as determined by the Sheriff.

**74.2.126** If the Sheriff is directed to execute a writ upon property not described in the writ or upon property neither assessed nor registered in the name of the defendant, he may require the plaintiff to furnish him a bond as described.

**74.2.127** If a person demands that the Sheriff levy on specific property which is claimed by someone else, the Sheriff may file a petition in the court which issued the writ and procure a rule adjudicating the rights of the parties.

**74.2.128** If the property in question is real estate, the petition of the Sheriff shall be filed in the Circuit Court.

**74.2.129** The Sheriff is not liable for making a wrongful levy if it is made pursuant to the specific order of a court of competent jurisdiction.

## **PROPERTY SUBJECT TO LEVY**

**74.2.130** The Sheriff may levy upon lands and tenements, goods, and chattels, equities of redemption in real and personal property, stock in corporations, interest in personal property in possession of a vendee under a retained title contract or conditional sale contract and on current money of a defendant corporation in order to satisfy executions delivered to him.

**74.2.131** The Sheriff may not levy upon public property owned by a county or municipality and used in the orderly administration of government nor can he levy upon property already in the custody of the court such as property in the hands of a receiver.

**74.2.132** The Sheriff cannot levy on titled property to which is in the name of a person other than the defendant in execution.

**74.2.133** There is no authority for the Sheriff to make a levy upon a mortgage made to and owned by the defendant in execution.

**74.2.134** An estate by the entirety, that is, property owned jointly by husband and wife may not be levied against only one of them.

#### **MISCELLANEOUS WRITS**

**74.2.135** In addition to executions issued out of the several courts, the Sheriff may be required to make a levy under the authority of a Department of Revenue warrant. The Sheriff may be required to levy executions in the form of tax warrants issued by the Florida Industrial Commission or by the Department of Revenue.

**74.2.136** The director of the Division of Alcoholic Beverages and Tobacco may issue a warrant to the Sheriff for the collection of taxes.

**74.2.137** The Department of Highway Safety and Motor Vehicles may issue tax warrants for various delinquent taxes.

**74.2.138** When receiving the various types of warrants, the Sheriff should check the statutory authority for their issuance to determine if he has a duty other than proceeding with the levy.

**74.2.139** In executing these warrants the Sheriff should follow the instructions on the face of the warrants or those made separately in writing by the issuing authority.

**74.2.140** Those warrants shall be handled in the same manner as other executions.

#### **RELEASE OF PROPERTY AFTER LEVY**

**74.2.141** If the defendant desires to retake the property levied upon, the Sheriff may release it upon receipt of a bond with surety in double the value of the property released. This bond is referred to as a forthcoming bond.

**74.2.142** The value is to be fixed by the Sheriff and the bond is to be approved by him.

**74.2.143** The bond must be payable to the plaintiff and conditioned upon the forthcoming of the property on the day of sale.

**74.2.144** The date of the sale and description of the property must be designated in the bond. The date of the sale is the date upon which the property can be lawfully sold under the process and the Sheriff must ascertain the date and proceed with his notice of sale as though the property has not been released.

**74.2.145** To stay the execution of a writ upon personal property, a forthcoming bond is required but it is not required if the Sheriff has levied upon real estate.

**74.2.146** If the execution remains unpaid and the parties to the bond fail to produce the property on the date specified for sale, the Sheriff shall return the bond to the court from which the execution was issued. The Sheriff may then proceed to levy the original execution against the defendant and also any execution which may be issued against the sureties for allowing the bond to default.

**74.2.147** If a forthcoming bond is in default and the Sheriff proceeds to levy an execution on the judgment upon the forfeited bond, he may not take any further bond for the property seized on such execution.

#### **BOND IN ATTACHMENT**

**74.2.148** In attachment proceedings the defendant may retake the property by giving a bond with surety to the officer levying the attachment to be approved by the officer payable to the plaintiff in an amount which shall exceed by one-fourth the value of the property as determined by the court or which shall exceed one-fourth the amount of the claim, whichever is less, be conditioned for the forthcoming of the property restored to abide by the final order of the court.

**74.2.149** In attachment proceedings the property may also be restored to the defendant if they enter into a bond with surety to pay the debt or demand all costs of the suit when the same shall be adjudicated to be payable to the plaintiff. This bond is to be made payable to the plaintiff and approved by the Sheriff.

**74.2.150** The bond to pay debt may be made by any owner of the equity of redemption of personal property which has been levied upon in foreclosure proceedings. When such person seeks the release of property to them, they shall make an affidavit that they are the owner of the equity of redemption.

### **THIRD PARTY CLAIM**

**74.2.151** If a third person claims the property which has been levied upon, the Sheriff may release the property to the third party upon the filing of the proper affidavit.

**74.2.152** This affidavit, made by the third person, their agent or attorney, must state that the property belongs to such third person.

**74.2.153** With the affidavit, they shall give the Sheriff a bond payable to the plaintiff with surety in double the value of the goods claimed.

**74.2.154** The condition of the bond is that they will deliver the property upon demand if the same shall be adjudged to be the property of the defendant and to pay the plaintiff all damages which the jury may find in favor of the plaintiff.

**74.2.155** The value of the property is to be fixed by the Sheriff and the bond is to be approved by him.

**74.2.156** If the Sheriff levies several executions issued on judgments of different persons on the same property which is claimed by a third person, the Sheriff must take an affidavit and bond separately as to each plaintiff. He cannot take one affidavit and bond as to all the plaintiffs.

**74.2.157** Upon receipt of the affidavit and bond, the Sheriff shall deliver the property levied upon to the person claiming the same and may not take any further proceedings as to that particular property. If he is not required by the plaintiff to dismiss that levy and levy upon other property of the defendant, the Sheriff shall return the execution to the court from which it is issued together with such affidavit and bond.

**74.2.158** Property levied upon under attachment may be released to third persons upon the same conditions as to property taken under an execution.

**74.2.159** A third party claim to property levied upon in distress rent proceedings may be made in the manner described.

**74.2.160** If in the proceedings to try the right to property claimed by a third person judgment should be rendered for the plaintiff, it is satisfied in the usual manner.

**74.2.161** The judgment may also be satisfied if the property released is delivered to the Sheriff and the damages and the costs awarded to the plaintiff are paid.

**74.2.162** If the property is returned to the Sheriff but the damages and costs are not paid, he may enforce the payment by levy of execution upon the property of the defendant or the surety.

**74.2.163** If only part of the property is returned to the Sheriff, the execution shall be enforced for the value of the property not returned as determined by the Sheriff.

**74.2.164** All property returned shall be sold under the original execution against the original defendant.

### **RETAKING BY REPLEVIN**

**74.2.165** If property has been taken under a writ of attachment and it is not subject to attachment, the defendant may retake it from the Sheriff by replevin proceedings.

### **DISTRESS**

**74.2.166** If the Sheriff has levied upon the property pursuant to a distress warrant, the property may be restored to the defendant upon them giving bond to the Sheriff with surety in double the value of the property levied upon.

**74.2.167** The value of the property shall be determined by the Sheriff.

**74.2.168** The bond shall be payable to the plaintiff and approved by the Sheriff.

**74.2.169** The condition of the bond is that the property will be forthcoming to abide the final order of the court.

**74.2.170** Property may also be released from levy of a distress warrant if the defendant gives the Sheriff a bond with surety in the amount or value of the rental or advances which may be adjudicated to be payable to the plaintiff. This bond is to be approved by the Sheriff and conditioned for the payment of such amount to the plaintiff.

### **STAY OF ILLEGAL WRIT**

**74.2.171** If the defendant claims that the execution to be levied upon their property is illegal, they may stay further proceedings by delivering to the Sheriff an affidavit stating the illegality of the execution and whether any part of the execution be due.

**74.2.172** With the affidavit, they must give the Sheriff a bond with surety payable to the plaintiff in double the amount of the execution or the party of such execution which is sought to be stayed.

**74.2.173** Upon receipt of the affidavit and bond, the Sheriff shall return the bond and affidavit to the court from which the execution was issued.

#### **LOST OR DESTROYED WRIT**

**74.2.174** Where both a writ and the judgment under which it was issued have been lost or destroyed and both have been reinstated, the defendant may release any property levied upon under the new writ by filing with the Sheriff an affidavit sworn to by them self, their agent or attorney that the lost or destroyed judgment has been satisfied in whole or in part.

**74.2.175** With the affidavit, the defendant must file a bond with surety payable to the plaintiff in double the amount claimed to be due on the judgment.

**74.2.176** The condition of the bond is that the defendant will pay to the plaintiff the amount adjudged by the court to be due.

**74.2.177** Upon receipt of the affidavit and bond, the Sheriff shall return them to the court issuing the execution.

#### **HOMESTEAD AND OTHER EXEMPTIONS**

**74.2.178** Certain property, as well as the property of certain persons, is exempt from levy of process or forced sale which exemption the Sheriff may not ignore.

**74.2.179** The homestead owned by a natural person residing in this state is exempt from forced sale under process of any court.

**74.2.180** The purpose of the homestead is to shelter the family and provide it refuge from the stresses and strain of misfortune.

**74.2.181** The homestead consists of one hundred sixty (160) acres of land outside of any city or town limits or half an acre of land within any such limits. With this, there is exempt to the head of a family one thousand dollars (\$1,000.00) worth of personal property.

**74.2.182** The area of the homestead which has subsequently been included within the limits of an incorporated city or town may not be reduced without the consent of the owner.

**74.2.183** Within the limits of a city, the homestead extends only to those buildings constituting the residence of the owner.

**74.2.184** The homestead exemption extends to the proceeds of a fire insurance policy due or to be paid for its destruction.

**74.2.185** The person entitled to a homestead may claim it on any dwelling house owned by them even though they are not the owner of the land on which it is situated.

#### **A Natural Person**

**74.2.186** The party claiming the exemption must show that they are a resident.

**74.2.187** Daily residence is not essential to create or maintain a homestead. It is not disrupted by temporary absence with the intent to return. The homestead character is lost only when there is an intent permanently to abandon the place as a home.

**74.2.188** The homestead does not include the personal property located therein.

**74.2.189** The limit of the exemption on such personal property is one thousand dollars (\$1,000.00) in value.

#### **Widow and Heirs**

**74.2.190** This exemption applies not only for the benefit of a natural person but also for the benefit of the widow and heirs of such head of a family.

#### **Designation before Levy**

**74.2.191** A natural person residing in this state may designate their homestead before any levy is made or threatened by filing a statement in writing and recording it in the office of the Circuit Court.



### **Designation After Levy**

**74.2.192** It is not necessary that the homestead be designated prior to a levy.

**74.2.193** A natural person claiming the homestead or his agent or attorney, may notify the Sheriff in writing of his claim after the levy has been made. It has been held that a sale of homestead property is void even though no objection has been made.

**74.2.194** The notice should be made under oath before an officer authorized to administer an oath and may be made at any time before the day of sale.

**74.2.195** The notice must designate what part of the property levied upon is claimed as exempt and any property not claimed exempt is subject to sale under the levy.

### **Objection by Creditor**

**74.2.196** If the creditor in execution is dissatisfied with the amount of land selected and set apart, they may notify the Sheriff and cause a survey to be made.

**74.2.197** The expense of the survey is chargeable on the execution as costs unless the person claiming the exemption does not own more than one hundred sixty (160) acres in the state. In this case, the expense of the survey must be paid by the creditor.

**74.2.198** The Sheriff is entitled to a deposit for costs to be made by the person demanding the survey.

**74.2.199** After the survey has been made, the Sheriff may sell the property levied upon which is not included in the property set off as the homestead of the debtor.

**74.2.200** There are no statutory provisions where a debtor may exempt personal property prior to levy.

### **Method of Exempting Personal Property after Levy**

**74.2.201** A debtor desiring to exempt personal property after levy should file a petition or a motion seeking an order staying the Sheriff's Sale until the court can determine if the property under levy is entitled to be exempt from forced sale.

**74.2.202** The Sheriff has no statutory duty to accept, serve or take any action on a debtor's affidavit relative to personal property.

**74.2.203** Such debtor should be advised that the personal property under levy will be advertised and sold at a Sheriff's Sale unless he receives an order directing him to do otherwise.

### **Equity Jurisdiction**

**74.2.204** Proceedings may be had to prevent the Sheriff from allowing an exemption or from refusing any exemption and selling the property.

**74.2.205** The jurisdiction of such proceedings is in the Circuit Court.

### **Wages**

**74.2.206** In addition to the homestead, any money or other things of value due to the head of a family residing in this state for personal labor or service is exempt from process F.S. 222.08, 222.09.

**74.2.207** If it is levied upon, the person to whom such wages are due may make oath before the officer who issued the process that the money attached is due for their personal labor and services and that they are the head of a family residing in this state.

**74.2.208** When such affidavit is made, notice of same shall forthwith be given to the party who sued out the process.

**74.2.209** If the facts set forth in the affidavit are not denied under oath within two days, the process shall be returned and all proceedings shall cease.

**74.2.210** If the facts are denied under oath within the time prescribed, the process, affidavit of claim, and denial under oath shall be delivered to the court from which the process issued for further orders F.S. 222.12.

### **Life Insurance**

**74.2.211** The cash surrender value or the proceeds of life insurance and proceeds of annuity contracts are exempt from process.

**74.2.212** The person insured is not required to be head of a family residing in this state.

**74.2.213** The exemption of the cash surrender value insures to citizens or residents of the state and the exemption of life insurance proceeds applies with reference to any person dying in this state. F.S. 222.13, 222.14.

**74.2.214** Disability income benefits under an insurance policy are likewise exempt from process. F.S. 222.18

#### **Estates**

**74.2.215** The property of estates of decedents is exempt from levy under process.

**74.2.216** This does not apply to certain liens or claims to specific property. F.S. 733.706.

#### **Workers Benefits**

**74.2.217** Benefits under the worker's compensation law and unemployment compensation law are exempt from process. F.S. 440.22, 443.051. Persons exempt from service of process:

- A person who has been brought into the state by, or by waiver of, extradition based on criminal charge shall not be subject to service of person process in civil actions arising out of the same facts as the criminal proceedings involved. This exemption does not apply if they have been convicted.
- If acquitted, they must be allowed a reasonable opportunity to return to the state from which they were extradited before service of such civil process may be made upon them. This exemption is mentioned for information only for if such a process is issued, it must be served by the Sheriff.

#### **EXECUTION SALES**

**74.2.218** Generally, after the Sheriff has levied upon property for the purpose of satisfying a final judgment, he is required to sell such property. The execution is always under the control of the plaintiff and their wishes in matters concerning the execution should be respected as long as the Sheriff is not required to violate a duty prescribed by statute.

#### **Notice of Sale**

**74.2.219** The sale should be made strictly in accordance with the requirements of law. F.S. 56.22.

**74.2.220** The property should be advertised for sale by a notice of sale published once each week for four (4) successive weeks in a newspaper published in the county.

**74.2.221** If the property to be sold is subject to decay and will not sell for its full value if held for a period of thirty (30) days, the time may be shortened by order of the court upon affidavit to the effect.

**74.2.222** There is a requirement that on or before the date of the first publication a copy of the notice of sale be furnished to the attorney of record of the judgment debtor or to the judgment debtor.

**74.2.223** When levying upon real property, notice of such levy and execution sale shall be made to the property owner of record in the same manner as notice is made to any attorney of record of the judgment debtor or to the judgment debtor.

#### **Place of Sale**

**74.2.224** All real and person property levied upon under execution shall be sold where advertised in the notice of the Sheriff's Sale.

**74.2.225** All sales shall take place any day of the week except Saturday and Sunday and shall continue from day to day until all the property is sold.

#### **To Whom Sold**

**74.2.226** The property should be sold to the highest and best bidder for cash in hand.

**74.2.227** If the plaintiff bids, they may credit the amount bid upon their execution and need not pay cash as long as the Sheriff's costs are paid. This is true only when the plaintiff is the first writ holder and their credit bid does not exceed the amount on their writ of execution.

**74.2.228** The law does not require that an execution sale be approved by the court.

**74.2.229** The sale may be set aside if there is a gross inadequacy in price which would shock the conscience or raise the presumption of fraud, unfairness or mistake.

#### **Bill of Sale or Deed**

**74.2.230** After the sale is made under an execution, the Sheriff shall execute a deed of conveyance for real estate or a bill of sale for personal property. This must be delivered to the purchaser on receipt of the amount bid together with the costs of the deed or bill of sale.

**74.2.231** If the plaintiff is the successful bidder, they need advance only the costs of the deed or bill of sale and other unpaid costs in the matter in addition to any taxes which may be due, unless the amount of the bid is in excess of the face of the execution and the costs together with taxes due.

**74.2.232** The Sheriff should recite, in his deed or bill of sale, both the judgment and the execution under which he acted as this points out his authority to sell the property. The Sheriff does not warrant any title. He conveys only such title as the execution affords.

#### **Interest on Judgments**

**74.2.233** When the Sheriff enforces the collection of a judgment by levy of execution, he is required to collect not only the face of the judgment and costs but also interest on the amount of the judgment.

**74.2.234** The rate of interest on judgment is set by the legislature.

**74.2.235** The rate will vary so the date of the entry of the judgment should be checked with the law to determine the rate of interest on each judgment unless the judgment or decree is rendered on a written contract or obligation providing for interest at a lesser rate in which case the judgment or decree bears interest at the rate specified in such written contract or obligations.

**74.2.236** Any process, writ, judgment, or decree, which is directed to the Sheriffs of the state to be dealt with as executions shall bear, on the face of the writ, judgment or decree, the rate of interest which it shall accrue from date of judgment until payment.

#### **Payment of Taxes**

**74.2.237** From the proceeds of the sale, the Sheriff must pay the costs and attorney fees if any are allowed.

**74.2.238** The Sheriff must make his deed subject to payment of all outstanding taxes.

#### **DISTRESS WRIT**

**74.2.239** A distress writ enjoins defendant from damaging, disposing of, secreting, or removing any property liable to distress from the rented real property after the time of service of the writ until the Sheriff levies on the property, the writ is violated or the court otherwise orders. No property of any tenant or lessee shall be exempt from distress and sale for rent except beds, bed clothes, and wearing apparel.

**74.2.240** If the court renders judgment issues for the defendant and execution issued, the property taken into possession shall be advertised twice within a ten (10) day period prior to sale.

**74.2.241** It may be sold on the leased premises, at the courthouse door, or as advertised by the Sheriff.

**74.2.242** If the defendant before sale pays all costs and makes settlement with the plaintiff, the property shall be returned to him and there will be no sale.

**74.2.243** Service of this writ is had upon the defendant and also by the officer taking the property into their possession.

**74.2.244** If the defendant cannot be found, the levy upon the property is sufficient service.

**74.2.245** If the Sheriff cannot find property upon which to levy, he is required to deliver the writ to the Sheriff of another county if the property subject to levy is in such other county.

**74.2.246** The statutory lien of a landlord for rent attaches to the property found on or off the premises leased or rented and in possession of any person as follows:

- On agricultural products raised on the land leased or rented for the current year.
- On all other property of the lessee, their sublessee, or assigns, usually kept on the premises and;
- On all other property of the defendant.

**74.2.247** The Sheriff is not authorized under the writ to change locks on the property without the defendant's permission. The alternative, if the defendant refuses to allow the locks to be changed, is to remove the property and place it in a bonded warehouse.

#### **WRIT OF POSSESSION**

**74.2.248** A writ of possession is an order requiring the Sheriff to remove the defendant from premises described in said writ and to place the plaintiff and their agent in full possession thereof.

**74.2.249** In proceedings for the removal of a tenant if the issues are for the plaintiff and judgment is entered that the plaintiff recover possession of the premises, the Clerk of the Court issuing such judgment shall issue a writ to the Sheriff describing the premises and commanding him to put the plaintiff in possession. This writ is used in landlord

and tenant proceedings and usually follows a notice to vacate when the defendant has refused to get out after being served a notice to vacate and the court has found that the plaintiff is entitled to possession (property or premises).

**74.2.250** The writ of possession is used where personal property is involved and there being no storage period possession immediately goes to the plaintiff.

#### **WRIT OF GARNISHMENT**

**74.2.251** Although the writ of garnishment does not command the Sheriff to take positive action, it is included with the enforceable writs because of two important reasons:

- It is served on a third party called a garnishee (individual company or corporation) that is foreign to the original suit and it is difficult for the garnishee to understand why they are involved.
- It requires the garnishee to do something other than be served with the writ. The garnishee is required to answer the writ and comply with the requirements as stated in the writ.

**74.2.252** The writ of garnishment is issued in a proceeding to obtain money or property due to the defendant from a third party in order to satisfy the claim of the party bringing the action.

#### **Service of Writ**

**74.2.253** Service of the writ of garnishment should be made in the same manner as a service of summons.

**74.2.254** The Deputy serving the writ should not effect said service on the defendant as an officer of the company or corporation being served as garnishee.

#### **Answer of Garnishee**

**74.2.255** The garnishee shall file an answer to the court issuing the writ within the time limitation stated in the writ.

**74.2.256** The garnishee may surrender any goods, chattels or effects of defendant in their hands or possession to the Sheriff and may pay any money or debt into registry of court.

**74.2.257** If the plaintiff does not file a reply to the garnishee's answer within the time limitations, the answer of garnishee shall be taken as true. After disposing of the assets, if any were disclosed in the garnishee's answer, the garnishee is entitled to an order discharging them from further liability under the writ.

#### **Refusal of Garnishee to Surrender Property**

**74.2.258** If the garnishee will not surrender the personal property belonging to the defendant, provided they have the power to do so, and which they have admitted is in their possession, the court may order execution issued against garnishee for the unpaid amount of the plaintiff's judgment against defendant.

#### **Failure of Garnishee to Answer**

**74.2.259** If the garnishee fails to answer as required a default shall be entered against them.

**74.2.260** A final judgment shall be entered against the garnishee for the amount of plaintiff's claim with interest and costs.

**74.2.261** The final judgment shall not be entered before the entry of, or in excess of, the final judgment against the original defendant with interest and costs.

**74.2.262** All execution orders shall be served by certified Deputy Sheriff's and any writ requiring the seizure of real or personal property shall also be executed by a certified Deputy Sheriff.

#### **METHODS OF DISPOSITION OF PROPERTY**

**74.2.263** Writs of execution command the Sheriff to levy on property belonging to a defendant. These writs are issued by the Clerk's Office of the county having jurisdiction ten (10) days after the final judgment is awarded by the court.

**74.2.264** Once the plaintiff has the writ, it is given to the Sheriff of the county in which the defendant's property is located. The Sheriff, through his civil process section, receives the writ and enters it into a set of books called the index and docket books. These establish a priority or seniority for the writs and are based on the date of receipt in the Sheriff's Office and also on date of issuance.

**74.2.265** The civil fee for indexing and docketing is ten dollars (\$10.00). If the plaintiff wishes to proceed further with the writ, then he or she would have to submit an additional form called "Instructions for Levy". Florida Statutes 30.30 requires the Sheriff to levy on the property specifically described on the instructions for levy insofar as the property is subject to levy. The plaintiff is required to furnish the Sheriff with a cost deposit.

**74.2.266** When the execution is determined to be ready, the Civil Unit prepares a Notice of Sheriff's Levy which is used to seize the property.

**74.2.267** Property is broken down into personal property and real property. Personal property includes items such as vehicles, boats, appliances, jewelry, etc. Real property includes land and improvements (real estate).

**74.2.268** Seizure (levy) is made on personal property by actual seizure of the property. The property is then stored in a secure place.

**74.2.269** On real property, seizure is made by filing the Notice of Levy with the Clerk's Office along with the appropriate fee.

**74.2.270** Property which is seized, whether real or personal property, shall be accounted for in agency records with at least the following information:

- Complete description of the property.
- Identification numbers (where applicable).
- Name of persons (or corporation) from whom the property was received.

#### **After Seizure Action**

**74.2.271** After seizure action includes:

- Notice of Sheriff's sale establishing date of sale.
- Letter to the newspaper along with Notice of Sheriff's Sale for advertisement for four (4) consecutive weeks (once a week).
- Letter (certified) to defendant and to defendant's attorney if known.
- Letter to plaintiff or plaintiff's attorney.

**74.2.272** On the date of sale, the Civil Unit Supervisor/Deputy conducts the sale of personal property where it is stored and real property where advertised.

**74.2.273** Sheriff's Office employees will be permitted to place bids as any other member of the public. However, when participating in a public auction, employees must be off duty and not in uniform.

**74.2.274** The sale is a misnomer since it is actually an auction with the property going to the highest bidder for cash. At the onset of the auction, the Deputy is to obtain the full name and verified address of each bidder with their first bids and the last name of each bidder with each successive bid. The last bid entered is to be announced three (3) times and if no other bids are received the auctioneer/Deputy announces that the property is considered sold to the final bidder.

**74.2.275** After the sale has been completed, a bill of sale for personal property, or a Sheriff's Deed for real property is prepared and given to the final bidder. Additionally, a return is prepared showing the various civil fees and miscellaneous expenses and the balance due to the plaintiff along with the monies generated from the sale. If the judgment has been satisfied, a letter of satisfaction is required from the plaintiff and this is returned to the Clerk's Office along with a return and the Writ of Execution.

#### **CRIMINAL SUMMONS**

**74.2.276** Criminal summons shall be served in the same manner as a summons in a civil action. (F.S. 901.10).

**Revised by:** 6760

**Revised on:** 08-14-2007

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: INJUNCTIONS FOR PROTECTION**

**CODIFIED: 74.3**

**EFFECTIVE: 09-2013**

**RESCINDS/AMENDS: 74.3/09-2011**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for the service and enforcement of injunctions for protection for domestic violence; repeat violence; dating and sexual violence; stalking and cyber stalking; and child abuse F.S. 39.504.

**DISCUSSION**

The prompt service and proper enforcement of injunctions for protection requires strict adherence to applicable Florida Statutes and the cooperation of all divisions within the Department. Cooperation and communication with municipal agencies is also required to ensure that injunctions are properly enforced within incorporated areas.

Florida Statutes dealing with injunctions for protection are subject to rapid change. It is incumbent upon the individual Deputy to keep abreast of the current laws.

The Department is required by law to serve these injunctions as soon as possible and to maintain a system for the verification of their status. Documentation of all efforts to serve and enforce injunctions for protection is required in order to address possible liability concerns which could arise over the service or non-service of these court orders.

**POLICY**

It shall be Department policy to attempt to promptly serve injunctions for protection and to properly and effectively enforce injunctions within the Department's unincorporated jurisdictions.

**PROCEDURE**

**ADMINISTRATION**

**74.3.1** The Civil Unit of Judicial Services has primary responsibility for the service of all injunctions for protection. The Civil Unit Lieutenant is responsible for establishing guidelines for the service, enforcement and record keeping of all injunctions for protection which originate or are served within Volusia County.

**RECORD KEEPING**

**74.3.2** The Civil Unit office at 250 N. Beach Street, Daytona Beach, shall maintain records pertaining to active injunctions for protection which originate in Northeast Volusia County only.

**74.3.3** The Civil Unit office at 101 N. Alabama Ave, DeLand, shall maintain records pertaining to active injunctions for protection which originate in West Volusia County only.

The Civil Unit office at 101 East Canal Street, New Smyrna Beach shall maintain records pertaining to active injunctions for the protection which originate in Southeast Volusia County only.

**74.3.4** The Warrants Unit in DeLand shall maintain a file of all active injunctions for protection which originate or are served in Volusia County. Pertinent information concerning the details of the service of the injunctions will be included on each injunction.

**74.3.5** Such information will include whether or not the injunction has been served, the name of the Deputy who served it, and the date and time of the service.

**74.3.6** The Warrants Unit shall maintain a system for the verification of the status of all active injunctions. This system shall be available for query from all law enforcement agencies on a 24 hour-a-day basis.

**74.3.7** The Warrants Unit shall be responsible for the timely entry of all served injunctions into FCIC pursuant to state statutes. Dismissed and expired injunctions shall also be removed from the FCIC verification system following the statutory guidelines.

**74.3.8** Expired or dismissed injunctions for protection shall be routinely purged and destroyed from the files maintained at the Warrants Unit.

## **SERVICE OF INJUNCTIONS**

### **PROCEDURE FOR SERVICE BY CIVIL UNIT**

**74.3.9** The majority of all injunctions for protection issued pursuant to:

- A.** F.S. 741.30, Domestic Violence
- B.** F.S. 784.046, Repeat Violence, Dating Violence and Sexual Violence
- C.** F.S. 784.0485, Injunctions for Stalking or Cyber Stalking
- D.** F.S. 39.504, Child Abuse/ Domestic Violence (Chapter 39 Injunctions)

are done so during regular hours of the court, Monday -Friday, 0800 to 1630 hrs. and will ordinarily be served by Deputies assigned to the Civil Unit. For these injunctions the following procedures shall apply:

**74.3.10** The injunction shall be picked up at the office of the issuing Clerk of the Court and returned to the Civil office for processing by the appropriate clerical personnel. The processing clerk shall review the injunction for appropriate dates, signatures and certified copies.

**74.3.11** A copy of the injunction itself shall be scanned to Warrants for entry into FCIC.

**74.3.12** Injunctions that are served in open court by a courthouse deputy will require the deputy to complete the FCIC Data Entry Sheet. A Civil deputy will then pick up the paperwork at the Clerk of Court for processing by clerical staff. The Civil clerk will then forward the injunction and FCIC Data Entry Sheet to Warrants for FCIC entry or update.

**74.3.13** After processing, the injunction will be assigned to an Enforceable deputy. If circumstances require it, a Non-Enforceable Deputy may be assigned the injunction.

**74.3.14** The Deputy assigned to serve the injunction shall make a diligent effort to locate the party to be served (respondent). All attempts to locate the respondent, together with any other pertinent information, shall be documented on the worksheet attached to the injunction and entered into the Civil computer system

**74.3.15** If circumstances indicate a necessity to serve the injunction outside of the normal working hours of Deputies in the Civil Unit, a Supervisor from the Civil Unit may authorize overtime or request assistance from patrol personnel in serving the injunction.

**74.3.16** If the respondent cannot be located, the Deputy assigned to serve the injunction shall notify the appropriate patrol district via email, and attempt to contact the petitioner to advise them that the injunction has not been served. The petitioner shall be instructed to contact the Civil Unit if additional information is received on the whereabouts of the respondent, or to contact patrol personnel to have the petitioner's copy served upon the respondent if the Civil Unit office is closed.

**74.3.17** If the injunction specifies that the respondent is commanded to vacate their residence, two Deputies must serve the injunction unless directed otherwise by a supervisor. If another Deputy from the Civil Unit is unavailable as back-up, a municipal officer or patrol Deputy can be called upon to assist.

**74.3.18** If the respondent is located, the serving Deputy shall read the applicable terms of the injunction to the respondent, advise the respondent of the notice of hearing, and fill out the service stamp information (signature, date and time) on the face of the injunction before giving the respondent their copy.

**74.3.19** If the injunction orders that the respondent vacate their residence while a law enforcement officer stands by, the Deputy shall afford the respondent the time specified in the injunction to remove those articles which the injunction specifies can be removed. No action shall be taken if the respondent takes articles not specified in the injunction, the petitioner shall contact the Clerk of the Court to file an affidavit to initiate contempt proceedings.

**74.3.20** After serving the injunction (and after the respondent vacates if so required), the Deputy serving the injunction shall immediately notify the dispatcher of the name of the person served, along with the date, time and location of service. The Deputy shall also telephone the Warrants Unit office to advise them of the service for entry into FCIC.

**74.3.21** The Civil Unit deputy will turn in to the appropriate clerks at the Civil office the deputy worksheet and FCIC Data Entry Sheet for preparation of a return which will be signed and returned to the court.

**74.3.22** The injunction field service worksheet shall be scanned or faxed to the Warrants Unit.

#### **PROCEDURES FOR SERVICE BY LAW ENFORCEMENT SERVICES DEPUTIES**

**74.3.23** Most injunctions issued on Saturday, Sunday and holidays shall be signed by the circuit or county judge assigned to first appearance at the Branch Jail.

**74.3.24** The Communications Supervisor is responsible for notifying the appropriate patrol supervisor (District Sergeant) in the District where service of the injunction shall be attempted that an injunction is ready to be served.

**74.3.25** The Patrol Sergeant is responsible for having the injunction picked up from the Communications Center and assigning it to a Deputy to attempt service.

**74.3.26** The Deputy assigned to serve the injunction shall read and understand the terms of the injunction prior to serving it.

**74.3.27** If any patrol personnel have any questions regarding the service of an injunction, they shall contact a Civil Unit Supervisor for clarification or instruction.

**74.3.28** All attempts to serve the injunction, together with any pertinent information concerning the location of the person to be served (respondent), shall be documented on the temporary worksheet which is attached to the respondent's copy of the injunction.

**74.3.29** Once the respondent is located, the Deputy shall read the applicable terms of the injunction to the respondent, along with any information concerning the notice of hearing which might be included as part of the injunction. **THE INJUNCTION SHALL BE PERSONALLY SERVED UPON THE RESPONDENT. NEVER SUBSTITUTE SERVED TO A THIRD PARTY.**

**74.3.30** If the injunction has ordered a law enforcement officer to stand by while the respondent removes their articles of personal hygiene and clothing from their residence, the Deputy shall stand by while the respondent complies if served at the involved residence. If the respondent is served away from their residence, the Deputy should accompany the respondent back to the residence to accomplish this. If the respondent is unable to leave to return to the residence (such as when the respondent is in jail or unable to leave place of employment) at the time of service, the respondent shall be instructed to call the Sheriff's office or applicable police jurisdiction at the first opportunity to arrange to have a Deputy or Officer stand by at the residence.

**74.3.31** Before giving the respondent their copy of the injunction, the worksheet shall be removed and the date, time, and location of service shall be noted on it, along with the Deputy's signature, printed name and ID number. The Deputy serving the injunction shall also attempt to fill out the information on the worksheet pertaining to the respondent. This information is necessary for later entry into the FCIC verification system. After the injunction has been served, the Deputy shall notify the dispatcher of the name of the respondent, the location of service and the time of service. If the respondent vacates a residence pursuant to the injunction, the Deputy shall also inform the dispatcher of this or document as such in CAD comments.

**74.3.32** The completed field service sheet shall be faxed as soon as possible to the Civil Unit office and also to the Warrants Unit utilizing the fax numbers provided in the middle of the form.

**74.3.33** If the Deputy is unable to locate the respondent, the injunction shall be returned to the District Sergeant for transfer to the following shift for further attempts to serve it unless information has been received that the respondent is outside the Department's jurisdiction.

**74.3.34** If the injunction has not been served by the start of the next regular business day, the Civil Unit will contact the District Operations Sergeant to confirm the status of the injunction. The Civil Unit will then assume responsibility for service of the injunction.

**74.3.35** If the patrol Deputy can serve the injunction, the completed worksheet shall be faxed to the Warrants Office in DeLand and the Civil Office in Daytona by the District Sergeant immediately.

**74.3.36** State statute requires Deputies serve injunctions for protection on a respondent that they contact if the injunction has not already been served (such as by the Civil Unit). Often a petitioner may contact the Sheriff's Office during the evening hours or on Sundays or holidays to advise on the whereabouts of a respondent who has come to the residence of the petitioner. In these cases, if there are no Civil Unit deputies working, a Patrol Deputy shall be dispatched to serve the petitioner's copy of the injunction upon the respondent in the usual manner. The petitioner's copy does not have a Sheriff's True Copy stamp on it, but it must be a certified copy. When serving a petitioner's copy, the Deputy shall write the date, time and their signature on the face of the injunction. The service sheet attached to the petitioner's copy shall be removed prior to serving the injunction and the information concerning the respondent and details of the service shall be completed. The dispatcher shall then be notified in the usual manner regarding details of the service. The petitioner shall then be instructed to return to the Clerk of the Court to secure another copy of the injunction for their records.



**74.3.37** The completed field service sheet shall be faxed immediately to the Civil Unit and the Warrants Unit offices at the fax numbers provided on the service sheet form.

#### **AFTER HOUR INJUNCTIONS: RECEIPT AND SERVICE/ATTEMPT TO SERVE**

##### **OVERVIEW**

**74.3.38** In accordance with Florida Statutory authority regarding injunctions, at the request of the Sheriff the Clerk of Court may transmit a facsimile copy of an injunction that has been certified by the Clerk of Court, and this facsimile copy may be served in the same manner as a certified copy.

**74.3.39** Therefore, all late injunctions, including those issued at First Appearance during weekends and holidays, will be faxed by the Clerk of Court directly to the Warrants Unit for immediate entry into FCIC and "injunction file".

**74.3.40** Warrants personnel will then fax a copy of the injunction to the Communications Center;

**74.3.41** Communications will affix a "True Copy" stamp to the faxed injunction and notify the appropriate Patrol District for service/ attempted service in accordance with the procedures as outlined on page 3, **Procedures For Service By Law Enforcement Services Deputies**.

**74.3.42** The Clerk of Court will provide the VCSO Civil Unit with certified copies of the injunction during the scheduled pick-up the next working day.

##### **EMERGENCY INJUNCTIONS**

**74.3.43** An administrative order of the Chief Judge allows for emergency issuance of "after hour" injunctions for protection during evening hours or on weekends and holidays, except those obtained during first appearance proceedings on weekends or holidays, as noted above.

**74.3.44** An emergency pager phone number for the Clerk of the Court is provided in the victim's rights and remedies packet distributed to all victims of domestic violence.

**74.3.45** The victim/petitioner who calls this number shall be contacted by the on-call deputy Clerk of the Court who will meet with the petitioner at the Volusia County Branch Jail. The clerk will then contact the Sheriff's Communications Center to arrange for a Patrol Deputy to deliver the prepared injunction to the on-call judge.

**74.3.46** The assigned Deputy must then return the signed injunction to the Deputy Clerk at the Branch Jail who certifies it and faxes the injunction packet to Warrants for entry into FCIC and subsequent faxing to Communications.

**74.3.47** Communications will affix a "True Copy" stamp to the faxed injunction and notify the appropriate Patrol District for service/ attempted service in accordance with the procedures outlined on page 3, **Procedures For Service By Law Enforcement Services Deputies**.

##### **CLERK OF COURT RESPONSIBILITIES**

**74.3.48** The Clerk of Court will contact the VCSO Warrants Unit personnel at 386-736-5962 to inform them an after-hours-injunction packet is ready to be faxed. The Clerk of Court should notate the name of the person they spoke to at VCSO Warrants.

**74.3.49** The Clerk of Court will fax the entire injunction packet to the VCSO Warrants Unit at 386-822-5701. The Clerk of Court will include a fax cover sheet listing the number of pages and types of documents included in the packet along with a call back number for the clerk sending the fax (packets include applicable documents such as the injunction, petition, uniform child custody form and the FCIC Data Entry Sheet).

**74.3.50** The Clerk of Court will provide the VCSO Civil Unit with certified copies of the injunction during the pick-up the next working day.

##### **VCSO WARRANTS RESPONSIBILITIES**

**74.3.51** When Warrants personnel receive a call from the clerk of court that an after-hours-injunction packet is ready to be faxed the Warrants clerk will notate the name of the Clerk of Court personnel that called.

**74.3.52** When Warrants personnel receive a faxed injunction packet from the Clerk of Court, they will verify that all documents and pages indicated on the Clerk's coversheet were in fact received. Warrants personnel will then notify the Clerk of Court via telephone the entire injunction packet was received.

**74.3.53** Warrants personnel will contact the VCSO Communications Center via telephone and inform an on duty floor supervisor (TC-4) that an after-hours-injunction packet is ready to be faxed. The Warrants clerk will notate the name of the person they spoke to at the VCSO Communications Center.

**74.3.54** Warrants personnel will then fax the injunction packet to the VCSO Communications Center and will include a fax coversheet listing the number of pages and types of documents included in the packet along with a call back

number for the Warrants clerk sending the fax (packets include applicable documents such as the injunction, petition, uniform child custody form and the FCIC Data Entry Sheet).

**74.3.55** Warrants personnel will email the Civil Unit that an injunction was received after hours and will include the names of the parties and court case number. This will advise the Civil Unit to look for the certified copies in the next pick-up from the Clerk of Court. The email address is [injunction@vcso.us](mailto:injunction@vcso.us); all Civil Enforceable Clerks will be on the distribution list.

**74.3.56** Warrants personnel will enter the injunction into FCIC and maintain a copy in the "Injunction File".

#### **VCISO COMMUNICATIONS RESPONSIBILITIES**

**74.3.57** When Communications personnel receive a call from a Warrants clerk advising that an after-hours-injunction packet is ready to be faxed to communications, the call taker will notate the name of the Warrants clerk and forward the call to an on duty floor supervisor (TC-4).

**74.3.58** When the on duty floor supervisor (TC-4) in Communications receives a faxed injunction packet from the VCISO Warrants Unit, they will verify that all documents and number of pages indicated on the cover sheet were received.

**74.3.59** The on duty floor supervisor (TC-4) at Communications will then notify the Warrants clerk via telephone that the entire injunction packet was in fact received.

**74.3.60** Communications personnel will then stamp the front page of the injunction with the Sheriff's red "True Copy" stamp.

**74.3.61** Communications personnel will then give the injunction to a patrol or prisoner transport deputy for delivery to the appropriate Patrol District for assignment.

**74.3.62** It is no longer necessary for Communications to email Civil that an injunction was received from the Clerk of Court or to hold copies of injunctions for pick-up by civil deputies.

#### **VCISO CIVIL SECTION RESPONSIBILITIES**

**74.3.63** At the beginning of each workday, the Civil Unit's enforceable clerical staff will check their email for any after-hours-injunction notifications sent by Warrants.

**74.3.64** If an email is received, the clerical staff will look for the respective certified copies in the next pick-up from the Clerk of Court.

**74.3.65** Unserved injunctions will be assigned to an enforceable deputy for normal service.

#### **VCISO COURT SERVICES**

**74.3.66** If a Bailiff or Court Security Deputy working a First Appearance hearing serves an injunction upon a respondent in the courtroom or jail, he will complete the FCIC Data Entry Sheet attached to the injunction and immediately notify Warrants of the service at 386-736-5962.

**74.3.67** This notification not only alerts Warrants Personnel to update FCIC that the respondent was served, but also prevents them from faxing the injunction to Communications for needless service.

#### **INCIDENTS INVOLVING SWORN LAW ENFORCEMENT OFFICERS**

**74.3.68** If an Injunction for Protection is served upon a sworn member of the Volusia County Sheriff's Office, the following procedures shall be followed:

- A.** The supervisor of the Deputy serving the injunction shall be notified and shall respond to the scene.
- B.** The sworn member shall be placed in a light duty status and prohibited from carrying a firearm. During this time, the Sheriff shall evaluate, on a case by case basis, the member's return to full duty status and authority to carry a firearm.
- C.** An Internal Affairs Investigation shall be conducted. The member may be required to complete a psychological fitness for duty evaluation prior to return to full duty status.

**74.3.69** If the officer involved is employed by a law enforcement agency other than the Volusia County Sheriff's Office, the supervisor shall notify that agency and document the notification.

#### **ENFORCEMENT OF INJUNCTIONS FOR PROTECTION**

**74.3.70** Changes to Florida Statutes dealing with injunctions for protection are common. All Deputies shall be familiar with all current state statutes regarding injunctions for protection.

**74.3.71** Deputies shall be familiar with warrantless arrest exceptions as they apply to injunctions for protection.

**74.3.72** Deputies must be familiar with the distinction between criminal charges that can be filed for violation of some terms of an injunction versus those violations which must be handled by contempt proceedings initiated by the petitioner through the Clerk of the Court.

**74.3.73** Some terms of an injunction cannot be enforced by law enforcement officers in the field, such as temporary child custody provisions unless specifically directed to take children away from one of the parties in the body of the injunction.

**74.3.74** Before any injunction is enforced, or arrest action taken regarding violation of an injunction, the law enforcement officer must confirm that the injunction is still in effect and that it has been properly served. For injunctions that originate in Volusia County, the Warrants Unit shall have accurate service information along with a copy of the injunction if it has not yet expired. For out-of-county injunctions, the Sheriff's Office of the originating agency shall be contacted to confirm if the injunction has been served.

**74.3.75** Injunctions for protection from any county or circuit court are fully enforceable in every county in Florida. Additionally, Volusia County Deputies are authorized to serve any and all injunctions which issue from these courts within Florida.

**74.3.76** If any Deputy has any questions concerning the enforcement of an injunction for protection, they may contact a supervisor from the Civil Unit for advice.

**74.3.77** Pursuant to Florida Statute and a local administrative order of the Chief Judge, the Volusia County Sheriff's Office is the primary agency responsible for serving injunctions for protection on respondents located in Volusia County. However, if any sworn law enforcement officer (such as a municipal police officer) contacts a respondent to an injunction who has yet to be lawfully served, that officer is authorized to serve the petitioner's copy of the injunction upon the respondent if the Sheriff's Office is unavailable to serve it. The officer serving the injunction must complete the service sheet and immediately notify the Sheriff's Office by faxing the service sheet to the Warrants Unit and Civil Unit offices.

**74.3.78** Pursuant to Florida Statute 741.315 recognition of foreign protection orders: Law enforcement officers shall enforce foreign orders of protection as if they were entered by a court of this state. Upon presentation of a foreign protection order by a protected person, a law enforcement officer shall assist in enforcement of all of its terms pursuant to federal law, except matters related to child custody, visitation, and support. As to those provisions only, enforcement may be obtained upon domestication of the foreign order pursuant to ss. 55.501-55.509 unless the foreign order is a "pickup order" or "order of bodily attachment" requiring the immediate return of a child.

**74.3.79** Before enforcing a foreign protection order a law enforcement officer should confirm the identity of the parties present and review the order to determine that on its face it has not expired. Presentation of a certified or true copy of the protection order shall not be required as a condition of enforcement, provided a conflicting certified copy is not presented by the respondent or the individual against whom enforcement is sought.

**74.3.80** Enforcement and arrest for violation of a foreign protection order shall be consistent with the enforcement of orders issued in this state.

**74.3.81** Whenever a foreign protection order is enforced, a report will be written and submitted through channels with a copy of the foreign protection order. A copy of the report and the order shall be forwarded to the Civil Section for proper distribution along with the foreign order registration form. It shall not be required that the foreign order be registered in order for enforcement action to be taken.

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**Revised by:** 6760/ 1337/ 6084

**Revised on:** 09-2013

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: ARREST WARRANT PRIORITIES**

**CODIFIED: 74.4**

**EFFECTIVE: 10-2001**

**RESCINDS/AMENDS: 74.4/07-1999**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish priorities and guidelines for the service of outstanding arrest warrants.

**DISCUSSION**

The Sheriff, by law, has the duty and obligation to execute all writs, processes and warrants coming into his hand, to be executed in Volusia County, Florida. Among the numerous advantages to assigning priorities to outstanding arrest warrants are the preservation of the public security and the swift application of justice.

**POLICY**

It shall be the policy of the Department to maintain a 24-hour Warrants Unit within the Records Section of the Support Services Division. It shall also be the policy of the Department that only sworn law enforcement officers shall execute arrest warrants and that it's done in an expedient manner.

**PROCEDURE**

**74. 4.1** The Warrants Unit shall be responsible for the distribution, processing, record keeping, filing, verifying and updating of warrants.

**74. 4.2** The Warrants Unit will deliver computer printouts by zones of arrest warrants to the District Commander in which the defendant resides or is known to frequent.

**74. 4.3** It shall be the responsibility of the District Commanders to ensure the execution of outstanding warrants for the arrest of defendants residing in or known to frequent their perspective Districts, within Volusia County, Florida. The execution of a criminal process and arrests without a warrant shall be in accordance with F.S. 901.

**74. 4.4** Zone printouts will be assigned to Deputies and each warrant shall require three attempts of service, unless there are mitigating circumstances, i.e., defendant has moved.

**74. 4.5** The assigned Deputy shall note on the back of the attached print-out:

- The assigned Deputy's name and ID number
- The dates and times of the attempts to serve the warrant
- The number of attempts made
- Any other pertinent information, i.e., change of address, A.K.A.'s

**74. 4.6** If the attempts of service are unsuccessful, assignment printouts shall be forwarded to Warrants Unit.

**74. 4.7** Deputies executing warrants shall confirm and verify the warrant immediately prior to the actual arrest. Each warrant must be confirmed by the Warrant Unit.

**74. 4.8** Priorities of outstanding arrest warrants shall be as follows:

- **First Priority** - The service of warrants which may prevent the death or injury to the public, witnesses and victims shall be of the foremost priority.
- **Second Priority** - The service of warrants for the arrest of capital or life felons and grand jury indictments shall be the secondary priority.
- **Third Priority** - Felony warrants and all failure to appear warrants shall be given the third priority.
- **Fourth Priority** - Misdemeanor warrants shall be given the fourth priority.

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**Revised by:** 6620  
**Revised on:** 10-2001

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: WRTIS OF BODILY ATTACHMENT  
FOR NON-PAYMENT OF CHILD  
SUPPORT**

**CODIFIED: 74.5**  
**EFFECTIVE: 10-2001**  
**RESCINDS/AMENDS: 07-1999**  
**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for the uniform implementation of the statutory changes relating to writs of bodily attachment for non payment of child support. These guidelines will establish responsibilities for the entry into the Florida Crime Information Computer (FCIC) and arrest, confirmation, collection of purge money, disposition of monies collected and proper return of service to the court.

**DISCUSSION**

F.S. 61.11 mandates that writs of bodily attachment for non payment of child support shall be entered into FCIC and provides a system for payment of purges as a result of such writs. It also requires the writs to state on the face if the order may be served on Sundays.

**POLICY**

It shall be the policy of this Department to comply with F.S. 61.11 and maintain a system for receiving, processing, service, entry into FCIC and the collection and dispersion of any purge monies collected as a result of these orders.

**PROCEDURE**

**CLERK'S OFFICE**

**74.5.1** The Clerk of the Court in each County has the responsibility for recording and subsequently forwarding writs of bodily attachment to the Sheriff's Office for processing pursuant to law. The Clerk of the Court shall perform and record all financial transactions necessary, as the result of the issuance of a writ of bodily attachment for non payment of child support.

**74.5.2** When the court issues a writ of bodily attachment against a non-custodial parent, the writ may require the payment of a purge and/or arrest of the non-custodial parent.

**74.5.3** The Clerk of the Court shall forward the original writ or a certified copy to the Sheriff of the county in which the writ is issued.

**74.5.4** If a writ of bodily attachment contains language that allows the defendant to pay a purge in lieu of arrest, a said defendant may make the payment with the Clerk of the Court.

**74.5.5** The Clerk of the Court shall verify that the issued writ allows for the payment of a purge. If the writ does not provide for a purge payment, then the Clerk should notify the court security Deputies for an arrest to be made.

**74.5.6** If the writ of bodily attachment allows for the payment of a purge, the clerk shall, upon payment of the purge, issue the required four page receipts verifying the payment. The Sheriff's copy should be forwarded to the Civil Unit. The clerk that issues the receipt of payment shall immediately notify the appropriate Sheriff's Office for the removal of the writ from FCIC.

**CIVIL UNIT**

**74.5.7** Any writ received by the Sheriff's Office from the Clerk of the Court should be promptly routed to the Civil Unit for processing.

**74.5.8** Upon receipt of a writ of bodily attachment issued pursuant to F.S. 61.11 by the Civil Unit, the paper shall be processed as required by law and department Directives 74.2.

**74.5.9** A writ of bodily attachment will be processed as an enforceable writ. The Civil Unit Enforceable Clerk shall process the writ of attachment and then a copy of the writ will be faxed to the Warrant Unit to have a warrant number assigned to the writ. The file will then be assigned to an Enforceable Unit Deputy for service.

**74.5.10** The original or certified copy of the order will then be sent to the Warrant Unit to be held in the warrant file. An appropriate cover letter will be attached to request that upon service, the purge being paid or the order being recalled, that the order be returned to the Civil Unit. The Civil Office will then prepare the appropriate return of the service and make a proper return to the Clerk of the Court.

**74.5.11** If the defendant in the writ of bodily attachment resides and works outside Volusia County, the Civil Clerk will mail a copy of the writ along with a standard cover sheet to the Sheriff's Office where the defendant is believed to be located. The cover letter will indicate that this order has been entered into FCIC by Volusia County and our warrant number. The cover letter will request that the Sheriff's Office attempt to locate and arrest the defendant. The cover letter will also request that in addition to normal warrant confirmation procedures that the Civil Unit be notified of an arrest.

**74.5.12** The civil clerks shall monitor all unexecuted writs of bodily attachment. Once an order has been entered into FCIC for a period of one year with no arrest, the Civil Clerk shall contact the Clerk of the Court and verify that the order is still active. If the order is still active, the Clerk of the Court will be requested to send a new clerk's certified copy with the current date to be placed into the civil file. This process will be done yearly until the order is served, recalled or the purge is paid.

#### **WARRANT UNIT**

**74.5.13** The Warrant Unit shall be responsible for the entry into FCIC of writs of bodily attachments for non payment of child support received from the Civil Unit. The writ will be entered according to FCIC guidelines, which require that the comment section state if the writ may be served any day of the week, any time of the day or night or that the writ may or may not be executed on Sunday.

**74.5.14** The writ of bodily attachment, once served, purge requirements are met, or is recalled, shall be removed from FCIC according to department standards. The original copy of the writ will be returned to the Civil Unit for an appropriate return of service to be made to the Clerk of the Court.

#### **CIVIL ENFORCEABLE DEPUTIES**

**74.5.15** Civil Enforceable Deputies will make a diligent search to attempt to serve the writ of bodily attachment on the defendant. Once the defendant is located, the defendant will be served the writ. The Civil Enforceable Deputy will inquire if the defendant has previously paid their purge if one was allowed. If the defendant has the proper required receipt verifying the purge was paid, then it will be documented in the deputy field sheet and the return.

**74.5.16** If the defendant has not satisfied the purge requirement, then the defendant will be allowed to pay the purge to the Civil Deputy if the defendant has the money. If the defendant posts a purge to the Civil Deputy, the Deputy will completely fill out the required state receipt form and complete an incident report. The Deputy will ensure the copies of the receipt are distributed to the appropriate persons. The Deputy will then immediately notify the Warrant Unit that the purge has been paid and to have the writ removed from FCIC.

**74.5.17** Only the Enforceable Unit Deputies will be issued receipt books to collect cash purges. Department policy authorizes only the acceptance of cash, a cashier's check or a money order for payment of a purge. The Deputy collecting the purge shall complete the required state issued receipt. The defendant will sign and receive the top (white) copy. The (canary) Sheriff's copy and the (pink) Clerk of the Court copy will be turned into the Civil Office. The (gold) file copy will remain in the receipt book.

**74.5.18** Once a defendant has paid the required purge, the Deputy accepting the purge shall, as soon as possible, turn in the money and the receipt copies to the Civil Office. If the writ was issued by another Sheriff's Office, then the money will be forwarded to that Sheriff's Office by the Civil Unit. The Deputy accepting any purge in lieu of arrest shall notify the Sheriff's Office which entered the writ, by teletype, of the purge being paid and to have the writ removed from FCIC.

**74.5.19** If the defendant is unable to pay the required purge and warrants confirm the writ active, then the defendant will be transported to the branch jail and a SA-798 will be completed. The SA-798 will list the charge as contempt/child support, F.S. 61.11, bond amount as none and the amount of the purge required to be released from custody in the narrative. The arresting Deputy will then complete the required return of service and make any notifications as may be required in the writ of bodily attachment. The arresting Deputy will contact the Warrant Unit indicating that the defendant was arrested on the warrant to permit removal from FCIC.

## **L.E.S. DEPUTIES**

**74.5.20** If a Deputy is advised by the Communications Section that a subject is wanted for a civil arrest order for non payment of child support, the Deputy should follow normal warrant confirmation procedures. If the warrant response shows the order is still active, the Deputy should inquire if the defendant has the receipt for "payment of child support purge," if a purge is allowed. If the defendant can produce a receipt, the date of the writ, purge amount paid and court case number should be verified against the warrant response, to ensure the receipt was issued for the same date and case. If the defendant has no receipt and the warrant response is confirmed active, the defendant should be taken into custody and charged with "contempt/child support", under F.S. 61.11, and the bond amount filled in as "none".

**74.5.21** If the defendant has the money to post the cash purge, then the defendant may do that at the branch jail after being processed. The cash purge is not a bond that can be posted through a bondsman. The purge amount will be obtained from the warrant response. If a Deputy is in contact with a defendant on a Sunday, the Deputy must confirm that the writ allows for arrest on Sunday (which will be in the comment block of the FCIC response). If the writ of bodily attachment does not allow for an arrest on Sunday, then a field contact card shall be completed and a copy forwarded to the Civil Unit for follow up.

## **DEPARTMENT OF CORRECTIONS**

**74.5.22** The Department of Corrections will be issued child support purge receipt books to allow defendants to post a purge from the jail, if a purge is allowed. The Department of Corrections will only take purge payments from defendants that are in custody. If a person walks into the jail and wants to post a purge they must be arrested on the warrant if one exists, otherwise, they should be directed to the Clerk of the Court for further assistance.

**74.5.23** The booking office will have the receipt book available and will complete the receipt upon a payment of a purge. The purge money and the Sheriff's Office and Clerk of the Court receipts will be deposited into the safe as a bond would be and will be sent to the Volusia County Sheriff's Office Cash Bond Office. The "white" original copy of the receipt will be issued to the defendant. The remaining copy is to stay with the receipt book. Once a book is completed, it should be returned to the Volusia County Sheriff's Office Civil Unit. If additional books are needed, they can be obtained by contacting the Civil Unit at 254-4661.

## **EXTRADITION UNIT**

**74.5.24** The Extradition Unit is normally responsible for the transportation of defendants back to Volusia County when arrested by other counties. Once a defendant is transported back to Volusia County the writ of bodily attachment may allow the cost of transportation to be added to the purge, if a purge is allowed. If the writ of bodily attachment allows for this, then the extradition Deputy should add this amount to the total purge the defendant must pay to be released from custody. The narrative section of the SA-798 should also reflect the cost of transportation amount added to the purge requirement. Any purge monies collected for cost of transportation shall be deposited into the appropriate account.

**Revised by:** 6620  
**Re**

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

**vised on:** 10-2001





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>CIVILIAN PROCESS SERVER</b>
<b>CODIFIED:</b>	<b>74.6</b>
<b>EFFECTIVE:</b>	<b>10-2001</b>
<b>RESCINDS/AMENDS:</b>	<b>NEW</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines for conduct of Civilian Process Servers.

**DISCUSSION**

The Office of the Sheriff is mandated by Florida Statute 30.15 to execute all process and such other writs, processes, and other papers directed to them as may come to their hands.

All civil legal processes received by the Department shall be delivered or forwarded to the Civil Section in an expedient manner to insure proper service.

All appointments as Civilian Process Server will have only limited authority for the sole purpose of serving non-enforceable writs.

**PROCEDURE**

**ADMINISTRATION**

**74.6.1** The Support Services, Civil Section Captain is responsible for the management of the Civilian Process Servers.

**74.6.2** The Civilian Process Servers will be responsible to the Civil Sergeants in the Districts which each is assigned.

**74.6.3** The Civil Sergeant of each District will be responsible for the inspection, and evaluation of all Civilian Process Servers in the same manner as all other subordinates.

**74.6.4** The primary Civil Unit offices are located at 250 North Beach Street, Room 119, Daytona Beach and 116 W. Indiana Avenue, DeLand, second floor with District offices located at: District 4, 1691 Providence Boulevard, Deltona; and District 5, 101 E. Canal Street, New Smyrna Beach, second floor.

**74.6.5** All Civilian Process Servers will successfully complete a class on the service of non-enforceable writs and maintain a working knowledge of civil process in order to retain their appointment.

**APPEARANCE AND CONDUCT**

**74.6.6** As a representative of the Sheriff, all uniforms will be kept clean and pressed at all times.

**74.6.7** The uniform issued by the Sheriff's Office will be the only apparel authorized. At no time is a combination of the issued uniform and personal clothing to be worn.

**74.6.8** The issued uniform will consist of five (5) golf shirts with the "Sheriff's Office" embroidered on the right side with "Process Server" embroidered immediately below the "Sheriff's Office". Each Civilian Process Server will also be issued five (5) pairs of khaki pants, one (1) jacket as designated, and one (1) raincoat. Foot wear to be provided by the employee and will consist of a black shoe with no buckles, snaps or other metal objects, black tennis shoes are acceptable, dark colored socks are to be worn with the uniform.

**74.6.9** All Civilian Process Servers have limited authority for the **sole and exclusive** purpose of exercising the Sheriff's authority to serve non-enforceable process in Volusia County, Florida, pursuant to Chapter 48, Florida Statutes.

**74.6.10** Civilian Process Servers are **not** authorized to enforce any of the laws of the State of Florida or the ordinances of Volusia County, or carry and/or conceal firearms or weapons of any type on their person or in their vehicles.

**74.6.11** Civilian Process Servers are **not** authorized to identify themselves as Deputy Sheriff's.

**74.6.12** All Directives apply to all Civilian Process Servers as outlined in any Directive of the Volusia County Sheriff's Office Directives Manual.

**74.6.13** In any instance where the person to be served, or the occupants of the location displays hostility towards the Civilian Process Server, he/she will immediately withdraw from the area and notify their supervisor.

**74.6.14** Any time the Civilian Process Server learns of an active warrant(s) for an individual to be served, or learns of any special hazards at a specific location where process is to be served, he/she will notify their immediate supervisor for appropriate enforcement action to be taken by the appropriate personnel prior to attempting service of any process.

#### **EQUIPMENT AND CARE OF EQUIPMENT**

**74.6.15** Each Civilian Process Server will be issued a county pager, cell phone, county vehicle, Stinger flashlight and holster, to be utilized only as instructed by the Training Section.

**74.6.16** All cell phones shall be utilized only for official business. Attempts will be made to utilize the phones at the assigned office whenever possible. All utilization of cell phones will be in compliance with Directive 81.3. Each cell phone bill will be monitored on a monthly basis. The cell phones are not to be used while driving.

**74.6.17** Each vehicle issued will be kept at a designated area to be determined by the Civil Section Supervisor or other competent authority, and is not to be altered in anyway.

**74.6.18** The cleaning of the vehicle will be the responsibility of each Civilian Process Server assigned. One hour of productive time will be allotted each week for the purpose of cleaning the vehicle and maintaining it in a presentable manner. All maintenance, preventive maintenance, or repairs is to be conducted by the Volusia County Vehicle Maintenance or authorized vendor.

**74.6.19** The immediate supervisor will conduct monthly inspections, quarterly and annual evaluations of each Civilian Process Server along with the vehicle and all equipment and a copy of the inspection will be placed in the respective personnel field file of the employee.

#### **PROCESSES TO BE SERVED BY THE CIVILIAN PROCESS SERVER**

**74.6.20** Civilian Process Servers are authorized to serve **only non-enforceable civil process** that has been received and processed by the Sheriff's Office for service.

**74.6.21** Only those processes as outlined in Directives 74.2.59 through 74.2.92 may be served, or other processes as assigned by the immediate supervisor of the Civilian Process Server.

**74.6.22** Any business cards left at a location requesting the party to be served to call the Civilian Process Server, will list the office number where the Civilian Process Server is assigned and not the Central Communications phone number.

#### **SERVICE OF PROCESS/ RETURNS OF SERVICE**

**74.6.23** All processes will be served in accordance with the applicable State Statute and in compliance with Directive 74.2.

**74.6.24** All returns of service will be reviewed and compared against the worksheet submitted for accuracy prior to signing the return of service.

#### **TESTIFYING IN COURT**

**74.6.25** When called to testify at any hearing in regards to the service of civil process, the immediate supervisor will be notified. All courtroom appearance will be in at least a sport jacket and tie for male process servers and comparable professional attire for female process servers. Hearings in chambers or depositions will require only the issued uniform of the day.

**74.6.26** All court appearances will be compensated. If outside of the normal scheduled hours overtime will be paid with an accompanied subpoena.

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**Revised by:** 2031  
**Revised on:** 01-31-02

**Approved: 01-01-17**

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**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: COMMUNICATIONS SERVICES**

**CODIFIED: 81.1**

**EFFECTIVE: 06-2017**

**RESCINDS/AMENDS: 81.1/10-2011**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to define the organizational structure of the Communications Section of the Sheriff's Office.

**DISCUSSION**

The Volusia County Charter, Article VI, Section 601.1 (2) states that the Department of Public Safety (Sheriff's Office) shall be responsible for the control, operation and administration of the duties of law enforcement. The Communications Section carries out certain specialized tasks in support of these duties which are unique to this Section and which must be clearly defined.

**POLICY AND PROCEDURES**

**81.1.1** The Section shall have two primary areas of responsibility: Dispatch Services and Enhanced 9-1-1 Services.

**GOALS**

**81.1.2** The primary goal(s) of each of the two Sections shall be as follows:

**DISPATCH SERVICES**

**81.1.3** To provide an effective dispatch service that will facilitate the delivery of public safety services throughout the County.

**81.1.4** To provide the communications support necessary to enable the Sheriff's Office to successfully continue the Community Based Policing program.

**ENHANCED 9-1-1 SERVICES**

**81.1.5** To ensure the health, safety and well-being of the public within Volusia County by providing quality E-911 service.

**81.1.6** To develop and administer an annual E-911 Surcharge budget which will adequately provide the equipment and services necessary to achieve these goals.

**ALARMS**

**81.1.7** Although the Sheriff's Office does not monitor any alarms, residential or commercial, the Sheriff's Office does respond to reports that such alarms have been activated.

**81.1.8** Reports of alarm activation shall be handled in accordance with the appropriate Communications Call Handling Guide. Excessive false alarms shall be handled in accordance with Volusia County Ordinance 78-01 (see Directive 81.14, Burglar Alarm Ordinance).

**81.1.9** The information to be obtained, and the response initiated, shall be in accordance with the appropriate Communications Call Handling Guides.

**81.1.10** Sanctions and other actions taken for excessive false alarms shall be in accordance with Volusia County Ordinance 78-01.

## **ORGANIZATIONAL ACCOUNTABILITY**

**81.1.11** The Communications Section shall be under the direct supervision of the Communications Director within Support Operations Division.

## **ESTABLISHMENT OF SPECIFIC COMMUNICATION FUNCTIONS**

**81.1.12** The Dispatch component shall be responsible for the following functions in meeting its goals:

**A.** Telephone Communications;

- Administrative Communications,
- Non-Emergency Communications,
- Emergency (E-911) Communications,

**B.** Radio Communications;

- Dispatch,
- Alert/dispatch,
- Paging,
- Emergency management communications,
- Base to mobile communications,
- Base to base communications,

**C.** Computerized Communications;

- Computer Aided Dispatch (CAD) services,
- FCIC/NCIC inquiries, administrative messages, CJIS.

**81.1.13** Telephone communications shall be conducted in accordance with established procedures, including the "Telephone Complaint/ Report Processing Procedures" and the "E-911 Standard Operating Procedures Manual."

**81.1.14** Radio communications shall be conducted in accordance with established procedures, including the "Telephone Complaint/ Report Processing Procedures", "Volusia County Call Handling Guide", the "Radio Operations Manual" and in accordance with all applicable FCC procedures and requirements as presented in the FCC Rules and Regulations, Part 90, Land Mobile Radio Communications.

**81.1.15** Computerized communications shall be conducted in accordance with established procedures, including the "Volusia County Call Handling Guide", "Telephone Complaint/ Report Processing Procedures", the FCIC/NCIC Operating Procedures Manual, and CAD/CJIS Manual.

## **ASSIGNMENT OF RESPONSIBILITIES**

**81.1.16** The Communications Director shall be responsible for the overall attainment of the goals presented in this Directive. The Director shall also be responsible for ensuring that the specific functions described herein are carried out in accordance with all applicable rules, policies and procedures, and local, State and Federal requirements and regulations.

**81.1.17** The Communication Shift Supervisor (or in their absence, the Assistant Shift Supervisor) shall be responsible for ensuring that telecommunications personnel assigned to their shift comply with all applicable rules and regulations, policies and procedures, etc.

**81.1.18** The 911 Coordinator shall be responsible for the overall operation of the County Enhanced 911 system.

**81.1.19** The Communications Training Coordinator shall be responsible for ensuring that all Telecommunicators receive adequate training in order to comply with all applicable rules and regulations, technical equipment operating procedures and emergency management procedures.

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**Revised by:** 6760

**Revised on:** 10-2011; 05-2017

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: GENERAL COMMUNICATIONS  
PROCEDURES**

**CODIFIED: 81.2**

**EFFECTIVE: 06-2019**

**RESCINDS/AMENDS: 81.2/10-2011**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for handling calls and providing services.

**DISCUSSION**

Guidelines for handling calls and providing services should be established and available to Sheriff's Office personnel.

**POLICY**

It shall be the policy of the Volusia Sheriff's Office (VSO) that employees utilize "Volusia County Call Handling Guides" in conjunction with Sheriff's Office Standards Directives.

**PROCEDURE**

**BOMB THREATS (COURTHOUSE)**

**81.2.1** If the call is received at the Courthouse or one of the Annexes, the person receiving the call shall notify the Volusia County Control Room on CRT3 Channel of any calls received at the Courthouse (i.e. care break in the parking lot, disturbance within an office, etc.).

**81.2.2** If a Court Services Section Supervisor determines that assistance is needed, the supervisor shall notify the Communications Section of the type of assistance required.

**81.2.3** The Telecommunicator receiving the call shall obtain all pertinent information in accordance with the appropriate "Call Handling Guide".

**81.2.4** A complaint card or CAD event entry shall be completed and forwarded to the dispatcher.

**81.2.5** The dispatcher shall initiate the required response in accordance with the appropriate Call Handling Guide dispatch information and Directive 46.1 All-Hazards Plan [BombThreats and Explosive/ Incendiary Devices].

**81.2.6** If the bomb threat call is received at Communications Section during normal business hours:

- A.** Obtain as much information as possible, using the appropriate "Call Handling Guide".
- B.** Notify the appropriate Court Services Section Supervisor at the affected location.
- C.** Notify the Communications Shift Supervisor.
- D.** After hours, on weekends and holidays the Watch Commander will be contacted.

**81.2.7** The Court Services Section Supervisor will advise the Communications Shift Supervisor when the scene has been secured.

**TRAFFIC CONTROL DEVICES**

**81.2.8** Communications Section will notify the appropriate person(s) immediately when a report of a damaged, missing or malfunctioning traffic control device is received.

**81.2.9** If reported during regular business hours, the Telecommunicator shall notify the Sign Shop immediately, giving the location, type of device and a brief description of the problem. If a "stop" sign or other traffic control sign is involved, it is important to advise whether or not all parts are still at the scene and usable.

**81.2.10** If reported outside regular business hours, the Traffic Engineer on call shall be notified immediately via telephone or by activating the assigned pager.

**81.2.11** The three assigned pagers shall be activated first.

**81.2.12** The person on call is the only one who will have their pager turned on; all others will be inactivated.

**81.2.13** No "on call" list is available to determine which of the three is assigned for that date.

**81.2.14** Since calls frequently occur during the night, it is not necessary to disturb those personnel not on call.

**81.2.15** The person who is on call will then call Communications Services to obtain the necessary information.

**81.2.16** A notation must be made of the time and person notified.

**81.2.17** If the device is such that immediate hazard is a possibility, a Deputy/Officer shall be dispatched to provide traffic control until the problem is corrected.

**81.2.18** All signs and devices affecting traffic control, such as traffic lights, stop signs, yield signs and warning signs which are damaged, missing or malfunctioning shall not be "held" for any reason. Notification of the appropriate person(s) shall be made immediately.

**81.2.19** If the location is within the jurisdiction of a city, the police department for that city must be notified of the problem, and request assistance with traffic control.

**81.2.20** If, for any reason, a city requests assistance with traffic control, a Patrol Supervisor should be notified and a unit dispatched. The city who has jurisdiction shall be advised that a Sheriff's Office unit will be responding.

**81.2.21** Damaged or missing signs which do not have a traffic control purpose, such as street name signs, shall be reported to the Sign Shop on the next regular business day. The pertinent information shall be recorded and forwarded to succeeding shifts until accomplished.

#### **PRIVATE SECURITY ALARMS**

**81.2.22** The VSO does not monitor alarms, residential or commercial, however, the Sheriff's Office does respond to reports that such alarms have been activated. Alarm reports shall be handled in accordance with "Volusia County Call Handling Guides". Excessive false alarms shall be handled in accordance with Volusia County Ordinance 78-01.

#### **EMERGENCY MESSAGES**

**81.2.23** Communications Section will accept requests for delivery of emergency messages dealing with deaths, serious illness, and possible threats to personal safety of individuals, and make every effort to deliver the messages to the intended recipient.

**81.2.24** All such requests for delivery of emergency messages will be handled in accordance with the appropriate Call Handling Guide.

**81.2.25** If the responding Deputy has been unable to contact the individual, the Deputy should be requested to leave a written message at the person's address stating that there is an emergency message waiting at the VSO's Communications Section.

**81.2.26** The undelivered message should be given to the Shift Supervisor who shall retain the message until the end of the shift.

**81.2.27** If the individual for whom the message is intended contacts the Communications Section prior to the end of the shift, it shall be the Shift Supervisor's responsibility to deliver the message via telephone or have an officer return to the person's address to deliver the message in person. The decision as to which method to use is the responsibility of the Shift Supervisor and should be based on the known circumstances and the message content.

**81.2.28** If the message has not been delivered by the end of the shift on which it was received, it is the responsibility of the Shift Supervisor to ensure that the message is given to the supervisor of the next shift for further attempts to deliver the message.

**81.2.29** The original person or agency must be advised if repeated efforts to deliver the message are unsuccessful.

## **DETECTIVE MESSAGES**

**81.2.30** Detective messages shall be referred to the respective District office or Investigative Services during business hours.

**81.2.31** After hours, it shall be the responsibility of the Shift Supervisor to determine whether the message is of sufficient urgency to merit contacting the Detective at home; if there is any doubt, an attempt to contact them at home shall be made.

**81.2.32** When a message is extremely urgent, and all other means of contacting the Detective have been exhausted, the Shift Supervisor shall have a Deputy respond to the Detective's residence and leave a written message to contact Central; the Patrol Supervisor in the affected District shall be informed of the response and the reason for it. The time and method shall be noted on the message slip or CAD entry.

## **SWAT TEAM CALL-OUT**

**81.2.33** All requests for a SWAT Team response shall be handled as a priority call. The Telecommunicator shall notify the Shift Supervisor immediately, who shall then institute the prescribed notification procedures.

### **TEAM NOTIFICATION**

**81.2.34** The Communications Shift Supervisor shall contact the SWAT Team Commander or designee (Incident Commander) as soon as the request for the SWAT Team is received.

**81.2.35** The Communications Shift Supervisor shall also notify the Public Information Officer (PIO) of the location, nature of the incident, action taken or planned, and any other pertinent information. If requested to do so, the Shift Supervisor will notify the Legal Advisor.

**81.2.36** It shall be the responsibility of the Law Enforcement Operations Division Chief to notify the Sheriff/Chief Deputy.

**81.2.37** Specific agencies and persons shall be placed on "stand by" to expedite their response if such services becomes necessary. They shall be instructed to respond only when requested to do so, at the direction of the Law Enforcement Operations Division Chief or other competent authority (e.g. designated Incident Commander). These entities include, but are not limited to:

- VSO Chaplain.
- Appropriate utility company.

**81.2.38** No deviation from these procedures shall be allowed except as instructed by the Law Enforcement Operations Chief, or other competent authority.

**81.2.39** The Communications Shift Supervisor shall ensure contact is attempted with the personnel requested and document the results.

## **HAZARDOUS MATERIAL TEAM**

**81.2.40** Communications personnel shall contact the Volusia County Hazmat Team.

## **MEDICAL DIRECTOR**

**81.2.41** Communications personnel shall contact the Medical Director.

## **RAILROAD RIGHT-OF-WAY EMERGENCIES**

**81.2.42** All reports of emergencies involving railroad rights of way shall be handled immediately.

**81.2.43** When the emergency involves an obstruction on the right of way, information as to the location and nature of the obstruction must be relayed immediately to the Chief Dispatch Point. Information on whether or not the obstruction has been confirmed by a reliable source should also be relayed.

**81.2.44** When information is received from the railroad Dispatcher regarding trains in the area or en route toward the obstruction, their ETA to that location shall be obtained. This information shall be relayed to the responding units.

**81.2.45** Once the obstruction has been cleared, the Chief Dispatch Point for the affected Railroad must be advised.

**81.2.46** The Chief Dispatch Points for both Railroads have the capability of operating signals electronically; they also maintain radio contact with all trains in the area on their tracks.



**81.2.47** The two Substations for CSX Railroad have radio contact with their trains, but do not have the capability of operating the signals electronically.

#### **CONTACT PROCEDURES: FLORIDA EAST COAST RAILROAD**

**81.2.48** Notify the Chief Dispatch Point of all emergencies involving Florida East Coast RR tracks and/or trains via telephone.

#### **FIRE AND RESCUE CALLS**

**81.2.49** The appropriate agency or agencies will be immediately notified when their response is required.

**81.2.50** Certain types of fires and rescues require the response of an Aviation unit. These types of calls shall be handled in accordance with the appropriate Call Handling Guide.

**81.2.51** If airborne, the Aviation unit shall be immediately dispatched via radio.

**81.2.52** If on land, immediate dispatch will be made via telephone.

**81.2.53** Calls requiring the response of Beach Patrol Units for rescues on the beach shall be handled in accordance with the Volusia County Call Handling Guide.

#### **MEDICAL EXAMINER'S INVESTIGATORS**

**81.2.54** Communications personnel shall contact Medical Examiner Investigators.

#### **EMERGENCY SERVICE AGENCIES**

**81.2.55** Communications Section shall maintain a current list of telephone numbers for all emergency service agencies in Volusia County and surrounding areas in easily accessible locations throughout the dispatch and telephone sections of the Communications Center.

**81.2.56** It shall be the responsibility of all Communications Section Supervisors to record all changes in telephone numbers for emergency service agencies.

**81.2.57** Changes in telephone numbers shall be disseminated when the change affects an agency within Volusia County, and recorded at all communications positions.

**81.2.58** Changes in telephone numbers for agencies outside Volusia County shall be recorded at all communications positions.

**81.2.59** A list shall be maintained in the Contacts File System for prompt access by all personnel.

**81.2.60** Current City and County directories and telephone books shall be provided as they are received.

**81.2.61** Electronic access to business, residential, government, etc. phone numbers, addresses and any specified contacts are available to all Communications Center personnel via the designated application on the VSO intranet. There shall be hard copies of telephone books for all areas and cities within Volusia County kept in the Communications Center for backup reference purposes.

**81.2.62** Directories shall be available in both the telephone and radio areas at all times, and shall not be removed from these areas for any reason; these shall cover all areas and cities within Volusia County.

#### **PROCURING EXTERNAL SERVICES**

**81.2.63** Communications Services section shall procure all external services required (or requested by an officer) promptly, in order to provide assistance in all, but especially in emergency, situations.

**81.2.64** All telephone numbers and procedures for the procurement of external services shall be found in the Contacts File System.

#### **TAXI/CAB COMPANIES**

**81.2.65** Communications Services section shall contact a taxi/cab company promptly when requested to do so by a Deputy on the scene of an incident or traffic stop.

**81.2.66** No recommendation shall be made by the Telecommunicator.

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**Revised by:** 6367  
**Revised on:** 06-2019

**Approved:**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and a large, stylized flourish.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>CELLULAR PHONES</b>
<b>CODIFIED:</b>	<b>81.3</b>
<b>EFFECTIVE:</b>	<b>06-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>81.3/03-2016</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish procedures for the use of Cellular Phones.

**DISCUSSION**

**81.3.1** As technology enhances communication, resources and response capabilities, the Sheriff's Office recognizes the importance of its application through use of cellular phones. These devices are valuable tools in conducting law enforcement business with residents, visitors, businesses, and governmental agencies located both within and outside Volusia County. Their mobility, ease of use, reliability and low cost make such mobile devices indispensable time saving law enforcement tools that benefit both the community and agency alike.

However, managing cost effectiveness in relation to the enhanced operational benefit derived from these devices is dependent upon their safe, responsible and proper use. The following procedures will hereby serve as guidelines for the proper safe and cost effective use of such devices.

**DEFINITIONS**

- A. CELLULAR PHONE:** For the purpose of this directive, the term Cellular Phone shall include both Feature Phones and Smartphones.
- B. FEATURE PHONE:** For the purpose of this directive, use of the term Feature Phone shall apply to any department issued mobile phone device whose primary function is to make and receive phone calls and if authorized, send and receive text messages. Feature Phones are commonly referred to as "flip phones" and do not offer advanced features such as Internet, e-mail and the installation of apps.
- C. SMARTPHONE:** For the purpose of this directive, the use of the term Smartphone shall apply to any department issued mobile phone device which offers features beyond those provided by Feature Phones such as data service, Internet access, e-mail, apps, multimedia capability, and access to systems via remote connectivity to the Sheriff's Office network.

**POLICY**

It is the policy of the Volusia Sheriff's Office to explore and encourage the use of technology in a professional and responsible manner and to provide personnel with guidelines in its use to ensure effective communication, information and public service benefits.

**PROCEDURES**

## **CELLULAR PHONES:**

**81.3.2** Users authorized to carry and use a Smartphone are required to ensure that such devices are not used by unauthorized personnel and that data accessed using such a device is properly protected from misuse.

**81.3.3** Cellular phones are intended to augment Sheriff's Office field operations in an effort to provide an expanded, more rapid and flexible communications capability. They are not to be used as a substitute for more appropriate communications or data capture devices within given situations. Sheriff's Office issued cellular phones shall be confined to those positions the Sheriff has determined to have a legitimate assignment need.

**81.3.4** Under normal conditions, employees and other personnel wishing to call a cellular-equipped employee in the field should assess the need for the call. If another type of communication would be more appropriate under the circumstances, it shall be used.

**81.3.5** Because of the increasing use of cellular technology by drivers while actively driving on the roadways and the inherent dangers associated with such distracted driving, the use of a cellular phone or other data device for texting while driving is expressly prohibited (Refer to Directive 26.2 Standards of Conduct for violation penalty).

**81.3.6** In the absence of a password, users should refrain from programming sensitive telephone numbers, including employee home numbers into assigned cellular phones to prevent misuse of the information if the phone is lost or stolen.

**81.3.7** Cellular phones are for the express use of the user to whom it has been issued (and who is accountable for its use). Use of an assigned cellular phone by family members and friends is prohibited.

### **DEVICE MANAGEMENT**

**81.3.8** Sheriff's Office Inventory Control personnel shall be responsible for the management of feature phones including validating billing, issuing devices, troubleshooting/replacing defective equipment and providing end-user support and training.

**81.3.9** Sheriff's Office Information Technology personnel shall be responsible for the management of Smartphones including validating billing, issuing devices, troubleshooting/replacing defective equipment and providing end-user support and training. In addition, Information Technology shall configure Smartphones in accordance with Directive 82.6 Computer Security and Utilization.

### **BLUETOOTH TECHNOLOGY OR WIRELESS EAR PHONES:**

**81.3.10** In that it detracts from a professional image, the use of Bluetooth or similar wireless ear pieces are not permitted to be worn by personnel when in uniform. Exceptions to this rule may be made for assignment-specific purposes as determined by the user's respective supervisor. For additional information regarding Bluetooth devices for Smartphones, refer to Directive 82.6 Computer Security and Utilization.

### **EMERGENCY USE**

**81.3.11** Cellular phones should be used whenever there is an emergency situation or other exigent circumstance requiring telephone communications, and valuable time would otherwise be lost.

### **CRIME SCENES**

**81.3.12** VSO personnel shall not take photographs or video of any crime, crime scene, traffic accident, victim, witness, suspect, evidence, document, or other person or thing actually or potentially relating to a crime, criminal investigation or other official VSO proceeding using personally owned cell phones, digital cameras, video recorders, or any other image/voice recording device. No images of any of the above shall be emailed, faxed, uploaded to web sites, or shared in any way without proper authority and / or court subpoena. The VSO retains ownership of all images/voice recordings, regardless of form, obtained in any manner by any employee in the course of official business. Use of agency issued Smartphones to capture above named photographs, voice or video shall be in accordance with Directive 83.1 Collection of Evidence.

### **ADMINISTRATIVE USE**

**81.3.13** Personnel assigned cellular phones are authorized to use the phones for routine Sheriff's Office business during travel time.

**81.3.14** The employee must acknowledge and confirm they are and will be solely responsible for any and all costs incurred by or resulting from personal use of the cellular phone.

## REPORTS

**81.3.15** The Chief Deputy, or his designee shall report to the Sheriff any perceived abuse or misuse of Sheriff's Office cellular phones as may be reflected in the monthly billing.

## CELLULAR PHONE GUIDELINES

**81.3.16** All phones have voice mail. When setting up voice mail, establish a pass code to prevent access to your messages.

**81.3.17** Text messaging for anything other than business purposes is strongly discouraged. To comply with Florida Public Records Law, all text messages sent and received are permanently archived. Personnel issued a cellular phone are encouraged to carry the phone at all times on and off duty. Certain personnel, subject to assignment or on-call, may be required to carry the cellular phone at all times at their supervisor's discretion.

**81.3.18** All cellular phone records are subject to public record laws. All numbers in and out are recorded.

**81.3.19** Unless authorized by a supervisor, users are not permitted to use cellular phones outside of the Continental United States or Hawaii as roaming charges may apply. Users are responsible for paying any long distance, roaming, directory assistance, texting, or other monthly expense that is not business related and not provided for under the Sheriff's Office cellular phone contracts.

## REPAIR/ LOSS OF CELLULAR PHONES

**81.3.20** Requests for cellular phone repair shall be directed to the personnel responsible for the management of the device. If damage to the telephone is determined to be the fault of the user, the user may be subject to reimbursing the Sheriff's Office for the cost of repairs/replacement of the cellular phone.

**81.3.21** Loss of a cellular phone shall be immediately reported to the personnel responsible for the management of the device and to the user's supervisor. If loss of the phone is determined the fault of the user, the user may be subject to reimbursing the Sheriff's Office for its loss.

## USE OF PERSONAL CELL PHONES AT WORK

**81.3.22** Excessive use of personal cell phones, Smartphone and other handheld data devices during working hours for personal communication purposes results in loss of productivity and increases the work burden on coworkers. Therefore, use of personal cell phones during working hours shall be limited to those situations which legitimately necessitate the interruption of work responsibilities for personal use of the cell phone (e.g. family emergency, brief contact/coordination with child (children), notification of late work day, etc.). Abuse of this privilege may result in disciplinary action in accordance with Standards Directive 26.2 Standards of Conduct, under Neglect of Duty Offenses, 26.2.33 and 26.2.34.

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**Revised by:** 6387  
**Revised on:** 06-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>VEHICLE INFORMATION</b>
<b>CODIFIED:</b>	<b>81.4</b>
<b>EFFECTIVE:</b>	<b>06-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>81.4/10-2011</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to provide guidelines and procedures involving motor vehicles.

**DISCUSSION**

The dissemination, logging and control of motor vehicle information are important elements of the telecommunication function. Guidelines should be established for the dissemination of stolen vehicle information, logging and dispatching of towed, abandoned or disabled vehicles.

**POLICIES AND PROCEDURES**

**81.4.1** Stolen vehicles reported stolen to this agency shall be entered into FCIC/NCIC records, by the Teletype unit at Communications as promptly as verified by the responding Deputy.

**81.4.2** A teletype BOLO shall be issued within the area specified by the officer, or Region 4 (as described by the FCIC manual) if no area is specified.

**81.4.3** BOLO's for stolen vehicles reported to any agency in Volusia County which have just occurred shall be broadcast via radio in accordance with procedures in the appropriate VCSO Call Handling Guide.

**TOWED VEHICLES**

**81.4.4** A specific rotation among wrecker companies was established to ensure equitable distribution among all authorized companies.

**81.4.5** When vehicles are towed, and the owner is not present, the owner must be notified promptly to prevent unnecessary storage charges. Additionally, when stolen vehicles are recovered, the owner must be notified of its recovery, the vehicle's location and condition, and what steps must be taken to secure the release of the vehicle. (See Directive, 61.13 Vehicle Towing & Impound)

**ABANDONED VEHICLES**

**81.4.6** Vehicles deemed "abandoned" may be towed on the authority of the Deputy locating the vehicle.

**81.4.7** An FCIC/NCIC check shall be made to determine whether or not the vehicle has been entered as stolen. Such a check is essential to ensure that proper processing and preservation of evidence is carried out on recovered, stolen vehicles.

**81.4.8** If the vehicle is not entered into FCIC/NCIC as stolen, every effort must be made to determine the registered owner. If registration information is available through teletype inquiry, the Telecommunicator or Communication Aide shall then attempt to locate a telephone number for the owner and attempt to contact that person.

**81.4.9** Upon contact, the owner should be advised that a Deputy is requesting the vehicle be towed. Any information received from the owner should be relayed to the Deputy, such as why the vehicle is at that location, plans to remove the vehicle (including when), etc. If the Deputy still requests the vehicle be towed, the owner should be advised and provided with the name, location, and telephone number of the wrecker company which will be used.

**81.4.10** If the attempt to contact the owner is unsuccessful, the Deputy will be advised of the negative results (i.e., no telephone, no longer at that address, no longer owns the vehicle, no answer).

**81.4.11** The Telecommunicator or Communication Aide receiving the tow request will notify the tow company listed as "on-call" and request an estimated time of arrival (ETA) for the wrecker. The Deputy will be advised of the name of the tow company responding and the ETA.

**81.4.12** All information relating to the vehicle will be entered into the CAD general file or the wrecker log, as well as location, reason for towing, where stored, and reason for a "hold" on the vehicle, if any.

**81.4.13** If the owner is not contacted, the vehicle will be entered into FCIC. (See Directive 61.13.3 for follow-up procedures)

**81.4.14** All registration information shall be forwarded to the Deputy authorizing the tow.

**81.4.15** Deviation from the rotation schedule must be noted in the wrecker log, as well as the reason(s). Such deviation shall only be acceptable if the scheduled wrecker is unavailable or does not have certain specific equipment which may be required to tow the vehicle.

#### **RECOVERED STOLEN VEHICLES**

**81.4.16** Stolen vehicles which are recovered by the VCSO must be handled according to procedures prescribed by law.

**81.4.17** Stolen vehicles which were reported stolen to this agency shall be handled in the following manner:

**81.4.18** The owner must be notified that the vehicle has been recovered, where the vehicle will be stored, whether the vehicle is damaged, whether the vehicle can be driven, and what must be done to take possession of the vehicle.

**81.4.19** The FCIC/NCIC entry must be canceled by the Teletype unit, and a teletype message must be sent to rescind any BOLO previously issued. A supplemental report documenting the cancellation must be written, with a notation indicating the date and time the owner was notified.

**81.4.20** When a vehicle which has been previously reported stolen to the VCSO is recovered by another agency, the Telecommunicator or Communication Aide must request a teletype be sent to the Teletype unit containing all pertinent information. This must include the agency name, telephone number, recovering officer(s) name, the name, location and telephone number of the tow company, and where the vehicle will be stored. Additional information, such as any suspect(s) arrested, damage to the vehicle and whether it can be driven should also be requested.

**81.4.21** Teletype unit shall then attempt to notify owner, and cancel vehicle from FCIC/NCIC. Previously issued BOLO's must be canceled. A supplemental report shall be written to document the cancellation, and all information received will be included. The date and time the owner was notified and the name of the person making the notification shall be recorded.

**81.4.22** If the Teletype unit is unable to notify the owner, that must be noted in the report. This information will enable the Detective assigned to the case to follow up on notification (See Directive 61.13, Vehicle Towing and Impound).

**81.4.23** Stolen vehicles reported to another agency and recovered by this agency shall be handled in the following manner:

- A.** The Communications Section shall contact the originating agency via teletype, and confirmation of the entry shall be obtained, using prescribed FCIC/NCIC procedures and formats.
- B.** After receiving confirmation, the originating agency shall be provided with: the location vehicle was recovered, name/address/telephone number of the wrecker/towing service, condition of vehicle, suspect(s) with the vehicle (if any) and their location, name of the recovering Deputy, and any other pertinent information.
- C.** Teletype unit shall then enter the vehicle into the FCIC "locate" file, pending removal by the entering agency.

#### **DISABLED VEHICLES (DAV'S)**

**81.4.24** Vehicle owners frequently notify Communications Section when a disabled vehicle is left on the roadside.

**81.4.25** These calls will be handled in accordance with the appropriate VCSO Call Handling Guide.

**81.4.26** If a Deputy calls out with an abandoned vehicle and determines that the vehicle is in an unsafe position or it appears to have been vandalized, the Telecommunicator or Communication Aide shall attempt to contact the owner/operator for a response. The owner/operator may specify which wrecker service is to be used. In cases where response time is short, the owner may be allowed to effect removal personally, at the Deputy's discretion.

**81.4.27** If the owner/operator can't be contacted, and the Deputy determines that it is necessary to tow the vehicle, the rotation schedule shall be followed. The vehicle must be entered into the wrecker log, and all registration information must be forwarded to the Deputy requesting the tow.

**81.4.28** The vehicle must then be entered into FCIC, by the Teletype unit, as "towed/abandoned."

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Revised by: 6367  
Revised on: 06-2019

**Approved:**

Two handwritten signatures in black ink. The first signature is on the left, and the second is on the right, separated by a vertical line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: COMMUNICATIONS FACILITIES  
AND EQUIPMENT**

**CODIFIED: 81.5**

**EFFECTIVE: 06-2019**

**RESCINDS/AMENDS: 81.5/04-2007**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to ensure the continuity of communications operations by enactment of necessary rules, regulations and procedures, and to ensure compliance with applicable standards and directives.

**DISCUSSION**

The Communications Section must ensure continuity of communications operations in order that the Public Safety forces of the County may respond appropriately to exigent situations.

Securing the facility and its staff against a wide variety of potential threatening situations requires strict adherence to established policies and procedures, rules and regulations.

It shall be policy that Communications shall ensure continuous communications operations by taking all security measures necessary to meet that objective.

**PROCEDURE**

**MINIMUM SECURITY REQUIREMENTS**

**81.5.1** The Communications Center shall have, and maintain in working order, security barriers at all entrances.

**81.5.2** All entrances shall have continuous closed circuit video surveillance to allow communications personnel means of identifying persons seeking entrance to the facility. Additionally, the exterior of the facility, including parking lots and access roads, shall be continuously monitored by closed circuit television.

**81.5.3** Each entrance shall be equipped with an intercom speaker, buzzer and remotely operated electric lock.

**81.5.4** Each entrance shall be equipped with an electronic, digital combination lock. Knowledge of the combination of the lock shall be restricted to only those personnel having authorization to enter the facility unescorted.

**81.5.5** The entrances to the Dispatch Section shall remain closed and locked at all times. Each entrance shall be equipped with an electronic digital lock. Knowledge of the combination of these locks shall be restricted to Communications personnel and other authorized personnel only.

**81.5.6** Public access inside the facility shall be restricted to the administrative office area only unless escorted by authorized personnel.

**81.5.7** The public shall not be allowed in the Dispatch Section at any time unless accompanied by authorized personnel.

**ACTIVE SHOOTER/ PHYSICAL THREAT**

**81.5.8** If the shooter/ threat is in the administrative portion of the building and evacuation is not a valid option, personnel on the operations floor or stuck in their office should barricade the doors and shelter in place.

**81.5.9** It should be assumed that an active shooter/threat will have an access ID card. Therefore, a supervisor should disable the interior door access using the Smart Watch software switch in accordance with the Communications Policy & Procedure Manual and in keeping with VSO scenario training (Egress shall still be possible after disabling interior door access).

**81.5.10** If the shooter/ threat is already on the operations floor, turn off lights and do NOT disable door locks.

#### **KEY LOCKER**

**81.5.11** Located in the Mechanical room, the key locker contains keys to all rooms and equipment under the control of the Shift Supervisor.

**81.5.12** This locker shall remain locked at all times, and no unauthorized personnel shall be allowed access at any time.

**81.5.13** All keys are tagged and arranged numerically. No keys are to be added, deleted, or rearranged by anyone without permission of the Communications Section Lieutenant or designee.

**81.5.14** An index listing of all keys, arranged numerically and alphabetically by either location or name of equipment is maintained within the key locker.

#### **BUILDING ACCESS**

**81.5.15** Access to the radio dispatch/complaint desk/teletype areas shall be limited to authorized personnel only.

**81.5.16** Doors leading into the radio/complaint desk/teletype areas shall remain closed and locked at all times during regular business hours or any time the building is open to the public or other unauthorized personnel.

**81.5.17** During weekend and night hours, corridor doors may remain open when the outside doors are closed and locked, if there are no civilians or other unauthorized personnel inside the building.

**81.5.18** When meetings are held during weekend or night hours which are attended by the public or other unauthorized personnel, the corridor doors shall remain closed and locked until all such persons have left the building.

**81.5.19** Admittance to this restricted area shall be limited to communications personnel, and such others as shall be duly authorized.

**81.5.20** Radio, teletype, and telephone personnel shall be permitted access to effect repairs, but their activities shall be monitored by the Shift Supervisor.

#### **MINIMUM SURVIVABILITY REQUIREMENTS**

**81.5.21** Restrooms and shower facilities shall be provided which are sufficient for personnel on 24 hour duty during activation of the EOC.

**81.5.22** Kitchen facilities for preparation of food during extended emergency operations shall be provided.

**81.5.23** Employees may use any equipment necessary to prepare meals during allotted meal breaks.

**81.5.24** All appliances, dishes, table ware, etc. used will be cleaned prior to the employee returning to duty.

**81.5.25** Food items stored in the refrigerator shall be consumed or removed at the end of the employee's tour of duty.

**81.5.26** All facilities shall be restored to a clean and orderly condition at least fifteen (15) minutes prior to the start of the next shift.

**81.5.27** It shall be the responsibility of the Shift Supervisor to ensure that all appliances and facilities are cleaned prior to the next shift.

**81.5.28** Medicine and medical supplies, adequate to treat minor illnesses or trauma cases, shall be maintained.

**81.5.29** These supplies must be rotated or used regularly to ensure freshness.

**81.5.30** Personal hygiene supplies shall be maintained for use during extended emergency operations.

**81.5.31** A stationary emergency power generator shall be maintained which shall be capable of meeting all electrical requirements of the Communications Section including all communications and computer equipment.

**81.5.32** A portable or stationary backup power generator shall be maintained which shall be capable of meeting all electrical requirements of the Communications Section for a short term period (up to 72 hours) in the event that the primary power generator fails.

**81.5.33** Adequate spare parts for both generators shall be available at all times.

**81.5.34** Adequate space shall be maintained within the Communications Center to allow for separate male and female billeting for extended emergency operations.

## **INSPECTION AND MAINTENANCE**

**81.5.35** All emergency equipment and systems shall be operated and inspected at least weekly.

**81.5.36** An inspection log form shall be completed for each inspection, listing the date and time of inspection, condition and performance of equipment, and initials of person performing the inspection.

**81.5.37** Routine maintenance, such as adding oil, lubrication, gasoline, diesel fuel, etc., shall be completed as required and noted on the log.

**81.5.38** Technicians shall ensure that all emergency equipment is maintained, including tune-ups, replacement of belts, hoses, fluid, oil, filters, etc., according to the prescribed maintenance schedule.

**81.5.39** Any malfunction of any item shall be noted on the log and arrangements made for immediate repair.

## **COMMUNICATIONS NETWORK**

### **RADIO SYSTEMS**

**81.5.40** The Communications Section shall establish and maintain adequate communications systems and networks to ensure continuous two-way communication capability between the Dispatch Section and field units, with other agencies within the county, with adjacent counties, and with the State Watch Office.

**81.5.41** The communications network shall consist of low band, VHF, high band, UHF, and 800 MHz frequencies commonly used by the forgoing agencies.

**81.5.42** Headsets will be worn by all radio dispatchers at all times. The only exception shall be when equipment failure makes this impossible.

**81.5.43** All law enforcement mobile and portable radios shall be equipped with the appropriate county-wide law enforcement mutual aid and tactical talk groups.

### **TRANSMISSION SYSTEMS**

**81.5.44** Adequate radio transmission systems shall be constructed and maintained to ensure reliable topographic coverage throughout the county for both mobile and portable radio equipment. These transmission towers may be either county owned or leased.

## **EMERGENCY GENERATORS**

**81.5.45** Communications Services Section shall keep and maintain full-powered electrical generators to provide electric power to all radio and telephone equipment necessary for the performance of the duties of providing communication with the public, field units, and other emergency service providers in the event of failure of commercial power sources. All procedures shall be in accordance with the Emergency Equipment Manual.

**81.5.46** Regular testing at full load and maintenance procedures will be carried out and logged weekly in accordance with the Emergency Equipment Manual.

**81.5.47** It is the responsibility of the Communications Commander or designee to effect necessary repairs and replacements to ensure that the emergency generators are in proper operating condition at all times.

**81.5.48** It is the responsibility of the Communications Shift Supervisor/Assistant Supervisor, in the absence of the Communications Commander or designee, to place the required emergency generators in service in the event of the failure of commercial electric power sources, in accordance with the Emergency Equipment Manual instructions.

**81.5.49** In the event that the emergency generators fail to function when required, it is the responsibility of the Communications Shift Supervisor/Assistant Supervisor, to notify the Communications Commander immediately and follow their instructions to effect repairs.

## **TOWER LIGHT INSPECTION**

**81.5.50** The Shift Supervisor shall visually inspect the lights on both radio towers once nightly.

**81.5.51** Following the visual inspection, the Shift Supervisor shall note on the Shift Supervisors log, the condition of lights on both towers.

**81.5.52** If a malfunction is noted on either tower, the Shift Supervisor shall immediately report such malfunction to the Orlando Flight Service (FAA). This verbal report shall include:

- Exact geographical location of the tower on which the malfunction is noted.
- Date/time malfunction was observed.
- Nature of the malfunction (all lights out, top beacon out, etc.)
- Telephone number where Orlando Flight Service may contact the reporting Shift Supervisor.

**81.5.53** The operational log shall then be filled in with the date and time the malfunction was reported to Orlando Flight Service, the name of the person making the report, the nature of the malfunction, and nature of any repairs made.

**81.5.54** Shift Supervisors may inspect, and reset if necessary, the circuit breakers controlling the tower lights; NO OTHER REPAIR EFFORTS ARE TO BE ATTEMPTED BY THE SHIFT SUPERVISOR.

**81.5.55** The Shift Supervisor shall also notify either the Communications Commander or designee of the malfunction.

**81.5.56** The relief Shift Supervisor shall be notified of the malfunction, and that it has been reported to the Orlando Flight Service, when the relief Shift Supervisor reports for duty.

**81.5.57** The Communications Commander shall notify the County Radio Systems Manager as soon as possible.

## **EQUIPMENT REPAIR AND LOANS**

### **REPAIRS**

**81.5.58** A three-copy Message Reply form shall be completed when repairs are required for any equipment.

**81.5.59** The date, time, and company notified, the type of equipment, and a brief description of the problem shall be noted on the form.

**81.5.60** When a response was received, and the outcome, should also be noted.

**81.5.61** If repairs were not affected, the reason should be noted, and the estimated date when such repairs will be made.

**81.5.62** The "Reply" section of the form should be filled in by the responding technician, showing what problem was identified and any actions taken.

**81.5.63** The original (white) copy of the memo should be given to the technician; the second (yellow) copy forwarded to the Communications Commander, and the third (pink) copy retained by the Shift Supervisor for follow up.

**81.5.64** Office equipment repairs must be handled through the Central Reproduction office.

**81.5.65** The responsible party will be required to pay the bill for such repairs if this procedure is not followed.

**81.5.66** This equipment includes typewriters, calculators, adding machines, projectors, copy machines, telecopiers, etc.

**81.5.67** Not included are the radios, logging recorder, weather teletype, teletype terminals, telephone system, and other emergency equipment. Repairs to this type of equipment shall be obtained immediately, in accordance with the procedures outlined for each type of equipment in the Supervisor's Manual.

**81.5.68** When a malfunction of such office equipment occurs at other than regular business hours, a message must be left for the Administrative Aide or the Administrative Assistant to have necessary repairs made.

### **NON-EMERGENCY TELEPHONE SYSTEM REPAIRS**

**81.5.69** In the event of any failure of the Telephone System, the Shift Supervisor shall call the Information System Duty Officer.

**81.5.70** A description of the problem will be given to the Duty Officer.

**81.5.71** If a total system failure occurs, the Communications Director must be notified.

### **EQUIPMENT LOANS**

**81.5.72** Any piece of equipment loaned shall have a hand receipt completed for the transaction.

**81.5.73** The hand receipt shall include: type of equipment, property number, serial number, borrower's department/division, borrower's signature, signature of person issuing the equipment, and the date issued.

**81.5.74** During regular business hours, such equipment loans shall be handled by the personnel assigned to maintain inventory control.

**81.5.75** After regular business hours and on weekends, such equipment loans may be handled by the Shift Supervisor, with the hand receipt forwarded to the above personnel.

#### **KITCHEN AND LOUNGE AREA**

**81.5.76** The kitchen and lounge area have been provided for the use of all personnel assigned to the Communications Section.

**81.5.77** Adjustments to the thermostat control and overhead air vents shall be made by the Shift Supervisor only, using appropriate safety measures.

**Revised by:** 6367

**Revised on:** 06-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: EMERGENCY INFORMATION AND  
ALERT SYSTEMS**

**CODIFIED: 81.6**

**EFFECTIVE: 06-2019**

**RESCINDS/AMENDS: 81.6/12-2015**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish procedures and provide authority for access and dissemination of emergency information in conjunction with the State Warning Point, the National Weather Service wire systems and the countywide emergency notification system (CODE RED)

**DISCUSSION**

Weather bulletins, tornado sightings, downed aircraft, nuclear accidents and other emergencies require communications and coordination of activities with the State Warning Point, the National Weather Service, CODE RED, or a combination thereof. Such emergencies require prompt, efficient handling to ensure the public safety.

To effectively utilize these systems and comply with FCC regulations, it is necessary to establish procedures for those times when activation becomes necessary.

**POLICY AND PROCEDURES**

**STATE WATCH OFFICE, EMNET AND NAWAS**

**81.6.1** The State Watch Office Radio System shall be monitored in the Dispatch Section 24 hours per day, 7 days per week.

**81.6.2** The Communications shift Supervisor shall be notified immediately of all calls received on this system.

**81.6.3** The Shift Supervisor shall then be responsible for making any other appropriate notifications or initiating an appropriate response.

**COMMUNICATIONS FORMAT**

**81.6.4** Voice calls on the EMNET and NAWAS will be given in the military format by stating the name of the station called first, then the name of the station calling, i.e., "State Watch Office, this is Volusia County EOC."

**81.6.5** When answered, the message would be stated, and the circuit would then be cleared by stating "Volusia County EOC, out," and giving the time.

**81.6.6** If a station fails to respond to a call, State Watch Office can be requested to initiate a bell ring for that station.

**81.6.7** State Watch Office will receive and disseminate reports of fires or explosions received from NORAD.

**81.6.8** NORAD sensors and regional reporting systems have the capability of detecting such incidents throughout the continental United States. Such information could be the initial warning received by local authorities of a natural or manmade disaster.

**81.6.9** Confirmation of such reports can benefit both local authorities and the NORAD Combat Operations Center.

**WEATHER BULLETINS**

**81.6.10** Weather bulletins received via State Watch Office require the following actions:

**A.** Verbal acknowledgment of the agency calling on the State, EMNET or NAWAS circuit,

- B. Writing the information out exactly as received. Ask for a repeat or clarification of any part of the message not clearly understood, or missed,
- C. Forwarding the information to the appropriate radio dispatch point, and notifying the Communications Shift Supervisor.

**81.6.11** Information pertaining to severe weather warning or other unusually severe conditions is to be disseminated to the Communications Director as well as the Communications Shift Supervisor and the Emergency Management Duty Officer.

**81.6.12** Actual sightings of funnel clouds or tornado "touch downs" received from Deputies, other County departments, or other law enforcement agencies shall be forwarded to State Watch Office and the National Weather Service via the State Watch Office circuit, and Emergency Management Duty Officer shall be notified.

**81.6.13** Radio procedures for broadcast of all such bulletins shall be in accordance the appropriate VCSO Call Handling Guide.

#### **COUNTYWIDE EMERGENCY NOTIFICATION SYSTEM: CODE RED**

**81.6.14** Effective June 1, 2015, Volusia County implemented a new countywide emergency notification system, Code Red to provide the citizens of Volusia County with notifications of **immediate emergency** situations that could impact the health and/or safety of the population to be notified.

**81.6.15** The system provides for GIS based notifications as well as predetermined call down lists.

**81.6.16** The emergency notification system may be accessed twenty-four hours a day, seven days a week (24/7) by appropriate supervisory personnel from all public safety agencies through the Volusia County Sheriff's Office Communications Center (EOSCC).

#### **PROCEDURES TO UTILIZE CODE RED**

**81.6.17** The following procedures will be utilized when providing information for the development of **the message text to be delivered** in the notification:

- A. The requesting agency has the responsibility to provide a developed message text to be delivered in the notification to include the issuing agency's name. A contact telephone number, if appropriate, will be included in the message to handle any possible questions from the segment of the public being alerted within the respective jurisdiction. If multiple jurisdictions are involved, multiple telephone numbers may be necessary.
- B. Describe the geographic area that is to be notified. Use streets as the N-S-E-W boundaries. The system is also capable of calling a radius from a single geographic point (for example, 0.5 mile circle from 123 Main St.).
- C. Provide any other information related to the notification (for example, specific time to be notified, or send notification more than once, etc.)
- D. It is the responsibility of the on duty Dispatch Supervisor to notify the EM duty officer.
- E. Unlisted phone numbers and cell phone numbers are not included in the call database. If someone with an unlisted number/cell phone number would like to be included in the call-down database, refer them to <http://www.volusia.org/services/public-protection/emergency-management/> using the following preferred method:
  - Click on the "**CODE RED**" link. This will take them to a secure data update page. They will be able to enter their name, address, and phone number. The entries will then be entered into the call-down database. For those **without** computer access, refer to Volusia County Emergency Management (EM) at **386-254-1500**. County EM personnel will enter the information into the database for those unable to do so.
- F. Requests for emergency notifications may be initiated by supervisory field personnel. In doing so, supervisory field personnel must provide specific pertinent information and direction.

#### **81.6.18 TRAINING**

- A. Initial and refresher training will be provided during appropriate in-service training for field units and appropriate supervisory personnel to assist in situation assessment and message drafting.

B. The PIO will provide additional message drafting assistance, as necessary and appropriate.

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**Revised by:** 6369  
**Revised on:** 06-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: SCHEDULES AND TELEPHONE NUMBERS**

**CODIFIED: 81.7**

**EFFECTIVE: 08-2009**

**RESCINDS/AMENDS: 81.7/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for posting schedules, receiving messages for patrol Deputies, and scheduling Communications Section personnel.

**DISCUSSION**

Many circumstances require that Telecommunicators be able to determine a patrol unit's status and/or schedule in order to know whether the unit is currently on duty, busy on a call, or off duty. If the unit is off duty, it may be necessary to contact that unit at home. Telecommunicators must be able to obtain that information immediately when required.

In order to ensure that the Communications Section has adequate personnel to effectively perform all the duties and responsibilities assigned to the Section, it is necessary to establish specific procedures for handling absences and scheduling regular and overtime employees.

**PATROL SCHEDULES**

**81.7.1** Communications Section shall receive and have access to accurate duty rosters for each patrol shift in the dispatch area and to maintain a current list of Deputies' and Supervisors' home telephone numbers both in CAD, in the personnel file and in the reference books maintained at each position.

**81.7.2** When a message is received for a patrol unit, the Telecommunicator shall first check the unit's status by querying the unit's history in CAD.

**81.7.3** If the unit is currently shown as on duty, the message shall be sent to the unit via MDC, if available, or the appropriate dispatcher to relay the information provided to the indicated unit.

**81.7.4** If the unit is off duty, the Telecommunicator shall obtain enough information to determine whether another patrol unit needs to be dispatched to the caller's location, the call is personal in nature, or the call is related to a case but not of an urgent nature requiring immediate response. During normal business hours, the caller will be referred to the appropriate district office for assistance.

**81.7.5 AT NO TIME SHALL A DEPUTY'S HOME TELEPHONE NUMBER OR ADDRESS BE GIVEN TO ANYONE OUTSIDE THE DEPARTMENT.**

**81.7.6** If the information obtained requires that the Deputy be contacted at home, the Telecommunicator, upon Communications Shift Supervisor approval, shall consult the appropriate personnel file available at each position in the dispatch area to obtain the home telephone number for that Deputy.

**81.7.7** The Deputy shall then be called by the Telecommunicator and the message delivered.

**81.7.8** All messages shall be recorded on the appropriate form, either on the message slips provided or as a message entry in CAD to the appropriate dispatcher.

**81.7.9** Urgent messages shall be delivered immediately, if possible. If unable to reach the Deputy, repeated attempts shall be made until the message is delivered, including having another Deputy leave a note at the required Deputy's home. The decision to dispatch another Deputy for this purpose shall be at the discretion of the Communications Shift Supervisor.

**81.7.10** The message shall also be given to the Communications Shift Supervisor, who shall then give it to the Communications Shift Supervisor for the oncoming shift, if not delivered prior to shift change.

**81.7.11** In any instance where it is difficult to determine whether or not a message must be delivered immediately, the question shall be referred to the Communications Shift Supervisor who shall make the decision.

## **TELECOMMUNICATOR SCHEDULING**

### **ANNUAL/PERSONAL LEAVE**

**81.7.12** Leave requests shall be in compliance with Standards Directive 22.2 Benefits and Leave.

**81.7.13** Except in extreme emergencies, all leave requests must be approved in advance to allow assessment of the need for overtime personnel and scheduling of such, if required.

### **SICK LEAVE**

**81.7.14** All employees shall comply with Standards Directive 22.2 Benefits and Leave.

**81.7.15** The Communications Shift Supervisor/Assistant Shift Supervisor shall make an entry on the Supervisor's Log when an employee calls to advise they will be unable to report for duty due to illness.

**81.7.16** If overtime personnel are required to meet minimum shift staffing requirements, the Communications Shift Supervisor/Assistant Shift Supervisor will note on the Supervisor's Log:

- Which personnel were called
- The results of the call (i.e., no answer, refused, will come in, message left on telephone answering machine, etc.).

**81.7.17** Any person calling in sick will speak directly with the Communications Shift Supervisor/Assistant Shift Supervisor.

**81.7.18** The on-coming Communications Shift Supervisor will be advised of all personnel calling in sick as soon as the shift supervisor reports for duty, and whether overtime personnel have been obtained.

**81.7.19** If an employee assigned to the night shift calls in during the day shift, it shall be the responsibility of the day shift supervisor to ensure adequate coverage of the affected shift.

**81.7.20** If an employee assigned to the day shift calls in after 2300 hours, the affected day shift supervisor shall be responsible for ensuring adequate coverage. Calling of off duty personnel for overtime shall not commence prior to 0600 hours.

**81.7.21** The Communications Shift Supervisor responsible for calling in off duty personnel, in accordance with the foregoing procedures, shall first attempt to secure a volunteer from off-duty personnel.

**81.7.22** If there is no volunteer among the employees contacted, the Communications Shift Supervisor shall designate which person(s) must report for duty.

**81.7.23** Day shift overtime personnel will report for duty on or before 0800 hours, when not prescheduled for overtime.

**81.7.24** Night shift overtime personnel will report at the normal shift hour of 1800 hours, when not prescheduled for overtime.

**81.7.25** Refusal of an employee to report for overtime duty when instructed to do so by the Communications Shift Supervisor shall be grounds for disciplinary action.

### **SHIFT ASSIGNMENTS**

**81.7.26** In order to maintain a balance in the number and abilities of personnel assigned to all shifts, personnel shall be reassigned as needed at the option of the Communications Section Supervisor or designee.

**81.7.27** It is the policy of the VCSO to make exceptions to regular shift schedules to facilitate academic studies which are job related.

### **TIME CARDS**

**81.7.28** Communications personnel shall complete bi-weekly Kronos time tracking in accordance with VCSO policies and procedures.

**81.7.29** The Communications Shift Supervisor/Assistant Shift Supervisor shall ensure each employee under their supervision properly completes and approves Kronos for the respective pay period no later than 09:00 a.m. on the

first Monday of the following pay period; the Communications Shift Supervisor will approve all such submissions by 10:00 a.m. that same day.

#### **OVERTIME**

**81.7.30** Overtime personnel shall only work to fill vacancies, or increase staffing for special events, as authorized by the Communications Director.

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**Revised by:** 7001  
**Revised on:** 08-2009

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read "MJC", followed by a vertical line and another signature.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: STATUS INDICATORS AND  
IDENTIFICATION DESIGNATIONS**

**CODIFIED: 81.8**

**EFFECTIVE: 05-2017**

**RESCINDS/AMENDS: 81.8/09-2008**

**ATTACHMENTS: 1**

**PURPOSE**

The purpose of this Directive is to ensure that a visual display of Deputy/Officer status is available to each Telecommunicator for every Deputy/Officer under their control, and that assignment of radio identification numbers and personnel identification numbers is designated.

**DISCUSSION**

For Deputy/Officer safety, it is essential that Telecommunicators know the location of all Deputies/Officers under their control, the length of time a Deputy/Officer has been on the scene, and which units are available for service. A visual display of this information makes it immediately available at all times.

It is also vital to have a radio identification numbering system based on a combination of zone/assignment numbers and personal identification numbers to facilitate proper radio communication procedures. A numerical system provides for Deputy identification and area of responsibility.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office that the Communications Section monitor the status and location of all Deputies/Officers at all times. It shall further be required that Telecommunicators re-contact Deputy/Officers at the intervals specified for different types of calls as defined in the CAD system and the "Position Manuals" in order to determine their safety.

The VCSO shall maintain a radio identification numbering system based on a combination of zone/assignment numbers and personal identification numbers.

**PROCEDURE**

**81.8.1** All procedures shall be in accordance with the CAD Operating Manual and the individual "Position Manual" at each dispatch position.

**81.8.2** In the event that a Deputy/Officer does not respond when a Telecommunicator attempts to contact them (well-being check) at the scene of a call, a traffic stop, or other incident, another unit shall be dispatched immediately to the same location.

**81.8.3** The Patrol Supervisor for the unit shall be notified of the last known location, the length of time since the last contact, the nature of the incident to which the unit responded, and what unit is responding as backup.

**81.8.4** The Shift Supervisor shall also be informed of the above information.

**81.8.5** The Telecommunicator shall continue to attempt to contact the unit at intervals until another unit arrives at the scene.

**81.8.6** The time(s) the Telecommunicator attempted to make radio contact with the unit shall be recorded in the call history using a "misc" entry. If the manual complaint card system is currently in use, the time(s) shall be recorded in the "remarks" field of the dispatch card.

**81.8.7** The Telecommunicator shall dispatch the nearest available unit as shown by the "in service" list at the bottom of the CAD Status Screen, unless instructed otherwise by the Patrol Supervisor.

**81.8.8** Telecommunicators shall be expected to know the various types of indicators used by the CAD system to "flag" units, times, and types of calls in order to quickly identify those requiring immediate action for the Deputy/Officer's safety.

#### **DEPARTMENT IDENTIFICATION NUMBER ASSIGNMENT**

**81.8.9** VCSO identification numbers are permanently assigned by the Information Management Coordinator and are the key in the data base for activity reference, and a CAD/RMS "sign on" identifier.

**81.8.10** VCSO identification numbers will not be reassigned, are in numerical order and do not indicate Departmental seniority.

**81.8.11** The VCSO shall assign a permanent Sheriff's Office identification number to:

- All members of the Sheriff's Office including sworn, civilian, and volunteers;
- All personnel with RMS/CAD entry capabilities;
- All personnel dispatched by the VCSO.

**81.8.12** The VCSO identification number is used to identify personnel on the RMS/CAD system and on all documents requiring an ID number.

#### **RADIO UNIT ASSIGNMENT SYSTEM**

**81.8.13** The system for assigning radio identification shall be maintained by the Communications Center and made available on the VCSO I Drive. (Attachment A)

#### **LAW ENFORCEMENT OPERATIONS PATROL UNITS**

**81.8.14** Law Enforcement Operations Division patrol units are assigned radio unit identification numbers using a four character designation.

- A. The first character of the unit assignment designation denotes which agency the unit is assigned to, "1" is for VCSO.
- B. The second character designates the shift assignment, there are four shift designations: A, B, C, and D.
- C. The next two characters designate which zone the unit is assigned to. Example: 1A31 would be a VCSO Alpha shift unit assigned to 31zone.
- D. District Sergeants end with zero. Example, District 2 Sergeant would be 20; District 3 would be 30, etc. Example: 1A30 would be VCSO Alpha shift District 3 sergeant.

**81.8.15 F20-F63:** District Detectives.

The second character denotes the District to which the Detective is assigned.

#### **ATTACHEMENTS**

##### **ATTACHMENT A: Radio ID Numbers, Prefix Agency Identifying Numbers**

**Revised by:** 7001; 6760

**Revised on:** 09-03-2008; 05-2017

**Approved:**



**Michael J. Chitwood**  
Sheriff, Volusia County

# Volusia County Sheriff's Office

## RADIO ID NUMBERS

Prefix Agency Identifying Numbers

Example: 3C41

Agency Code	Agency	Agency Code	Agency
1	Volusia County Sheriff's Office	8	Lake Helen Police Department
2	Volusia County Beach Patrol	9	New Smyrna Police Department
3	Daytona Beach Police Department	10	Ormond Beach Police Department
4	Daytona Beach Shores Police Department	11	Orange City Police Department
5	Deland Police Department	12	Oak Hill Police Department
6	Edgewater Police Department	13	Ponce Inlet Police Department
7	Holly Hill Police Department	14	Port Orange Police Department

<b>15</b>	South Daytona Police Department
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## Alpha Numeric Designations

A	Alpha	Alpha Shift	N	November	Narcotics
B	Bravo	Bravo Shift/Beach Patrol	O	Ocean	(DO NOT USE)
C	Charlie	Charlie Shift	P	Papa	Aviation/Airport
D	Delta	Shift	Q	Quebec	
E	Echo	Major Case	R	Romeo	River/Reserves/Range
F	Foxtrot	District Investigators	S	Sierra	SWAT
G	Gulf	Chaplains	T	Tango	Training
H	Hotel	Hostage Negotiators	U	Uniform	
I	Indigo	(DO NOT USE)	V	Victor	Special Events
J	Juliet	Judicial Services	W	Whiskey	
K	Kilo	SRD's	X	X-Ray	CST/Dist Special Units
L	Lima	Law Enforcement Services	Y	Yankee	Springhill Team
M	Motor	Motor Units	Z	Zulu	Communications

### Specialized Units

DR	Delta/Romeo	Dive Team
BT	Bravo/Tango	Bomb Disposal Team

ATTACHMENT A  
DIRECTIVE 81.8



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: ENVIRONMENTAL MANAGEMENT**

**CODIFIED: 81.9**

**EFFECTIVE: 10-2007**

**RESCINDS/AMENDS: 81.9/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for contacting personnel from the Environmental Management Division when their response or assistance is required and to provide information in reference to toxic substances stored and in use in the Communications Services building.

**DISCUSSION**

When hazardous materials require transport/storage, or when direction is needed in proper handling of such substances, it is essential that the Shift Supervisor have immediate access to personnel from the Environmental Management Division.

It is also necessary to establish procedures to address Florida's Clear Indoor Act.

**POLICIES AND PROCEDURES**

**81.9.1** The Communications Section shall maintain current and accurate names, addresses, and both on and off duty telephone numbers for Environmental Management Division in the Agency Contact File.

**TOXIC SUBSTANCES STORED BY COMMUNICATIONS SECTION**

**81.9.2** Toxic substances shall be stored in the Janitor's closet, and the applicable safety data sheets shall be placed at the same locations.

**81.9.3** All personnel shall review the safety data before using any of the following products:

- Methylene Chloride (Vandal-Aid Mark Remover)
- Sulfuric Acid (Therma-Pad Liquid Organic Digester)
- Phosphoric Acid (New South's PM, Porcelain and Metal Cleaner)
- Hydrogen Chloride (Bol Glo Bowl Cleaner)

**CLEAN INDOOR ACT**

**81.9.4** All areas of the Communications Services building shall be non-smoking/tobacco free areas.

**COMPLAINTS**

**81.9.5** For a first complaint about someone other than an employee smoking in a facility open to the public, the complainant should be referred to the Volusia County Citizens' Dispute Project, Inc.

**81.9.6** If this organization is unable to mediate the complaint, or for chronic complaints about the same facility, the complainant should be referred to the Department of Health and Rehabilitative Services which has responsibility for enforcing the Florida Statute.

**81.9.7** Complainants may be advised that the penalty for this non-criminal violation is a fine of not more than \$100 for the first violation and not more than \$500 for each subsequent violation.

**81.9.8** The Department of Business Regulation and the Department of Health and Rehabilitative Services may conduct periodic inspections to ensure compliance.

**81.9.9** Department employees smoking in a Department facility shall be subject to disciplinary procedures as defined in Directive 26.2, Standards of Conduct.

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**Revised by:** 6760

**Revised on:** 07-2007

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'MJC', followed by a vertical line and another signature.

**Michael J. Chitwood**  
**Sheriff, Volusia County**





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: MISCELLANEOUS  
COMMUNICATIONS  
PROCEDURES**

**CODIFIED: 81.10**

**EFFECTIVE: 10-2009**

**RESCINDS/AMENDS: 81.10/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish a source for guidelines that are general in nature to the Communications Section.

**DISCUSSION**

This Directive will provide guidelines which are short in nature and do not require a stand alone Directive.

**RECORDINGS AND "CALL CHECKS"**

**81.10.1** Since any recording may become evidence in a court proceeding or the subject of remedial training and/or disciplinary action against VCSO personnel, it is necessary to follow specific procedures to ensure that legal requirements are met. Further, it may, at times, be necessary to immediately play back telephone or radio conversations to check or obtain information which was missed in the original conversation.

**81.10.2** All administrative, 9-1-1, State Warning Point and any other telephone conversations at each telephone answering position within the dispatch section, as well as all radio transmissions on designated talkgroups, shall be recorded on individual, dedicated channels of the Master Logging Recorder at all times. All telephones/primary radio channels shall also be recorded on the "Call Check" units at each position.

**81.10.3** Recordings shall be retained for a minimum of one hundred eighty (180) days. They shall be stored in a secure, room within the Communications Center which shall be accessible only to Communications Section Supervisors and the Recording Analyst.

**81.10.4** On receipt of an authorized request for retention, such recordings shall be retained until the purpose for the retention has been satisfied. Information and/or CD copies shall only be made and released to authorized personnel, and only at the request of an authorized supervisor, court official, or State Attorney's office.

**81.10.5** Review, research, or copying of recordings shall be done only by those personnel trained in the operation of the equipment to prevent accidental erasure.

**81.10.6** When a Patrol Supervisor or other authorized person requests retention of a recording (or "hold"), the Shift Supervisor/Assistant Shift Supervisor, will complete the "Recording Hold" form and forward it to the Recording Analyst.

**81.10.7** If a request is received for retention of a recording other than for the current date, the "Recording Hold" form will be completed by the Shift Supervisor/Assistant Shift Supervisor on duty and forwarded to the Recording Analyst.

**81.10.8** Research of recordings shall be done by the Recording Analyst or designee at the earliest possible date.

**81.10.9** Information will be written in chronological order. The date, time, case number, requesting person, and researcher's name will be included in the written record.

**81.10.10** If a CD copy of the recording is provided, an outline of the information provided on the CD shall be written, if requested. A copy of the outline should be provided to the person receiving the recording, and a copy must be retained on file, if requested.

**81.10.11** When it is necessary to obtain an immediate playback of any radio or telephone communication, two methods may be utilized.

- A.** If the conversation is via telephone and occurred no more than thirty (30) minutes previously, the Call Check unit available at each position may contain the information required.
- B.** If the communication was via radio, took place more than thirty (30) minutes previously, or is for some other reason not available on the Call Check unit, the Master Logging Recorder should be utilized. Procedures for using the "search" capabilities of the recorder are described in the manual provided with the unit.

#### **JURISDICTIONAL AND ZONE MAPS**

**81.10.12** Communications personnel must have immediate access to maps which delineate the jurisdictional boundaries of the Department. In addition, each zone boundary must be easily visible to enable Telecommunicators to identify what unit must be dispatched to a particular area.

**81.10.13** Although most locations and zones will be available through the CAD system, there will be additions due to new construction, deletions due to annexation, and erroneous information not previously identified. Changes in zone boundaries may also occur. All such additions, deletions, errors and changes will require a period of time prior to insertion in the computer data base. Therefore, it is necessary to have an alternative source for this information.

**81.10.14** Additionally, there will be times when the CAD system is out of service and the manual complaint system must be utilized. At those times, it is essential that the information be available through other means.

**81.10.15** The Communication Section shall maintain current, accurate maps of Volusia County.

**81.10.16** These maps shall be displayed on the walls in the complaint desk and radio areas. Said maps shall be readily accessible to all personnel, and shall be large enough to be easily read.

**81.10.17** Zones and jurisdictional boundaries shall be clearly defined. It shall be the responsibility of the Communications Director or designee to ensure that all such maps are current, accurate, and legible.

**81.10.18** Damaged, outdated, or illegible maps shall be reported to the Communications Supervisor in writing as soon as such conditions have been identified.

**81.10.19** Complete, current county map books shall also be located in the Communications Center.

**81.10.20** It shall be the responsibility of the Communications Director, or designee to obtain and replace the indicated maps whenever problems or changes are reported.

#### **SUBPOENAS**

**81.10.21** Personnel may be subpoenaed regarding calls for service which they receive and/or dispatch. Such actions may or may not involve the County as a party to a lawsuit.

**81.10.22** It shall be policy that any Communications Section personnel receiving a subpoena or request for a deposition regarding official duties shall notify the Communications Director via chain of command. A copy of the subpoena or written request shall be forwarded to the Communications Director.

**81.10.23** The Communications Director shall be notified of any changes in dates or the status of the request, such as cancellation of the request.

**81.10.24** All instructions received from the Legal Department concerning the subpoena or request for a deposition shall be followed exactly.

**81.10.25** No subpoenas for "third person" service on a Deputy, which do not originate with the Civil Section, shall be accepted. The Shift Supervisor/Assistant Shift Supervisor may advise the individual desiring service of the next date the Deputy will be on duty, if requested to do so.

**81.10.26** In any instance in which the subpoena requires an appearance within a short time period, the Shift Supervisor/Assistant Shift Supervisor may call the Deputy, and advise them to contact the individual holding the subpoena. In no instance will the Deputy's address or telephone number be given to the server.

**81.10.27** Subpoenas regarding cases not related to employment duties and not affecting Volusia County, the VCSO or the Division in any way are not required to be handled in this manner.

**81.10.28** If a court appearance is required for such a subpoena, personnel must advise the Communications Director in writing of the date(s) named in the subpoena; this is to ensure adequate shift personnel on the specified date(s).

**81.10.29** If the case is related to criminal charges against the employee, the Communications Director shall be advised.

## **HUMAN SERVICES (DCF), UNITED WAY, SALVATION ARMY, RED CROSS, TRAVELER'S AID**

**81.10.30** Many incidents handled through the Communications Section require the involvement of various Human Services agencies. When such incidents occur, it is essential that telecommunicators be able to contact the required service promptly.

**81.10.31** Telephone numbers for all Human Service agencies shall be maintained on the Sheriff's Office Intranet Homepage and Agency Contact Files.

**81.10.32** Calls requiring the involvement of United Way or Traveler's Aid received via the E 911 system shall be transferred to the United Way answering service with the provided one-button transfer feature.

**81.10.33** Calls requiring the involvement of United Way or Traveler's Aid received via administrative lines shall be referred to the number maintained at each position.

**81.10.34** If the caller is unable to call United Way, the Telecommunicator shall obtain the caller's telephone number, call United Way, and provide that service with the telephone number and a brief description of the problem.

**81.10.35** Calls requiring the response and/or assistance of the Red Cross shall be handled in accordance with procedures in the "Supervisor's Alert Book".

**81.10.36** If a request is received to contact the Salvation Army, the telecommunicator shall do so, using the telephone number provided at each position.

**81.10.37** There are many different situations which may require the assistance of various human services agencies of the state. Some of these include persons requiring counseling for mental problems or threatening suicide, elderly persons unable to care for themselves, juveniles requiring shelter and/or protection, and persons in need of food and shelter. (CA)

**81.10.38** Persons requiring mental counseling or threatening suicide shall be handled in accordance with the appropriate Call Handling Guides.

**81.10.39** Persons being taken into protective custody through the use of the Florida Mental Health Act must be transported to the nearest designated receiving facility, unless requiring immediate medical attention.

**81.10.40** When requested to do so, the Telecommunicator will call the facility and provide them with the person's name, date of birth, reason for the transport, whether the person is presently violent, and an approximate time of arrival at the facility.

**81.10.41** The 24 hour telephone number for ACT shall be available at each position in the dispatch area.

**81.10.42** Persons who have been sexually assaulted may need a Sheriff's Office Victim Advocate or a counselor from the Victim Assistance program of the State Attorney's Office to respond to the scene or meet them at either the Rape Crisis Center or a hospital emergency room, as directed by the Deputy or Detective responding to the call.

**81.10.43** The telephone number and pager numbers shall be maintained in the Agency Contact Files.

**81.10.44** If required, the Advocate on call shall be paged in accordance with the position manual.

**81.10.45** Calls requiring the assistance of the Council on Aging shall be relayed to that agency using the telephone number provided at each position.

**81.10.46** If a call is received at other than regular business hours, and there is no immediate threat to an individual, the number for the Council on Aging should be provided to the caller, as well as the hours of service for that agency.

**81.10.47** If there is an immediate threat to the well being of a person, a Deputy shall be dispatched to assess the situation; that Deputy's instructions shall then be followed.

**81.10.48** If a Deputy requests the Department of Children and Families personnel to take custody of a juvenile(s) due to the arrest of the juvenile's parent(s) or some other reason:

**81.10.49** The Telecommunicator shall contact the Department of Juvenile Justice. That Division will then notify the personnel on-call, advise them of the situation, and have them contact the Communications Section.

**81.10.50** The Telecommunicator must provide the counselor with the number of juveniles involved, age(s) or approximate age(s), location to meet the Deputy, and any other pertinent information.

**81.10.51** The Telecommunicator shall then forward information and/or instructions received from the counselor to the Deputy.

## **SINK HOLE FORMATIONS**

**81.10.52** Reports of new or reactivated sinkholes are received by the Communications Section. Such sinkholes constitute a present or potential hazard to the public safety.

**81.10.53** It is the responsibility of this Section to verify such reports, take appropriate action and notify the Emergency Management on-call Duty Officer about sinkholes within Volusia County.

**81.10.54** When a report of a new or reactivated sinkhole is received, a Deputy must be dispatched to determine any immediate threat to life or property. If such a threat is perceived by the responding Deputy, the Emergency Management on call Duty Officer shall be notified immediately.

**81.10.55** If the threat is immediate, the fire department, EVAC, and utility companies may be required to respond, and evacuation of the immediate area may be necessary.

**81.10.56** The Communications Director shall be notified of all such occurrences, as well as any action taken or requested by response personnel on the scene.

**81.10.57** Upon verification of the occurrence, one of the above personnel will respond to the scene and determine appropriate further action.

**81.10.58** Required utility companies shall be contacted promptly, using the emergency telephone numbers provided by the companies for law enforcement use, which are listed in the Agency Contact Files.

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**Revised by:** 6760

**Revised on:** 06-2009

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: TELEPHONE AND RADIO SYSTEM**

**CODIFIED:** 81.11  
**EFFECTIVE:** 06-2008  
**RESCINDS/AMENDS:** 81.11/10-2001  
**ATTACHMENTS:** 0

**PURPOSE**

The purpose of this Directive is to establish guidelines for the use and maintenance of the Enhanced 9-1-1 Telephone System, Non-Emergency Telephone System, State Watch Office, assigned radio channels, the FCIC/NCIC and CJIS Teletype systems, and the Computer Assisted Dispatch (CAD) system.

**DISCUSSION**

Effective communications between the VCSO and the public, and between the VCSO and State and Federal Agencies, is dependent upon the E 9-1-1 telephone system, Non-Emergency telephone system, and the State Watch Office telephone system. It is therefore imperative that guidelines be established for the maintenance and use of these systems.

The assigned radio channels provide essential communication between field units, between field units and dispatch, and between this agency and other emergency service providers.

Guidelines must be established to provide rapid, professional transmissions between all users of the channels.

The information contained within the local, state and federal criminal justice information systems is vital to the effectiveness of investigative efforts. Guidelines must be provided in ensuring the availability of the systems.

The Computer Assisted Dispatch System provides fast, accurate call entry, dispatch, and status information. Guidelines must be used to enable Communications Services personnel to fully utilize the system.

**POLICY**

Responsibility for overall development and management of these systems shall be assigned to the Communications Services Section.

**PROCEDURE**

**E 9-1-1 SYSTEM**

**81.11.1** Installation and maintenance of the E 9-1-1 system shall be in accordance with the State of Florida 9-1-1 Plan and the Volusia County 9-1-1 Plan.

**81.11.2** The E 9-1-1 Coordinator shall establish and maintain an E 9-1-1 Emergency Telephone Number Protocol Committee for purposes of providing oversight for 9-1-1 operations.

**81.11.3** The committee shall consist of one voting representative from each PSAP, within Volusia County.

**81.11.4** The 9-1-1 Protocol Committee shall have primary responsibility for development and maintenance of 9-1-1 Standard Operating Procedures, which shall be adhered to by all PSAP's.

**81.11.5** Operation of the E 9-1-1 system shall be in accordance with the preceding plans and with the Standard Operating Procedures Manual approved by the Volusia County E 9-1-1 Emergency Telephone Number System Protocol Committee.

**81.11.6** Seminole County Sheriff's Office shall be the Alternate Routing Point for E 9-1-1 calls received on the foreign exchange lines served by the 407 area code service district within Volusia County.

## **NON-EMERGENCY TELEPHONE SYSTEM**

**81.11.7** The Non-emergency telephone system shall be used for all non-emergency telephone communications between citizens and the Department, between members of the Department, and between the Department and other departments and agencies.

**81.11.8** All personnel using the Non-emergency system shall adhere to procedures established by the Volusia County Information Technology Group.

## **STATE WATCH OFFICE, NAWAS AND ESATCOMM**

**81.11.9** Weather bulletins, tornado sightings, downed aircraft, nuclear accidents and other emergencies require communications and coordination of activities with the State Watch Office, the National Weather Service, or both. Such emergencies require prompt, efficient handling to ensure the public safety.

**81.11.10** ESATCOMM and NAWAS must be monitored in the Dispatch Section 24 hours per day, 7 days a week unless the Emergency Operations Center is activated.

### **DAILY SYSTEM TEST**

**81.11.11** Calls directed to Volusia County Emergency Operations Center (EOC) shall be answered by Emergency Operations Center personnel during regular business hours and by Dispatch Section personnel at all other times.

**81.11.12** The Shift Supervisor shall be notified immediately of all calls received on this system. The Shift Supervisor shall then be responsible for making any other appropriate notifications or initiating an appropriate response.

## **CRIMINAL JUSTICE INFORMATION TELETYPE SYSTEMS**

**81.11.13** Use of the state (FCIC) and federal (NCIC) systems shall be in accordance with the operating and instruction manuals provided by those agencies. These manuals are maintained on line and are available to authorized users at all times.

**81.11.14** In accordance with state and federal regulations, no unauthorized person shall be permitted access to the Teletype equipment, the systems, nor the information obtained through the systems.

**81.11.15** Personnel having access to these systems shall be trained and certified in accordance with FCIC/NCIC requirements.

**81.11.16** Use of the local criminal justice information system (CJIS) shall be in accordance with the operating and instruction manual issued through the Information Services Division.

**81.11.17** Information obtained through the CJIS system shall be handled with the same restrictions as those applied to FCIC/NCIC, and no unauthorized persons will be permitted access to the equipment or information obtained through this system.

**81.11.18** Teletype equipment for access to FCIC/NCIC shall be maintained in fully operational condition at all times.

**81.11.19** In the event of failure of said equipment, the telephone number specified in the FCIC Operating Manual shall be used to notify that agency of the failure; as mandated by FCIC, the appropriate repair person shall be notified.

## **RADIO CONSOLE STANDARD OPERATING PROCEDURES**

**81.11.20** All radio procedures shall be in accordance with the appropriate Call Handling maintained in the dispatch area.

**81.11.21** The Call Handling Guides shall not violate any local, state or federal rules or regulations, or regulations of the Federal Communications Commission.

**81.11.22** Calls shall be handled in accordance with the appropriate Call Handling Guide and Communications Center Policy and Procedure Manual.

**81.11.23** Tactical plans for directing resources and performing dispatch functions associated with tactical operations, such as roadblocks, shall be contained in the Manual.

**81.11.24** No unauthorized persons shall be permitted access to the radio dispatch area at any time, nor shall such persons operate any radio console.

**81.11.25** It shall be the responsibility of the shift supervisor to ensure the security of the dispatch area at all times.

**81.11.26** Specific procedures for handling exigent, in progress, or just occurred calls shall be as described in the appropriate Call Handling Guide and Communications Center Policy and Procedure Manual. Such procedures are to facilitate prompt dispatch and response to such incidents.

**81.11.27** The activities and/or status of all officers, whether on duty or off duty, shall be recorded at all times.

- A. Using the manual system, such activity shall be recorded on the status card for each officer.
- B. Using the CAD system, such activity shall be recorded with an entry to the officer's history.

#### **TELEPHONE COMPLAINT PROCESSING AND CALL HANDLING**

**81.11.28** All calls for service shall be handled in accordance with the indicated call guide outlined in the appropriate Volusia County Call Handling Guide.

**81.11.29** Care should be taken to elicit all relevant information for the type of call being processed.

**81.11.30** Particular emphasis must be placed on that information which will contribute to officer safety, such as weapons involved and/or suspects or other hazardous situations present at the scene.

**81.11.31** Eliciting information specified in the "Call Handling Guides" will allow the officer to anticipate and prepare for conditions at the scene.

**81.11.32** Descriptions of suspects and vehicles shall be in accordance with the checklists provided in the "Public Safety Communications Standard Operating Procedure Manual" published by APCO (Association of Public-Safety Communications Officers, Inc.).

**81.11.33** Recording of calls for service shall be according to the following:

- A. Either a CAD event entry, or a complaint card if the manual system is being used, shall be initiated for:
  - Calls which result in a Deputy being dispatched, regardless of whether or not a case report is written.
  - Telephone handled complaints for which a Telecommunicator has written a report.
  - All calls in which the Telecommunicator, or the shift supervisor, has reason to believe that either the content or the handling of the call may be questioned at a later date.
  - All requests for a House Watch or Extra Patrol.
  - All requests for a "case number" by a Department member to be used for some type of action which has been or will be initiated by that person.
- B. A separate complaint card shall be completed for any unit or units responding to a call in addition to the unit originally assigned, if the manual complaint card system is in use.
- C. An entry shall be made in CAD, when not using the manual complaint system, showing all additional units as "back up" to the original unit assigned to a call. This information will be appended to each unit's history for the shift, and will provide for immediate information on the unit's status.

**81.11.34** Refer to the Communications Center Policy and Procedure Manual for data field procedures when utilizing the manual Complaint Card system.

#### **CALL HANDLING IN EXIGENT AND/OR "IN PROGRESS" INCIDENTS**

**81.11.35** Upon determining that a call is exigent, in progress, or just occurred, the Telecommunicator will question the caller only long enough to determine the exact nature of the call and the location.

**81.11.36** The telecommunicator shall then notify the dispatcher of the information received as well as what line the caller is on.

**81.11.37** The telecommunicator will then return to the caller, obtain all other required information, and forward the complaint card to the dispatcher.

**81.11.38** If a CAD entry is made, instead of using the manual system, the "in progress" format is used by entering the signal and the location and sending the call to the dispatcher using the "more to follow" key; further information is then added and sent as it is received.

**81.11.39** The dispatcher will initiate an immediate response in accordance with radio procedures contained in the "Radio Dispatch Operating Manual".

#### **COMPUTER ASSISTED DISPATCH SYSTEM (CAD)**

**81.11.40** All procedures shall be in accordance with the system operating manual, the "CAD Reference Guide", and all related position manuals.

**81.11.41** The information obtained on each call shall be the same as that required when using the manual complaint system, which shall include, but not be limited to:

- Date and time the request for service was received.
- Name/address of complainant (if possible).
- Type of incident reported.
- Location of incident.
- Identification of Deputies assigned as primary responder and back-up
- Time of dispatch
- Deputy arrival
- Deputy return to service.
- Disposition and/or status of the incident.
- The times received (initiated) and entered into the system are recorded by CAD and do not need to be entered separately.

#### **COMPLAINT OR CALL NUMBERS**

**81.11.42** Calls entered into the CAD system will automatically be assigned an "event number".

- A.** This number is made up of the two (2) digit year, the Julian date, and the sequential number (i.e., 90156002356).
- B.** This number is NOT A CASE NUMBER.
- C.** The sequential digits following the Julian date are recycled every 24 hours.
- D.** This number allows the system to track the call.

**81.11.43** Specific procedures must be followed to obtain a "case number" or "complaint number"; this shall be in accordance with CAD system requirements and procedures as delineated in the CAD System Manual.

**81.11.44** A case or complaint number will be requested from the system whenever a report is to be written about an incident.

#### **RADIO, TELEPHONE, AND TELETYPE FUNCTIONS**

**81.11.45** The Communications Section is responsible for receiving and dispatching calls for service for all public safety agencies in Volusia County (Law Enforcement, Fire, EMS). Further, this Section is responsible for processing teletype inquiries and administrative messages through the FCIC, NCIC and CJIS Teletype systems. This Section does not monitor private security alarms, but does initiate a response when a report of such an alarm is received from an alarm company, or, in the case of audible alarms, from a private citizen.

**81.11.46** It is the policy of the VCSO to provide 24 Hour, 7-day a week, toll free voice and TDD telephone access to the Sheriff's Office for both emergency and non-emergency calls.

**81.11.47** Telephone numbers shall be as follows:

<b>EMERGENCY CALLS:</b>	9-1-1
<b>NON-EMERGENCY:</b>	
WEST VOLUSIA	386-943-8276
NORTHEAST VOLUSIA	386-239-8276
SOUTHEAST VOLUSIA	386-409-8276
<b>ADMINISTRATIVE:</b>	
DELAND	386-736-5961
DAYTONA	386-257-4689
NEW SMYRNA	386-423-3352

**81.11.48** It shall be the responsibility of the Communications Services Section to perform the functions of radio communications, telephone communications, and teletype or other automated data communications, including the



Computer Assisted Dispatch system, and maintain all equipment necessary for the proper performance of these functions, in accordance with local, State and Federal rules and regulations, and to ensure that all radio operations be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements. The Communications Services Section shall maintain the current Federal Communications Commission (FCC) license and a current copy of the agency's rules and regulations. Any required approval and/or authorizations shall be obtained prior to the purchase of any equipment or any change in operating procedures.

**81.11.49** All radio procedures shall be in accordance with the "Operating Manuals" maintained in the radio dispatch area.

**81.11.50** The "Radio Operating Manual" shall not violate any local, State or Federal rules or regulations. Any conflict between procedures and any rule or regulation shall result in the rule or regulation taking precedence.

**81.11.51** Telephone calls for service shall be handled in accordance with the "Volusia County Call Handling Guides" Manual. Any conflict between procedures and any rule or regulation shall result in the rule or regulation taking precedence.

**81.11.52** All Teletype procedures shall be in accordance with the Communications Center Policy and Procedure Manual, the FCIC/NCIC Manuals, and the CJIS Manual.

**81.11.53** No unauthorized person shall be permitted access to the dispatch area at any time nor shall any unauthorized person operate any radio console, telephone, or teletype.

**81.11.54** It shall be the responsibility of the Communications Shift Supervisor/Assistant Shift Supervisor to ensure the security of the dispatch area at all times.

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**Revised by:** 6760

**Revised on:** 06-20-2008

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Written Standards Directive**

**TITLE: 800 MHZ RADIO PROCEDURES**

**CODIFIED: 81.12**

**EFFECTIVE: 06-2019**

**RESCINDS/AMENDS: 81.12/08-2009**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish guidelines for the use and maintenance of the 800 MHz Trunked Radio System. The system includes, but is not limited to mobiles, portables and dispatch consoles.

**DISCUSSION**

Effective communications between the VSO and the public is dependent in part upon reliable two-way radio communications between members of the VSO, between the VSO and other emergency service providers, and between the VSO and other departments and outside agencies.

**PROCEDURE**

**MOBILE/PORTABLE RADIOS**

**81.12.1** Installation and maintenance of radio equipment shall be in accordance with procedures as set forth by the Communications Division of the County Information Technology Group. In as much as possible, a standard configuration shall be used when installing mobile radio equipment.

**81.12.2** The assigned systems and radio talk groups provide essential communications between field units, between field units and dispatch, and between this agency and other departments.

**81.12.3** Systems provide the capacity for a high number of talk groups which is expected to meet the needs of all users well into the future.

**81.12.4** Talk Groups allow various groups to talk among themselves without interfering with others. All talk groups fully utilize the repeater system.

**81.12.5** A sufficient number of systems and talk groups shall be programmed into each radio to meet the needs of the VSO.

**81.12.6** Additional systems and talk groups can be added as the VSO's needs grow. The VSO will normally operate on system "A" or "B". However, should one of the systems suffer a catastrophic failure, the letters "CC SCAN" will be automatically displayed on all radios. Users should immediately switch to the opposite system. Users will be notified when the system is operational again.

**81.12.7** In addition to dispatcher-controlled talk groups and talk groups for specialized units, the following talk groups will be available in all radios:

- **Talk-around** - for communicating between units without tying up the primary assigned talk group.
- **Mutual Aid for law enforcement** - for communications between law enforcement agencies ONLY.
- **System wide Mutual Aid groups** - for communications between any and all users of the 800 MHz radio system.
- **National Mutual Aid groups** - for communications with other 800 MHz users outside Volusia County.

**INDIVIDUAL CALL (I-CALL)**

**81.12.8** Individual Call (I-CALL) is the term describing the ability of a radio equipped with a keypad to call up any single radio in the system, thus providing private communications between the two users. It should be noted that when users are involved in "Individual Call" they are removed from their assigned talk group and are no longer in contact with Central.

**81.12.9** Individual calls can be accomplished by a user keying up the individual radio ID of another user. These calls will be restricted to supervisors ONLY and will be limited by time. Further, the system will be programmed to limit the percentage of system use for individual calls.

#### **EMERGENCY BUTTON**

**81.12.10** The emergency call button will be used to alert the dispatcher and others to an emergency situation when pressed and will provide them with the ID of the originating radio. In addition to providing the ID of the originating radio, the emergency call button when activated, will momentarily "key up" the microphone, providing the caller the ability to call for help without pressing the transmit button.

**81.12.11** The emergency call button shall only be used when:

- The health or welfare of a user is in great danger and,
- Continued verbal two-way radio communications is unlikely or greatly impaired.

**81.12.12** The dispatcher shall immediately dispatch the nearest available unit and notify the supervisor. The dispatcher will take all further instructions from the supervisor.

#### **PHONE PATCH**

**81.12.13** Radios with keypads have the ability to make telephone calls through the 800 MHz radio system. However, this is not a full duplex system such as that designed in cellular telephones. Use of the phone patch will continue to function in the manner as that of a two-way radio.

**81.12.14** Although a "phone patch" feature is available, use of this capability ties up the system for its intended use, and removes the user from their assigned talk group. Therefore, use of this feature shall be limited to the Sheriff, Chief Deputy and Division Chiefs only, or as directed by the Sheriff. Therefore, use of cellular telephones should continue to be encouraged.

**81.12.15** Users will monitor their radios at all times and shall remain in their assigned talk group unless otherwise directed by Central dispatch, other competent authority or as required by this Directive.

**81.12.16** No unauthorized person shall have access to, nor be permitted to operate a VSO radio.

#### **RADIO CONSOLE STANDARD OPERATING PROCEDURE**

**81.12.17** Installation and maintenance of radio consoles shall be in accordance with procedures as set forth by the Communications Division of the County Information Technology Group. Consoles will be installed in such a way to ensure the needs of telecommunicators are met.

**81.12.18** Dispatchers will monitor their radio consoles at all times including any and all talk groups assigned to their positions.

**81.12.19** All radio procedures shall be in accordance with the Volusia County Communications Procedure Manual maintained in the dispatch area.

**81.12.20** The Volusia County Communications Procedure Manual shall not violate any local, state or federal rules or regulations, or regulations of the Federal Communications Commission. Any Conflict between procedures in the Volusia County Communications Procedure Manual and any rule or regulation shall result in the rule or regulation taking precedence.

#### **PATCHING**

**81.12.21** Patching of talk groups provides the ability to bring selected radios into a separate talk group.

**81.12.22** Patching of radios shall be accomplished by the Dispatcher.

#### **SYSTEM AND CONTROLLER FAILURE**

**81.12.23** A controller failure will cause the loss of dispatch consoles. Backup control stations and procedures will be in place to provide Central the ability to continue to dispatch. Dispatchers shall follow the procedures as outlined in the Volusia County Communications Center Procedure Manual. No action will be necessary on the part of patrol units.

**81.12.24** A partial failure of the system will cause it to revert to a Fail Soft mode. This means that a Microsoft failure will cause the system to revert to six individual systems (individual cell sites). While many of the features of the system will be restricted, communications can continue. A catastrophic system failure means a total failure of System "A" or System "B". The letters "CC SCAN" will display on all radios affected and users should immediately switch to the opposing System (i.e. system "B" for Sheriff's personnel).

**81.12.25** No unauthorized persons shall be permitted access to the radio dispatch area at any time, nor shall such persons operate any radio console.

**81.12.26** It shall be the responsibility of the Communications shift supervisor to ensure the security of the dispatch area at all times.

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**Revised by:** 6369  
**Revised on:** 06-2019

**Approved:**

A handwritten signature in black ink, appearing to read 'M. J. Chitwood', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>RADIO PROCEDURES</b>
<b>CODIFIED:</b>	<b>81.13</b>
<b>EFFECTIVE:</b>	<b>06-2019</b>
<b>RESCINDS/AMENDS:</b>	<b>81.13/06-2015</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish procedures for communications between Deputies and the communications center, including specification of the circumstances requiring radio communications.

**DISCUSSION**

Operations are more efficient and safety is enhanced when Telecommunicators, Supervisors, and fellow Deputies know the status of Deputies, location, nature of cases, and developments in investigations. Deputies are required to communicate with the Telecommunicator upon arrival at the scene of an incident, before they leave their patrol cars, when they make vehicle or pedestrian stops (with provisions for giving locations and identifying information for vehicles), when available for service or reporting incidents.

**POLICY**

It shall be the policy of the VCSO to maintain efficient and safe radio procedures.

**PROCEDURE**

**IN/OUT OF SERVICE**

**81.13.1** Deputies assigned to the Law Enforcement Operations Division will notify the Communications Center when they are available and unavailable for calls via MDC if available. If the MDC is not available, refer to Directive 82.7 MDC Use and Administration.

**81.13.2** When zone units call "in service", the following format shall be used:

"1 Charlie 32, Central."  
"1 Charlie 32."  
"1 Charlie 32, in service, ID 2232."

**81.13.3** Administrative units and special service units shall advise of their status as directed by the Division Chief.

**81.13.4** When calling "out of service", radio traffic shall be used by units as follows:

"1 Charlie 32, Central."  
"1 Charlie 32."  
"1 Charlie 32,"out of service."

**RADIO PROCEDURES**

**81.13.5** The procedures outlined in the Volusia County Communications Procedure Manual shall be utilized for dispatching units.

**81.13.6** Upon arrival at the scene, responding units shall inform the Telecommunicator of the arrival. When clearing the scene units will advise the Telecommunicator that they are clear of the scene, using the appropriate in service code and give the appropriate disposition code:

**A. NR** - No Report Required.

**B. Report** - Incident report.

**81.13.7** Deputies and Telecommunicators should be courteous and listen before transmitting, unless an emergency exists.

**81.13.8** Deputies and Telecommunicators shall not display emotion by words or voice inflection that reflect or indicate irritation, disgust or sarcasm.

**81.13.9** Deputies and Telecommunicators should speak clearly and distinctly and at a rate that would allow the message to be copied correctly, normally 40 - 60 words a minute.

**81.13.10** Deputies and Telecommunicators should utilize the phonetic alphabet, but not to excess.

**81.13.11** When Deputies are away from their assigned vehicles, they will keep the Telecommunicator advised of their location and status.

**81.13.12** Deputies shall advise the Telecommunicator of the location and pertinent information on changes in their status while performing normal duties, to insure their safety and the safety of those responding to assist.

**81.13.13** Deputies assisting a citizen, another agency, or another VCSO unit shall advise the nature of the incident, location and status (on-scene/in route).

**81.13.14** Deputies shall advise the Telecommunicator of their location and status, and if applicable a description, when investigating suspicious subjects or incidents.

**81.13.15** Deputies shall not inquire if there are any messages "holding" when going in service. All messages for field units will be noted at dispatch and will be automatically relayed when the appropriate unit calls in service.

#### **USE OF RADIO I.D. NUMBERS**

**81.13.16** On-duty units shall use their unique radio I.D. or their assigned unit numbers.

**81.13.17** Units who are off-duty and in their vehicles shall use their four (4) digit Department I.D. number, only if equipped for MDC.

#### **FORMATS**

**81.13.18** For Traffic Stops and Vehicle Investigations the following format shall be used:

"1 Alpha 31, Central, Traffic stop

"Go ahead, 1 Alpha 31."

"1 Alpha 31 10-50 traffic stop at Ocean Shore and Wisteria, Florida Tag ABC12D, on a Blue Ford Station Wagon, 2 white male occupants (or other information)."

Copy 1 Alpha 31, at 1100 hours."

**81.13.19** "Wanted checks" and registrations shall be obtained by Central on all Florida tags and out of state tags

**81.13.20** Persons checks shall be given as follows:

"1 Alpha 31, Central, copy persons (wanted) check?"

"Go ahead, 1 Alpha 31."

"Doe, John Q. White male, 072450."

"Acknowledged 1128 hours."

**81.13.21** Drivers License checks shall be given in the following order due to teletype requirements:

"1 Alpha 31, Central, copy DL check by name?"

"Go ahead, 1 Alpha 31."

"Doe, John Q., White male, date of birth (DOB) 07-24-50."

"Acknowledged 1128 hours."

**81.13.22** Inquiries on articles, Guns, Property shall be as follows:

"1 Alpha 31, Central, copy stolen check on a stereo?"

"Go ahead, 1 Alpha 31."

"Stolen check on serial number 12345A678BA, Motorola stereo, black and silver."

"Acknowledged 1128 hours."

#### **PROPER TALK GROUP UTILIZATION**

**81.13.23** Units will be assigned to radio talk groups as follows:

- A. **LE 2** -All law enforcement units working in the District Two geographical area, Pierson units, Deland Police Department and Lake Helen Police Department.
- B. **LE 3** – All law enforcement units working in the District Three geographical area, Holly Hill Police Department and Ormond Beach Police Department.
- C. **LE 4** - All law enforcement units working in the District Four and District Six geographical area, and Orange City Police Department.
- D. **LE 5** - All law enforcement units working in the Volusia County Beach Safety (units north of Ponce Inlet), Daytona Beach Shores Public Safety, Port Orange Police Department, and South Daytona Police Department.
- E. **LE 7** - All law enforcement units working in the District Five geographical area, Volusia County Beach Safety (units south of Ponce Inlet), Edgewater Police Department, and New Smyrna Beach Police Department.
- F. **TELETYPE EAST** Judicial Services East units, administrative requests from VCSO District Three units, Daytona Beach Police Department, Holly Hill Police Department, and Ormond Beach Police Department.
- G. **TELETYPE SOUTHEAST** – Administrative requests from VCSO District Five units, Volusia County Beach Safety, South Daytona Police Department, Daytona Beach Shores Public Safety, Edgewater Police Department, New Smyrna Beach Police Department, Ponce Inlet Police Department, and Port Orange Police Department.
- H. **TELETYPE WEST** - Judicial Services West units, administrative requests from VCSO District Two, Four and Six units, Deland Police Department, Lake Helen Police Department, and Orange City Police Department.
- I. **AIR ONE** – Air units and units supporting air units.

**81.13.24** All units will log on and log off their assigned work channel. All teletype requests will be made on the appropriate teletype talkgroup.

**81.13.25** All personnel must remain on their assigned channel unless they specifically request, or are specifically directed, to change to another frequency with the exceptions as noted.

**81.13.26** Teletype checks will be conducted on the Teletype Talk Group. Those units assigned to a primary talk group shall automatically switch to the Teletype Talk Group to request teletype checks and then shall revert back to their primary talk group when finished.

#### **CLEARING CHANNELS FOR EMERGENCY TRAFFIC**

**81.13.27** Certain in-progress situations require responding units to communicate with each other during the period of their response, either to cover possible escape routes or to facilitate an apprehension. Some examples of such situations could be:

- A. Priority E Calls (Not to include Hold Up Alarms)
- B. In-progress calls in which weapons are involved.
- C. Pursuits – Motor Vehicle and on foot

**81.13.28** While responding to such calls it is not necessary for the units to continually request clearance to communicate with the other responding units.

**81.13.29** Whenever such a call is in progress, the Telecommunicator shall clear the channel to give emergency traffic for the responding units by sounding the alert tone three (3) times and instructing all non-involved units to stop transmitting. The dispatcher will repeat the nature of the call and location when clearing the channel.

**81.13.30** For emergency traffic on the administrative talk groups, Telecommunicator I and Communications Aide will patch the talk group with the appropriate primary talk group based on the location of the call. If no known location, ADMIN talk group will be taken over by a Telecommunicator II or higher.

**81.13.31** Non-involved units will switch to their assigned alternate talk group until such time emergency traffic is completed on the primary talk group. Communications will dispatch calls to the non-involved units via the alternate talk group and will announce when emergency traffic is completed.

PRIMARY	ALTERNATE
LE 3	LE 5
LE 5	LE 7
LE 7	LE 5
LE 1	LE 5
DB PD 1	DB PD 2

<b>DB PD 2</b>	<b>DB PD 1</b>
<b>LE 2</b>	<b>LE 4</b>
<b>LE 4</b>	<b>LE 2</b>
<b>TTY E</b>	<b>TTY SE</b>
<b>TTY SE</b>	<b>TTY E</b>
<b>TTY W</b>	<b>TTY SE</b>

#### **PRIORITY "E" CALLS**

**81.13.32** Hold-Up Alarm calls will be dispatched utilizing a single one second tone prior to dispatch.

**81.13.33** All priority "E" calls will be patched to multiple talk-groups based on location when practical. East side calls will be patched on east side talk groups and west side on west side. Supervisors have the option of simulcasting over the entire county if needed. **Initial dispatch of call will not be delayed due to activity occurring on an adjacent talk group.** If adjacent talk group is omitted from the patch, transmission will be repeated when talk group activity allows.

**81.13.34** Priority "E" call types:

- A. BURGJO - Burglary just occurred
- B. BURGIP -Burglary in progress
- C. AROB - Armed robbery
- D. SROB - Strong Arm Robbery
- E. CHASE & TP Pursuit Would be patched only when requested by field units.
- F. PSHOT - Person Shot
- G. ABD Abduction
- H. HOS Hostage
- I. ALAMRH - Hold up alarm
- J. CJ- Car Jacking
- K. HI- Home Invasion
- L. Shoot – Shooting
- M. ASHOOT – Active Shooter

#### **COMMUNICATING WITH OTHER UNITS OR AGENCIES**

**81.13.35** Any request to talk with another unit on the same talk group or with a unit on another talk group must be cleared through Central by requesting "Clearance" with the following exceptions:

- A. Supervisors are not required to request clearance prior to calling any unit or other agency.
- B. Field units are not required to request clearance when:
  - Responding to an in-progress call as outlined above.
  - Responding to a call from a supervisor.
  - Responding to a call from another agency on "All Points" or "Intercity".

**81.13.36** All Talk Groups except the talk-around channel are repeater channels and therefore require an activation period of approximately one second after the mike is depressed before talking can begin. Failure to do so results in the first part of the conversation being lost.

**81.13.37** In assuming responsibility for maintaining a status on all LEO units, it is imperative that all communications be held with, or directed through Central.

**81.13.38** The Mutual Aid Call frequency is provided in the mobile units for the purpose of directly receiving information that may be disseminated by user agencies and to provide the mobile units the capability of contacting



another agency directly when required due to some type of exigent situation. Clear speech communications shall be utilized.

- A. The use of this frequency is to be restricted to those situations where it is clearly warranted. A mobile unit wishing to utilize this frequency shall request clearance through Central.

**81.13.39** The Mutual Aid Tac frequencies have been designated mutual aid communication talk groups. Their use shall be restricted to the following:

- A. When it is necessary for the mobile units of several agencies (utilizing disparate radio systems) to work together on a common frequency to coordinate activity.

**81.13.40** When transmitting on Mutual Aid frequencies personnel I.D. numbers must be prefaced with agency name.

#### **USE OF ALERT TONES**

**81.13.41** Three, one-second long alert tones will be utilized:

- A. Prior to dispatching units on all "in-progress" violent crimes.
- B. Prior to clearing the channel to give emergency traffic.

**81.13.42** Sounding of the alert tone indicates that all routine radio traffic is to be suspended until a priority message can be transmitted.

#### **TELEPHONE REQUESTS**

**81.13.43** Use of mobile/portable radios to request Central to place telephone calls for field units shall be kept to a minimum and confined to those situations in which the information is urgently needed and in which the field unit cannot readily reach a telephone.

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**Revised by:** 6367  
**Revised on:** 06-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: BURGLAR ALARM ORDINANCE**

**CODIFIED: 81.14**

**EFFECTIVE: 07-2010**

**RESCINDS/AMENDS: 81.14/10-2001**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this directive is to establish guidelines and procedures for the implementation and operation of the Volusia County Burglar Alarm Ordinance.

**DISCUSSION**

The Volusia County Sheriff's Office responds to more false burglar alarm calls than to any other type of call for service. This means that an enormous amount of time, money, and resources are expended on false burglar alarm calls. It is in the best interest of the County of Volusia to reduce the number of Department responses to false burglar alarms. This shall be accomplished by the enforcement of the County Burglar Alarm Ordinance.

**POLICY**

It shall be the policy of this Department to enforce County Ordinance 78-1 as amended by Ordinance 91-47. It shall be the policy of the Department that a Burglar Alarm Report Form shall be completed on all burglar alarm calls.

**REGISTRATION**

**81.14.1** All burglar alarms within the unincorporated areas of Volusia County are required to be registered before use. Failure to register a burglar alarm shall result in a \$25.00 fine in addition to any other applicable fines.

**81.14.2** The Alarm Registration Form is a basic fill-in-the-blank form. When completed, it can be mailed directly to the VCSO by folding the card and then taping or stapling the card closed.

**81.14.3** It is the responsibility of the burglar alarm owner or manager of the premises to furnish the Department a completed alarm registration form.

**81.14.4** It shall be the responsibility of the owner or manager of the premises to notify the Department of any changes within seven days of said change including the unavailability of any responder during any period of time.

**81.14.5** Deputies are not prohibited from receiving or accepting the completed alarm registration cards from owners or managers and forwarding them to Central Records.

**FAILURE TO TURN OFF BURGLAR ALARM**

**81.14.6** If a responder fails to deactivate a false burglar alarm within 30 minutes, the Deputy shall note this on the Burglar Alarm Report Form.

**BURGLAR ALARM REPORT FORM**

**81.14.7** The Burglar Alarm Report Form is a basic three-part fill-in-the-blank form.

**81.14.8** Deputies shall indicate in the remarks section the cause, if known, of the alarm activation. I.e., weather, power failure, etc.

**81.14.9** Deputies may excuse alarms due to weather conditions, signs of an actual burglary, etc.

**81.14.10** The vertical block at the lower right side of the form is an additional block for the case number. This block is to be filled in side ways for filing purposes.

**81.14.11** All copies of the form shall be forwarded to Central Records. The original (white) copy shall be the official record.

**81.14.12** The *second and third copies* shall be mailed to the burglar alarm owner/manager by Central Records. The reverse sides of these copies contain printed instructions on where to mail the form and the appeal process.

**A.** The *second copy* (yellow copy) is, by ordinance, to be returned to the VCSO by the burglar alarm owner/responsible person with their written explanation as to the cause of the false burglar alarm signal.

**B.** The *final copy* (pink) shall be used to return payment to the Volusia County Finance Department, if applicable.

#### **COLLECTION OF FEES/BILLING**

**81.14.13** The Volusia County Finance Department shall be responsible for payments.

**81.14.14** The Burglar Alarm Report (copies two and three) shall serve as the original bill when a fine has been imposed.

**81.14.15** Overdue notices shall be sent by the Central Records Section.

**81.14.16** The return of bad checks shall be handled by the Volusia County Finance Department in one of the following manners:

**A.** Referral to the State Attorney's Office if fraud is suspected;

**B.** Bad checks not involving fraud shall be considered as nonpayment and processed accordingly.

#### **FIRST AND SECOND FALSE BURGLAR ALARM**

**81.14.17** Deputies and Communications personnel are **NOT** required to calculate the number of previous false alarms and fine amounts for Burglar Alarm Reports. The number of past responses and appropriate fine, if applicable, shall be calculated by Records Section personnel.

**81.14.18** The completed Burglar Alarm Report for a first or second response to a false burglar alarm shall serve as written notice to the person having or maintaining the burglar alarm. The notice requires the user to set forth in writing:

- The cause of such false alarm;
- The corrective action taken;
- Whether such burglar alarm has been inspected by an authorized service technician; and
- Such other information as the Sheriff's Office may reasonably require in order to determine the cause of the false burglar alarm and the corrective action taken.

#### **THIRD FALSE BURGLAR ALARM AND DISCONNECTION**

**81.14.19** For a third response to a premises within six months after second response, a fee of \$50.00 shall be charged.

**81.14.20** The disconnection policy shall not apply to premises required by law to have a burglar alarm system. Users of such systems shall be fined \$100.00 for each false burglar alarm in excess of two within a six months period.

**81.14.21** The physical deactivation of an alarm by VCSO personnel is prohibited.

#### **APPEAL PROCESS BY BURGLAR ALARM USERS**

**81.14.22** Burglar alarm owners/responsible persons may appeal imposed fines by following the instructions on the backside of copies two and three of the Burglar Alarm Report. They may also contact Central Records and request an appeal in person before the Burglar Alarm Committee. The appeal may also be by letter to the Central Records Section, which shall forward the letter to the Alarm Committee for review.

**81.14.23** The Sheriff shall be responsible for the final review/appeal process of burglar alarm violations.

#### **BURGLAR ALARM COMMITTEE**

**81.14.24** The Support Operations Division Chief shall establish a committee by which Burglar Alarm Reports shall be reviewed.

**81.14.25** The Burglar Alarm Committee shall meet as needed. Location and time shall be decided by the Central Records Section Supervisor.

**81.14.26** The Burglar Alarm Committee shall consist of at least three volunteer members who shall be appointed by the Support Operations Division Chief. The committee shall be assisted by a representative from the Records Section and a Law Enforcement Operations Division representative, as needed.

#### **RECORD KEEPING SYSTEM**

**81.14.27** Burglar alarm record keeping shall be the function of the Central Records Section within the Support Operations Division.

**81.14.28** The Burglar Alarm Module of the Records Management System shall be used to maintain burglar alarm registration records and records of burglar alarms and to provide necessary information to Deputies for the completion of the Burglar Alarm Report.

#### **RESPONSE TO BURGLAR ALARMS BY DEPUTIES**

**81.14.29** Burglar alarm response shall be in a non-emergency (CODE 1) mode unless it's VERIFIED as an in progress burglar alarm. Response to verified in progress burglar alarms shall be in accordance with all applicable laws and Directives.

**Revised by:** 6760

**Revised on:** 07-2010

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>FIRE/ EMS RUN CARD</b>
<b>CODIFIED:</b>	<b>81.15</b>
<b>EFFECTIVE:</b>	<b>09-2012</b>
<b>RESCINDS/AMENDS:</b>	<b>NEW</b>
<b>ATTACHMENTS:</b>	<b>1</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines procedures for Fire/ EMS Run Card changes/modification requests.

**DISCUSSION**

The Volusia County Sheriff's Office is responsible for all changes to the Computer Aided Dispatch (CAD) System File Maintenance program. Quite often requested changes impact other entities. When a request is received from any Fire/EMS agency for Run Card changes/modifications, each agency impacted must be in agreement with the proposed change. In order to keep affected organizations updated with changes, the following procedure is established.

**POLICY**

It is the policy of the Volusia County Sheriff's Office to actively promote and employ a system that, upon receiving a request for change/modification to the Fire/EMS Run Card, promptly assesses each application and evaluates any additional impact the request(s) may produce. Further, it is the policy of the VCSO that prior to implementation on the live CAD system, a qualified request will be first tested to ensure reliability of the desired results.

**PROCEDURE**

**81.15.1** The following procedures will be followed when making a request for change/modification to the Fire/EMS Run Card and will establish the process for which these applications will be implemented.

**REQUEST**

**81.15.2** All agencies requesting a run card change and/or modification will do so via VCSO Form #080812.001 "Request for Run Card/Response Modification Change" located on the agency intranet under Agency Forms\Administrative\Run Card Change Form (See Attachment A).

**81.15.3** Documentation of agreement by any impacted agency will be noted by signature on the form prior to being submitted to the VCSO Communications Section.

**81.15.4** The VCSO Communications Coordinator or his/her designee will document acceptance of the request by completing the bottom portion of the form and will evaluate the request as soon as practicable. This evaluation will be conducted to determine if any additional agencies are impacted and if so, the requesting agency will first be notified. VCSO will take no further action on the request until such time all documentation of agreement has been provided by the requesting agency.

**81.15.5** Once all documentation has been received, VCSO will advise the requesting agency with an estimated time for completion and implementation of the change.

**IMPLEMENTATION**

**81.15.6** Each requested change will first be modified and tested in the Test CAD System. Only after successful testing will changes be applied to the Live CAD System.

**DOCUMENTATION**

**81.15.7** Each change request will be retained by the Communication Section for a period of five (5) years.

## ATTACHEMENTS

**ATTACHMENT A:** VCSO Form #080812.001, Run Card Response/ Modification Change

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**Drafted by:** 4010/6760

**Drafted on:** 09/05/12

**Approved: 01-01-17**

A handwritten signature in black ink, appearing to read 'MJC', is written over a horizontal line.

**Michael J. Chitwood**  
**Sheriff, Volusia County**

# Request for Run Card / Response Modification Change

Requesting Agency: \_\_\_\_\_

Reporting District Affected: \_\_\_\_\_

Description of Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will the request impact other jurisdictions?    Yes ☐                      No ☐

If yes, please provide signatures of impacted/agreeing agency heads.

<u>Agency</u>	<u>Printed Name</u>	<u>Signature</u>	<u>Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Requestor: \_\_\_\_\_

**This section to be completed by personnel receiving request**

Received by: \_\_\_\_\_

Date / Time: \_\_\_\_\_

Estimated time for completion: \_\_\_\_\_

Completed: \_\_\_\_\_

Implemented in Live CAD: \_\_\_\_\_



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

<b>TITLE:</b>	<b>RECORDS</b>
<b>CODIFIED:</b>	<b>82.1</b>
<b>EFFECTIVE:</b>	<b>02-2018</b>
<b>RESCINDS/AMENDS:</b>	<b>82.1/05-2015</b>
<b>ATTACHMENTS:</b>	<b>0</b>

#### PURPOSE

The purpose of this Directive is to establish guidelines and procedures for the Department's Records Section.

#### DISCUSSION

Records shall be maintained in accordance with Public Records and Federal Guidelines relating to Uniform Crime Reporting and the policies and procedures of the Department.

#### POLICY

It shall be Department policy to create and maintain records, through reports, of criminal activity, investigations, stolen, found, recovered, and evidentiary property along with any other actions performed by Department personnel.

#### PROCEDURE

**82.1.1** The Records Section located within the Department's Judicial Services Division shall be the repository for all offense and arrest reports. The Technical Services Section deals with tracking criminals through the criminal justice process.

#### MAINTENANCE AND CONTROL

**82.1.2** Review, control, maintenance, retrieval, dissemination and destruction of reports, according to applicable laws and policies are essential to the operations of the Central Records Section.

**82.1.3** When possible, reports will be reviewed by the supervisor of the Deputy/employee writing the report. This review ensures that the reports are completed in compliance with directives.

**82.1.4** The Communications Section shall assign a separate computer generated number to every call for service received.

**82.1.5** Reports shall be reviewed by the Records Section to ensure that a record has been made for each call for service requiring a report and that it contains information required for UCR Reports.

**82.1.6** Information will be retrieved from reports and coded for UCR purposes.

**82.1.7** Reports shall be maintained in an orderly and accurate manner by assigned section personnel. Original reports shall be maintained in the Records Section for a period consistent with State Archive requirements.

**82.1.8** The Offense Reports Unit shall be responsible for notifying the superintendent of schools office within 48 hours of the name and address of any employee of the school district who is charged with a felony, misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance. The office must also be advised of the specific charge for which the employee was arrested.

**82.1.9** Reports shall be filed in hard copy form and placed in a sequentially numbered folder. Report case numbers are assigned sequentially.

**82.1.10** Juvenile affidavits, arrest reports, warrants, fingerprints and photographs shall be removed from the reports and isolated from adult records.



**82.1.11** Control of reports is conducted by a daily review by first-line Supervisors along with monthly checks by Records Section on field reporting. This is conducted for current, delinquent or unreported dispositions of reports. Supplementary reports indicating status of cases are received on a regular basis from the Districts and are placed with the appropriate case file. Follow-up supplements are the responsibility of first-line Supervisors of the Deputy responsible for the case.

**82.1.12** When cases are cleared by the State Attorney's Office, disposition sheets are received by the Records Section and disbursed in the following order:

- Original to arresting or case officer
- A copy to the offense report file
- All applicable records are cleared through UCR
- Copy stored with report copies in offense storage file

#### **REPORT DISTRIBUTION**

**82.1.13** The distribution of reports shall be made according to agency policy and state and federal laws. Copies of reports are made available to various agencies, persons or Department personnel upon specific request.

**82.1.14** In accordance with law, certain sections of reports are made available to insurance companies and individuals upon request, usually connected with material loss, Internal Revenue Service and insurance claims.

**82.1.15** Copies of incident reports are routinely distributed to the following agencies:

- The State Attorney's Office receives all cases involving arrests and all homicides.
- The Florida Department of Children and Families receives all juvenile reports where a child is a victim.
- The Domestic Abuse Council receives within 24 hours all cases involving domestic violence and domestic violence related stalking.
- The State and County Fire Marshals receive all reports related to structure fires.
- The School Security of the County School System receives related reports of incidents involving school property or school personnel if there are no suspects or defendants listed.
- The State Attorney's Office receives all adult arrest affidavits.
- The Florida Marine Patrol receives all boating accidents.
- The Postal Inspector receives all mail thefts.
- Sheriff's Office Legal Advisor, or designee, receives a copy of each stalking related report.
- All supplements are distributed respectively.

**82.1.16** All other reports are routed in accordance with Directive 42.1 for follow-up.

#### **CITIZENS REPORT OF CRIME**

**82.1.17** Reports from citizens shall be documented in the Departments CAD/RMS computer systems. An individual reference number shall be assigned to each incident. These areas shall include but are not limited to:

- Reports of crimes by citizens
- Citizen complaints (see below)
- Incidents resulting in an employee being dispatched or assigned
- When a Deputy is dispatched for service at a citizen's request, when a Deputy/Detective is assigned to investigate or when a Deputy is assigned to take action at a later date
- Criminal and non-criminal cases initiated by employees
- Incidents involving arrests, citations and summonses shall be recorded, assigned a reference/case number and kept by the Central Records Section

**82.1.18** When the severity of the incident warrants, Deputies shall draw an incident number from Central Communications and complete a written report. These areas shall include but are not limited to:

- Reports of crimes by citizens
- Criminal and non-criminal cases initiated or investigated by a Deputy
- Incidents involving arrests, citations and summonses shall be recorded, assigned a reference/case number and be kept by the Central Records Section.

**82.1.19** The Communications Center is responsible for the assignment of reference and/or case numbers. This shall be handled by the Department's CAD/RMS system.

**82.1.20** Personnel who initiate cases or complaints that are received outside the Communications Center are responsible for notifying the Center for the assignment of reference/case numbers.

**82.1.21** Citizen's complaints shall be investigated by the appropriate supervisor and the complaint form will be forwarded to Internal Affairs in accordance with Directive 52.1. Internal Affairs shall assign a control number and maintain all records.

**82.1.22** Dispositions for all calls for service, whether received or self initiated, shall be recorded either by CAD/RMS or written reports and filed with Central Records/Internal Affairs.

**82.1.23** All records whether CAD/RMS or written reports shall contain at a minimum the following information:

- Date and time of initial reporting
- Name (if available) of citizen requesting the service, victims name or complainants name
- Location of incident
- Nature (type) of the incident
- Nature, date and time of action taken (if any) by Deputies

**82.1.24** All reports shall be completed in accordance with the current reporting forms and manuals.

**82.1.25** First line Supervisors shall review said reports in accordance with the criteria established by Directive 42.1.

**82.1.26** The reviewing Supervisor's signature shall indicate that the report was satisfactorily completed and reviewed.

**82.1.27** Follow-up/supplement assignments responsibilities are outlined in Directive 42.1.

**82.1.28** An annual audit and evaluation of the complaint control recording system shall be conducted.

**82.1.29** The Information Technology Supervisor of the Support Services Division shall prepare an annual evaluation report of the CAD/RMS System to determine if the system is satisfying Department requirements and needs. If needed, the report will include recommendations for changes or procedural modifications that are identified.

**82.1.30** All reports, report writing manuals and forms shall be reviewed at least annually. This shall be the responsibility of the Report Writing Committee headed by the Director of Professional Standards. They shall be reviewed for the following:

- Discrepancies
- The need for change
- Ensure duplication of effort is prevented
- Format is consistent with records maintenance or data processing requirements
- All forms have the approval of the Sheriff or his designee prior to use

**82.1.31** Components who utilize forms shall be included in the review of that form.

## **PRIVACY AND SECURITY**

**82.1.32** Original reports are maintained within the Central Records Section and shall be removed from the area only by subpoena or authorization of a Records Section Supervisor.

**82.1.33** Records and reports containing information on juveniles and victims of sexual crimes are restricted by Florida law and may not be public records. Release of this information in any report is governed by Florida law and released accordingly.

## **CRIMINAL HISTORY RECORDS**

**82.1.34** The Department accesses computerized criminal history information through the following computer systems:

- Sheriff's Office RMS computer system
- Volusia County Criminal Justice Information System (CJIS)
- Florida Crime Information Computer (FCIC)
- National Crime Information Computer (NCIC)

**82.1.35** User profiles and passwords are required to access the RMS, CJIS, FCIC and NCIC computer systems.

**82.1.36** The release of criminal history information from the RMS and CJIS computer systems is governed by the Florida Public Records Statutes.

**82.1.37** Criminal history information shall only be disseminated for criminal justice purposes and to agencies that have been assigned a valid Originating Agency Identification (ORI) number from the FBI.

**82.1.38** Any section or unit disseminating criminal history information to authorized criminal justice agencies outside the management control of the Volusia County Sheriff's Office shall maintain a monthly Criminal History Dissemination Log containing the following information at a minimum:

- A.** Date of dissemination;
- B.** Name of the subject of the criminal history
- C.** SID or FBI number of the subject of the criminal history;
- D.** Name and agency of the recipient of the criminal history;
- E.** Name and department ID number of the person releasing the criminal history;
- F.** Reason for the dissemination;
- G.** Purpose code used for the criminal history request.

**82.1.39** Providing an authorized criminal justice agency with verbal confirmation of the absence of a criminal history is considered dissemination and shall be logged as such.

**82.1.40** Criminal Histories that are run and not disseminated are immediately shredded once read.

**82.1.41** Volusia County Sheriff's Office, Central Records, maintains a Criminal History Dissemination Log of all criminal histories which are disseminated outside of records.

**82.1.42** Criminal Histories that are run and not disseminated are immediately shredded once read.

#### **REPORT/RECORD RETENTION**

**82.1.43** Retention of reports/records is controlled by the Department of State, Division of Archives and Records Management, Schedule GS2.

**82.1.44** Criminal intelligence information shall be considered active and retained as long as it relates to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activity.

**82.1.45** Any records relating to the seizure and destruction of manufacturing equipment used in a grow operation will be maintained for a period of 24 months, per FSS 893.10(4), or as periodically updated via the Division of Archives and Records Management , Schedule GS2.

**82.1.46** Other records will be retained until the information is determined to be no longer of any value to the Department.

**82.1.47** Duplicates of reports are retained until obsolete, superseded or of no administrative value.

#### **BACKUP AND STORAGE OF CENTRAL RECORDS COMPUTER FILES**

**82.1.48** The Information Technology Section will perform a full backup of the network, to include central records systems, in accordance with *Standards Directive 82.6, Computer Security and Use*. The Director of Information Technology will establish and maintain the necessary specific data backup procedures and off-site storage requirements as changing/evolving needs dictate.

#### **RECEIPT OF FUNDS**

**82.1.49** Personnel assigned to the Records Section shall collect fees for the cost of copying incident reports and photographs. The fee schedule as set forth under Florida Statute Chapter 286 shall be observed.

**82.1.50** A pre-numbered receipt book containing multi-colored forms in triplicate is maintained.

- A.** The original receipt goes to requesting party.
- B.** The first copy of receipt goes to report file.
- C.** The second copy of receipt goes to the Fiscal Affairs Unit of the Administrative Services Section.

**82.1.51** All cash, checks or money orders are secured in a locked money box, with authorized access only. The money box is kept in the Records Section safe at the close of each business day and shall maintain a fixed cash drawer amount, as determined by the Division Commander, for the purpose of providing change during the course of the following business day. At the beginning of each business day, the cash drawer will reconciled; all monies and checks from the previous business day along with receipts and the daily reconciliation form are turned over to Fiscal Affairs Unit for balance and deposit. During business hours, the cash drawer will be maintained in a secured drawer within Records at the public transaction window; only authorized Records clerks will have access to the drawer.

**82.1.52** Audits are conducted according to Fiscal Policy and/or State law (see Directive 17.1.)

## **INCIDENT REPORTS**

**82.1.53** Incident reports shall be maintained in the Records Section in numerical order. All arrest records shall be maintained in a separate area and filed alphabetically in the Arrest History Files.

**82.1.54** Reports are processed and disposed of by:

- Date-stamping report when received
- Filing a copy in an in-house file
- Placing a copy in free standing file that can be disposed of after Archive standards have been met

**82.1.55** Records personnel enter information from all reports into the CAD/RMS system to include but not limited to:

- The location of each incident
- The type of incident
- An index of stolen, found, recovered property

**82.1.56** Records shall maintain an alphabetical master name index in the CAD/RMS system which shall include, at a minimum the names of victims, complainants, suspects, persons arrested and witnesses. These files shall be utilized as a cross-reference to all documents in which a person has been named.

## **ARREST RECORDS**

**82.1.57** The Records Section shall maintain a record of an individual's progress through the criminal justice system and enter the arrestee's name, D.O.B., address, arresting agency, arresting Deputy, date of arrest, booking number, statute number of offense, the charge and social security number into CJIS.

**82.1.58** The Volusia County Jail is the major source of identification records information. This information is received on a daily basis. The corrections booking section assigns all booking numbers. The procedure used to handle the information is as follows:

**82.1.59** The arrest cases are received, reviewed, counted and noted on a monthly tally sheet for statistical purposes.

**82.1.60** The Department's arrest figures shall be tabulated from the total.

**82.1.61** The arrest reports shall be scored based on the criteria provided by the UCR Division of FDLE and the data is forwarded to FDLE.

**82.1.62** The data is recorded by entering the arrest information into the CJIS computer under the subject's SPN number. The subject is assigned a unique SPN number by the CJIS computer system when entered in the system the first time, subsequent data entry is done under that number.

**82.1.63** Information on all persons arrested is kept in a file within the CJIS Computer System. Formerly, a descriptive card was typed in reference to each arrest affidavit. This was a 3" x 5" pre-printed card which included, as with CJIS, the following data:

- Booking Number & Initials of Arresting Agency
- Date of Arrest
- Name of Defendant
- Defendant's Address
- Criminal Address
- Physical description
- Sex
- Race
- Height
- Eye Color
- Hair Color
- Social Security Number
- Age
- Date of Birth
- Place of Birth
- Scars, Marks, Tattoos
- Remarks (any caution statements)
- Occupation

**82.1.64** This data may be researched by the crime analysis section for future projections or past occurrences.

#### **TECHNICAL SERVICES SECTION**

**82.1.65** A copy of the arrestee's photograph negative and booking card is kept separately in the Technical Services Unit and cross-referenced by booking number.

**82.1.66** Photos are provided to all members of the law enforcement community and a select group of non-law enforcement (Bail bondsmen, Parole and Probation, media).

**82.1.67** When requests are honored, the records clerk will make note of:

- The two most recent booking numbers if defendant has criminal record
- The name and address of the person requesting the photo
- The manner in which the photo is to be transmitted, (picked up in person, mailed, faxed)
- The name of the defendant for which photo was requested

**82.1.68** Juvenile records are kept separately in a file, which contains only the individual's name, D.O.B., address, Social Security Number (if available), and the charge.

**82.1.69** Juvenile fingerprints are stored separately in the Technical Services Unit and are cross-referenced with index cards. Juvenile information is not listed in the computer.

#### **RECORDS ACCESSIBILITY**

**82.1.70** The Records Section shall operate 24 hours a day, seven days a week. Information shall be accessible to Department personnel at all times via Records Section personnel. Information is accessible to the general public between the hours of 8:00 AM and 5:00 PM, Monday through Friday.

**82.1.71** Entrances and exits to the Records Section shall remain locked. Entry into the Records Section is restricted to Sheriff's Office members assigned to the facility, Department Supervisors and persons conducting business with records section personnel.

**82.1.72** Persons not assigned to the Records Section facility or authorized by the Records Section Supervisor shall be escorted when inside the facility. Records stored within the facility shall be directly accessed only by Records Section personnel.

#### **PUBLIC RECORDS REQUESTS**

**82.1.73** To ensure prompt response to requests for public records, the following procedures are provided by the Public Information Office:

#### **PROCEDURES FOR HANDLING PUBLIC RECORDS REQUESTS**

Most requests for records can be appropriately routed to either Central Records if the request is from the general public or the PIO Unit if the request is from the news media. However, this isn't always the case, particularly if you or your worksite is in possession of the document(s) being requested. If you don't work in Central Records, are asked for access to or copies of VCSO records and are in possession of the requested record(s), contact the PIO Office at Ext. 2167 to determine whether the record(s) can be released.

#### **What is a public record?**

Florida's Public Records statute, as contained in Chapter 119, is broadly interpreted to encompass virtually all forms of communication not specifically exempted by statute.

#### **Who can inspect agency public records?**

Anyone. The law does not require an individual to show some special purpose or legitimate interest in order to access public records.

#### **Who is responsible for providing access to Sheriff's Office records?**

By law, the official custodian of the records has this responsibility. In the Sheriff's Office, Central Records is our official custodian. However, this does not totally release you from responsibility. The custodian can also refer to other agency personnel who have supervision and control over a requested

document and have it within their power to release public records. Anyone whose job includes contact with the public has the potential to receive a request for agency records. If you receive a public records request:

**DO:**

- Treat all requests and requestors with courtesy and professionalism.
- Promptly respond to all requests, whether that means providing the requested information if it is in your possession (after making the necessary checks to determine whether the information can be released) or making the appropriate referral elsewhere in the agency.
- Ask the requestor for a clarification if it isn't clear what records are being requested. This should only be done for the purpose of clarification and not to narrow or reduce the scope of a request

**DON'T:**

- Ask a requestor's name, address, phone number, affiliation or reason for requesting the records. The law doesn't allow this. (However, if a request for public records cannot be processed while the requestor waits, you may ask the requestor if he/she would like to provide a name and/or number where they can be contacted when the requested records are ready to be picked up. If the requestor declines, instruct him/her to re-contact the Sheriff's Office after a specific number of days to find out whether the requested records are ready to be picked up. Be sure to provide the requestor with a name and contact number so they know who to call to check on the status of their request.)
- Ask the requestor to put his/her request in writing. Again, this is not allowed by law.
- Do anything that could be construed as hampering, discouraging, frustrating, obstructing or delaying a person's right to inspect and copy public records.

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**82.1.74** The above "Procedures for Handling Public Records Requests" (attachment A) will be printed and posted in appropriate locations throughout all facilities so as to provide personnel with immediate access to guidelines when met with requests for public records.

**82.1.75** All employees are responsible for familiarizing themselves with the above noted procedures and will be held accountable for prompt and courteous response to/referral of requests for public records.

<b>CENTRAL RECORDS RELEASE</b>
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**82.1.76** Records Section personnel shall release information in accordance with the Florida Public Records Statutes, Chapter 119.

**82.1.77** The Records Section shall release any information on juveniles only in accordance with the Florida Public Records Statutes, Chapter 119.

**82.1.78** Records Section shall furnish copies of public records upon request and collect the fee prescribed by law. If a fee is not prescribed by law, the Records Section shall collect fees in accordance with the Florida Public Records Statutes, Chapter 119:

- For pages up to 8.5 by 14 inches in size, \$0.15 per page for single sided copies, \$0.20 per page for double sided copies
- For other copies the actual cost of duplication
- A special service charge shall be added to the cost of copying records, which require extensive use of information technology resources, clerical or supervisory personnel.

**82.1.79** All fees are receipted for and sent to Fiscal Affairs supervisor for deposit into the Sheriff's Office account.

**82.1.80** Individuals or businesses may submit public record requests to FDLE to determine if potential employees have criminal records.

**82.1.81** For each inquiry the following should be submitted the name (and aliases or maiden names), race, sex, date of birth, social security number (if available) and a \$10.00 processing fee. The information should be mailed to FDLE, CIB, P.O. Box 1489, Tallahassee, FL 32302.

## **IDENTIFICATION NUMBERS**

**82.1.82** An identification number is assigned to each individual arrested. This number is assigned by corrections at time of booking. This number is used for any additional charges while in custody.

**82.1.83** Even though a person may be arrested on several charges at different times, all booking numbers will be cross-referenced under the special person number (SPN).

## **DISPOSITION OF RECORDS**

**82.1.84** Operational units may maintain active records only. Inactive cases shall be transferred to the Records Section. Intelligence and vice related data may be securely stored until destroyed in accordance with Records Schedule for Law Enforcement Agencies (GS2 Revised).

**82.1.85** Documentation received that could close reports includes:

- No information filed by the States Attorney's Office
- No bill ordered by the courts
- Commitments papers
- Judgment and sentence forms issued by the judge. Upon inactivation of the investigation, records will be submitted to the Records Section. Notification of record retention by specific operational units will be made to the Records Section within 30 days of case initiation.

## **WARRANTS UNIT**

**82.1.86** The Warrants Unit shall be in operation 24 hours a day seven days a week.

**82.1.87** All warrant information shall be furnished to all law enforcement personnel within the County.

**82.1.88** Checks for active warrants shall be conducted on all traffic stops, domestic complaints and other calls for service.

**82.1.89** Every effort will be made to positively identify the person being arrested per warrant.

**82.1.90** Each warrant shall be confirmed by Warrants Unit before warrant is served.

**82.1.91** All sections of the SA-707 accompanying a warrant will be completed before warrant service can be completed.

## **WARRANT ENTRIES**

**82.1.92** All warrant entries are made following specific guidelines as set forth by FCIC (FDLE), NCIC, and CJIS respectively. All warrant cancellations are also governed by these guidelines. Each are categorized below:

### **CRITERIA FOR ENTERING NOTICES IN REGIONAL, STATE, AND FEDERAL INFORMATION SYSTEMS**

**82.1.93** Felony warrants are entered into CJIS (Regional) and FCIC (State) information system. The State Attorney and/or Judge designate those approved for extradition. They are also entered in NCIC (Federal) system. Criteria for FCIC and NCIC entries are as follows:

- An individual (including a juvenile who will be tried as an adult) for whom a federal warrant is outstanding.
- An individual (including a juvenile who will be tried as an adult) for whom a felony or serious misdemeanor warrant is outstanding.
- Probation and parole violators meeting the criteria in 1 and 2 above.
- Juvenile escapees and juvenile probation and parole violators - ages 10 to 18 years. (Category 1)
- Juveniles who have been charged with the commission of an act of delinquency-ages 10 to 18 years.(Category 2)

**82.1.94** Before entering a record of a wanted person in FCIC/NCIC, the Department must attempt to determine, to the maximum extent possible, that extradition will be authorized if the individual is located in another state.

**82.1.95** If, at the time of entry, there is a limitation concerning extradition of the wanted person, the information should be placed in the remarks field of the record.

**82.1.96** If the subject will only be picked up in Florida, they should be entered in FCIC only.

**82.1.97** All Misdemeanor Warrants are entered into CJIS (Regional) information system. DUI/DWI's, Battery/Abuse of Spouse or Child, and Fleeing or Attempting to Elude a Police Officer charges are entered into FCIC (State) information system.

**82.1.98** VCSO does not extradite on misdemeanor charges or civil writs of bodily attachments; these actions are not entered into the NCIC (Federal) system.

#### **CRITERIA FOR RECEIVING INFORMATION FROM OTHER JURISDICTIONS**

**82.1.99** A wanted person must be entered in FCIC or NCIC for hold to be placed, or for attempted service. The following information must be provided:

- Name, Race, Sex, Date of Birth, Charge
- Issuing Authority, Date Issued
- Bond amount

#### **RECORDING THE INFORMATION IN AGENCY FILES**

**82.1.100** Original warrants are filed alphabetically in Warrants Unit. All Volusia County warrants are numbered automatically via entry into CJIS information system.

**82.1.101** Out-of-state warrants are maintained in separate files, alphabetically.

**82.1.102** All computer entries (CJIS, FCIC, NCIC) are verified with the original warrant.

**82.1.103** Upon notification that a warrant is recalled or served, CJIS information system is immediately updated and wanted person entries in FCIC and NCIC systems are canceled. The original warrant is returned to the Clerk of the Court.

#### **NATIONAL UNIFORM CRIME REPORT**

**82.1.104** The national Uniform Crime Report (UCR) produces crime statistics in relation to crime trends in the United States.

**82.1.105** These statistics are compiled from those submitted by various agencies throughout the U.S. to include the Department.

**82.1.106** The Records Section enters UCR data into the UCR statistics computer program in accordance with the Florida Department of Law Enforcement UCR manual.

**82.1.107** The UCR statistics are compiled by the Central Records Section and forwarded to the Florida Department of Law Enforcement on a semi-annual basis.

#### **GUN PERMITS**

**82.1.108** The Records Section receives a list from the Florida Department of Law Enforcement (FDLE) of people with State of Florida Gun Permits annually. The Records Section compares the list with people who have been arrested in Volusia County during the year, then sends a list of any matches back to FDLE.

#### **MODUS OPERANDI FILE**

**82.1.109** The Records Management System includes a modus operandi file, which aids in the identification of known career criminals and in the investigation of certain crimes.

**82.1.110** The Career Criminal Unit maintains a serious/habitual offender file, which includes the modus operandi of each serious/habitual offender arrested by the Department.

**82.1.111** In an effort to lead to the arrest of these offenders, information is collected, analyzed and disseminated to affected operational components.

**82.1.112** The Records Section enters modus operandi data into RMS. This information is analyzed and incorporated into reports to affected operational units.

#### **CENTRAL RECORDS COMPUTER SYSTEM SECURITY**

##### **PASSWORDS**

**82.1.113** The Record's Management System (RMS) requires all users to change their passwords every 90 days. The RMS computer system disables the user's account after 90 days, if the user has not changed their password. The user must then contact Information Technology to have their account reactivated.

**82.1.114** Every user has the ability to change their password as often as every 30 days.



**82.1.115** Users shall contact Information Technology if they need to change their password in a period shorter than 30 days.

#### **ACCESS CODES**

**82.1.116** Every user account is made up of the user's Department Identification number (DID), their password and what degree of access that user is authorized.

**82.1.117** RMS will not allow the user to access any files unless that user's account has been given access to those specific files.

**82.1.118** As Information Technology adds new users to the system, they are given a default set of access codes allowing only inquiry access. The user is unable to add, modify or delete any records within the RMS system.

**82.1.119** The files in which a user has the ability to add, modify or delete is dependent on their position and job requirements.

**82.1.120** Access to add, modify, or delete records is given, taken away or modified based on electronic mail from the user's supervisor or by distribution sheets showing the employee has been transferred, promoted, demoted or terminated.

**82.1.121** Information Technology will maintain a file containing all electronic mail messages and distribution sheets pertaining to new employees, transfers, promotions and terminations.

#### **ANNUAL AUDIT**

**82.1.122** Information Technology conducts an annual audit beginning the first week of every year. During the audit a listing of all past and present employees is sent to Sheriff's Office Human Resources Unit for a verification of job status. Once Human Resources has verified the list, it is compared to the list of all users in accounts on RMS. If discrepancies are found, adjustments will be made to the account and noted on the list.

**82.1.123** The results of the audit will be maintained by Information Technology, with a copy sent to the Professional Standards Section.

#### **ACCESS VIOLATIONS**

**82.1.124** Every RMS account has a unique log-in consisting of a Department identification number (DID) and a password. RMS will not allow a user to log-in unless that user knows the exact password for a specific DID. For security, five failed log-in attempts disable the computers ability to access the RMS computer system.

**82.1.125** The user failing to log into the RMS system and causing the computer to be locked out of the RMS system shall notify Information Technology of that fact and the reason they were unable to log into RMS.

**82.1.126** Any user finding a computer with access to the RMS computer system disabled shall notify Information Technology.

**82.1.127** Information Technology shall keep a log of all notifications of computers with access to the RMS computer system disabled by failed log-in attempts and follow up on potential access violations.

### **ATTACHMENTS**

#### **Attachment A: Procedures for Handling Public Records Requests**

**Revised by:** 6477

**Revised on:** 05-25-2011; 03-2015; 02-2018

**Approved: 02-2018**



**Michael J. Chitwood**  
Sheriff, Volusia County

## **PROCEDURES FOR HANDLING PUBLIC RECORDS REQUESTS**

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### **What is a public record?**

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- Do anything that could be construed as hampering, discouraging, frustrating, obstructing or delaying a person's right to inspect and copy public records.



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

**TITLE: WANTED RECORDS-FCIC/NCIC**

**CODIFIED: 82.2**

**EFFECTIVE: 10-2001**

**RESCINDS/AMENDS: 82.2/07-1999**

**ATTACHMENTS: 0**

#### PURPOSE

The purpose of this Directive is to establish uniform procedures for the confirmation of a non-warrant wanted entry that was entered by the Volusia County Sheriff's Office into the FCIC/NCIC computer systems (Florida Crime Information System/National Crime Information System.) This Directive shall apply to wanted entries such as missing persons, stolen property, etc. but shall not apply to warrants. Warrant confirmation is covered under separate Directive.

#### DISCUSSION

The FCIC/NCIC and RMS computer systems provide information for decision making by Detectives, patrol officers and other members of the law enforcement community. Information contained in FCIC/NCIC/RMS is a tool to assist the Deputy and is not a substitute for professional police judgment. The information furnished must be evaluated along with other facts known to the Deputy at the scene when making law enforcement decisions.

#### POLICY

It is the policy of the Volusia County Sheriff's Office that the Central Records Section shall be staffed and operational twenty-four hours per day, seven days per week. This level of continual staffing will allow the Sheriff's Office to meet its obligation to respond within the time allotted for inquiries and wanted entry confirmations.

It shall also be the policy of the Sheriff's Office to comply with all Florida Department of Law Enforcement rules and regulations as outlined in the NCIC/FCIC manual and as contracted.

#### PROCEDURE

##### FCIC/NCIC ENTRY

**82.2.1** The records at the Central Records Section will record the information necessary for computer entry into FCIC onto the appropriate FCIC/NCIC entry card. The FCIC entry card will be filed at the Central Records Section, listing the PCN and NIC number once the entry was accepted in FCIC or NCIC.

**82.2.2 A PCN** is a Persons Control Number; an eight digit number assigned by FCIC upon entry which contains an alphabetic character ("T") followed by seven numerals.

**82.2.3 A NIC** is an NCIC number; a self-checking number consisting of an alphabetic character ("W" in the Wanted Person File) followed by nine numeric characters which is automatically assigned by the NCIC computer to each accepted record. The number must have valid check digits when used to identify a record in a subsequent transaction.

**82.2.4** All hard copy printouts of the FCIC/NCIC entry, along with any administrative messages such as BOLO's will be filed with the original case file.

## **RMS ENTRY BY CENTRAL RECORDS**

**82.2.5** Once the offense report is received in Central Records, entry of the wanted data shall be made into the Sheriff's Records Management System (RMS) computer by the records clerk. The record will contain all pertinent information regarding the description and status of the want, victim information, date of incident, and case number. Once this entry has been made in the RMS system, the record is available for immediate access by all RMS terminals.

## **CONFIRMATION**

**82.2.6** All confirmation requests shall be verified by Central Records before a response is sent to the inquiring agency.

**82.2.7** For FCIC/NCIC purposes, confirmation is a substantive response such as a positive or negative confirmation to an inquiring agency on a wanted status.

**82.2.8** When a law enforcement agency receives a positive response (HIT) on FCIC/NCIC for a want originating in Volusia County, that agency teletypes the county of origin to confirm the validity of the want before taking action. The Volusia County terminal operator then has ten (10) minutes to furnish a substantive response, i.e., a positive or negative confirmation or a notice that additional time is necessary for confirmation.

**82.2.9** Upon receipt of a wanted confirmation request, the terminal operator at the Communications Center will make the confirmation request to Central Records.

**82.2.10** The terminal operator at Central Records will respond back to the inquiring agency with the information.

**82.2.11** Once the terminal operator has confirmed the want, and the person or stolen property has been confirmed recovered, the terminal operator will cancel the corresponding entry from FCIC/NCIC. All correspondence regarding the confirmation will be filed with the original case file.

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**Revised by:** 6620

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: WARRANT CONFIRMATIONS**

**CODIFIED: 82.3**

**EFFECTIVE: 10-2001**

**RESCINDS/AMENDS: 82.3/07-1999**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish uniform procedures for Records personnel to confirm a Volusia County warrant and to establish backup procedures for Communications personnel.

**DISCUSSION**

The FCIC, NCIC, and CJIS computer systems provide information for decision making by Detectives, patrol officers and others. Information furnished must be evaluated with other facts known to the Deputy and Detective at the scene. Information contained in FCIC/NCIC/CJIS is a tool and is not a substitute for professional police judgment.

When an agency receives a positive response on FCIC/NCIC/CJIS for a Volusia County Warrant, the terminal operator has ten (10) minutes to furnish a substantive response, i.e., a positive or negative confirmation or a notice that additional time is necessary for confirmation.

**POLICY**

It shall be the policy of the Volusia County Sheriff's Office that the Records Section be operational 24 hours per day, 7 days per week. Warrant confirmations shall be performed by the Warrant Unit and the terminal operator shall furnish a substantive response within ten (10) minutes.

**PROCEDURE**

**CONFIRMATION OF POSITIVE RESPONSES (HITS)**

**82.3.1** Upon receipt of a warrant confirmation request, terminal operator will check the warrant status in CJIS and original warrant will be retrieved for verification.

**82.3.2** A positive confirmation teletype shall be sent to the originating agency listing the warrant number(s), charge(s) and bond information.

**82.3.3** When a negative response for confirmation is necessary, a teletype shall be sent to the originating agency advising that the warrant cannot be confirmed.

**82.3.4** When the Warrant Unit teletype terminal is not operational, the messages reference confirmations will be received by the Communications Center.

**82.3.5** Communications personnel will route confirmation to the designated Warrant Unit backup terminal. If the backup terminal will not receive messages, Communications personnel will fax confirmation messages to the Warrant Unit. The Warrant Unit shall respond directly to the originating agency making the inquiry.

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**Revised by:** 6620  
**Revised on:** 10-2001

**Approved: 01-01-17**

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**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>WARRANT VALIDATION</b>
<b>CODIFIED:</b>	<b>82.4</b>
<b>EFFECTIVE:</b>	<b>10-2001</b>
<b>RESCINDS/AMENDS:</b>	<b>82.4/05-2000</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to establish guidelines to meet State criteria for warrant validation and to define areas of responsibility for the criminal justice agencies involved in the warrant process.

**DISCUSSION**

The validation of a warrant increases the accuracy of the record and decreases liability for false arrest.

Validation obliges the Origination Agency (ORI) to confirm the record is complete, accurate and still outstanding or active. Validation is accomplished by reviewing the original entry (CJIS/FCIC/NCIC) and current supporting documents and by recent consultation with any appropriate complainant, victim, prosecutor, court or other appropriate source or individual.

**POLICY**

It is the policy of the Volusia County Sheriff's Office that all concerned personnel shall strictly adhere to the validation guidelines presented in this Directive so that the integrity of FCIC/NCIC records can be maintained.

**PROCEDURE**

**VALIDATION REPORTS**

**82.4.1** Each FCIC terminal agency must designate an individual to function as a Terminal Agency Coordinator. This person shall be responsible for ensuring compliance with FCIC and NCIC policy, including validation requirements.

**82.4.2** The TAC is authorized to function across agency section boundaries (i.e., Communications, Warrants, Records, etc.) in order to coordinate the agency's FCIC/NCIC activities.

**82.4.3** Monthly validation reports are produced by the Florida Crime Information Center and supplied to each entering originating agency. The validation report contains entries made into the FCIC/NCIC files for a specific month of current and previous years.

**82.4.4** Upon receipt of the validation report, the Terminal Agency Coordinator (TAC) will sign and return the validation receipt acknowledgment to the Florida Department of Law Enforcement (FDLE).

**82.4.5** Upon completion of the validation report, the TAC will sign and return the letter of certification attesting to the completion of the validation process to FDLE. This should be done within 45 days after receipt of the validation report.

**FCIC WANTED PERSON FILE ENTRY CRITERIA**

**82.4.6** Persons may be entered into the FCIC Wanted Person File who meet one or more of the following conditions:

- An individual (including a juvenile who will be tried as an adult) for whom a federal warrant is outstanding.
- An individual (including a juvenile who will be tried as an adult) for whom a felony or serious misdemeanor warrant is outstanding.
- Probation or Parole violators where the original charge must have been a felony or serious misdemeanor.
- Juvenile escapees and juvenile probation and parole violators (ages 10 - 18 years); Category 1.
- Juvenile who has been charged with the commission of an act of delinquency (ages 10 -18 years); Category 2.
- Temporary felony warrant - 48 hours
- Serious Misdemeanor
- Driving while Under the Influence (DUI/ DWI)
- Fleeing or attempting to elude a police officer.
- Reckless Driving
- Driving while license suspended or revoked for refusal to submit to breath, urine, or blood test for impairment; or habitual traffic offender; or Driving Under the Influence.
- Improper exhibition of dangerous weapon or firearm
- Battery
- Cruelty to animals
- Culpable negligence
- Exposure of sexual organs, unnatural and lascivious act
- Interference with custody
- Child abuse
- Abuse, neglect, or exploitation of aged or disabled persons

**82.4.7** In cases where the capias/warrant specifies that the person will not be entered into NCIC, such records will be maintained in CJIS or FCIC.

**82.4.8** A Capias (arrest) is the general name for several species of writs, the common characteristic of which is that they require the police officer to take the body of the defendant into custody; they are writs of attachment or arrest. In English practice, the process of an indictment when the person charged is not in custody.

**82.4.9** A Warrant (arrest) is a written order issued by a magistrate directing a police officer or some other person specially named, and commanding them to arrest the body of the named person.

#### **MAINTAINING THE INTEGRITY OF FCIC/NCIC RECORDS**

**82.4.10** Agencies that enter records into CJIS/FCIC/NCIC are responsible for their accuracy, timeliness and completeness. FCIC, as manager of State System, and CJIS Council, manager of the local system help maintain the integrity of the system through:

- Automatic computer edits which reject certain common types of errors in data
- Automatic purging of records after they are in file for a prescribed period of time FCIC only
- Quality control checks by FBI personnel
- Periodically furnishing lists of all records on file for validation by the agencies that entered them

#### **ACCURACY**

**82.4.11** The accuracy of CJIS/FCIC/NCIC records must be checked by a second party. That verification should include assuring that the available cross-checks, e.g., VIN/License numbers, were made, and that data in the CJIS/FCIC/NCIC record matches the data in the investigative report.

**82.4.12** Validation is an integral part of the fugitive search. The better the files, the more apprehensions will be made.

#### **TIMELINESS**

**82.4.13** CJIS/FCIC/NCIC records must be entered promptly to ensure maximum system effectiveness. A timely entry in the Wanted Person File is one made Immediately after:

- The decision to arrest or authorize arrest has been made
- The decision has been made on whether and how far to go for extradition

**82.4.14** For FCIC/NCIC purposes, extradition is the surrender by one state to another of an individual charged or convicted of an offense outside its own territory and within the territorial jurisdiction of the other.



**82.4.15** A Timely Inquiry is an initiation of the transaction before an officer begins writing an arrest or citation document of any kind; retaining inquiries when FCIC/NCIC is not available and submitting them at once when the system returns, regardless of whether the subject is still in custody; inquiry prior to release of a person who has been incarcerated; and inquiry upon those who appear at a custodial facility to visit inmates.

**82.4.16** A Timely Removal from the file means an immediate removal once the originating agency has documentation that the fugitive has been arrested or is no longer wanted.

#### **COMPLETENESS**

**82.4.17** Complete records of any kind include all information that was available on the person at the time of the entry. The validation process should include a review of whether additional information has become available (missing from original entry) that should be added. In addition, when an entry is made or modifications or cancellations attempted, the record should be queried to ascertain that the transaction was completed in both CJIS, FCIC and NCIC.

**82.4.18** Complete inquiries on persons include numbers that could be indexed in the record, i.e., Social Security Number, Passport Number, VIN, License Plate, Drivers License Number, etc. Inquiries should be made on all name/aliases used by the suspect.

#### **GENERAL VALIDATION INFORMATION**

**82.4.19** One of the most critical issues confronted by CJIS and FCIC is the proper maintenance of the on-line data files. Many problems can occur if the information in the files is inaccurate or no longer active. Invalid records allowed to remain in the system could result in a violation of an individual's civil rights for which an agency could become the subject of litigation.

**82.4.20** CJIS and FCIC have established the following procedures to insure that inaccurate and inactive records are removed. This process is required to insure integrity of the records for CJIS, FCIC, and NCIC database.

#### **CJIS/FCIC/NCIC RECORD VALIDATION PROCEDURES**

**82.4.21** FDLE sends to the Volusia County Sheriff's Office a magnetic tape that contains one twelfth (1/12) of all wanted files that are active in FCIC/NCIC that were entered by the Sheriff's Office. The records are for specific month of current and previous years.

**82.4.22** The FCIC validation tape is given to CJIS to produce the monthly validation report. It is combined with the open warrant/capias files in CJIS.

**82.4.23** Four (4) copies are produced for the clerk of the court by issuing judge, and one (1) juvenile listing.

**82.4.24** One (1) listing by issuing judge and one (1) juvenile listing are produced for the State Attorney's office.

**82.4.25** The person receiving the validation report will sign and return the validation receipt acknowledgment to the TAC at the Sheriff's Office.

**82.4.26** Each record should be individually reviewed and compared to the original report to insure that it is accurate, up to date and still carried as an active case by an agency. If a record is destroyed in accordance with retention schedules established by the Division of Archives, the corresponding entry must be removed from CJIS/ FCIC/NCIC.

**82.4.27** The data being validated should be linked back to the initial report received by the agency. The agency case file information should be used to go back to the complainant, victim, prosecutor, court, motor vehicle registry files or other appropriate source or individual to verify the data contained in the CJIS/FCIC/NCIC entry. In the case of a Wanted Person, if the warrant verification cannot be verified by the Clerk of the Court, the entry must be removed from the system files.

**82.4.28** The verification process should serve to verify each piece of information contained in the record (i.e., correct spelling of the subject's name and correct date of birth). If additional information becomes available, the records should be modified to include the data. Also, data within the record, which is invalid, should be removed even if accurate information is not available to replace the invalid data. All information in the record should be verified for accuracy.

**82.4.29** As each entry is verified the person verifying the record should initial the adjacent check off block on the printout. If incorrect data is in the record, show the correct information next to the record. When all records have been verified and initialed, the printout will be sent to the TAC at the Sheriff's Office along with signed letter of completion.

**82.4.30** The FCIC terminal operator in the Warrants Division incorporate all changes as indicated from the Clerk of the Court or the State Attorney's Office.

**82.4.31** The letter of certification attesting to the completion of the validation process will be signed by TAC and returned to FDLE.

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**Revised by:** 6620  
**Revised on:** 10-2001

**Approved: 01-01-17**

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**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

<b>TITLE:</b>	<b>RMS JUVENILE RECORDS</b>
<b>CODIFIED:</b>	<b>82.5</b>
<b>EFFECTIVE:</b>	<b>10-2001</b>
<b>RESCINDS/AMENDS:</b>	<b>82.507-1999</b>
<b>ATTACHMENTS:</b>	<b>0</b>

**PURPOSE**

The purpose of this Directive is to ensure compliance with State and Federal laws relating to the storage of juvenile criminal records via the Record Management System.

**DISCUSSION**

All personnel accountable for the collection, dissemination, and retention of juvenile records maintained by the Department shall comply with F.S. Chapter 39. Chapter 39 dictates that the criminal records of juveniles not be commingled with those of adults.

Criminal records stored in the Record Management System should also be maintained in compliance with all State and Federal laws.

**POLICY**

It shall be the policy of the Department to maintain all computerized criminal juvenile records separate from those of adults and limit the access of those records to only those authorized by the Sheriff.

**PROCEDURE**

**82.5.1** All personnel accountable for the collection, dissemination, and retention of juvenile records maintained by the Department shall comply with Florida Statutes Chapter 39.

**AUTHORIZATION**

**82.5.2** The only positions authorized retrieval access to juvenile criminal records stored in the Records Management System are:

- Records Section personnel
- The Information Technology Supervisor.
- The District Juvenile Detective.

**TRAFFIC RECORDS**

**82.5.3** Nothing shall prohibit the storage of traffic offenses which may be open to inspection in the same manner as adult traffic records.

**FIELD INTERVIEW INFORMATION**

**82.5.4** Nothing shall prohibit the storage of non-arrest field interview information which may be open to inspection in the same manner as adult field interview information.

## **DISPOSITION**

**82.5.5** Records may be purged in accordance with F.S. 39.12.

**82.5.6** The Supervisor of Records shall make the determination as to which records are to be purged, and the method of disposition, in compliance with applicable law.

## **RECORDS CONTROL**

**82.5.7** Requests for obtaining records shall be made to Records Section Personnel.

**82.5.8** If the record is sealed, the Records Supervisor must authorize access to the particular file.

**82.5.9** If the record has been expunged the requestor will be advised there is no record.

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**Revised by:** 6620

**Revised on:** 10-2001

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: COMPUTER SECURITY AND UTILIZATION**

**CODIFIED: 82.6**

**EFFECTIVE: 02-2018**

**RESCINDS/AMENDS: 82.6/05-2017**

**ATTACHMENTS: 1**

**PURPOSE**

The purpose of this Directive is to establish guidelines and regulations governing security and utilization of computer hardware and software used on Volusia County Sheriff's Office owned, purchased or leased computer equipment.

**DISCUSSION**

As a law enforcement agency, it is imperative that the Volusia County Sheriff's Office diligently strives to maintain lawful adherence to all state and federal laws. Compliance with copyright and software licensing laws can be difficult due to the ease with which these products can be copied. Often the individual involved is not aware of the prohibitions involved or the possible consequences of their actions. This Directive is designed to familiarize all members of the Department with the general content of these laws and the procedures necessary to ensure compliance.

**POLICY**

It is the policy of the Volusia County Sheriff's Office to abide by all software copyright and licensing agreements. Computer hardware and software owned or operated by the County shall be used for official business purposes only. This policy is applicable to all computer software and hardware currently installed or to be installed in the future.

**PROCEDURE**

**DEFINITIONS**

**82.6.1 Advanced Authentication** – The verification of a user's identity utilizing two (2) or more authentication methods (e.g. username/password, biometrics, proximity card, hardware tokens, paper tokens, etc.)

**82.6.2 Authorized Software** - is computer software that meets at least one of the following criteria:

- A.** Approved by Volusia County Sheriff's Office Information Technology as a Department standard
- B.** Purchased utilizing the Purchasing/Inventory Control Form after approval by the Information Technology Director
- C.** Developed by Volusia County Sheriff's Office staff or authorized agents for Volusia County Sheriff's Office business; and approval from the Information System Director
- D.** Submitted to, screened and approved by Information Technology for authorized use

**82.6.3 Criminal Justice Information (CJI)** – is the abstract term used to refer to all of the FBI CJIS provided data necessary for law enforcement agencies to perform their mission and enforce the laws, including but not limited to: biometric, identity history, person, organization, property (when accompanied by any personally identifiable information), and case/incident history data. In addition, CJI refers to the FBI CJIS provided data necessary for civil agencies to perform their mission; including, but not limited to data used to make hiring decisions. The following type of data are exempt from the protection levels required for CJI: transaction control type numbers (e.g. ORI, NIC, FNU, etc.) when not accompanied by information that reveals CJI or personally identifiable information.

**82.6.4 Copy of Record** - The printed copy of electronic mail messages or a copy kept in electronic form, which must be retained as per established retention requirements.

- A.** The sender's copy of E-Mail will be designated as the agency's Copy of Record.

**B.** The recipient's copy of external E-Mail will be designated as the agency's Copy of Record.

**82.6.5 Copyright** - is the right granted by law to an author, publisher, or distributor, for exclusive production, sale, or distribution of specific computer software or a computer software package.

**82.6.6 D.C.C. (Digital Certificate Coordinator)** – the agency's point of contact and control that coordinates the application and maintenance process for access to D.A.V.I.D. The DCC is a designated Alternate TAC and member of the agency TAC Team. The DCC is responsible for ensuring internal access/control of authorized users of D.A.V.I.D., maintaining liaison with the Florida DHSMV, and auditing lists of current users against reports provided by DHSMV.

**82.6.7 Department Issued Mobile Device** - is a portable device such as a laptop, tablet, or smartphone that is owned by the department and issued to an individual for the purpose of accessing agency systems via wireless technologies such as Wi-Fi or cellular. The device is centrally managed by Information Technology to secure the device and the data contained on the device.

**82.6.8 Electronic Mail (E-Mail)** - is the electronic transfer of information typically in the form of electronic messages, memoranda, and attached documents from a sending party to one or more receiving parties by means of an intermediate telecommunications system. E-Mail, which is created or received by an agency in connection with official business, is a record that is subject to access and records management laws and regulations as outlined in Chapter 119 of Florida Statutes.

**82.6.9 Electronic Records** – An electronic record is any information that is recorded in machine readable form. Electronic records include numeric, graphic, audio, video, and textual information which is recorded or transmitted in digital form such as electronic spreadsheets, word processing files, databases, electronic mail, text messages, scanned images, digital photographs, and multimedia files.

**82.6.10 External Electronic Mail** - Electronic mail received from an outside agency or the public.

**82.6.11 Hosted/ Cloud Based Systems** – are computer systems that provide services that utilize the Internet to access remote resources not managed by the Sheriff's Office Information Technology Section. Examples of services provided by hosted systems include, but are not limited to email, file storage, and file sharing.

**82.6.12 Local Agency Security Officer (LASO)** – a designated employee appointed by the IT Director whose role is to ensure the agency's compliance with the CJIS Security Policy (CSP) and act as the agency's point of contact with Florida Department of Law Enforcement (FDLE) for CSP related issues.

**82.6.13 Mobile Device Management (MDM)** – is software that facilitates the implementation of security measures for mobile devices, such as tablets or smartphones, which allow for centralized oversight of the device's configuration and usage while providing protection and recovery controls. MDM provides remote administration of mobile devices to include: locking devices, wiping devices, disabling devices, establishing and locking device configurations, enforcing mandatory policy settings, and detecting unauthorized configurations or software.

**82.6.14 Non-Transitory Messages** - are those records, which document or set official policies, actions, decisions, or transactions and are for the perpetuation or formalization of knowledge. These records are subject to public inspection

**82.6.15 Personally Identifiable Information (PII)** - is information which can be used to distinguish or trace an individual's identity, such as name, social security number, or biometric records, alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, or mother's maiden name. PII shall only be used for criminal justice purposes and shall not be divulged or disclosed to unauthorized personnel.

**82.6.16 Personally Owned Devices** – are any technology devices that were purchased by an individual and were not issued by the Volusia County Sheriff's Office. This includes portable devices such as a laptop, tablet, or smartphone, and portable storage and recording devices such as flash drives and cameras.

**82.6.17 Physically Secure Location** – for the purpose of this Directive, is a facility, a law enforcement vehicle, or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect criminal justice information and associated information systems from unauthorized access.

**82.6.18 Public Records (Electronic)** - Electronic records are public records when they are created or received in the transaction of official business and retained as evidence of official policies, actions, decisions, or transactions. Electronic Records that are kept because they contain valuable information are also public records. Electronic Records, which constitute public records, must be identified, accessible, and retained just like records in other formats and are subject to public inspection regardless of the format, storage media, location, or method of transmission as outlined in Chapter 119 of Florida Statutes.

**82.6.19 Publicly Accessible Computer** - is any device that may be utilized by persons not employed or contracted by the Volusia County Sheriff's Office. These devices tend to be designed for use by the general public and may be located in such areas as hotel business centers, convention centers, public libraries, public kiosks, internet cafés, etc. However, for the purposes of this directive, a personally owned device is also considered publicly accessible if it is utilized by anyone other than the employee (e.g. another family member).

**82.6.20 Remote Access** – is temporary access to restricted systems by communicating through an external network that is beyond the administrative and management control of the Sheriff's Office or another authorized criminal justice entity (e.g. the Internet).

**82.6.21 TAC Team (Terminal Agency Coordinator Team)** – is comprised of the agency-designated TAC and Alternate TACs through FDLE. The Team is responsible for ensuring that the local terminal agency is in compliance with applicable state and national policies governing the use of the FCIC, NCIC and Nlets systems. The TAC also serves as the liaison between the local agency and FDLE in matters involving these systems. The TAC is responsible for both internal and external duties associated with troubleshooting problems, ensuring availability for FDLE audits, ensuring compliance with various User Agreements and overall agency liaison with FDLE. Alternate TAC's perform in the TAC's absence and function as the point of contact for D.A.V.I.D. (as the DCC) and user administrator for JusticeXchange.

**82.6.22 Transitory Messages** - do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. Transitory messages are those records created for the informal communication of information and might be compared to a telephone conversation, written telephone messages, "post-it" notes, or verbal communications in an office hallway. They are not designed for the perpetuation or formalization of knowledge. These records are subject to public inspection.

## **COMPUTER UTILIZATION**

**82.6.23** All hardware and software owned or operated by the Volusia County Sheriff's Office shall be used for official business purposes only. No County employee or any other individual or organization is authorized to utilize any county computer hardware, software or related facilities and supplies for other than official county business without the expressed written approval of the Information Technology Director, or the Sheriff/designee.

**82.6.24** Resources covered by this Directive include personal computers and servers and their respective peripherals; mobile devices such as laptops, tablets, and smartphones; printers, plotters and similar devices; computer workstations; data capture devices such as scanners, card readers, bar-code readers, and similar devices, communication services such as leased, dial-up or private line circuits used for data transmission; modems, multiplexors, channel/data service units or their equivalent; software programs (including but not limited to, compilers, utility programs, control programs, operating systems, and application programs from any source); control procedures and/or command procedures; documentation related to any of the above; computer paper and forms; portable storage media such as magnetic tapes, tape cartridges, optical disks, or flash drives.

**82.6.25** Sheriff's Office employees and/or independent contractors may utilize any of the above-mentioned resources ONLY for projects expressly approved, authorized and scheduled by the Information Technology Director or designee.

**82.6.26** Personnel employed or representing the agency shall not maintain any right to privacy in the use or content of agency owned technical equipment.

**82.6.27** Formal demonstrations of agency software or hardware, programming activities, and dissemination of documentation to any individual or organization outside of the management control of the Volusia County Sheriff's Office are prohibited without prior approval from the Information Technology Director or designee. Division Commanders, however, may authorize demonstrations of their user applications for visitors or for training purposes when such exercises are carried out with reasonable precautions against release of sensitive or proprietary information.

**82.6.28** Computer generated data files or reports must be approved by the Sheriff, or Division Commander, before they may be distributed to persons or organizations external to Volusia County government unless it is required during the course of conducting an investigation. These requests must be approved by the Sheriff or appropriate Division Commander prior to preparation and distribution.

**82.6.29** No devices other than portable storage and recording devices such as flash drives and cameras may be attached to any County computer equipment without the expressed written authorization of the Information Technology Director or designee.

**82.6.30** Information Technology must be notified for all computer related systems, networks, and equipment that need to be moved or transferred. Information Technology will handle or authorize the move to another location and

all transfers of computer related systems, networks, and equipment within the agency. Unauthorized moving of computer equipment, changing or adding cable connections on computers and shared printers incorrectly may cause network failures if connected improperly. This does not apply to desktop printers, portable storage and recording devices such as flash drives and cameras, and Department Issued Mobile Devices.

**82.6.31** No member shall bypass or modify any installed security systems or menu interfaces without the expressed permission of the Information Technology Director or designee.

**82.6.32** Mobile Data Computers (MDCs) shall be used only for official Department business (Refer to 82.7, Mobile Data Computer (MDC) Use and Administration).

#### **AUTHORIZED SOFTWARE**

**82.6.33** The Volusia County Sheriff's Office recognizes and supports the legitimate interests of copyright holders, and prohibits its employees and contractors from violating the rights of copyright holders. All users of commercial software products licensed to the Department are responsible for upholding the terms of the license agreements.

**82.6.34** The use of proprietary software without an approved license agreement is strictly prohibited without prior written consent of the Information Technology Director.

**82.6.35** No member shall install or use any software on a County owned or operated computer system unless it is authorized and meets one of the following criteria:

- A.** The software has been approved by Volusia County Sheriff's Office Information Technology as a Department standard.
- B.** The software has been purchased utilizing the Purchasing/Inventory Control Form after approval by the Information Technology Director.
- C.** The software has been developed by Volusia County Sheriff's Office staff or authorized agents for Volusia County Sheriff's Office business.
- D.** The software has been submitted to, screened and approved by Information Technology for authorized use.

**82.6.36** License agreements for commercial software often provide only a right to use the software; these agreements do not transfer ownership of the software to the user. In most cases, license agreements for software prohibit copying of the software, except for archival purposes. Most license agreements also prohibit use of the software on any machine other than the one for which the license was obtained. Unless the license clearly provides the right to copy the software or to use it on another machine, users must assume that it is illegal to do so.

**82.6.37** Before copying software, or installing software on a computer other than the one it was originally licensed for, all users must insure that the license terms permit the copying or installation.

**82.6.38** Questions regarding license agreements shall be directed to the Volusia County Sheriff's Office Information Technology Director or staff.

**82.6.39** Only computer software documented as authorized software may be used on any computer owned, purchased, or leased by Volusia County Sheriff's Office. All original software and proof of license will be kept on file with Information Technology unless authorized in writing by the Information Technology Director.

**82.6.40** All software retained by the agency will be stored in a secure area within the Information Technology Section; only those individuals within that section will be authorized to access such software.

#### **REQUESTS FOR COMPUTER HARDWARE OR SOFTWARE**

**82.6.41** All evaluations of computer hardware and software technologies shall be coordinated by the Information Technology Section. This includes evaluations of new technologies as well as upgrades to existing systems.

**82.6.42** Members are prohibited from scheduling demonstrations or discussions with computer hardware or software vendors without first contacting the Information Technology Section.

**82.6.43** All requests for purchase, donation, or conversion of computer hardware or software shall be forwarded through the normal chain of command using the standard property request/approval form. If the request is approved by the Division Commander, the Division Commander shall forward the request to the Information Technology Director for action and ordering.

**82.6.44** Information Technology shall obtain all quotes for hardware and software purchases. The Information Technology Director shall review the request to ensure that it complies with established Department hardware and software standards and resources can be made available to support the installation and on-going maintenance. If a



discrepancy is encountered, the Information Technology Director shall contact the appropriate Division Commander and discuss the request with him/her.

**82.6.45** No computer software or hardware shall be ordered, purchased or accepted independent of Volusia County Sheriff's Office Information Technology.

**82.6.46** All new desktop computers, laptops, servers, and network equipment shall be purchased with warranties. Information Technology shall determine the financial feasibility of extended warranties for all other computer hardware and software. Once any given computer hardware or software warranty expires, Information Technology shall either:

- A. Extend the warranty if the hardware or software is still functional for agency purposes,
- B. Replace the hardware with a new one or upgrade the software, or
- C. Use the hardware or software without warranty until it ceases to adequately perform the function for which it was purchased.

**82.6.47** Information Technology shall be responsible for replacing out of date equipment.

**82.6.48** All purchases of hardware, software applications, and custom programming which have a negotiated contract that outlines the costs, payments, deliverables, time-line, and on-going support must be reviewed by Information Technology. This applies to all technical purchases whether the funding is from a departmental budget, grant funded, or provided by Information Technology.

**82.6.49** All contracts for computer hardware, software, and technical services must be approved by the Volusia County Sheriff's Office Information Technology Director, the Volusia County Sheriff's Office Director of Administrative Services, and the Volusia County Attorney before submission the Volusia County Purchasing and Contracts Department.

**82.6.50** For all new computer-related systems and networks purchases, Information Technology shall work with the requestor to determine whether training is necessary. Such training shall include, but not be limited to end users and support staff.

**82.6.51** All computers, computer related equipment, or computer software to be converted to agency use, or accepted by the agency as a donation, shall be submitted to Information Technology for testing and evaluation before acceptance for use by agency personnel.

**82.6.52** Information Technology shall test and evaluate all proposed converted and donated computer related equipment to ensure that it complies with established Department standards. Information Technology will report their findings to the originator. Any computer or computer related equipment that does not meet Department standards or is not feasible to support as determined by Information Technology will not be accepted for agency use.

**82.6.53** Donated computer software will not be accepted unless approved by the Information Technology Director and the software can be legally licensed by the agency.

#### **ELECTRONIC MAIL (E-MAIL)**

**82.6.54** The electronic mail (E-Mail) system and all messages created therein are property of the Volusia County Sheriff's Office and are intended to be used solely for Sheriff's Office business purposes. The use of the e-mail shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence or public records.

#### **AUTHORIZED USES OF E-MAIL**

**82.6.55** Authorized uses of E-Mail include the following:

- A. To facilitate performance of job functions
- B. To facilitate the communication of information in a timely manner
- C. To coordinate resources, locations and individuals for agency meetings
- D. To communicate with departments throughout the County, and
- E. To communicate with outside organizations as required in order to perform job functions

#### **UNAUTHORIZED USES OF E-MAIL**

**82.6.56** Unauthorized uses include but are not limited to the following:

- A. Personal usage

- B.** Illegal activities
- C.** Threats, harassment, intimidation
- D.** Slander, defamation
- E.** Obscene or suggestive messages or offensive graphical images
- F.** Racial, religious, ethnic, or sexual slurs
- G.** Political endorsements
- H.** Commercial activities or solicitations
- I.** Chain letters
- J.** Misrepresenting one's identity while using E-Mail except in bona fide undercover investigations
- K.** Intercepting, disrupting, or altering electronic communications
- L.** Use of electronic mail system to send copies of documents/programs in violation of copyright laws
- M.** Use of electronic mail system to compromise the integrity of the Sheriff's Office by spreading rumors or gossip
- N.** Use of the electronic mail system for "moonlighting," job searches, or the advertisement of personal business outside the realm of approved Department Bulletin Board Systems
- O.** Sensitive or confidential information to include, but not limited to FCIC/NCIC, CCH, III, NLETS, evaluations, counseling statements, and personnel information

**82.6.57** Personnel who receive unauthorized material via e-mail shall immediately report the occurrence to their supervisor.

**82.6.58** E-Mail shall only be used by those persons authorized by the Sheriff. Employees are prohibited from using unauthorized means to gain access to E-Mail addressed to others. Employees shall not disclose passwords to others. All electronic mail is subject to review by the Sheriff or his designee.

**82.6.59** Automatic forwarding of e-mail (via rule or macro) received in the Sheriff's Office e-mail to or through another e-mail system is prohibited, unless the Information Technology Director grants a written waiver based upon risk and operational needs.

**82.6.60** Each user mailbox is a fixed size that can contain a limited amount of data. Once the limit is reached, the user will be notified and their mailbox will be disabled from sending or receiving additional e-mail. All agency users shall be responsible for maintaining their e-mail accounts by reading their e-mail on a regular basis, deleting messages not needed, filing messages needing to be saved in personal folders, and professionally responding to those e-mails requiring a response.

**82.6.61** All e-mail sent via the Sheriff's Office e-mail system shall maintain a professional appearance. Background colors (i.e. wallpaper) shall not be used and the e-mail will only contain artwork or graphics essential to convey the intended business message. The signature block of the email may contain all or part of the following:

- A.** Name, Rank, Title
- B.** Work location or assignment
- C.** Work phone
- D.** Cell phone
- E.** E-mail address
- F.** Agency website or URL
- G.** Agency Star or one non-animated professional graphic
- H.** No other text or graphic may be included in the e-mail signature block.

**82.6.62** Agency users away from their workstation for short periods of time shall ensure their computer is locked in order to prevent unauthorized use of their e-mail account. Pursuant to this Directive, users shall log out computer whenever they are no longer in physical control of the computer for an extended period of time.

**82.6.63** E-mail distribution lists are available for the easy dissemination of e-mail messages to a specific group of individuals. All requests for new distribution lists shall be submitted to Information Technology for review.

Information Technology will be responsible for creating all approved distribution lists and assigning an individual within the distribution list that will be responsible for administering the list.

**82.6.64** Agency personnel shall not send agency-wide e-mail without specific authorization from a unit supervisor. The supervisor will be responsible for reviewing the content and appropriateness of the e-mail.

**82.6.65** Abuse of e-mail messages or failure to properly maintain mailboxes may result in suspension of the user's account as well as disciplinary action (refer to Directive 26.2 Standards of Conduct).

**82.6.66** E-mail may be monitored by Information Technology to ensure the proper use, efficiency and security of the e-mail system. Violations of this Directive may be reported to the appropriate unit or office supervisor so that they may request an official audit and determine what disciplinary action is warranted.

**82.6.67** The Sheriff's Office utilizes filtering software to help prevent unwanted and inappropriate e-mail (i.e. SPAM) from entering the e-mail system. This ensures the integrity of the system and provides an added layer of security as this type of e-mail is often used to initiate malicious attacks.

**82.6.68** To help limit the amount of unwanted e-mail, your e-mail address should only be distributed for business purposes and to trusted individuals and web-sites.

**82.6.69** The e-mail filtering software utilized by the Sheriff's Office includes numerous factors to identify suspicious e-mail such as the sender's information, inappropriate words or phrases, and suspicious attachments. Any e-mail that the filter classifies as suspicious is isolated for subsequent review by Information Technology personnel.

**82.6.70** Occasionally, the e-mail filter will isolate legitimate e-mail. Information Technology should be contacted if you feel that you have not received a work-related e-mail in a timely fashion as it may have been isolated and waiting on a manual review.

**82.6.71** The following Article of the Teamsters Contract shall be followed subject to disciplinary action:

#### **ARTICLE VIII BULLETIN BOARDS**

- 1 The County shall permit the Teamsters to post notices of the Teamsters' recreational and social functions, elections, meetings, and names and addresses of officers, directors, and representatives of the Teamsters on the existing Teamsters' bulletin boards at all regular work locations. A copy of each notice to be posted shall first be transmitted to the Sheriff prior to posting. Under no circumstances shall the Teamsters tender for posting any notice containing material of a political nature or material tending to, directly and indirectly, disparage any elected or appointed official or employee of the County.
- 2 The County shall permit the notices set forth above to be distributed through the County's electronic mail system. Any such notice shall be transmitted to the Sheriff, the Chief Deputy, or their designee, who shall arrange to have the notice posted on the County's electronic mail system. (No notice shall be posted directly by the Union.) To qualify for electronic mail distribution, such notice must comply with the conditions set forth in Paragraph 1 above.

#### **RETENTION OF E-MAIL**

**82.6.72 Retention:** All E-Mail, whether transitory, non-transitory, internal, or external, will be stored indefinitely and subject to public records laws. Information Technology will be responsible for archiving all e-mail as the agency's Copy of Record.

**82.6.73 Research:** Due to the enormous number of e-mails that will be stored, any supervisor requesting any research of e-mail shall submit the request in writing stating both purpose and seriousness of the request. Submissions shall be via chain-of-command to the Internal Affairs Section. After review, Internal Affairs will make inquiries to Information Technology.

#### **COMPUTER SECURITY**

**82.6.74** It is the policy of the agency to protect the rights of the citizens and ensure employee safety by following security protocols for the authorized access, storage and dissemination of all electronic information.

**82.6.75** To prevent the introduction of unlicensed software and computer viruses, all personal computers are configured with security software. These measures ensure only authorized personnel are allowed to perform software installations.

#### **SECURITY AND CONFIDENTIALITY OF CRIMINAL JUSTICE INFORMATION**

**82.6.76** To ensure compliance with the FBI CJIS Security Policy (CSP) and all rules, regulations, policies and procedures established for CJNet, FCIC/NCIC, III and NLETS, the IT Director will appoint a Local Agency Security Officer (LASO) to ensure compliance with the CSP and to act as the agency's point of contact with FDLE for all CSP

related issues. Only documented, authorized personnel will be granted access to the various criminal justice information systems; all such authorized users, to include contract law enforcement agencies and its authorized personnel, will be bound by the security requirements as set forth in Section III of the User Agreement with FDLE and, when applicable, the VCSO Florida Crime Information Center High Speed Interface User's Agreement established for contract agencies.

**82.6.77** Information obtained through computer interfaces to local, state, or federal criminal justice systems, by means of access granted pursuant to Section 943.0525, F.S., can only be used for criminal justice purposes and shall only be accessed by authorized users while in a working capacity.

**82.6.78** Users of CJNet, FCIC/NCIC, III and NLETS or any other criminal justice information systems shall adhere to all policies, procedures and operating instructions presently contained in the following documents published on CJNet: (1) the FBI CJIS Security Policy; (2) operating manuals for state and federal systems such as FCIC, NCIC, CCH, III, and NLETS ; and (3) technical memoranda published by FDLE.

**82.6.79** All electronic files that contain PII will reside within the Agency's physically secure location. All physical files that contain PII will reside within a locked file cabinet or room when not being actively viewed or modified. PII is not to be downloaded to workstations or mobile devices or to systems outside the protection of the Agency. PII will not be sent through any form of unsecure electronic communication. When disposing of PII the physical or electronic file should be shredded or securely deleted. All disposal of PII will be done by authorized Agency personnel only.

**82.6.80** Electronic and physical media containing CJI while in transport (physically moved from one location to another) shall be protected to prevent inadvertent or inappropriate disclosure and use.

**A.** Media will remain in the possession of authorized personnel at all times.

**B.** Media shall be transported in a secure container

**C.** Electronic media shall be encrypted prior to transportation.

**82.6.81** Personally Owned Devices are prohibited from connecting to agency networks or accessing agency systems other than to access web-based email or for authorized technical support staff to perform privileged support functions on agency systems.

**82.6.82** Annually, the Central Records conducts a documented audit of D.A.V.I.D. to ensure that the proper safeguarding of information, and the authorized access, use and dissemination of information are adhered to and maintained. A report of the findings will be made available to the Sheriff and Command Staff.

## **PHYSICAL SECURITY**

**82.6.83** Access to Physically Secure Locations shall be controlled pursuant to the FBI CJIS Security Policy.

**A.** Only authorized personnel shall be granted access.

**B.** Access shall be restricted via badge swipes or physically locked doors.

**C.** Unescorted access by visitors is not permitted and must be accompanied by an authorized agency member.

**D.** All computer screens will be turned away from public view.

**E.** All physical media containing CJI will be locked in filing cabinet in a locked office, and only authorized personnel will have a key to this cabinet.

**F.** All servers will be locked in a secure server room, and only authorized personnel will have access to the server.

**82.6.84** Physical security measures for computers and network workstations are the responsibility of the office or unit where those systems are installed and located. The individual unit or office supervisor is responsible for providing physical safeguards for the hardware, software and data to the same extent as is provided for other agency property in the unit. All computers and workstations shall use both logical and physical security as preventative measures.

**82.6.85** Pursuant to the FBI CJIS Security Policy, any device outside of a Physically Secure Location that has access to criminal justice information shall require Advanced Authentication methods to verify the identity of a user.

**A.** Members shall immediately report lost or stolen authentication devices such as USB tokens to Information Technology so the device can be disabled from accessing agency systems.

**82.6.86** Computer equipment will be kept in areas not easily accessible to the public or unauthorized personnel. Agency personnel will control access to computers, servers, or attached hardware. This does not include outside agencies that have requested and been granted access to agency data. It is the responsibility of the requesting agency to ensure compliance with appropriate security measures.

- A.** Access can also be considered the unintentional viewing of information on a computer screen. All computers must be placed in such a manner as to prevent viewing by unauthorized personnel.
- B.** Employees shall log off any computer that contains or has access to the agency computer network, mail system, files, FCIC/NCIC, or software whenever they are no longer in physical control of the computer for an extended period of time.

## **REMOTE ACCESS**

**82.6.87** Remote Access to agency systems from a device other than a Department Issued Mobile Device shall be limited to high-level technical support staff to perform privileged support functions on agency systems and requires prior written authorization from the Information Technology Director. Any request for Remote Access must clearly define the operational need for such access.

**82.6.88** A publicly accessible device is prohibited from remotely accessing agency systems other than the web-based E-mail system.

**82.6.89** Vendors and contractors requiring remote access will not be granted access until all CJIS Security Policy requirements are met (fingerprint-based background check, complete security awareness training, and provide a signed copy of security addendum acknowledgement). Vendors shall be provided access only for compelling operational needs to systems the vendor supports. Information Technology shall monitor, control, and log vendor remote access to agency systems.

## **MOBILE DEVICES**

**82.6.90** Only Department Issued Mobile Devices that have been configured and deployed by Information Technology are authorized to access agency systems other than the web-based E-mail system.

**82.6.91** Information Technology shall be responsible for ensuring Department Issued Mobile Devices employ the proper security controls to protect sensitive criminal justice information in accordance with the FBI CJIS Security Policy. Depending on the type of mobile device, the following security controls will be implemented.

- A.** Mobile Device Management (MDM)
- B.** Advanced Authentication
- C.** Device encryption
- D.** Personal firewalls
- E.** Anti-virus software

**82.6.92** Department issued mobile devices utilizing wireless access (Wi-Fi) shall adhere to the following:

- A.** Utilize the access solely for Sheriff's Office business purposes.
- B.** Access is restricted to authorized personnel utilizing agency owned equipment only.
- C.** The use of public wireless networks is not permitted.
- D.** All personal use is prohibited.

**82.6.93** Information Technology shall monitor all wireless connections and audit logs associated with wireless devices as well as the systems and applications that the device accesses. Audit logs will be reviewed on a monthly basis or more frequently if there is an increased risk to agency information or systems.

**82.6.94** Only agency provided Bluetooth devices shall be paired with CJI systems. All other Bluetooth devices are not to be utilized or paired with Agency systems, networks, and hardware. Agency Bluetooth devices shall:

- A.** Maintain an encrypted security mode between the device and the pair.
- B.** Be in a hidden mode to ensure that other individuals cannot connect to it.
- C.** Only activated when the device is needed.
- D.** Ensure firmware is up-to-date and that all patches are current.

**82.6.95** Lost, stolen, or otherwise compromised Department Issued Mobile Devices shall immediately be reported to Information Technology so the device can be disabled from accessing agency systems and wiped of all information residing on the device.

**82.6.96** Information Technology will remotely monitor Department Issued Mobile Devices for unauthorized configurations such as bypassing or modifying security controls, unauthorized software, and unauthorized usage. Upon detection of a violation:

- A. The associated device will be disabled and the incident reported to the employee's Division Commander via chain of command.
- B. The device will not be enabled again until Information Technology obtains physical custody of the device, reestablishes the proper security controls on the device, and determines that the data on the device has not been compromised.

**82.6.97** If, for any reason, it is determined that criminal justice information has been compromised on a Department Issued Mobile Device, the Information Technology Directory shall notify FDLE in accordance with this Directive regarding a Computer Security Incident Response.

**82.6.98** In addition to the abovementioned directives regarding mobile devices, Department Issued Mobile Devices are subject to the same policies as fixed devices with regard to management and security controls.

### **USER ACCOUNTS AND ACCESS**

**82.6.99** Positive control shall be maintained at all times to prevent access to information by unauthorized personnel. The supervisor of each unit will be responsible for requesting network access for personnel under their direct control. At no time will any individual be allowed to access information without specific authorization of the supervisor.

- A. For access to the agency network a request must be submitted to Information Technology listing the name and Department ID number of the individual or individuals for whom access is being requested. Each individual that is allowed network access will have a user name consisting of their first initial followed by their last name (and another identifying character in the event of duplicate naming). The new user will be advised of his/her initial password. Subsequent problems with passwords must be submitted to the Information Technology Help Desk.
- B. Users will be authorized access to specific resources of the agency computer network based upon their business needs and assignment. For access to restricted resources of the network the unit supervisor shall initiate the request for access by supplying the Information Technology Help Desk with the user's name, DID and assignment; the business need for access and the proper access requested. For access to E-Agent, DAVID and/or JusticeXchange, documented supervisory requests containing the above information will be submitted as follows:
  - Supervisors of those employees that require access to E-Agent shall initiate a separate email request for each individual employee that requires access. The email will be sent to the VCSO TAC Team via email at [TAC@vcso.us](mailto:TAC@vcso.us).
  - Supervisors of those employees that require access to D.A.V.I.D. or JusticeXchange shall initiate a separate email request for each individual employee that requires access. The email will be sent to the VCSO TAC Team via email at [VCSODAVID@vcso.us](mailto:VCSODAVID@vcso.us). Exception: Sworn personnel are authorized access to JusticeXchange and are not required to follow authorization protocol as outlined above.
- C. User requests to access systems that are protected by Public Key Infrastructure (PKI) certificates issued by the agency shall adhere to the following:
  - Include authorization by a supervisor or responsible official.
  - Information Technology shall verify the identity of the certificate holder.
  - Information Technology shall ensure the certificate is issued to the intended party.
  - All PKI certificates shall be issued by Information Technology.
- D. Employees are prohibited from opening multiple concurrent active sessions or logons for one user identification in applications accessing criminal justice information.
- E. Employees shall not attempt to gain access to unauthorized resources of the network; employees will not make direct application for access to restricted resources. If an employee identifies a legitimate need for access in the performance of duties, the employee will request this access through their immediate supervisor. The agency TAC Team will, via email, notify the respective supervisor of any attempts by an employee to directly apply to the host/provider of a restricted resource. The employee will be provided with a copy of this directive for refresher training and will review the penalties associated with unauthorized access/use of confidential information.
- F. All authorized users of D.A.V.I.D. will be required to read and sign the *VCSO Florida DHSMV-DAVID Authorization and Acknowledgement* form (VCSO 041911.001) located on the intranet under Agency

Forms/Administrative/DAVID Access - Acknowledgments. A scanned copy of the signed and dated authorization form will be emailed to the TAC Team at [VCSODAVI@vcso.us](mailto:VCSODAVI@vcso.us). The original will be placed in the employee's field file.

- G. Employees shall not make unauthorized changes to the network permissions that would allow them or other users to access unauthorized resources of the network. If an employee finds his or her user account has been given access to unauthorized resources of the network, the employee shall immediately notify the Information Technology Help Desk.
- H. Information Technology will modify access to resources based on the distribution sheets showing the employee has been transferred, promoted, or demoted. However, it is ultimately the responsibility of the unit supervisor to notify the Help Desk when an employee's status changes resulting in a change to that employee's network permissions.
- I. When an employee terminates from the agency:
  - Although the Human Resources Unit shall ensure that Information Technology and the agency TAC Team are officially notified as expeditiously as practical under the circumstances of the termination, it is the responsibility of the respective employee's immediate supervisor to notify Information Technology and the TAC Team of the anticipated/actual termination date as soon as possible either by email or telephone.
  - Information Technology will ensure that the user account of the individual will be immediately removed from all agency systems.
  - The agency TAC Team will ensure that the individual's user account(s) for E-Agent, DAVID and/or JusticeXchange are revoked/terminated with the proper database host.
- J. For transfers or terminations, the employee's immediate supervisor may request that Information Technology provide access to the contents of the employee's network user folder at the time of the transfer or termination. Sixty (60) days after the employee's termination, Information Technology may delete the user's network folder unless it is determined that this information is still needed.
- K. In the event an employee is relieved of duty or suspended, the employee's immediate supervisor shall notify Information Technology. If the employee also has access to E-Agent, D.A.V.I.D., or JusticeXchange, the supervisor shall immediately notify the TAC Team via [TAC@vcso.us](mailto:TAC@vcso.us) and/or [VCSODAVI@vcso.us](mailto:VCSODAVI@vcso.us). The Division Commander shall then determine the appropriate access levels to network resources.
- L. A Division Commander or the Internal Affairs Section may cause a user's account to be temporarily disabled by request. Such request should be directed to the Information Technology Director. The user account shall remain disabled until the requesting authority advises the account may be reactivated. If the employee also has access to E-Agent, DAVID or JusticeXchange, the Commander or I.A. Lieutenant may request the user's account be inactivated by notifying the TAC Team via [TAC@vcso.us](mailto:TAC@vcso.us) and/or [VCSODAVI@vcso.us](mailto:VCSODAVI@vcso.us).
- M. The agency reserves the right to access any information contained in agency owned software or devices and may require personnel to provide passwords to files that have been encrypted or password protected.

## **DATA BACKUPS**

**82.6.100** The following control procedures shall be used to ensure the security of data being maintained in agency computer systems.

- A. All data files that are stored on a network server are backed up on a regular basis by Information Technology. Due to their size, e-mail archive files (i.e. PST files) shall be backed up no more than once a week. All other backup schedules and media rotations will be determined and implemented by Information Technology.
- B. Backup media for network servers will be stored in a secure area. Information Technology will be responsible for determining if, and how often, back up media needs to be sent to a secure location for disaster recovery purposes.
- C. Files stored on local hard drives will not be backed up and are the responsibility of the individual unit as to the safety and integrity of such data.

## **PASSWORDS**

**82.6.101** Information Technology shall establish the rules governing the passwords for each agency system (e.g. CAD, RMS). Overall, employees shall ensure that their passwords for any other agency systems shall, at a minimum, conform to the following:

- A. Passwords shall be known only to the assigned person and shall not be shared.

- B. Passwords should be memorized. Passwords will not be stored in data files, printed on reports, displayed on workstations, or programmed to function keys.
- C. All passwords shall be a minimum of eight (8) characters. The password shall not be identical to the previous ten (10) passwords, and shall consist of at least three (3) of the following criterion: uppercase letters, lowercase letters, numbers, or punctuation (special characters). No part of the user's name or Department ID shall be used in the password.
- D. Passwords should be sufficiently difficult to prevent unauthorized users from guessing the correct password. The names of children, pets, spouses, favorite teams, favorite bands, telephone number(s), anniversary dates, birth dates, etc. should not be used.
- E. Passwords must be changed every 90 days or immediately if a security breach should arise.
- F. Compromised passwords will be changed immediately by contacting the appropriate authority. Information Technology shall implement additional password complexity rules for agency systems to ensure the integrity of passwords.

#### **SYSTEM AND INFORMATION INTEGRITY**

**82.6.102** To ensure the overall integrity of the Sheriff's Office systems, Information Technology will be responsible for the following:

- A. Monitor and assess the risk level of security alerts and advisories as they pertain to the Sheriff's Office systems.
- B. Identify, document, and implement measures to protect the Sheriff's Office systems from vulnerabilities identified through security alerts and advisories.
- C. Notify agency personnel of security alerts and recommend preventive measures as appropriate.

**82.6.103** The Sheriff's Office network utilizes comprehensive firewall, intrusion detection, anti-virus, and anti-spyware solutions to protect against malicious computer attacks. This includes various applications, which automatically protect each personal computer and server attached to the network by scanning all files, memory, e-mail attachments, and disks.

**82.6.104** For those computers not on the network, preventive measures must be taken when working with media created or modified by a computer outside the Sheriff's Office. Before use, this media must be scanned for malicious software by using an anti-virus program on a designated computer in the local work area.

**82.6.105** Information Technology will monitor firewall, intrusion detection, anti-virus, and other system logs for potential or attempted breaches. Members are also required to diligently monitor individual workstations or mobile devices for signs of potential security incidents. Some possible indicators of a security incident include:

- A. The system unexpectedly freezes or crashes without clear reason;
- B. The system displays unusual error messages, pop-ups, or advertisements;
- C. The system is responding slower than normal;
- D. Your files are suddenly missing;
- E. New files with novel or strange names appear without clear reason;
- F. The home page for your Internet browser changes unexpectedly;
- G. Unable to browse the Internet;
- H. When selecting search results, you are redirected to random websites;
- I. The desktop background changes unexpectedly;
- J. The system is performing actions on its own.

**82.6.106** Any employee who has reason to believe malicious software has infested agency owned computer hardware and/or software or that the integrity of agency information systems has been compromised in any way shall do the following:

- A. Stop using the affected workstation.
- B. Do not power off or reboot the affected workstation.
- C. Document the behavior including the complete error message, if any.



- D. Immediately notify the unit or office supervisor.
- E. Immediately notify the Information Technology Help Desk.

**82.6.107** Information Technology personnel will perform the following to remedy any agency owned computer hardware and/or software infected with malicious software:

- A. Assist employees in identifying, and, whenever possible, removing the malicious software.
- B. Locate and test all removable media used on the suspect equipment.
- C. Check any computer equipment that may have come in contact with the removable media.

#### **PATCH MANAGEMENT**

**82.6.108** Information Technology shall maintain a centralized patch management system to ensure the prompt installation of newly released security patches, service pack updates, and other software updates. This system will incorporate the following elements:

- A. Automatic notification of newly released updates;
- B. Ability to review and test updates in a lab environment before deploying to agency devices;
- C. Automatic distribution and installation of updates on affected devices without end-user intervention;
- D. Ability to rollback updates after deployed to agency devices.

#### **TAMPERING**

**82.6.109** No personnel shall attempt to tamper with computer hardware, software, or networks without the expressed written consent of Information Technology. Tampering constitutes, but not limited to, the following actions:

- A. Installing or removing any hardware or software other than portable storage and recording devices.
- B. Removing, disabling, or circumventing security hardware or software.
- C. Making any connections to the network.
- D. Installing any associated hardware or software.
- E. Making any changes to computers either internally or externally.
- F. Making any type of cable attachments other than for portable storage and recording devices.
- G. Perform any type of maintenance or repair (not include changing toner cartridges, ink cartridges, or ribbon for printers).

**82.6.110** Outside agencies and vendors may not perform any type of action to any computer hardware or software unless specifically authorized by the Information Technology Director and supervised by Information Technology personnel.

#### **ELECTRONIC DATA STORAGE: USE OF AN OUTSIDE SERVICE PROVIDER**

**82.6.111** When an outside/third-party provider is utilized for electronic data storage, a written agreement shall address the following:

- A. Data ownership;
- B. Data sharing, access and security;
- C. Loss of data, irregularities and recovery;
- D. Data retention and redundancy;
- E. Required reports, if any; and
- F. Special logistical requirements and financial arrangements.

**82.6.112** Use of an outside service is not authorized unless specifically reviewed and authorized in writing by the Information Technology Director who shall oversee the process and approve moving forward with any such required agreements/contracts on behalf of the VCSO.

## **COMPUTER SECURITY INCIDENT RESPONSE**

**82.6.113** Any suspected computer security incidents will immediately be brought to the attention of the Director of Information Technology.

**82.6.114** Information Technology will conduct a technical review to determine if further investigation is necessary. Based on these findings, the Information Technology Director will notify the Support Services Division Commander of suspected tampering for further investigative action.

**82.6.115** The Director of Information Technology, or his designee, shall use an IT Security Incident Response Form (Attachment A) to immediately notify FDLE of any incidents involving a suspected compromise of the confidentiality, integrity, or availability of criminal justice information.

**82.6.116** Recovery activities, if required, will include restoration via backup of data files, replacement of any hardware as needed and the repair of any weaknesses in the network suspected of having allowed the security breach. Temporary blocking of the system may be required during recovery phase, but down time will be minimized so as not to interrupt operations more than absolutely necessary.

## **COMPUTER HARDWARE AND SOFTWARE MODIFICATIONS**

**82.6.117** To prevent unnecessary repairs, delays, or damage to agency owned computer hardware and software and to ensure alterations to computer hardware and software are made in accordance with service contracts or warranties, all installation and modifications of computer hardware and software shall be performed by Information Technology. By regulating the installation of computer hardware and software in this manner, the agency can also better prevent potential security breaches such as the introduction of computer viruses.

**82.6.118** Agency computer hardware and software shall not be installed, relocated, or in any way altered without the consent of the Information Technology Director or designee. This does not apply to portable storage and recording devices and Department Issued Mobile Devices. Also, consumable items such as printer ribbons, toner cartridges, ink cartridges and similar items shall be replaced by each section as necessary.

**82.6.119** Individuals requiring installation, relocation, or alterations of computer hardware or software covered by this Directive shall:

- A.** Call or submit a request to the Information Technology Help Desk, indicating the desired installations, relocations, or alterations.
- B.** Information Technology personnel shall determine if the request is feasible and can be accomplished according to agency directives.
- C.** Information Technology personnel will obtain a cost analysis and notify the requesting personnel, when new computer hardware or software purchases are necessary to accomplish the request. The requesting personnel will then be responsible for requesting the purchase as outlined in this Directive.
- D.** Information Technology personnel shall coordinate, schedule, and as necessary, perform the requested changes. Information Technology personnel shall keep involved agency personnel informed as to status of the request.

**82.6.120** Information Technology personnel shall not approve or support the installation of agency owned software on Personally Owned Devices or other devices beyond the administrative and management control of the Sheriff's Office Information Technology Section unless specifically authorized by the Information Technology Director.

**82.6.121** Only legally obtained and licensed software, with proof of licensing for each instance of use, shall be installed on agency owned computer hardware. Information Technology personnel shall not install, support, or maintain any other software. The Information Technology Director shall notify the involved person's Division Commander via chain of command, reporting all instances of:

- A.** Installation of unlicensed or unauthorized software on agency owned equipment.
- B.** Computer viruses on agency owned equipment.
- C.** Any alterations to agency owned hardware and software without the consent of Information Technology.

## **COMPUTER REPAIRS**

**82.6.122** Problems or malfunctions with hardware (PC's, printers, servers, or other computer equipment), agency approved software, and agency-wide systems, shall be reported by contacting the Information Technology Help Desk. Unless authorized by the Information Technology Director, only Information Technology personnel shall contact hardware or software vendors to obtain technical support.

**82.6.123** For problems encountered with critical systems outside of the normal business hours for Information Technology, a supervisor at the Sheriff's Office Communications Center shall be notified and will be responsible for contacting the on-call personnel from Information Technology.

**82.6.124** If available, the following information shall be provided to the Information Technology Help Desk for each reported problem:

- A. Person's name and phone number.
- B. Equipment location, building and/or room number.
- C. Equipment information such as manufacturer, node name, and station number, if applicable.
- D. Sheriff's Office property control number.
- E. Identity of the program and function being used and statement of the problem.

**82.6.125** Information Technology personnel shall diagnose each problem or malfunction and will be responsible for coordinating all repairs. Upon completion of each repair, the reporting party will be notified by the Information Technology Help Desk.

**82.6.126** If the hardware or software is covered by a service contract, then Information Technology shall ensure that the repairs are made in accordance with the terms and conditions of the service contract.

**82.6.127** Information Technology will determine any costs of the repair not covered under a service contract and notify the appropriate Division Commander through normal chain of command. The purchase of new, replacement or upgraded computer hardware and software shall be the responsibility Information Technology as outlined in this Directive.

## **ELECTRONIC RECORD RETENTION AND DISPOSITION**

**82.6.128** There is no single retention period that applies to all Electronic Records or all Electronic Records in a particular format. Retention periods are determined by the content, nature, and purpose of records, and are established based on their legal, fiscal, administrative, and historical values, regardless of the format in which they reside.

**82.6.129** Scheduling the retention and disposition of all Electronic Records will be in accordance with the provisions of Chapter 1B-24, Florida Administrative Code (F.A.C.)

**82.6.130** Regardless of the retention periods established by Chapter 1B-24, F.A.C., all E-Mail, whether transitory, non-transitory, internal, or external, will be stored indefinitely and subject to public records laws. Information Technology will be responsible for archiving all e-mail as the agency's Copy of Record.

## **COMPUTER EQUIPMENT AND MEDIA DISPOSAL**

**82.6.131** Computer hardware and accompanying electronic storage media utilized on agency systems may contain sensitive law enforcement or confidential information that could pose a security risk if not properly disposed. As such, all personnel shall be responsible for ensuring that proper procedures are followed when disposing or reusing computer hardware or media that contains, or has ever contained, sensitive information.

**82.6.132** The scope of this directive applies to any electronic information storage media that contains or may have contained sensitive or confidential data that will be disposed, reused, released, or otherwise transferred outside of the agency's control. This applies to all media including but not limited to disk drives, CDs, DVDs, magnetic tape, floppy disks, removable drives, memory cards and sticks, USB drives, PDAs, and digital cameras.

**82.6.133** Agency owned software and applications are protected resources and therefore, will not be left on equipment or media when transferred outside of the agency's control.

**82.6.134** The final disposition of any media containing the agency's Copy of Record for Electronic Records will be established in accordance with the provisions of Chapter 1B-24, Florida Administrative Code.

**82.6.135** The final disposition of removable or reusable media will be the responsibility of the custodian of the media in accordance with this Directive. This includes, but is not limited to, CDs, DVDs, magnetic tape, floppy disks, removable / portable drives, memory cards and sticks, and USB drives.

**82.6.136** Information Technology shall be responsible for the final disposition of obsolete or damaged computer systems and hardware as defined in this Directive. Prior to releasing this hardware outside of agency control, Information Technology will ensure that it does not contain sensitive, confidential, or protected information. This

includes removing all media, including hard drives, that contain such information and securely storing the media until it can be physically destroyed by means such as incineration, shredding, or wiping of data.

**82.6.137** Computer hardware and media that have been used to process, store, or transmit confidential, sensitive, or protected information shall not be released from the agency's control unless it is necessary for investigative purposes. Computer hardware and media being released for other purposes may not be done without prior written consent of the Information Technology Director until the equipment is sanitized and all stored information has been removed as outlined below:

- A.** Deletion of items or reformatting of media is not authorized for the purpose of media sanitation.
- B.** Wiping information is a level of media sanitization that protects the confidentiality of information against data, disk, or file recovery utilities and data scavenging tools. Overwriting is the only acceptable method of wiping media for sanitation purposes.
- C.** Overwriting cannot be used for media that is damaged or otherwise not writeable. In these instances the media will be destroyed in accordance with this Directive.
- D.** Overwriting software and hardware products must comply with Department of Defense cleaning and sanitizing standard DoD 5220.22 or otherwise approved by the Information Technology Director.

**82.6.138** The destruction of media that has been used to process, store, or transmit confidential, sensitive, or protected data will be performed as outlined below:

- A.** If no longer required, the contents of any media will be made unrecoverable prior to disposal.
- B.** Destruction is the act of discarding media with no other sanitization considerations. Media that is not damaged may be sanitized as defined in this Directive prior to disposal. Otherwise, the media will be physically destroyed by means such as incinerations, shredding, or pulverizing prior to disposal.
- C.** Media containing sensitive or confidential information awaiting destruction will be securely stored within the agency's control until such a time that it can be physically destroyed by means such as incineration, shredding, pulverizing, or sanitized.
- D.** Deletion of items or reformatting of media is not authorized for disposal purposes since information can still be recovered using data, disk, or file recovery utilities or data scavenging tools.
- E.** For media destroyed using shredders or disintegrator devices, the size of the refuse should be small enough that there is reasonable assurance in proportion to the data confidentiality level that the information cannot be reconstructed.
- F.** Optical storage or rewriteable media including compact disks (CD, CD-RW, CDR, CD-ROM), optical disks (DVD), and, magnetic tape, hard drive, flash drives must be physically destroyed by means such as incinerations, shredding, or pulverizing.
- G.** Prior written consent of the disposal methods must be obtained from the Information Technology Director to ensure compliance with this Directive.

## **INTERNET USAGE**

**82.6.139** It is the intent of the Volusia County Sheriff's Office to support the use of new technology in the delivery of services to its personnel. The Internet provides access to valuable information, and as such, is deemed to be an appropriate use of technology by agency employees. This Directive also applies to access to the Criminal Justice Network (i.e. CJNET).

**82.6.140** The Internet shall be utilized solely for official Sheriff's Office business purposes. The use of the Internet shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence or public records.

**82.6.141** The agency encourages authorized and trained personnel to utilize the Internet for investigation and publication of agency activities. Security of data and access should be discussed with Information Technology to ensure that confidential information cannot be accessed by unauthorized persons.

**82.6.142** To ensure compliance with proper Internet usage, the Sheriff's Office utilizes network monitoring software. All messages and Internet sites visited can be retrieved and reviewed. Personnel employed or representing the agency shall not maintain any right to privacy in the use or content of agency owned technical equipment.

**82.6.143** Managers and supervisors must remain vigilant to ensure proper Internet usage and to maintain employee productivity. If a supervisor or manager suspects that an employee may be using the Internet for unauthorized use, then they may submit a request to Information Technology for a history of an individual's Internet activity.

**82.6.144** All requests from the public or media for information regarding an employee's use of the Internet shall be referred to the Public Information Office.

**82.6.145** The Sheriff's Office utilizes Internet filtering software intended to prevent access to web sites that have been classified as inappropriate for business purposes. As part of the filtering software, every individual within the agency will be assigned an Internet access level based upon their assigned responsibilities.

**82.6.146** It should be noted that abovementioned Internet filtering software is intended merely to assist the employee in determining proper Internet usage. It is ultimately the employee's responsibility to ensure that the Internet is used solely for official Sheriff's Office business purposes.

**82.6.147** If an employee feels that a legitimate web site necessary for official Sheriff's Office business is being blocked by the Internet filtering software, then they should have their immediate supervisor submit the site to Information Technology for review and re-classification.

**82.6.148** Requests for permanent increased Internet access must be submitted to the Division Commander through the employee's normal chain of command. If the request pertains to an on-going investigation, then the employee's immediate supervisor may submit a request for a temporary 30-day increase in Internet access directly to Information Technology. It will be the responsibility of the requesting supervisor to notify Information Technology when the increased access is no longer necessary or if it needs to be extended beyond 30 days.

**82.6.149** Utilizing public hosted or cloud based email or file storage systems in the conduct of official business without the expressed written authorization of the Sheriff's Office Information Technology Director is prohibited unless such activity is required as part of an investigation.

**82.6.150** Confidential or sensitive information shall not be transmitted to sites that do not utilize a trusted secure (encrypted) connection. This includes, but not limited to, instant messaging sites.

**82.6.151** Employees shall not allow non-agency employees to use or have access to agency provided systems. Agency provided Internet accounts should be used only by agency personnel and only for official business.

#### **IN-HOUSE APPLICATION DEVELOPMENT AND MODIFICATIONS**

**82.6.152** It is the policy of the Volusia County Sheriff's Office to identify the software application needs to fulfill the vital requirements of the organization and, when feasible, develop those applications in a timely and efficient manner utilizing in-house resources.

**82.6.153** All requests for new development or modifications shall be made to the Division Commander via the requestor's chain of command. All requests shall contain a brief overview of the concern. Approved requests shall be forwarded to the Information Technology Director for review.

**82.6.154** The Information Technology Director shall review the request and schedule any meetings with the appropriate personnel. During this review, the Information Technology personnel will work with the requestor to ensure all requirements and scope are identified.

**82.6.155** Based upon the review, the Information Technology Director will determine the project feasibility. If in-house development is approved, the Information Technology Director will ensure the proper specifications are documented and assign the project to the appropriate developer.

**82.6.156** If for any reason the requested development cannot be efficiently accomplished in-house or is not in the best interest of the agency, the Information Technology Director shall notify the requestor in writing, via chain of command. This notification will include recommended alternatives such as the purchase of commercial software or utilizing outside vendors.

**82.6.157** Once the project has been assigned, the developer(s) shall coordinate with the end-users for development, testing, and implementation.

**82.6.158** Staff from the end-users' unit will be assigned to assist Information Technology personnel with the training, testing, and implementation. End-User staff will participate in all phases of the development project.

**82.6.159** When outside vendors have been approved, Information Technology, end-user(s) staff, and vendor(s) will work together for successful testing, implementation, and training.

## COMPLIANCE PROCEDURES

**82.6.160** All users of computers owned, leased, purchased outright or through a grant process, by the Volusia County Sheriff's Office are to adhere to this policy and any related security safeguards. Each supervisor or contract manager must provide a copy of this policy to his or her staff or contractors who have access, in their workplace, to computers owned, purchased, or leased by Volusia County Sheriff's Office. The Information Technology Director or designee shall be consulted concerning determinations of compliance with this regulation.

**82.6.161** To ensure the integrity and security of agency systems, authorized personnel within the Information Technology Section may monitor and audit agency equipment, agency systems, and network traffic at any time. Any violations or possible violations of this Directive discovered during this process shall be reported immediately to the Information Technology Director.

**82.6.162** The Information Technology Director or designee shall conduct periodic inspections of Department equipment to ensure compliance with this policy.

## VIOLATION PENALTIES

**82.6.163** Any violation of this Directive may result in disciplinary action in accordance with Directive 26.2 Standards of Conduct.

**82.6.164** Security violations resulting in the disclosure of sensitive or classified information to unauthorized individuals will result in disciplinary action up to and including dismissal. In determining respective disciplinary action, consideration will be given to the extent of the loss or injury to the system, the agency, and to the other person or persons resulting from the release or disclosure of sensitive or classified information to the unauthorized individual.

**82.6.165** Any non-compliance with policies, procedures and operating instructions associated with access and use of criminal justice information via CJNet, FCIC/NCIC, III, NLETS, and/or unauthorized dissemination/use of criminal history information may subject the violating individual to a fine not to exceed \$10,000 as provided for in Department of Justice Regulations, 28 C.F.R. Section 20.25, and/or discontinuance of services as provided for by Department of Justice Regulations, 28 C.F.R. Section 20.38. Moreover, certain offenses against system security and the information contained therein are crimes under Chapter 815, F.S. and will be handled in accordance with Directive 26.2 Standards of Conduct, Confidentiality (sections 26.2.70 - 26.2.71) and Unlawful Conduct (sections 26.2.126 - 26.2.130). Any person who knowingly discloses any information in violation of this Directive may also be subject to civil liability.

**82.6.166** Copyright laws do not preclude the imposition of liability for copyright infringements on governmental agencies and/or their staff. According to Title 17, United States Code, section 101 et seq., the federal copyright act protects the interests of persons who have developed original works of authorship, including computer software. Illegal reproduction of software can be subject to civil damages and criminal penalties, including fines and imprisonment.

## ATTACHMENTS

**Attachment A:** I.T. Security Incident Response Form (VCSO #042915.001)

**Revised by:** 6477  
**Revised on:** ; 02-2018

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

# I.T. SECURITY INCIDENT RESPONSE FORM

**FDLE CJIS  
INFORMATION SECURITY OFFICER (ISO)  
COMPUTER SECURITY INCIDENT RESPONSE CAPABILITY (CSIRC)  
REPORTING FORM**

DATE OF REPORT: \_\_\_\_\_

DATE OF INCIDENT: \_\_\_\_\_

POINT(S) OF CONTACT: \_\_\_\_\_

PHONE/EXT/E-MAIL: \_\_\_\_\_

LOCATION(S) OF INCIDENT: \_\_\_\_\_

SYSTEM(S) AFFECTED: \_\_\_\_\_

\_\_\_\_\_

METHOD OF DETECTION: \_\_\_\_\_

NATURE OF INCIDENT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

INCIDENT DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ACTIONS TAKEN/RESOLUTION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Forward Copies To:**

**Primary**

**FDLE CJIS ISO**

**Alternate**

**FDLE Network Manager**



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: MOBILE DATA COMPUTER  
(MDC) USE & ADMINISTRATION**

**CODIFIED: 82.7**

**EFFECTIVE: 08-2019**

**RESCINDS/AMENDS: 82.7/06-2017**

**ATTACHMENTS: 1**

**PURPOSE**

It is the purpose of this Directive is to establish guidelines and regulations governing security, proper utilization, and resource administration of the agency's Mobile Data Computers (MDC).

**DISCUSSION**

As newer technologies emerge and capabilities increase and expand, it is imperative that law enforcement take advantage of the potential this technology offers for enhanced officer safety, operational planning and overall efficiency. In doing so, it is important that agencies develop policy and procedures for the effective application of such technologies and to ensure the security of such devices.

Mobile computing provides patrol deputies, specialty teams, field supervisors and management with access to a host of information, tactical planning capabilities and resource deployment options. In addition, the use of MDCs for dispatching, car-to-car information exchange, and immediate field access to statewide databases greatly enhances effectiveness and assists in managing overall workload. To ensure prudent use of and receive optimal benefit from this technology, the following directive is hereby established.

**POLICY**

This policy is applicable to all users of Mobile Data Computers (MDCs) and those personnel responsible for managing assignment, tracking and replacement.

The Sheriff's Office recognizes that the MDCs are valuable and necessary law enforcement tools that allow users instant field access to state and federal criminal justice information through FCIC/NCIC. It is the policy of the VSO that this access to criminal justice information is provided to authorized users only and shall conform to all state and federal regulations. Further, it is the policy of the Volusia Sheriff's Office that all users of MDCs adhere to all security and utilization procedures as outlined in Standards Directive 82.6, Computer Security and Utilization.

**PROCEDURE**

**DEFINITIONS**

**82.7.1 Mobile Data Computer (MDC)** – An MDC consists of a laptop computer, an auto-adapter (i.e. power supply), and a Sprint wireless modem (i.e. aircard/ wireless modem). An MDC provides full access to the Sheriff's Office mobile network including access to services such as CAD, e-mail, and Internet. Each MDC will be issued all 3 components and must remain intact until the MDC is turned back in.

**82.7.2 MDC Custodian Employee** - The respective employee assigned an individual MDC. In the case of those components assigned MDCs in a resource sharing scenario (refer to 82.7.84), the custodian employee will be the individual temporarily assigned the component's MDC by the designated component custodian.

**82.7.3 Standalone Laptop** – A standalone laptop consists of a laptop, an auto-adapter, and an AC power adapter. These laptops contain a word processor and are issued to a section (e.g. CID) for the purpose of generating documents in the field. They do not contain a wireless modem and, as a result, do not have access to the Sheriff's Office mobile network.

**82.7.4 Professional Purpose** - defined herein as the interaction between any user utilizing the County's or Sheriff's Office network for purposes of Law Enforcement or Fire/EMS business. MDC/Computer requests and their



responses between computer terminal operators will be polite and courteous at all times. In no way should communications become personal or inappropriate.

#### **PROPER MDC (MOBILE DATA COMPUTER) USAGE**

**82.7.5** The MDC (Mobile Data Computer) will be used for professional purposes only.

**82.7.6** No devices of any kind may be attached to the County or Sheriff's network without the expressed written authorization of the Sheriff's Office Information Technology Director.

**82.7.7** The MDCs are mounted outside of the "airbag" zone to prevent injury to the Deputy if the airbags deploy. For this reason, it is critical that the mount not be adjusted without the approval of the fleet manager.

#### **VOICE DISPATCHING**

**82.7.8** All priority E & 1 calls (See attached priority E & 1 listing) will be dispatched via voice with the units response returned via voice. e.g.

- In progress or just occurred;
- Bodily harm threatened or occurred;
- Calls involving weapons;
- Calls deemed critical for any reason.

**82.7.9** All priority E & 1 calls will remain voice during the duration of the call.

#### **PARTIAL VOICE DISPATCHING**

**82.7.10** Calls entered with a priority of 2 or 3 (See attached priorities) will be dispatched via the MDC, prefaced by the dispatcher advising the unit to "Copy X", pausing for the units acknowledgement then giving the call type and address only. E.g.

Central states: CENTRAL 1A42 "Copy X"

Unit Answers: 1A42

Central States: VANDALISM AT 1234 Deltona Blvd.

NO OTHER VOICE INFORMATION WILL BE RELAYED

**82.7.11** All other information will be sent to deputy's MDC without voice traffic. The unit will acknowledge receipt of the call by pressing the "F2" key to show en-route without voice acknowledgement.

**82.7.12** If at any time the circumstances of a priority 2 or 3 call escalates to a priority E or 1, both Central and the units will revert back to full voice. See item #2.

**82.7.13** Upon clearing a priority 2 or 3 call, the units will only advise Central in the following manner:

Unit States: 1A42 Central

Central States: 1A42

Unit States: 1A42 In Service X

**82.7.14** Units without MDC's will clear the call in the following manner:

Unit States: 1A42 In Service Report or No Report

#### **SILENT DISPATCHING**

**82.7.15** Silent dispatching will be utilized between the hours of 0000-0600 only and for car burglaries that are in progress or just occurred (within 15 minute time lapse), to include suspicious person(s) or vehicles(s).

**82.7.16** The Central Telecommunicator will activate the alert tone function and advise the unit to "Copy X Priority".

**82.7.17** The unit will then acknowledge the call and place themselves enroute. No other voice transmission will follow from Central.

**82.7.18** Additional units may also acknowledge the call and place themselves enroute as well. Example:

**82.7.19** Central states: CENTRAL 1A45 Copy X Priority

**82.7.20** Unit Answers: 1A45 Copy

**82.7.21** The unit will acknowledge receipt of the call by pressing the "F1" key to show enroute without voice acknowledgement.

**82.7.22** If the call is in the county area, after initial dispatch the dispatcher will notify Air1 and County K9 if there is one in service.

**82.7.23** The first unit on scene will utilize voice transmission to acknowledge on scene. This is for officer safety.

**82.7.24** If at any time the circumstances change and the introduction of violence or weapons occurs, both Central and the units will revert back to full voice.

**82.7.25** The responding primary Deputy or shift supervisor can revert to full voice at any point, as needed for safety reasons or if this procedure is interfering with response or apprehension.

**82.7.26** In the event a unit does not have an operational MDC, they will need to contact the on duty shift supervisor for direction.

## **REPORTING**

**82.7.27** Communications shift supervisors completing the Communication's Daily Briefing notes will notate any Silent Dispatched calls.

**82.7.28** Road supervisors shall note this on the pass on and follow up with a brief memo to the Sheriff via chain of command explaining the circumstances, outcomes, and lessons learned.

## **INFORMATION AUTHORIZED FOR MDC USE**

**82.7.29** Non-Critical Information as it pertains to this Directive shall be defined as:

- A.** Any subsequent requests for information relating to a call initiated by either Central or a Patrol unit.
- B.** Any miscellaneous request for assistance that does not include or involve the checking of wants on any persons, articles, or vehicles
- C.** The requesting of services that do not directly relate to the current call
- D.** Any request that doesn't need to be documented in a specific call history:
  - 1. Use to provide non-critical information regarding a call
  - 2. Use to request non-critical assistance from another unit such as supplies
  - 3. Use to obtain advice or legal information from another unit or supervisor
  - 4. Use to communicate when no other means of communications are available (i.e. radios not working, no telephone available)
  - 5. Use to communicate with Central as long as it doesn't conflict with the preceding criteria
  - 6. Use to provide units with non-emergency phone messages
  - 7. Bolo's will be disseminated via the voice

## **INFORMATION UNAUTHORIZED FOR MDC USE**

**82.7.30** Critical Information as it pertains to this Directive shall be defined as:

- A.** Any information that relates to a call including any original requests for information initiated by either Central or a Patrol Unit;
- B.** Any miscellaneous request for assistance that includes or involves the checking of wants on any persons, articles or vehicles;
- C.** The requesting of services that directly relate to the current call;
- D.** Any request that needs to be documented in a specific call history;

**82.7.31** MDC's will not be used to request backup or other critical assistance.

**82.7.32** The unit selected for backup may not be in their vehicle. If the unit selected is in heavy traffic or otherwise unable to look at the message immediately, backup could be delayed considerably

**82.7.33** MDC's will not be used to request other types of responses that would otherwise be considered critical information such as requests for the ME, PT, Wreckers, Detectives, PIO, Chaplains, etc Requests for these responses need to be received and handled promptly. (Dispatchers could accidentally erase messages without ever having seen them causing an extended delay while a unit waits for a request not being handled.)

**82.7.34** An extended delay between when the need for a request was identified and the time it was actually carried out could become a legal issue. The call history needs to reflect:

- The time the unit made the request
- The time any notifications were made
- Who was notified
- Who made the notification

**82.7.35** Patrol Zone units are not to assign themselves as backup to any call. If they will be responding, they are to notify dispatch, which will then assign the unit to the call.

**82.7.36** Only Supervisors and non-zone units may use the MDC BE or BO (CTRL F11 and CTRL F12) command to assign themselves backup en-route or backup on-scene.

#### **SELF – INITIATED FIELD ACTIVITY**

**82.7.37** Patrol Units will notify Central via voice in all instances of civilian contact. i.e. traffic stop, suspicious persons.

**82.7.38** Units will advise Central if they require 10-4 checks and the interval required with the exception of traffic stops. (i.e. 5 minutes, 10 minutes). CAD will automatically alert the dispatcher to 10-4 check the unit after 6 minutes on a traffic stop.

**82.7.39** Units may use the MDC to show themselves out using the (F5-On-View Calls) for all priority 2 and 3 self initiated calls unless there is a safety issue.

**82.7.40** If a unit shows themselves out and requires 10-4 checks from Central this request will be made via voice advising of the time interval required. (i.e. 5 minutes, 10 minutes)

**82.7.41** When showing themselves out on the MDC the unit will use an EXACT address in the following format:

**(House Number) (Directional) (Street Name) (Street type) (COMMA) (City)**

123 W MAIN ST, DB

**82.7.42** When entering intersections, type the first street name followed by a forward slash and the second street name followed by a comma and the city code. See below example:

Main St/N Atlantic Av, DB

NOTE: This will prevent CAD from changing it to a different City.

#### **STATUS CHANGES**

**82.7.43** Designated Zone Units will not assign themselves as backup via the MDC. Only Supervisors and non-zone units may use the MDC BE or BO (CTRL F11 and CTRL F12) command to assign themselves backup enroute or backup on scene.

**82.7.44** All non-call related status changes will be entered via the MDC using the F8 key Out of Service, (e.g. Out at District 4, Gassing Car, Meal Breaks)

**82.7.45** Requests for meal breaks will be made by Patrol Zone Units directly to the Patrol Supervisor either as a function of MDC terminal messaging, voice on TAC or I – Call.

**82.7.46** Upon being cleared by the Supervisor, units will not advise the dispatcher that they are enroute or place themselves enroute.

**82.7.47** Upon arrival at their Meal Break location, units will then use the F8 (Out Of Service) enter the location and type code designating out of service and advise Communications Meal Break X. When complete the Patrol Zone Unit will use the F7 (In – Service) function key to resume In Service status and advise Communications In Service X.

#### **STATUS VERIFICATION**

**82.7.48** Each Unit's activity status and time are tracked from the time the Unit logs on until the time the Unit logs off. This information is available through the MDC's and includes the cumulative times associated with all status changes, both call and non-call related.

**82.7.49** This information is available for monitoring by the respective agency field supervisors in accordance with their respective agency policy.

**82.7.50** In addition, **ForceWatch** combines AVL and CAD with Google maps and allows for visual tracking of all units from the MDC. Each agency may access this information on their respective units and visually monitor status in accordance with their respective agency policy.

**82.7.51** If the agency's established time has elapsed without CAD activity or verbal contact, it will be the responsibility of each agency's shift/squad supervisors to verify their respective personnel's status.

**82.7.52** If the supervisor is unable to make contact with the unit, the respective field supervisor will notify the dispatcher.

**82.7.53** The dispatcher will perform a status check; if unable to make contact, it shall be the respective field supervisor's responsibility to ensure contact is made with the Unit.

#### **ON & OFF DUTY STATUS CHANGES**

**82.7.54** Patrol Zone Units will log on and off duty for their scheduled shifts by using their MDC's unless the MDC is not functioning at which time the unit will call out via the radio.

**82.7.55** Deputies will log-on as a (10-75) Unit during commute to/from their assigned District unless required to take law enforcement action; once at the District, Deputies shall log-on for duty once their BWC device is in the Deputy's possession and ready for activation in accordance with Directive 41.20 Body Worn Cameras, section 41.20.14, A-C.

#### **OFF DUTY USE OF ASSIGNED VEHICLE (10-75)**

**82.7.56** Units having MDC's shall log-on assigned vehicle off duty, both in and out of service via the MDC without using the voice.

**82.7.57** Units without MDC's shall not be required to log-on assigned vehicle (Off Duty in a County Vehicle); however, Deputies are required to monitor their radios while 10-75 and respond to emergency in-progress calls in accordance with Directive 41.6 Individual Vehicle Assignment Program.

**82.7.58** Units will not log themselves *Out of Service* (Off Duty) on the MDC when they are leaving prior to regular *Out of Service* time of the shift they are working (e.g. C25 overtime leaving at 0300 must notify dispatch on the radio)

#### **CALL HISTORY STATUS CHANGES**

**82.7.59** Case Numbers for Priority 2 and 3 calls will be field generated via MDC by the Patrol Zone Unit. The Patrol Zone Unit must be aware that often times the system responds slowly. Repeatedly requesting case numbers by MDC, or by asking dispatch after making an MDC attempt will result in multiple case numbers being assigned and the need for a report pulled in error. If a case number request is initiated by the MDC, stand-by for CAD to assign it to the call.

**82.7.60** Location changes, including arrived on scene, while involved in a priority E or 1 call are to be done by voice.

**82.7.61** If the intended location was either entered or identified in CAD incorrectly a delay in backup response would occur creating a safety issue. This is why entering the address followed by a comma and the City is so important when generating field-generated calls.

**82.7.62** If a call received from dispatch requires a location change, the unit will, via voice advise dispatch to update the address of the original call. This is not intended for use of any location change for follow up investigation.

**82.7.63** All **10-4** status changes will be done via voice. If not advised and the unit cannot be raised, backup will be sent.

**82.7.64** Patrol Zone Unit will use the correct disposition when changing status or closing calls e.g. INC, NR via the MDC. Patrol Zone Units will then notify Central via voice In Service X.

#### **TERMINAL MESSAGES**

**82.7.65** The use of terminal messages must be restricted. Terminal messages are designed for car-to-car transitory information using the MSG command and shall not be directed to Telecommunicators.

**82.7.66** On the rare occasion when a terminal message must be sent to Central Communications it will be addressed to the appropriate DAREA, not to an individual Telecommunicator.

**82.7.67** Do not use a terminal message (MSG) to make any type of official request for which action will need to be taken. Often, the message is not read immediately, the screen has been cleared, or a personnel change has taken place.

**82.7.68** All requests will be made by voice radio transmission so that they are "time stamped" for logging purposes.

**82.7.69** Requests for Medical Examiner, wreckers, prisoner transport and other services must be done by voice radio transmission or telephone.

**82.7.70** Use of terminal messages (MSG) will be closely monitored. Terminal messages are not private; they are public records.

#### **FCIC/NCIC CHECKS**

**82.7.71** FCIC/NCIC checks for vehicle registrations, driver's licenses and warrants will be performed via the MDC unless there is an officer safety issue. Anytime a "hit" is received, the Deputy must immediately notify Central Communications by voice radio transmission. Central Communications must then perform the FCIC/NCIC check again for confirmation purposes.

**82.7.72** Users will make FCIC/NCIC check requests by voice radio transmission anytime officer safety is an issue.

#### **AVL USAGE**

**82.7.73** Units equipped with AVL will ensure that connectivity is maintained with the MDC at all times unless the GPS device is externally mounted to the vehicle, in which case connectivity will be maintained while the MDC is within the vehicle.

**82.7.74** It is the responsibility of the person assigned to the MDC to immediately inform their supervisor and Information Technology of AVL connectivity problems. If Information Technology determines that the issue requires the equipment to be repaired or replaced, the assignee will bring the equipment to Information Technology for service as soon as possible.

**82.7.75** Priority E calls will continue to be dispatched via the simulcast method. Central will announce the calls to "all units", and will include the VSO district or city of jurisdiction. Units responding to the priority E call will advise Central they are enroute at the conclusion of the dispatch. e.g.:

Central States: Central to all units, signal (XX) just occurred (incident location) in (city jurisdiction or VSO district X) to ensure that the correct jurisdiction is still known

**82.7.76** If units from one of the channels besides the primary channel the call is being worked on will also be responding, they are to be advised to switch over to the channel on which the call will be controlled.

**82.7.77** Priority 1 calls will be dispatched to the closest unit as determined by the AVL system and the CAD system search matrix. (At this time, if a unit in the area is part of the matrix and does not have a working AVL, CAD will revert back to the zone based recommendation.)

**82.7.78** Patrol Supervisors will still retain the discretion to modify their units' response, if so desired.

**82.7.79** Priority 2 and 3 calls will continue to be recommended and dispatched to units by zone (No AVL recommendation). When a zone unit is unavailable, Patrol Supervisors will determine the proper course of action.

#### **MDC POLICY ENFORCEMENT**

**82.7.80** As the VSO moves forward in the implementation of the MDC policy, communications between the Dispatch Center and Patrol Supervisors is paramount.

**82.7.81** Front line supervisors are tasked with making sure the policy is enforced throughout the dispatch arena. When issues arise, the below procedure will be followed:

##### **COMMUNICATION CENTER**

**82.7.82** When a dispatcher is having problems with any of their MDC users not following the MDC procedure, the dispatcher will contact the Communication Supervisor so that corrective action may be taken.

**82.7.83** The Communication Supervisor will then contact the Patrol Street Supervisor, preferably via phone or MSG and inform him/her of the unit in question. The Patrols supervisor will then take corrective action.

**82.7.84** If at anytime a conflict or dispute between the Communications Supervisor and Patrol Supervisor ensues, the Communications Supervisor will inform the Communications Center Director via the chain of command.

##### **PATROL SUPERVISORS**

**82.7.85** When a Patrol Supervisor is having problems with any dispatcher not following the MDC procedure, the Patrol Supervisor will contact the Communication Supervisor so that corrective action may be taken.

**82.7.86** The Communication Supervisor will then instruct the dispatcher for corrective action.

**82.7.87** If at anytime a conflict or dispute between the Patrol Supervisor and the Communications Supervisor ensues, the Patrol Supervisor will inform, in writing, the District Captain via the chain of command.

## **MDC ADMINISTRATION**

### **MDC ASSIGNMENT**

**82.7.88** To facilitate improved management and tracking, MDC's are assigned to individuals, not to the vehicle.

**82.7.89** Information Technology is responsible for the assignment and distribution of all authorized MDC's to their respective users.

**82.7.90** All LES District Captains, District Lieutenants, Patrol Sergeants, Patrol Deputies, Civil Enforceable, Crime Suppression Team and Special Services K9 Deputies are authorized individual assignment of MDCs.

**82.7.91** If an individual transfers from an MDC authorized division / section (refer above to 82.7.78) to a division / section not noted above (e.g. Judicial Services/Court Services), that individual will be responsible for contacting Information Technology prior to reporting to the new assignment so that it may be determined if the MDC should be returned to Information Technology for their respective replacement or remain with the individual.

**82.7.92** If an individual terminates employment (e.g. fired, retired or leaves the agency), that individual will be responsible for returning the MDC (to include aircard, auto-adaptor and any other computer equipment) to Information Technology.

**82.7.93** Information Technology will not accept MDCs that are missing the wireless modem and/or the auto-adaptor.

**82.7.94** In cases where the Fleet Manager must accept an MDC due to unplanned circumstances (i.e. abrupt termination; MDC left in the vehicle), the Fleet Manager will immediately submit to Information Technology the MDC (including modem and auto-adaptor) along with an Inventory Control form containing the property number of the MDC and the name of the individual to whom it was assigned.

**82.7.95** The Materials Coordinator will be responsible in tracking all computer equipment assignments.

**82.7.96** **Exception:** MDCs are made available to Detectives through resource sharing and are therefore assigned to the investigative component, not the individual. (i.e. D2 Investigations; Major Case; VBI; Sex Crimes, etc.) In these instances of sharing amongst several users, a custodian will be assigned within each area for tracking purposes. This custodian will be responsible for ensuring that the MDC stays within the assigned component during transfers and/or terminations.

### **NEW MDC / POSITIONS**

**82.7.97** When a new MDC is purchased (e.g. for a new position), Information Technology will request a property number and issue it to the individual after it has been configured.

**82.7.98** After the MDC has been issued, Information Technology will submit an Inventory Control form to the Materials Coordinator that includes the property number of the MDC and the person that it was assigned to.

### **TRANSFERS**

**82.7.99** An authorized MDC division / section is defined as those outlined above in section 82.7.78 and 82.7.84.

**82.7.100** If an individual has an authorized MDC and they are transferred to another authorized division / section (e.g. transferred from District 4 Patrol to District 2 Patrol):

**A.** They will keep the MDC that is currently assigned to them.

**B.** No paperwork is necessary for this transfer.

**82.7.101** If an individual has an authorized MDC assigned to them (i.e. Patrol Sergeant) and they are transferred to Investigations, the following will apply:

**A.** The individual must return their MDC (to include aircard, auto-adaptor and any other computer equipment) to Information Technology prior to reporting to their new position.

**B.** Information Technology will provide the individual and the Materials Coordinator with an Inventory Control form confirming that the MDC is no longer assigned to the individual.

**82.7.102** If an individual has an authorized MDC and they are transferred to a division / section not specified in 82.7.78 (e.g. Judicial Services/Court Services):

**A.** The individual will be responsible for contacting Information Technology prior to reporting to the new assignment so that it may be determined if the MDC should be returned to Information Technology for their respective replacement or remain with the individual.

**B.** If it is determined that the MDC should be returned to Information Technology, the individual will promptly return the MDC, to include the auto-adaptor and Sprint wireless air-card, to Information Technology for their respective replacement.

C. Information Technology will provide the individual and the Materials Coordinator with an Inventory Control form confirming that the MDC is no longer assigned to the individual.

**82.7.103** If an individual does not have an authorized MDC and they are transferred to an MDC authorized division / section (e.g. Patrol):

A. They must report to Information Technology prior to the effective date of the transfer so they may be issued an MDC.

B. Information Technology will provide the individual and the Materials Coordinator with an Inventory Control form confirming that the MDC is assigned to the individual.

**82.7.104** If Information Technology does not have an MDC to issue to the replacement person, then the Materials Coordinator will be notified. It will be the Materials Coordinator responsibility to research the recent transfer orders to determine who has a non-authorized MDC and notify that person to immediately return the MDC to Information Technology so that it may be re-issued to the correct person.

## **TERMINATIONS**

**82.7.105** For all terminations, the individual will be responsible for returning the MDC (to include aircard, auto-adaptor and any other computer equipment) to Information Technology.

**82.7.106** Information Technology will provide the individual and the Materials Coordinator with an Inventory Control form confirming that the MDC is no longer assigned to the individual.

**82.7.107** If any other section (e.g. Fleet Management or Inventory Control) must accept an MDC (e.g. abrupt termination), they will immediately submit the MDC (including the modem and auto-adaptor) along with an Inventory Control form containing the property number of the MDC and the name of the person that it was assigned to.

## **REPAIRS**

**82.7.108** It is the MDC custodian employee's responsibility to ensure that any and all data they deem to be important must be archived on removable media and secured appropriately as defined in Directive 82.6.

**82.7.109** Information Technology will take every measure to ensure data is preserved whenever an MDC is repaired or replaced. However, the MDC custodian is ultimately responsible for saving or archiving any data on the laptop prior to repairs or replacement.

**82.7.110** If an MDC stops functioning, then the person that it is assigned to will bring it to Information Technology for repair / replacement.

**82.7.111** If the MDC requires replacement, then Information Technology will issue the replacement, if available, and provide the individual and the Materials Coordinator with an Inventory Control form indicating the property number of the old MDC and the property number of the replacement MDC.

## **DAMAGED EQUIPMENT**

**82.7.112** To ensure repairs to an MDC or any accessory equipment are made within the vendor warranty period, the custodian employee will bring the MDC to Information Technology for service at the first indication of physical damage or other inoperability problems.

**82.7.113** If an MDC or aircard is damaged (either through an accident or misuse), then the person responsible for that equipment must complete an Incident Report and have the report signed by a supervisor.

**82.7.114** The individual will bring the damaged equipment, including the Incident report signed by a supervisor, to Information Technology.

**82.7.115** If the damaged equipment requires replacement, then Information Technology will issue the replacement, if available, and provide the individual and the Materials Coordinator with an Inventory Control form indicating the property number of both the damaged and replacement equipment. Information Technology will not replace any damaged equipment unless it is accompanied by an Incident report signed by a supervisor.

## **LOST OR STOLEN MDC**

**82.7.116** MDCs shall be properly secured in the locked vehicle at the end of each shift. Any instance of a lost or stolen MDC will be immediately reported to Information Technology so that the MDC may be disabled from accessing the Sheriff's Office systems.

**82.7.117** An incident report will be generated documenting the circumstances and shall be signed by a supervisor. A copy of the report will be forwarded to the Information Technology Director.

## **ANNUAL REPLACEMENTS**

**82.7.118** Due to the harsh conditions in the field, Information Technology purchases new laptops each year to replace the oldest laptops. This process ensures that laptops are not used for more than 4 years. After 4 years, the

frequency of laptop failures increases beyond the point that it is financially feasible to keep them in service as an MDC.

**82.7.119** During the replacement process, Information Technology makes the necessary arrangements with the individuals in the field to replace the MDC.

**82.7.120** Information Technology will provide the individual and the Materials Coordinator with an Inventory Control form containing the property number of the old MDC and the property number of the replacement MDC.

#### **VIOLATION PENALTY**

**82.7.121** Any violation of this Directive may result in disciplinary action.

**Revised by:** 6367

**Revised on:** 08-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**





**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: COLLECTION OF EVIDENCE**

**CODIFIED: 83.1**

**EFFECTIVE: 08-2019**

**RESCINDS/AMENDS: 83.1/05-2017**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to establish specific guidelines in the collection, processing, and preservation of all evidence that becomes the responsibility of the Volusia County Sheriff's Office.

**DISCUSSION**

The collection, processing, and preservation of evidence are functions that are essential to any law enforcement agency where the effective investigation and prosecution of offenders rely mainly on the information obtained through careful, methodical and proper use of evidence.

Proper safeguards and preservation techniques should be used for the handling, collection, and submission of evidence. The Department has an obligation to collect and handle evidence in a professional and proficient manner. Evidence is submitted to the FDLE Crime Laboratory, which is accredited through ASCLD/LAB.

**DEFINITIONS**

**PHOTOGRAPHIC EVIDENCE:** For the purpose of this directive, use of the term "photograph", "photographic", shall be inclusive of any means to visually record evidence: conventional photography, digital photos, imaging, and video recording.

**POLICY AND PROCEDURE**

**EVIDENCE COLLECTION, PROCESSING AND PRESERVING**

**83.1.1** For physical evidence to be accepted by the court at the time of trial, it is essential the chain of custody of the evidence be maintained. The initial step in this process is marking or labeling the item at the time it is collected, seized or received and documenting how the deputy came into possession of the item(s). The following procedure applies:

- A.** The scene will be secured. If necessary, Deputies will secure the scene by placing crime scene tape around the entire site of the incident. No unauthorized individuals will be permitted entry into the scene; all individuals will be recorded on a crime scene log.
- B.** All Deputies entering a scene where blood and bodily fluids are present should wear protective gloves/gear. The scene should be marked as a biohazard area with the use of barrier tape or signs.
- C.** The Deputy responsible for the collection of evidence shall document each item of evidence noting the location, date, time of discovery and person locating the evidence. When possible the evidence should be photographed prior to collection.
- D.** When seizing or receiving evidence via transfer of the property by a business representative or property owner, the deputy will initiate the chain of custody by securing the signature of the releasing business representative/ property owner on the property receipt. If the business representative/ property owner refuses to sign, the deputy will include the word "Refused" in the place of the signature. The deputy will sign and date the property receipt; a copy containing all pertinent information will be given to the individual turning over the property.

- E. Each item shall be placed in an evidence container, when possible. When an item will not fit in an evidence container it shall have an evidence tag attached to it. The container shall be marked or labeled with the following information:
- Case number.
  - Item Number - as listed on the property report.
  - Description of the item.
  - Date - Use a two-digit format. (00-00-00)
  - The name and DID of the person collecting the evidence.
- F. The Deputy collecting the evidence shall seal the container and place their initials on the seal of the self-sealing bag, or evidence tape if used.
- G. The following items shall be packaged separately from each other and all other items:
- Controlled or illicit substances;
  - Medications;
  - Jewelry;
  - Firearms;
  - Currency or negotiable instruments;
  - Electronics, including cellular devices; electronic cigarettes/vapor-producing devices; digital scales; electronic toys, etc.

## **CURRENCY**

**83.1.2** Seizure of currency shall be in accordance with the Florida Contraband Forfeiture Act (F.C.F.A.) and shall be processed in accordance with Standards Directive 43.7 Contraband Forfeiture Act. (Refer to sections 43.7.3 – 43.7.4 for pre- and post-seizure duties and responsibilities of the Deputy.)

**83.1.3** Negotiable currency must be packaged separately and apart from other items of property in the same case. Additionally, U.S. currency and foreign currency must be packaged separately. The following items, whether found or confiscated, are treated as negotiable currency and require special handling:

- U.S. paper currency;
- U.S. coins;
- U.S. savings bonds
- Negotiable traveler's checks
- Negotiable money orders, bonds, stocks, or items of obvious value.

**83.1.4** All negotiable currency, whether found, seized for forfeiture, collected as specific evidence requiring processing (e.g. prints, DNA), or collected for safekeeping upon expeditious notification and timely follow-up action of the owner, shall be counted and the total value noted on the labeling portion of the evidence bag/container.

**83.1.5** Cash totaling \$250.00 or more will require an independent count by two separate deputies; both deputies will initial and include their DID number on the seal.

**83.1.6** Cash totaling \$2,000.00 or more will also require the completion of a Currency Verification Form (Attachment A) to document the amount and denomination of currency; the Currency Verification Form will also be initialed by the two deputies who count the currency and shall be submitted with the property report.

### **CASH IN EXCESS OF \$25,000**

**83.1.7** Seizures made by road patrol deputies in excess of \$25,000 will require a supervisor to respond to the scene; the supervisor will then notify Investigative Services Section Assistant Commander – Narcotics Lieutenant. The Narcotics Lieutenant will contact the appropriate Task Force Supervisor to respond to the scene.

## **FOREIGN CURRENCY**

**83.1.8** Foreign currencies will be counted for a total number of coins and/or paper currency only; the total number of each (coin/currency) shall be noted on the property report and the labeling portion of the evidence bag. Value will be reported as unknown.

## **CONTROLLED OR ILLICIT SUBSTANCES**

**83.1.9** Great care should be taken when collecting and packaging controlled or illicit substances due to the inconsistent and toxic properties they possess.

**83.1.10** Personal protective equipment (PPE) in the form of at least disposable examination gloves will be worn when handling such substances to avoid contact with the skin. It may also be desirable or necessary to wear a face mask when handling powdered items which are airborne and can be breathed in during handling. The largest risk from Fentanyl exposure occurs **through inhalation**; trace exposures can have severe health consequences.

**83.1.11** If a deputy has any reason to suspect a substance is flammable, explosive, or is otherwise hazardous beyond their ability to safely collect, he or she will contact Volusia County Fire Services, the Bomb Disposal Team, and/or the Clandestine Lab Response Team, where applicable.

**A.** When encountering suspected Fentanyl and/or Carfentanil powders/substances, deputies should contact the Clandestine Lab Response Team Supervisor for evidence processing direction and/or processing procedures.

**83.1.12** Notwithstanding any provisions of this section, standard guidelines governing the proper cataloging of evidence will apply to the packaging of controlled or illicit substances concerning the inclusion of case and item specific information when filling out evidence packages/labels.

**83.1.13** Pursuant to the FDLE Crime Lab Evidence Submission Manual updated 04/15/16, the following requirements apply to packaging of controlled or illicit substances:

- A.** Clear plastic evidence bag;
- B.** Minimum size for this container is 4.5"x7";
- C.** Minimum thickness of 3 mil;
- D.** Loose powders placed in smaller clear plastic bags before being sealed in outer clear packaging.

#### **TABLETS / CAPSULES / MEDICATIONS**

**83.1.14** The following information applies to pills, tablets, capsules and other medications which are being submitted to VCSO Evidence as evidence in a criminal investigation and/or for the purpose of submission to FDLE for analysis. The guidelines listed herein do not apply to the packaging of pills, tablets, capsules and other medications which are being submitted to VCSO Evidence for disposal.

**83.1.15** Pursuant to the FDLE Crime Lab Evidence Submission Manual updated 04/15/16, the following requirements apply to packaging of controlled or illicit substance:

- A.** Clear plastic evidence bag;
- B.** Minimum size for this container is 4.5"x7";
- C.** Minimum thickness of 3 mil;
- D.** Tablets and capsules must be removed from their bottles within the package to allow visual inspection;
- E.** Outer packaging must include description of all markings as well as color and shape and count and/or weight.

#### **WEIGHTS AND MEASURE OF CONTROLLED OR ILLICIT SUBSTANCES AND TABLETS/ CAPSULES / MEDICATIONS**

**83.1.16** Each district office and the Operations Center are equipped with a digital scale for purposes of weighing controlled or illicit substances.

**83.1.17** The regular maintenance and calibration of the digital scales will be conducted in accordance with the manufacturer's specifications and industry protocols.

**83.1.18** The scales are push button activated and are designed to be universally operated by all deputies. It is important for each user to ensure the scales are "zeroed" before each use by turning the unit on, verifying it is level, and pressing the "zero" button on the display prior to use.

**83.1.19** For convenience and the security of the evidence, deputies should package the material and seal it prior to weighing the whole package. The outer packaging of the evidence shall then list the figure and notate it includes the packaging as well.

#### **VEHICLES**

**83.1.20** Any visible damage observed on vehicles transported to the evidence section shall be noted on the property report.

**83.1.21** Vehicles submitted as evidence will be sealed with evidence tape.

**83.1.22** Evidence obtained from within a vehicle shall be collected, marked, sealed and submitted.

**83.1.23** Evidence Section shall be contacted and shall advise of the location in which the vehicle will be secured, such as under cover or in a processing bay.

**83.1.24** Containers shall be sealed and marked to prevent intrusion.

#### **CONFISCATED VEHICLES**

**83.1.25** When confiscating a vehicle, the investigating Deputy will complete a Vehicle report by filling in the following sections:

- EVNT;
- VEHICLE/VESSEL (For each vehicle or vessel);
- INVENTORY box under the VEHICLE/VESSEL section;
- Chain of custody;
- ADMIN.

**83.1.26** Items identified within this directive that require packaging separate from other items and each other, must be removed from the vehicle, documented and submitted separately. Remove serialized items (e.g. cell phones, power tools, GPS), document on a property report, and submit separately from the vehicle.

**83.1.27** In the event additional space is needed to complete the property listing or inventory section of the original report, a supplemental property form is to be used. The following procedure will be used to continue report on supplement form:

- A. Transfer the original property receipt number to supplement form.
- B. Keep the supplement page in sequence with original report.
- C. Transfer the incident type, location, and case number from original report.
- D. All first copies (white) of property report will be submitted with property (no exceptions).

#### **BIOHAZARDS/ SEROLOGY/ DNA (LIQUIDS, RESIDUE, BLOOD)**

**83.1.28** All bio hazardous items submitted to the Evidence Section, including items that have been contaminated by biohazardous materials such as bodily fluids, shall be thoroughly dried then safely packaged in paper and clearly marked with biohazard labels. The Evidence Section does not accept bones, body parts, or any form of human remains.

**83.1.29** When packaging biological materials such as confirmed "AIDS" contaminated blood, the material will be placed in vial and marked "**BIOLOGICAL HAZARD**". The outermost surface shall be labeled "**WARNING**".

**83.1.30** In the event the evidence/property consists of Serology/DNA (i.e. body fluids, blood, stains), refer to Standards Directive *83.2 DNA Evidence & Reference Samples*.

**83.1.31** Deputies handling such evidence should wear protective clothing (i.e. gloves, glasses/goggles, mask.)

**83.1.32** Procedures for the collection, storage and transportation of Serology/DNA evidence being submitted to FDLE shall be in accordance with the ***FDLE Crime Laboratory Evidence Submission Manual*** located on the VCSO intranet under Manuals & Department References.

**83.1.33** ***All needles and other sharp objects*** are to be packaged in cardboard wrappings with the outermost surface marked, "**CAUTION SHARP OBJECT**". The item name may also be used.

#### **LATENT FINGERPRINTS**

**83.1.34** All latent fingerprints will be secured as an item of evidence and collected by the patrol Deputy or Investigations section, then submitted to the Evidence Section for delivery to Technical Services Unit for analysis..

#### **ARRIVAL AT SCENE**

**83.1.35** The first priority is the preservation of the scene. Instruct victims not to touch anything. If Major Case, Detectives, or a Crime Scene Technician is responding to the scene, **DO NOT PROCESS THE SCENE**.

#### **PRELIMINARY EXAMINATION**

**83.1.36** Conduct a preliminary investigation to acquaint yourself with the crime scene. Note items that should be processed immediately due to hazardous conditions (i.e. pending rain or curious kids). Attempt to reconstruct what the suspect did and what the suspect would have had to touch (or step on) to do it. Start at the point of entry if the scene is a burglary, then follow the suspect's actions to the objects of their attack, and continue to the point of exit.

#### **LATENT PRINT SEARCH**

**83.1.37** After conducting a preliminary examination of the scene start a more thorough search for latent prints. With a strong flashlight, closely examine the surfaces for visible (patent) prints, impressions in the surface, and disturbances in the dust. Be thorough in your search. If a suspect left a flashlight at the scene, check the batteries for prints. If the suspect took food out of the refrigerator, examine both the items that were removed and the refrigerator door.

## **HANDLING EVIDENCE**

**83.1.38** If you must pick up an item, you may need to use a tool such as surgical forceps. Deputies shall wear a new pair of disposable gloves when handling evidence which could contain DNA. Try to handle the item in an area where the suspect would not normally handle the item such as the edge of a pane of glass, the corner of a box or the checkered part of a handgun grip.

## **PROCESSING**

**83.1.39** Fingerprint powder works best on latent prints and some patent prints. Other patent prints (i.e. dried paint or grease) and most plastic impressions may only be recovered by photography and in some cases by silicone casting impression.

**83.1.40** Evidence processing kits are equipped with silk black powder and a fiberglass filament brush.

**83.1.41** Before applying powder to any surface, consider damage mitigation and clean up after processing. Use newspaper, or take small objects outside or over a sink. Consider that powders may not come off surfaces painted with water based paint and may have to be repainted.

**83.1.42** Use a dust mask when working with powders. Before applying powder to the brush, gently spin the brush between your index finger and thumb to separate the bristles. Lightly dab the bristles into the powder and slowly rotate the brush between your index finger and thumb several times. Only a small amount of powder should be placed on the brush. Lift the brush out of the powder but not out of the jar, then spin the brush between your index and finger to remove excess powder.

**83.1.43** While processing surfaces, twirl the brush between your index finger and thumb while very lightly brushing the bristles across the surface. If ridge detail begins to appear, continue to twirl the brush while brushing the ridge detail very lightly in the direction of the ridge flow until you develop the ridge detail completely. You may have to add more powder to the area by repeating the process described. If at any time it appears you are obtaining less contrast with each brush stroke STOP immediately.

**83.1.44** Do not use too much powder or too many brush strokes. It takes only a small amount of powder and a few brush strokes to develop most latent prints. Too much powder fills in the area between the ridges and too many brush strokes may destroy the print.

## **DOCUMENTING LIFTED PRINTS**

**83.1.45** After developing a visible fingerprint on a surface, but before placing lifting tape upon the print, the deputy will photograph the fingerprint in place with a unique identifier adjacent the print. The fingerprint will be photographed from a wide angle so as to provide context within the scene and a close-up to readily identify the unique identifier assigned to the print. This is easily accomplished by the use of a small Post-It note featuring sequential written numbers and the deputy's name and/or case number affixed adjacent the print. The unique identifier should be captured within the tape used to lift the print to provide an association with the photographs taken. The photographs will be preserved as evidence.

**83.1.46** The date, time, address, report number, deputy's name, and a detailed description of where each lift was obtained shall be indicated on the card.

## **LIFTING FINGERPRINT**

**83.1.47** Lifting tapes are the most common method of recovering latent prints. Pull the tape out far enough to fold a small amount under, securing the tape to itself. Then pull out the desired amount of tape, and attach the end of the tape to the surface slightly to the side of the latent print while holding the other end of the tape three or more inches above and to the left or right. With your thumb on the edge of the tape, firmly smooth the tape across the center with a finger or pencil eraser onto the surface over the print avoiding trapping air bubbles or creases within the tape.

**83.1.48** The center of the tape should be firmly on the surface from end to end. Then, working from one side to the other, from the center outward, smooth the rest of the tape onto the surface with your thumb, eliminating air bubbles or creases. It may be more effective to use a pencil eraser to remove any bubbles and to ensure consistent contact between the tape and surface when smoothing the tape over the print.

**83.1.49** Once the tape has been applied, separate the applied tape from the roll. To remove the tape from the surface, lift the folded end with one hand and gently pull away from the surface. Take hold of the other end of the tape with your free hand.

## **PLACING THE TAPE ON THE LIFT CARD**

**83.1.50** The card should be placed on a firm flat surface. The tape should be placed on the lift card using the same technique that was used to place the tape on the surface.

## **PRESERVING LIFTED PRINTS**

**83.1.51** The lift card shall be packaged and submitted as any other item of evidence by:

- A.** Sealing the card in an evidence envelope;
- B.** Initialing the seal;
- C.** Labeling the envelope;
- D.** Documenting it on a property report; and
- E.** Initiating a chain of custody in accordance with **83.1.1 C, E and F.**

**83.1.52** Multiple lift cards from the same case may be packaged as one item of evidence, the quantity of lifts to be indicated on the property report in the item description.

**83.1.53** The lift card and accompanying property report will be placed into the "Latent Print" locker located in each of the district offices. A Latent Print Work Order will be completed by the deputy and accompany the property report.

## **MAJOR CRIMES**

**83.1.54** Due to time constraints, when incidents of major severity occur such as murder, rape, robbery or other part one crimes, deputies will not collect evidence unless directed to by a supervisor and/or Detectives. A Detective shall be summoned to the scene for immediate follow-up.

**83.1.55** The deputy/ will initially handle recovered or stolen vehicles. When processing is needed, the deputy/Detective will:

- A.** Have a towing agency transport vehicle to the Department's storage area where it will be enclosed and secured until actual processing is completed. Processing shall be performed by a Detective and/or Crime Scene Technician.
- B.** Immediate notification shall be made to the originating agency, owner, or any other appropriate persons by the Deputy/Detective assigned the case.
- C.** Processing shall be completed in as timely a manner as practical to facilitate a quick return to the owner, when possible.
- D.** When processing is completed and clearance is given by the deputy/Detective or crime scene technician, the vehicle is then released to owner or agent by the Evidence Section.

## **PHOTOGRAPHIC EVIDENCE (INCLUDING DIGITAL, IMAGING, VIDEOTAPING)**

**83.1.56** When appropriate, photographic evidence shall be taken of a crime scene.

**83.1.57** The photographer shall have the skills and/or training required for the task.

**83.1.58** All aspects of the scene shall be photographed.

**83.1.59** *VCSO personnel shall not take photographs or video of any evidence, document, victim, witness, suspect, or other person or thing actually or potentially relating to a crime, agency investigation or other official law enforcement scenario using personally owned cell phones, or personally owned cameras/image recording devices.*

**83.1.60** When applicable, a scale will be used to determine size. If a scale is used, a duplicate photo shall be taken without the scale. The second photo will be taken with the same camera position, lighting and camera settings.

**83.1.61** Dimensions of fixed objects in the photos may also be provided as scale references.

**83.1.62** When photographs are taken of a scene, the date, time, location and case number shall be recorded for each photograph taken (refer to 83.1.7).

**83.1.63** If videos are taken, they should be used as supplements to the still photographs. Videos shall not be taken as sole photographic evidence except as per FSS 893.10(3) to document manufacturing equipment used in a grow operation prior to on-site destruction.

**83.1.64** Whenever any digital media is captured electronically in the field (e.g. interviews, photos, imaging and/or video), such information shall be; uploaded to the *Digital Crime Scene* (DCS) system; this information will not be placed on any of the agency's file servers (e.g. G, H and I drives) without prior written authorization from the Information Technology (IT) Director.

**83.1.65** For digital media that cannot be uploaded to the *Digital Crime Scene* (DCS) system, such information shall be transferred to a master CD/DVD. This master CD/DVD will be labeled in accordance with 83.1.1 C. and submitted to the Evidence Section.

**83.1.66** When physical evidence is not collected or when photographs are not taken, the Deputy and/or the Detective in charge shall include in their report or prepare a separate written report explaining the reasons.

#### **PHOTOGRAPHIC PROCEDURES**

**83.1.67** All Crime Scene Technicians and, at a minimum all Law Enforcement Services (LES) personnel, are issued digital cameras for official agency purposes only. Storage of such devices shall ensure protection from exposure to extreme elements which could impact photograph/image quality.

**83.1.68** District and Operations Commanders, or their designee, will be responsible for issuing and maintaining an inventory log of all digital cameras assigned to the LES Division.

**83.1.69** All LES deputies shall be issued a measuring device (scale) or have access to one.

**83.1.70** Prior to use at a crime scene, the digital storage media for the camera will be formatted according to manufacturer's guidelines.

**83.1.71** When taking photographs using digital camera/ memory cards, multiple cases may be separated by a case card showing the following information:

- A. Case number;
- B. Date;
- C. Time;
- D. Location;
- E. Type of case;
- F. Photographer's name and DID

**83.1.72** When necessary, personnel will utilize the VCSO *Digital Photo Case Identifier Form* (VCSO Form #101012.001) to document the above information; this form will be the first photograph captured to identify the case that the images are related to (Refer to Attachment A). This form is available on the intranet under: *Agency Forms/Law Enforcement/Digital Photo Case Identifier Form*.

#### **PHOTOGRAPHING LIVE SUBJECTS**

**83.1.73** When photographing live subjects:

- A. Deputies will take an overall head to toe photograph of the subject, front and back, for identification purposes;
- B. Deputies will take midrange and close-up photographs, with and without scale, or areas of interest; such as injuries, tattoos, scars, etc.;
- C. If the subject to be photographed is of the opposite gender of the photographer and the area to be photographed is the male or female genitalia or the female breast(s), a witness shall be present while the photographs are being taken. Whenever possible, a photographer of the same gender as the subject being photographed will be utilized;
- D. Close-up photographs should be taken at a high resolution.

#### **PHOTOGRAPHING DECEASED SUBJECTS**

**83.1.74** When photographing deceased subjects, the following procedures will be followed unless extenuating circumstances exist:

- A. General overall photographs will be taken to show the location of the body and its relation to the area where it was found;
- B. Photographs of the body will be taken from different angles;
- C. Midrange and close-up photographs will be taken, with and without scales, of areas of interest;
- D. After the body is removed, the area where the body was laying will be photographed.

#### **PHOTOGRAPHING ITEMS/ AREAS**

**83.1.75** Photographs of items/areas of evidentiary value, where size is of importance such as injuries, tattoos or weapons are to be photographed with and without the use of approved photographic scales.

**83.1.76** Crime scene photographs will include the following:

- A. Approach to the scene;
- B. Overall exterior and interior photographs of the scene;

- C. Known or likely points of entry and exit, if applicable;
- D. Midrange and close-up photographs of items/ areas of possible evidentiary value and/or interest;
- E. Any items/ areas damaged by agency personnel during the course of performing official duties.

**83.1.77** Digital cameras are not intended to be used by deputies to photograph major crime scenes, subjects with significant or life threatening injuries, items/ areas documented for the purpose of scientific comparison (e.g. footwear impressions), or other cases which would traditionally fall within the scope and expertise of the Crime Scene Technicians.

#### **CAMERA SECURITY AND HANDLING**

**83.1.78** Cameras are not to be set down or left unattended in an unsecured area. The images on the camera/ card are evidence and will therefore be treated and safeguarded as such.

**83.1.79** Good security practices provide the foundation for the chain of custody and ensure the integrity of the evidence. Preventing unauthorized access and eliminating any perception that unauthorized access may have occurred, reduces the potential for accusations.

#### **CUSTODY**

**83.1.80** Upon capture of an image to the time of confirmed upload on the secured agency server, the images are in the custody of the personnel who captured the original image.

**83.1.81** Images are not to be cleared from the camera's storage until an electronic confirmation is obtained from the DCS system that the images were successfully uploaded thus establishing and acknowledging the transfer of custody.

#### **CAPTURED IMAGES**

**83.1.82** Digital images shall be reviewed for quality prior to leaving the scene. In the event that images do not adequately depict the necessary detail, are blurred, or are otherwise of poor quality, the images shall be retaken. Accidental, poor quality, or otherwise unusable images may be deleted from the camera at the discretion of the photographer.

**83.1.83** If the images cannot be retaken to obtain the desired quality, do not capture the desired image, or more sophisticated photography skills and equipment are needed, Crime Scene Technicians may be called to photograph the scene.

**83.1.84** Images must be uploaded to the secure *Digital Crime Scene* (DCS) server before the end of the deputy's shift/ tour of duty using the designated workstations provided at each district office or respective investigative operations location or the DCS web interface from a VCSO desktop workstation.

**83.1.85** Images are not to be uploaded or submitted to the *Digital Crime Scene* (DCS) system from an MDC.

### **SEARCHING AND SEIZING COMPUTER AND ELECTRONIC EVIDENCE**

**83.1.86** Searches and seizures of computer/electronic hardware and software and related devices shall be done in accordance with the *Federal Guidelines for Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations*, which is available in each Investigative office.

**83.1.87** Deputies shall exercise caution so as to protect the computer/electronic equipment/devices and preserve all evidentiary value. Suspect computers/electronic devices shall not be turned on until a complete bitstream backup of the data has been made.

**83.1.88** Whenever a Deputy/Detective requires additional technical assistance to seize a computer/electronic device, the Child Exploitation Unit Supervisor shall be called. If the Child Exploitation Unit Supervisor or Detective is not available, assistance shall be requested from the Information Technology Section.

### **SUBMISSION OF EVIDENCE TO THE LABORATORY**

**83.1.89** Items submitted to the forensic laboratory for analysis are to be handled in accordance with the ***FDLE Crime Laboratory Evidence Submission Manual***.

**83.1.90** All wet items such as blood and clothing shall be submitted within one week after material has dried.

**83.1.91** All other physiological fluids or stains, i.e., semen, saliva, will be submitted within one week to lab.

**83.1.92** There are no time constraints placed on submission of other physical evidence. It is recommended that evidence be sent to lab as soon as possible.



**83.1.93** Materials and substances of a known source shall be collected, whenever possible, and the samples should be sent to the laboratory along with suspect material with proper labeling and packaging. The F.D.L.E. examination request form used to submit the comparison sample shall identify the item it is to be compared with, including the item's number.

**83.1.94** The following persons are responsible for requesting items of evidence be submitted to the laboratory for analysis:

- A Sheriff's Office Detective.
- A Sheriff's Office Crime Scene Technician.
- The State Attorney prosecuting the case.

**83.1.95** The Detective in charge of a case is responsible for requesting evidence items be sent to the laboratory for analysis.

**83.1.96** Other Deputies requesting items of evidence be submitted to the laboratory for analysis shall do so through the State Attorney handling the case.

**83.1.97** Upon receiving a request for laboratory submission, Evidence Section members shall process the items then submit them to the laboratory.

**83.1.98** If there is a delay in the submission of evidence to the laboratory for any reason, the Evidence Section shall so note the reason in a supplemental report to the original.

**83.1.99** All items submitted to the laboratory for biological analysis shall be accompanied by a completed Florida Department of Law Enforcement (F.D.L.E.) examination request form. What is to be analyzed, the reason for analysis and who is to receive the analysis results shall be included on the form.

**83.1.100** The appropriate chain of custody paperwork shall accompany each item to the laboratory. The paperwork will be returned to the Evidence Section after the items have been signed for. Chain-of-custody report for items submitted to the laboratory shall include the following:

- Name of person last having custody of the item.
- Date and time of submission.
- Method of transmission.
- Date/time of receipt in the laboratory.
- Name and signature of person in the laboratory receiving the evidence.

**83.1.101** All items submitted to the laboratory shall be packaged per the guidelines in the current Florida Department of Law Enforcement (F.D.L.E.) Evidence Submission Manual. Items shall be packaged separately from any other item submitted, unless the items relate to each other and no contamination is apparent.

**83.1.102** Lab results obtained by the Evidence Section shall be in writing and placed with case documents for future referral.

## **RECORDING EVIDENCE AT THE SCENE**

**83.1.103** The person processing a crime scene whether it's the assigned Detective, an assistant or a Crime Scene Technician, shall prepare a report/supplement pertaining to the processing operation. This shall contain at least the following information:

- Date and time of arrival at the scene.
- Location of the crime scene.
- Name of the victim(s), if known.
- Name of the suspect(s), if known.
- Action taken at the scene.
- Number of photographs taken.
- Measurements taken. (Yes or No)
- Complete listing of physical evidence recovered.
- Case file reference number.

**83.1.104** Crime Scene Technicians shall include the following:

- Date and time of request for service.
- Name of investigating Deputy.
- Disposition of physical evidence.
- Disposition of digital images taken.
- Disposition of crime scene measurements and sketches.

**83.1.105** All reports shall include an inventory of all items of evidence. This inventory shall include, but not be limited to:

- A complete description of item, make, model and/or model number,
- Serial number if any,
- Source of the item (from whom or location obtained),
- The name of person collecting the item or items.

**83.1.106** Weapons shall be placed into evidence in the following condition:

- Unloaded.
- Made safe by placing in a condition where the weapon cannot be fired, such as disassembled, blocked or locked.
- Placed inside an evidence bag. However, long rifles/shotguns may be tagged.
- Tagged with complete description of item including serial number. The outermost surface of all gun packaging shall read "UNLOADED" when the contents have been verified as unloaded.

**83.1.107** A chain-of-custody must always exist when physical evidence is obtained. A Property report will be completed and the following sections filled in:

- Incident.
- Administration.
- Victim/reporting party.
- Vehicle (when applicable)

**83.1.108** Property listing and chain-of-custody shall include:

- Item number;
- Date;
- Released by;
- Received by;
- Reason for change;
- Approval/status to include lab exam information.

**83.1.109** When property/evidence is received by the Evidence Section, its disposition will proceed in the following manner:

- Property/evidence shall be collected and properly logged on property report.
- The Evidence Technicians will complete the following:
- Chain-of-custody section.
- Property listing section.
- The inventory number will be assigned to the "leave blank" space.

## **GROW OPERATIONS**

**83.1.110** Per FSS 893.10(3)(4), manufacturing equipment, to include but not be limited to grow lights, growing trays, and chemical fertilizers, used in committing the offense may be destroyed onsite and left at the scene in disrepair after documenting the manufacturing equipment by photography or video recording.

**83.1.111** The destruction of any equipment must be documented by the supervising law enforcement officer as follows:

- Record the place where the manufacturing equipment was seized
- Inventory the manufacturing equipment and supplies that were seized and destroyed onsite.
- Record the time, place and manner of destruction

**83.1.112** The reporting law enforcement deputy must make a return, under oath, reporting said destruction to the court or entity designated by the court.

## **CRIME SCENE TECHNICIAN**

**83.1.113** In-house Crime Scene Technicians shall be available 24 hours a day. They shall respond to calls for service where a crime has been committed or a traffic crash has occurred that may involve collection of physical evidence that is beyond the expertise of responding patrol Deputies or Detectives.

**83.1.114** The Major Case Supervisor shall coordinate and be responsible for the crime scene vans.

**83.1.115** An "on-call" Crime Scene Technicians list shall be maintained on the VCSO Intranet.

**83.1.116** When it has been determined a Crime Scene Technician is required, the Deputy in charge shall ensure a technician is notified within one hour.

**83.1.117** Upon notification, the Crime Scene Technician will be responsible for providing instructions to the Deputy or Detective in charge on how to proceed until their arrival. This will be determined, by the technician, on a case-by-case basis, based on the technicians training and expertise.

**83.1.118** When a Crime Scene Technician arrives on the scene or has given instructions prior to arrival, they shall assume responsibility for the collection and preservation of evidence.

**83.1.119** The Deputy/Detective in charge shall ensure that the instructions and requests are carried out

**83.1.120** Crime Scene Technicians are responsible only for the collection and preservation of evidence.

**83.1.121** The Crime Scene Technician shall adhere to all sections of this Directive.

**83.1.122** The Law Enforcement Services Commander or designate shall meet at least annually with the State Attorney and a representative of the courts for coordination purposes.

**83.1.123** Coordination is essential to ensure that the State Attorney and the Judges are apprised of the latest information and abilities of the Detectives to develop information for prosecution.

**83.1.124** Coordination will ensure that Detective s benefit from the investigative and procedural concerns of the State Attorney and the courts.

#### **CRIME SCENE VANS**

**83.1.125** The Department maintains a crime scene-processing.

**83.1.126** The vehicle shall be supplied so that multiple crime scenes can be processed without resupplying.

**83.1.127** The vehicle shall contain, but is not limited to the following equipment:

- Latent print recovery materials;
- Photography equipment;
- Crime scene sketching equipment and supplies;
- Metal detectors;
- Evidence vacuum;
- Forensic Light Source;
- Evidence storage containers, i.e., bags, containers.

#### **PATROL VEHICLE SUPPLIES**

**83.1.128** Patrol Deputy vehicles will be equipped with the following items for processing crime scenes:

- 20 evidence bags (clear);
- 20 evidence bags (paper);
- 1 latent print brush (camel hair);
- 20 latent print cards (white);
- 20 latent print cards (black);
- ½ oz. latent print powder (black);
- ½ oz. latent print powder (gray);
- 5 "Crime Scene" signs;
- 5 "No Trespassing" signs;
- 1 roll evidence tape;
- 1 roll frosted lifting tape.

**83.1.129** Rulers/straight edges, pencils for crime scene sketches

#### **TRAINING**

**83.1.130** Patrol Deputies are expected to perform specific functions when responding to a crime scene including the collection and preservation of physical evidence and activating the chain-of custody.

**83.1.131** The Volusia County Sheriff's Office Training Section shall provide and/or coordinate instruction on crime scene processing during the Field Training Evaluation Program (FTEP).

**83.1.132** The methods employed are:

- Lectures by experienced Detectives.
- The showing of current videotapes and slides.
- Having each Deputy perform practical exercises with a test to evaluate competency.

**83.1.133**Deputies shall be instructed and trained on:

- How to evaluate a crime scene to determine the potentiality and limitations of finding physical evidence. (FTEP)
- The roles of the Detective, Patrol Deputy and the Crime Scene Technician. (FTEP)

**83.1.134**Deputies shall be instructed in the collection methods and procedures for:

- Fingerprints.
- Footprints.
- Serology/DNA (e.g. blood)
- Touch DNA & Reference Samples
- Fibers.
- Fabrics.
- Weapons.
- Hair.
- Paint.
- Tool-marks.
- Requirements for the collection of known sources for comparison.
- Preservation methods for various forms of evidence.
- Chain-of-custody procedures.
- Crime scene sketches.
- Crime scene photography.
- Crime scene records.

**83.1.135**Refresher courses are given periodically by the Training Section per State requirements, Department policy and Deputy's request. (FTEP/In House Training)

**A.** Deputies may request such training as necessary to maintain proficiency.

**83.1.136**Deputies assigned as Crime Scene Technicians shall be trained, and shall demonstrate a level of expertise in all areas addressed in this Directive.

**83.1.137**Deputies assigned as Crime Scene Technicians shall be provided with periodic training to keep abreast of new techniques and equipment, and to maintain proficiency in their assignment.

## ATTACHMENT

**ATTACHMENT A:** Sworn Affidavit, Release of Premises/ Property Pending Probate

**ATTACHMENT B:** Illustration: Vehicle Processing - Placement of Evidence Tape

**Revised by:** 6760

**Revised on:** 08-2019

**Approved:**



**Michael J. Chitwood**  
**Sheriff, Volusia County**



# Sheriff's Office

## Volusia County

Michael J. Chitwood, Sheriff

### CURRENCY VERIFICATION FORM

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Case Number: \_\_\_\_\_

Location Found: \_\_\_\_\_

**Number of items:**

**Total Value:**

_____ Pennies	_____
_____ Nickels	_____
_____ Dimes	_____
_____ Quarters	_____
_____ Half dollar	_____
_____ One dollar coin	_____
_____ One dollar bill (\$1)	_____
_____ Five dollar bill (\$5)	_____
_____ Ten dollar bill (\$10)	_____
_____ Twenty dollar bill (\$20)	_____
_____ Fifty dollar bill (\$50)	_____
_____ One hundred dollar bill (\$100)	_____

\_\_\_\_\_ Other (describe) \_\_\_\_\_

\_\_\_\_\_ Other (describe) \_\_\_\_\_

\_\_\_\_\_ Foreign Currency: \_\_\_\_\_ #coins \_\_\_\_\_ #paper bills

**TOTAL AMOUNT OF CURRENCY:** \_\_\_\_\_

**Counted and Witnessed By:**

Case Deputy: (Print) \_\_\_\_\_ Initials/DID: \_\_\_\_\_

Verifying Deputy: (Print) \_\_\_\_\_ Initials/DID: \_\_\_\_\_

This form must accompany a property receipt listing the total amount of currency placed into Evidence/ Property.

**\*\*\* EVIDENCE SECTION USE ONLY \*\*\***

Verified By: \_\_\_\_ Audit Prior to Deposit \_\_\_\_ Upon Release

Verified by: \_\_\_\_\_ Verified by: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



Proper Location of Evidence Tape Minimizing Contact with Vehicle's Paint



[LOWER DOOR PANEL – DISTANCE ASPECT]



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Michael J. Chitwood

**Departmental Standards Directive**

**TITLE: DNA EVIDENCE &  
REFERENCE SAMPLES**

**CODIFIED:** 83.2  
**EFFECTIVE:** 10-2017  
**RESCINDS/AMENDS:** 83.2/01-2010  
**ATTACHMENTS:** 2

**PURPOSE**  
(CALEA 42.2.1 c, 42.2.2 c)

The purpose of this Directive is to establish specific guidelines concerning the collection and submission of DNA evidence. The directive will establish training protocols for those personnel authorized to handle DNA evidence and reference samples. General guidelines apply to all members who collect or process DNA evidence or reference samples in the performance of their duties.

**DISCUSSION**

Using DNA in solving cases where the identity of the offender is not known has made a major impact on law enforcement and criminal investigations. Personnel assigned to collect DNA evidence must have the advanced technical skills to identify, preserve, and collect DNA evidence and reference samples for successful analysis. All evidence and reference samples are to be submitted to either the FDLE Crime Laboratory or DNA Labs International, both of which are accredited through FBI acceptable accreditation: ASCLD/LAB or FQS-I.

**DEFINITIONS**

- A. Buccal Swab:** A sample of cells gathered from the inside surface of an individual's cheeks, which could be utilized as a reference sample of that individual.
- B. DLI:** DNA Labs International; a private lab used for the submission of DNA (primarily touch-DNA) in order to build a local DNA database.
- C. DNA:** Deoxyribo Nucleic Acid is a molecule carrying genetic information which, when properly analyzed, may identify the individual from whom it originated.
- D. DNA Evidence:** A swab sampling or object from a crime scene which an officer reasonably believes contains DNA material that may connect a suspect to a criminal incident.
- E. Oral Swab:** A buccal swab.
- F. DNA Evidence Sample:** A swab sampling or object from a crime scene which an officer reasonably believes contains DNA material that may connect a suspect to a criminal incident.
- G. DNA Reference Sample:** A reference sample is biological material in the form of blood or buccal cells taken from an individual whose identity is known. Reference samples may be taken from a victim, witness, suspect or other person of interest.

**DNA Secondary Reference Sample:** A secondary reference sample is material such as an item of personal use (i.e., toothbrush, hairbrush, etc...) collected from the dwelling of a known individual

or area known to be occupied by the individual which is likely to hold biological material of that individual.

- H. **Swab Kit** – A Department provided field kit for collection of DNA material. This kit contains a pair of disposable gloves, a face mask, a pair of sterile cotton tipped applicators, an ampoule of sterile water, and a paper envelope with a label.

## **POLICY AND PROCEDURE**

### **TRAINING REQUIREMENTS**

#### **RESPONSIBILITY FOR TRAINING**

**83.2.1** The Crime Scene Unit is responsible for providing initial and refresher training on the collection of DNA evidence and reference samples. Outside agency training by qualified DNA entities may also be utilized to meet initial and/or refresher training criteria, as determined appropriate by the Sheriff's Office.

#### **INITIAL TRAINING**

**83.2.2** Initial training shall be included in the Field Training and Evaluation Program and provided to all personnel who are assigned the collection and preservation of DNA evidence and reference samples. The training will encompass this directive, nomenclature of equipment, collection techniques ensuring the best documentation, processing, preservation and storage.

#### **REFRESHER TRAINING**

**83.2.3** Refresher training shall be administered at least once every two years, and when new or updated equipment is issued.

#### **LESSON PLANS**

**83.2.4** The Crime Scene Unit is responsible for the submission of approved lesson plans to the Training Section prior to training members. The lesson plan shall include:

- the type of equipment members will be trained on;
- collection techniques;
- processing;
- preservation, packaging, and storage;
- methods ensuring authenticity

#### **ATTENDANCE LIST**

**83.2.5** The assigned trainer is responsible for providing the Training Section a training roster of personnel who have completed this training.

### **DUTIES & RESPONSIBILITIES**

**83.2.6** The designated personnel will maintain the proper equipment and supplies required to recover and properly preserve the DNA evidence.

**83.2.7** Personnel will follow standard protocols established by agency directives for the collection of DNA evidence and reference samples.

**83.2.8** Not every evidence swab taken will be sent to the lab for testing. All DNA Reference Samples may still be considered for submission and shall be input into the Sheriff's Office Records Management System. Determining what swabs will be sent to the FDLE lab will be the responsibility of the District Lieutenant and/or the Major Case Unit Detective Sergeant. Most property crimes require only one or two sets of swabs.

**83.2.9** Laboratory processing of DNA Evidence and DNA Reference Samples is expensive. There is a substantial cost when DNA swabs are submitted to the laboratory even if no DNA material is found on the swab. For example: a



swab sent to DLI costs a minimum of \$195 each for screening. The analysis if DNA is found is above and beyond that. In order to continue using the benefits of DNA evidence the Department must assess if each submission is reasonable for the crime being investigated as well as the likelihood of success based on evidentiary considerations. The final authority on which swabs will be submitted for lab examination to DNA Labs International rests with the Investigative Services Commander and/or Lieutenant level designee.

**83.2.10** Elimination samples (DNA Reference Samples) should be taken and submitted along with the evidence samples.

**83.2.11** Requests for DNA laboratory analysis shall meet one or more the following criteria. Exceptions may be granted by the Investigative Services Commander and/or designee:

- Major crimes such as homicide, robbery, sex crimes
- Serial crimes, violent or property crimes
- High value property crimes.

#### **DNA COLLECTION OVERVIEW**

**83.2.12** Deputies/ Detectives shall be mindful of the following considerations when collecting DNA samples:

- A. Always wear gloves during the collection process. This will avoid contamination of suspect/victim DNA with that of the individual Deputy or Detective. In cases of touch-DNA (deposition of skin cells from touching an object/individual), contamination from failure to wear gloves can result in elimination of the suspect DNA all together as it is "replaced" by the collector's DNA.
- B. Always wear a mask when working over/around DNA. An accidental sneeze, cough, clearing of the throat, or simply breathing/ talking over the target area can transfer the collector's DNA resulting in contamination of the sample.
- C. In collecting potential touch DNA, the area/object must be "scrubbed" with the swabs for at least 3-5 full minutes. A properly exposed swab should appear tattered or worn as compared to an unused swab.
- D. Prior to processing the crime scene, the Detective should consider the sequence of processing so as not to contaminate or inadvertently eliminate touch DNA. (e.g. stolen license plate – bolts fastening the plate to the vehicle may be a source for touch DNA; "scrubbing" the bolts with swabs prior to removal of the stolen plate may result in a DNA profile).
- E. A fingerprint brush and powder used at other crime scenes will contaminate a DNA sample. Use of oblique lighting (shining a flashlight across a surface instead of directly at the surface) normally makes latent fingerprints visible. Hand smears and unidentifiable ridge detail are good choices for DNA swabs, but clear identifiable fingerprints should be developed and lifted without destroying the latent by swabbing.
- F. Items that destroy DNA include bacteria, humidity, and heat/sunlight. Those items that may deteriorate over time (e.g. food items such as an apple or cookie that has been bitten into) should be "scrubbed" with the swab as soon as possible during scene processing. The dried swabs provide a stable indefinite shelf life for future DNA analysis when kept at room temperature (do not refrigerate).
- G. When a Deputy or Detective collects potential DNA in any form it should be packaged in a paper envelope or bag (not plastic) prior to transport to a district office or the Evidence Section. Any article of DNA evidence should not be kept in the trunk of a vehicle where it will be exposed to heat. The air-conditioned cabin of a vehicle is sufficient to preserve DNA evidence and should be used for temporary storage when transporting.

#### **AUTHORIZED CIRCUMSTANCES FOR COLLECTION OF DNA REFERENCE SAMPLES**

**83.2.13** Collection of reference samples may occur one of four (4) ways:

- A. **Consent** - An individual consents to providing a swab or other material directly from his body. Consensual swabs may be collected from suspects (if arrested, suspect must consent), victims, witnesses or other persons of interest for elimination purposes. The consensual DNA donor must consent to giving the oral swab specifically for DNA purposes. The donor's written consent must be obtained on a *DNA Consent form* (Attachment A).

- B. Abandonment** - An individual abandons material that an officer can directly attribute to that particular person from first hand observations; e.g. blood on a cloth, saliva left on a drink container. The officer collecting the DNA must have reasonable suspicion that the person has committed a particular crime. Collect "suspect" reference items ONLY from suspects of specific crimes; e.g. reasonable suspicion, arrested persons, persons for whom you have probable cause.
- C. Seizure** - Material from a person in custody is legally seized by law enforcement or a deputy obtains material likely to produce DNA during the processing of a prisoner, e.g. breathalyzer mouth piece, handcuffs or gloves.
- D. Court Order** - A person is compelled by a court order/search warrant to provide a sample, as per the order or warrant. Except by court order, duress or force will NOT be used to obtain a DNA reference sample.

#### **PROCEDURE FOR DNA EVIDENCE COLLECTION**

**83.2.14** All DNA sampling will be performed wearing gloves; care will be taken not to contaminate the evidence or location. If DNA samples are being collected from a crime scene, it should be done after the scene has been photographed and/or video recorded. For most items, one set of swabs should be taken; hold both swabs together to swab the item.

**83.2.15** The preferred method of collection for a reference sample is to use the buccal swab method, or swab the surface upon which the DNA has been deposited with sterile supplies provided by the Agency. However, deputies may package and send an object that they can verify has a subject's DNA on it. NOTE: If, however, the object may deteriorate or breakdown, thus compromising a potential DNA profile, the Deputy should swab the area of the item most likely to have deposited DNA with the sterile swabs and place them in the envelope provided.

**83.2.16** The name of the deputy on DNA reference items MUST be the deputy who actually obtained consent, saw the person in possession when abandoned, or captured the surreptitious sample. The deputy who collects the sample will package it according to the following procedures and place his name upon the package to document that he is the originating deputy who collected the sample regardless of who the investigating deputy is.

**83.2.17** Personnel collecting DNA Evidence will submit the item(s) to the Evidence Section for safekeeping. Items will be properly sealed in paper material, with evidence tape. Each item shall be packaged individually. Multiple DNA evidence items may not be packaged together. Chain of custody will be maintained on all submitted items. Labeling will be in accordance with Standards Directive 83.1.

#### **EQUIPMENT AND PROCESSING: SWABS, WATER, AND PACKAGING**

**83.2.18** All swabs will be long-handle sterile cotton swabs from sealed packages. DO NOT save opened packages of swabs or use swabs from previously opened packages.

**83.2.19** If swabs are to be moistened, use ONLY the sterile water provided by the agency; if a swab becomes dry, it may be slightly re-moistened using the sterile water.

**83.2.20** Do not breathe or cough on or near the swab, as this could contaminate the sample with your DNA.

**83.2.21** Do not lay the swabs (cotton sample end) on any surface. This could contaminate the sample.

**83.2.22** Only sterile water provided by the agency will be used. Place 3-5 drops on the swab .

**83.2.23** When finished with collection, place swab back into the original sterile sleeve/ package, then seal in a paper evidence envelope. All DNA swab evidence envelopes shall have a biohazard warning label affixed.

**83.2.24** All swabs are to be placed into swab sleeve/ package and sealed in envelopes with a minimum of the case number, item number, name and DID of the collecting deputy, date collected, and description of item or area swabbed.

**83.2.25** All DNA Reference Samples shall be packaged as above and will include the full name and date of birth of the subject the sample was collected from. Great care should be taken to ensure the information is accurate and consistent on the sleeve, paper envelope, and property report featuring the item.

**83.2.26** All other known reference samples e.g. hair, gum cigarettes, should be placed into a small sterile paper envelope then sealed in a large envelope with the subject's name and date of birth, as well as the case number, item number, name and DID of the collecting deputy, clearly printed on the label. As above, great care should be taken to ensure the information is accurate and consistent between the packaging and the property report featuring the item.

**83.2.27** "Evidence Samples" are to be placed into their original swab sleeve or in small paper envelope when appropriate. These items will then be sealed in envelopes with the appropriate evidence label and information completed as described above.

**83.2.28** Envelopes should be sealed using evidence tape. DO NOT LICK THE SEAL!

#### **OBTAINING A SAMPLE FROM POOLED BLOOD**

**83.2.29** Use 3-5 drops of sterile water on a clean sterile cotton swab.

**83.2.30** Use the side of the swab to obtain the sample. Roll the swabs between the fingers of your gloved hand while scrubbing in order to expose the entire swab to the evidence being collected.

**83.2.31** If the pool of dried blood is thick, you may place a drop or two of sterile water on the dried blood to help reconstitute the blood.

**83.2.32** The sample shall be placed back into the original swab sleeve.

#### **OBTAINING A SAMPLE FROM HAIR**

**83.2.33** The hair sample MUST have roots attached to obtain nuclear DNA.

**83.2.34** The sample MUST be placed into the envelope provided. Any other container could allow the sample to be damaged or lost altogether.

#### **OBTAINING A REFERENCE DNA SAMPLE FROM A PERSON**

**83.2.35** A DNA sample can be collected from victims, witnesses, suspects and/or any other persons of interest (field investigations are included).

**83.2.36** To take the sample, use a dry clean sterile cotton swab. Roll the swabs between the fingers of your gloved hand while scrubbing it back and fourth on the inside of the person's cheek, for 10 seconds. Place the swab back into the original swab sleeve, and seal in an evidence envelope. The subject's name and date of birth will appear on the exterior of the evidence envelope. These samples MUST be voluntary. If the subject refuses, a warrant must be obtained.

**83.2.37** Voluntary samples require the test subject's signature on a DNA consent form (Attachment A).

#### **OBTAINING AN EVIDENCE SAMPLE FROM TOUCH DNA**

**83.2.38** Touch DNA can be obtained when a person touches an inanimate object. Some examples of touch DNA include vehicle door handle, steering wheel, gearshift, handcuffs, home door knobs, windows and levers (contact areas where gripping or friction occurs).

#### **SAMPLING A VEHICLE, BUSINESS OR RESIDENCE**

**83.2.39** Place 3-5 drops of sterile water on a clean sterile cotton swab.

**83.2.40** . Roll the swabs between the fingers of your gloved hand while scrubbing the area of interest in order to expose the entire swab to the evidence being collected.

**83.2.41** Recommended areas to be sampled in a vehicle include any known interior areas which a deputy reasonably believes a suspect had contact with. Search for straws, toothpicks and drink cups that the suspect may have put in their mouth.

**83.2.42** Recommended areas to be sampled in a business or residence are any known interior or exterior areas which a deputy reasonably believes a suspect had contact with.

**83.2.43** Common sense and analytical consideration should be used to determine the most probative items for collection.

**83.2.44** When an individual abandons material that a deputy can directly attribute to that particular person from first hand observation and the deputy collecting the DNA has reasonable suspicion that the person has committed a particular crime, samples may be collected.

**83.2.45** Collect suspected reference items **ONLY** from suspects of specific crimes (reasonable suspicion, arrested persons, persons for whom you have probable cause).

#### **MISCELLANEOUS ITEMS FOR SAMPLING**

**83.2.46 Cigarette butts** - Cigarette butts should be collected whole while wearing gloves. Care should be taken when picking up the cigarette butts. Place into a manila or paper envelope.

**83.2.47 Chewing gum** - The gum should be air dried and placed into a forensic paper fold and then placed into a manila envelope. Care should be taken when picking the gum up. Use gloved hands.

**83.2.48 Bite marks on the victim** - Bite marks can be sampled in the same manner as pooled wet blood.

**83.2.49 Glass or plastic drinking containers** - Take the entire object and place it into a paper bag. If you need to process for latent prints, DNA should be done first. When obtaining the standard, **DO NOT** swab the area where the latent prints may be located on the container, rather swab the area around the lid or mouthpiece of the container. Use only a moistened swab; DNA could be all the way around the container. Use one swab for the outside of the container and another swab for the inside of the container.

**83.2.50 Used tissues** – Tissues should be taken whole. Care should be taken when picking the tissue up with gloved hands. . Place into paper envelope.

**83.2.51 Group of casings** – a group of casings in the same location should be scrubbed on 1 swab for 3-5 minutes.

**83.2.52 Firearms** – Swab firearms prior to packaging as evidence. Consider that grips or other high-friction areas are likely to contain DNA while smooth surfaces such as the magazines will often contain fingerprints.

#### **DOCUMENTATION & REPORTING**

**83.2.53** Personnel tasked with the collection of any DNA evidence shall complete a report which shall include:

- A.** The reason for collection (court order, reference sample, etc.).
- B.** Location where evidence was collected from, including address; if not from a person, specify the article and type.
- C.** Method of collection used.
- D.** Procedures taken to safeguard the evidence.

**83.2.53** Each item of DNA evidence must be individually listed on both the *VCSO* property report and the *Laboratory Case Submission* form. Item numbers must be the same on both forms.

#### **TRANSMITTAL OF DNA EVIDENCE**

**83.2.54** If a laboratory analysis of DNA evidence is needed, the deputy collecting the DNA evidence shall complete a *Laboratory Case Submission Form* (Refer to Attachment B). The deputy will not sign the *Laboratory Case Submission Form*.

**83.2.55** The *Laboratory Case Submission Form* is placed in the designated district temporary evidence locker (a locker accessible only by the District Lieutenant and/or designee) with the DNA evidence and the transmittal copy of the Department Evidence Report form.

#### **83.2.56 District Lieutenant Responsibilities**

- Check the subject of a DNA Reference Sample against RMS subject records in order to identify if the subject's DNA is already available for comparison. If a received DNA Reference Sample subject is not in RMS, then enter a flag and remark into RMS. The remark shall be the case number relevant to the submission, the DNA flag code and whether the DNA Reference Sample was sent to the Evidence Unit for storage or for submission to the laboratory.
- Authorized RMS flag codes are **DNA** (for DNA Reference Sample received and sent to the Evidence Unit for storage only) and **DNS** (for DNA Reference Sample sent to Evidence Unit for laboratory submission). Duplicate DNA Reference Samples may be submitted to the Evidence Unit for destruction.
- Inspect the DNA submission and determine what samples are to be sent for laboratory analysis then sign the form as the approving authority. The District Lieutenant may only approve Nuclear DNA Analysis, which is the basic

service. Only the Investigative Services Commander or designee may authorize advanced analysis such as Y-STR or Minifiler.

- The DNA evidence is then placed into a regular evidence locker for pickup by the Evidence Unit.

**83.2.57** The Major Case Unit Detective Sergeant is authorized to act as the approving authority for DNA evidence collected by the Crime Scene Unit.

**83.2.58** DNA evidence that is intended for FDLE analysis will require documentation and handling as used for any other evidence sent to FDLE for analysis (Refer to Standards Directive 83.1 and the *Crime Laboratory Evidence Submission Manual*, Florida Department of Law Enforcement, for specific guidance on DNA submissions to FDLE; located on the agency intranet under *Manuals & Department References*.)

**83.2.59** The Evidence Section is responsible for shipping internal DNA evidence, including DNA Reference Samples, to FDLE or DNA Labs International and storing the evidence upon return. DNA Evidence that does not have an approved *Laboratory Case Submission Form* will not be shipped to DNA Labs International.

**83.2.60** The Evidence Section shall modify the RMS flags and remarks as needed to accurately describe the status and location of the evidence or reference samples.

**83.2.61** DNA Reference Samples that are not sent for laboratory analysis shall be maintained indefinitely. All other DNA evidence and samples returned from the lab may be disposed of in accordance with current evidence procedures and Florida State Statute.

**83.2.62 Outside Agencies** - Other law enforcement agencies in Volusia County may submit DNA evidence to the Volusia County Sheriff's Office for shipment to DNA Labs International. The requesting agency must complete the *Laboratory Case Submission Form* and deliver it with the DNA evidence to the Major Case Unit Detective Sergeant Supervisor at the Operations Center. Returning evidence shall be shipped to the originating agency.

#### ATTACHMENTS

**ATTACHMENT A: DNA Consent Form**

**ATTACHMENT B: DNA International - Laboratory Case Submission Form**

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**Revised by:** 2106/6760

**Revised on:** 12-29-2009; 10-2017

**Approved: 10-01-17**



**Michael J. Chitwood**  
Sheriff, Volusia County

**VOLUSIA COUNTY SHERIFF'S OFFICE**  
**DNA INVESTIGATIVE COLLECTION FORM**

Location Specimen Collected:				Case #:		Zone:			
Type of Incident:			Deputy/Detective:			Officer's ID #:		Date:	
<b>Voluntary</b> <input type="checkbox"/> (Have subject sign consent statement)					<b>Court Order</b> <input type="checkbox"/> (Copy of Court Order should be attached)				
<b>Collection Information</b> (Print Legibly)									
Last Name			First Name						
DOB:	Race:	Sex:	DL #:	Address:					

SUBMITTING AGENCY	
Agency Name	VOLUSIA COUNTY SHERIFF'S OFFICE
Address	123 W. INDIANA AVE., DELAND, FL 32720

SAMPLE COLLECTION CERTIFICATION	
<p>I hereby certify that I have on this date collected an oral specimen from the named individual, who was positively identified to me using one or more of the following means (check appropriate statement, sign &amp; print name)</p> <p>Visual inspection of the individual's photo ID or some other official form of identification:</p> <p><input type="checkbox"/> D.L. # _____ <input type="checkbox"/> Other _____</p> <p>_____ Signature of L.E. Officer</p> <p>_____ Signature of L.E. Supervisor</p> <p>_____ Print Name &amp; ID #</p> <p>_____ Print Name &amp; ID #</p>	

CONSENT TO COLLECT DNA	
<p>I, _____, do hereby voluntarily give Deputy/Detective _____ and any other authorized personnel of the Volusia County Sheriff's Office, permission to obtain a DNA (Deoxyribonucleic acid) sample from my person or property. I understand that this DNA sample could provide genetic information that may identify individual persons. I further realize that I could refuse to allow permission for obtaining a DNA sample and that the genetic information gained could be used against me. I have not been promised anything in return, nor have I been threatened. I further state that I will hold Deputy/Detective _____, the county of Volusia, the Volusia County Sheriff's Office, and all or any of its personnel harmless in regards to this matter.</p> <p>_____ DNA Donor</p> <p>_____ Date</p> <p>_____ Witness</p> <p>_____ Date</p>	

NARRATIVE	

EVIDENCE RECEIPT			
FROM:	TO:	REASON:	DATE:



## Case Submission Form

Client Name:

Client Case #:

DLI Lab #:

Victim:

Offense:

Suspect:

Date:

Please check one of the following:

☐ **Original Evidence Submission**    ☐ **Re-submission**

Please check one of the following:

☐ **Normal Processing**    ☐ **Rush Processing** (additional fees may apply)  
Please contact the lab for pricing.

### Authorized Point(s) of Contact:

Name:

Agency:

Title:

Telephone Number:

Fax Number:

Cell phone:

Email Address:

Address (Line 1):

Address (Line 2):

City:

State, Zip:

### Case Authorization:

*I hereby certify that the information provided above on this Case Submission Form is accurate to the best of my knowledge. I understand that I will be charged for services according to the fee schedule that I have received.*

Signature: \_\_\_\_\_

Print Name:

Issuing Authority: Laboratory Director  
ADM Form 15  
Date of Issue: 8/5/2008  
Revision #: 1.8

Client Case #: \_\_\_\_\_

DLI Lab Case #: \_\_\_\_\_



**DNA LABS**  
INTERNATIONAL

EXPERIENCE • TECHNOLOGY • RESULTS

**Case Description and Background** (please attach any relevant documents)

**DNA Testing Needs** (please describe your objective of the DNA test)

Issuing Authority: Laboratory Director  
ADM Form 15  
Date of Issue: 8/5/2008  
Revision #: 1.8

Client Case #: \_\_\_\_\_

DLI Lab Case #: \_\_\_\_\_





Please indicate below if the **billing contact and address** are different from the POC on page 1.

Name:
Agency:
Title:
Telephone Number:
Fax Number:
Cell phone:
Email Address:
Address (Line 1):
Address (Line 2):
City:
State, Zip:

Please indicate below the **Courier and Account Number** to be used to return the evidence.

Courier:
Account Number:

Please submit a completed form with the evidence. All evidence items should be shipped to the address below via delivery that requires signature receipt. If evidence items are perishable, please ensure that the evidence is sent on dry ice. All evidence items must be properly sealed.


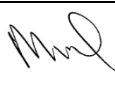
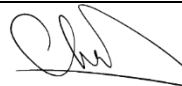
Send to:

DNA Labs International  
ATTN: Case Evidence  
240 SW Natura Avenue  
Deerfield Beach, FL 33441  
954.426.5163

Issuing Authority: Laboratory Director  
ADM Form 15  
Date of Issue: 8/5/2008  
Revision #: 1.8

Client Case #: \_\_\_\_\_

DLI Lab Case #: \_\_\_\_\_

	<b>VOLUSIA SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b> <b>GO-084-01</b>	<b>Distribution</b> All Personnel	<b>Reissue/Effective Date</b> 08/19/2020
		<b>Original Issue Date</b> 05/1991	<b>Previous Revision Date</b> 02/06/2020
<b>Title</b> <b>EVIDENCE MANAGEMENT</b>			
<b>Section</b>		<b>AUTHORITY OF</b>  /  MICHAEL J. CHITWOOD, SHERIFF	

*To protect and serve with courage, honor and integrity by fighting crime, maintaining trust, and building community partnerships.*

## I. PURPOSE

The purpose of this general order is to establish guidelines and responsibilities for the storage of evidence and property within the Evidence Section of the Support Operations Division of the Volusia Sheriff's Office.

## II. DISCUSSION

This general order will address evidence and property in the custody of Volusia Sheriff's Office and that which is acquired by Volusia Sheriff's Office as found, recovered, or evidentiary property. The Volusia Sheriff's Office Evidence Custodian shall develop and maintain strict controls with respect to the handling, security, and disposition of property.

## III. POLICY

It shall be the policy of the Volusia Sheriff's Office that all in custody or evidentiary property in the custody of or acquired by Volusia Sheriff's Office shall be turned over to the Evidence Section. The Evidence Custodian shall be responsible for control of all property stored in Volusia Sheriff's Office evidence facilities and compounds.

## IV. PROCEDURE

### A. ADMINISTRATION

1. All in custody or evidentiary property shall be stored in Volusia Sheriff's Office property and evidence storage facility, or in a secured compound, with access limited to authorized personnel.

### B. STORAGE AREAS

1. Volusia Sheriff's Office maintains its primary storage facility at 3887 Tiger Bay Rd., Daytona Beach, FL. The facility serves as:
  - The evidence storage facility; and
  - The main vehicle storage compound.

### C. RETENTION OF PROPERTY BY DEPUTY

1. All property coming in to a Deputy's custody shall be turned in, complete with all proper documentation, as soon as possible after being received by the Deputy. All property shall be turned into a designated temporary evidence locker or the Evidence Section. Deputies or Detectives shall not retain evidence or property beyond their tour of duty each day. Exceptions must be approved by a supervisor.

### D. PROPERTY DESCRIPTION

1. All property shall be recorded as specified in general order GO-083-01 Collection of Evidence. This shall include a complete description of each item of property on the property report in the property listings section. Each report shall describe in detail how and why each piece of property came into the Deputy's possession.

## **E. EVIDENCE LOCKERS**

1. Secure evidence lockers are located in each District, Courthouse and the Operations center for the purpose of temporary storage of evidence, found, recovered, or in-custody property. These lockers may be used at all times and shall be used whenever the evidence facility is closed.
2. Evidence lockers are equipped so that items may be stored inside the locker and, once locked, cannot be reopened except by the Evidence Technicians who maintain the only keys.
3. All paperwork associated with the property shall be placed inside of the locker with the property. (Refer to general order GO-083-01 Collection of Evidence)
4. Property placed inside evidence lockers shall be picked up according to the following schedule:
  - **Central Operations Center** – Picked up daily, Monday through Friday.
  - **District Two** – Picked up daily, Monday through Friday.
  - **District Three** – Picked up Monday, Wednesday, and Fridays.
  - **District Four** – Picked up Monday through Friday.
  - **District Five** – Picked up Monday, Wednesday, and Fridays.
  - **District Six** – Picked up Monday, Wednesday, and Fridays.
  - **Other locations of low-use (e.g. Courthouse and annexes, Special Services, and Daytona Beach International Airport)** – Picked up upon notification by respective personnel on-site that property/evidence has been collected and is secured at the site.
5. In the event any lockers should become full or evidence needs to be picked up for any other reason, the on-call Evidence Section member shall be called to pick up stored property.
6. Any District which has deposited large amounts of drugs or money into its District evidence locker shall notify the Evidence Section of that fact. In such cases, it shall be the respective District Commander or designated supervisor's responsibility to assign a sworn deputy to either transport the drugs and/or money directly to the evidence facility, or to escort the civilian evidence technician to the main evidence facility. A large amount of drugs would be any amount that meets Florida Statutes requirements for trafficking and/or an amount that cannot be secured safely/adequately within the available evidence lockers. Exception: In the case of small quantities of narcotics, pills, etc. that require little storage space, but due to their drug classification meet the requirements for trafficking (e.g. 4 Oxycodone pills, heroine, etc.), the evidence may be submitted and temporarily stored at the District until the scheduled pickup established by Evidence personnel. In such instances, the evidence must be able to be submitted safely/adequately into the evidence locker without presenting the potential for retrieval via the open entry point to the locker. A large amount of money would be any amount over two thousand dollars (\$2,000.)

## **F. PHYSICAL SECURITY**

1. All buildings utilized for the storage of evidence shall be electronically alarmed both inside and outside; additional storage pods, trailers, and/or sheds shall remain within the secured fenced-in compound which shall also be electronically alarmed and fitted with surveillance cameras. Storage units within the fenced-in compound will not be used to house high liability items.
2. Storage areas utilized for the storage of vehicles shall be fenced with a barbed wired top. These areas shall be electronically alarmed and routinely checked by zone units.

## **G. SECURITY PROCEDURES**

1. Only those persons assigned directly to the Evidence Section shall have the authority to access secured areas.
2. No employee will transport evidence in their privately owned vehicle.
3. No civilian employee will transport large amounts of drugs or money, as defined above, without an escort by a sworn Deputy.

4. Probationary employees will not perform evidence pickups from the Districts, make lab runs, have access to high liability storage areas, lock up at night, or be on call for alarm or other problem responses to the evidence facility. Such employees may perform all of the above when accompanied by a non-probationary trainer.

## **H. SECURITY PROCEDURES – MAIN EVIDENCE FACILITY**

1. A sign-in log is located in the front lobby. All persons entering the evidence facility must sign in and out.
2. The metal door between the main administrative office and the evidence processing room shall be kept closed and locked at all times when the main administration area is entered by anyone other than persons regularly assigned to that facility.
3. All persons not regularly assigned to the evidence facility will require an escort to any location where evidence is stored, processed or viewed.
4. The vehicle keyboards are located in the processing/logging room. Access to this board shall be limited to evidence personnel.
5. Any employee working late or on weekends will close and lock the main roll gate, park in plain view in the front of the building, activate the perimeter alarm and all internal alarms while shunting out only those zones necessary for job accomplishment.
6. At the end of each work day, all keys to the high security internal doorways, bins, cells, and other storage areas within the evidence facility shall be secured in the key lockbox and so noted on the key log. A perimeter check will be made at the end of each day to ensure that all locks are secure, video cameras are functional, and all alarms have been armed.

## **I. RECEIPT OF PROPERTY INTO EVIDENCE**

1. Evidence personnel shall log all property upon receipt or as soon as possible after receipt at the Evidence Section.
2. It shall be the responsibility of Deputies bringing evidence into the facility to stay with the evidence until properly received.
3. All evidence submissions consisting of large, bulky or numerous items will enter the main evidence facility via the rear door. A desk is provided in the hallway for deputies to complete their paperwork. Evidence will not be brought into the main processing area until the paperwork is completed.
4. All items shall be entered into the RMS computer system with a storage location; RMS generates an inventory control number for each entry.
5. Items small enough shall be placed into a folder with the following on the outside of the folder:
  - Inventory number;
  - Storage location;
  - Case number.
6. The item shall then be placed into its assigned storage location.

## **J. ATF eTRACE FIREARM TRACING SYSTEM**

1. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) eTrace system is an Internet-based firearm trace request submission system that provides for the electronic exchange of traced firearm data in a secure internet-based environment.
  - a. Approved Volusia Sheriff's Office personnel can electronically submit firearm trace requests, monitor the progress of traces, retrieve completed trace results, and query firearm trace related data stored by the National Tracing Center.
  - b. Firearms tracing is the systematic tracking of the movement of a firearm from its creation by the manufacturer or its introduction into U.S. commerce by the importer, through the distribution chain to the first retail purchase. The ATF eTrace system is only authorized to trace firearms suspected to have been used in a crime referred to as Crime Gun.

- c. Crime Gun is defined as any firearm that is illegally possessed, used in a crime, or suspected to have been used in a crime. An abandoned firearm may also be categorized as a crime gun if it is suspected it was used in a crime or illegally possessed.
  - d. Comprehensive Firearms Tracing is the routine tracing of every crime gun recovered within a geographic area or specific law enforcement jurisdiction. It is the policy of the Volusia Sheriff's Office to maintain a Comprehensive Firearms Tracing program.
- 2. The ATF eTrace System is a secure database managed by the ATF. Only approved users with legitimate law enforcement purpose will be allowed access. Any misuse of the eTrace system will be governed as defined in general order GO-026-02 Standards of Conduct IV.E.9.n. Access, Use of Secure/Restricted Databases.
- 3. The Volusia Sheriff's Office eTrace Point of Contact (POC) will maintain the Memorandum of Understanding (MOU) as agency heads change and or POC's change within the agency. The POC is the Volusia Sheriff's Office Investigative Services Section Division Chief and/or designee.
- 4. The eTrace POC will be responsible for approving agency users and will maintain the agency eTrace approved user group. The POC will revoke access to eTrace for all person(s) no longer employed by the agency or who do not have a legitimate purpose for access to the ATF eTrace system.
- 5. Personnel requiring access to the eTrace System will contact the POC via email requesting approval. The POC will enter the requester's information into the approved users section of the eTrace system. The requester's information will be vetted by the ATF and if approved the requester will receive an email from eTrace with directions on obtaining access and assigning a password.
- 6. All firearms, found, recovered or received by Deputies/Detectives for evidentiary purpose, or requiring additional investigation to determine the firearm's disposition, shall be entered into the ATF eTrace system for origin documentation. Firearms designated as "seized or confiscated" for civil process shall not be entered into the eTrace system unless other circumstances exist that cause them to be classified as crime guns.
- 7. As part of a criminal investigation, Deputies/Detectives that recover firearms for evidentiary purpose or requiring additional investigation to determine the firearm's disposition, will complete the eTrace Request Form (#062616.001) documenting all pertinent identifiers of the firearm. The eTrace Request Form is located on the Volusia Sheriff's Office Intranet, Agency Forms, Investigative Forms section, "eTrace Request Form." The eTrace Request Form will be emailed directly to the Volusia County Crime Center (VCCC) at [etrace@vcso.us](mailto:etrace@vcso.us) before the firearm is submitted into evidence. (eTrace Request Form #062616.001, See attachment)
- 8. The VCCC will vet all eTrace requests received to validate the trace request is part of a criminal investigation. The VCCC will enter the eTrace request as received into the eTrace system within 30 days of receiving the eTrace request. Once the eTrace Report is received back from the eTrace system, the VCCC will log the eTrace Report on the VCCC web page, eTrace Reports, logging the eTrace report by the original Volusia Sheriff's Office case number and by year.
- 9. Training for the use of the ATF eTrace system will be conducted on-line by utilizing the eTrace Quick Reference Guide and the ATF eTrace Comprehensive Instruction Manual found on the ATF eTrace website.

## **K. DISPOSAL OF FIREARMS**

- 1. Citizens who wish to dispose of firearms may turn them into the Sheriff's District Offices. For safety reasons, firearms must be turned over to a Deputy and not to non-sworn personnel.
- 2. Firearms should be unloaded and an NCIC check must be made at the time it is turned in. After the NCIC check is complete, the Deputy must complete a property form and turn the weapon over to the District Commander or Division Chief or designee.
- 3. The District Commander, Division Chief or designee shall deliver the firearm and accompanying paperwork to the Evidence Section where it will be held for 90 days and then disposed of in accordance with established Evidence Section procedures governing firearms.
- 4. In the case of incapacitated persons who are unable to deliver a firearm to the District office, the District Commander will make arrangements for a Deputy to pick it up at the person's home.

## **L. VEHICLES**

1. Vehicles shall be photographed upon arrival and the photographs placed in a folder in a vehicle file while the vehicle is in storage. Photos shall include:
  - All four sides including the tag.
  - Any damage upon arrival.
  - Wheels, if of a custom or fancy design.
  - The interior, to include any aftermarket electronics and items of obvious value.
2. Keys to vehicles shall be secured on a keyboard for access and maintenance purposes.
3. A maintenance record will be kept on all vehicles stored at the evidence facility. All vehicles secured at the evidence facility will be maintained regularly in accordance with an established maintenance schedule.

#### **M. ACCEPTANCE AND RELEASE OF NARCOTICS AND DANGEROUS DRUGS (CONTROLLED SUBSTANCES)**

1. Narcotics and dangerous drugs, except in rare occasions, shall not be accepted into evidence unless packaged by the investigating Deputy. It shall be officially sealed in a tamper-proof protective package.
2. Narcotics/dangerous drugs that are sent to the laboratory shall be delivered in the original tamper-proof package after examination to verify the package has not been tampered with. The package will be opened at the laboratory and officially resealed by the laboratory prior to being returned.
3. In the event extremely large amounts of narcotics/dangerous drugs are seized, and they are not or cannot be packaged in a manner which is tamper-proof, immediate arrangements shall be made to document the seizure and have it destroyed.
4. Narcotics/dangerous drugs which are in tamper-proof packages shall be counted and recorded as to the number of packages. Prior to any transmission of evidence the packages shall be inspected to ensure they have not been tampered with and re-counted to verify quantity.

#### **N. PRESCRIPTION MEDICATIONS FOR DISPOSAL**

1. Individuals who wish to dispose of prescription medications may turn them into the Sheriff's District Offices or have a deputy pick them up. All prescription medications must be turned over to a Deputy and not to non-sworn personnel.
2. In the presence of the deputy, the individual will place all respective medications to be disposed of into a labeled evidence bag; the evidence bag will be properly sealed, dated and initialed by the deputy; the individual turning in the medications will also date and initial over the seal.
3. The deputy will deliver the sealed prescription medications along with the completed property report to the District Office evidence locker labeled "Rx for Disposal" prior to the end of his shift.
4. Once received by Evidence, personnel will schedule the disposal of these medications as expeditiously as available manpower will allow.
5. Prior to disposal, members of the Professional Compliance Unit will conduct a destruction audit, secure the inventory for disposal and escort Evidence personnel to the disposal site; all medications will be destroyed by incineration in accordance with procedures outlined below under Destruction of Property.

#### **O. STORAGE OF PROPERTY**

1. Items of property requiring increased protection shall be segregated and locked inside a secured and separate area within the evidence storage facility. These security risk items shall include, but are not limited to:
  - Currency or negotiable instruments;
  - Precious metals;
  - Jewelry;
  - Gemstones;
  - Firearms;

- Controlled substances;
- Collectibles.

## **P. REFRIGERATORS**

1. Refrigerators shall be located at the evidence storage facility and at all Districts.
2. Evidence utilizes walk in coolers for long term storage; a small refrigerator is located in the processing in-take room for the temporary storage of property until processed into the facility.
3. District refrigerators are designed to accommodate perishable evidence from two separate cases until picked up by an Evidence Technician. Each refrigerator will contain a secure locking container. When securing the evidence in the District refrigerator, the locking container will be used first and subsequently secured. This will leave the refrigerator compartment available to secure perishable evidence from a second case, if needed, prior to pick up by the Evidence Technician. When perishable evidence from a second case is stored, the refrigerator door shall then be locked rendering it unavailable for any further storage; Evidence will be notified if not already scheduled for a pick up.
4. Evidence personnel shall have the only keys to the interior lock boxes and the refrigerators.

## **Q. TEMPORARY RELEASE OF PROPERTY**

1. Property shall be temporarily released by the Evidence Section for reasons including, but not limited to, the following:
  - Investigation;
  - Court purposes;
  - Lab analysis.
2. The appropriate paperwork will be signed when the property is released from and returned to the Evidence Section in order to maintain the property's chain of custody.
3. The property's record in the RMS computer system shall be updated to correctly reflect the property's status when released and returned, as soon as possible by Evidence Section members.

## **R. DISPOSITION OF PROPERTY**

1. The Deputy shall make an attempt to locate and notify the owner of the property in custody. The status of the attempt shall be recorded on the property report form. If the Deputy is unable to notify the owner the Evidence Section shall then be responsible for notifying the owner once the property is received into the Evidence Section. If located, the owner shall be notified of the status of their property and the procedure for its return.
2. Final disposition of all property shall be accomplished within six months after legal requirements have been met. This shall be accomplished by prompt, authorized property removal (final disposition/destruction).
3. The Evidence Section shall determine the final disposition of all cases involving the impoundment of property by this agency. Authorization for disposal will be predicated upon one of the following:
  - a. State Attorney's Office case disposition form.
  - b. Volusia Sheriff's Office property disposition form.
  - c. Expiration of statutory limitations as cited in Fla. Stat. § 775.15 for the prosecution of a specific offense if a warrant is not on file or the case does not result in an arrest.
  - d. Identification of and return to the true owner.
  - e. Expiration of the statutory holding period and completion of proper procedure as outlined in Chapter 705, Florida Statutes.
  - f. Court order
  - g. Central Records section disposes of the case file according to Fla. Stat. § 119.
4. On those cases not filed with the State Attorney's Office, (unknown suspects) evidence will be held as follows:



- a. Capital or life felonies - indefinitely.
  - b. Kidnapping (if unsolved) - indefinitely.
  - c. Missing persons (if unsolved) indefinitely.
  - d. Other felonies - five (5) years (unless released by a Deputy/Detective).
  - e. Misdemeanors - three (3) years (unless released by a Deputy/Detective).
5. All felony cases, in which a guilty verdict is returned and defendant is sentenced to state prison are subject to appeal and the evidence shall not be routinely disposed of. These cases must be reviewed on a case by case basis with the State Attorney's Office.
  6. Evidence personnel shall check for multiple defendants in the case and shall not dispose of the evidence until all cases have met the requirements established under this Section.

## **S. CATEGORIES OF DISPOSAL**

1. Methods of disposal of property in the custody of the Volusia Sheriff's Office shall fall under one of the following categories:
  - a. Return to rightful owner. This is done in compliance with Volusia Sheriff's Office general orders, authorization from State Attorney's Office, Volusia Sheriff's Office Legal Advisor, court order, and Fla. Stat. § 90.91.
  - b. Return to finder, in accordance with Fla. Stat. § 705.104.
  - c. Return via court order, at the direction of the court following final disposition, or resulting from a motion.
  - d. Return to agent when victim has been reimbursed by an insurance company, or an attorney or other designated person stands in the stead of the owner. All paperwork must be carefully examined to verify that it is in order.
  - e. Forfeiture of property that has been awarded to the Volusia Sheriff's Office by the court under a forfeiture action.
  - f. Legal auction. That property, except firearms and contraband property, of unknown ownership which cannot be used by the Volusia Sheriff's Office or other county agency that is of sufficient monetary value will be sold at public auction.
  - g. Conversion to county use. Property may be converted legally to the use of the Volusia Sheriff's Office or other agency in accordance with Fla. Stat. § 705.103 or Fla. Stat. § 932.705.
  - h. Donate to charitable organization.
  - i. Legal destruction. Contraband, damaged property, and property of little monetary value for which ownership cannot be established will be disposed of pursuant to the provisions of Florida Statute by court order, or Volusia Sheriff's Office general orders.
  - j. Other disposal. Following expiration of the governing statute, all unclaimed, lost or abandoned property will be disposed of pursuant to Florida Statutes 705.103, 705.104, and 705.105. Generally, this will apply to abandoned prisoner property, unclaimed evidence and no response to finder-wishes-to-claim letters.
2. Preparation of all correspondence, release forms, court orders, destruction notices and other required documentation is the responsibility of the evidence custodian.

## **T. RETURN OF PHOTOGRAPHED PROPERTY**

1. Whenever possible, property shall be photographed and returned to the victim/owner. Guidelines set forth in Fla. Stat. § 90.91 for crimes involving the wrongful taking of property are as follows:
  - a. The photograph shall bear:
    - A written description of the property alleged to have been wrongfully taken.
    - Name of the owner of the property.
    - The location where the alleged wrongful taking occurred.
    - The name of the investigating law enforcement officer.
    - The date the photograph was taken.

- The name of the photographer.
  - b. The photograph shall be identified by the signature of the photographer.
  - c. Such writing shall be under oath by the investigating law enforcement officer.
2. The photograph shall then be attached to the "Photographed Evidence Release Form" and turned into evidence.
  3. Only after the above guidelines have been met, can the photographed property be released to the owner.

## **U. DESTRUCTION OF PROPERTY**

1. Destruction of property is performed in various ways determined by the property to be destroyed. Property is destroyed when it is determined to have no legal purpose, is unsafe or has no known value.
2. Pornography shall be destroyed by incineration or shredding. Fla. Stat. § 847.02 requires the Sheriff to file with the court a certificate of compliance certifying fulfillment of the statute. Such certificate is the responsibility of the evidence custodian in liaison with the Volusia Sheriff's Office legal advisor.
3. Alcoholic beverages shall be destroyed by pouring them down the sink in the evidence facility. This shall be witnessed by one other employee who will also sign the original property receipt.
4. Firearms that are illegal or are in very poor condition will be destroyed. This shall be witnessed by one other employee who will also sign the original property receipt.
5. Narcotics and dangerous drugs, drug paraphernalia, medical waste, (rape kits, urine or blood samples), and prescription medications shall be destroyed by incineration. This shall be witnessed by one other employee who will also sign the original property receipt or attached affidavit.
6. Ammunition will be receipted to the range officer for disposal.
7. Flammable or hazardous liquids or waste must be disposed of within guidelines established by the County of Volusia, the State of Florida and the U.S. Government. The type of material will dictate the method of disposal. Whenever any such material is to be disposed of the evidence custodian will first contact the Volusia County Environmental Control Office who will assist in the destruction.
8. Destruction shall be witnessed by two or more employees who shall verify that the evidence was physically inspected and matched the items for comparison to the accompanying paperwork.
9. An affidavit of destruction will be completed by all witnesses present.

## **V. RECORDS**

1. The Evidence Section shall maintain a computerized/manual record of all property in custody.
2. The records shall contain at a minimum, the following information:
  - Location of the property.
  - Date and time property was received.
  - Date and time property was released.
  - Nature of the item.
  - Type of property and amount on hand.
  - Chain of custody from time the property was stored until its destruction or other final disposition.
  - Date and results of all inspections and inventories of property.
  - Audits of records.

## **W. INSPECTIONS/INVENTORY**

1. At least semi-annually, the Supervisor of the Evidence Section shall inspect the evidence storage facility and the vehicle storage facilities to ensure:
  - a. The evidence storage areas are being kept in a clean and orderly fashion.

- b. The provisions of this and any other Directives concerning the evidence management are being followed. Property is being protected from damage or deterioration.
  - c. Proper accountability procedures are being maintained.
  - d. Property having no further evidentiary value is being disposed of promptly.
2. An annual audit shall be conducted of property and evidence being held by the Evidence Section. The Audit shall be conducted by a person not routinely or directly connected with control of property and evidence. The inspection shall be for the purpose of ensuring the integrity of the system, not to require an accounting of every item of property. Additional audits may be conducted throughout the year as determined by the Sheriff, or his designee.
    - The Professional Compliance Unit Commander, or designee, is assigned responsibility for the audit.
    - The items and number of items audited shall be in compliance with CALEA Law Enforcement Accreditation Standards Appendix K, at a minimum. The number of items audited may be greater than required in Appendix K at the discretion of the Professional Compliance Commander or higher authority within the Professional Compliance Unit Chain of Command.
  3. Professional Compliance Unit shall conduct an unannounced inspection of the property and evidence storage areas at least annually, to include random inspections of property records with physical property.
  4. Whenever a new property and evidence custodian is assigned to/transferred from the position, an audit of property and evidence in compliance with CALEA's Appendix I shall be conducted by the newly designated property and evidence custodian and a designee of the Sheriff's to ensure that records are correct and properly annotated. At a minimum all drugs, firearms, jewelry and money will be inventoried. When the new Evidence Custodian signs for the inventory they become responsible for the total inventory.

## **X. SECURITY OF HIGH RISK PROPERTY FOR TRAINING OR INVESTIGATIVE PURPOSES**

1. In certain circumstances, the use of seized or forfeited controlled substances, weapons, explosives or items of value may be utilized for investigative or training purposes.
2. Requests to sign high risk items out for training/investigative purposes requires prior approval of the requestor's Section Commander through Chain of Command and the Evidence Manager and/or designee.
3. Upon receiving an approved request, the Evidence Technician will search the inventory of available property to fill the request in accordance with established Evidence Section Standard Operating Procedures.
4. Should the requested high-risk items be located, Evidence shall contact the requestor and make an appointment to sign out the property.
5. At the time the Deputy signs out the approved training/investigative aid, the Deputy shall:
  - a. Sign and date the chain of custody on the respective Property Report at Evidence.
  - b. Complete a supplement report documenting the event. The supplement shall include the purpose for signing out the property and its description.
  - c. In conjunction with the Evidence Technician, all controlled substances shall be weighed including the packaging; document the name of the Evidence Technician verifying the weight(s) and the scale utilized in the supplement report.
  - d. Upon return of the training aid, all controlled substances shall be weighed utilizing the same scale, if at all possible. If a different scale is required, indicate the scale utilized.
  - e. The Deputy shall submit a supplement documenting the return of the property to Evidence. Any changes to the property including damages or amount(s) used in training (controlled substances) shall be documented. If the property was completely exhausted in training, this will be stated in the supplement; all packaging will be turned in for destruction.

6. Any property required for extended periods of time shall require supplements every ten (10) calendar days. Property required for investigative purposes beyond 30 calendar days must be approved in writing by the Investigative Services Section Commander.

## **V. FORMS**

- [VSO eTrace Submission Form, VSO Form # 062616.001](#)



## VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Michael J. Chitwood

### Departmental Standards Directive

<b>TITLE:</b>	<b>DIGITAL EVIDENCE MANAGEMENT SYSTEM (DEMS)</b>
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**CODIFIED:** 84.2

**EFFECTIVE:** 05-2016

**RESCINDS/AMENDS:** 84.2/12-2012

**ATTACHMENTS:** 1

#### PURPOSE

The purpose of this directive is to establish guidelines for all Digital Evidence stored within the Digital Evidence Management System (DEMS) to include body worn camera footage, digital photographs, interview room footage, and other digital media.

#### POLICY

The VCSO recognizes that Digital Evidence consists of various digital media intended for use in court presentations or other legitimate law enforcement purposes.

As with physical evidence, it shall be the policy of the Sheriff's Office to ensure that Digital Evidence remain protected and secure while in custody of the agency and that the security, integrity, and chain of evidence is upheld, documented, and maintained.

Furthermore, it is the policy of the Volusia County Sheriff's Office that all media associated with Digital Evidence, to include but not limited to, audio, images and video, are the express property of the Volusia County Sheriff's Office and will not be copied, released or disseminated in ANY form or manner outside the parameters of this policy without the express written consent of the Sheriff or his designee.

#### DISCUSSION

Digital Evidence is vital to the successful development and prosecution of a case. It is therefore essential that Digital Evidence be stored and managed in a manner that ensures its security and integrity. VCSO utilizes the DataWorks Plus Digital Crime Scene (DCS) system for the secure storage and management of Digital Evidence.

#### DEFINITIONS

- A. Authorized User** – Agency designated personnel with a direct job-related function/responsibility regarding Digital Evidence to include Detectives; Command Staff; Internal Affairs Lieutenant; PIO; Training Director; Digital Records Unit personnel and their supervisors; IT Director, and/or personnel specifically designated by the Sheriff or Chief in furtherance of legitimate law enforcement purposes.
- B. Body Worn Camera (BWC)** – A camera worn on an individual Deputy's person that records and stores audio and video.
- C. Digital Evidence** – Evidence that is captured digitally on a device such as a Digital Camera, Body Worn Camera or Interview Room Camera and stored on a server; may include photographs, audio recordings, and video footage with evidentiary value that is captured and stored in digital format.
- D. Digital Evidence Management System (DEMS)** – A computerized system consisting of hardware and software to collect, store, secure, and disseminate Digital Evidence while preserving chain of custody. The Sheriff's Office utilizes the Digital Crime Scene System (DCS) as a DEMS.
- E. Digital Records Unit (DRU)** – a unit within the Information Technology Section that will maintain the integrity and accessibility of the Digital Evidence through disposals, audits, expungements and redactions.
- F. Digital Video Recording** – The electronic recording of visual images with or without audio recordings.
- G. Long Term Storage** – The Digital Crime Scene (DCS) system which is used to provide access and storage for Digital Evidence in audio, picture and video formats.

**H. Short Term Storage** – The temporary storage location for digital media, such as a camera memory card, Evidence.com, or the Milestone system.

## **PROCEDURES**

### **GENERAL DIRECTION**

**84.2.1** VCSO personnel shall not take photographs or video of any evidence, document, victim, witness, suspect, or other person or thing actually or potentially relating to a crime, agency investigation or other official law enforcement scenario using personally owned cell phones or personally owned camera/audio recording devices.

**84.2.2** Under no circumstances will any employee of the VCSO make a personal or secondary copy of Digital Evidence other than what is required in the conduct of their official duties during the investigation and prosecution of a case.

**84.2.3** Personally owned computer equipment and software programs shall not be utilized to make copies of Digital Evidence.

**84.2.4** Accessing, copying, forwarding or releasing any Digital Evidence other than for official law enforcement use and/or contrary to this procedure is strictly prohibited. With exception of the agency PIO, posting of digital media to ANY social media site, without prior written approval from the Sheriff or Chief Deputy, or his designee is prohibited.

**84.2.5** No Digital Evidence as described above shall be emailed, faxed, uploaded to websites, or shared in any way without proper authority and/or court subpoena.

**84.2.6** Department employees are prohibited from altering, reusing, modifying or tampering with Digital Evidence. Only members of the Digital Records Unit and their supervisors are authorized to delete Digital Evidence in accordance with this policy.

**84.2.7** The VCSO retains ownership of all images, video and all other forms of Digital Evidence obtained in any manner by an employee in the course of an investigation, at a crime scene, or while conducting any other legitimate law enforcement business.

**84.2.8** Digital content that relates to victims, suspects/perpetrators, crime scenes, various instruments of a crime, or any item of value for prosecution of a crime shall be, as with any evidence, properly protected, documented and submitted as Digital Evidence.

### **ACCESSING AND UPLOADING TO THE DIGITAL CRIME SCENE (DCS) SYSTEM**

**84.2.9** The Digital Crime Scene (DCS) system shall be used to provide Long Term Storage of Digital Evidence.

#### **USER GROUPS**

**84.2.10** All individual user activity within the secure DCS system is automatically tracked and logged by the system.

**84.2.11** Only Authorized Users may access the secure DCS system using their unique username and password. Each user's level of access is controlled via the "User Group" (e.g. Major Case) assigned to their account.

**84.2.12** Each User Group is configured to have access to specific crime types (See Attachment A). The User Group assigned to an Authorized User is based on their area of assignment.

**84.2.13** Any request for additional access levels and/or assignment to an additional user group(s) must be documented and approved by the District Commander, or his designee. The approved request will be forwarded to the Information Technology Section for subsequent assignment to the authorized level of access.

**84.2.14** In accordance with Directive 82.6 Computer Security and Utilization, the District Commander will immediately notify Information Technology of any transfers or terminations affecting personnel who have access to the DCS system.

#### **DIGITAL PHOTOS**

**84.2.15** Digital photographs shall be uploaded to the secure Digital Crime Scene (DCS) system before the end of the Deputy's shift/tour of duty using the designated workstations provided at each district office or via the web based application available on all Sheriff's Office desktop workstations.

**84.2.16** Images are not to be uploaded or submitted via a mobile data computer (MDC).

**84.2.17** Images shall not be cleared from the camera's storage until an electronic confirmation is obtained from the DCS system that the images were successfully uploaded so as not to lose Digital Evidence.

**84.2.18** Digital photographs shall be uploaded to the DCS system in accordance with procedures established in the DCS system's "Crime Works User Guide". A copy of the guide may be found on the Sheriff's Office Intranet home page under "Manuals" or on the department-wide shared "I" drive under the folder "Digital Crime Scene Photo Evidence\User Guides".

**84.2.19** Deputies shall upload images using either the web application (designed primarily for patrol units) or the thick client application (available to some investigative units and crime scene technicians).

**84.2.20** Deputies shall be diligent in selecting the correct case type (see Attachment A) upon image upload. Image descriptions, if needed, will be kept professionally short and to the point in order to assist Detectives and/or to prepare for court.

**84.2.21** Image descriptions shall become part of the permanent record.

**84.2.22** The Detective/ Deputy shall document on a property report the submission of digital photographs using the property involvement code of "Digital Evidence" and will include the total number of photographs submitted. This will electronically establish the chain-of-custody and transfer custody release from the Deputy to the Long Term Storage system.

**84.2.23** Once photographs/images are uploaded to the DCS system, they become permanent. If photographs are inadvertently submitted under the wrong case number, the error will be documented on a supplement report. The report will adequately explain the request to remove the specific images. The approved supplement report requesting removal of the images shall be forwarded to the Digital Records Unit for processing. It will be the Deputy/Detective's responsibility to make sure the photographs/images are subsequently re-uploaded into the DCS system under the correct case number.

#### **MILESTONE INTERVIEW ROOM RECORDINGS**

**84.2.24** The management of interview room video captured through the Milestone recording system is outlined in Directive 42.17 Interview Rooms and shall be handled by the Detective in accordance with this directive.

**84.2.25** A document outlining the proper use of the Milestone system is available on the department-wide shared "I" drive under the folder "Manuals and Documents" and the Intranet Homepage under Manuals and References.

**84.2.26** The Digital Records Unit shall manage the interview room video once they receive notice of either a property report or charging affidavit documenting the existence of a Digital Video Recording as defined in Directive 42.17 Interview Rooms.

**84.2.27** During normal business hours the Digital Records Unit (DRU) will review the property reports and charging affidavits that have been received and will export the video in both supported formats (MKV and the native format).

**84.2.28** The Digital Records Unit shall transfer the exported video into Long Term Storage under the case number and case type (see Attachment A) designated in the Milestone system and shall verify that the transfer was successful.

**84.2.29** Once the Digital Records Unit verifies that the video files were successfully transferred into Long Term Storage the "evidence lock" shall be removed from the video in the Milestone system. The Milestone system will automatically delete those videos from Short Term Storage.

**84.2.30** As outlined in Directive 42.17 Interview Rooms, Digital Video Recordings not marked by the Detective with an "evidence lock" will not be processed by the DRU and will be automatically deleted by the system after ten (10) calendar days.

**84.2.31** Digital Video Recordings transferred to Long Term Storage will be handled by the DRU in accordance with this Directive 84.2 Digital Evidence Management System (DEMS).

#### **BODY WORN CAMERA VIDEO**

**84.2.32** Complete policies governing Body Worn Camera video are defined in Directive 41.20 Body Worn Cameras.

**84.2.33** It is the responsibility of the Body Worn Camera (BWC) operator to make sure that each Body Worn Camera video is properly tagged with the case number associated with that video prior to docking the camera. If no case number is associated with the video then the video does not need to be tagged.

**84.2.34** In accordance with Directive 41.20 Body Worn Cameras, for all activities related to incidents that have been assigned a case number, the existence of BWC recordings shall be documented on the appropriate property report and/or charging affidavit. For field interview reports and traffic crash reports, the existence of BWC recordings shall be documented in the narrative section.

**84.2.35** When the Body Worn Camera is docked at the end of the shift, the videos that were recorded will be automatically uploaded into Short Term Storage.

**84.2.36** The Digital Records Unit will perform routine audits of the BWC system to ensure it is properly transferring data from the devices into Short Term Storage to include the correct metadata. The Digital Records Unit will ensure the proper retention of BWC recordings contained in the Short Term Storage in accordance with Directive 41.20 Body Worn Cameras.

**84.2.37** For those recordings tagged with a case number an automated process will transfer the recordings from Short Term Storage into Long Term Storage in the Digital Crime Scene (DCS) system.

**84.2.38** As outlined in this directive, the Digital Records Unit will be responsible for managing BWC video stored in both Short Term Storage and Long Term Storage.

**84.2.39** In accordance with Directive 41.20 Body Worn Cameras, immediate supervisors will verify that recordings relating to a case number are properly documented. Also, at least on a monthly basis, supervisors will randomly review BWC recordings to ensure that deputies are using the devices appropriately and in accordance with policy; in addition, supervisors will identify any areas in which additional training or guidance is required.

#### **OTHER DIGITAL EVIDENCE MEDIA FORMATS**

**84.2.40** Digital Evidence other than what is covered in the above sections (digital photos, interview room video, and body worn camera video) may also be uploaded into Long Term Storage as long as it is in one of the following formats:

- A. Standard audio formats of MP3, WAV, WMA;
- B. Standard document formats of DOC, DOCX, ODT, PDF, TXT, XLS, XLSX;
- C. Standard video formats of AVI, MKV, MOV, MPG, MP4, WMV

**84.2.41** Deputies shall upload the Digital Evidence files in the above formats using the DCS application.

**84.2.42** If you have Digital Evidence in formats other than what is listed above or require assistance, you should contact the Digital Records Unit.

**84.2.43** Digital Evidence not able to be uploaded into Long Term Storage shall be submitted to Evidence in accordance with Directive 83.1 Collection of Evidence.

#### **RETENTION AND RELEASE OF DIGITAL RECORDS**

**84.2.44** Retention of Digital Evidence is controlled by the State of Florida General Records Schedule, GS2.

**84.2.45** The Digital Records Unit shall perform routine audits of the Long Term Storage and facilitate the timely disposal of Digital Evidence contained in the Long Term Storage that has surpassed the record retention period and has no further evidentiary or administrative value in accordance with this directive.

**84.2.46** If a complaint is associated with a recorded event or a Deputy believes an incident may generate a complaint, the supervisor will submit a written request to the respective Division Commander or designee through chain of command for the Digital Records Unit to retain the video until the complaint investigation is complete.

**84.2.47** The Digital Records Unit will operate in conjunction with the Record Section and the PIO Unit to fulfill all public record requests for Digital Evidence.

- A. The Records Section will be responsible for coordinating all public record requests for Digital Evidence to include verifying the case status and disposition meet the requirements as defined in Florida Public Records Statutes, Chapter 119.
- B. Upon verification that a Digital Evidence public record request is not exempt based upon the case status or disposition, the Records Section will forward the request to the Digital Records Unit.
- C. The Digital Records Unit will make a copy of the requested Digital Evidence, and if necessary, redact any exempt video or audio footage in accordance with Florida Public Records Statutes, Chapter 119.
- D. The Digital Records Unit will forward the copy of the Digital Evidence associated with the public record request to the Records Section for dissemination to the requestor.

**84.2.48** All Digital Evidence is subject to verification prior to being released to the public or members outside of the VCSO.



## **REDACTING DIGITAL EVIDENCE**

**84.2.49** Only Digital Records Unit personnel and the PIO Unit personnel are authorized to make a redacted copy of Digital Evidence. Audio and video will be redacted from Digital Evidence using authorized software as required in accordance with Florida Statute 119.

**84.2.50** Digital audio and/or video will only be redacted for release to the public by way of public records request or as authorized by the Sheriff, Chief Deputy, the PIO or their designee.

**84.2.51** Redacted audio and video will be named accordingly at the time of creation by Digital Records Unit personnel and shall not be considered original audio and/or video.

## **DISPOSAL OF DIGITAL EVIDENCE**

**84.2.52** The Digital Records Unit shall determine final disposition of all cases involving Digital Evidence stored in the DCS system unless the case also includes physical evidence. For cases that include both physical and Digital Evidence, final disposition shall be determined by the Evidence Section in accordance with Directive 84.1 Evidence Management.

**84.2.53** After a State Attorney or departmental disposition form is received by the DRU, research will be conducted by the DRU to verify that the case has Digital Evidence and is eligible for disposal using the following criteria.

- A. The Clerk of the Court case management system (i.e. clerk.org) will be used to determine if the case has additional activity since the final disposition was issued. If the case remains open, research will cease and the appropriate department will be notified, if applicable.
- B. The Records Section will be contacted to verify that no public records requests have been received. Digital Evidence in a case that has a public records request must be kept a minimum of 30 days after the date the request was received, which may be beyond the retention guidelines.

**84.2.54** For cases not filed with the State Attorney's Office, or cases that have unknown suspects, Digital Evidence will be held as follows:

- A. Capital or life felonies – indefinitely.
- B. Kidnapping (if unsolved) – indefinitely.
- C. Missing persons (if unsolved) – indefinitely.
- D. Other felonies – five (5) years (unless released by a Deputy/Detective).
- E. Misdemeanors – three (3) years (unless released by a Deputy/Detective).

**84.2.55** For all felony cases in which a guilty verdict was returned, the defendant was sentenced to state prison and the case is subject to appeal, the Digital Evidence shall not be disposed. These cases will be reviewed on a case by case basis with the State Attorney's Office.

**84.2.56** All Digital Evidence related to any pending litigation or a personnel complaint shall be preserved until the matter is resolved and/or in accordance with the law.

**84.2.57** Any other law enforcement agencies involved with the VCSO in a joint operation or investigation shall be contacted prior to destruction of the Digital Evidence to ensure the Digital Evidence is not needed by the other agency.

**84.2.58** DRU personnel shall check for multiple defendants in the case and shall not dispose of the Digital Evidence until all cases have met the requirements established under this directive.

**84.2.59** Expungement orders and seal requests for cases with Digital Evidence will be disseminated by the Records Section to the Digital Records Unit.

- A. Expungements: Digital Evidence will be disposed of regardless of retention guidelines.
- B. Seal requests: Digital Evidence will be placed on a CD/DVD and sent through inter-office mail to the Records Section to be placed in the sealed file.

**84.2.60** The destruction of Digital Evidence may only be performed by Digital Records Unit personnel and their supervisors; all individual user activity within the secure DCS database is tracked by the system.

**84.2.61** Digital Evidence is destroyed when it is determined to have no legal purpose, is older than its required retention period, and meets the disposition criteria above or if all accompanying physical evidence has already been destroyed.

**84.2.62** Digital Records Unit personnel shall sign into the DCS Thick Client using their credentials when destroying any Digital Evidence.

**84.2.63** The destruction of Digital Evidence stored on the DCS system shall be documented by the automated logging and reporting features provided by the system.

#### **AUDITING**

**84.2.64** The Digital Records Unit shall perform routine audits of the Short Term Storage and Long Term Storage systems.

**84.2.65** Audits of the Short Term Storage systems shall be performed for the following purposes:

- A. Verify BWC recordings contained in the Evidence.com system and interview room recordings contained in the Milestone recording system are being retained for the minimum retention periods as defined in Directives 41.20 Body Worn Cameras and 42.17 Interview Rooms.
- B. Verify that the BWC system is properly transferring data from the devices to the Short Term Storage including the correct metadata.
- C. Verify Digital Evidence that is being uploaded from the BWC is properly tagged with the case number.
- D. Verify and update the retention period of items being requested for public records in accordance with Florida Statute Ch.119.

**84.2.66** Audits for Digital Evidence stored on the DCS system (Long Term Storage), shall be performed for the following purposes:

- A. Proactive discovery of Digital Evidence to be destroyed based on the above mentioned disposal and retention criteria.
- B. Verify the correct tagging and categorization of Digital Evidence being entered into the system.
- C. Verify the accuracy of the metadata such as date/time stamps, Deputy DID, etc.
- D. Verify that the automated BWC process is transferring recordings from the Short Term Storage into the DCS system (Long Term Storage).

#### **DATA AND WORKSTATION SECURITY**

**84.2.67** Physical access to the DCS system used to store Digital Evidence is limited to designated personnel assigned to the Information Technology Section.

**84.2.68** Authorized User passwords are required on all workstations in order to gain entry/ access to the DCS system, as determined by the respective assigned work group.

**84.2.69** All Digital Evidence and data added to the DCS system will be stored on redundant servers located in separate secure facilities to achieve an additional level of data protection. Backups of Digital Evidence and data stored in the DCS system will be performed by the Information Technology Section in accordance with Directive 82.6 Computer Security and Utilization.

#### **ATTACHMENTS**

##### **Attachment A: CASE TYPES**

Revised by: 6477  
Revised on: 05-02-16

**Approved: 01-01-17**



**Michael J. Chitwood**  
**Sheriff, Volusia County**

## **CASE TYPES**

- Assault/Battery
- Attempted Suicide
- Burglary
- Burglary (Conveyance)
- Crime Scene Unit
- Death (Undetermined)
- Death (Accidental)
- Death (Homicide)
- Death (Natural)
- Death (Suicide)
- Domestic Violence
- Intelligence
- Narcotics
- Other
- Sex Offense/Adult
- Sex Offense/Juvenile
- Theft
- Traffic Homicide
- Vandalism