

**MINUTES
CITY OF ORMOND BEACH
CITIZENS LAW ENFORCEMENT ADVISORY BOARD**

August 11, 2020

6:00 PM

Ormond Beach Police Department
Training Room
170 W. Granada Blvd.
Ormond Beach, Florida 32174

Note: Due to the Coronavirus, all Board members had their temperatures checked prior to entering the training room. Masks were worn by all in attendance.

The meeting was called to order by Mr. Shumaker at 6:00 p.m.

ROLL CALL

Members present: Ken Kimble, Matt Coleman, Ed Shumaker and Jonathan Kaplan

Excused absence: Matthew Pittman

Also present were: Chief Godfrey, Captain Roos, Captain Smith, Lieutenant Elkins and Recording Secretary, Sandy Smith

APPROVAL OF MINUTES from February 11, 2020

Mr. Shumaker made a motion to approve the minutes as written; seconded by Mr. Kaplan and Mr. Coleman. All were in favor; motion passed unanimously.

REVIEW OF FILES:

Internal Affairs: #20-003

Response to Resistance Reports: #20-017, 20-018, 20-019, 20-020, 20-021, 20-022, 20-023

Vehicle Pursuits: NONE

Professional Standards Inquiry:
20-005, 20-006

DISCUSSION:

Section 1 Internal Affairs:

Mr. Shumaker asked if the Officer in IA 20-003 was still employed. Captain Roos responded he is no longer employed. Mr. Coleman asked if a business owner files a complaint and the Police Department finds that it is inaccurate, does the Police Department file a false report charge against the business owner? Chief responded, we have never done that and in-order-to maintain our transparency we will listen to complaints. This was an off-duty incident. Mr. Kaplan asked if the department maintains a separate database in case the State Attorney's office needs information about complaints that have been made. Captain Roos responded that we keep IA files here using a program called IAPro.

Section 2 Response to Resistance Reports:

20-018 Mr. Coleman asked for an explanation of a Hobble device and Chief responded- it is a device you must be trained to use. It is a canvas strap that goes around your ankles and you use it when someone is in a seated position, you take the trailing edge of the hobble and close it in the car door and let it hang out. That way the person can't untie it and basically it goes around their feet and it is not connected to their hands, it is used for someone who is kicking and fighting, Captain Roos said it keeps your feet on the floor by the door panel so that you can only move your feet about six inches. Chief Godfrey noted we also have a restraint chair in the jail for those who want to fight. A Use of Force Report must be completed when using the restraint chair. We also train with the restraint chair and the hobble. Captain Smith noted that on duty Supervisors carry the hobble with them so there is one available on every shift.

20-020 Mr. Coleman asked is it up to the officers to determine if a female who shouts out she is pregnant is actually pregnant to prevent getting manhandled to the ground? Chief responded, can the officers visibly notice or not? If she is in her third trimester, it would be obvious to notice the pregnancy.

Section 3 Vehicle Pursuits: – NONE

Section 4 Professional Standards Inquiry

20-006 Mr. Kimble asked, what training is involved when serving a search warrant? Captain Roos responded, look at the timeliness of the warrant, run the tag in the driveway, see if the person just moved there, be smarter and use the tools and resources they have.

OPEN DISCUSSION:

Mr. Coleman asked if every officer in the department wears a Body Worn Camera? Capt. Roos responded yes up to an including the Chief. Community Service Officers and Neighborhood Improvement Officers do not wear BWCs.

Mr. Coleman asked if we keep a list of how many complaints are received in a year and how many are stalled by showing citizens body cam footage and are overturned based on viewing the footage? Captain Roos responded that we have only had our BWCs in use a little over a year and will do a year end summary of all the Use of Force Reports and complaints received. Mr. Coleman asked if we find that the number of complaints have gone down based on the officer wearing a BWC. Chief Godfrey responded it goes both ways – the officers behave better and the citizens realize they are being videoed and know they can't make a baseless allegation. Mr. Coleman commented if the officer doesn't have his camera on and someone witnesses the exchange and can back up their excuse, what is the punishment for not having the camera on? Captain Roos said the officer would be in violation of the policy. Chief Godfrey noted that an officer is to turn the camera on when exiting their car. Depending on previous infractions would determine what the punishment would be. Re-training, day-off, etc. Captain Roos noted that every time the officer goes to a call for service, at the end of the call for service the officer is required to enter what is called meta data which includes the case number, date and

time so every call they go to the Officer has to do something with the camera. Notes would be made in the CAD notes (i.e., camera malfunctioning, forgot to turn it on). Chief noted there is no trip switch that notifies Command Staff that the officer went his entire shift and didn't turn his camera on. We would find out about it later. Captain Roos said that he recently submitted a change to our current policy to the Chief with regard to the verbiage, when you are dispatched to a call you turn the camera on instead of turning the camera on when you exit your car.

Mr. Shumaker asked if any changes have been made to our Use of Force Policy?

Chief responded that OBPD is a member of the Volusia/Flagler Police Chiefs Association which is a subset of the Florida Police Chiefs Association and they formed a committee after the George Floyd incident and will publish their findings and recommendations on what they think our policies should be. Chief went on to say that we reviewed our policies and compared them to surrounding agencies and made sure we were up to speed and where we stood. The guiding document Florida Police Chiefs Association is using is called **8 Can't Wait**, a campaign to bring change to Police Departments. Eight police procedures that can be looked at and can be refined or tweaked. These eight are: 1) Ban Chokeholds & Neck Restraints, 2) Require De-Escalation, 3) Require Warning Before Shooting, 4) Exhaust Alternatives Before Shooting, 5) Duty to Intervene, 6) Ban Shooting at Moving Vehicles, 7) Use of Force Continuum and 8) Comprehensive Force Reporting. We looked at these eight procedures as it relates to our policies and as of June 9th, 2020, Chief reported 1) we don't train to use chokeholds or neck restraints 2) we receive De-Escalation training annually through In-Service training 3) warning not required but should be given when feasible and is part of our Use of Force Policy 4) we always try to do that, however, if you follow that sentence, that means after I go hands-on with you and realize you are a better wrestler than me, what's on my belt I can use: the spray, the stick or asp, well that didn't work now we try lethal force. If the guy is holding a gun, we are going to respond with a gun. Clearly, we want our guys and girls to understand we have options but don't want to say you have to use your spray or stick first before you shoot someone and our officers are trained and understand that. 5) In our Code of Ethics Policy, if you see someone doing something wrong you are to intervene and notify your supervisor. Some local agencies are saying you have to physically intervene and the agencies received a little push back on that for example, what if the officer that thinks you are doing something wrong is wrong and you both get hurt because someone doesn't know all the facts. Let it happen and then immediately intervene and notify the supervisor. 6) only used under unusual or exigent circumstances, officers will not use deadly force to disable an occupied vehicle or shoot at or from a moving vehicle, already in our policy. 7) Must take in to account, size of the offender, size of the officer, number of offenders and take all these things into consideration including their physical fitness abilities and the suspects apparent physical fitness and that is part of our Use of Force Continuum. 8) All of our Use of Force reports are documented and are reviewed by the Citizens' Law Enforcement Advisory Board, annual reviews conducted, we base our In-Service trainings on what occurred last year and what we might need a little help on. This year it was Prisoner

Searches-we missed a bunch of stuff (it wasn't weapons and bazookas), it was little bags of weed and cocaine, maybe a needle in someone's bra, all these things could cause damage or will wreak havoc later down the line.

Chief noted Ormond Beach Police Department is scheduled for re-accreditation which is a 3-year cycle. An outside agency comes in and reviews our policies and procedures. Not all police agencies go through the accreditation process. We got word that there is not a lot of police agencies using the National Use of Force database-there are only 2 in this area, our department recently signed up as we heard about it through the Florida Police Chiefs Association. We report these four things: 1) When we shoot and kill somebody 2) When we shoot and not kill them 3) When we shoot and miss and 4) If we inflict serious bodily injury on a suspect. We are proud of the fact that we seem to be ahead of the curve on these 8 police procedures.

Chief provided the demographics for our agency personnel.

General discussion with Board members relating to National Activity, Recruitment and Retention, Police Explorer and Field Training programs and Hobble techniques. Chief went on to say we welcome our Citizens Review Board and transparent reporting.

Mr. Shumaker asked how many officers are we currently down? Chief responded 4 and we have a few in the background process to hire.

Mr. Coleman asked what would be the appropriate response if an officer should feel like a vehicle coming at them is being used as a deadly weapon, what should the officer focus on, jumping out of the way or shoot? Chief responded, the best response would be to get out of the way. Captain Roos also noted, just like a citizen in the same situation the response would be to retreat (move out of the way) if possible.

Chief commented on 21st century policing principles – Warrior vs Guardian mindset. A shift on how law enforcement is today versus 10-15 years ago. Impacts on how we respond, operations and how we recruit.

Mr. Coleman asked if our recruiting efforts are being affected by the current climate? Chief responded with the National Activity, several officers are leaving the profession. It is challenging to get people to sign up and Captain Smith noted, that it is also challenging to keep them. It's quite an accomplishment to the Chief and Captain Roos for their recruiting efforts. Chief noted that at least half of our officers live in the City. Mr. Coleman asked about the recruiting efforts of out of state applicants and how does that relate to Florida and Ormond's way of doing business. Captain Smith said applicants from out of state are required to attend an 80-hour crossover training and be familiar with Florida Law and procedures. Captain Roos also stated they will also receive the same Field Training as the already Florida state certified applicants receive to include 4 weeks in-house classroom training, 14 weeks in car training, 1 week in CID, 1 week in Motors and learn our practices and procedures, the Ormond way. Chief stated that officers are on probation for one year.

Mr. Kaplan asked how does our department compare with other agencies reference to salary and benefits? Chief responded we are right in line and fair very well. Captain Smith noted our pension benefits are not as attractive-currently at 30 years as compared to the Florida Retirement System (FRS) which is portable and 3% of your pay is taken out and in Ormond Beach and other agencies with a private pension the employee contribution is between 8 and 10%.

ADJOURNMENT / NEXT MEETING:

Next meeting November 10, 2020 6:00 pm

There being no further business, Mr. Kaplan made a motion to adjourn, seconded by Mr. Coleman, motion carried. The meeting adjourned at 6:55 pm


Ed Shumaker, Chairman